

2015 SNPA News Industry Summit

Quickie Elections, Gender Identity and Other Employment Law Developments

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HOT TOPICS

- Gender Identity Discrimination
- Pregnancy Discrimination
- Changes to FLSA Exemptions
- NLRB Developments



GENDER IDENTITY DISCRIMINATION

- The law is developing and changing.
- Discrimination against a lesbian, gay, bisexual, or transgender individual (LGBT) is discrimination because of sex.
- Transgender issues in the workplace.
- *EEOC v. Lakeland Eye Clinic* - \$150,000 settlement



EEOC PREGNANCY DISCRIMINATION GUIDELINES AND CASES



- EEOC issued new Guidelines in July 2014.
- Expanded definition of “pregnancy”
- The new guidelines also address equal access to benefits, such as:
 - Light duty
 - Leave
 - Healthcare
 - Various other benefits
- *Young v. UPS*, U.S. Supreme Court decision (decided March 25, 2015)

CHANGES TO WHITE COLLAR EXEMPTION

- Proposed Minimum Salary (Now \$455 Per Week) Would Be At Least \$921 Per Week (\$47,892 Annualized)
- USDOL Projects That It Might Be At Least \$970 Per Week (\$50,440 Annualized) Once Rule Takes Effect
- Requirement Applies Each *Pay Period* (Not Annualized)
- Unclear whether “duties” tests will change
- Overtime issues with bonuses/incentives



NLRB UPDATE



- Quickie Elections
 - 13-25 days
 - Lots of new deadlines and rules
 - 3 steps to Positive Employee Relations (and union avoidance):
 1. Manage in a way that unions are not needed
 2. Remove and address those things that make you vulnerable to union organizing
 3. Prepare for union activity
- Mini/Micro Units
- Joint employer issues after *Browning-Ferris*

Final Questions?

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