



Air Conditioning Contractors of America

2800 Shirlington Rd. Suite 300 • Arlington, VA 22206 • 703-575-4477

April 8, 2019

The Honorable Alexander Acosta
Secretary
U.S. Department of Labor
200 Constitution Ave NW
Washington, DC 20210

Re: ACCA Public Comments on Department of Labor proposed rule, *Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees*.
Submitted online via www.regulations.gov, Docket ID No. 1235-AA20

Dear Mr. Secretary:

The Air Conditioning Contractors of America (ACCA), represents nearly 60,000 heating, ventilation, air conditioning, and refrigeration (HVACR) professionals across the U.S., and we are thankful for your support of small businesses across the country.

The HVACR industry is a backbone of the American economy. The products ACCA members install, service, and maintain are responsible for ensuring information technology centers are operational, making modern medicine possible, maintaining a fresh food supply, and providing essential comfort for every home, office building, and healthcare facility in the country. The Department of Labor's proposed rule "Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees," commonly referred to as the Overtime Rule, has been long awaited by ACCA members. ACCA opposed the previous administration's proposal to increase overtime rates from \$23,660 to \$47,476 because it would have increased costs to run a business. Additionally, HVAC contractors would have hired fewer managerial positions, which would have signaled to younger staff that there was little opportunity for growth in their companies.

In 2018, you offered the keynote address at ACCA's national contractor conference in Washington, D.C. At that time, you indicated that the Trump Administration, under your leadership at the Department of Labor, would address overtime rates in a reasonable manner that would protect the ability of small businesses to recruit and retain employees. You highlighted that it was President Trump's priority to ensure small businesses would not face burdensome and onerous regulations that stifle opportunities for growth.

After lengthy review and input from ACCA's national membership, ACCA will support the proposed rule to increase the overtime rate to \$35,308 per year. ACCA members believe the \$35,308 threshold is a reasonable increase to rates that have not been updated since 2004. ACCA's policy leaders believe that the proposal is reasonable and in line with inflation, and any costs associated with this increase could be managed by the businesses responsible for implementing the proposed rule.



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ACCA is thankful for your strong support of small businesses and the HVACR industry and we appreciate the opportunity to comment on this important topic.

If you have any questions or require additional information, please contact me at alyx.simon@acca.org or by phone at 703-824-8863.

Sincerely,

Alyx Simon
Government Relations Representative
Air Conditioning Contractors of America

ACCA Advocacy & Political Action Committee

- Chairman, Martin Hoover- President, Empire Heating & Air Conditioning, Decatur, GA
- Robert (Bobby) Ring- President, Meyer & Depew Heating & Cooling, Kenilworth, NJ
- Brian Stack- President, Stack Heating & Cooling, Avon, OH
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- Dave Hutchins- President, Bay Area Air Conditioning, New Port Richey, FL
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