

# Weekly Digest

• August 25, 2023 •

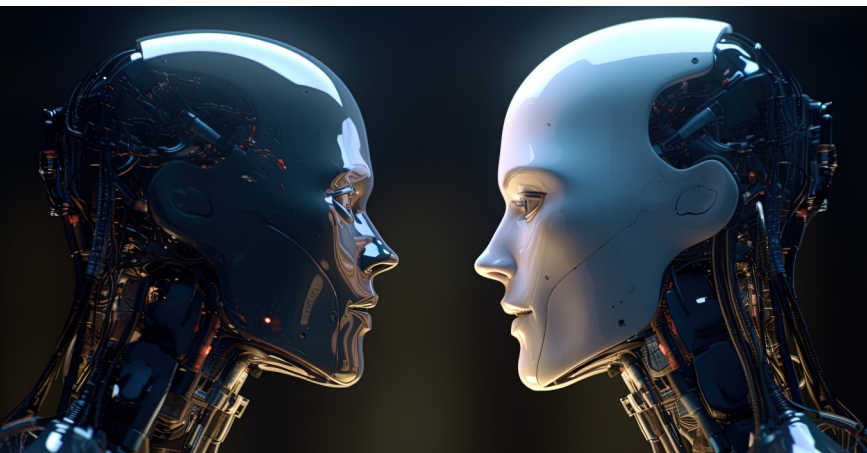
Human Resources

## Escaping the Office: Remote and Hybrid Harassment

"As employers continue to embrace work-from-home options for employees, a slew of new concerns and potential liabilities continue to arise. One particularly persistent issue is that as the workplace has been expanded into each employee's home, so has the potential for harassment. In fact, even though many employees no longer see and interact with colleagues in person on a daily basis, recent studies have found that instances of workplace harassment have increased over recent years."

[Full Article](#)

Venable LLP



## EEOC Inks First-Ever AI-Based Antidiscrimination Settlement

"On August 9, the U.S. Equal Employment Opportunity Commission ('EEOC') and iTutorGroup, Inc. filed a joint notice of settlement and consent decree announcing the settlement of a discrimination in hiring lawsuit. This settlement marks the first instance in which the EEOC settled a lawsuit alleging unlawful discrimination stemming from the use of Artificial Intelligence ('AI') in recruiting software." [Full Article](#)

Proskauer Rose LLP

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#### State Compliance Updates

## Eleventh Circuit Holds Adverse Employment Action is Required in ADA Failure-to-Accommodate Claims

"The U.S. Court of Appeals for the Eleventh Circuit, in *Beasley v. O'Reilly Auto Parts*, recently held that a claim for failure-to-accommodate under the Americans with Disability Act (ADA) must include an adverse employment action. That is, 'discrimination in the form of a failure to reasonably accommodate is actionable under the ADA only if that failure negatively impacts the employee's hiring, advancement, discharge, compensation, training, and other terms, conditions, and privileges of his employment.'" [Full Article](#)

*Littler Mendelson P.C.*



## Zooming in on the I-9: Five Things Employers Need to Know About Remote Immigration Verification

"The new rule became effective August 1, 2023, and allows eligible employers to utilize an alternative process for I-9 verification. The alternative process allows continued remote inspection of Form I-9 documents by a live video call interaction." [Full Article](#)

*Akerman LLP*

## 'Quiet Quitting' is Getting Louder – 7 Ways Employers Can Bolster Employee Engagement and Address the Risks of 'Loud Quitting'

"Employers have been concerned about 'quiet quitting' for some time now, looking for ways to foster employee engagement and productivity. And new data shows the importance of doing so because 'quiet quitting' has turned into 'loud quitting.'" [Full Article](#)

*Levenfeld Pearlstein, LLC*



## Building a Proactive Mental Health Strategy in the Workplace

"What are best practices businesses and HR professionals can use to foster and maintain the mental wellbeing of employees? The answer to this question may be evolving. The rise in post-pandemic employees experiencing some type of mental health issue has prompted companies to audit the efficacy of their current employer-sponsored resources and assess alternative strategies to improve employee wellbeing." [Full Article](#)

*Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C.*

# STATE COMPLIANCE UPDATES

## NEW JERSEY

### New Jersey Issues New Proposed Regulations on the Temporary Workers Bill of Rights for Comment



"On 21 July 2023, the New Jersey Department of Labor and Workforce Development posted proposed regulations to implement the New Jersey Temporary Workers Bill of Rights on its website. Public comments on the proposal will be accepted until 20 October 2023." [Full Article](#)

*Ford Harrison*

## PENNSYLVANIA

### Confidentiality Agreements May Be Enforced Against Employees Based on Continued Employment Even if There is No New Additional Consideration



"An employment agreement was executed five months after the employee was hired... Later, the employee was hired by a competitor and forwarded himself emails containing his employer's confidential trade secret information before he left the employer. The employer sued, alleging that the employee had breached the confidentiality provision of his employment contract." [Full Article](#)

*Finnegan, Henderson, Farabow, Garrett & Dunner LLP*

## ILLINOIS

### Illinois Employers: Two Bills We Told You to Watch Are Now Law

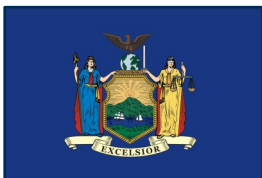


"On August 4, Governor Pritzker signed HB 2862 into law, effective immediately, imposing new obligations on employers who use temporary employees, including providing information on their regular employees' compensation to staffing companies and documenting and keeping records of training provided to the staffing company employee." [Full Article](#)

*Baker & McKenzie LLP*

## NEW YORK

### Remote Employees Nationwide May Trigger Special Rights in Group Terminations Under NY Law



"With just a handful of words, the NYS Department of Labor has turned upside down the purpose of the state's WARN Act and imposed a plethora of new obligations on employers that make little practical sense." [Full Article](#)

*Levy Employment Law, LLC*

## CALIFORNIA

### California Modifies Employment Regulations Regarding Criminal History



"The Fair Chance Act (FCA) prohibits California employers with five or more employees from inquiring into, considering, distributing, or disseminating information related to an applicant's criminal history until after the employer has made a conditional offer of employment." [Full Article](#)

*Davis Wright Tremaine LLP*