

# Weekly Digest

• September 5, 2023 •

Human Resources

## Fifth Circuit Makes it Easier for Employees to Assert Title VII Claims Against Employers

"The full U.S. Court of Appeals for the Fifth Circuit recently broadened the scope of actionable adverse employment actions that can serve as the basis for a discrimination lawsuit."

[Full Article](#)

*Phelps Dunbar LLP*



## National Labor Relations Board Significantly Alters Union Election Process

"On Aug. 24 and 25, 2023, the National Labor Relations Board (NLRB) issued new regulations and a decision, which together overturn decades of precedent and represent a sea change in the union election process." [Full Article](#)

*McGuire Woods LLP*

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## EEOC Releases 2022-26 Strategic Plan Highlighting Agency Priorities Regarding Employment Discrimination

"On August 22, 2023, the Equal Employment Opportunity Commission ('EEOC') unveiled its four-year Strategic Plan for Fiscal Years 2022-2026 that it will use as a framework to advance its goals of preventing and remedying employment discrimination." [Full Article](#)

*Proskauer Rose LLP*



## Arizona Federal Court Latest to Hold Judicial Approval of Individual FLSA Settlements is Not Required

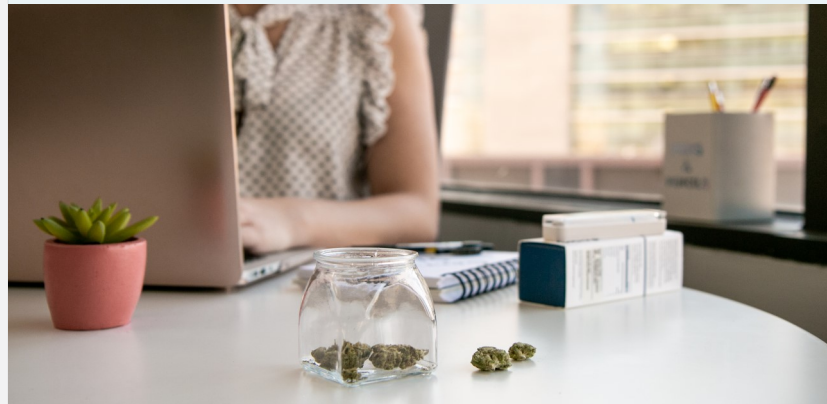
"A federal district court in Arizona held this week that courts are not required – or even authorized – to grant judicial approval of settlement agreements resolving individual claims brought under the Fair Labor Standards Act (FLSA), joining a growing number of courts calling into question the notion that private FLSA settlements require review and approval by either a court or the U.S. Department of Labor (DOL)." [Full Article](#)

*Jackson Lewis P.C.*

## OSHA Says Workplace Violence Injuries are Work-Related, Even When Sustained Outside the Workplace

"To increase enforcement concerning workplace violence incidents, OSHA published a Standard Interpretation Letter concluding injuries resulting from workplace violence are recordable, even if the incident occurs outside of the workplace." [Full Article](#)

*Seyfarth Shaw LLP*



## Right to Reef? The Growing Number of State and Local Laws Addressing Off-Duty Marijuana Use by Employees

"Few areas of the law have evolved more quickly than the quagmire of federal, state, and local laws governing employee use of marijuana. Although cannabis remains a Schedule I drug under the federal Controlled Substances Act, more than two-thirds of all states have legalized medical marijuana. More than 20 states permit adults who are 21 or older to purchase and consume cannabis products recreationally." [Full Article](#)

*Venable LLP*

# STATE COMPLIANCE UPDATES

## OREGON

### Oregon's PFML Program is Going Live Soon - What Employers Need to Know



"Eligible employees may receive benefits under Oregon's paid family and medical leave (PFML) program starting September 3, 2023 . . . This advisory provides a brief overview of PFML program basics, explains recent changes to PFML and related laws, and highlights some key considerations to help employers navigate this new program." [Full Article](#)

*Davis Wright Tremaine LLP*

## NEW YORK

### Reminder: New York State Pay Transparency Obligations Take Effect Sept. 17



"Employers are reminded that the New York State Pay Transparency Law goes into effect Sept. 17, 2023. Covered employers in New York State will have new pay transparency obligations related to job advertisements." [Full Article](#)

*Jackson Lewis P.C.*

## FLORIDA

### Inching Forward Toward Potential Clarification of Florida's Individual Freedom Act (the "Stop W.O.K.E." Law)



"On August 24, 2023, over a year after Florida's Individual Freedom Act (IFA) (commonly referred to as the 'Stop-W.O.K.E.' law) went into effect, and about one year after a Florida federal court partially enjoined the new law, a three-judge panel for the U.S. Court of Appeals for the Eleventh Circuit Court heard argument in Florida's attempt to dissolve the injunction and allow the law to go forward unimpeded." [Full Article](#)

*Littler Mendelson P.C.*

## COLORADO

### Colorado Expands Paid Sick Leave



"On Aug. 7, 2023, Colorado expanded employee rights to additional uses of paid and protected sick leave with the addition of new categories for which employees can use sick leave." [Full Article](#)

*Brownstein Hyatt Farber Schreck LLP*

## MAINE

### Maine Enacts Expansive Paid Family and Medical Leave Law



"The law (as amended prior to enactment), which will cover all employers with one or more employees working in Maine, establishes a state-managed program whereby employers and employees will contribute to a paid Family and Medical Leave Insurance Fund (the 'Fund')." [Full Article](#)

*Proskauer Rose LLP*