



## HELP Committee To Hold Hearings On Paycheck Fairness Act

The Senate Health, Education, Labor and Pensions Committee is scheduled to hold hearings on legislation (H.R. 12) that would provide enhanced remedies for individuals found to have been subjected to pay discrimination. Senator Christopher Dodd (D-Conn.) has told reporters that the plan is to bring the bill to the Senate floor in a "month to six weeks."

The House approved the proposed *Paycheck Fairness Act* in January 2009. This Act would (i) make compensatory and punitive damages available as remedies in Equal Pay Act cases, (ii) authorize class actions for pay discrimination, and (iii) mandate training and other outreach efforts by the EEOC and the Labor Department's OFCCP on wage bias issues. It also would add non-retaliation requirements, increase penalties, and authorize the Secretary of Labor to seek additional compensatory or punitive damages.

The legislation also would prohibit employers from retaliating against employees who share salary information with their co-workers.

This bill is said to build on the *Lilly Ledbetter Fair Pay Act*, which was signed into law by President Obama in January, 2009. The *Lilly Ledbetter Fair Pay Act* addresses time limits faced by workers alleging pay discrimination in the workplace, and provides that the limitations period for filing complaints is triggered each time compensation is paid pursuant to a discriminatory compensation decision or practice.

## DOT Issues Ban on Texting for Commercial Motor Vehicle Drivers



As of January 27, 2010, drivers of commercial motor vehicles that are subject to Federal Motor Carrier Safety (FMCS) Regulations (including large trucks and buses) are prohibited from texting while driving. The texting ban does not apply to the use of cell phones for purposes other than texting. *Employers subject to the FMCS regulations should update employment policies and train employees on the texting ban.*

## OSHA Proposes Recording Musculoskeletal Disorders



OSHA recently proposed a new rule that would revise the OSHA 300 Log to enable employers to record work-related musculoskeletal disorders. OSHA's proposal defines *musculoskeletal disorders* as disorders of the muscles, nerves, tendons, ligaments, joints, cartilage, and spinal discs. However, disorders caused by slips, trips, falls, motor vehicle accidents, or similar accidents are not included in OSHA's proposed definition.



## Mental Health Benefits Rules to Be Issued

Several federal agencies are expected to issue interim final regulations implementing the federal *Mental Health Parity and Addiction Equity Act of 2008*. The regulations will be effective on July 1, 2010, and will apply to employers with 50 or more employees that have group health plans providing medical/surgical benefits and mental health or substance abuse benefits. The Act requires employers to apply the same financial requirements and treatment limitations for medical/surgical and mental health/substance abuse benefits.

*If you have questions or concerns about these new developments and how they might affect your business, please do not hesitate to contact Attorney Sally Piefer at (262) 754-1325, or [sap@tsqlaw.com](mailto:sap@tsqlaw.com).*

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