



February 14, 2023

Paul Moore  
Defense of Freedom Institute for Policy Studies  
1455 Pennsylvania Avenue, NW  
Washington, DC 20004

Sent via email to [paul.moore@dfipolicy.org](mailto:paul.moore@dfipolicy.org)

RE: Freedom of Information Act Response  
Tracking Number 2022-F-09729

Dear Mr. Moore:

The Wage and Hour Division (WHD) of the U.S. Department of Labor is responding to your request made under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, dated June 3, 2022. You requested all records from January 20, 2021 through the date of search –

1. Which reference:

- Teacher Exclusion Regulation
- overtime pay for teachers
- overtime protections
- teacher wage penalty
- 29 CFR § 541.303(d)
- Fair Labor Standards Act
- FLSA
- Economic Policy Institute
- EPI
- Learning Policy Institute
- LP

2. To or from the following entities:

- National Education Association
- American Federation of Teachers
- Center for American Progress
- Center for Popular Democracy
- Jobs with Justice
- Economic Policy Institute
- National Employment Law Project
- National Partnership for Women & Families
- National Womens Law Center
- Service Employees International Union
- Interreligious Network for Worker Solidarity
- Arise Chicago
- NEA-Alaska
- Arizona Education Association
- California Teachers Association
- Delaware State; Education Association
- Minnesota; Federal Education Association
- Georgia Association of Educators
- Idaho Education Association
- Iowa State Education Association
- Kansas National Education Association
- Maine Education Association
- Michigan Education Association
- Missouri NEA
- Ohio Education Association
- Oklahoma Education Association

- Oregon Education; Association
- Pennsylvania State Education Association
- National Education Association Rhode Island
- South Dakota Education Association
- Utah Education Association
- Virginia Education Association
- Wisconsin Education Association Council
- Washington Education Association
- Wyoming Education Association

3. To or from any WHD official with the following job title:

- PAS (Presidential Appointments Requiring Senate Confirmation)
- PA (Presidential Appointments Not Requiring Senate Confirmation)
- NC-SES (Non-Career Senior Executive Service)
- SES (Career Senior Executive Service)
- SC (Schedule C Confidential or Policymaking Positions)

In accordance with 29 CFR § 70.20(a), we can only include responsive documents in our possession as of the date our search began. The search began on June 7, 2022. An electronic search of relevant files located records responsive to your request. WHD has completed its review of the responsive documents and is partially denying your request pursuant to exemption 6 [5 U.S.C. § 552(b)(6)]. WHD is invoking this exemption to protect information, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Responsive documents released total 37 pages and are attached. You have not been assessed related processing fees.

For further assistance, please contact David Grossman by email at [grossman.david@dol.gov](mailto:grossman.david@dol.gov) or call 612-344-0259. You may also call this office at 202-693-1004. If we cannot assist you in your concerns, you may contact the Departmental FOIA Public Liaison, Thomas Hicks, at 202-693-5427 or email at [hicks.thomas@dol.gov](mailto:hicks.thomas@dol.gov). Alternatively, you may contact the Office of Government Information Services National Archives and Records Administration regarding available mediation services at Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001. You can also reach that office by email at [ogis@nara.gov](mailto:ogis@nara.gov), by phone at 202-741-5770, by fax at 202-741-5769, or by calling toll-free at 877-684-6448.

Finally, if you are not satisfied with the response to this request, you may administratively appeal by writing to the Solicitor of Labor within 90 days from the date of this letter. The appeal must state in writing the grounds for the appeal, and it may include any supporting statements or arguments, but such statements are not required. In order to facilitate processing of the appeal, please include your mailing address and daytime telephone number, as well as a copy of the initial request and copy of this letter. The envelope and letter of the appeal should be clearly marked "Freedom of Information Act Appeal." Any amendment to the appeal must be made in writing and received prior to a decision. The appeal should be addressed to the Solicitor of Labor, Division of Management and Administrative Legal Services, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N2420, Washington, DC 20210. Appeals may also be

submitted by email to *foiaappeal@dol.gov*. Appeals submitted to any other email address will not be accepted.

Sincerely,

Forrest T. Horak  
Disclosure Officer

Attachment