

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

STATE OF TEXAS

Plaintiffs,

v.

UNITED STATES DEPARTMENT OF
LABOR, JULIE A. SU, IN HER OFFICIAL
CAPACITY AS UNITED STATES
SECRETARY OF LABOR, THE WAGE AND
HOUR DIVISION OF THE DEPARTMENT
OF LABOR AND JESSICA LOOMAN IN HER
OFFICIAL CAPACITY AS ADMINISTRATOR
OF THE WAGE AND HOUR DIVISION.,

Defendants.

CIVIL ACTION NO. _____

PLAINTIFF’S COMPLAINT

I. Introduction

1. The Fair Labor Standards Act (“FLSA”) requires employers to pay overtime compensation (the “Overtime Rule”) but exempts several categories of employees, including “any employee employed in a bona fide executive, administrative, or professional capacity ... as such terms are defined and delimited from time to time by regulations of the Secretary [of Labor].”

29 U.S.C. § 213(a)(1) (“the EAP Exemption”).

2. The statute defining the EAP Exemption refers only to duties, not salary.

3. Yet, for decades, Defendants and their predecessors at the Department of Labor (“DOL”) have adopted rules that add a minimum salary requirement to the EAP Exemption.

4. In other words, under Defendants' rules, an "employee employed in a bona fide executive, administrative, or professional capacity" is nevertheless *not* exempt from the Overtime Rule if the employee does not make a certain minimum salary.

5. In 2017, this Court permanently enjoined Defendants' Final Rule (the "2016 Rule") which increased the minimum salary for the EAP Exemption. *Nevada v. U.S. Dep't of Labor*, 218 F. Supp.3d 520 (E.D. Tex. 2016) (preliminarily enjoining 2016 Rule) (*Nevada I*) (Mazzant, J.); *Nevada v. U.S. Dep't of Labor*, 275 F. Supp.3d 795 (E.D. Tex. 2017) (permanently invalidating 2016 Rule) (*Nevada II*) (Mazzant, J.).

6. The Court held that the minimum salary for the EAP Exemption "essentially make[s] an employee's duties, functions, or tasks irrelevant if the employee's salary falls below the new minimum salary level." *Nevada II*, 275 F. Supp.3d at 806.

7. The Court therefore held unlawful the Department's attempt to "make salary rather than an employee's duties determinative of whether a 'bona fide executive, administrative, or professional capacity employee' should be exempt from overtime pay." *Id.* at 807.

8. The Court also held unlawful the 2016 Rule's automatic updating mechanism that increased the minimum salary every three years going forward. *Id.* at 808.

9. Consequently, the Court concluded that the 2016 Rule was invalid. *Id.*

10. Defendants have issued a new Final Rule (the "2024 Rule") that has the same problems that the Court identified in the 2016 Rule. "Defining & Delimiting the Exemptions for Exec., Professional, Outside Sales, & Computer Emp.," 89 Fed. Reg. 32842 (Apr. 26, 2024) (to be codified at 29 C.F.R. pt. 541).

11. The 2024 Rule increases the EAP Exemption minimum salary requirement from \$684 per week (\$35,568 annually) to \$844 per week (\$43,888 annually), starting on July 1, 2024, and to \$1,128 per week (\$58,656 annually) starting on January 1, 2025. *Id.* at 32971 (adding 29 C.F.R. § 541.600(a)(1), (a)(2)).

12. Defendants themselves estimate that approximately 1 million exempt employees currently make at least \$684 per week but less than \$844 per week, and approximately 3 million exempt employees currently make at least \$844 per week but less than \$1,128 per week. 89 Fed. Reg. at 32843.

13. Thus, Defendants admit that, on July 1, 2024, the Final Rule will classify approximately one million employees who are “employed in a bona fide executive, administrative, or professional capacity” as non-exempt based on their salary, not their bona fide job duties.

14. Some of the employees who the 2024 Rule will classify as non-exempt on July 1, 2024 are employed by the State of Texas. Exhibit A.

15. Defendants further admit that, on January 1, 2025, the Final Rule will classify approximately three million more employees who are “employed in a bona fide executive, administrative, or professional capacity” as non-exempt based on their salary, not their bona fide job duties. 89 Fed. Reg. at 32843.

16. Some of employees who the 2024 Rule will classify as non-exempt on January 1, 2025 are employed by the State of Texas. Exhibit A.

17. The Court should set aside the 2024 Rule’s minimum salary level because, like the 2016 Rule, it “would exclude so many employees who perform exempt duties, [which shows that

Defendants] fail[ed] to carry out Congress’s unambiguous intent. Thus, the Final Rule does not meet *Chevron* step one and is unlawful.” *Nevada II*, 275 F. Supp. at 807.

18. The Court should also set aside the 2024 Rule’s minimum salary level because, like the 2016 Rule, it does not meet *Chevron* step 2. Even “[i]f Congress was ambiguous about what specifically constituted an employee subject to the EAP exemption, Congress was clear that the determination should involve at least a consideration of an employee’s duties[, and] [n]othing in Section 213(a)(1) allows the Department to make salary rather than an employee’s duties determinative of whether a ‘bona fide executive, administrative, or professional capacity’ employee should be exempt from overtime pay.” *Id.* at 807–08. But the 2024 Rule makes salary rather than an employee’s duties determinative of whether the employee is subject to the EAP Exemption.

19. The 2024 Rule also mandates automatic updates on July 1, 2027 and every three years thereafter. 89 Fed. Reg. at 32971 (adding 29 C.F.R. §§ 541.600(a)(3)).

20. The 2024 Rule’s automatic updating mechanism is unlawful for the same reasons that the automatic updating mechanism in the 2016 Rule was unlawful. *Id.* at 808.

21. The Final Rule’s January 1, 2025 minimum salary increase is also arbitrary and capricious because it fails to provide a reasoned explanation for changing its methodology for determining the new minimum salary and fails to recognize the reliance interests of employers who had no reason to think that Defendants would change that methodology.

22. Texas has other arguments against the 2024 Rule, but the Court may be bound by precedent to reject those arguments.

23. One such argument is that Defendants are not authorized to add a minimum salary level to the EAP Exemption at all. The Court disagreed. *Nevada II*, 275 F. Supp.3d at 805 n.5 (“The Court recognizes *Wirtz* [*v. Miss. Publishers Corp.*, 364 F.2d 603 (5th Cir. 1966)] is controlling and stands for the proposition that the Department has the authority to implement a salary-level test.”).

24. Three members of the Supreme Court recently disagreed, opining that DOL cannot add a minimum salary level to the EAP Exemption and inviting a challenge. *Helix Energy Solutions Group, Inc. v. Hewitt*, 598 U.S. 39, 63 (Gorsuch, J., dissenting) 67–68 (2023) (Kavanaugh, J., dissenting).

25. The Fifth Circuit is currently hearing a case concerning whether the FSLA allows Defendants to add a minimum salary level to the EAP Exemption, and whether *Wirtz* is controlling. *Mayfield v. U.S. Dep’t of Labor*, No. 23-50724 (5th. Cir.). The Fifth Circuit requested paper copies of the briefs on April 30, 2024, suggesting that oral argument will be scheduled soon.

26. But even if precedent requires the Court to uphold Defendants’ general statutory authority to add a minimum salary requirement to the EAP Exemption, the Court should nevertheless set aside the specific minimum salary requirements in the 2024 Rule for the same reasons it set aside the minimum salary requirements in the 2016 Rule.

II. Parties

27. Plaintiff the State of Texas is subject to the 2024 Rule because it is an employer that pays a salary of less than \$844 a week and less than \$1,128 a week to certain of its employees working in a bona fide EAP capacity.

28. Defendant United States Department of Labor is the federal agency responsible for supervising the formulation, issuance, and enforcement of rules, regulations, policies, and forms by the Wage and Hour Division (“WHD”). See 29 U.S.C § 204(a).

29. Defendant Julie A. Su is the United States Secretary of Labor (“Secretary”). She is authorized to issue, amend, and rescind the rules, regulations, policies, and forms of DOL and WHD. She is sued in her official capacity.

30. Defendant Wage and Hour Division is the Division within DOL that is responsible for formulating, issuing, and enforcing the new overtime rule. See U.S.C. § 204(a); 29 C.F.R. § 541.1; 89 Fed. Reg. at 32842.

31. Defendant Jessica Looman is the Administrator of the WHD and she is responsible for the rules and regulations formulated, issued, and enforced by the WHD, including the new overtime rule. She is sued in her official capacity.

III. Jurisdiction and Venue

32. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331 because this suit concerns authority under the Constitution of the United States, the Fair Labor Standards Act, and the Administrative Procedure Act. This Court also has jurisdiction to compel an officer of the United States or any federal agency to perform his or her duty pursuant to 28 U.S.C. § 1361.

33. Venue is proper in the Eastern District of Texas pursuant to 28 U.S.C. § 1391(e) because the United States, several of its agencies, and several of its officers in their official capacity are Defendants; a substantial part of the events or Case or omissions giving rise to Plaintiffs’ claims occurred in this District; and the Plaintiff State of Texas is an employer of workers in this District.

34. The Court is authorized to award relief under the APA, 5 U.S.C. §§ 701–06, the Declaratory Judgment Act, 28 U.S.C. §§ 2201–02, Rules 57 and 65 of the Federal Rules of Civil Procedure, and the general legal and equitable powers of this Court.

IV. Legal Background

A. The Fair Labor Standards Act and the EAP Exemption

35. The Fair Labor Standards Act (“FLSA”) requires employers to pay non-exempt employees 1.5 times their base hourly wage for all time worked beyond 40 hours in a workweek (the “Overtime Rule”). 29 U.S.C. § 207.

36. The FLSA has many exemptions from the overtime rule.

37. Those “exemptions are as much a part of the FLSA’s purpose as the overtime-pay requirement.” *Encino Motorcars, LLC v. Navarro*, 584 U.S. 79, 89 (2018).

38. The exemption at issue in this case, Section 213(a)(1), provides that hourly pay and overtime rules “shall not” apply to “any employee employed in a bona fide executive, administrative, or professional capacity ... as such terms are defined and delimited from time to time by regulations of the Secretary [of Labor].” 29 U.S.C. § 213(a)(1).

39. This exemption is commonly referred to as the “EAP Exemption.”

40. The statute delegates defining and delimiting “such terms” to the Secretary of Labor without any limitations—other than those limitations inherent in the words “defined,” “delimited,” and “such terms.”

41. Unlike other exemptions, the EAP Exemption does not exempt employees from hourly pay and overtime pay based on compensation. *See* 29 U.S.C. § 213(a)(17) (exempting a “computer systems analyst, computer programmer, software engineer, or other similarly skilled worker... who, in the case of an employee who is compensated on an hourly basis, is compensated at a rate of not less than \$27.63 an hour”); (a)(19) (exempting a professional baseball player “who is compensated pursuant to a contract that provides for a weekly salary for services ... at a rate that is not less than a weekly salary equal to the minimum wage”).

42. The EAP Exemption exempts employees acting in a “bona fide executive, administrative, or professional capacity,” *regardless of compensation*.

V. Regulatory History

43. Despite the statute’s lack of a compensation requirement for the EAP Exemption, DOL’s regulations since 1940 have added a minimum salary that employees must make before qualifying for the EAP exemption.

44. The minimum salary requirements are currently found at 29 C.F.R. §§ 541.100(a)(1) (executives), 541.200(a)(1) (administrative employees), and 541.300(a)(1) (professionals).

45. DOL has increased these minimum salary levels from time to time since 1940. 5 Fed. Reg. 4077 (Oct. 15, 1940); 14 Fed. Reg. 7705 (Dec. 24, 1949); 14 Fed. Reg. 7730 (Dec. 28, 1949); 23 Fed. Reg. 8962 (Nov. 18, 1958); 28 Fed. Reg. 9505 (Aug. 30, 1963); 35 Fed. Reg. 883 (Jan 22, 1970); 40 Fed. Reg. 7091 (Feb. 19, 1975); 69 Fed. Reg. 22122 (April 23, 2004); 81 Fed. Reg. 32391 (May 23, 2016) (stayed by this Court and never effective); 84 Fed. Reg. 51230 (Sept. 27, 2019).

46. From 1950 to 2004, DOL had two minimum salary levels.

47. Employees who spent less than 20% of their time on non-EAP duties were exempt under the “long duties” test at a certain minimum salary level. An example of such an employee is a retail store manager who occasionally works the cash register.

48. Employees who spent less than 80% of their time on EAP duties, but whose “primary duty” was nevertheless EAP duty were exempt under the “short duties” test at a higher salary level than the “long duties” test. An example of such an employee is an assistant manager at a retail establishment who supervises and directs other employees (exempt work) and has management as his or her primary duty, even if he or she spends more than half of his or her time running a cash register (nonexempt work).

49. The minimum salary for the EAP Exemption for “long duties” was smaller than the one for “short duties.”

50. As stated in the preamble to the 2024 Rule, “From 1958 until 2004, the regulations in place generally set the long test salary level at a level designed to exclude from exemption approximately the lowest paid 10 percent of salaried white-collar employees who performed EAP duties in lower-wage areas and industries and set the short test salary level significantly higher.” 89 Fed. Reg. 32845.

51. The “short duties” salary level was approximately “49 percent of a contemporaneous long test salary level. The short test salary ratio of 149 percent is the simple average of the 15 historical ratios of the short test salary level to the long test salary level.” 89 Fed. Reg. at 32845 n.53.

52. This chart shows the minimum salary levels before 2004:

Table 2. History of Weekly Standard Salary Thresholds for EAP Exemptions

Enactment	Executive (Long)	Administrative (Long)	Professional (Long)	All EAP (Short)	Implementation Period
1938	\$30	\$30	—	—	
1940	\$30	\$50	\$50	—	9 days
1949	\$55	\$75	\$75	\$100	32 days
1958	\$80	\$95	\$95	\$125	76 days
1963	\$100	\$100	\$115	\$150	31 days
1970	\$125	\$125	\$140	\$200	30 days
1975	\$155	\$155	\$170	\$250	41 days

Congressional Research Service, Overtime Exemptions in the Fair Labor Standards Act for Executive, Administrative, and Professional Employees, October 31, 2017.

53. DOL did not change the minimum salary level for the EAP Exemption between 1975 and 2004.

54. DOL got rid of the separate minimum salary levels in 2004. As the Preamble to the 2024 Rule notes, the 2004 Rule “eliminated the separate long and short tests and replaced them with a single standard test. The Department set the standard salary level at \$455 per week, which was equivalent to the 20th percentile of weekly earnings of fulltime salaried workers in the lowest wage Census Region (the South) and in the retail industry nationally. The Department paired the new standard salary level test with a new standard duties test for executive, administrative, and professional employees, respectively, which was substantially equivalent to the short duties test used in the two-test system.... [T]he new standard salary level was comparable to the lower long test salary level used in the two-test system.” 89 Fed. Reg. at 32845.

55. The preamble to the 2024 Rule further states that DOL stated in 2004 that “the shift to setting the salary level based on ‘the lowest 20 percent of salaried employees in the South, rather than the lowest 10 percent’ of EAP employees was made, in part, ‘because of the proposed change from the ‘short’ and ‘long’ test structure.’” *Id.*

56. In 2016, DOL adopted the Rule that this court found invalid.

57. As the Preamble to the 2024 Rule states, the 2016 Rule “retained the single-test system introduced in 2004 but increased the standard salary level and provided for regular updating. Specifically, the 2016 rule ... increased the standard salary level from the 2004 salary level of \$455 to \$913 per week, the 40th percentile of weekly earnings of full-time salaried workers in the lowest-wage Census Region (the South) [and] added a mechanism to automatically update the [minimum salary level for the EAP Exemption] every 3 years.” *Id.* at 32846.

58. DOL justified changing the methodology from the 20th to the 40th percentile of weekly earnings of full-time salaried workers in the lowest-wage Census Region by asserting that the 2004

level should have been set to the short-duty salary instead of the long-duty salary. “[T]he increase in the standard salary level was needed because, in moving from a two-test to a one-test system, the 2004 rule exempted lower-salaried employees performing large amounts of nonexempt work who had historically been, and should continue to be, covered by the overtime compensation requirement. Since the standard duties test was equivalent to the short duties test, the Department asserted that a salary level in the short test salary range—traditionally 130 to 180 percent of the long test salary level—was necessary to address this effect of the 2004 rule.” 89 Fed. Reg. at 32863.

59. Thus, DOL argued that the 2016 Rule was based on older rules—not its statutory authority.

60. The Court invalidated the 2016 Rule because it “would exclude so many employees who perform exempt duties, [which shows that Defendants] fail[ed] to carry out Congress’s unambiguous intent. Thus, the Final Rule does not meet *Chevron* step one and is unlawful,” *Nevada II*, 275 F. Supp. at 807, and because, further, it did not meet *Chevron* step 2. Even “[i]f Congress was ambiguous about what specifically constituted an employee subject to the EAP exemption, Congress was clear that the determination should involve at least a consideration of an employee’s duties[, and] [n]othing in Section 213(a)(1) allows the Department to make salary rather than an employee’s duties determinative of whether a ‘bona fide executive, administrative, or professional capacity’ employee should be exempt from overtime pay.” *Id.* at 807–08.

61. The Court described a permissible minimum salary requirement for the EAP Exemption. “While the plain meaning of Section 213(a)(1) [the EPA Exemption] does not provide for a salary requirement, the Department has used a permissible minimum salary level as a test for *identifying* categories of employees Congress intended to exempt. The Department sets the minimum salary level as a floor to ‘screen[] out the obviously nonexempt employees, making an analysis of duties

in such cases unnecessary.’ Harry Weiss, Report and Recommendations on Proposed Revisions of Regulations, Part 541, at 7–8 (1949). Further, the Department acknowledges that in using this method, ‘[a]ny new figure recommended should also be somewhere near the lower end of the range of prevailing salaries for these employees.’ *Id.*” *Nevada II* at 806.

62. The Court held that the 2016 Rule was not such a permissible minimum salary requirement. “[T]he Department create[d] a Final Rule that makes overtime status depend predominately on a minimum salary level, thereby supplanting an analysis of an employee’s’ job duties. The Department estimates 4.2 million workers currently ineligible for overtime, and who fall below the minimum salary level, will automatically become eligible under the Final Rule without a change to their duties.... Because the Final Rule would exclude so many employees who perform exempt duties, the Department fails to carry out Congress’s unambiguous intent.” *Id.* at 806–07.

