



Edwin Cruz, Esq. quoted in Business Insider article, "Proposed change in overtime threshold likely to face challenges," 9-12-2023

The U.S. Department of Labor is proposing increasing the threshold below which employers must pay their salaried workers overtime, but its implementation is unlikely to proceed smoothly, experts say. A 2016 Obama administration proposal was blocked by a federal judge and never implemented, and many anticipate a similar scenario may unfold this time around. Overtime is a litigious issue...

Some observers say the provision requiring an automatic escalation may pose more of an obstacle for the proposal's implementation than the salary cutoff. Experts point to last year's ruling by the U.S. Supreme Court in *West Virginia v. Environmental Protection Agency*, in which the majority opinion said that under the "major questions doctrine" the agency went too far in its attempt to regulate without Congress' explicit permission. The argument against the automatic escalation gives a "little bit more teeth" to the proposal's opponents, said Edwin Cruz, a partner with Kaufman Dolowich in Fort Lauderdale, Florida.

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