

# STATEMENTS OF POLICY

## Title 4—ADMINISTRATION

### PART II. EXECUTIVE BOARD

#### [ 4 PA. CODE CH. 9 ]

#### Reorganization of the Department of Education

The Executive Board approved a reorganization of the Department of Education effective November 1, 2022.

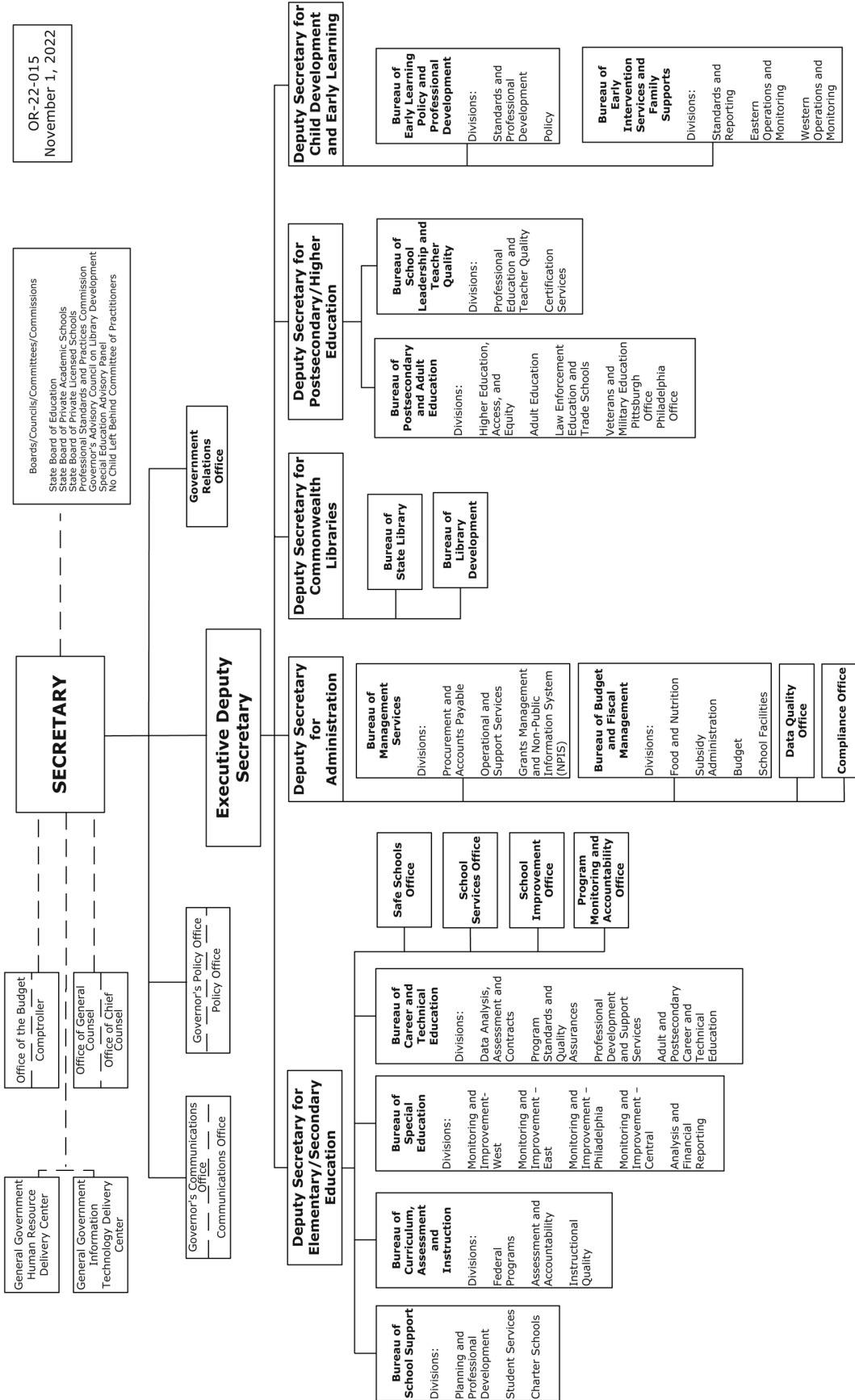
The organization chart at 52 Pa.B. 7139 (November 19, 2022) is published at the request of the Joint Committee on Documents under 1 Pa. Code § 3.1(a)(9) (relating to contents of *Code*).

*(Editor's Note: The Joint Committee on Documents has found organization charts to be general and permanent in nature. This document meets the criteria of 45 Pa.C.S. § 702(7) (relating to contents of Pennsylvania Code) as a document general and permanent in nature which shall be codified in the Pennsylvania Code.)*

[Pa.B. Doc. No. 22-1782. Filed for public inspection November 18, 2022, 9:00 a.m.]

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DEPARTMENT OF EDUCATION



## Title 34—LABOR AND INDUSTRY

### DEPARTMENT OF LABOR AND INDUSTRY

#### [ 34 PA. CODE CH. 231 ]

#### Regulations for Minimum Wage

The Department of Labor and Industry (Department) deletes the statement of policy set forth in § 231.101.

#### *Statutory Authority*

The Department deletes this statement of policy as set forth in Annex A under the authority granted by section 9 of the Minimum Wage Act of 1968 (act) (43 P.S. § 333.109), which authorizes the Secretary of the Department to enforce the act and to draft and revise regulations that are deemed appropriate to carry out the act's provisions.

#### *Purpose*

The Department is deleting the statement of policy found in § 231.101 because the Department promulgated a final-form rulemaking that addresses the same subjects. In particular, the statement of policy regarding tipped employees conflicts with the Department's final-form rulemaking regarding the amount an employee must earn before being considered a tipped employee. In addressing the Independent Regulatory Review Commission's comments to the final-form rulemaking published at 52 Pa.B. 2701 (May 7, 2022) (Regulation # 12-114), the Department asserted that it would be deleting the obsolete statement of policy at § 231.101 upon publication of the final-form rulemaking. The Department's final-form regulation was published with an effective date of August 5, 2022. Accordingly, this statement of policy is no longer necessary and is hereby deleted.

#### *Description*

Section 231.101(a) sets forth a graduating scale of the minimum wage that employers were required to pay to its employees and the effective date of these minimum wage increases. This statement of policy was an interpretation of subsection 4(a)(6)—(8) and (a.1) of the act (43 P.S. §§ 333.104(a)(6)—(8)) and (a.1).

Section 231.101(b) sets forth the minimum rate that employers were required to pay employees who customarily and regularly performed tipped duties. This statement of policy was an interpretation of section 3 of the act (43 P.S. § 333.103).

#### *Fiscal Impact*

The deletion of § 231.101 will have no fiscal impact on the Department, the Commonwealth and the general public.

#### *Effective Date*

The deletion of 34 Pa. Code § 231.101 is effective upon publication in the *Pennsylvania Bulletin*.

JENNIFER BERRIER,  
*Secretary*

**Fiscal Note:** 12-118. No fiscal impact; (8) recommends adoption.

#### Annex A

**TITLE 34. LABOR AND INDUSTRY**  
**PART XII. BUREAU OF LABOR LAW COMPLIANCE**  
**CHAPTER 231. MINIMUM WAGE**  
**MINIMUM WAGE INCREASE AND**  
**TRAINING WAGE**

#### § 231.101. [ Reserved ].

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