

InJeopardy 3D

A PowerPoint Quiz Show Game for Windows

This Game Can Be Used With or Without 3D Glasses.

To View in 3D: order ChromaDepth HD Glasses from www.Chromatek.com or www.3dGlassesOnline.com.

This is the special “All Answer” version
(Everyone answers all of the questions)



Run Ice Breaker

Run Game

InJeopardy 30

HR – In Jeopardy

With your host: Michael Spellman

9,999

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9,999

Team RED

Team BLUE

Team GREEN

Team YELLOW

Team ORANGE

Team BROWN

Jeopardy 3D Board

Who signed
that law?

All in the
Family

The King can
do no wrong

Recent
Developments

Back to
Basics

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Bonus Question

Finale

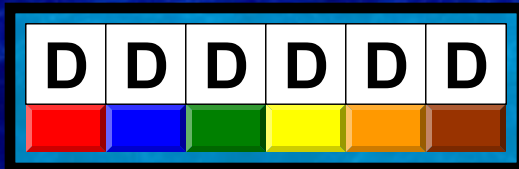
Rules

Timer

This President signed the Age Discrimination in Employment Act into law?

- A. Who was Richard Nixon?
- B. Who was Lyndon Johnson?
- C. Who was Barack Obama?
- D. Who was Bill Clinton?

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The ADEA

President Lyndon Johnson signed the Age Discrimination in Employment Act in 1967.

Since its enactment, the law has hardly been amended.

In fact, in a sign of the times, do you know what age in 1967 was considered “old” enough to provide federal protection?



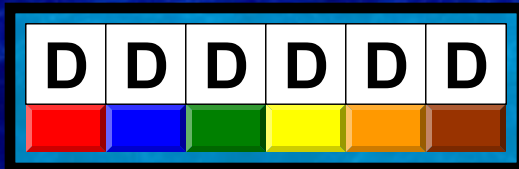
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Timer

**Under this President's enactment,
claims under Title VII were to be
tried by a jury instead of a judge.**

- A. Who was Jimmy Carter?
- B. Who was Bill Clinton?
- C. What was George W. Bush?
- D. Who was George Herbert Walker Bush?

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Civil Rights Act of 1991

In 1991, President George Herbert Walker Bush signed into law the Civil Rights Act of 1991. The amendments affected several statutes, but one of the most significant was allowing jury trials in Title VII cases.

Following this enactment, the number of claims brought under Title VII exploded.

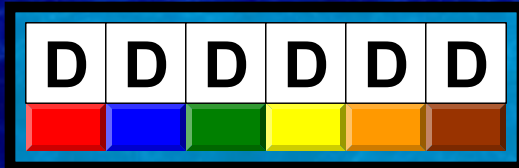


Timer

This President enacted the Equal Pay Act, ensuring that men and women are paid equally for similar work.

- A. Who was John F. Kennedy?
- B. Who was Barack Obama?
- C. Who was Gerald Ford?
- D. Who was Bill Clinton?

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The Equal Pay Act of 1963

Just a few months before his assassination, President John F. Kennedy signed the Equal Pay Act into law. The Act was the start of a much larger initiative that Lyndon Johnson largely completed, despite some of his differences with Kennedy's agenda.

The Equal Pay Act is not the only means by which a woman can sue for disproportionate pay. Title VII also allows for recovery, although a double recovery will be prohibited and reduced by a court.

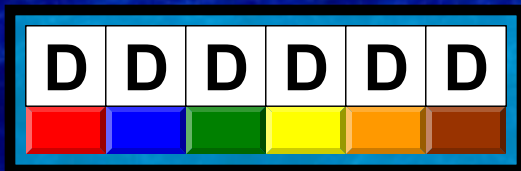


Providing coverage to tens of thousands with various physical and mental impairments resulted from this President's signature.

Timer

- A. Who was Barack Obama?
- B. Who was Ronald Reagan?
- C. Who was George Herbert Walker Bush?
- D. Who was Bill Clinton?

