

Weekly Digest

• December 1, 2022 •

Human Resources

The Speak Out Act—New Law Implements Limits on Confidentiality and Non-disparagement Provisions

“On Nov. 16, 2022, the House passed the “Speak Out Act,” which President Biden is expected to sign into law. The Act limits the enforceability of pre-dispute nondisclosure and non-disparagement provisions relating to disputes involving sexual assault and sexual harassment.” [Full Article](#)

Kramer, Levin, Naftails & Frankel



Bankruptcy Doesn't Shield Employees from WARN Act Layoff Notice Requirements—Unless An Exception Applies

“Layoffs often accompany corporate bankruptcy, and employers should be aware of the legal obligations that impact mass layoffs and plant closures. Most notably, the federal WARN Act requires employers to notify the workforce of a mass layoff, a temporary shutdown, or a closure of all or part of a business.” [Full Article](#)

Levenfeld Pearlstein

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Employer’s Should Note Post-Midterms State Law Changes

“As the final tally of ballots comes in for many electoral races across the country, the outcomes of the various state ballot measures that were also part of the Nov. 8 midterm elections could require changes to employers’ policies and procedures.” [Full Article](#)

Jackson Lewis



An Employer’s Guide to the World Cup

“Although professional soccer does not drive quite the same amount of interest among the U.S. populace as, say, football (Go Ravens!) or basketball, the World Cup is still one of the major sporting events in the world – and there are likely many employees who are following it rather closely. And unlike last time in 2018, the U.S. team has qualified for the tournament, so there may be some patriotism at play here. So we thought we might offer employers some guidance on World Cup issues in the workplace.” [Full Article](#)

Shawe Rosenthal

Quiet Quitting and Today’s Workforce Challenges

“The American workforce is in crisis, buffeted by one challenge after another – some recent, and some, like demographic changes, that have been building for decades. At a recent employment law seminar – our first in-person employment program since 2019 - Pierce Atwood brought together clients from health care, higher education, accounting, the nonprofit sector, and other industries to discuss both short- and long-term solutions to these challenges.” [Full Article](#)

Pierce Atwood



Keeping Up Your Guard: Employee Fraud Warning Signs and Steps to Protect the Business

“While hybrid working offers many recognized benefits, it has also given rise to significant ongoing challenges for businesses. One of those, which we discussed at our Hybrid Working Confidential breakfast session earlier this week, is the enhanced risk of employee fraud and data security breaches as a result of a large number of staff working from home, pursuant to their employer’s hybrid working policy.” [Full Article](#)

Fox Williams

STATE COMPLIANCE UPDATES

WASHINGTON D.C.

D.C. Voters Pass Initiative 82, Phasing Out Tipped Minimum Wage by 2027



“On November 8, 2022, Washington D.C. voters overwhelmingly passed Initiative 82 or the “District of Columbia Tip Credit Elimination Act.” As a result, the tip credit for D.C. tipped wage workers will be gradually phased out by 2027, at which time employers must pay their tipped employees the applicable D.C. minimum wage rate and eliminate the use of any tip credit.” [Full Article](#)

Little Mendelson

CALIFORNIA

2023 California Minimum Wage Update



“At present in 2022, the minimum wage is \$15.00 per hour for employers with 25 or more workers and \$14.00 per hour for employers with fewer than 25 workers. On January 1, 2023, California's statewide minimum wage will increase to \$15.50 per hour for all employees, regardless of the size of their employer.” [Full Article](#)

Davis Wright Tremaine

MISSOURI

Missouri Voters Approve Legalization of Recreational Marijuana - What Employers Need to Know

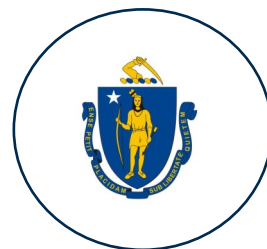


“On November 8, 2022, citizens of Missouri voted to amend the Missouri Constitution, making the cultivation, sale and use of recreational marijuana legal under certain circumstances. The approval of Amendment 3 follows the passage of Amendment 2 in 2018, legalizing the production and sale of medical marijuana throughout Missouri.” [Full Article](#)

Worklaw Network

MASSACHUSETTS

Massachusetts Department of Family and Medical Leave Publishes 2023 Workplace Poster, Workforce Notifications, and Rate Sheets



“On November 15, 2022 the Massachusetts Department of Family and Medical Leave (the “Department”) published its 2023 Paid Family and Medical Leave (“PFML”) workforce notifications, including the poster, notices, and rate sheets, all available here.” [Full Article](#)

Morgan, Brown and Joy

ILLINOIS

Labor-Friendly “Workers’ Rights Amendment” Passes in Illinois



“The Illinois Constitution Amendment 1 (commonly referred to as the “Workers’ Rights Amendment”) has received enough votes to secure its passage. Citizens of Illinois voted on the Amendment on November 8, 2022, but delays in tabulating the votes resulted in a formal announcement on November 16, 2022 of the Amendment’s passage.” [Full Article](#)

Benesch, Friedlander, Coplan & Aronoff