



October 12, 2023

Jessica Looman
Principal Deputy Administrator
Wage and Hour Division
Department of Labor
Room S-3502
200 Constitution Avenue, N.W.
Washington, DC 20210

RE: Extension Request for Notice of Proposed Rulemaking, “Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees” (RIN 1235-AA39)

Dear Principal Deputy Administrator Looman:

On behalf of the American Council on Education (ACE) and the undersigned higher education associations, I write to request a 60-day extension to the comment period on the above-referenced Notice of Proposed Rulemaking (NPRM) of Department of Labor (DOL) in order to provide the higher education community with sufficient time to analyze and respond to the proposed changes in the overtime pay exemptions for executive, administrative, professional, outside sales, and computer employees.

Founded in 1918, ACE is the major coordinating body for the nation’s colleges and universities. ACE represents more than 1,600 college and university presidents and the executives at related associations. Together with the undersigned higher education associations, we represent all types of U.S. accredited, degree-granting institutions, public and private, located in communities in every state with nearly four million employees.¹

As you know, DOL has proposed significant changes to the federal overtime pay requirements that are likely to have an enormous and wide-ranging impact on campuses across the country. While the proposed rule would raise the standard salary threshold nearly 55% to \$55,068 annually, DOL has projected that based on the most recent wage data the threshold in the final rule will be \$60,209 -- an increase of nearly 70%. This significant change will take place despite the last increase occurring only four years ago, encompassing the COVID-19 pandemic, which was a once-in-a-generation crisis for our students and institutions.

¹ <https://nces.ed.gov/ipeds/TrendGenerator/app/answer/5/30>

Already under enormous financial pressure, we expect that institutions will face a number of potentially disruptive challenges, particularly depending on the timing and method for implementation of the proposed changes including, but not limited to: absorbing the increased costs that come with much higher salaries for exempt employees; expanded overtime payments; implementing effective monitoring of remote work, which vastly expanded since the last increase; and other costs and disruptions from transitioning traditionally exempt employees into nonexempt status. We will need additional time to gather data and fully assess the potential impact of the proposed changes on campuses to provide DOL with a more complete assessment to better inform your regulatory obligations. Accordingly, we respectfully request a 60-day extension to the comment period for filing comments on the NPRM.

Thank you for your attention to this matter.

Sincerely,



Ted Mitchell
President

On behalf of:

American Association of Colleges and Universities
American Association of Colleges of Nursing
American Association of Collegiate Registrars and Admissions Officers
American Association of Community Colleges
American Association of State Colleges and Universities
American Council on Education
APPA, "Leadership in Educational Facilities"
Association of American Universities
Association of Catholic Colleges and Universities
Association of Community College Trustees
Association of Governing Boards of Universities and Colleges
Association of Jesuit Colleges and Universities
Association of Public and Land-grant Universities
Career Education Colleges and Universities
College and University Professional Association for Human Resources
Consortium of Universities of the Washington Metropolitan Area
Council for Advancement and Support of Education
Council for Christian Colleges & Universities
Council for Opportunity in Education
Council of Graduate Schools
Council of Independent Colleges

EDUCAUSE

Hispanic Association of Colleges and Universities

NASPA - Student Affairs Administrators in Higher Education

National Association of College and University Business Officers

National Association of College Stores

National Association of Colleges and Employers

National Association of Independent Colleges and Universities

National Association of Student Financial Aid Administrators

State Higher Education Executive Officers Association

UPCEA