



CUT AND PASTE POST OCTOBER, 2023

U.S. Supreme Court Begins New Term

The U.S. Supreme Court started its term on October 2nd with several employment-related cases on the docket, including cases that deal with discriminatory employment decisions, whistleblower protections and federal agency power. Go to [this article](#) on the SHRM website for more information.

EEOC Proposes Updated Workplace Harassment Guidance

On September 29, 2023, the Equal Employment Opportunity Commission (EEOC) released its [Proposed Enforcement Guidance on Harassment in the Workplace](#). This Guidance was last updated in in 1999.

Although many high-profile harassment cases involve harassment based on sex, race, or national origin, the EEOC also enforces laws prohibiting work-related harassment based on color, religion, disability, genetic information, and age (40 or over). This proposed guidance includes a legal analysis of standards for harassment and employer liability applicable to claims of harassment under the equal employment opportunity statutes enforced by the Commission. It also appears there are some attempts to fill in the ‘gaps’ on guidance that may have been missing, and which may have resulted in some court decisions which, in the EEOC’s opinion, failed to comply with the intent of the law.

In addition to updating its 1999 guidance, the proposed guidance:

- Clarifies that sex-based harassment includes harassment based on a woman’s reproductive decisions, such as decisions about contraception or abortion.
- Provides protections for LGBTQ+ workers, noting that sex-based harassment, like sex-based discrimination, includes harassment based on sexual orientation and gender identity.
- Addresses how virtual work environments and social media posts can contribute to a hostile work environment.
- Addresses employers’ anti-harassment and accommodation obligations as it relates to religious expression under Title VII of the Civil Rights Act of 1964
- Provides direction on some of the more established aspects of workplace harassment and employer liability, such as an employer’s affirmative defense to liability (the “Faragher-Ellerth Defense.”)

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The comment period ends 11/1/2023. Comments may be submitted, identified by docket number EEOC–2023–0005 or Regulatory Information Number (RIN) 3046–ZA02, by any of the following method (the EEOC requests that you use only one method):

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the instructions for submitting comments.
- *Fax:* 202–663–4114. Comments of six or fewer pages will be accepted via FAX transmittal
- *Mail:* Raymond Windmiller, Executive Officer, Executive Secretariat, U.S. Equal Employment Opportunity Commission, 131 M Street NE, Washington, DC 20507.
- *Hand Delivery/Courier:* Raymond Windmiller, Executive Officer, Executive Secretariat, U.S. Equal Employment Opportunity Commission, 131 M Street NE, Washington, DC 2050

Professional Pointer:

- These Guidance documents are ‘big deals’: they do not carry the force of law, but they do describe how the EEOC (and its state agencies such as the Montana Human Rights Commission) will examine and investigate charges of harassment. Therefore, employers should closely review, and comment on, the proposed Guidance.
- Upon publication of the finalized Guidance, employers should confirm their anti-harassment policies, complaint procedures and training are updated to reflect the revised standards.

Montana Motor Vehicle Division Adopts New Coding System

Beginning on November 13, 2023, the Montana Motor Vehicle Division implemented new codes for drivers with Special Restrictions. Drivers with any kind of ‘special restriction’ will have a code printed on the back of their Drivers’ License. According to the Division, Special Restrictions will now include medical information important for first responders and medical professionals as well as the ‘usual’ limitations to, or restrictions on, to driving rights. The complete list of Codes is included on the last page of this *Cut N Paste Post*.

Professional Pointer: For HR practitioners who review drivers’ licenses/driving records, drivers’ licenses may now contain (even more) protected class information, as well as information essential in evaluating whether the employee is qualified to drive for your company. It’s always been a good idea to limit who has access to drivers’ licenses and driving records, but now it’s essential to do so.

Montana Minimum Wage 2024

Montana’s minimum wage is subject to a cost-of-living adjustment no later than September 30th of each year. The minimum wage is to be the greater of the federal or current Montana minimum wage. The Department of Labor & Industry calculates the cost-of-living adjustment based on the increase in the Consumer Price Index (CPI), if any, from August of the preceding year to August of the year in which the calculation is made. The recent analysis resulted in a 3.5% increase in the minimum wage:

Current Minimum Wage: \$9.95

Minimum Wage Effective 1/1/2024: \$10.30

Exception: A business not covered by the Fair Labor Standards Act whose gross annual sales are \$110,000 or less may pay \$4.00 per hour. However, if an individual employee is producing or moving

goods between states or otherwise covered by the Fair Labor Standards Act, that employee must be paid the greater of either the federal minimum wage or Montana’s minimum wage.

