



Wednesday, August 26, 2015

Mary Ziegler  
Director of the Division of Regulations, Legislation, and Interpretation  
Wage and Hour Division  
U.S. Department of Labor  
200 Constitution Avenue N.W, Room S-3502  
Washington, DC 20210

Re: RIN 1235-AA11, Comments in Support of DOL's Notice of Proposed Rulemaking Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees

Dear Ms. Ziegler:

The Institute for Science and Human Values writes to express its support for the U.S. Department of Labor's (DOL's) overtime proposal. As an organization dedicated to secular humanist values, we are committed to promoting fairness in the workplace and supporting the economic security of working families. When effective in 2016, the rule would provide or strengthen overtime protections under the Fair Labor Standards Act (FLSA) for as many as 13.5 million salaried workers, 6.9 million of whom are women,<sup>1</sup> boosting economic security for working families across the country. We commend DOL for taking this important step, which will benefit women and their families, and we urge the Department to finalize and implement the rule without delay.

Under the current outdated rules, salaried workers are only automatically eligible for overtime pay if they are paid less than \$23,660 annually—essentially poverty wages. Many workers who work in excess of 40 hours per week are currently denied the wages they deserve, and that is harmful to their families and our economy.

In March 2014, President Obama issued an Executive Order calling on DOL to change the threshold and to grant overtime protections to millions of Americans who “have spent too long working more and getting paid less in return.” DOL responded by issuing the proposed rule, which would raise the salary threshold in 2016 to an estimated \$50,440 and automatically update the threshold on an annual basis. The proposed threshold is equivalent to the 40th percentile of weekly earnings for full-time salaried workers—a reasonable standard in line with historical precedent that will more effectively ensure that employees entitled to the FLSA's overtime protection receive it, while simplifying the

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<sup>1</sup> Mishel, L., & Eisenbrey, R. (2015, August). *Raising the Overtime Threshold Would Directly Benefit 13.5 Million Workers*. Economic Policy Institute Publication. Retrieved 5 August 2015, from <http://s4.epi.org/files/pdf/90214.pdf>

determination of exempt status. Updating the rule demonstrates a commitment to and a keen understanding of what working people and our economy need.

**The proposed rule will extend overtime eligibility and protections to millions of women and help them support themselves and their families.** Outdated overtime rules contribute to unfair pay, which can have harmful consequences for all workers—including for the two-thirds of mothers who are breadwinners or co-breadwinners for their families.<sup>2</sup> Under the proposed salary threshold, 44 percent of single mothers and 32 percent of married mothers who are currently exempt from overtime protections will be newly covered in 2016.<sup>3</sup> More than a third of all currently exempt women workers, and nearly half of currently exempt Black and Hispanic women workers, will be covered.<sup>4</sup> Updating the threshold—which could mean hundreds of dollars in additional pay each week for affected workers<sup>5</sup>—is necessary for the economic security of women and their families. The current salary threshold is below the poverty level for a family of four; under the proposed threshold, women who have had to struggle to put food on the table even after working more than 40 hours a week will be more likely to receive fair pay for hours worked.

**Expanding overtime protections will guarantee employees fairer wages and hours.** Under the current low and outdated threshold, a promotion to "shift supervisor" for a salary of just \$24,000 a year could cost a woman her overtime pay even if she was required to work over 40 hours a week. The new rule will help to keep millions of workers from being denied the pay they rightfully deserve and their families desperately need. Employers who have been relying on their employees' free labor now will have to acknowledge the value of the 40-hour workweek by either limiting workers to 40-hour workweeks, thus giving them more time with their families, or compensating them for the extra hours worked.

**Americans agree it's the right thing to do.** According to a recent national survey, nearly eight in ten Americans support raising the overtime threshold above \$23,000 per year,

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<sup>2</sup> Glynn, S. (2014, June). *Breadwinner Mothers, Then and Now*. Center for American Progress publication. Retrieved 5 August 2015, from <https://cdn.americanprogress.org/wp-content/uploads/2014/06/Glynn-Breadwinners-report-FINAL.pdf>.

<sup>3</sup> Hartmann, H. et al. (2015, August). *How the New Overtime Rule Will Help Women & Families*. Institute for Women's Policy Research & MomsRising Publication. Retrieved 11 August 2015, from <http://www.iwpr.org/publications/pubs/how-the-new-overtime-rule-will-help-women-families>

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

and 65 percent support raising it to \$75,000—far higher than the level in the proposed rule.<sup>6</sup>

We applaud DOL for proposing this critical expansion of overtime protections under the FLSA and urge the Department to proceed in issuing and implementing a final rule without delay. The regulations that govern overtime pay have not been updated in a meaningful way in four decades. Working families cannot wait any longer.

Sincerely,

Two handwritten signatures in black ink. The signature on the left is 'Toni Van Pelt' and the signature on the right is 'Jonathan Kurtz'.

Toni Van Pelt, President

Jonathan Kurtz, Chairman

<sup>6</sup> (2015, May). *National Survey Results*. Public Policy Polling. Retrieved 7 August 2015, from <http://www.americansunitedforchange.org/page/-/PPP-Overtime%20Pay-%205-12-2015.pdf>