

IN THE KNOW

Bulletins for Benefits & HR Professionals



June 15, 2022

Women Leaders Excel in Times of Crisis: Lessons Learned and a Call to Action

“The pandemic’s negative impact on women in the workforce is unlikely to reverse anytime soon. In the first year of the pandemic alone, 54 million women around the world left the workforce—almost 90% of whom exited the labor force completely. As reported recently in the Harvard Business Review, “[t]he participation rate for women in the global labor force is now under 47%, drastically lower than men at 72%.” Women are currently at their lowest labor force participation rates since 1977. As one commentator recently reported, women are quitting their jobs at a rate 22% higher than men.” [Full Article](#)

Robins Kaplan



Employers: Take Steps Now to Prevent Workplace Violence and Protect Employees

“The rise in workplace violence, and violence in general, should prompt employers to consider what they can and should do to protect their employees, customers, and business. It is especially important to do so now, as more and more employers are requiring their employees to return to work in person following the pandemic.”

[Full Article](#)

Akerman

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EEOC Issues Guidance Addressing How the Use of Artificial Intelligence in Employment Decisions Could Violate the ADA

“On May 12, 2022, the United States Equal Employment Opportunity Commission (“EEOC”) issued technical guidance addressing how an employer’s use of software, algorithmic decision-making tools and AI to assist them in hiring workers, monitoring worker performance, determining pay or promotions, and establishing the terms and conditions of employment could violate the Americans with Disabilities Act (“ADA”).” [Full Article](#)

Mintz Levin



Is “Tenure” a Euphemism for Age?

“The U.S. Court of Appeals for the Fifth Circuit nonetheless found that a manager’s stated refusal to hire “tenured employees” was not direct evidence of age discrimination in this particular case. As the Fifth Circuit explained, comments will constitute direct evidence of discrimination when they are 1) related to the protected class of persons of which the plaintiff is a member; 2) proximate in time to the complained-of adverse employment decision; 3) made by an individual with authority over the employment decision at issue; and 4) related to the employment decision at issue. If these criteria are not met, such comments are considered “stray remarks” that will not, by themselves, support a claim of discrimination.” [Full Article](#)

Shawe Rosenthal

‘That’s So Meta:’ Workplace Harassment Issues in a Virtual World

“With the advent of virtual reality (VR) games, increasing numbers of players can now interact online to play games in a digital environment called a “metaverse.” VR headsets allow the players to immerse themselves in the digital environment, divorced from the tangible, natural world. AR and VR technology is rapidly developing beyond the gaming applications to internal and external business applications.” [Full Article](#)



State Bar of Wisconsin

Website Compliance with the ADA: Is Your Company Compliant With the Latest DOJ Guidance?

“While commercial businesses are typically aware of their responsibilities under the Americans with Disability Act (the “ADA” or the “Act”) relative to the maintenance of their physical office spaces and general corporate policies, some businesses have been the recipients of demand letters alleging violations of the ADA based on a purportedly non-compliant website. Financial institutions in particular, as well as other businesses that maintain significant operations through online customer portals, have been the primary focus of these efforts.” [Full Article](#)

Krieg Devault

State & International Compliance

CALIFORNIA



Local Minimum Wage Set to Increase July 1

“A statewide minimum of \$15.00 for all businesses was scheduled to go into effect on January 1, 2023. However, as a result of rates of inflation of over 7%, a further statutory increase has been triggered and the statewide minimum wage will now increase to \$15.50 on January 1, 2023.” [Full Article](#)

Jackson Lewis

NEW JERSEY



New Jersey Employers: Plan Ahead for the Long-Delayed Overhaul of the State's WARN Act

“New Jersey Governor Phil Murphy signed into law New Jersey Senate Bill 3170, ushering into law significant amendments to the Millville Dallas Airmotive Plant Job Loss Notification Act (NJ WARN Act), New Jersey’s state law counterpart to the federal WARN Act. Originally set to take effect in July 2020, the pandemic set into motion a series of postponements.”

[Full Article](#)

Duane Morris

NEW YORK



New York City Wage Transparency Law Guidance Issued

“On May 12, 2022, the New York City Commission on Human Rights released a fact sheet providing guidance on the amended NYC salary transparency law, which is currently set to take effect on November 1, 2022. The amended salary transparency law requires NYC employers to include minimum and maximum salary information in job postings for any position located within New York City.” [Full Article](#)

Patterson Belknap Webb & Tyler

MICHIGAN



Wage and Hour Law 101 for Employers

“Effective on January 1, 2022, the statewide minimum wage in Michigan was increased to \$9.87/hour for regular hourly workers, a 22-cent raise over 2021. Exceptions to the law are for tipped workers, the rate is \$3.75, as long as reported tips average \$6.12, 17 and 17-year-olds, whose rate was increased to \$8.39, and training wages for 16-19-year-olds for the first 90 days of their employment, which stands at \$4.25/hour.” [Full Article](#)

Foster Swift

ILLINOIS



Amendments To Illinois' One Day Rest in Seven Act Mitigates Against Hunger Pangs and Rest Deprivation

“Illinois Governor J.B. Pritzker signed into law SB3146, amending the provisions of the Illinois One Day Rest in Seven Act (ODRISA), which addresses both day of rest and meal break requirements for employees in the state. Fortunately for employers, the amendments do not take effect until January 1, 2023, so there is plenty of time for Illinois employers to make sure their policies and process conform to these changes, which are significant.” [Full Article](#)

Seyfarth Shaw