

THE YEAR IN REVIEW

Arizona Employment Law Conference

Karen L. Karr

(480) 684-1108

kkarr@clarkhill.com

April 23, 2015

CLARK HILL

UNITED STATES CONGRESS

PRESIDENT OBAMA

- 13658 – Minimum wage
- 13365 – Employees can talk (§ 7)
- 13672 – Sexual orientation / gender identity
- 13673 – Large contractors only

NLRB

- Social media
- Email to organize?
- Speedy elections?
- Franchises

DOL

- FLSA – Caregiver rules
- FMLA – Same sex spouses

EEOC

- Enforcement Guidance on Pregnancy Discrimination and Related Issues
- Company wellness programs

OFCCP

- 7% benchmark for veterans; self identify
- Rehabilitation Act – 7% utilization rate, self identify

UNITED STATES SUPREME COURT

- *Young v. UPS* (pregnancy)
- *Hobby Lobby v. Sebelius* (limited religious exception)
- *Integrity v. Busk* (FLSA – donning and doffing)
- *NLRB v. Noel Canning* (NLRB recess appointments)

NINTH CIRCUIT COURT OF APPEALS

- *Alexander v. FedEx* (independent contractors vs. employees)
- *Ambat v. San Francisco* (gender preference)
- *Arizona v. ASARCO* – wow
- *Curley v. North Las Vegas* (ADA / hearing impairment / threats)
- *EEOC v. Peabody Western Coal* (Navajo preference in coal lease)

NINTH CIRCUIT (CON'T)

- *Escriba v. Foster Farms* (FMLA – employee rejection)
- *Johnmohammadi v. Bloomingdales* (Arbitration – waiver of class claims)
- *Landers v. Quality Comm'ns* (FLSA – pleading standard)
- *Weaving v. City of Hillsboro* (ADA – ADHD)

ARIZONA DISTRICT COURT

- *Richardson v. Mountain Range Restaurants* (FLSA – tipped employees)
- *Vallejo v. Azteca Electrical* (FLSA – illegals and back pay)

ARIZONA LEGISLATURE

ARIZONA SUPREME COURT

ARIZONA COURT OF APPEALS

- *Harris v. GoDaddy* (Employment Protection Act)
- *Harris v. GoDaddy* (Arizona Minimum Wage Act)
- *Larson v. United Natural Foods* (at will employment)
- *Manzo v. Hayman* (sexual harassment not S&P)

INTERESTING CASES FROM OTHER JURISDICTIONS

- Disability discrimination
 - *Kauffman v. Petersen Health Care* (essential duties)
 - *Spurling v. C&M Fine Pack* (performance deficiencies disability-related)
 - *Hwang v. Kansas State* (six months – unable to perform essential functions)
 - *EEOC v. Ford Motor Co.* (is attendance an essential function?)
- Race discrimination
 - *Buisson v. La. Community College* (appearance of discrimination)
 - *Barthelus v. G4s* (extensive history of bad PAs not enough)
 - *EEOC v. Kaplan Higher Education* (credit histories)

OTHER JURISDICTIONS (CON'T)

- Age discrimination
 - *Johnson v. Securitas Security* (“Hang up your Superman cape and retire”)
 - *Delaney v. Bank of America* (three strikes, not out)
- Religious discrimination
 - *Davis v. Ft. Bend* (cannot work Sunday morning)
- Retaliation
 - *Cox v. Onondaga County Sheriff* (false harassment claim)

OTHER JURISDICTIONS (CON'T)

- Sexual harassment
 - *Orton-Bell v. Indiana* (inappropriate on both sides)
 - *Brooks v. Grundmann* (unprofessional, uncivil, boorish – but not unlawful)
 - *Wilson v. Cook County* (before giving sex, make sure there's a job)
- Race harassment
 - *Adams v. Austal* (must know about the conduct)

QUESTIONS?

CLARK HILL

ARIZONA | DELAWARE | ILLINOIS | MICHIGAN | NEW JERSEY | PENNSYLVANIA | WASHINGTON, DC | WEST VIRGINIA

Thank You



Karen L. Karr

(480) 684-1108

kkarr@clarkhill.com

LEGAL DISCLAIMER

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