Good morning and Happy Friday everyone,

Just a quick update below:

·         It is anticipated that President elect Donald Trump will nominate Andrew Puzder as his labor secretary.  He is currently the chief executive of a company that operates fast food chains Hardee’s and Carl’s Jr. and a former attorney at several law firms.  The California company operates more than 3,300 restaurant locations in 42 states and 28 countries.  He has been on record in the media stating that he opposing minimum wage increases that kill jobs.  In various other interviews, Puzder has also taken strong positions against labor initiatives pursued by the Obama Administration including the DOL’s proposed expansion of overtime protections.   If you would like to read an article contributed by Mr. Puzder in Forbes regarding the proposed overtime changes, you can read his article here:  <http://www.forbes.com/sites/realspin/2016/05/18/the-harsh-reality-of-regulating-overtime-pay/#2280bb92321c>

·         On December 8th, the 5th Circuit Court of Appeals granted the DOL’s requested for expedited briefing of its appeal of the preliminary injunction issued by the a district court judge that had enjoined the DOL from implementing its regulation raising the salary level for the white collar exemptions.  The Court further ordered that oral argument would be set for the first available sitting after the close of briefing on January 31, 2017.  Based on this schedule, the DOL’s Reply Brief is not due until after President Elect Trump’s inauguration.  This means that in advance of the reply deadline, the DOL could withdraw its appeal.  This schedule also guarantees that the new Trump Administration and/or the new Congress will at least have the opportunity to determine the fate of the salary basis increases before the 5th Circuit issues a decision, though the timing will be tight.

Have a great weekend everyone.

Chad