United States Senate
WASHINGTON, DC 20510

June 27, 2023

Maggie Hardy
Owner & CEO
84 Lumber
1019 Route 519
Eighty Four, PA 15330

Dear Ms. Hardy:

We write following the release of a report indicating 84 Lumber has committed wage theft by denying low-wage workers overtime pay by abusing the label "manager."[i] Firms appear to have systematically misclassified workers that spend the majority of their time performing manual labor tasks as managers—using titles like "director of first impressions" and "assistant bingo manager"—to deny them billions of dollars in overtime pay. Research has identified 84 Lumber as one of the foremost perpetrators of this scheme. We urge you to cease your overtime evasion practices immediately.

Congress included overtime protections in the *Fair Labor Standards Act* (FLSA) of 1938 to prevent workers from being forced to work excessive hours without additional compensation. The FLSA provides that, if covered employees work more than 40 hours in a given work week, they must receive overtime pay at one-and-a-half times their regular pay rate. Salaried employees who earn less than the federal overtime threshold of $35,568 annually are automatically eligible for overtime pay. The FLSA overtime guarantee does not apply to workers with salaries above that threshold and *bona fide* "managers": executive, administrative, and professional employees.

Abusing overtime regulations by labeling workers as "managers" while paying them just above the overtime salary threshold can result in workers being denied thousands in overtime pay. By "provid[ing] salaries just above the federal cutoff to frontline workers and mislabel[ling] them as managers,"[ii] 84 Lumber appears to have committed wage theft by evading its statutory duty to pay workers what they have earned. According to analysis released earlier this year, 84 Lumber is among the top 25 firms with the highest proportions of management positions seemingly used to avoid paying workers overtime.

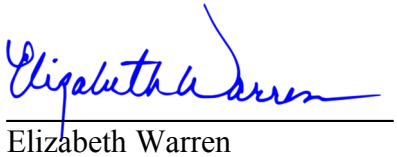
Though the federal government must act to raise the overtime threshold to disincentivize these and other abusive practices, 84 Lumber must treat its employees fairly. We urge you to put a stop to your wage theft tactics immediately and pay your employees the overtime pay they deserve. We also request responses to the following questions no later than July 11:

1. Please provide a list of all employee titles that 84 Lumber treats as "managerial" for the purposes of determining exempt status with respect to overtime pay. For each title, please provide:

a. The number of workers that hold that title.
b. The average annual salary and base annual salary of workers who hold that title.
c. The percentage of workers who hold that title and earn more than $35,568.
d. The percentage of workers who hold that title and earn more than $35,568 that receive overtime pay.
e. How does 84 Lumber determine whether workers who hold a given title will receive overtime pay or not?

2. How much does 84 Lumber spend annually on overtime pay, both in total and on average per non-exempt worker?
    a. Senator Brown's *Restoring Overtime Pay Act* would raise the federal overtime threshold over the next five years to match the 55th percentile of earnings of full-time salaried workers nationally. If this bill were enacted, how much more would workers at 84 Lumber receive in overtime pay?

Sincerely,



Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

[i] National Bureau of Economic Research, "Too Many Managers: The Strategic Use of Titles to Avoid Overtime Payments," Lauren Cohen, Umit Gurun, and N. Bugra Ozel, January 2023, https://www.nber.org/system/files/working_papers/w30826/w30826.pdf.

[ii] The New York Times, "You're Now a 'Manager.' Forget About Overtime Pay," Noam Scheiber, March 6, 2023, https://www.nytimes.com/2023/03/06/business/economy/managers-overtime-pay.html.

United States Senate
WASHINGTON, DC 20510

June 27, 2023

Rita Patel
Brand President
Arby's Restaurant Group, Inc.
1090 Hammond Dr.
Atlanta, GA 30328

Dear Ms. Patel:

We write following the release of a report indicating Arby's Restaurant Group, Inc. (Arby's) has committed wage theft by denying low-wage workers overtime pay by abusing the label "manager."[i] Firms appear to have systematically misclassified workers that spend the majority of their time performing manual labor tasks as managers—using titles like "director of first impressions" and "assistant bingo manager"—to deny them billions of dollars in overtime pay. Research has identified Arby's as one of the foremost perpetrators of this scheme. We urge you to cease your overtime evasion practices immediately.

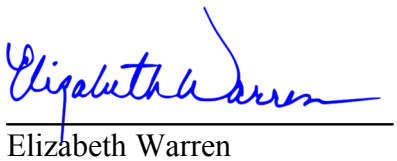
Congress included overtime protections in the *Fair Labor Standards Act* (FLSA) of 1938 to prevent workers from being forced to work excessive hours without additional compensation. The FLSA provides that, if covered employees work more than 40 hours in a given work week, they must receive overtime pay at one-and-a-half times their regular pay rate. Salaried employees who earn less than the federal overtime threshold of $35,568 annually are automatically eligible for overtime pay. The FLSA overtime guarantee does not apply to workers with salaries above that threshold and *bona fide* "managers": executive, administrative, and professional employees.

Abusing overtime regulations by labeling workers as "managers" while paying them just above the overtime salary threshold can result in workers being denied thousands in overtime pay. By "provid[ing] salaries just above the federal cutoff to frontline workers and mislabel[ling] them as managers,"[ii] Arby's appears to have committed wage theft by evading its statutory duty to pay workers what they have earned. According to analysis released earlier this year, Arby's is among the top 25 firms with the highest proportions of management positions seemingly used to avoid paying workers overtime.

Though the federal government must act to raise the overtime threshold to disincentivize these and other abusive practices, Arby's must treat its employees fairly. We urge you to put a stop to your wage theft tactics immediately and pay your employees the overtime pay they deserve. We also request responses to the following questions no later than July 11:

1. Please provide a list of all employee titles that Arby's treats as "managerial" for the purposes of determining exempt status with respect to overtime pay. For each title, please provide:
    a. The number of workers that hold that title.
    b. The average annual salary and base annual salary of workers who hold that title.
    c. The percentage of workers who hold that title and earn more than $35,568.
    d. The percentage of workers who hold that title and earn more than $35,568 that receive overtime pay.
    e. How does Arby's determine whether workers who hold a given title will receive overtime pay or not?
2. How much does Arby's spend annually on overtime pay, both in total and on average per non-exempt worker?
    a. Senator Brown's *Restoring Overtime Pay Act* would raise the federal overtime threshold over the next five years to match the 55th percentile of earnings of full-time salaried workers nationally. If this bill were enacted, how much more would workers at Arby's receive in overtime pay?

Sincerely,



Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

[i] National Bureau of Economic Research, "Too Many Managers: The Strategic Use of Titles to Avoid Overtime Payments," Lauren Cohen, Umit Gurun, and N. Bugra Ozel, January 2023, https://www.nber.org/system/files/working_papers/w30826/w30826.pdf.

[ii] The New York Times, "You're Now a 'Manager.' Forget About Overtime Pay," Noam Scheiber, March 6, 2023, https://www.nytimes.com/2023/03/06/business/economy/managers-overtime-pay.html.

United States Senate
WASHINGTON, DC 20510

June 27, 2023

José Armario
CEO
Bojangles' Restaurants, Inc.
9432 Southern Pine Blvd
Charlotte, NC 28273

Dear Mr. Armario:

We write following the release of a report indicating Bojangles' Restaurants, Inc. (Bojangles) has committed wage theft by denying low-wage workers overtime pay by abusing the label "manager."[i] Firms appear to have systematically misclassified workers that spend the majority of their time performing manual labor tasks as managers—using titles like "director of first impressions" and "assistant bingo manager"—to deny them billions of dollars in overtime pay. Research has identified Bojangles as one of the foremost perpetrators of this scheme. We urge you to cease your overtime evasion practices immediately.

Congress included overtime protections in the *Fair Labor Standards Act* (FLSA) of 1938 to prevent workers from being forced to work excessive hours without additional compensation. The FLSA provides that, if covered employees work more than 40 hours in a given work week, they must receive overtime pay at one-and-a-half times their regular pay rate. Salaried employees who earn less than the federal overtime threshold of $35,568 annually are automatically eligible for overtime pay. The FLSA overtime guarantee does not apply to workers with salaries above that threshold and *bona fide* "managers": executive, administrative, and professional employees.

Abusing overtime regulations by labeling workers as "managers" while paying them just above the overtime salary threshold can result in workers being denied thousands in overtime pay. By "provid[ing] salaries just above the federal cutoff to frontline workers and mislabel[ling] them as managers,"[ii] Bojangles appears to have committed wage theft by evading its statutory duty to pay workers what they have earned. According to analysis released earlier this year, Bojangles is among the top 25 firms with the highest proportions of management positions seemingly used to avoid paying workers overtime.

Though the federal government must act to raise the overtime threshold to disincentivize these and other abusive practices, Bojangles must treat its employees fairly. We urge you to put a stop to your wage theft tactics immediately and pay your employees the overtime pay they deserve. We also request responses to the following questions no later than July 11:

1. Please provide a list of all employee titles that Bojangles treats as "managerial" for the purposes of determining exempt status with respect to overtime pay. For each title, please provide:

a. The number of workers that hold that title.
b. The average annual salary and base annual salary of workers who hold that title.
c. The percentage of workers who hold that title and earn more than $35,568.
d. The percentage of workers who hold that title and earn more than $35,568 that receive overtime pay.
e. How does Bojangles determine whether workers who hold a given title will receive overtime pay or not?

2. How much does Bojangles spend annually on overtime pay, both in total and on average per non-exempt worker?
    a. Senator Brown's *Restoring Overtime Pay Act* would raise the federal overtime threshold over the next five years to match the 55th percentile of earnings of full-time salaried workers nationally. If this bill were enacted, how much more would workers at Bojangles receive in overtime pay?

