

FLSA White Collar Exemptions (slides 36-40)

Another Delay in ‘White Collar’ Exemptions Legal Proceedings

On November 22, 2016, a federal judge issued an injunction, preventing the increase in the white collar exemption salary levels, which was scheduled to begin on December 1, from going into effect. The U.S. Department of Justice (DOJ) has appealed the injunction to the U.S. Court of Appeals for the Fifth Circuit. On February 17, the DOJ requested an extension until May 1, 2017, to file its reply brief. If the request is granted, a decision is not likely until sometime later this summer.

New York Payroll Card Regulations (Slides 58-60)

Court Revokes New York Paycard, Direct Deposit Regulations Before They Take Effect

On February 16, the New York Industrial Board of Appeals ruled that the New York regulations regarding payment of wages by paycard and direct deposit, which were scheduled to take effect on March 7, 2017, are invalid and are revoked [*Global Cash Card, Inc. v. Commissioner of Labor*, No. 16-120, 2-16-17]. The New York Department of Labor (DOL), has 60 days to appeal the ruling.

CFPB Payroll card Regulations (slides 54-56)

Congress Considers Nullifying CFPB Regulations

Three joint resolutions (S. J. Res. 19, H. J. Res. 62, and H.J. Res 73) have been introduced in the 115th Congress. These resolutions indicate that Congress disapproves of the CFPB’s prepaid card rule. Under the Congressional Review Act, Congress has 60 legislative days from the date that agency regulations are finalized to pass a resolution of disapproval. If any of the joint resolutions are passed and then signed by President Trump, the CFPB’s rules, which are currently set to go into effect on October 10, would be nullified.