



**Labor & Employment Client Alert:  
Be Prepared for a New Version of Overtime Rules  
to be Announced this Spring**

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Have you noticed anything like this in the newspapers over the last few weeks?

<b>Pending EO 12866 Regulatory Review</b>	
<b>RIN:</b> 1235-AA20	<b>Received Date:</b> 01/16/2019
<b>Title:</b> Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees	
<b>Agency/Subagency:</b> DOL / WHD	<b>Stage:</b> Proposed Rule
<b>Legal Deadline:</b> None	<b>Economically Significant:</b> Yes
<b>International Impacts:</b> No	<b>Affordable Care Act [Pub. L. 111-148 &amp; 111-152]:</b> No
	<b>Dodd-Frank Wall Street Reform and Consumer Protection Act, [Pub. L. 111-203]:</b> No

<b>RIN:</b> 1235-AA24	<b>Received Date:</b> 01/23/2019
<b>Title:</b> Regular and Basic Rates Under the Fair Labor Standards Act	
<b>Agency/Subagency:</b> DOL / WHD	<b>Stage:</b> Proposed Rule
<b>Legal Deadline:</b> None	<b>Economically Significant:</b> No
<b>Status:</b> Pending Review	

It's not likely. Only legal types who enjoy reading federal regulations are likely to have seen either of the above two notices. But, they are indications that you can expect to be dealing with a reworking of the federal overtime rules later this year.

No doubt you recall that, in the waning days of the Obama Administration, a major rewrite of the rules the federal government enforces for determining which employees are exempt from the overtime rules was about to go into effect – when abruptly stopped by court order, after many employers had already made changes to implement them. Meanwhile, as that fight worked its way through federal court, the Trump Administration has been reworking the planned changes, after having requested extensive commentary from the public.

Last month, the Department of Labor filed proposals with the Office of Information and Regulatory Affairs (“OIRA”), evidenced by the above- publications – formally announcing that they have indeed come up with new versions of the regulations, apparently concerning how to define the overtime exempt categories of “executive, administrative, and professional” and, apparently, revising how monetary floors on wages may be part of that determination. OIRA is entitled to take 90 days to review the proposed regulations before they are announced to the public. So, for the time being, we cannot tell you how the regulations are going to change – we can only tell you that they likely will be changing and that, barring new court action, you may well be dealing with those changes by the end of this year.

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