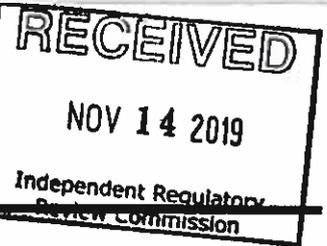


#3202



Berrier, Jennifer L.

Form Letter A 18-41

From: Meenesh Bhoola <meenesh@gohww.com>
Sent: Friday, November 01, 2019 3:12 PM
To: Berrier, Jennifer L.
Subject: [External] Final Rulemaking: Title 34 Labor & Industry Regulations for Min Wage 34 Pa. Code, Pt XII, Ch 231

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Dear Deputy Secretary Berrier,

My name is _____. I am the owner/operator of _____. I employ _____ people and by virtually any definition am considered a small business owner in the state of Pennsylvania.

I am writing to express my opposition to the Final Form Regulation by the Department of Labor as it pertains to the salary threshold for exempt employees in Pennsylvania. It is also disappointing that, after receiving hundreds of comments on the proposed rule and holding roundtables around the state, the Department has barely budged from its initial proposal.

An increase in the threshold in Pennsylvania to \$875/week over a mere two years would hurt my employees and my business. This change, which means an increase of over \$5,000 a year after the initial compliance with the federal salary threshold, does not reflect the realities of running a business that operates on slim margins as it is. It would force me to take employees that are currently in a salaried leadership position and make them hourly, which could mean a loss in pay but more importantly take away the flexibility to make their own hours and the leadership they have earned in their salaried position in the first place. Employees often perceive reclassifications to non-exempt hourly positions as demotions. In my experience, employees look forward to making the jump from hourly to salaried and reclassifying them will undoubtedly be viewed by many as a step backwards in their careers.

The automatic increase included in the regulation is also extremely problematic. A salary threshold is supposed to be the minimum amount that a salaried employee should make, but the Department's proposal does not take into consideration the different economies and costs of living that make up Pennsylvania and almost goes to the point of legislating a wage not based on actual reality in the Commonwealth. The proposed \$45,500/year is already exorbitant, and tying it to inflation every three years only exacerbates the problems I will have to face for my business. In fact, this proposal would put Pennsylvania at one the highest thresholds in the country, up there with states like New York, California and Alaska. I think we can all agree that ranking is not the reality of our current economy.

Pennsylvania needs policies that allow us to compete with other states when it comes to fostering existing business growth and attracting new businesses to our state. The U.S. Department of Labor recently announced an increase in the federal threshold, which will take effect on January 1, 2020. This new level of \$35,568 is a reasonable update to the existing level that ensures a uniform standard across the entire county. But Pennsylvania's final regulation will put businesses in our state at a tremendous disadvantage. The state threshold of \$45,500 by 2022 is significantly higher, and the automatic updates thereafter will only make that disadvantage worse.

I'm disappointed that the Department's final regulation did not take into account the many comments and concerns made by small business owners like me since the initial proposal. The new regulation still does not conform the state duties test to the federal test, and the gross disparity between the updated federal regulation and the Pennsylvania proposal adds to the confusion of differing regulations while hurting Pennsylvania's ability to grow and thrive economically. I urge IRRC to reject the final regulation as proposed.

Sincerely,

Meenesh Bhoola
3499 Street Rd
Bensalem, PA 19020
meenesh@gohww.com

Berrier, Jennifer L.

From: Bertrand Artigues <chefbebert@gmail.com>
Sent: Friday, November 01, 2019 11:50 AM
To: Berrier, Jennifer L.
Subject: [External] Final Rulemaking: Title 34 Labor & Industry Regulations for Min Wage 34 Pa. Code, Pt XII, Ch 231

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Dear Deputy Secretary Berrier,

My name is _____ Bertrand Artigues _____. I am the owner/operator of _Cloud 9 Wine Bar & Restaurant_____. I employ __30__ people and by virtually any definition am considered a small business owner in the state of Pennsylvania.

I am writing to express my opposition to the Final Form Regulation by the Department of Labor as it pertains to the salary threshold for exempt employees in Pennsylvania. It is also disappointing that, after receiving hundreds of comments on the proposed rule and holding roundtables around the state, the Department has barely budged from its initial proposal.

An increase in the threshold in Pennsylvania to \$875/week over a mere two years would hurt my employees and my business. This change, which means an increase of over \$5,000 a year after the initial compliance with the federal salary threshold, does not reflect the realities of running a business that operates on slim margins as it is. It would force me to take employees that are currently in a salaried leadership position and make them hourly, which could mean a loss in pay but more importantly take away the flexibility to make their own hours and the leadership they have earned in their salaried position in the first place. Employees often perceive reclassifications to non-exempt hourly positions as demotions. In my experience, employees look forward to making the jump from hourly to salaried and reclassifying them will undoubtedly be viewed by many as a step backwards in their careers.

The automatic increase included in the regulation is also extremely problematic. A salary threshold is supposed to be the minimum amount that a salaried employee should make, but the Department's proposal does not take into consideration the different economies and costs of living that make up Pennsylvania and almost goes to the point of legislating a wage not based on actual reality in the Commonwealth. The proposed \$45,500/year is already exorbitant, and tying it to inflation every three years only exacerbates the problems I will have to face for my business. In fact, this proposal would put Pennsylvania at one the highest thresholds in the country, up there with states like New York, California and Alaska. I think we can all agree that ranking is not the reality of our current economy.

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I'm disappointed that the Department's final regulation did not take into account the many comments and concerns made by small business owners like me since the initial proposal. The new regulation still does not conform the state duties test to the federal test, and the gross disparity between the updated federal regulation and the Pennsylvania

proposal adds to the confusion of differing regulations while hurting Pennsylvania's ability to grow and thrive economically. I urge IRRC to reject the final regulation as proposed.

Sincerely,

Bertrand Artigues
25 E 10th St Ste 1
Erie, PA 16501
chefbebert@gmail.com

Berrier, Jennifer L.

From: Jeff Cohen <user@votervoice.net>
Sent: Friday, November 01, 2019 11:31 AM
To: Berrier, Jennifer L.
Subject: [External] Final Rulemaking: Title 34 Labor & Industry Regulations for Min Wage 34 Pa. Code, Pt XII, Ch 231

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Dear Deputy Secretary Berrier,

My name is _____Jeff Cohen_____. I am the owner/operator of ___Wedco inc & Smallman Street Deli located in Pittsburgh Pa._____. I employ ___30__ people between both of my companies.

I am writing to express my opposition to the Final Form Regulation by the Department of Labor as it pertains to the salary threshold for exempt employees in Pennsylvania. It is also disappointing that, after receiving hundreds of comments on the proposed rule and holding round tables around the state, the Department has barely budged from its initial proposal.

An increase in the threshold in Pennsylvania to \$875/week over a mere two years would hurt my business and even more so my current employees. By the way this is a crazy amount to jump in such a short time period. I wonder if any of you have ever owned a business yourself. This change, which means an increase of over \$5,000 a year after the initial compliance with the federal salary threshold, does not reflect the realities of running a business that operates on slim margins as it is. It would force me to take employees that are currently in a salaried leadership position and make them hourly, which could mean a loss in pay but more importantly take away the flexibility to make their own hours and the leadership they have earned in their salaried position in the first place. Employees often perceive reclassifications to non-exempt hourly positions as demotions. In my experience, employees look forward to making the jump from hourly to salaried and reclassifying them will undoubtedly be viewed by many as a step backwards in their careers.

The real issue is that the pie is the pie and when the payroll budget is not in line with the business as owners we only have 2 choices. Eliminate current positions or change some other positions into part time or just have more consolidation within your company in order to stay in business.

The federal guideline with the 35,000 threshold seems to be a fair jump from where it is now. In reality do not think in this job market the current amount of 23,000 is a joke and there is no way you would want to or be able to hire and maintain quality employees at that level.