63. The 2016 Rule was not a permissible salary requirement because it was not “somewhere near the lower end of the range of prevailing salaries” and did not “screen out the obviously nonexempt employees.” Rather, it made 4.2 million employees with EAP duties eligible for overtime without a change in their duties.

64. The Court did not consider whether the 2016 Rule was invalid because it increased the percentile level of weekly earnings of full-time salaried workers in the South from 20th to 40th, because it did (or did not) correct supposed errors in the 2004 Rule, or because the 2016 Rule was justified by earlier rules. *Any* percentile would have failed unless it resulted in a salary level “somewhere near the lower end of the range of prevailing salaries” and that “screen[ed] out the obviously nonexempt employees,” regardless of how the percentage was supposedly derived.

65. The Court also invalidated the 2016 Rule’s automatic updating mechanism for the same reasons. Nothing in the FLSA even arguably authorizes DOL to automatically update the minimum salary based entirely on indexing tied to average salary levels, with no taking account of actual duties performed in setting the new salary cutoff. *Id.* at 808.

66. DOL did not appeal the Court’s ruling.

67. Thus, the 2004 Rule’s minimum salary levels remained in effect until DOL issued a new Rule in 2019.

68. As the preamble to the 2024 Rule notes, “The 2019 rule ... raised the standard salary level from the 2004 salary level of \$455 to \$684 per week, the equivalent of the 20th percentile of weekly earnings of full-time salaried workers in the lowest-wage Census Region (the South) and/or in the retail industry nationally.” 89 Fed. Reg. at 32846.

69. Thus, the 2019 Rule used the 2004 Rule’s methodology, applied to 2019 salary data.

VI. The 2024 Rule

70. The 2024 Rule does three things to the minimum salary level for the EAP Exemption.

71. *First*, it raises the level from \$684 per week (\$35,568 annually) to \$844 per week (\$43,888 annually) starting on July 1, 2024. 89 Fed. Reg. 32971 (adding 29 C.F.R. § 541.600(a)(1)).

72. The July 1 increase is similar to the 2019 Rule’s increase in that it uses the 2004 Rule’s methodology, applied to 2024 salary data. As the preamble to the 2024 Rule explains, “The initial update to the standard salary level ... will take place on July 1, 2024, and will use the methodologies in place at that time (i.e., the 2019 rule methodologies [based on the 20th percentile of weekly earnings of fulltime salaried workers in the lowest wage Census Region (currently the South) and in the retail industry nationally]), resulting in a \$844 per week standard salary level.” 89 Fed. Reg. at 32843.

73. According to Defendants, the July 1, 2024 “initial update” “reflect[s] earnings growth.” 89 Fed. Reg. at 32842. In other words, it reflects 23.4% inflation since 2019.

74. Defendants admit, “The Department estimates that in Year 1, approximately 1 million employees who earn at least \$684 per week but less than \$844 per week will be impacted by the initial update applying current wage data to the standard salary level methodology from the 2019 rule.” 89 Fed. Reg. at 32843.

75. *Second*, the 2024 Rule raises the level from \$844 per week (\$43,888 annually) to \$1,128 per week (\$58,656 per year) starting on January 1, 2025. 89 Fed. Reg. 32971 (adding 29 C.F.R. § 541.600(a)(2)).

76. The \$1,128 number is based on the 35th percentile of weekly earnings of fulltime salaried workers in the lowest wage Census Region (currently the South) and in the retail industry nationally. 89 Fed. Reg. at 32842.

77. Defendants claim that the 35th percentile was “built on lessons learned in the Department’s most recent rulemakings to more effectively define and delimit employees employed in a bona fide EAP capacity. Specifically, the Department’s intent in the NPRM was to fully restore the salary level’s screening function and account for the switch in the 2004 rule from a two-test system to a one-test system for defining the EAP exemption, while also updating the standard salary level for earnings growth since the 2019 rule.” 89 Fed. Reg. at 32862.

78. Defendants claim, “updating the salary level for wage growth since the 2019 rule produces a salary level of \$844 per week, and fully restoring the salary level’s historic screening function would result in a salary level of \$942 per week, equivalent to the 25th percentile of full-time salaried worker earning in the South (i.e., the long test level). Accordingly, the increase from the 25th

percentile to the 35th percentile is to account for the shift to a one-test system.” 89 Fed. Reg. at 32873

79. Thus, just as in 2016, Defendants justify the 35th percentile number by appealing to the authority of prior rules, rather than statutory authority.

80. Defendants essentially argue, as they did in the 2016 Rule, that the 2004 Rule used bad math when it eliminated the two duties tests with the two different minimum salary levels.

81. Defendants’ choice of the 35th percentile seems to be based on nothing more than the fact that the “short duties” salary level used to be approximately 149% of the “long duties” salary level, and 35 is close enough to 149% of 20 (it is actually 175% of 20). But the 2004 Rule’s 20th percentile level was based on an entirely different salary base than the pre-2004 “long duties” salary base, making this comparison irrelevant.

82. Defendants do not justify the new percentile with any statutory authority.

83. “The Department estimates that ... approximately 3 million employees who earn at least \$844 per week but less than the new standard salary level of \$1,128 per week will be impacted by the subsequent application of the new standard salary level [starting on January 1, 2025].” 89 Fed. Reg. at 32843.

84. *Third*, the 2024 Rule mandates automatic updates on July 1, 2027 and every three years thereafter based on the 35th percentile of weekly earnings of fulltime salaried workers in the lowest wage Census Region and in the retail industry nationally. 89 Fed. Reg. 32971 (adding 29 C.F.R. §§ 541.600(a)(3), 541.607(b)(1)).

VII. Legal Analysis

A. The Court should set aside the 2024 Rule’s minimum salary levels for the same reasons it set aside the minimum salary levels in the 2016 Rule.

85. When this Court set aside the minimum salary levels in the 2016 Rule, it was unconcerned about how DOL came up with that number.

86. Instead, the Court held that the minimum salary for the EAP Exemption—however derived—“essentially make[s] an employee’s duties, functions, or tasks irrelevant if the employee’s salary falls below the new minimum salary level.” *Nevada II*, 275 F. Supp.3d at 806.

87. The Court therefore held unlawful the Department’s attempt to “make salary rather than an employee’s duties determinative of whether a ‘bona fide executive, administrative, or professional capacity employee’ should be exempt from overtime pay.” *Id.* at 807.

88. Defendants themselves estimate that approximately 1 million exempt employees currently make at least \$684 per week but less than \$844 per week, and approximately 3 million exempt employees currently make at least \$844 per week but less than \$1,128 per week. 89 Fed. Reg. at 32843.

89. Thus, Defendants admit that, on July 1, 2024, the Final Rule will classify approximately one million employees who are “employed in a bona fide executive, administrative, or professional capacity” as non-exempt based on their salary, not their bona fide job duties.

90. Defendants further admit that, on January 1, 2025, the Final Rule will classify approximately three million more employees who are “employed in a bona fide executive, administrative, or professional capacity” as non-exempt based on their salary, not their bona fide job duties. 89 Fed. Reg. at 32843.

91. The Court should set aside the 2024 Rule’s minimum salary level because, like the 2016 Rule, it “would exclude so many employees who perform exempt duties, [which shows that Defendants] fail[ed] to carry out Congress’s unambiguous intent. Thus, the Final Rule does not meet *Chevron* step one and is unlawful.” *Nevada II*, 275 F. Supp. at 807.

92. The Court should also set aside the 2024 Rule’s minimum salary level because, like the 2016 Rule, it does not meet *Chevron* step 2. Even “[i]f Congress was ambiguous about what specifically constituted an employee subject to the EAP exemption, Congress was clear that the determination should involve at least a consideration of an employee’s duties[, and] [n]othing in Section 213(a)(1) allows the Department to make salary rather than an employee’s duties determinative of whether a ‘bona fide executive, administrative, or professional capacity’ employee should be exempt from overtime pay.” *Id.* at 807–08. But the 2024 Rule makes salary rather than an employee’s duties determinative of whether the employee is subject to the EAP Exemption.

93. Just as with the 2016 Rule, the 2024 Rule establishes a “significant increase [that] would essentially make an employee’s duties, functions, or tasks irrelevant if the employee’s salary falls below the new minimum salary level, and “entire categories of previously exempt employees who perform bona fide executive, administrative, or professional capacity duties would now qualify for the EAP exemption based on salary alone.” 275 F. Supp. 3d at 806 (citing the Department’s 2016 Rule which estimated that 4.2 million workers would have lost their exempt status solely because of the increased salary threshold).

B. The 2024 Rule’s minimum salary level should be set aside because it is arbitrary and capricious.

94. Under the APA, a court must “hold unlawful and set aside agency action” that is “arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). An agency acts arbitrarily and capriciously when it departs sharply from prior practice without reasonable explanation or disregards either alternatives to its action or the affected communities’ reliance on the prior rule. *Dep’t of Homeland Sec. v. Regents of the Univ. of Cal.*, 140 S. Ct. 1891, 1913 (2020).

95. Defendants’ use of the 20th percentile of weekly earnings of fulltime salaried workers in the lowest wage Census Region, and in the retail industry nationally, is arbitrary and capricious. It bears no relation to the statutory requirement that “any employee employed in a bona fide executive, administrative, or professional capacity” is exempt from the Overtime Rule, regardless of salary.

96. Thus, the current rule’s (the 2019 Rule) minimum salary level is arbitrary and capricious because it uses the irrelevant 20th percentile methodology. But it will soon expire. The minimum salary level set by the new rule (the 2024 Rule) on July 1, 2024 is arbitrary and capricious for the same reason.

97. The minimum salary level that kicks in on January 1, 2025, based on the 35th percentile of weekly earnings of fulltime salaried workers in the lowest wage Census Region, and in the retail industry nationally, is also arbitrary and capricious for that reason—it bears no relation to the statutory requirement that “any employee employed in a bona fide executive, administrative, or professional capacity” is exempt from the Overtime Rule, regardless of salary.

98. The January 1, 2025 minimum salary level is arbitrary and capricious for additional reasons.

99. *First*, it is based on an invalid mathematical formula applied to the arbitrary and capricious 20th percentile rule and pre-2004 practice. Defendants essentially argue, as they did in the 2016 Rule, that the 2004 Rule used bad math when it eliminated the two duties tests with the two different minimum salary levels. Defendants' choice of the 35th percentile seems to be based on nothing more than the fact that the "short duties" salary level used to be approximately 149% of the "long duties" salary level, and 35 is close enough to 149% of 20 (it is actually 175% higher). But the 2004 Rule's 20th percentile level was based on an entirely different salary base than the pre-2004 "long duties" salary base, making this comparison irrelevant.

100. *Second*, the January 1, 2025 minimum salary level disregards the affected communities' reliance on the prior rule and will make millions of employees non-exempt, requiring either increases in salaries or overtime pay and additional paperwork.

101. The Court found it unnecessary to address arguments that the minimum salary level is arbitrary and capricious when it set aside the 2016 Rule.

C. The 2024 Rule should be set aside for other reasons that are foreclosed in this Court by precedent.

102. Texas has other arguments against the minimum salary level in the 2024 Rule that are contrary to precedent that binds this court. Texas makes those arguments to preserve them on appeal.

1. Defendants lack statutory authority to add a minimum salary requirement to the EAP Exemption.

103. Defendants lack statutory authority to add *any* minimum salary requirement to the EAP Exemption—a requirement that, in this case, Defendants admit will exclude millions of employees who are exempt even though they are "employed in a bona fide executive, administrative, or professional capacity."

104. At least for now, this Court reviews claims challenging an agency's assertion of rulemaking power under the framework set forth in *Chevron, U.S.A., Inc. v. Nat. Res. Def. Council, Inc.*, 467 U.S. 837 (1984).

105. The first step is to determine whether Congress has directly and unambiguously spoken to the precise question at issue. *Id.* at 842. If so, “that is the end of the matter; for the court, as well as the agency, must give effect to the unambiguously expressed intent of Congress.” *Id.* at 842–43. However, if Congress has not directly addressed the precise question at issue, then the Court must proceed to step-two and determine “whether the agency’s interpretation is based on a permissible construction of the statute,” and thus deserving of deference. *Id.* at 843. And, in cases where Congress has “explicitly left a gap for the agency to fill,” the agency’s regulation is “given controlling weight unless [it is] arbitrary, capricious, or manifestly contrary to the statute.” *Id.* at 843–844. Thus, *Chevron* applies only when Congress has left a gap for the agency to fill and there is ambiguity in the statute. *Id.* at 842.

106. There is nothing in the EAP Exemption that implies gap-filling authority to impose minimum salary rules.

107. Nor is there any ambiguity in the EAP Exemption’s terms.

108. The EAP does not mention compensation levels, so there is no ambiguity about whether it may set minimum salary levels. *See Clean Water Action v. EPA*, 936 F.3d 308, 313 n.10 (5th Cir. 2019) (“[A]gencies, as mere creatures of statute, must point to explicit Congressional authority justifying their decisions.”).

109. The ordinary meaning of the EAP Exemption is that the Secretary is limited to promulgating rules concerning the duties that an employee must perform to be deemed exempt.

110. And the fact that Congress delegated authority to “define and delimit” the terms “bona fide executive ... capacity” tells us nothing as to whether those operative terms—objectively construed—entail authorization to impose minimum salary rules. The text does not address salaries at all. Statutory silence is no basis for giving Chevron deference. *See Contender Farms, LLP v. U.S. Dep’t of Agric.*, 779 F.3d 258, 272 (5th Cir. 2015) (“[A]n [] agency does not receive deference ... merely by demonstrating that ‘a statute does not expressly negate the existence of a claimed [] power...’”).

111. Both the ordinary meaning and the structure of the Act confirm that the Secretary is authorized only to promulgate regulation concerning the duties an employee must perform to be deemed exempt. As such, the Department’s statutory argument fails at Chevron Step One. *See Chamber of Comm. v. U.S. Dep’t of Lab.*, 885 F.3d 360, 369 (5th Cir. 2018) (“Where the text and structure of a statute unambiguously foreclose an agency’s statutory interpretation, the intent of Congress is clear, and ‘that is the end of the matter; for the court, as well as the agency, must give effect to the unambiguously expressed intent of Congress.’”) (citing *Chevron*, 467 U.S. at 842–43).

112. Under the ordinary meaning, the Department’s minimum salary rule is unlawful. The FLSA’s text confers exempt status on “any employee employed in a bona fide executive, administrative, or professional *capacity*.” 29 U.S.C. § 213(a)(1) (emphasis added). The operative terms “executive, administrative, [and] professional” all “relate to a person’s performance, conduct, or function without suggesting salary.” *Nevada I*, 218 F.Supp.3d at, 529.

113. The statute’s use of the term “capacity” after “executive,” “administrative,” and “professional” confirms that the EAP Exemption focuses on an employee’s duties or functions.

To be employed in the “capacity” of an “executive,” for example, means to work in the role of an executive—i.e., to perform executive duties in one’s position.

114. The term “bona fide” simply emphasizes the focus on the employee’s functional duties. By using “bona fide,” Congress intended the EAP Exemption to apply to employees who were genuinely performing EAP “tasks” in their employment, but to deny it to those who were merely given a job title without commensurate duties.

115. To be sure, the statute delegates authority for the Secretary to “define and delimit” the operative terms of the EAP Exemption. But that authority is cabined by the statute’s text when read as a whole. The “define and delimit” authority is simply authorization for the Secretary to explain the objective meaning of the operative terms Congress chose within the confines of their ordinary meaning—rather than a power to assign meaning.

116. The other statutory exemptions from the Overtime Rule refers to employees who are employed in specific trades, occupations, or in certain types of employment. *See* 29 U.S.C. § 213(a)(5) (fisherman exemption); 29 U.S.C. § 213(a)(19) (baseball exemption). *See Addison v. Holly Hill Fruit Products*, 322 U.S. 607, 617 (1944) (emphasizing that Congress “dealt with exemptions in detail and with particularity, enumerating [them] ... based on different industries, on different occupations ... on size and on areas [of production].”). This pattern confirms that Congress’s focus was on the nature of an employee’s work—not on how much an employee is paid.

117. Congress knows how to include a salary level when it wants—and it omits salary language from the EAP Exemption. Unlike the EAP Exemption, section 213(a)(19) says baseball players must be paid a salary level equal or greater than what they would be earning if working “40 hours” a week at “minimum wage.” That Congress imposed a minimum salary requirement for the

baseball player exemption but not in the EAP Exemption shows that Congress did not intend to impose minimum salary requirements on EAP employees. *See Addison*, 322 U.S. at 614 (holding that DOL abused its discretion in “defin[ing] and delimit[ing]” the scope of an exemption: “Where Congress wanted to make [an] exemption depend on size [of the business], as it did in two or three instances not here relevant, it did so by appropriate language.”).

118. Congress is explicit in imposing other compensation requirements throughout the rest of the FLSA. Unlike here, Congress determined the major policy question and explicitly authorized those requirements. The Secretary thus cannot ‘discover’ the same authority for himself in the “define and delimit” authority under the EAP Exemption. For example, when Congress wanted a minimum wage, it said so in express terms. See 29 U.S.C. § 206(a) (requiring that nonexempt employees must be paid at least “\$7.25 an hour”). It makes no sense to infer a roving power for the Secretary to dictate minimum salary rules for EAP employees—especially when Congress has explicitly enumerated compensation requirements in other parts of the statute.

119. Justices Kavanaugh and Alito recently noted that regulations setting minimum compensation for the EAP Exemption

may be inconsistent with the Fair Labor Standards Act.... Recall that the Act provides that employees who work in a “bona fide executive ... capacity” are not entitled to overtime pay. 29 U.S.C. § 213(a)(1). The Act focuses on whether the employee performs executive duties, not how much an employee is paid or how an employee is paid. So it is questionable whether the Department’s regulations—which look not only at an employee’s duties but also at how much an employee is paid and how an employee is paid—will survive if and when the regulations are challenged as inconsistent with the Act.... [T]he statutory question remains open for future resolution in the lower courts and perhaps ultimately in this Court.

Helix Energy Solutions Group, Inc. v. Hewitt, 598 U.S. 39, 67–68 (2023) (Kavanaugh, J., dissenting).

120. Justice Gorsuch similarly noted:

Helix Energy does not just dispute the proper application of various regulations. It contends those regulations are inconsistent with and unsustainable under the terms of the statute on which they are purportedly based. While [the regulations] focus on an employee's *salary*, Helix Energy submits, the statute requires attention to the employee's *duties*.... see generally 29 U.S.C. § 213(a)(1). Understandably, the Court refuses to entertain this larger statutory argument because Helix Energy failed to raise it earlier in the litigation.... Helix Energy forfeited such a foundational argument...

