

Weekly Digest

• January 27, 2025 •

Human Resources

EEOC and DOJ Oppose Heightened Standard in "Reverse Discrimination" Cases

"The federal government is urging the U.S. Supreme Court to find that anti-discrimination protections apply equally to all workers and there should be no heightened pleading standard for so-called 'reverse discrimination' cases under Title VII." [Full Article](#)

Hunton Andrews Kurth, LLP



Prepare for Pro-Employer Shift in Labor Law under the Trump Administration

"Decisions and policies under the National Labor Relations Board ("NLRB" or "Board") have become increasingly politicized the last few decades resulting in significant swings between pro-employer and pro-union/employee positions depending on which party holds the Presidency or controls Congress." [Full Article](#)

Venable, LLP

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EEOC Issues New Guidance on Wearable Technologies: Key Points for Employers

"As more employers incorporate wearable technology in the workplace, including those enhanced by artificial intelligence, the Equal Employment Opportunity Commission (EEOC)'s new fact sheet 'Wearables in the Workplace: The Use of Wearables and Other Monitoring Technology Under Federal Employment Discrimination Laws,' offers important considerations for employers." [Full Article](#)

Jackson Lewis P.C.



Employers' DEI Initiatives Are Likely To Be Targeted in the Second Trump Administration

"Employers can expect their DEI programs to face resistance from both the federal government and private parties during President-elect Trump's second term, emboldened in part by recent Supreme Court decisions." [Full Article](#)

Skadden, Arps, Slate, Meagher & Flom, LLP

SCOTUS: No Heightened Standard of Proof Required for FLSA Exemption Defense

"In *E.M.D. Sales, Inc. v. Cabrera*, issued on January 15, 2025, the Supreme Court held that the 'preponderance of the evidence' standard—and not the more difficult-to-satisfy 'clear and convincing evidence' standard—applies when an employer seeks to demonstrate that an employee is exempt from the minimum wage and/or overtime pay provisions of the Fair Labor Standards Act." [Full Article](#)

Proskauer Rose, LLP



OSHA Bumps Fines for Employer Violations Starting Jan. 15

"The U.S. Department of Labor revealed the annual inflation adjustments for OSHA civil penalties on Jan. 9. The increased penalty levels apply to any penalties assessed after Jan. 15." [Full Article](#)

Phelps Dunbar, LLP

STATE COMPLIANCE UPDATES

NEW JERSEY

New Jersey Attorney General: NJ's Law Against Discrimination (LAD) Applies to Automated Decision-Making Tools



"This month, the New Jersey Attorney General's office (NJAG) added to nationwide efforts to regulate, or at least clarify the application of existing law, in this case the NJ Law Against Discrimination, N.J.S.A. § 10:5-1 et seq. (LAD), to artificial intelligence technologies." [Full Article](#)

Jackson Lewis P.C

CALIFORNIA

Wildfires and the Workplace: What California Employers Must Know to Ensure Safety and Compliance



"The devastating wildfires in Los Angeles area continue to profoundly impact our community, presenting complex challenges for employers and the workforce. As evacuation orders, curfews, and hazardous conditions persist, it is crucial for all to take proactive measures to ensure safety and compliance with regulations. Employers, in particular, should focus on effectively managing workplace safety, employee leave, and operational closures." [Full Article](#)

Buchalter

MASSACHUSETTS

Massachusetts Pay Data Reporting Deadline Almost Here – What do Employers Need to File?



"The Massachusetts Executive Office of Labor and Workforce Development (EOLWD) has confirmed that employers subject to the new Massachusetts pay data reporting law will only have to submit their most recent EEO forms even though (in most instances) those forms do not contain employee compensation data." [Full Article](#)

Seyfarth Shaw, LLP

NEW YORK

Second Circuit Reinstates New York Reproductive Health Notice of Rights Requirement for Employee Handbooks



"In a January 2, 2025 decision in *CompassCare et al. v. Hochul*, a Second Circuit panel vacated a permanent injunction issued in April 2022 that halted the requirement that New York State employers include a notice in their employee handbooks regarding the prohibition on discrimination based on reproductive health care choices. As a result, employers statewide will once again be required to include such notice in their handbooks." [Full Article](#)

Proskauer Rose, LLP

TEXAS

The Texas Responsible AI Governance Act and its Potential Impact on Employers



"Texas State Representative Giovanni Capriglione (R-Tarrant County) filed the Texas Responsible AI Governance Act (the Act),¹ adding Texas to the list of states seeking to regulate artificial intelligence (AI) in the absence of federal law. The Act establishes obligations for developers, deployers, and distributors of certain AI systems in Texas. While the Act covers a variety of areas, this alert focuses on the Act's potential impact on employers." [Full Article](#)

K&L Gates, LLP