

Weekly Digest

• November 2, 2023 •

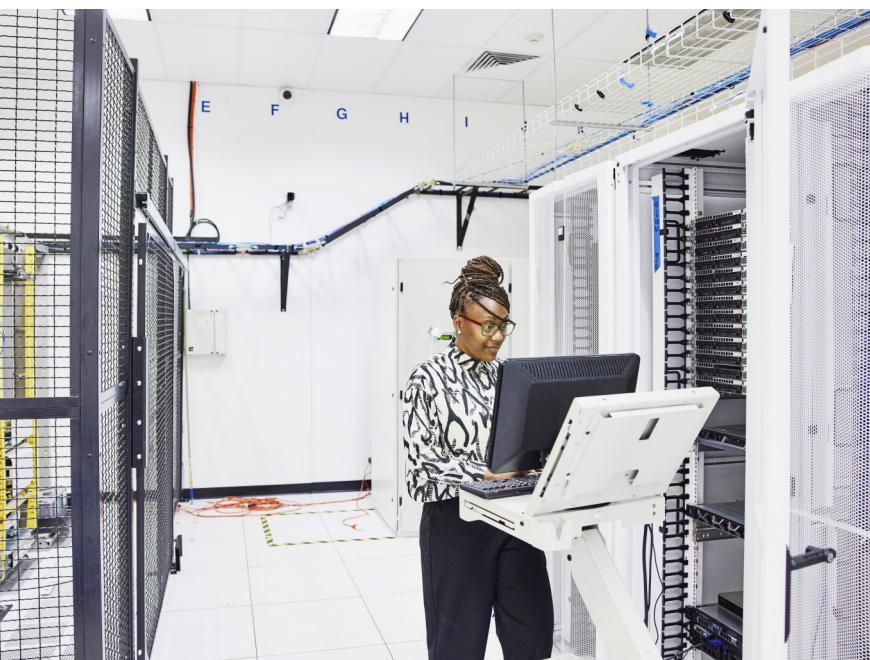
Human Resources

Top Three Labor Trends to Watch for in Q4 2023

"As we enter the last quarter of 2023, here are some of the key issues impacting employers..."

[Full Article](#)

McDermott Will & Emery



EEOC Issues Long-Awaited Guidance on Harassment in the Modern Workplace

"The EEOC's new guidance responds to the changing workplace landscape and salient issues confronting employers as a result of the #MeToo movement, the COVID-19 pandemic, the overturning of *Roe v. Wade*, and the U.S. Supreme Court's decision in *Bostock v. Clayton County* that sex discrimination includes bias on the basis of gender identity and sexual orientation." [Full Article](#)

Sheppard Mullin

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Incentives to Improve Employee Performance, Attendance, Commitment

"In his recent book, *Mixed Signals: How Incentives Really Work*, economist and University of California-San Diego professor Uri Gneezy examines how incentives of various kinds can and do modify behavior in a variety of contexts. Employment is one of the contexts in which incentives have particular application." [Full Article](#)

**Constangy, Brooks,
Smith & Prophete LLP**



\$2.49 Million Verdict Underscores Expansive USERRA Protections

"A little more than a year after U.S. Army veteran Le Roy Torres kept his case alive at the U.S. Supreme Court, a Texas jury voted unanimously to award him \$2.49 million on the claim that his former employer, the Texas Department of Public Safety, failed to accommodate Torres' service-connected disabilities." [Full Article](#)

Little Mendelson P.C.

Former Employee Challenges Employer's Diversity Program on Religious Discrimination Grounds

"Courtney Rogers, a former recruiter for Compass Group USA, recently filed a lawsuit against the company in the U.S. District Court for the Southern District of California. Rogers argues that Compass violated Title VII of the Civil Rights Act of 1964 after it terminated her for requesting a religious accommodation to avoid working on a corporate diversity, equity, and inclusion (DE&I) program that excluded white male employees." [Full Article](#)

Hall Benefits Law



Employers Take Note: Harassment Will Soon Have a Broader Meaning with the EEOC

"The EEOC has proposed that harassment be prohibited based on employees' decisions related to contraception, abortion, and lactation... sex-based harassment is proposed to be extended to cover harassment based on employees' sexual orientation or gender identity." [Full Article](#)

Hunton Andrews Kurth LLP

STATE COMPLIANCE UPDATES

CALIFORNIA

Employees in California Get a Bump in Paid Sick Leave



"Governor Gavin Newsom approved Senate Bill No. 616 (SB 616), which significantly increases the amount of paid sick leave required under California's existing paid sick leave law... Employees are still entitled to accrue paid sick leave at a rate of not less than one hour for every 30 hours worked, but under SB 616, the accrual cap has been modified from six days or 48 hours to 10 days or 80 hours." [Full Article](#)

Snell & Willmer LLP

MASSACHUSETTS

Important Change to Massachusetts PFML Law: Employees May Supplement (Top Off) PFML Benefits with Vacation, PTO and Sick Time



"Effective November 1, 2023, the Massachusetts Paid Family and Medical Leave (PFML) law will allow employees to supplement (i.e. "top off") benefits received from the Commonwealth of Massachusetts with any available accrued paid leave (e.g., sick time, vacation, PTO, personal time, etc.)." [Full Article](#)

Seyfarth Shaw LLP

ILLINOIS

Illinois Passes Sweeping Amendments to Day and Temporary Labor Services Act, Affecting Staffing Agencies and Companies That Contract with Them



"Governor Jay Pritzker signed into law House Bill 2862, approving sweeping amendments to the Day and Temporary Labor Services Act ("DTLSA" or the "Act"). Since then, the Illinois Department of Labor (IDOL) has issued administrative regulations and proposed rules that are currently working their way through the notice-and-comment process." [Full Article](#)

Taft Stettinius & Hollister LLP

CONNECTICUT

Connecticut Stifles Employees' Access to Their Earned Wages



"Earned Wage Access (or EWA) programs are popular programs that allow employees to access their salary or wages that have already been earned, prior to the scheduled payroll date. Many argue that these beneficial programs are not truly "loans" because employees are accessing their own money without paying the high fees charged by payday lenders." [Full Article](#)

K & L Gates

NEW YORK

New York State Limits Employers' Ability to Access Social Media



"Beginning in March 2024, New York employers will be restricted from accessing employee social media accounts. The new law, A.386, amends New York's labor law and will restrict employers from requesting, requiring, or coercing an employee or applicant for employment to provide their username and password to social media websites." [Full Article](#)

Gordon Rees Scully Mansukhani LLP