

# Weekly Digest

• October 7, 2022 •

Human Resources

## **“Dazed and Confused”: What Multi-State Employers Need to Know About the Current Trend of California and Several Other States Prohibiting Discrimination of Off-Duty Cannabis Use**

Within the past year, seven states and several cities [4] across the country have expanded these protections to include recreational use of cannabis, with California being the most recent state to pass such a law. With the passing of AB-2188, California now joins Nevada,[5] New York, New Jersey, Connecticut, Montana, and Rhode Island to make it “unlawful for an employer to discriminate against a person in hiring, termination, or any term or condition of employment, . . . [for] the person’s use of cannabis off the job and away from the workplace.” [Full Article](#)

*Gordon & Rees*

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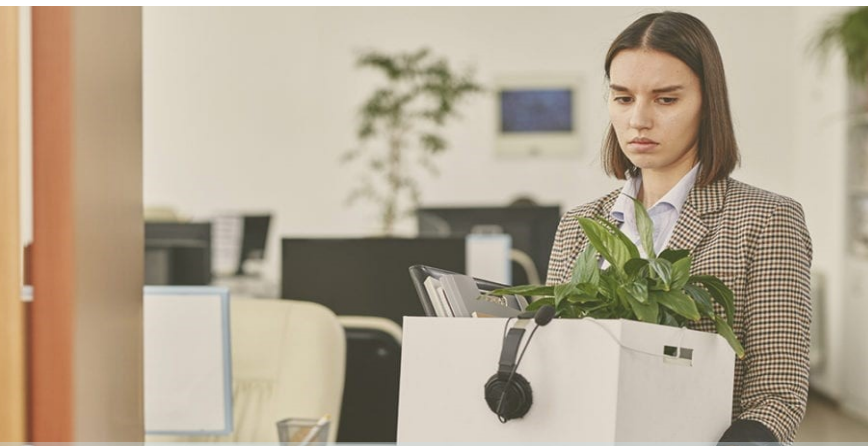
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## **The Remote (Worker) is Broken! Workers’ Compensation and Stay-At-Home Employees**

In a post-pandemic world, work-from-home and hybrid work arrangements have become the norm in many industries. While employers and employees have become adept at hosting Zoom and Teams meetings, this significant uptick in remote work begs the question: What if an employee gets injured while at home? [Full Article](#)

*Bradley Arant Boulton Cummings LLP*

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## Form I-9 Flexibility Set to End in October: What This Means For Employers

Many employers have adopted flexible working policies as a result of the COVID-19 pandemic, allowing their employees to work remotely on a part-time or even full-time basis. As an employer with flexible working policies, you may have been taking advantage of the Department of Homeland Security’s (DHS) temporary deferral of the requirement that you physically inspect your employees’ identity and employment authorization documents in person at the start of employment, as part of the process for completing the Form I-9, Employment Eligibility Verification. [Full Article](#)

*Venable LLP*



## Facing Your Face Mask Duties – A List of Statewide Orders

Governors and public health officials across the country implemented stringent mitigation measures to help contain the spread of COVID-19. As COVID-19 case rates fluctuate, face coverings are not uncommon as a preventative measure. Numerous jurisdictions have encouraged—or mandated—citizens to wear face coverings when out in public, especially when social distancing cannot be maintained effectively. Some directives also obligate employers to provide masks to their employees. [Full Article](#)

*Littler Mendelson*

## Do Employers Have Obligations Under OSHA with Respect to COVID-19 Safety?

Employers are subject to OSHA requirements related to COVID-19 safety in a few ways. Non-healthcare employers still have to comply with the General Duty Clause by performing job hazards assessments relating to COVID-19 exposures and protecting employees from those hazards including, but not limited to, providing personal protective equipment and contact tracing. [Full Article](#)

*Littler Mendelson*



## Top 10 Labor & Employment Issues in M&A Transactions

Our business is buying (or selling) a company – now what? Due diligence is an essential part of a successful merger or acquisition, and there are countless labor and employment issues that may come up during this process. Should due diligence reveal that the target company is not in compliance with a certain law, the parties will have to analyze the risks associated with the transaction as a result of non-compliance. Is it too costly to come into compliance now? Are the risks of litigation or government action material? [Full Article](#)

*Akerman*

# STATE & INTERNATIONAL COMPLIANCE

## WASHINGTON D.C.

### Washington, D.C. to Expand Antidiscrimination Protections to Include Independent Contractors and Homeless Individuals

Effective October 1, 2022, an amendment to the District of Columbia’s Human Rights Act (“the Act”) will expand the universe of workers protected under the Act, as well as codify workplace harassment as an unlawful discriminatory practice. [Full Article](#)

*Proskauer Rose LLC*



## CALIFORNIA

### California Expands Pay Transparency and Reporting Obligations

On September 27, 2022, California Governor Gavin Newsom signed Senate Bill (SB) 1162, which requires certain employers to provide more pay transparency on pay scales and expands pay data reporting obligations for other employers. The new obligations take effect on January 1, 2023. [Full Article](#)

*Jackson Lewis*



## NEW YORK

### NYC to End Private Employer COVID-19 Vaccine Mandate on November 1, 2022

On September 20, 2022, New York City Mayor Eric Adams announced that the city will end its COVID-19 vaccine mandate for private employers on November 1. Adams stated that lifting the mandate now “puts the choice in the hands of New York businesses” as to whether to require employee vaccination, subject to accommodations for religious or medical reasons. [Full Article](#)

*Cooley LLP*



## CALIFORNIA

### Bereavement Leave Now Protected in California

On September 29, 2022, California Governor Gavin Newsom signed Assembly Bill (AB) 1949, which amends the California Family Rights Act (CFRA) to require covered employers to provide eligible employees with 5 days of bereavement leave. AB 1949 applies to employers with 5 or more employees nationwide.

[Full Article](#)

*Jackson Lewis*



## MASSACHUSETTS

### Massachusetts Updates Paid Family and Medical Leave Contribution Rates, Maximum Weekly Benefits for 2023

The Massachusetts Department of Family and Medical Leave has announced changes to the employer contribution rates and benefit amounts under the Paid Family and Medical Leave Act (PFMLA) effective January 1, 2023. [Full Article](#)

*Jackson Lewis*

