

How do the current regulations, proposed rule and final rule compare?

| | Current regulations (2004 until effective date of Final Rule, 2016) | Proposed Rule | Final Rule |
|--|---|--|--|
| Salary Level | \$455 weekly | \$970 weekly (if finalized as proposed) 40th percentile of full-time salaried workers nationally. | \$913 weekly 40th percentile of full-time salaried workers in the lowest-wage Census region (currently the South) |
| HCE Total Annual Compensation Level | \$100,000 annually | \$122,148 90th percentile of full-time salaried workers nationally | \$134,004 90th percentile of full-time salaried workers nationally |
| Automatic Adjusting | None | Annually, with requests for comment on a CPI or percentile basis | Every 3 years, maintaining the standard salary level at the 40th percentile of full-time salaried workers in the lowest-wage Census region, and the HCE total annual compensation level at the 90th percentile of full-time salaried workers nationally. |
| Bonuses | No provision to count nondiscretionary bonuses and commissions toward the standard salary level | Request for comment on counting nondiscretionary bonuses and commissions toward standard salary level | Up to 10% of standard salary level can come from non-discretionary bonuses, incentive payments, and commissions, paid at least quarterly. |
| Standard Duties Test | See WHD Fact Sheet #17A for a | No specific changes proposed to the | No changes to the standard duties test. |

| | Current regulations (2004 until effective date of Final Rule, 2016) | Proposed Rule | Final Rule |
|--|--|---|-------------------|
| | description of EAP duties. | standard duties test. Request for comment on whether the duties tests are working as intended. | |