

LABOR AND EMPLOYMENT ALERT

INDEPENDENT CONTRACTOR GUIDANCE: FEDERAL AND STATE

The U.S. Department of Labor has announced it will soon release guidance identifying the criteria it will use to determine if a worker qualifies as an independent contractor. We will update you when the federal guidance is published. In the meantime, to be ready, you should begin pulling your independent contractor agreements to aid in your review.

If you are a Virginia employer, the Virginia Department of Labor and Industry announced that starting July 1, 2015, it will begin identifying misclassified workers during Virginia Occupational Safety and Health (VOSH) inspections and investigations. If misclassifications are found, VOSH will take action including no penalty reduction consideration for good faith efforts. Construction industry employers will be subject to additional scrutiny and potential penalties. [You may read the announcement here.](#)

BEWARE OF DEGREE FRAUD

NBC's Jeff Rossen aired a compelling story on June 9, 2015, that all employers should know about. <http://www.today.com/money/fake-diplomas-sale-online-doctorate-degrees-deceit-t24806>. The report details not only how easy it is to obtain fake diplomas and transcripts, but Rosen also interviewed a business owner whose business is to provide employees with fake job references that sound astoundingly legitimate. If you are not aware of the National Student Clearinghouse at <http://www.degreecheck.com>, you may want to consider this resource as part of your background check process.

VIRGINIA UNEMPLOYMENT POSTER

In April 2015 the Commonwealth of Virginia published a revised Unemployment Insurance poster with updated language. [You may download the poster here.](#)

WAGE AND HOUR WHITE COLLAR EXEMPTION RULES: IMMINENT

The U.S. Department of Labor Wage and Hour Division Administrator David Weil has stated that the publication of the proposed rule revising the white collar exemptions to the Fair Labor Standards Act is "imminent." After a comment period, which is typically 30-90 days, the regulations will be revised, finalized and published. Anticipated changes include an increase in the minimum salary level for the exemptions, with estimates placing the figure at somewhere between \$40,000 and \$55,000. The salary threshold is also expected to be tied to an economic index so there will be automatic increases in the future. We will keep you posted.

If you have any questions or need assistance, we would be happy to talk with you in more detail.

The Labor & Employment Alert is intended to keep readers current on matters affecting labor & employment, and is not intended to be legal advice. If you have any questions, please contact Karen S. Elliott at 804.788.7762 or Annemarie DiNardo Cleary at 804.788.7768, or any other attorney with whom you have been working.