

Northern New England

MONDAY MORNING MINUTE

March 10, 2014

Legislative Initiatives to Watch in 2014

I. Federal

Employment Non-Discrimination Act (ENDA): This bill would prohibit employment discrimination by employers who have 15 or more employees on the basis of actual or perceived sexual orientation or gender identity. The U.S. Senate voted to pass the legislation, and the proposed law is currently before the U.S. House of Representatives. The bill does contain an exemption for religious organizations.

NH, MA and ME law already prohibit discrimination on the basis of sexual orientation.

The Family Friendly and Workplace Flexibility Act: This bill would allow private employers to offer compensatory time off to non-exempt employees in lieu of overtime pay. The bill passed the U.S. House of Representatives and is now in the U.S. Senate.

II. In NH, the following bills are pending:

Credit History Information: Several bills have been introduced in NH that would prohibit employers from using or requesting credit history information of an applicant or employee when making employment-related decisions, unless the employer is required by law to use credit history information for employment purposes or the employer has a bona fide purpose that is substantially related to the job being considered. Municipalities and banks would be exempted under the draft language in the bill.

Criminal History: This bill would prohibit written and oral pre-employment inquiries into an applicant's criminal history except for positions that require automatic disqualification under federal or state laws, positions that require a fidelity bond, or law enforcement positions. Once an employer has extended a conditional offer of employment, inquiry into criminal histories would be permissible. An

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offer could only be rescinded after the employer conducts an individualized assessment.

User Names/Passwords: Several bills are pending which would prohibit employers from requesting or requiring employees or applicants to disclose their user names and passwords for accessing any personal social media account or e-mail. At least 13 states have passed laws prohibiting most employers from requesting applicants and employees to provide their passwords to their personal social media accounts as a condition of employment.

Employers are reminded to stay updated on pending legislation as many of the bills, if passed, will affect a wide range of employers.

For additional information regarding this, or any other labor or employment law matter, please contact the attorneys in the Portsmouth, New Hampshire office of Jackson Lewis P.C.

ON MARCH 19TH, Portsmouth Managing Shareholder **Debra Weiss Ford** will be presenting at **Exeter Hospital**

Everything You Always Wanted To Know About A Comprehensive Alcohol & Drug Program In Your Workplace

A discussion on what to consider, include and not include in your policies related to substance abuse and Fitness-for-Duty.

Seating is limited! [Click here](#) to register today!



*The Portsmouth Office of Jackson Lewis invites you to join us for a breakfast seminar presented by **Debra Weiss Ford**:*

Leaves of Absence: Navigating Increasingly Complex Leave Laws When Checking-The-Box Will Not Suffice

An advanced interactive workshop with complex hypothetical situations and practical management tools that are designed to address leave under the FMLA, ADAAA, and Workers Compensation, including consideration of medical privacy issues.

Who Should Attend? Jackson Lewis welcomes all corporate decision makers with employee relations responsibilities, human resource executives and professionals, in-house counsel, and chief executive officers to this informative workplace law breakfast seminar.

Friday, May 9, 2014 | 8:30 –10:30 a.m.

Portsmouth Harbor Events and Conference Center

100 Deer Street at 22 Portwalk Place | Portsmouth, NH 03801

There is no cost to attend this program, but space is limited so [click here](#) to register today!

