

IN THE KNOW

Bulletins for Benefits & HR Professionals



JULY 14, 2021

ZOOM, ZOOM, ZOOM!! Will Virtual Platforms Replace How You Interact with Your Employees?

"Roughly 15 months ago the word "Zoom" would have conjured up images of cartoon race cars or maybe Dr. Seuss' Go Dog Go book. Such images not only show our age but reflect how much our world has changed since the COVID-19 pandemic arrived. In the legal world, Zoom allowed the practice of law to continue with limited interruption (once you learned what to do). We have all heard the stories or seen the commercials with Zoom faux pas galore – from dress code violations to forgetting to mute the microphone while the sound of a flushing toilet comes through the computer. Yes, that actually happened during a U.S. Supreme Court hearing last year. But from a practical perspective, clients have found Zoom technology a real time and expense saver." [Full Article](#)

Bradley Arant Boult Cummings



Crafting an Effective Social Media Policy for Employees

"A social media presence is essential in generating new growth for a business. Maintaining social media accounts will not only expand brand awareness and elevate your company's status, but it provides an opportunity to directly engage with consumers, disclose information, and receive product feedback. For example, Amazon uses one dedicated Twitter account, or "handle," for brand promotion, another handle dedicated to customer support, and a third Twitter handle for Amazon news." [Full Article](#)

Bond Schoeneck and King

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Employers—Do Not Ask About Pandemic Passion Projects!

“Last month, the following Tweet went viral: “I don’t want to alarm anyone, but I’ve just been asked in a job interview if I used lockdown ‘to pursue any passion projects or personal development.’” Please, employers, I beg of you— find a different trendy interview question. While Pinterest and Instagram are full of people (I would speculate these folks do not have children at home and had white-collar jobs that lent themselves to remote work) chronicling their pandemic passions like learning a new language or taking up an interesting hobby, many struggled just to survive.” [Full Article](#)

Shawe Rosenthal



New OSHA Guidance for Recording Obligations When Mandating Vaccination

“The Occupational Safety and Health Administration (OSHA) recently issued new guidance on recording obligations for COVID-19 vaccine-related injuries for those employers required to keep OSHA 300 logs. In newly added FAQs on its website, OSHA states that, if an employer is subject to OSHA's general recordkeeping requirements for serious work-related injuries and illnesses, it must record an employee's adverse reaction to the COVID-19 vaccine if the adverse reaction meets three criteria: 1) the reaction is work-related; 2) the reaction is a new case; and 3) the reaction meets one or more of the criteria under 29 CFR 1904.7, resulting in the employee having to take one or more days off of work, receive medical treatment beyond first aid, or the like as per the standard.” [Full Article](#)

Holland & Knight

The Dust Hasn’t Settled Yet: Employers Must Continue to Be Thoughtful About Criminal Record Screening Policies



Last month, the new chair of the EEOC, Charlotte A. Burrows, was the keynote speaker at a conference regarding new research on criminal recidivism. 1) The EEOC has been mostly quiet on the topic of criminal background checks and Title VII since the U.S. Court of Appeals for the Fifth Circuit upheld an order enjoining the EEOC from enforcing its Enforcement Guidance against the State of Texas. 2) Chair Burrows’ comments reveal the EEOC remains keenly interested in this subject. But this is just one of the reasons why employers, particularly those operating in multiple jurisdictions with a high concentration of entry-level jobs, must continue to be thoughtful about criminal record screening policies.” [Full Article](#)

Littler Mendelson

Squeaky COVID Wheel Doesn’t Get the Grease

“Workplace complaints often can constitute protected activity under various labor and employment laws, including the National Labor Relations Act (NLRA). A recent advice memo released by the National Labor Relations Board (NLRB), however, illustrates some limits in this context.” [Full Article](#)

Barnes Thornburg

State & International Compliance

CALIFORNIA



City of Los Angeles Requires Vaccine Leave for Employees Working in the City

"The state and some local COVID-19 supplemental paid sick leave requirements continue through the summer. And the City of Los Angeles' mayor issued a public order mandating additional paid leave. Under the order, employees who work within the City of Los Angeles and have been employed by their employer for 60 days are entitled to paid time off to get vaccinated for COVID-19." [Full Article](#)

Jackson Lewis

NEW YORK



With COVID-19 Restrictions Lifted, NYS Workers' Compensation Board Prepares for Labor Market Attachment

"On June 29, 2021, the New York Workers' Compensation Board issued notification of certain changes in light of the declaration of the end of the state of emergency. These are provided on the New York State Workers' Compensation Board website under the header of COVID-19 updates (see June 2021 guidance)." [Full Article](#)

Goldberg Segalla

OHIO



Repeal of Ohio Sales and Use Taxes on Employment Services and Employment Placement Services

"Effective October 1, 2021, the Ohio sales and use taxes on employment services and employment placement services are repealed. These services remain taxable through September 30. These taxes have been very controversial, and the repeal is most welcome." [Full Article](#)

Baker Hostetler

MAINE



Maine's Highest Court Finds Portland Hazard Pay Ordinance Constitutional, But Not Effective Until 2022

"On July 6, 2021, the Maine Supreme Judicial Court unanimously ruled in Portland Regional Chamber of Commerce v. City of Portland that the voter-initiated legislation establishing an emergency minimum wage was constitutional but does not take effect until January 1, 2022." [Full Article](#)

Littler Mendelson

MASSACHUSETTS



Massachusetts Proposed Pay Scale Legislation

"A bill pending before the Massachusetts Legislature would add obligations to the Massachusetts Equal Pay Act requiring employers to provide information on the pay range for a given position to employees or applicants upon request."

[Full Article](#)

Seyfarth Shaw