

## New Year Brings Changes to Key Employment Laws

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Two new employment-related legislative initiatives - the expansion of the Family and Medical Leave Act and the Employment Non-Discrimination Act - will significantly change the employment law landscape in 2009. New Family and Medical Leave Act regulations become effective on Jan. 16. On Nov. 17, 2008, the U.S. Department of Labor published its final rule implementing new regulations interpreting the Family and Medical Leave Act (FMLA). These new regulations are the first significant changes to the FMLA since 1994, and will affect the majority of this country's employers. The most significant new provisions include the recently enacted military caregiver leave, changes to the newly implemented qualifying exigency leave and a general updating of the FMLA. Sexual orientation discrimination is a developing area of employment law. Title VII of the Civil Rights Act of 1964 prohibits discrimination "because of sex." Courts have repeatedly held that Title VII does not, however, prohibit discrimination based upon sexual orientation. As a result of the conflicting court analysis and varying state laws, Congress proposed three bills addressing the issue. Congress took little action on these three bills until June 26, 2008, when the House held the first-ever hearing on the need to prohibit discrimination against transgender persons. It seems clear that a law prohibiting discrimination on the basis of sexual orientation or gender identity will be on the agenda for the new Congress.

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