



August 31, 2015

The Honorable John Kline
Chairman
Committee on Education and the Workforce
Washington, DC 20515

Dear Chairman Kline:

Thank you for your letter of August 21, 2015, regarding the Department of Labor's (the Department) Notice of Proposed Rulemaking (NPRM) to update the overtime regulations for "white collar" workers under the Fair Labor Standards Act (FLSA). In your letter, you requested that the Department extend the comment period for the NPRM an additional 60 days and that the Department clarify whether or not it intends to make changes to the duties tests. Your letter was forwarded to my office for a response.

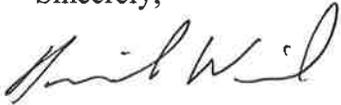
On March 13, 2014, President Obama signed a Presidential Memorandum directing the Department to update the regulations defining which white collar workers are protected by the FLSA's minimum wage and overtime standards. Consistent with the President's goal of ensuring workers are paid a fair day's pay for a fair day's work, the memorandum instructed the Department to look for ways to modernize and simplify the regulations while ensuring that the FLSA's intended overtime protections are fully implemented.

Following issuance of the memorandum, the Department embarked on an extensive outreach program, conducting listening sessions in Washington, DC, and several other locations, as well as by conference call. The listening sessions were attended by a wide range of stakeholders: employees, employers, business associations, non-profit organizations, employee advocates, unions, state and local government representatives, tribal representatives, and small businesses. In these sessions the Department asked stakeholders to address, among other issues: (1) What is the appropriate salary level for exemption; (2) what, if any, changes should be made to the duties tests; and (3) how the regulations could be simplified. The Department's extensive outreach helped in shaping a proposed rule that is intended to be responsive to concerns raised by the regulated community.

We agree that written comments received during the comment period will be helpful in shaping any final rule. Based on past experience and extensive work with the regulated community on other FLSA-related matters, we believe a 60-day comment period provides sufficient time for interested parties to submit substantial comment. Equally important, a comment period of this length, coupled with the feedback already received during the initial outreach sessions, will meet the goal described above of ensuring the Department has the level of insight from the public needed to produce a quality regulation. For these reasons we will not be extending the comment period.

A similar letter is being sent to your colleagues who signed the incoming letter. If you or any member of your staff has further questions, please contact Andria Oliver in the Department's Office of Congressional and Intergovernmental Affairs. She can be reached at (202) 693-4600.

Sincerely,

A handwritten signature in cursive script, appearing to read "David Weil".

Dr. David Weil
Administrator