

# WORKPLACE LAW UPDATE: 10 ESSENTIAL ITEMS ON YOUR APRIL TO-DO LIST

Insights  
Apr 1, 2024

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.** If your employees may be eligible for overtime pay under a new rule that is likely to be finalized in April and take effect soon. The White House budget office recently announced that it is reviewing the rule, which is the first time before it is shared with the public. [Here's an eight-s 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 28 that will allow workers to designate a union representative to accompany an OSHA inspector during a facility walkthrough — regardless of whether the representative is your own or the facility is a union shop. [Here's what you need ahead of the anticipated May 31 effective date.](#)

## Related People



**Sheila M. Abron**

Partner

803.740.7676



**Nazanin Afshar**

Partner

818.230.4259

Stay tuned for updates on NLRB’s halted joint-emp rule. In an eleventh-hour decision, a federal court in Texas just struck down the Labor Board’s controversial employer rule right before it was set to take effect on 11. While employers will once again be left to navigate uncertain future while the court battles wage, [we have a blueprint to guide you through the tumultuous times](#)

Get ready for EEO-1 portal to open. Covered employers 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 Compliance data this year and the five steps you’ll want to take as the approaching deadline.](#)

Keep an eye on pending AI legislation. At least two bills pending before the New York State Legislature force employers to conduct bias audits and provide 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 pay attention. You can read more about these developments [here](#) and [here](#).

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

Prepare to certify that your affirmative action plan is 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 all service contractors and subcontractors will have 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 pay case. A federal appeals court ordered a Teamsters pension fund to return approximately \$2 million in withdrawn payments to an employer that had stopped contribu



**Steven M. Bernstein**

Regional Managing Partner  
and Labor Relations Group  
Co-Chair

813.769.7513



**Amanda M. Blair**

Associate

212.899.9989



**Kathleen McLeod Caminiti**

Partner and Co-Chair, Wage  
and Hour Practice Group

908.516.1062

2005. The case is remarkable because the court ruled against the Teamsters pension fund by relying on a 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 do away from it.](#)



**Michael D. Carrouth**

Partner

[803.255.0000](tel:803.255.0000)

— **Prepare for some form of California indoor heat illness rule to take effect.** California workplace safety officials issued an indoor heat illness rule despite state objections, leaving employers confused as things get sorted out. You will spend this limbo period familiarizing yourself with the proposed rule so you are ready for compliance before summer. [Here's a recap of what happened and what to 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 sick leave laws. While this latest effort may simplify compliance, it expands both the total amount of leave employees are entitled to and the circumstances under which they take it. [Click here for the key employer takeaways and a five-step action plan.](#)



**Robert C. Christenson**

Partner

[404.240.4256](tel:404.240.4256)

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.



**J. Micah Dickie**

Partner

[404.260.3419](tel:404.260.3419)



**Benjamin M. Ebbink**

Partner

916.210.0400



**Usama Kahf, CIPP/US**

Partner

949.798.2118

---

## **Service Focus**

AI, Data, and Analytics

Consumer Privacy Team

Corporate Compliance and  
Governance

Counseling and Advice

Employee Benefits and Tax

Employee Leaves and  
Accommodations

Government Contracting,  
Compliance, and Reporting

Government Relations

**Labor Relations**

**Privacy and Cyber**

**Wage and Hour**

**Workplace Safety**

---

**Industry Focus**

**PEO**

---

**Resource Hubs**

**AI Governance Hub**