

Weekly Digest

• March 10, 2025 •

Human Resources

EEOC Shakeups Under the Trump Administration Targeting Gender Identity, Abortion Accommodations, and AI Bias

"The Trump Administration has issued swift changes in policy, and the effects are now reaching the Equal Employment Opportunity Commission ("EEOC"). While the EEOC is still awaiting quorum to vote on major actions, it is signaling changes to Biden-era rules related to gender identity, abortion accommodations, and artificial intelligence ("AI") bias risks."

[Full Article](#)

Benesch



Federal Court Concludes States Have Standing to Challenge EEOC's Pregnant Workers Fairness Act Rule (US)

"The U.S. Court of Appeals for the Eighth Circuit ruled on February 20, 2025, in *Tennessee v. Equal Employment Opportunity Commission*, that seventeen (17) State attorneys general have standing to challenge the EEOC's Final Rule interpreting the Pregnant Workers Fairness Act (the "PWFA" or "the Act"). In the first federal appellate court decision to consider the issue, the Eighth Circuit panel held that the plaintiff-States have a sound jurisprudential basis to challenge the Final Rule because the States "are the object of the EEOC's regulatory action."

[Full Article](#)

Squire Patton Boggs

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New NLRB Acting General Counsel’s Actions and Increased White House Oversight Signal Shift in Enforcement

“National Labor Relations Board Acting General Counsel William B. Cowen on February 14, 2025 changed the course of the agency’s strategic goals by rescinding more than a dozen memos penned by former General Counsel Jennifer Abruzzo. Cowen’s repeal of several specific memos signals a shift from the more union-friendly litigation strategy pursued by the prior general counsel.” [Full Article](#)

Morgan, Lewis & Bockius, LLP



ICE Is Knocking – Practical Steps to Prepare and Respond

“It is only a matter of time before ICE enforcement will result in increased workforce audits and raids. Given these heightened enforcement risks, employers should consider taking the proactive steps below to review their work authorization practices and create action plans for potential ICE audits and raids.” [Full Article](#)

Morrison & Foerster, LLP

Supreme Court Clarifies Burden of Proof for FLSA Exemptions

“On January 15, 2025, the U.S. Supreme Court clarified the burden of proof employers must satisfy when questions arise concerning employee classification under the Fair Labor Standards Act ("FLSA"). In a unanimous decision, the Supreme Court in *E.M.D. Sales, Inc. v. Carrera* held that the lower preponderance of the evidence standard applies when an employer seeks to demonstrate that an employee is exempt from the minimum wage and overtime pay provisions of the FLSA.” [Full Article](#)

Venable, LLP



The Top 10 Things Every Employer Should Know About OSHA

“In the evolving landscape of workplace safety regulations, it is essential for construction employers to stay well-informed about the Occupational Safety and Health Administration’s (OSHA) protocols and guidelines. Our series, ‘Top 10 Things Every Employer Should Know About OSHA,’ breaks down critical aspects ranging from the rights and responsibilities during OSHA inspections to intricacies of compliance standards and potential citation scenarios.” [Full Article](#)

Bradley Arant Boult Cummings, LLP

STATE COMPLIANCE UPDATES

WASHINGTON

Washington Supreme Court Clarifies Limits on Employers' Anti-Moonlighting Agreements



"The Supreme Court for the State of Washington issued a decision in *David v. Freedom Vans LLC* expanding the state's prohibition against anti-moonlighting covenants for low-wage workers. The court held that employers may not broadly prohibit employees who earn less than twice the minimum wage from engaging in "all kinds of assistance" with a competitor." [Full Article](#)

Morgan, Lewis & Bockius, LLP

CALIFORNIA

New Proposed Regulations Will Significantly Shape How Businesses Leverage AI in Personnel Decisions



"Businesses are actively exploring new ways to harness AI for improved efficiency, especially in creating automated decision-making systems that can streamline hiring and recruitment processes. In response, the California Civil Rights Council is proactively developing new laws aimed at preventing potential employment discrimination related to protected characteristics when using AI in these personnel decisions. This includes examining whether seemingly neutral factors, such as criminal history, could still lead to discrimination." [Full Article](#)

Barnes & Thornburg ,LLP

MICHIGAN

Michigan's 11th-Hour Changes to Minimum Wage, Tip, and Paid Sick Leave Standards



"Governor Gretchen Whitmer signed Senate Bill 8 and House Bill 4002, which, effective immediately, revise minimum wage, tip, and paid sick leave standards Michigan employers were expecting to take effect that day due to a July 2024 Michigan Supreme Court decision. Notably, the state labor department has already revised its FAQs concerning paid sick leave and its FAQs concerning minimum wage and tips." [Full Article](#)

Littler Mendelson P.C.

NEBRASKA

Nebraska Legislature Eyes Clarifications to Medical Marijuana and Paid Sick Time Laws



"Several bills introduced in the Nebraska Legislature aim to amend the medical marijuana and paid sick time laws approved by voters in November 2024. While these changes are not final, employers should keep an eye on these bills as they progress." [Full Article](#)

Koley Jessen

GEORGIA

Georgia Bill Introduced to Not Tax Overtime Compensation: 4 Employer Considerations



"A bill introduced in the Georgia state legislature, if passed, would exclude overtime compensation from Georgia state income taxes starting in 2026. House Bill 375 (H.B. 375), introduced on Feb. 11, 2025, would exclude from taxation any income received by a "full-time employee paid by an hourly wage as compensation for work performed in excess of 40 hours a week, and any amount paid as overtime compensation in accordance with the federal Fair Labor Standards Act" (FLSA)." [Full Article](#)

Jackson Lewis P.C.