

2012 Workplace Issues in Review – What H.R. needs to know

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Employers have a lot on their plates for 2013 based on employment law developments during 2012. Here's a short list of some issues that need to be addressed. It is not a comprehensive listing but offers highlights in certain areas.

Patient Protection and Affordable Care Act

The new health care law continues to require implementation of various steps as its provisions become effective. As noted by a recent [article](#) on JD Supra requirements arise in 2012-13 in the following areas, among others:

- Employer W-2 Reporting
- Summary of Benefits and Coverage
- Claims and Appeals
- FICA Medicare Tax Increase
- Notice of State Insurance Exchanges

EEOC Fact Sheet On Domestic Or Dating Violence, Sexual Assault, Or Stalking

The Equal Employment Opportunity Commission has issued a Fact Sheet that provides questions and answers on [The Application of Title VII and the ADA to Applicants or Employees Who Experience Domestic or Dating Violence, Sexual Assault, or Stalking](#).

Copyright and Employment Law

An employee writes software that includes pre-existing code the employee owned before employment began and new code written while working for the employer. Who owns the end product? This messy situation was addressed by the Ninth Circuit in [U.S. Auto Parts Network, Inc. v. Parts Geek LLC](#) which remanded the case to the trial court based on their guidance that an employer under such facts, may own that part of software created during employment if such is original, non-trivial, and independent of the pre-existing work.

Corporate Social Media Policies Should Comply With Recent NLRB Decision

We previously wrote on this blog about actions by the National Labor Relations Board which impact the ability of employers to restrict employee use of social media in an overbroad manner which may prevent employees from exercising their rights under the National Labor Relations Act ("NLRA"). The NLRA protects the right of employees to (a) form, join, or assist a union, (b) choose representatives to bargain with an employer on their behalf, (c) act together with other employees for their benefit and protection, or (d) choose not to engage in any such activities. Social media policies which prevent employees from discussing their wages and conditions of employment, and various other matters, may run afoul of the NLRA. Read our previous article [here](#).

For additional employment issues of concern for 2013, see this [article](#), which may include more topics but should not be relied upon as a comprehensive list.

Link to original article: <http://commercialcounselor.com/2012-workplace-issues-in-review-what-h-r-needs-to-know/>

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