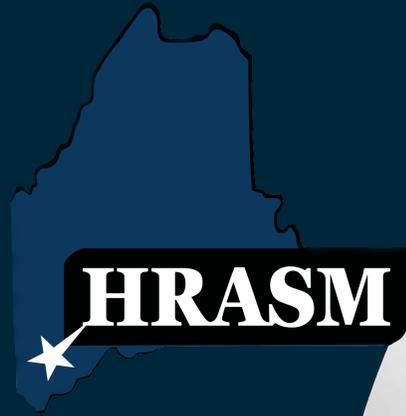


A LITTLER PRESENTATION



# 2024 Maine Employment Law Update

**Littler**<sup>®</sup>



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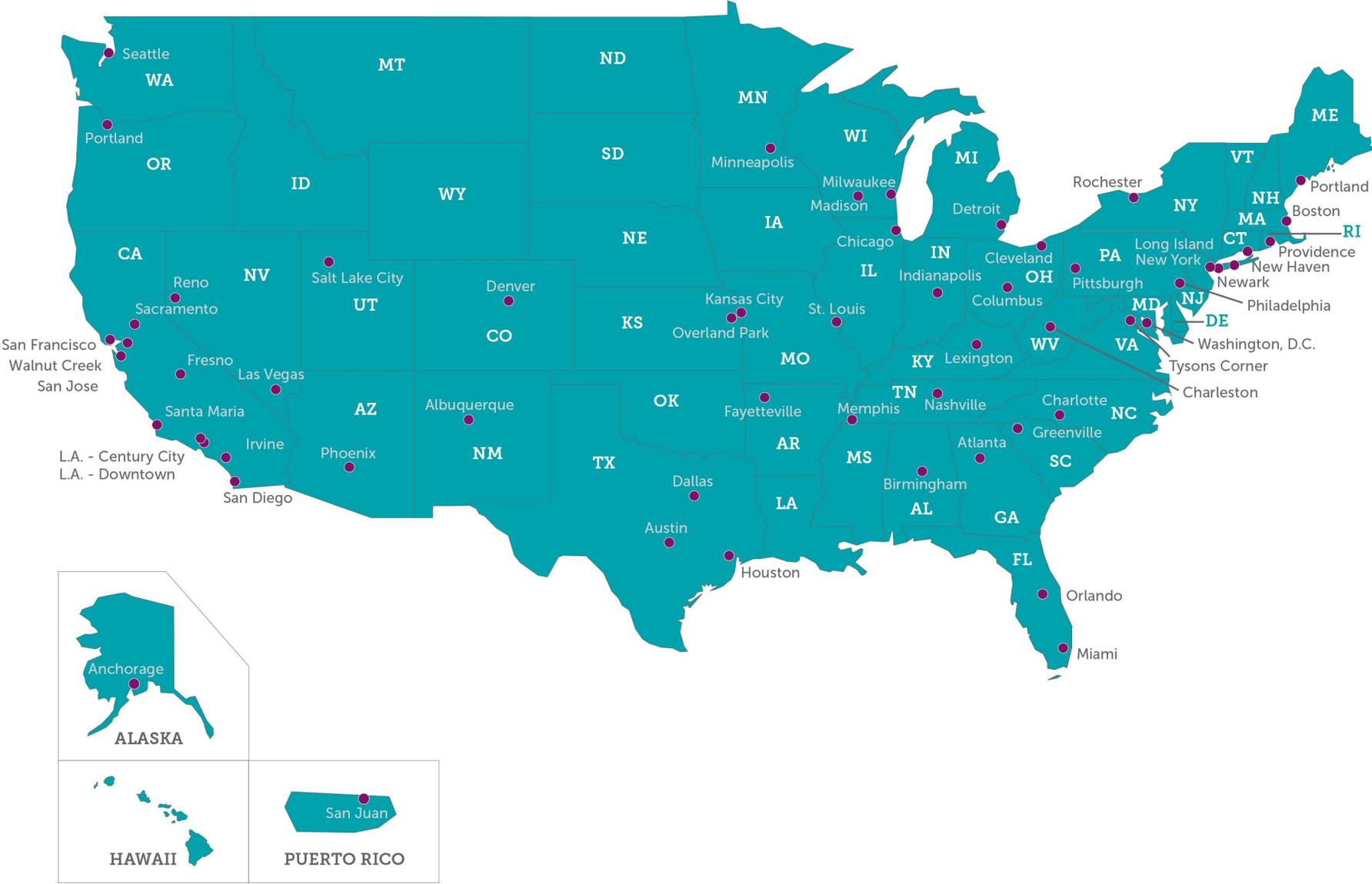
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Affirmative Action/ OFCCP Compliance	AI and Technology	AI in Human Resource Decisions	Appellate	Arbitration
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Litigation and Trials	Occupational Safety and Health	Policies, Procedures and Handbooks	Privacy and Data Security	Staffing, Independent Contractors and Contingent Workers
Training - Compliance, Ethics, Leadership	Unfair Competition and Trade Secrets	Wage and Hour	Whistleblowing, Compliance and Investigations	Workers' Compensation
Workplace Government Relations and Policy	Workplace Violence Prevention and Crisis Response			

# And we are where you are



- **Littler Offices**

Littler has attorneys admitted to practice in all 50 states and U.S. territories.

