

Fifth Circuit Expedites Review of Challenge to FLSA Overtime Changes

December 14, 2016

On Nov. 22, 2016, the recent revisions to the Fair Labor Standards Act overtime provisions - slated to become effective Dec. 1, 2016 - were enjoined by the United States District Court for the Eastern District of Texas. In its decision, the court prohibited the U.S. Department of Labor (DOL) from enforcing its new salary regulations for exempt employees. The DOL has now appealed that decision to Fifth Circuit Court of Appeals. The Court of Appeals has now granted the DOL's motion for expedited review. In doing so, the court ordered the DOL to file its final appeal brief no later than Jan. 31, 2017. However, no date for oral argument has yet been scheduled. It is nevertheless possible that the court may hold oral argument as early as the week of Feb. 7. It is noteworthy, in that regard, that President-elect Trump will take office on Jan. 20, 2017 - before arguments occur. The new administration may, of course, adopt a different position with regard to the DOL's recent regulations and its pending appeal to the Fifth Circuit. Naturally, Miller Canfield will keep its clients apprised of further developments in this important area as they unfold.

Should you have any questions, regarding the status of the appellate review of the district court's nationwide injunction prohibiting the enforcement of the DOL's new salary requirements for the FLSA white-collar exemptions, please contact one of the authors or your Miller Canfield attorney.

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