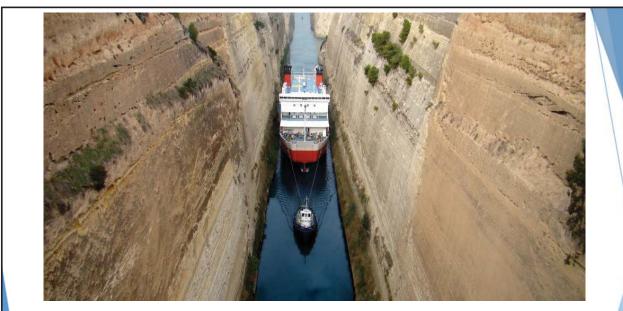
Wage and Hour Update

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Narrow Construction of FLSA Exemptions:

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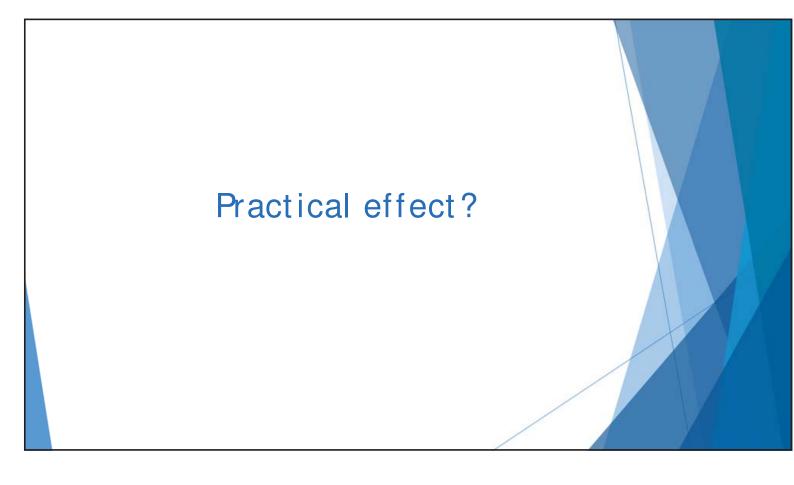
5-4 decision

Majority (J. Thomas)

- No 'textual indication'
- ► Flawed premise: FLSA pursues remedial purpose at all costs
- ► Fair reading

Dissent (J. Ginsburg)

- Overturns 70-year old precedent
- Court "rejects" without acknowledging



2018 Amendment to FLSA - Tipped Employees

H.R. 165 Spending Bill – March 23, 2018

- Resolved circuit split and court disagreement with DOL regulations
- Tip-credit, Tip-pool requirements
- Amendment: Even employers that do not take a "tipcredit" — may not require its employees to share their tips with the employer, including its managers or supervisors.
- But for employers that pay the full minimum wage, forced tip-sharing with non-tipped employees is permissible so long as those individuals are not supervisors or managers.

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