

EMPLOYMENT SERVICES ALERT

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Recent Developments Following the Issuance of an Injunction Against the DOL's Implementation of New Overtime Regulations

By ***Stephanie Y. Olivera***, Associate

As expected, on Thursday, December 1, 2016, the United States Department of Labor ("DOL") filed a notice of its appeal to the United States Court of Appeals for the Fifth Circuit of a preliminary injunction blocking the DOL from implementing the new Fair Labor Standards Act ("FLSA") regulations. On Friday, the DOL filed a motion seeking an expedited briefing and oral argument schedule in the appeal. This appeal comes less than two weeks after Judge Mazzant of the United States District Court for the Eastern District of Texas issued a nationwide preliminary injunction barring enforcement of the new FLSA regulations, which were scheduled to go into effect on December 1, 2016.

The DOL also requested that the court rule on its motion by December 8, 2016, although the court is not required to do so. Should the court grant the DOL's motion for an expedited schedule, it would mean that the new DOL regulations could affect employers sooner rather than later. Even with an expedited schedule, however, there is no guarantee that a decision will be reached prior to Inauguration Day or, if the injunction were vacated, that the Trump administration would not take additional action to rescind or modify the regulations. For now, employers should continue to comply with the current tests for exemptions until and unless the Fifth Circuit overturns the District Court's decision.

If you have any questions about this topic, read our [previous alert](#) or contact one of the listed Roetzel attorneys.

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