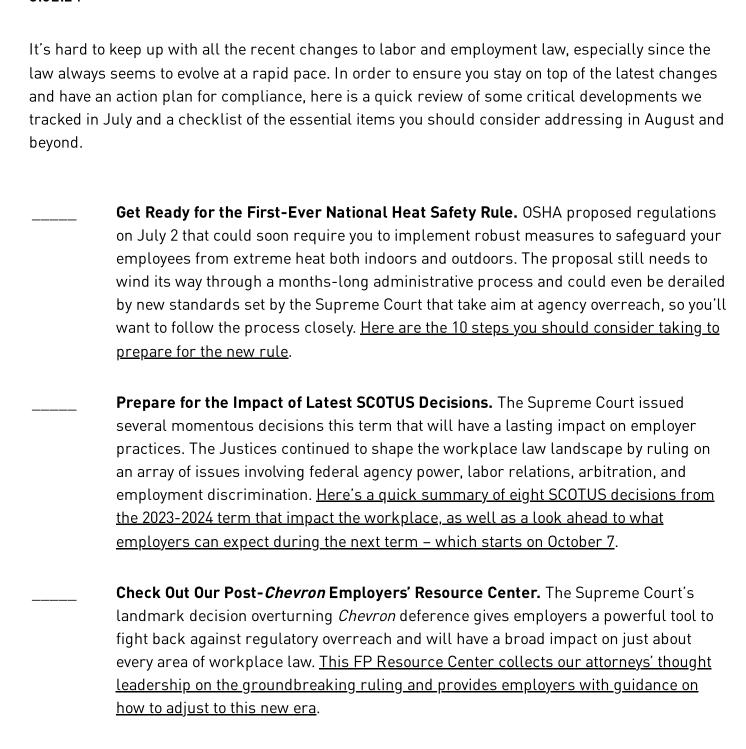


Workplace Law Update: 10 Essential Items on Your August To-Do List

Insights 8.02.24



Track Lawsuits Challenging Non-Compete Ban. The FTC recently finalized a rule that will soon han most non-competes nationwide. As the Sentember & effective date

WILL SOUN DAN MOSE NON-COMPELES NAUVINVIUE. AS THE SEPTEMBEL 4 ENECTIVE WALE

approaches, you'll want to track the lawsuits seeking to block the rule. These suits have caused employers a bit of confusion:

- While a Texas court temporarily blocked enforcement, the July 3 ruling applies only
 to the five entities in the suit, which means nothing has changed quite yet for the
 rest of employers around the country.
- In a conflicting opinion on July 23 in a separate lawsuit, <u>a Pennsylvania court</u> refused to temporarily block the rule against anyone at all, rejecting the employer's argument that it's an improper exercise of the FTC's authority.
- But there's still a chance that the Texas court or a Florida court in yet another challenge to the rule could halt enforcement before the effective date. The Texas court has promised a final ruling by August 30, and the Florida decision could come down any day this month, so stay tuned.

In the meantime, you'll want to prepare for the rule to take effect as planned. <u>Click here for a series of frequently asked questions about all aspects of the rule</u>.

Stay Ahead of the Al Curve After Latest Deepfake Scam. A prominent cybersecurity training company just fell victim to an increasingly common scam when it hired a remote worker who turned out to be a North Korean cybercriminal that used Al deepfake tools to fake his identity and infiltrate the organization. Here are the 10 things you can do to ensure you don't fall for the same scam.

Ensure Compliance with California's New Indoor Heat Illness Rule. In a surprise move, California's new heat illness standard for indoor work areas took effect on July 23 (it was expected to take effect on August 1). The new rule applies to all indoor work areas where the temperature reaches 82 degrees. This presents numerous challenges for California employers, particularly for warehouses, distribution centers, restaurants, and manufacturing plants where indoor temperature cannot be readily controlled. Here's what you need to know about the new rule and the steps you should take to comply.

Don't Let Your Guard Down Even After Labor Board Dropped Joint Employer Rule.

The controversial joint employer rule that would have made it far easier for workers to be considered employees of more than one entity is dead once and for all, since the NLRB dropped its appeal on July 19. But you can now expect the Board to turn up the pressure through aggressive investigations, unfair labor practice charges, enforcement actions, and through exercise of its traditional decision-making authority in an attempt to reshape this area of law without formal rulemaking. Here's what you should do to prepare for these turbulent times ahead.