Id. at 63 (Gorsuch, J., dissenting) (citations omitted, emphasis in original).

121. But two Texas district courts, including this court, have held that the FLSA does empower DOL to set minimum salary levels. *Nevada II*, 275 F. Supp.3d at 805 n.5 (“The Court recognizes *Wirtz* [*v. Miss. Publishers Corp.*, 364 F.2d 603 (5th Cir. 1966)] is controlling and stands for the proposition that the Department has the authority to implement a salary-level test.”); *Mayfield v. U.S. Dep’t of Labor*, ___ F. Supp.3d ___, 2023 WL 6168251, at *3 (W.D. Tex., Sep. 20, 2023) (“At the outset, any challenge to the Department’s general authority in this area is foreclosed by [*Wirtz*].”); *4 (“But even assuming *Wirtz* employed some other standard, the Department’s authority to adopt a salary-level test passes muster under the more modern, two-step *Chevron* framework.”).

122. *Mayfield* is on appeal. *Mayfield v. U.S. Dep’t of Labor*, No. 23-50724. Among the issues in the appeal are whether the FLSA allows Defendants to add a minimum salary level to the EAP Exemption, and whether *Wirtz* is controlling. The Fifth Circuit requested paper copies of the briefs on April 30, 2024, suggesting that oral argument will be scheduled soon.

123. *Wirtz* is not controlling. The plaintiff in *Wirtz* argued that “the minimum salary requirement is not a justifiable regulation under [the EAP Exemption] because [it is] not rationally related to the determination of whether an employee is employed in a bona fide executive * * * capacity.” *Wirtz*, 364 F.2d at 608. The Fifth Circuit disagreed, stating that the regulation was not

“arbitrary or capricious” because the Secretary has “broad latitude to ‘define and delimit’ the meaning of the term ‘bona fide executive * * * capacity.’” *Id.*

124. That conclusory announcement does not control Texas’s arguments presented here. *See Ochoa-Salgado v. Garland*, 5 F.4th 615, 619 (5th Cir. 2021) (“[T]he rule of orderliness applies where (1) a party raises an issue and (2) a panel gives that issue reasoned consideration.”)

125. *Wirtz* did not address whether a minimum salary rule is precluded by the ordinary meaning of the statutory text—which is, under the Supreme Court’s modern jurisprudence, the first step in “reviewing an agency’s construction of a statute.” *See Nevada I*, 218 F.Supp.3d at 528. For that matter, *Wirtz* engaged in zero statutory construction before broadly deferring to the Secretary. Rather, *Wirtz* applied only an arbitrary and capricious standard.

126. *Wirtz* also did not address whether the Department’s claimed minimum salary rulemaking authority violates the major questions doctrine. No party invoked the major questions doctrine. And therefore, this Court has never given the issue reasoned consideration.

127. Defendants emphasize that the minimum salary levels in the 2024 is based on older rules—not its statutory authority. But rules—even old rules—do not establish the limits of agency power. Statutes do. “[A]n agency literally has no power to act ... unless and until Congress confers power upon it.” *La. Pub. Serv. Comm’n v. FCC*, 476 U.S. 355, 374 (1986). Agencies do not gain authority via adverse possession of authority not granted by statute. Agencies cannot engage in a course of conduct giving rise to actual or apparent authority. Agencies cannot prove authority to act by proving a course of dealing.

2. Finding a power to add a minimum salary requirement to the EAP Exemption is foreclosed by the Major Questions Doctrine.

128. If it were unclear whether the statute gives Defendants the authority to add a minimum salary requirement to the EAP Exemption—it is not—then the Major Question Doctrine would require the Court to find that Defendants have no such power.

129. The Major Questions Doctrine requires that an agency must point to “clear congressional authorization” when it claims highly consequential rulemaking authority. *See West Virginia v. EPA*, 597 U.S. 697, 722–23 (2022). The major questions doctrine’s requirement of a clear statement supersedes *Chevron* when it applies.

130. The major questions doctrine is based on “two overlapping and reinforcing presumptions”—that Congress “intends to make major policy decisions itself” and that Congress should make those choices under a “separation of powers-based” default that forbids it from delegating “major lawmaking authority.” *U.S. Telecom Ass’n v. FCC*, 855 F.3d 381, 419 (D.C. Cir. 2017) (Kavanaugh, J., dissenting from denial of rehearing en banc).

131. Defendants admit the 2024 Rule will affect four million employees and “estimate[] that total annualized direct employer costs over the first 10 years will be \$803 million with a 7 percent discount rate.” 89 Fed. Reg. at 32843.

132. The political and economic implications of the Department’s assertion of an open-ended power to raise minimum salary requirements as high as the Secretary may deem fit demonstrate that the Major Question Doctrine applies. *See West Virginia*, 597 U.S. at 735 (“[I]t is not plausible that Congress gave EPA the authority to adopt on its own such a regulatory scheme.... A decision of such magnitude and consequence rests with Congress itself, or an agency acting pursuant to a clear delegation from that representative body.”).

3. If the statute gives Defendants the power to add a minimum salary requirement to the EAP Exemption, it violates the Nondelegation Doctrine because it provides no intelligible principle for how it should be set.

133. If the Court were nevertheless to find that the statute authorizes Defendants to set a minimum salary level for the EAP Exemption, the statute would violate the Non-Delegation Doctrine because it provides no intelligible principle for how to set the minimum salary.

134. The Constitution forbids Congress from delegating its lawmaking powers. *See Whitman v. Am. Trucking Assoc.*, 531 U.S. 457, 472 (2001).

135. The Nondelegation Doctrine requires that Congress must provide an “intelligible principle” to cabin and guide the exercise of administrative discretion. *See Panama Refining Co. v. Ryan*, 293 U.S. 388, 429–30 (1935).

136. If Defendants’ authority is not limited to clarifying the duties that an employee must perform to qualify for the EAP Exemption, then there is no text-based intelligible principle controlling that discretion.

137. The EAP Exemption lacks anything providing direction for how the Secretary should go about setting the minimum salary level.

138. If the EAP Exemption really does grant Defendants the power to set a minimum salary level—it does not—then “the Congress has declared no policy, has established no standard, has laid down no rule” on how to set it, which violates the Nondelegation Doctrine. *Panama Refining*, 293 U.S. at 430.

139. Because there is no intelligible principle guiding Defendants’ putative authority to add a minimum salary requirement to the EAP Exemption, Defendants can pick any number they please and could exclude all employees from the EAP Exemption by setting the minimum to one million dollars, or whatever number would exclude all employees from the EAP Exemption.

4. The Overtime Rule is unconstitutional as applied to Texas and the States. *Garcia* should be overruled.

140. The FLSA was enacted in 1938. Fair Labor Standards Act of 1938, Pub. L. 75-718, 52 Stat. 1060 (codified at 29 U.S.C 201).

141. As originally enacted, FLSA did not apply to employees of the States or the States' political subdivisions. 52 Stat. at 1060 § 3(d) (“‘Employer’ ... shall not include the United States or any State or political subdivision of a State.”).

142. In 1974, Congress amended the FLSA. Fair Labor Standards of 1974, Pub. L. 93-259, 88 Stat. 55 (Apr. 8, 1974).

143. “Employer” is now defined to include “a public agency.” 29 U.S.C. § 203(d).

144. “Public agency” is now defined to include “the government of a State or political subdivision thereof” and “a State, or a political subdivision of a State.” 29 U.S.C. § 203(x).

145. The FLSA now reads, “Except as otherwise provided in this section, no employer shall employ any of his employees who in any workweek is engaged in commerce or in the production of goods for commerce, *or is employed in an enterprise engaged in commerce or in the production of goods for commerce*, for a workweek longer than forty hours unless such employee receives compensation for his employment in excess of the hours above specified at a rate not less than one and one-half times the regular rate at which he is employed.” 29 U.S.C. § 207(a)(1) (emphasis added).

146. The FLSA now defines “Enterprise engaged in commerce or in the production of goods or commerce” as “an enterprise that is an activity of a public agency.” 29 U.S.C. § 203(s)(1)(C).

147. The FLSA defines “enterprise” as “the related activities performed (either through unified operation or common control) by any person or persons for a common business purpose.” 29 U.S.C. § 203(r)(1). And “the activities performed by any person or persons in connection with

the activities of a public agency shall be deemed to be activities performed for a business purpose.”
29 U.S.C. § 203(r)(2)(C).

148. Thus, after the 1974 amendments, the FLSA defines almost everything a state does, and everything a subdivision of a state does, as “commerce” and then subjects them to the overtime rule (with the EAP Exemption).

149. The only employees of a State or a subdivision of a State who are not subject to the FLSA are state employees who are not subject to the civil service laws of the State, political subdivision, or agency which employs him; and who (I) holds a public elective office of that State, political subdivision, or agency, (II) is selected by the holder of such an office to be a member of his personal staff, (III) is appointed by such an officeholder to serve on a policymaking level, (IV) is an immediate adviser to such an officeholder with respect to the constitutional or legal powers of his office, or (V) is an employee in the legislative branch or legislative body of that State, political subdivision, or agency and is not employed by the legislative library of such State, political subdivision, or agency. Such people are excluded from the FLSA’s definition of “employee.” 29 U.S.C. § 203(e)(1), (3).

150. In 1976, the Supreme Court held in *National League of Cities v. Usery*, 426 U.S. 833 (1976), that the Tenth Amendment limited Congress’s power under the Commerce Clause to apply FLSA’s minimum wage and overtime protections to the States. The Court recognized that “[o]ne undoubted attribute of state sovereignty is the States’ power to determine the wages which shall be paid to those whom they employ in order to carry out their governmental functions, what hours those persons will work, and what compensation will be provided where these employees may be called upon to work overtime.” *Id.* at 845.

151. The Overtime Rule’s coercive effect and impact on the States’ ability to perform integral governmental functions were particularly troubling to the Court. *Id.* at 849–51. It held that the Federal Government does not have the authority to usurp the policy choices of the States as to how they structure the pay of State employees or how States allocate their budgets. *Id.* at 846–48. The Federal Government cannot dictate the terms on which States hire employees. *Id.* at 849. And it cannot force States to cut services and programs to pay for the Federal Government’s policy choices related to wages. *Id.* at 855. To permit the Federal Government to manage State employment relationships would be to trample upon the principles of federalism by regulating the States as States. *Id.* at 842, 845. “If Congress may withdraw from the States the authority to make those fundamental employment decisions upon which their systems for performance of these functions must rest, we think there would be little left of the States’ separate and independent existence.” *Id.* at 851 (quotations omitted).

152. The *Usery* court held “that insofar as the [1974] amendments operate to directly displace the States’ freedom to structure integral operations in areas of traditional governmental functions, they are not within the authority granted Congress by Art. I, s 8, cl. 3 [the Interstate Commerce Clause].” *Id.* at 852.

153. Almost a decade later, however, the Supreme Court backed away from its decision in *Usery*, overruling it in *Garcia v. San Antonio Metropolitan Transit Authority*, 469 U.S. 528 (1985).

154. The *Garcia* Court, “reject[ed], as unsound in principle and unworkable in practice, a rule of state immunity from federal regulation that turns on a judicial appraisal of whether a particular governmental function is ‘integral’ or ‘traditional.’ Any such rule leads to inconsistent results.” *Garcia* at 546–47.

155. The Court continues, “If there are to be limits on the Federal Government’s power to interfere with state functions—as undoubtedly there are—we must look elsewhere to find them.” *Id.* at 547. The Court found the limit in “[t]he political process [which] ensures that laws that unduly burden the States will not be promulgated.” *Id.* at 556.

156. That holding is wrong. The limit is in fact found in the limitation of the commerce power to regulating “commerce,” not “government,” and the Tenth Amendment’s “confirm[ation] that the power of the Federal Government is subject to limits that may, in a given instance, reserve power to the States.” *New York v. United States*, 505 U.S. 144, 157 (1992). For instance, “The Federal Government may neither issue directives requiring the States to address particular problems, nor command the States’ officers, or those of their political subdivisions, to administer or enforce a federal regulatory program. It matters not whether policymaking is involved, and no case-by-case weighing of the burdens or benefits is necessary; such commands are fundamentally incompatible with our constitutional system of dual sovereignty.” *Printz v. United States*, 521 U.S. 898, 935 (1997). Thus, states and their officers cannot be required to comply with the FSLA.

157. The decision was 5-4. Dissenting, Justice Rehnquist stated that the Tenth Amendment principle “will, I am confident, in time again command the support of a majority of this Court.” *Garcia*, 469 U.S. at 580 (Rehnquist, J., dissenting).

158. Moreover, DOL’s setting of a minimum salary level without statutory authority or intelligible principle to guide the setting, and the “automatic indexing” in the final rule, demonstrates that the political process provides states with no protection from administrative and executive overreach where the rule-makers nefariously use the rules to shield themselves from the political process.

159. Over three decades of experience since *Garcia* has cast serious doubt on the Court’s optimistic reliance on mere politics to protect our federalist system from Federal dominance. Subsequent Commerce Clause, Tenth Amendment, and Eleventh Amendment decisions call the continuing validity of *Garcia* into question. *See, e.g., West v. Anne Arundel Cnty., Md.*, 137 F.3d 752, 757–58 (4th Cir. 1998) (Wilkerson, J.), superseded on other grounds as stated in *Morrison v. Cnty. of Fairfax, Va.*, No. 14-2308, --- F. 3d ---, 2016 WL 3409651 (4th Cir. June 21, 2016).

160. Additionally, the FLSA commandeers, coerces, and subverts the States by mandating how they structure the pay of State employees and, thus, they dictate how States allocate a substantial portion of their budgets. *See Nat’l Fed’n of Indep. Bus. v. Sebelius*, 567 U.S. 519, 582 (2012) (“The threatened loss of over 10 percent of a State’s overall budget, in contrast, is economic dragooning that leaves the States with no real option but to acquiesce in the Medicaid expansion.”).

161. *Garcia* should be overruled.

162. When the Court set aside the 2016 Rule, it held that *Garcia* controlled the case and that FLSA applied to the States. *Nevada II*, 275 F. Supp.3d at 802–03.

VIII. Claims for Relief

COUNT 1

Violation of APA 5 U.S.C. 706(2)(C): In Excess of Statutory Jurisdiction of Authority

342. All foregoing allegations are repeated and realleged as if fully set forth herein.

343. Under the APA, a court shall “hold unlawful and set aside agency action, findings, and conclusions found to be...in excess of statutory jurisdiction, authority, or limitations, or short of statutory right.” 5 U.S.C. § 706(2)(C).

344. The EAP Exemption is unambiguous: it refers to an employee’s duties, not an employee’s salary.

345. The 2024 Rule’s minimum salary level is therefore contrary to the unambiguous meaning because it is not near the lower end of the range of prevailing salaries for EAP employees, because it essentially makes an employee’s duties, functions, or tasks irrelevant if the employee’s salary falls below the new minimum salary level, because entire categories of previously exempt employees who perform “bona fide executive, administrative, or professional capacity” duties would now qualify for the EAP exemption based on salary alone, and because it makes overtime status depend predominately on a minimum salary level, thereby supplanting an analysis of an employee’s job duties.

346. Moreover, if Congress were ambiguous about what specifically constituted an employee subject to the EAP exemption, Congress was clear that the determination should involve at least a consideration of an employee’s duties. Nothing in the EAP Exemption allows the Department to make salary rather than an employee’s duties determinative of whether a “bona fide executive, administrative, or professional capacity” employee should be exempt from overtime pay.

347. The automatic increases to the minimum salary level are likewise in excess of authority granted to DOL.

348. The 2024 Rule’s minimum salary level is in excess of the authority Congress granted to DOL and is therefore unlawful, should be declared invalid, should be set aside, and in violation of the APA, 5 U.S.C. § 706(2)(C).

COUNT 2

**Violation of APA 5 U.S.C. 706(2)(A):
Arbitrary, Capricious, Abuse of Discretion, Not in Accordance with Law**

349. All foregoing allegations are repeated and realleged as if fully set forth herein.

350. Under the APA, a court shall “hold unlawful and set aside agency action, findings, and conclusions found to be...arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. 706(2)(A).

351. A court may hold that an agency action is arbitrary and capricious when the agency has failed to consider relevant evidence or articulate a satisfactory explanation for its action.

352. The 2024 Rule’s July 1, 2024 minimum salary level is arbitrary and capricious because it is based on the 20th percentile of weekly earnings of fulltime salaried workers in the lowest wage Census Region, and in the retail industry nationally, which bears no relation to the statutory requirement that “any employee employed in a bona fide executive, administrative, or professional capacity” is exempt from the Overtime Rule, regardless of salary.

353. The 2024 Rule’s January 1, 2025 minimum salary level is arbitrary and capricious because it is based on the 35th percentile of weekly earnings of fulltime salaried workers in the lowest wage Census Region, and in the retail industry nationally, which bears no relation to the statutory requirement that “any employee employed in a bona fide executive, administrative, or professional capacity” is exempt from the Overtime Rule, regardless of salary.

354. It is also arbitrary and capricious because it is based on an invalid mathematical formula applied to the arbitrary and capricious 20th percentile rule and pre-2004 practice. Defendants essentially argue, as they did in the 2016 Rule, that the 2004 Rule used bad math when it eliminated the two duties tests with the two different minimum salary levels. Defendants’ choice of the 35th percentile seems to be based on nothing more than the fact that the “short duties” salary level used to be approximately 149% of the “long duties” salary level, and 35 is close enough to 149% of 20 (it is actually 175% higher). But the 2004 Rule’s 20th percentile level was based on an entirely

different salary base than the pre-2004 “long duties” salary base, making this comparison irrelevant.

355. The January 1, 2025 minimum salary level disregards the affected communities’ reliance on the prior rule and will make millions of employees non-exempt, requiring either increases in salaries or overtime pay and additional paperwork.

356. The 2024 Rule’s minimum salary level is in arbitrary and capricious and is therefore unlawful, should be declared invalid, should be set aside, and in violation of the APA, 5 U.S.C. § 706(2)(A).

COUNT 3
Violation of APA 5 U.S.C. 706(2)(C):
In Excess of Statutory Jurisdiction of Authority

357. All foregoing allegations are repeated and realleged as if fully set forth herein.

358. The EAP Exemption does not authorize DOL to add any minimum salary level.

359. The 2024 Rule’s minimum salary level is in excess of the authority Congress granted to DOL and is therefore unlawful, should be declared invalid, should be set aside, and in violation of the APA, 5 U.S.C. § 706(2)(C).

