

## **Legislative Blast November 2017\***

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### **U.S. DEPARTMENT OF LABOR'S 2016 OVERTIME RULE TO BE REWRITTEN**

In November 2016 and August 2017, first temporarily and then permanently, a federal Court halted implementation of the Overtime Final Rule issued in May 2016 by the U.S. Department of Labor (“DOL”) on the grounds that the DOL had exceeded its authority when adopting the Overtime Final Rule. In particular, the Court rejected the DOL’s proposed increase of the minimum salary level for white-collar overtime exemptions from \$455.00 per week to \$913.00 per week. So it appears that the Final Rule was not so “final” after all.

The DOL has renewed its rule-making process by reviewing public submissions on questions relating to the DOL’s current overtime regulations including the minimum salary level test, the duties test, and automatic increases to minimum salary levels. On behalf of the DOL, the U.S. Department of Justice recently filed a notice of appeal of the federal Court’s latest decision in order to hold the Court’s decision in abeyance while the DOL undertakes further rulemaking.

### **NEW YORK STATE PAID FAMILY LEAVE FORMS HAVE NOW BEEN ISSUED**

New York State’s Paid Family Leave law takes effect on January 1, 2018. The State recently issued forms for employees who intend to apply for paid family leave based on reasons including to bond with a newborn or newly adopted or fostered child, to care for a family member with a serious health condition, or to assist families in connection with a military deployment, or to waive benefits if ineligible for paid family leave because they will not work the requisite 26 weeks of full-time employment, which is defined as 20 or more hours per week, or the requisite 175 days for part-time employment, which is defined as less than 20 hours per week.

<https://www.ny.gov/sites/ny.gov/files/atoms/files/PFLWaiver.pdf>;

<https://www.ny.gov/sites/ny.gov/files/atoms/files/bonding1.pdf>;

<https://www.ny.gov/sites/ny.gov/files/atoms/files/military1.pdf>;

[https://www.ny.gov/sites/ny.gov/files/atoms/files/care\\_for\\_family\\_member1.pdf](https://www.ny.gov/sites/ny.gov/files/atoms/files/care_for_family_member1.pdf).

For additional information concerning details of the Paid Family Leave law, please refer to MVSHRM’s August 2017 Legislative Blast and to the State’s Paid Family Leave website at <https://www.ny.gov/new-york-state-paid-family-leave/new-york-state-paid-family-leave-employers>.

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