



Final Department of Labor Overtime Exemption Rule Will Be Published Soon

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This week, the Department of Labor (DOL) sent its final overtime rule to the White House Office of Management and Budget (OMB). As we [discussed in July](#), the proposed overtime rule makes significant changes to which workers are eligible for overtime pay under the Fair Labor Standards Act (FLSA). Most significantly, the DOL proposed to change the salary threshold for the white collar exemptions to the FLSA's minimum wage and overtime requirements. Under the proposal, the new salary threshold was estimated to be \$50,440 annually – more than double the current salary threshold of \$23,660. The DOL received over 270,000 comments on the proposed rule, and has now considered those comments and crafted a final rule.

What happens next?

The OMB will review the final rule and, if approved, it will be published in the Federal Register. This review typically takes a month or two, meaning that the final rule may be published in April or May. Once published, the rule will likely take effect within 60 days of publication. It is expected there will be a quick turnaround on publishing and then implementing the final rule in order to protect the rule from being overridden under the Congressional Review Act if a Republican wins the White House.

Employers should be conducting audits of their workforces now in order to be prepared to implement any required changes. If you would like more information on the DOL's final rule, how to conduct an audit, or any other aspect of wage and hour law, please contact [Amy Wilson](#), [Jennifer Rulon](#) or any other member of Frost Brown Todd's [Labor and Employment](#) practice group.

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