

# Weekly Digest

• January 31, 2024 •

Human Resources

## OSHA Update: What's New for 2024

"Consistent with the 2015 Inflation Adjustment Act, which provides for the annual increase in penalties under the Occupational Safety and Health Act by the previous year's rate of inflation, the maximum penalties for citations issued after January 15 will increase by 3.2 percent." [Full Article](#)

*Constangy, Brooks,  
Smith & Prophete LLP*



## Caste—A New Protected Category in Employment?

"Federal anti-discrimination laws in the U.S. protect applicants, employees, and former employees from employment discrimination based on race, color, religion, sex, national origin, age, disability, and genetic information. One dimension not included is discrimination based on an individual's 'caste.'" [Full Article](#)

*Edgeworth Economics*

## In This Digest

### PAGE 1

#### OSHA Update: What's New for 2024

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

#### Caste—A New Protected Category in Employment?

*By, Edgeworth Economics*

### PAGE 2

#### Are You Utilizing Performance Improvement Plans?

*By, Stange Law Firm, PC*

#### Employers Should Take Note of New Federal Workplace Accessibility Guidance

*By, Seyfarth Shaw LLP*

#### Out of Work: Union Strike Activity Surged in 2023

*By, Barnes & Thornburg LLP*

#### Dear Littler: How Should We Handle Anonymous Complaints

*By, Littler Mendelson P.C.*

### PAGE 3

#### State Compliance Updates

## Are You Utilizing Performance Improvement Plans?

“Law firms often have employees falling below expectations in a particular area. An employee might do many good things for the law firm and the clients. But there could be an area where they are significantly deficient. The possibilities are endless. However, the law firm might not like the employee’s work product on cases or administrative matters. It could be a productivity issue where the employee is not making billable hour requirements, not seeking collection on cases, tardiness, attendance, or a number of other problems.” [Full Article](#)

**Stange Law Firm, PC**



## Employers Should Take Note of New Federal Workplace Accessibility Guidance

“The EEOC recently published an article, *Providing an Accessible Workplace*, which while directed at federal agencies also includes important guidance for private employers as well. As the nation’s largest employer, the federal government must, under President Biden’s June 2021 Executive Order 14035, develop strategic plans for enhancing diversity, equity, inclusion and accessibility in the federal workforce.” [Full Article](#)

**Seyfarth Shaw LLP**

## Out of Work: Union Strike Activity Surged in 2023

“Unions continued to dominate headlines in late 2023, with the Starbucks saga continuing to unfold and the United Auto Workers (UAW) – for the first time in its history – coordinating a simultaneous strike at the ‘Big Three’ automakers in Detroit.” [Full Article](#)

**Barnes & Thornburg LLP**



## Dear Littler: How Should We Handle Anonymous Complaints?

“I’m the CEO of a fast-growing company. A team of sales executives reports to me and each has a large team of sales employees that reports to them. Last week someone anonymously emailed HR complaining about Cara, one of our sales executives. The complaint is pretty ugly—allegations of bullying, toxic culture, and sexual harassment.” [Full Article](#)

**Littler Mendelson P.C.**

# STATE COMPLIANCE UPDATES

## CALIFORNIA

### Federal Court Rules EEO-1 Reports Not FOIA-Exempt



"On December 23, 2023, a federal District Court in California issued an order compelling the OFCCP to produce formerly withheld EEO-1 reports to a news organization who submitted Freedom of Information Act (FOIA) requests for the reports." [Full Article](#)

*Hunton Andrews Kurth LLP*

## MINNESOTA

### Minnesota: Prohibition on Pay History Inquiries



"The Minnesota Human Rights Act has been updated to include a new provision that prohibits employers from inquiring into, considering, or requiring disclosure for a job applicant's pay history, effective January 1, 2024." [Full Article](#)

*Peters, Revnew, Kappenman & Anderson, P.A.*

## WASHINGTON

### Washington State Wildfire Smoke Rules Impose New Employer Requirements

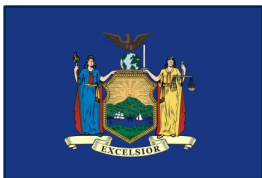


"Washington has implemented new wildfire smoke rules, which become effective on January 15, 2024. Washington considers exposure to wildfire smoke a hazard from which employers have a duty to protect employees while working. Employers should consider wildfire smoke the same as any other jobsite hazard where compliance with the regulations is required." [Full Article](#)

*Little Mendelson P.C.*

## NEW YORK

### New York Governor Hochul Announces Proposed Paid Prenatal Leave



"Governor Hochul announced a suite of proposed measures aimed at addressing rising maternal and infant mortality rates. As is relevant to New York employers, this includes a proposed expansion of New York State Paid Family Leave to include 40 hours of paid leave to attend prenatal medical appointments. If signed into law, this would make New York the first state in the country to provide paid prenatal care leave." [Full Article](#)

*Reed Smith LLP*

## DISTRICT OF COLUMBIA

### Washington D.C. is Set to Join the Trend Toward Requiring Pay Disclosures in Job Postings



"The District of Columbia's Mayor signed legislation requiring employers to disclose salary ranges in all job listings and position descriptions advertised. Under the Act, employers will also be required to disclose to applicants, prior to an interview, any healthcare benefits they may receive. Employers are also prohibited from seeking wage history of prospective employees or using it to screen prospective employees." [Full Article](#)

*Seyfarth Shaw LLP*