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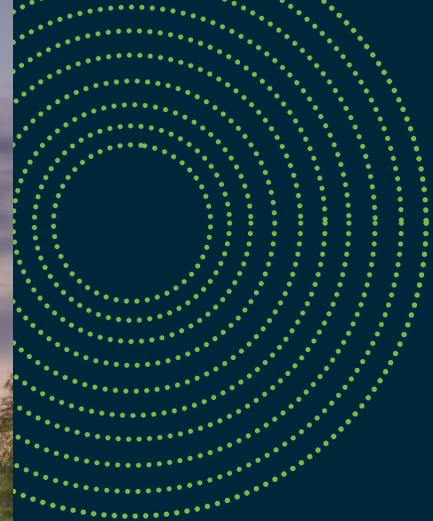
# And Our Future-focused Mindset Helps You Stay One Step Ahead of Tomorrow

- We create new practice groups to stay ahead of recent developments — like A.I. Robotics.
- We constantly publish reports on ongoing industry trends.
- Our Workplace Policy Institute allows us to engage on pressing labor, employment, and benefits developments with national policymakers — helping us shape future legislation and advocate for you.
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# Agenda

- Maine's chaotic 131st legislative session wrap-up
- Newly Enacted State and Local Legislation
- Forthcoming Paid Family Medical Leave program
- Recent Court Rulings To Know



# Legislative Update

# Portland's 2024 Initiatives



- The Portland City Council's Housing and Economic Development Committee recently released their 2024 workplan. The proposed initiatives include:
- Increasing minimum wage to \$20 per hour.
  - That means hazard pay is \$30/hour
- Implementing a universal basic income program in Portland
- Establishing a municipal level Department of Labor to investigate employers.
- Establishing a Payment in Lieu of Taxes Program to extract revenues from institutions like universities and non-profit medical providers.

# Portland November Election Ballot Initiatives

- (1) Amend Portland's hazard pay ordinance. Backed by Portland Chamber, collected enough signatures to get on ballot. *Remember to vote on 11/5/24*
  - Hazard pay would only take effect if emergency declared by City of Portland
  - Governor's statewide actions would not trigger hazard pay
- (2) Increase min. wage to \$20/hour. Backed by Democratic Socialists of America ("DSA"). 2nd City Council reading on 8/19/24 – **FAILED by 5-2 vote (for now)**
  - Applies to all employers/employees including service employees
- (3) Remove tip credit for service workers. Backed by DSA. 2nd City Council reading on 8/19/24 - **FAILED by 5-2 vote (for now)**
  - All service workers would receive minimum wage regardless of amount of tips

# 131st Maine Legislature Ends

- First Session (June 2023) our legislature was very active
  - 2,152 bills introduced
  - 639 passed into law
    - Effective date for legislation passed during the First Special Session was **October 25, 2023**
  - 400+ carried over into
- Second Regular Session (1/3/24 – 5/10/24)
  - Marred by “concept drafts”
  - 197 new laws
  - Effective date for legislation passed during the Second Regular Session is **August 9, 2024**



# LD 1423 – Increased Damages Under Maine Human Rights Act

- Under MHRA, compensatory and punitive damages are capped:
  - Compensatory damages: e.g., emotional distress
  - Punitive damages: for acts of malice or reckless indifference
- New law approximately doubles the damages cap:

Employer Size	Prior Damages Cap	New Damages Cap
15-100 employees	\$50,000	\$100,000
101-200 employees	\$100,000	\$300,000
201-500 employees	\$300,000	\$500,000
501+ employees	\$500,000	\$1,000,000



# LD 1423 – Increased Damages Under Maine Human Rights Act

Employer Size	Prior Maine Damages Cap	New Maine Damages Cap	Title VII Damages Cap	Total Potential Liability (not including wage damages and attorney's fees)
15-100 employees	\$50,000	\$100,000	\$50,000	\$150,000
101-200 employees	\$100,000	\$300,000	\$100,000	\$400,000
201-500 employees	\$300,000	\$500,000	\$200,000	\$700,000
501+ employees	\$500,000	\$1,000,000	\$300,000	<b>\$1.3 million</b>

# Maine Turns DOL Into Proactive Enforcement Agency



LD 372 was enacted on 4/22/24; **effective 7/16/24**



Increases fines for unpaid wages violations of up to \$1,000 per violation **without needing Court order**



DOL tasked with enforcement even if no complaint filed (40% of budget must go toward enforcement)



DOL rep testified that “we want to go towards proactive investigations, where we can proactively go to the employers that we suspect . . . Even if a worker does not complain.”



