

# Weekly Digest

• May 31, 2024 •

Human Resources

## Cutting Off Claims – When Does the FTC Non-Compete Ban Allow for Accrued Actions?

“The FTC’s Final Rule banning non-competes in worker agreements contains a noteworthy exception that its provisions “do not apply where a cause of action related to a non-compete clause accrued prior to the effective date.” The “existing cause of actions” exception, codified as Section 910.3(b), is a new addition that was not included in the FTC’s *proposed* rule issued last January.” [Full Article](#)

*Seyfarth Shaw LLP*



## Payday: Terminated Employee Awarded \$78,000 in EEOC Settlement

“Employees returning to work following a hospitalization or illness can present legally nuanced issues, particularly if an employer is considering terminating an employee in close proximity to such a leave. A recent case settled by a company with the Equal Employment Opportunity Commission (EEOC) highlights some of the legal risks that can come into play.” [Full Article](#)

*Barnes & Thornburg LLP*

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#### State Compliance Updates

## WARN Act Compliance in the Age of Remote Work

"As remote work arrangements proliferate, it's crucial for employers to remain compliant with legal obligations, including those outlined in federal and state WARN acts. State WARN acts are sometimes called "mini-WARN" laws. Generally, WARN laws require a covered employer to provide substantial (60 days for the federal statute) notice to employees, certain government units, and any bargaining representatives that it anticipates a plant/business closure, mass layoff, or substantial reduction in force." [Full Article](#)

**Worklaw Network**



## Reducing the Stigma of Paid Parental Leave for Fathers

"Research by the Society for Human Resource Management (SHRM) in 2023 shows that paid maternity and paternity leave increased by five percent last year, with 32% of employers now offering paid paternity leave. Furthermore, although many men have not taken paternity leave in the past, even if it was available, an increasing number of men are taking advantage of available parental leave time." [Full Article](#)

**Hall Benefits Law**

## The Department of Labor's Method for Automatically Updating the Salary Level for Overtime Exemptions Will Cause Increases That Exceed Growth in Wages and Salaries

"In the Final Rule 'Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees' (Rule), the Department of Labor (DOL) dismisses concerns that the proposed mechanism for automatically updating the standard salary level will result in increases to the salary level above and beyond those related to wage growth. Importantly, our analysis finds that, even if there is no wage inflation, the DOL's methodology would likely result in a 9.1% increase in the salary level over the next three years if employees assumed to be impacted by the NPRM are reclassified as hourly." [Full Article](#)

**Edgeworth Economics**



## Retaliation Can Come in All Shapes and Sizes

"Earlier this month, a federal appellate court addressed a few situations involving retaliation claims in the workplace in which parties (and sometimes courts) may misapply the law, namely, Title VII of the Civil Rights of 1964. So, let's clear this up." [Full Article](#)

**Pierson Ferdinand**

# STATE COMPLIANCE UPDATES

## COLORADO

### Colorado Enacts Artificial Intelligence Legislation Affecting AI Systems Developers, Deployers



"Enacting what is perhaps the first comprehensive regulation of artificial intelligence (AI) at the state level in the United States, Colorado's governor signed the Artificial Intelligence Act, Senate Bill (SB) 24-205, on May 17, 2024." [Full Article](#)

*Jackson Lewis P.C.*

## MARYLAND

### Maryland Passes Pay Transparency Law



"Governor Wes Moore signed a pay transparency requirement into law on April 25, 2024, requiring that all employers in Maryland include wage ranges and benefit information in all job postings. The law, Equal Pay for Equal Work – Wage Range Transparency, will go into effect on October 1, 2024." [Full Article](#)

*Morgan, Lewis & Bockius LLP*

## MAINE

### Maine DOL Announces Enforcement Plan for New Federal Overtime Rule



"On April 23, 2024, the U.S. Department of Labor announced its Final Rule related to overtime exemptions, including its increase of the minimum salary threshold for employees to qualify for the duties test exemption. In its announcement, the USDOL stated that it was 'updating and revising the regulations issued under the Fair Labor Standards Act' ... Maine's rate falls below the new federal rate established in the Final Rule, triggering application of the more favorable federal rate." [Full Article](#)

*Pierce Atwood LLP*

## CALIFORNIA

### Disputing What 'Dispute' Means: Courts Debate When Ending Forced Arbitration Act Applies



"The Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act (EFAA) gives an employee the option of bringing claims related to sexual assault or harassment in court instead of arbitration. The EFAA, however, applies only to a "dispute or claim" relating to sexual assault or harassment that "arises or accrues" on or after March 3, 2022. What constitutes a "dispute" and when does it "arise"? Those terms are not defined in the EFAA." [Full Article](#)

*Jackson Lewis P.C.*

## MISSOURI

### Workplace Religious Discrimination Claims under the Missouri Human Rights Act Analyzed in Shiffman v. Kansas City Royals Baseball Club



"The Western District Missouri Court of Appeals in Shiffman v. Kansas City Royals Baseball Club, LLC recently reviewed a claim of religious discrimination that failed at the trial court level. The Court analyzed the applicable standards for an employee-plaintiff offering direct evidence versus indirect evidence of religious discrimination. As there was insufficient direct or indirect evidence to support a discrimination claim, the court affirmed the trial court's granting of the Royals' motion for summary judgment." [Full Article](#)

*Baker Sterchi Cowden & Rice LLC*