

WEBINAR SERIES

Navigating Southeast Employment Law in 2025: Key Updates & Insights

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Today's Presenters



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Today's Agenda

- Federal Employment Law Updates
- Case Law Updates
- State Legislative Updates: FL, GA, SC, NC, VA, MD, DE, Washington D.C.
- Southeast Trends Impacting HR in 2025

Webinar Forum

All participants are muted.

Please type questions in the side navigation panel and we will try to address most questions during today's session.

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Federal Employment Law Updates

U.S. Department of Labor Overtime Rule Vacated

A proposed rule increasing the salary threshold for exempt employees was invalidated by a federal court in November 2024.

Current Thresholds:

- Exempt Employees: \$35,568 annually (\$684 per week)
- Highly Compensated Employees: \$107,432 annually

NLRB Joint Employer Rule Vacated

- A 2023 rule by the National Labor Relations Board (NLRB) expanding joint employer liability was vacated in March 2024.
- Current Standard: Entities are joint employers only if they exercise “substantial direct and immediate control” over employment terms.



FTC Non-Compete Ban Overturned

- A nationwide ban on non-compete agreements was overturned in August 2024.
- FTC appeals are pending, creating uncertainty.



Case Law Update

Huerta v. CSA Electrical Contractors

- **Facts:** This case involves a wage dispute between an employee and his employer. Plaintiff filed a class action seeking payment for unpaid hours worked. The case was based around the interpretation of the Industrial Welfare Commissions Wage Order No. 16 and the term “ hours worked.”
- **Issue:** Does the burden of proof the employer have to satisfy to meet the exemption turn on a mere preponderance of the evidence or clear and convincing evidence?
- **Holding:** The Ninth Circuit held that as the employer's prohibition on leaving the premises prevented the employee from engaging in personal activities. The employee could bring an action to enforce the Wage Order No. 16 and recover unpaid wages for that time.

Okonowsky v. Garland

- **Facts:** Okonowsky, a former staff psychologist at a federal corrections site, discovered that a lieutenant responsible for overseeing the safety of guards, prison staff, and inmates had created an Instagram page that contained multiple posts that were overtly sexist, racist, antisemitic, homophobic, and transphobic. Approximately 100 of Okonowsky's co-workers followed the page, which explicitly or impliedly referred to the prison, prison staff, and inmates. Additionally, some of the posts contained derogatory images resembling Okonowsky and specifically referred to her, including a post "joking" that the all-male custody officers would "gang bang" Okonowsky at her home.
- **Issue:** Can an employer be held liable for a Title VII hostile work environment claim based on harassing content posted on an employee's personal social media account outside the workplace?
- **Holding:** The Ninth Circuit held employers can be held liable for hostile work environment claims under Title VII of the Civil Rights Act if an employee shares harassing content online that negatively affects the workplace, "especially in light of the ubiquity of social media and the ready use of it to harass and bully both inside and outside of the physical workplace." *Id.* at 1171.

Vazquez v. SaniSure, Inc.

- **Facts:** Plaintiff, Vazquez initially worked for SaniSure from July 2019, and as part of her employment, she signed an agreement to resort to arbitration for any disputes that might arise from her employment. She was terminated from this employment in May 2021. She returned to work for SaniSure four (4) months later without signing any new arbitration agreement or discussing the application of the previous arbitration agreement to her new employment.
- Vazquez filed a class action complaint against SaniSure, alleging failure to provide accurate wage
- **Holding:** The Court of Appeals held that when Vazquez signed an arbitration agreement during her first period of employment, stopped working, and later returned to work for the same employer, the arbitration agreement executed during the first period did not automatically apply to claims that arose during the second work period. The court found that the termination of the employment served to revoke the arbitration agreement absent evidence that the parties agreed to arbitrate claims from a subsequent employment period statements during her second employment period.

