



## Yes, They Changed the Rules Again – Updates on Employment Law

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The Bible says the laborer is worthy of his hire. But could the government stop changing all the rules in the employer-employee arena? Join us to track hot topics in employment law, monitor trends, track the culture wars, and hear about the drama in politics and bureaucracy. Then we'll consider how to integrate the two kingdoms to fulfill our calling.

### SEXUAL ORIENTATION DISCRIMINATION UNDER TITLE VII

#### **Then v. Now: Is Sexual Orientation Discrimination Actionable under Title VII?**

1. Then: Discrimination on the basis of “sex” meant discrimination because you were a woman (or a man) and did not include sexual orientation or gender identity.
2. Now: More and more courts are finding that Title VII protects against discrimination on the basis of sexual orientation and the state of the law is in limbo.
3. Why should this matter to my ministry and how do we respond?

### JOINT EMPLOYMENT

#### **Then v. Now: Will We Be Considered A Joint Employer?**

1. Then: Joint employment was being given expansive interpretation by the NLRB, DOL, with the trend moving toward finding more employers were joint employers.
2. Now: Changes on the joint employment doctrine may be in the works.
3. Why should this matter to my ministry and how do we respond?

*This resource is for informational purposes only and may not apply to a given place, time, or set of facts. It is not intended to be legal advice, and should not be acted upon without specific legal advice based on particular situations.*

## FLSA OVERTIME RULE

### **Then v. Now: What is the Fate of the Overtime Rule?**

1. Then: As of December 1, 2016, the salary threshold for exemptions under FLSA were set to increase to about double of the previous levels.
2. Now: The Overtime Rule has been officially declared invalid and the Trump DOL has signaled its interest in a new rule.
3. Why should this matter to my ministry and how do we respond?
4. Resources: For more on the Fair Labor Standards Act for nonprofits, download Telios Law's FLSA White Paper [here](#).

## TRENDS AND BEST PRACTICES BASED ON RECENT CASES

### **ADA and Disability Accommodations**

1. Inflexible leave policies violate the ADA.
2. The EEOC filed a lawsuit over policy that prohibited an employee from returning to work unless the doctor cleared the employee with "no restrictions."
3. Accommodating medical marijuana use? The trend in several states suggests you at least need to have the conversation.
4. Does gender dysphoria need to be accommodated under the ADA?

### **Fitness for Duty and the ADA**

1. If you have an employee who may need a medical (including psychological) evaluation, it must be job-related and consistent with business necessity.
2. Can the employee refuse, or be terminated for refusing a medical/psychological exam?
3. Concerns with confidentiality

## **Social Media and Technology in the Workplace**

1. Facts matter when disciplining employees for posting on social media.
2. Texts and message apps are impacting the workplace.

## **Retaliation and Wrongful Termination**

1. Can you fire someone for falsely reporting sexual harassment? What if you later find out you were wrong?
2. The importance of conducting sound internal investigations

## **Pros and Cons of Ministerial Exception**

# **INTERNATIONAL LAW AND ISSUES WORKING ABROAD**

## **Terrorism and Crisis Management**

1. Legal Liability for Missions in the Event of a Crisis Overseas
  - ✓ Claims by Employees
  - ✓ Claims by Non-Employees (Volunteers and Family Members)
  - ✓ Criminal Liability
2. Prevention: Best Practices to Minimize Damage in Crisis Situations Abroad
3. Resources: For more on crisis management for religious organizations working abroad, download Telios Law's Crisis Management White Paper [here](#).

## **Global Data Protection Issues**

1. General Data Protection Regulation (GDPR): Still on the Horizon
2. China's Cybersecurity Law: Enforcement Begins