

Legislative Blast September 2017*

Disclaimer: This Legislative Blast contains general information compiled as a service for MVSHRM members. MVSHRM cannot accept responsibility for any errors or omissions or any liability resulting from the use or misuse of any such information. For specific legal advice, please contact counsel. Thank you for your understanding.

FEDERAL COURT OVERTURNS OBAMA ADMINISTRATION OVERTIME RULE

On November 22, 2016, a United States District Court issued a nationwide injunction stopping implementation of the Obama Administration Department of Labor's Overtime Final Rule which sought to change existing overtime regulations, including permanently increasing the minimum salary level needed for employers to establish exemptions from the payment of overtime to executive, administrative and professional employees (the so-called "white collar exemptions").

Recently, on August 31, 2017, the Court issued a ruling invalidating the Overtime Final Rule by granting summary judgment against the U.S. Department of Labor ("DOL") on the grounds that the DOL had exceeded its authority in adopting the Overtime Final Rule in 2016.

Days earlier, on July 26, 2017, the DOL issued a formal Request For Information as part of a renewed rule-making process to solicit feedback on questions relating to DOL overtime regulations including the salary level test, the duties test, and automatic increases to minimum salary levels. The DOL will accept comments until September 25, 2017. Further information about submitting comments can be found at: <https://www.dol.gov/whd/overtime/rfi2016.htm>.

U.S. CITIZENSHIP AND IMMIGRATION SERVICES HAS ISSUED AN UPDATED I-9 FORM THAT EMPLOYERS MUST UTILIZE STARTING ON SEPTEMBER 18, 2017

The United States Citizenship and Immigration Services ("USCIS") issued an updated Form I-9 to replace the previous form that was last revised in November 2016. This updated form must be utilized beginning on September 18, 2017 for initial employment verifications of new hires and for required employment re-verifications. Prior versions of the I-9 Form will no longer be valid. Employers should use the new Form I-9 bearing "07/17/17 N" and cease using the I-9 Form bearing "11/14/16 N." Rules concerning storage and retention of I-9 Forms have not changed.

<https://www.uscis.gov/i-9>.

NEW YORK PAID FAMILY LEAVE BENEFITS LAW EFFECTIVE JANUARY 1, 2018

For information on New York's Paid Family Leave Law, please refer to MVSHRM's August 2017 Legislative Blast. Additional information can be found at: <https://www.ny.gov/new-york-state-paid-family-leave/new-york-state-paid-family-leave-employers>.

* MVSHRM's September 2017 Legislative Blast is edited by Joseph A. DeTraglia, Esq. of the Utica, New York law firm Getnick Livingston Atkinson & Priore, LLP, who serves as MVSHRM's Legislative Committee Chairperson and as a Past President of the Oneida County Bar Association. He can be reached at 315-797-9261 or at jdetraglia@getnicklivingston.com.