

FLSA Regulations Back to the Drawing Board

September 11, 2003

The much-anticipated revised Fair Labor Standards Act ("FLSA") regulations seem doomed to delay. Already shunted back to the Department of Labor ("DOL") for changes as a result of comments submitted during the public comment period, the regulations suffered another setback on Wednesday when the Senate voted to block the Bush administration from issuing them.

The Senate action came after the House of Representatives endorsed the proposed changes earlier this year; without doubt, the political parrying among the President, the Senate and the House will continue.

All of which provides time for the DOL to review the 77,000 comments to the administration's proposed changes. DOL says only about 700 of the comments are what it calls "substantive", but even so, review will take weeks if not months; the Office of Management and Budget ("OMB") has 120 days, after that, to review and make further revisions, and once OMB's work is complete, DOL must provide at least 30 days before any changes are implemented.

What does this mean to employers? Assuming the Senate, House and Administration are eventually "on the same page" regarding the regulations, don't look for implementation before the first or second quarter of 2004. Employers need to continue to adhere to the current regulations for at least a few more months.

If you need assistance with revision of this or any other school policy, or with other questions related to school law, please contact our Labor Group, Beverly Hall Burns at (313) 496-7508, email: burns@millercanfield.com.