

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](mailto:egeee@nrf.com)) or Chatrane Birbal at HR Policy Association ([Cbirbal@hrpolicy.org](mailto:Cbirbal@hrpolicy.org)) with any questions or concerns.

Sincerely,

4A's  
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