LD 2184 Chapter 9 Rulemaking

# LD 1703 – Expansion of Equal Pay Act to Include Race

- Equal Pay Act: Employers may not discriminate in pay on the basis of sex for comparable work
- New law signed by Gov. Mills on 6/22/23 adds race to Equal Pay Act: Employers may not discriminate in pay on the basis of race for comparable work
  - Comparable work = comparable requirements related to skill, effort, and responsibility

# Strict Liability Under Maine Equal Pay Law

- MEPL (Title 26, § 628) provides:
  - An employer may not discriminate between employees in the same establishment on the basis of sex by paying wages to any employee in any occupation in this State at a rate less than the rate at which the employer pays any employee of the opposite sex for comparable work on jobs that have comparable requirements relating to skill, effort and responsibility. Differentials that are paid pursuant to established seniority systems or merit increase systems or difference in the shift or time of the day worked that do not discriminate on the basis of sex are not within this prohibition.
- *Mundell v. Acadia Hosp. Corp.*, 585 F. Supp. 3d 86, 94 (D. Me. 2022)
  - Bad facts make bad law: Undisputed that hospital paid two male psychologists \$95/hr and a female psychologist \$50/hr for the same job with same qualifications.
  - Despite this, defendant argued that plaintiff needed to prove discriminatory intent

# *Mundell*: Major Court Ruling on Maine Equal Pay Law

- District Court: Employers are strictly liable for unequal pay between genders (and now race) under the Maine Equal Pay Law regardless of discriminatory intent.
  - “The evil redressed by MEPL is decidedly the impact of unequal pay for comparable work, regardless of the employer's motivation. Indeed, in the context of Maine wage law there is no precedent to suggest that non-payment or under-payment of wages could ever be excused by the employer's demonstration of a lack of intent to violate the law.”
- Affirmed by the First Circuit Court of Appeals on 2/1/24
  - Holding (2-1 vote) – Maine Equal Pay Law is strict liability. No need to prove discriminatory intent. (affirms District Judge Walker)
  - Effective 10/25/23 – MEPL amended to add race

# Mundell and Equal Pay Act: Continued

- Only exceptions permitted:
  - An established seniority system
  - Merit pay system
  - Shift differences
- Pay must otherwise be equal across genders and races
  - 1st Circuit expressly rejected pay differences due to market factors such as paying bonuses or premiums to attract talent to relocate from other geographic areas or ability to generate business
- *Penalty is treble damages plus attorneys' fees*
- Lone dissenter said Court should have certified question to the Law Court.  
Potential for request for en banc review or appeal to SCOTUS
- Time to conduct pay audit?

# Maine DOL Announces Enforcement Plan for New Federal Overtime Rule

Maine's exemption rate now falls below the federal rate under the new rule. So, on 5/10/24, the Maine DOL announced it will enforce the new federal level as follows:

Until July 1, 2024 - Maine's current minimum of **\$42,450.20 per year/\$816.35 per week.**

Effective July 1, 2024, a new federal minimum salary of **\$43,888 per year/\$844 per week.**

**Effective January 1, 2025**, a new federal minimum salary of **\$58,656 per year/\$1,128 per week.**

As the federal minimum is adjusted every three years, Maine DOL will enforce the adjusted minimum salary.