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The ADA

- The Americans with Disabilities Act was signed into law in 1990.
- For years after its enactment, the Supreme Court issued rulings scaling back some of its coverage.
- But, then, another President signed into law the ADAAA, which amended the Act and essentially undid all of the Court's decisions. Who was that President (for extra credit)?

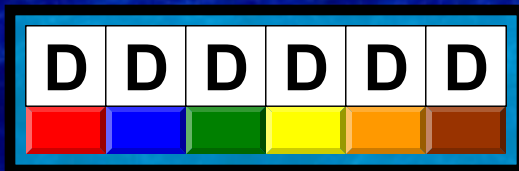


This law enactment allowed pregnant women to seek accommodations related to their pregnancy..

Timer

- A. Who was Bill Clinton?
- B. Who was Joe Biden?
- C. Who was George W. Bush?
- D. Whp was Barack Obama?

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The PWFA

The Pregnancy Worker's Fairness Act was signed into law in 2022.

Originally introduced in 2012, this law allows accommodations for limitations related to pregnancy, childbirth, or a related medical condition.

Still in its early stages, the law borrows the interactive process from the ADA, and follows the same structure insofar as the reasonableness of a particular accommodation.



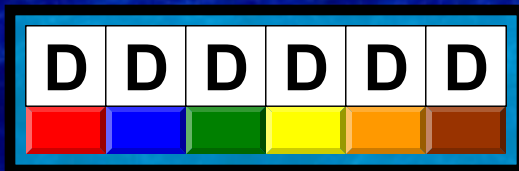
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It is the number of hours an employee must work in a 12-month period before FMLA coverage is available.

- A. What is 300 hours?
- B. What is 1600 hours?
- C. What is 1250 hours?
- D. What is none?

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Eligible Employee - FMLA

While an employer can set a lower qualifying time period, to be covered under the FMLA, an employee must meet the following minimum requirements:

- has worked for the employer for at least 12 months; and
- has at least 1,250 hours of service for the employer during the 12 month period immediately preceding the leave

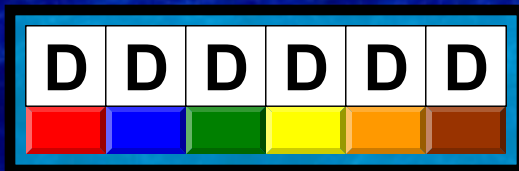


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All of the following are true about coverage under the FMLA except...

- A. What is the leave must be paid?
- B. What is the leave can be intermittent?
- C. What is the employer must hold the employee's position?
- D. What is the employee can work another job while on the leave?

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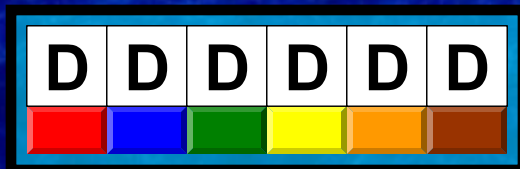
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FMLA \Leave

The FMLA specifically provides that the leave is unpaid. As a minimum standard, an employer can provide paid leave, which more employers have started doing for recruitment and retention purposes.

Additionally, the FMLA allows employers to force employees to exhaust paid leave they have accrued while on FMLA leave.

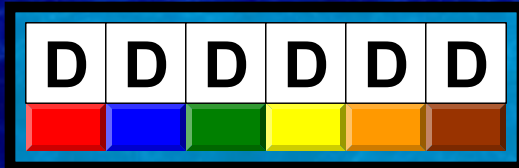


The FMLA applies to all of the following except:

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- A. What is the birth of a child?
- B. What is the adoption of a child?
- C. What is a sinus infection that keeps an employee home for 3 days and requires follow-up care?
- D. What is the pregnancy of the employee?