COUNT 4
Major Questions Doctrine

360. All foregoing allegations are repeated and realleged as if fully set forth herein.

361. Alternatively, if there is any ambiguity about whether the EAP Exemption authorizes DOL to add a minimum salary level, the Major Questions Doctrine mandates that the authority does not exist because such authority must be clearly stated.

COUNT 5
Non-Delegation Doctrine

362. All foregoing allegations are repeated and realleged as if fully set forth herein.

363. Alternatively, if the EAP Exemption unambiguously authorizes DOL to add a minimum salary level, it does so without any intelligible principle on how to choose the number and violates the Nondelegation Doctrine.

COUNT 6
Tenth Amendment

364. All foregoing allegations are repeated and realleged as if fully set forth herein.

365. The Tenth Amendment states that “[t]he powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or the people.” U.S. Const. amend X.

366. The Tenth Amendment is a barrier to Congress’s power under the Commerce Clause to apply the FLSA to the States and the 29 C.F.R. Part 541 salary basis test and compensation levels.

367. Enforcing the FLSA and the 2024 Rule’s minimum salary level against the States infringes upon state sovereignty and federalism by dictating the wages that States must pay to those whom they employ in order to carry out their governmental functions, what hours those persons will work, and what compensation will be provided where these employees may be called upon to work overtime.

368. FLSA and the new overtime rule commandeers, coerces, and subverts the States by mandating how they structure the pay of State employees and, thus, they dictate how States allocate a substantial portion of their budgets.

369. Further, as a result of the new overtime rules and the accompanying damage to State budgets, States will be forced to eliminate or alter employment relationships and cut or reduce services and programs. Left unchecked, DOL’s salary basis test and compensation levels will wreck State budgets.

370. The new overtime rule regulates the States as States and addresses matters that are indisputable attributes of State sovereignty (employment relationships, services, functions, and budgets). Compliance with the overtime rule directly impairs the States' ability to structure integral operations in areas of traditional governmental functions and there is no federal interest that justifies State submission.

371. To the extent *Garcia* can be read to hold otherwise, it should be overruled.

372. Because the new rules and regulations are not in accordance with the law as articulated above, they are unlawful, should be declared invalid, should be set aside, and are in excess of the authority Congress granted to DOL and is therefore in violation of the APA, 5 U.S.C. § 706(2)(C).

IX. DEMAND FOR RELIEF

Texas respectfully requests that the Court:

- a. Issue preliminary injunctive relief against Defendants delaying the effective date of the 2024 Rule's minimum salary level under 5 U.S.C. § 705 until the Court can consider full briefing on the Rule's and enjoining them from enforcing the 2024 Rule's minimum salary level.
- b. Issue permanent injunctive relief against Defendants enjoining them from enforcing the 2024 Rule,
- c. Declare that the 2024 Rule's minimum salary level violates the Administrative Procedure Act;
- d. Set aside the 2024 Rule's minimum salary level;
- e. Grant Plaintiffs an award of attorneys' fees and other litigation costs reasonably incurred in this action; and

- f. Grant Plaintiffs such other relief as the Court deems just and proper and as justice so requires.

Date: June 3, 2024

KEN PAXTON
Attorney General

BRENT WEBSTER
First Assistant Attorney General

RALPH MOLINA
Deputy Attorney General for Legal Strategy

RYAN D. WALTERS
Chief, Special Litigation Division

Respectfully submitted.

/s/ KATHLEEN HUNKER
KATHLEEN HUNKER
Special Counsel
Tex. State Bar No. 24118415

SUSANNA DOKUPIL
Special Counsel
Tex. State Bar No. 24034419

GARRETT GREENE
Special Counsel
Tex. State Bar No. 24096217

MUNERA AL-FUHAID
Special Counsel
Tex. State Bar No. 24094501

OFFICE OF THE ATTORNEY GENERAL OF TEXAS
Special Litigation Division
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Tel.: (512) 463-2100
Ryan.Walters@oag.texas.gov
Munera.Al-fuhaid@oag.texas.gov
Susanna.Dokupil@oag.texas.gov
Kathleen.Hunker@oag.texas.gov

COUNSEL FOR STATE OF TEXAS

EXHIBIT A

**UNITED STATES DISTRICT COURT
 EASTERN DISTRICT OF TEXAS
 SHERMAN DIVISION**

<p>STATE OF TEXAS,</p> <p style="padding-left: 40px;"><i>Plaintiff,</i></p> <p>v.</p> <p>UNITED STATES DEPARTMENT OF LABOR, JULIE A. SU, in her Official Capacity as United States Secretary of Labor, THE WAGE AND HOUR DIVISION OF THE DEPARTMENT OF LABOR, and JESSICA LOOMAN, in her Official Capacity as Administrator of the Wage and Hour Division,</p> <p style="padding-left: 40px;"><i>Defendants.</i></p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>CIVIL ACTION No. _____</p>
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DECLARATION OF MURL E. MILLER

I, Murl E. Miller, declare as follows:

1. I am Murl E. Miller. I am over the age of 18 and a U.S. citizen. I make this Declaration supporting Plaintiffs’ Original Complaint and Plaintiff’s Motion for Temporary Restraining Order and/or Preliminary Injunction and/or to Postpone the Effective Date of the 2024 Rule. I have personal knowledge of the facts contained in this Declaration unless otherwise stated. I could competently testify as to the contents of this Declaration if called upon to do so.

2. I am Chief Counsel at the office of the Texas Comptroller of Public Accounts (CPA), where I have worked for over 14 years. My role with the CPA includes my direct involvement in employment law and general litigation matters, including collecting materials from all our computer systems for declarative, discovery, and investigation purposes. I work with our human resources division, the operations and support legal services division, and our personnel contracting division within the CPA, with personnel that include attorneys, analysts, accountants, auditors, and economists. By virtue of my duties and responsibilities, I am a business records custodian for the CPA. Further, I am familiar with how the CPA creates and maintains records.

3. Part of the CPA's responsibilities include operating computers and other systems to collect public revenue, and keeping and stating of accounts of persons collecting state revenue. The CPA also keeps and settles all accounts in which the state is interested and examines and settles the account of each person indebted to the state or to which the state is indebted to each person, including all state personnel. Further, the CPA has the duty to audit each claim against the state and by the state, keep a book to register and index each audited claim against the state or for the state, keep and state each account between the state and the United States, keep journals through which all entries are made in the ledger, draw warrants on the treasury for payment of all money required to be paid from the treasury, and preserve the books, records, papers, and other property of the Comptroller's office.
4. The CPA operates the Standardized Payroll/Personnel Reporting System (SPRS), which allows the Comptroller to meet his statutory obligations of processing valid claims, fulfilling statewide reporting requirements, and ensuring a standardized payroll calculation via post-payment audit. SPRS's most significant benefit is that it captures and validates all agencies' uniform personnel and payroll information.
5. I am aware of the United States Department of Labor Final Rule at issue in this case and have reviewed it. I am also aware of the Final Rule's increased salary requirements for an individual to qualify as an exempt employee and have reviewed them.
6. The Final Rule states that its implementation will increase the minimum salary threshold of "White Collar" workers, initially to \$844 per week (\$43,888 per year) as of July 1, 2024, and then to \$1,128 per week (\$58,656 per year) as of January 1, 2025. Thereafter, the rule provides for an automatic update to the threshold every three years based on wage data. 89 Fed. Reg. 32842 (A Rule by the Wage and Hour Division on 04/26/2024).
7. The Final Rule's increased thresholds will have an immediate effect in Texas because the state law minimum salary thresholds for exemption do not already exceed the new FLSA requirements; thus, the Final Rule will impact approximately 3,990 state employees working in essential jobs at 65 state agencies as of July 1, 2024, and approximately 2,486 state employees working in essential jobs at 62 state agencies as of January 1, 2025. Thus, the employing state agencies must determine whether, if the rule becomes effective, they will increase base salaries in line with the new thresholds or reclassify workers as non-exempt and pay them for any overtime hours worked at the rate of time and one-half (1.5x) their regular hourly rate. 89 Fed. Reg. 32842.
8. I have attached 28 pages of records gathered by my query directly from the uniform personnel and payroll information in the Comptroller's SPRS. These are exact

duplicates of the original records generated originally in Microsoft Excel Format, and converted to Adobe Portable Document Format.

9. These records are composed of the following elements:
10. Exhibit 1: a one-page form (Page 1) identifying the state agency by agency code, the position, and the number of individual employees who currently qualify as exempt employees with salaries less than \$43,888; 88 employees at 17 state agencies.
11. Exhibit 2: a fifteen-page form (Pages 2-16) identifying the state agency by agency code, the position, and the number of individual employees who currently qualify as exempt employees with a salary less than \$58,656; 3,990 employees at 65 state agencies.
12. Exhibit 3: a one-page form (Page 17) identifying the state agency by agency code, the position, and the number of individual employees who currently qualify as an exempt employee with a salary less than \$43,883 but will no longer qualify as an exempt employee even with a 5% or minimum \$3,000 raise effective September 1, 2024; 16 employees at 8 state agencies.
13. Exhibit 4: an eleven-page form (Pages 18-28) identifying the state agency by agency code, the position, and the number of individual employees who currently qualify as exempt employees with salaries less than \$58,656 but will no longer qualify as exempt employees even with a 5% or minimum \$3,000 raise effective September 1, 2024; 2,486 employees at 63 state agencies.
14. Exhibit 5: This is a true and correct copy of the official list of Texas state agencies and their state number used by the CPA's fiscal division.
<https://fmx.cpa.texas.gov/fm/contacts/agynum/index.php>
15. Based on the regular practices of the CPA, the records were:
 - a. Made at or near the time of each act, event, condition, opinion, or diagnosis as set forth in the records;
 - b. Made by, or from information transmitted by, persons with knowledge of matters set forth in the records; and
 - c. Kept in the course of regularly conducted business activity.
16. It is the CPA's regular practice of the business activity to make the records.
17. The remedy of damages against the United States is unavailable to the State of Texas, so the Final Rules' effect on state salaries is unrecoverable.

I declare under penalty of perjury under the laws of the United States of America and the State of Texas that the preceding is true and correct.

Executed in Austin, Texas, on this 3rd day of June 2024.


BY:  _____
Murl E. Miller

EXHIBIT 1

AGENCY_NO	CLASS CODE	JCTITLE	SALARY_GROUP	COUNT
303	2730	SAFETY OFFICER I	B17	1
306	7401	LIBRARIAN I	B16	1
320	3025	WORKFORCE DEV SPECIALIST IV	B16	2
338	0006	RECEPTIONIST I	A09	2
356	0152	ADMINISTRATIVE ASSISTANT II	A11	1
448	1831	INFORMATION SPECIALIST II	B18	1
448	3660	OMBUDSMAN I	B17	1
454	1571	PROGRAM SPECIALIST II	B18	2
455	0171	LICENSE AND PERMIT SPEC II	B14	9
455	0600	RESEARCH SPECIALIST I	B16	1
455	7480	RECORDS ANALYST I	B15	1
456	0132	CUSTOMER SERVICE REP I	A11	8
456	0154	ADMINISTRATIVE ASSISTANT III	A13	2
456	0172	LICENSE AND PERMIT SPEC III	B16	1
456	1012	ACCOUNTANT I	B15	1
481	1571	PROGRAM SPECIALIST II	B18	1
514	0172	LICENSE AND PERMIT SPEC III	B16	1
529	1580	PROGRAM SUPERVISOR I	B17	1
529	1581	PROGRAM SUPERVISOR II	B18	3
529	1914	INVENTORY & STORE SPEC IV	A17	1
529	1996	FLEET MANAGER I	B18	1
529	4226	HEALTH SPECIALIST I	B17	2
529	5144	RECREATION PROG SPEC III	B17	1
530	1580	PROGRAM SUPERVISOR I	B17	1
644	3026	WORKFORCE DEV SPECIALIST V	B18	2
644	7480	RECORDS ANALYST I	B15	1
696	0229	IT SUPPORT SPECIALIST II	B16	1
696	0230	IT SUPPORT SPECIALIST III	B18	2
696	0252	SYSTEMS ANALYST I	B17	1
696	1570	PROGRAM SPECIALIST I	B17	3
696	1580	PROGRAM SUPERVISOR I	B17	6
696	1581	PROGRAM SUPERVISOR II	B18	4
696	1913	INVENTORY & STORE SPEC III	A15	1
696	4226	HEALTH SPECIALIST I	B17	1
696	5081	CHAPLAIN I	B17	16
696	5228	CASE MANAGER III	B16	2
701	0154	ADMINISTRATIVE ASSISTANT III	A13	1
813	0154	ADMINISTRATIVE ASSISTANT III	A13	1

88 Total

EXHIBIT 2

AGENCY_NO	CLASS_CODE	JCTITLE	SALARY_GROUP	COUNT
201	0162	EXECUTIVE ASSISTANT II	B19	1
201	1990	PROPERTY MANAGER I	B18	1
201	3626	DEPUTY CLERK IV	A19	5
212	0311	SYSTEMS ADMINISTRATOR II	B19	1
212	1571	PROGRAM SPECIALIST II	B18	6
212	1572	PROGRAM SPECIALIST III	B19	1
212	1573	PROGRAM SPECIALIST IV	B20	1
212	1733	HUMAN RESOURCES SPECIALIST III	B19	1
212	3637	COURT COORDINATOR	B17	72
225	3604	LAW CLERK	B14	1
228	1014	ACCOUNTANT II	B16	1
231	1016	ACCOUNTANT III	B18	1
243	7402	LIBRARIAN II	B18	1
243	7404	LIBRARIAN IV	B22	1
300	1571	PROGRAM SPECIALIST II	B18	2
300	1572	PROGRAM SPECIALIST III	B19	2
300	1573	PROGRAM SPECIALIST IV	B20	1
301	0061	CLERK IV	A13	1
301	0136	CUSTOMER SERVICE REP III	A15	3
301	0138	CUSTOMER SERVICE REP IV	A17	1
301	0156	ADMINISTRATIVE ASSISTANT IV	A15	3
301	0158	ADMINISTRATIVE ASSISTANT V	A17	2
301	1046	AUDITOR II	B20	1
301	1571	PROGRAM SPECIALIST II	B18	4
301	1572	PROGRAM SPECIALIST III	B19	2
301	1731	HUMAN RESOURCES SPECIALIST II	B17	1
301	1733	HUMAN RESOURCES SPECIALIST III	B19	1
302	0159	ADMINISTRATIVE ASSISTANT VI	A19	2
302	0254	SYSTEMS ANALYST III	B21	1
302	0311	SYSTEMS ADMINISTRATOR II	B19	1
302	1572	PROGRAM SPECIALIST III	B19	5
302	1573	PROGRAM SPECIALIST IV	B20	4
302	1574	PROGRAM SPECIALIST V	B21	3
302	1582	PROGRAM SUPERVISOR III	B19	9
302	1735	HUMAN RESOURCES SPECIALIST IV	B21	1
302	1832	INFORMATION SPECIALIST III	B20	1
302	1921	GRANT SPECIALIST III	B21	2
302	1982	CONTRACT SPECIALIST III	B20	4
302	1984	CONTRACT SPECIALIST IV	B22	1
302	1998	FLEET MANAGER III	B22	1
302	6170	CRIMINAL INTEL ANALYST I	B21	1
303	0221	IT BUSINESS ANALYST I	B21	1
303	0311	SYSTEMS ADMINISTRATOR II	B19	3
303	0312	SYSTEMS ADMINISTRATOR III	B21	2
303	1016	ACCOUNTANT III	B18	2
303	1018	ACCOUNTANT IV	B20	1

303	1326	INSPECTOR VI	B21	1
303	1570	PROGRAM SPECIALIST I	B17	2
303	1571	PROGRAM SPECIALIST II	B18	2
303	1572	PROGRAM SPECIALIST III	B19	2
303	1580	PROGRAM SUPERVISOR I	B17	1
303	1733	HUMAN RESOURCES SPECIALIST III	B19	1
303	1823	MARKETING SPECIALIST II	B18	1
303	1931	PURCHASER II	B15	1
303	1932	PURCHASER III	B17	3
303	1992	PROPERTY MANAGER II	B20	1
303	2730	SAFETY OFFICER I	B17	3
303	2731	SAFETY OFFICER II	B19	1
304	0211	DATABASE ADMINISTRATOR I	B21	2
304	0229	IT SUPPORT SPECIALIST II	B16	1
304	0241	PROGRAMMER I	B20	2
304	0253	SYSTEMS ANALYST II	B19	3
304	0254	SYSTEMS ANALYST III	B21	3
304	1016	ACCOUNTANT III	B18	3
304	1018	ACCOUNTANT IV	B20	5
304	1046	AUDITOR II	B20	5
304	1201	INTERNAL AUDITOR II	B20	2
304	1551	STAFF SERVICES OFFICER II	B18	1
304	1570	PROGRAM SPECIALIST I	B17	2
304	1571	PROGRAM SPECIALIST II	B18	10
304	1572	PROGRAM SPECIALIST III	B19	21
304	1573	PROGRAM SPECIALIST IV	B20	2
304	1733	HUMAN RESOURCES SPECIALIST III	B19	6
304	1812	CREATIVE MEDIA DESIGNER II	B19	1
304	1831	INFORMATION SPECIALIST II	B18	1
304	1980	CONTRACT SPECIALIST II	B18	2
304	1982	CONTRACT SPECIALIST III	B20	1
305	0517	PLANNER II	B20	1
305	1735	HUMAN RESOURCES SPECIALIST IV	B21	1
305	1920	GRANT SPECIALIST II	B19	1
306	0300	WEB ADMINISTRATOR I	B19	1
306	1016	ACCOUNTANT III	B18	1
306	1155	BUDGET ANALYST I	B18	1
306	1570	PROGRAM SPECIALIST I	B17	2
306	1572	PROGRAM SPECIALIST III	B19	3
306	1580	PROGRAM SUPERVISOR I	B17	2
306	1581	PROGRAM SUPERVISOR II	B18	1
306	1731	HUMAN RESOURCES SPECIALIST II	B17	1
306	1733	HUMAN RESOURCES SPECIALIST III	B19	1
306	1812	CREATIVE MEDIA DESIGNER II	B19	1
306	1832	INFORMATION SPECIALIST III	B20	1
306	1931	PURCHASER II	B15	1
306	7315	HISTORIAN I	B17	1