State Law Updates

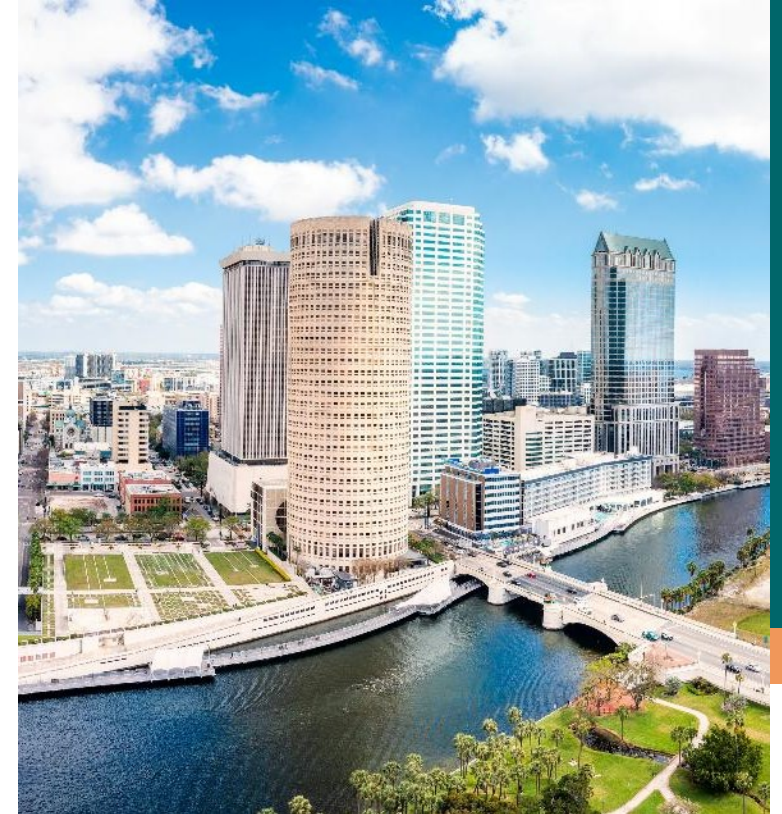
Florida

Minimum Wage Increase

- Florida's minimum wage has increased to \$13.00 per hour and is set to increase by \$1.00 per year until reaching \$15.00 on September 30, 2026.
- Miami-Dade County, FL: Exploring higher wages for hospitality workers.

Heat Safety Protections

- Employers must provide shade, water, and rest breaks for outdoor workers in Florida's hot climate.



Georgia

Minimum Wage

- Minimum wage is \$7.25 (federal)
- Atlanta mandates \$15.00/hour for city contractors.

Data Privacy

- A new state law mandates that employers implement cybersecurity measures to protect employee data, particularly for remote workers.



South Carolina

Proposed Sick Leave

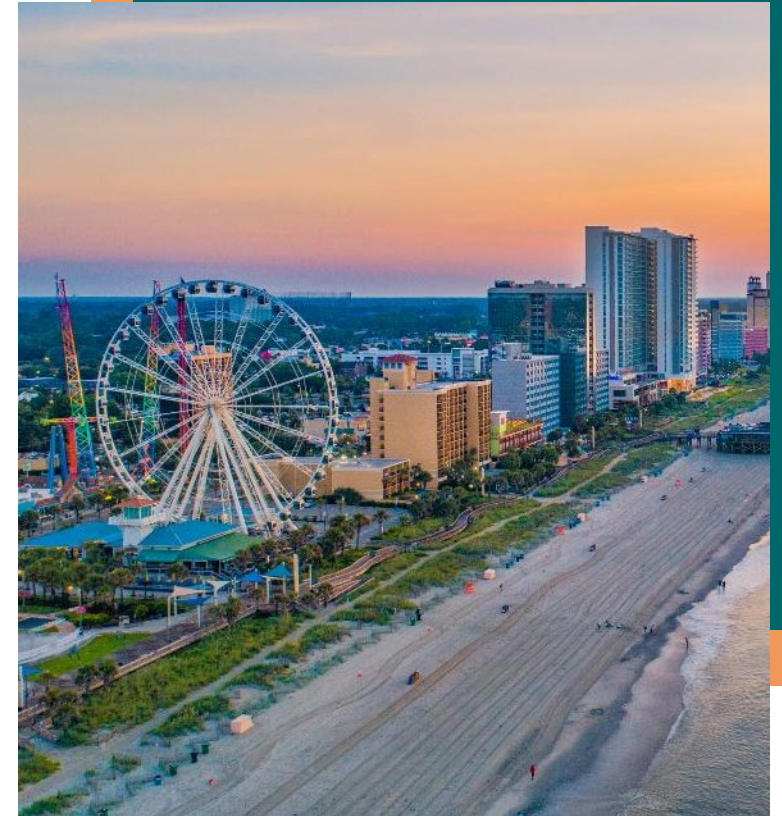
- Charleston is considering 3 days of paid sick leave for businesses with 10+ employees.

Proposed Minimum Wage

- Charleston, SC: Considering \$15.00/hour for certain industries.

Heat Safety Protections

- A proposed bill would require employers in agriculture, construction, and tourism to implement heat safety plans and provide training on heat-related illnesses.



North Carolina

Data Privacy

- Employers must disclose employee monitoring and obtain consent under the North Carolina Consumer Privacy Act (NCCPA).



