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FLSA Overtime Rule: Six Month Reprieve? U.S. House Votes Yes

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On Wednesday, September 28, 2016, the U.S. House of Representatives passed the *Regulatory Relief for Small Businesses, Schools, and Nonprofits Act*, by a vote of 246 to 177. The Act would delay implementation of the Department of Labor's Final Rule modernizing the Fair Labor Standards Act's white-collar exemptions from December 1, 2016 to June 1, 2017. As we have previously reported, the Final Rule, which is set to go into effect on December 1, 2016, raises the salary threshold for workers to qualify as exempt from overtime from \$455 per week to \$913 per week, and will result in many workers either getting a raise or being entitled to overtime pay.

The Act passed by the House would allow employers six more months to prepare to comply with the new overtime rule. Employers should already be in the process of ensuring their compliance with the new overtime rules, and should not delay preparation. The Obama administration has already threatened to veto the House bill, which it notes already provided six months for employers to prepare, and that any further delay in implementation would result in a delay in protections to workers, who cannot afford to wait. Employers would be wise to continue to prepare for a December 1, 2016 implementation, however, given that the Bill still has to pass the Senate and given the presidential veto threat.

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