Sincerely,

Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

[i] National Bureau of Economic Research, "Too Many Managers: The Strategic Use of Titles to Avoid Overtime Payments," Lauren Cohen, Umit Gurun, and N. Bugra Ozel, January 2023, https://www.nber.org/system/files/working_papers/w30826/w30826.pdf.

[ii] The New York Times, "You're Now a 'Manager.' Forget About Overtime Pay," Noam Scheiber, March 6, 2023, https://www.nytimes.com/2023/03/06/business/economy/managers-overtime-pay.html.

United States Senate
WASHINGTON, DC 20510

June 27, 2023

Frances Allen
CEO
Boston Market Corporation
14103 Denver West Parkway
Golden, CO 80401

Dear Ms. Allen:

We write following the release of a report indicating Boston Market Corporation (Boston Market) has committed wage theft by denying low-wage workers overtime pay by abusing the label "manager."[i] Firms appear to have systematically misclassified workers that spend the majority of their time performing manual labor tasks as managers—using titles like "director of first impressions" and "assistant bingo manager"—to deny them billions of dollars in overtime pay. Research has identified Boston Market as one of the foremost perpetrators of this scheme. We urge you to cease your overtime evasion practices immediately.

Congress included overtime protections in the *Fair Labor Standards Act* (FLSA) of 1938 to prevent workers from being forced to work excessive hours without additional compensation. The FLSA provides that, if covered employees work more than 40 hours in a given work week, they must receive overtime pay at one-and-a-half times their regular pay rate. Salaried employees who earn less than the federal overtime threshold of $35,568 annually are automatically eligible for overtime pay. The FLSA overtime guarantee does not apply to workers with salaries above that threshold and *bona fide* "managers": executive, administrative, and professional employees.

Abusing overtime regulations by labeling workers as "managers" while paying them just above the overtime salary threshold can result in workers being denied thousands in overtime pay. By "provid[ing] salaries just above the federal cutoff to frontline workers and mislabel[ling] them as managers,"[ii] Boston Market appears to have committed wage theft by evading its statutory duty to pay workers what they have earned. According to analysis released earlier this year, Boston Market is among the top 25 firms with the highest proportions of management positions seemingly used to avoid paying workers overtime.

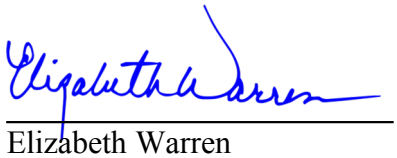
Though the federal government must act to raise the overtime threshold to disincentivize these and other abusive practices, Boston Market must treat its employees fairly. We urge you to put a stop to your wage theft tactics immediately and pay your employees the overtime pay they deserve. We also request responses to the following questions no later than July 11:

1. Please provide a list of all employee titles that Boston Market treats as "managerial" for the purposes of determining exempt status with respect to overtime pay. For each title, please provide:
    a. The number of workers that hold that title.

b. The average annual salary and base annual salary of workers who hold that title.
c. The percentage of workers who hold that title and earn more than $35,568.
d. The percentage of workers who hold that title and earn more than $35,568 that receive overtime pay.
e. How does Boston Market determine whether workers who hold a given title will receive overtime pay or not?

2. How much does Boston Market spend annually on overtime pay, both in total and on average per non-exempt worker?
    a. Senator Brown's *Restoring Overtime Pay Act* would raise the federal overtime threshold over the next five years to match the 55th percentile of earnings of full-time salaried workers nationally. If this bill were enacted, how much more would workers at Boston Market receive in overtime pay?

Sincerely,



Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

[i] National Bureau of Economic Research, "Too Many Managers: The Strategic Use of Titles to Avoid Overtime Payments," Lauren Cohen, Umit Gurun, and N. Bugra Ozel, January 2023, https://www.nber.org/system/files/working_papers/w30826/w30826.pdf.

[ii] The New York Times, "You're Now a 'Manager.' Forget About Overtime Pay," Noam Scheiber, March 6, 2023, https://www.nytimes.com/2023/03/06/business/economy/managers-overtime-pay.html.

United States Senate
WASHINGTON, DC 20510

June 27, 2023

Joshua Kobza
CEO
Burger King
5505 Blue Lagoon Dr.
Miami, FL 33126

Dear Mr. Kobza:

We write following the release of a report indicating Burger King has committed wage theft by denying low-wage workers overtime pay by abusing the label "manager."[i] Firms appear to have systematically misclassified workers that spend the majority of their time performing manual labor tasks as managers—using titles like "director of first impressions" and "assistant bingo manager"—to deny them billions of dollars in overtime pay. Research has identified Burger King as one of the foremost perpetrators of this scheme. We urge you to cease your overtime evasion practices immediately.

Congress included overtime protections in the *Fair Labor Standards Act* (FLSA) of 1938 to prevent workers from being forced to work excessive hours without additional compensation. The FLSA provides that, if covered employees work more than 40 hours in a given work week, they must receive overtime pay at one-and-a-half times their regular pay rate. Salaried employees who earn less than the federal overtime threshold of $35,568 annually are automatically eligible for overtime pay. The FLSA overtime guarantee does not apply to workers with salaries above that threshold and *bona fide* "managers": executive, administrative, and professional employees.

Abusing overtime regulations by labeling workers as "managers" while paying them just above the overtime salary threshold can result in workers being denied thousands in overtime pay. By "provid[ing] salaries just above the federal cutoff to frontline workers and mislabel[ling] them as managers,"[ii] Burger King appears to have committed wage theft by evading its statutory duty to pay workers what they have earned. According to analysis released earlier this year, Burger King is among the top 25 firms with the highest proportions of management positions seemingly used to avoid paying workers overtime.

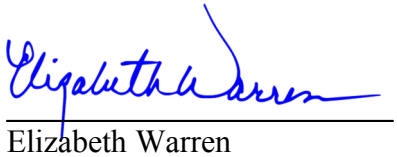
Though the federal government must act to raise the overtime threshold to disincentivize these and other abusive practices, Burger King must treat its employees fairly. We urge you to put a stop to your wage theft tactics immediately and pay your employees the overtime pay they deserve. We also request responses to the following questions no later than July 11:

1. Please provide a list of all employee titles that Burger King treats as "managerial" for the purposes of determining exempt status with respect to overtime pay. For each title, please provide:

a. The number of workers that hold that title.
b. The average annual salary and base annual salary of workers who hold that title.
c. The percentage of workers who hold that title and earn more than $35,568.
d. The percentage of workers who hold that title and earn more than $35,568 that receive overtime pay.
e. How does Burger King determine whether workers who hold a given title will receive overtime pay or not?

2. How much does Burger King spend annually on overtime pay, both in total and on average per non-exempt worker?
    a. Senator Brown's *Restoring Overtime Pay Act* would raise the federal overtime threshold over the next five years to match the 55th percentile of earnings of full-time salaried workers nationally. If this bill were enacted, how much more would workers at Burger King receive in overtime pay?

Sincerely,



Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

[i] National Bureau of Economic Research, "Too Many Managers: The Strategic Use of Titles to Avoid Overtime Payments," Lauren Cohen, Umit Gurun, and N. Bugra Ozel, January 2023, https://www.nber.org/system/files/working_papers/w30826/w30826.pdf.

[ii] The New York Times, "You're Now a 'Manager.' Forget About Overtime Pay," Noam Scheiber, March 6, 2023, https://www.nytimes.com/2023/03/06/business/economy/managers-overtime-pay.html.

United States Senate
WASHINGTON, DC 20510

June 27, 2023

Rich Williams
President
Combined Insurance
8750 Bryn Mawr Avenue
Chicago, Illinois 60631

Dear Dr. Williams:

We write following the release of a report indicating Combined Insurance has committed wage theft by denying low-wage workers overtime pay by abusing the label "manager."[i] Firms appear to have systematically misclassified workers that spend the majority of their time performing manual labor tasks as managers—using titles like "director of first impressions" and "assistant bingo manager"—to deny them billions of dollars in overtime pay. Research has identified Combined Insurance as one of the foremost perpetrators of this scheme. We urge you to cease your overtime evasion practices immediately.

Congress included overtime protections in the *Fair Labor Standards Act* (FLSA) of 1938 to prevent workers from being forced to work excessive hours without additional compensation. The FLSA provides that, if covered employees work more than 40 hours in a given work week, they must receive overtime pay at one-and-a-half times their regular pay rate. Salaried employees who earn less than the federal overtime threshold of $35,568 annually are automatically eligible for overtime pay. The FLSA overtime guarantee does not apply to workers with salaries above that threshold and *bona fide* "managers": executive, administrative, and professional employees.

Abusing overtime regulations by labeling workers as "managers" while paying them just above the overtime salary threshold can result in workers being denied thousands in overtime pay. By "provid[ing] salaries just above the federal cutoff to frontline workers and mislabel[ling] them as managers,"[ii] Combined Insurance appears to have committed wage theft by evading its statutory duty to pay workers what they have earned. According to analysis released earlier this year, Combined Insurance is among the top 25 firms with the highest proportions of management positions seemingly used to avoid paying workers overtime.

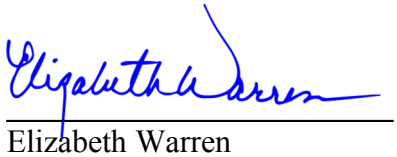
Though the federal government must act to raise the overtime threshold to disincentivize these and other abusive practices, Combined Insurance must treat its employees fairly. We urge you to put a stop to your wage theft tactics immediately and pay your employees the overtime pay they deserve. We also request responses to the following questions no later than July 11:

1. Please provide a list of all employee titles that Combined Insurance treats as "managerial" for the purposes of determining exempt status with respect to overtime pay. For each title, please provide:

a. The number of workers that hold that title.
b. The average annual salary and base annual salary of workers who hold that title.
c. The percentage of workers who hold that title and earn more than $35,568.
d. The percentage of workers who hold that title and earn more than $35,568 that receive overtime pay.
e. How does Combined Insurance determine whether workers who hold a given title will receive overtime pay or not?

