



Salary Increase On Its Way? Proposed "Overtime" Rule Reportedly Headed To White House

Insights

1.11.19

By: The Editor

The U.S. Department of Labor is moving closer to releasing its proposed changes to the white-collar exemptions a/k/a the infamous so-called "Overtime Rule".

USDOL reportedly is submitting a proposed rule for review by the federal Office of Management and Budget (OMB). Neither OMB nor USDOL has elaborated upon what this proposal actually says.

Although there has been no announcement of how long OMB's evaluation will take, the agency commonly completes its assessment within no more than 90 days. If OMB approves the submission for publication, then history suggests that USDOL probably will release the proposal for a public-comment period of 60 days. This is on target with the agency's regulatory agenda, which anticipated that the proposed overtime rule would be released in March 2019.

While awaiting the publication, one can only ponder whether it will:

- • Simply be a new salary threshold, likely annualizing to something in the \$30,000s,
- Include some of the, in the long-term, more controversial provisions proposed by the prior administration, and/or
- Modify the duties-tests, however unlikely.

The Bottom Line

It looks like USDOL is holding true to its latest deadline, but there still is likely a long road ahead unless it considers expediting its review of the forthcoming public comments and/or publishes an Interim Final Rule. So, as you read the headlines in the coming weeks, keep in mind that **USDOL has not yet revised the regulation or withdrawn any part of it.**

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