306	7401	LIBRARIAN I	B16	4
306	7402	LIBRARIAN II	B18	10
306	7405	ARCHIVIST I	B16	6
306	7407	ARCHIVIST II	B18	4
307	0160	EXECUTIVE ASSISTANT I	B17	2
307	1016	ACCOUNTANT III	B18	6
307	1571	PROGRAM SPECIALIST II	B18	1
307	1572	PROGRAM SPECIALIST III	B19	1
307	1731	HUMAN RESOURCES SPECIALIST II	B17	2
307	1875	EDITOR I	B18	7
307	1932	PURCHASER III	B17	1
307	3574	LEGAL ASSISTANT II	B18	1
312	1100	FINANCIAL EXAMINER I	B17	9
313	0282	TELECOMMUNICATIONS SPEC I	B18	3
313	0283	TELECOMMUNICATIONS SPEC II	B20	1
313	1572	PROGRAM SPECIALIST III	B19	2
313	1731	HUMAN RESOURCES SPECIALIST II	B17	2
313	1733	HUMAN RESOURCES SPECIALIST III	B19	1
320	0159	ADMINISTRATIVE ASSISTANT VI	A19	1
320	0241	PROGRAMMER I	B20	7
320	0254	SYSTEMS ANALYST III	B21	2
320	0255	SYSTEMS ANALYST IV	B23	2
320	1018	ACCOUNTANT IV	B20	7
320	1020	ACCOUNTANT V	B22	4
320	1077	ACCOUNTS EXAMINER V	B21	14
320	1550	STAFF SERVICES OFFICER I	B17	1
320	1553	STAFF SERVICES OFFICER IV	B20	1
320	1573	PROGRAM SPECIALIST IV	B20	18
320	1574	PROGRAM SPECIALIST V	B21	1
320	1580	PROGRAM SUPERVISOR I	B17	14
320	1581	PROGRAM SUPERVISOR II	B18	30
320	1582	PROGRAM SUPERVISOR III	B19	17
320	1583	PROGRAM SUPERVISOR IV	B20	41
320	1584	PROGRAM SUPERVISOR V	B21	1
320	1600	MANAGER I	B22	2
320	1785	TRAINING AND DEV SPEC V	B22	1
320	1914	INVENTORY & STORE SPEC IV	A17	3
320	3025	WORKFORCE DEV SPECIALIST IV	B16	3
320	3026	WORKFORCE DEV SPECIALIST V	B18	1
320	3502	ATTORNEY I	B22	14
327	0164	EXECUTIVE ASSISTANT III	B21	1
327	1832	INFORMATION SPECIALIST III	B20	2
327	2915	RETIRE SYS BENEFITS SPEC IV	B20	4
332	0160	EXECUTIVE ASSISTANT I	B17	1
332	1018	ACCOUNTANT IV	B20	4
332	1833	INFORMATION SPECIALIST IV	B22	2
338	0006	RECEPTIONIST I	A09	2

338	0604	RESEARCH SPECIALIST III	B20	1
352	1004	ACCOUNTING TECHNICIAN III	A15	1
352	1016	ACCOUNTANT III	B18	2
352	1080	FINANCIAL ANALYST I	B20	2
356	0152	ADMINISTRATIVE ASSISTANT II	A11	1
356	1571	PROGRAM SPECIALIST II	B18	2
356	3576	LEGAL ASSISTANT III	B20	2
362	1014	ACCOUNTANT II	B16	2
362	1018	ACCOUNTANT IV	B20	1
362	1046	AUDITOR II	B20	7
362	1048	AUDITOR III	B22	1
362	1552	STAFF SERVICES OFFICER III	B19	1
362	1571	PROGRAM SPECIALIST II	B18	1
362	1573	PROGRAM SPECIALIST IV	B20	5
362	1574	PROGRAM SPECIALIST V	B21	1
362	1810	CREATIVE MEDIA DESIGNER I	B17	1
401	0211	DATABASE ADMINISTRATOR I	B21	2
401	0311	SYSTEMS ADMINISTRATOR II	B19	1
401	1581	PROGRAM SUPERVISOR II	B18	1
401	1731	HUMAN RESOURCES SPECIALIST II	B17	2
401	1733	HUMAN RESOURCES SPECIALIST III	B19	4
401	1997	FLEET MANAGER II	B20	1
401	2684	NATURAL RESOURCES SPEC III	B20	1
401	5229	CASE MANAGER IV	B18	1
401	6402	MILITARY TECHNICIAN III	A14	1
401	7468	CURATOR II	B18	1
403	1572	PROGRAM SPECIALIST III	B19	6
403	1582	PROGRAM SUPERVISOR III	B19	1
403	1920	GRANT SPECIALIST II	B19	2
405	0254	SYSTEMS ANALYST III	B21	1
405	0289	NETWORK SPECIALIST III	B21	3
405	0290	NETWORK SPECIALIST IV	B23	4
405	0311	SYSTEMS ADMINISTRATOR II	B19	1
405	0312	SYSTEMS ADMINISTRATOR III	B21	3
405	1325	INSPECTOR V	B19	1
405	1580	PROGRAM SUPERVISOR I	B17	2
405	1581	PROGRAM SUPERVISOR II	B18	1
405	1582	PROGRAM SUPERVISOR III	B19	9
405	1584	PROGRAM SUPERVISOR V	B21	3
405	1860	MANAGEMENT ANALYST I	B19	5
405	4229	HEALTH SPECIALIST IV	B20	3
405	8025	CUSTODIAL MGR III	A17	1
405	9056	MAINTENANCE SUPERVISOR IV	A20	3
409	1324	INSPECTOR IV	B17	2
409	1325	INSPECTOR V	B19	2
409	1570	PROGRAM SPECIALIST I	B17	1
409	1571	PROGRAM SPECIALIST II	B18	6

409	1572	PROGRAM SPECIALIST III	B19	1
409	1934	PURCHASER V	B21	1
411	0231	IT SUPPORT SPECIALIST IV	B20	1
411	0242	PROGRAMMER II	B22	2
448	1411	QUALITY ASSURANCE SPEC II	B18	1
448	1831	INFORMATION SPECIALIST II	B18	2
448	3660	OMBUDSMAN I	B17	12
448	3662	OMBUDSMAN II	B19	1
452	0174	LICENSE AND PERMIT SPEC V	B20	6
452	1018	ACCOUNTANT IV	B20	1
452	1572	PROGRAM SPECIALIST III	B19	19
452	2460	HYDROLOGIST II	B20	1
454	0162	EXECUTIVE ASSISTANT II	B19	2
454	0253	SYSTEMS ANALYST II	B19	1
454	0283	TELECOMMUNICATIONS SPEC II	B20	1
454	0651	DATA ANALYST II	B20	1
454	1044	AUDITOR I	B18	2
454	1048	AUDITOR III	B22	1
454	1156	BUDGET ANALYST II	B20	1
454	1325	INSPECTOR V	B19	1
454	1411	QUALITY ASSURANCE SPEC II	B18	1
454	1571	PROGRAM SPECIALIST II	B18	25
454	1572	PROGRAM SPECIALIST III	B19	22
454	1573	PROGRAM SPECIALIST IV	B20	6
454	1574	PROGRAM SPECIALIST V	B21	1
454	1580	PROGRAM SUPERVISOR I	B17	1
454	1581	PROGRAM SUPERVISOR II	B18	2
454	1582	PROGRAM SUPERVISOR III	B19	1
454	1583	PROGRAM SUPERVISOR IV	B20	3
454	1735	HUMAN RESOURCES SPECIALIST IV	B21	2
454	1784	TRAINING AND DEV SPEC IV	B20	1
454	1831	INFORMATION SPECIALIST II	B18	1
454	1933	PURCHASER IV	B19	2
454	1980	CONTRACT SPECIALIST II	B18	1
454	2731	SAFETY OFFICER II	B19	7
454	2802	ACTUARY I	B21	2
454	2924	CLAIMS EXAMINER IV	B20	13
454	3670	BENEFIT REVIEW OFFICER I	B19	5
454	3672	BENEFIT REVIEW OFFICER II	B21	8
454	3690	MED FEE DISPUTE OFFICER I	B19	2
455	0160	EXECUTIVE ASSISTANT I	B17	1
455	0162	EXECUTIVE ASSISTANT II	B19	1
455	0171	LICENSE AND PERMIT SPEC II	B14	10
455	0172	LICENSE AND PERMIT SPEC III	B16	4
455	0173	LICENSE AND PERMIT SPEC IV	B18	5
455	0174	LICENSE AND PERMIT SPEC V	B20	1
455	0229	IT SUPPORT SPECIALIST II	B16	1

455	0230	IT SUPPORT SPECIALIST III	B18	1
455	0271	GEOGRAPHIC INFO SPEC II	B20	2
455	0272	GEOGRAPHIC INFO SPEC III	B22	2
455	0600	RESEARCH SPECIALIST I	B16	1
455	0604	RESEARCH SPECIALIST III	B20	3
455	0650	DATA ANALYST I	B18	3
455	1014	ACCOUNTANT II	B16	2
455	1016	ACCOUNTANT III	B18	4
455	1324	INSPECTOR IV	B17	23
455	1325	INSPECTOR V	B19	6
455	1400	COMPLIANCE ANALYST I	B19	12
455	1401	COMPLIANCE ANALYST II	B21	8
455	1550	STAFF SERVICES OFFICER I	B17	2
455	1551	STAFF SERVICES OFFICER II	B18	2
455	1552	STAFF SERVICES OFFICER III	B19	1
455	1571	PROGRAM SPECIALIST II	B18	4
455	1572	PROGRAM SPECIALIST III	B19	2
455	1733	HUMAN RESOURCES SPECIALIST III	B19	1
455	1782	TRAINING AND DEV SPEC II	B16	1
455	1783	TRAINING AND DEV SPEC III	B18	1
455	1933	PURCHASER IV	B19	1
455	1982	CONTRACT SPECIALIST III	B20	1
455	2127	ENGINEERING SPECIALIST I	B18	70
455	2128	ENGINEERING SPECIALIST II	B19	37
455	2683	NATURAL RESOURCES SPEC II	B18	1
455	3574	LEGAL ASSISTANT II	B18	3
455	3576	LEGAL ASSISTANT III	B20	1
455	7480	RECORDS ANALYST I	B15	2
456	0132	CUSTOMER SERVICE REP I	A11	8
456	0154	ADMINISTRATIVE ASSISTANT III	A13	2
456	0156	ADMINISTRATIVE ASSISTANT IV	A15	1
456	0164	EXECUTIVE ASSISTANT III	B21	1
456	0172	LICENSE AND PERMIT SPEC III	B16	1
456	0820	EDUCATION SPECIALIST I	B17	1
456	1012	ACCOUNTANT I	B15	1
456	1353	INVESTIGATOR IV	B18	9
456	1570	PROGRAM SPECIALIST I	B17	2
456	1582	PROGRAM SUPERVISOR III	B19	1
456	1932	PURCHASER III	B17	1
456	3572	LEGAL ASSISTANT I	B16	2
456	3576	LEGAL ASSISTANT III	B20	1
457	1570	PROGRAM SPECIALIST I	B17	4
457	1571	PROGRAM SPECIALIST II	B18	2
457	1572	PROGRAM SPECIALIST III	B19	3
457	1573	PROGRAM SPECIALIST IV	B20	1
457	1582	PROGRAM SUPERVISOR III	B19	1
460	1353	INVESTIGATOR IV	B18	1

466	0162	EXECUTIVE ASSISTANT II	B19	1
466	1016	ACCOUNTANT III	B18	1
466	1080	FINANCIAL ANALYST I	B20	1
466	1100	FINANCIAL EXAMINER I	B17	1
466	1102	FINANCIAL EXAMINER II	B19	5
466	1400	COMPLIANCE ANALYST I	B19	4
473	1570	PROGRAM SPECIALIST I	B17	1
475	3604	LAW CLERK	B14	2
476	0140	CUSTOMER SERVICE REP V	A19	1
476	3532	HEARINGS OFFICER III	B21	1
476	4146	LABORATORY TECHNICIAN III	A15	1
476	4148	LABORATORY TECHNICIAN IV	A17	1
479	0158	ADMINISTRATIVE ASSISTANT V	A17	1
479	1400	COMPLIANCE ANALYST I	B19	5
479	1401	COMPLIANCE ANALYST II	B21	3
479	1402	COMPLIANCE ANALYST III	B23	1
479	1550	STAFF SERVICES OFFICER I	B17	1
479	2740	RISK MANAGEMENT SPECIALIST I	B16	1
479	2741	RISK MANAGEMENT SPECIALIST II	B18	1
479	2921	CLAIMS EXAMINER I	B14	9
479	2922	CLAIMS EXAMINER II	B16	4
481	1571	PROGRAM SPECIALIST II	B18	1
503	0174	LICENSE AND PERMIT SPEC V	B20	7
503	0289	NETWORK SPECIALIST III	B21	1
503	1018	ACCOUNTANT IV	B20	1
503	1353	INVESTIGATOR IV	B18	12
504	1354	INVESTIGATOR V	B20	5
504	1571	PROGRAM SPECIALIST II	B18	3
504	1572	PROGRAM SPECIALIST III	B19	1
507	1582	PROGRAM SUPERVISOR III	B19	1
507	3604	LAW CLERK	B14	2
510	0231	IT SUPPORT SPECIALIST IV	B20	1
514	0172	LICENSE AND PERMIT SPEC III	B16	1
514	1016	ACCOUNTANT III	B18	1
514	1352	INVESTIGATOR III	B16	1
529	0154	ADMINISTRATIVE ASSISTANT III	A13	2
529	0156	ADMINISTRATIVE ASSISTANT IV	A15	4
529	0221	IT BUSINESS ANALYST I	B21	2
529	0222	IT BUSINESS ANALYST II	B23	5
529	0230	IT SUPPORT SPECIALIST III	B18	1
529	0231	IT SUPPORT SPECIALIST IV	B20	4
529	0241	PROGRAMMER I	B20	1
529	0242	PROGRAMMER II	B22	1
529	0253	SYSTEMS ANALYST II	B19	4
529	0254	SYSTEMS ANALYST III	B21	5
529	0255	SYSTEMS ANALYST IV	B23	1
529	0312	SYSTEMS ADMINISTRATOR III	B21	1

529	0652	DATA ANALYST III	B22	2
529	0822	EDUCATION SPECIALIST III	B21	1
529	0823	EDUCATION SPECIALIST IV	B23	1
529	1157	BUDGET ANALYST III	B22	1
529	1248	REIMBURSEMENT OFFICER IV	B18	2
529	1255	REIMBURSEMENT ANALYST I	B21	9
529	1412	QUALITY ASSURANCE SPEC III	B20	1
529	1553	STAFF SERVICES OFFICER IV	B20	3
529	1554	STAFF SERVICES OFFICER V	B21	1
529	1573	PROGRAM SPECIALIST IV	B20	3
529	1574	PROGRAM SPECIALIST V	B21	8
529	1575	PROGRAM SPECIALIST VI	B23	26
529	1580	PROGRAM SUPERVISOR I	B17	17
529	1581	PROGRAM SUPERVISOR II	B18	11
529	1582	PROGRAM SUPERVISOR III	B19	22
529	1583	PROGRAM SUPERVISOR IV	B20	12
529	1584	PROGRAM SUPERVISOR V	B21	41
529	1586	PROGRAM SUPERVISOR VI	B23	9
529	1600	MANAGER I	B22	10
529	1601	MANAGER II	B23	7
529	1735	HUMAN RESOURCES SPECIALIST IV	B21	7
529	1737	HUMAN RESOURCES SPECIALIST V	B23	2
529	1784	TRAINING AND DEV SPEC IV	B20	1
529	1785	TRAINING AND DEV SPEC V	B22	3
529	1914	INVENTORY & STORE SPEC IV	A17	12
529	1915	INVENTORY & STORE SPEC V	A19	1
529	1984	CONTRACT SPECIALIST IV	B22	1
529	1994	PROPERTY MANAGER III	B22	1
529	1996	FLEET MANAGER I	B18	1
529	2731	SAFETY OFFICER II	B19	1
529	2732	SAFETY OFFICER III	B21	1
529	4226	HEALTH SPECIALIST I	B17	17
529	4227	HEALTH SPECIALIST II	B18	3
529	4228	HEALTH SPECIALIST III	B19	18
529	4229	HEALTH SPECIALIST IV	B20	3
529	4230	HEALTH SPECIALIST V	B21	19
529	4411	NURSE I	B20	14
529	4412	NURSE II	B22	4
529	5083	CHAPLAIN III	B21	2
529	5144	RECREATION PROG SPEC III	B17	1
529	5404	SOCIAL WORKER III	B20	4
529	5406	SOCIAL WORKER IV	B22	1
529	5630	TEXAS WORKS SUPERVISOR I	B19	200
529	5632	TEXAS WORKS SUPERVISOR II	B21	185
529	5735	GUARDIANSHIP SUPERVISOR I	B21	1
529	7482	RECORDS ANALYST III	B19	5
529	8021	CUSTODIAL MGR I	A13	2

