

Employment Law, Legislative & Regulatory Update



Welcome
to the
Maryland General Assembly



Developed and Presented for



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Maryland Employment Legislation (Select)

- The 2011 Session in Review:
 - 2370 total bills had been filed
 - At least 149 or nearly 6.3% were employment related (exclusive, in part, of UI and WC)
- Key Issues (Passed):
 - HB 87/SB 132 – Job Applicant Fairness Act –
 - Effective October 1, 2011
 - Covered employers may not use credit report or history until
 - post offer AND
 - With a bona fide reason that is substantially job related (as defined) AND
 - Disclosed to applicant/employee in writing
 - HB 233– Municipal Corporations – Direct Deposit of Wages
- Key Issues (Not Passed)
 - HB 235 – Human Relations - Sexual Orientation and Gender Identity - Antidiscrimination
 - Prohibits discrimination based on gender identity. This bill has numerous sponsors.
 - HB 753 - Procurement - Use of Federal Work Authorization Programs
 - Would bar an employer from receiving a state contract unless the employer was registered to use the federal work authorization program (E-Verify). Similar bill also received unfavorable report HB 761/SB 390 – State Government – E-Verify.

Key Issues (Not Passed) – *cont'd.*

- HB 907 - Employment Discrimination - Criminal Convictions
- HB 1136 – Jury Service
- SB 600 – Abusive Work Environments - Employee Remedies
- SB 969 – Administrative Leave - Parent-Teacher Conference

Legal Update (Select)

- Cat's Paw
 - #1 – Title VII
 - #2 – USERRA
 - #3 – FMLA
 - #4 - ?...
- March 22nd – U.S. Sp Ct, FLSA Retaliation & Oral Complaints

Federal Regulation (Select)

- April 16th - OFCCP – AAP’s for PWD and Protected Veterans
- http://www.dol.gov/ofccp/regs/compliance/faqs/VEVRAA_NPRM_faq.htm
 - April 16th NPRM. Proposes to (not all inclusive) require covered contractors to:
 - establish hiring benchmarks expressed as the percentage of total hires who are protected veterans that a contractor will seek to hire the following year.
 - invite applicants to self-identify at both the pre-offer and post-offer stages of the hiring process.
 - provide job vacancy information to the appropriate employment service in the way that the employment service needs it in order to include the job in their database.
 - engage in a minimum of three specified types of outreach and recruitment efforts.
 - Collect and maintain records related to:
 - number of protected veterans referred to them by state employment services,
 - number of protected veterans that applied for positions with the contractor, and
 - number of protected veterans hired by the contractor.
- April 14th – US CIS I-9 – New Rule is Old Rule
- March 25th – ADA³
- March 23rd – FLSA and Breaks for Nursing Moms
 - Notice and comment period ended 2/22/11. Law went into effect 3/23/10.
 - See U.S. DOL Fact Sheet 73. <http://www.dol.gov/whd/regs/compliance/whdfs73.htm>
 - <http://www.dol.gov/opa/media/press/whd/whd20101764.htm>
- March 15th – EEOC hearing on myths/stereotypes re persons with disabilities
- February 22nd – Notice & Comment period ends on NLRA Notice of Rights Posting
 - <http://edocket.access.gpo.gov/2010/2010-32019.htm>
- January 10th – GINA Safe Harbor

Resources!

- SHRM www.shrm.org
- State Council <http://md.shrm.org> → Local Chapter www.hocohrs.org
- U.S. Chamber www.uschamber.org
- State www.mdchamber.org → Local
- National Industry, Trade & Professionals Associations
 - State → Local
- NCSL www.ncsl.org
- Offices of Workforce Development (state & local)
- Departments of Economic Development (“)

Upcoming Events

May 25th - "*Shaping Public Policy: State Legislative Trends*," webcast, pre-approved by HRCI for 1.0 *strategic* credit hour. <http://www.fivel.net/webcasts.php>

June 2nd – “*From Hello to Goodbye...*” presented for the Frederick County SHRM chapter’s HR conference, Frederick, MD. www.fcshrm.org

June 7th - FiveL Company will again host the full-day seminar, “*HR & the Law for Maryland Employers*,” in Columbia, MD. Pre-approved by HRCI for 6.5 credits. www.FiveL.net/events

June 14th - “*Legal Update*” presented for the HR Association of Southern Maryland, Prince Frederick, MD. <http://hrasonline.shrm.org/home>

Follow Ms. Walters on Twitter for the latest legislative, legal and regulatory updates!
www.hrpeeps.net

Ms. Walters’ new book, “*From Hello to Goodbye: Proactive Tips for Maintaining Positive Employee Relations*” is now available!

Visit the SHRM Store

<http://shrmstore.shrm.org/from-hello-to-goodbye-proactive-tips-for-maintaining-positive-employee-relations.html>

