Welcome!

Ryan Swanson's 32nd Annual Employment Law Webinar Series

September 28 – October 2, 2020

Panel Presentation: Employment Law Updates & FAQs

Brittenae Pierce – Shannon Lawless
Hana Kern – Kristin Nealey Meier

October 2, 2020
Any new cases we should know about?

Bostock v. Clayton County, Georgia, 140 S. Ct. 1731 (2020)

- Discrimination against gay, lesbian, and transgender employees barred by Title VII, which prohibits sex discrimination
- Violation when adverse action based even in part on sex; does not have to be sole or even primary factor
- Irrelevant if factors other than sex contributed to decision
- Focus on individuals
**Rizo v. Yovino, 950 F.3d 1217 (9th Cir. 2020) (en banc)**

- Employers can never use prior pay to justify sex-based pay differential

- Factors other than sex must be job related, and that never includes salary history

Can you tell me more about Washington’s Equal Pay and Opportunities Act?
WA’s Equal Pay and Opportunities Act

- **RCW 49.58**
  - Do not discriminate in pay between “similarly employed” employees or limit opportunities for career advancement based on gender
  - Employees may disclose and discuss their compensation
  - Do not ask about salary history
  - Employers with 15+ employees must disclose wage information to job applicants and internal promotions/transferees upon request

Race and Diversity:

What’s changed?
What hasn’t?
May an employer ask an employee who is physically coming into the workplace whether they have family members who have COVID-19 or symptoms associated with COVID-19?

May an employer ask an employee why he or she has been absent from work?
Where should I look for Washington worker safety requirements?

WA Worker Safety Requirement Resources

Governor Inslee's Industry Guidance:

Key L&I websites:
What limits can employers set on employees having sexual relationships with other employees, customers, etc.?

What do I need to know about hiring independent contractors?
How do I comply with all appropriate laws when I have employees in different cities/states?

What is a company’s legal obligation to accommodate an employee’s mental health issues?
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Thank you.

Britenae Pierce  
206.654.2289  
pierce@ryanlaw.com  

Kristin Nealey Meier  
206.654.2293  
kmeier@ryanlaw.com  

Shannon Lawless  
206.654.2211  
lawless@ryanlaw.com  

Hana Kern  
206.654.2210  
kern@ryanlaw.com