

Weekly Digest

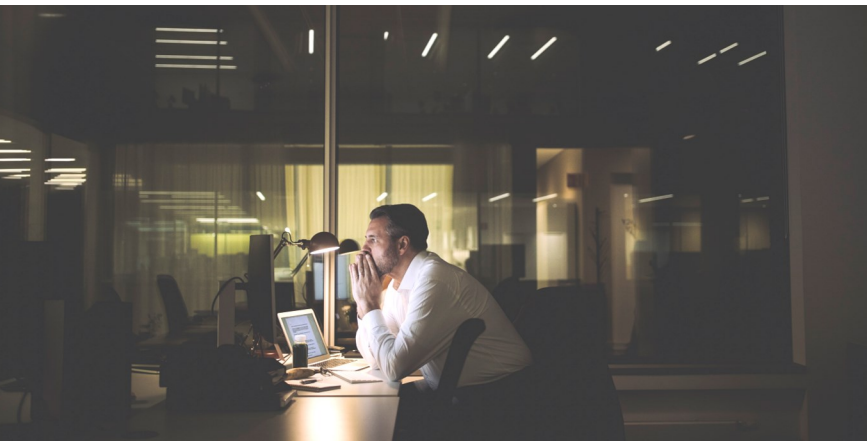
• November 18, 2024 •

Human Resources

The Data Made Me Do It: New DOL Guidance Warns Employers to Address Artificial Intelligence (AI) Risks in the Workplace (US)

"In the rapidly developing world of AI, federal regulators are again signaling that businesses and HR managers cannot depend on a "data made me do it" defense to employment decisions made with the help of AI systems. Expanding on guidance it released in May, the US Department of Labor (DOL) issued new guidance on October 16th reminding employers they cannot hide behind an algorithm when an AI-generated employment decision runs afoul of federal law." [Full Article](#)

Squire Patton Boggs



DOL Releases Tool to Provide Ideas for Disability Accommodations

"The U.S. Department of Labor has released a new tool – the Situations and Solutions Finder – that provides more than 700 accommodation ideas for workers with disabilities and their employers. The tool allows employers to enter a keyword and/or select from Disabilities, Limitations, and/or Occupations drop-down lists to search the database, which is drawn from examples of workplace accommodations that have been shared with the Job Accommodation Network, which is part of the US DOL's Office of Disability Employment Policy." [Full Article](#)

Shawe Rosenthal, LLP

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State Compliance Updates

Employee Not Protected by Post-Termination FMLA Certification

“Employers are sometimes frustrated by the expansive scope of protections for employees under the Family and Medical Leave Act, but a recent case makes the point that an employee is not protected until they establish that they have a serious health condition.” [Full Article](#)

Shawe Rosenthal , LLP



High Court to Review Standard Applied to “Reverse Discrimination” Cases

“On October 4, 2024, the U.S. Supreme Court granted certiorari in *Ames v. Ohio Department of Youth Services* (Case No. 23-1039) to decide whether plaintiffs who are members of historically majority communities asserting “reverse discrimination” claims under Title VII must show there are “background circumstances” that support the inference that the defendant is the “unusual employer who discriminates against the majority.” [Full Article](#)

Little Mendelson P.C.

Alleged Discrimination Against Tobacco Users in Wellness Programs

“There has been a rise in lawsuits alleging discrimination against tobacco users in wellness programs. This law bulletin seeks to summarize and analyze the major arguments of those lawsuits in order to provide information to plan sponsors seeking to re-examine their wellness programs to avoid becoming a defendant in a similar lawsuit.” [Full Article](#)

Taft Stettinius & Hollister, LLP



Bosses, Don’t Roll the Dice with Your Employees. You Could be Personally Liable.

“While some federal employment protection statutes, like Title VII and the Americans with Disabilities Act, do not allow for individual liability, others do. The Fair Labor Standards Act, the Family and Medical Leave Act, Section 1981 of the Civil Rights Act of 1991, and numerous state anti-discrimination laws all allow for recovery of damages from supervisors, managers, and business owners.” [Full Article](#)

Constangy, Brooks, Smith & Prophete, LLP

STATE COMPLIANCE UPDATES

ILLINOIS

Amendments to Illinois Human Rights Act to Take Effect in 2025



"The new amendments will also prohibit harassment and discrimination against employees based on "family responsibilities," meaning an individual's actual or perceived provision of personal care to a family member."

[Full Article](#)

Vedder Price

NEW YORK

Lassie Looking Peaked? NYC "Pawrents" May Soon be Entitled to Paid Leave for Pet Care



"In recognition of the important role that pets play in people's lives, on October 23, 2024, the New York City Council introduced a bill (Int. 1089-2024) that would amend the New York City Earned Safe and Sick Time Act to provide pet-owning employees the ability to use their paid sick leave to care for their animals." [Full Article](#)

Ford Harrison

MASSACHUSETTS

Massachusetts' Earned Sick Time Law Now Covers Pregnancy Loss: What Employers Need to Know



"As of Nov. 21, 2024, Massachusetts employees may use earned sick time to address physical and mental health needs following a pregnancy loss or failed assisted reproduction, adoption, or surrogacy under an amendment to the Massachusetts Earned Sick Time Law." [Full Article](#)

Jackson Lewis P.C.

CALIFORNIA

California Attempts to Restrict Mandatory Captive Audience Meetings



"Gov. Newsom has signed SB 399 into law, which restricts the ability of employers to hold mandatory "captive audience meetings" with their employees. The new legislation, also known as "California Worker Freedom from Employer Intimidation Act," takes effect Jan. 1, 2025." [Full Article](#)

Greenberg Traurig, LLP

MARYLAND

Employees Cannot Sue for Violations of Maryland's Mini-WARN Act.



"Maryland, like a number of other states, has a law similar to the federal Worker Adjustment and Retraining Notification Act, requiring employers to give 60 days' notice of certain plant closings and mass layoffs. Compliance with the Maryland Economic Stabilization Act (or mini-WARN Act) had previously been voluntary but was made mandatory in 2020. However, the Maryland federal district court recently ruled that employees do not have a private right of action under the law." [Full Article](#)

Shawe Rosenthal, LLP