Labor & Employment law: What will get you sued in 2019/2020.

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RIPPED
FROM THE HEADLINES


SERVERS & BARTENDERS WHO AREN'T OR DON'T PLAN TO GET PREGNANT!
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Final Rule: Overtime Update

On September 24, 2019, the U.S. Department of Labor announced a final rule to make 1.3 million American workers newly eligible for overtime pay.

The final rule updates the earnings thresholds necessary to exempt executive, administrative and professional employees from the Fair Labor Standards Act's (FLSA) minimum wage and overtime pay requirements, and allows employers to count a portion of certain bonuses/commissions towards meeting the salary level. The new thresholds account for growth in employee earnings since the thresholds were last updated in 2004.

In the final rule, the Department is:

- raising the "standard salary level" from the currently enforced level of $455 per week to $684 per week (equivalent to $35,568 per year for a full-year worker);
- raising the total annual compensation requirement for "highly compensated employees" from the currently enforced level of $100,000 per year to $107,432 per year;
- allowing employers to use nondiscretionary bonuses and incentive payments (including commissions) paid at least annually to satisfy up to 10% of the standard salary level, in recognition of evolving pay practices; and
- revising the special salary levels for workers in U.S. territories and the motion picture industry.

Disclaimer: This final rule has been submitted to the Office of the Federal Register (OFR) for publication, and is currently pending placement on public inspection at the OFR and publication in the Federal Register. This version of the final rule may vary slightly from the published document if minor technical or formatting changes are made during the OFR review process. Only the version published in the Federal Register is the official final rule.

The final rule is effective on January 1, 2020.

Salary ≠Exempt

2 part test:

Salary + job duties

U.S. Department of Labor
Wage and Hour Division

U.S. Wage and Hour Division
(Revised July 2008)

Fact Sheet #17A: Exemption for Executive, Administrative, Professional, Computer & Outside Sales Employees Under the Fair Labor Standards Act (FLSA)

See other fact sheets in this series for more information on the exemptions for executive, administrative, professional, computer and outside sales employees, and for more information on the salary basis requirement.

Executive Exemption

To qualify for the executive employee exemption, all of the following tests must be met:

- The employee must be compensated on a salary basis (as defined in the regulations) at a rate not less than $455* per week;
- The employee's primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise;
- The employee must customarily and regularly direct the work of at least two or more other full-time employees or their equivalent; and
- The employee must have the authority to hire or fire other employees, or the employee's suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees must be given particular weight.

•Salary test used to be easy

$455/wk ($23,660 annually)

$684/wk ($35,568 annually)

What to do for exempt employees who are paid less than new salary level?

What to do for exempt employees who are paid less than new salary level?

1) Increase salary
2) Reclass from salaried exempt to hourly nonexempt and pay OT
3) Reduce or eliminate OT hours
4) Reduce amount of pay for base salary and add pay for hours worked over 40

What to do for exempt employees who are paid less than new salary level?

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Total Hours Paid	Overtime Rate Paid - regular Rate	Overtime was Paid Time 1/2 Rate
78.47		
80.44		
62.19		
80.52	0.52	
64.08		
79.52		
81.02	1.02	

What is wrong with this?

Total Hours Paid	Overtime Rate Paid - regular Rate	Overtime was Paid Time 1/2 Rate
78.47		
80.44		
62.19		
80.52	0.52	
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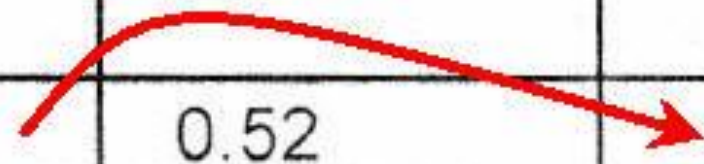

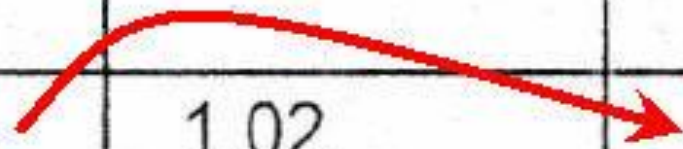

Subject: Memo: Overtime Work

To: All Staff,

REMINDER: 80 hours, every two weeks, is the TOTAL Number of HOURS will approve to pay, unless you have prior approval from your supervisor. If anyone works over 80 hours, within a two week period, you will not be paid for those hours. Again, OVERTIME HOURS WILL NOT BE PAID. Make sure to CLOCK IN AND CLOCK OUT; including LUNCH TIME 12:00 PM - 1:00 PM daily, or

Walmart Owes $6M In Meal Break Suit, Jury Says

Law360, Los Angeles (April 12, 2019, 5:10 PM EDT) -- Walmart must pay $6.1 million to a class of employees for not providing meal breaks when it required workers to go through anti-theft metal detectors every time they wanted to leave...