2. How much does Combined Insurance spend annually on overtime pay, both in total and on average per non-exempt worker?
    a. Senator Brown's *Restoring Overtime Pay Act* would raise the federal overtime threshold over the next five years to match the 55th percentile of earnings of full-time salaried workers nationally. If this bill were enacted, how much more would workers at Combined Insurance receive in overtime pay?

Sincerely,



Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

[i] National Bureau of Economic Research, "Too Many Managers: The Strategic Use of Titles to Avoid Overtime Payments," Lauren Cohen, Umit Gurun, and N. Bugra Ozel, January 2023, https://www.nber.org/system/files/working_papers/w30826/w30826.pdf.

[ii] The New York Times, "You're Now a 'Manager.' Forget About Overtime Pay," Noam Scheiber, March 6, 2023, https://www.nytimes.com/2023/03/06/business/economy/managers-overtime-pay.html.

United States Senate
WASHINGTON, DC 20510

June 27, 2023

Jim Rose
CEO
Crossmark, Inc.
1921 E State Highway 121
Lewisville TX 75056-7056

Dear Mr. Rose:

We write following the release of a report indicating Crossmark, Inc. (Crossmark) has committed wage theft by denying low-wage workers overtime pay by abusing the label "manager."[i] Firms appear to have systematically misclassified workers that spend the majority of their time performing manual labor tasks as managers—using titles like "director of first impressions" and "assistant bingo manager"—to deny them billions of dollars in overtime pay. Research has identified Crossmark as one of the foremost perpetrators of this scheme. We urge you to cease your overtime evasion practices immediately.

Congress included overtime protections in the *Fair Labor Standards Act* (FLSA) of 1938 to prevent workers from being forced to work excessive hours without additional compensation. The FLSA provides that, if covered employees work more than 40 hours in a given work week, they must receive overtime pay at one-and-a-half times their regular pay rate. Salaried employees who earn less than the federal overtime threshold of $35,568 annually are automatically eligible for overtime pay. The FLSA overtime guarantee does not apply to workers with salaries above that threshold and *bona fide* "managers": executive, administrative, and professional employees.

Abusing overtime regulations by labeling workers as "managers" while paying them just above the overtime salary threshold can result in workers being denied thousands in overtime pay. By "provid[ing] salaries just above the federal cutoff to frontline workers and mislabel[ling] them as managers,"[ii] Crossmark appears to have committed wage theft by evading its statutory duty to pay workers what they have earned. According to analysis released earlier this year, Crossmark is among the top 25 firms with the highest proportions of management positions seemingly used to avoid paying workers overtime.

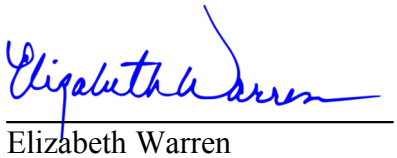
Though the federal government must act to raise the overtime threshold to disincentivize these and other abusive practices, Crossmark must treat its employees fairly. We urge you to put a stop to your wage theft tactics immediately and pay your employees the overtime pay they deserve. We also request responses to the following questions no later than July 11:

1. Please provide a list of all employee titles that Crossmark treats as "managerial" for the purposes of determining exempt status with respect to overtime pay. For each title, please provide:
    a. The number of workers that hold that title.

b. The average annual salary and base annual salary of workers who hold that title.
c. The percentage of workers who hold that title and earn more than $35,568.
d. The percentage of workers who hold that title and earn more than $35,568 that receive overtime pay.
e. How does Crossmark determine whether workers who hold a given title will receive overtime pay or not?

2. How much does Crossmark spend annually on overtime pay, both in total and on average per non-exempt worker?
    a. Senator Brown's *Restoring Overtime Pay Act* would raise the federal overtime threshold over the next five years to match the 55th percentile of earnings of full-time salaried workers nationally. If this bill were enacted, how much more would workers at Crossmark receive in overtime pay?

Sincerely,



Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

[i] National Bureau of Economic Research, "Too Many Managers: The Strategic Use of Titles to Avoid Overtime Payments," Lauren Cohen, Umit Gurun, and N. Bugra Ozel, January 2023, https://www.nber.org/system/files/working_papers/w30826/w30826.pdf.

[ii] The New York Times, "You're Now a 'Manager.' Forget About Overtime Pay," Noam Scheiber, March 6, 2023, https://www.nytimes.com/2023/03/06/business/economy/managers-overtime-pay.html.

United States Senate

WASHINGTON, DC 20510

June 27, 2023

Troy Bader
President & CEO
Dairy Queen
8331 Norman Center Drive
Bloomington, MN 55437

Dear Mr. Bader:

We write following the release of a report indicating Dairy Queen has committed wage theft by denying low-wage workers overtime pay by abusing the label "manager."[i] Firms appear to have systematically misclassified workers that spend the majority of their time performing manual labor tasks as managers—using titles like "director of first impressions" and "assistant bingo manager"—to deny them billions of dollars in overtime pay. Research has identified Dairy Queen as one of the foremost perpetrators of this scheme. We urge you to cease your overtime evasion practices immediately.

Congress included overtime protections in the *Fair Labor Standards Act* (FLSA) of 1938 to prevent workers from being forced to work excessive hours without additional compensation. The FLSA provides that, if covered employees work more than 40 hours in a given work week, they must receive overtime pay at one-and-a-half times their regular pay rate. Salaried employees who earn less than the federal overtime threshold of $35,568 annually are automatically eligible for overtime pay. The FLSA overtime guarantee does not apply to workers with salaries above that threshold and *bona fide* "managers": executive, administrative, and professional employees.

Abusing overtime regulations by labeling workers as "managers" while paying them just above the overtime salary threshold can result in workers being denied thousands in overtime pay. By "provid[ing] salaries just above the federal cutoff to frontline workers and mislabel[ling] them as managers,"[ii] Dairy Queen appears to have committed wage theft by evading its statutory duty to pay workers what they have earned. According to analysis released earlier this year, Dairy Queen is among the top 25 firms with the highest proportions of management positions seemingly used to avoid paying workers overtime.

Though the federal government must act to raise the overtime threshold to disincentivize these and other abusive practices, Dairy Queen must treat its employees fairly. We urge you to put a stop to your wage theft tactics immediately and pay your employees the overtime pay they deserve. We also request responses to the following questions no later than July 11:

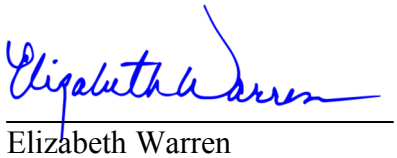
1. Please provide a list of all employee titles that Dairy Queen treats as "managerial" for the purposes of determining exempt status with respect to overtime pay. For each title, please provide:
    a. The number of workers that hold that title.
    b. The average annual salary and base annual salary of workers who hold that title.
    c. The percentage of workers who hold that title and earn more than $35,568.
    d. The percentage of workers who hold that title and earn more than $35,568 that receive overtime pay.

e. How does Dairy Queen determine whether workers who hold a given title will receive overtime pay or not?

2. How much does Dairy Queen spend annually on overtime pay, both in total and on average per non-exempt worker?

Senator Brown's *Restoring Overtime Pay Act* would raise the federal overtime threshold over the next five years to match the 55th percentile of earnings of full-time salaried workers nationally. If this bill were enacted, how much more would workers at Dairy Queen receive in overtime pay?

Sincerely,



Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

[i] National Bureau of Economic Research, "Too Many Managers: The Strategic Use of Titles to Avoid Overtime Payments," Lauren Cohen, Umit Gurun, and N. Bugra Ozel, January 2023, https://www.nber.org/system/files/working_papers/w30826/w30826.pdf.

[ii] The New York Times, "You're Now a 'Manager.' Forget About Overtime Pay," Noam Scheiber, March 6, 2023, https://www.nytimes.com/2023/03/06/business/economy/managers-overtime-pay.html.

United States Senate
WASHINGTON, DC 20510

June 27, 2023

Russell Weiner
CEO
Domino's Pizza
30 Frank Lloyd Wright Dr.
Ann Arbor, MI 48105

Dear Mr. Weiner:

We write following the release of a report indicating Domino's Pizza (Domino's) has committed wage theft by denying low-wage workers overtime pay by abusing the label "manager."[i] Firms appear to have systematically misclassified workers that spend the majority of their time performing manual labor tasks as managers—using titles like "director of first impressions" and "assistant bingo manager"—to deny them billions of dollars in overtime pay. Research has identified Domino's as one of the foremost perpetrators of this scheme. We urge you to cease your overtime evasion practices immediately.

Congress included overtime protections in the *Fair Labor Standards Act* (FLSA) of 1938 to prevent workers from being forced to work excessive hours without additional compensation. The FLSA provides that, if covered employees work more than 40 hours in a given work week, they must receive overtime pay at one-and-a-half times their regular pay rate. Salaried employees who earn less than the federal overtime threshold of $35,568 annually are automatically eligible for overtime pay. The FLSA overtime guarantee does not apply to workers with salaries above that threshold and *bona fide* "managers": executive, administrative, and professional employees.

Abusing overtime regulations by labeling workers as "managers" while paying them just above the overtime salary threshold can result in workers being denied thousands in overtime pay. By "provid[ing] salaries just above the federal cutoff to frontline workers and mislabel[ling] them as managers,"[ii] Domino's appears to have committed wage theft by evading its statutory duty to pay workers what they have earned. According to analysis released earlier this year, Domino's is among the top 25 firms with the highest proportions of management positions seemingly used to avoid paying workers overtime.

