

# Key Legal Issues for Employers in 2022

Christopher Banaszak

# Big Picture Issues

- Congressional legislative action
- Anti-Trust (Non-Competition Agreements)
- Supreme Court

# Congressional Legislative Action

- Legislative priorities include:
  - Increasing the minimum wage
    - Already has been increased for federal contractors
  - Connected to raising the minimum wage, Democrats have also discussed raising the salary minimum for exempt workers
  - PRO-Act
  - Paid Sick Leave



# Anti-Trust (Non-Competition Agreements)

- Recent trends show States have been active on passing new non-competition statutes and that trend is expected to continue
  - Illinois, D.C., Nevada, and Oregon all passed new laws in 2021 alone
- DOJ Action
  - Criminal indictments relating to unlawful non-solicitation agreements
  - Aggressive enforcement is expected to continue
- FTC Rules
  - President Biden's new FTC
  - President Biden's Executive Order

# Supreme Court

- Cummings v. Premier Rehab Keller, P.L.L.C.
  - Do compensatory damages include damages for emotional distress for discrimination claims under Title VII?
- CVS Pharmacy Inc. v. Doe
  - Do disability discrimination causes of action provide for disparate-impact claims?
- Bonus: White v. United Airlines (7th Circuit)
  - USERRA military leave should be paid if also providing other comparable paid leave

# Questions?

## Thank You!

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