Legislative Watch

Legal Alert

April 26, 2008

Kenneth Gilberg

EMPLOYERS TAKE NOTE: Detailed below are highlights of several significant pieces of federal labor and employment legislation that are on the horizon this year; a report concerning an anticipated change in a federal employment form that has been delayed; and details of the enactment of a one-year Ordinance by the City of Philadelphia:

PENDING FEDERAL LEGISLATION

Working Families Flexibility Act

Employers with 15 or more employees would be obligated, at the request of the employee, to "negotiate" the number of hours, the times and the work location, and would give the employee the right to include a representative of his/her choice when meeting with the employer.

The FMLA Expansion Act

Proposes to amend the Family and Medical Leave Act by extending coverage to employers with 25 or more employees (currently applies to employers with 50 or more employees).

Family Leave Insurance Act

Proposes to amend the Family and Medical Leave Act to provide workers with paid family leave through an insurance program, paid for from employee deductions and employer contributions. Participation would be mandatory for companies with 20 or more employees.

The Healthy Families Act

Proposes to require employers with 15 or more employees to provide seven paid sick leave days to full time employees working at least 30 hours per week. Part-time employees would be provided pro rata paid sick leave. The paid leave could be used to care for employee or family medical needs.

Family Friendly Workplace Act

Proposes the use of compensatory time for private sector employers. Employees would be given the option to take paid time off (1 1/2 hours for each hour over 40) in lieu of cash wages for overtime hours.

Employee Free Choice Act

The proposed EFCA would amend the National Labor Relations Act and make it significantly easier for unions to organize employees and force an employer into a contract.

FEDERAL GOVERNMENT DELAYS RULE CHANGE FOR I-9 FORMS

The U.S. Citizenship and Immigration Service (USCIS) has delayed the implementation of a new interim rule entitled "Documents Acceptable for Employment Eligibility Verification" that was intended to streamline the Employment Eligibility Verification (Form I-9) process. The rule, which had been scheduled to go into effect on February 2, 2009, has been delayed until April 3, 2009, in order to provide the Department of Homeland Security with an opportunity for further consideration and to allow the public additional time to submit comments. Further information on the status of the rule may be found at the USCIS website: http://www.uscis.gov/portal/site/uscis.

CITY OF PHILADELPHIA EMPLOYER ALERT

A one-year ordinance, effective January 5, 2009, requires both public and private sector employers located and operating in the City of Philadelphia to provide their employees up to eight weeks of unpaid leave from work to address domestic or sexual violence against them or a member of their family or household. Employers are required to post a notice about the ordinance.