

# Weekly Digest

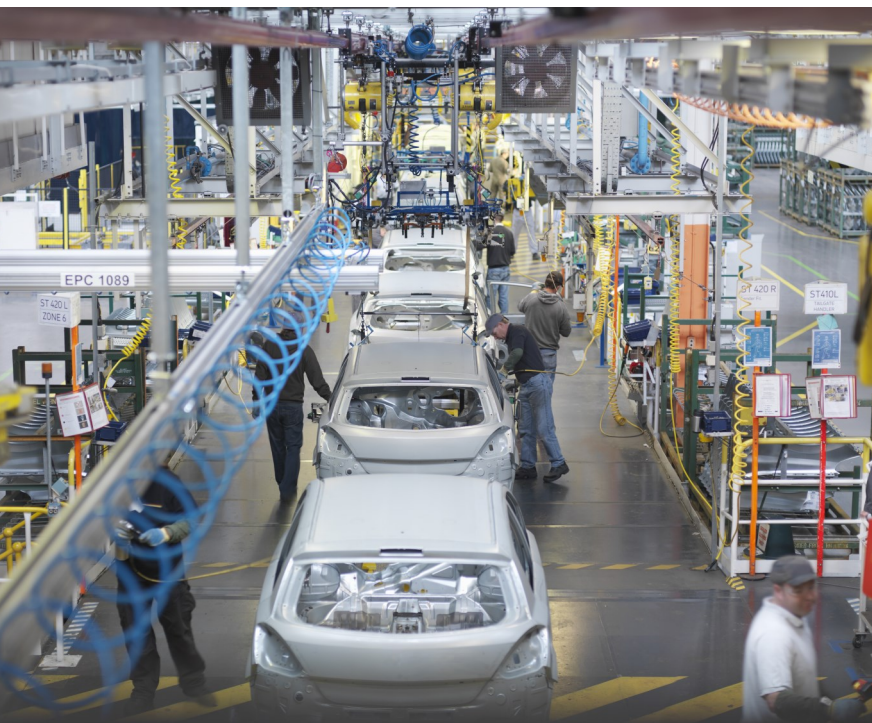
• February 23, 2024 •

Human Resources

## Big Labor Victories Likely to Lead to More Organizing in 2024

"After big deals were reached in 2023 by the United Auto Workers (UAW) with Ford, General Motors, and Stellantis, and the Teamsters with UPS, big labor is likely to proceed with more labor organizing efforts in 2024." [Full Article](#)

*Hall Benefits Law, LLC*



## U.S. Supreme Court Holds SOX Whistleblowers Not Required to Show Retaliatory Intent (US)

"On February 8, 2024, the U.S. Supreme Court unanimously decided in *Murray v. UBS Securities, LLC, et al.* that employees bringing whistleblower claims against their employer under the Sarbanes-Oxley Act (SOX) need not prove that, in taking adverse action against them, their employer intended to retaliate against them due to their protected whistleblowing activity." [Full Article](#)

*Squire Patton Boggs*

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## The Dark Side of Your Room: The Drawbacks of Fully-Remote Work

"With many companies cutting back on pandemic-era remote work policies, opting for a hybrid model, or even requiring employees to be physically present five days per week, some employers have found it difficult to entice employees to return and many employees have been reluctant to do so." [Full Article](#)

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



## OSHA Issues New Process Safety Management Directive

"The U.S. Occupational Safety and Health Administration (OSHA) has issued a new enforcement policy directive manual (2024 Directive) for its Process Safety Management (PSM) standard. The Directive became effective on January 26, 2024. Companies that are regulated by PSM for Highly Hazardous Chemical use and storage should review the 2024 Directive as soon as possible, as it contains significant changes to the prior 1994 version." [Full Article](#)

*Vorys, Sater, Seymour and Pease LLP*

## FTC Commissioner Bedoya Signals Agency's Expansion Into Labor Matters

"FTC Commissioner Alvaro Bedoya proposed expanding the agency's power under Section 5 of the FTC Act to situations where employers improperly classify workers as independent contractors.[1] Section 5 of the FTC Act broadly authorizes the Federal Trade Commission ("FTC") to prohibit 'unfair methods of competition.'" [Full Article](#)

*Davis Wright Tremaine LLP*



## 2024 Workplace Trends: AI, RTO and More

"It has been almost four years since the COVID-19 pandemic sent the American labor market and workplace into a tailspin, revolutionizing work overnight. In 2024, change remains the constant: As the domestic labor market continues to boom, employers and employees will continue to grapple with new trends, new competition, and new skills. Changing attitudes around hybrid work, pay transparency, a four-day workweek, and AI will be among the top trends, all set against the backdrop of a persistently, historically tight labor market." [Full Article](#)

*Bradley Arant Boult Cummings LLP*

# STATE COMPLIANCE UPDATES

## CALIFORNIA

### California Relaxes COVID-19 Isolation and Testing Guidelines



"Acknowledging that we are now at 'a different point in time with reduced impacts from COVID-19 compared to previous years,' the California Department of Public Health (CDPH) has updated its COVID-19 isolation guidelines in an effort to minimize workplace disruption when a person tests positive for the virus." [Full Article](#)

*Greenberg Glusker Fields Claman & Machtinger LLP*

## MINNESOTA

### Minnesota Law Prohibits Employers from Inquiring into Applicants' Pay History



"Minnesota is the new state to prohibit employers from inquiring into an applicants' pay history. Effective January 1, 2024, Minnesota employers may not ask about or consider an applicant's past or current pay during the hiring process, with limited exceptions." [Full Article](#)

*Vorys, Sater, Seymour and Pease LLP*

## FLORIDA

### Florida Legislature Proposes Ban on Physician Noncompete Agreements



"The Florida Legislature is currently considering two bills that, if enacted in their current form, would significantly reduce (and potentially eliminate altogether) the enforceability of noncompete agreements against physicians in Florida." [Full Article](#)

*Holland & Knight LLP*

## NEW YORK

### New York's New Privacy Protections for Employees' Social Media Accounts—What Employers Should Do Now to Prepare



"Follow me on Instagram, will you?' That may seem like a harmless question to a colleague, but starting soon, New York will ban most employer inquiries regarding an employee's personal social media account." [Full Article](#)

*Venable LLP*

## NEW JERSEY

### NJ Appeals Court Finds Title Agency Misclassified Employees as Independent Contractors



"In a decision issued on January 31, 2024, the New Jersey Appellate Division analyzed whether the level of control exercised by a title agent over closers, notaries, and title abstractors rendered them independent contractors or employees for the purposes of contributions under the New Jersey Unemployment Compensation Law and upheld the Commissioner of the New Jersey Department of Labor's determination that the workers were employees, not independent contractors pursuant to the UCL." [Full Article](#)

*Riker Danzig LLP*