IN		6:50	6:40	6:35	6:45	6:40	6:40
OUT		3:30	3:30	3:30	3:30	3:30	3:30
IN		6:02	5:51	5:51	5:58	6:04	6:00
OUT		3:30	3:30	3:30	3:30	3:30	3:30
IN		9:00	9:00	8:45	8:50	9:00	9:00
OUT		5:20	5:40	5:30	5:30	5:45	5:30

Comcast Contractor Ordered To Pay $7.5 Million In Unpaid Overtime

by Gary Green April 05, 2019

* * *

ordered him to work through his meals, which usually meant eating while driving, and he was expected to remain available via his cell phone at all times, so that he could immediately respond to work-related calls.

Another worker shared that he was not reimbursed for equipment he purchased for his job, including a wireless drill, drill bits, pliers, a staple gun, as well as boots and pants.

Limo Drivers Settle Case Over Job Misclassification for $750,000

By **Robert Storace** | February 28, 2019

drivers alleged they were misclassified as independent contractors instead of employees.

Restaurant pays $28,000 in back pay and civil penalties after shorting workers

BY DAVID J. NEAL

Miami Herald

AUGUST 09, 2019

A Lauderhill restaurant got caught so blatantly violating federal wage laws that not only did the establishment pay $17,443 in back pay it owed to 25 workers, it also paid $11,555 in civil penalties, the Department of Labor announced Friday.

AUGUST 14, 2019

U.S. Department of Labor Investigation Results in Owner of Five Central Florida Hotels Paying $23,368 in Back Wages and Damages to Employees

ST. PETERSBURG, FL – After an investigation by the U.S. Department of Labor's Wage and Hour Division (WHD), Michael Andoniades – the owner of five St. Petersburg, Florida, hotels – has paid $23,368 in back wages and liquidated damages to 30 employees for violating overtime and recordkeeping provisions of the Fair Labor Standards Act (FLSA).

The five St. Petersburg hotels involved in the investigation are:

- Hollander Hotel, 421 4th Ave. North;
- Avalon Hotel LLC, 443 4th Ave. North;
- Bay Plaza Hotel, 419 3rd Ave. North;
- Mari Jean Hotel LLC, 2349 Central Ave.; and
- Lenox Hotel LLC, 325 6th Ave. North.

Google Employee Alleges Discrimination Against Pregnant Women in Viral Memo

The memo, titled "I'm Not Returning to Google After Maternity Leave, and Here is Why," has been read by more than 10,000 employees at the company.

By **Lorenzo Franceschi-Bicchierai** and **Jason Koebler**

Aug 5 2019, 11:34am Share Tweet

Almost immediately after reporting the matter to HR, the manager's demeanor towards her drastically changed.

- months of angry chats and emails,
- vetoed projects,
- ignored during in-person encounters,
- publicly shamed her, and
- began to actively interview candidates to replace her

Tells her new manager that she may have to take an earlier than expected maternity leave, and bedrest & her manager told her that she had just listened to an NPR segment that debunked the benefits of bedrest.

Manager also shared that her doctor had ordered her to take bedrest, but that she ignored the order and worked up until the day before she delivered her son via cesarean section.

The Supreme Court in Young v. United Parcel Services Inc., 135 S. Ct. 1338 (2015) held that an employer's refusal to accommodate could constitute unlawful discrimination if such accommodations were routinely granted to non-pregnant employees.

- The employer's burden of proffering a legitimate, non-discriminatory reason for denying the accommodation must be more than a claim that it is more expensive or less convenient to add pregnant women to the category of those whom the employer accommodates.

PRESS RELEASE

9-17-19

UPS to Pay $2.25 Million to Settle EEOC Pregnancy Discrimination Charge

Package Delivery Company to Reimburse Pregnant Employees Not Granted Accommodations Under Company's Former Policy That Would Have Enabled Them to Work

NEW YORK - United Parcel Service, Inc., the world's largest package delivery company, will pay $2.25 million and clarify its pregnancy accommodation policies to resolve a pregnancy discrimination charge that was investigated by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

Until 2015, when it changed its policy, UPS provided accommodations in the form of light duty assignments to UPS workers injured on the job, those with certain driving restrictions, and those with disabilities. However, UPS did not provide light duty work to pregnant employees. A UPS driver alleged that this failure to accommodate pregnant UPS workers by providing light duty assignments violated the Pregnancy Discrimination Act (PDA), which amended Title VII of the Civil Rights Act of 1964 to expressly bar pregnancy discrimination. While that former driver

Delaware woman wins $1.5 million breastfeeding discrimination case against KFC franchisee

Maddy Lauria, Delaware News Journal Published 10:30 a.m. ET Feb. 11, 2019

A jury has ruled that a Kentucky Fried Chicken franchisee must pay a Delaware woman it once employed more than $1.5 million in damages related to workplace discrimination that ultimately made it impossible for her to breastfeed her child.

