

Laura O'Donnell in HR Magazine on Halt to Overtime Rule Litigation

By Laura E. O'Donnell | November 15, 2017

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HR Magazine quoted Haynes Boone Partner [Laura O'Donnell](#) on the latest development involving a new federal threshold for paying workers overtime.

In August, Judge Amos Mazzant of the U.S. District Court for the Eastern District of Texas granted summary judgment to business groups challenging the 2016 overtime rule and declared the rule invalid, *HR Magazine* [reported](#).

The court held that the department exceeded its authority by setting a minimum salary level so high — \$47,476 per year — that it would render more than 4 million people nonexempt who are currently performing duties consistent with exempt status. ...

The Department of Labor (DOL) appealed, but the 5th U.S. Circuit Court of Appeals granted the DOL's motion to stay the appeal of the district court's ruling on Nov. 6, making it very unlikely that the rule will ever take effect in its current form, *HR Magazine* [reported](#). While the department can raise the threshold, questions remain about how high it can go.

"The district court's decision explains that the current \$455 per week salary minimum is permissible but finds that a \$913 per week salary minimum is unlawful," noted O'Donnell, an attorney with Haynes Boone in San Antonio. "It is unclear where in this range the level shifts from OK to too far. The DOL wants to preserve its right to have the 5th Circuit decide that it has the authority to set whatever salary level it ultimately selects."

Excerpted from *HR Magazine*. To read the full article, click [here](#).