No tip credit, meal credit, or training wage is allowed under Montana's Wage & Hour Laws.

Download the [2024 Montana Wage & Hour Poster](#) or the [2024 Montana Wage & Hour Poster in Spanish](#).

Congratulations to Us!

Once again, GVHRA has been awarded the prestigious SHRM Platinum EXCEL Award, for work completed in 2022!



“The SHRM EXCEL Award Recognizes accomplishments and strategic activities that enhance the human resources profession”

There are four EXCEL award levels: Bronze, Silver, Gold and Platinum. A minimum of one Dual Membership Initiative **AND** one additional initiative are required for award consideration, with the number of required initiatives increasing for each award level. At least one initiative must focus on dual membership (i.e., acquisition, engagement or retention of members of both a local chapter and SHRM) for each award level. GVHRA has consistently received EXCEL awards, and has received the EXCEL Platinum award in 3 of the last 4 years.

According to Johnny Taylor, SHRM-SCP and President and CEO of SHRM:

“So much of SHRM’s impact on the world of work can be traced back to the dedication and hard work of chapters like the Gallatin Valley Human Resources Association (GVHRA). GVHRA’s leaders took the initiative and drove changes to make workplaces where employers and employees can thrive together. The Platinum EXCEL Award is not only a celebration of the great work done by GVHRA—it’s also a recognition of the grit it took to do it.”

Congratulations to the leaders of the Gallatin Valley HR Association, and thanks for your hard work!



Montana Drivers' License Restriction Codes – 2023

Restriction Code	Definition	Restriction Code	Definition
3WHL	3 Wheeler Only	MIREXT	Mirror Extensions
ADREN	Adrenal Insufficiency	MTONLY	Valid Only In Montana
ALLERA	Allergic To Amoxicillin	MTRCYC	Motorcycle Only
ALLERP	Allergic To Penicillin	MUTE	Mute
ALZHEI	Alzheimer's	NCORLE	Corrective Lens At Night
APRAX	Apraxia Of Speech	NOAIR	No Air Brakes
ASPER	Asperger's Syndrome	NOCLSA	No Class A Pass
AUTISM	Autism	NOCLSB	No Class A or B Pass
BIOP	Bioptic Lens Required	NOFULL	No Full Airbrake CMV
BLSPT	Blind Spot Equipment	NOINCL	No Inclement Weather
BOOST	Booster Seat Required	NOINTR	No Interstate
BOTHM	Mirrors On Both Sides	NOMANU	No Manual
CDLB	FARSI CDL B Active	NOPASS	No Passengers
CDLC	FARSI CDL C Active	NOTRCT	No Tractor-Trailer
CLPREQ	Underlying Req For CLP	OXYGN	Oxygen While Driving
CNVO	Other	PACE	Pacemaker
COLOR	Color Blind	PEDEXT	Pedal Extension
COMD	Communication Issue	PILLO	Pillow Required
COMDIF	Communication Issue	PROB	Probationary
CORLEN	Corrective Lens	PROSTH	Prosthetic Aid
DEAF	Deaf	REAR	Large Rearview Mirror
DIABET	Diabetic	RESAR	Restricted Area
DYLGHT	Daylight Only	RESGDL	Restricted GDL
EGDL	Eligible For GDL	REYEBL	Blind Right Eye
EMPTNK	No Cargo	RMIRR	Right Outside Mirror
ESSONL	Essential Only	SI	Special Inv
FELONY	Felony Probation	SPEED	45-55 MPH
GLUCOS	Glucose Required	TEST	Testing & Training Only
HAND	Hand Controls	TRONLY	Auto Trans Only
HEAR	Hearing Aid	Turn	Turn Indicator
HRDSHP	Hardship	WHEEL	Wheelchair Use
INTLCK	Ignition Interlock	INTRA	Intrastate
KNOB	Steering Wheel Knob	LEARN	Learner License
LEBLIN	Legally Blind	LEFTAC	Left Foot Accelerator
LEGBR	Leg Braces	LEYEBL	Blind Left Eye
LMIRR	Left Outside Mirror	LOWSPD	Low Speed Vehicle
MANBRK	Manual Brake	MECAID	Mechanical Aid
MEDCON	Medical Condition	MEDVAR	Medical Variance
MILTRY	Military Non-Expiring		