

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

	<b>Current regulations (2004 until effective date of Final Rule, 2016)</b>	<b>Proposed Rule</b>	<b>Final Rule</b>
<b>Salary Level</b>	\$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)
<b>HCE Total Annual Compensation Level</b>	\$100,000 annually	\$122,148  90th percentile of full-time salaried workers nationally	\$134,004  90th percentile of full-time salaried workers nationally
<b>Automatic Adjusting</b>	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.
<b>Bonuses</b>	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.
<b>Standard Duties Test</b>	See WHD Fact Sheet #17A for a	No specific changes proposed to the	No changes to the standard duties test.

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