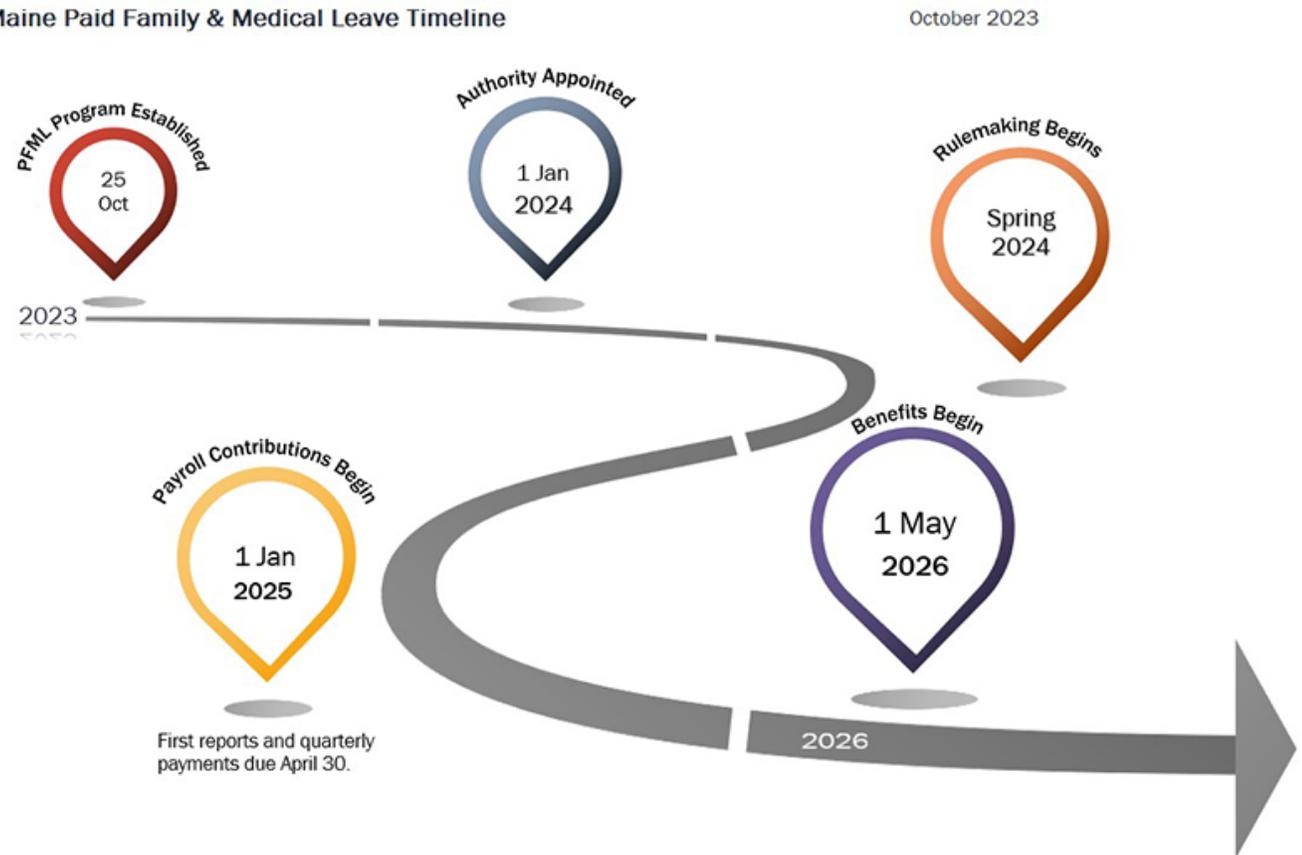
# Paid Family and Medical Leave

- Will provide up to 12 weeks of paid leave per year to **all** eligible employees in the private and public sector, **regardless of employer size and regardless of how long that employee has worked for the employer**
  - Federal government employees are not eligible
- Leave will be available for:
  - Employee's or family member's serious health condition
    - Or to care for someone who is *not* family but has a "significant personal bond"
  - Birth, adoption, and baby bonding
  - Safe leave (a/k/a sexual assault victim leave)
  - Military-related leave
- Funded by a 1% payroll tax, split between employer and employee
  - Employers with less than 15 employees are exempt from employer portion, but employees must still pay 0.5%
- Payroll tax takes effect **January 1, 2025**; benefits available to employees **May 1, 2026**

# Key Dates

- October 25, 2023: PFML law took effect.
- January 1, 2024: PFML Authority appointed.
  - 1st draft of Rules released on 5/10/24
  - 2<sup>nd</sup> draft of Rules released on 8/28/24
    - **Public Hearing on 9/17/24 in Augusta**
    - **Comments due 9/30/24**
- January 1, 2025: Rules to implement the PFML program must be adopted by the Maine Department of Labor.
- January 1, 2025: Payroll withholdings start.
- May 1, 2026: Benefits become available.

Maine Paid Family & Medical Leave Timeline



# Maine Paid Family and Medical Leave Update

- Public comments on 1<sup>st</sup> draft closed on 7/8/24
- 300 individual commenters with 1,000+ comments
- DOL published 2<sup>nd</sup> draft of rules on 8/28/24 with some significant changes.
  - Major change to private plan options
  - The definition of “affinity relationship”
  - Employers’ ability to establish undue hardship
  - DOL’s ability to issue advisory opinions

*Submit public comment by 9/30/24 at  
<https://www.maine.gov/labor/rulemaking>*

# Private Plan Option

- An employer may apply for a private plan exemption (self-insured or fully-insured) showing what they offer is “**substantially equivalent**” to the state plan. “Substantially equivalent” means:
  - Provide same types of leave as the state law
  - The plan must allow for **at least 10 weeks** of aggregate leave per benefit year;
    - *State plan is 12 weeks*
  - The plan must allow a covered individual to take intermittent or reduced leave;
  - The cost to employees of the plan may not be greater than 0.5% of earnings; and
  - The plan must provide an internal reconsideration process for denial of benefits.

**Current Rules states that employers cannot apply for private plan exemption until 4/1/25. Now, only responsible for 1 quarter of premiums.**

- The DOL holds the right to withdraw approval of a private plan if any of the terms and conditions are violated. Approval only valid for 3 years.

