



PARTNERSHIP TO PROTECT
WORKPLACE OPPORTUNITY

June 16, 2017

The Honorable Alexander Acosta
Secretary
U.S. Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

On behalf of the Partnership to Protect Workplace Opportunity (the Partnership), we congratulate you on your confirmation as the new Secretary of Labor. The Partnership's member organizations look forward to working with you and your team to mitigate the negative impacts associated with the previous administration's sweeping overtime rule.

The Partnership consists of a diverse group of associations, representing employers with millions of employees across the country in almost every industry (see www.protectingopportunity.org). The Partnership's members believe that employees and employers alike are best served with a system that promotes maximum flexibility in structuring employee hours, career advancement opportunities for employees, and clarity for employers when classifying employees.

The Obama administration's final rule updating the "white collar" exemptions to federal overtime rules would have significantly burdened small businesses, non-profits, and educational institutions and negatively impacted upward mobility and employee morale. By setting the threshold unreasonably high, the prior administration ignored regional differences in costs of living and exceeded its statutory authority. It also failed to account for changing economic circumstances with its unprecedented and unlawful automatic updates. While our members welcomed the temporary relief from the preliminary injunction, the ultimate resolution of this regulation remains unclear.

You mentioned at your confirmation hearing the possibility of a new rulemaking to set a salary threshold that reflects the duties associated with exempt positions, rather than supplanting the duties test, such as the methodology used by the Wage and Hour Division to set the salary level in 2004. The undersigned groups below, who serve on the PPWO Management Committee, think such an update to the salary threshold would be appropriate. Furthermore, we look forward to submitting a response to the forthcoming RFI regarding the Obama administration's overtime regulation.

We would welcome the opportunity to serve as a resource as you consider the Department's path forward on this issue.

Sincerely,

American Council of Engineering Companies
American Hotel & Lodging Association
Associated Builders and Contractors, Inc.
College and University Professional Association for Human Resources
International Association of Amusement Parks & Attractions (IAAPA)
International Franchise Association
National Association of Home Builders
National Association of Manufacturers
National Association of Wholesaler-Distributors
National Council of Chain Restaurants
National Restaurant Association
National Retail Federation
Retail Industry Leaders Association
Society for Human Resource Management