

# Which Rule is 'Dead' and Which Will Go into Effect Under Trump? Attorneys Weigh In

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David Barron, Michele Ballard Miller, and Michael Schmidt were quoted in an HR Dive article discussing the impact of the upcoming Trump administration on key labor regulations. The Federal Trade Commission's ban on noncompete agreements, currently under appeal, is seen as unlikely to survive. Michele suggested the ban is "dead in the water," except at the state level. David added, "They'll withdraw that appeal, and that will be it."

In contrast, the Department of Labor's new overtime rule, which raises the salary threshold for overtime eligibility to \$58,656 starting in January 2024, is expected to remain intact and is unlikely to face opposition at the federal level. David noted, "Trump's done it in the past. I don't know why he would be opposed to that." Mike agreed, pointing to the first administration's increase of the threshold in 2019.

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