



Blogs / Human Resource Solutions

Toggle
Navigation

RECORDED WEBINARS

- [Recorded Webinar: Get Ready for the New Rules on White-Collar Exemptions to Overtime Pay \(June 6, 2016\)](#)

BLOG TOPICS

- [Affirmative Action and OFCCP Compliance](#) (8)
- [Employment Litigation](#) (64)
 - [Restrictive Covenants](#) (6)
- [HR Counseling and Training](#) (66)
- [Immigration](#) (1)
- [Social Media](#) (10)
- [Top Tips](#) (28)
- [Traditional Labor](#) (7)
- [Wage and Hour Issues](#) (10)
- [Workers' Compensation](#) (3)

BLOG EDITORS

[Helen Holden](#)

T 602.333.5485

hholden@spencerfane.com

[Brian Peterson](#)

T 816.292.8107

bpeterson@spencerfane.com

[Paul D. Satterwhite](#)

T 417.888.1035

psatterwhite@spencerfane.com

[David L. \(Dave\) Wing](#)

T 913.327.5143

dwing@spencerfane.com

LABOR AND EMPLOYMENT GROUP

- [Overview](#)
- [Attorneys](#)

Latest Posts

11.13.2018 [Missouri's Medical Marijuana Amendment Creates New Issues for Missouri Employers](#)

By Paul D. Satterwhite

On November 6, 2018, Missouri's voters approved a medical marijuana ballot initiative, [Amendment 2](#), while rejecting two competing medical marijuana initiatives on the ballot. This constitutional amendment empowers doctors to authorize patients to buy medical marijuana for the treatment of a variety of conditions. It likewise provides that dispensaries may sell marijuana for medicinal purposes. Amendment 2 does not cover recreational use of marijuana, which is currently allowed in nine states. Missouri is the 31st state to legalize medical marijuana. While Amendment 2 authorizes use of marijuana for medicinal purposes, this is not a "free pass" for employees. Amendment 2 does not allow employees to use marijuana while working, on the employer's premises, or to work while impaired by marijuana use that occurred prior to the employee's work shift. With that said, the passage of Amendment 2 will likely create multiple issues of varying complexity for Missouri's employers for years to come, including:

11.07.2018 [Mount Lemmon Fire Dist. v. Guido: The ADEA Applies To All State and Local Government Employers](#)

By Melissa Posner Jarrett

On November 6, 2018, the United States Supreme Court unanimously held (8-0) that the Age Discrimination in Employment Act ("ADEA") extends to all small state and local government employers, not only public entities with twenty or more employees.

11.05.2018 [OSHA Announces Site-Specific Targeting Program to Focus Inspection Priorities at Establishments with High Injury and Illness Rates](#)

By Paul Jacobson, Helen Holden

Beginning October 16, 2018, employers with high injury and illness rates can expect more frequent OSHA inspections in connection with the resurrection of the agency's Site-Specific Targeting (SST) Program. OSHA will use the SST Program to prioritize employer facilities and establishments for health and safety inspections in the coming year.

10.22.2018 [Corporate Entity Formation Is Not Dispositive on "Employee" Status Under the FLSA](#)

By Brian Peterson

The Tenth Circuit Court of Appeals recently provided an important reminder to employers about the pitfalls that can occur when attempting to determine whether workers are employees or independent contractors. The court held that individual workers who personally perform janitorial cleaning services could be found to be employees under the Fair Labor Standards Act ("FLSA"), even if those workers have formed corporate entities and entered into franchise agreements with a franchisor. See *Acosta v. Jani-King of Okla., Inc.*, Case No. 17-6179, 2018 WL 4762748 (10th Cir. Oct. 3, 2018). The holding in *Jani-King* emphasizes the principle that forms and labels are not the deciding factor in determining whether a worker is considered an "employee" for FLSA purposes. Under current law, administrative agencies and/or the courts will make a determination as to "employee" status under the FLSA by examining the totality of the circumstances in light of the factors stated in the "economic realities test."

09.24.2018 [Fair Credit Reporting Act – New Summary of Consumer Rights Forms Now Required](#)

By Brian Peterson

All entities and individuals required to provide "consumers" with a notice of rights pursuant to Fair Credit Reporting Act ("FCRA") section 609 are now required to use the updated summary of rights forms authored by the Consumer Financial Protection Bureau ("CFPB"). See [Interim Final Rule \(83 FR 47027\)](#). Companies that use background check reports for employment purposes are subject to this rule.

09.21.2018 [New Wage and Hour Opinion Letters Provide Guidance to Employers](#)

By Helen Holden, Elizabeth Wentz

On August 28, 2018, the U.S. Department of Labor, Wage and Hour Division issued six new Opinion letters. Four of these opinion letters relate to the Fair Labor Standards Act ("FLSA"), and two of the letters involve the Family and Medical Leave Act ("FMLA"). As we noted in April ([WHD Opinion Letters](#)), Secretary of Labor Alex Acosta announced in 2017 that the agency would soon re-start the practice of issuing opinion letters, which the Obama Administration had discontinued. The new opinion letters are summarized below.

08.23.2018 [Changes to Missouri's Public Sector Labor Law Impacts Employers, Unions, and Employees](#)

By Denise M. Delcore, Wale Akinmoladun

A new law, making it easier for Missouri public employees to opt out of both union membership and paycheck deductions funding political advocacy work, goes into effect on August 28, 2018. The new law, a victory for public sector employers, effectively enacts "right-to-work" protections for public sector employers, despite the fact that voters rejected right-to-work generally for the state of Missouri (see [Missouri Right to Work is Overwhelmingly Rejected by Voters](#), Spencer Fane HR Solutions August 15, 2018). Therefore, public sector employers should review the new law and determine what steps need to be taken in order to comply with it upon the forthcoming effective date. (See [Full Text of Law Here](#)).

08.15.2018 [Missouri Right to Work is Overwhelmingly Rejected by Voters](#)

By David L. Wing

By a greater than two to one margin, Missouri voters rejected the Right to Work Act passed early in the legislative session. The law was supported and signed by former Missouri Governor Greitens. With strong local and national union backing and a ton of dollars, the unions led the effort first to get the issue on the ballot with more than 300,000 petition signatures and then to defeat the measure soundly at the polls.

07.19.2018 [DOL Rescinds Persuader Rule](#)

By Brian Peterson

On July 17, 2018, the Department of Labor ("DOL") officially abandoned the "Persuader Rule" by filing a [notice of rescission](#) in the Federal Register. The rescission is expected to become effective on or about August 17, 2018 (i.e. 30 days after the rescission notice is published in the Federal Register). This rescission gives employers and certain legal service providers more certainty as to whether their business dealings are subject to the reporting requirements of the Labor Management Reporting and Disclosure Act ("LMRDA").

06.28.2018 [Janus v. AFSCME – Mandatory Agency Fees Unconstitutional for Public Sector Unions](#)

By Brian Peterson

On June 27, 2018, the Supreme Court of the United States issued what may be one of its most impactful decisions of the 2017/2018 term in *Janus v. American Federation of State County and Municipal Employees, Council 31*, Case No. 16-1466. In its opinion, found [here](#), the Court held that laws requiring public sector workers who are not union members to pay union dues would be compelled speech in violation of the First Amendment. This decision reverses nearly forty years of federal precedent, and declares unconstitutional a host of state laws which allow such fee arrangements. It also has significant implications for the manner in which public sector unions collect their dues.

1 2 3 ... 19 › Showing 1-10 of 188 results [View All](#)