

IAAPA PUBLIC AFFAIRS UPDATE

Department of Labor Proposes New Federal Overtime Salary Threshold

Last Friday, the Department of Labor (DOL) announced they will release the long-awaited notice of proposed rule making involving overtime. As you know, the Fair Labor Standards Act provides that covered employees be paid overtime pay at the rate of one and one-half times their regular rate of pay for all hours worked beyond 40 in a workweek unless an exemption applies. Specifically, the DOL's proposed rule would:

- Increase the minimum salary threshold for which an employee is eligible for overtime to \$55,068 (\$1,059 per week) up from the current \$35,568 (\$684 per week). This is a 55% increase over current levels.
- Increase the total annual compensation requirement for highly compensated employees from \$107,432 per year to \$143,988 per year.
- Restore overtime protections for U.S. territories, ensuring workers in those territories where the FLSA minimum wage applies have the same overtime protections as other U.S. workers.
- Automatically update earnings thresholds every three years so they keep pace with changes in worker salaries, ensuring that employers could adapt more easily because they would know when salary updates would happen and how they would be calculated.

Once this proposal is published, there will be a 60 day comment period. We introduced several small and mid-sized IAAPA members to Small Business Administration attorney advocates who write opinion letters to the DOL about the impact of such rules on small businesses. Watch your email for updates.

LIVE Chat: Understand ADA Litigation Threats Post-Campbell v. Universal

Hear from legal, safety, and disability experts on Sept. 14, 2023, from 1-2 p.m. EDT as they discuss the crucial lessons and potential ramifications of the July 7, 2023, Eleventh Circuit Court of Appeals opinion in *Campbell v. Universal* on ride and water-slide access for individuals with disabilities under the Americans with Disabilities Act. This opinion opens the door to significant impacts on the industry in two ways.

1. Compliance Evolution: Following state law and manufacturer guidelines may not be sufficient to demonstrate ADA compliance.

2. Assessing “Necessary” Rider Eligibility Rules: Understand the Eleventh Circuit’s focus

on demonstration of “actual risks” to ADA-protected individuals and the proof burdens on operators and manufacturers who adopt rider eligibility guidelines.

Due to the importance of this topic, IAAPA is opening the LIVE Chat to all U.S. based operators, not just IAAPA members. The LIVE Chat is provided for educational purposes, and panelists will not be providing legal advice.

Sincerely,



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