

Legislative Report - November 12, 2014

EEOC Challenges Involuntary Wellness Programs

By Allen Smith [10/9/2014](#)

Valued as inexpensive ways to reduce health care costs and help improve employees' health, wellness programs have little to not like about them, except, according to the Equal Employment Opportunity Commission (EEOC), when they are involuntary. Then they may run afoul of the Americans with Disabilities Act (ADA), as two recent EEOC lawsuits allege.

- See more at: <http://www.shrm.org/legalissues/federalresources/pages/involuntary-wellness-programs.aspx?spMailingID=21661323&spUserID=ODM1OTI4MDMzMdDcS1&spJobID=440477982&spReportId=NDQwNDc3OTgyS0#sthash.sag7M89Y.dpuf>

West Virginia Gives Green Light to Same Sex Marriage

The state of West Virginia has decided to not pursue any further action to deny same sex marriage. Employers are will now be required to follow federal code and regulation under ERISA for offering benefits to same sex spouses.

Employee Contribution Limit Rises

Employees will be allowed to contribute more to qualified retirement plans and employer sponsored FSAs in 2015. Employee retirement contribution will increase from \$17,500 to \$18,000. The increases also allow for "catch-up" contribution for \$6,000 for employees 50 and older.

FSA contributions have increased from \$2,500 to \$2,550; however dependent care limits will remain the same for 2015.

FLSA Rule Likely Postponed to Q1 2015

FLSA is likely to release its proposed exemption classification rule the first quarter of 2015. This rule will likely increase minimum salary requirements for white-collar exemptions.

Minimum Wage Reminder

Starting January 1, 2015, the minimum wage in West Virginia will increase to \$8.00. An additional increase will occur on January 1, 2016, as of that date the minimum wage will be \$8.75.