The automatic increase included in the regulation is also extremely problematic. A salary threshold is supposed to be the minimum amount that a salaried employee should make, but the Department's proposal does not take into consideration the different economies and costs of living that make up Pennsylvania and almost goes to the point of legislating a wage not based on actual reality in the Commonwealth. The proposed \$45,500/year is already exorbitant, and tying it to inflation every three years only exacerbates the problems I will have to face for my business. In fact, this proposal would put Pennsylvania at one the highest thresholds in the country, up there with states like New York, California and Alaska. I think we can all agree that ranking is not the reality of our current economy.

Pennsylvania needs policies that allow us to compete with other states when it comes to fostering existing business growth and attracting new businesses to our state. The U.S. Department of Labor recently announced an increase in the federal threshold, which will take effect on January 1, 2020. This new level of \$35,568 is a reasonable update to the

existing level that ensures a uniform standard across the entire county. But Pennsylvania's final regulation will put businesses in our state at a tremendous disadvantage. The state threshold of \$45,500 by 2022 is significantly higher, and the automatic updates thereafter will only make that disadvantage worse.

In reality if this regulation became a mandate would change any employee that it might effect to hourly and in one of my businesses would just cut my hours and days of operation if this became a financial hardship.

I'm disappointed that the Department's final regulation did not take into account the many comments and concerns made by small business owners like me since the initial proposal. The new regulation still does not conform the state duties test to the federal test, and the gross disparity between the updated federal regulation and the Pennsylvania proposal adds to the confusion of differing regulations while hurting Pennsylvania's ability to grow and thrive economically. I hope you use common sense and re think this nuts proposal. I urge IRRC to reject the final regulation as proposed.

Sincerely,

Jeff Cohen
2840 Smallman St
Pittsburgh, PA 15222
jec12bbb@aol.com

Berrier, Jennifer L.

From: Bryan Reichelt <bryan_reichelt@hhmlp.com>
Sent: Friday, November 01, 2019 9:53 AM
To: Berrier, Jennifer L.
Subject: [External] Final Rulemaking: Title 34 Labor & Industry Regulations for Min Wage 34 Pa. Code, Pt XII, Ch 231

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Dear Deputy Secretary Berrier,

My name is Bryan Reichelt. I am the operator of the Hilton Garden Hotel Hershey. I employ 32 people and by virtually any definition am considered a small business owner in the state of Pennsylvania.

I am writing to express my opposition to the Final Form Regulation by the Department of Labor as it pertains to the salary threshold for exempt employees in Pennsylvania. It is also disappointing that, after receiving hundreds of comments on the proposed rule and holding roundtables around the state, the Department has barely budged from its initial proposal.

An increase in the threshold in Pennsylvania to \$875/week over a mere two years would hurt my employees and my business. This change, which means an increase of over \$5,000 a year after the initial compliance with the federal salary threshold, does not reflect the realities of running a business that operates on slim margins as it is. It would force me to take employees that are currently in a salaried leadership position and make them hourly, which could mean a loss in pay but more importantly take away the flexibility to make their own hours and the leadership they have earned in their salaried position in the first place. Employees often perceive reclassifications to non-exempt hourly positions as demotions. In my experience, employees look forward to making the jump from hourly to salaried and reclassifying them will undoubtedly be viewed by many as a step backwards in their careers.

The automatic increase included in the regulation is also extremely problematic. A salary threshold is supposed to be the minimum amount that a salaried employee should make, but the Department's proposal does not take into consideration the different economies and costs of living that make up Pennsylvania and almost goes to the point of legislating a wage not based on actual reality in the Commonwealth. The proposed \$45,500/year is already exorbitant, and tying it to inflation every three years only exacerbates the problems I will have to face for my business. In fact, this proposal would put Pennsylvania at one the highest thresholds in the country, up there with states like New York, California and Alaska. I think we can all agree that ranking is not the reality of our current economy.

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I'm disappointed that the Department's final regulation did not take into account the many comments and concerns made by small business owners like me since the initial proposal. The new regulation still does not conform the state duties test to the federal test, and the gross disparity between the updated federal regulation and the Pennsylvania proposal adds to the confusion of differing regulations while hurting Pennsylvania's ability to grow and thrive economically. I urge IRRC to reject the final regulation as proposed.

Sincerely,

Bryan Reichelt
10 Tyler Dr
Pine Grove, PA 17963
bryan_reichelt@hhmlp.com

Berrier, Jennifer L.

From: Robert McCafferty <digger@northcountrybrewing.com>
Sent: Thursday, October 31, 2019 8:44 PM
To: Berrier, Jennifer L.
Subject: [External] Final Rulemaking: Title 34 Labor & Industry Regulations for Min Wage 34 Pa. Code, Pt XII, Ch 231

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Dear Deputy Secretary Berrier,

My name is Robert McCafferty. I am the owner/operator of North Country Brewing Co. LLC. I employ 185 people and by virtually any definition am considered a small business owner in the state of Pennsylvania. I have many part time workers now, due to changes made to my business through the ACA mandate. The ACA Mandate would be another example of how great intentions had such negative impacts, that now apparently will never be righted.

I am writing to express my opposition to the Final Form Regulation by the Department of Labor as it pertains to the salary threshold for exempt employees in Pennsylvania. It is also disappointing that, after receiving hundreds of comments on the proposed rule and holding roundtables around the state, the Department has barely budged from its initial proposal. I personally testified in front of the Senate on the Federal Level when President Obama proposed this same ruling, and then again on the State Senate level when Governor Wolf picked up the same torch. I've attended many round tables where I listened to everyone's real life problems with this proposal, from nonprofits to universities and government ran care facilities. Math doesn't lie, numbers don't lie.

An increase in the threshold in Pennsylvania to \$875/week over a mere two years would hurt my employees and my business. This change, which means an increase of over \$5,000 a year after the initial compliance with the federal salary threshold, does not reflect the realities of running a business that operates on slim margins as it is. It would force me to take employees that are currently in a salaried leadership position and make them hourly, which could mean a loss in pay but more importantly take away the flexibility to make their own hours and the leadership they have earned in their salaried position in the first place. Employees often perceive reclassifications to non-exempt hourly positions as demotions. In my experience, employees look forward to making the jump from hourly to salaried and reclassifying them will undoubtedly be viewed by many as a step backwards in their careers. Many of them are first time managers, where we train them up to job codes from high school degrees, and we are proud to grow their careers. The reality is, an executive chef starting salary is \$48,000/year and they have all worked hard to establish that career. Starting everyone at that threshold negates years of growing through all kitchen stations, to sous chef position and all of the knowledge and talent that is on the job acquired.

The automatic increase included in the regulation is also extremely problematic. A salary threshold is supposed to be the minimum amount that a salaried employee should make, but the Department's proposal does not take into consideration the different economies and costs of living that make up Pennsylvania and almost goes to the point of legislating a wage not based on actual reality in the Commonwealth. The proposed \$45,500/year is already exorbitant, and tying it to inflation every three years only exacerbates the problems I will have to face for my business. In fact, this proposal would put Pennsylvania at one the highest thresholds in the country, up there with states like New York, California and Alaska. I think we can all agree that ranking is not the reality of our current economy.

Pennsylvania needs policies that allow us to compete with other states when it comes to fostering existing business growth and attracting new businesses to our state. The U.S. Department of Labor recently announced an increase in the federal threshold, which will take effect on January 1, 2020. This new level of \$35,568 is a reasonable update to the

existing level that ensures a uniform standard across the entire county. But Pennsylvania's final regulation will put businesses in our state at a tremendous disadvantage. The state threshold of \$45,5000 by 2022 is significantly higher, and the automatic updates thereafter will only make that disadvantage worse.

