

Weekly Digest

• May 16, 2024 •

Human Resources

Five Takeaways for Employers Screening Job Candidates Who May Have a Criminal History

"The Equal Employment Opportunity Commission's (EEOC) recent lawsuit against a convenience store operator over its policy against hiring job applicants with a criminal background is a reminder to all employers to focus on this initial hiring issue." [Full Article](#)

Phelps Dunbar, LLP

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Back to Basics: Employers Must Be Aware that 'Protected Concerted Activity' Applies in Nonunion Workplaces – Yes, Even in Wealth Management Firms

"With the new year upon us and amid an uptick in activity by the National Labor Relations Board (NLRB or the Board), the time is ripe for employers to refresh themselves on a basic labor principle that sometimes goes overlooked: The right of employees to engage in protected concerted activity applies in nonunion workplaces." [Full Article](#)

Baker & Hostetler, LLP

The EEOC’s New Harassment Guidance: What Employers Need to Know

“On April 29, 2024, the Equal Employment Opportunity Commission issued its long-promised *Enforcement Guidance on Harassment in the Workplace*. The document updates and replaces existing EEOC resources on workplace harassment and unsurprisingly (under this pro-worker administration) takes a very broad approach to the topic.” [Full Article](#)

Shawe Rosenthal LLP



Beyond PERM: Unlocking New Pathways to Green Card Sponsorship for Key Talent

“In light of prolonged Department of Labor (DOL) processing times and recent regulatory settlements involving the DOL and Department of Justice, employers are reevaluating their approaches to securing permanent residence (“green card”) sponsorship for essential talent.” [Full Article](#)

Seyfarth Shaw LLP

U.S. Department of Labor Substantially Expands Eligibility for Overtime Pay

“On April 23, 2024, the US Department of Labor (“DOL”) announced a final rule on overtime pay, *Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees*,” which will significantly increase the number of employees eligible for overtime pay under the Fair Labor Standards Act (“FLSA”).” [Full Article](#)

Mayer Brown



Harm Need Not Be Significant in Title VII Suits Over Job Transfers: Supreme Court

“In a unanimous 9-0 decision issued April 17, 2024, the U.S. Supreme Court held that an employee bringing a Title VII claim based on a job transfer must show that the transfer brought about some harm with respect to an identifiable term or condition of employment, but that harm need not be significant.” [Full Article](#)

Greenberg Traurig, LLP

STATE COMPLIANCE UPDATES

NEW YORK

New York Employees Will Soon Receive Pay for Breast Milk Expression Time and Prenatal Care Leave



"Touted as the first of its kind in the nation, New York has become the first state to require private employers to provide employees with a separate bank of paid prenatal leave." [Full Article](#)

Duane Morris LLP & Affiliates

UTAH

Utah Expands Employee Religious Protections



"The Utah Antidiscrimination Act has been amended to expand religious accommodation requirements for employers under Utah law. The Utah Legislature passed House Bill 396 (H.B. 396), and Governor Spencer Cox signed the bill on March 19, 2024. The new law will go into effect on May 1, 2024." [Full Article](#)

Jackson Lewis P.C.

NEW YORK

NYC Permits Private Right of Action for Earned Safe and Sick Time Violations



"Effective as of March 20, 2024, New York City law permits "any person" to initiate a private right of action for violations of the Earned Safe and Sick Time Act ("ESSTA")." [Full Article](#)

Sheppard, Mullin, Richter & Hampton LLP

WASHINGTON

Washington OSHA Adopts New PSM Requirements for Refineries



"On Dec. 27, 2023, the State of Washington's Department of Labor and Industries ("L&I"), Division of Occupational Safety and Health ("DOSH") filed a Permanent Rulemaking (CR-103P) to adopt updated requirements for the Process Safety Management ("PSM") of Highly Hazardous Chemicals standard, which specifically pertains to PSM in petroleum refineries." [Full Article](#)

Haynes and Boone, LLP

PENNSYLVANIA

Employers Face June 1, 2024 Deadline to Comply with Lehigh County, Pennsylvania's New Expansive Anti-Discrimination Ordinance



"The Lehigh County Human Relations Ordinance was enacted February 26, 2024, establishing county-specific non-discrimination requirements for employment, housing, education, health care and public accommodations. The ordinance also creates a Lehigh County Human Relations Commission charged with investigating and enforcing claims of discrimination. The ordinance becomes effective June 1, 2024." [Full Article](#)

Littler Mendelson P.C.