

Weekly Digest

• January 26, 2023 •

Human Resources

What's in Store for the Next Four Years? The EEOC's Strategic Plan

"In its draft EEOC Strategic Plan 2022-2026 (released November 4, 2022), the agency sets forth 3 overarching goals and 15 identified performance measures for the purpose of achieving those goals." [Full Article](#)

Akerman LLP



A Deeper Dive Into FTC's Proposed Non-Compete Rule

"The Federal Trade Commission (FTC) proposed a new rule that, if made final, would (at least on its face) effectively prohibit non-compete agreements other than in very limited circumstances. The proposed rule, which would supersede all contrary state laws, is remarkable for its sweeping definition of "non-compete clauses" that fall within the ban." [Full Article](#)

Jackson Lewis P.C

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From Snowmageddon to Snowpocalypse: OSHA Highlights Potential Winter Weather Hazards

"Employers must remember that weather-based hazards exist not only in the heat and humidity of summer, but also in the dead of winter. OSHA has reminded employers of their duties to plan, equip, and train their workers for jobs impacted by winter weather...." [Full Article](#)

Seyfarth Shaw LLP



An Employee "on Thin Ice" Cannot Insulate Herself with the FMLA

"The Family and Medical Leave Act protects the use of qualifying leave for an employee's (or their family member's) serious health condition – but does not insulate the employee from all attendance and performance issues, as the U.S. Court of Appeals for the Eighth Circuit recently reminded employers." [Full Article](#)

Shawe Rosenthal LLP

Oh Baby, Baby: New Laws Protecting Pregnant and Breastfeeding Employees

"Effective December 29, 2022, the Providing Urgent Maternal Protections for Nursing Mothers Act, also known as The PUMP Act, expanded protections for breastfeeding mothers and, effective June 2023, the Pregnant Workers Fairness Act (PWFA) will provide new protections for pregnant employees." [Full Article](#)

Bradley Arant Boult Cummings LLP



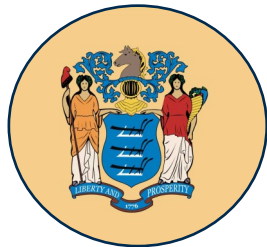
Wage Transparency Laws Create Labor Cert. Hurdles

"Varying in scope, these laws will likely change the permanent labor certification, or PERM, process required for certain employer-sponsored foreign nationals and will require employers to consider their job advertisement strategy for PERM positions nationally." [Full Article](#)

Morgan Lewis & Bockius LLP

STATE COMPLIANCE UPDATES

NEW JERSEY



Signed, Sealed, Delivered: New Jersey Implements Long-Delayed Landmark WARN law

"On January 10, 2023, Governor Philip D. Murphy signed into law S3162/A4768, which makes the 2020 amendments to NJ WARN effective 90 days from his signature, irrespective of whether a State of Emergency still exists." [Full Article](#)

Littler Mendelson P.C.

CALIFORNIA



Challenges and Opportunities in California's New Pay Transparency Rules

"California's new pay transparency rules generally fall into three disclosure categories: job-posting requirements, pay scale requests and pay data disclosures. For new hire job postings, employers with 15 or more employees must disclose the reasonably expected pay scale, both for salaried and hourly employees." [Full Article](#)

Duane Morris LLP

NEW YORK



New York Requires Employers to Provide Electronic Versions of Mandatory Workplace Postings

"Before the amendment, the law required that certain legal notices be posted conspicuously in the workplace. Now, employers must also make digital versions of the physical notices available, either on the employer's website or via email." [Full Article](#)

Cooley LLP

MARYLAND



Maryland Expands the Scope of Conduct that Constitutes Sexual Harassment in the Workplace

"Recently, Maryland Senate Bill 450 (SB 450) went into effect, revising the definition of sexual harassment in the workplace by changing the standard of sexual harassment from "severe or pervasive" conduct to the "totality of the circumstances" in sexual harassment cases." [Full Article](#)

Shulman Rogers

ILLINOIS



Illinois Legislature Passes Paid Leave for All Workers Act

"On January 10, 2023, the Illinois Legislature passed the Paid Leave for All Workers Act ("Act"), which Illinois Governor J.B. Pritzker has also announced his intention to sign. The Act will take effect on January 1, 2024, and it provides nearly all Illinois workers with a minimum of forty (40) hours, or a pro-rated number of hours, of paid leave during a designated 12-month period." [Full Article](#)

Thompson Hine LLP