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ATTORNEYS AT LAW

**NOHRPS**

Labor & Employment Law Update  
January 21, 2010

**7 KEY EMPLOYMENT LAW  
INITIATIVES IN CONGRESS**

**Presented By:**  
**Robert S. Gilmore, Esq.**

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**1. Employment Non-Discrimination Act (ENDA)**

- Prohibits discrimination/retaliation against actual or perceived gay, bisexual or transgender employees or applicants.

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**2. Protecting Older Workers Against Discrimination Act**

- Would permit a Plaintiff to establish age discrimination by showing that age was just a "motivating factor" – not the only factor

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**3. Healthy Families Act**

- Employees with 15 or more employees would have to provide at least 7 days of paid sick leave per year

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**4. FMLA Amendments**

- Expand FMLA to employers with 25 or more employees
- Expand reasons for leave -- educational or extracurricular activities
- Include part-time employees

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**5. Arbitration Fairness Act**

- COBRA subsidy bill (12/09) prohibits arbitration of discrimination claims for federal contractors who receive more than \$1 million
- This would void all pre-dispute arbitration clauses - other than CBA's

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**6. Paycheck Fairness Act**

- Additional damages for FLSA violations
- Equal Pay Act claims – burden on employers to prove that differences in pay are related to job performance

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**7. Employee Free Choice Act**

- Eliminate secret ballot elections
- Binding arbitration for first CBA

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