

Weekly Digest

• September 19, 2024 •

Human Resources

Workplace Drug/Alcohol Policies in a Legal Weed World: 10 Easy Steps

"The laws relating to use of drugs (and, to a lesser degree, alcohol) are changing.... The applicable laws will normally be the laws in the states where your employees work. If your company has facilities in most states, or if you have a large and geographically dispersed remote workforce, that means you will have to keep up with a lot." [Full Article](#)

**Constangy Brooks
Smith & Prophete, LLP**



OSHA's New Severe Injury Report Dashboard: More Public Shaming or a Tool to Help Prevent Injuries/Illnesses?

"OSHA requires employers to report a fatality or severe injury ("SIR"). Generally, a fatality must be reported within 8 hours, and an in-patient hospitalization, amputation, or eye loss must be reported within 24 hours." [Full Article](#)

Cozen O'Connor

In This Digest

PAGE 1

Workplace Drug/Alcohol Policies in a Legal Weed World: 10 Easy Steps

*By, Constangy Brooks
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OSHA's New Severe Injury Report Dashboard: More Public Shaming or a Tool to Help Prevent Injuries/Illnesses?

By, Cozen O'Connor

PAGE 2

Whether Buyer or Seller: Heed This WARNING

By, Baker & Hostetler LLP

Should Directors Have Access to What Employees Say About Corporate Culture?

By, Cooley, LLP

Politics in the Workplace and the Risks of Social Media

By, Littler Mendelson P.C.

Fourth Circuit Affirms Dismissal of FMLA Retaliation Suit Based on Credibility Concerns

By, Hall Benefits Law, LLC

PAGE 3

State Compliance Updates

Whether Buyer or Seller: Heed This WARNING

"One often forgotten consideration in many mergers and acquisitions is the Worker Adjustment and Retraining Notification Act of 1988 (WARN Act). Whether you are a buyer or a seller, you should consider whether the WARN Act and/or a parallel state/local notice requirement is implicated by your deal." [Full Article](#)

Baker & Hostetler LLP



Should Directors Have Access to What Employees Say About Corporate Culture?

"When it comes to managing human capital, many companies not only will hire an independent third party to conduct a "corporate culture" survey about how employees feel about their jobs, but also will give directors unfiltered access to the anonymous responses." [Full Article](#)

Cooley, LLP

Politics in the Workplace and the Risks of Social Media

"In 2017, former Supreme Court Justice Anthony Kennedy noted in *Packingham v. North Carolina* that the most important place for the exchange of ideas is no longer the physical town square but cyberspace and, in particular, social media. Social media has only gained currency since then as the predominant forum for political discourse." [Full Article](#)

Littler Mendelson P.C.



Fourth Circuit Affirms Dismissal of FMLA Retaliation Suit Based on Credibility Concerns

"A three-judge panel of the U.S. Court of Appeals for the Fourth Circuit affirmed the summary judgment dismissal of a former worker's FMLA retaliation and interference case in favor of Baltimore Gas & Electric Co., parent company Exelon Corp., and several individual employees. The Court ruled that the gas company's suspicions of dishonesty concerning the former mechanic's request for medical leave based on hypoglycemia was a credible reason for his termination, thus justifying the dismissal of his unlawful termination suit." [Full Article](#)

Hall Benefits Law, LLC

STATE COMPLIANCE UPDATES

NEW YORK

New York State Enacts Workplace Violence Prevention Law for Retailers



"New York Governor Kathy Hochul signed into law the Retail Worker Safety Act, a bill amending the New York Labor Law to impose certain workplace violence prevention requirements on covered retail employers." [Full Article](#)

Proskauer Rose, LLP

ILLINOIS

Recent Changes to Illinois Employment Law: What Employers Need to Know



"Summer provided more than hot weather for Illinois; there were notable changes to Illinois employment law. Employers with Illinois employees should review their policies and employee handbooks to address these new changes." [Full Article](#)

Kilpatrick Townsend & Stockton, LLP

GEORGIA

Georgia Supreme Court Reverses Lower Court Rulings and Holds Non-Recruitment Provisions do not Need to Contain Explicit Geographic Limitations



"Jimmy Buffett once eloquently said that 'without geography, you're nowhere.' But how does that insight apply to restrictive covenants that lack explicit geographic limitations in Georgia? While Jimmy never got to find out, we now have some much-needed clarity from the Georgia Supreme Court." [Full Article](#)

Seyfarth Shaw LLP

MARYLAND

Maryland Department of Labor Issues Highly-Anticipated Guidance on New Wage Transparency and Paystub Notice Obligations



"As most employers with Maryland employees (hopefully) know, starting October 1, 2024, they are subject to new wage range posting and paystub notice obligations, as detailed in our April 10, 2024 E-lert on new Maryland employment laws." [Full Article](#)

Shawe Rosenthal, LLP

CALIFORNIA

Authentication of Electronic Signatures – What Employers Need to Know



"In a recent decision in *Isabel Garcia v. Stoneledge Furniture LLC, et al.*, a California Court of Appeal made a significant ruling concerning authentication of electronic signatures in arbitration agreements. This ruling has implications for California employers who seek to enforce arbitration agreements in the employment context." [Full Article](#)

Atkinson, Andelson, Loya, Ruud & Romo