(Agency Letter Head)

<Insert Date>

<Insert Employee Name>

<Insert Employee Division>

Position classification/number: <Insert Position classification/number>,

Re: Federal Injunction Impacting Recent Fair Labor Standards Act (FLSA) Determination

State of Nevada et. al. vs United States Department of Labor, et. al.; Civil Action No 4:16-CV-00731; Doc.60

Dear < Employee Name>,

You were recently advised that your FLSA status was changed to comply with new regulations issued by the U.S. Department of Labor (DOL). The change was made to conform with the regulations’ December 1, 2016, effective date, however, on November 22, 2016, a federal district court issued an injunction prohibiting the regulation from taking effect. Because the litigation may ultimately prohibit the regulations from ever taking effect, or the DOL may ultimately change the regulations, the FLSA status change is being reversed from non-exempt back to exempt. This notice is being provided in compliance with NMAC 1.7.4.14, to advise you about the reversal of the recent change to your FLSA designation. Pursuant to NMAC 1.7.4.14, you have a right to appeal the designation within thirty (30) days.

As an exempt employee, you are not entitled to be compensated at a rate of one and one-half times your hourly rate for hours worked which exceed 40 hours in a week.

This change is being made in response to the federal court’s opinion in the case/opinion cited above and in no way adversely reflects on the level or value of your work, or your importance to the State’s workforce.

Please sign and date this letter below to acknowledge receipt of notification and return this letter to the <Insert Agency Name> Human Resources Bureau (HRB) no later than Thursday, December 1, 2016. A copy will be provided to your supervisor and another copy will be placed in your Personnel File.

Acknowledgment of Receipt:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

(employee signature) Date

Please do not hesitate to contact me if you have any questions, (505) <Insert Telephone Number> or via email at <Insert e-mail address>.

Sincerely,

<Insert HR Staff Name>

<Insert HR Staff Title>

Enclosure: <Insert Agency Name> Overtime Policy

xc: Personnel File