



EMPLOYER BULLETIN: NEW AND REVISED EMPLOYMENT LAWS

The courts and legislature have made significant changes to many laws that affect employers and create *new* risks. Kotz, Sangster, Wysocki and Berg can help you navigate through these changes and answer questions regarding employment decisions under these new laws and regulations. We can also help you revise and draft your policies and procedures and operate your human resources department.

Lilly Ledbetter Fair Pay Act.

The law supersedes the Supreme Court's May 29, 2007 ruling in *Ledbetter v. Goodyear Tire and Rubber Company*, 550 U.S. 618 (2007), in which the U.S. Supreme Court ruled that a compensation discrimination charge had to be filed within 180 days of a discriminatory pay decision or 300 days in jurisdictions that have a local or state law prohibiting the same form of compensation discrimination.

ADA Amendments Act.

On September 25, 2008 the ADA Amendments Act of 2008 (ADAAA) was enacted, which significantly *expands* the definition of disability under the Americans with Disabilities Act of 1990.

Health Insurance Assistance for the Unemployed Act of 2009.

Embedded in the economic stimulus package was the Health Insurance Assistance for the Unemployed Act of 2009, which affects certain employees who are eligible to obtain COBRA. Significantly, this Act states that any employee who was or is involuntarily terminated during the period from September 1, 2008 to December 31, 2009, will only be required to pay 35% of the cost of COBRA coverage starting March 1, 2009 and continuing for up to 9 months.

FMLA.

The FMLA regulations, effective January 16, 2009, clarified, reorganized and modified existing regulations. There are numerous changes to the FMLA including eligibility, the definition of serious health condition, revised certification of health care provider forms and employer notice obligations.

I-9 Forms.

I-9 changes went into effect on April 3, 2009. Several key changes have been made to the I-9 form and the types of acceptable identity and employment authorization documents that employees may present for completion of the form have changed.

Employee Free Choice Act.

The EFCA proposes to eliminate the employee election phase with respect to unionizing a workplace. The current law involves employee signatures on authorization cards to invoke a blind or secret election process which is generally overseen by the National Labor Relations Board. The EFCA, if a majority of employees sign the cards, the union is automatically in place and there is no secret vote.

We are experienced, proactive and aggressive legal counsel providing superior service in all areas of employment law. If you would like further information regarding the issues raised in this newsletter or any other employment related issues, please contact Heather G. Ptasznik at (313) 259-8586 or John T. Below at (313) 259-8597. For more information about Kotz Sangster, please visit us at www.kotzsangster.com. This newsletter is provided as general information service and should not be construed as and does not contain legal advice on any specific matter, nor does this message create an attorney-client relationship.