

## THE EMPLOYMENT LAW GUIDE

### Laws, Regulations, and Technical Assistance Services

#### U.S. Department of Labor

(also available at [www.dol.gov/compliance/guide/index.htm](http://www.dol.gov/compliance/guide/index.htm))

### Statutory Changes

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#### Chapter A. Wages and Hours Worked

##### Minimum Wage and Overtime Pay

([www.dol.gov/compliance/guide/minwage.htm](http://www.dol.gov/compliance/guide/minwage.htm))

*On May 25, 2007, the Fair Labor Standards Act (FLSA) was amended to increase the federal minimum wage in three steps: to \$5.85 per hour effective July 24, 2007; to \$6.55 per hour effective July 24, 2008; and to \$7.25 per hour effective July 24, 2009.*

- **This amendment to the FLSA affects page 11 in this chapter; changes are in bold:**

##### Basic Provisions/Requirements

The Act requires employers of covered employees who are not otherwise exempt to pay these employees a minimum wage of not less than **\$5.85 per hour effective July 24, 2007; \$6.55 per hour effective July 24, 2008; and \$7.25 per hour effective July 24, 2009**. Youths under 20 years of age may be paid a minimum wage of not less than \$4.25 an hour during the first 90 consecutive calendar days of employment with an employer. Employers may not displace any employee to hire someone at the youth minimum wage.

- **Similar changes to references to the minimum wage were made in a number of other chapters on pages 2, 13, 66, 79 and 82.**

#### Chapter D. Other Workplace Standards

##### Family and Medical Leave

([www.dol.gov/compliance/guide/fmla.htm](http://www.dol.gov/compliance/guide/fmla.htm))

*The Family and Medical Leave Act of 1993 (FMLA) was amended on January 28, 2008. Section 585 of the National Defense Authorization Act for FY 2008 amends the FMLA to permit a "spouse, son, daughter, parent, or next of kin" to take up to 26 workweeks of leave to care for a "member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness." Additional information is available on the Wage and Hour Division's Web site ([www.dol.gov/esa/whd](http://www.dol.gov/esa/whd)).*

### Other Changes

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#### Chapter B. Safety and Health Standards

##### Occupational Safety and Health

([www.dol.gov/compliance/guide/osha.htm](http://www.dol.gov/compliance/guide/osha.htm))

- **A number of edits were made on page 24 including the following:**

**1<sup>st</sup> paragraph:**

...However, OSHA handles any employee complaints, serious accidents/**catastrophes, or fatalities according to routine procedures.**

**2<sup>nd</sup> paragraph:**

The VPP is available in states under federal jurisdiction. Some states operating OSHA-approved state plans have similar programs. **Additionally, all OSHA-approved state plans that cover private-sector employees in the state operate similar programs.**

**4<sup>th</sup> paragraph (whole paragraph replaced):**

**Alliance Program.** Through the Alliance Program, OSHA works with businesses, trade and professional organizations, unions, educational institutions, and other government agencies. Alliance Program participants work with OSHA to leverage resources and expertise to help develop compliance assistance tools, training opportunities, and other information to help employers and employees prevent on-the-job injuries, illnesses and fatalities. OSHA's alliances with organizations in industries such as meat, plastics, healthcare, maritime, printing, chemical, construction, paper and telecommunications industries, among others, are working to address safety and health hazards with at-risk audiences, such as youth, immigrant workers, and small business.

**5<sup>th</sup> paragraph:**

**Strategic Partnership Program.** In this program, OSHA enters into an extended, voluntary, cooperative relationship with employers, associations, unions, **and/or councils. Partnerships often cover multiple worksites, and in some instances, affect entire industries...**

## **Chapter D. Other Workplace Standards Uniformed Service Members**

([www.dol.gov/compliance/guide/userra.htm](http://www.dol.gov/compliance/guide/userra.htm))

- **On page 61 in this chapter,** the statutory citation for the Uniformed Services Employment and reemployment Rights Act (USERRA) should read: **(38 USC §§4301 through 4334)**
- **On page 62 in this chapter, the following changes were made:**

**Under the Employee Rights section, 2<sup>nd</sup> paragraph:**

USERRA guarantees pension plan benefits that accrued during military service, regardless of whether the plan is a defined benefit plan or a defined contribution plan. USERRA provides that service members activated for duty on or after December 10, 2004 may elect to extend their employer-sponsored health coverage for up to 24 months. Service members activated prior to 12/10/04 **could elect to extend coverage for up to 18 months...**

**Under the Compliance Assistance Available section, 2<sup>nd</sup> paragraph:**

Compliance assistance information is available on the VETS Web site ([www.dol.gov/vets](http://www.dol.gov/vets)). Specific compliance assistance materials available include: **the DOL USERRA regulations (20 CFR Part 1002), which implement the law for non-Federal employers; a fact sheet (OASVET 97-3) about USERRA; the notice/poster ([www.dol.gov/vets/programs/userra/poster.htm](http://www.dol.gov/vets/programs/userra/poster.htm)) to employees of their rights, benefits and obligations under USERRA, and...**