

# Weekly Digest

• March 5, 2024 •

Human Resources

## Firing Employees Enters A New Era: From Private Dismissals to Global Online Audiences; Employment Attorney Offers Tips on Safe, Sensitive Dismissals

"Did the employee who taped her video conference firing – which subsequently went viral – go too far? ... The real issue is not whether the employee should not have shared the tape, or even whether the discharge was justified, but how the employer handled the discharge in the first place. In this world of instant media, employers need to be aware that firing an employee is now often a spectator sport." [Full Article](#)

*Nemeth Bonnette Brouwer P.C.*



## When Employers Are Sorry

"Sometimes their attorneys have to tell them that, yes, as a matter of fact, they did mess up. Yes, they do have legal exposure. And, yes, they may lose on that charge or lawsuit. The damage is done, so what can an employer do?" [Full Article](#)

*Constangy, Brooks,  
Smith & Prophete LLP*

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## It's Protected: NLRB Finds "Black Lives Matter" Insignia on Employee Uniform Constitutes Protected Activity Under Circumstances

"In a 3-1 decision, held that an employee's display on their work uniform of 'BLM,' an acronym for Black Lives Matter, constituted protected concerted activity under Section 7 of the National Labor Relations Act ("Act"). Accordingly, the NLRB reversed an Administrative Law Judge ("ALJ") decision, and found that the employer (Home Depot) violated Section 8(a)(1) of the Act by directing the employee to remove the BLM insignia because it violated the company's uniform policy." [Full Article](#)

*Proskauer Rose LLP*



## 3 Key Risks When Using AI for Performance Management & Ways to Mitigate Them

"Artificial intelligence tools are fundamentally changing how people work. Tasks that used to be painstaking and time-consuming are now able to be completed in real-time with the assistance of AI. Many organizations have sought to leverage the benefits of AI in various ways." [Full Article](#)

*Jackson Lewis P.C.*

## Work is Where the Tax is: Navigating the "Convenience of the Employer" Rule (US)

"Teleworking has been at the forefront of work-life-balance conversations and has become an increasingly popular option for employees. Not only did it make sense for most, but it called into question the true commitment required to pay for a higher cost of living, particularly when several cities saw increases in state and local taxes over the past few years." [Full Article](#)

*Squire Patton Boggs*



## Proposed Regs Would Ban Federal Contractors From Requesting Salary Information, Require Job Postings to Include Comp Information for Contract Jobs

"The Federal Acquisition Regulation Council, through its constituent agencies issued proposed regulations that would prohibit federal government contractors and subcontractors "from seeking and considering information about a job applicant's compensation history when making employment decisions for certain positions." [Full Article](#)

*Constangy, Brooks,  
Smith & Prophete LLP*

# STATE COMPLIANCE UPDATES

## CALIFORNIA

### California Imposes New Workplace Violence Prevention Mandate



"Governor Gavin Newsom signed SB 553 into law, creating a new layer to California employers' existing injury and illness prevention programs (IIPP). Under SB 553, employers are required to implement a workplace violence prevention plan (WVPP) no later than July 1, 2024, to provide training to employees regarding the WVPP and to keep records of workplace violence incidents." [Full Article](#)

*McDermott Will & Emery*

## SOUTH CAROLINA

### New Reporting Requirements for South Carolina Employers



"South Carolina employers that employ at least one person in the state have for many years been required to file quarterly reports with SCDEW. New this year, however, employers must also include in those quarterly reports the SOC for each position, along with employee names, social security numbers, number of hours worked, and wages." [Full Article](#)

*Jackson Lewis P.C.*

## TEXAS

### Texas Federal Judge Puts Brakes on Pregnant Workers Fairness Act



"The PWFA was passed by Congress in late 2022, as part of the Consolidated Appropriations Act of 2023, to provide 'reasonable accommodations' to a worker's known limitations related to pregnancy, childbirth or related medical conditions, unless the accommodation will cause the employer an 'undue hardship.'" [Full Article](#)

*Phelps Dunbar LLP*

## WASHINGTON

### Washington Employers Now Have Greater Access to PFML Leave Information for Employees



"With the recent implementation of Senate Bill 5586, employers now have greater access to information about employee PFML leave requests and approvals, which will help bridge the information gap that has made it difficult to navigate leaves since the program's inception." [Full Article](#)

*Davis Wright Tremaine LLP*

## ILLINOIS

### Illinois' Genetic Information Privacy Act—The Next Big Thing?



"Illinois has become a focal point for privacy litigation, thanks in large part to the Biometric Information Privacy Act (BIPA), which has been the subject of numerous class action lawsuits. However, another Illinois privacy law, the Genetic Information Privacy Act (GIPA), has begun to attract attention from plaintiffs' attorneys, raising concerns for employers across the state." [Full Article](#)

*Taft Stettinius & Hollister LLP*