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Appeal of DOL Final Overtime Rule Won't Be Heard Until At Least The Summer

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The Fifth Circuit granted the government's request for additional time to file its final reply brief in the pending appeal of a nationwide injunction issued by a Texas District Court Judge, blocking the DOL's controversial overtime rule raising the required salary level for the white collar exemptions. The final reply brief will not be filed until June 30, 2017, with oral argument likely scheduled sometime in the summer, unless additional requests for an extension are made. The final brief was due on May 1, 2017, but the government requested an additional 60 days so the new administration could evaluate the case. The government, prior to the election, had asked for expedited briefing, but now has made three requests to delay a ruling so the Trump administration can weigh in. The additional 60 days will provide Alexander Acosta, who is expected to be confirmed as Secretary of Labor, time to determine what position it will take on the Obama overtime rule. It will be one of the first major decisions the new Secretary of Labor will need to make.

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