

2017 US Employer Checklist



US Employers - Your Checklist to Navigate 2017



Nationwide Action Items

**** NEW **:**

- OSHA Form 300A electronic submissions and OSHA safety policies and practices
- I-9 forms
- new FMLA posting
- report 2017 compensation and EEO data on new EEO-1 form by **March 1, 2018**
- salary for employees under the highly-compensated exemption raised to at least \$134,004/year
- wellness plans - EEOC non-discrimination regulations
- state and local paid sick time laws
- state and local minimum wages
- state and local pay equity laws

Review and update:

- wage and hour policies to ensure compliance and avoid being a target for class actions
- job applications to remove impermissible inquiries into prior

salary or gender identity if required by applicable state or local law

- leave of absence policies and practices for disabled employees, including amending any 100% healed policies or policies with strict leave caps to include unpaid leave as a potential accommodation
- post-accident drug testing policies
- confidentiality agreements and provisions to reflect new Defend Trade Secret Act language and protected rights section
- compensation data collection practices, and non-solicit agreements in staffing, vendor, and customer contracts, to ensure compliance with new anti-trust guidance
- temporary staffing, outsourcing, and vendor contracts and practices to minimize joint employer liabilities and union bargaining obligations
- arbitration agreements - consider whether to add or remove class action waivers (unenforceable in the 9th and 7th Circuit states; enforceable elsewhere in the US)

- process for submitting EEOC position statements given Agency's new disclosure policy
- process for handling OSHA citations given new OSHA penalties
- group medical plan subrogation and/or reimbursement provisions
- float interest provisions in ERISA plans to ensure float interest is not an ERISA plan asset
- ERISA benefit plans' claim procedures to ensure adherence to applicable claim procedures when handling employee benefits claims

Update HR and manager training programs:

- pay equity:
 - initial salary offers, raises and bonus decisions - impact on pay equity
 - interviewing prohibitions against inquiries regarding prior salary
 - prepare for reporting obligations

- ❑ prohibitions against no poach agreements and wage fixing, including Q&A from FTC/DOJ Guidance
- ❑ expanding anti-discrimination protections for LGBT workers

labor and trafficking in your supply chains as this is increasingly a mandatory — not voluntary — exercise

- ✓ Bring IT and HR together to build a robust data privacy program to protect HR data globally

**Horizon Scanner:
Keep your eyes on the following developments**

Nationwide

- ✓ Be prepared for the DOL's proposed minimum salary increases for executive, professional, and administrative exemptions
- ✓ Watch for case developments for benefit plans that rely on the "church plan" exception, when the plan's originator is not a church itself
- ✓ Check for expanding protections for LGBT workers, including transgender restroom and facility access
- ✓ Check for expanding state and local paid sick time, minimum wage, and pay equity laws
- ✓ Watch for how courts handle employee claims over ERISA benefit plan stock drop cases

Globally

- ✓ Watch for immigration changes affecting business travelers in 2017
- ✓ Be wary of intensifying scrutiny of contingent workforces and third-party relationships around the world
- ✓ Check for new gender pay reporting regulations in each jurisdiction where you have workers
- ✓ Start thinking about risk assessments to combat forced