

# IN THE KNOW

Bulletins for Benefits & HR Professionals



October 7, 2020

## Election Day is Fast Approaching – Have You Prepared?

“As Election Day approaches and despite the anticipated uptick in absentee ballots, employers should ensure they are in compliance with state law requirements related to employee voting rights.” [Full Article](#)

*Jackson Lewis P.C.*



## SEC Approves Amendments to Whistleblower Program Rules and Issues Interpretive Guidance

““On September 23, 2020, the Securities and Exchange Commission ("SEC") adopted several amendments to the rules governing its whistleblower program and published guidance regarding the process for determining award amounts for eligible whistleblowers.” [Full Article](#)

*Jones Day*

## In This Issue

### Page 1

Election Day is Fast Approaching – Have You Prepared?

*Jackson Lewis P.C.*

SEC Approves Amendments to Whistleblower Program Rules and Issues Interpretive Guidance

*Jones Day*

### Page 2

OFCCP Opens Hotline for Complaints of Race and Sex Stereotyping in Workplace Training

*Proskauer Rose LLP*

Adjusting to New Economic Realities: Department of Labor Proposes Worker Classification Test

*Jones Day*

Managing Intermittent FMLA Leave to Support Your Manufacturing Operations

*Jackson Lewis P.C.*

Zip It: Severance Agreement Confidentiality Provisions Upheld

*Barnes & Thornburg LLP*

### Page 3

State & International Compliance Updates

## OFCCP Opens Hotline for Complaints of Race and Sex Stereotyping in Workplace Training

“As we previously reported, on September 22, 2020, President Trump issued his “Executive Order on Combating Race and Sex Stereotyping” (the “Order”), which seeks, among other things, to prohibit government contractors from including certain concepts in diversity and awareness trainings. The Order directed the Office of Federal Contract Compliance Programs (“OFCCP”) to establish a “hotline” to receive and investigate complaints that contractors are implementing employee training programs that violate the Order, as well as Executive Order 11246, and to take “enforcement action and provide remedial relief, as appropriate.” [Full Article](#)

*Proskauer Rose LLP*



## Adjusting to New Economic Realities: Department of Labor Proposes Worker Classification Test

“The Department of Labor (“DOL”) released a proposed rule on September 22, 2020, containing a new test for determining independent contractor status under the Fair Labor Standards Act (“FLSA”).” [Full Article](#)

*Jones Day*



## Managing Intermittent FMLA Leave to Support Your Manufacturing Operations

“Manufacturing employers depend on employees being in the right place at the right time. Yet, compliance with applicable leave laws requires possible disruption. Intermittent leave law may be the most challenging.” [Full Article](#)

*Jackson Lewis P.C.*

## Zip It: Severance Agreement Confidentiality Provisions Upheld

“Many companies tender severance agreements to employees when they are separated from employment under various circumstances. These agreements routinely contain releases of claims that seek to resolve most potential claims a former worker may have against an organization.” [Full Article](#)

*Barnes & Thornburg LLP*

# State & International Compliance

## CALIFORNIA



### New California COVID-19 Employment Laws Require Attention

"This month, California Gov. Gavin Newsom signed a trio of new COVID-19-related employment laws." [Full Article](#)  
*Akin Gump Strauss Hauer & Feld LLP*

## CALIFORNIA



### Just in Time for Handbook Season, California Passes Sweeping Expansion of Family Leave Law

"Effective January 1, 2021, SB 1383 expands the California Family Rights Act (CFRA) to cover smaller employers and provide access to leave for additional covered reasons." [Full Article](#)  
*Littler Mendelson P.C.*

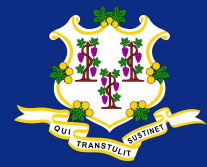
## COLORADO



### Colorado Court of Appeals: Terms of Employer's Vacation Policy Control Whether Accrued, Unused Vacation Time Must Be Paid Out at Separation

"The Colorado Court of Appeals issued a very favorable decision to employers today in a case litigated by Steve Gutierrez and Brad Williams of Holland & Hart, LLP." [Full Article](#)  
*Holland & Hart LLP*

## CONNECTICUT



### Connecticut Sexual Harassment Prevention Training Deadline Extended to January 1, 2021

"The Connecticut Commission on Human Rights and Opportunities (CHRO) has extended the deadline to complete sexual harassment training required by the Time's Up Act by 90 days, to January 1, 2021." [Full Article](#)  
*Jackson Lewis P.C.*

## NEW YORK



### Reminder to New York Employers: Sick-Leave Law Compliant Policy due September 30, 2020

"As we previously reported, among the sweeping pieces of legislation signed in the midst of the COVID-19 pandemic was New York State's permanent sick leave law ("NYSPSL")." [Full Article](#)  
*Sheppard, Mullin, Richter & Hampton LLP*