

EZRA T. CLARK, III
Attorney
Direct Line: 480-844-0039
Facsimile Line: 480-844-0035
E-mail: etc@clarkfirm.com



63 East Main Street, 5th Floor
Mesa, Arizona 85201

MAILING ADDRESS
P.O. Box 31036
Mesa, Arizona 85275-1036

Michelle L. Hadder, Paralegal

EMPLOYER NEWSLETTER

June 2015

PROPOSED RULE CHANGES THAT WILL AFFECT EMPLOYERS

There will be no summer slow-down for federal government agencies that issue regulations that affect employers. Below is a summary of expected developments:

U. S. Department of Labor, Wage and Hour Division (DOL)

Last year, President Obama directed his Secretary of Labor to "modernize and streamline" the so-called "white collar" exemptions¹ from overtime pay under the Fair Labor Standards Act (FLSA). Currently, employers are not required to pay overtime to exempt "white-collar" employees who make at least \$23,660 annually (\$455 a week) and work more than forty (40) hours in a workweek. Policy experts predict that the U. S. Department of Labor will propose raising the salary requirement to between \$42,000 and \$52,000 annually. The intended effect of the new salary requirement is to make an estimated 3.5 million or more workers eligible for overtime pay. The DOL's proposed rules are expected to be released sometime in June 2015.

The Occupational Safety and Health Administration (OSHA)

OSHA expects to release a final rule that will change its reporting system for occupational injuries and illnesses. According to the regulatory agenda, an "updated and modernized reporting system would enable a more efficient and timely collection of data, and would improve the accuracy and availability of the relevant records and statistics." Specifically, the rule expands OSHA's legal authority "to collect and make available injury and illness information required under the Code of Federal Regulations to clarify an employee's right to report injury and illnesses to their employer without fear of retaliation." The final rule is expected to amend record-keeping regulations "to clarify that the duty to make and maintain accurate records of work-related injuries and illnesses is an ongoing obligation." The rule will explain that the duty to maintain records does not expire if an employer fails to create them in the first place.

Equal Employment Opportunity Commission (EEOC)

By July 2015, the EEOC expects to issue a proposed rule amending regulations on the Genetic Information Nondiscrimination Act of 2008 to address inducements by employers to employees' spouses or other family members who respond to questions about their current or past medical conditions on health risk assessments. In a similar vein, the EEOC recently issued a proposed rule regarding the treatment of employer wellness programs under the Americans with Disabilities Act (ADA).

This newsletter is published by the Clark Law Firm, P.C. Its purpose is to summarize developments and issues in labor and employment law; it is not intended as a substitute for professional consultation and advice in a particular case. If you are not on our mailing list but would like to receive future newsletters, please call Michelle Hadder at (480) 844-0039 or sign up on our website at www.clarkfirm.com.

¹ Specifically, these are the executive, professional, administrative, outside sales, and computer specialist exemptions.