

CLIENT ALERT: United States Department of Labor Takes Final Step Toward Publication of Its Revised Overtime Rule - By Amy Carlin and Alex Desrosiers

Since 2016, we have been providing you with information and updates concerning the Department of Labor's ("DOL") rule that proposed changes to employee eligibility for overtime pay. Recent activity within the federal government suggests that there may be something definitive to report within the coming months.

In early 2019, the White House Office of Management and Budget (OMB) received the DOL's Notice of Proposed Rulemaking (NPRM) in connection with the overtime exemptions that were the subject of the DOL's 2016 final rule. By way of history, the DOL's 2016 final rule was never implemented, as **a federal court in Texas issued an order prohibiting the 2016 final rule from going into effect**. While this battle was unfolding, the U.S. presidency changed hands, and it was unclear at first whether the Trump Administration would take action to appeal the federal court's decision rejecting the 2016 final rule. The NPRM, if published, would replace the 2016 final rule and render the appeal moot.

The NPRM and any changes made to the 2016 final rule are not public information. While many speculate that the new salary level will fall closer to the original \$455 per week than the 2016 final rule's \$913 per week, details have not been forthcoming. The good news (for clarity's sake) is that the OMB's review of the revised rule is the last step in the process before publication.

MBJ will continue to monitor these important developments and issue updates accordingly.

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