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## Minnesota Angel Tax Credit Extra Funding for 2014 Now Available

An extra \$3 million in tax credits has been allocated for 2014 and the program will re-open. The program will accept certification applications starting **Monday, March 31**, and will begin processing tax credit allocation applications on **May 11**. Tax credit allocation applications received before that date will be treated as having been received on May 11, provided all parties to the allocation have also been certified by that date. It is expected that the additional tax credits to be fully allocated on May 11 or soon after.

## President Directs Review of Federal Overtime Regulations

On March 13, President Obama issued a Presidential Memorandum to the Secretary of Labor on updating and modernizing federal regulations relating to overtime pay for employees covered now under the federal exemption for overtime pay for certain “white collar” employees engaged in “executive, administrative and professional” activities. Under 2004 regulations, such employees were eligible for overtime pay if their weekly wages did not exceed \$455 per week (the equivalent of \$561 in current dollars).

According to the White House fact sheet which accompanied release of the memorandum, that threshold has failed to keep pace with inflation leaving executive, administrative and professional workers who earn above it in a position of being ineligible for overtime pay while earning a salary less than the poverty line for a family of four. This fact, the memorandum states, creates a situation where “...millions of Americans lack the protections of overtime and even the right to the minimum wage.”

The memorandum directs the Secretary of labor :

- To propose revisions to modernize and streamline existing regulations to update existing protections consistent with the spirit of the Fair Labor Standards Act
- To address the changing nature of the American workplace, and
- To simplify the overtime rules to make them easier for both workers and employers to understand and apply.

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The regulations will be adjusted by rulemaking. It is significant to note that the 2004 rulemaking process involved over ten thousand comments from interested and affected parties. It is reasonable to expect a similar volume of interest in any proposal resulting from the memorandum and direction.

## **Equal Employment Opportunity Commission Provides Guidance Documents for Employers on Religious Garb and Grooming in the Workplace**

On March 6, 2014, the federal EEOC published a fact sheet with information on the relationship of federal employment discrimination law to accommodation of religious dress and grooming by employees in the workplace. Separately, the EEOC made available a comprehensive question and answer guide on the subject.

The materials note that employers covered by Title VII of the Civil Rights Act of 1964 are required to make exceptions to their usual rules or preferences regarding employee dress and grooming to permit job applicants and employees to follow religious dress and grooming practices of sincerely held religious beliefs once the employer is notified of a request for accommodation unless such an accommodation would cause an undue hardship for the employer. The request does not have to use any particular language, such as “accommodation” so long as it is clear that the request is necessary for the employees sincerely held religious beliefs or practices. Undue hardship is defined as more than a *de minimis* cost or burden on the employer’s business operation.

Under Title VII an employer may not exclude an applicant or employee from a job based discriminatory preferences—either those of the employer or those of customers. In short this prohibits any discrimination on the basis that wearing of religious garb or maintenance of religious grooming would cause an employee not to “fit in” with a business’ image or would cause discomfort to customers.

Similarly, an employer may not segregate an employee based on religious garb and grooming practices, for example assigning a religiously garbed employee to a non-customer-contact position.

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Under Title VII an employer may not retaliate against an employee for requesting religious garb and grooming accommodation. Nor may an employer harass an employee based on such a request.

The fact sheet is located at [www.eeoc.gov/eeoc/publications/fs\\_religious\\_garb\\_grooming.cfm](http://www.eeoc.gov/eeoc/publications/fs_religious_garb_grooming.cfm). The Q&A guidance is at [www.eeoc.gov/publications/qa\\_religious\\_garb\\_grooming.cfm](http://www.eeoc.gov/publications/qa_religious_garb_grooming.cfm).

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**Department of Employment and Economic Development**

1<sup>st</sup> National Bank Building ■ 332 Minnesota, Suite E-200 ■ Saint Paul, MN 55101-1351 USA  
651-259-7114 | Toll Free: 800-657-3858 | Fax: 651-296-5287 | TTY/TDD: 651-282-5909 | <http://mn.gov/deed/>

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