

Good morning and I hope you all had a great weekend.

The following is a brief labor update:

- The first day of the Nebraska Legislative Session is scheduled for January 4, 2017 and the 90th day is June 2, 2017. We will provide additional information on the legislative session throughout December.
- A hearing will occur on Wednesday in a federal court in Texas to decide whether to enjoin the Labor Department's overtime rule. The rule, as you all know, is scheduled to take effect December 1st and will double the salary threshold (to \$47, 476). The hearing will take place at 9 a.m. in Sherman Texas before Judge Amos Mazzant, who was nominated by President Barack Obama in 2014.
- Seven States pass new marijuana laws on election day. There are now a total of 28 states (plus the District of Columbia) with medical marijuana laws and 8 states (plus the District of Columbia) with recreational marijuana laws. If you would like to read more about the individual state legislation, please see: <http://www.jacksonlewis.com/publication/seven-states-pass-new-marijuana-laws-election-day>
- President-elect Donald Trump will assume office on January 20, 2017 with a Republican Majority in both the Senate and the House of Representatives. While it is difficult to predict whether the new administration will be able to deliver on President-elect Trump's campaign promises, we can expect significant policy and enforcement shifts. We have assembled an article that addresses some forecasts in various areas under President-elect Trump's administration to include a forecasts on the Courts, government enforcement, executive orders and actions, EEO-1 Pay Data reporting, the NLRB, Sarbanes-Oxley Act and Dodd Frank Act, the Affordable Care Act, e-verify, tax reform and many others. You can view the article here: <http://www.jacksonlewis.com/publication/workplace-law-under-president-elect-donald-trump-what-expect>
- A recent federal court in Pennsylvania ruled that the prohibition against sex discrimination under Title VII of the Civil Rights Act extends to sexual orientation. (*EEOC v. Scott Medical Health Center*, No. 16-225 (W.D. Pa. Nov. 4,

2016). The Pennsylvania court stated in this decision, “That someone can be subjected to a barrage of insults, humiliation, hostility and/or changes to the terms of conditions of their employment, based upon nothing more than the aggressor’s view of what it means to be a man or a woman, is exactly the evil Title VII was designed to eradicate.” Title VII applies to all private sector and state and local government employers with at least 15 employees. In addition to the federal employment laws, there are 22 states’ laws that prohibit discrimination based on sexual orientation and 19 states that prohibit discrimination based on gender identity. Employee handbooks and policies should include EEO statements that prohibit all forms of discrimination consistent with federal, state and local legislation.

- Criticizing non-solicitation of employees or “no poaching” agreements as an alleged factor in holding back wage growth, the U.S. Department of Justice and the FTC recently issued antitrust guidance on human resources issues. This is consistent with and continues the White House’s recent attacks on post-employment restrictive covenant agreements. You can read more here: <http://www.jacksonlewis.com/publication/new-doj-ftc-antitrust-compliance-guidance-human-resources-attacks-no-poaching-agreements>

Have a great week.

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