The lawsuit filed in U.S. District Court claimed that co-workers and supervisors at KFC and KFC/Taco Bell restaurants in Kent County made it so hard for Autumn Lampkins to pump breast milk during her shifts that her supply dried up.

Not only that, but when she was able to pump during her shifts, she rarely had privacy because of windows and surveillance cameras, the lawsuit said.

On Friday, a jury entered a verdict in favor of the Wyoming resident, awarding her $25,000 in compensatory damages and $1.5 million in punitive damages.

U.S. Department of Labor
Wage and Hour Division

U.S. Wage and Hour Division
(April 2018)

Fact Sheet #73: Break Time for Nursing Mothers under the FLSA

This fact sheet provides general information on the break time requirement for nursing mothers in the Patient Protection and Affordable Care Act ("PPACA"), which took effect when the PPACA was signed into law on March 23, 2010 (P.L. 111-148). This law amended Section 7 of the Fair Labor Standards Act (FLSA).

General Requirements

Employers are required to provide "reasonable break time for an employee to express breast milk for her nursing child for 1 year after the child's birth each time such employee has need to express the milk." Employers are also required to provide "a place, other than a bathroom, that is shielded from view and free from intrusion from coworkers and the public, which may be used by an employee to express breast milk."

The FLSA requirement of break time for nursing mothers to express breast milk does not preempt State laws that provide greater protections to employees (for example, providing compensated break time, providing break time for exempt employees, or providing break time beyond 1 year after the child's birth).

Time and Location of Breaks

Employers are required to provide a reasonable amount of break time to express milk as frequently as needed by the nursing mother. The frequency of breaks needed to express milk as well as the duration of

July 23, 2019

Mistreating an employee pumping breast milk creates serious problems for employer

When an employee became pregnant, she advised one of her supervisors and requested to work in nonsmoking areas of the workplace. That supervisor frequently told her that her requests to work in nonsmoking areas were "an inconvenience." The pregnant employee reported those comments to a manager, who said she would speak to the supervisor. However, the supervisor continued to repeat the comment that her requests were an inconvenience.

She asked a manager to take a pump break and he responded by asking how big her breasts would get if someone refused to let her pump.

On another occasion, other managers commented to her that she was pumping too much, and that her son “should be on formula by now.”

On one occasion when the employee exited the pump room holding a bottle of milk, a co-worker commented to her, "[i]s that all the milk you pumped? You look like you're drying out." The employee responded that she had more milk in her bag. The co-worker then replied, "[w]ell I just want you to know you are jacking up everyone's schedule."

Mercado v. Sugarhouse HSP Gaming, L.P., No. 18-3641, 2019 U.S. Dist. LEXIS 122854 (E.D. Pa. July 23, 2019).

Customer prejudices?

By Rita Price
The Columbus Dispatch

Posted Jul 18, 2019

Martin Hopkins, fired in June after working nearly six years for the mobile phone operator, says he faced harassment at work, including slurs and seeing Confederate symbols.

A former Verizon Wireless employee says he endured a racially hostile environment for years at the company's Lancaster store, where management permitted racial slurs and jokes and accommodated customers who refused to be served by a black man.

"They wouldn't want to work with the 'n-----' or the 'colored boy,'" Martin Hopkins said.

Instead of defending him, managers would ask him to go to another area of the store while a white salesperson handled the transaction, Hopkins said. He said a manager he had worked with had a Confederate flag tattooed on his chest.

"I didn't want to be the only black guy in a place pulling the race card," Hopkins said. But he said he sometimes tried to explain why certain comments and behavior were offensive. The response: "It was just, 'Well, that's the way it is in Lancaster.'"

Hopkins said he was fired in June after nearly six years with Verizon despite receiving excellent performance reviews. He said he filed a discrimination complaint with the U.S. Equal Employment Opportunity Commission this month and is awaiting an interview.

UPS settles EEOC religious discrimination lawsuit for $4.9 million

Dec 28, 2018

By Kelly Yamanouchi, The Atlanta Journal-Constitution

UPS has agreed to a $4.9 million settlement in a religious discrimination lawsuit over a policy that requires male employees who deal with customers to cut their hair and shave their beards.

- Muslim applicant explained that he wears a beard as part of his religious observance. The hiring official replied that “God would understand” if he shaved his beard to get a job.

- Another applicant explained that he wore his hair long as part of his religious observance and offered to wear it under his shirt or in a hair net, but was told, “No hair cut, no job.”

