Department of Labor Issues Final Overtime Exemption Rule

The US Department of Labor has promulgated a final rule expected to make approximately 1.3 million additional workers eligible for overtime pay under the Fair Labor Standards Act (FLSA).

The final rule increases the standard salary level test for exempt executive, administrative, and professional workers under FLSA’s minimum wage and overtime pay requirements. It also allows employers to count a portion of certain bonuses toward the salary level test. The current salary thresholds were established in 2004.

It also raises the salary level exemption from $455 per week to $684 per week; raises the annual compensation level for highly compensated employees from $100,000 to $107,432; and allows employers to use non-discretionary bonus and incentive payments that are paid at least annually to satisfy up to 10 percent of the standard salary level test.

The final rule becomes effective on January 1, 2020.

Visit the website to review the final rule, a fact sheet, and FAQs.

Labor Board Rules in Non-Employee Solicitation Case

Can a company treat non-employee charitable solicitation different from non-employee union activity? In a recent decision, the National Labor Relations Board (NLRB) held that it could.

Kroger operated a unionized grocery store and shared
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When Kroger announced plans to close the grocery store, non-employee union agents asked customers to sign a petition stating they would not shop at the company’s non-union stores. The company asked the union agents to leave the parking lot, but they did not leave until police escorted them off the property.

The union filed an unfair labor practice charge claiming discriminatory treatment and a NLRB administrative law judge ruled in favor of the union.

On appeal, the NLRB held that “an employer may deny access to non-employees seeking to engage in protest activities on its property while allowing non-employee access for a wide range of charitable, civic, and commercial activities that are not similar in nature to protest activities. Additionally, an employer may ban non-employee access for union organizational activities if it also bans comparable organizational activities by groups other than unions. We shall reverse the judge’s decision and dismiss the unfair labor practice complaint.”

OSHA Produces Video Explaining Inspections

The Occupational Safety and Health Administration (OSHA) has released a new five-minute video available on YouTube explaining its inspection process and how the agency is helping to protect workers from workplace hazards.