

## The Saga Continues: What's Next for the White Collar Exemptions?

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On October 30, 2017, the U.S. Department of Labor (DOL) filed an appeal in the United States Court of Appeals for the Fifth Circuit of the August 31, 2017 ruling by the United States District Court for the Eastern District of Texas that invalidated proposed revisions to the Fair Labor Standards Act (FLSA) overtime regulations. Judge Mazzant of the ED of Texas previously issued a [nationwide injunction](#) preventing implementation of the regulations that were to take effect on December 1, 2016.

According to a DOL statement, "On October 30, 2017, the Department of Justice, on behalf of the Department of Labor, filed a notice to appeal this decision to the U.S. Court of Appeals for the Fifth Circuit. Once this appeal is docketed, the Department of Justice will file a motion with the Fifth Circuit to hold the appeal in abeyance while the Department of Labor undertakes further rulemaking to determine what the salary level should be."

The regulations would have approximately doubled the minimum salary requirement for an employee to meet the requirements of the executive, administrative, and professional exemptions to the minimum wage and overtime requirements under the FLSA (the so-called "white collar" exemptions).

Employers applauded when Judge Mazzant issued the nationwide injunction. Employers were further encouraged when the DOL published a Request for Information (RFI) regarding the overtime final rule in July of 2017. The comment period for the RFI has ended, and the DOL is reviewing those submissions. Based on the statement issued, the DOL's appeal appears designed to provide additional time to rewrite the overtime rule and potentially render the Fifth Circuit litigation moot.

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