

January 25, 2022

The Honorable Marty Walsh
Secretary of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Re: Request for Stakeholder Meetings Prior to Development and Release of Proposed New Overtime Regulations under the Fair Labor Standards Act

The 110 undersigned organizations, which represent a wide range of employers from private industry, states, municipalities, universities, colleges, k-12 schools and non-profits, write to request the U.S. Department of Labor (“DOL”) hold stakeholder meetings prior to the development and issuance of its anticipated Notice of Proposed Rulemaking (“NPRM”) on the “exemption of bona fide executive, administrative, and professional employees from the Fair Labor Standards Act’s minimum wage and overtime requirements” (also known as the “white-collar” exemptions). In the Fall 2021 Regulatory Agenda, DOL’s Wage and Hour Division announced its plans to issue an NPRM modifying the white-collar overtime exemptions in April 2022. This will be a significant rulemaking with respect to cost, difficulty in implementation and impact on the workforce, particularly given the current acute labor shortages. Our organizations urge DOL to follow past precedents and hold meetings with the regulated community to obtain input on the potential impact of any changes to the overtime exemption requirements.

The labor markets today are very different than when both the Trump and Obama administrations updated the regulations. In development of an appropriate proposed rule, DOL would benefit from stakeholder insights into the current economic environment and the practical implications certain policies could have on the economy, workers, and the employer community. Such meetings were held by the Bush, Obama and Trump administrations prior to undergoing the notice-and-comment rulemaking process to update the exemptions.

Thank you for your consideration of this request. Please contact Ed Egee at the National Retail Federation (egeee@nrf.com) or Chatrane Birbal at HR Policy Association (Cbirbal@hrpolicy.org) with any questions or concerns.

Sincerely,

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AASA, The School Superintendents
Association of American Universities (AAU)
American Bakers Association
American Bankers Association
American Bus Association
American Council on Education
American Council of Engineering Companies
American Foundry Society
American Horticulture Industry Association (AmericanHort)
American Hotel and Lodging Association

American Mold Builders Association
American Trucking Associations
American Society of Association Executives
American Staffing Association
AMT - The Association for Manufacturing Technology
Asian American Hotel Owners Association
Associated Builders and Contractors
Associated General Contractors of America
Associated Equipment Distributors
Association of Educational Service Agencies
Association of School Business Officials International (ASBO)
Auto Care Association
Ceramic Tile Distributors Association
Coalition of Franchisee Associations
College and University Professional Association for Human Resources
Construction Industry Round Table
Consumer Technology Association
Convenience Distribution Association
Education Market Association
FMI – The Food Industry Association
Franchise Business Services
Heating, Air-conditioning, & Refrigeration Distributors International
HR Policy Association
Gases and Welding Distributors Association
Global Cold Chain Alliance
IAAPA, The Global Association for the Attractions Industry
IHRSA, The Global Health & Fitness Association
Independent Electrical Contractors
Independent Insurance Agents & Brokers of America.
International Association of Plastics Distribution
International Bottled Water Association
International Foodservice Distributors Association
International Franchise Association
International Public Management Association for Human Resources
International Warehouse Logistic Association
ISSA – The Worldwide Cleaning Industry Association
Leading Builders of America
Littler Workplace Policy Institute
Manufactured Housing Institute
Motor and Equipment Manufacturers Association
National Armored Car Association
National Automobile Dealers Association
National Beer Wholesalers Association
National Apartment Association
National Association of College Stores
National Association of Convenience Stores
National Association of Electrical Distributors
National Association of Home Builders
National Association of Manufacturers
National Association of Independent Colleges and Universities
National Association of Professional Insurance Agents

National Association for Pupil Transportation
National Association of Sporting Goods Wholesalers
National Association of Waterfront Employers
National Association of Wholesaler-Distributors
National Club Association
National Confectioners Association
National Cotton Council
National Cotton Ginners Association
National Federation of Independent Business
National Franchisee Association
National Funeral Directors Association
National Grocers Association
National Lumber and Building Material Dealers Association
National Marine Distributors Association
National Multifamily Housing Council
National Newspaper Association
National Parking Association
National Pest Management Association
National Public Employer Labor Relations Association
National Ready Mixed Concrete Association
National Restaurant Association
National Retail Federation
National Rural Education Advocacy Consortium
National Rural Education Association
National RV Dealers Association
National Small Business Association
National Stone, Sand & Gravel Association
National Tooling and Machining Association
NATSO, Representing America's Travel Plazas and Truck Stops
North American Die Casting Association
Ohio Society of CPAs
Outdoor Power Equipment and Engine Service Association
Pennsylvania Food Merchants Association
Petroleum Equipment Institute
Portland Cement Association
Power Transmission Distributors Association
Precision Machined Products Association
Precision Metalforming Association
PRINTING United Alliance
Restaurant Law Center
SIGMA: America's Leading Fuel Marketers
Small Business & Entrepreneurship Council
Society for Human Resource Management
Texas Cotton Ginners' Association
Textile Care Allied Trades Association
Tree Care Industry Association
U.S. Chamber of Commerce
Wine & Spirits Wholesalers of America