

2 hours ago - Business

# Biden-era worker protections are on shakier ground after Supreme Court ruling



Emily Peck



Illustration: Eniola Odetunde/Axios

**Why it matters:** Biden-era rules protecting workers seem less likely to succeed in the wake of the high court's decision in *Loper Bright Enterprises v. Raimondo*, which overturned what's known as the "Chevron deference" doctrine.

**Catch up quick:** If a worker is paid a salary over a certain minimum threshold and primarily performs executive or professional duties, they don't qualify for [overtime pay](#).

- Currently, that minimum salary is \$35,568 a year. A new rule from the Department of Labor was set to raise the threshold to \$43,888 on July 1, and then to \$58,656 in 2025.

**Zoom in:** But on June 28, the same day *Loper* was decided, a Texas judge ruled the Labor Department likely exceeded its authority — citing the *Loper* ruling — and temporarily halted the rule from going into effect in the state.

- It's the first ruling to apply the Supreme Court's decision, according to an analysis from law firm [Jackson Lewis](#).

**Zoom out:** The decision only applies to Texas, and the rule did go into effect on July 1 nationwide.

- But there are two more similar cases on deck — and they might go the same way.

**The other side:** The Labor Department "is confident that the overtime rule is consistent with [its] authority under the Fair Labor Standards Act," said spokesperson Jacob Andrejat.

**Meanwhile:** The future of the Federal Trade Commission's ban on [noncompete agreements](#) is also looking dicey.

- He didn't cite Loper, but the agency's ban is also being challenged in another courtroom, this time in Philadelphia on Wednesday — and it could come up, says Thomas Muccifori, a partner at law firm Archer & Greiner.



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- The decision should lead the judge to prevent the rule from going into effect, he says — though it's unclear if she'll go that way, given that the judge is a Biden appointee.
- "The FTC stands by our clear authority, supported by statute and precedent, to issue this rule," Douglas Farrar, an agency spokesperson, said in a statement.

**The big picture:** Employers are confused, says Muccifori. Some of his clients, uncertain about the future of noncompetes, are already looking at alternative options like nondisclosure agreements.

- Meanwhile, some states are moving to ban noncompetes altogether — and their ability to do so hasn't been challenged.

**The bottom line:** It'll take a long time for these cases to wind their way through the courts, but the Supreme Court's ruling is already shaking up the work world.



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## Beryl's flooding rains spread inland as coastal Texas copes with aftermath





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former [Tropical Storm Beryl](#), which made landfall as a [Category 1 hurricane](#) around the middle Texas coast early Monday, weakened into a tropical depression later that night.

**Threat level:** There were still [widespread outages](#) in the Houston metro area, and the [threat](#) of flooding rains and tornadoes for portions of eastern Texas, western Louisiana and Arkansas remained.

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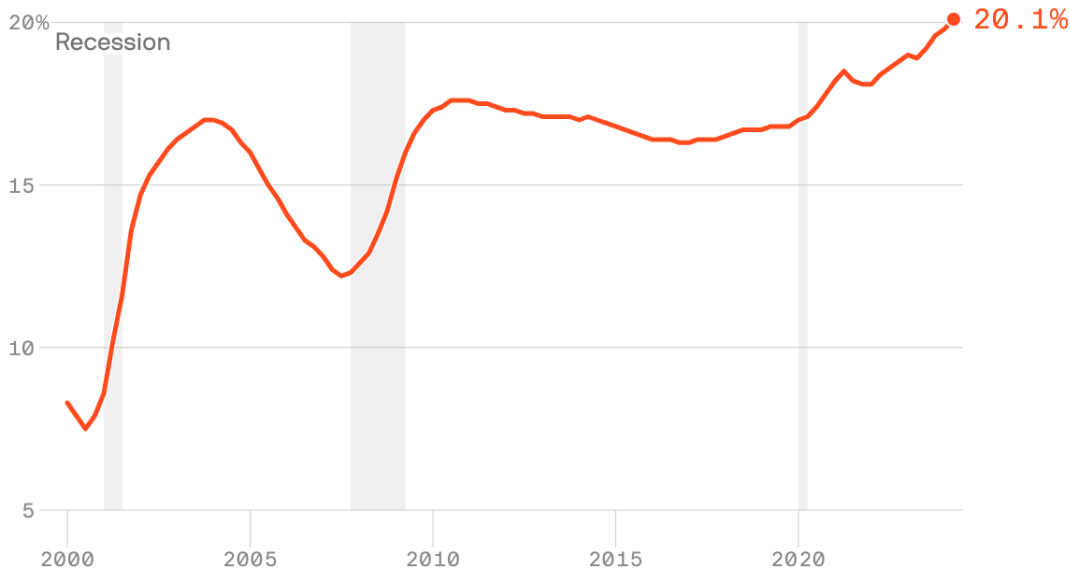
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## Office vacancy rate hits record high



## U.S. office vacancy rate

Quarterly; Q1 2000 to Q2 2024

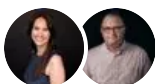


Data: Moody's; Note: Data covers vacancy rates in Tier 1 metro areas; Chart: Axios Visuals

Office [vacancy rates](#) reached a record 20.1% in the second quarter — the highest since at least 1979, when Moody's began tracking.

**Why it matters:** Typically vacancy rates rise in economic downturns; it's outside the normal pattern that they've been going up for the past few years as the [economy](#) has remained on solid ground.

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Key Largo tree cactus. Photo: Susan Kolterman

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**Why it matters:** The loss of the only known stand of Key Largo tree cactus in the U.S. shows how rising seas can alter the coastal environment.

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