529	8025	CUSTODIAL MGR III	A17	1
529	9053	MAINTENANCE SUPERVISOR I	A16	1
529	9419	MOTOR VEHICLE TECHNICIAN IV	A18	1
530	0162	EXECUTIVE ASSISTANT II	B19	1
530	0254	SYSTEMS ANALYST III	B21	5
530	0652	DATA ANALYST III	B22	1
530	1573	PROGRAM SPECIALIST IV	B20	3
530	1574	PROGRAM SPECIALIST V	B21	10
530	1575	PROGRAM SPECIALIST VI	B23	9
530	1580	PROGRAM SUPERVISOR I	B17	4
530	1581	PROGRAM SUPERVISOR II	B18	1
530	1582	PROGRAM SUPERVISOR III	B19	1
530	1583	PROGRAM SUPERVISOR IV	B20	9
530	1735	HUMAN RESOURCES SPECIALIST IV	B21	4
530	1737	HUMAN RESOURCES SPECIALIST V	B23	1
530	1860	MANAGEMENT ANALYST I	B19	6
530	1976	CONTRACT SPECIALIST I	B16	1
530	4412	NURSE II	B22	2
530	5016	FAMILY & PROTECT SCVS SUPR I	B21	60
530	5017	FAMILY & PROTECT SCVS SUPR II	B23	12
537	0272	GEOGRAPHIC INFO SPEC III	B22	1
537	0652	DATA ANALYST III	B22	1
537	1552	STAFF SERVICES OFFICER III	B19	2
537	1553	STAFF SERVICES OFFICER IV	B20	2
537	1571	PROGRAM SPECIALIST II	B18	2
537	1572	PROGRAM SPECIALIST III	B19	3
537	1573	PROGRAM SPECIALIST IV	B20	2
537	1574	PROGRAM SPECIALIST V	B21	2
537	1575	PROGRAM SPECIALIST VI	B23	1
537	1580	PROGRAM SUPERVISOR I	B17	1
537	1582	PROGRAM SUPERVISOR III	B19	2
537	1583	PROGRAM SUPERVISOR IV	B20	7
537	1586	PROGRAM SUPERVISOR VI	B23	2
537	1600	MANAGER I	B22	2
537	1601	MANAGER II	B23	1
537	4050	HEALTH INFORMATICS SPEC I	B20	2
537	4051	HEALTH INFORMATICS SPEC II	B22	1
537	4078	PUBLIC HLTH & PRVNT SPEC IV	B20	1
537	4080	PUBLIC HLTH & PRVNT SPEC V	B22	2
537	4416	PUBLIC HEALTH NURSE I	B20	32
537	5402	SOCIAL WORKER II	B18	1
537	5406	SOCIAL WORKER IV	B22	1
537	6242	EMERG MGT PROGRAM COORD III	B21	1
551	1293	PAYROLL SPECIALIST III	B19	1
551	1572	PROGRAM SPECIALIST III	B19	13
551	1573	PROGRAM SPECIALIST IV	B20	4
551	1733	HUMAN RESOURCES SPECIALIST III	B19	1

551	1824	MARKETING SPECIALIST III	B20	4
551	1825	MARKETING SPECIALIST IV	B22	1
551	1832	INFORMATION SPECIALIST III	B20	1
551	1870	TECHNICAL WRITER I	B19	1
551	1920	GRANT SPECIALIST II	B19	1
551	2742	RISK MANAGEMENT SPECIALIST III	B20	1
551	3502	ATTORNEY I	B22	1
554	1325	INSPECTOR V	B19	4
554	1354	INVESTIGATOR V	B20	11
578	1551	STAFF SERVICES OFFICER II	B18	1
580	0160	EXECUTIVE ASSISTANT I	B17	7
580	0162	EXECUTIVE ASSISTANT II	B19	1
580	0270	GEOGRAPHIC INFO SPEC I	B18	1
580	0640	ECONOMIST I	B19	1
580	1014	ACCOUNTANT II	B16	4
580	1016	ACCOUNTANT III	B18	1
580	1018	ACCOUNTANT IV	B20	1
580	1080	FINANCIAL ANALYST I	B20	5
580	1082	FINANCIAL ANALYST II	B22	1
580	1100	FINANCIAL EXAMINER I	B17	2
580	1157	BUDGET ANALYST III	B22	2
580	1260	LOAN SPECIALIST I	B17	1
580	1558	PROJECT MANAGER I	B20	1
580	1571	PROGRAM SPECIALIST II	B18	9
580	1572	PROGRAM SPECIALIST III	B19	10
580	1601	MANAGER II	B23	1
580	1731	HUMAN RESOURCES SPECIALIST II	B17	2
580	1812	CREATIVE MEDIA DESIGNER II	B19	1
580	1919	GRANT SPECIALIST I	B17	1
580	1932	PURCHASER III	B17	2
580	1980	CONTRACT SPECIALIST II	B18	1
580	1982	CONTRACT SPECIALIST III	B20	1
580	2456	HYDROLOGIST I	B18	4
580	2460	HYDROLOGIST II	B20	4
582	0174	LICENSE AND PERMIT SPEC V	B20	2
582	0253	SYSTEMS ANALYST II	B19	4
582	0270	GEOGRAPHIC INFO SPEC I	B18	2
582	0517	PLANNER II	B20	1
582	0651	DATA ANALYST II	B20	5
582	1044	AUDITOR I	B18	1
582	1046	AUDITOR II	B20	1
582	1080	FINANCIAL ANALYST I	B20	3
582	1201	INTERNAL AUDITOR II	B20	1
582	1571	PROGRAM SPECIALIST II	B18	7
582	1572	PROGRAM SPECIALIST III	B19	19
582	1573	PROGRAM SPECIALIST IV	B20	9
582	1832	INFORMATION SPECIALIST III	B20	6

582	1920	GRANT SPECIALIST II	B19	2
582	1933	PURCHASER IV	B19	2
582	1982	CONTRACT SPECIALIST III	B20	5
582	1992	PROPERTY MANAGER II	B20	2
582	2128	ENGINEERING SPECIALIST II	B19	49
582	2129	ENGINEERING SPECIALIST III	B20	41
582	2360	GEOSCIENTIST I	B20	2
582	2456	HYDROLOGIST I	B18	12
582	2460	HYDROLOGIST II	B20	2
582	2473	CHEMIST II	B19	2
582	2684	NATURAL RESOURCES SPEC III	B20	20
592	0288	NETWORK SPECIALIST II	B19	1
592	0517	PLANNER II	B20	2
592	1014	ACCOUNTANT II	B16	2
592	1572	PROGRAM SPECIALIST III	B19	2
592	1584	PROGRAM SUPERVISOR V	B21	1
592	1735	HUMAN RESOURCES SPECIALIST IV	B21	1
592	1980	CONTRACT SPECIALIST II	B18	1
592	2684	NATURAL RESOURCES SPEC III	B20	16
601	0247	INFO TECHNOLOGY AUDITOR I	B22	1
601	0517	PLANNER II	B20	3
601	0650	DATA ANALYST I	B18	2
601	1201	INTERNAL AUDITOR II	B20	2
601	1571	PROGRAM SPECIALIST II	B18	1
601	1572	PROGRAM SPECIALIST III	B19	7
601	1660	PROJECT MGT SPECIALIST I	B19	3
601	1932	PURCHASER III	B17	23
601	1933	PURCHASER IV	B19	5
601	1982	CONTRACT SPECIALIST III	B20	5
601	2684	NATURAL RESOURCES SPEC III	B20	1
608	0159	ADMINISTRATIVE ASSISTANT VI	A19	1
608	0174	LICENSE AND PERMIT SPEC V	B20	2
608	0241	PROGRAMMER I	B20	4
608	1046	AUDITOR II	B20	8
608	1571	PROGRAM SPECIALIST II	B18	1
608	1572	PROGRAM SPECIALIST III	B19	5
608	1573	PROGRAM SPECIALIST IV	B20	11
608	1574	PROGRAM SPECIALIST V	B21	2
644	0253	SYSTEMS ANALYST II	B19	1
644	0823	EDUCATION SPECIALIST IV	B23	1
644	1018	ACCOUNTANT IV	B20	2
644	1400	COMPLIANCE ANALYST I	B19	5
644	1401	COMPLIANCE ANALYST II	B21	5
644	1402	COMPLIANCE ANALYST III	B23	5
644	1553	STAFF SERVICES OFFICER IV	B20	1
644	1571	PROGRAM SPECIALIST II	B18	5
644	1572	PROGRAM SPECIALIST III	B19	14

644	1573	PROGRAM SPECIALIST IV	B20	18
644	1574	PROGRAM SPECIALIST V	B21	1
644	1575	PROGRAM SPECIALIST VI	B23	1
644	1582	PROGRAM SUPERVISOR III	B19	2
644	1735	HUMAN RESOURCES SPECIALIST IV	B21	4
644	1784	TRAINING AND DEV SPEC IV	B20	2
644	1785	TRAINING AND DEV SPEC V	B22	1
644	1816	CREATIVE MEDIA DESIGNER IV	B23	1
644	1832	INFORMATION SPECIALIST III	B20	1
644	2732	SAFETY OFFICER III	B21	4
644	3026	WORKFORCE DEV SPECIALIST V	B18	3
644	3662	OMBUDSMAN II	B19	6
644	5235	VOLUNTEER SERVICES COORD IV	B19	8
644	7480	RECORDS ANALYST I	B15	1
644	8110	FOOD SRVC MGR III	A17	2
644	8111	FOOD SRVC MGR IV	A19	1
644	9056	MAINTENANCE SUPERVISOR IV	A20	5
696	0211	DATABASE ADMINISTRATOR I	B21	1
696	0221	IT BUSINESS ANALYST I	B21	3
696	0229	IT SUPPORT SPECIALIST II	B16	1
696	0230	IT SUPPORT SPECIALIST III	B18	2
696	0231	IT SUPPORT SPECIALIST IV	B20	2
696	0241	PROGRAMMER I	B20	4
696	0242	PROGRAMMER II	B22	4
696	0252	SYSTEMS ANALYST I	B17	1
696	0253	SYSTEMS ANALYST II	B19	1
696	0289	NETWORK SPECIALIST III	B21	11
696	0312	SYSTEMS ADMINISTRATOR III	B21	3
696	0517	PLANNER II	B20	2
696	0518	PLANNER III	B22	1
696	0604	RESEARCH SPECIALIST III	B20	2
696	0606	RESEARCH SPECIALIST IV	B22	3
696	0626	STATISTICIAN II	B20	1
696	0652	DATA ANALYST III	B22	1
696	1018	ACCOUNTANT IV	B20	11
696	1020	ACCOUNTANT V	B22	17
696	1156	BUDGET ANALYST II	B20	7
696	1157	BUDGET ANALYST III	B22	2
696	1355	INVESTIGATOR VI	B22	1
696	1400	COMPLIANCE ANALYST I	B19	1
696	1554	STAFF SERVICES OFFICER V	B21	14
696	1558	PROJECT MANAGER I	B20	1
696	1559	PROJECT MANAGER II	B22	6
696	1570	PROGRAM SPECIALIST I	B17	4
696	1572	PROGRAM SPECIALIST III	B19	31
696	1573	PROGRAM SPECIALIST IV	B20	22
696	1574	PROGRAM SPECIALIST V	B21	14

696	1575	PROGRAM SPECIALIST VI	B23	1
696	1580	PROGRAM SUPERVISOR I	B17	13
696	1581	PROGRAM SUPERVISOR II	B18	5
696	1582	PROGRAM SUPERVISOR III	B19	65
696	1583	PROGRAM SUPERVISOR IV	B20	30
696	1584	PROGRAM SUPERVISOR V	B21	78
696	1586	PROGRAM SUPERVISOR VI	B23	1
696	1600	MANAGER I	B22	7
696	1601	MANAGER II	B23	1
696	1735	HUMAN RESOURCES SPECIALIST IV	B21	116
696	1784	TRAINING AND DEV SPEC IV	B20	7
696	1785	TRAINING AND DEV SPEC V	B22	3
696	1833	INFORMATION SPECIALIST IV	B22	7
696	1862	MANAGEMENT ANALYST II	B21	2
696	1913	INVENTORY & STORE SPEC III	A15	1
696	1914	INVENTORY & STORE SPEC IV	A17	3
696	1915	INVENTORY & STORE SPEC V	A19	103
696	1933	PURCHASER IV	B19	8
696	1934	PURCHASER V	B21	1
696	1980	CONTRACT SPECIALIST II	B18	12
696	1984	CONTRACT SPECIALIST IV	B22	6
696	1994	PROPERTY MANAGER III	B22	1
696	2654	ENVIRONMENTAL PROTECT SPEC IV	B22	1
696	2731	SAFETY OFFICER II	B19	6
696	2732	SAFETY OFFICER III	B21	1
696	3578	LEGAL ASSISTANT IV	B22	2
696	3663	OMBUDSMAN III	B21	2
696	4226	HEALTH SPECIALIST I	B17	1
696	4227	HEALTH SPECIALIST II	B18	5
696	4228	HEALTH SPECIALIST III	B19	1
696	4229	HEALTH SPECIALIST IV	B20	2
696	4230	HEALTH SPECIALIST V	B21	3
696	4504	CORREC OFFICER IV	A16	2
696	4511	LT OF CORREC OFFCRS	B20	23
696	4542	PAROLE OFFCR III	B19	227
696	4543	PAROLE OFFCR IV	B21	6
696	4651	INDUSTRIAL SPECIALIST V	A18	1
696	4674	AGRICULTURE SPECIALIST III	A16	1
696	5081	CHAPLAIN I	B17	18
696	5082	CHAPLAIN II	B19	78
696	5083	CHAPLAIN III	B21	6
696	5113	SUBSTANCE ABUSE COUNSELOR III	B18	1
696	5228	CASE MANAGER III	B16	2
696	5706	H/SRVC SPEC VII	B17	18
696	7403	LIBRARIAN III	B20	1
696	7404	LIBRARIAN IV	B22	1
696	8263	LAUNDRY MANAGER III	A19	74

701	0154	ADMINISTRATIVE ASSISTANT III	A13	1
701	0158	ADMINISTRATIVE ASSISTANT V	A17	3
701	0160	EXECUTIVE ASSISTANT I	B17	1
701	0173	LICENSE AND PERMIT SPEC IV	B18	5
701	0253	SYSTEMS ANALYST II	B19	1
701	0820	EDUCATION SPECIALIST I	B17	6
701	1016	ACCOUNTANT III	B18	4
701	1018	ACCOUNTANT IV	B20	3
701	1044	AUDITOR I	B18	1
701	1550	STAFF SERVICES OFFICER I	B17	2
701	1551	STAFF SERVICES OFFICER II	B18	1
701	1570	PROGRAM SPECIALIST I	B17	1
701	1573	PROGRAM SPECIALIST IV	B20	1
701	1735	HUMAN RESOURCES SPECIALIST IV	B21	2
701	3572	LEGAL ASSISTANT I	B16	1
701	4076	PUBLIC HLTH & PRVNT SPEC III	B18	1
771	1571	PROGRAM SPECIALIST II	B18	2
771	1583	PROGRAM SUPERVISOR IV	B20	4
771	8111	FOOD SRVC MGR IV	A19	2
772	1558	PROJECT MANAGER I	B20	1
772	1733	HUMAN RESOURCES SPECIALIST III	B19	1
772	1831	INFORMATION SPECIALIST II	B18	1
802	0241	PROGRAMMER I	B20	3
802	0253	SYSTEMS ANALYST II	B19	1
802	0311	SYSTEMS ADMINISTRATOR II	B19	1
802	0312	SYSTEMS ADMINISTRATOR III	B21	2
802	1016	ACCOUNTANT III	B18	1
802	1046	AUDITOR II	B20	1
802	1201	INTERNAL AUDITOR II	B20	1
802	1293	PAYROLL SPECIALIST III	B19	2
802	1550	STAFF SERVICES OFFICER I	B17	5
802	1552	STAFF SERVICES OFFICER III	B19	12
802	1570	PROGRAM SPECIALIST I	B17	1
802	1571	PROGRAM SPECIALIST II	B18	10
802	1573	PROGRAM SPECIALIST IV	B20	1
802	1580	PROGRAM SUPERVISOR I	B17	5
802	1581	PROGRAM SUPERVISOR II	B18	1
802	1660	PROJECT MGT SPECIALIST I	B19	2
802	1733	HUMAN RESOURCES SPECIALIST III	B19	3
802	1783	TRAINING AND DEV SPEC III	B18	3
802	1785	TRAINING AND DEV SPEC V	B22	1
802	1814	CREATIVE MEDIA DESIGNER III	B21	3
802	1832	INFORMATION SPECIALIST III	B20	2
802	1932	PURCHASER III	B17	2
802	1933	PURCHASER IV	B19	3
802	1982	CONTRACT SPECIALIST III	B20	1
802	2129	ENGINEERING SPECIALIST III	B20	1

802	2642	PARK RANGER III	B19	6
802	2682	NATURAL RESOURCES SPEC I	B16	20
802	2692	ASST PARK/HIST SITE SUPER I	B19	8
802	2731	SAFETY OFFICER II	B19	1
802	5234	VOLUNTEER SERVICES COORD III	B17	1
802	6162	CRIME ANALYST II	B17	2
802	7306	ARCHEOLOGIST I	B20	1
802	7308	ARCHEOLOGIST II	B22	2
802	7464	EXHIBIT TECHNICIAN	B15	1
802	7468	CURATOR II	B18	1
808	0230	IT SUPPORT SPECIALIST III	B18	1
808	0820	EDUCATION SPECIALIST I	B17	32
808	0821	EDUCATION SPECIALIST II	B19	10
808	1570	PROGRAM SPECIALIST I	B17	10
808	1571	PROGRAM SPECIALIST II	B18	3
808	1733	HUMAN RESOURCES SPECIALIST III	B19	2
808	1997	FLEET MANAGER II	B20	1
808	2255	PROJECT DESIGN SPECIALIST I	B19	1
808	2692	ASST PARK/HIST SITE SUPER I	B19	3
808	2732	SAFETY OFFICER III	B21	1
809	0160	EXECUTIVE ASSISTANT I	B17	1
809	0282	TELECOMMUNICATIONS SPEC I	B18	1
809	0300	WEB ADMINISTRATOR I	B19	1
809	1014	ACCOUNTANT II	B16	1
809	1571	PROGRAM SPECIALIST II	B18	3
809	1572	PROGRAM SPECIALIST III	B19	2
809	1580	PROGRAM SUPERVISOR I	B17	2
809	1581	PROGRAM SUPERVISOR II	B18	2
809	1583	PROGRAM SUPERVISOR IV	B20	1
809	1810	CREATIVE MEDIA DESIGNER I	B17	3
809	1812	CREATIVE MEDIA DESIGNER II	B19	1
809	1824	MARKETING SPECIALIST III	B20	2
809	1831	INFORMATION SPECIALIST II	B18	1
809	1920	GRANT SPECIALIST II	B19	1
809	1933	PURCHASER IV	B19	1
809	5233	VOLUNTEER SERVICES COORD II	B15	1
809	7468	CURATOR II	B18	3
809	7470	CURATOR III	B20	1
809	8025	CUSTODIAL MGR III	A17	1
813	0154	ADMINISTRATIVE ASSISTANT III	A13	1
813	0158	ADMINISTRATIVE ASSISTANT V	A17	1

3990 Total

EXHIBIT 3

AGENCY_NO	CLASS_CODE	JCTITLE	SALARY_GROUP	FLSA_IND
303	2730	SAFETY OFFICER I	B17	1
338	0006	RECEPTIONIST I	A09	2
455	0171	LICENSE AND PERMIT SPEC II	B14	2
456	0132	CUSTOMER SERVICE REP I	A11	7
529	5144	RECREATION PROG SPEC III	B17	1
530	1580	PROGRAM SUPERVISOR I	B17	1
644	7480	RECORDS ANALYST I	B15	1
696	0229	IT SUPPORT SPECIALIST II	B16	1
				16

