

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held January 31, 2020

George D. Bedwick, Chairman
John F. Mizner, Esq., Vice Chairman, Dissenting
W. Russell Faber, Dissenting
Murray Ufberg, Esq.
Dennis A. Watson, Esq.

Regulation No. 12-106 (#3202)
Department of Labor and Industry
Minimum Wage

On June 12, 2018, the Independent Regulatory Review Commission (Commission) received this proposed regulation from the Department of Labor and Industry (Department). This rulemaking amends 34 Pa. Code Chapter 231. The proposed regulation was published in the June 23, 2018 *Pennsylvania Bulletin* with a public comment period ending on August 22, 2018. The final-form regulation was submitted to the Commission on December 9, 2019.


The rulemaking amends Chapter 231 of 34 Pa. Code to clarify the definitions of Executive, Administrative and Professional (EAP) salaried workers who are exempt from receiving minimum wage and overtime pay and makes consistent the duties test to qualify for the EAP exemptions with federal regulations. It also makes adjustments to the salary threshold and creates a role for the Minimum Wage Advisory Board in setting the weekly salary levels on a triennial basis.

We have determined this regulation is consistent with the statutory authority of the Department (43 P.S. §§ 333.105(a)(5) and 333.109) and the intention of the General Assembly. Having considered all of the other criteria of the Regulatory Review Act, we find promulgation of this regulation is in the public interest.

BY ORDER OF THE COMMISSION:

This regulation is approved.




George D. Bedwick, Chairman