

# Paul DeCamp Quoted in "Justices Won't Review Labor Dept. Tip Pooling Rules"

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**Paul DeCamp**, Member of the Firm in the Employment, Labor & Workforce Management practice, in the firm's Washington, DC office, was quoted in the *Bloomberg BNA Daily Labor Report*, in "Justices Won't Review Labor Dept. Tip Pooling Rules," by Jon Steingart.

Following is an excerpt:

The U.S. Supreme Court June 25 denied two petitions challenging an appeals court ruling that upheld Obama-era Labor Department regulations on tip income.

The high court's move means a ruling by the U.S. Court of Appeals for the Ninth Circuit remains valid. The Ninth Circuit is the largest of the regional federal appeals courts and establishes precedent for federal courts in 11 Western states and territories.

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The National Restaurant Association leads a coalition of hospitality business groups that say the rules go beyond what the FLSA lets the Labor Department regulate. The Ninth Circuit also resolved a separate tip rule case involving casino dealers at Wynn Las Vegas. It decided both cases in a consolidated ruling.

The Supreme Court denied review of the appeals court's consolidated ruling.

The DOL has no authority to regulate tips in situations in which an employer pays the minimum wage and doesn't take advantage of the opportunity to pay a lower minimum wage for tipped workers, the coalition and Wynn say.

## People



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## Focus Areas

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“The denial of certiorari is not all that surprising in light of both the legislative action overturning the Department of Labor’s 2011 tip pooling regulations and the Department’s recent acknowledgment that the regulations were invalid,” Paul DeCamp, a lawyer with Epstein Becker & Green P.C. who represents the restaurant association coalition, told Bloomberg Law. “Effectively, we had achieved what we sought to achieve in the litigation, and the Supreme Court may have felt that there was no point in further proceedings below.”