



USDOL Submits Arguments In Salary Appeal

Insights

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By: The Editor

The U.S. Department of Labor has finally filed a Reply Brief supporting its request that the 5th Circuit U.S. Court of Appeals overturn last November's preliminary injunction that blocked the salary-related changes in the regulations defining the federal Fair Labor Standards Act's "white collar" exemptions.

Not surprisingly, the agency has argued that it has the authority to include a salary requirement in defining who qualifies for the executive, administrative, professional, and derivative exemptions.

USDOL also said that it has "decided not to advocate for the specific salary level (\$913 per week) set in the final rule at this time", and that it "intends to undertake further rulemaking to determine what the salary level should be." Neither is this unexpected, especially in light of the agency's having announced that it will soon publish a request for additional comment on the subject.

Now that the briefing is concluded, oral arguments can be expected in the not-too-distant future.