I'm disappointed that the Department's final regulation did not take into account the many comments and concerns made by small business owners like me since the initial proposal. The new regulation still does not conform the state duties test to the federal test, and the gross disparity between the updated federal regulation and the Pennsylvania proposal adds to the confusion of differing regulations while hurting Pennsylvania's ability to grow and thrive economically. I urge IRRC to reject the final regulation as proposed. As with every anti business regulation that started ten years ago, I suppose the government will do what it wants, but again, business will have the choice of keeping their doors open and offering jobs at all, or severely changing their concept where everywhere is a Panera big box grab your bag at the counter. I know that I personally will have to eliminate 6 management positions if you tie it to inflation. There is no budgeting tieing pay to inflation. No budget no business.

Sincerely,

Robert McCafferty
4092 Frew Mill Rd
Portersville, PA 16051
digger@northcountrybrewing.com

Berrier, Jennifer L.

From: Charles McIntyre <semjacinc@rcn.com>
Sent: Wednesday, October 30, 2019 9:54 AM
To: Berrier, Jennifer L.
Subject: [External] Final Rulemaking: Title 34 Labor & Industry Regulations for Min Wage 34 Pa. Code, Pt XII, Ch 231

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Dear Deputy Secretary Berrier,

My name is Charles. I am the owner/operator of McIntyre Management. I employ 100 people and by virtually any definition am considered a small business owner in the state of Pennsylvania.

I am writing to express my opposition to the Final Form Regulation by the Department of Labor as it pertains to the salary threshold for exempt employees in Pennsylvania. It is also disappointing that, after receiving hundreds of comments on the proposed rule and holding roundtables around the state, the Department has barely budged from its initial proposal.

An increase in the threshold in Pennsylvania to \$875/week over a mere two years would hurt my employees and my business. This change, which means an increase of over \$5,000 a year after the initial compliance with the federal salary threshold, does not reflect the realities of running a business that operates on slim margins as it is. It would force me to take employees that are currently in a salaried leadership position and make them hourly, which could mean a loss in pay but more importantly take away the flexibility to make their own hours and the leadership they have earned in their salaried position in the first place. Employees often perceive reclassifications to non-exempt hourly positions as demotions. In my experience, employees look forward to making the jump from hourly to salaried and reclassifying them will undoubtedly be viewed by many as a step backwards in their careers.

The automatic increase included in the regulation is also extremely problematic. A salary threshold is supposed to be the minimum amount that a salaried employee should make, but the Department's proposal does not take into consideration the different economies and costs of living that make up Pennsylvania and almost goes to the point of legislating a wage not based on actual reality in the Commonwealth. The proposed \$45,500/year is already exorbitant, and tying it to inflation every three years only exacerbates the problems I will have to face for my business. In fact, this proposal would put Pennsylvania at one the highest thresholds in the country, up there with states like New York, California and Alaska. I think we can all agree that ranking is not the reality of our current economy.

Pennsylvania needs policies that allow us to compete with other states when it comes to fostering existing business growth and attracting new businesses to our state. The U.S. Department of Labor recently announced an increase in the federal threshold, which will take effect on January 1, 2020. This new level of \$35,568 is a reasonable update to the existing level that ensures a uniform standard across the entire county. But Pennsylvania's final regulation will put businesses in our state at a tremendous disadvantage. The state threshold of \$45,500 by 2022 is significantly higher, and the automatic updates thereafter will only make that disadvantage worse.

I'm disappointed that the Department's final regulation did not take into account the many comments and concerns made by small business owners like me since the initial proposal. The new regulation still does not conform the state duties test to the federal test, and the gross disparity between the updated federal regulation and the Pennsylvania proposal adds to the confusion of differing regulations while hurting Pennsylvania's ability to grow and thrive economically. I urge IRRC to reject the final regulation as proposed.

This legislation would have a severe negative impact on small businesses. And the proposals for 2021 and 2022 would be so punitive that many small businesses would be forced to cut back. This, of course, would mean a marked increase in unemployment. This is a good example of the Law of Unintended Consequences!

Sincerely,

Charles McIntyre
654 Front St
Hellertown, PA 18055
semjacinc@rcn.com

Berrier, Jennifer L.

From: Willard Campbell <cynthias@hosscorp.com>
Sent: Tuesday, October 29, 2019 12:09 PM
To: Berrier, Jennifer L.
Subject: [External] Final Rulemaking: Title 34 Labor & Industry Regulations for Min Wage 34 Pa. Code, Pt XII, Ch 231

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Dear Deputy Secretary Berrier,

My name is Bill Campbell. I am the owner of 33 Hoss's and 5 Marzoni's restaurants in Pennsylvania. I employ 2,400 people in the state of Pennsylvania.

I am writing to express my opposition to the Final Form Regulation by the Department of Labor as it pertains to the salary threshold for exempt employees in Pennsylvania. It is also disappointing that, after receiving hundreds of comments on the proposed rule and holding roundtables around the state, the Department has barely budged from its initial proposal.

An increase in the threshold in Pennsylvania to \$875/week over a mere two years would hurt my employees and my business. This change, which means an increase of over \$5,000 a year after the initial compliance with the federal salary threshold, does not reflect the realities of running a business that operates on slim margins as it is. It would force me to take employees that are currently in a salaried leadership position and make them hourly, which could mean a loss in pay but more importantly take away the flexibility to make their own hours and the leadership they have earned in their salaried position in the first place. Employees often perceive reclassifications to non-exempt hourly positions as demotions. In my experience, employees look forward to making the jump from hourly to salaried and reclassifying them will undoubtedly be viewed by many as a step backwards in their careers.

Some may see this change as an opportunity for lower paid salaried employees to receive additional income, but if this drastic increase is implemented, businesses will be forced to adjust in order to be profitable. Increased costs will result in increased prices, and many businesses will have to cut staffing, services and/or benefits. Pay will need to be tightly controlled so that labor percentages aren't impacted. To the extent labor percentages are impacted, other cuts in employee hours and staffing will be impacted to maintain labor controls and profitability. Small businesses and non-profit businesses will be more heavily impacted.

The automatic increase included in the regulation is also extremely problematic. A salary threshold is supposed to be the minimum amount that a salaried employee should make, but the Department's proposal does not take into consideration the different economies and costs of living that make up Pennsylvania and almost goes to the point of legislating a wage not based on actual reality in the Commonwealth. The proposed \$45,500/year is already exorbitant, and tying it to inflation every three years only exacerbates the problems I will have to face for my business. In fact, this proposal would put Pennsylvania at one the highest thresholds in the country, up there with states like New York, California and Alaska. I think we can all agree that ranking is not the reality of our current economy.

Pennsylvania needs policies that allow us to compete with other states when it comes to fostering existing business growth and attracting new businesses to our state. The U.S. Department of Labor recently announced an increase in the federal threshold, which will take effect on January 1, 2020. This new level of \$35,568 is a reasonable update to the existing level that ensures a uniform standard across the entire county. But Pennsylvania's final regulation will put

businesses in our state at a tremendous disadvantage. The state threshold of \$45,5000 by 2022 is significantly higher, and the automatic updates thereafter will only make that disadvantage worse.

I'm disappointed that the Department's final regulation did not take into account the many comments and concerns made by small business owners like me since the initial proposal. The new regulation still does not conform the state duties test to the federal test, and the gross disparity between the updated federal regulation and the Pennsylvania proposal adds to the confusion of differing regulations while hurting Pennsylvania's ability to grow and thrive economically. I urge IRRC to reject the final regulation as proposed.

Sincerely,

Willard Campbell
137 Chris St
Hollidaysburg, PA 16648
cynthias@hosscorp.com

Berrier, Jennifer L.

From: SUE KOCHHAR <SKOCHHAR@MSN.COM>
Sent: Monday, October 28, 2019 10:19 AM
To: Berrier, Jennifer L.
Subject: [External] Final Rulemaking: Title 34 Labor & Industry Regulations for Min Wage 34 Pa. Code, Pt XII, Ch 231

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Dear Deputy Secretary Berrier,

My name is SUE KOCHHAR. I am the owner/operator of GM. I employ 10 people and by virtually any definition am considered a small business owner in the state of Pennsylvania.

