

ALI-ABA Teleseminar and Audio Webcast
Employment Law Update: Spring 2009

April 29, 2009

New Federal Labor and Employment Legislation

By

Robert B. Fitzpatrick
Robert B. Fitzpatrick, PLLC
Washington, District of Columbia

DISCLAIMER OF ALL LIABILITY AND RESPONSIBILITY

THE INFORMATION CONTAINED HEREIN IS BASED UPON SOURCES BELIEVED TO BE ACCURATE AND RELIABLE -- INCLUDING SECONDARY SOURCES. DILIGENT EFFORT WAS MADE TO INSURE THE ACCURACY OF THESE MATERIALS, BUT THE AUTHOR ASSUMES NO RESPONSIBILITY FOR ANY READER'S RELIANCE ON THEM AND ENCOURAGES READERS TO VERIFY ALL ITEMS BY REVIEWING PRIMARY SOURCES WHERE APPROPRIATE AND USING TRADITIONAL LEGAL RESEARCH TECHNIQUES TO MAKE SURE THAT THE INFORMATION HAS NOT BEEN AFFECTED OR CHANGED BY RECENT DEVELOPMENTS.

THIS PAPER IS PRESENTED AS AN INFORMATIONAL SOURCE ONLY. IT IS INTENDED TO ASSIST READERS AS A LEARNING AID BUT DOES NOT CONSTITUTE LEGAL, ACCOUNTING OR OTHER PROFESSIONAL ADVICE. IT IS NOT WRITTEN (NOR IS IT INTENDED TO BE USED) FOR PURPOSES OF ASSISTING CLIENTS, NOR TO PROMOTE, MARKET, OR RECOMMEND ANY TRANSACTION OR MATTER ADDRESSED AND, GIVEN THE PURPOSE OF THE PAPER, MAY OMIT DISCUSSION OF EXCEPTIONS, QUALIFICATIONS, OR OTHER RELEVANT INFORMATION THAT MAY AFFECT ITS UTILITY IN ANY LEGAL SITUATION. THIS PAPER DOES NOT CREATE AN ATTORNEY-CLIENT RELATIONSHIP BETWEEN THE AUTHOR AND ANY READER. DUE TO THE RAPIDLY CHANGING NATURE OF THE LAW, INFORMATION CONTAINED IN THIS PAPER MAY BECOME OUTDATED. IN NO EVENT WILL THE AUTHOR, BE LIABLE FOR ANY DIRECT, INDIRECT, CONSEQUENTIAL OR OTHER DAMAGES RESULTING FROM AND/OR RELATED TO THE USE OF THIS MATERIAL.

TABLE OF CONTENTS

<u>AMERICANS WITH DISABILITIES ACT (ADA) AMENDMENTS ACT OF 2008:</u>	<u>3</u>
<u>CONSUMER PRODUCT SAFETY IMPROVEMENT ACT OF 2008</u>	<u>3</u>
<u>EMERGENCY ECONOMIC STABILIZATION ACT OF 2008: PROVISIONS REGARDING TAX RELIEF FOR TECH WORKERS (TITLE VIII §103):</u>	<u>5</u>
<u>EMERGENCY ECONOMIC STABILIZATION ACT OF 2008: PROVISIONS REGARDING EXECUTIVE COMPENSATION (TITLE I § 111; TITLE III §302):</u>	<u>5</u>
<u>E-VERIFY EXTENSION:</u>	<u>6</u>
<u>FAIR MINIMUM WAGE ACT OF 2007</u>	<u>6</u>
<u>GENETIC INFORMATION NONDISCRIMINATION ACT (GINA):</u>	<u>7</u>
<u>HEROES EARNINGS ASSISTANCE AND RELIEF TAX (HEART) ACT OF 2008:</u>	<u>8</u>
<u>MICHELLE’S LAW</u>	<u>8</u>
<u>PAUL WELLSTONE AND PETE DOMENICI MENTAL HEALTH PARITY AND ADDICTION EQUITY ACT OF 2008:</u>	<u>9</u>
<u>VETERANS’ BENEFIT IMPROVEMENT ACT (VIBA) OF 2008</u>	<u>10</u>

Americans with Disabilities Act (ADA) Amendments Act of 2008:

- **Basic Provisions:**
 - Changes the definition of the term “disability” under the ADA by rejecting the holdings in several Supreme Court decisions and portions of ADA Regulations implemented by the Equal Employment Opportunity Commission. Retains the ADA’s basic definition of “disability” as an impairment that substantially limits one or more major life activities, a record of such impairment, or being regarded as having such an impairment. However, changes the way that these statutory terms should be interpreted.
- **Text / Citation Information:**
 - Current Citation: S. 3406; Public Law 110-325.
 - Full text available at: <http://www.govtrack.us/congress/billtext.xpd?bill=s110-3406>.
- **Articles:**
 - Equal Employment Opportunity Commission. “Notice Concerning the Americans With Disabilities Act (ADA) Amendments Act of 2008.” October 6, 2008. http://www.eeoc.gov/ada/amendments_notice.html.
 - Sheppard Mullin. “ADA Amendments Act of 2008 Signed Into Law.” September 29, 2008. <http://www.laboremploymentlawblog.com/americans-with-disabilities-act-ada-ada-amendments-act-of-2008-signed-into-law.html>.
 - Workplace Prof Blog. “ADA Amendments Act of 2008.” September 25, 2008. http://lawprofessors.typepad.com/laborprof_blog/2008/09/ada-amendment-1.html.
 - Daniel Schwartz. September 25, 2008. “BREAKING NEWS: President Signs ADA Amendments Act of 2008; Act Becomes Effective January 1, 2009.” <http://www.ctemploymentlawblog.com/tags/ada-amendments-act-of-2008/>.
 - Obesity Action Coalition Blog. “ADA Amendments Act of 2008.” September 15, 2008. <http://oacb.org/?p=40>.
 - Wolters Kluwer Blog. “President Signs ADA Amendments Act of 2008 Into Law.” Last Viewed November 12, 2008. <http://hr.cch.com/topic-spotlight/emplaw/100108a.asp>.

Consumer Product Safety Improvement Act of 2008

- **Basic Provisions:**
 - Establishes consumer product safety standards and other safety requirements for children's products; reauthorizes and modernizes the Consumer Product Safety Commission; and provides whistleblower protection for individuals who report violations of the Act.
- **Text / Citation Information:**
 - Current Citation: H.R. 4040; Public Law 110-314.
 - Full text available at: <http://www.govtrack.us/congress/billtext.xpd?bill=h110-4040>.
- **Articles:**
 - Daniel Hays. “Will New Product Safety Law Be A Boon to Insurers?” November 13, 2008.