

Weekly Digest

• June 14, 2023 •



Human Resources

No Playing Around with Pay Rates to Avoid Overtime Liability!

"Employers may explore creative ways to reduce staffing costs; however, changing an employee's pay rate to avoid overtime liability is not a legal one, as the U.S. Court of Appeals for the Eleventh Circuit recently emphasized." [Full Article](#)

Shawe Rosenthal LLP



No Fun in the Summertime: Employer Obligations for Preventing Employee Heat Stress

"As summer approaches, employers with employees potentially exposed to high temperatures should ensure that they have taken the necessary steps to protect their employees from heat-related illnesses. Employees who might be exposed to high temperatures include not only employees working outdoors, but also employees working in indoor environments with high temperatures, such as warehouses without air conditioning." [Full Article](#)

Venable LLP

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NLRB Signals Challenge to Noncompete Agreements for Non-Supervisory Workers

“On May 30, 2023, the General Counsel (GC) of the National Labor Relations Board (NLRB) took a step toward the federal regulation of employee noncompetition agreements. The GC published a memorandum (the Memo) in which she expressed her opinion that “the proffer, maintenance, and enforcement of such agreements violate Section 8(a)(1)” of the National Labor Relations Act (the Act).” [Full Article](#)

Greenberg Traurig LLP



The Department of Labor Issues Guidance for Employers Concerning the PUMP Act

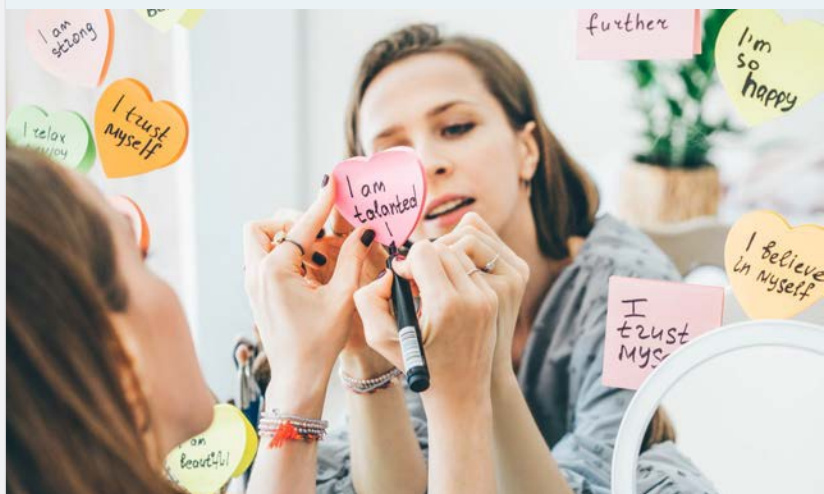
“On December 29, 2022, the Providing Urgent Maternal Protections for Nursing Mothers Act (“PUMP”) was signed into law. PUMP further amends the federal Fair Labor Standards Act (“FLSA”) by extending protections for employees who need to express breast milk at work.” [Full Article](#)

Sheppard, Mullin, Richter & Hampton LLP

The DOL Has A New Website to Provide Workplace Mental Health Resources

“In recognition of Mental Health Awareness Month, the U.S. Department of Labor has announced a new website with resources to assist employers in legal compliance and in creating supportive workplaces.” [Full Article](#)

Shawe Rosenthal LLP



High Times: Marijuana Positivity in Workplace Drug Tests Reaches 25-Year Record

“Impairment and related safety hazards have been disrupting the workplace resulting in lost time, absenteeism, safety hazards, and serious industrial accidents. We track annual positivity test reports from Quest Diagnostics, one of the country’s largest drug testing laboratories.” [Full Article](#)

Seyfarth Shaw LLP

STATE COMPLIANCE UPDATES

ILLINOIS

Illinois Poised to Become Latest State to Mandate Pay Transparency



"On May 17, 2023, House Bill 3129 passed both houses of the Illinois legislature. The bill is expected to be signed into law by Gov. J.B. Pritzker and go into effect on Jan. 1, 2025. Illinois will then join a growing number of states that have enacted or are currently considering pay transparency laws that are intended to address discrimination and eliminate pay disparity." [Full Article](#)

Barnes & Thornburg LLP

OREGON

Oregon to Assess Highest-in-Nation OSHA Penalties of up to \$250,000 Per Violation



"Effective May 24, 2023, Oregon passed a new law (SB 592A) turning its workplace safety penalties on their head, taking Oregon from the state with some of the lowest OSHA penalties to the highest in the country." [Full Article](#)

Seyfarth Shaw LLP

WASHINGTON

New Growth of State and Local Paid Leave Developments in the Evergreen State



"Washington Paid Family and Medical Leave Act has been amended to, among other changes, provide employers with access to claim information that may be helpful in administering concurrent leave and supplemental benefit programs." [Full Article](#)

Little Mendelson P.C.

MINNESOTA

Minnesota Enacts Omnibus Jobs Bill With Major Changes for Minnesota Employers



"The Bill has significant implications for employers with employees in Minnesota and includes numerous changes to Minnesota state law, including a sweeping ban on non-compete agreements; a ban on mandatory employer-sponsored meetings; newly mandated statewide paid sick leave; and expanded protections for parental leave and pregnant employees, among others." [Full Article](#)

Proskauer Rose LLP

NEW YORK

New York City Joins Growing Effort to Ban Body Size Discrimination



"This new law, which goes into effect Nov. 22, adds weight and height as protected classes under the city's Human Rights Law. This law is part of a growing national movement to curtail body size discrimination at work." [Full Article](#)

Phelps Dunbar LLP