



Leading People.
Leading Organizations.



CUT AND PASTE POST MAY 2016

As of 9:33 p.m. on 5/10/2016, the proposed change to the overtime rule is still 'pending review' at the federal Office of Management and Budget. Stay tuned! In the meantime, here is a smorgasbord of information that may be useful to HR Professionals.

EEOC Issues New Resource Addressing Leave and Disability

On May 9, 2016, the Equal Employment Opportunity Commission (EEOC) released a publication, *Employer-Provided Leave and the Americans with Disabilities Act*, which addresses the rights of employees with disabilities who seek leave as a reasonable accommodation under the Americans with Disabilities Act (ADA).

The Resource is intended to help prevent discriminatory denials of leave. It addresses common questions employers and employees have raised about leave requests that are related to an employee's disability. As with all EEOC "Resources", the document creates no new agency policy, but explains how existing EEOC policies and guidance apply to specific situations. The Resource combines existing guidance on the ADA and leave into one place, addressing issues that arise frequently regarding leave as a reasonable accommodation, including the interactive process, maximum leave policies, return to work, and reassignment. As they do in all Resources, the EEOC has provided a variety of scenarios to explain how the rules may be applied.

The Resource also addresses undue hardship issues, including the amount and/or length of leave required, the frequency of leave, the predictability of intermittent leave, and the impact on the employer's operations and its ability to serve customers and clients in a timely manner.

Read [Employer-Provided Leave and the Americans with Disabilities Act](#)

EEOC Fact Sheet on Bathroom Access Rights for Transgender Employees

In *Macy v. Dep't of Justice*, EEOC Appeal No. 0120120821, 2012 WL 1435995 (Apr. 12, 2012), the EEOC ruled that discrimination based on transgender status is sex discrimination in violation of Title VII, and in *Lusardi v. Dep't of the Army*, EEOC Appeal No. 0120133395, 2015 WL 1607756 (Mar. 27, 2015), the EEOC held that:

- denying an employee equal access to a common restroom corresponding to the employee's gender identity is sex discrimination;
- an employer cannot condition this right on the employee undergoing or providing proof of surgery or any other medical procedure; and,

Inside this Issue:

- *EEOC Guidance*
- *2017 Health Savings Accounts Contribution Limits*
- *ACA Guidance*
- *CDC and OSHA Guidance on Zika Virus*

- an employer cannot avoid the requirement to provide equal access to a common restroom by restricting a transgender employee to a single-user restroom (though the employer can make a single-user restroom available to all employees who might choose to use it).

On May 2, 2016, the Equal Employment Opportunity Commission (EEOC) released a new fact sheet entitled *Bathroom Access Rights for Transgender Employees Under Title VII of the Civil Rights Act of 1964*. The fact sheet reflects the *Macy* and *Lusardi* decisions, and informs transgender employees of the steps they can take if they feel they have been discriminated against.

View the [Fact Sheet](#)

IRS Announces HSA Limits for 2017

On April 28, 2016, the Internal Revenue Service (IRS) announced the annual inflation-adjusted limits for health savings accounts (HSAs) for calendar year 2017. The only change was a \$50 increase in the Single HSA Contribution Limit (from \$3,350 to \$3,400).

Read [Revenue Procedure 2016-28](#)

DOL, HHS, and Treasury Release ACA Guidance

On April 20, 2016, the Departments of Labor, Health and Human Services, and the Treasury released the 31st set of [Frequently Asked Questions \(FAQs\)](#) on the implementation of the Affordable Care Act (ACA) and other health plan-related laws. This FAQs address questions on preventive services, coverage rescissions, mental health parity, and more.

CDC and OSHA Provide Guidance on Protecting Employees from Zika Virus

On April 22, 2016, the Centers for Disease Control and Prevention (CDC) and the Occupational Safety and Health Administration (OSHA) have issued a new fact sheet entitled *Interim Guidance for Protecting Workers from Occupational Exposure to Zika Virus*. The fact sheet:

- Provides guidance for outdoor workers, healthcare and laboratory workers, mosquito control workers, and business travelers on how to protect against occupational exposure to the Zika virus.
- Provides guidance and recommendations for employers to use to protect their workers.
- Provides guidance and recommendations for workers to consider to protect themselves from mosquito bites and exposure to an infected person's blood or other body fluids.

The CDC will continue to update this guidance as new information related to Zika virus transmission and related health effects becomes available, based on the accumulating evidence, expert opinion, and knowledge about the risk associated with other viral infections.

Download the Fact Sheet at <http://www.cdc.gov/niosh/topics/outdoor/mosquito-borne/pdfs/osha-niosh-fs-3855-zika-virus-04-2016.pdf>