



# Top Issues in 2020: Labor & Employment

## NEW OVERTIME RULE

Announced in September 2019, the U.S. Department of Labor (DOL) issued its final rule updating the salary threshold requirements for the “white collar” overtime exemptions under the Fair Labor Standards Act (FLSA). The changes went into effect January 1, 2020 and impacted 1.3 million workers. The final rule increased the \$455/week salary threshold to \$684/week for the Executive, Administrative, and Professional Exemptions (EAP Exemptions), including Computer Professionals. Thus, the threshold for the salary test increased to \$35,568/year from the current \$23,660.

## NON-COMPETE AGREEMENTS

Non-compete agreements are an important part of certain employment contracts and are used to prevent an employee from using information gained during his/her employment to enter into competition with his/her employer. Employers need to make sure their non-compete agreements are drafted properly and do not infringe upon an employee’s rights.

## PRIVACY AND CYBERSECURITY

Corporate cybersecurity and privacy obligations continue to be a significant concern for employers. The risks of data breaches and data theft from external and internal factors, including employees, are ongoing and are expected to increase.

Compliance challenges with laws from multiple jurisdictions are expected to increase as the California Consumer Privacy Act (CCPA) went into effect January 1, 2020 and other states and nations start to implement their own legislation. In the U.S., expect further discussion at the federal level and calls for a federal solution.

## EMPLOYMENT DISCRIMINATION

In the era of #MeToo and TIME’S UP, it is especially important for employers to recognize, prevent, and respond to harassment allegations, as well as have the necessary resources to implement an effective anti-harassment training and overall best practices to ensure a healthy work environment for employees.

## HOW WE CAN HELP

Michael Best’s Labor & Employment Relations Team helps clients throughout the country make employment-related decisions and plan for the future. Please reach out to one of the members of our Labor & Employment Relations Team for additional information regarding the topics referenced above or for any questions related to our labor and employment services.

## Primary Contacts

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