I am writing to express my opposition to the Final Form Regulation by the Department of Labor as it pertains to the salary threshold for exempt employees in Pennsylvania. It is also disappointing that, after receiving hundreds of comments on the proposed rule and holding roundtables around the state, the Department has barely budged from its initial proposal.

An increase in the threshold in Pennsylvania to \$875/week over a mere two years would hurt my employees and my business. This change, which means an increase of over \$5,000 a year after the initial compliance with the federal salary threshold, does not reflect the realities of running a business that operates on slim margins as it is. It would force me to take employees that are currently in a salaried leadership position and make them hourly, which could mean a loss in pay but more importantly take away the flexibility to make their own hours and the leadership they have earned in their salaried position in the first place. Employees often perceive reclassifications to non-exempt hourly positions as demotions. In my experience, employees look forward to making the jump from hourly to salaried and reclassifying them will undoubtedly be viewed by many as a step backwards in their careers.

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I'm disappointed that the Department's final regulation did not take into account the many comments and concerns made by small business owners like me since the initial proposal. The new regulation still does not conform the state duties test to the federal test, and the gross disparity between the updated federal regulation and the Pennsylvania proposal adds to the confusion of differing regulations while hurting Pennsylvania's ability to grow and thrive economically. I urge IRRC to reject the final regulation as proposed.

Sincerely,

SUE KOCHHAR
3369 New Castle Rd
West Middlesex, PA 16159
SKOCHHAR@MSN.COM

Berrier, Jennifer L.

From: Judy Nelson <judy.nelson@tworiversbrewing.com>
Sent: Monday, October 28, 2019 8:08 AM
To: Berrier, Jennifer L.
Subject: [External] Final Rulemaking: Title 34 Labor & Industry Regulations for Min Wage 34 Pa. Code, Pt XII, Ch 231

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Dear Deputy Secretary Berrier,

My name is Judy Nelson. I am the owner/operator of Two Rivers Brewing Co. I employ 50 people and by virtually any definition am considered a small business owner in the state of Pennsylvania.

I am writing to express my opposition to the Final Form Regulation by the Department of Labor as it pertains to the salary threshold for exempt employees in Pennsylvania. It is also disappointing that, after receiving hundreds of comments on the proposed rule and holding roundtables around the state, the Department has barely budged from its initial proposal.

An increase in the threshold in Pennsylvania to \$875/week over a mere two years would hurt my employees and my business. This change, which means an increase of over \$5,000 a year after the initial compliance with the federal salary threshold, does not reflect the realities of running a business that operates on slim margins as it is. It would force me to take employees that are currently in a salaried leadership position and make them hourly, which could mean a loss in pay but more importantly take away the flexibility to make their own hours and the leadership they have earned in their salaried position in the first place. Employees often perceive reclassifications to non-exempt hourly positions as demotions. In my experience, employees look forward to making the jump from hourly to salaried and reclassifying them will undoubtedly be viewed by many as a step backwards in their careers.

The automatic increase included in the regulation is also extremely problematic. A salary threshold is supposed to be the minimum amount that a salaried employee should make, but the Department's proposal does not take into consideration the different economies and costs of living that make up Pennsylvania and almost goes to the point of legislating a wage not based on actual reality in the Commonwealth. The proposed \$45,500/year is already exorbitant, and tying it to inflation every three years only exacerbates the problems I will have to face for my business. In fact, this proposal would put Pennsylvania at one the highest thresholds in the country, up there with states like New York, California and Alaska. I think we can all agree that ranking is not the reality of our current economy.

Pennsylvania needs policies that allow us to compete with other states when it comes to fostering existing business growth and attracting new businesses to our state. The U.S. Department of Labor recently announced an increase in the federal threshold, which will take effect on January 1, 2020. This new level of \$35,568 is a reasonable update to the existing level that ensures a uniform standard across the entire county. But Pennsylvania's final regulation will put businesses in our state at a tremendous disadvantage. The state threshold of \$45,5000 by 2022 is significantly higher, and the automatic updates thereafter will only make that disadvantage worse.

I'm disappointed that the Department's final regulation did not take into account the many comments and concerns made by small business owners like me since the initial proposal. The new regulation still does not conform the state duties test to the federal test, and the gross disparity between the updated federal regulation and the Pennsylvania proposal adds to the confusion of differing regulations while hurting Pennsylvania's ability to grow and thrive economically. I urge IRRC to reject the final regulation as proposed.

Sincerely,

Judy Nelson
542 Northampton St
Easton, PA 18042
judy.nelson@tworiversbrewing.com

Berrier, Jennifer L.

From: Gordon Sheffer <gsheffer@wafflesincaffeinated.com>
Sent: Sunday, October 27, 2019 3:15 PM
To: Berrier, Jennifer L.
Subject: [External] Final Rulemaking: Title 34 Labor & Industry Regulations for Min Wage 34 Pa. Code, Pt XII, Ch 231

ATTENTION: This email message is from an external sender. Do not open links or attachments from unknown sources. To report suspicious email, forward the message as an attachment to CWOPA_SPAM@pa.gov.

Dear Deputy Secretary Berrier,

My name is _____. I am the owner/operator of _____. I employ _____ people and by virtually any definition am considered a small business owner in the state of Pennsylvania.

I am writing to express my opposition to the Final Form Regulation by the Department of Labor as it pertains to the salary threshold for exempt employees in Pennsylvania. It is also disappointing that, after receiving hundreds of comments on the proposed rule and holding roundtables around the state, the Department has barely budged from its initial proposal.

An increase in the threshold in Pennsylvania to \$875/week over a mere two years would hurt my employees and my business. This change, which means an increase of over \$5,000 a year after the initial compliance with the federal salary threshold, does not reflect the realities of running a business that operates on slim margins as it is. It would force me to take employees that are currently in a salaried leadership position and make them hourly, which could mean a loss in pay but more importantly take away the flexibility to make their own hours and the leadership they have earned in their salaried position in the first place. Employees often perceive reclassifications to non-exempt hourly positions as demotions. In my experience, employees look forward to making the jump from hourly to salaried and reclassifying them will undoubtedly be viewed by many as a step backwards in their careers.

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Sincerely,

Gordon Sheffer
580 Barclay Hill Rd
Beaver, PA 15009
gsheffer@wafflesincaffeinated.com

Berrier, Jennifer L.

From: Zsuzsa Palotas <info@boardroomspirits.com>
Sent: Friday, October 25, 2019 7:28 PM
To: Berrier, Jennifer L.
Subject: [External] Strong opposition - this represents a ~10% annual jump, impossible to meet!!! Final Rulemaking: Title 34 Labor & Industry Regulations for Min Wage 34 Pa. Code, Pt XII, Ch 231

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Dear Deputy Secretary Berrier,

My name is Zsuzsa Palotas. I am the owner of Boardroom Spirits. I employ 20+ people and growing, and by virtually any definition am considered a small business owner in the state of Pennsylvania.

I am writing to express my opposition to the Final Form Regulation by the Department of Labor as it pertains to the salary threshold for exempt employees in Pennsylvania. It is also disappointing that, after receiving hundreds of comments on the proposed rule and holding roundtables around the state, the Department has barely budged from its initial proposal.

An increase in the threshold in Pennsylvania to \$875/week over a mere two years would hurt my employees and my business. This change, which means an increase of over \$5,000 a year after the initial compliance with the federal salary threshold, does not reflect the realities of running a business that operates on slim margins as it is. It would force me to take employees that are currently in a salaried leadership position and make them hourly, which could mean a loss in pay but more importantly take away the flexibility to make their own hours and the leadership they have earned in their salaried position in the first place. Employees often perceive reclassifications to non-exempt hourly positions as demotions. In my experience, employees look forward to making the jump from hourly to salaried and reclassifying them will undoubtedly be viewed by many as a step backwards in their careers.

