

Legislative Blast February 2017*

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U.S. DEPARTMENT OF LABOR'S FAIR LABOR STANDARDS ACT OVERTIME RULE REMAINS ON HOLD FOLLOWING TEXAS FEDERAL COURT INJUNCTION

The United States Department of Labor's Final Rule updating its regulations that permit exemptions from the payment of overtime to executive, administrative and professional employees (the so-called "white collar exemptions") remains on hold following the nationwide injunction recently issued by a federal court in Texas. The future of this Final Rule remains unclear following the recent inauguration of President Donald J. Trump.

NEW YORK STATE DEPARTMENT OF LABOR'S REGULATIONS AFFECTING DEBIT CARD WAGE PAYMENTS ARE STRUCK DOWN BY A N.Y. STATE AGENCY

On February 16, 2017, the New York State Industrial Board of Appeals struck down regulations affecting methods of payment of wages to employees within New York State, including via payroll debit cards, which were due to take effect on March 7, 2017. According to this state agency, the regulations exceed the Commissioner of Labor's authority and "are beyond the scope of the statute" because they place excessive restrictions on financial institutions. Accordingly, the regulations have been ordered "revoked" and will not take effect as scheduled.

U.S. CITIZENSHIP AND IMMIGRATION SERVICES HAS ISSUED AN UPDATED I-9 FORM THAT EMPLOYERS MUST UTILIZE STARTING ON JANUARY 22, 2017

The United States Citizenship and Immigration Services has issued an updated Form I-9 to replace the previous form which was scheduled to expire on March 31, 2016. This updated form must be utilized beginning on January 22, 2017 for initial employment verifications of new hires and for required employment re-verifications. Prior versions of the I-9 Form are no longer valid.

U.S. OCCUPATIONAL HEALTH AND SAFETY ADMINISTRATION'S INJURY AND ILLNESS REPORTING RULE EFFECTIVE DECEMBER 1, 2016 IS STILL IN PLACE

The United States Occupational Health and Safety Administration issued new requirements for employers' reporting of injuries and illnesses effective December 1, 2016. The challenged rule remains in effect subject to review by the Courts, Congress and/or the Trump Administration.

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