

FISHER & PHILLIPS LLP

ATTORNEYS AT LAW
Solutions at Work®



Overview of Significant Workplace Law Developments in 2008 And What's Ahead for 2009

Prepared for the
**INSTITUTE OF MANAGEMENT
ACCOUNTANTS**
TAMPA BAY CHAPTER

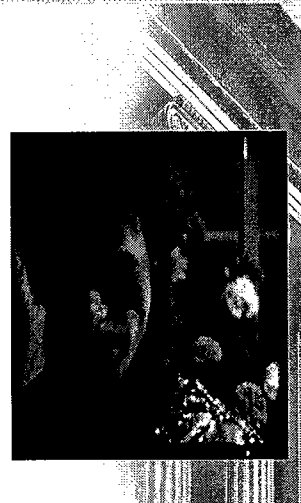
Presented by:
Wendy J. Smith

wsmith@laborlawyers.com
www.laborlawyers.com

Atlanta • Charlotte • Chicago • Columbia • Dallas • Denver • Fort Lauderdale • Houston • Irvine • Kansas City
Las Vegas • New Jersey • New Orleans • Orlando • Philadelphia • Portland • San Diego • San Francisco • Tampa

Introduction – Change is on the Way

- The most dramatic changes we've seen in traditional labor, fair employment and leave laws have either just happened or are on the verge of becoming law in 2009.
- Long-awaited changes to the Family and Medical Leave Act and ADA became effective this month.
- Increase in Democratic votes in Congress and a Democratic White House virtually ensures more changes are ahead.



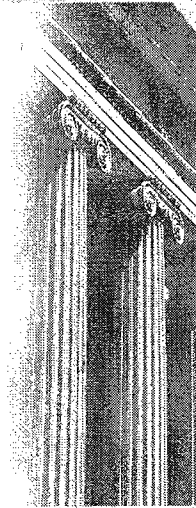
FISHER & PHILLIPS LLP
ATTORNEYS AT LAW
Solutions at Work®



OVERVIEW OF WORKPLACE LAW DEVELOPMENTS IN 2008

FISHER & PHILLIPS LLP
ATTORNEYS AT LAW
*Solutions at Work*SM

What Was New In 2008?

- Increased EEO filings
 - Florida gun law
 - Genetic information restrictions
 - More wage hour litigation and aggressive enforcement of wage hour laws by the Dep't of Labor
- 

FISHER & PHILLIPS LLP
ATTORNEYS AT LAW
*Solutions at Work*SM

Increased EEO Filings

- Overall, charges up 27%
- EEOC collected \$274 Million
- Focusing on class actions & systemic violations
- Sexual harassment remains largest category of harassment claims
- EEOC considers retaliation “more egregious” than discrimination
- Last two years we saw decrease in single plaintiff discrimination litigation, now we anticipate at least some percentage of increase again.



FISHER & PHILLIPS LLP
ATTORNEYS AT LAW
Solutions at Work

New Florida Gun Law

- Passed in April, took effect July 1st
- Those in legal possession of firearms may keep them on work premises, so long as out of sight in locked vehicle
- No guns in company vehicle w/o permission
- Applies to visitors and “invitees” parking in business lot AND even to independent contractors and interns!
- Firearms not allowed at schools, jails, or at facilities housing explosive materials



FISHER & PHILLIPS LLP
ATTORNEYS AT LAW
Solutions at Work

New Florida Gun Law

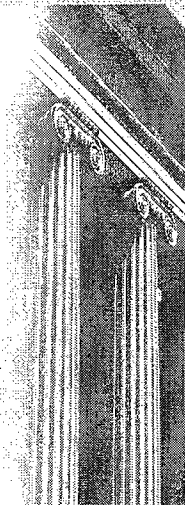
- Prohibits employers from asking employees whether they own firearms or have them in vehicles; conditioning employment on whether applicant has a concealed weapon
- Restricts auto searches to law enforcement
- Employers should not implement blanket prohibitions on possession of firearms
- Employers should revise policies allowing vehicle searches



FISHER & PHILLIPS LLP
ATTORNEYS AT LAW
Solutions at Work

Genetic Information Non-Discrimination Act

- Bars employers and insurers from discrimination based on their genetics
- Employers can't use genetic info. in making any employment decisions
- Includes child labor provisions with increased fines and criminal penalties
- Signed into law on May 21st
- Takes effect with the plan year that begins one year after enactment (for calendar year plans, January 1, 2010)



FISHER & PHILLIPS LLP
ATTORNEYS AT LAW
Solutions at Work