

# IN THE KNOW

Bulletins for Benefits & HR Professionals



JUNE 3, 2021

## Incentivizing Employees Through Engagement and Influence

“This change has been gathering pace as millennials and generation Z enter the workplace and is likely to accelerate in the post-COVID era. Businesses will need to find increasingly innovative ways to attract, retain and reward their staff. In this, the second of two articles, we outline how businesses can use engagement and influence to motivate and build better relationships with their employees. This is typically achieved through employee collectives or member organization and direct Board representation.” [Full Article](#)

*Fox Williams*



## A Time For Kindness: Supporting Employee Mental Health in the Era of COVID-19

“Organizations benefit from actively fostering kindness. In workplaces where acts of kindness become the norm, the spillover effects can multiply fast. When people receive an act of kindness, they pay it back, research shows — and not just to the same person, but often someone entirely new. This leads to a culture of generosity in an organization.”

[Full Article](#)

*Seyfarth Shaw*

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## Rehiring after COVID-19 Cutbacks: Unique Legal Challenges and Priority Considerations

“As vaccination rates continue to increase in the United States and abroad, hotels are counting on a summer travel boom to kickstart their economic recovery. But staffing up remains a critical and difficult situation for hotels to navigate. In a recent article for HotelExecutive.com, Nelson Mullins partners Bret Cohen, Suhail Seth, and associate Jack Foster describe the hotel industry’s unique COVID-related legal challenges and top considerations to ensure rehiring and recruiting success.” [Full Article](#)

*Nelson Mullins*



## Backpay: So, How Much Do I Owe the NLRB?

“When employers owe money for labor law violations in National Labor Relations Board (NLRB) proceedings, it’s virtually always in the form of backpay of some kind to current or former employees. The NLRB recently announced that some changes to its backpay determination procedures may be on the horizon.” [Full Article](#)

*Barnes & Thornburg*

## Employers Do Not Need To Record Adverse COVID-19 Vaccine Reactions on their OSHA Form 300 Log

“OSHA recently issued additional guidance addressing whether employers need to record an employee’s adverse vaccine reaction on their 300 Log. Earlier this year, we blogged about OSHA’s guidance that an adverse reaction to the COVID-19 vaccine is recordable if the reaction is: (1) work-related, (2) a new case, (3) meets one or more of the general recording criteria in 29 CFR1904.7 (e.g., days away from work, restricted work or transfer to another job, medical treatment beyond first aid), and (4) the vaccine is required for employees.”

[Full Article](#)

*Seyfarth Shaw*

## DOL Plans to Roll Back Joint Employer & Independent Contractor Rules

“On March 11, 2021, the U.S. Department of Labor (DOL) announced proposals to rescind the Independent Contractor Final Rule and the Joint Employer Rule, stating that the rules would “significantly weaken protections afforded to American workers under the Fair Labor Standards Act.” The Independent Contractor Final Rule, issued January 7, 2021, established new standards for employers in determining whether a worker is an employee or independent contractor under FLSA.” [Full Article](#)

*Hall Benefits Law*

# State & International Compliance

## CALIFORNIA



### Santa Clara County Now Requires Employers to Inquire About, and Keep Records Regarding Employees' Vaccination Status

"On May 18, 2021, Santa Clara County, California, issued a health order imposing new and significant obligations on employers in light of the increasing number of individuals that are being vaccinated against COVID-19. The most significant requirement under the new health order, is employers must inquire into, and continue to keep track of, the vaccination status of all personnel." [Full Article](#)

*Hogan Lovells*

## VIRGINIA



### Virginia Enacts New Overtime Wage Law

"On 30 March 2021, Governor Ralph Northam signed into law the Virginia Overtime Wage Act (VOWA), creating new wage and hour requirements for Virginia employers. Set to take effect July 1, 2021, the VOWA also includes numerous employee protections. The VOWA amends the Virginia Code to authorize collective actions and allows for a lengthier statute of limitations period and increased damages provisions." [Full Article](#)

*Ford Harrison*

## RHODE ISLAND



### Rhode Island Joins List of States Enacting \$15 Minimum Wage Law

"On May 20, 2021 Governor Dan McKee signed an amendment to Rhode Island law that will see the Ocean State's minimum wage increase to \$15.00 per hour by 2025. Beginning January 1, 2022, Rhode Island's minimum wage will increase from its current \$11.50 to \$12.25. On January 1, 2023 it will increase to \$13.00 and then increase another \$1.00 per hour each January 1, until reaching \$15.00 in 2025." [Full Article](#)

*Jackson Lewis*

## NEW YORK



### NY HERO Act: New York Enacts Workplace Law to Prevent Airborne Infectious Diseases

"Effective June 4, the New York Health and Essential Rights Act, otherwise known as the NY HERO Act (Senate Bill 1034-A/ Assembly Bill 2681-B), requires the development of model airborne infectious disease prevention standards, directs private-sector employers to adopt these standards or develop their own comprehensive airborne infectious disease exposure prevention plan, gives employees a voice in the development process, and establishes penalties for violations."

[Full Article](#)

*Loeb & Loeb*

## MICHIGAN



### Michigan Accelerates Path to Normalcy with Relaxation of Rules

"On May 20, 2021, Michigan Governor Gretchen Whitmer announced an acceleration of the "Vacc to Normal" plan. The acceleration takes place as Whitmer reported more Michiganders have received vaccines, and the CDC announced revised facemask guidance for vaccinated individuals. According to governor's announcement, "[a]s of June 1, capacity limits will lift for outdoor events." [Full Article](#)

*Littler Mendelson*