# Impermissible Private Plans

- The 2<sup>nd</sup> draft of the Rules state that the following will **not** be “substantially equivalent” and will not be approved:
  - A plan which provides benefits **only for the covered employee’s individual’s own serious health condition**, such as a short term or long term disability plan; and
  - A plan which consists of leave benefits provided pursuant to employer policy and which are subject to change at the employer’s discretion; and
  - A plan that consists of leave benefits **that need to be accrued** (such as sick, vacation, or paid time off) that does not provide full coverage of benefits regardless of time with the employer or availability of accrued time.

# Important Information for Employers

- **Job Protection.** Individuals who have not worked for an employer for at least **120 days** are not guaranteed job protections.
  - But still ripe for retaliation claim
  - *Not addressed in 1st or 2<sup>nd</sup> draft of Rules*
- **Relationship to other leaves.** The 2<sup>nd</sup> draft of the Rules states that the 12 weeks of aggregate leave taken under the state law **will** be reduced by any leave taken under FMLA or Maine FMLR that was not taken concurrently with leave under this law in the 12-month period preceding the start of leave.
  - *i.e.*, an employee can't take 12 weeks of FMLA and then 12 weeks of Maine FML for 24 weeks in a given 12-month period

# Reasons for Leave

PFML reasons for leave mirror current state and federal law. Reasons for leave include:

- **Family leave:** To care for a new child (birth, adoption, fostering)
- **Medical leave:** To care for one's own medical needs or to care for family member with serious health condition
  - “Family member” = biological, adopted, foster, or step children, parents, grandparents, grandchildren, siblings; spouse or domestic partner
- **Safe leave:** For victims of domestic abuse
- **Military deployment:** For emergencies related to military deployment (qualifying exigency)
- ~~“Affinity Relationship”~~ replaced with “significant personal bond”

# “Significant Personal Bond”

- A significant personal bond is one that, when examined under the totality of the circumstances, is like a family relationship, regardless of biological or legal relationship. This bond may be demonstrated by, but is not limited to the following factors, with no single factor being determinative:
  - Shared personal financial responsibility, including shared leases, common ownership of real or personal property, joint liability for bills or beneficiary designations;
  - Emergency contact designation of the employee by the other individual in the relationship or the emergency contact designation of the other individual in the relationship by the employee;
  - The expectation to provide care because of the relationship or the prior provision of care;
  - Cohabitation and its duration and purpose;
  - Geographic proximity; and
  - Any other factor that demonstrates the existence of a family-like relationship.

# Types of Leave

- **Continuous leave:** An employee is taking leave that is ongoing for days or weeks at a time. (Ex. Employee is taking 6 weeks off to bond with newborn).
- **Intermittent leave:** An employee is still working but will need to take time off in increments (Ex. An employee undergoing chemotherapy works in the morning, has chemotherapy treatment in the afternoon, and will need a day to recover).
  - Rules define “Intermittent Leave” as “an employee taking varying periods of leave and returning to work throughout a period of approved covered leave time. Intermittent leave may be planned (i.e., for routine appointments) or unplanned (i.e., for a flare-up of a serious health condition)”
- **Reduced leave:** An employee is still working but is on a reduced schedule working certain number days of the week while on leave for the rest. (Ex. Employee normally works Monday-Friday but is now only working Monday, Wednesday, and Thursday for the next 8 weeks to care for a family member with a serious medical condition).

# Contributions to PFML Fund

- The contribution per employee is **1% of an individual's wage**, split between employee/employer.
  - “Wages” includes **tips and gratuities, severance and terminal pay, commissions, and bonuses**, but does not include remuneration for services performed by an independent contractor
- **For employers with 15 or more employees:**  
For an employer with an annual payroll of \$1 million a year, the annual premium would be \$10,000 (\$1M x 1%). The employer would contribute \$5,000 per year (0.5%) and the employees, combined, would contribute \$5,000 per year (0.5%).
- **For employers with less than 15 employees:**  
For an employer with an annual payroll of \$250,000, the annual premium would be \$1,250 (\$250K x 0.5%).
  - Employers with fewer than 15 employees are exempted from the employer share of contributions, but they must still withhold 50% of the premium from their employees' wages.
  - The employer may deduct the entire amount from the employees' wages and would be responsible for remitting the premium. However, an employer's determination to deduct premiums from employees' wages **must apply to all employees, except as required by an applicable CBA.**

# Employer Size – 15 employee threshold

“For the purposes of determining premium liability, any employer that employed 15 or more covered employees per that employer's EIN on their established payroll in **20 or more calendar workweeks in the 12-month period preceding September 30th of each year** will be considered to be an employer of 15 or more employees for the calendar year thereafter. This count includes the total number of persons on establishment payrolls employed **full or part time** who received pay for any part of the pay period. **Temporary and intermittent employees are included**, as are any workers who are on **paid sick leave, on paid holiday, or who work during only part of the specified pay period.**”

