

IN THE KNOW

Bulletins for Benefits & HR Professionals



MAY 18, 2022

Summertime Brings Sunny Skies, Warm Weather and Interns

“Manufacturers are preparing to welcome interns into their businesses this summer. Internship programs can play a key role in a company’s ability to develop and retain talent, cultivate new ideas and perspectives, and provide valuable mentorship and opportunity to individuals entering the field, resulting in goodwill in the professional community. With the benefits of these programs come legal challenges for employers related to structuring such programs and arrangements.” [Full Article](#)

Robinson & Cole



Modernization of Manufacturers: Safety and Cybersecurity Issues

“Like many other industries, manufacturing has been hit hard with labor shortages. As of April 2022, U.S. factory activity reportedly is at its slowest pace in more than 18 months. Consequently, many factories seek more agility from artificial intelligence and other automated processes to better manage disruptions and uncertainty. With these modernizations comes the threat of potential safety and health hazards and cyber threats.” [Full Article](#)

Jackson Lewis

In This Issue

Page 1

Summertime Brings Sunny Skies, Warm Weather and Interns

Robinson & Cole

Modernization of Manufacturers: Safety and Cybersecurity Issues

Jackson Lewis

Page 2

Agencies Offer Tools to Help Employers Using AI Avoid Disability Discrimination

Phelps Dunbar

DHS Has Temporarily Increased Automatic Extensions of Employment Authorization and/or Employment Authorization Documents (EADs)

Little Mendelson

Employee Retention Credit for Independent Schools

Venable

MORE Than Meets the Eye? How Federal Marijuana Legalization Legislation Could Affect Employers

Bradley Arant Boult Cummings

Page 3

State & International Compliance Updates

Agencies Offer Tools to Help Employers Using AI Avoid Disability Discrimination

“The U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Justice (DOJ) warn employers that the use of AI (artificial intelligence) tools could expose them to liability under the Americans with Disabilities Act (ADA) if the tools screen out qualified individuals with disabilities or the employer does not provide a “reasonable accommodation” that is necessary for a job applicant or employee to be rated fairly and accurately by the algorithm.” [Full Article](#)

Phelps Dunbar



DHS Has Temporarily Increased Automatic Extensions of Employment Authorization and/or Employment Authorization Documents (EADs)

“The U.S. Department of Homeland Security (DHS) regulations provide for an automatic extension period of up to 180 days from the expiration date stated on the Employment Authorization Document (EAD) for applicants within certain employment-eligible categories who have a timely filed and pending request to renew employment authorization and/or EAD. However, due to severe backlogs with adjudication exacerbated by the COVID-19 pandemic, on May 4, 2022, DHS published a rule to temporarily increase the automatic extension period from up to 180 days to up to 540 days.”

[Full Article](#)

Little Mendelson

Employee Retention Credit for Independent Schools

“Under the CARES Act and subsequent COVID-19 legislation, independent schools may be eligible for the Employee Retention Credit (ERC), a refundable payroll tax credit for employers, including independent schools, whose operations were fully or partially suspended because of a COVID-19 related government order, or that had certain revenue losses compared to 2019. Independent schools that have not claimed the ERC but are eligible to do so can file amended payroll tax returns. The deadline to file these returns is April 15, 2024 for the 2020 ERC and April 15, 2025 for the 2021 ERC.” [Full Article](#)



Venable

MORE Than Meets the Eye? How Federal Marijuana Legalization Legislation Could Affect Employers

“The U.S. House of Representative voted to pass the Marijuana Opportunity Reinvestment and Expungement (MORE) Act, which decriminalizes marijuana under federal law. Most notably, the MORE Act would remove marijuana as a “scheduled” drug under the Controlled Substances Act (CSA). The proposed MORE Act also addresses other marijuana-related topics, such as taxes, denial of federal public benefits due to marijuana use, and protections for cannabis businesses. As explained below, the MORE Act may bring change for employers.” [Full Article](#)

Bradley Arant Boult Cummings

State & International Compliance

CALIFORNIA



Cal/OSHA Releases Updated FAQs & Fact Sheets for Third Re-adoption of ETS

“Cal/OSHA posted an update to the Revisions to the ETS FAQ. This FAQ details the changes in the May 6th version of the ETS and requirements from prior ETS that remain. There is a separate General COVID-19 ETS FAQ that responds more to the application of the ETS and has been updated to conform to the recent changes in the ETS.” [Full Article](#)

Jackson Lewis

MARYLAND



Maryland Enacts New Family Leave Law

“Maryland became the latest state to establish paid family and medical leave for employees with the enactment of the Time to Care Act of 2022 (the “Act”). The Act creates a family and medical leave fund (the “Fund”) which provides paid leave benefits to covered employees and participating self-employed individuals. The Fund will be financed by contributions from (i) employees, (ii) employers with 15 or more employees, and (iii) participating self-employed individuals.” [Full Article](#)

DLA Piper

NEW YORK



New York Enacts Employee Privacy Law

“On May 7, New York’s new employee privacy law became effective and it requires employers to provide written notice to their employees prior to engaging in certain electronic monitoring activities. The state’s attorney general is responsible for enforcing the law (as it does not expressly provide a private right of action), and businesses may face financial penalties for noncompliance.” [Full Article](#)

Thompson Hine

GEORGIA



New Georgia Employment Laws Change Definition of Employment, Restrict Local Laws Regulating Work Hours

“Governor Brian Kemp has signed into law two measures addressing the employment relationship. The first, Act 809 (H.B. 389), alters the definition of employment for purposes of unemployment benefits. The second, Act 823 (S.B. 331), precludes local governments from regulating the scheduling or work hours of a private business’s employees.” [Full Article](#)

Jackson Lewis

FLORIDA



What Does Florida’s ‘Stop WOKE’ Act Mean for Employers

“Florida Governor Ron DeSantis signed the ‘Stop WOKE’ Act into law. The Act’s name is intended as an acronym for ‘Stop the Wrongs to our Kids and Employees,’ but is also obviously meant to be a play on the concept of ‘woke,’ which is defined in Merriam-Webster’s Dictionary as an adjective describing one who is ‘aware of and actively attentive to important facts and issues.’” [Full Article](#)

Lus Laboris