What Employers Need to Know About Genetic Information Discrimination

Most employers know about the various protected classes such as race, national origin, religion, gender, disability, medical condition, and sexual orientation. However, many employers are unaware of the fact that a person’s genetic information is also protected. Under the Genetic Information Nondiscrimination Act (GINA), employers are limited in what genetic information they can collect, and are prohibited from using that information in hiring, firing, or other employment decisions. Generally, genetic information includes things like DNA and other medical tests, and even medical histories for individuals and their family members.


U.S. judge allows first transgender person to sue under disability law

A U.S. judge ruled on Thursday that a transgender woman could move forward with a sex discrimination lawsuit against her employer under the Americans with Disabilities Act, even though it explicitly excludes transgender people from protection.

http://www.reuters.com/article/us-usa-lgbt-idUSKCN18F02X?DCMP=NWL-pro_top
Top 10 Mistakes Employers Make in Employment Applications

Employment applications—almost every employer in the country uses them. They can seem innocuous, but they contain a number of minefields of which employers should be aware. A general theme of federal and state laws, regulations, and guidance is that employers should avoid asking an applicant questions that elicit information that cannot be considered in making a hiring decision.

http://ogletree.com/shared-content/content/blog/2017/may/top-10-mistakes-employers-make-in-employment-applications

FLSA – Fair Labor Standards Act

Bill to alter private sector FLSA overtime rules passes House

A bill that would allow nonexempt, private sector employees to choose either time-and-a-half overtime pay or an hour and a half of compensatory time off in exchange for working extra hours has passed the House of Representatives by a 229-197 vote.


What Activities Do You "Pay For"?

ABC Corporation sometimes conducts in-house, during-the-workday, performance-improvement training for its employees. Its Policy Manual includes a sentence saying, "The Company pays for the time employees spend in work-related training." One day, Human Resources Director Janice gets a visit from Electronics Technician Bob. Bob says that he has been improving his job performance on his own by taking an Electronics Manufacturing and Servicing night course at the local community college for the last three months. He wants to know how he goes about getting compensated for this class attendance and home study.

http://www.jdsupra.com/legalnews/what-activities-do-you-pay-for-91561/

Comply Or Pay: The Judge Dredd-ish Requirements of Employment Law

The FLSA and the NLRA are obviously coming from a good place. But they also are laws of near-zero tolerance. Either you meet them or you don’t. There is no “good faith effort” to comply with the FLSA. You have to pay your state’s minimum wage, or else. You pay someone for the full time they work, or else. Either you allow concerted effort by employees or you don’t. With both the area of wages and activity outside of work, I get a lot of questions from both employers and employees about what they can do.

http://abovethelaw.com/2017/05/comply-or-pay-the-judge-dredd-ish-requirements-of-employment-law/
Employees Who Recommend Candidates for Jobs Are Supervisors Under the NLRA

Employees who have the authority to make hiring recommendations and who exercise independent judgment in making these recommendations are supervisors under the National Labor Relations Act (NLRA), according to the 8th U.S. Circuit Court of Appeals. In June 2013, when the supervisor of the Ironton quarry left his employment, Johnston along with three other individuals were elevated to the role of foreman, but none were named supervisors.


Lawmakers Reintroduce Bill to Overturn NLRB’s Micro Bargaining Unit Decision

As expected, Senator Johnny Isakson (R-GA) has reintroduced a bill targeting the National Labor Relations Board’s decision in Specialty Healthcare, 357 NLRB No. 83 (2011). The Representation Fairness Restoration Act (S.1217) would reinstate the pre-2011 standard for determining which employees belong in a particular bargaining unit. Rep. Francis Rooney (R-FL) introduced a companion bill (H.R. 2629) in the House of Representatives. In the contentious Specialty Healthcare decision, the Board adopted a new standard for assessing appropriate bargaining units.


FMLA – Family Medical Leave Act

Arizona Leave Laws

Topics covered:

1. Vacation leave
2. Sick leave
3. Holiday leave
4. Jury Duty leave
5. Voting leave
6. Bereavement leave


ADA – Americans With Disabilities

When a Worker Is Grieving: How to Handle Everything from Condolences to Time Off

When someone loses a loved one, it's not only friends and neighbors who may not know what to do or say—it can also be that person's employer and colleagues. From whether to send a sympathy card or flowers to whether to offer bereavement leave or ask an employee when she'll be back at work, it can be difficult for managers to know how best to support someone who's grieving. One common reason people grieve is because they've lost a close relative or friend. But people also grieve over divorces, catastrophic illnesses or accidents, and even the passing of a beloved pet.


