



Human Resources WEEKLY DIGEST

December 4, 2019

Proper FMLA Notice Makes for Informed Employees and Compliant Employers

“A recent federal district court case serves as an important reminder to all employers that an employee is not required to use any magic language to request leave under the Family and Medical Leave Act (FMLA). When an employee requests qualifying FMLA leave, the employer must provide written notice of the employee’s rights and responsibilities, to ensure that employers allow their employees to make informed decisions about leave. Failure to provide the proper notices may constitute interference in violation of the FMLA.” [Full Article](#)

Barnes & Thornburg LLP



The Evolving Landscape of Whistleblower Claims Under Dodd– Frank

“Congress is poised to overturn two recent judicial interpretations of the whistleblower protections of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank). On Sept. 23, 2019, the Whistleblower Programs Improvement Act (WPIA) was introduced in the U.S. Senate. If enacted, the WPIA would overturn the Supreme Court’s decision last year in *Digital Realty Trust, Inc. v. Somers*, 138 S. Ct. 767 (2018).” [Full Article](#)

Kramer Levin Naftalis & Frankel LLP

In This Digest

Proper FMLA Notice Makes for Informed Employees and Compliant Employers

By, Barnes & Thornburg LLP

Page 1

The Evolving Landscape of Whistleblower Claims Under Dodd-Frank

By, Kramer Levin Naftalis & Frankel LLP

Page 1

Democratic Bill Seeks to Classify Graduate Student Workers as Employees Under NLRA

By, Jackson Lewis PC

Page 2

Showing Up to Work: Sixth Circuit Clarifies When Regular, In-Person Attendance is Required Under the ADA

By, Ogletree Deakins

Page 2

Importance of Properly Documenting Workplace Investigations

By, Jackson Lewis PC

Page 2

Employers Beware– How Little I-9 Mistakes Can Add Up to Big Fines

By, Quarles & Brady LLP

Page 2

State & International Compliance

Page 3

This Weekly Digest is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice.

Readers should contact legal counsel for legal advice.

Democratic Bill Seeks to Classify Graduate Student Workers as Employees Under NLRA

“The “Respect Graduate Student Workers Act,” introduced by Representative Mark Pocan (D-Wis.), aims to classify graduate student workers as employees and ensure them “full labor protections” under the National Labor Relations Act (NLRA).” [Full Article](#)

Jackson Lewis PC

Showing Up to Work: Sixth Circuit Clarifies When Regular, In-Person Attendance is Required Under the ADA

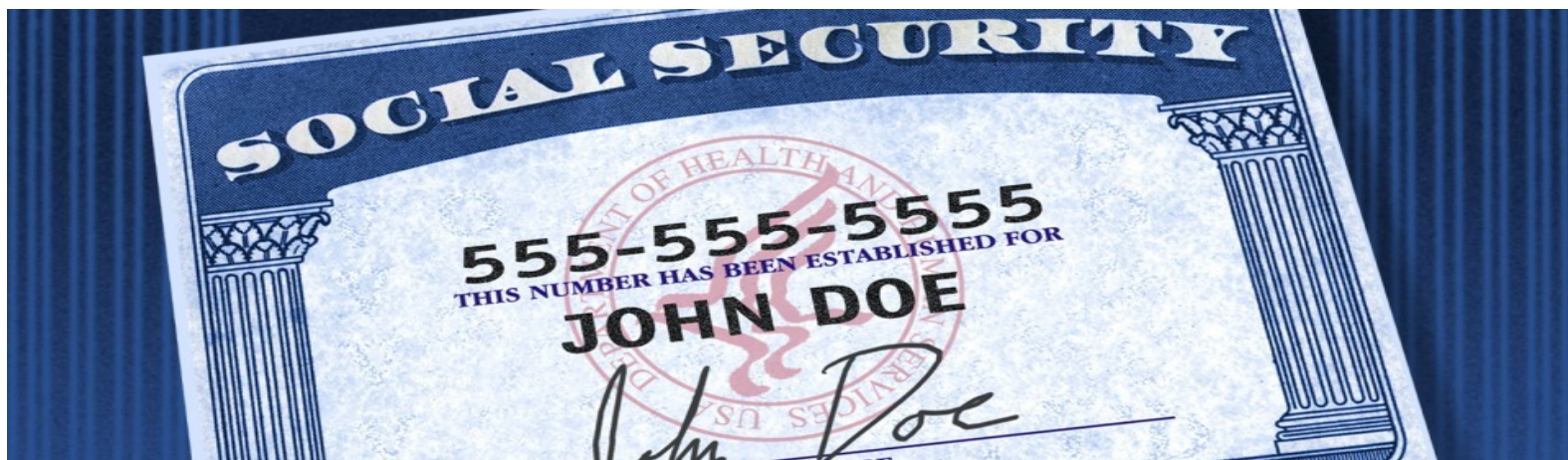
“In *Popeck v. Rawlings Company, LLC*, No. 19-5092 (October 16, 2019), the U.S. Court of Appeals for the Sixth Circuit affirmed summary judgment for the Rawlings Company on Popeck’s claims under the Americans with Disabilities Act (ADA), finding that regular, in-person attendance was an essential function of Popeck’s job as a claims auditor. The Sixth Circuit’s decision is noteworthy because it sheds light on how courts determine whether on-site attendance is required under the ADA.” [Full Article](#)

