



Opinion No. 2016-03

November 23, 2016

BJ Landrum  
Vice President of Human Resources  
Human Resources & Equal Opportunity  
Prudential Bldg. 111

Kimberly Sherfese  
Director of Human Resources/EEO Officer  
Human Resources & Equal Opportunity  
Prudential Bldg. 106

Tiffany Kovacs  
Classification & Compensation Manager  
Human Resources & Equal Opportunity  
Prudential Bldg. 103

Dear Ms. Landrum, Ms. Sherfese, & Ms. Kovacs:

The Office of University Counsel received your request for a formal opinion concerning the injunction issued by a Texas federal judge as to the new FLSA overtime regulations, “The Final Rule,” originally set to take effect December 1, 2016. You inquire as to whether Coastal Carolina University is effected by this injunction, and if so, whether to proceed in implementing the FLSA requirements the Department of Labor has mandated.

The Office of University Counsel has reviewed United States District Judge, Amos Mazzant’s Order, State of Nevada, et al. v. United States Department of Labor, et al, in which he grants a preliminary injunction enjoining the Department of Labor from implementing and enforcing the Final Rule. The order expressly states this preliminary injunction extends nationwide, temporarily barring implementation until a final order is granted.



In conclusion, it is the opinion of University Counsel, that the injunction does apply to Coastal Carolina University and the University should therefore cease in further processing paperwork in this matter until a final order is granted. Furthermore, to continue processing paperwork could find the University in contempt of court. We anticipate a final order to be granted on December 1, 2016 and our office will give further clarification at that time.

Sincerely,

*Katherine M. Brooks*

Katherine M. Brooks for University Counsel, Timothy E. Meacham  
Associate University Counsel  
Coastal Carolina University

11-23-2016  
Date