



School May Be Out, but the US DOL Wage and Hour Division Remains Busy

Insights

6.20.14

The US DOL Wage and Hour Division just before the Memorial Day holiday weekend, and the generally recognized official start to the summer season, released its spring regulatory agenda. On its agenda are four areas that the Division intends to issue proposed rules for that could significantly impact employers' operations.

First, the Division is looking to revise the Fair Labor Standards Act's rules regarding exemptions. Of particular interest will be how the proposed rule will impact the tests, specifically the salary level and job duties, for determining whether an employee qualifies for one of the exemptions. The proposed completion date for the proposed rule is this November, likely after the elections. Second, the Division expects to issue a proposed rule revising the definition of "spouse" for purposes of the FMLA to address the Supreme Court's decision in *United States v. Windsor*. This proposed rule should be issued anytime. The Division previously issued a technical release outlining how it will interpret "spouse" and "marriage" in light of the Supreme Court's decision. Third, the Division expects to issue a proposed rule addressing Executive Order 13658, which increased the minimum wage for federal contractors' workers and indexes the minimum wage to inflation going forward. This proposed rule is expected sometime this month. Fourth, the Division expects to issue the Right to Know proposed rule, which would require employers to disclose certain information about employment status and pay computation. There is no estimated date for issuance of this proposed rule and this is not the first time the Division has identified this issue as an action item.

It looks like the Wage and Hour Division will be in session and busy during the summer. During the next few months, employers should remain on the lookout for when the proposed rules are published and the comment period begins.