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proposal adds to the confusion of differing regulations while hurting Pennsylvania's ability to grow and thrive economically. I urge IRRC to reject the final regulation as proposed.

Sincerely,

Zsuzsa Palotas
39 Doe Run Rd
Warrington, PA 18976
info@boardroomspirits.com

Berrier, Jennifer L.

From: Rick Sell <rsell@metzcorp.com>
Sent: Friday, October 25, 2019 10:51 AM
To: Berrier, Jennifer L.
Subject: [External] Final Rulemaking: Title 34 Labor & Industry Regulations for Min Wage 34 Pa. Code, Pt XII, Ch 231

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Dear Deputy Secretary Berrier,

My name is _____. I am the owner/operator of _____. I employ _____ people and by virtually any definition am considered a small business owner in the state of Pennsylvania.

I am writing to express my opposition to the Final Form Regulation by the Department of Labor as it pertains to the salary threshold for exempt employees in Pennsylvania. It is also disappointing that, after receiving hundreds of comments on the proposed rule and holding roundtables around the state, the Department has barely budged from its initial proposal.

An increase in the threshold in Pennsylvania to \$875/week over a mere two years would hurt my employees and my business. This change, which means an increase of over \$5,000 a year after the initial compliance with the federal salary threshold, does not reflect the realities of running a business that operates on slim margins as it is. It would force me to take employees that are currently in a salaried leadership position and make them hourly, which could mean a loss in pay but more importantly take away the flexibility to make their own hours and the leadership they have earned in their salaried position in the first place. Employees often perceive reclassifications to non-exempt hourly positions as demotions. In my experience, employees look forward to making the jump from hourly to salaried and reclassifying them will undoubtedly be viewed by many as a step backwards in their careers.

The automatic increase included in the regulation is also extremely problematic. A salary threshold is supposed to be the minimum amount that a salaried employee should make, but the Department's proposal does not take into consideration the different economies and costs of living that make up Pennsylvania and almost goes to the point of legislating a wage not based on actual reality in the Commonwealth. The proposed \$45,500/year is already exorbitant, and tying it to inflation every three years only exacerbates the problems I will have to face for my business. In fact, this proposal would put Pennsylvania at one the highest thresholds in the country, up there with states like New York, California and Alaska. I think we can all agree that ranking is not the reality of our current economy.

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Sincerely,

Rick Sell
2 Woodland Dr
Dallas, PA 18612
rsell@metzcorp.com

Berrier, Jennifer L.

From: Lizz Todd-Keppel <lizz@padutchhotels.com>
Sent: Friday, October 25, 2019 10:39 AM
To: Berrier, Jennifer L.
Subject: [External] Final Rulemaking: Title 34 Labor & Industry Regulations for Min Wage 34 Pa. Code, Pt XII, Ch 231

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Dear Deputy Secretary Berrier,

My name is Lizz Todd-Keppel. I am the General Manager of the Comfort Inn Lancaster at Rockvale. I employ 24 people and by virtually any definition am considered a small business operator in the state of Pennsylvania.

I am writing to express my opposition to the Final Form Regulation by the Department of Labor as it pertains to the salary threshold for exempt employees in Pennsylvania. It is also disappointing that, after receiving hundreds of comments on the proposed rule and holding roundtables around the state, the Department has barely budged from its initial proposal.

An increase in the threshold in Pennsylvania to \$875/week over a mere two years would hurt my employees and my business. This change, which means an increase of over \$5,000 a year after the initial compliance with the federal salary threshold, does not reflect the realities of running a business that operates on slim margins as it is. It would force me to take employees that are currently in a salaried leadership position and make them hourly, which could mean a loss in pay but more importantly take away the flexibility to make their own hours and the leadership they have earned in their salaried position in the first place. Employees often perceive reclassifications to non-exempt hourly positions as demotions. In my experience, employees look forward to making the jump from hourly to salaried and reclassifying them will undoubtedly be viewed by many as a step backwards in their careers.

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Sincerely,

Lizz Todd-Keppel
24 S Willowdale Dr
Lancaster, PA 17602
lizz@padutchhotels.com

Berrier, Jennifer L.

From: Stephen Sikking <ssikking@edenresort.com>
Sent: Thursday, October 24, 2019 4:44 PM
To: Berrier, Jennifer L.
Subject: [External] Final Rulemaking: Title 34 Labor & Industry Regulations for Min Wage 34 Pa. Code, Pt XII, Ch 231

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Dear Deputy Secretary Berrier,

My name is Stephen J Sikking. I am the owner/operator of several hotels and restaurants in Central Pa. I employ 500 people total spread among 3 locations and by virtually any definition am considered a small business owner in the state of Pennsylvania.

I am writing to express my opposition to the Final Form Regulation by the Department of Labor as it pertains to the salary threshold for exempt employees in Pennsylvania. It is also disappointing that, after receiving hundreds of comments on the proposed rule and holding roundtables around the state, the Department has barely budged from its initial proposal.

An increase in the threshold in Pennsylvania to \$875/week over a mere two years would hurt my employees and my business. This change, which means an increase of over \$5,000 a year after the initial compliance with the federal salary threshold, does not reflect the realities of running a business that operates on slim margins as it is. It would force me to take employees that are currently in a salaried leadership position and make them hourly, which could mean a loss in pay but more importantly take away the flexibility to make their own hours and the leadership they have earned in their salaried position in the first place. Employees often perceive reclassifications to non-exempt hourly positions as demotions. In my experience, employees look forward to making the jump from hourly to salaried and reclassifying them will undoubtedly be viewed by many as a step backwards in their careers.

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proposal adds to the confusion of differing regulations while hurting Pennsylvania's ability to grow and thrive economically. I urge IRRC to reject the final regulation as proposed.

Sincerely,

Stephen Sikking
222 Eden Rd
Lancaster, PA 17601
ssikking@edenresort.com

Berrier, Jennifer L.

From: Christopher Sirianni <info@brewerie.com>
Sent: Thursday, October 24, 2019 3:18 PM
To: Berrier, Jennifer L.
Subject: [External] Final Rulemaking: Title 34 Labor & Industry Regulations for Min Wage 34 Pa. Code, Pt XII, Ch 231

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Dear Deputy Secretary Berrier,

My name is _____. I am the owner/operator of _____. I employ _____ people and by virtually any definition am considered a small business owner in the state of Pennsylvania.

I am writing to express my opposition to the Final Form Regulation by the Department of Labor as it pertains to the salary threshold for exempt employees in Pennsylvania. It is also disappointing that, after receiving hundreds of comments on the proposed rule and holding roundtables around the state, the Department has barely budged from its initial proposal.

An increase in the threshold in Pennsylvania to \$875/week over a mere two years would hurt my employees and my business. This change, which means an increase of over \$5,000 a year after the initial compliance with the federal salary threshold, does not reflect the realities of running a business that operates on slim margins as it is. It would force me to take employees that are currently in a salaried leadership position and make them hourly, which could mean a loss in pay but more importantly take away the flexibility to make their own hours and the leadership they have earned in their salaried position in the first place. Employees often perceive reclassifications to non-exempt hourly positions as demotions. In my experience, employees look forward to making the jump from hourly to salaried and reclassifying them will undoubtedly be viewed by many as a step backwards in their careers.

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Sincerely,

Christopher Sirianni
4110 Sierra Dr
Erie, PA 16506
info@brewerie.com

Berrier, Jennifer L.

From: Jim Switzenberg <jim@jwrpa.com>
Sent: Thursday, October 24, 2019 2:58 PM
To: Berrier, Jennifer L.
Subject: [External] Final Rulemaking: Title 34 Labor & Industry Regulations for Min Wage 34 Pa. Code, Pt XII, Ch 231

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Dear Deputy Secretary Berrier,

My name is Jim Switzenberg. I am the owner/operator of John Wright Restaurant I employ 40-80 people (seasonally) and by virtually any definition am considered a small business owner in the state of Pennsylvania.

