



January 16, 2008

This is Utah SHRM Legal-mail no. 2008-1 prepared for Salt Lake SHRM, the Human Resources Association of Central Utah (HRACU), the Northern Utah Human Resources Association (NUHRA), the Color Country Human Resources Association (CCHRA), the Bridgerland Society for Human Resource Management and Utah at-large members of the national Society for Human Resource Management (SHRM). This update is best viewed in a HTML format. Please reply with your name and "UNSUBSCRIBE" in the subject field if you no longer wish to receive this message.

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**CONGRESS ALMOST EXPANDS FMLA:** In the last update of last year I told you about how Congress had voted to expand the Family and Medical Leave Act (FMLA) and suggested you start work on updating your FMLA policies. Don't update your policies just yet, because President Bush vetoed the bill. He is not opposed to the FMLA provisions, but he opposes other provisions in the legislation. So, no FMLA changes yet. But, they probably will happen eventually, so here is a reminder of what likely will occur. In addition to the existing requirements with which you are familiar, FMLA also may soon require that an employer give an employee twelve (12) weeks of unpaid leave when that employee's immediate family member (spouse, child, parent) is a reservist or National Guard member called to active military duty. Moreover, the FMLA also may soon require an employer to give twenty-six (26) weeks of unpaid leave to an employee providing care to an immediate family member (spouse, child, parent) wounded while serving in the United States military. Stay tuned for details.

**UTAH LEGISLATURE IN SESSION:** The Utah Legislature is in session from January 21 to March 5, 2008. The Legislature will consider several employment-related bills. Here is a summary of some of them and links to the text of each bill. HB 98 (<http://le.utah.gov/~2008/bills/hbillint/hb0098.htm>) requires that all Utah public employers use the federal system (called E-verify) for verifying the validity of a Social

Security number (SSN). HB 257 (<http://le.utah.gov/~2008/bills/hbillint/hb0257.htm>) would impose this requirement on any private employer receiving certain economic incentives from the State. HB 239 (<http://le.utah.gov/~2008/bills/hbillint/hb0239.htm>) would repeal driving privilege cards for undocumented immigrants. SB 97 (<http://le.utah.gov/~2008/bills/sbillint/sb0097.htm>) would set up a legislative task force to consider a wide range of immigration issues. HB 114 (<http://le.utah.gov/~2008/bills/hbillint/hb0114.htm>) would raise the Utah minimum wage to \$7.25 per hour with annual adjustments for inflation. HB 89 (<http://le.utah.gov/~2008/htmldoc/hbillhtm/HB0089.htm>) would prohibit employment discrimination based on gender identity and sexual orientation. Watch for emerging details on these topics and other topics as the legislative session progresses.

**CALIFORNIA BANS CELLS PHONE USE WHILE DRIVING:** Responding to concerns about driver distraction, California has become the fourth state to ban cell phone use while driving. Cell phones leaving both hands free to drive are not included within the ban. Modify your policies accordingly for any employees who may drive in California as part of their jobs.

**NLRB ALLOWS EMPLOYERS TO BAN UNION FROM EMAIL USE:** The National Labor Relations Board (NLRB) has ruled that employers can ban unions from using the company's email system during organizing campaigns and for union activities. The 3-2 split decision allows employees to use email systems for charitable purposes without opening up use of the system by employees who want to organize a union. The NLRB also ruled that an employer cannot discriminate, i.e. allow use of its email system for one union but not another or allow use of the email system by anti-union workers but not by pro-union workers. Note that because this decision split along party lines, it could change in the future if the Democrats win the White House in 2008 and thus are allowed to appoint a majority of NLRB members.

**MORE BIG SETTLEMENTS IN EMPLOYMENT CASES:** A New York federal court has approved a \$6 million settlement in favor of Black and Hispanic workers who say their union discriminated against them in wage payments. An airline manufacturer has agreed to pay \$2.5 million to settle claims by minority workers that they were called names and received threats of lynchings at worksites across the country. Madison Square Garden and the New York Knicks have settled the harassment case brought against their basketball coach (paying a former executive \$11 million) as well as a sex discrimination case brought by an ex-Rangers cheerleader who also claimed she received unwanted advances while cheering on the professional hockey team. Both cases have been good entertainment for NY sports fans given that both of these teams are in last place in their divisions (Knicks W/L record currently at 11-26; Rangers at 21-20).

**Written by:** Employment Attorney, Michael Patrick O'Brien  
Utah State and Salt Lake SHRM legal director  
Email: [mobrien@joneswaldo.com](mailto:mobrien@joneswaldo.com)  
Phone: 801-534-7315  
Website: [www.joneswaldo.com](http://www.joneswaldo.com)



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