



9th Circuit Stands By Tip-Pooling Restrictions

Insights

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By: The Editor

The U.S. Court of Appeals for the 9th Circuit has denied petitions for rehearing, as a panel or en banc, its opinion earlier this year holding that the U.S. Department of Labor could extend the Fair Labor Standards Act's tip-pooling restrictions to instances where the tipped employees received the minimum wage *without* reliance on the Section 203(m) tip credit. Circuit Judge Diarmuid O'Scannlian's highly critical dissent, in which he was joined by nine others, could serve as a tempting invitation for the U.S. Supreme Court to accept review of the matter.

For a full summary of the most recent ruling in *Oregon Restaurant & Lodging Association v. Perez* read our [Legal Alert](#).