# Requirements and Eligibility

- **All employees who earn wages in Maine.**
  - Must have earned 6x state average weekly wage ( $\$1,144.67 \times 6 = \$6,868.02$ ) during the first 4 of the last 5 completed calendar quarters immediately preceding the 1<sup>st</sup> day of an individual's benefit year
  - Must submit application for benefits no more than 60 days before start of leave or no more than 90 days after start of leave
  - **Must provide notice in writing to employer (but can be letter, email, or text)**
  - Be employed as of the date of application for leave if applying in advance OR be employed as of the date of leave beginning
    - *So, your new hire can take leave immediately after starting!*

## NOT ELIGIBLE

- Any employee subject to the Railroad Unemployment Insurance Act
- Incarcerated persons earning wages in a Maine correctional facility
- Students earning wages as part of the federal work study program
- Employees of the federal government
- Individuals who volunteer for an employer or governmental entity

# Undue Hardship

- The draft Rules place the burden of proving undue hardship on employers within **10 business days** of being notified of a claim
- “Undue hardship” means “a significant impact on the operation of the business or significant expenses, considering **the financial resources of the employer, the size of the workforce, and the nature of the industry**. An employer’s determination of undue hardship shall be considered reasonable *if*:
  1. The employer provided a written explanation of the undue hardship to the employee, demonstrating, based on the totality of the circumstances, how the absence of the specific employee and the specific timing of the employee’s requested leave will cause significant impact on the operation of the business or significant expenses;
  2. The employee retains the ability to take leave within a reasonable time frame relative to the proposed schedule; and
  3. The employer has made a good faith attempt to work out a schedule for such leave that meets the employee's needs without unduly disrupting the employer's operations.

2<sup>nd</sup> Rules also state that if medical leave is requested, the employer’s proposed schedule is subject to the review of the employee’s health care provider. **If the employee’s medical provider states that the employer’s proposed schedule is not reasonable, then undue hardship does not apply.** *Gives a lot of power to medical providers*

# Fraud?



- Only penalty for fraud is disqualification for paid leave for 1 year
- Rules says that the DOL may demand repayment of benefits, but it is not a requirement
- No real teeth to preventing fraud
- DOL can't even find fraud unless it was "willful"

# Benefit Calculations: The Tiers

- Benefits paid via direct deposit or in the form of a debit card
- Benefits may be reduced by the receipt of other government benefits such as Workers' Comp or unemployment
  - BUT no reduction for “Wages received from any other employer from whom the covered individual is not on leave” and no reduction for receipt of wages from an employer’s short term disability policy
  - Double dipping permitted??
- Benefits are determined by a tiered system based on the state average weekly wage (SAWW):
  - Tier 1 = The portion of the covered individual’s average weekly wage that is equal to or less than 50% of the SAWW is replaced at 90%
  - Tier 2 = The portion of the covered individual’s average weekly wage that is more than 50% of the SAWW is replaced at 66%
  - Benefits are capped at the SAWW (\$1,144.67 as of 7/1/24)

# Maine's State Average Weekly Wage Increases Again



- Effective 7/1/24, the state average weekly wage is now **\$1,144.67** (\$59,523 annual earnings). Up from \$1,103.71 in 2023.
  - This will be the weekly cap for paid FML benefits under the state plan.
  - Puts Maine 29th in the U.S.
    - #1 is Massachusetts at \$1,473/wk.
    - #50 is Mississippi at \$868.85/wk.
- The SAWW in Maine was \$889.34 on 7/1/20. **28.7% increase since then.**

# How Benefits Will Be Calculated

## Example 1: Morgan (Estimate)



- Morgan is employed as a full-time accountant and **earns \$57,000 a year**.
- Morgan needs to take 8 weeks off to care for her mother who has a serious medical condition.
- Calculation of Morgan's Weekly Benefit (Estimate):
- **Morgan's average weekly wage is \$1,096** (\$57,000 divided by 52 weeks).
- Morgan's weekly deduction from paycheck to pay into PFML fund is \$5.48 per week. (\$285 a year in contributions divided by 52 weeks).
- Assuming Morgan's employer has less than 15 employees, the employer is exempt from paying an employer contribution but must submit Morgan's deductions to the PFML Fund.
- Tier 1: 90% wage replacement on earnings up to 50% of SAWW:  $\$1,144 \times 50\% = \$572$  (rounded). 90% of  $\$572 = \$515$
- Tier 2: 66% wage replacement on earnings exceeding 50% of the SAWW
  - Morgan's remaining earnings are \$524 ( $\$1,096 - \$552$ ).
  - 66% of  $\$524 = \$346$
- Morgan's weekly benefit for the next 8 weeks = **\$861** ( $\$515$  plus  $\$346$ ). This is less than the SAWW, so there is no reduction. Morgan gets **79% of her normal wages replaced**.