- Rastafarian requested a religious accommodation to permit him to wear dreadlocks and refrain from cutting his hair, as his religious practice required.
- His manager ignored his request, told the employee he “didn’t want any employees looking like women on his management team.”

FOR IMMEDIATE RELEASE July 16, 2019

EEOC SUES MCDONALD'S FRANCHISE FOR RELIGIOUS DISCRIMINATION

Franchise Restaurant Failed to Hire Applicant Because of His Beard, Federal Agency Charges in Lawsuit

ORLANDO, FL – Chalfont & Associates Group, Inc. (McDonald's), owner of multiple McDonald's restaurants in Central Florida, violated federal law when it refused to hire a job applicant who would not shave his beard due to his religious beliefs, the United States Equal Employment Opportunity Commission (EEOC) charged in a lawsuit filed today.

According to the EEOC's lawsuit, a practicing Hasidic Jew applied for a part-time maintenance worker position at a McDonald's in Longwood, Florida. During his interview, the hiring manager told the applicant he would be hired, but needed to shave his beard to comply with McDonald's grooming policy. McDonald's grooming policy states "[a]ll employees must be completely clean shaven." The applicant told the hiring manager he would not shave his beard due to his religious beliefs. The applicant offered to wear a beard net as a solution, but was denied.

Such alleged conduct violates Title VII of the Civil Rights Act of 1964 which prohibits discrimination based on religion and requires employers to reasonably accommodate an applicant's or employee's sincerely held religious beliefs, unless it poses an undue hardship.

The EEOC filed suit in the United States District Court for the Middle District of Florida, Orlando Division (EEOC v. Chalfont & Associates Group, Civil Action No. 6:19-cv-01304-PGB-GJK), after first attempting to reach a pre-litigation settlement through its voluntary

BHPD Employees Awarded More Than $1M in Harassment Suit

POSTED BY CONTRIBUTING EDITOR ON JULY 9, 2019

Four Beverly Hills Police Department employees who sued the city, contending they were subjected to harassing and retaliatory treatment by Chief Sandra Spagnoli, were collectively awarded more than $1 million in damages Tuesday by a downtown Los Angeles jury.

Attorneys for the employees — three lieutenants and a civilian employee — alleged during the trial that Spagnoli made disparaging comments about Catholics, Jews and Latinos.

The jury found that Davis, Foxen and Moreno were all subjected to retaliation and harassment, and Norris to harassment only. The plaintiffs' discrimination claims were rejected by the jury.

Plaintiffs' attorney Bradley Gage told jurors that Spagnoli made inappropriate comments about age, ethnicity and religion that included calling Catholicism a "cult" and describing the common headwear of Jewish men as "funny hats."

Duty of reasonable accommodation

Some laws require more than mere non-discrimination; they also impose an affirmative duty on the employer to accommodate certain conduct that it otherwise would not accept. The two most common examples of these are: (1) the duty to "reasonably accommodate" a disability under the Americans with Disabilities Act, and (2) the duty to accommodate certain conduct based on religious beliefs under Title VII of the Civil Rights Act of 1964.

- The employer is obligated to reasonably accommodate a religious belief or practice, unless the accommodation would cause an undue hardship.
- "Undue hardship" refers to any act that requires an employer to bear greater than a *de minimis* cost in accommodating an employee's beliefs.

Reasonable accommodations may include:

- exceptions to appearance guidelines,
- changes in schedules,
- providing places to pray, and
- leave time for religious observances.

April 12, 2019

Worker With Anxiety Should've Had Extra Breaks, Jury Finds

Pennsylvania-based Premier Comp Solutions LLC violated the Americans With Disabilities Act when it denied a worker extra breaks to deal with her anxiety, a federal jury found Friday, awarding her a total of $285,000 in back pay and damages.

The company didn't hire a deaf man as a parking valet. It had to pay him $150,000 instead

Miami Herald

MARCH 21, 2019

BY DAVID J. NEAL

The valet company that parks cars at Miami's Four Seasons and Miami Beach's Ritz-Carlton hotels settled a federal discrimination lawsuit by paying $150,000 to an applicant who doesn't have hearing.

* * *

"USA Parking did not conduct an individualized assessment or individual inquiry to evaluate whether Mr. Dore could perform the job of Valet Attendant," the EEOC's suit claimed.

BUSINESS

PROTECTING EMPLOYEE & CONSUMER RIGHTS

Strict leave policy may discriminate against pregnant and disabled workers

INQUIRER.net US Bureau / 05:17 AM March 30, 2019

Q: *After 12 weeks of medical leave for a surgery, I told my employer I could not go back to work yet. One day after I was supposed to be due back at work, I was fired. HR told me the company had a strict 12-week leave policy and employees not able to return to work in 12 weeks are fired. Is this right?*

A:No, it is not. Your employer had a duty to engage in interactive process to determine if you can be provided reasonable accommodation. Granting additional leave may constitute reasonable accommodation.

