

Weekly Digest

• November 28, 2023 •

Human Resources

What Employers Need to Know About the White House's Executive Order on AI

"President Joe Biden recently issued an executive order devised to establish minimum risk practices for use of generative artificial intelligence ("AI") with focus on rights and safety of people, with many consequences for employers." [Full Article](#)

*Sheppard, Mullin,
Richter & Hampton LLP*



Managing Outside Investigators—Best Practices for Employers

"When workplace misconduct, whistleblowing or harassment is at issue, employers commonly turn to outside investigators to help ensure an unbiased investigation that will withstand challenge in future litigation. Engaging an investigator who is an attorney helps ensure that the investigation file and report will be protected by attorney client privilege." [Full Article](#)

Jackson Lewis P.C.

In This Digest

PAGE 1

What Employers Need to Know About the White House's Executive Order on AI

By, Sheppard, Mullin, Richter & Hampton LLP

Managing Outside Investigators—Best Practices for Employers

By, Jackson Lewis P.C.

PAGE 2

NLRB Delays Effective Date of "Joint Employer" Regulation Until Late February

By, Constangy, Brooks, Smith & Prophete LLP

Addressing Workplace Harassment: Insights into EEOC's Proposed Enforcement Guidance

By, Bradley Arant Boulton Cummings LLP

NLRB and OSHA to Enhance Enforcement Cooperation

By, Hunton Andrews Kurth LLP

Training Repayment Agreements Remain Under Federal Scrutiny

By, Jackson Lewis P.C.

PAGE 3

State Compliance Updates

NLRB Delays Effective Date of “Joint Employer” Regulations Until Late February

“The National Labor Relations Board announced Thursday that it was delaying the effective date of its new joint employer regulations from the original December 26 (end of next month) to February 26, 2024. The Board asserts that the date was extended “to facilitate resolution of legal challenges with respect to the rule.” According to a Board announcement, a notice of the extension will soon be published in the Federal Register.” [Full Article](#)

Constangy, Brooks, Smith & Prophete LLP



NLRB and OSHA to Enhance Enforcement Cooperation

“The National Labor Relations Board (NLRB) and the Occupational Safety Health Administration (OSHA) recently signed a Memorandum of Understanding (MOU) to coordinate investigations and enforcement actions between the two agencies. The MOU is the latest step by OSHA to blur the lines between workplace safety law and labor law, and could result in more workplace citations from OSHA or unfair labor practice charges filed with the NLRB.” [Full Article](#)

Hunton Andrews Kurth LLP

Addressing Workplace Harassment: Insights into EEOC’s Proposed Enforcement Guidance

“The Equal Employment Opportunity Commission recently introduced proposed enforcement guidance aimed at further clarifying and strengthening measures against harassment in the workplace. The 144-page guidance outlines strategies and policies the EEOC believes are necessary to prevent and address workplace harassment based on any protected status (i.e., race, gender, national origin, disability, religion, age, and genetic information).” [Full Article](#)

Bradley Arant Boult Cummings LLP



Training Repayment Agreements Remain Under Federal Scrutiny

“Training repayment agreements (TRA) are a tool for retaining employees after they received employer-paid training. Generally, a TRA requires an employee to repay an employer for the costs of training if the employee leaves employment before a set period of time. Several federal agencies are scrutinizing their legality.” [Full Article](#)

Jackson Lewis P.C.

STATE COMPLIANCE UPDATES

NEW YORK

New York Employers Beware: New Employment Laws Are in Effect and On the Horizon



"New York lawmakers have been busy enacting a number of laws and regulations in 2023 that impose new requirements on employers, several of which have recently taken effect. New York employers may need to update their policies, agreements, and practices to comply with the new laws, as summarized below." [Full Article](#)

Covington & Burling LLP

ILLINOIS

Chicago Employers Must Provide Employees 10 Days of Paid Time Off Starting Jan. 1, 2024



"On Nov. 9, 2023, the Chicago City Council passed the Chicago Paid Leave and Paid Sick and Safe Leave Ordinance, requiring Chicago employers to double the amount of paid time off employees currently receive. In addition to 40 hours of paid sick leave, Chicago employers must now provide an additional 40 hours of paid leave per year to be used for any purpose." [Full Article](#)

Taft Stettinius & Hollister LLP

MICHIGAN

Michigan's Right-to-Work Repeal Now Effective Mid-February



"Employees may be required to financially support unions in Michigan a bit sooner than originally anticipated. For the past decade, employees in Michigan could not be forced by union contracts to join or financially support any labor organization as a condition of employment. The Michigan legislature became the first state in almost 60 years to repeal its right-to-work law earlier this year." [Full Article](#)

Barnes & Thornberg LLP

CALIFORNIA

California Expands its Ban on Noncompetes



"Noncompete agreements have long been void under California Business and Professions Code § 16600. Now, Senate Bill (SB) 699 and Assembly Bill (AB) 1076 intensify California's prohibition of such agreements and create a private right of action for employees whose agreements include restrictive covenants." [Full Article](#)

Vorys, Sater, Seymour and Pease LLP

WASHINGTON

Washington's Minimum Wage Increases January 1, 2024—Here's Everything Employers Should Know



"Washington's minimum wage will increase to \$16.28 per hour beginning January 1, 2024, according to the Washington State Department of Labor and Industries (L&I). Several cities in Washington will require even higher increases." [Full Article](#)

Davis Wright Tremaine LLP