

Weekly Digest

• May 1, 2024 •

Human Resources

When Language Differences are Present, Companies Must Work Harder to Prevent Unintended Litigation

"A recent New York case reinforces the need for companies to ensure that business meetings and calls are designed to be inclusive and certain groups of participants are not included or excluded based on their understanding of a particular language." [Full Article](#)

Masuda, Funai, Eifert & Mitchell, Ltd



Lies, Damned Lies, and AI: Lie-Detecting AI May Expose Employers to Liability

"Previously, we alerted employers about how the Equal Employment Opportunity Commission (EEOC) is putting employers on notice that it is scrutinizing how employers utilize AI for potential employment discrimination, and warned that liability is not limited to the traditional employer who manages the workforce and issues the paychecks." [Full Article](#)

Venable, LLP

In This Digest

PAGE 1

When Language Differences are Present, Companies Must Work Harder to Prevent Unintended Litigation

By, Masuda, Funai, Eifert & Mitchell, Ltd

Lies, Damned Lies, and AI: Lie-Detecting AI May Expose Employers to Liability

By, Venable, LLP

PAGE 2

FTC Bans Nearly All Non-Compete Agreements – For Now...

By, Shawe Rosenthal, LLP

Take Note - EEO-1 Filing Deadline is June 4, 2024

By, Michael Best & Friedrich, LLP

Addressing Workplace Complaints: A Critical Step in Light of Whistleblower Incentives

By, Cooley, LLP

Top Five Labor Law Developments for March 2024

By, Jackson Lewis, P.C.

PAGE 3

State Compliance Updates

FTC Bans Nearly All Non-Compete Agreements – For Now...

“The Federal Trade Commission (FTC) voted 3-2 to issue a Final Rule banning nearly all non-compete clauses in employment agreements nationwide. As set forth in the FTC’s fact sheet, non-compete provisions are “an unfair method of competition” and therefore violate the Federal Trade Commission Act. The U.S. Chamber of Commerce, however, has already filed suit to block the Final Rule.” [Full Article](#)

Shawe Rosenthal, LLP



Addressing Workplace Complaints: A Critical Step in Light of Whistleblower Incentives

“Prosecutors and regulators have recently offered significant financial rewards to whistleblowers to come forward in an effort to spur corporate enforcement. But whistleblowers aren’t made overnight – many times they are persuaded to act by the perception that management is ignoring their complaints. In light of increased efforts by prosecutors and regulators to encourage whistleblowing, it is more important than ever that companies establish strong processes to take in, review and resolve internal complaints.” [Full Article](#)

Cooley, LLP

Take Note - EEO-1 Filing Deadline is June 4, 2024

“For anyone who missed it, the EEOC recently announced that its EEO-1 Data Collection will open on April 30, 2024, and that employers must file by June 4, 2024. Similar to prior years, the EEOC will provide more information on its Component 1 website as it becomes available.” [Full Article](#)

Michael Best & Friedrich, LLP



Top Five Labor Law Developments for March 2024

“A Texas federal judge struck down the National Labor Relations Board’s new joint-employer rule. *U.S. Chamber of Commerce v. NLRB*, No. 6:23-cv-00553 (E.D. Tex. Mar. 8, 2024). The rule sought to broaden the Board’s prior standard by finding joint-employer status where an entity possesses the authority to control at least one of seven enumerated essential terms and conditions of employment, regardless of whether the entity actually exercises that control.” [Full Article](#)

Jackson Lewis, P.C.

STATE COMPLIANCE UPDATES

MINNESOTA



New Minnesota Paid Leave Reporting in 2024

"The state of Minnesota is starting a new Paid Leave program for employees who are unable to work due to serious health conditions, due to a need to care for a family member or new child, or due to certain military-related or personal-safety-related qualifying events. Paid Leave is separate from other leave programs, such as FMLA." [Full Article](#)

Worklaw Network

NEW YORK



New York Employers Beware: State's Social Media Privacy Law Became Effective March 12, 2024

"New York Gov. Kathy Hochul signed legislation restricting employers from accessing the social media accounts of employees and job applicants. The legislation, which became effective on March 12, 2024, imposes a strict prohibition on a New York employer's ability to access the social media accounts of employees and job applicants, with only a few exceptions permitted." [Full Article](#)

Holland & Knight, LLP

ILLINOIS



Illinois Senate Votes to Rein in BIPA Damages

"On April 11, the Illinois Senate voted 49-13 to amend the state's Biometric Information Privacy Act, limiting the number of claims that accrue in common applications. In *Cothron v. White Castle*, the Illinois Supreme Court ruled that a new claim accrued each time an individual scanned his or her biometric information." [Full Article](#)

Michael Best & Friedrich, LLP

MARYLAND



New Employment Laws in Maryland – Changes to Paid Family and Medical Leave Insurance, Wage Range Posting Requirements, New Discrimination Protections and More (and a Webinar!)

"A number of employment bills that were passed will have a significant impact on employers, including another delay to the new paid family and medical leave insurance (FAMLI) program, a new salary posting requirement, and new discrimination protections based on military veteran status and sexual orientation, as well as an expansion of the equal pay law. There was also a revision to the law restricting the use of non-compete agreements to make it applicable to certain health care providers and veterinarians." [Full Article](#)

Shawe Rosenthal, LLP

CALIFORNIA



Proposed "Right to Disconnect" Law Could End Those After-Hours Emails From Your Boss

"A new bill recently introduced to the California legislature seeks to change that by protecting employees' "right to disconnect." Assembly Bill 2751, introduced by Assemblyman Matt Haney (D-San Francisco), proposes to add a Section 1198.2 to the Labor Code that would effectively prevent employers from contacting employees outside of working hours, with limited exceptions." [Full Article](#)

Proskauer Rose, LLP