

Weekly Digest

• August 8, 2023 •



Human Resources

Pre-Employment Background Checks: Considerations for Employers When Screening Prospective Employees

"Employers commonly conduct background checks on prospective employees in various areas that they may think relevant when deciding whether to hire an individual for a job. Yet, federal, state, and local laws are increasingly regulating and limiting pre-employment background checks to protect prospective employees from perceived unfair or illegal treatment." [Full Article](#)

Venable LLP



Employers – The NLRB Has Just Made Many Common Work Rules Unlawful

"In an unsurprising decision applicable to both unionized and non-union employers, the National Labor Relations Board changed its standard for assessing whether seemingly neutral work rules violate the National Labor Relations Act (NLRA). The Board's decision in **Stericycle, Inc.** applies to challenges to an employer's maintenance of work rules that do not expressly apply to employees' protected activity." [Full Article](#)

Shawe Rosenthal LLP

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State Compliance Updates

OSHA’s New Electronic Reporting Rule Creates New Obligations for Some Employers

“Beginning January 1, 2024, more employers will be required to electronically submit detailed information about their workplace injuries and illnesses to the Occupational Safety and Health Administration (OSHA) every year.” [Full Article](#)

Phelps Dunbar LLP



When Hot is Too Hot: Workplace Safety Considerations for Employers as the Temperatures Climb

“As large sections of the United States continue to experience soaring temperatures for extended periods, employers, especially those with workers in industries prone to heat-related illnesses, should be mindful of certain workplace safety obligations under federal and applicable state law.” [Full Article](#)

K & L Gates LLP

House Committee Debates Changes to Independent Contractor Rule

“During a recent hearing, the U.S. House Education and the Workforce Committee debated the pros and cons of changing the so-called ‘independent contractor’ rule. This rule dictates how to properly classify workers as employees or independent contractors, a distinction that has grown in importance with the steep increase in the independent workforce in recent years.” [Full Article](#)

Hall Benefits Law LLC



USCIS and DHS Announce a Revised Form I-9 and a New Option to Remotely Examine Employees’ Documents

“U.S. Citizenship and Immigration Services (‘USCIS’) has announced that a revised version of Form I-9, Employment Eligibility Verification will be available starting August 1, 2023. The current version can be used through October 31, 2023; however, as of November 1, 2023, only the revised version may be used.” [Full Article](#)

Womble Bond Dickinson LLP

STATE COMPLIANCE UPDATES

CALIFORNIA

Changes in California’s Regulations Regarding Criminal Records Approved



“The California Civil Rights Council previously issued draft revisions to the Fair Employment and Housing Act’s regulations governing inquiries into and consideration of a job applicant’s criminal history in making hiring decisions. On July 24, 2023, the Office of Administrative Law approved the Council’s proposed modifications to the regulations.” [Full Article](#)

Little Mendelson P.C.

NEW YORK

Amendments to New York WARN Act Now in Effect



“Amendments to the New York State Worker Adjustment and Retraining Notification Act (NY WARN Act) that the New York State Department of Labor (NY DOL) adopted in June 2023 are now in effect.” [Full Article](#)

Davis Wright Tremaine LLP

NEW JERSEY

New Jersey Issues New Proposed Regulations on the Temporary Workers Bill of Rights for Comment



“On July 21, 2023, the New Jersey Department of Labor and Workforce Development posted on its website proposed regulations to implement the New Jersey Temporary Workers Bill of Rights. Public comments on the proposal will be accepted until October 20, 2023.” [Full Article](#)

Ford Harrison LLP

COLORADO

Colorado Peculiarities



“The Colorado Protecting Opportunities and Worker’ Rights (POWR) Act was signed into law by Governor Jared Polis on June 6, 2023, and will go into effect on August 7, 2023. The legislation, which amends the Colorado Anti-Discrimination Act, is multifaceted.” [Full Article](#)

Seyfarth Shaw LLP

ILLINOIS

Illinois AG Settles Investigation into Company’s Payment Practices for \$950K



“On July 6, Illinois Attorney General Kwame Raoul announced a \$950,000 settlement concerning the Illinois Wage Payments and Collection Act, marking the conclusion of an investigation into GrapeTree Medical Staffing (GrapeTree), a medical staffing company that operates in 12 states.” [Full Article](#)

Troutman Pepper Hamilton Sanders LLP