

Excitement and Fun in Employing People in 2025

I. Salary Shenanigans

- a. Current Salary Amount for Exemption is \$35,564.00 after E.D. Texas District Court Decision – Applies to Executive, Administrative, and Professionally Exempt Categories – changes over short period of time have created issues including flip/flop of exemption status and wrong information from employees - avoid retaliation claims by being extremely clear in all communications.
- b. Compensatory Time (Comp Time) – No changes but recognize maximum amounts that can be accumulated – 240 hours for most positions, 480 hours for law enforcement, fire protection, emergency response, and seasonal activities. Employees accumulate 1.5 hours of comp time for every hour of overtime worked.
- c. Standard for EMS/Fire Rescue Can Be Different – Not exempt, but overtime can be paid on a “work period” basis. A work period can be between 7 and 28 consecutive (not work) days. Hours worked above 212 hours in a 28 day and the corresponding ratio of hours for smaller periods must be paid at overtime/compensated at 1.5X the hours of overtime worked.

21 days = 159 hour threshold

14 days = 106 hour threshold

7 days = 53 hour threshold

2. Executive Order/Action Update

- a. Several Executive Orders establishing requirements for government employers have been revoked including Orders addressing topics of racial equity, gender identity, and pay practices. Revocation of prior Executive Orders does not eliminate requirements under existing federal and state statutes.
- b. DEI – Executive Orders that President Trump has signed eliminate and potentially make unlawful diversity, equity, and inclusion (“DEI”) policies, procedures, and actions that may improperly promote the hiring or promotion of people due to race or gender-based reasons. Further, policies or trainings that improperly promote individuals based on protected-class characteristics or vilify other individuals on the same basis are prohibited.
- c. AAP – Trump’s Executive Order “Ending Illegal Discrimination and Restoring Merit-Based Opportunity” also severely curtails enforcement related to affirmative action, effectively ending AAP requirements through the federal government.
- d. Immigration Priority – Similar to President Trump’s previous administration, immigration issues, including authorization to work in the U.S., will be a key part of enforcement in his second administration. Employers must take steps to properly

complete both I-9 and E-verify requirements. This should include an annual review of the current I-9 forms in each department to avoid potential penalties or issues.

3. Key Issues in Litigation

a. Whistleblower Retaliation –

i. Standards for disclosure

A. What is disclosed - Any violation or suspected violation of any federal, state, or local law, rule, or regulation . . . which creates and presents a substantial and specific danger to the public's health, safety, or welfare **OR** Any act or suspected act of gross mismanagement, malfeasance, misfeasance, gross waste of public funds, suspected or actual Medicaid fraud or abuse, or gross neglect of duty (*112.3187(5)(a) and (b)*)

B. To whom is the information disclosed - any agency or federal government entity having the authority to investigate, police, manage, or otherwise remedy the violation or act, including, but not limited to, the Office of the Chief Inspector General, an agency inspector general or the employee designated as agency inspector general under s. 112.3189(1) or inspectors general under s. 20.055, the Florida Commission on Human Relations, and the whistleblower's hotline created under s. 112.3189 (*112.3187(6)*)

b. Balancing Interests –

i. Religion vs. Gender

ii. Organization Need vs. Employee Need

c. Documentation Challenges –

i. Handbook

ii. Job Descriptions

iii. Performance