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Pregnancy

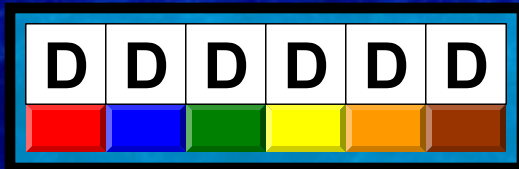
The FMLA protects both parents due to the birth or adoption of a child; or for a serious health condition of the employee or a family member. But, unless a pregnancy is considered risky by a doctor and/or is associated with some other serious health condition, an employee cannot utilize it to take time off during a pregnancy.



In addition to retaliation, under the FMLA, an employee may bring this type of claim.

- A. What is an “interference” claim?
- B. What is a “denial” claim?
- C. What is a “proprietary” claim?
- D. What is a “regarded as” claim?

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FMLA Leave

The FMLA provides two specific types of claims: interference claims and retaliation claims. Retaliation claims are very similar to most retaliation claims and follow the basic burden-shifting analysis.

Interference claims, on the other hand, only require an employee to show that he/she was eligible for FMLA leave, entitled to leave (including the proper giving of notice), and some action by the employer which discouraged or interfered with the employee's taking the leave.

IMPORTANT: The employer does not have to deny the leave for an interference claim to be stated.



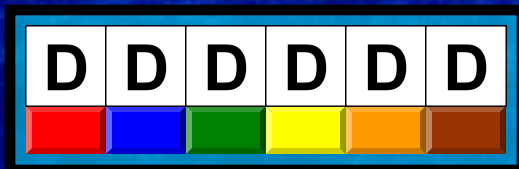
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An employee can take FMLA leave to care for all of the following except....

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- A. What is a same-sex spouse?
- B. What is a stepson?
- C. What is a foster child?
- D. What is a grandparent?

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Sorry, Gramps

The FMLA applies to any child, spouse, or parent. A grandparent is generally excluded.

The one exception is if the grandparent stood in loco parentis with the employee when the employee was a child.

The care provided by the FMLA includes assistance with basic medical, hygienic, nutritional, safety, transportation needs, physical care, or psychological comfort.



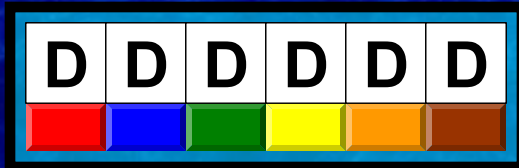
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Under Florida's sovereign immunity statute, to preserve a tort claim, a party must provide written notice of claim no later than this long after an incident.

- A. What is 6 months?
- B. What is 3 years?
- C. What is 4 years?
- D. What is 2 years?

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Fla. Stat. 768.28(6)(a)

Written notice of claim must be provided within 3 years of the cause of action accruing, unless it is an action for wrongful death, in which case the notice of claim must be provided within 2 years.

Pursuant to section (6)(c), the written notice must provide the claimant's date and place of birth and social security number (or FEIN), and specifics regarding any adjudicated penalties, fines, fees, victim restitution fund, and other judgments in excess of \$200, whether imposed by a civil, criminal, or administrative tribunal, owed by the claimant to the state, its agency, officer or subdivision.

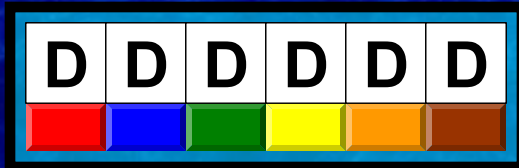


Timer

The Florida sovereign immunity law allows the recovery of attorney's fees to a successful claimant in this amount.

- A. What is 50% of the judgment?
- B. What is the prevailing market hourly rate for all hours incurred?
- C. What is no more than double the judgment?
- D. What is 25% of the judgment?

\$200



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Take a Quarter

Section 768.28(8), Fla. Stat., provides, “8) No attorney may charge, demand, receive, or collect, for services rendered, fees in excess of 25 percent of any judgment or settlement.



