

March 29, 2020

Honorable Cheryl Stanton  
Administrator  
Department of Labor Wage and Hour Division (WHD)  
200 Constitution Ave NW  
Washington, DC 20210

Dear Administrator Stanton:

On behalf of the 400 members of the National Stone, Sand and Gravel Association, we want to thank you for providing this opportunity to comment on the expanded family and medical leave policies that are mandated under the Families First Coronavirus Response Act (FFCRA). We appreciate your tireless work during this extraordinary time to efficiently execute these new policies that will provide greater assistance to those overcoming the challenges of COVID-19.

NSSGA is the leading voice and advocate for the aggregates industry and the businesses that supply them, with member companies representing more than 90 percent of the crushed stone and 70 percent of the sand and gravel consumed annually in the United States. Our members are responsible for the essential raw materials found in every home, building, road, bridge and public works project, employing over 100,000 working men and women. The vast majority of our members, over 80 percent, are small businesses responsible for delivering essential building materials in their communities across the nation.

It is imperative for small, family owned, aggregates operators and the companies that supply them, that the Department of Labor interpret the 50-employer exemption as a broad exemption without adding unnecessary paperwork or processes that businesses would need to address in order to be exempted from the requirements. Instead of spending time on compliance and red tape, a broad exemption would allow the men and women who work in this critical industry to continue producing the materials needed for building hospitals, schools, affordable housing, and the transportation network that allows for efficient delivery of energy, medical supplies, groceries and other imperative goods during this crisis.

Further, as you work to implement all the new provision of family and medical leave policy under FFCRA, we ask that a phase in period of at least one month is provided to all covered employers. Allowing these employers additional time to understand their responsibilities and effectively plan and implement the new regulations, during a period of great business uncertainty, will allow for greater compliance, less confusion and better outcomes for those who need to utilize the family and medical leave because of COVID-19.

Thank you for your consideration of our views as you implement the FFCRA family and medical leave polices. Please do not hesitate to reach out if we may provide any further assistance or if you have any follow up questions.