PRESS RELEASE

8-20-19

Blood Bank of Hawaii to Pay $175,000 to Settle EEOC Discrimination Lawsuit

Blood Collection Company Fired Employees with Disabilities for Needing Additional Time Off, Federal Agency Charges

HONOLULU, Hawaii - Blood Bank of Hawaii, a non-profit blood collection company, will pay $175,000 to settle a disability discrimination lawsuit brought by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

According to the EEOC's lawsuit, Blood Bank of Hawaii did not provide employees with disabilities leave beyond the required 12-weeks of leave under the Family and Medical Leave Act (FMLA) and required employees to return to work without limitation at the end of their medical leave. The company also fired employees who had either exhausted their medical leave or were unable to return to work without restrictions.

PRESS RELEASE

9-10-19

Connections CSP Will Pay $550,000 to Settle EEOC Disability Discrimination Suit

Human Services Provider Unlawfully Fired Employees Who Needed Medical Leave, Federal Agency Charged

WILMINGTON, Del. -- Connections CSP, Inc., a Delaware corporation that provides services in Delaware's correctional facilities and other state institutions, will pay $550,000 and furnish significant equitable relief to resolve a disability discrimination lawsuit filed by the U.S. Equal Employment Opportunity Commission (EEOC), the federal agency announced today.

The EEOC charged that Connections unlawfully enforced an inflexible maximum leave policy. The company fired employees with disabilities who needed additional unpaid leave beyond the required 12 weeks under the Family and Medical Leave Act (FMLA). Connections also failed to provide other requested reasonable accommodations that would have allowed workers with disabilities to remain employed, such as reassignment to vacant positions. Instead, the EEOC said, Connections placed those employees on FMLA leave and terminated them when their FMLA leave expired.

Such alleged conduct violates the Americans with Disabilities Act (ADA), which prohibits discrimination based on disability. The ADA also requires an employer to provide reasonable accommodations, such as modifying leave policies to grant additional unpaid leave or transferring an employee to a vacant position for which the employee is qualified, unless the employer can prove it would be an undue hardship. The EEOC filed suit (EEOC v. Connections CSP, Inc., Case No. 1:17-cv-00862) in U.S. District Court for the District of Delaware after first

In the past year, what was the most frequently filed charge of discrimination?

A) Race
B) Disability
C) Sex (gender)
D) Retaliation

On 4/10/19 the EEOC released its FY 2018 data

Retaliation: 39,469 (51.6 percent of all charges filed)
Sex: 24,655 (32.3 percent)
Disability: 24,605 (32.2 percent)
Race: 24,600 (32.2 percent)
Age: 16,911 (22.1 percent)
National Origin: 7,106 (9.3 percent)
Color: 3,166 (4.1 percent)
Religion: 2,859 (3.7 percent)
Equal Pay Act: 1,066 (1.4 percent)
Genetic Information: 220 (.3 percent)

Although sex moved from 4th to 2nd, FY 2018 had *fewer* sex claims than FY 2017

7,609 sexual harassment charges - a 13.6 percent increase from FY 2017

Former Hotel Duval rooftop bar server sues over alleged sexual harassment

Jeff Burlew, Tallahassee Democrat Published 8:00 a.m. ET Sept. 17, 2019

Her lawsuit alleges Allen kissed her by surprise, told her he wanted to have sex with her, asked if he could touch her buttocks and subjected her to unwanted touching. It says the harassment began around the time she started work at the hotel and worsened in April 2018.

Smith's complaint says she reported the harassment by Allen to Moragne but was told to "just let it go." She also complained to the hotel's general manager in May 2018, but the hotel "took no action," the lawsuit says.

"The sexual harassment has caused plaintiff such extreme mental and physical distress that she felt she had no other option but to resign from her position at Level 8," the lawsuit says.

LAW OFFICE OF
DAVID MIKLAS, P.A.

Former Delray Beach City Manager Mark Lauzier sues city over firing; claims whistleblower violation

Posted: 11:10 AM, May 01, 2019

By: Matt Sczesny , Erik Altmann

WPTV WEST PALM BEACH

DELRAY BEACH, Fla. — Former Delray Beach City Manager Mark Lauzier has filed a lawsuit against the city, claiming he was terminated in retaliation after raising concerns about an expense filing by the mayor.

The city commission fired Lauzier on March 1 at a special meeting that was called to discuss his performance. The city commission had previously approved a 4% raise for Lauzier in January.