Though the federal government must act to raise the overtime threshold to disincentivize these and other abusive practices, Domino's must treat its employees fairly. We urge you to put a stop to your wage theft tactics immediately and pay your employees the overtime pay they deserve. We also request responses to the following questions no later than July 11:

1. Please provide a list of all employee titles that Domino's treats as "managerial" for the purposes of determining exempt status with respect to overtime pay. For each title, please provide:

a. The number of workers that hold that title.
b. The average annual salary and base annual salary of workers who hold that title.
c. The percentage of workers who hold that title and earn more than $35,568.
d. The percentage of workers who hold that title and earn more than $35,568 that receive overtime pay.
e. How does Domino's determine whether workers who hold a given title will receive overtime pay or not?

2. How much does Domino's spend annually on overtime pay, both in total and on average per non-exempt worker?
    a. Senator Brown's *Restoring Overtime Pay Act* would raise the federal overtime threshold over the next five years to match the 55th percentile of earnings of full-time salaried workers nationally. If this bill were enacted, how much more would workers at Domino's receive in overtime pay?

Sincerely,

Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

[i] National Bureau of Economic Research, "Too Many Managers: The Strategic Use of Titles to Avoid Overtime Payments," Lauren Cohen, Umit Gurun, and N. Bugra Ozel, January 2023, https://www.nber.org/system/files/working_papers/w30826/w30826.pdf.

[ii] The New York Times, "You're Now a 'Manager.' Forget About Overtime Pay," Noam Scheiber, March 6, 2023, https://www.nytimes.com/2023/03/06/business/economy/managers-overtime-pay.html.

United States Senate
WASHINGTON, DC 20510

June 27, 2023

Yichen Zhang
Chairman
GNC Holdings, LLC
8 Federal Dr.
Pittsburgh, PA 15235

Dear Mr. Zhang:

We write following the release of a report indicating GNC Holdings, LLC (GNC) has committed wage theft by denying low-wage workers overtime pay by abusing the label "manager."[i] Firms appear to have systematically misclassified workers that spend the majority of their time performing manual labor tasks as managers—using titles like "director of first impressions" and "assistant bingo manager"—to deny them billions of dollars in overtime pay. Research has identified GNC as one of the foremost perpetrators of this scheme. We urge you to cease your overtime evasion practices immediately.

Congress included overtime protections in the *Fair Labor Standards Act* (FLSA) of 1938 to prevent workers from being forced to work excessive hours without additional compensation. The FLSA provides that, if covered employees work more than 40 hours in a given work week, they must receive overtime pay at one-and-a-half times their regular pay rate. Salaried employees who earn less than the federal overtime threshold of $35,568 annually are automatically eligible for overtime pay. The FLSA overtime guarantee does not apply to workers with salaries above that threshold and *bona fide* "managers": executive, administrative, and professional employees.

Abusing overtime regulations by labeling workers as "managers" while paying them just above the overtime salary threshold can result in workers being denied thousands in overtime pay. By "provid[ing] salaries just above the federal cutoff to frontline workers and mislabel[ling] them as managers,"[ii] GNC appears to have committed wage theft by evading its statutory duty to pay workers what they have earned. According to analysis released earlier this year, GNC is among the top 25 firms with the highest proportions of management positions seemingly used to avoid paying workers overtime.

Though the federal government must act to raise the overtime threshold to disincentivize these and other abusive practices, GNC must treat its employees fairly. We urge you to put a stop to your wage theft tactics immediately and pay your employees the overtime pay they deserve. We also request responses to the following questions no later than July 11:

1. Please provide a list of all employee titles that GNC treats as "managerial" for the purposes of determining exempt status with respect to overtime pay. For each title, please provide:

a. The number of workers that hold that title.
b. The average annual salary and base annual salary of workers who hold that title.
c. The percentage of workers who hold that title and earn more than $35,568.
d. The percentage of workers who hold that title and earn more than $35,568 that receive overtime pay.
e. How does GNC determine whether workers who hold a given title will receive overtime pay or not?

2. How much does GNC spend annually on overtime pay, both in total and on average per non-exempt worker?
    a. Senator Brown's *Restoring Overtime Pay Act* would raise the federal overtime threshold over the next five years to match the 55th percentile of earnings of full-time salaried workers nationally. If this bill were enacted, how much more would workers at GNC receive in overtime pay?

Sincerely,

Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

[i] National Bureau of Economic Research, "Too Many Managers: The Strategic Use of Titles to Avoid Overtime Payments," Lauren Cohen, Umit Gurun, and N. Bugra Ozel, January 2023, https://www.nber.org/system/files/working_papers/w30826/w30826.pdf.

[ii] The New York Times, "You're Now a 'Manager.' Forget About Overtime Pay," Noam Scheiber, March 6, 2023, https://www.nytimes.com/2023/03/06/business/economy/managers-overtime-pay.html.

United States Senate

WASHINGTON, DC 20510

June 27, 2023

Jeff Jones
President and CEO
H&R Block
1301 Main Street
Kansas City, MO 64105

Dear Mr. Jones:

We write following the release of a report indicating H&R Block has committed wage theft by denying low-wage workers overtime pay by abusing the label "manager."[i] Firms appear to have systematically misclassified workers that spend the majority of their time performing manual labor tasks as managers—using titles like "director of first impressions" and "assistant bingo manager"—to deny them billions of dollars in overtime pay. Research has identified H&R Block as one of the foremost perpetrators of this scheme. We urge you to cease your overtime evasion practices immediately.

Congress included overtime protections in the *Fair Labor Standards Act* (FLSA) of 1938 to prevent workers from being forced to work excessive hours without additional compensation. The FLSA provides that, if covered employees work more than 40 hours in a given work week, they must receive overtime pay at one-and-a-half times their regular pay rate. Salaried employees who earn less than the federal overtime threshold of $35,568 annually are automatically eligible for overtime pay. The FLSA overtime guarantee does not apply to workers with salaries above that threshold and *bona fide* "managers": executive, administrative, and professional employees.

Abusing overtime regulations by labeling workers as "managers" while paying them just above the overtime salary threshold can result in workers being denied thousands in overtime pay. By "provid[ing] salaries just above the federal cutoff to frontline workers and mislabel[ling] them as managers,"[ii] H&R Block appears to have committed wage theft by evading its statutory duty to pay workers what they have earned. According to analysis released earlier this year, H&R Block is among the top 25 firms with the highest proportions of management positions seemingly used to avoid paying workers overtime.

Though the federal government must act to raise the overtime threshold to disincentivize these and other abusive practices, H&R Block must treat its employees fairly. We urge you to put a stop to your wage theft tactics immediately and pay your employees the overtime pay they deserve. We also request responses to the following questions no later than July 11:

1. Please provide a list of all employee titles that H&R Block treats as "managerial" for the purposes of determining exempt status with respect to overtime pay. For each title, please provide:
    a. The number of workers that hold that title.
    b. The average annual salary and base annual salary of workers who hold that title.
    c. The percentage of workers who hold that title and earn more than $35,568.
    d. The percentage of workers who hold that title and earn more than $35,568 that receive overtime pay.

e. How does H&R Block determine whether workers who hold a given title will receive overtime pay or not?

2. How much does H&R Block spend annually on overtime pay, both in total and on average per non-exempt worker?
    a. Senator Brown's *Restoring Overtime Pay Act* would raise the federal overtime threshold over the next five years to match the 55th percentile of earnings of full-time salaried workers nationally. If this bill were enacted, how much more would workers at H&R Block receive in overtime pay?

Sincerely,

Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

[i] National Bureau of Economic Research, "Too Many Managers: The Strategic Use of Titles to Avoid Overtime Payments," Lauren Cohen, Umit Gurun, and N. Bugra Ozel, January 2023, https://www.nber.org/system/files/working_papers/w30826/w30826.pdf.

[ii] The New York Times, "You're Now a 'Manager.' Forget About Overtime Pay," Noam Scheiber, March 6, 2023, https://www.nytimes.com/2023/03/06/business/economy/managers-overtime-pay.html.

United States Senate
WASHINGTON, DC 20510

June 27, 2023

Edward Hymes
President
Jiffy Lube International, Inc.
700 Milam St.
Houston, TX 77002

Dear Mr. Hymes:

We write following the release of a report indicating Jiffy Lube International, Inc. (Jiffy Lube) has committed wage theft by denying low-wage workers overtime pay by abusing the label "manager."[i] Firms appear to have systematically misclassified workers that spend the majority of their time performing manual labor tasks as managers—using titles like "director of first impressions" and "assistant bingo manager"—to deny them billions of dollars in overtime pay. Research has identified Jiffy Lube as one of the foremost perpetrators of this scheme. We urge you to cease your overtime evasion practices immediately.

Congress included overtime protections in the *Fair Labor Standards Act* (FLSA) of 1938 to prevent workers from being forced to work excessive hours without additional compensation. The FLSA provides that, if covered employees work more than 40 hours in a given work week, they must receive overtime pay at one-and-a-half times their regular pay rate. Salaried employees who earn less than the federal overtime threshold of $35,568 annually are automatically eligible for overtime pay. The FLSA overtime guarantee does not apply to workers with salaries above that threshold and *bona fide* "managers": executive, administrative, and professional employees.

Abusing overtime regulations by labeling workers as "managers" while paying them just above the overtime salary threshold can result in workers being denied thousands in overtime pay. By "provid[ing] salaries just above the federal cutoff to frontline workers and mislabel[ling] them as managers,"[ii] Jiffy Lube appears to have committed wage theft by evading its statutory duty to pay workers what they have earned. According to analysis released earlier this year, Jiffy Lube is among the top 25 firms with the highest proportions of management positions seemingly used to avoid paying workers overtime.