# How Benefits Will Be Calculated

## Example 2: Michael (Estimate)



- Michael is employed full-time as a custodian and **earns \$29,432** a year. (The 2024 state minimum wage of \$14.15 per hour)
- Michael needs to take 6 weeks off to bond with his newborn daughter.
- Calculation of Michael's Weekly Benefit (Estimate):
- Michael's average weekly wage is **\$566** (\$29,432 divided by 52 weeks).
- Michael's weekly deduction from paycheck to pay into PFML fund is \$2.83 per week. (\$147 a year in contributions divided by 52 weeks).
- Assuming Michael's employer has 15 or more employees, the employer contribution is also \$2.83 a week. (\$147 a year in contributions divided by 52 weeks).
- Tier 1: 90% wage replacement on earnings up to 50% of SAWW:  $\$1,144 \times 50\% = \$572$  (rounded). 90% of \$572 = \$515
- Tier 2: 66% wage replacement on earnings exceeding 50% of the SAWW
- Here, there are none!
- Michael's total weekly benefit for the next 6 weeks = **\$515** (\$515 plus \$0). This is less than the SAWW, so there is no reduction. Michael gets **91% of wages replaced**.

# How Benefits Will Be Calculated

## Example 3: Jo (Estimate)



- Jo is employed full-time as a paralegal and earns **\$100,000 a year**.
- Jo needs to take 4 weeks off to recover from surgery.
- Calculation of Jo's Weekly Benefit (Estimate):
- Jo's average weekly wage is **\$1,923** (\$100,000 divided by 52 weeks).
- Jo's weekly deduction from paycheck to pay into PFML fund is \$9.62 per week.
- Assuming Jo's employer has 15 or more employees, the employer contribution is also \$9.62 a week. This costs Jo \$500 per year.
- Tier 1: 90% wage replacement on earnings up to 50% of SAWW:  $\$1,144 \times 50\% = \$572$  (rounded). 90% of  $\$572 = \$515$
- Tier 2: 66% wage replacement on earnings exceeding 50% of the SAWW
  - Jo's remaining earnings are \$1351 ( $\$1,923 - \$572$ ).
  - 66% of \$1351 = \$892
- Jo's total weekly benefit for the next 6 weeks should = \$1,407 ( $\$515 + \$892$ ). BUT this exceeds the SAWW, so **Jo's benefit is capped at \$1,144. Joe gets 59% wage replacement.**

# Paid Family and Medical Leave: Summary

- Covered Employees: all employees (included self-employed) who have earned 6X Maine average weekly wage in the prior year
  - Currently, 6X Maine average weekly wage = \$6,868
- Leave is available immediately
  - Employees entitled to job protection if employed for at least 120 days
- Program will reimburse employee's wages up to 50% of Maine's average weekly wage at 90%, and wages over 50% of Maine's average weekly wage at 66%, up to maximum benefit amount
  - Maximum benefit amount = Current average weekly wage (presently, \$1,144)
  - Major incentive for low earners to take 12 weeks off every 13 months
- Private employers can apply for a waiver if they offer “substantially equivalent” benefits
- DOL has authority to issue advisory opinions



## Other Cases of Note

# An Employee Challenging a Lateral Transfer Under Title VII Does Not Need to Meet a Heightened Standard of Harm

- *Muldrow v. City of St. Louis*, No. 22-193, 601 U.S. \_\_\_\_, 2024 U.S. LEXIS 1816, 2024 WL 1642826 (April 17, 2024)
- An employee challenging an involuntary lateral job transfer under Title VII need only show that the transfer resulted in “some harm” or “some ‘disadvantageous’ change” with respect to a term or condition of employment, but the harm or disadvantageous change need not be “significant.”

# One Word Can Have Major Meaning

- *Fazeli v. Northbridge Stroudwater Lodge II LLC*, 2:20-cv-00350-JDL, 2023 U.S. Dist. LEXIS 175729, 2023 WL 6377788 (D. Me. September 30, 2023)
- Employer’s motion for summary judgment on former employee’s Section 1981 claim denied where an individual involved in termination discussions called former employee “an evil man,” which the court said was a “particularly loaded term when used to describe a Muslim American,” despite employer’s disputed claim that comment was directed at plaintiff because of his allegedly disrespectful treatment of a coworker.

# Always Give Employees FMLA Paperwork When Requested

- *Donovan v. Nappi Distribs.*, No. 2:21-cv-00070-JAW, 2023 U.S. Dist. LEXIS 204257, 2023 WL 7702137 (D. Me. Nov. 15, 2023)
- Employer's motion for summary judgment on former employee's FMLA interference claim denied where human resources professional did not give the employee the FMLA paperwork when requested and instead encouraged her to use flex time for her medical appointments

# Clearly Articulated and Vigorously Enforced Policy

- *Vargas v. Riverbend Management LLC*, 2024 ME 27
- Evidence of an employer's clearly articulated and vigorously enforced policy against discriminatory conduct by employees tends to refute any contention that an employee's discriminatory conduct could have reasonably been intended to serve the employer's interests.

