

Weekly Digest

• August 7, 2024 •

Human Resources

When Social Media Posts Become Workplace Harassment

"The U.S. Court of Appeals for the Ninth Circuit on July 25, 2024, ruled that under Title VII of the Civil Rights Act of 1964, companies can be held liable for claims of a hostile work environment if an employee shares harassing content online that negatively impacts the workplace." [Full Article](#)

Holland & Knight LLP



NLRB Withdraws Appeal of Court Decision Vacating Expansive Joint Employer Rule

"Last week, the United States Court of Appeals for the Fifth Circuit dismissed an appeal by the National Labor Relations Board ("Board" or NLRB) of a federal district court's decision to vacate a new joint employer rule that initially was slated to take effect months ago. The vacated rule sought to greatly expand the definition of an employer, and, in turn, entities that could be subject to liability under the National Labor Relations Act." [Full Article](#)

Hunton Andrews Kurth LLP

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State Compliance Updates

OSHA Opines When Motor Vehicle Injuries Are Work-Related

“In a recent standard interpretation dated June 12, 2024, OSHA clarified the circumstances when a motor vehicle injury and fatality would be considered work-related. In doing so, OSHA restated the general principle that injuries that occur when an employee is on travel status are work-related, if, at the time of the injury, the employee was engaged in work activities “in the interest of the employer.” [Full Article](#)

Cozen O’Connor



CFPB Warns That Confidentiality Agreements May Violate Employee Whistleblower Protections

“The Consumer Financial Protection Bureau (CFPB) issued a circular explaining that confidentiality or nondisclosure agreements may chill whistleblowing activity and therefore violate the CFPB’s whistleblower protection statute in certain circumstances.” [Full Article](#)

Cooley LLP

How Construction Employers Can Avoid Common Wage & Hour Claims

“Employer wage and hour violations of the Fair Labor Standards Act (FLSA) and other applicable state laws are some of the most frequent in the construction industry. They are often the costliest an employer can make. However, common mistakes can be avoided with a careful review of wage and hour practices for compliance.” [Full Article](#)

Jackson Lewis P.C.



Three PTO Policy Tips to Give Employers A Breezier Summer

“We’re already halfway through the summer, and employees who haven’t done so are closing their laptops and heading to the shore to soak up some well-deserved vacation sun. Paid Time Off can be a fantastic tool for employee retention and recruitment. However, PTO policies can be a challenge. Before you get swept away, here are three key considerations for drafting robust employee PTO policies.” [Full Article](#)

Constangy, Brooks, Smith & Prophete, LLP

STATE COMPLIANCE UPDATES

MASSACHUSETTS

Pay Transparency Comes to Massachusetts



"On July 31, 2024, Governor Healey signed into law "An Act Relative to Salary Range Transparency." The law requires covered employers to disclose pay range information to current and prospective employees under certain circumstances. It also requires covered employers to report wage data to the state." [Full Article](#)

Bowditch & Dewey

MICHIGAN

Michigan Supreme Court Reinstates Expanded Paid Sick Leave And Minimum Wage Requirements



"The Michigan Supreme Court, in a 4-3 decision, ruled that the Michigan Legislature violated the Michigan Constitution when it adopted and amended the Improved Workforce Opportunity Wage Act and the Earned Sick Time Act ballot initiatives. For Michigan employers, this means the amended minimum wage law and Michigan Paid Medical Leave Act in effect since 2019 are set to be replaced. Each original law will go into effect Feb. 21, 2025." [Full Article](#)

Barnes & Thornburg LLP

CALIFORNIA

California Supreme Court Delivers Big Win for Gig Companies



"On July 25, 2024, the California Supreme Court upheld the constitutionality of Proposition 22, the law allowing gig economy workers to be classified as independent contractors. The decision ends a nearly four-year legal battle over the law's constitutionality and constitutes a major victory for gig economy giants like Uber, Lyft, and DoorDash." [Full Article](#)

Proskauer Rose LLP

PENNSYLVANIA

Pennsylvania Enacts Law Banning Certain Non-Compete Agreements with Healthcare Providers



"On July 23, 2024, Pennsylvania Governor Josh Shapiro signed the Fair Contracting for Health Care Practitioners Act (the "Act"), which bans certain noncompete covenants, including patient nonsolicitation provisions, between an employer and health care practitioner if the covenant is more than one year or the health care practitioner was 'dismissed by the employer.' The effective date of the Act is January 1, 2025." [Full Article](#)

Littler Mendelson P.C.

FLORIDA

Sunshine State Update: New Florida Law Forbids Local Employment Regulation in Three Areas



"House Bill 433 – effective July 1, 2024 – strips local Florida governments of their power to regulate employers in three important areas. First, the new law preempts local governments from creating heat exposure regulations. Second, it limits local governments from controlling the terms and conditions of private employment. And third, it forbids local governments from adopting predictive work schedule laws." [Full Article](#)

Baker & Hostetler, LLP