

Dear Stakeholder:

The Department of Labor and Industry (Department) is recommending changes to its *Prohibition on Excessive Overtime in Health Care* proposed rulemaking published at 42 Pa.B. 4468 (July 14, 2012). In response to comments received during the official public comment period on the proposed rulemaking and following the Department's review of other related information, the Department has prepared a draft final rulemaking.

The draft final rulemaking contains significant changes and additions in several areas. These changes and additions include the following:

- Adds the definitions of *Violation* and *Witness* to the regulation.
- Allows multiple alleged violations on one complaint form
- Provides complaint forms in both English and Spanish
- Requires the Bureau to review for sufficiency all complaints within 60 days
- Allows Complainants 30 days to correct complaint deficiencies
- Requires a written basis for complaint dismissal
- Adds to administrative penalties the issuance of directives to remedy unlawful adverse employment decisions
- Expands the basis to determine administrative penalties and the time period to consider previous violations of the Act
- Requires notice to the Complainant of violations and proposed penalties, requests for reductions in penalties, hearings and administrative decisions
- Streamlines the process for Complainant to intervene in administrative hearings
- Provides additional guidance on appeals of the Department's administrative decisions

While there is not a legal requirement to provide an opportunity to comment upon the Department's recommendations for final-form rulemaking, the Department believes comments on the draft final rulemaking would serve the public interest in this instance. The Department particularly seeks written comments only on the changes made to the proposed regulation.

Please provide any written comments concerning the changes the Department made to the proposed regulation in the draft final rulemaking to Karen Galli, Deputy Chief Counsel, 651 Boas Street, 10th Floor, Harrisburg, PA 17120, Fax: 717-783-5027, e-mail: kgalli@pa.gov.

Comments should be provided by no later than close of business, Friday, August 16, 2013.

Thank you for your participation in this process.