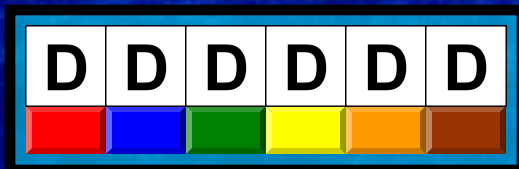
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Timer

This Florida cause of action is the only one subject to the damage caps in the sovereign immunity statute.

- A. What is an action under the Public Whistle-blower Act?
- B. What is an action under the Florida Civil Rights Act?
- C. What is a claim for Workers' Compensation Retaliation?
- D. What is claim under Floridas law for unpaid wages?

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The Florida Civil Rights Act

Of those listed, only the Florida Civil Rights Act is subject to the damage caps codified in Florida's sovereign immunity statute.

Courts have ruled that with all the other claims, that the legislature chose language to remove it from the caps. In an action for unpaid wages, a prevailing employer can collect attorney's fees.



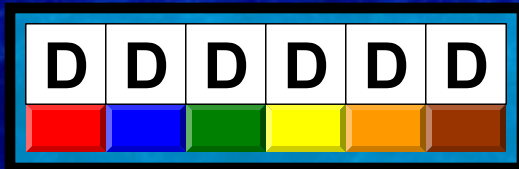
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A public entity is subject to punitive damages under the sovereign immunity statute if...

- A. What is if a grand jury is convened for that purpose?
- B. What is if the entity's employee acted in a willful and wanton manner?
- C. What is if the head of the agency was directly involved?
- D. What is punitive damages are never available?

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Never Ever

Punitive damages are never available against a public entity, regardless of whether the head of the agency had knowledge or was involved in the alleged wrongful act.

If a public employee acted in a willful and wanton manner, then a claimant can sue that employee under a specific provision in the sovereign immunity statute, and may seek punitive damages against that employee.

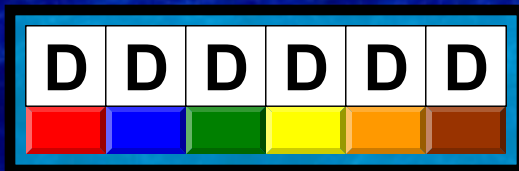


The cap on any judgment for damages for one person under the sovereign immunity statute is this amount.

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- A. What is \$200,000?
- B. What is \$250,000?
- C. What is \$500,000?
- D. What is one million dollars?

\$500



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\$200k is the Cap

In 2010, the legislature raised the cap from \$100,000 to \$200,000 per person. Anything over that amount requires a claims bill, which at least before the current Governor, was almost impossible to obtain.

For the past couple years, the legislature has played around with increasing the cap to one million dollars. Thus far, this has not been able to gain any traction.

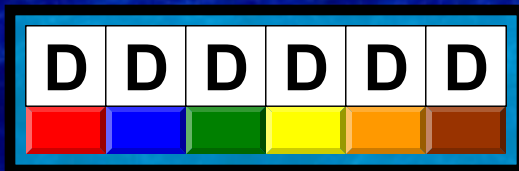


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Last April, SCOTUS made it easier for a plaintiff to prove a case of discrimination because of this.

- A. What is extend the statute of limitations?
- B. What is eliminate the element of a significant harm?
- C. What is lessen the burden of proof?
- D. What is reduce the filing fee for filing a lawsuit?

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Muldrow v. St. Louis

The court unanimously decided employees need not suffer “significant” harm to state a claim of discrimination under Title VII.

There, a female police sergeant alleged that she was forced to transfer jobs because her employer wanted to replace her with a male police officer, who her supervisor claimed would be a “better fit” for the “very dangerous” role. Although the plaintiff’s rank and pay remained the same after the transfer, her duties, schedule, and position perks changed. The prestige and caliber of her responsibilities decreased, her schedule became less regular, and she lost access to an unmarked take-home vehicle, among other consequences.



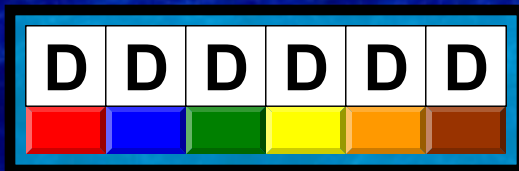
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In December, a Florida trial court found a county discriminated against an employee when it terminated him for this.