Ogletree Deakins

Importance of Properly Documenting Workplace Investigations

“A recent decision from the U.S. Court of Appeals for the Sixth Circuit upholding termination of a state trooper for “hitting on” female drivers during traffic stops and breaching his Last Chance Agreement highlights the importance for employers to document investigations into employee misconduct and the reasons for any resulting discipline – or non-discipline.” [Full Article](#)

Jackson Lewis PC



Employers Beware — How Little I-9 Mistakes Can Add Up to Big Fines

“Immigration compliance and Form I-9 record-keeping requires diligence by employers because lapses present significant risks of fines and may trigger potential inspections.” [Full Article](#)

Quarles & Brady LLP

This Weekly Digest is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice.

Readers should contact legal counsel for legal advice.

STATE & INTERNATIONAL COMPLIANCE

CALIFORNIA



How to Respond to Active Shooters in a Retail Establishment

“Even before “active shooter” became a mainstay in today’s discussions, workplace violence has long been a concern in the corporate world. The Occupational Safety and Health Administration (OSHA) defines workplace violence as “any act or threat of physical violence, harassment, intimidation, or other threatening disruptive behavior that occurs at the work site.” [Full Article](#)

Morgan Lewis & Bockius LLP

NEW YORK



Reproductive Health Law Necessitates Handbook Revisions

“New York state employers, it’s time to dust off and update your employee handbooks again. Earlier this month, Governor Andrew Cuomo signed a law that protects employees against discrimination on the basis of their reproductive health decision-making. The law, which mirrors a recent bill passed by New York City lawmakers, also requires that employers in the state provide notice of the law in their employee handbooks/manuals.” [Full Article](#)

Reed Smith LLP

ILLINOIS



General Assembly Passes Amendments to Recreational Cannabis Law That Help Reduce Employer Liability

“The Illinois General Assembly passed SB 1557, revising the language of the Recreational Cannabis Law to reduce but not completely eliminate employer liabilities.” [Full Article](#)

Seyfarth Shaw LLP

NEW YORK



Paid Family Leave Law: Are You Prepared for 2020?

“New York state employers, it’s time to dust off and update your employee handbooks again. Earlier this month, Governor Andrew Cuomo signed a law that protects employees against discrimination on the basis of their reproductive health decision-making. The law, which mirrors a recent bill passed by New York City lawmakers, also requires that employers in the state provide notice of the law in their employee handbooks/manuals.” [Full Article](#)

Proskauer Rose LLP

PENNSYLVANIA



E-Verify to be Required for All Construction Companies

“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](#)

Green and Spiegel LLC

This Weekly Digest is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice.

Readers should contact legal counsel for legal advice.