

IN THE KNOW

Bulletins for Benefits & HR Professionals



MARCH 24, 2022

President Biden Signs Executive Order Promoting Pay Equity and Transparency

"In addition to digesting OFCCP's release of a new directive on compensation, government contractors may soon see new regulations around inquiries into and the use of prior salary information. In conjunction with Equal Pay Day, President Biden signed a new Executive Order on Advancing Economy, Efficiency, and Effectiveness in Federal Contracting by Promoting Pay Equity and Transparency." [Full Article](#)

Jackson Lewis



EEOC Issues Reminder That Caregiver Duties Continue Even As COVID Surge Wanes

"On March 14, 2022, the U.S. Equal Employment Opportunity Commission (EEOC) released a new technical assistance document, "The COVID-19 Pandemic and Caregiver Discrimination Under Federal Employment Discrimination Law," reminding employers that caregiver obligations continue notwithstanding our gradual return to normal."

[Full Article](#)

Squire Patton Boggs

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How to Create a Level Playing Field in the Workplace Through DEI Efforts

“We know that a more diverse workforce is more competitive, more lucrative, and better for employees and businesses as a whole. And there are many ways that HR professionals and company leadership can manage workforce diversity to achieve success, both in their organization and employees’ individual careers. The concept of equal opportunity employment has long been established in the HR space. But in recent years, companies have been moving toward not only avoiding discrimination, but actively promoting inclusion.” [Full Article](#)

Phelps Dunbar LLP



IRS Issues Guidance on the Tax Court’s Review of Employment Status Determinations

“The IRS issued Notice 2022-13, effective February 7, 2022, regarding the Tax Court's review of an IRS determination as to whether a worker is properly classified as an employee or an independent contractor. The new guidance modified and superseded Notice 2002-5 and Rev. Rul. 2009-39 so that formal IRS notice under section 7346 is no longer a requirement for a taxpayer to petition the Tax Court for review of an IRS’s worker reclassification determination.” [Full Article](#)

Stephoe and Johnson

EEOC’s Advice to Employers on Accommodating Religion and COVID-19 Vaccines in the Workplace



“As employees return to the office, many employers have questions about how to address requests for religious accommodations for COVID-19 vaccination requirements. As a result, on March 1, the Equal Employment Opportunity Commission (EEOC) issued guidance on responding to such accommodation requests. As a general matter, employees and job applicants can request an accommodation for an employer's COVID-19 vaccination requirement if it conflicts with their sincerely held religious beliefs, practices or observances.”

[Full Article](#)

Day Pitney

Enforcement Against COVID-19 Related Fraud: Two-year Anniversary Update

“On the eve of the pandemic’s two-year anniversary, the U.S. Department of Justice (DOJ) released updated statistics on its efforts to combat COVID-19 related fraud and announced the appointment of a director of COVID-19 Fraud Enforcement. To date, DOJ has charged over 1,000 individuals with criminal offenses involving losses exceeding \$1.1 billion; seized over \$1 billion in Economic Injury Disaster Loan (EIDL) proceeds; and conducted over 240 civil investigations into more than 1,800 individuals and entities for alleged misconduct in connection with pandemic relief loans totaling more than \$6 billion.” [Full Article](#)

Morrison & Foerster LLP

State & International Compliance

TENNESSEE



Tennessee Expands Employee Protections Relating to COVID-19 Vaccine Mandates

“Governor Bill Lee has signed into law a bill that expands protections for employees who are subject to employer COVID-19 vaccine mandates. The new law supplements existing state law that prohibits private employers and other entities from compelling or taking “adverse action” against a person to compel the person to provide proof of vaccination.” [Full Article](#)

Proskauer Rose LLP

CALIFORNIA



California May Relax Background Check Process

“Many employers undertake routine background checks as part of their hiring process. To be effective, of course, the process has to be completed in a timely manner. Yet, a recent court decision, *All of Us or None v. Hamrick*, 64 Cal. App. 5th 751 (2021), made that process appreciably more difficult by prohibiting searches of criminal court records with the use of a person’s birth date or driver’s license number.” [Full Article](#)

Proskauer Rose LLP

FLORIDA



Florida ‘Stop WOKE’ Bill Could Impact Employers’ Diversity, Equity, and Inclusion Efforts

“The Stop WOKE Act prohibits employers from requiring employees to participate in certain types of diversity, equity, and inclusion (DEI) training. The bill was recently passed by the Florida House and Senate; Governor Ron DeSantis is expected to sign it into law shortly.” [Full Article](#)

Morgan, Lewis & Bockius

OREGON



Oregon Extends Exemption for Certain Payments from Equal Pay Act

“Last year, the Oregon legislature temporarily amended Oregon’s Equal Pay Act to exempt vaccine incentives, hiring and retention bonuses from pay equity considerations. SB 1514 permits employers to continue offering vaccine incentives and hiring and retention bonuses through the end of Oregon’s COVID-19 state of emergency, plus 180 days, without running afoul of the Act.” [Full Article](#)

Jackson Lewis

WISCONSIN

WISCONSIN



Wisconsin Supreme Court Broadens Employers’ Substantial Relationship Defense to Conviction Record Discrimination Claims

“The Wisconsin Supreme Court recently issued a significant (4-3) decision in *Cree, Inc. v. LIRC (Cree)*, rejecting the view that domestic violence crimes cannot substantially relate to employment.” [Full Article](#)

Godfrey Kahn