# Labor and Employment Issues in the Healthcare Industry

2019 Employment Law Update

31<sup>ST</sup> ANNUAL HEALTH LAW CONFERENCE KIMBERLY KING WEBB

#### What's Hot

- 1. Pay Data, Pay Exemptions, Pay Equity
- 2. #Metoo 1 Year Later
- 3. Workplace Violence
- 4. Reasonable Accommodations
- 5. Marijuana in the Workplace
- 6. Labor Relations
- 7. FCA Whistleblower Claims

## Money, Money, Money



# **EEO-1** Reports and Pay Data

- •Employers with 100+ employees, and federal contractors with 50+ employees, are required to disclose employee numbers by job category, race, sex, and ethnicity.
- •In 2016, the EEOC proposed adding the disclosure of pay data.
- •In 2017, OMB scrapped the revised EEO-1 report. And the National Women's Law Center and the Labor Council for Latin American Advancement sued both the EEOC and the OMB to revive the new EEO-1 report.
- •On 3.5.19, the U.S. District Court, in <u>National Women's Law Center v. OMB</u>, reinstated a revised version of the EEO-1 report, which is set to gather compensation information from employers.

## **EEO-1** Reports and Pay Data

Consider Conducting a Pay Audit

Identify the Audit Scope

Conduct the Audit Present Findings to Decisionmakers

Take Remedial Actions Consider Future Best Practices

# **DOL Raises Salary Level Test to \$35,308**

- •The current salary threshold for executive, administrative, and some professional exemption is \$23,660/year.
- •In 2016, the DOL sought to increase the level to \$47,476/year, but that was blocked.
- •On 3.8.19, the DOL issued a proposal that would raise the salary level to \$35,308 beginning January 1, 2020.





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