



# Tammy McCutchen

## Curriculum Vitae

### Contact

1525 Fielden Store Road  
New Market, TN 37820  
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tammydeemccutchen@gmail.com

### Education

Northwestern University  
School of Law, J.D. 1990  
Cum Laude  
Order of the Coif  
Law Review

### Career Highlights

After a clerkship and working as a litigation associate at Skadden, moved to a boutique firm to focus on labor and employment law. Relocated to Pennsylvania to become the Hershey Company's first in-house employment counsel, until nominated by President Bush to serve as the wage and hour administrator at the Department of Labor. Back in private practice, developed new wage-hour audit tools and persuaded clients to voluntarily work with DOL to pay millions in back wages. Retired as an executive at ComplianceHR, creating smart applications which assess overtime exempt and independent contractor status.

### Summary

Former Administrator of the Wage and Hour Division at the U.S. Department of Labor and nationally recognized expert on state and federal wage-hour laws. Providing consulting, auditing, expert witness services, and policy guidance on compliance with independent contractor status, overtime exemptions, non-exempt employee pay, child labor and prevailing wage laws.

### Government Experience

*2001 - 2004*

Administrator, Wage & Hour Division • U.S. Department of Labor

*1991 -1992*

Law Clerk • Honorable Danial A. Manion • U.S. Court of Appeals for the Seventh Circuit

Nominated by President George W. Bush and confirmed by the United States Senate to serve as the nation's top enforcer of the Fair Labor Standards Act, the Family and Medical Leave Act, the Davis-Bacon Act, the Service Contract Act, and other federal employment laws. Managed an annual budget of \$160 million and 1,400 employees, represented by two unions, in more than 250 offices across the country. Under my leadership, the Division collected over \$580 million in back wages for nearly 900,000 employees and expanded its low-wage industry initiatives to include retail, hospitality, janitorial, security and other industries with vulnerable workers. Primary architect of the 2004 revisions to the overtime exemption regulations, the first major changes to the regulations in 55 years. Oversaw the development of the agency's YouthRules! and Wage Determinations Online web pages.

### Law Firm Experience

*1990 – 1991, 1992-1995*

Associate • Skadden Arps

*1995 -1999*

Associate • Matkov Salzman Madoff & Gunn

*2007 – 2020*

Shareholder & Principal • Littler Mendelson

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## **Corporate Experience**

*2015 - 2020*

Vice President & Managing Director • ComplianceHR

*1999 - 2001*

Senior Counsel, Labor & Employment • The Hershey Company

Founding officer of ComplianceHR, a Littler Mendelson and Neota Logic joint venture, creating employment law compliance applications driven by artificial intelligence. The applications ask users a series of online questions and respond with risk assessments instantly - backed by databases analyzing the facts and results in thousands of reported court cases, administrative guidance, in addition to state and federal statutes and regulations. Lead designer of the Navigator IC app to assess the risk of classifying a worker as an independent contractor and the Navigator OT app to assess the risk of classifying an employee as exempt from overtime. At Hershey, advised the company on all aspects of employment law including agency investigations, litigation, policies, terminations, union matters, and acquisition due diligence.

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## **Congressional Testimony**

*April 19, 2023* • U.S. House of Representatives • Committee on Education and the Workforce, Subcommittee on Workforce Protections • Examining Biden's War on Independent Contractors

*May 11, 2022* • U.S. House of Representatives • Committee on Education and Labor, Subcommittee on Workforce Protections • Standing Up for Workers: Preventing Wage Theft and Recovering Stolen Wages

*June 12, 2019* • U.S. House of Representatives • Committee on Education and Labor, Subcommittee on Workforce Protections • Restoring the Value of Work: Evaluating DOL's Efforts to Undermine Strong Overtime Protections

*May 11, 2016* • U.S. Senate • Committee on Small Business & Entrepreneurship • An Examination of the Administration's Overtime Rule and the Rising Costs of Doing Business

*July 23, 2015* • U.S. House of Representatives • Committee on Education and the Workforce, Subcommittee on Workforce Protections • Examining the Costs and Consequences of the Administration's Overtime Proposal

*November 3, 2011* • U.S. House of Representatives • Committee on Education and the Workforce, Subcommittee on Workforce Protections • Examining Regulatory and Enforcement Actions Under the Fair Labor Standards Act

*May 4, 2004* • U.S. Senate • Committee on Appropriations, Subcommittee on Labor, Health and Human Services, and Education • Final Rule on Overtime Pay

*April 28, 2004* • U.S. House of Representatives • Committee on Education and the Workforce • Assessing the Impact of the Labor Department's Final Overtime Regulations on Workers and Employers

*January 20, 2004* • U.S. Senate • Committee on Appropriations, Subcommittee on Labor, Health and Human Services, and Education • Department of Labor's Proposed Rule on Overtime Pay

*July 31, 2003* • U.S. Senate • Committee on Appropriations, Subcommittee on Labor, Health and Human Services, and Education • Proposed Rule on Overtime Pay

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## Regulatory Documents

*November 2023*

Comments of the America First Policy Institute • Proposed Rule, Defining and Delimiting the Exemptions for Executive, Administrative, Professionals, Outside Sales, and Computer Employees, 88 FR 62125 (September 8, 2023)

*October 2020*

Comments of the Workplace Policy Institute • Proposed Rule, Independent Contractor Status under the Fair Labor Standards Act, 85 FR 60600 (September 25, 2020)

*June 12, 2019*

Comments of the U.S. Chamber of Commerce • Proposed Rule, Regular Rate Under the Fair Labor Standards Act, 84 FR 11888 (March 29, 2019)

*May 2019*

Comments of the U.S. Chamber of Commerce • Proposed Rule, Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees, 84 FR 10840 (March 22, 2019)

*September 2017*

Comments of the U.S. Chamber of Commerce • Request for Information, Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees, 82 FR 34616 (July 26, 2017)

*September 2015*

Comments of the U.S. Chamber of Commerce • Proposed Rule, Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees, 80 FR 38516 (July 6, 2015)

*April 2004*

Final Rule, Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees, 69 FR 22122 (April 23, 2004)

*March 2003*

Proposed Rule, Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees, 68 FR 15560 (March 31, 2003)

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## Volunteer Activities

*2019 - Present*

[National Association of Urban Debate Leagues](#)

Board Member

*2024 - Present*

[Zoo Knoxville](#)

Knoxville, Tennessee

Docent

*2001 - 2004 & 2016 - 2020*

[Smithsonian National Zoo](#)

Washington, DC

Zoo Guide, Panda Cam, Behavioral Watch

*1995 – 1999*

[Lincoln Park Zoo](#)

Chicago, Illinois

Docent

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