

IN THE KNOW

Bulletins for Benefits & HR Professionals



MAY 5, 2022

Five Steps Employers Can Take to Create a More Diverse, Equitable and Inclusive Workplace

“Having a diverse hiring strategy is an essential piece of the puzzle, but it's not the only piece. Not only is it important to focus on bringing in diverse talent, but it's two-fold. Employers must also equip current employees with the skills necessary for success in their roles, while fostering a culture of equity and inclusion.” [Full Article](#)

Haynsworth Sinkler Boyd



How the Pandemic Changed Parental Leave Policies

“In an article published by the Society of Human Resource Management addressing how employers are responding to parental leave policies following pandemic-era routines, which have shown employees can be productive in remote and hybrid working environments while juggling home responsibilities, Phillip J. Strach, Raleigh-based partner at Nelson Mullins, said employers considering making policy changes should ensure updates comply with the Family and Medical Leave Act.” [Full Article](#)

Nelson Mullins

In This Issue

Page 1

Five Steps Employers Can Take to Create a More Diverse, Equitable and Inclusive Workplace

Haynsworth Sinkler Boyd

How the Pandemic Changed Parental Leave Policies

Nelson Mullins

Page 2

Weed Policy Options for Multi-state Employers — Are There Any?

Constangy, Brooks, Smith & Prophete

EEOC To Permit Short Window of Additional Time for Late EEO-1 Report Submissions

Jackson Lewis

Silica is the New Asbestos: New OSHA Regional Emphasis Program Will Target Respirable Silica Hazards in Six States

Seyfarth Shaw

Form I-9 Requirements Flexibility Extended Until October 31, 2022

Mintz

Page 3

State & International Compliance Updates

Weed Policy Options for Multi-state Employers — Are There Any?

“As we all know, a growing number of states have legalized marijuana use to varying degrees. In some states, medical marijuana is permitted, but not recreational. In some states, anything goes. In some states, including New Jersey and New York, even testing for marijuana is illegal in most circumstances. And we still have states where use of marijuana is illegal. (As of today, marijuana is still an illegal drug under federal law. Legislation to legalize it at the federal level is pending, but its fate is not clear.) If an employer has operations in multiple states, chances are good that its obligations will be different in different locations.” [Full Article](#)

Constangy, Brooks, Smith & Prophete



EEOC To Permit Short Window of Additional Time for Late EEO-1 Report Submissions

“A new FAQ explains that EEOC will permit employers to submit their EEO-1 Reports after the May 17, 2022 deadline — during what EEOC is calling the “failure to file” phase, stating “All filers who have not submitted and certified their mandatory 2021 EEO-1 Component 1 Report(s) by the Tuesday, May 17, 2022 published deadline will receive a notice of failure to file instructing them to submit and certify their data AS SOON AS POSSIBLE, and NO LATER THAN TUESDAY, JUNE 21, 2022. This additional time, through Tuesday, June 21st, 2022, will be available to ALL filers who have not submitted and certified their 2021 EEO-1 Component 1 Report(s) by the May 17, 2022 published deadline.”

[Full Article](#)

Jackson Lewis

Silica is the New Asbestos: New OSHA Regional Emphasis Program Will Target Respirable Silica Hazards in Six States



“OSHA has developed a new Regional Emphasis Program (REP) to identify and reduce hazards in the cut stone and stone products industry, which OSHA alleges to have the highest documented overexposures to respirable crystalline silica in the Denver region over the past 10 years. Crystalline silica is a common mineral found in sand, concrete, natural stone, artificial stone, mortar and other materials, and generates respirable dust — dust that can be inhaled — during cutting, grinding and polishing. Exposures to crystalline silica are common in both construction and general industry, and OSHA has been targeting silica enforcement in the Biden administration.” [Full Article](#)

Seyfarth Shaw

Form I-9 Requirements Flexibility Extended Until October 31, 2022

“The U.S. Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) have announced another extension to flexibility relating to in-person Form I-9 compliance. The policy, which was originally announced on March 19, 2020, was previously set to expire on April 30, 2022. Through this new extension, the policy will remain in effect until October 31, 2022.” [Full Article](#)

Mintz

State & International Compliance

CALIFORNIA



Judge Rules That Race and LGBT Quotas for Corporate Board Members Violate the California Constitution

“A Los Angeles Superior Court judge recently ruled that a California law (Assembly Bill 979) requiring California corporations to implement race and LGBT quotas for their board of directors is unconstitutional.” [Full Article](#)

Greenberg Traurig

MASSACHUSETTS



Massachusetts Paid Family and Medical Leave Updates – What You Need to Know

“The Massachusetts Department of Family and Medical Leave has issued a series of updates concerning Massachusetts Paid Family and Medical Leave (“MAPFML”). These updates reflect the latest changes made to MAPFML since the Department’s last quarterly briefing.” [Full Article](#)

Mintz

NEW YORK



New York Employers Must Comply with Electronic Monitoring Notice and Acknowledgment Requirements by May 7, 2022

“The New York Attorney General’s Office will begin enforcing the new law on May 7, 2022. Potential penalties for violations range between \$500 for a first offense and up to \$3000 for three or more offenses. Fines are per violation, i.e. per employee, so aggregate penalties under this format for even medium-sized employers may be significant for companies that ignore this obligation.” [Full Article](#)

Nelson Mullins

MAINE



Amended Maine Law Will Require Vacation Payout When Employment Ends

“Maine’s governor recently signed H.P. 160 - L.D. 225, amending the state’s final wages statute to require that all unused paid vacation accrued pursuant to the employer’s vacation policy on and after January 1, 2023 must be paid to the employee on cessation of employment.” The amendment provides that private employers with 11 or more employees must pay all unused vacation to a separated employee at the cessation of employment.” [Full Article](#)

Littler Mendelson

MISSISSIPPI



Mississippi Pay Equity Bill Crosses Finish Line

“Mississippi’s new law prohibits employers from paying “an employee a wage at a rate less than the rate at which an employee of the opposite sex in the same establishment is paid for equal work on a job, the performance of which requires equal skill, education, effort and responsibility, and which is performed under similar working conditions.” [Full Article](#)

Jackson Lewis