In the lawsuit, Lauzier claims he objected to Delray Beach Mayor Shelly Petrolia requesting the city pay for her son to travel to Tallahassee with her. The trip was for an event where elected officials could "meet with the Florida State legislature for lobbying purposes."

"The son is not an employee of the city and she attempted to have taxpayers pay for his travel, so Mr. Lauzier reviewed it and he denied it," said Isidro Garcia, an attorney representing Lauzier.

Chief Operating Officer for the Sarasota County School District placed on paid administrative leave following allegations of sexual harassment

Assistant Superintendent Jeffery Maultsby

By ABC7 Staff | June 18, 2019 at 4:28 PM EDT - Updated June 20 at 9:19 AM

SARASOTA, Fla. (WWSB) - A lengthy text message exchange was just released by the Sarasota County Sheriff's Office between the Chief Operating Officer of the Sarasota County School District Jeff Maultsby and his administrative assistant.

After the text messages became public, Maultsby was placed on administrative leave. Some of the dialogue includes Maultsby saying, "I love you Raina, You know I love you Ms. Raina." In another exchange he says that he loves her and mentions he's over it. And his assistant replies, "I see how you operate, okay it's over. But I know your kind."

Mafia-style threats lead to investigation of school administrators

Herald-Tribune

Posted Jun 6, 2019

Maultsby allegedly sent administrative assistant Cheraina Bonner several late night text messages of a flirtatious nature. After Bonner complained to Bowden, Maultsby texted her saying "Stitches (snitches) get stitches." The text was accompanied by a link to an article about a South African whistleblower being murdered.

* * *

She said previous investigations had not always made the results clear and had continued to fuel speculation. Brown referenced a 2016 investigation into allegations of sexual harassment by Bowden.

"Supposedly he was cleared, and there were still people who didn't care" about the results, she said.

That report concluded that the accusations had no basis, but investigators did not interview 47 witnesses provided by the accuser. Many of Bowden's critics dismissed the results.

This photo, reportedly taken by the school's principal, shows four teachers at Summerwind Elementary in Palmdale smiling while one of them holds a noose. (Facebook/Twitter/Instagram)

CBS NEWS LIVE

Four elementary school teachers suspended after photo emerges of them holding a noose and smiling

BY CAITLIN O'KANE
MAY 10, 2019 / 4:50 PM / CBS NEWS

Four elementary school teachers in Palmdale, California, have been suspended after a photo of them holding a noose surfaced, CBS Los Angeles reports. The four teachers are smiling in the photo, which was allegedly taken by the principal of Summerwind Elementary School, parents from the school told CBS Los Angeles.

Racial discrimination lawsuit over mock KKK hood, burning cross ends in settlement

Former temp workers sued Gencor Industries, alleging racial discrimination

By Mike DeForest - Investigative Reporter

Updated: 10:59 PM, May 15, 2019

"It's a hood that we wear when you're sandblasting, and it had 'KKK' written on top," said Shipley, who is black. "He actually put two paint sticks together, taped them up like a cross, took one of our rags that we use for cleaning up, and lit it on fire."

According to Shipley, the supervisor was partially dressed in a white "spray suit" worn by workers while painting.

"He said, 'Get your a** over here right now. I'm going to f*** you up," Shipley said his hooded supervisor told him.

Shipley took a photo of the supervisor, which he said he shared with the company's human resources department.

Immediately, Shipley claims, he and four other minority temporary workers were transferred to the night shift.

Three months later, Shipley said the staffing agency that had arranged his job at Gencor Industries informed him that his services were no longer needed.

West Palm Beach police sergeant suspended for two weeks following sexual harassment investigation

Posted: 5:29 PM, Jan 14, 2019

By: Merris Badcock

According to the complaint, Rideau encouraged the female officer to "wear revealing clothing" and "wanted an all-female unit...so they could all wear tight pants."

She told investigators that Rideau attempted to touch her inappropriately several times, and succeeded once, but she "slapped his hand away."

9-month investigation

County's motion to dismiss Palm Beach County fire captain's harassment lawsuit is denied

Posted: 11:54 PM, Nov 20, 2018

By: Sam Smink

Vomero also says she was "constantly subjected to crude and discriminatory comments by this particular chief," even threatening to replace her with his girlfriend. Then, Vomero claims, the chief began making comments about how tight her pants were. She says when she went to another chief, the top chief at the time Chief Jeff Collins for help. She claims he told her she "was blowing it out of proportion, and that it was just 'good humor, firehouse fun.'"