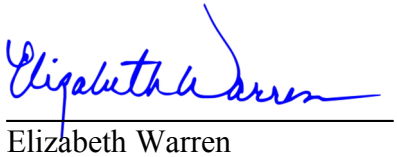
Though the federal government must act to raise the overtime threshold to disincentivize these and other abusive practices, Jiffy Lube must treat its employees fairly. We urge you to put a stop to your wage theft tactics immediately and pay your employees the overtime pay they deserve. We also request responses to the following questions no later than July 11:

1. Please provide a list of all employee titles that Jiffy Lube treats as "managerial" for the purposes of determining exempt status with respect to overtime pay. For each title, please provide:

a. The number of workers that hold that title.
b. The average annual salary and base annual salary of workers who hold that title.
c. The percentage of workers who hold that title and earn more than $35,568.
d. The percentage of workers who hold that title and earn more than $35,568 that receive overtime pay.
e. How does Jiffy Lube determine whether workers who hold a given title will receive overtime pay or not?

2. How much does Jiffy Lube spend annually on overtime pay, both in total and on average per non-exempt worker?
    a. Senator Brown's *Restoring Overtime Pay Act* would raise the federal overtime threshold over the next five years to match the 55th percentile of earnings of full-time salaried workers nationally. If this bill were enacted, how much more would workers at Jiffy Lube receive in overtime pay?

Sincerely,



Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

[i] National Bureau of Economic Research, "Too Many Managers: The Strategic Use of Titles to Avoid Overtime Payments," Lauren Cohen, Umit Gurun, and N. Bugra Ozel, January 2023, https://www.nber.org/system/files/working_papers/w30826/w30826.pdf.

[ii] The New York Times, "You're Now a 'Manager.' Forget About Overtime Pay," Noam Scheiber, March 6, 2023, https://www.nytimes.com/2023/03/06/business/economy/managers-overtime-pay.html.

United States Senate

WASHINGTON, DC 20510

June 27, 2023

James North
President & CEO
Jimmy John's
2212 Fox Dr.
Champaign, IL 61820

Dear Mr. North:

We write following the release of a report indicating Jimmy John's has committed wage theft by denying low-wage workers overtime pay by abusing the label "manager."[i] Firms appear to have systematically misclassified workers that spend the majority of their time performing manual labor tasks as managers—using titles like "director of first impressions" and "assistant bingo manager"—to deny them billions of dollars in overtime pay. Research has identified Jimmy John's as one of the foremost perpetrators of this scheme. We urge you to cease your overtime evasion practices immediately.

Congress included overtime protections in the *Fair Labor Standards Act* (FLSA) of 1938 to prevent workers from being forced to work excessive hours without additional compensation. The FLSA provides that, if covered employees work more than 40 hours in a given work week, they must receive overtime pay at one-and-a-half times their regular pay rate. Salaried employees who earn less than the federal overtime threshold of $35,568 annually are automatically eligible for overtime pay. The FLSA overtime guarantee does not apply to workers with salaries above that threshold and *bona fide* "managers": executive, administrative, and professional employees.

Abusing overtime regulations by labeling workers as "managers" while paying them just above the overtime salary threshold can result in workers being denied thousands in overtime pay. By "provid[ing] salaries just above the federal cutoff to frontline workers and mislabel[ling] them as managers,"[ii] Jimmy John's appears to have committed wage theft by evading its statutory duty to pay workers what they have earned. According to analysis released earlier this year, Jimmy John's is among the top 25 firms with the highest proportions of management positions seemingly used to avoid paying workers overtime.

Though the federal government must act to raise the overtime threshold to disincentivize these and other abusive practices, Jimmy John's must treat its employees fairly. We urge you to put a stop to your wage theft tactics immediately and pay your employees the overtime pay they deserve. We also request responses to the following questions no later than July 11:

1. Please provide a list of all employee titles that Jimmy John's treats as "managerial" for the purposes of determining exempt status with respect to overtime pay. For each title, please provide:
    a. The number of workers that hold that title.

b. The average annual salary and base annual salary of workers who hold that title.
c. The percentage of workers who hold that title and earn more than $35,568.
d. The percentage of workers who hold that title and earn more than $35,568 that receive overtime pay.
e. How does Jimmy John's determine whether workers who hold a given title will receive overtime pay or not?

2. How much does Jimmy John's spend annually on overtime pay, both in total and on average per non-exempt worker?
    a. Senator Brown's *Restoring Overtime Pay Act* would raise the federal overtime threshold over the next five years to match the 55th percentile of earnings of full-time salaried workers nationally. If this bill were enacted, how much more would workers at Jimmy John's receive in overtime pay?

Sincerely,

Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

[i] National Bureau of Economic Research, "Too Many Managers: The Strategic Use of Titles to Avoid Overtime Payments," Lauren Cohen, Umit Gurun, and N. Bugra Ozel, January 2023, https://www.nber.org/system/files/working_papers/w30826/w30826.pdf.

[ii] The New York Times, "You're Now a 'Manager.' Forget About Overtime Pay," Noam Scheiber, March 6, 2023, https://www.nytimes.com/2023/03/06/business/economy/managers-overtime-pay.html.

United States Senate
WASHINGTON, DC 20510

June 27, 2023

Sabir Sami
CEO
KFC Global
1441 Gardiner Ln.
Louisville, KY 40213

Dear Mr. Sami:

We write following the release of a report indicating KFC Global (KFC) has committed wage theft by denying low-wage workers overtime pay by abusing the label "manager."[i] Firms appear to have systematically misclassified workers that spend the majority of their time performing manual labor tasks as managers—using titles like "director of first impressions" and "assistant bingo manager"—to deny them billions of dollars in overtime pay. Research has identified KFC as one of the foremost perpetrators of this scheme. We urge you to cease your overtime evasion practices immediately.

Congress included overtime protections in the *Fair Labor Standards Act* (FLSA) of 1938 to prevent workers from being forced to work excessive hours without additional compensation. The FLSA provides that, if covered employees work more than 40 hours in a given work week, they must receive overtime pay at one-and-a-half times their regular pay rate. Salaried employees who earn less than the federal overtime threshold of $35,568 annually are automatically eligible for overtime pay. The FLSA overtime guarantee does not apply to workers with salaries above that threshold and *bona fide* "managers": executive, administrative, and professional employees.

Abusing overtime regulations by labeling workers as "managers" while paying them just above the overtime salary threshold can result in workers being denied thousands in overtime pay. By "provid[ing] salaries just above the federal cutoff to frontline workers and mislabel[ling] them as managers,"[ii] KFC appears to have committed wage theft by evading its statutory duty to pay workers what they have earned. According to analysis released earlier this year, KFC is among the top 25 firms with the highest proportions of management positions seemingly used to avoid paying workers overtime.

Though the federal government must act to raise the overtime threshold to disincentivize these and other abusive practices, KFC must treat its employees fairly. We urge you to put a stop to your wage theft tactics immediately and pay your employees the overtime pay they deserve. We also request responses to the following questions no later than July 11:

1. Please provide a list of all employee titles that KFC treats as "managerial" for the purposes of determining exempt status with respect to overtime pay. For each title, please provide:
    a. The number of workers that hold that title.

b. The average annual salary and base annual salary of workers who hold that title.
c. The percentage of workers who hold that title and earn more than $35,568.
d. The percentage of workers who hold that title and earn more than $35,568 that receive overtime pay.
e. How does KFC determine whether workers who hold a given title will receive overtime pay or not?

2. How much does KFC spend annually on overtime pay, both in total and on average per non-exempt worker?
    a. Senator Brown's *Restoring Overtime Pay Act* would raise the federal overtime threshold over the next five years to match the 55th percentile of earnings of full-time salaried workers nationally. If this bill were enacted, how much more would workers at KFC receive in overtime pay?

Sincerely,

Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

[i] National Bureau of Economic Research, "Too Many Managers: The Strategic Use of Titles to Avoid Overtime Payments," Lauren Cohen, Umit Gurun, and N. Bugra Ozel, January 2023, https://www.nber.org/system/files/working_papers/w30826/w30826.pdf.

[ii] The New York Times, "You're Now a 'Manager.' Forget About Overtime Pay," Noam Scheiber, March 6, 2023, https://www.nytimes.com/2023/03/06/business/economy/managers-overtime-pay.html.

United States Senate
WASHINGTON, DC 20510

June 27, 2023

Bahram Akradi
Founder, Chairman, & CEO
Life Time, Inc.
2902 Corporate Place
Chanhassen, MN 55317

Dear Mr. Akradi:

We write following the release of a report indicating Life Time, Inc. (Life Time) has committed wage theft by denying low-wage workers overtime pay by abusing the label "manager."[i] Firms appear to have systematically misclassified workers that spend the majority of their time performing manual labor tasks as managers—using titles like "director of first impressions" and "assistant bingo manager"—to deny them billions of dollars in overtime pay. Research has identified Life Time as one of the foremost perpetrators of this scheme. We urge you to cease your overtime evasion practices immediately.

Congress included overtime protections in the *Fair Labor Standards Act* (FLSA) of 1938 to prevent workers from being forced to work excessive hours without additional compensation. The FLSA provides that, if covered employees work more than 40 hours in a given work week, they must receive overtime pay at one-and-a-half times their regular pay rate. Salaried employees who earn less than the federal overtime threshold of $35,568 annually are automatically eligible for overtime pay. The FLSA overtime guarantee does not apply to workers with salaries above that threshold and *bona fide* "managers": executive, administrative, and professional employees.

