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Legal Developments Throughout 2019 - A Human Resources Checklist

In 2019, technology and cultural changes will continue to alter the labor and employment law landscape and to challenge employers and businesses to adapt their policies and practices to comply with state, local and federal laws. While changes at the federal level may develop more slowly, state legislatures and local municipalities have pushed ahead creating a complex patchwork of laws and regulations affecting employers. A Human Resources (HR) checklist to help you track and prepare for legal developments throughout 2019 that will impact your business is summarized below.

1. Courts continue to back arbitration as a means to resolve employee/employer disputes. A recent Supreme Court decision goes so far as to say that arbitrators decide whether the issue is itself arbitrable. Should you enter arbitration agreements with your employees to resolve disputes in your workplace?
2. #MeToo impacts the workplace, with special focus on executive action. Not only is review of harassment policies necessary, but real training with particular emphasis on maintaining the culture of an organization that would prevent harassment is essential. Executives are under scrutiny for conduct outside the workplace and outside the statute of limitations, even if not related to workplace activities. Have you updated your policies, initiated new training and reviewed executive agreements to factor in this new reality?
3. Managing a multi-generational workplace and winning competition for talent demands review of organization structure and open communications. Millennials look for increasing opportunity within the organization, but also want to know that they and others are held accountable for their work. All employees are motivated by exciting and challenging work, but younger employees want recognition and notice, a clear view of promotion opportunities, while older employees value security. Have you reviewed your

communication to make sure it is clear, honest, timely and responsive to core corporate values?

4. Wage and hour issues from local, state and federal governments continue to be significant. Local and state increases to the minimum wage continue. The Department of Labor is working on new regulations related to exempt employees' salary minimums following the court striking down the Obama Administration's changes to the FLSA regulations. Have you analyzed exempt employee salary levels to be ready for inevitable increases?
5. Cybersecurity becomes a human resource issue. Not only will your IS department continue to utilize firewalls, two-step or biometric authentication messages and encrypted data, but training and ongoing vigilance by employees for phishing and spear phishing acts will need to be a regular part of your plans. The near inevitability of a security breach also calls for development of crisis policies that can be immediately implemented when this or other disasters occur. Has your organization developed a disaster plan?
6. Managing employee time-off continues to cross the eyes of supervisors and human resource professionals. Employers must build flexibility, with responsibility, into its policies and practices. Understanding the interplay between state and federal Family and Medical Leave laws, the Americans with Disabilities Act, Workers' Compensation laws and the employer's own attendance and disability leave policies is more than a trick. Look for paid leave laws to advance at the federal level. All of this must also be tackled within the context of enhancing employee-friendly benefits and PTO policies by providing compensated time off, work at home flexibility and avoiding traps of potential discrimination or wrongful discharge. Do your policies and procedures need review?

Contact Us

If you have questions about this update, contact Tom Godar or your Husch Blackwell attorney.