



Outlook for Employment Law Development This Year

Publication

1.22.08

Employment law is fickle, affected by election-year politics, new legislation, court decisions, societal trends, the state of the economy, and media and cultural events. Nevertheless, I'm willing to take a crack at an employment law forecast for 2008.

With its predicted increase in employment litigation filed by disgruntled former and current employees, including the EEOC's renewed emphasis on enforcement priorities that include sexual harassment and other "bread and butter" claims, 2008 could have employers wishing for 2007's kinder, gentler employment landscape.

Congress will consider the "ADA Restoration Act" in 2008. If it becomes law, the act will give employees greater rights, allow for more litigation, give juries more justification for verdicts favoring plaintiffs and inevitably invite larger settlements.

A 2007 Supreme Court decision on Title VII requires potential wage discrimination plaintiffs to file their lawsuits quickly or forever be barred from suing. I expect that the House bill extending the filing window will die in 2008.

It's virtually certain that Family Responsibility Discrimination (FRD) claims will continue to rise in 2008.

In the cases before the Supreme Court this year, employers will continue to get the nod.

This article appeared in the January 22, 2008 issue of the *Kansas City Star*.

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