

Weekly Digest

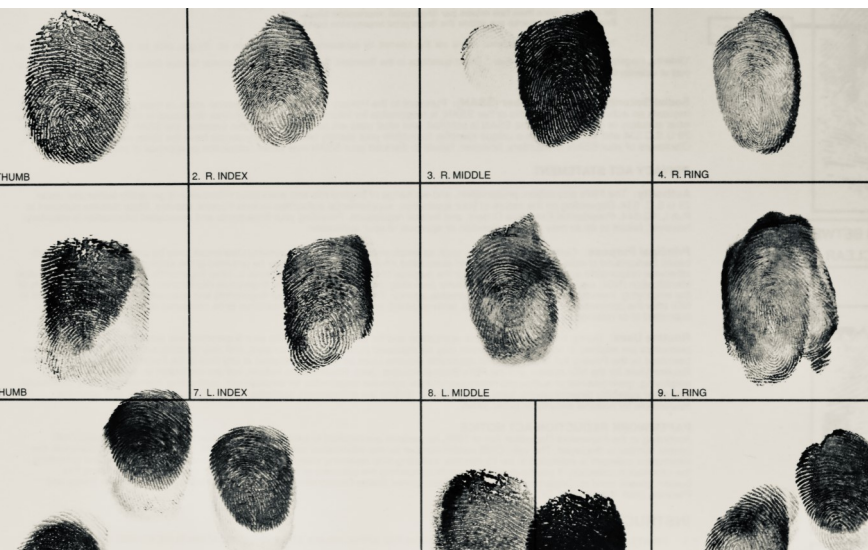
• January 11, 2023 •

Human Resources

How Should Employers Revise Their Releases, Separation Agreements, and Settlement Agreements in Light of the Speak Out Act?

"The statute limits or prohibits the enforcement of confidentiality or non-disparagement provisions in cases of sexual harassment or assault for such agreements that were entered into "before the dispute arises." The legislative history suggests that a "dispute arises" once an allegation of sexual assault and/or sexual harassment is made." [Full Article](#)

Littler Mendelson



Simple Possession Pardons Can Complicate Employment Background Checks

"On October 6, 2022, President Biden issued a blanket pardon to all citizens and lawful permanent residents convicted of simple possession of marijuana under the federal Controlled Substances Act." [Full Article](#)

Duane Morris

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Court Allows GINA Claims to Proceed Against Employer Wellness Program

"In *Glenn Williams et al. v. City of Chicago*, an Illinois federal district court judge has given the green light for some city employees to proceed with their suit against their employer based on violations of the Genetic Information Nondiscrimination Act (GINA)." [Full Article](#)

Hall Benefits Law



Trends and Issues Which Can Affect Workers' Compensation Coverage for Construction Companies

"Recent trends in workers' compensation coverage suggest that the number of claims are likely to continue to increase, specifically for high-risk industries, like the construction industry. This article explores multiple trends and issues which are likely to impact workers' compensation insurance for construction companies." [Full Article](#)

Saxe Doernberger & Vita

Understanding the Difference Between Federal OSHA and State Plans

"Employers need to identify whether their worksites fall under the jurisdiction of OSHA, a State Plan, or a Hybrid Federal-State Plan." [Full Article](#)

Nelson Mullins Riley & Scarborough



Sexual Misconduct Investigations: Why a Trauma-Informed and Culturally Sensitive Approach Works

"Following the viral #MeToo movement, which gained significant attention from 2017, a series of widespread and high-profile sexual misconduct allegations came to light across industries and corporations. Globally, with the increased media scrutiny, regulators, legislators and companies paid attention. But was that focus short-lived and have organizations implemented an adequate framework to effectively deal with sexual misconduct allegations?" [Full Article](#)

Ropes & Gray

STATE COMPLIANCE UPDATES

CALIFORNIA

California's AB 2449's Requires Businesses to Improve Their Processing of Requests for ADA Reasonable Accommodations



"In addition to changes to rules for virtual attendance of public meetings under the Ralph M. Brown Act (Brown Act), AB 2449 also imposed a mandate on local legislative bodies within California to adopt procedures for receiving and swiftly resolving requests for reasonable accommodations for individuals with disabilities, consistent with federal law." [Full Article](#)

Reed Smith

MICHIGAN

Michigan Minimum Wage and Paid Leave Update: Agency Guidance and the Mothering Justice Appeal



"In Mothering Justice, the Court of Claims held that the state legislature violated the Michigan Constitution in 2018 when it enacted, and within the same legislative session amended, two ballot initiatives, one to raise the minimum wage and the other to require employers to provide paid sick leave." [Full Article](#)

Jackson Lewis

WASHINGTON

Washington State Issues Final Policy on Pay Transparency in Job Postings, Setting Most Stringent Requirements in the Country



"The law provides that employers must disclose in each posting for each job opening: (1) the wage scale or salary range, and (2) a general description of all benefits and other compensation to be offered." [Full Article](#)

Littler Mendelson

PENNSYLVANIA

Philadelphia Commuter Transit Benefits Coming Soon

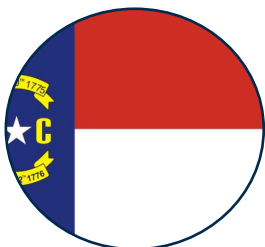


"Effective December 31, 2022, the Philadelphia, Pennsylvania Employer Commuter Transit Benefit Program requires covered employers to make available for all covered employees a mass transit and bicycle commuter benefits program." [Full Article](#)

Proskauer Rose

NORTH CAROLINA

North Carolina Noncompetes, What is Legal Consideration?



While one-size-fits-all noncompetes, such as restricting an employee from generally working for a competitor, will not fly in North Carolina, including specific language prohibiting the employee from "performing similar work" or describing the employee's job duties within the noncompete can strengthen its enforceability." [Full Article](#)

Parker Poe Adams & Bernstein