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Labor & Employment News

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Playing Kick the Can
with the Affordable
Care Act: The
Administration Further
Delays Employer
Deadlines for the ACA
By [Lindsay Griffin Smith](#)

The Treasury Department has announced further extensions for medium-sized and large-sized employers for compliance with the "employer mandate" of the Affordable Care Act ("ACA").

[Read the full article on our website.](#)

H-1B Specialty
Occupation Update:
Time Again to File for
New H-1B Visas and
Government Scrutiny of
Employer's H-1B Usage
By [Larissa C. Dean](#)

The H-1B visa filing frenzy is upon us once again! Because of the chronic shortage of nonimmigrant visas for foreign workers in the

Notes from the Chair and Executive Editor

The year 2014 marks Spilman Thomas & Battle's 150th anniversary. While we pause to reflect on our first 150 years, we are also looking forward to how we will create our next 150 years. In keeping with that spirit, we have learned that the only way to control what comes **Next** is to **create it**. Our purpose is to help you manage your human resources to achieve your goals in the next year and the next coming years. We are excited to announce 2014 dates for four seminar locations:

- Pittsburgh, Pa. - May 5
- Charleston, W.Va. - June 27
- Roanoke, Va. - September 18
- Winston-Salem, N.C. - September 19

We are busy crafting the agenda for these SuperVision seminars and what we hope will be an exciting list of speakers. We will share that information as soon as it is available. In the meantime, please take a moment to "save the date" for the seminar most convenient for you. You can also visit our website at www.spilmanlaw.com/Events for the most current information on our SuperVision series.

The first quarter of the year generally brings statutory changes at the state law level as the legislatures for the states in our region convene. One of those proposed changes in the state of West Virginia could eviscerate the workers' compensation

specialty occupation category (H-1B visas), employers seeking to hire new H-1B workers must file their petitions on April 1, 2014 for work beginning October 1, 2014.

[Read the full article on our website.](#)

On Equal Footing: Fourth Circuit Disables Temporary vs. Permanent Distinction Under the ADA

By [Gordon L. Mowen II](#)

Last month, the United States Court of Appeals for the Fourth Circuit held that a "sufficiently severe" temporary impairment may constitute a disability under the American Disabilities Act ("ADA"). *Summers v. Altatum Inst., Corp.*, 740 F.3d 325 (4th Cir. 2014). This is significant because employers will need to review and update their policies and procedures, especially where they are assessing the implications of employees who suffer injuries of a non-permanent nature.

[Read the full article on our website.](#)

Pay for Time Spent Donning and Doffing Protective Gear

By [Peter R. Rich](#)

The Supreme Court's unanimous decision in *Sandifer v. United States Steel Corp.*, No. 12-417 (January 27, 2014) should serve as an impetus for all employers to review their pay practices with respect to paying employees for changing into and out of safety related clothes and equipment before the start of and following the conclusion of the workday.

[Read the full article on our website.](#)

reforms that began in the state in 2003. Our workers' compensation team of Karen Weingart and Dill Battle (Charleston) explore the proposed changes in an article in this edition. We'll keep monitoring bills in all of our states and keep you apprised of any major developments.

In addition, we have an article from Pete Rich in our Pittsburgh office examining the repercussions of a recent decision on wage and hour law from the Supreme Court of the United States. Lindsay Griffin Smith in Charleston takes a look at the Obama administration's most recent tweaks (and delays) to the Affordable Care Act. Larissa Dean, Morgantown, examines the latest developments in immigration policy. Gordon Mowen in Charleston offers a warning to employers on handling disability issues in light of the Americans with Disabilities Amendments Act.

We hope you enjoy this edition and wish you the best in 2014.

[Eric W. Iskra](#)

Chair, Labor & Employment Group

[Eric E. Kinder](#)

Editor, SuperVision Today

Workers' Compensation "Zombies" Invade West Virginia Legislature

By [H. Dill Battle III](#) and [Karin L. Weingart](#)

In a move akin to the zombie apocalypse, a West Virginia legislator attempts to resurrect dead provisions in legislation filed on February 10, 2014. State Senator Jack Yost, a Democrat from Brooke County, introduced eight bills that would eviscerate the legislative progress made in West Virginia's workers' compensation system since 2003.

[Read the full article on our website.](#)



[Kate Sturdivant Gibson](#)

Ms. Gibson's primary area of practice is labor and employment law. She assists with general labor and employment matters, including research, pleadings, discovery and trial preparation. She is admitted to the West Virginia State Bar and the United States District Courts for the Northern and Southern Districts

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