



EMPLOYMENT LAW UPDATES WEEK OF AUGUST 9-13

HHS Proposes Changes to HIPAA Privacy

On July 14th, 2010, the Department of Health and Human Services, Office of Civil Rights, issued a notice of proposed rulemaking implementing certain provisions of HITECH (Health Information Technology for Economic and Clinical Health Act). The most noticeable of the proposed changes relates to business associates, their legal obligations, their relationships with covered entities and their own subcontractors, and the required components of business associate agreements. Contact us for more information regarding the changes to these regulations.

Is “Rounding” Worktime Really Saving You Money?

The rounding of employee worktime is emerging as a reoccurring claim in the lawsuits filed under the federal Fair Labor Standards Act. The U.S. Labor Department says that it will not challenge rounding starting and stopping times to the nearest five minutes or to the nearest tenth or quarter of an hour in calculating employees pay. However, this rounding is only acceptable if the practice averages out so that the employees are properly paid for all the time they actually work. There are a few challenges employers face when using rounded worktimes, such as they fail to round to the nearest increment or by rounding employee meal-periods. Employers should take into account any impact of state or local laws and also be aware that these regulations, because the DOL’s enforcement policy, do not prevent current or former employees from suing over the issue.

Senate is Urged to Pass Paycheck Fairness Act

The White House’s Equal Pay Enforcement Task Force brought together the Equal Employment Opportunity Commission, the Department of Justice, the Department of Labor, and the Office of Personnel Management to focus on violations of equal pay laws. The bill for the Paycheck Fairness Act proposes amending the Equal Pay Act of 1963 to make it easier for woman to sue their employers, alleging they were paid less than their male counterparts. The bill would also prohibit employers from presenting in court legitimate reasons for wage disparities. The women are allowed to sue for uncapped compensatory and punitive damages, rather than just back pay. The task force also made recommendations that include improving interagency coordination, collecting data to better understand the scope of the pay gap, and undertake a public education campaign to educate employers on the obligations and employees on their rights.

These alerts are intended to be informational and not to solve individual legal problems. Use of and access to this alert does not create an attorney-client relationship between Rajkowski Hansmeier Ltd. and the user. The opinions expressed at or through this alert are the opinions of the individual author and may not reflect the opinions of the firm or any individual attorney. If you have further questions about this information, please contact us for an attorney's opinion.