I am writing to express my opposition to the Final Form Regulation by the Department of Labor as it pertains to the salary threshold for exempt employees in Pennsylvania. It is also disappointing that, after receiving hundreds of comments on the proposed rule and holding roundtables around the state, the Department has barely budged from its initial proposal.

An increase in the threshold in Pennsylvania to \$875/week over a mere two years would hurt my employees and my business. This change, which means an increase of over \$5,000 a year after the initial compliance with the federal salary threshold, does not reflect the realities of running a business that operates on slim margins as it is. It would force me to take employees that are currently in a salaried leadership position and make them hourly, which could mean a loss in pay but more importantly take away the flexibility to make their own hours and the leadership they have earned in their salaried position in the first place. Employees often perceive re-classifications to non-exempt hourly positions as demotions. In my experience, employees look forward to making the jump from hourly to salaried and reclassifying them will undoubtedly be viewed by many as a step backwards in their careers.

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I'm disappointed that the Department's final regulation did not take into account the many comments and concerns made by small business owners like me since the initial proposal. The new regulation still does not conform the state duties test to the federal test, and the gross disparity between the updated federal regulation and the Pennsylvania

proposal adds to the confusion of differing regulations while hurting Pennsylvania's ability to grow and thrive economically. I urge IRRC to reject the final regulation as proposed.

I am equally as confused that anyone believes that the cost of living in Wrightsville is the same as downtown Philly. A two bedroom apartment just down the street is going for \$650/ month, can that even happen in Philly? Putting the economics of a town of 2,300 on the same playing field as a city of 1.6 million is quite frankly silly.

I am a bug enough restaurant that I do have a couple salaried employees over \$55,000 but most 3-8 employee restaurants WILL CLOSE! They need someone who will be very happy to work 50 hours a week for \$38,000 and feel proud of that.

Lawmakers are obviously out of touch with the common working class cook and the finances of the small independent restaurant. At this rate the choices for food will be gas stations, fast food or chain restaurants.

Please preserve the wrights of business owners to set the salaries for their employees! It is crazy unfair for an owner to work all their lives for their dream to have it crushed by people who have no idea how they are ruining their future.

I assume someone knows the actual profit percentage of most restaurants because we all work have for a less than 10% return and many are at a 4% return.

Please don't kill the Mom and Pop restaurants across the state!

Jim Switzenberg
John Wright Restaurant

Sincerely,

Jim Switzenberg
117 N 2nd St
Wrightsville, PA 17368
jim@jwrpa.com

Berrier, Jennifer L.

From: Andrew Sigley <Andrew.sigley@interstatehotels.com>
Sent: Thursday, October 24, 2019 2:58 PM
To: Berrier, Jennifer L.
Subject: [External] Final Rulemaking: Title 34 Labor & Industry Regulations for Min Wage 34 Pa. Code, Pt XII, Ch 231

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Dear Deputy Secretary Berrier,

My name is Andrew Sigley. I am the owner/operator of the Residence Inn Center City Philadelphia. I employ 80 people and by virtually any definition am considered a small business owner in the state of Pennsylvania.

I am writing to express my opposition to the Final Form Regulation by the Department of Labor as it pertains to the salary threshold for exempt employees in Pennsylvania. It is also disappointing that, after receiving hundreds of comments on the proposed rule and holding roundtables around the state, the Department has barely budged from its initial proposal.

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Sincerely,

Andrew Sigley
6670 Madison St
New Tripoli, PA 18066
Andrew.sigley@interstatehotels.com

Berrier, Jennifer L.

From: Tammy Portner-Smith <tportnersmith@horstrealty.com>
Sent: Thursday, October 24, 2019 2:16 PM
To: Berrier, Jennifer L.
Subject: [External] Final Rulemaking: Title 34 Labor & Industry Regulations for Min Wage 34 Pa. Code, Pt XII, Ch 231

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Dear Deputy Secretary Berrier,

My name is Tammy Portner-SMith. I am the General Manager of Fairfield by Marriott, Lancaster. I employ 40 people and by virtually any definition am considered a small business owner in the state of Pennsylvania.

I am writing to express my opposition to the Final Form Regulation by the Department of Labor as it pertains to the salary threshold for exempt employees in Pennsylvania. It is also disappointing that, after receiving hundreds of comments on the proposed rule and holding roundtables around the state, the Department has barely budged from its initial proposal.

An increase in the threshold in Pennsylvania to \$875/week over a mere two years would hurt my employees and my business. This change, which means an increase of over \$5,000 a year after the initial compliance with the federal salary threshold, does not reflect the realities of running a business that operates on slim margins as it is. It would force me to take employees that are currently in a salaried leadership position and make them hourly, which could mean a loss in pay but more importantly take away the flexibility to make their own hours and the leadership they have earned in their salaried position in the first place. Employees often perceive reclassifications to non-exempt hourly positions as demotions. In my experience, employees look forward to making the jump from hourly to salaried and reclassifying them will undoubtedly be viewed by many as a step backwards in their careers.

The automatic increase included in the regulation is also extremely problematic. A salary threshold is supposed to be the minimum amount that a salaried employee should make, but the Department's proposal does not take into consideration the different economies and costs of living that make up Pennsylvania and almost goes to the point of legislating a wage not based on actual reality in the Commonwealth. The proposed \$45,500/year is already exorbitant, and tying it to inflation every three years only exacerbates the problems I will have to face for my business. In fact, this proposal would put Pennsylvania at one the highest thresholds in the country, up there with states like New York, California and Alaska. I think we can all agree that ranking is not the reality of our current economy.

Pennsylvania needs policies that allow us to compete with other states when it comes to fostering existing business growth and attracting new businesses to our state. The U.S. Department of Labor recently announced an increase in the federal threshold, which will take effect on January 1, 2020. This new level of \$35,568 is a reasonable update to the existing level that ensures a uniform standard across the entire country. But Pennsylvania's final regulation will put businesses in our state at a tremendous disadvantage. The state threshold of \$45,5000 by 2022 is significantly higher, and the automatic updates thereafter will only make that disadvantage worse.

I'm disappointed that the Department's final regulation did not take into account the many comments and concerns made by small business owners like me since the initial proposal. The new regulation still does not conform the state duties test to the federal test, and the gross disparity between the updated federal regulation and the Pennsylvania proposal adds to the confusion of differing regulations while hurting Pennsylvania's ability to grow and thrive economically. I urge IRRC to reject the final regulation as proposed.

Sincerely,

Tammy Portner-Smith
150 Granite Run Dr
Lancaster, PA 17601
tportnersmith@horstrealty.com

Berrier, Jennifer L.

From: Joseph Ruvane, III <trip@barleycreek.com>
Sent: Friday, November 08, 2019 2:00 PM
To: Berrier, Jennifer L.
Subject: [External] Final Rulemaking: Title 34 Labor & Industry Regulations for Min Wage 34 Pa. Code, Pt XII, Ch 231

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Dear Deputy Secretary Berrier,

My name is Trip Ruvane. I am the owner/operator of a restaurant, distillery, brewery, tasting room. I employ a lot of people and by virtually any definition am considered a small business owner in the state of Pennsylvania.

I am writing to express my opposition to the Final Form Regulation by the Department of Labor as it pertains to the salary threshold for exempt employees in Pennsylvania. It is also disappointing that, after receiving hundreds of comments on the proposed rule and holding roundtables around the state, the Department has barely budged from its initial proposal.

