

WIT AND WISDOM OF WINTHROP

WELCOME

Welcome to the initial installment of WIT AND WISDOM OF WINTHROP, Winthrop & Weinstine's briefing on developments in the employment litigation world!

DEADLINES

January 1, 2020 - FLSA Overtime Exemption Salary Threshold Update went into effect. More details at: <https://www.winthrop.com/bold-perspectives/flsa-overtime-exemption-salary-threshold-update-2019/>

January 1, 2020 — Minneapolis Wage Theft Prevention Ordinance went into effect. More details at: <https://www.winthrop.com/bold-perspectives/minneapolis-wage-theft-prevention-ordinance/>

EMPLOYMENT LITIGATION UPDATE: MINNEAPOLIS MINIMUM WAGE UPHELD

On January 22, the Minnesota Supreme Court upheld the Minneapolis city ordinance requiring employers to pay Minneapolis workers a minimum wage of \$15 per hour by 2022 (for large employers) and 2024 (for small employers). The Court found that the state minimum wage was a floor, not a ceiling, and that municipal governments could lawfully set higher minimum wages than that set by the Minnesota Fair Labor Standards Act. Employers should begin the process of raising their minimum wages for all employees who work within the geographic boundaries of Minneapolis (including those who are based outside Minneapolis but perform at least two hours of work within the city's boundaries) to comply with the ordinance's deadline.

LESSONS LEARNED

Situation: An employee has been in and out of work on various leaves of absence, but now the employee wants to come back to work. The employee's current doctor's note has him out of work for several more weeks. The employee's manager recently saw the employee outside of work, and has concerns about the employee being able to come back and perform the functions of his job safely. You are tired of waiting for the employee to come back, and are skeptical that the employee will be at full capacity at any time in the near future. What should you do?

Lesson Learned: Do not make any decisions or assumptions about what an employee can or cannot do without having it be based on a current note from the employee's medical provider. You cannot let the employee work now because the current doctor's note has the employee out of work for another two weeks, so a new note is needed before the employee can return to work at all. Similarly, you should not make any assumptions based on your own view or skepticism about what an employee can or cannot do. Take it one step at a time and make decisions based on current information from the employee's medical provider.

SPOTLIGHT ON LAURA PFEIFFER



HOW DID YOU GET INTO EMPLOYMENT LITIGATION? When I was a first-year law student I worked as a clerk at the firm and got to try my hand at working on employment cases. I liked that in employment law the situations are fast-moving and always interesting. I always say that human nature is such that I will always have a job!

WHAT WAS ONE OF YOUR FIRST JOBS? I babysat and worked a lot of retail, but one funny job I had was as a photographer for Sears Portrait studios getting little kids to "smile for the Pooh bear!"



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Put the law to work.