

## NEW LIFE FOR FORMER PRESIDENT OBAMA'S OVERTIME RULE?

Last year, the Department of Labor promulgated a rule that would increase the federal overtime threshold, currently \$455 a week, to \$913. The rule was set to go into effect on December 1, 2016. Nevertheless, with the recent election of Donald Trump, and a preliminary injunction granted by a federal court to halt the rule, it looked increasingly unlikely that the rule would be implemented as envisioned by former President Obama.

In recent weeks, however, a number of Democrats in the state legislatures of Rhode Island, Connecticut, Maryland, Wisconsin, and Michigan said they plan to introduce bills modeled on President Obama's measure. With Republicans in control of the White House and Congress, more advocates of this reform are turning to the states and localities to see progress. Although Democrats are outnumbered in Governor's offices and state legislatures, many see this route as clearer path than going through Washington because they can, at least for the time being, circumvent President Trump who is both opposed to an increase in overtime.

Labor advocates turning to states and localities to seek changes is nothing new. Indeed, because the arena in Washington to pass labor policies like sick-pay and paid leave mandates has become difficult, it has become common practice to see states take up these measures.

None of the overtime state legislation has been introduced yet, so it remains to be seen what the timing and overtime threshold will be in each bill. And, much like the aforementioned state run sick-pay and paid leave policies, with no federal overtime law, there will almost certainly be a patchwork of uneven state laws. This may lead to confusions for small business owners and nonprofits, which have to navigate the web of different state laws instead of one federal framework.

However, with former President Obama's rule almost certainly not being implemented as it currently stands, it will remain up to the states to create some sort of overtime structure.

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