Good evening everyone,

I have provided below a brief labor and employment law update:

·         The new EEO-1 reporting rules require employers with 100 or more employees to annually report W-2 earnings, work hours, race/ethnicity and gender for all U.S. employees, separately for each location.  The first reporting will be on 2017 data.   The first annual filing deadline is March 31, 2018.    If you are interested, you can watch a complimentary webinar November 3, 201`6 from 1:00 to 2:00 Central time to learn more about the new Rule.  You can click on the link below to register.    <http://www.jacksonlewis.com/event/eeo-1-annual-pay-data-reporting-has-arrived-what-should-employers-do-now>   Also, if you are interested in just reading more about the Final Pay Data changes to the EEO-1 Report, you can access a detailed article here:  <http://www.jacksonlewis.com/publication/eeoc-publishes-final-pay-data-changes-eeo-1-report>

·         Several large construction and security industry groups filed a lawsuit in the Eastern District of Texas to block the heavily criticized Fair Pay and Safe Workplaces Executive Order 13673 and related rules.  The Court scheduled a temporary restraining order (TRO) hearing for October 21, 2016, just four days before the Executive Order’s requirements begin to go into effect on October 25th.  The Order and Rules, often referred to as the “blacklisting” rules were finalized in August.  In order to view the Fact Sheet, a related article and a webinar on the blacklisting rules, please visit here:  <http://www.jacksonlewis.com/publication/fair-pay-and-safe-workplaces-rules-misguided-unlawful-and-must-be-blocked-says-texas-lawsuit-tro-hearing-scheduled>

·         With regard to the Final Rule changing the salary level for several exemptions under the FLSA, the U.S. House of Representatives in late September voted 246 to 177, largely along party lines, in favor of legislation which would delay the rule’s effective date by six months from December 1, 2016 to June 1, 2017.  Also, Senator James Lankford (Oklahoma) introduced legislation in the Senate, requesting “delay” of this rule to give the economy more time to prepare for it.  However, despite the proposed legislation in both houses of Congress, the White House promised in a recent statement regarding one of the bills to veto the proposed legislation, claiming the “real goal” of the bill was to “delay and then deny overtime pay to workers.”

·         On October 4, 2016, a Final Rule was published in the Federal Register which implements statutory requirements for Department of Defense contractors and subcontractors to report cyber incidents that result in an actual or potentially adverse effects on a covered contractor information system.  You can read more here:  <http://www.workplaceprivacyreport.com/>

·         The final regulations for Executive Order 13706 (“Paid sick leave for workers on federal contracts”) were published September 30, 2016.  Under the Executive Order and Final regulations, paid sick leave obligations will begin with new solicitations and contracts beginning January 1, 2017.   If you are interested in learning more, there is a complimentary webinar on October 20, 2016.  In order to register and view the complimentary webinar, click here:  <http://www.disabilityleavelaw.com/>

·         The U.S. Department of Health and Human Services (“HHS”) issued a final rule on May 18, 2016 to implement the nondiscrimination provisions of Section 1557 of the Affordable Care Act.  Section 1557 of the ACA generally prohibits discrimination on the basis of race, color, national origin, sex, disability and age by health programs or activities that either receive federal funds or are administered by an Executive Agency or any entity established under Title 1 of the ACA. The Rule imposes administrative and operational responsibilities on covered entities, both with respect to their patient services and to their employee health care plans.  The Rule generally became effective July 18, 2016, although certain provisions, including the administratively burdensome notification provisions, were not effective until 90 days after the Rule became effective (i.e. October 16, 2016).   If you would like more information, please let me know.

In addition, the tentative 2017 Nebraska Legislative Session is scheduled to begin January 4, 2017 and scheduled to conclude June 9, 2017 (90th day).  You can access the tentative 2017 Legislative Calendar here:  <http://nebraskalegislature.gov/pdf/session/2017calendar.pdf>   More information to follow as the schedule is more definitive.   As in previous years, our team will assemble the *relevant* bills that impact the Human Resources profession, summarize the legislation as it is introduced, highlight important dates regarding the proposed legislation (i.e. committee hearings, advancement dates, etc.) and the like.  Please give some thought in testifying before Committees this year.

Thanks,

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