

# Weekly Digest

• February 22, 2023 •

Human Resources

## DOL Clarifies Whether FLSA and FMLA Protections Apply to Remote Employees

"The U.S. Department of Labor (DOL) recently issued new guidance regarding how remote employees should be paid under the Fair Labor Standards Act (FLSA) and when they are eligible for leave under the Family and Medical Leave Act (FMLA)." [Full Article](#)

*Phelps Dunbar LLP*



## ADA and Hearing Disabilities in the Workplace

"The Equal Employment Opportunity Commission (EEOC) issued new technical assistance, "Hearing Disabilities in the Workplace and the Americans with Disabilities Act," addressing how the Americans with Disabilities Act (ADA) applies to job applicants and employees with hearing disabilities." [Full Article](#)

*Jackson Lewis P.C.*

## In This Digest

### PAGE 1

#### DOL Clarifies Whether FLSA and FMLA Protections Apply to Remote Employees

*By, Phelps Dunbar LLP*

#### ADA and Hearing Disabilities in the Workplace

*By, Jackson Lewis P.C.*

### PAGE 2

#### 4 Tips to Avoid (Or At Least Dull) Headaches When Conducting Layoffs in the US

*By, Baker & McKenzie LLP*

#### Employers, Do Not Delay in Responding to a Request for Reasonable Accommodation

*By, Shawe Rosenthal LLP*

#### EEOC Continues to Prioritize its Focus on the Use of Artificial Intelligence in Employment Decisions

*By, Baker Sterchi Cowden & Rice LLC*

#### No Dogs Allowed: Federal Court Rejects Service Dog Accommodation in Hospital Setting

*By, Bradley Arant Boult Cummings LLP*

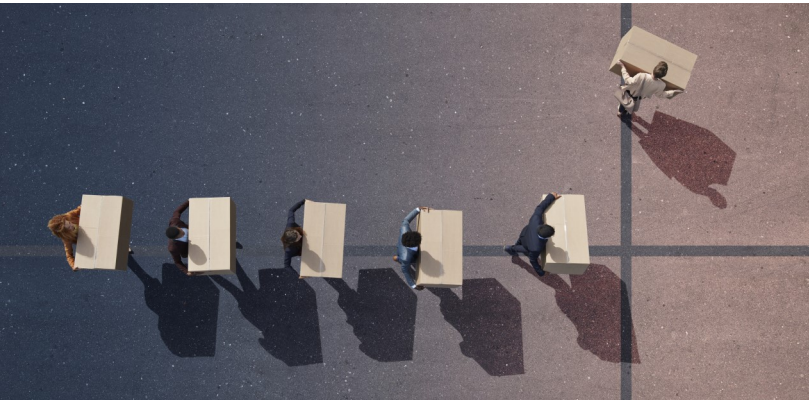
### PAGE 3

#### State Compliance Updates

## 4 Tips to Avoid (Or At Least Dull) Headaches When Conducting Layoffs in the US

“As we find ourselves firmly in the middle of Q1 of 2023, the avalanche of layoff headlines that started last quarter just keeps coming. Whether you follow the school of thought that the US entered a recession in summer of 2022 (after two consecutive quarters of negative gross domestic product) or not (given a strong labor market and corporate earnings growth), more and more companies are having to address overzealous pandemic hiring and the backlash from soaring company valuations.” [Full Article](#)

***Baker & McKenzie LLP***



## Employers, Do Not Delay in Responding to A Request for Reasonable Accommodation

“When dealing with a request for reasonable accommodation, “an indeterminate delay has the same effect as an outright denial,” as the U.S. Court of Appeals for the Second Circuit recently noted.” [Full Article](#)

***Shawe Rosenthal LLP***

## EEOC Continues to Prioritize its Focus on the Use of Artificial Intelligence in Employment Decisions

“The EEOC first announced its Artificial Intelligence initiative in 2021. The initiative was created to ensure the use of software, including AI and other technologies used in employment decisions, comply with the federal employment laws it is tasked with enforcing.” [Full Article](#)

***Baker, Sterchi, Cowden & Rice LLC***



## No Dogs Allowed: Federal Court Rejects Service Dog Accommodation in Hospital Setting

“Most of us know that when an employee or visitor to a place of public accommodation requests a reasonable accommodation, the ADA requires an interactive process to make an individualized determination. But what about a request from a nursing intern to bring her service dog... to a hospital... around patients? Could this qualify as a reasonable accommodation? In *Bennett v. Hurley Medical Center*, one federal just says, “not always.” [Full Article](#)

***Bradley Arant Boult Cummings LLP***

# STATE COMPLIANCE UPDATES

## NEW YORK

### New York State Legislature Proposes Amendments to Pay Transparency Law Taking Effect This Year



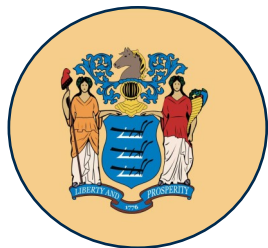
"The most notable revision would provide that the law applies to remote positions physically performed outside of New York that report to a New York supervisor, office, or work site. The bill is currently before Governor Hochul, and if signed, would become part of the law taking effect in September."

[Full Article](#)

*Proskauer Rose LLP*

## NEW JERSEY

### Impact of New Jersey's Just-Signed Temporary Workers' Bill of Rights



"On February 6, 2023, New Jersey Governor Phil Murphy signed into law A1474/S511, commonly referred to as the "Temporary Workers' Bill of Rights." The bill offers additional compensation, benefits and protections for temporary workers, with the cost and burden of compliance placed on employers and staffing agencies that place temporary workers." [Full Article](#)

*Greenbaum Rowe Smith & Davis LLP*

## ILLINOIS

### Illinois Equal Pay Certification: A Practical Guide for Employer Compliance



"The EPA Amendments make the Illinois Equal Pay Act one of the most demanding pay transparency statutes in the country because it requires employers with 100 or more employees in Illinois to submit employee pay data and a signed compliance statement to obtain an Equal Pay Registration Certificate (EPRC)." [Full Article](#)

*Little Mendelson P.C.*

## CALIFORNIA

### Ninth Circuit Reverses Itself and Strikes Down California Law Targeting Mandatory Employment Arbitration Agreements



"In a reversal of its prior ruling, the Ninth Circuit recently held that the Federal Arbitration Act (FAA) preempts California Assembly Bill 51 (AB 51), a 2019 measure that aimed to bar employers from entering into new agreements—or extending previous ones—requiring job applicants or workers to arbitrate claims under the California Labor Code or California Fair Employment and Housing Act (FEHA)." [Full Article](#)

*Morrison Foerster P.C.*

## CONNECTICUT

### Connecticut Expands Employment Anti-Discrimination Protections



"The Connecticut Fair Employment Practices Act (CFEPA) prohibits discrimination based on many protected characteristics, such as race, age, gender, gender identity, religion, and disability. The CFEPA is broader than federal anti-discrimination laws in both scope (it covers more categories of employees) and reach (it applies to more employers)." [Full Article](#)

*Day Pitney LLP*