

IN THE KNOW

Bulletins for Benefits & HR Professionals



AUGUST 13, 2021

Trade Secrets Protection: Some Common Sense and an Ounce of Prevention is Worth a Pound of Cure

“Given the dire consequences a company can face once a valuable trade secret goes out the door, corporate executives need to understand what their trade secrets are as well as how to protect them. Under the law, a trade secret has “independent economic value,” and to earn legal protection an employer must take reasonable steps to protect it.” [Full Article](#)

Procopio Cory Hargreaves & Savitch



An Employee’s Dissatisfaction Does Not Make The Employer’s Response to Harassment Unreasonable

“In response to a complaint of co-worker harassment under Title VII, an employer is required to take action that is “reasonably calculated to end the harassment.” Whether the response is reasonable will depend on the circumstances and, as the U.S. Court of Appeals for the Sixth Circuit held, an employee’s dissatisfaction with the employer’s actions alone does not mean the response was unreasonable.” [Full Article](#)

Shawe Roenthal

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OSHA Gives Health Care Employers Green Light to Continue Permitting Facemask Exemptions, Despite New CDC Guidance

“In light of rising cases of COVID-19, the CDC has recently reversed its prior facemask guidance, and has now required that both vaccinated and unvaccinated individuals wear masks indoors in public spaces in areas where there is significant transmission of COVID-19. Certain local jurisdictions have adopted similar rules that renew requirements for facemasks. In a significant move, OSHA has announced on its website that it has reviewed the latest guidance, science and data on COVID-19, and is not otherwise amending its COVID-19 Emergency Temporary Standard for Healthcare at this time.” [Full Article](#)

Seyfarth Shaw



Sarah’s Boss Does NOT Have It Going On

“COVID-19 Sarah’s boss has consistently asked her to get drinks after work and she always says no but does not give a reason why. Sarah’s boss has also suggested if the two of them developed an outside work relationship Sarah could benefit, but again, Sarah is not interested. Once Sarah’s boss got the hint, Sarah noticed her boss’s attention shift to her co-worker Emily. Emily confessed to Sarah that their boss was now asking her on dates and she always declined, but felt very uncomfortable about the situation. At that point, Sarah wrote a complaint to the Human Resources Department.”

[Full Article](#)

Graydon

Legality of Mandatory COVID-19 Testing



“To enter Canada, all travelers over the age of 5, including those who are fully vaccinated, are required to provide proof of a negative COVID-19 test. Samples to test for COVID-19 can be collected through a nose swab, throat swab, or saliva sample. Many employers are now mandating, or considering mandating, that employees get COVID-19 testing, either once, or at regular intervals, in order to enter the workplace, or in some cases, to continue working. What does the law have to say about policies addressing mandatory COVID-19 testing?” [Full Article](#)

Spring Law

Forging Commitments: How Manufacturers Can Promote Retention After Investing in Employee Training

“The labor shortage has forced many manufacturers to adopt new strategies to meet their staffing needs. As commentators in the Jackson Lewis Manufacturing Industry Group have previously written, these include adjusting background check requirements, working with public school systems to train and recruit students, revising drug testing criteria, and placing greater emphasis on diversity and inclusion.” [Full Article](#)

Jackson Lewis

State & International Compliance

CALIFORNIA



California Department of Health's Vaccination and Testing Order

"In response to evidence that the majority of COVID-19 infections and outbreaks were among unvaccinated people, and because the current requirements of masking health care employees is proving insufficient to prevent transmission of the highly virulent Delta variant, the California Department of Public Health ("CDPH") has issued two new Orders regarding health care worker vaccinations." [Full Article](#)

Gordon & Rees

COLORADO



Colorado Updates, Clarifies Official Pay Transparency Guidance

"The Colorado Department of Labor and Employment (CDLE) has issued an update. CDLE issued final Equal Pay Transparency (EPT) Rules in November 2020. And, in December 2020, it released Interpretive Notice & Formal Opinions (INFO) #9, which clarified how CDLE will interpret the Rules." [Full Article](#)

Jackson Lewis

CONNECTICUT



Employment Law Updates from the 2021 Session of the Connecticut General Assembly

"In its 2021 session, the Connecticut General Assembly passed several pieces of legislation that Connecticut employers should be aware of in anticipation of their October 1, 2021 effective dates." [Full Article](#)

Morgan, Brown & Joy

OHIO



New Ohio Law Modifies the Legal Requirements for State Employment Discrimination Claims

"The Ohio Employment Law Uniformity Act, effective April 15, 2021, clears the muddled waters of state-law discrimination litigation and creates a more employer-friendly forum for such cases." [Full Article](#)

Jones Day

NORTH CAROLINA



Employers with NC Employees, Take Note: Wage Payment Requirements Have Changed

"Gov. Roy Cooper (D) has signed into law important changes to employers' obligations to notify North Carolina employees about their wages. The changes to the North Carolina Wage and Hour Act (available here, beginning at the bottom of page 3) are effective now." [Full Article](#)

Constangy, Brooks, Smith & Prophete