An increase in the threshold in Pennsylvania to \$875/week over a mere two years would hurt my employees and my business. This change, which means an increase of over \$5,000 a year after the initial compliance with the federal salary threshold, does not reflect the realities of running a business that operates on slim margins as it is. It might force me to slow growth and perhaps even take employees that are currently in a salaried leadership position and make them hourly, which could mean a loss in pay but more importantly take away the flexibility to make their own hours and the leadership they have earned in their salaried position in the first place. Employees often perceive reclassifications to non-exempt hourly positions as demotions. In my experience, employees look forward to making the jump from hourly to salaried and reclassifying them will undoubtedly be viewed by many as a step backwards in their careers.

The automatic increase included in the regulation is also extremely problematic. A salary threshold is supposed to be the minimum amount that a salaried employee should make, but the Department's proposal does not take into consideration the different economies and costs of living that make up Pennsylvania and almost goes to the point of legislating a wage not based on actual reality in the Commonwealth. The proposed \$45,500/year is already exorbitant, and tying it to inflation every three years only exacerbates the problems I will have to face for my business. In fact, this proposal would put Pennsylvania at one the highest thresholds in the country, up there with states like New York, California and Alaska. I think we can all agree that ranking is not the reality of our current economy.

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I'm disappointed that the Department's final regulation did not take into account the many comments and concerns made by small business owners like me since the initial proposal. The new regulation still does not conform the state duties test to the federal test, and the gross disparity between the updated federal regulation and the Pennsylvania proposal adds to the confusion of differing regulations while hurting Pennsylvania's ability to grow and thrive economically. I urge IRRC to reject the final regulation as proposed.

Sincerely,

Joseph Ruvane
1774 Sullivan Trl
Tannersville, PA 18372
trip@barleycreek.com

Berrier, Jennifer L.

From: Mr. & Mrs. Tim Weaver <amber@tratap.com>
Sent: Friday, November 08, 2019 10:44 AM
To: Berrier, Jennifer L.
Subject: [External] Final Rulemaking: Title 34 Labor & Industry Regulations for Min Wage 34 Pa. Code, Pt XII, Ch 231

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Dear Deputy Secretary Berrier,

My name is Amber Weaver. I am the owner/operator of The Traveling Tap. I employ 2 people and by virtually any definition am considered a small business owner in the state of Pennsylvania.

I am writing to express my opposition to the Final Form Regulation by the Department of Labor as it pertains to the salary threshold for exempt employees in Pennsylvania. It is also disappointing that, after receiving hundreds of comments on the proposed rule and holding roundtables around the state, the Department has barely budged from its initial proposal.

An increase in the threshold in Pennsylvania to \$875/week over a mere two years would hurt my employees and my business. This change, which means an increase of over \$5,000 a year after the initial compliance with the federal salary threshold, does not reflect the realities of running a business that operates on slim margins as it is. It would force me to take employees that are currently in a salaried leadership position and make them hourly, which could mean a loss in pay but more importantly take away the flexibility to make their own hours and the leadership they have earned in their salaried position in the first place. Employees often perceive reclassifications to non-exempt hourly positions as demotions. In my experience, employees look forward to making the jump from hourly to salaried and reclassifying them will undoubtedly be viewed by many as a step backwards in their careers.

The automatic increase included in the regulation is also extremely problematic. A salary threshold is supposed to be the minimum amount that a salaried employee should make, but the Department's proposal does not take into consideration the different economies and costs of living that make up Pennsylvania and almost goes to the point of legislating a wage not based on actual reality in the Commonwealth. The proposed \$45,500/year is already exorbitant, and tying it to inflation every three years only exacerbates the problems I will have to face for my business. In fact, this proposal would put Pennsylvania at one the highest thresholds in the country, up there with states like New York, California and Alaska. I think we can all agree that ranking is not the reality of our current economy.

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I'm disappointed that the Department's final regulation did not take into account the many comments and concerns made by small business owners like me since the initial proposal. The new regulation still does not conform the state duties test to the federal test, and the gross disparity between the updated federal regulation and the Pennsylvania proposal adds to the confusion of differing regulations while hurting Pennsylvania's ability to grow and thrive economically. I urge IRRC to reject the final regulation as proposed.

Sincerely,

Tim Weaver
1987 State St Ste 200
East Petersburg, PA 17520
amber@tratap.com

Berrier, Jennifer L.

From: Kadida Kenner <kadida@whycourtsmatterpa.org>
Sent: Friday, November 08, 2019 10:35 AM
To: Berrier, Jennifer L.
Subject: [External] I Support The New Overtime Rule

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Jennifer Berrier,

I am writing to express my support for the regulation proposed by the Pennsylvania Department of Labor and Industry to restore overtime pay for an estimated 205,000 additional workers by phasing in a requirement that Pennsylvania salaried workers earning below \$45,500 automatically be eligible for overtime.

For decades after the passage of federal and state laws on overtime it was accepted that moderately-paid salaried workers in the United States and Pennsylvania should receive overtime pay.

At one point, more than six out of 10 full-time salaried workers automatically received overtime pay or they could go home after a 40-hour work week. As a result of a failure to adequately update the federal and Pennsylvania salary levels below which all executive, administration and professional workers automatically receive overtime pay, fewer than one in 10 full-time salaried workers was automatically eligible for overtime before a recent federal change. Even after that change only 15% of full-time salaried workers will be eligible based on their pay.

Compared to a proposal advanced in 2016 by USDOL under President Obama, but derailed by a flawed Texas Court decision, the new federal rule takes the 40-hour work week, and the right to overtime pay, away from over 8 million US salaried workers and well over 200,000 in Pennsylvania. Department managers at big box stores, fast food shift supervisors, paralegals, manufacturing team leaders, office managers, and other salaried workers work for free over 40 hours. They often work 50 or 60 hours per week for an effective hourly rate that could be under \$12 per hour even with the new federal rule and even though they perform the same duties as hourly personnel for most of their work week.

Fortunately, just as states have the right to establish a minimum wage higher than the federal minimum wage, they also have the right to set a higher overtime threshold. Both neighboring New York and the state of California have thresholds in place that will reach around \$60,000 in a few years. Washington State is expected to finalize this year a rule that would reach \$80,000 by 2026. Legislative proposals in Maine and Massachusetts will reach \$55,224 by 2022 (the Obama threshold) and \$64,000 by 2023, respectively. Governor Whitmer in October initiated a rulemaking process to change the Michigan threshold, pointing out that the 2016 federal proposed threshold would have reached \$51,000 by 2020 and that Michigan households of four need \$61,000 to afford the basics.

In sum, the other states pursuing a higher state overtime threshold aim in four cases to exceed the Obama threshold and in two cases to match it. This observation leads to one reservation we have about that final proposed Wolf threshold: it's too low. The Obama threshold was, after all, a very moderate benchmark pegged to the 40th percentile of weekly earnings in the nation's lowest-wage Southern region—a far cry from 1970s situation with more than 60% of full-time salaried workers automatically eligible for overtime. Governor Wolf's original proposed rule was near, or slightly below, the Obama threshold—the 30th percentile of the Northeast region. The Wolf proposed final rule is \$45,500—substantially below the Obama threshold—and there are questions about whether the rule's updating every three years will adequately keep pace with salaried wages. In sum, the Wolf final rule is a compromise of a compromise that partly accommodates a reality in which many employers have blatantly disregarded the law, cheated hundreds of thousands of Pennsylvania workers of overtime pay or time with their family and gotten away with it. Meanwhile, law-abiding

businesses that genuinely treat their workers as their greatest asset, such as Altoona-based Sheetz, show that paying salaried workers fairly can enhance productivity and profitability.

In closing, we respectfully suggest that Governor Wolf reconsider the decision to shift away from the 30th percentile of the NE region which he originally proposed. Even at its less adequate level, the Wolf proposed final rule is a vast improvement on the new federal rule.

We thus applaud Gov. Wolf for his effort make us the third state economy a little less rigged against lower-paid salaried workers.

Many of the same forces that opposed the 40-hour work week a century ago—and opposed a minimum wage, child labor laws, health and safety standards and every other requirement that business treat employees decently—are still reflexively opposing Governor Wolf's common-sense proposal. Fortunately, however, the Governor has the authority under state law to implement a new threshold at or above \$45,500. We look forward to the expeditious finalization of the state regulation to put that new threshold in place.

