

LEGAL UPDATE
HUMAN RESOURCES ASSOCIATION OF THE MIDLANDS
GOVERNMENTAL AFFAIRS COMMITTEE

April 2017

Federal Update:

1. Sexual Orientation Discrimination Prohibited by Title VII, Federal Appeals Court Finds

Observing that it would require “considerable calisthenics” to remove “sex” from “sexual orientation,” the U.S. Court of Appeals for the Seventh Circuit, in Chicago, has ruled that “discrimination on the basis of sexual orientation is a form of sex discrimination” and unlawful under Title VII of the Civil Rights Act of 1964.

<http://www.jacksonlewis.com/publication/sexual-orientation-discrimination-prohibited-title-vii-federal-appeals-court-finds>

2. Senate Votes to Repeal OSHA ‘Volks’ Recordkeeping Rule

In a move that President Donald Trump is expected to approve, the Senate has voted to repeal a Labor Department rule that allows the Occupational Safety and Health Administration (OSHA) to sanction employers for “failing to make and maintain injury and illness records” beyond the six-month statute of limitations set out in the Occupational Safety and Health Act.

<http://www.jacksonlewis.com/publication/senate-votes-repeal-osha-volks-recordkeeping-rule>

3. New Acting Solicitor of Labor Department Signals Emphasis on ‘Humility’

In some of his first public comments since taking office, Department of Labor Acting Solicitor Nicholas Geale has signaled a shift in policies, telling attendees at a Georgetown University Law Center event that his department will “listen to the regulated community a little more” from a position of a “little bit more humility.”

<http://www.jacksonlewis.com/publication/new-acting-solicitor-labor-department-signals-emphasis-humility>

4. Trump Signs Legislation and Issues Order Ending Obama-Era Fair Pay and Safe Workplaces Executive Order

The nearly three-year journey of Executive Order 13673: Fair Pay and Safe Workplaces, which President Barack Obama signed in July 2014, is officially over. Federal contractors will not be required to report alleged labor violations to federal agencies as part of the bid process or implement measures to foster pay transparency. They also will not be prohibited from entering into mandatory arbitration agreements concerning employee Title VII claims.

<http://www.jacksonlewis.com/publication/trump-signs-legislation-and-issues-order-ending-obama-era-fair-pay-and-safe-workplaces-executive-order>

State Legislative Update:

See attached SHRM State Council Update