Puerto Rican worker's hostile work environment case reinstated

Judy Greenwald

July 12, 2019

Jamie Ortiz, who worked at various jobs for the Broward County School Board in Fort Lauderdale, Florida, from 2009 until late 2017, said his supervisor made comments such as, "I'm around too many Puerto Ricans, I better carry my gun with me," according to Thursday's ruling by the 11th U.S. Circuit Court of Appeals in Atlanta in *Jamie Ortiz v. School Board of Broward County, Florida.* His testimony was largely confirmed by several of his co-workers, according to the ruling.

Mr. Ortiz filed suit in U.S. District Court in Fort Lauderdale against the school board on charges including a hostile work environment. The court granted the school board summary judgment dismissing the case, concluding the supervisor's remarks were not frequent, severe or threatening.

The ruling on the hostile work environment claim was overturned by a unanimous three-judge appeals court panel. A "reasonable jury could conclude that Ortiz's workplace was objectively hostile to a reasonable person in his position" and that the harassment was severe, said the ruling.

It said the supervisor never called Mr. Ortiz by his name and "instead referred to him simply as 'Puerto Rican,' suggesting that Ortiz was not worthy of individual dignity or respect and was no different than the stereotype of Puerto Ricans reflected in (the supervisor's) comments.

"A reasonable person in Ortiz's position could view these comments and his conduct as demeaning and humiliating," said the ruling, in reinstating the hostile work environment claim and remanding the case for further proceedings.

Rolled Up Sleeves: Is Tattoo Bias in the Workforce Rising Or Falling?

By Matthew Abramson

May 16, 2019 Arts and Entertainment

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FLORIDA'S 89.1 WUFT-FM
NEWS AND PUBLIC MEDIA FOR NORTH CENTRAL FLORIDA
npr PBS

Katelyn Simons, a worker in the medical field, checks in at Addiction Tattoo. (Matthew Abramson/WUFT News)

BUSINESS NEWS JUNE 9, 2019

Air New Zealand drops ban on staff tattoos amid discrimination concerns

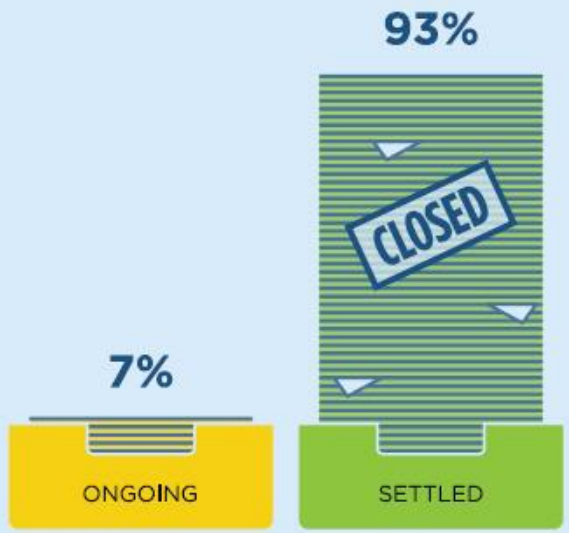
WELLINGTON (Reuters) - Air New Zealand said on Monday it was ending a longstanding ban on staff having visible tattoos after facing criticism that the policy discriminated against Māori employees.

Some New Zealanders with indigenous Māori heritage wear tattoos on their face or arms that represent their genealogy and are culturally sacred. But uniform rules at the national carrier restrict them from applying for roles such as flight attendant.

ONE LAWSUIT EVERY HOUR!

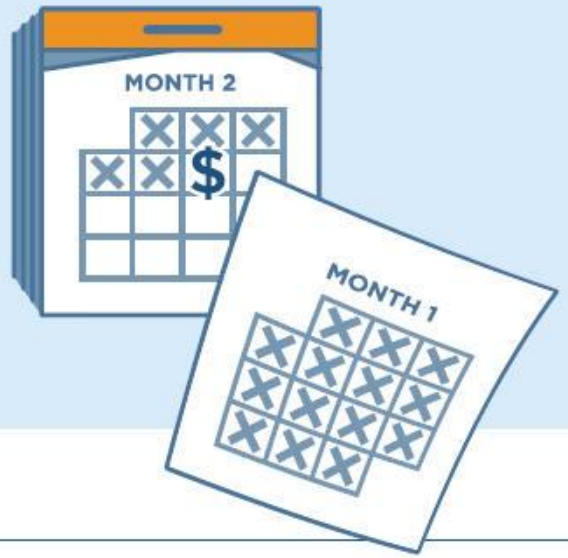
In 2019 the flow of ADA web related lawsuits has reached a rate of one lawsuit every working hour; that's 8 a day, 40 a week and on pace for over 2,000 a year.

2019 is set to beat 2018 and rack up over 2,000 digital accessibility related lawsuits again.*



MOST CASES SETTLE...