- A. What is having chronic flatulence?
- B. What is driving a county vehicle with a Trump flag flying?
- C. What is testing positive for marijuana?
- D. What is organizing a devil worshiper's club?

\$200



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Off duty use of marijuana

There was no evidence that the employee used marijuana at work, possessed marijuana on work premises or during work hours, showed up to work impaired, or had any complaints or suspicion of impairment while on the job.

The Court cited to the constitutional amendment allowing medical marijuana; and the employee had a legal right under that amendment.

Case is on appeal.

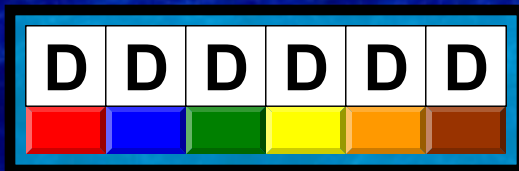


Timer

This term SCOTUS will decide a case which will likely change the standard of proof for this.

- A. What is a “regarded as” case under the ADA?
- B. What is a reverse discrimination case?
- C. What is a hostile work environment case?
- D. What is an overtime case?

\$300



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For the Majority

In *Ames v. Ohio Department of Youth Services*, a heterosexual woman claims her former employer discriminated against her because she is straight. In a surprising twist, the government's counsel agreed with the plaintiff during oral argument that she should not have been required to provide proof of the alleged discrimination beyond the amount that would have been required if she were gay and had brought the same claim.

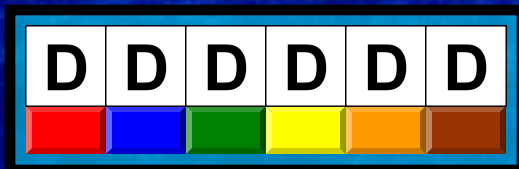


FY 2024 showed that CODs exploded under the following basis.

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- A. What is pregnancy discrimination?
- B. What is disability discrimination??
- C. What is retaliation?
- D. What is national origin discrimination?

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Pregnancy

Likely due to being implemented in July 2023, the number of cases under the PFWA exploded by over 500%.

In April 2024, after notice-and-comment rulemaking, the EEOC issued regulations broadly defining what constitutes “limitations related to, affected by, or arising out of pregnancy, childbirth or related medical conditions,” including within its examples, among others, lactation, miscarriage, stillbirth and “having or choosing not to have an abortion.”

The terms "pregnancy" and "childbirth" under the PWFA extend beyond just a current pregnancy or childbirth – they also cover past, intended, or potential pregnancies.

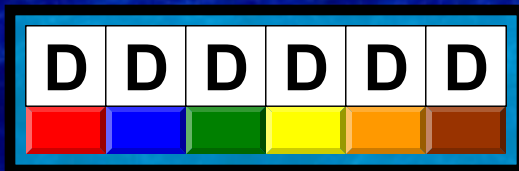


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In 2022 HHS proposed this, which could have a profound effect on employers nationwide.

- A. What is create a weight limit for certain jobs?
- B. What is redefine what a serious medical condition is?
- C. What is require employers to pay for FMLA leave?
- D. What is rescheduling marijuana from a Schedule I to a Schedule III drug?

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Dude, what is Schedule III?

In August 2023, HHS recommended to DEA that marijuana be transferred from schedule I to schedule III, based on HHS' scientific and medical evaluation.

In May 2024, the AG issued a proposed rule that, if finalized, would move marijuana from schedule I to schedule III. Numerous parties submitted requests for hearings, and in August 2024 DEA announced that it would hold a hearing on the proposal.

The hearing was scheduled to begin on January 21, 2025. But, on January 13, 2025, the administrative law judge for the hearing postponed it while an appeal by an involved party is resolved.



Timer

It is the number of hours per week after which overtime must be paid.

