

TAYLOR SWIFT'S NEW ALBUM IS ALMOST HERE: WHAT WOULD HER SONGS BE ABOUT IF SHE WORKED IN HUMAN RESOURCES?

Insights
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When Taylor Swift revealed the track list for “The Tortured Poets Department” – a new album she’ll release on April 19 – fans immediately began theorizing about what might have inspired each song. While your #FPSwifties live for Taylor’s songwriting, we will imagine a world in which Taylor is just like us, working a regular office job. If she worked in a company’s human resources department, what stories would she write and sing about? We’ll use five of her upcoming album’s song titles to address some of the day-to-day issues that affect employers and their HR departments.

“Fortnight” (Track 1): Legal Considerations When Employees Give Two Weeks’ Notice

When employees resign, they often notify their employers at least two weeks (a *fortnight* if you’re poetic) before their last day – though no federal or state law requires it. When this happens, you suddenly have a laundry list of tasks to handle. You’ll want to ensure a smooth exit from personal and professional standpoints, and you may need to start looking to hire a replacement. And there are legal considerations, too. Here are some examples:

- **Final Paycheck.** Most states require employers to issue an employee’s final paycheck within a certain timeframe – which might be different from the usual payroll schedule. Some states’ final paycheck laws provide different timing requirements depending on whether the employee **quit** or was **fired**. And compliance can get even more complicated if you have employees who receive commissioned-based pay. Failure to timely pay an employee’s final wages can

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subject the employer to penalties, interest, and other costs

- **Continuation of Health Coverage.** As most employers know, the Consolidated Omnibus Budget Reconciliation Act of 1985 (COBRA) is a federal law that requires employers of a certain size to offer temporary continuation of group health coverage in certain situations. Termination of employment is one qualifying event – even when the termination is voluntary. When an employee quits or resigns, COBRA coverage may continue for 18 months after the date of the loss of coverage.
- **Honoring the Notice Period.** You may be tempted to ask an employee to leave immediately once they give a resignation notice. While no laws prohibit you from doing so (assuming that the employee is at-will and does not have a contract stating otherwise), you should weigh any benefits of letting them go with any risks of converting their departure into an involuntarily termination. For example, if you force the employee out, they may become eligible for unemployment insurance benefits that they likely would not have qualified for if they had quit or resigned.
- **Trade Secrets.** Even the most amicable employee exits may necessitate you taking steps to protect the company’s confidential and proprietary information if the individual had access to it. We previously covered [how to mitigate the risk of trade secret misappropriation in the face of layoffs](#) (but these tips can apply to voluntary terminations, too) and [how to protect your trade secrets without an agreement](#).

“So Long, London” (Track 5): Unique Challenges of Remote Workforces

Taylor’s “track 5” songs are notoriously vulnerable – and what issue has totally shaken up HR operations in recent years? The rise of remote work. Tracking where work is being performed and ensuring multi-jurisdiction compliance raises unique questions on legal issues and strategic objectives. For example:

- When your company needs to reduce its workforce, can you lay off remote workers first? We previously covered [four key factors you should consider when facing RIFs](#).



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- How should you handle international remote work requests? We previously covered [“digital nomad visas” and how employers should evaluate these requests.](#)
- Do pay transparency laws at state and local levels apply to applicants and employees working remotely from other jurisdictions? It’s complicated. Last year, New York attempted to [address remote work questions related to its pay transparency law.](#)
- Should you monitor remote workers – and how far should you take it if you do? We previously covered the [pros and cons of using employee tracking tools.](#)

“Fresh Out The Slammer” (Track 7): Keeping Up with Ban-the-Box Laws

Taylor’s discography includes several songs about committing crimes – just listen to “Getaway Car” from *Reputation* or “No Body No Crime” from 2020’s *Evermore*. If her confessions in those songs were true and she had a criminal record to show for it, she might have a hard time obtaining an office job. But many states and localities have “ban-the-box” laws to give individuals who have criminal records a fair chance when applying for a job.

For example, California’s “Fair Chance Act” prohibits employers from asking about an applicant’s criminal history until after a conditional offer of employment has been made, and last year [the state rolled out new regulations that expanded employers’ compliance obligations.](#) And [Chicago expanded its protections last year for those with criminal histories,](#) including by prohibiting employers from inquiring or using an arrest record as a basis for employment decision. (Using Taylor’s lyrics to demonstrate, a Chicago employer could not refuse to hire her based on any arrest record for whatever she did to Este’s husband...)

Make sure you are familiar with the ban-the-box laws applicable to you and adjust your job applications and hiring processes accordingly.

“Florida!!!” (Track 8): Recent Updates Impacting Employers in the Sunshine State

A recent uptick in Florida workplace law developments calls for three exclamation points. Here’s a few of the latest updates:

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- Effective July 1, Florida will **relax work restrictions for minors** who are at least 16 years old. We previously covered this [new child labor law](#).
- Two recent court rulings made it easier for Florida employees to bring **workplace bias claims**. We previously covered [how Florida employers can reduce the risk of trial](#).
- Another recent court ruling serves as a lesson for employers seeking to avoid an **unintended joint-employer relationship**. Here's a [five-step roadmap for avoiding joint employer troubles](#).

"I Can Do It with a Broken Heart" (Track 13): Revamping Workplace Romance Policies

While Taylor – the self-appointed "Chairman" of The Tortured Poets Department – is promoting her album with an *"all's fair in love and poetry"* message, this might not be a great motto for the workplace. If Taylor instead led an HR department, she would be remastering the company's workplace romance policies (#TaylorsVersion).

We recently covered the [key points employers should consider when updating these policies](#) – including the fact that when workplace relationships end, the ex-lovers may need to continue working together post-breakup. Even if they can do it with a broken heart, the whole situation could negatively impact employee morale and lead to serious claims against the company.

Conclusion

As we eagerly wait for the new album to drop, we will monitor any developments you need to know about – whether you work for the Poets Department or an HR department – and provide updates as warranted. Make sure that you are subscribed to [Fisher Phillips' Insight System](#) to get the most up-to-date information directly to your inbox. If you have further questions, contact your Fisher Phillips attorney or the authors of this Insight.