

Legislative Report – April 8th, 2015

FLSA Regulations Update

The updated FLSA regulations are expected to be released before summer 2015 and go into effect in 2016 prior to President Obama exiting office. The Economic Policy Institute is pushing for \$984 per week floor for the salary exemption rule. While that amount is unlikely we may still see figures close to double that of the current minimum \$455 per week.

For more information [click here](#)

Virginia Passes Password Protection Law

Beginning July 1, 2015 employers both public and private in the state of Virginia will no longer be able to request or require employees or applicants to turnover passwords to online accounts as terms of employment. The law does not restrict employers from asking applicants or employees to change their privacy settings.

For more information [click here](#)

West Virginia

Senate Bill 12 – Payment of Wages to separated employees.

Beginning June 11th, 2015 employers may begin paying separated employees on their normal pay schedule. Employers will no longer be required to have a special pay run for separated employees to meet the 4 day requirement for resignations and discharges.

Senate Bill 344 – Mitigating pay damages in employment claims.

Effective date: 6/8/2015

This bill states the plaintiff has a duty to mitigate past or future lost wages even if they have the ability to prove malice by the employer. Any award of back or front pay shall take in to account any interim pay or earnable pay that may have been earned with reasonable effort by the plaintiff. The burden of proof for reasonable effort falls solely on the plaintiff.