

June 29, 2018

Mr. Bryan Smolock
Director, Bureau of Labor Law Compliance
Pennsylvania Department of Labor & Industry
651 Boas Street
Harrisburg, PA 17121

Re: Request to Extend Public Comment Period for Overtime Proposal

Dear Mr. Smolock:

We write on behalf of our organizations, representing a broad range of Pennsylvanians and employers in the Commonwealth, regarding Regulation #12-106, amendments to 34 Pa. Code Chapter 231 with respect to Overtime Pay.

We respectfully request that the Department of Labor & Industry utilize its right under the Regulatory Review Act to extend the public comment period beyond 30 days. (1 Pa. Code § 305.3(b))

While Pennsylvanians will no doubt have diverse views on the proposed rule, presumably everyone agrees with the potential for this proposal to have a profound impact on many employers and employees. Everyone should further agree that all stakeholders deserve the opportunity to understand the proposal and provide comment if they so choose.

An employer, for example, might believe it prudent to conduct a thorough assessment of existing operations and personnel; examine the changes proposed under the rule and attempt to determine their applicability and impact. This may include reviewing job descriptions and personnel policies, interviews with employees and consideration of budgetary impacts and possible adjustments. After a comprehensive internal review, an employer may very well feel compelled to produce comments for consideration by your agency.

Thirty days is simply not enough time to allow this process to run its course. And, in reality, Pennsylvanians have just twenty work days since the notice was published; that is, assuming they became aware of the rule on Saturday, June 23rd when it was published in the PA Bulletin. Despite our organizations' efforts to alert our respective members, it is likely a significant segment of the impacted population may not yet be aware of the proposal.

The Regulatory Review Act provides that "An agency may extend or reopen the public comment period by delivering notice to the Commission and the committees, and publishing a notice in the Pennsylvania Bulletin that specifies the close of the extended or reopened public comment period."

Agencies were given this discretion for just these types of circumstances, and accordingly, we again respectfully request an extension to the public comment period. We believe an additional 60 days would be appropriate and welcome the opportunity to discuss with you.

Thank you for considering our views on this important matter.

Sincerely,

Associated Builders and Contractors
Association of Independent Colleges and Universities of Pennsylvania
County Commissioners Association of Pennsylvania
Hospital and Healthsystem Association of Pennsylvania
Insurance Agents & Brokers
LeadingAge PA
National Federation of Independent Business
Pennsylvania Association of Boroughs
Pennsylvania Association of Community Banks
Pennsylvania Association of Community Health Centers
Pennsylvania Association of Nonprofit Organizations
Pennsylvania Bankers Association
Pennsylvania Builders Association
Pennsylvania Chamber of Business and Industry
Pennsylvania Credit Union Association
Pennsylvania Food Merchants Association
Pennsylvania Homecare Association
Pennsylvania Institute of Certified Public Accountants
Pennsylvania Manufacturers' Association
Pennsylvania Restaurant & Lodging Association
Pennsylvania Retailers Association
Pennsylvania School Board Association
Pennsylvania State Association of Township Supervisors
Rehabilitation & Community Providers Association

cc: The Honorable Jerry Oleksiak, Secretary, Pennsylvania Department of Labor & Industry
The Honorable George Bedwick, Chairman, Independent Regulatory Review Commission
The Honorable Sarah Galbally, Secretary of Policy and Planning, Office of Governor Wolf
The Honorable Kim Ward, Chair, Senate Labor & Industry Committee
The Honorable Christine Tartaglione, Democratic Chair, Senate Labor & Industry Committee
The Honorable Rob Kauffman, Chair, House Labor & Industry Committee
The Honorable John Galloway, Democratic Chair, House Labor & Industry Committee