



Workplace Law Update: 10 Essential Items on Your April To-Do List

Insights

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It's hard to keep up with all the recent changes to labor and employment law, especially since the law always seems to evolve at a rapid pace. In order to ensure you stay on top of the latest changes and have an action plan for compliance, here is a quick review of some critical developments we tracked in March and a checklist of the essential items you should consider addressing in April and beyond.

Watch for Labor Department's new overtime rule. More of your employees may be eligible for overtime pay under a new rule that is likely to be finalized in April and could take effect soon. The White House budget office recently announced that it is reviewing the rule, which is the final step before it is shared with the public. [Here's an eight-step action plan to help you prepare as the rule is finalized.](#)

Prepare for new OSHA rule impacting worksite walkthroughs. OSHA announced a final rule on March 29 that will allow workers to designate a union representative to accompany an OSHA inspector during a facility walkaround — regardless of whether the representative is your employee or the facility is a union shop. [Here's what you need to know ahead of the anticipated May 31 effective date.](#)

Stay tuned for updates on NLRB's halted joint-employer rule. In an eleventh-hour decision, a federal court judge in Texas just struck down the Labor Board's controversial joint employer rule right before it was set to take effect on March 11. While employers will once again be left to navigate an uncertain future while the court

battles wage, [we have a blueprint to guide you through the tumultuous times ahead.](#)

Get ready for EEO-1 portal to open. Covered employers will have to turn over workforce demographic data to federal regulators between April 30 and June 4. [Here's what you need to know about filing your 2023 EEO-1 Component 1 data this year and the five steps you'll want to take ahead of the approaching deadline.](#)

Keep an eye on pending AI legislation. At least two proposed bills pending before the New York State Legislature would force employers to conduct bias audits and provide high levels of transparency if they use AI-fueled automated employment decision tools for employment decisions. In California, lawmakers want to rein in artificial intelligence – and that means employers and businesses need to step up and pay attention. You can read more about these developments [here](#) and [here](#).

Revise your corporate compliance programs as DOJ incentivizes cooperation. A Department of Justice official spoke on March 7 about several new programs incentivizing companies to self-report misconduct and offering monetary rewards to whistleblower employees whose tips on foreign corruption, financial crimes, and other misconduct lead to asset forfeitures. [Click here for six practical tips on how you can create solid programs to help weed out misconduct.](#)

Prepare to certify that your affirmative action plans are compliant. If you're a federal contractor or subcontractor, you should note that the OFCCP will open the certification portal for the third annual cycle on April 1 — and supply and service contractors and subcontractors will have until July 1 to submit their required certification. [Here's what you need to know about your compliance obligations for 2024.](#)

Note key takeaways from employer win in union pension case. A federal appeals court ordered a Teamsters pension fund to return approximately \$2 million in withdrawal liability payments to an employer that had stopped contributing in 2005. The case is remarkable because the court ruled against the Teamsters pension fund by relying on a legal principle normally invoked by pension funds to extract additional contributions from employers. [Here's everything you need to know about the case and what you should take away from it.](#)

Prepare for some form of California indoor heat illness rule to take effect. California workplace safety officials adopted an indoor heat illness rule despite state objections, leaving employers confused as things get sorted out. You should spend this limbo period familiarizing yourself with the proposed rule so you are ready for compliance before this summer. [Here's a recap of what happened and what you can expect next.](#)

Review sweeping changes to Oregon's leave laws. Governor Kotek signed a bill into law on March 22 harmonizing Oregon's overlapping and confusing set of leave laws. While this latest effort may simplify compliance, it expands both the total amount of leave employees may take and the circumstances under which they take it. [Click here for the key employer takeaways and a five-step action plan.](#)

We will continue to monitor developments related to all aspects of workplace law. Make sure you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information. If you have questions, contact your Fisher Phillips attorney.

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