

Weekly Digest

• July 24, 2024 •

Human Resources

The FTC's Non-Compete Ban Suffers Its First Setback

"The Federal Trade Commission's (FTC) attempt at a nationwide ban on employee non-compete agreements suffered its first setback last week when a Texas federal district court preliminarily enjoined enforcement of the rule. While the ruling is limited to the plaintiffs in that case, the decision is a roadmap for similar legal challenges." [Full Article](#)

McCarter & English, LLP



Court Denies Injunction in Case Involving DOL Salary Regs

"In our most recent bulletin on the new Final Rule increasing salary levels for exempt white-collar employees under the Fair Labor Standards Act, we noted that there was an additional challenge to the new regulations and that we were awaiting a decision in that case. Last week, the court in that case refused to stop the rule from taking effect." [Full Article](#)

*Constangy Brooks
Smith & Prophete, LLP*

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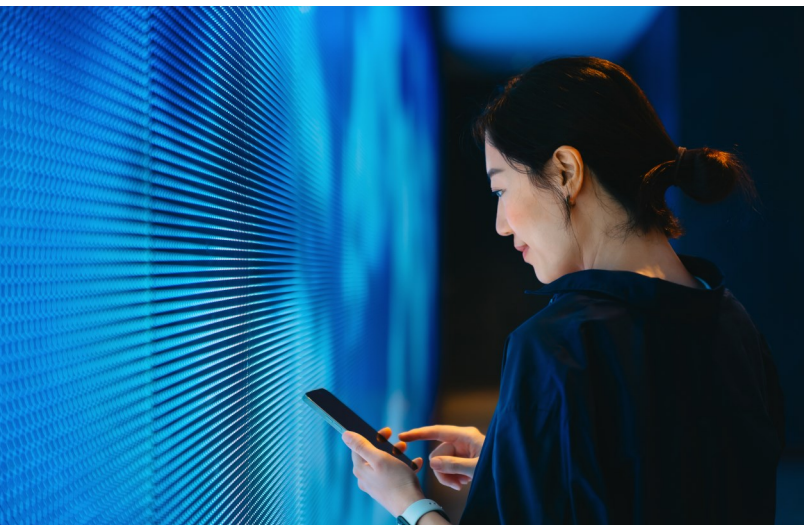
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State Compliance Updates

AI Hiring Tools: ACLU Warns Employers and AI Companies It Won't Stand for Deceptive "Bias-Free" Promises

"Over the past few years, the Federal Trade Commission (FTC) has kept a close eye on the development and use of AI, releasing a number of blog posts and reports warning companies of the risks of using AI tools in their business. For example, the FTC has warned companies about using AI to combat online problems because of concerns that AI tools can be inaccurate, biased, and discriminatory by design and incentivize reliance on increasingly invasive forms of commercial surveillance." [Full Article](#)

Venable LLP



Is That a Gun in Your Pocket... at the Office? New Thoughts on Workplace Concealed Carry

"Can you prohibit your employees from bringing firearms to your workplace? You may think the answer is yes, but it's more complicated. Recent state laws on gun rights have raised questions regarding guns at work. Here we will try to boil it down for you." [Full Article](#)

Bradley Arant Boult Cummings LLP

OSHA Proposes Workplace Heat Safety Standard

"The Occupational Safety and Health Administration (OSHA) released a long-awaited proposed rule to prevent heat-related injuries and illnesses in the workplace. OSHA initiated the rulemaking process in October 2021 as part of its ongoing heat-related illness prevention initiative." [Full Article](#)

Hunton Andrews Kurth LLP



Viral Layoffs: Important Considerations for Employment Actions in the Digital Age

"The prevalence of smartphones and social media means there is always a risk that interactions with employees are being recorded and shared to social media. Employers need to be aware of possible avenues for damage control if any employee interaction is recorded without the employer's consent and must plan for the possibility of recording when deciding how, when and what to communicate to employees." [Full Article](#)

Baker & Hostetler LLP

STATE COMPLIANCE UPDATES

MAINE

Maine Governor's Veto of Non-Compete Ban Bucks Growing Trend Among States and Federal Trade Commission



"Amidst a wave of non-compete bans sweeping California, North Dakota, Oklahoma, Minnesota and, most recently, the nation via the Federal Trade Commission's non-compete prohibition, Maine Governor Janet Mills departed from this growing trend and vetoed L.D. 1496, An Act To Prohibit Noncompete Clauses ("L.D. 1496") in April 2024." [Full Article](#)

Sheppard, Mullin, Richter & Hampton LLP

ILLINOIS

Illinois's Freelance Worker Protection Act Took Effect July 1, 2024



"Illinois became the first state to adopt statutory protections for freelance workers when Governor JB Pritzker signed the Freelance Worker Protection Act (the "Act"). The Act took effect on July 1, 2024. Employers should be aware of the Act's provisions to ensure compliance, and the trend of other states (such as New York) and local governments to adopt and enforce similar protections." [Full Article](#)

Vedder Price

CALIFORNIA

Is Your Workplace Violence Prevention Plan In Place?



"Governor Gavin Newsom signed into law Senate Bill 553, which amended Labor Code section 6401.7 and created new section 6401.9 to require employers (with few exceptions) to develop and implement a detailed workplace violence prevention plan and to train their employees in addressing workplace violence. Employers were required to comply by July 1, 2024." [Full Article](#)

Buchalter

RHODE ISLAND

Rhode Island Governor Vetoes Bill Banning Noncompetition and Customer Nonsolicitation Covenants with Employees



"On June 26, 2024, Governor Daniel McKee vetoed and returned to the state Senate a bill to amend the Rhode Island Noncompetition Agreement Act (Senate Bill 2024-S 2436A/2024-H 8059A). As reported in our prior Alert, if signed into law, the bill would have banned and voided existing and future post-employment noncompetition and customer nonsolicitation covenants with essentially all employees." [Full Article](#)

Duane Morris LLP

MARYLAND

Round Two of Maryland's "Draft" FMLI Regulations – What Do They Say?



"On July 10, 2024, the Maryland Department of Labor's (MDOL) issued a second version of "draft" regulations to implement Maryland's paid family and medical leave insurance (FMLI) law." [Full Article](#)

Shawe Rosenthal, LLP