

WORKPLACE LAW UPDATE: 12 ESSENTIAL ITEMS ON YOUR MAY 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 April and a checklist of the essential items you should consider addressing in May and beyond.

— **Support your employees during Mental Health Awareness Month.** Recent statistics reveal that employees across industries are now more susceptible to stress, burnout, and depression at work than they were pre-pandemic. [Click here for a week-by-week guide to bolster your employee efforts in May and throughout the year.](#)

— **Get ready for the new federal overtime rule.** The DOL announced on April 23 that the salary threshold for the so-called "white-collar" exemptions will rise from \$35k to \$44K on July 1 and will jump to nearly \$59k at the start of 2025 – which means your workers will need to earn this new threshold to even be considered exempt from overtime pay under the white-collar exemptions. [Learn more about your top 10 considerations ahead of the effective date.](#)

— **Create a compliance plan for new pregnancy accommodation regulations.** A finalized rule released by the EEOC on April 15 will require employers to accommodate pregnant applicants and workers who need time off or other accommodations for an abortion procedure or recovery. This is one of the most significant of several key developments covered in the final regulations that will soon govern the federal pregnancy accommodation law that took effect last year. [Click here for the top eight things you need to](#)

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_____ **Plan for federal rule banning most non-compete agreements.** While the rule, which was announced 23, is not slated to take effect until August and is already being challenged in court — which could derail it or altogether — you may not want to wait to start prep [Here is an overview of the final rule and a five-step you to consider.](#)

_____ **Review new EEOC workplace harassment guidance LGBTQ+ workers and more.** The EEOC's enforcement guidance on harassment in the workplace was updated April 29 for the first time in 30 years to adapt existing standards to the modern workplace. [Click here for the biggest takeaways for employers and next steps should consider taking now.](#)

_____ **Update HR policies and training material in light of ruling in job transfer case.** An employer's decision to transfer an employee to a lateral job — with no change or benefits — may violate federal civil rights law in some situations if it's based on discriminatory reasons, according to an April 17 SCOTUS decision. [Here's what the ruling for employers.](#)

_____ **Prepare for new OSHA rule impacting worksite walkthroughs.** OSHA's final rule takes effect May 31 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 shop is a union shop. [Click here for what you need to know of the effective date.](#)

_____ **Track sweeping new federal data privacy law proposal review workplace AI implications.** A bipartisan group of federal lawmakers unveiled a sweeping proposal to pass the nation's first data privacy law and hand a significant amount of power to consumers. Significantly, a provision that would disrupt the use of artificial intelligence in the workplace is buried deep in the proposal. Here are [1 you need to know about the proposal](#) and [the workplace implications.](#)

_____ **Watch for AI legislation.** Employers that use artificial intelligence — and developers that create AI systems — will be subject to extensive new laws under several bills introduced by federal legislators. [Click here for the 1 employers should care about most.](#)

_____ **Keep up with the latest Labor Board trends.** A new representation process installed by the National Labor Relations Board unsurprisingly led to an astronomical increase in election petitions filed in the first half of



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2024. [Here are three important takeaways and a few practices](#) related to new data the Board released on Employers should also review their handbooks and workplace conduct policies in light of [a new development April 8](#) that could greatly expand the penalties for unfair labor practice charges.

_____ **Act now to comply with California’s pay data reporting rules.** The deadline for covered employers in the state to report your 2023 pay data is May 8 – and there is no grace period. [Click here for a simple three-step plan for compliance.](#)

_____ **Plan for key updates in New York State.** State lawmakers recently finalized the 2024-2025 budget, and it was approved on April 20. It ushers in three significant updates impacting employers in the Empire State, while some proposed employment-related measures did not come to fruition. [Here’s a breakdown of what you need to know.](#)

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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