

USDOL's Extended, Expanded Regulatory Agenda

Insights

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The U.S. Department of Labor has announced, via a regulatory agenda, that the proposed regulations implementing changes to the minimum salary for the white-collar exemptions, now commonly referred to as the “overtime rule”, will not be released until March 2019. Suffice it to say, USDOL has a lot of proposed regulations on its plate that have not yet been released, and therefore, the three-month delay (which easily could be extended) is not surprising.

What is somewhat surprising is that USDOL is moving forward with adding another major item and expects to issue that proposed rule first. Specifically, its regulatory agenda stated that USDOL “will propose to clarify the contours of the joint employment relationship” under the FLSA. As employers likely remember, USDOL rescinded its previous Administrator’s Interpretation on joint employment a few years ago, and the issuance of proposed regulations on this subject may be a welcome addition to help clarify when employers are (or are not) joint employers for purposes of federal wage and hour law. When this *actually* will occur and how it will compare with the National Labor Relations Board’s proposed rule (regarding a different law) remains to be seen.

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