

## Cassidy Daniels for Law360: What New DOL Overtime Rules Mean For The Media Industry

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The U.S. Department of Labor’s final rule on overtime is set to take effect Dec. 1, 2016, and could qualify many more journalists, photographers and other creative professionals for overtime pay under the Fair Labor Standards Act. The FLSA requires employers to pay employees at least the minimum wage plus overtime pay (time-and-a-half) for every hour worked over 40 hours in a given week.

However, there are many exemptions to these requirements, including one for an individual employed in a “creative professional” capacity. A creative professional is exempt from the FLSA’s minimum wage and overtime requirements so long as he or she (1) earns at least \$455 per week; and (2) has a primary duty of performing work that requires “invention, imagination, originality or talent in a recognized field of artistic or creative endeavor.” This salary basis, however, is about to increase dramatically. Under the DOL’s final rule, the minimum salary basis for exempt employees will more than double, pulling many more professionals — those who earn less than \$913 per week (or \$47,476 per year) — into the nonexempt category and qualifying them for mandatory overtime pay.

**Excerpted from *Law360*. To read the full article, please [click here](#) (subscription required).**