

# Weekly Digest

• May 3, 2023 •

Human Resources

## What Tiger Woods' Foot Can Teach Employers About Managing Employees' Medical Conditions

"Golfing icon Tiger Woods had to withdraw from the Masters tournament in Augusta, Georgia, last week due to a painful foot condition called plantar fasciitis (which causes a stabbing pain in the heel or foot). Video footage showing Tiger limping during his third round of play, after re-aggravating the condition while competing in the tournament." [Full Article](#)

*HR Daily Advisor*



## Educate Managers on FMLA/ADA Overlap

"Time and again, I see managers conflate the two, and thereby create liability issues for the organization. A recent DOL opinion letter exemplifies how this issue can arise, particularly when an employee requests to limit the employee's daily work hours." [Full Article](#)

*Levy Employment Law, LLC*

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## EEOC, FTC, and Other Federal Agencies Release Joint Statement on Confronting Bias and Discrimination in AI and Automated Systems

“On April 25, 2023, officials from four federal agencies released a joint statement pledging to increase “enforcement efforts to protect the public from bias in automated systems and artificial intelligence” (“AI”). The agencies taking part in this effort include the Equal Employment Opportunity Commission (“EEOC”), the Federal Trade Commission (“FTC”), the U.S. Department of Justice (“DOJ”), and the Consumer Financial Protection Bureau (“CFPB”).” [Full Article](#)

*Proskauer Rose LLP*



## NLRB Proclaims the Punishment Arrows in its Quiver

“If the NLRB finds that you have committed an unfair labor practice (and maybe more than once), just what can it do? In Noah’s Ark Processors, a three-member panel of the board recently took an opportunity to pronounce available punishments for repeat labor offenders, and it was not shy.” [Full Article](#)

*Bradley Arant Boult Cummings LLP*

## The EEOC’s “Best Practices” for LGBTQI+ Employment Equity

“Sometimes, in addition to the recitation of federal sector cases, the EEOC will include an in-depth article on a particular topic of interest. Although these digests (and the articles they contain) are geared towards the federal government, the EEOC’s approach to certain employment issues can also be helpful for private employers.” [Full Article](#)

*Shawe Rosenthal LLP*



## Pay Equity Audits for the Pay Transparency Era

“In recent years, workplace pay equity has become a priority for many states and cities, as seen by the growing number of pay transparency laws being implemented across the country. In turn, pay equity has become a critical priority for employers.” [Full Article](#)

*Akerman LLP*

# STATE COMPLIANCE UPDATES

## NEW YORK

### CLIENT ALERT: New York Department of Labor Finalizes Updates to the State’s Model Sexual Harassment Prevention Policy



“The updated model policy was developed consistent with a law that went into effect on October 9, 2018, which requires New York employers to either adopt and disseminate written sexual harassment prevention policies that meet or exceed the minimum standards set forth in Section 201-G of the New York Labor law or adopt the model policy published by the NYDOL.” [Full Article](#)

*Morgan, Brown & Joy LLP*

## CALIFORNIA

### California Lawmakers Vote in Favor of Defamation Protection for Sexual Assault Survivors



“Following the #MeToo movement, experts noted an uptick in defamation lawsuits against accusers. These lawsuits are typically brought by the accused and seem aimed at rehabilitating their reputations and, some would say, silencing the victims.” [Full Article](#)

*Frankfurt Kurnit Klein & Selz P.C.*

## INDIANA

### Indiana Bans Physician Non-Competes for Primary Care Physicians, Adds Restrictions for Others



“Indiana’s legislature has passed an amendment, Senate Enrolled Act No. 7. Senate Enrolled Act No. 7 would invalidate a significantly broader category of physician non-compete agreements entered into on or after July 1, 2023. Governor Eric Holcomb is expected to sign the bill into law.” [Full Article](#)

*Jackson Lewis P.C.*

## NEW JERSEY

### New Jersey’s Temporary Workers’ Bill of Rights is First in the Nation to Require Equal Pay for Temporary Workers



“This new law, the most expansive of its kind in the nation, provides ‘temporary workers’ with new rights and protections, including the right to receive pay equal to that of regular employees.” [Full Article](#)

*Ford Harrison*

## CALIFORNIA

### On-Call/Standby Time: Do We Really Have to Pay Employees When They Are Not Working?



“Disputes regarding whether employees are entitled to be paid for time spent engaged in certain activities are increasingly common, and claims alleging that employees should be paid for time spent ‘on call’ or ‘on standby’ are prime examples.” [Full Article](#)

*Hopkins & Carley*