

1-3-2017

Newsroom: Yelnosky On 'Persuader Rule' 01-03-2017

Pat Murphy
Rhode Island Lawyers Weekly

Roger Williams University School of Law

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Recommended Citation

Murphy, Pat and Roger Williams University School of Law, "Newsroom: Yelnosky On 'Persuader Rule' 01-03-2017" (2017). *Life of the Law School (1993-)*. 583.
https://docs.rwu.edu/law_archives_life/583

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January 3, 2017

Newsroom

Yelnosky on 'Persuader Rule'

Dean Michael Yelnosky explains why a Texas judge's decision to block new federal overtime regulations probably spells doom for the DOL's revised "persuader rule."



FROM: *Rhode Island Lawyers Weekly*. "Trump win seen as sealing fate of DOL persuader rule" by Pat Murphy

December 15, 2016: [...] On Nov. 16, U.S. District Court Judge Sam R. Cummings in the Southern District of Texas issued a permanent injunction stopping implementation of the DOL's new [Persuader Advice Exemption Rule](#). The regulation would have greatly expanded the reporting requirements of attorneys who provide advice to employers in the course of union-organizing campaigns. [...]

Cummings would likely be affirmed should his decision be reviewed by the 5th U.S. Circuit Court of Appeals, **said Rhode Island professor Michael J. Yelnosky.**

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*One way or the other, it's unlikely the revised persuader rule will see the
light of day. ~ Dean Michael J. Yelnosky*”



The dean of Roger Williams University School of Law said the new persuader rule “will either die on the merits if the 5th Circuit gets it, or it will die because the Trump administration decides not to pursue the case to get the district judge’s decision reversed. One way or the other, it’s unlikely the revised persuader rule will see the light of day.” [...]

Yelnosky said the DOL’s loss in the persuader rule case is a setback for unions.

“I do think there would have been some practical on-the-ground advantage for union organizers, but maybe, as importantly, there was a symbolic value to this that the Department of Labor was really going to change the balance of power with respect to organizing drives,” **Yelnosky said**. [...]