



Human Resources WEEKLY DIGEST

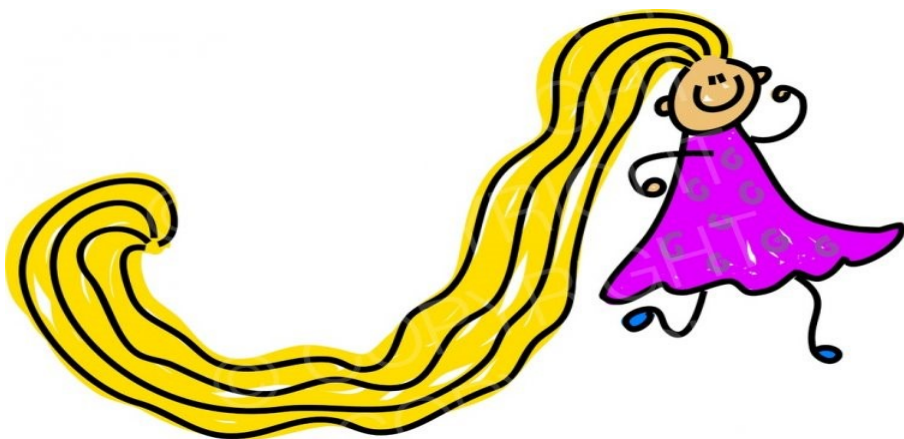
November 6, 2019

WPI Wage Watch: Minimum Wage, Tip, and Overtime Developments

"This October there are no tricks, but there are plenty of treats (assuming you have a sweet tooth for minimum wage, overtime, and tip developments at all levels of government).

Hot Tip (Regulation): The U.S. Department of Labor (DOL) proposed changes to federal Fair Labor Standards Act (FLSA) tip regulations to clarify who can and cannot receive tips of a tipped worker for whom an employer does not claim a tip credit. The proposed changes also outline the proper scope of the DOL's dual jobs regulation and the '20% Rule' involving work done by tip credit employees." [Full Article](#)

Little Mendelson PC



"I Love My Hair" - But Does Corporate America?

"The subject of many songs, skits, and social movements, hair discrimination has become a burning issue across the country. From Sesame Street to India Arie, there have been calls to eradicate the social stigma surrounding natural hair for decades. But now, with recent legislation, politicians are starting to follow these trends. They are going from quietly ignoring anti-natural hair practices to staunchly standing against them."

[Full Article](#)

DLA Piper

In This Digest

WPI Wage Watch: Minimum Wage, Tip, and Overtime Developments

By, Little Mendelson PC

Page 1

"I Love My Hair" - But Does Corporate America?

By, DLA Piper

Page 1

What Does the EEOC Think About Religious Accommodations? It's Spooky!

By, Shawe Rosenthal LLP

Page 2

NLRB Provides Clarity on Confidentiality and Social Media Contract Rules

By, Shawe Rosenthal LLP

Page 2

Another Year, Another Attempt in the U.S. Senate to Ban Non-Competes' Nationwide

By, Seyfarth Shaw LLP

Page 2

Legal Pitfalls and Best Practices During the Hiring Process

By, Foster Swift Collins & Smith PC

Page 2

State & International Compliance

Page 3

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Readers should contact legal counsel for legal advice.

What Does the EEOC Think About Religious Accommodations? It's Spooky!

"In its latest edition of the Digest of EEO Law, the Equal Employment Opportunity Commission included an article entitled, 'Religious Accommodation in the Workplace: An Overview of the Law and Recent Commission Decisions.' Although the article summarizes federal sector decisions, it provides guidance to private employers on the EEOC's overall position on religious accommodations – and (just in time for Halloween) the conclusions are a little scary!" [Full Article](#)