OSHA® Occupational Safety & Health Administration

How to Combat the Silent Killer Targeting Truck Drivers

Truck driving is one of the deadliest jobs in America, recording more fatal injuries last year than any other occupation. But time on the road, varying road conditions, distracted drivers, and unpredictable weather aren't the only evils drivers have to battle. There is another killer on the rise that is targeting truck drivers; one that lurks around corners and sneaks into the cabs, posing a serious threat to life of drivers.

https://www.concentra.com/newsroom/articles/how-to-combat-the-silent-killer-targeting-truck-drivers/?mkt_tok=eyJpIjoiWXp0aU9XSTBOelJsTldZeClIsInQiOiIza0hSelpERjVtb0ZLRW90MXArMzgzZUFnSmdWczRUZ3NKOWhFRzVRXC81SWxDUWpBdEdITTNYTUN1VGZxSUhEOWRQampoejlidUE0RTk3cXkrcINnYTNDiMIV4XCI9VRytWQk1xUG5teTIYWmpCekpPRFdEZW8rQ3paejhCVGxpSllIn0%3D&utm_source=marketo&utm_medium=email&utm_campaign=2017-04-newsletterSMB&utm_term=article2&utm_content=retention
District of Columbia Enacts the Universal Paid Leave Act

In late 2016, after more than a year of debate, the District of Columbia Council voted to create one of the most generous paid leave laws in the country. After making it through the congressional review period, the Universal Paid Leave Act of 2015 (“the Act”) became effective on April 7, 2017. The Act provides covered employees with 8 weeks of paid parental leave, 6 weeks of paid family leave, and 2 weeks of paid personal medical leave. The paid leave will be funded by a 0.62% increase in DC employer payroll taxes.


Coalition opposes ‘extremist’ Regulatory Accountability Act

Washington – The Coalition for Sensible Safeguards, a group of more than 150 unions and nonprofit organizations, recently voiced its opposition to the bipartisan Regulatory Accountability Act of 2017 and asked the Senate to reject the proposed legislation, which would alter the federal rulemaking process. In a position statement released April 26, the coalition suggested RAA might more appropriately be dubbed the “Regulatory Paralysis Act,” and announced that it has adopted the social media hashtag #GoAwayRAA.

http://www.safetyandhealthmagazine.com/articles/15615-alliance-opposes-extremist-regulatory-accountability-act?utm_campaign=Membership%20News%20Alert&utm_source=hs_email&utm_medium=email&utm_content=51552090&_hsenc=p2ANqtz-9XreiegGsCTe0EzRLJ9lt8UViH5HXDYkNAyR7-t_10zbj3X-awokWDSthh8Wha4WvXmt5zMD08_rMrVGRHgi3rL5td6g&_hsmi=51552090

ERISA and IRS TAX STUFF

The ERISA Fiduciary Advice Rule: What Happens on June 9?

The Rule was published by the US Department of Labor (DOL) in April, 2016. The purpose of the Rule is to cause a person or entity to become a “fiduciary” under ERISA and the US Internal Revenue Code of 1986 (the “Code”) as a result of giving of certain types of advice involving investment of assets of employee benefit plans, such as 401(k) or pension plans, or of individual retirement accounts (IRAs) and receiving compensation for that advice.


Senate Halts Rule on State-Run IRAs for Small Businesses

State-run individual retirement account (IRA) programs for private-sector workers received a blow on May 3, but perhaps not a fatal one. By a vote of 50 to 49, the U.S. Senate approved a Congressional Review Act (CRA) resolution, H.J. Res 66, to block an Obama-administration Department of Labor rule, finalized in August. The rule would have eased the way for states to require small businesses without their own retirement plans to
automatically enroll workers into a state-run program. Individual employees, but not employers, would have had the right to opt out of participating.


