

11 Scariest Issues Employers Face in 2014

New XpertHR Report Offers Guidance on Medical Marijuana, Same-Sex Marriage, Immigration and BYOD in the Workplace

New Providence, NJ (Feb. 12, 2014) – Medical marijuana, same-sex marriage, bring your own device (BYOD), immigration and healthcare reform are just a few of the issues that can cause real problems for employers in 2014, says a [new report from XpertHR](#). The report offers guidance on the scariest issues employers face this year, such as: Should employers restrict medical marijuana use during work hours? Are same-sex partners eligible for benefits? Can criminal history be considered in the hiring process? What are the laws regarding employing foreign workers?

Employment claims and lawsuits are among the most costly and time-consuming losses facing corporations today. Wage-and-hour litigation continues to be the fastest-growing area of employment litigation. According to a 2011 NERA Economic Consulting study, employers paid \$5.8 million, on average, to settle wage-and-hour cases.

Written by XpertHR legal editor and former employment law attorney, Beth Zoller, JD, the report explains new requirements and emerging trends that have significant implications for the workplace, how to comply with employment laws and how to minimize liability.

“Human resource departments are often overwhelmed with day-to-day employment and benefits tasks,” says Zoller. “But they also need to stay on top of new laws and trends nationally and at the state and local levels affecting the workplace in order to protect their organizations against violations and class action suits.”

[XpertHR's 11 scariest issues employers face](#) this year are:

1. **Medical and Recreational Marijuana Use** - In states that permit marijuana use, employers need to clarify that marijuana is prohibited in the workplace.
2. **Same-Sex Marriage** - Employers should know the tax benefits provided to an employee's same-sex spouse or partner, and whether the state follows or departs from federal law.
3. **Technology in the Workplace** - Employers should create distinct BYOD policies and clearly explain what constitutes acceptable and unacceptable use of social media while at work.
4. **Healthcare Reform** - Employers should plan for the 2015 employer mandate requirement of the Affordable Care Act and determine whether they will be considered a large employer.

5. **Immigration and Form I-9 Compliance** - Employers must strike a balance between ensuring an authorized workforce while avoiding discriminating against authorized workers.
6. **Misclassification of Independent Contractors** - Improper classification can lead to a variety of liabilities.
7. **Minimum Wage and Overtime Violations** - Employers should be up-to-date with their state requirements regarding minimum wage and overtime and know how to properly calculate how much overtime an employee is owed.
8. **Curtailing Background Checks** - In states and cities that have adopted ban the box legislation, employers should make sure to eliminate the criminal history box from job applications.
9. **Emerging Protected Classes and Curbing Workplace Discrimination** - Even if an employer's state does not yet specifically prohibit discrimination, it is advisable for an employer to be proactive and prohibit it.
10. **Employee Leaves and Reasonable Accommodations** - Make sure that leave policies do not require automatic termination of employees who take extended leaves of absence.
11. **Expansion of "Protected Concerted Activity"** - Employers need to make sure they do not unreasonably restrict employees from exercising their Section 7 rights.

To view XpertHR's full report, visit <http://www.xperthr.com/pages/11-scariest-issues-employers-face-in-2014/>.

About XpertHR

XpertHR's online service provides HR professionals with practical compliance tools and comprehensive guidance on federal, state and municipal law, helping employers stay current with evolving and complex employment law issues. XpertHR content is published in association with sister company LexisNexis. [XpertHR.com](http://www.xperthr.com) is a unique, easy-to-use solution organized around the day-to-day responsibilities of HR professionals. In addition to smart search features, you can browse through content by task, by topic, or by tool type to help you find just what you need in seconds. Our key features include the popular Employment Law Manual and Liveflo employment workflows.

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Editor's Note:

Please include a link to the full report, <http://www.xperthr.com/pages/11-scariest-issues-employers-face-in-2014/>

XpertHR's 50-state graphic of major trends that make 2014 challenging for HR is available in PDF format for publication.

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Challenging Trends for Employers in 2014

Evolving State Requirements

	Legalized Medical Marijuana	Same-Sex Marriage Recognized	Minimum Wage 2014	Ban the Box Adopted
Alabama			N/A	
Alaska	✓		\$7.75	
Arizona	✓		\$7.90*	
Arkansas			\$6.25	
California	✓	✓*	\$8.00*	✓ (state and local government employers)*
Colorado	✓ (and recreational*)		\$8.00*	✓ (state employers and licensing agencies)
Connecticut	✓	✓	\$8.70*	✓ (state employers)
Delaware	✓	✓*	\$7.25	
District of Columbia	✓	✓	\$8.25*	
Florida			\$7.93*	
Georgia			\$5.15	
Hawaii	✓	✓*	\$7.25	✓ (public and private employers)
Idaho			\$7.25	
Illinois	✓*	✓*	\$8.25	✓ (state employers)*
Indiana			\$7.25	
Iowa		✓	\$7.25	

Kansas			\$7.25	
Kentucky			\$7.25	
Louisiana			N/A	
Maine	✓	✓	\$7.50	
Maryland		✓*	\$7.25	✓ (state employers)*
Massachusetts	✓	✓	\$8.00	✓ (public and private employers)
Michigan	✓		\$7.40	
Minnesota		✓*	\$6.15	✓ (public and private employers)*
Mississippi			N/A	
Missouri			\$7.50*	
Montana	✓		\$7.90*	
Nebraska			\$7.25	
Nevada	✓		\$8.25*	
New Hampshire	✓*		\$7.25	
New Jersey	✓	✓*	\$8.25*	
New Mexico	✓	✓*	\$7.50	✓ (public employers)
New York		✓	\$8.00*	
North Carolina			\$7.25	
North Dakota			\$7.25	
Ohio			\$7.95*	
Oklahoma			\$7.25	
Oregon	✓		\$9.10*	
Pennsylvania			\$7.25	
Rhode Island	✓	✓*	\$8.00*	✓ (public and private employers)*
South Carolina			N/A	
South Dakota			\$7.25	
Tennessee			N/A	
Texas			\$7.25	
Utah		✓*	\$7.25	
Vermont	✓	✓	\$8.73*	
Virginia			\$7.25	
Washington	✓ (and recreational*)	✓	\$9.32*	
West Virginia			\$7.25	
Wisconsin			\$7.25	
Wyoming			\$5.15	

* Denotes a change that took effect in 2013 or will take effect in 2014 and will affect policies and procedures for 2014