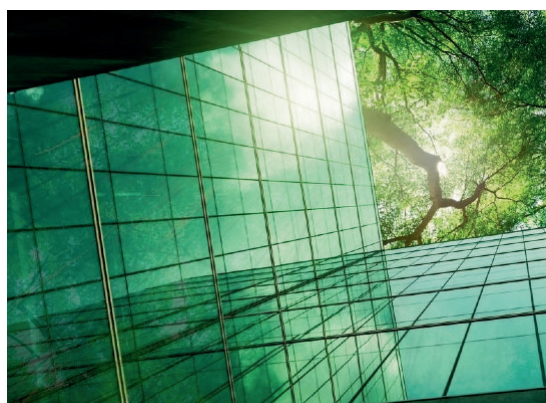


Katten ESG Guidepost



Another Expansion in Climate Change Litigation Risk

By Johnjerica Hodge, India Williams, Andrew Zavaleta

For years, climate change has posed a litigation risk for companies. A mere glance at litigation dockets will show a variety of parties (some private and some governmental bodies) filing lawsuits, alleging, among other things, that

companies have liability due to the impact of their operations on the climate and/or challenging their climate-related disclosures to the public. In addition to the litigation risk, public companies must confront shareholder proposals raising various issues related to climate change. Earlier in May, the Michigan Attorney General issued a climate-related notice that companies should monitor as they assess their climate-related risk. [Read about the Michigan Attorney General's interest in initiating climate change lawsuits against fossil fuel companies.](#)

Joint Democratic Staff Report Fuels New Climate Change Accusations Against Big Oil

By Chris Cole

On April 30, a Joint Staff Committee comprised of the Democratic staff of the House Committee on Oversight and Accountability and the Democratic staff of the Senate Budget Committee released [a report](#) that will likely turn up the private litigation and State AG heat on “Big Oil” companies in the United States. Entitled “Denial, Disinformation and Doublespeak: Big Oil’s Evolving Efforts to Avoid Accountability for Climate Change,” the report outlines alleged conduct of major oil producers in responding to emerging climate change research. [Read about the allegations from the report.](#)



Labor Department’s Final Rule on FLSA Salary Threshold Increases Explained

By Julie Gottshall, Janet Widmaier



On April 23, the Department of Labor (DOL) released a final rule raising the salary thresholds for certain overtime exemptions under the federal Fair Labor Standards Act (FLSA). See the [commentary and final rule](#), as well as the [DOL's FAQ](#).

Key Takeaways

- The FLSA exempts executive, administrative, and professional employees from receiving overtime based on a combination of factors: whether the employee is paid a salary, the size of the salary and the employee's duties.
- The new rule increases the salary thresholds for employees in these groups to be exempt from the FLSA's overtime requirements.
- On **July 1, 2024**, the following increases go into effect:
 - The salary threshold for FLSA exemptions for executive, administrative, and professional employees will increase to **\$855/week (\$43,888/year)** from \$684/week (\$35,568/year).
 - The salary threshold for FLSA exemptions for highly compensated employees will increase to **\$132,964/year** from \$107,432/year.
- Another set of increases go into effect on **January 1, 2025**, based on the adoption of a new methodology:
 - The salary threshold for FLSA exemptions for executive, administrative, and professional employees will increase to **\$1,128/week (\$58,656/year)**.
 - The salary threshold for FLSA exemptions for highly compensated employees will increase to **\$151,164/year**.
- Beginning **July 1, 2027**, the salary thresholds will automatically update every three years.

[Read about next steps and considerations for employers.](#)

Whistleblower Rewards Program Update: DOJ Explains and Expands Pilot Program for Voluntary Disclosures

By Ryan Meyer, Ryan Dean

On April 15, the Department of Justice (DOJ) publicly released a [memorandum](#) fleshing out its previously [announced](#) corporate whistleblower program, which is intended to induce individuals to report alleged criminal conduct, particularly by corporates, through the use of non-prosecution agreements. Indicative of the importance the DOJ is attaching to this new whistleblower program, the DOJ has publicly released this memorandum 45 days ahead of schedule! DOJ's memorandum discusses non-prosecution agreements (NPAs) generally, but the memorandum's goal is to provide clarity and assurances as to when NPAs will be offered — a process that was largely unclear until now. [Read about voluntary disclosures.](#)



CONTACTS

For questions about developments in the [ESG](#) space, please contact any of the following Katten attorneys and [ESG Guidepost](#) editors.



[Johnjerica Hodge](#)

Partner and Co-Chair, ESG Risk
and Investigations
[vCard](#)



[India Williams](#)

Partner and Co-Chair, ESG Risk
and Investigations
[vCard](#)



[Christopher Cole](#)

Partner and Chair, Advertising,
Marketing and Promotions
[vCard](#)



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