



Issue 3, 2019

● The Editor's Note

Welcome to the third quarter edition of *SuperVision*, the e-newsletter for Spilman Thomas & Battle's Labor & Employment Practice Group. As we wind down in 2019, this is your last chance to take advantage of our symposium series as we are in the final stages of planning for our SuperVision conference in Greensboro, North Carolina. There are a few spaces left available so if you would like to join us at the Grandover Resort on Friday, October 18, 2019, please visit [our website](#) to register.

If you were not able to make one of our in-person conferences, please know that our team remains ready to conduct best-in-class training on any aspect of employment law including helping you with the on-boarding process for conducting anti-harassment training. We also stand ready to provide a tune-up to your personnel policies for handbooks, perhaps even including a wage and hour audit in keeping with the revised white collar overtime salary thresholds that go into effect on January 1 of next year.

Speaking of which, in this edition of *SuperVision*, and in case you missed the e-blast we sent out the day the DOL issued notice of its formal rule, our team examines the revisions to the white collar overtime rule. In addition, we take a look at IEP meetings and FMLA and, we provide a reminder regarding compliance with the Fair Credit Reporting Act when you do your background checks. As always, we welcome any suggestions and comments regarding the e-newsletter and thank you so much for reading.

[Eric W. Iskra](#), Chair, Labor & Employment Practice Group

[Eric E. Kinder](#), Executive Editor, *SuperVision*

● DOL Adopts New Salary Threshold for White Collar Overtime Exemption

By [Kevin L. Carr](#) and [Eric E. Kinder](#)

The Department of Labor ("DOL") has revised its Overtime Rule that updates the earnings thresholds necessary to exempt executive, administrative and professional employees from the Fair Labor Standards Act's ("FLSA") minimum wage and overtime pay requirements. The revisions largely mirror the DOL's proposed changes from spring 2019. The new rule sets the salary threshold for white collar exemptions at \$684 per week (or \$35,568 per year). The new rule, and the new salary thresholds, take effect on January 1, 2020.

Click [here](#) to read the entire article.

● Do IEP Meetings Count? Yes, Attendance at IEP Meetings is Qualifying Reason for FMLA Leave

By [Megan W. Mullins](#)

In an August 2019 opinion letter, the U.S. Department of Labor clarified whether attending a meeting to discuss the Individualized Education Program ("IEP") of an employee's child is a qualifying reason for the employee to take intermittent FMLA leave. The couple requesting the opinion stated the wife was approved by her employer to take FMLA leave intermittently to care for the couple's two children, both of whom have qualifying serious health conditions under the FMLA. The wife's employer had approved her request for intermittent FMLA leave to take the children to medical appointments, but had not approved her request to attend IEP meetings, which are held four times per year.

Click [here](#) to read the entire article.

● **Between A Rock And A Hard Place: Avoiding Accidental Liability Under FCRA for Background Checks**

By **Chelsea E. Thompson**

Many employers use background checks to guarantee it hires the best candidates and to minimize legal liability for claims like negligent hiring. Unfortunately, this attempt to prevent one type of liability may actually create another type of liability under the Fair Credit Reporting Act ("FCRA"), which governs employment background checks. Thus, an employer may find itself in a tough position: it wants to protect itself with background checks of applicants, but is unsure how to comply with the FCRA's hyper-technical notice and disclosure requirements.

Click [here](#) to read the entire article.

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