

**INDEPENDENT REGULATORY REVIEW COMMISSION
APPROVAL ORDER**

Commissioners Voting:

Public Meeting Held March 21, 2022

George D. Bedwick, Chairman
John F. Mizner, Esq., Vice Chairman
John J. Soroko, Esq.
Murray Ufberg, Esq.
Dennis A. Watson, Esq.

Regulation No. 12-114 (#3322)
Department of Labor and Industry
Minimum Wage

On November 5, 2021, 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 November 20, 2021 *Pennsylvania Bulletin* with a public comment period ending on December 20, 2021. The final-form regulation was submitted to the Commission on February 17, 2022.

This final-form regulation adopts provisions governing tipped employees including the rate of minimum wage, tip credit for non-tipped duties, tip pooling, payment processing fees and administrative charges. The final-form regulation also adopts the regular rate for salaried employees eligible for overtime.

We have determined this regulation is consistent with the statutory authority of the Department (43 P.S. §§ 333.104 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