

IN THE KNOW

Bulletins for Benefits & HR Professionals



August 10, 2022

Permanent COVID-19 Standard for Healthcare Workers Still Slated for the Fall

“The recently released spring rulemaking agenda reflected a September 2022 target for a permanent COVID-19 rule for healthcare workers. Although the spring rulemaking agenda outlines a non-binding schedule, Assistant Secretary of Labor for Occupational Safety and Health Doug Parker has confirmed that the permanent COVID-19 standard should meet, or at worst nearly meet the September timeline.”

[Full Article](#)

Cozen O'Connor



Equal Access to Travel Benefits

“As more employers announce that they cover travel benefits under their medical plans that will allow participants to be reimbursed for certain travel expenses necessary in order to access otherwise covered medical benefits, proponents on the pro-choice and anti-abortion platforms seek ways to support or block those benefits.” [Full Article](#)

Seyfarth Shaw

In This Issue

Page 1

Permanent COVID-19 Standard for Healthcare Workers Still Slated for the Fall

Cozen O'Connor

Equal Access to Travel Benefits

Seyfarth Shaw

Page 2

This 'n' That in Employment Law

Constangy Brooks

Monkeypox in the Workplace: Key Considerations for Employers

McDermott Will & Emery

3 Key Considerations Under GINA — The Federal Law You May Have Overlooked

Levy Employment Law

COBRA Notice Errors Can be Costly

Graydon Head & Ritchey LLP

Page 3

State & International Compliance Updates

This 'n' That in Employment Law

“Catholic school guidance counselor supervisor is a “minister,” court says. And therefore she can't sue the Archdiocese of Indianapolis for refusing to renew her contract after she entered into a same-sex union. About a year ago, all of the judges of the same court (U.S. Court of Appeals for the Seventh Circuit) held that the ministerial exception also applied to a lawsuit where a gay music director alleged that his pastor teased him about his sexual orientation and medical condition, creating an unlawfully hostile work environment.” [Full Article](#)

Constangy Brooks



Monkeypox in the Workplace: Key Considerations for Employers

“As of July 26, 2022, there are 3,591 confirmed cases of monkeypox in the United States, according to US Centers for Disease Control and Prevention (CDC) data, and the World Health Organization (WHO) Director-General has declared the multi-country monkeypox outbreak a Public Health Emergency of International Concern (PHEIC). With much about the potential impact and scope of monkeypox still unknown, employers should consider taking proactive steps now, as may be appropriate for their workforce, to enhance and reinforce the safety protocols already in place from the COVID-19 pandemic.” [Full Article](#)

McDermott Will & Emery

3 Key Considerations Under GINA — The Federal Law You May Have Overlooked



“The Genetic Information Nondiscrimination Act (GINA) may be the sleepest of the federal EEO laws, the one that many employers have never heard of or have entirely forgotten. It prohibits employers from collecting genetic information from employees and using that as a basis for employment decisions. Most employers, in the practical realities of day-to-day interactions, have little or no interest in their employees’ genetic information and never run afoul of the law. The EEOC’s charge-filing statistics reflect this as well. Of the tens of thousands of charges filed annually with the EEOC, typically only 200 to 300 include reference to a claim under GINA.” [Full Article](#)

Levy Employment Law

COBRA Notice Errors Can be Costly

“McDonald’s recently notified a Florida federal court that a class-wide settlement was reached and ready for approval in the COBRA suit brought against them. This settlement is the result of an action filed in December 2020 by a former employee who alleged that the corporation was sending former employees deficient COBRA notices. The former employee heading the class action alleged that McDonald’s opted not to use the model notice to save money by pushing former employees not to elect COBRA coverage.” [Full Article](#)

Graydon Head & Ritchey LLP

State & International Compliance

CALIFORNIA



California Proposition to Raise Minimum Wage Delayed

“California voters almost had the opportunity to vote on an \$18 minimum wage in November 2022. The State has a unique administrative process by which California citizens can propose laws and constitutional amendments without the support of the state government.” [Full Article](#)

Jackson Lewis

PENNSYLVANIA



Pennsylvania Amends Overtime Rate Calculations for Salaried, Nonexempt Employees

“Pennsylvania employers with salaried, nonexempt employees working in the commonwealth may need to adjust how they calculate overtime premiums for these employees in light of amendments to the Pennsylvania Minimum Wage Act that will go into effect on August 5. The amendments codify that Pennsylvania employers cannot use the fluctuating workweek method of calculating overtime pay for salaried employees.” [Full Article](#)

Morgan Lewis & Bockius

MASSACHUSETTS



Massachusetts Enacts CROWN Act Banning Discrimination Based on Natural or Protective Hairstyles

“On July 26, 2022, Massachusetts Gov. Charlie Baker signed into law the Creating a Respectful and Open World for Natural Hair Act (CROWN Act), prohibiting discrimination against employees, students and other individuals based on their natural or protective hairstyle. By enacting the CROWN Act, Massachusetts joins 17 other states that have enacted similar protections, and similar legislation is being considered at the federal level as well.” [Full Article](#)

Holland and Knight

MICHIGAN



Michigan Employers May Soon Face Increased Minimum Wage, Expanded Sick Leave Requirements

“A Michigan court recently held that the current versions of the state’s minimum wage and paid sick leave statutes are unconstitutional due to legislative foul play, immediately voiding the existing laws. *Mothering Justice v. Nessel*, No. 21-000095-MM (July 19, 2022). Now, absent a stay pending appeal or further legislative action, the original form of the laws—which had a far broader scope—will take effect, leaving most employers’ current policies noncompliant.” [Full Article](#)

Benesch Friedlander Coplan & Aronoff LLP

MISSISSIPPI



How Employers Can Keep Up as Mississippi’s Equal Pay Law Takes Effect

“House Bill 770, “Mississippi Equal Pay for Equal Work Act,” recently took effect. That means aggrieved employees can now bring gender-based pay claims in Mississippi state courts that can’t be removed to federal court.” [Full Article](#)

Phelps Dunbar