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Kathy Cooper

From: Curtis Alleman <bwenola@areyamanagement.com>
Sent: Friday, November 15, 2019 5:25 PM
To: IRRC
Subject: Final Rulemaking: Title 34 Labor & Industry Regulations for Min Wage 34 Pa. Code, Pt XII, Ch 231

Independent Regulatory
Review Commission

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Dear IRRC Review Commission,

My name is Curt Alleman and I'm the General Manager for the Best Western Plus Harrisburg/Mechanicsburg which is located in Enola PA. I oversee the day to day operations of our 66 room hotel and have 13 people that work for my hotel which by virtually any definition am considered a small business property 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 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 company and the overall budget for this property.

As a General Manager that would see the effects of this change and rep the benefits of it, still do not feel that the change should be occurring. I am also an individual who was a victim of a former employer who tried taking advantage of myself with the salary that was below the minimum.

This proposed 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.

If this becomes reality, you will force many hotel owners 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. I became a General Manager with Areya Management back in July and at that time I was doing this at a hourly rate. Yes the OT was good but when I looked at the entire picture I realized that I was losing money more than gaining an increase with the promotion.

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 that my ownership 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 and managers like myself 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 entire proposal needs to be scrapped and rewritten with input and discussion with real individuals who are in the trenches daily working and who it will effect not those that are just going off proposals and recommendations from special interest and lobbyist.

I thank you for your time on this matter and hope that you take into consideration my comments as this moves forward. Please also feel free to contact me if I can be of any assistance or if you would like to discuss this matter further.

Sincerely,

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