

## ***Legal-Ease - #2 July 2015 Updates on Recent Legislation***

### **POTENTIAL CHANGES IN THE OVERTIME LAWS**

In a highly anticipated proposed rule, the U.S. Department of Labor (DOL) announced that it will extend overtime protections to nearly five million white-collar workers. Workers who earn as much as \$970 a week—\$50,440 a year—would have to be paid overtime even if they're classified as a manager or professional, according to the DOL website.

Under current regulations, the salary threshold is \$23,660 (\$455 per week), which is below the poverty threshold for a family of four, and only eight percent of full-time salaried workers fall below it. In order to obviate the number of the "working poor," the DOL intends to increase the amount annually to keep pace with inflation, said Mike Eastman, counsel to the Society for Human Resource Management (SHRM).

This rule raises a variety of questions, including those relating to potential changes in the exempt/non-exemption tests, how these changes may impact businesses when coupled with increases in minimum wage, and the desired decrease of reliance on social programs by raising employees above the poverty line.

### **U.S. SUPREME COURT RECOGNIZES THE RIGHT TO MARRIAGE FOR GAY COUPLES**

The passing of the Supreme Court's decision in *Obergefell v. Hodges*, recognizing gay marriage on a federal level, is a landmark decision in the ongoing battle for equality for the LGBT community. This decision means that LGBT couples can gain equal benefits with respect to everything from tax consequences to FMLA leave.

One of the primary concerns employers (and employees) now face is what to do about partner benefits. This raises an ongoing fundamental question, moreover: should employers essential mandate marriage in order for their employees to receive workplace benefits and privileges? Legally, there are nearly no guarantees for couples who are unmarried, but from a best practice perspective, doing away with partner benefits remains a potentially discriminatory practice based on marital status.

### **NLRB ISSUES MEMORANDUM ON "APPROVED" WORKPLACE POLICIES**

As most employers are aware, the National Labor Relations Board has been engaged in a near-constant attack on employer policies that appear to violate the National Labor Relations Act. However, due to the differing opinions of regional investigators as well as complexities in interpretation, on March 18, 2015, the General Counsel of the NLRB, Richard F. Griffin, Jr. issued a NLRB Memorandum on Employer rules, handbooks, policies and practices and NLRB compliance. The Memo outlines specific employer policies that do and do not meet the NLRB's requirements. For more information on the memo, contact the National Labor Relations Board.