

# Weekly Digest

• March 19, 2024 •

Human Resources

## Reasonable Accommodation is Not Required to Go Beyond Essential Job Functions

"Because the request to waive an educational requirement for a pay increase would not enable the employee to do his essential job functions, the U.S. Court of Appeals for the Seventh Circuit found that the employer was not obligated to provide a reasonable accommodation." [Full Article](#)

*Shawe Rosenthal, LLP*

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## That's A Wrap! CDC Reduces Recommended COVID-19 Isolation Period

"The Centers for Disease Control and Prevention announced that it is updating its COVID-19 guidance and is no longer recommending that individuals who test positive for COVID-19 isolate for five days. The agency is recommending a new, "unified approach" to respiratory viruses, including not only COVID-19 but also flu and respiratory syncytial virus (RSV)." [Full Article](#)

*Littler Mendelson P.C.*

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## The EEOC's Plan to Root Out Pregnancy Discrimination in the Workplace

"Remember last year when we repeatedly posted about the Pregnant Worker Fairness Act (PWFA) and the PUMP Act telling you that the EEOC was going to have pregnancy discrimination on its radar? Recent activity from the EEOC suggests we were right. Last week the EEOC issued two press releases about its lawsuits involving pregnancy discrimination claims, which make clear they are focused on pregnancy discrimination in the workplace." [Full Article](#)

*Bradley Arant Boult Cummings, LLP*



## "It Wasn't Me": When Respondents Deny Everything and Give You Nothing

"In the course of a workplace investigation, it is not unusual to encounter a respondent who simply denies the allegations, without offering any further information or explanation. While a simple denial may sometimes be a sufficient response to an allegation, there are instances where there is seemingly more to the story than what the respondent is offering." [Full Article](#)

*Rubin Thomlinson, LLP*

## Top Issues Employers Should Consider Before Using AI Recruiting Tools

"AI presents opportunities for employers to streamline the hiring process, but it can also lead to added risks. Businesses considering using AI tools in recruiting should start by addressing data privacy and bias monitoring concerns." [Full Article](#)

*Phelps Dunbar, LLP*



## Wage and Hour Watch: Regular Rate of Pay Primer for Employers

"The regular rate of pay is an often misunderstood provision of the Fair Labor Standards Act (FLSA), and one that is easy to violate for those unaware. Since the pandemic, we have seen an uptick in collective action lawsuits alleging overtime wage violations based upon failure to properly calculate the regular rate of pay" [Full Article](#)

*Barnes & Thornburg LLP*

# STATE COMPLIANCE UPDATES

## CALIFORNIA

### Cal/OSHA Publishes Model Plan and Guidance for Complying with Workplace Violence Prevention Law



"Last year, California's Governor signed Senate Bill (SB) 553, which requires all employers to establish, implement, and maintain an effective Workplace Violence Prevention Plan (WVPP). The law takes effect on July 1, 2024. Cal/OSHA is responsible for enforcing the requirements of SB 553, now codified at California Labor Code Section 6401.9." [Full Article](#)

*Jackson Lewis P.C.*

## ILLINOIS

### Reminder: Illinois Equal Pay Registration Certificate Deadline Approaching



"The Illinois Equal Pay Act ("IEPA") was previously amended to require private businesses with more than 100 employees in Illinois to obtain an Equal Pay Registration Certificate ("EPRC") by March 23, 2024, and every two years thereafter." [Full Article](#)

*Proskauer Rose, LLP*

## UTAH

### Utah Enacts New #MeToo-Inspired Law Related to Confidentiality Clauses



"Utah joins the growing list of states, including California, New Jersey and New York, enacting their own #MeToo-inspired laws prohibiting confidentiality clauses regarding sexual misconduct. The #MeToo movement seeks to limit confidentiality requirements that would prevent information about serial sexual harassers from reaching potential victims." [Full Article](#)

*Littler Mendelson, P.C.*

## OHIO

### Columbus, OH, Salary History Ban Goes Into Effect March 1, 2024



"Starting March 1, 2024, the City of Columbus ordinance banning inquiries into an applicant's salary history goes into effect. This ordinance applies to all employers with 15 or more employees within Columbus. Employers that violate the ordinance could face civil fines of up to \$5,000." [Full Article](#)

*Jackson Lewis P.C.*

## MASSACHUSETTS

### MCAD Publishes Proposed New Guidelines on Harassment in the Workplace



"Believe it or not, the Massachusetts Commission Against Discrimination has never issued any formal guidance about harassment in the workplace other than sexual harassment. And its current guidelines on sexual harassment have not been updated for more than six years. All of that is about to change." [Full Article](#)

*Skoler Abbott P.C.*