Monitor Your USCIS Account for New H-1B Selections in Second Lottery. Federal
immigration officials just announced on July 30 that they are gearing up to conduct a second round of H-1B selections to ensure all slots for the FY 2025 cap are filled. If you
receive new selections, you will be notified and given the greenlight to proceed with H-
1B sponsorship for candidates not chosen in the first lottery. Here are the top four
things you need to know and what you should do now.
Keep Up with New Trends on Pay Transparency and Pay Data Reporting. Here are the most recent developments to track on this hot topic:

- Governor Healey signed a sweeping bill into effect on July 31, making Massachusetts the 11th state to mandate pay transparency by requiring employers to disclose salary ranges. You can read more here about the new law.
- Additionally, a bill proposed on July 18 in the New York City Council would amplify pay equity and transparency efforts by requiring employers with 25 or more employees who work within the five boroughs to comply with stringent pay and demographic data reporting rules. Here's what employers need to know about the proposal.
- Moreover, the federal government announced on July 5 that it wants large employers nationwide to share employee pay data again. The federal proposal faces significant obstacles, but it's a good idea to track this development. <u>Click here for</u> <u>five pointers to keep in mind as you stay tuned for updates</u>.

Stay Compliant with the California Consumer Privacy Act (CCPA). A July 16 board meeting of state officials revealed that the California agency responsible for overseeing the state's landmark consumer privacy law received over 2,000 complaints for alleged violations in the past year alone – and provided a glimpse into what its enforcement priorities will be in the year ahead. Here is what businesses need to know to avoid getting caught in the enforcement crosshairs – and three steps you can take to put yourself in the best position.

Conclusion

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

Related People

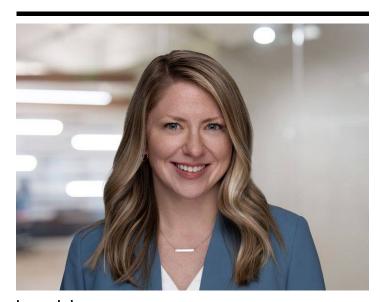




Edwin G. Foulke, Jr. Partner 404.240.4273 Email



Robin Repass Partner 202.978.3084 Email



Lauren Laing



Richard R. Meneghello Chief Content Officer 503.205.8044 Email



Lisa Nagele-Piazza



Benjamin M. Ebbink Partner 916.210.0400 Email



Braden Lawes



Rick Grimaldi Partner 610.230.2136 Email



Jonathan Crook



Michael P. Elkon Partner 404.240.5849 Email



Risa B. Boerner, CIPP/US, CIPM



Lauren Frisch Partner 404.240.4275 Email



Sean Kingston



Andrew J. Sommer Partner 213.330.4487 Email



Abby H. Putzulu



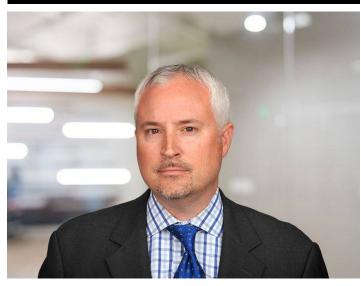
Sophia Botti Associate 213.402.9570 Email



David J. Walton, CIPP/US



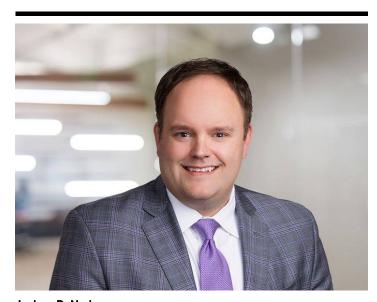
Steven M. Bernstein Regional Managing Partner and Labor Relations Group Co-Chair 813.769.7513 Email



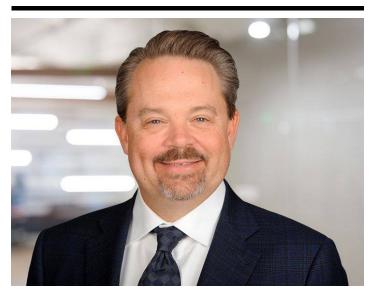
Sheldon J. Blumling



Todd A. Lyon Partner 503.205.8095 Email



Joshua D. Nadreau



John M. Polson Chairman & Managing Partner 949.798.2130 Email



Brian J. Coughlin



Madison Keller Associate 617.532.6936 Email



Monica Snyder Perl

_



Melissa Camire Partner 212.899.9965 Email



Sarah Wieselthier



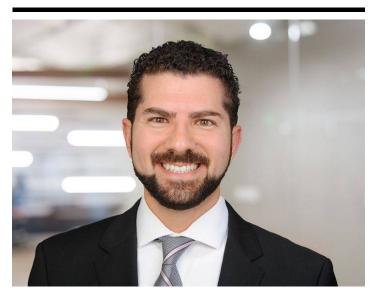
Sheila M. Abron Partner 803.740.7676 Email



Megan C. Winter



Darcey M. Groden, CIPP/US Associate 858.597.9627 Email



Usama Kahf, CIPP/US

Service Focus

Counseling and Advice

Workplace Safety and Catastrophe Management

Litigation and Trials

Employee Defection and Trade Secrets

Government Relations

AI, Data, and Analytics

Privacy and Cyber

Labor Relations

Immigration

Pay Equity and Transparency

Employment Discrimination and Harassment

Affirmative Action and Federal Contract Compliance

Consumer Privacy Team

Industry Focus

PEO Advocacy and Protection