

HOT TOPICS 2015

Delaware Valley Employment Law Conference

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SUPREME COURT

- **Integrity v. Busk** – The time employees spent waiting to undergo and undergoing security screening is not compensable under the FLSA
- **Perez v. Mortgage Bankers Association** – Agencies are not required to follow notice and comment on rule making procedures when amending or repealing their interpretations of existing regulations
- **Young v. United Parcel Service** – The U.S. Supreme Court ruled that an employer's facially neutral light duty/accommodation policy, which excludes pregnant employees, may violate the Pregnancy Discrimination Act if it places a significant burden on pregnant employees. While the ruling failed to create a bright line rule that employers must provide pregnant employees with the same light duty/ accommodations provided to other groups of temporarily disabled employees, employers should carefully scrutinize their light duty/accommodation policies and practices

SUPREME COURT

- **EEOC v. Abercrombie and Fitch** – Does an applicant need to expressly state her need for a religious accommodation, even if unaware of an employer policy which would require it?
- **Mata v. Holder, Att'Gen., Horne v. Dept. of Agriculture, McFadden v. United States, Obergefell v. Hodges, Tanco v. Haslam, DeBoer v. Snyder, Bourke v. Beshear** have all been consolidated and the Supreme Court has granted cert to determine whether states can ban gay marriage
- **Mach Mining Co. v EEOC** – The question before the court is: whether and to what extent may a court enforce the EEOC's mandatory duty to conciliate discrimination claims before filing suit (in the pending case, the EEOC did not make major efforts to conciliate after a probable cause finding and instead filed suit)

EEOC

- Background Checks
- Sex Orientation/Gender Identity
- Severance Packages
- Wellness Programs
- OFCCP aggressive with businesses who don't think they have government contracts but have subcontracts

DEPARTMENT OF LABOR

- Mandatory Paid Sick Leave
- FMLA definition of “Spouse”
- Increased Wage and Hour Investigations
- Proposed Increase in Minimum Wage

NLRB

- E-mail use under NLRB
- Joint Employer
- Short Election effective April 14, 2015
- GC Memo – Employee Handbook Rules
- Economic Realities Test (Independent Contractor)

THANK YOU



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Note: This document is not intended to give legal advice. It is comprised of general information. Employees facing specific issues should seek the assistance of an attorney.

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