

# IN THE KNOW

Bulletins for Benefits & HR Professionals

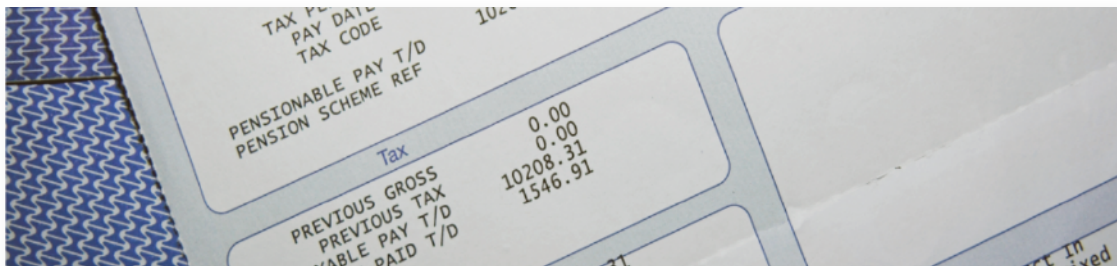


September 9, 2020

## Questions Remain After IRS Issues Initial Guidance on Temporary Deferral of Employee Payroll Tax Obligations

"On August 28, 2020, the Department of the Treasury ("Treasury") and the Internal Revenue Service ("IRS") released Notice 2020-65 to provide guidance ("Agency Guidance") implementing the employee payroll tax deferral directed by the "Memorandum on Deferring Payroll Tax Obligations in Light of the Ongoing COVID-19 Disaster" ("Presidential Memo"), issued on August 8, 2020, which we previously reported on here." [Full Article](#)

*Epstein Becker & Green, P.C.*



## COVID-19: Proposed Safe to Work Act Would Provide Businesses Broad COVID-19 Liability Protections

"As Congress continues to discuss the next coronavirus (COVID-19) stimulus package, one bill in particular has become a flash point in the negotiations: the SAFE TO WORK Act, which would provide far-reaching liability protection to businesses for injuries related to COVID-19. The proposed version of the SAFE TO WORK Act bill<sup>1</sup> would provide a significant liability shield to a number of businesses for anticipated COVID-19-related lawsuits." [Full Article](#)

*K&L Gates LLP*

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## Reasonable, Not Required: DOL Says IRS Mileage Rate Is Not Only Expense Reimbursement Method

“The U.S. DOL has confirmed that there is no per se violation of the FLSA’s minimum wage requirement when low-wage employees are reimbursed for their use of a personal vehicle at a reasonable rate that is less than the IRS standard mileage rate and clarified that, in many cases, not all vehicle-related expenses need to be reimbursed.” [Full Article](#)

*Seyfarth Shaw LLP*



## Decision by Committee Cannot Overcome Supervisor’s Racist Statements

“The U.S. Court of Appeals for the Fourth Circuit (which includes Maryland, North and South Carolina, Virginia, and West Virginia) found that, although the promotion decision in question was made by committee, the decision was nonetheless led – if not controlled – by a racist supervisor.” [Full Article](#)

*Shawe Rosenthal LLP*



## A “Reason to Believe”: DOL Says the Obligation to Determine Remote Employees’ Hours of Work is “Not Boundless”

“Employers must pay for all hours they know or “have reason to believe” employees worked. But can employers simply rely on teleworking employees to report all of their hours worked, or must they instead investigate whether their employees have accurately reported their work time? With the huge increase in teleworking since the start of the COVID-19 pandemic, this question should be top-of-mind for employers.” [Full Article](#)

*Baker & McKenzie LLP*

## Department of Labor Issues Opinion Letter Clarifying Availability of Fluctuating Workweek Method of Calculating Overtime

“In the U.S., employees must be paid overtime compensation at a rate of one-and-one-half times their regular rate of pay for all hours worked in excess of forty (40) per workweek unless specifically exempted by law. For many employees, this means payment of a straight time hourly rate, and then payment of one-and-one-half times that hourly rate for each of their weekly overtime hours.” [Full Article](#)

*Squire Patton Boggs*

# State & International Compliance

## CALIFORNIA



### California Privacy Update: California Legislature Extends CCPA Employee and B2B Exemptions and Passes Laws Regulating Health and Genetic Privacy

"In a flurry of legislative activity, the California legislature passed a number of last-minute privacy bills that now await the signature of Governor Gavin Newsom in order to go into effect." [Full Article](#)

*Wilmer Cutler Pickering Hale and Dorr LLP*

## CALIFORNIA



### California to Potentially Expand Family and Medical Leave Entitlements

"California is likely to significantly expand its family and medical leave laws, by expanding the obligation to provide job-protected leave to small businesses with as few as five employees, allowing leave to be taken for additional reasons, and eliminating certain exceptions to employer obligations to provide leave." [Full Article](#)

*Sheppard, Mullin, Richter & Hampton LLP*

## NEW JERSEY



### New Jersey Employees' Children Not Going Back to In-person School – Now What?

"The changing legal landscape and uncertainty that emerged in March with the onset of the COVID-19 pandemic will likely continue well into the Fall. Indeed, employers continue to struggle in determining their employees' entitlement to time off for COVID-19-related reasons, especially given the varying status of in-person and remote learning across New Jersey school districts." [Full Article](#)

*Day Pitney LLP*

## GEORGIA



### Take a Break! Georgia Amends Its Lactation Break Law

"The state of Georgia has had a lactation break law on the books for quite some time, but with House Bill 1090 the legislature made some important changes, effective August 5, 2020." [Full Article](#)

*Ogletree, Deakins, Nash, Smoak & Stewart, P.C.*

## VIRGINIA



### Virginia Adopts First-in-Nation COVID-19 Workplace Safety Standards

"On July 27, 2020, Virginia's COVID-19 Emergency Temporary Standard ("ETS"), 16VAC25-220, went into effect after being adopted by the Department of Labor and Industry's (DOLI) Virginia Occupational Safety and Health (VOSH) Program and the Virginia Safety and Health Codes Board." [Full Article](#)

*Shawe Rosenthal LLP*