Benefits and ACA – Healthcare Reform

IRS Releases 2018 HSA and HDHP Limits

On May 4, 2017, the Internal Revenue Service (IRS) published Revenue Procedure 2017-37, which releases inflation-adjusted contribution limitations for calendar year 2018, applicable to health savings accounts (HSAs) and high-deductible health plans (HDHPs). These limits are indexed for inflation and released annually, not later than June 1st for the following year, as established under the Tax Relief and Health Care Act of 2006.


Aetna exiting all ACA insurance marketplaces in 2018

Aetna will complete its withdrawal from Affordable Care Act insurance exchanges for 2018, announcing on Wednesday that lingering financial losses and uncertainty about the marketplaces’ future was prompting it to exit two final states. According to an Aetna spokesman, the insurer will not sell individual health plans next year in Delaware or Nebraska. Its announcement came a week after the company said it would stop offering ACA health plans in Virginia in 2018 and a month after it said it would leave Iowa.


3 Health Care Trends That Don’t Hinge on the ACA

In early May 2017 Republicans in the U.S. House of Representatives voted to repeal and replace the Affordable Care Act (or Obamacare). Subsequently, Republicans in the U.S. Senate began working on their version of a law to do the same. The House bill is flawed, leaving many uncertainties that the Senate has promised to address. While the fate of the bill is in flux, there are three immutable trends in the U.S. health care system that won’t change. As a result, regardless of how the law evolves, tremendous opportunities will remain for consumers, medical providers, health care payers, and investors to shape and improve the health care system.

https://hbr.org/2017/05/3-health-care-trends-that-dont-hinge-on-the-aca
EMPLOYEE RELATIONS AND COMPENSATION

Lancaster says employee relationship questionnaire is routine, but other cities say 'that's just crazy'

A Lancaster policy requiring city personnel to list the names of any other current municipal employees they have had dating or sexual relationships with -- regardless of how long ago they occurred -- is routine and in keeping with practices in other jurisdictions, city officials said. But representatives from several other cities said they have never heard of anything like it and question the appropriateness of such inquiries.


When Employees Become Toxic

Whether it’s being chronically late, constantly complaining or accusing others, spreading gossip or low quality work standards, some employees can bring more harm than good to the workplace. Then, there are employees who may have a valuable skill that is difficult to replace but makes the work environment miserable with attitude issues. It requires attention, discipline and strong leadership to manage these situations to protect other team members and the company.

When a team member becomes toxic, remember these tips:

http://www.floridatrend.com/article/22229/when-employees-become-toxic

Spokane agrees to settle sexual harassment lawsuit by former wastewater employee for $875K

Spokane will pay a former worker at the city’s wastewater treatment facility $875,000 to settle a sexual harassment lawsuit filed last year. Sonya O’Brien left the city after five years of harassment that included being “ridiculed and insulted” by her male co-workers and using a locker room frequently defaced with urine, feces and tobacco spit according to the lawsuit. When O’Brien filed an equal employment opportunity claim against the city for the treatment, it was shared with her coworkers without the redaction of her name. City Councilwoman Karen Stratton said before the unanimous vote approving the settlement Monday night O’Brien “deserved better.”

What It Takes to Create a Hostile Work Environment

Last week, I nominated Target Corp. and MarketSource for the worst employer of 2017, because they ignored the approximately 10 incidents of vile ethnic harassment a Palestinian employee suffered during the brief two-month tenure of his employment. Almost as bad was the logic of the 8th Circuit Court of Appeals, which concluded that, as matter of law, the employee failed to state a claim for ethnic harassment because the “morally repulsive” comments “were not physically threatening.”

http://www.workforce.com/2017/05/16/takes-create-hostile-work-environment/

State of Arizona Update

Frequently Asked Questions (FAQS)
About Minimum Wage and Earned Paid Sick Time

Proposition 206, the Fair Wages and Healthy Families Act (the “Act”), gives the Industrial Commission of Arizona authority to enforce and implement the Act’s minimum wage and earned paid sick time requirements. The following information is derived from the language of the Act and current administrative rules found in Title 20, Chapter 5, Article 12 of the Arizona Administrative Code.


Arizona filed the 2nd most cases with the 9th Circuit Court in 2016, 1037 cases

702 of those cases advanced. Does anyone think that number is going down?