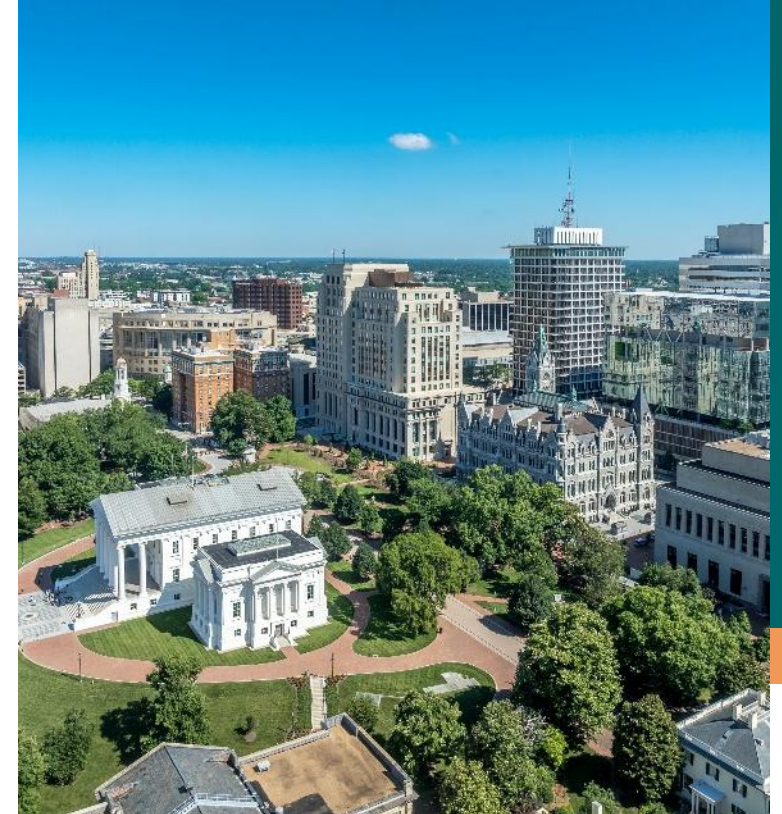
Virginia

Minimum Wage Increase

- As of January 1, 2025, Virginia minimum wage increased from \$12.00 to \$12.41 per hour in 2025.

Proposed Extended Discrimination Claim Filing Period

- Proposed legislation aims to extend the deadline for filing discrimination claims from 300 days to two years. Employers should monitor this development, as it could impact the timeframe for potential legal actions.



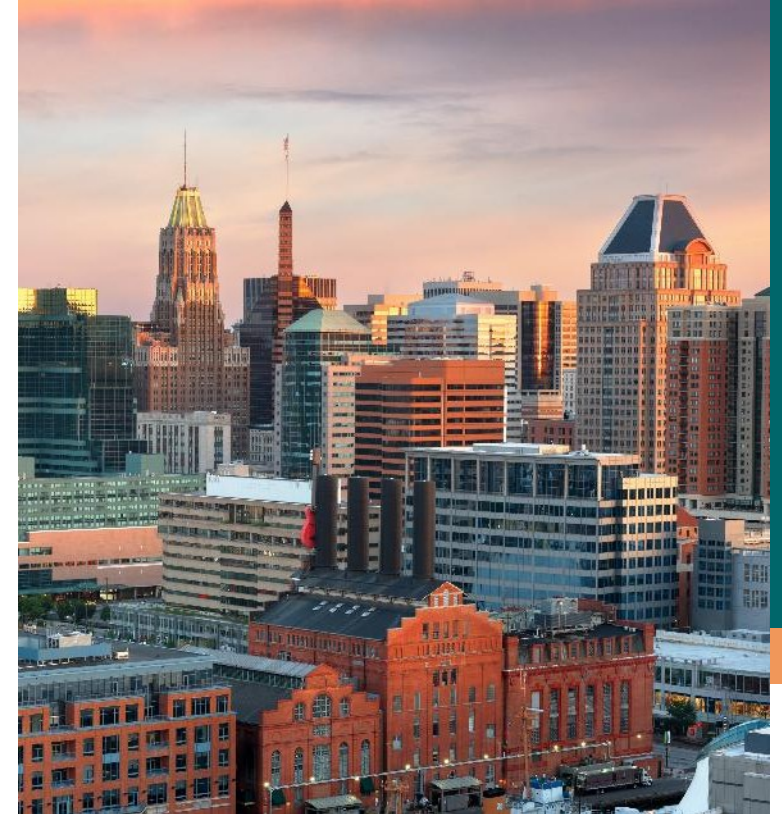
Maryland

Non-Compete Agreements For Healthcare Professionals

- Effective July 2025
- Non-compete provisions & agreements will be prohibited for healthcare professionals making *less than* \$350,000 per year.
- Non-compete provisions & agreements for healthcare professionals making over \$350,000 per year are subject to restrictions of one-year duration and prevent restricting employment within a ten-mile radius of previous employment location.