Abusing overtime regulations by labeling workers as "managers" while paying them just above the overtime salary threshold can result in workers being denied thousands in overtime pay. By "provid[ing] salaries just above the federal cutoff to frontline workers and mislabel[ling] them as managers,"[ii] Life Time appears to have committed wage theft by evading its statutory duty to pay workers what they have earned. According to analysis released earlier this year, Life Time is among the top 25 firms with the highest proportions of management positions seemingly used to avoid paying workers overtime.

Though the federal government must act to raise the overtime threshold to disincentivize these and other abusive practices, Life Time must treat its employees fairly. We urge you to put a stop to your wage theft tactics immediately and pay your employees the overtime pay they deserve. We also request responses to the following questions no later than July 11:

1. Please provide a list of all employee titles that Life Time treats as "managerial" for the purposes of determining exempt status with respect to overtime pay. For each title, please provide:
    a. The number of workers that hold that title.

b. The average annual salary and base annual salary of workers who hold that title.
c. The percentage of workers who hold that title and earn more than $35,568.
d. The percentage of workers who hold that title and earn more than $35,568 that receive overtime pay.
e. How does Life Time determine whether workers who hold a given title will receive overtime pay or not?

2. How much does Life Time spend annually on overtime pay, both in total and on average per non-exempt worker?

Senator Brown's *Restoring Overtime Pay Act* would raise the federal overtime threshold over the next five years to match the 55th percentile of earnings of full-time salaried workers nationally. If this bill were enacted, how much more would workers at Life Time receive in overtime pay?

Sincerely,

Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

[i] National Bureau of Economic Research, "Too Many Managers: The Strategic Use of Titles to Avoid Overtime Payments," Lauren Cohen, Umit Gurun, and N. Bugra Ozel, January 2023, https://www.nber.org/system/files/working_papers/w30826/w30826.pdf.

[ii] The New York Times, "You're Now a 'Manager.' Forget About Overtime Pay," Noam Scheiber, March 6, 2023, https://www.nytimes.com/2023/03/06/business/economy/managers-overtime-pay.html.

United States Senate

WASHINGTON, DC 20510

June 27, 2023

Dave Scrivano
President & CEO
Little Caesar Enterprises, Inc.
2211 Woodward Avenue
Detroit, MI 48201-3400

Dear Mr. Scrivano:

We write following the release of a report indicating Little Caesar Enterprises, Inc. (Little Caesars) has committed wage theft by denying low-wage workers overtime pay by abusing the label "manager."[i] Firms appear to have systematically misclassified workers that spend the majority of their time performing manual labor tasks as managers—using titles like "director of first impressions" and "assistant bingo manager"—to deny them billions of dollars in overtime pay. Research has identified Little Caesars as one of the foremost perpetrators of this scheme. We urge you to cease your overtime evasion practices immediately.

Congress included overtime protections in the *Fair Labor Standards Act* (FLSA) of 1938 to prevent workers from being forced to work excessive hours without additional compensation. The FLSA provides that, if covered employees work more than 40 hours in a given work week, they must receive overtime pay at one-and-a-half times their regular pay rate. Salaried employees who earn less than the federal overtime threshold of $35,568 annually are automatically eligible for overtime pay. The FLSA overtime guarantee does not apply to workers with salaries above that threshold and *bona fide* "managers": executive, administrative, and professional employees.

Abusing overtime regulations by labeling workers as "managers" while paying them just above the overtime salary threshold can result in workers being denied thousands in overtime pay. By "provid[ing] salaries just above the federal cutoff to frontline workers and mislabel[ling] them as managers,"[ii] Little Caesars appears to have committed wage theft by evading its statutory duty to pay workers what they have earned. According to analysis released earlier this year, Little Caesars is among the top 25 firms with the highest proportions of management positions seemingly used to avoid paying workers overtime.

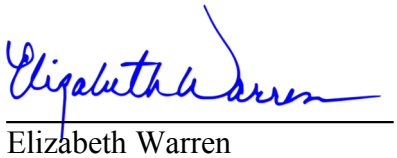
Though the federal government must act to raise the overtime threshold to disincentivize these and other abusive practices, Little Caesars must treat its employees fairly. We urge you to put a stop to your wage theft tactics immediately and pay your employees the overtime pay they deserve. We also request responses to the following questions no later than July 11:

1. Please provide a list of all employee titles that Little Caesars treats as "managerial" for the purposes of determining exempt status with respect to overtime pay. For each title, please provide:
    a. The number of workers that hold that title.

b. The average annual salary and base annual salary of workers who hold that title.
c. The percentage of workers who hold that title and earn more than $35,568.
d. The percentage of workers who hold that title and earn more than $35,568 that receive overtime pay.
e. How does Little Caesars determine whether workers who hold a given title will receive overtime pay or not?

2. How much does Little Caesars spend annually on overtime pay, both in total and on average per non-exempt worker?
    a. Senator Brown's *Restoring Overtime Pay Act* would raise the federal overtime threshold over the next five years to match the 55th percentile of earnings of full-time salaried workers nationally. If this bill were enacted, how much more would workers at Little Caesars receive in overtime pay?

Sincerely,



Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

[i] National Bureau of Economic Research, "Too Many Managers: The Strategic Use of Titles to Avoid Overtime Payments," Lauren Cohen, Umit Gurun, and N. Bugra Ozel, January 2023, https://www.nber.org/system/files/working_papers/w30826/w30826.pdf.

[ii] The New York Times, "You're Now a 'Manager.' Forget About Overtime Pay," Noam Scheiber, March 6, 2023, https://www.nytimes.com/2023/03/06/business/economy/managers-overtime-pay.html.

United States Senate

WASHINGTON, DC 20510

June 27, 2023

Gerry P. Smith
Director & CEO
The ODP Corporation
6600 North Military Trail
Boca Raton, FL 33496

Dear Mr. Smith:

We write following the release of a report indicating OfficeMax has committed wage theft by denying low-wage workers overtime pay by abusing the label "manager."[i] Firms appear to have systematically misclassified workers that spend the majority of their time performing manual labor tasks as managers—using titles like "director of first impressions" and "assistant bingo manager"—to deny them billions of dollars in overtime pay. Research has identified OfficeMax as one of the foremost perpetrators of this scheme. We urge you to cease your overtime evasion practices immediately.

Congress included overtime protections in the *Fair Labor Standards Act* (FLSA) of 1938 to prevent workers from being forced to work excessive hours without additional compensation. The FLSA provides that, if covered employees work more than 40 hours in a given work week, they must receive overtime pay at one-and-a-half times their regular pay rate. Salaried employees who earn less than the federal overtime threshold of $35,568 annually are automatically eligible for overtime pay. The FLSA overtime guarantee does not apply to workers with salaries above that threshold and *bona fide* "managers": executive, administrative, and professional employees.

Abusing overtime regulations by labeling workers as "managers" while paying them just above the overtime salary threshold can result in workers being denied thousands in overtime pay. By "provid[ing] salaries just above the federal cutoff to frontline workers and mislabel[ling] them as managers,"[ii] OfficeMax appears to have committed wage theft by evading its statutory duty to pay workers what they have earned. According to analysis released earlier this year, OfficeMax is among the top 25 firms with the highest proportions of management positions seemingly used to avoid paying workers overtime.

Though the federal government must act to raise the overtime threshold to disincentivize these and other abusive practices, OfficeMax must treat its employees fairly. We urge you to put a stop to your wage theft tactics immediately and pay your employees the overtime pay they deserve. We also request responses to the following questions no later than July 11:

1. Please provide a list of all employee titles that OfficeMax treats as "managerial" for the purposes of determining exempt status with respect to overtime pay. For each title, please provide:
    a. The number of workers that hold that title.
    b. The average annual salary and base annual salary of workers who hold that title.
    c. The percentage of workers who hold that title and earn more than $35,568.
    d. The percentage of workers who hold that title and earn more than $35,568 that receive overtime pay.

e. How does OfficeMax determine whether workers who hold a given title will receive overtime pay or not?

2. How much does OfficeMax spend annually on overtime pay, both in total and on average per non-exempt worker?
    a. Senator Brown's *Restoring Overtime Pay Act* would raise the federal overtime threshold over the next five years to match the 55th percentile of earnings of full-time salaried workers nationally. If this bill were enacted, how much more would workers at OfficeMax receive in overtime pay?

Sincerely,

Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

[i] National Bureau of Economic Research, "Too Many Managers: The Strategic Use of Titles to Avoid Overtime Payments," Lauren Cohen, Umit Gurun, and N. Bugra Ozel, January 2023, https://www.nber.org/system/files/working_papers/w30826/w30826.pdf.

[ii] The New York Times, "You're Now a 'Manager.' Forget About Overtime Pay," Noam Scheiber, March 6, 2023, https://www.nytimes.com/2023/03/06/business/economy/managers-overtime-pay.html.

United States Senate
WASHINGTON, DC 20510

June 27, 2023

Aaron Powell
CEO
Pizza Hut
7100 Corporate Dr.
Plano, TX 75024

Dear Mr. Powell:

We write following the release of a report indicating PizzaHut has committed wage theft by denying low-wage workers overtime pay by abusing the label "manager."[i] Firms appear to have systematically misclassified workers that spend the majority of their time performing manual labor tasks as managers—using titles like "director of first impressions" and "assistant bingo manager"—to deny them billions of dollars in overtime pay. Research has identified Pizza Hut as one of the foremost perpetrators of this scheme. We urge you to cease your overtime evasion practices immediately.

Congress included overtime protections in the *Fair Labor Standards Act* (FLSA) of 1938 to prevent workers from being forced to work excessive hours without additional compensation. The FLSA provides that, if covered employees work more than 40 hours in a given work week, they must receive overtime pay at one-and-a-half times their regular pay rate. Salaried employees who earn less than the federal overtime threshold of $35,568 annually are automatically eligible for overtime pay. The FLSA overtime guarantee does not apply to workers with salaries above that threshold and *bona fide* "managers": executive, administrative, and professional employees.