Kadida Kenner
kadida@whycourtsmatterpa.org
412 N. Third St.
Harrisburg, Pennsylvania 17101

<https://u1584542.ct.sendgrid.net/mpss/o/5wA/ni0YAA/t.2wj/vsnL5tfgR4aG9ehuia_w8g/ho.gif>

Berrier, Jennifer L.

From: cheryl mccann <cmccann@metzcorp.com>
Sent: Thursday, November 07, 2019 2:13 PM
To: Berrier, Jennifer L.
Subject: [External] Final Rulemaking: Title 34 Labor & Industry Regulations for Min Wage 34 Pa. Code, Pt XII, Ch 231

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Dear Deputy Secretary Berrier,

My name is ___cheryl mccann_____. I am the VP of HR for Metz Culinary Management. We employ people and by virtually any definition am considered a small business operator in the state of Pennsylvania.

I am writing to express my opposition to the Final Form Regulation by the Department of Labor as it pertains to the salary threshold for exempt employees in Pennsylvania. It is also disappointing that, after receiving hundreds of comments on the proposed rule and holding roundtables around the state, the Department has barely budged from its initial proposal.

An increase in the threshold in Pennsylvania to \$875/week over a mere two years would hurt my employees and my business. This change, which means an increase of over \$5,000 a year after the initial compliance with the federal salary threshold, does not reflect the realities of running a business that operates on slim margins as it is. It would force me to take employees that are currently in a salaried leadership position and make them hourly, which could mean a loss in pay but more importantly take away the flexibility to make their own hours and the leadership they have earned in their salaried position in the first place. Employees often perceive reclassifications to non-exempt hourly positions as demotions. In my experience, employees look forward to making the jump from hourly to salaried and reclassifying them will undoubtedly be viewed by many as a step backwards in their careers.

The automatic increase included in the regulation is also extremely problematic. A salary threshold is supposed to be the minimum amount that a salaried employee should make, but the Department's proposal does not take into consideration the different economies and costs of living that make up Pennsylvania and almost goes to the point of legislating a wage not based on actual reality in the Commonwealth. The proposed \$45,500/year is already exorbitant, and tying it to inflation every three years only exacerbates the problems I will have to face for my business. In fact, this proposal would put Pennsylvania at one the highest thresholds in the country, up there with states like New York, California and Alaska. I think we can all agree that ranking is not the reality of our current economy.

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I'm disappointed that the Department's final regulation did not take into account the many comments and concerns made by small business owners like me since the initial proposal. The new regulation still does not conform the state duties test to the federal test, and the gross disparity between the updated federal regulation and the Pennsylvania proposal adds to the confusion of differing regulations while hurting Pennsylvania's ability to grow and thrive economically. I urge IRRC to reject the final regulation as proposed.

Sincerely,

cheryl mccan
92 Rock St
Pittston, PA 18640
cmccann@metzcorp.com

Berrier, Jennifer L.

From: Marat Mamedov <MARAT@BOARDROOMSPIRITS.COM>
Sent: Monday, November 11, 2019 8:12 PM
To: Berrier, Jennifer L.
Subject: [External] Final Rulemaking: Title 34 Labor & Industry Regulations for Min Wage 34 Pa. Code, Pt XII, Ch 231

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Dear Deputy Secretary Berrier,

My name is _____. I am the owner/operator of _____. I employ _____ people and by virtually any definition am considered a small business owner in the state of Pennsylvania.

I am writing to express my opposition to the Final Form Regulation by the Department of Labor as it pertains to the salary threshold for exempt employees in Pennsylvania. It is also disappointing that, after receiving hundreds of comments on the proposed rule and holding roundtables around the state, the Department has barely budged from its initial proposal.

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The automatic increase included in the regulation is also extremely problematic. A salary threshold is supposed to be the minimum amount that a salaried employee should make, but the Department's proposal does not take into consideration the different economies and costs of living that make up Pennsylvania and almost goes to the point of legislating a wage not based on actual reality in the Commonwealth. The proposed \$45,500/year is already exorbitant, and tying it to inflation every three years only exacerbates the problems I will have to face for my business. In fact, this proposal would put Pennsylvania at one the highest thresholds in the country, up there with states like New York, California and Alaska. I think we can all agree that ranking is not the reality of our current economy.

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Sincerely,

Marat Mamedov
575 W 3rd St
Lansdale, PA 19446
MARAT@BOARDROOMSPIRITS.COM

Berrier, Jennifer L.

From: catherine martell <cathylynn99@netscape.net>
Sent: Friday, November 08, 2019 8:53 PM
To: Berrier, Jennifer L.
Subject: [External] I Support The New Overtime Rule

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Jennifer Berrier,

My sister gets a (low) salary and has to work on call for a newspaper, sometimes much more than 40 hrs. She should be fairly compensated.

I am writing to express my support for the regulation proposed by the Pennsylvania Department of Labor and Industry to restore overtime pay for an estimated 205,000 additional workers by phasing in a requirement that Pennsylvania salaried workers earning below \$45,500 automatically be eligible for overtime.

For decades after the passage of federal and state laws on overtime it was accepted that moderately-paid salaried workers in the United States and Pennsylvania should receive overtime pay.

At one point, more than six out of 10 full-time salaried workers automatically received overtime pay or they could go home after a 40-hour work week. As a result of a failure to adequately update the federal and Pennsylvania salary levels below which all executive, administration and professional workers automatically receive overtime pay, fewer than one in 10 full-time salaried workers was automatically eligible for overtime before a recent federal change. Even after that change only 15% of full-time salaried workers will be eligible based on their pay.

Compared to a proposal advanced in 2016 by USDOL under President Obama, but derailed by a flawed Texas Court decision, the new federal rule takes the 40-hour work week, and the right to overtime pay, away from over 8 million US salaried workers and well over 200,000 in Pennsylvania. Department managers at big box stores, fast food shift supervisors, paralegals, manufacturing team leaders, office managers, and other salaried workers work for free over 40 hours. They often work 50 or 60 hours per week for an effective hourly rate that could be under \$12 per hour even with the new federal rule and even though they perform the same duties as hourly personnel for most of their work week.

Fortunately, just as states have the right to establish a minimum wage higher than the federal minimum wage, they also have the right to set a higher overtime threshold. Both neighboring New York and the state of California have thresholds in place that will reach around \$60,000 in a few years. Washington State is expected to finalize this year a rule that would reach \$80,000 by 2026. Legislative proposals in Maine and Massachusetts will reach \$55,224 by 2022 (the Obama threshold) and \$64,000 by 2023, respectively. Governor Whitmer in October initiated a rulemaking process to change the Michigan threshold, pointing out that the 2016 federal proposed threshold would have reached \$51,000 by 2020 and that Michigan households of four need \$61,000 to afford the basics.

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accommodates a reality in which many employers have blatantly disregarded the law, cheated hundreds of thousands of Pennsylvania workers of overtime pay or time with their family and gotten away with it. Meanwhile, law-abiding businesses that genuinely treat their workers as their greatest asset, such as Altoona-based Sheetz, show that paying salaried workers fairly can enhance productivity and profitability.

In closing, we respectfully suggest that Governor Wolf reconsider the decision to shift away from the 30th percentile of the NE region which he originally proposed. Even at its less adequate level, the Wolf proposed final rule is a vast improvement on the new federal rule.

We thus applaud Gov. Wolf for his effort make us the third state economy a little less rigged against lower-paid salaried workers.

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catherine martell
cathlynn99@netscape.net
299 Meadowbrook Rd
Hermitage, Pennsylvania 16148

<https://u1584542.ct.sendgrid.net/mpss/o/JQE/ni0YAA/t.2wk/BG_uSnhhR1OclutftHBM_g/ho.gif>