EXHIBIT 4

AGENCY_NO	CLASS_CODE	JCTITLE	SALARY_GROUP	FLSA_IND
212	0311	SYSTEMS ADMINISTRATOR II	B19	1
212	1571	PROGRAM SPECIALIST II	B18	2
212	1573	PROGRAM SPECIALIST IV	B20	1
212	3637	COURT COORDINATOR	B17	72
225	3604	LAW CLERK	B14	1
228	1014	ACCOUNTANT II	B16	1
243	7402	LIBRARIAN II	B18	1
300	1571	PROGRAM SPECIALIST II	B18	2
300	1572	PROGRAM SPECIALIST III	B19	1
301	0061	CLERK IV	A13	1
301	0136	CUSTOMER SERVICE REP III	A15	3
301	0156	ADMINISTRATIVE ASSISTANT IV	A15	3
301	0158	ADMINISTRATIVE ASSISTANT V	A17	1
301	1571	PROGRAM SPECIALIST II	B18	4
301	1572	PROGRAM SPECIALIST III	B19	2
301	1731	HUMAN RESOURCES SPECIALIST II	B17	1
302	0159	ADMINISTRATIVE ASSISTANT VI	A19	1
302	0311	SYSTEMS ADMINISTRATOR II	B19	1
302	1572	PROGRAM SPECIALIST III	B19	4
302	1573	PROGRAM SPECIALIST IV	B20	1
302	1574	PROGRAM SPECIALIST V	B21	1
302	1982	CONTRACT SPECIALIST III	B20	2
302	1998	FLEET MANAGER III	B22	1
303	0311	SYSTEMS ADMINISTRATOR II	B19	3
303	1016	ACCOUNTANT III	B18	2
303	1018	ACCOUNTANT IV	B20	1
303	1570	PROGRAM SPECIALIST I	B17	1
303	1571	PROGRAM SPECIALIST II	B18	2
303	1580	PROGRAM SUPERVISOR I	B17	1
303	1733	HUMAN RESOURCES SPECIALIST III	B19	1
303	1931	PURCHASER II	B15	1
303	1932	PURCHASER III	B17	2
303	1992	PROPERTY MANAGER II	B20	1
303	2730	SAFETY OFFICER I	B17	3
303	2731	SAFETY OFFICER II	B19	1
304	0211	DATABASE ADMINISTRATOR I	B21	2
304	0229	IT SUPPORT SPECIALIST II	B16	1
304	0241	PROGRAMMER I	B20	1
304	0253	SYSTEMS ANALYST II	B19	2
304	0254	SYSTEMS ANALYST III	B21	2
304	1016	ACCOUNTANT III	B18	2
304	1018	ACCOUNTANT IV	B20	2
304	1046	AUDITOR II	B20	4
304	1570	PROGRAM SPECIALIST I	B17	2
304	1571	PROGRAM SPECIALIST II	B18	6
304	1572	PROGRAM SPECIALIST III	B19	6

304	1733	HUMAN RESOURCES SPECIALIST III	B19	5
304	1831	INFORMATION SPECIALIST II	B18	1
304	1980	CONTRACT SPECIALIST II	B18	1
305	1735	HUMAN RESOURCES SPECIALIST IV	B21	1
306	1155	BUDGET ANALYST I	B18	1
306	1570	PROGRAM SPECIALIST I	B17	1
306	1580	PROGRAM SUPERVISOR I	B17	2
306	1731	HUMAN RESOURCES SPECIALIST II	B17	1
306	1931	PURCHASER II	B15	1
306	7315	HISTORIAN I	B17	1
306	7401	LIBRARIAN I	B16	4
306	7402	LIBRARIAN II	B18	9
306	7405	ARCHIVIST I	B16	6
306	7407	ARCHIVIST II	B18	4
307	1016	ACCOUNTANT III	B18	6
307	1571	PROGRAM SPECIALIST II	B18	1
307	1731	HUMAN RESOURCES SPECIALIST II	B17	2
307	1875	EDITOR I	B18	6
307	1932	PURCHASER III	B17	1
307	3574	LEGAL ASSISTANT II	B18	1
312	1100	FINANCIAL EXAMINER I	B17	4
313	0282	TELECOMMUNICATIONS SPEC I	B18	3
313	0283	TELECOMMUNICATIONS SPEC II	B20	1
313	1572	PROGRAM SPECIALIST III	B19	2
313	1731	HUMAN RESOURCES SPECIALIST II	B17	2
320	0241	PROGRAMMER I	B20	7
320	0254	SYSTEMS ANALYST III	B21	1
320	1018	ACCOUNTANT IV	B20	4
320	1077	ACCOUNTS EXAMINER V	B21	2
320	1550	STAFF SERVICES OFFICER I	B17	1
320	1553	STAFF SERVICES OFFICER IV	B20	1
320	1573	PROGRAM SPECIALIST IV	B20	10
320	1580	PROGRAM SUPERVISOR I	B17	13
320	1581	PROGRAM SUPERVISOR II	B18	24
320	1582	PROGRAM SUPERVISOR III	B19	15
320	1583	PROGRAM SUPERVISOR IV	B20	36
320	1914	INVENTORY & STORE SPEC IV	A17	3
320	3025	WORKFORCE DEV SPECIALIST IV	B16	2
320	3026	WORKFORCE DEV SPECIALIST V	B18	1
320	3502	ATTORNEY I	B22	9
332	1018	ACCOUNTANT IV	B20	1
338	0006	RECEPTIONIST I	A09	2
338	0604	RESEARCH SPECIALIST III	B20	1
352	1004	ACCOUNTING TECHNICIAN III	A15	1
352	1016	ACCOUNTANT III	B18	1
356	0152	ADMINISTRATIVE ASSISTANT II	A11	1
356	1571	PROGRAM SPECIALIST II	B18	2

356	3576	LEGAL ASSISTANT III	B20	1
362	1014	ACCOUNTANT II	B16	2
362	1018	ACCOUNTANT IV	B20	1
362	1046	AUDITOR II	B20	7
362	1048	AUDITOR III	B22	1
362	1571	PROGRAM SPECIALIST II	B18	1
362	1573	PROGRAM SPECIALIST IV	B20	1
362	1810	CREATIVE MEDIA DESIGNER I	B17	1
401	0211	DATABASE ADMINISTRATOR I	B21	1
401	0311	SYSTEMS ADMINISTRATOR II	B19	1
401	1731	HUMAN RESOURCES SPECIALIST II	B17	2
401	1733	HUMAN RESOURCES SPECIALIST III	B19	4
401	1997	FLEET MANAGER II	B20	1
401	5229	CASE MANAGER IV	B18	1
401	6402	MILITARY TECHNICIAN III	A14	1
403	1920	GRANT SPECIALIST II	B19	2
405	0311	SYSTEMS ADMINISTRATOR II	B19	1
405	0312	SYSTEMS ADMINISTRATOR III	B21	2
405	1580	PROGRAM SUPERVISOR I	B17	2
405	1581	PROGRAM SUPERVISOR II	B18	1
405	1582	PROGRAM SUPERVISOR III	B19	2
405	1860	MANAGEMENT ANALYST I	B19	5
405	4229	HEALTH SPECIALIST IV	B20	3
409	1324	INSPECTOR IV	B17	2
409	1325	INSPECTOR V	B19	2
409	1570	PROGRAM SPECIALIST I	B17	1
409	1571	PROGRAM SPECIALIST II	B18	6
409	1572	PROGRAM SPECIALIST III	B19	1
409	1934	PURCHASER V	B21	1
411	0242	PROGRAMMER II	B22	2
448	1411	QUALITY ASSURANCE SPEC II	B18	1
448	1831	INFORMATION SPECIALIST II	B18	2
448	3660	OMBUDSMAN I	B17	12
448	3662	OMBUDSMAN II	B19	1
452	1572	PROGRAM SPECIALIST III	B19	13
454	0162	EXECUTIVE ASSISTANT II	B19	2
454	0253	SYSTEMS ANALYST II	B19	1
454	1044	AUDITOR I	B18	2
454	1156	BUDGET ANALYST II	B20	1
454	1411	QUALITY ASSURANCE SPEC II	B18	1
454	1571	PROGRAM SPECIALIST II	B18	22
454	1572	PROGRAM SPECIALIST III	B19	11
454	1573	PROGRAM SPECIALIST IV	B20	4
454	1580	PROGRAM SUPERVISOR I	B17	1
454	1581	PROGRAM SUPERVISOR II	B18	1
454	1583	PROGRAM SUPERVISOR IV	B20	2
454	2731	SAFETY OFFICER II	B19	1

454	2924	CLAIMS EXAMINER IV	B20	3
454	3670	BENEFIT REVIEW OFFICER I	B19	5
454	3672	BENEFIT REVIEW OFFICER II	B21	2
454	3690	MED FEE DISPUTE OFFICER I	B19	1
455	0160	EXECUTIVE ASSISTANT I	B17	1
455	0171	LICENSE AND PERMIT SPEC II	B14	10
455	0172	LICENSE AND PERMIT SPEC III	B16	4
455	0173	LICENSE AND PERMIT SPEC IV	B18	2
455	0229	IT SUPPORT SPECIALIST II	B16	1
455	0600	RESEARCH SPECIALIST I	B16	1
455	0650	DATA ANALYST I	B18	1
455	1014	ACCOUNTANT II	B16	2
455	1016	ACCOUNTANT III	B18	3
455	1324	INSPECTOR IV	B17	23
455	1325	INSPECTOR V	B19	2
455	1400	COMPLIANCE ANALYST I	B19	11
455	1401	COMPLIANCE ANALYST II	B21	6
455	1550	STAFF SERVICES OFFICER I	B17	2
455	1551	STAFF SERVICES OFFICER II	B18	1
455	1552	STAFF SERVICES OFFICER III	B19	1
455	1571	PROGRAM SPECIALIST II	B18	3
455	1572	PROGRAM SPECIALIST III	B19	1
455	1733	HUMAN RESOURCES SPECIALIST III	B19	1
455	1782	TRAINING AND DEV SPEC II	B16	1
455	2127	ENGINEERING SPECIALIST I	B18	57
455	2128	ENGINEERING SPECIALIST II	B19	5
455	2683	NATURAL RESOURCES SPEC II	B18	1
455	3574	LEGAL ASSISTANT II	B18	2
455	3576	LEGAL ASSISTANT III	B20	1
455	7480	RECORDS ANALYST I	B15	2
456	0132	CUSTOMER SERVICE REP I	A11	8
456	0154	ADMINISTRATIVE ASSISTANT III	A13	2
456	0156	ADMINISTRATIVE ASSISTANT IV	A15	1
456	0172	LICENSE AND PERMIT SPEC III	B16	1
456	0820	EDUCATION SPECIALIST I	B17	1
456	1012	ACCOUNTANT I	B15	1
456	1353	INVESTIGATOR IV	B18	1
456	1570	PROGRAM SPECIALIST I	B17	2
456	1932	PURCHASER III	B17	1
456	3572	LEGAL ASSISTANT I	B16	2
456	3576	LEGAL ASSISTANT III	B20	1
457	1570	PROGRAM SPECIALIST I	B17	4
457	1571	PROGRAM SPECIALIST II	B18	2
457	1572	PROGRAM SPECIALIST III	B19	2
457	1582	PROGRAM SUPERVISOR III	B19	1
466	1080	FINANCIAL ANALYST I	B20	1
466	1100	FINANCIAL EXAMINER I	B17	1

466	1400	COMPLIANCE ANALYST I	B19	4
473	1570	PROGRAM SPECIALIST I	B17	1
475	3604	LAW CLERK	B14	2
475	0140	CUSTOMER SERVICE REP V	A19	1
476	4146	LABORATORY TECHNICIAN III	A15	1
476	4148	LABORATORY TECHNICIAN IV	A17	1
479	0158	ADMINISTRATIVE ASSISTANT V	A17	1
479	1400	COMPLIANCE ANALYST I	B19	5
479	1401	COMPLIANCE ANALYST II	B21	3
479	1550	STAFF SERVICES OFFICER I	B17	1
479	2740	RISK MANAGEMENT SPECIALIST I	B16	1
479	2921	CLAIMS EXAMINER I	B14	9
481	1571	PROGRAM SPECIALIST II	B18	1
503	0174	LICENSE AND PERMIT SPEC V	B20	7
503	1353	INVESTIGATOR IV	B18	12
504	1354	INVESTIGATOR V	B20	4
504	1571	PROGRAM SPECIALIST II	B18	2
507	3604	LAW CLERK	B14	2
510	0231	IT SUPPORT SPECIALIST IV	B20	1
514	0172	LICENSE AND PERMIT SPEC III	B16	1
514	1352	INVESTIGATOR III	B16	1
529	0154	ADMINISTRATIVE ASSISTANT III	A13	2
529	0156	ADMINISTRATIVE ASSISTANT IV	A15	4
529	0230	IT SUPPORT SPECIALIST III	B18	1
529	0231	IT SUPPORT SPECIALIST IV	B20	1
529	0242	PROGRAMMER II	B22	1
529	0253	SYSTEMS ANALYST II	B19	3
529	0254	SYSTEMS ANALYST III	B21	2
529	0312	SYSTEMS ADMINISTRATOR III	B21	1
529	0652	DATA ANALYST III	B22	1
529	0822	EDUCATION SPECIALIST III	B21	1
529	1248	REIMBURSEMENT OFFICER IV	B18	2
529	1255	REIMBURSEMENT ANALYST I	B21	8
529	1553	STAFF SERVICES OFFICER IV	B20	2
529	1554	STAFF SERVICES OFFICER V	B21	1
529	1573	PROGRAM SPECIALIST IV	B20	3
529	1574	PROGRAM SPECIALIST V	B21	3
529	1580	PROGRAM SUPERVISOR I	B17	13
529	1581	PROGRAM SUPERVISOR II	B18	11
529	1582	PROGRAM SUPERVISOR III	B19	21
529	1583	PROGRAM SUPERVISOR IV	B20	3
529	1584	PROGRAM SUPERVISOR V	B21	33
529	1600	MANAGER I	B22	3
529	1735	HUMAN RESOURCES SPECIALIST IV	B21	3
529	1784	TRAINING AND DEV SPEC IV	B20	1
529	1785	TRAINING AND DEV SPEC V	B22	2
529	1914	INVENTORY & STORE SPEC IV	A17	6

529	1915	INVENTORY & STORE SPEC V	A19	1
529	1984	CONTRACT SPECIALIST IV	B22	1
529	1994	PROPERTY MANAGER III	B22	1
529	1996	FLEET MANAGER I	B18	1
529	2731	SAFETY OFFICER II	B19	1
529	2732	SAFETY OFFICER III	B21	1
529	4226	HEALTH SPECIALIST I	B17	8
529	4227	HEALTH SPECIALIST II	B18	2
529	4228	HEALTH SPECIALIST III	B19	18
529	4229	HEALTH SPECIALIST IV	B20	2
529	4230	HEALTH SPECIALIST V	B21	3
529	4411	NURSE I	B20	10
529	4412	NURSE II	B22	1
529	5083	CHAPLAIN III	B21	2
529	5144	RECREATION PROG SPEC III	B17	1
529	5404	SOCIAL WORKER III	B20	4
529	5630	TEXAS WORKS SUPERVISOR I	B19	187
529	5632	TEXAS WORKS SUPERVISOR II	B21	57
529	8021	CUSTODIAL MGR I	A13	2
529	8025	CUSTODIAL MGR III	A17	1
529	9053	MAINTENANCE SUPERVISOR I	A16	1
530	0254	SYSTEMS ANALYST III	B21	3
530	1573	PROGRAM SPECIALIST IV	B20	2
530	1574	PROGRAM SPECIALIST V	B21	3
530	1580	PROGRAM SUPERVISOR I	B17	4
530	1581	PROGRAM SUPERVISOR II	B18	1
530	1582	PROGRAM SUPERVISOR III	B19	1
530	1583	PROGRAM SUPERVISOR IV	B20	8
530	1735	HUMAN RESOURCES SPECIALIST IV	B21	4
530	1860	MANAGEMENT ANALYST I	B19	3
530	1976	CONTRACT SPECIALIST I	B16	1
530	4412	NURSE II	B22	1
530	5016	FAMILY & PROTECT SCVS SUPR I	B21	18
537	0272	GEOGRAPHIC INFO SPEC III	B22	1
537	1552	STAFF SERVICES OFFICER III	B19	1
537	1571	PROGRAM SPECIALIST II	B18	2
537	1572	PROGRAM SPECIALIST III	B19	2
537	1573	PROGRAM SPECIALIST IV	B20	1
537	1574	PROGRAM SPECIALIST V	B21	2
537	1580	PROGRAM SUPERVISOR I	B17	1
537	1582	PROGRAM SUPERVISOR III	B19	1
537	1583	PROGRAM SUPERVISOR IV	B20	1
537	4050	HEALTH INFORMATICS SPEC I	B20	2
537	4051	HEALTH INFORMATICS SPEC II	B22	1
537	4078	PUBLIC HLTH & PRVNT SPEC IV	B20	1
537	4416	PUBLIC HEALTH NURSE I	B20	10
537	5402	SOCIAL WORKER II	B18	1

