



NACM 2015 Annual Conference

HR Legal Update



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Today's Agenda

- Recent Court Decisions
 - Pregnancy Discrimination Act
 - Fair Labor Standards Act
 - EEOC Title VII Suits
 - Religious Discrimination
 - Same-Sex Marriage
- LGBT Employees
- The NLRB, Social Media, and Employee Handbooks
- The EEOC Strategic Enforcement Plan
- The ADAAA



Pregnancy Discrimination Act

Young v. UPS, No. 12-1226, 2015 WL 1310745
(U.S. March 25, 2015)



Fair Labor Standards Act

Integrity Staffing Solutions, Inc. v. Busk, 135
S.Ct. 513 (U.S. 2014)



EEOC Title VII Suits

Mach Mining, LLC v. EEOC, 135 S.Ct. 1645 (U.S. 2015)



Religious Discrimination

EEOC v. Abercrombie & Fitch Stores, Inc., 135
S.Ct. 2028 (U.S. 2015)



Religious Discrimination

Yeager v. First Energy Generation Corp., No. 14-3693, 2015 WL 343951 (6th Cir. Jan. 28, 2015)



Same-Sex Marriage

Same-Sex Marriage and FMLA:

- *U.S. v. Windsor*, 133 S.Ct. 2675 (U.S. 2013):



Same-Sex Marriage

BUT...



Same-Sex Marriage

Obergefell, et al. v. Hodges, No. 14-556, slip op., 576 U.S. ____ (U.S. June 26, 2015)



LGBT Employees

- **Application of Title VII to LGBT Employees:**
 - *Price Waterhouse v. Hopkins* (sex stereotyping)
 - *Oncale v. Sundown Offshore Oil Services* (same-sex harassment)
- **Municipalities and LGBT**
- **Employment Non-Discrimination Act(ENDA):**
- **Emerging Questions for Employers:
Restrooms? Dress Codes? Perceived
Customer Bias?**



The NLRB, Social Media, and Employee Handbooks

- **What is the NLRB?**
- **Who does the NLRA cover?**
- **How does the NLRA/NLRB apply to social media and employee handbooks?**
- **Lawful confidentiality policies**
- **General Counsel's memo on social media contact rules**
- ***Three D, LLC.*, 361 NLRB No. 31 (2014):**



The EEOC Strategic Enforcement Plan

Six National Priorities:

1. Eliminating barriers in recruitment and hiring;
2. Protecting immigrant, migrant and other vulnerable workers;
3. Addressing emerging issues and developing issues;
4. Enforcing equal pay laws;
5. Preserving access to the legal system;
6. Preventing harassment through systemic enforcement and targeted outreach.



The ADAAA

- **The ADA Amendments Act of 2008 (ADAAA) became effective on January 1, 2009.**
- **Definition of “Disability”**
- **Definition of major life activities more clearly defined**
- **The ADAAA also expanded the definition of “substantially limits.”**



Final Questions?

Thank you!

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