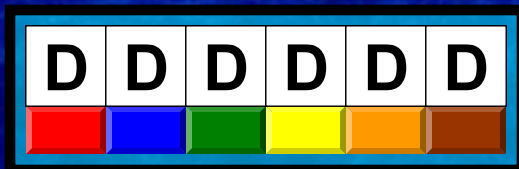
A. What is 30?

B. What is 40?

C. What is 45?

D. What is none if the employee is paid “salary” instead of “hourly”?

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What is a work week?

You can determine when your week starts, which is defined as seven 24-hour periods. Non-exempt employees who work more than 40 hours in any work week must be paid time and one-half for each additional hour.

Only certain limited occupations can use more than one work-week to “average” hours.

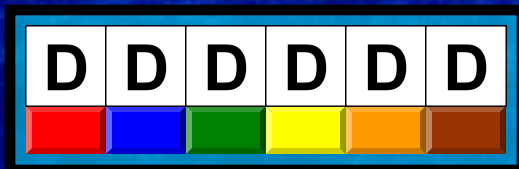


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The following is not a "protected activity" that can subject an organization to liability on a retaliation claim

- A. What is making a complaint to a manager?
- B. What is providing information in an investigation of discrimination or harassment?
- C. What is posting a grievance on Facebook?
- D. What is speak with a co-worker about discrimination?

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It's Personal, ok?

Assisting a perpetrator with quashing a complaint of harassment is not considered a "protected activity," and therefore, does not subject an organization to liability on a retaliation claim.

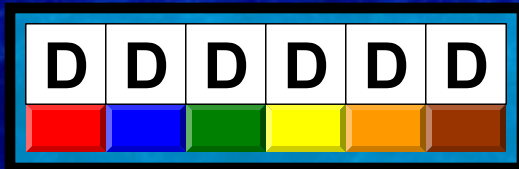
A potential exception to this might include a union president asserting a claim on behalf of a bargaining unit member, but that is still a stretch



Only the following listed below is considered “work” and therefore compensable under the FLSA.

- A. Arriving to work 15 minutes early to prepare a “to-do” list for the day?
- B. What is donning and doffing?
- C. What is traveling from home to work and vice versa?
- D. What is a meal period while on out-of-town business?

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Working hard or Hardly working

- Refers to job-related activities
- Other activities which are compensable:
 - responding to emails while at lunch
 - dropping off work-related mail on way home
 - cleaning equipment after a shift

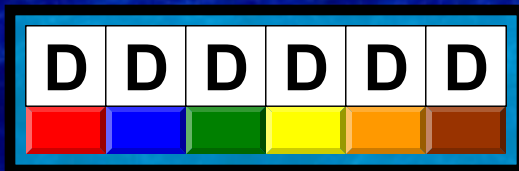


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It is the minimum number of employees a public employer must have to be subject to Title VII.

- A. What is 15?
- B. What is 20?
- C. What is none?
- D. What is 10?

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No Minimums

Although a private employer must have at least 15 employees to be subject to liability under Title VII, a public employer has no such minimum. As such, even a small town is subject to liability



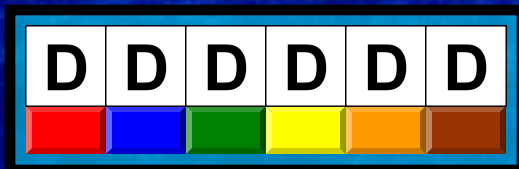
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The following basis of discrimination is not covered by Title VII but is covered by the FCRA

- A. What is religion?
- B. What is national origin?
- C. What is color?
- D. What is age?

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OK, Boomer

Title VII of the Civil Rights Act of 1964 proscribes discrimination on the bases of race, color, religion, sex and national origin.

The ADEA covers age. The ADA covers disabilities.

The FCRA, on the other hand, makes it unlawful for an employer to discriminate based on an individual's race, color, religion, sex, pregnancy, national origin, age, handicap, or marital status.



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