

Developments in Discrimination Law 2017-2018



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Administrative Developments

Equal Employment Opportunity Commission

- **Focus of EEOC Strategic Enforcement Plan FY 2017-2021**
 - **Qualification standards**
 - **Inflexible leave policies**
 - **Pregnancy-related limitations**
- **EEOC Litigation Trends**
 - **77 of 184 lawsuit filings contain ADA claims**
- **Trends in EEOC Settlements and Consent Decrees**

Department of Labor Opinion Letter

- **April 13, 2018 FLSA Opinion Letter**
- **Up to 20-minute breaks are typically compensated as primarily beneficial to the employer**
- **Breaks to accommodate medical condition are for the benefit of employee and may be uncompensated**
- **Employers must not discriminate on breaks**
 - **Compensate breaks that other employees receive even if used by employee to accommodate a medical condition**

Court Decisions on Disability Issues

Impairments Must Limit a Major Life Activity

- Assistant Addictions Counselor alleged status as former alcoholic and alleged that complaints about treatment of patients led to undesirable assignments and no promotion
- Failed to state a claim because he did not allege he was disabled
 - Assumed Former alcoholic status was a disability
 - Did not allege how status currently limited a major life activity

Johnson v. NY State Office of Alcoholism and Substance Abuse Servs.

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