

Municipal Attorneys Association.

Employment Law Update

December 6, 2013
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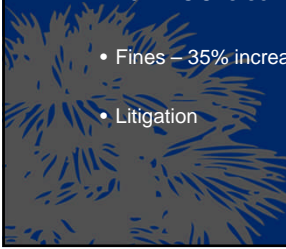
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Federal Issues

- Federal government review and audit
- Regulatory agencies more involved





- Americans With Disabilities Act
 - The EEOC is serious about the ADA
 - Fines – 35% increase in 2011
 - Litigation



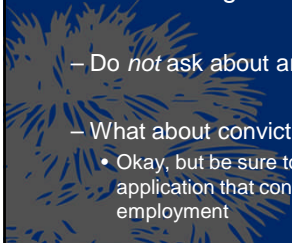



- Current ADA Issues
 - Additional leave as a “reasonable accommodation” vs. FMLA 12 week limit
 - Learning disabilities
 - Obesity



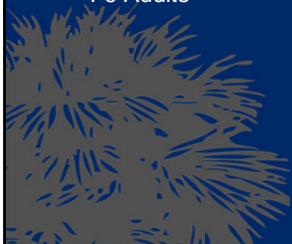


- EEOC – Advisory Opinion re: asking about criminal background on applications
 - Do *not* ask about arrests
 - What about convictions?
 - Okay, but be sure to include language on the application that conviction does not preclude employment





- Immigration
 - I-9 Audits



• Wage and Hour Issues

- Misclassification of employees -- exempt vs. non-exempt
- Work Time
 - Homework – including emails
- Accuracy of records

Miscellaneous Issues

- Social Media -- *Again*
- First Amendment Issues
- Off-duty conduct, including social media, can be grounds for discipline and discharge
