

Employment Law Update

Jack Lipovac

Matt Brick

Mike Staebell

Employment Law Changes

- Court cases
 - Legislation
 - Agency Action
-

ADA Amendments Act of 2008 ("ADAAA")

- ❑ Expressly overturned several Supreme Court decisions that narrowed the definition of "disability"
 - ❑ Took effect on January 1, 2009.
 - ❑ More individuals will be considered to have a "disability,"
 - ❑ The need to provide reasonable accommodations will increase.
 - Policy
 - Training
-

American Recovery and Reinvestment Act of 2009 ("Act")

- ❑ Amends "COBRA"
 - ❑ Places a number of Employers receiving stimulus funds under the Davis Bacon Act (prevailing wage)
-

LILY LEDBETTER FAIR PAY RESTORATION ACT OF 2009

- ❑ Expands the statute of limitations period.
 - ❑ Expands Ledbetter decision to apply to the Americans with Disabilities Act, the Age Discrimination in Employment Act, and the Rehabilitation Act.
-

Pending Legislation

□ State

- Expansion Of PERA
- Doctors choice
- Fair-share

□ Federal

- Healthy Families Act
 - EFCA
-

Employee Free Choice Act

- Organized labor's number one legislative priority
 - Card checks
 - Binding Arbitration
 - Arbitrator would write a first contract that dictates all workplace terms and conditions
-

Agency Action

- Department of Labor
 - FMLA new rules
 - Adding staff and more aggressive agenda
-