

LEA Global

Top 10 Employment Law Issues

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Rising Star Association



INTERNATIONAL ACCOUNTING BULLETIN

Ogletree
Deakins

presented by
OGLETREE DEAKINS'
MINNEAPOLIS OFFICE



Presenter

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Agenda

- Introduction
- Top 10 Employment Law Issues
- Q&A
- Opportunity for Follow-up

Overall Themes For Employers

- Laws and rules are changing more frequently
- Laws and rules are changing in more places
 - States
 - Counties
 - Cities
 - US Supreme Court
- Operations Leaders make changes more frequently without notifying HR

1 Multi-State Compliance

- Registration
- Withholdings
- Workers' compensation – insurance vs. public
- Different laws depending on state(s) and municipalities, in addition to federal laws
- Handbook – updates, compliance, and confusion

2 Remote Workers

- Constant change and movement
 - Audits and policies needed
- Policy – type of work and type of worker allowed
- Written agreement outlining work and limit(s)
- Multi-disciplinary team to handle remote workers
- Performance management challenges and best practices

3 Labor Law

- Recent NLRB decisions impact private employers
- Handbooks – rule is unlawful if it has a “reasonable tendency to chill employees from exercising their Section 7 rights” from the perspective of an employee
- Protected Concerted Activity – totality-of-the-circumstances test, advocating for non-employees, return to protecting abusive, profane, harassing outburst if alleged part of the PCA

4 Agency Actions

- Audits and investigations
 - With or without minimal notice
- Federal agencies – DOL, Immigration, EEOC, other
 - DOL – wage and hour audit
 - Independent contractor – substantial business investment, for him/herself, paid by project, control over time/place
- State and city agencies – human/civil rights
- Enforcement actions

5 Non-Competes and Other Protections

- State laws vary on enforceability – ever changing
- FTC – noncompete ban and legal challenges
- Non-solicitation
- Trade secrets
- Internal protections

6 New Federal Law & Expansion

- Pregnant Workers Fairness Act
 - PWFA administered by the EEOC
 - Employers to provide reasonable accommodations to a worker's known limitations related to pregnancy, childbirth, or related medical conditions, unless the accommodation will cause the employer an undue hardship
- Pump Act
 - Expands obligations under the FLSA
 - Requires reasonable break time and place up to one year after child's birth; some states have more generous req.

7 Documentation Best Practices

- Pre-hire
 - job postings, job descriptions, pay transparency, interview questions, handbooks and other policies
- Onboarding
 - sign-offs, offer letter, wage theft notices
- During employment
 - posters, agreements, policies, benefits, reviews, warnings
- Post employment
 - unemployment, COBRA

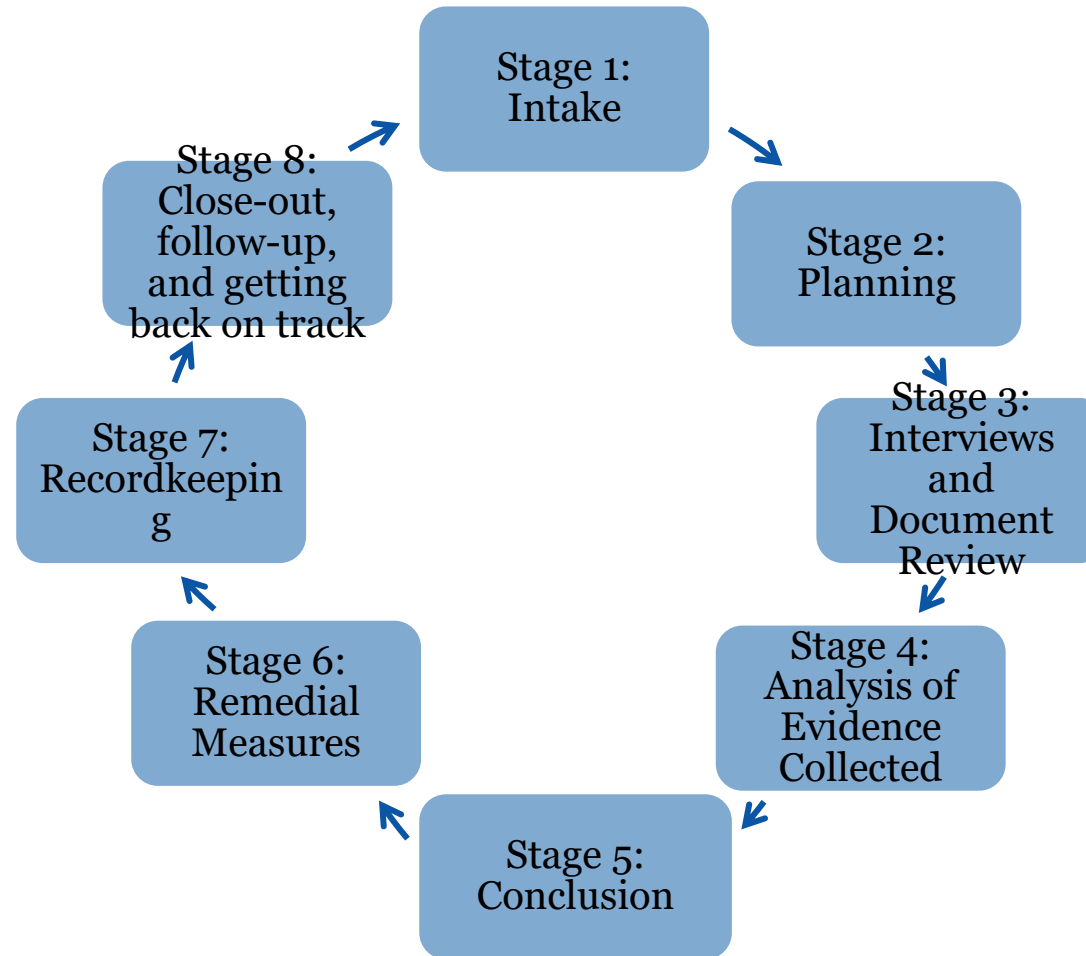
8 Pay Issues

- Pay transparency laws
- Pay equity audits
- Wage notices
- FLSA
- State wage and hour
- Exemptions
- Overtime

9 Accommodations/Employee Medical Issues

- Americans with Disabilities Act
 - Cannot discriminate
 - Reasonable accommodation/interactive process
- State anti-discrimination laws
 - Vary by state; often consistent with ADA
- Workers compensation

10 Conducting Investigations



Q and A Opportunity

- Any questions for me?
- Any questions to discuss as a group?
- Opportunity for follow-up
 - www.ogletree.com
 - Client Portal
 - Other firm resources
 - Jody.Ward-Rannow@ogletreedeakins.com