Abusing overtime regulations by labeling workers as "managers" while paying them just above the overtime salary threshold can result in workers being denied thousands in overtime pay. By "provid[ing] salaries just above the federal cutoff to frontline workers and mislabel[ling] them as managers,"[ii] Pizza Hut appears to have committed wage theft by evading its statutory duty to pay workers what they have earned. According to analysis released earlier this year, Pizza Hut is among the top 25 firms with the highest proportions of management positions seemingly used to avoid paying workers overtime.

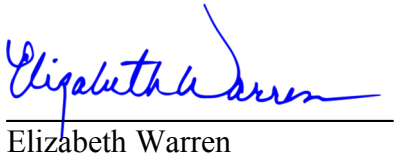
Though the federal government must act to raise the overtime threshold to disincentivize these and other abusive practices, Pizza Hut must treat its employees fairly. We urge you to put a stop to your wage theft tactics immediately and pay your employees the overtime pay they deserve. We also request responses to the following questions no later than July 11:

1. Please provide a list of all employee titles that Pizza Hut treats as "managerial" for the purposes of determining exempt status with respect to overtime pay. For each title, please provide:

a. The number of workers that hold that title.
b. The average annual salary and base annual salary of workers who hold that title.
c. The percentage of workers who hold that title and earn more than $35,568.
d. The percentage of workers who hold that title and earn more than $35,568 that receive overtime pay.
e. How does Pizza Hut determine whether workers who hold a given title will receive overtime pay or not?

2. How much does Pizza Hut spend annually on overtime pay, both in total and on average per non-exempt worker?
    a. Senator Brown's *Restoring Overtime Pay Act* would raise the federal overtime threshold over the next five years to match the 55th percentile of earnings of full-time salaried workers nationally. If this bill were enacted, how much more would workers at Pizza Hut receive in overtime pay?

Sincerely,



Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

[i] National Bureau of Economic Research, "Too Many Managers: The Strategic Use of Titles to Avoid Overtime Payments," Lauren Cohen, Umit Gurun, and N. Bugra Ozel, January 2023, https://www.nber.org/system/files/working_papers/w30826/w30826.pdf.

[ii] The New York Times, "You're Now a 'Manager.' Forget About Overtime Pay," Noam Scheiber, March 6, 2023, https://www.nytimes.com/2023/03/06/business/economy/managers-overtime-pay.html.

United States Senate
WASHINGTON, DC 20510

June 27, 2023

Sami Siddiqui
President
Popeyes Louisiana Kitchen
5505 Blue Lagoon Drive
Miami, FL 33126

Dear Mr. Siddiqui:

We write following the release of a report indicating Popeyes Louisiana Kitchen (Popeyes) has committed wage theft by denying low-wage workers overtime pay by abusing the label "manager."[i] Firms appear to have systematically misclassified workers that spend the majority of their time performing manual labor tasks as managers—using titles like "director of first impressions" and "assistant bingo manager"—to deny them billions of dollars in overtime pay. Research has identified Popeyes as one of the foremost perpetrators of this scheme. We urge you to cease your overtime evasion practices immediately.

Congress included overtime protections in the *Fair Labor Standards Act* (FLSA) of 1938 to prevent workers from being forced to work excessive hours without additional compensation. The FLSA provides that, if covered employees work more than 40 hours in a given work week, they must receive overtime pay at one-and-a-half times their regular pay rate. Salaried employees who earn less than the federal overtime threshold of $35,568 annually are automatically eligible for overtime pay. The FLSA overtime guarantee does not apply to workers with salaries above that threshold and *bona fide* "managers": executive, administrative, and professional employees.

Abusing overtime regulations by labeling workers as "managers" while paying them just above the overtime salary threshold can result in workers being denied thousands in overtime pay. By "provid[ing] salaries just above the federal cutoff to frontline workers and mislabel[ling] them as managers,"[ii] Popeyes appears to have committed wage theft by evading its statutory duty to pay workers what they have earned. According to analysis released earlier this year, Popeyes is among the top 25 firms with the highest proportions of management positions seemingly used to avoid paying workers overtime.

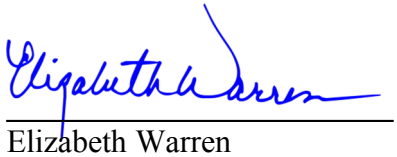
Though the federal government must act to raise the overtime threshold to disincentivize these and other abusive practices, Popeyes must treat its employees fairly. We urge you to put a stop to your wage theft tactics immediately and pay your employees the overtime pay they deserve. We also request responses to the following questions no later than July 11:

1. Please provide a list of all employee titles that Popeyes treats as "managerial" for the purposes of determining exempt status with respect to overtime pay. For each title, please provide:

a. The number of workers that hold that title.
b. The average annual salary and base annual salary of workers who hold that title.
c. The percentage of workers who hold that title and earn more than $35,568.
d. The percentage of workers who hold that title and earn more than $35,568 that receive overtime pay.
e. How does Popeyes determine whether workers who hold a given title will receive overtime pay or not?

2. How much does Popeyes spend annually on overtime pay, both in total and on average per non-exempt worker?
    a. Senator Brown's *Restoring Overtime Pay Act* would raise the federal overtime threshold over the next five years to match the 55th percentile of earnings of full-time salaried workers nationally. If this bill were enacted, how much more would workers at Popeyes receive in overtime pay?

Sincerely,



Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

[i] National Bureau of Economic Research, "Too Many Managers: The Strategic Use of Titles to Avoid Overtime Payments," Lauren Cohen, Umit Gurun, and N. Bugra Ozel, January 2023, https://www.nber.org/system/files/working_papers/w30826/w30826.pdf.

[ii] The New York Times, "You're Now a 'Manager.' Forget About Overtime Pay," Noam Scheiber, March 6, 2023, https://www.nytimes.com/2023/03/06/business/economy/managers-overtime-pay.html.

United States Senate
WASHINGTON, DC 20510

June 27, 2023

Jim Taylor
President
SONIC Drive-In
300 Johnny Bench Dr.
Oklahoma City, OK 12116

Dear Mr. Taylor:

We write following the release of a report indicating SONIC Drive-In (Sonic) has committed wage theft by denying low-wage workers overtime pay by abusing the label "manager."[i] Firms appear to have systematically misclassified workers that spend the majority of their time performing manual labor tasks as managers—using titles like "director of first impressions" and "assistant bingo manager"—to deny them billions of dollars in overtime pay. Research has identified Sonic as one of the foremost perpetrators of this scheme. We urge you to cease your overtime evasion practices immediately.

Congress included overtime protections in the *Fair Labor Standards Act* (FLSA) of 1938 to prevent workers from being forced to work excessive hours without additional compensation. The FLSA provides that, if covered employees work more than 40 hours in a given work week, they must receive overtime pay at one-and-a-half times their regular pay rate. Salaried employees who earn less than the federal overtime threshold of $35,568 annually are automatically eligible for overtime pay. The FLSA overtime guarantee does not apply to workers with salaries above that threshold and *bona fide* "managers": executive, administrative, and professional employees.

Abusing overtime regulations by labeling workers as "managers" while paying them just above the overtime salary threshold can result in workers being denied thousands in overtime pay. By "provid[ing] salaries just above the federal cutoff to frontline workers and mislabel[ling] them as managers,"[ii] Sonic appears to have committed wage theft by evading its statutory duty to pay workers what they have earned. According to analysis released earlier this year, Sonic is among the top 25 firms with the highest proportions of management positions seemingly used to avoid paying workers overtime.

Though the federal government must act to raise the overtime threshold to disincentivize these and other abusive practices, Sonic must treat its employees fairly. We urge you to put a stop to your wage theft tactics immediately and pay your employees the overtime pay they deserve. We also request responses to the following questions no later than July 11:

1. Please provide a list of all employee titles that Sonic treats as "managerial" for the purposes of determining exempt status with respect to overtime pay. For each title, please provide:
    a. The number of workers that hold that title.

b. The average annual salary and base annual salary of workers who hold that title.
c. The percentage of workers who hold that title and earn more than $35,568.
d. The percentage of workers who hold that title and earn more than $35,568 that receive overtime pay.
e. How does Sonic determine whether workers who hold a given title will receive overtime pay or not?

2. How much does Sonic spend annually on overtime pay, both in total and on average per non-exempt worker?
    a. Senator Brown's *Restoring Overtime Pay Act* would raise the federal overtime threshold over the next five years to match the 55th percentile of earnings of full-time salaried workers nationally. If this bill were enacted, how much more would workers at Sonic receive in overtime pay?

Sincerely,

Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

[i] National Bureau of Economic Research, "Too Many Managers: The Strategic Use of Titles to Avoid Overtime Payments," Lauren Cohen, Umit Gurun, and N. Bugra Ozel, January 2023, https://www.nber.org/system/files/working_papers/w30826/w30826.pdf.

[ii] The New York Times, "You're Now a 'Manager.' Forget About Overtime Pay," Noam Scheiber, March 6, 2023, https://www.nytimes.com/2023/03/06/business/economy/managers-overtime-pay.html.

United States Senate
WASHINGTON, DC 20510

June 27, 2023

Steven Silverstein
CEO
Spencer Gifts LLC
6826 E Black Horse Pike
Egg Harbor Township, NJ 08234

Dear Mr. Silverstein:

We write following the release of a report indicating Spencer Gifts LLC (Spencer's), which owns and operates Spencer's and Spirit Halloween stores, has committed wage theft by denying low-wage workers overtime pay by abusing the label "manager."[i] Firms appear to have systematically misclassified workers that spend the majority of their time performing manual labor tasks as managers—using titles like "director of first impressions" and "assistant bingo manager"—to deny them billions of dollars in overtime pay. Research has identified Spencer's as one of the foremost perpetrators of this scheme. We urge you to cease your overtime evasion practices immediately.

