



LIVINGHR | Q4 2024

The Inside Scoop

By Alexia Benner (she/her)

It's already the end of 2024, somehow, and that means your favorite compliance update is here! If you're new here, each quarter, I take a gander at breaking some current compliance topics down into hopefully more understandable and entertaining ways.

If something's in blue, that takes you to the source material (i.e., I read it, so you don't have to. You're welcome). 2024 was a fun-filled year of two-stepping (DOL and FLSA overtime rules, anyone), and my guess is that we can expect more changes to keep us on our twinkling little toes in 2025. With that, I present to you my hot take for Q4 '24.

Better Learn the Waltz

[According to legal experts](#), the prevailing theory is that a lot of the things we prepped for and learned about this last year or two will get reversed (For those not in the know about fancy ballroom dancing, the waltz is basically dancing in a big ol' circle. See? College electives teach you things.):

Pregnant Workers Fairness Act: we know the reasonable accommodation requirement for pregnant persons seeking an abortion [is being challenged in the courts](#); I would guess that this requirement gets rolled back, at least in some jurisdictions.

Workplace Harassment Guidelines: I would expect some of the provisions around the use of pronouns and restrooms to get rolled back.

Independent Contractor: I think it's safe to assume the incoming administration will want to undo the updated 6-factor test and restore the original (or slightly modified) version that was established during the last Trump administration, making it easier to classify people as independent contractors.

FLSA: we already know the salary thresholds for overtime exemption were rolled way, way back – to pre-July levels, thanks to a Federal judge in Texas. Although the rollback is being challenged, I think it's decently safe to expect the challenge to fail, leaving us with the pre-July levels.

So, what now?

If you already budgeted for and communicated increases, I would strongly encourage you to move forward. Inflation isn't fun, and going back on previously-promised pay increases could land you in the hot seat across the board. I would also encourage you to continue a people-first approach; just because something isn't required by law doesn't mean you can't or shouldn't still give pregnant people support if they are seeking an abortion, provide a respectful environment where people are called by their chosen names/pronouns, and can use the restroom they're most comfortable in. Happy employees = happy clients and customers.



Let's Dance

Much like breakdancing in the 2024 Olympics, DEIB has garnered lots of very strong opinions on both sides of the aisle....and is also not really at all new. Given the recent political polarization of commonly used DEIB terminology and concepts, I think we can expect to see recent movements forward in DEIB programming undone, as these are likely to be seen as overly restrictive for employers. We've already seen large companies dismantling DEIB programming. (also, if you now have a David Bowie earworm, you're welcome).

So, what now?

If you already have DEIB embedded in your strategy, have diversified your vendors, invested in comprehensive training, updated recruiting workflows, established ERGs, and/or updated policies, I think you can keep at it until we hear otherwise. It's always a good idea to listen to everyone – even, and especially, those with dissenting opinions to make sure everyone has a chance to feel heard. If you haven't done those things, leadership training is always a good idea – we want people leaders who take care of our people. I happen to know some experts (cough, cough, us) in case you need some help creating custom programming tailored to your needs.



And Jazz Hands

We know that a new year means new state laws, new minimum wages, and new pay transparency laws.

So, what now?

If you're multi-state, you want to make sure that the company that handles your labor law posters ships out new, up-to-date ones for each location (or posts them digitally), any job postings are reviewed for compliance with updated pay transparency laws, pay is reviewed against state rules, and.... check your handbooks for compliance. If you're thinking I know people who can help, you'd be right (and hey, one of those people is me!).

That's it for now. I hope you have a joyous, light-filled winter season, whatever you may (or may not) celebrate.

Sources

- <https://www.constangy.com/employment-labor-insider/here-are-5-areas-of-employment-law-likely-to-change-under-trumps-second-act>
- <https://ogletree.com/insights-resources/blog-posts/federal-court-delays-eeocs-pregnant-workers-fairness-act-abortion-accommodation-in-louisiana-mississippi/>



LIVINGHR | Q4 2024

Compliance Updates

FOLLOW LIVINGHR ON SOCIAL



livingHR



@livingHRInc



@livingHRInc