

Chapter 5**Employment Law Update:
Maximizing Human Resources**

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§ 5.01. Introduction.

Human capital is a critical component of any company. Much of the law that governs employee relations is still evolving and mistakes can be very costly. This chapter will review some of the recent changes in the law – including statutes, proposed regulations and case law – in the many areas that affect human capital and employee relations. In particular, this chapter will examine those changes that might have the greatest impact on employers in the energy business.

This review will first focus on Supreme Court cases that affect different areas of the law. Next it will examine other cases, statutes and regulations arising in various areas of labor and employment law. Finally, it will review what may become the next developing area of employment law: workplace bullying.

§ 5.02. Supreme Court Update.

The Supreme Court addressed many technical issues relating to discrimination claims, from what constitutes a charge, to when a charge is timely filed, to what type of evidence can sustain a discrimination claim. The Court also examined the degree of deference Department of Labor (DOL) regulations, interpretations and internal Advisory Memorandum are to be afforded. The Court also examined an Employee Retirement Income Security Act (ERISA) case involving a defined contribution pension plan