Security Guard Licenses

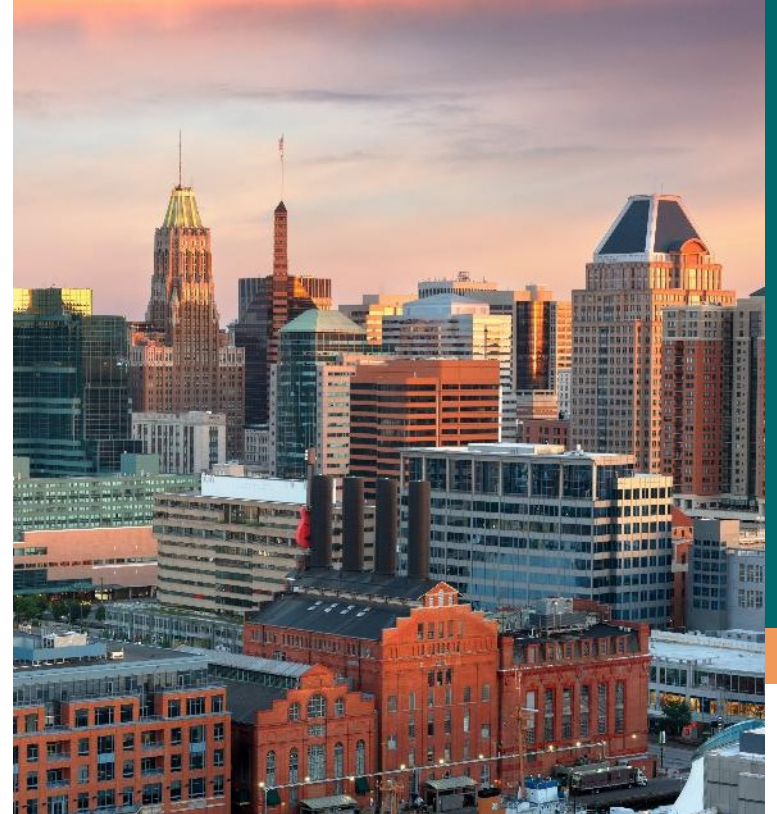
- Effective January 1, 2025, businesses and individuals who employ loss prevention personnel or security service must license these workers through the Maryland State Police.



Maryland

Family and Medical Leave Insurance (FAMLI)

- Timeline for implementation of FAMLI has been pushed due to changes at the federal level.
- Regulatory timelines were set to begin in 2025, for items such as employer and employee deductions and remittance of those contributions, have been paused.
- The new proposed timeline has payroll deductions to begin January 1, 2027, which would then push benefits becoming available to January 1, 2028.



Delaware

Healthy Delaware Families Act

- Effective January 1, 2025, payroll deductions begin, and employers must remit employee and employer contributions to the state for Delaware Paid Leave.
- April 30, 2025 – PFML contributions are due to the state.
- January 1, 2026 – Portal opens for employee claim applications



Delaware

Service Workers Protections Act

- Establishes employment protections for certain service employees during changes in ownership and sets requirements for notifying and retaining employees.



Washington D.C.

Minimum Wage Increase

- As of July 1, 2025, the minimum wage will increase from \$17.50 to \$18.00 per hour.

Tipped Minimum Wage

- As of July 1, 2025, the tipped minimum wage which is set to increase incrementally will rise to is \$12.00/hr.

Wage Transparency Requirements

- As of June 30, 2024, all employers must include salary ranges in job postings, per the Wage Transparency Omnibus Amendment.



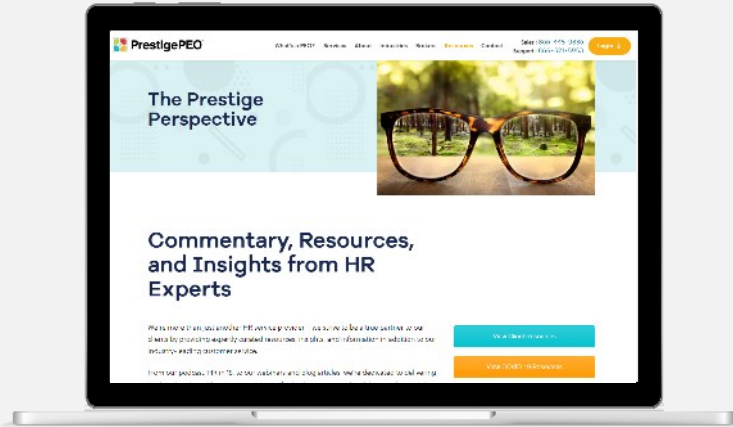
Southeast Trends Impacting HR in 2025

Southeast Trends Impacting HR

- Diversity, Equity, and Inclusion (DEI)
- Data Privacy and Employee Monitoring
- Climate-Related Workplace Safety
- Immigration Compliance
- Paid Leave Expansion
- Wage Increases
- State-Level Non-Compete Laws



Questions / Comments / Discussion?



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