



May 21, 2019

The Honorable R. Alexander Acosta
Secretary of Labor
c/o Melissa Smith, Director
Division of Regulations, Legislation, and Interpretation
Wage and Hour Division
U.S. Department of Labor
200 Constitution Avenue NW, Rm S-3502
Washington, DC 20210

Re: Comments in Response to the Department of Labor Notice of Proposed Rulemaking titled "Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees," RIN 1235-AA20, 84 *Fed. Reg.* 10900 (March 22, 2019)

Dear Secretary Acosta:

The Center for Worker Freedom (CWF) is a nonprofit, educational organization that is dedicated to warning the public about the causes and consequences of unionization. CWF supports freedom of association and believes all workers should have the right to decide for themselves whether or not they would like to belong to a labor organization.

CWF is interested in the Department of Labor's proposed rule on overtime pay because of its effect on workers and employment. Because the rule balances increasing wages for workers and limiting unemployment from the higher salaries, CWF strongly supports the Department's proposed rule.

The Labor Department has accomplished this balancing by using the same methodology as the methodology used for the 2004 standard salary level. The 2004 methodology correctly took into account the differences in wages among the U.S. regions and the retail sector.

This methodology was different from the methodology used by the Obama administration's Labor Department, which released a proposed rule on overtime pay in 2016. That rule would have doubled the 2004 salary level and affected more than 4 million workers. The rule would have resulted in greater unemployment for workers and higher costs for businesses. In addition, a U.S. District Court Judge invalidated the 2016 proposed rule because the salary level set by the Obama administration's Labor Department exceeded its authority.

Given that the proposed rule raises the salary level using the 2004 methodology, CWF supports the Department of Labor's proposed rule on overtime pay.

Sincerely,

Olivia Grady
Senior Fellow