



Final Exemption Regulations Sent To OIRA For Review

Insights

3.15.16

According to the federal Office of Information and Regulatory Affairs' [website](#), the U.S. Labor Department has submitted for review the final revised regulatory definitions of the federal Fair Labor Standards Act's Section 13(a)(1) exemptions.

The revisions themselves have not yet been published.

Timeline Still Uncertain

There has been no announcement of how long OIRA's evaluation will take. The normal expectation is that the agency must complete an assessment within 90 days, at most.

If OIRA does indeed take that long, and if there is no extension of the timeframe, its review would be completed in mid-June. Assuming that OIRA approved the submission (which seems likely), this would surely leave adequate time for USDOL to publish the regulations by sometime in July (if not sooner). A July release would mean that a 60-day *effective* date would fall in September.

However, as we have [said](#), there is also reason to suspect that USDOL might aspire to publish the regulations within the next two months or so. Many have recently speculated that USDOL would prefer to take action by mid-May in an effort to ensure that President Obama will still be empowered to block any Congressional Review Act initiative to prevent the changes.

A more-expeditious OIRA review and approval of, say, 45 days would fall in late April. Particularly if there have already been informal communications between the agencies to facilitate the review, USDOL might well then be ready to meet a mid-May release date. An effective date of 60 days later would fall in mid-July – squarely within the timeframe given in USDOL's last semi-annual agenda.

The Bottom Line

It is important to note that *no exemption changes have been made*. This is simply the next step in the regulatory process.

However, employers should waste no time in putting the final touches on their contingency plans. It seems clearer than ever that USDOL's bringing this to a conclusion will *not* be delayed until late this

year, as some had hoped.