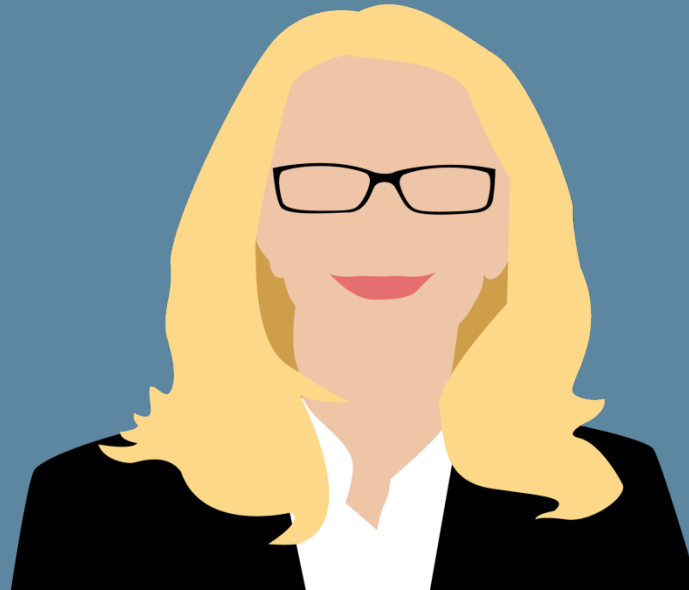


# Legal Lunch with Laura



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# 2014 Lunch Dates

**May 20, 2014**

**July 22, 2014**

**September 16, 2014**

**October 21, 2014**

**December 16, 2014**

\*Webinars are held on the third Tuesday of every other month from 12:00 – 1:00 p.m.

# Next Lunch Reservation: May 20th

## **Motivating Your Workforce: Simple Ideas For Proven Results**

- Latest Trends
- Proven Strategies
- Best Practices
- Inexpensive ideas to motivate your staff



# Labor & Employment Update and Outlook for 2014

Presentation by  
Laura L. Rubenstein, Esq.

# Discussion Topics

- March is Women in MD History Month
- FLSA proposed regulations
- “Banning the Box”
- Expansion of ADA, FMLA & Pregnancy Protections for employees
- When to pay interns
- Does MD now require paid sick leave?
- E-Verify - Do you use it? Do you need it?

# Maryland Women's History Month & Minimum Wage

- Maryland was named “Best State for Women”
- Maryland ranked first in economics, leadership and health in all 50 states
- Highest percentage of women-owned businesses
- Lowest wage gap

# Changes to the FLSA Coming

## **Presidential Memorandum**

**March 13, 2014 Directed Sec. of Labor to:**

- Restore simpler “common sense principles” for OT
- OT protections have “eroded”
- If you work more you should be paid more
- Increase minimum wage

# “Ban the Box”

- Removal of questions about criminal background on employment application
- EEOC issued guidelines on background checks
- “Ban the Box” adopted by San Francisco, Seattle, HI, MA, MN and RI
- Texas pending lawsuit against EEOC

# Expansion of ADA

- ADAAA passed in 2008
- Challenges to expansion just being decided by courts now
- ADA applies to companies with 15 or more employees.
- Reasonable accommodation required.
- A temporary disability should be treated like a disability, per the 4<sup>th</sup> Circuit.

# Pregnancy Protections in MD

- In response to a 4<sup>th</sup> Circuit Case justifying denial of accommodations to pregnant employee
- Pregnancy not a “disability” under the ADA
- MD employers with 15 or more employees to provide accommodations for employees who give notice of pregnancy
- Accommodations can’t impose an undue hardship on the employer.
- Effective October 1, 2013

# What are the newest FMLA regulations?

- Count all periods of absence from work due to military service to determine FMLA eligibility
- Leave permitted on day employee's immediate family member deployed or returning from deployment
- Cannot require employee to use PTO
- Military caregiver leave extended to cover care for veterans
- Employee may take up to 15 days for rest and recuperation from exigency leave.

# Wages Owed to Interns?

## DOL's 6-Part Test

1. Internship is similar to training in an educational environment;
2. Benefits the intern;
3. Does not displace regular employees;
4. Employer derives no immediate advantage;
5. Intern not entitled to job at end of internship;
6. Employer and the intern understand that the intern is not entitled to wages for the time spent in the internship.

# Paid PTO – Failed in MD Legislature

The 2012-2013 MD legislature considered, but ultimately did not enact, more expansive bills that would have required Maryland employers to provide paid sick leave.

A similar bill has been re-introduced in the 2013-2014 legislative session.

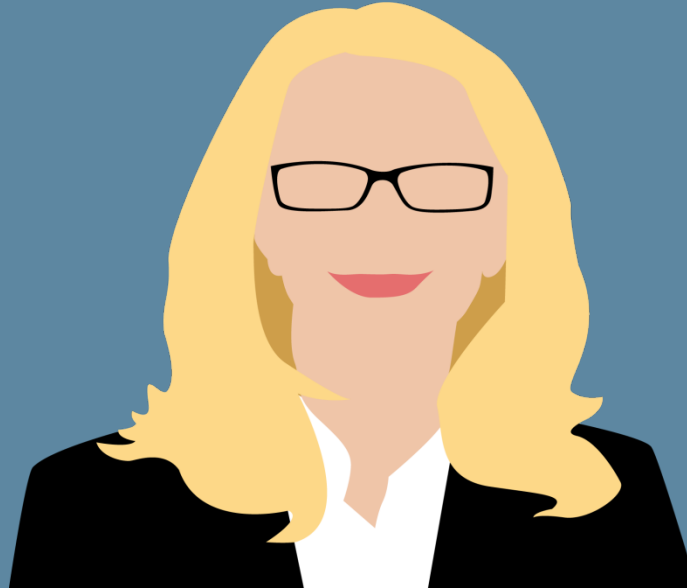
# To E-Verify or Not to E-Verify?

- What is it?
- Who is required to use it?
- Pros and Cons
- Future speculation regarding use  
E-Verify

# Questions?



# Connect with Laura



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