Shawe Rosenthal LLP

NLRB Provides Clarity on Confidentiality and Social Media Contract Rules

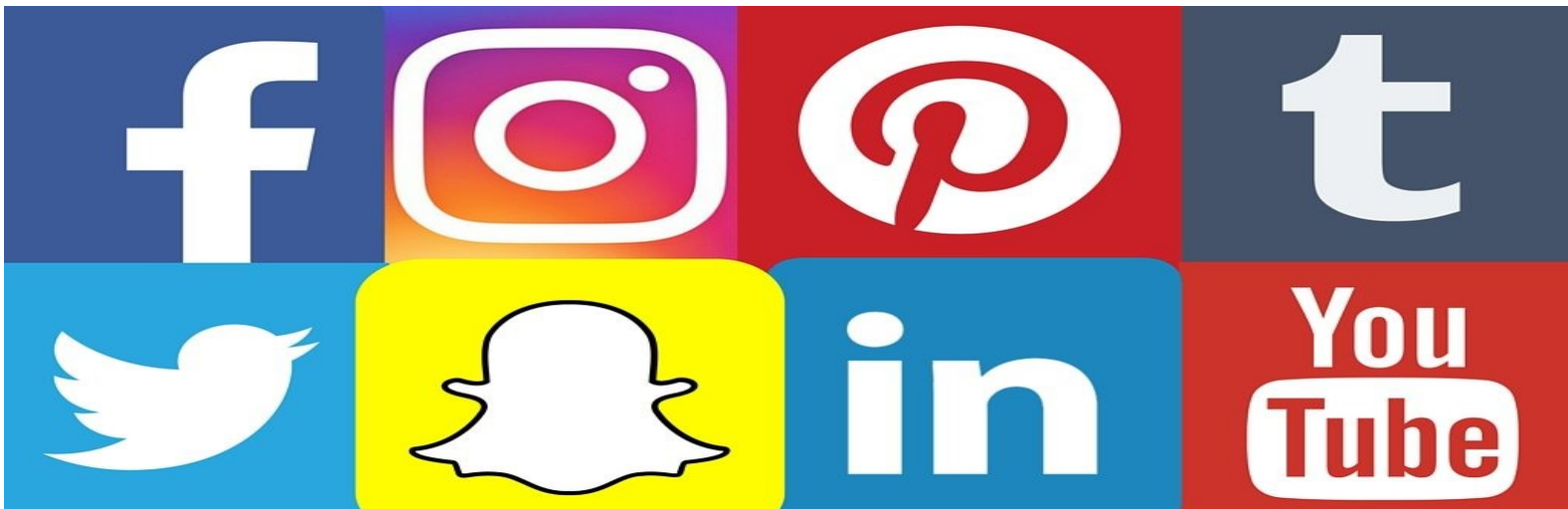
"In *LA Specialty Produce Co.*, the National Labor Relations Board (the Board) applied its *Boeing* framework to an employer's Confidentiality and Social Media Contact rules, finding both to be lawful. As the Board set forth in the 2017 case, *The Boeing Company* (which we discussed in detail in a December 2017 E-Alert), workplace rules are divided into three categories, depending on whether they (1) are lawful, (2) warrant individualized scrutiny, or (3) are unlawful under the National Labor Relations Act." [Full Article](#)

Shawe Rosenthal LLP

Another Year, Another Attempt in the U.S. Senate to Ban Non-Competes Nationwide

"Senators Chris Murphy (D-Conn.) and Todd Young (R-Ind.) have introduced legislation entitled the Workforce Mobility Act ('WMA'). The WMA, like its prior incarnation from last year, seeks to ban non-compete agreements outside of the sale of a business or dissolution of a partnership. The WMA also follows a similar, unsuccessful, attempt by the federal government to limit non-compete agreements on a national scale earlier this year." [Full Article](#)

Seyfarth Shaw LLP



Legal Pitfalls and Best Practices During the Hiring Process

"In today's tight job market, businesses must recruit aggressively to attract talent. However, without a clear and compliant hiring process in place, and well-trained employees to implement the process, an employer's hiring practices can open it up to significant liability." [Full Article](#)

Foster Swift Collins & Smith PC

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STATE & INTERNATIONAL COMPLIANCE

CALIFORNIA

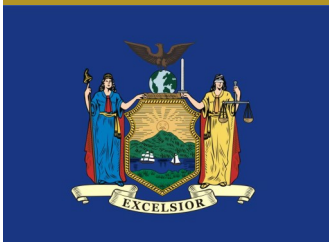


California Extends Organ Donor Leave Under AB 1223

"Currently, state law mandates private employers with 15 or more employees to provide employees 30 days of paid leave in a one-year period when an employee participates in an organ donation. Employers also are required to provide bone marrow donors five days of paid leave." [Full Article](#)

Jackson Lewis

NEW YORK



Enhanced Workplace Protections for Domestic Violence Victims

"Effective November 18, 2019, amendments to the New York State Human Rights Law will provide enhanced protections to employees who are victims of domestic violence. In particular, unless an employee's absence would create an 'undue hardship,' New York employers will be required to provide employees with reasonable time off as an accommodation to obtain domestic violence-related medical treatment, psychological counseling, or legal services." [Full Article](#)

Manatt Phelps & Phillips LLP

CALIFORNIA

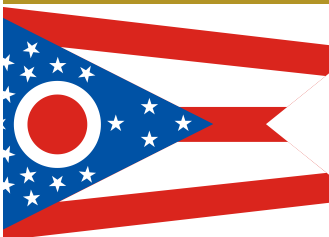


California Employers Watch Out! Legal Minefields for Background Checks

"California's ban-the-box law strictly regulates how employers may obtain and consider background check information when hiring and making personnel decisions. What's more, Los Angeles and San Francisco have their own ban-the-box ordinances. These ordinances and the California Labor Code create a patchwork of rules that put employers at risk when checking whether an applicant has a criminal record." [Full Article](#)

Seyfarth Shaw LLP

OHIO



PTSD Compensation for First Responders without Associated Physical Injury Revisited

"With the recent proliferation of mass shootings and other deadly incidents, several states have taken on the issue of allowing mental and/or emotional impairments caused by post-traumatic stress disorder (PTSD) to be a compensable workers' compensation condition for first responders without the requirement of a physical injury." [Full Article](#)

Dinsmore & Shohl LLP

NEW JERSEY



New Jersey Is About to Take Another Step Towards Eliminating the Use of Independent Contractors by Providing Them with Benefits

"The New Jersey Legislature appears poised to pass S67, the Portable Benefits Act for Independent Contractors, in the upcoming lame-duck session. If passed, the Governor is expected to sign the bill before the end of the year. The bill doubles down the current administration's effort to end misclassification of independent contractors by creating a financial disincentive to utilizing contractors. Though the intent of the bill seems to be directed at online companies such as Uber, Lyft, Amazon, Handy and others, the impact will affect any business that relies on contractors." [Full Article](#)

Ford & Harrison LLP

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