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# “Heard on the Employer Hotline” Q&A

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# Participate in the Hotline Polls

Use the **QR code** or go to **[Pollev.com/meateam734](https://Pollev.com/meateam734)** to participate in the polls during the presentation.



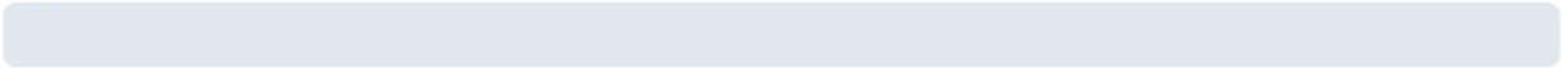
A stylized, light gray line-art map of a city grid with various street patterns and a winding road, serving as a background for the top portion of the slide.

# Question 1

Are employers permitted to track time for exempt employees?

## Are employers permitted to track time for exempt employees?

Yes



0%

No



0%



# Question 1

**Yes.** Under the federal Fair Labor Standards Act, employers are permitted to track time for exempt employees, keeping in mind that these employees are to be paid the same salary each week (except in very limited circumstances), regardless of the number of hours worked.





## Question 2

An employer had an exempt employee give their two weeks' notice to their employer at the beginning of the pay period. The employer accepted the employee's resignation, effective immediately.

Does the employer need to pay the employee for the full two weeks?

## Does the employer need to pay the employee for the full two weeks?

Yes



0%

No



0%



## Question 2

**No.** If the employee does not work out the two weeks, the employer is not legally required to pay the employee for that time. However, this situation could be considered an involuntary termination such that the employee would be entitled to receive unemployment benefits. In addition, by not allowing the employee to work out the two weeks, other employees in the future may decide not to give notice.



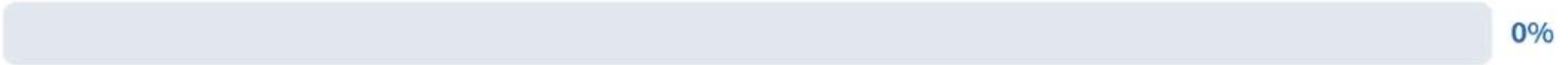


## Question 3

If an employer closes their facilities due to inclement weather, can the employer require their exempt employees to use Paid Time Off (PTO) to cover the time?

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Yes



No





## Question 3

**Yes**, the employer can require an exempt employee to use PTO, as long as the employee's salary is not reduced. However, if an employee is available and ready to work, an employer may not dock an exempt employee's pay unless no work is available for a full workweek.



## Question 4

An employee has exhausted their 12 weeks of leave under the Family and Medical Leave Act (FMLA) for their own medical condition; their doctor says they will need an additional 3 weeks of leave before being able to return to work.

In this case, are we required to approve the additional time?

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Yes, in most cases

0%

No

0%





## Question 4

**Yes, in most cases.** The 3 weeks of additional Leave may be a reasonable accommodation under the Americans with Disabilities Act (ADA). The employer must provide an accommodation under the ADA unless doing so would cause an undue hardship, which is a high bar. Ultimately, it is up to an employer's discretion to determine if and how much leave is reasonable. In most cases, an additional 3 weeks of leave will not be considered an undue hardship and therefore should be provided.

A stylized, light gray line-art map of a city grid with a river or highway winding through it, serving as a background for the top half of the slide.

## Question 5

Are questions about race, gender, pronouns and sexual orientation permitted in employment applications?

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Yes



0%

No



0%



## Question 5

**No.** It is best to avoid these questions. Focus on job-related qualifications instead. Collecting some demographic information can be permissible if it is voluntary, separate from the main application, and used solely for diversity tracking or compliance purposes. It must not be used in making hiring decisions. It is a best practice to avoid questions regarding gender, pronouns, and sexual orientation in the application process, as they are sensitive and could lead to discrimination claims. Focus on job-related qualifications instead.



## Question 6

One of our managers just had a conversation with an employee who works remotely about his not showing up for meetings/showing up late/unresponsive to emails/etc. During the course of the conversation, the employee said to the manager that he had a drinking problem.

Can we still discipline the employee?



## Can we still discipline the employee?

Yes



0%

No



0%



## Question 6

**Yes.** While alcoholism is a disability under the Americans with Disabilities Act, the disability cannot be used as an excuse for past bad behavior. And, of course, being impaired at work is not protected.

A stylized, light gray line-art map of a city grid with various street patterns and a winding road, serving as a background for the top half of the slide.

## Question 7

Can an employer revoke an offer to a candidate in Pennsylvania for a call center position solely based on the results of a criminal background check where the background check shows a conviction for DUI in 2023?

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Yes

0%

No

0%



## Question 7

**No.** Some states, including Pennsylvania, have laws stating that the employer cannot take a criminal record into consideration in making a hiring decision unless there is a conviction that is related to the job. Even in states without such a law, it is a best practice to revoke an offer based on criminal check results only if there is a criminal conviction that is relevant to the job. Keep in mind that, under laws like the Fair Credit Reporting Act (FCRA) in the U.S., employers must provide the candidate with a pre-adverse action notice, a copy of the report, and an opportunity to dispute inaccuracies before making a final decision. Additionally, some states and localities have "Ban the Box" laws that limit how and when employers can use criminal records in hiring decisions.