# Litigants Proceeding Anonymously

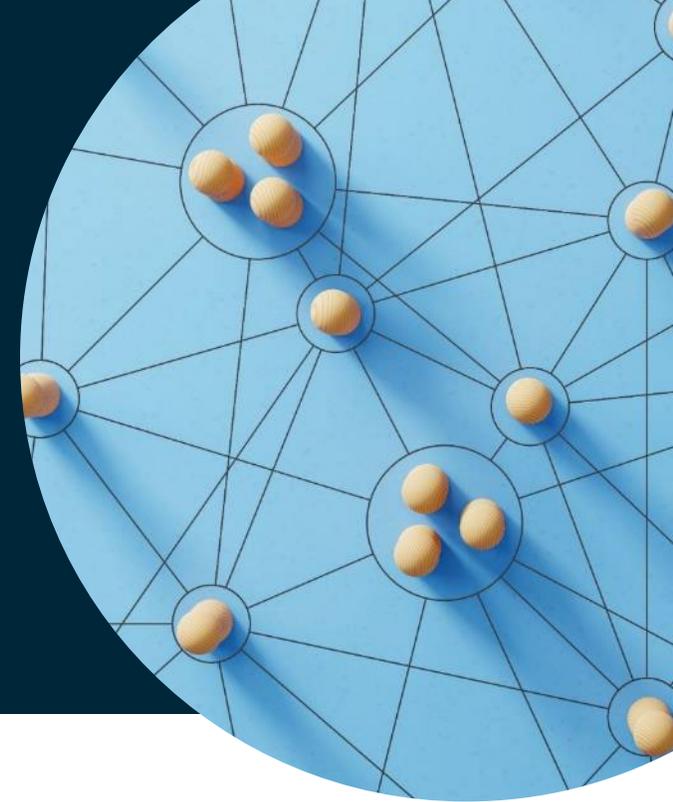
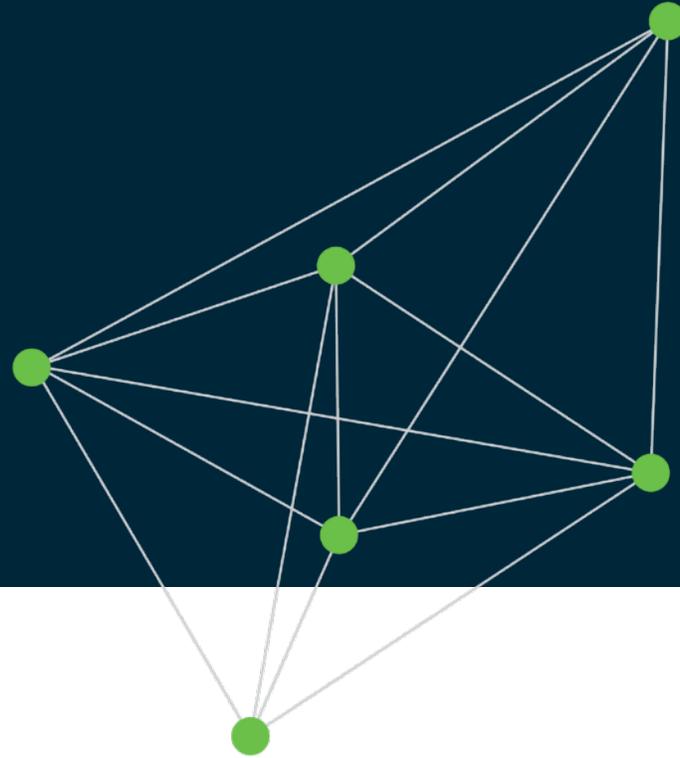
- *John Doe, M.D. v. MaineGeneral Medical Center, et al.*, 1:24-00220-NT (Aug. 28, 2024)
- Anonymous doctor alleged race discrimination and whistleblower retaliation
- Wanted to remain anonymous in litigation – request denied
- “Although I understand and am sympathetic to Doe’s concerns, he has not cited any case where a threat to a litigant’s professional reputation was found to constitute a severe enough harm to warrant anonymity, and my own research suggests that ‘courts have consistently rejected anonymity requests predicated on harm to a party’s reputational or economic interests.’”



# Questions?

This information provided by Littler is not a substitute for experienced legal counsel and does not provide legal advice or attempt to address the numerous factual issues that inevitably arise in any employment-related dispute. Although this information attempts to cover some major recent developments, it is not all-inclusive, and the current status of any decision or principle of law should be verified by counsel.

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# Thank You

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