

## **THE KRIZNER GROUP**

AN EMPLOYMENT LAW BOUTIQUE

1709 HERMITAGE BOULEVARD  
SUITE 202  
TALLAHASSEE, FLORIDA 32308

(850) 386-3747  
FAX (850) 907-1246  
bkrizner@thekriznergrou.com

# A New Era For Your Workplace: 2009 Employment Law Update

Presented By  
Bill Krizner

# **A New Era For Your Workplace: 2009 Employment Law Update**

## **EVEN MORE LAWSUITS...**

### **I. Alarming Facts**

- \* A Recession Always Equates To Increased Litigation – ‘80, ‘90, ‘01 - now ‘09!
- \* Largest Predictor Is The National Unemployment Rate With 6 Month Impact
- \* Unemployment Rate Increase Of 1.5% Is Equivalent To 21% Increase In Number Of Discrimination Claims Filed
- \* Average Damage Award Increases Because Of Lost Income Associated With Inability To Find Alternative Employment
- \* In 2007, The EEOC Collected 345 Million, Predictions Are As High As 700 Million For 2009

### **II. Four Areas Of Particular Concern In 2009**

- A. Terminations
- B. Failure To Hire
- C. New ADA
- D. Wage And Hour

### **III. An Ounce Of Prevention Is Worth A Pound Of Litigation...**

- A. Audit Annually
- B. Train Regularly
- C. Stay Current
- D. Seek Expert Counsel

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## **10 POTENTIAL STATUTORY AND REGULATORY CHANGES UNDER THE NEW ADMINISTRATION**

- #1 Independent Contractor Proper Classification Act (ICPCA)**  
Impact: Increases Difficulty In Using Independent Contractors And Increasing Risk That Such Parties Found To Be Employees
  
- #2 Equal Remedies Act**  
Impact: Eliminate Statutory Cap of \$300,000 In Discrimination Cases
  
- #3 FMLA Employer Coverage Reduction**  
Impact: The Threshold For Coverage Will Be Reduced From 50 Employees To 25 Employees
  
- #4 FMLA Qualifying Additions**  
Impact: Leave Available For Purposes Of Eldercare And Domestic Violence, Parent-Teacher Conferences, And Child-Related Activities
  
- #5 Paid FMLA**  
Impact: Seven Days Of Paid Time For Qualifying Events
  
- #6 Employment Non-Discrimination Act**  
Impact: Prohibits Discrimination On Basis Of Sexual Orientation
  
- #7 Arbitration Fairness Act**  
Impact: Renders Pre-Dispute Clauses Invalid For Employment Suits
  
- #8 Federal Healthy Families Act**  
Impact: Mandates 7 Additional Days Sick For Employers With 15 Employees
  
- #9 Minimum Wage To Increase To \$9.50 By 2011**  
Impact: Labor Costs And Unemployment May Increase
  
- #10 E-Verify To All Employers**  
Impact: Enroll & Comply With Federal Database System