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**To:** Clients and Friends

**From:** David F. Dulock

**Subject:** Proposed Rule Minimum Wage and Overtime Pay Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees

In today's issue of the Federal Register (80 FR 38516, [click here](#)) the Wage and Hour Division of the Department of Labor (DOL) published a proposed rule to update and revise the regulations implementing the exemption from minimum wage and overtime pay for executive, administrative, professional, outside sales, and computer employees.

You may submit written comments on the proposed rule, identified by Regulatory Information Number (RIN) 1235-AA11, by either of the following methods:

- *Electronic Comments:* Submit comments through the Federal eRulemaking Portal <http://www.regulations.gov>. Follow the instructions for submitting comments.
- *Mail:* Address written submissions to Mary Ziegler, Director of the Division of Regulations, Legislation, and Interpretation, Wage and Hour Division, U.S. Department of Labor, Room S-3502, 200 Constitution Avenue NW., Washington, DC 20210.

All comments must include the agency name and RIN, identified above, and be submitted on or before September 4, 2015.

Generally, the proposed rule proposes to raise the minimum salary level for exempt employees (except outside sales employees, for whom there is no minimum salary level) from \$455 to \$921 per week, and while it discusses the duties tests for exempt employees and requests comments on the current requirements, it does not make any specific proposals for revisions to the duties tests for exempt employees.

The primary regulatory changes proposed are in §§541.600 and 541.601 (29 CFR part 541) of the regulations, with additional conforming changes proposed to update references to the salary level throughout part 541 as well as to update the special salary provisions for American Samoa and the motion picture industry.

The result of the proposed rule, when finalized, will be to include more employees in the DOL's minimum wage and overtime pay requirements.

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