93% of 2018 cases have already settled

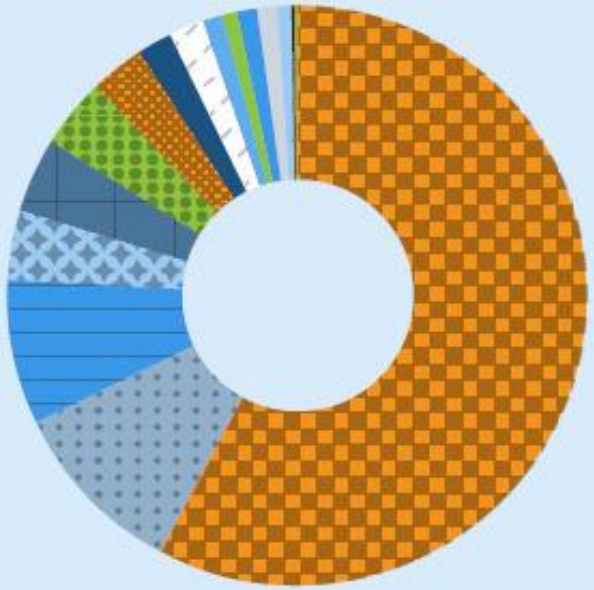


...AND SETTLE FAST

55% of 2019 cases have already settled within 60 days

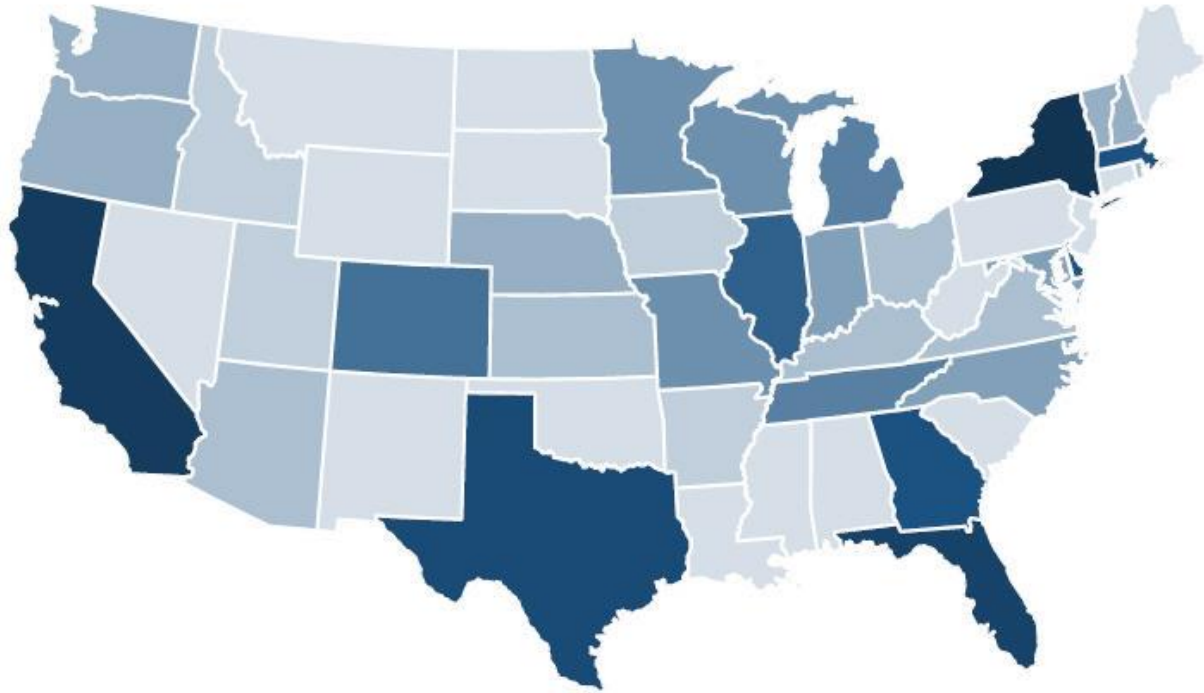
MANY GET SUED MORE THAN ONCE

2019 INDUSTRY BREAKDOWN



58%	Retail
10%	Food Service Industry
8%	Entertainment & Leisure
4%	Self-Service
4%	Real Estate Agencies & Properties
4%	Travel/Hospitality
3%	Healthcare
2%	Banking/Financial
2%	Other
1%	Automotive
1%	Education
1%	Digital Media & Agencies
1%	Fitness & Wellness
1%	Insurance
‹1%	Telecommunications
‹1%	Fuel Industry

The targeted companies are spread across the USA



TOP 5 STATES

CALIFORNIA	**22%**	of Cases
NEW YORK	**21%**	
FLORIDA	**12%**	
NEW JERSEY	**4%**	
TEXAS	**4%**	

Questions? Newsletter?

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