537	6242	EMERG MGT PROGRAM COORD III	B21	1
551	1572	PROGRAM SPECIALIST III	B19	10
551	1824	MARKETING SPECIALIST III	B20	3
551	1920	GRANT SPECIALIST II	B19	1
551	2742	RISK MANAGEMENT SPECIALIST III	B20	1
554	1325	INSPECTOR V	B19	3
554	1354	INVESTIGATOR V	B20	4
578	1551	STAFF SERVICES OFFICER II	B18	1
580	0160	EXECUTIVE ASSISTANT I	B17	5
580	0162	EXECUTIVE ASSISTANT II	B19	1
580	0270	GEOGRAPHIC INFO SPEC I	B18	1
580	0640	ECONOMIST I	B19	1
580	1014	ACCOUNTANT II	B16	4
580	1016	ACCOUNTANT III	B18	1
580	1018	ACCOUNTANT IV	B20	1
580	1080	FINANCIAL ANALYST I	B20	5
580	1100	FINANCIAL EXAMINER I	B17	2
580	1157	BUDGET ANALYST III	B22	2
580	1260	LOAN SPECIALIST I	B17	1
580	1558	PROJECT MANAGER I	B20	1
580	1571	PROGRAM SPECIALIST II	B18	9
580	1572	PROGRAM SPECIALIST III	B19	5
580	1731	HUMAN RESOURCES SPECIALIST II	B17	1
580	1932	PURCHASER III	B17	1
580	1980	CONTRACT SPECIALIST II	B18	1
580	2456	HYDROLOGIST I	B18	4
580	2460	HYDROLOGIST II	B20	3
582	0253	SYSTEMS ANALYST II	B19	4
582	0270	GEOGRAPHIC INFO SPEC I	B18	2
582	1044	AUDITOR I	B18	1
582	1571	PROGRAM SPECIALIST II	B18	7
582	1572	PROGRAM SPECIALIST III	B19	17
582	1920	GRANT SPECIALIST II	B19	2
582	2128	ENGINEERING SPECIALIST II	B19	48
582	2456	HYDROLOGIST I	B18	12
582	2473	CHEMIST II	B19	2
592	0288	NETWORK SPECIALIST II	B19	1
592	0517	PLANNER II	B20	1
592	1014	ACCOUNTANT II	B16	2
592	1572	PROGRAM SPECIALIST III	B19	1
592	2684	NATURAL RESOURCES SPEC III	B20	16
601	1571	PROGRAM SPECIALIST II	B18	1
601	1572	PROGRAM SPECIALIST III	B19	2
601	1660	PROJECT MGT SPECIALIST I	B19	3
601	1932	PURCHASER III	B17	12
601	1933	PURCHASER IV	B19	1
608	0159	ADMINISTRATIVE ASSISTANT VI	A19	1

608	0241	PROGRAMMER I	B20	4
608	1046	AUDITOR II	B20	3
608	1571	PROGRAM SPECIALIST II	B18	1
608	1572	PROGRAM SPECIALIST III	B19	5
608	1573	PROGRAM SPECIALIST IV	B20	4
644	1018	ACCOUNTANT IV	B20	1
644	1400	COMPLIANCE ANALYST I	B19	5
644	1401	COMPLIANCE ANALYST II	B21	3
644	1553	STAFF SERVICES OFFICER IV	B20	1
644	1571	PROGRAM SPECIALIST II	B18	5
644	1572	PROGRAM SPECIALIST III	B19	13
644	1573	PROGRAM SPECIALIST IV	B20	17
644	1574	PROGRAM SPECIALIST V	B21	1
644	1582	PROGRAM SUPERVISOR III	B19	1
644	1784	TRAINING AND DEV SPEC IV	B20	2
644	1832	INFORMATION SPECIALIST III	B20	1
644	2732	SAFETY OFFICER III	B21	3
644	3026	WORKFORCE DEV SPECIALIST V	B18	3
644	5235	VOLUNTEER SERVICES COORD IV	B19	8
644	7480	RECORDS ANALYST I	B15	1
644	8110	FOOD SRVC MGR III	A17	2
644	8111	FOOD SRVC MGR IV	A19	1
696	0211	DATABASE ADMINISTRATOR I	B21	1
696	0221	IT BUSINESS ANALYST I	B21	3
696	0229	IT SUPPORT SPECIALIST II	B16	1
696	0230	IT SUPPORT SPECIALIST III	B18	2
696	0231	IT SUPPORT SPECIALIST IV	B20	2
696	0241	PROGRAMMER I	B20	4
696	0252	SYSTEMS ANALYST I	B17	1
696	0253	SYSTEMS ANALYST II	B19	1
696	0289	NETWORK SPECIALIST III	B21	9
696	0312	SYSTEMS ADMINISTRATOR III	B21	3
696	0517	PLANNER II	B20	2
696	0604	RESEARCH SPECIALIST III	B20	2
696	0626	STATISTICIAN II	B20	1
696	1018	ACCOUNTANT IV	B20	11
696	1156	BUDGET ANALYST II	B20	7
696	1400	COMPLIANCE ANALYST I	B19	1
696	1554	STAFF SERVICES OFFICER V	B21	13
696	1558	PROJECT MANAGER I	B20	1
696	1570	PROGRAM SPECIALIST I	B17	4
696	1572	PROGRAM SPECIALIST III	B19	31
696	1573	PROGRAM SPECIALIST IV	B20	20
696	1574	PROGRAM SPECIALIST V	B21	9
696	1580	PROGRAM SUPERVISOR I	B17	13
696	1581	PROGRAM SUPERVISOR II	B18	5
696	1582	PROGRAM SUPERVISOR III	B19	35

696	1583	PROGRAM SUPERVISOR IV	B20	16
696	1584	PROGRAM SUPERVISOR V	B21	50
696	1600	MANAGER I	B22	2
696	1735	HUMAN RESOURCES SPECIALIST IV	B21	115
696	1784	TRAINING AND DEV SPEC IV	B20	7
696	1833	INFORMATION SPECIALIST IV	B22	1
696	1862	MANAGEMENT ANALYST II	B21	2
696	1913	INVENTORY & STORE SPEC III	A15	1
696	1914	INVENTORY & STORE SPEC IV	A17	3
696	1915	INVENTORY & STORE SPEC V	A19	103
696	1933	PURCHASER IV	B19	8
696	1934	PURCHASER V	B21	1
696	1980	CONTRACT SPECIALIST II	B18	12
696	2731	SAFETY OFFICER II	B19	6
696	2732	SAFETY OFFICER III	B21	1
696	3663	OMBUDSMAN III	B21	2
696	4226	HEALTH SPECIALIST I	B17	1
696	4227	HEALTH SPECIALIST II	B18	5
696	4228	HEALTH SPECIALIST III	B19	1
696	4229	HEALTH SPECIALIST IV	B20	2
696	4230	HEALTH SPECIALIST V	B21	2
696	4504	CORREC OFFICER IV	A16	2
696	4511	LT OF CORREC OFFCRS	B20	1
696	4542	PAROLE OFFCR III	B19	119
696	4651	INDUSTRIAL SPECIALIST V	A18	1
696	4674	AGRICULTURE SPECIALIST III	A16	1
696	5081	CHAPLAIN I	B17	18
696	5082	CHAPLAIN II	B19	78
696	5083	CHAPLAIN III	B21	6
696	5113	SUBSTANCE ABUSE COUNSELOR III	B18	1
696	5228	CASE MANAGER III	B16	2
696	5706	H/SRVC SPEC VII	B17	18
696	7403	LIBRARIAN III	B20	1
701	0154	ADMINISTRATIVE ASSISTANT III	A13	1
701	0158	ADMINISTRATIVE ASSISTANT V	A17	3
701	0173	LICENSE AND PERMIT SPEC IV	B18	5
701	0253	SYSTEMS ANALYST II	B19	1
701	0820	EDUCATION SPECIALIST I	B17	6
701	1016	ACCOUNTANT III	B18	4
701	1044	AUDITOR I	B18	1
701	1550	STAFF SERVICES OFFICER I	B17	2
701	1551	STAFF SERVICES OFFICER II	B18	1
701	1570	PROGRAM SPECIALIST I	B17	1
701	1735	HUMAN RESOURCES SPECIALIST IV	B21	2
701	3572	LEGAL ASSISTANT I	B16	1
701	4076	PUBLIC HLTH & PRVNT SPEC III	B18	1
771	1571	PROGRAM SPECIALIST II	B18	1

772	1733	HUMAN RESOURCES SPECIALIST III	B19	1
772	1831	INFORMATION SPECIALIST II	B18	1
802	0241	PROGRAMMER I	B20	3
802	0253	SYSTEMS ANALYST II	B19	1
802	0311	SYSTEMS ADMINISTRATOR II	B19	1
802	0312	SYSTEMS ADMINISTRATOR III	B21	2
802	1016	ACCOUNTANT III	B18	1
802	1201	INTERNAL AUDITOR II	B20	1
802	1550	STAFF SERVICES OFFICER I	B17	2
802	1552	STAFF SERVICES OFFICER III	B19	1
802	1570	PROGRAM SPECIALIST I	B17	1
802	1571	PROGRAM SPECIALIST II	B18	4
802	1580	PROGRAM SUPERVISOR I	B17	1
802	1581	PROGRAM SUPERVISOR II	B18	1
802	1733	HUMAN RESOURCES SPECIALIST III	B19	2
802	1783	TRAINING AND DEV SPEC III	B18	2
802	1832	INFORMATION SPECIALIST III	B20	2
802	1933	PURCHASER IV	B19	1
802	2642	PARK RANGER III	B19	6
802	2682	NATURAL RESOURCES SPEC I	B16	19
802	2731	SAFETY OFFICER II	B19	1
802	5234	VOLUNTEER SERVICES COORD III	B17	1
802	7306	ARCHEOLOGIST I	B20	1
802	7464	EXHIBIT TECHNICIAN	B15	1
808	0820	EDUCATION SPECIALIST I	B17	32
808	0821	EDUCATION SPECIALIST II	B19	5
808	1570	PROGRAM SPECIALIST I	B17	10
808	1733	HUMAN RESOURCES SPECIALIST III	B19	1
808	1997	FLEET MANAGER II	B20	1
808	2732	SAFETY OFFICER III	B21	1
809	0160	EXECUTIVE ASSISTANT I	B17	1
809	0282	TELECOMMUNICATIONS SPEC I	B18	1
809	0300	WEB ADMINISTRATOR I	B19	1
809	1014	ACCOUNTANT II	B16	1
809	1571	PROGRAM SPECIALIST II	B18	2
809	1580	PROGRAM SUPERVISOR I	B17	1
809	1581	PROGRAM SUPERVISOR II	B18	1
809	1810	CREATIVE MEDIA DESIGNER I	B17	3
809	1812	CREATIVE MEDIA DESIGNER II	B19	1
809	1824	MARKETING SPECIALIST III	B20	2
809	1831	INFORMATION SPECIALIST II	B18	1
809	1933	PURCHASER IV	B19	1
809	5233	VOLUNTEER SERVICES COORD II	B15	1
809	7468	CURATOR II	B18	2
809	7470	CURATOR III	B20	1
809	8025	CUSTODIAL MGR III	A17	1
813	0154	ADMINISTRATIVE ASSISTANT III	A13	1

813	0158	ADMINISTRATIVE ASSISTANT V	A17	1
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EXHIBIT 5

Texas State Agencies by Name and Number

Click on a column heading to sort by that column

Number	Name
101	Senate
102	House of Representatives
103	Texas Legislative Council
104	Legislative Budget Board
105	Legislative Reference Library
107	Commission on Uniform State Laws
116	Sunset Advisory Commission
201	Supreme Court
202	State Bar of Texas
203	Board of Law Examiners
211	Court of Criminal Appeals
212	Office of Court Administration

Click on a column heading to sort by that column

Number	Name
213	State Prosecuting Attorney
215	Office of Capital and Forensic Writs
221	Court of Appeals - First Court of Appeals District
222	Court of Appeals - Second Court of Appeals District
223	Court of Appeals - Third Court of Appeals District
224	Court of Appeals - Fourth Court of Appeals District
225	Court of Appeals - Fifth Court of Appeals District
226	Court of Appeals - Sixth Court of Appeals District
227	Court of Appeals - Seventh Court of Appeals District
228	Court of Appeals - Eighth Court of Appeals District
229	Court of Appeals - Ninth Court of Appeals District
230	Court of Appeals - Tenth Court of Appeals District
231	Court of Appeals - Eleventh Court of Appeals District
232	Court of Appeals - Twelfth Court of Appeals District

Click on a column heading to sort by that column

Number	Name
233	Court of Appeals - Thirteenth Court of Appeals District
234	Court of Appeals - Fourteenth Court of Appeals District
241	Comptroller - Judiciary Section
242	State Commission on Judicial Conduct
243	State Law Library
300	Governor - Fiscal
301	Governor - Executive
302	Attorney General
303	Texas Facilities Commission
304	Comptroller of Public Accounts
305	General Land Office
306	Texas State Library and Archives Commission
307	Secretary of State
308	State Auditor

Click on a column heading to sort by that column

Number	Name
311	Comptroller - Treasury Fiscal
312	State Securities Board
313	Department of Information Resources
315	Comptroller - Prepaid Higher Education Tuition Board
320	Texas Workforce Commission
323	Teacher Retirement System of Texas
326	Texas Emergency Services Retirement System
327	Employees Retirement System of Texas
328	Veterans Land Board
329	Texas Real Estate Commission
332	Texas Department of Housing and Community Affairs
333	Office of State-Federal Relations
338	State Pension Review Board
343	Inaugural Committee

Click on a column heading to sort by that column

Number	Name
347	Texas Public Finance Authority
352	Bond Review Board
356	Texas Ethics Commission
358	Texas Space Commission
359	Office Of Public Insurance Counsel
360	State Office of Administrative Hearings
361	Office for the Prevention of Developmental Disabilities
362	Texas Lottery Commission
363	Texas Workforce Investment Council
364	Health Professions Council
368	Motor Vehicle Crime Prevention Authority
401	Texas Military Department
403	Texas Veterans Commission
405	Department of Public Safety

Click on a column heading to sort by that column

Number	Name
407	Texas Commission on Law Enforcement
409	Commission on Jail Standards
411	Texas Commission on Fire Protection
448	Office of Injured Employee Counsel
450	Department of Savings and Mortgage Lending
451	Texas Department of Banking
452	Texas Department of Licensing and Regulation
454	Texas Department of Insurance
455	Railroad Commission of Texas
456	Texas State Board of Plumbing Examiners
457	Texas State Board of Public Accountancy
458	Texas Alcoholic Beverage Commission
459	Texas Board of Architectural Examiners
460	Texas Board of Professional Engineers and Land Surveyors

Click on a column heading to sort by that column

Number	Name
466	Office of Consumer Credit Commissioner
469	Credit Union Department
470	Motor Vehicle Board
473	Public Utility Commission of Texas
475	Office of Public Utility Counsel
476	Texas Racing Commission
477	Commission on State Emergency Communications
479	State Office of Risk Management
481	Texas Board of Professional Geoscientists
503	Texas Medical Board
504	State Board of Dental Examiners
506	University of Texas M. D. Anderson Cancer Center
507	Texas Board of Nursing
508	Texas Board of Chiropractic Examiners

Click on a column heading to sort by that column

Number	Name
510	Texas Behavioral Health Executive Council
513	Texas Funeral Service Commission
514	Texas Optometry Board
515	Texas State Board of Pharmacy
520	Texas State Board of Examiners of Psychologists
522	Texas Board of Physical Therapy Examiners
529	Health and Human Services Commission
530	Department of Family and Protective Services
533	Executive Council of Physical and Occupational Therapy Examiners
534	Texas Board of Occupational Therapy Examiners
535	Texas Low-Level Radioactive Waste Disposal Compact Commission
537	Department of State Health Services
542	Cancer Prevention and Research Institute of Texas
544	Texas Civil Commitment Office

Click on a column heading to sort by that column

Number	Name
551	Department of Agriculture
554	Texas Animal Health Commission
555	Texas A&M Agrilife Extension Service
556	Texas A&M Agrilife Research
557	Texas A&M Veterinary Medical Diagnostic Laboratory
575	Texas Division of Emergency Management
576	Texas A&M Forest Service
578	State Board of Veterinary Medical Examiners
580	Texas Water Development Board
582	Texas Commission on Environmental Quality
592	Soil and Water Conservation Board
601	Texas Department of Transportation
608	Texas Department of Motor Vehicles
643	Office of Independent Ombudsman

Click on a column heading to sort by that column

Number	Name
644	Texas Juvenile Justice Department
646	Texas Correctional Office on Offenders with Medical or Mental Impairments
673	Texas Center For Infectious Disease
684	Rio Grande State Center
696	Texas Department of Criminal Justice
701	Texas Education Agency
705	State Board for Educator Certification
706	Texas Permanent School Fund Corporation
707	Texas A&M University System - Office of Technology Commercialization
708	Texas A&M University System - Shared Services Center
709	Texas A&M University System Health Science Center
710	Texas A&M University System
711	Texas A&M University
712	Texas A&M Engineering Experiment Station

Click on a column heading to sort by that column

Number	Name
713	Tarleton State University
714	University of Texas at Arlington
715	Prairie View A&M University
716	Texas A&M Engineering Extension Service
717	Texas Southern University
718	Texas A&M University at Galveston
719	Texas State Technical College System
720	University of Texas System
721	University of Texas at Austin
723	University of Texas Medical Branch at Galveston
724	University of Texas at El Paso
727	Texas A&M Transportation Institute
729	University of Texas Southwestern Medical Center
730	University of Houston

Click on a column heading to sort by that column

Number	Name
731	Texas Woman's University
732	Texas A&M University - Kingsville
733	Texas Tech University
734	Lamar University
735	Midwestern State University
737	Angelo State University
738	University of Texas at Dallas
739	Texas Tech University Health Sciences Center
742	University of Texas of the Permian Basin
743	University of Texas at San Antonio
744	University of Texas Health Science Center at Houston
745	University of Texas Health Science Center at San Antonio
746	University of Texas Rio Grande Valley
749	Texas A&M University at San Antonio

Click on a column heading to sort by that column

Number	Name
750	University of Texas at Tyler
751	Texas A&M University - Commerce
752	University of North Texas
753	Sam Houston State University
754	Texas State University
755	Stephen F. Austin State University
756	Sul Ross State University
757	West Texas A&M University
758	Texas State University System
759	University of Houston - Clear Lake
760	Texas A&M University - Corpus Christi
761	Texas A&M International University
763	University of North Texas Health Science Center at Fort Worth
764	Texas A&M University - Texarkana

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Number	Name
765	University of Houston - Victoria
768	Texas Tech University System
769	University of North Texas System
770	Texas A&M University - Central Texas
771	Texas School for the Blind and Visually Impaired
772	Texas School for the Deaf
773	University of North Texas at Dallas
774	Texas Tech University Health Sciences Center - El Paso
775	Texas Woman's University System
781	Texas Higher Education Coordinating Board
783	University of Houston System
784	University of Houston - Downtown
785	University of Texas Health Science Center at Tyler
787	Lamar State College - Orange

Click on a column heading to sort by that column

Number	Name
788	Lamar State College - Port Arthur
789	Lamar Institute of Technology
802	Parks and Wildlife Department
808	Texas Historical Commission
809	State Preservation Board
813	Texas Commission on the Arts
902	Comptroller - State Fiscal
903	Comptroller - Funds Management
907	Comptroller - State Energy Conservation Office
908	Texas Bullion Depository
909	Comptroller - Texas Broadband Development Office
930	Texas Treasury Safekeeping Trust Company