



BOY SCOUTS OF AMERICA®  
CHATTAHOOCHEE COUNCIL

MEMO

To: Chattahoochee Council, BSA Executive Board  
From: Anthony Berger, CEO – Scout Executive  
Date: November 28, 2016  
Re: Fair Labor Standards Act 2016

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On Tuesday, November 22, 2016 U.S. District Judge Amos Mazzant agreed with 21 states that the rule is unlawful and granted their motion for preliminary injunction. A preliminary injunction is a judicial order that, in this case, prevents the Department of Labor from moving forward with the December 1<sup>st</sup> deadline for raising the minimum salary for exempt employees. The judge agreed with the challenge that the Department of Labor exceeded its regulatory authority by raising the salary threshold too high and providing automatic updates. The Department of Labor plans to appeal the decision and it will go to the U.S. Court of Appeals for the Fifth Circuit.

We have discussed this law several times in the past and the impact it would have on the Chattahoochee Council. Right now it is unclear what the future of Fair Labor Standards Act will be. We made staff changes on November 1<sup>st</sup> to comply with the Fair Labor Standards Act which was to go into effect December 1<sup>st</sup> with the exception of increasing salaries. The plan was to hold off on the required increases until December 1<sup>st</sup>. With the injunction in place we are holding off.

We will not be increasing salaries for exempt employees come December 1<sup>st</sup>. All other staff changes will remain in effect until there is a clear direction with Fair Labor Standards Act at which time I will discuss with the Council Executive Committee the best course of action.