





# Congratulations!

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# Member Orientation Date: March 12th Time: 5:30 pm - 6:00 pm Virtual! Register Now



























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2024	2025

# **Spring Legal Update**

Lancaster Society for Human Resources Management

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# Agenda



- Case Law Developments
- Trump 2.0 for HR Pros
- Tension Between State and Federal Policy – Areas to Monitor
- Navigating the Brave
   New World of Artificial
   Intelligence

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Case Law Developmen	nt	S
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- Muldrowv. City of St. Louis SCOTUS

- Muldrowv. City of St. Louis SCOTUS

   Plaintiff's initial burden under title VII
   Mem ber of a protected class
   Subjected to adverse employment ad ion
   Qualified for the position
   Similarly at utated employees treated more favorably How adverse must the employment action be?



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### **Case Law Developments**

- Loper Bright Enterprises v. Raimondo SCOTUS
  - What was Chevron Deference?
  - What did the Court replace it with in Loper Bright?
    Why should you care?

  - Takeaways:
    Potentially wide-ranging impact on federal agencies
    longer-termconsistency to come?
- EM DS ales, Inc. v. Carrera SCOTUS
  - FLSA exempt status dis pute regarding employee classification as exempt from minimum wage/OT
  - as exempt from minimum wage, O1

    What is the stan dard applicable to an employer's burden of proof?

    Takeaway:
  - - Evaluate whether your exemption decisions can meet the standard

# Case Law Developments

- Lackey v. Stinnie SCOTUS
  - Not an emp loyment law case but...
  - 42 USC 1981
     How is this different from Title VII?

  - Takeaway:
    Prevailing party in certain dvi ir ights suits get attorneys fees only if they prevail on the merits by obtaining enduring relief

     SCOTIS (One to Watch)
- Stanley v. City of Sanford SCOTUS (One to Watch)

  - ADA case
    Do re tirees have standing to sue under the ADA
    Why should you care?

### Trump 2.0 for HR Pros

- Executive Orders

  Ending Radial and Wasteful Government DEI Programs and Preferen ding Executive Order

  Applicable to federal government

  What doesit do?

  Ending Illegal Discrimination and Restoring Merit-Based Opportunity Order

  Federal contractor implications

  Private sector employer implications

  Next steps for employers in light of these Executive Orders?



Trump 2.0 for HR Pros

- Impact on Federal Agencies

  - EEOC
     Department of Labor
  - National Labor Relations Board
- Impact on Other Federal Law Employment Pre
   I-9/ Im migration
   Minimum Wage/Overtime
   Employment and payroll taxes



Trump 2.0 for HR Pros

- Impact on Federal Agencies
   EEOC
   Department of Labor

  - National Labor Relations Board
- Impact on Other Federal Law Employment Pro
  I-9/Im migration
  Minimum Wage/Overtime
  Employment and payroll taxes



- Noncompete Agreements (cont.)
  - Last year, PA beanned non-competes for me dical practitioners (more than one year), with some except ions.
     We expect that fed eral efforts to ban will slow, while PA's efforts may continue
  - We expect that fed eral effort s to ban will slow, win
    Not much traction on other restrictive coven ants.

### Tensions Between State and Federal Policy

- Wage and Hour
  - In 8 states and 47 cities, minimum wage will reach \$15.00 per hour in 2025 for some or all employees.
     MD, DE, NJ, and NY are at least \$15/hour
  - Federal minimum wage has not in creased in almost 15 years.
     Gov. Shap iro is pushing for an increase in PA.

### Tensions Between State and Federal Policy

- Wage and Hour
  - As of July 1, 2024, the white-collar salary threshold increased to \$844 per week (or \$43,888 annually).
     Previously \$684 per week (\$35,568 annually).
  - Supposed to increase to \$1,128 per week by January 1, 2025
  - A federal court struck this down

  - State exemption
     \$875 per week (\$45,500 annually).

Tensions	Between	State and	l Fed	lera	l Pol	ic۱
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- - Penn sylvania response to federal DEI executive orders in coming?
    Pushback from removals

  - University of Pennsylvania
     Pennsylvania National Guard

### Navigating the Brave New World of Artificial Intelligence

- Where does liability fall?
- Potential concerns

  - Age
     Disability
     Race
     Data privacy



### Navigating the Brave New World of Artificial Intelligence

- Recommendations
  - Human jud gment checkp oints
     Audits
     Communication with ven dors
     Have a policy
     Provide training
     Contracts





