

2020 Employment Law Update

Sue Jones
Owner

Deborah Allen
HR Business Partner



1

What We're Going to Cover

9 changes
to law affecting employers

Practical tips
on how to handle the changes



2

Salary History Bans

Purpose to not perpetuate wage gaps

No questions about what a person is currently making or has made in the past

Alternative: Salary expectation questions can be asked during the interview process

- ★ State-wide Bans
17
- ★ Local Bans
20

3

Pay Equity

Continues to be an issue

Estimates to reach equity in 2059

Legislation

Designed to allow employees to talk about their pay

Often with significant penalties for noncompliance

4

Pay Equity *Tips*

Be willingly to do something about it

Consider a third-party evaluation

Strategic advantage for sharing the results

5

Ban the Box

★ State-wide Bans

35

★ Cities

150

Purpose to not **discriminate** against people who have a criminal history

Job Postings: Remove language saying applicants **must** have clean record

Remove box on employment application asking about prior convictions

Disclosure in applications: Some positions require background check

Alternative: Consider what types of criminal histories are acceptable for your business and which positions

6

Weed in the Workplace

Medicinal Use:

Possibility to reasonably accommodate the use

11 States have a no discrimination provision

No accommodation for being high at work

Testing can't tell if someone is high right this second

7

Marijuana *Tips*

If testing, test only the positions that are safety sensitive

If employee tests positive, ask the person:

- Medicinal use
- Used in a lawful state

Train managers to recognize signs of use

Consider accommodations for medicinal users

- Use it after work or on weekends
- Talk with managers

8

ADA – Americans with Disabilities Act

A physical or mental impairment that substantially limits or interrupts one or more major life activities

A record of an impairment

Being regarded as having an impairment

Caring for oneself, performing manual tasks, seeing, hearing, eating, sleeping, walking, standing, lifting, bending, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

Hidden Disabilities

Nearly 1/3 of Americans have a disability

* 2014 Census.gov published study

Includes neurological, psychiatric & learning disorders

Are not easy to identify by employers

Misperceptions abound because they are not obvious

Supreme Court narrowed accommodation protections for hidden disabilities

LGBTQ+ Issues

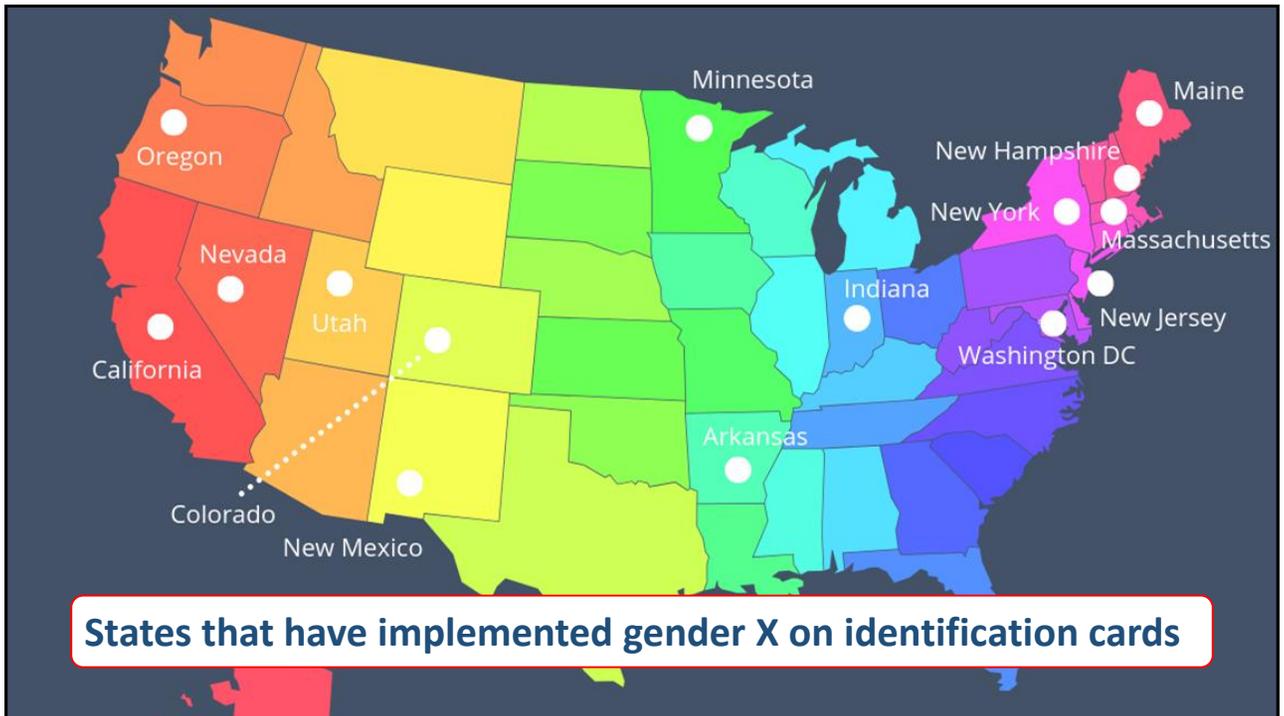
Supreme Court heard arguments on whether Title VII's definition of "sex" includes protections for the LGBTQ+ community

Decision likely in late June

Practice not discriminating on this now



11



12

Overtime

Remember
3 Basis

Salary threshold increase to **\$684** per week
(\$35,568 annually) to be exempt from overtime

1. Paid on a salary basis – not hourly
2. Meets the duties test of each exemption
3. Nondiscretionary bonuses and incentive payments (including commissions) paid at least annually to satisfy up to 10% of salary



13

Overtime *Tips*

Update job descriptions

Conduct FLSA Audit - Use the law as an opportunity to revisit duties test

Communication is key



14

Paid Sick Leave

11 states & DC
have paid sick
leave laws

Many localities

Typically, 1 hour
for every 30
hours worked

Shift in how we
count time off

Purposes – sick &
safe

Caps & rollovers
are key &
different

15

Paid Sick Leave *Tips*

Know headcount

Consider
frontloading time

Track the time
accrued & used

Sick leave interacts
with other protected
leaves

Combine PTO & Sick Time Policies

- First 40 hours satisfy sick leave time
- Cannot discipline for attendance issues in first 40 hours

24 states require the payout of PTO upon employment termination:

- Separate PTO & Sick Leave Policies

16

Harassment

In responses to
#MeToo

Changes to the
standard

Changes to
agreements

Training
requirements

17

Training Changes

Mandatory training

Two-hour training for managers &
one-hour for employees

Must discuss topics:

- What is harassment
- Policy & resources
- Case law & legal standard
- Obligations of supervisors
- What to do
- Confidentiality
- Remedies

VRM LIVE!
Intel

HR⁴VR

18

Takeaways

- Employment law changes fast
- Sign up for newsletters & webinars:
 - HR4VR
 - DOL & State Resources
- Consider changes to your policies & procedures before the laws come to your neighborhood
- Good relationship with an HR Consultant



VRM LIVE! HR⁴VR

Questions? Contact us!

	<p>Sue Jones Owner 541.248.2940 sue@hr4vr.com hr4vr.com</p>		<p>Deborah Allen HR Business Partner 541.248.2213 deborah@hr4vr.com hr4vr.com</p>
---	--	---	--

