

# Developments in Federal & State Law

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## Federal Law

### Americans with Disabilities Act

*Mayo v. PCC Structurals* (9th Circuit)

- Conduct caused by a disability (in this instance depression) is part of the disability.
- “An essential function of almost every job is the ability to appropriately handle stress and interact with others.”



# Federal Law

## Americans with Disabilities Act

*EEOC v. Ford Motor Co.* (6th Circuit)

- Court determined that employee who suffered from IBS was not a qualified individual under the ADA.
- Accommodation of telecommuting up to 4 days a week when on-site attendance was an essential job function was not reasonable.



# Federal Law

## Religious Discrimination

*EEOC v. Abercrombie & Fitch* (Supreme Court)

- Store declined to hire plaintiff because she wore a head scarf and manager was concerned this would violate no “caps” policy.
- Disparate treatment plaintiff is not required to show proof of knowledge of plaintiff’s actual need for accommodation.



# Federal Law

## Transgender Protections

*EEOC v. Deluxe Financial Services*

- Complaint: discrimination against employee transitioning to female based on transgender status.
- Did not let her use women's restroom, subjecting her to hostile work environment.



# Washington State Law

## Minimum Wage Act

*Demetrio, et al. v. Sakuma Bros. Farms, Inc.*

- Piece meal workers are entitled to have work breaks “on the employer’s time.”
- How should employers calculate the “separate wage” for break periods?



# Washington State Law

## Minimum Wage Act

*Becerra v. Expert Janitorial, LLC*

- Fred Meyer contracted with Expert Janitorial to provide cleaning services
- Expert Janitorial workers were paid less than minimum wage
- Employee: “any individual permitted to work by an employer”
- Fred Meyer determined to be a “joint employer”



# Washington State Law

## Independent Contractors

*Currier v. Northland Services, Inc.*

- True independent contractor terminated immediately after complaining about racial epithets towards another independent contractor
- Plaintiff successfully claimed unlawful retaliation under Washington Law Against Retaliation – RCW 49.60.210

