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Judge Issues Injunction Blocking H-2B Rule Changes From Going Into Effect

Early last week, PLANET sent out an alert informing members that the H-2B program rule was slated to go into effect unless a federal court or Congress intervened. The alert also let you know that PLANET was providing financial support for a legal challenge, filed in the Northern District of Florida court, to block the Department of Labor (DOL) from implementing the program rule.

PLANET is pleased to announce that last Thursday, April 26, 2012, the judge in the case, Judge M. Casey Rodgers, issued a preliminary injunction preventing the DOL from implementing the program rule. This ruling will also impact the DOL's plans to implement the wage rule, which is still blocked by Congress until September 30. The wage rule case and the program rule case have the same arguments against them, so the decision on one can affect the decision on the other. While the ruling was issued in Florida, the decision applies nationwide.

PLANET Attorney Richard Lehr noted that Judge Rodgers relied extensively on the sworn statement from PLANET CEO Sabeena Hickman, CAE, CMP, detailing the serious harm the DOL's H-2B changes would cause to PLANET members. PLANET was the only industry association mentioned in the order issued by Judge Rogers.

PLANET Director of Government Affairs Tom Delaney said that PLANET does expect the DOL to appeal the decision, but any legal challenge will most likely take months to play out before a final decision is issued. In the meantime, the H-2B program will continue to be a viable program for landscape contractors across the country.

If you have any questions, please contact [Tom Delaney](#), PLANET's Director of Government Affairs, at 800-395-2522.

Questions on any of the topics addressed in this "WALP Watch"? Contact the WALP Office at info@walp.org or (425) 967-0729.