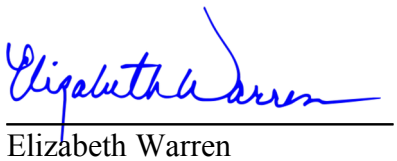
Congress included overtime protections in the *Fair Labor Standards Act* (FLSA) of 1938 to prevent workers from being forced to work excessive hours without additional compensation. The FLSA provides that, if covered employees work more than 40 hours in a given work week, they must receive overtime pay at one-and-a-half times their regular pay rate. Salaried employees who earn less than the federal overtime threshold of $35,568 annually are automatically eligible for overtime pay. The FLSA overtime guarantee does not apply to workers with salaries above that threshold and *bona fide* "managers": executive, administrative, and professional employees.

Abusing overtime regulations by labeling workers as "managers" while paying them just above the overtime salary threshold can result in workers being denied thousands in overtime pay. By "provid[ing] salaries just above the federal cutoff to frontline workers and mislabel[ling] them as managers,"[ii] Spencer's appears to have committed wage theft by evading its statutory duty to pay workers what they have earned. According to analysis released earlier this year, Spencer's and Spirit Halloween are both among the top 25 firms with the highest proportions of management positions seemingly used to avoid paying workers overtime.

Though the federal government must act to raise the overtime threshold to disincentivize these and other abusive practices, Spencer's must treat its employees fairly. We urge you to put a stop to your wage theft tactics immediately and pay your employees the overtime pay they deserve. We also request responses to the following questions no later than July 11:

1. Please provide a list of all employee titles that Spencer's treats as "managerial" for the purposes of determining exempt status with respect to overtime pay. For each title, please provide:
    a. The number of workers that hold that title.
    b. The average annual salary and base annual salary of workers who hold that title.
    c. The percentage of workers who hold that title and earn more than $35,568.
    d. The percentage of workers who hold that title and earn more than $35,568 that receive overtime pay.
    e. How does Spencer's determine whether workers who hold a given title will receive overtime pay or not?
2. How much does Spencer's spend annually on overtime pay, both in total and on average per non-exempt worker?
    a. Senator Brown's *Restoring Overtime Pay Act* would raise the federal overtime threshold over the next five years to match the 55th percentile of earnings of full-time salaried workers nationally. If this bill were enacted, how much more would workers at Spencer's receive in overtime pay?

Sincerely,



Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

[i] National Bureau of Economic Research, "Too Many Managers: The Strategic Use of Titles to Avoid Overtime Payments," Lauren Cohen, Umit Gurun, and N. Bugra Ozel, January 2023, https://www.nber.org/system/files/working_papers/w30826/w30826.pdf.

[ii] The New York Times, "You're Now a 'Manager.' Forget About Overtime Pay," Noam Scheiber, March 6, 2023, https://www.nytimes.com/2023/03/06/business/economy/managers-overtime-pay.html.

United States Senate
WASHINGTON, DC 20510

June 27, 2023

John Chidsey
CEO
Subway
325 Sub Way
Milford, CT 06461-3059

Dear Mr. Chidsey:

We write following the release of a report indicating Subway has committed wage theft by denying low-wage workers overtime pay by abusing the label "manager."[i] Firms appear to have systematically misclassified workers that spend the majority of their time performing manual labor tasks as managers—using titles like "director of first impressions" and "assistant bingo manager"—to deny them billions of dollars in overtime pay. Research has identified Subway as one of the foremost perpetrators of this scheme. We urge you to cease your overtime evasion practices immediately.

Congress included overtime protections in the *Fair Labor Standards Act* (FLSA) of 1938 to prevent workers from being forced to work excessive hours without additional compensation. The FLSA provides that, if covered employees work more than 40 hours in a given work week, they must receive overtime pay at one-and-a-half times their regular pay rate. Salaried employees who earn less than the federal overtime threshold of $35,568 annually are automatically eligible for overtime pay. The FLSA overtime guarantee does not apply to workers with salaries above that threshold and *bona fide* "managers": executive, administrative, and professional employees.

Abusing overtime regulations by labeling workers as "managers" while paying them just above the overtime salary threshold can result in workers being denied thousands in overtime pay. By "provid[ing] salaries just above the federal cutoff to frontline workers and mislabel[ling] them as managers,"[ii] Subway appears to have committed wage theft by evading its statutory duty to pay workers what they have earned. According to analysis released earlier this year, Subway is among the top 25 firms with the highest proportions of management positions seemingly used to avoid paying workers overtime.

Though the federal government must act to raise the overtime threshold to disincentivize these and other abusive practices, Subway must treat its employees fairly. We urge you to put a stop to your wage theft tactics immediately and pay your employees the overtime pay they deserve. We also request responses to the following questions no later than July 11:

1. Please provide a list of all employee titles that Subway treats as "managerial" for the purposes of determining exempt status with respect to overtime pay. For each title, please provide:
    a. The number of workers that hold that title.

b. The average annual salary and base annual salary of workers who hold that title.
c. The percentage of workers who hold that title and earn more than $35,568.
d. The percentage of workers who hold that title and earn more than $35,568 that receive overtime pay.
e. How does Subway determine whether workers who hold a given title will receive overtime pay or not?

2. How much does Subway spend annually on overtime pay, both in total and on average per non-exempt worker?
    a. Senator Brown's *Restoring Overtime Pay Act* would raise the federal overtime threshold over the next five years to match the 55th percentile of earnings of full-time salaried workers nationally. If this bill were enacted, how much more would workers at Subway receive in overtime pay?

Sincerely,

Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

[i] National Bureau of Economic Research, "Too Many Managers: The Strategic Use of Titles to Avoid Overtime Payments," Lauren Cohen, Umit Gurun, and N. Bugra Ozel, January 2023, https://www.nber.org/system/files/working_papers/w30826/w30826.pdf.

[ii] The New York Times, "You're Now a 'Manager.' Forget About Overtime Pay," Noam Scheiber, March 6, 2023, https://www.nytimes.com/2023/03/06/business/economy/managers-overtime-pay.html.

United States Senate

WASHINGTON, DC 20510

June 27, 2023

Jonathan Weis
Chairman, President, & CEO
Weis Markets, Inc.
1000 South Second Street
Sunbury, Pennsylvania 17801

Dear Mr. Weis:

We write following the release of a report indicating Weis Markets, Inc. (Weis Markets) has committed wage theft by denying low-wage workers overtime pay by abusing the label "manager."[i] Firms appear to have systematically misclassified workers that spend the majority of their time performing manual labor tasks as managers—using titles like "director of first impressions" and "assistant bingo manager"—to deny them billions of dollars in overtime pay. Research has identified Weis Markets as one of the foremost perpetrators of this scheme. We urge you to cease your overtime evasion practices immediately.

Congress included overtime protections in the *Fair Labor Standards Act* (FLSA) of 1938 to prevent workers from being forced to work excessive hours without additional compensation. The FLSA provides that, if covered employees work more than 40 hours in a given work week, they must receive overtime pay at one-and-a-half times their regular pay rate. Salaried employees who earn less than the federal overtime threshold of $35,568 annually are automatically eligible for overtime pay. The FLSA overtime guarantee does not apply to workers with salaries above that threshold and *bona fide* "managers": executive, administrative, and professional employees.

Abusing overtime regulations by labeling workers as "managers" while paying them just above the overtime salary threshold can result in workers being denied thousands in overtime pay. By "provid[ing] salaries just above the federal cutoff to frontline workers and mislabel[ling] them as managers,"[ii] Weis Markets appears to have committed wage theft by evading its statutory duty to pay workers what they have earned. According to analysis released earlier this year, Weis Markets is among the top 25 firms with the highest proportions of management positions seemingly used to avoid paying workers overtime.

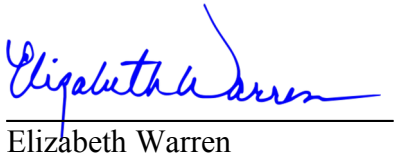
Though the federal government must act to raise the overtime threshold to disincentivize these and other abusive practices, Weis Markets must treat its employees fairly. We urge you to put a stop to your wage theft tactics immediately and pay your employees the overtime pay they deserve. We also request responses to the following questions no later than July 11:

1. Please provide a list of all employee titles that Weis Markets treats as "managerial" for the purposes of determining exempt status with respect to overtime pay. For each title, please provide:

a. The number of workers that hold that title.
b. The average annual salary and base annual salary of workers who hold that title.
c. The percentage of workers who hold that title and earn more than $35,568.
d. The percentage of workers who hold that title and earn more than $35,568 that receive overtime pay.
e. How does Weis Markets determine whether workers who hold a given title will receive overtime pay or not?

2. How much does Weis Markets spend annually on overtime pay, both in total and on average per non-exempt worker?
    a. Senator Brown's *Restoring Overtime Pay Act* would raise the federal overtime threshold over the next five years to match the 55th percentile of earnings of full-time salaried workers nationally. If this bill were enacted, how much more would workers at Weis Markets receive in overtime pay?

Sincerely,



Elizabeth Warren
United States Senator

Sherrod Brown
United States Senator

[i] National Bureau of Economic Research, "Too Many Managers: The Strategic Use of Titles to Avoid Overtime Payments," Lauren Cohen, Umit Gurun, and N. Bugra Ozel, January 2023, https://www.nber.org/system/files/working_papers/w30826/w30826.pdf.

[ii] The New York Times, "You're Now a 'Manager.' Forget About Overtime Pay," Noam Scheiber, March 6, 2023, https://www.nytimes.com/2023/03/06/business/economy/managers-overtime-pay.html.