Human Resources
WEEKLY DIGEST

June 18, 2019

Supreme Court Holds EEOC Charge is Not a Jurisdictional Prerequisite to Title VII Court Action

On June 3, 2019, the U.S. Supreme Court ruled that a federal court has jurisdiction over a Title VII action notwithstanding the plaintiff’s failure to exhaust administrative remedies by filing a charge with the Equal Employment Opportunity Commission (EEOC). Fort Bend County, Texas v. Davis, No. 18-525 (U.S. June 3, 2019). Title VII’s administrative exhaustion requirement remains a “mandatory claims processing rule,” and a plaintiff who fails to comply will face dismissal of his or her Title VII claims absent waiver or forfeiture by the defendant. Full Article

Winston & Strawn

Updated Poster for Contractors & Subcontractors

The Office of Federal Contract Compliance Programs has announced updates to the National Labor Relations Act rights poster that federal contractors and subcontractors are required to display under Executive Order 13496. Nonetheless, government contractors and subcontractors should replace their current poster with the updated one, available here. Full Article

Shawe Rosenthal

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This Weekly Digest is not intended to be exhaustive nor should any discussion or opinions be construed as legal advice. Readers should contact legal counsel for legal advice.
Three Tips to Investigate Harassment Complaints When You Are Not “the Employer”

The proposed rules published by the National Labor Relations Board and the U.S. Department of Labor indicate it may be more difficult, going forward, for employees and former employees to establish the existence of a joint employer relationship between a hospital and its vendors, but the rules are not final yet. Employers are in a challenging situation when it comes to investigating allegations of harassment that occur in a potential joint employer relationship. Full Article

Jackson Lewis

Does Your Company Have a Heat Policy? Have You Even Heard of Such a Thing?

The concept of a heat policy is pretty straightforward. Its purpose is to protect employees who are working in environments where heat can present a health and safety issue, or where it can negatively impact employee productivity. This issue can arise in outdoor environments in certain parts of the world, as well as indoors within facilities that operate equipment that generates significant heat. Full Article

Vinson & Elkins

Planning for DOL’s Overtime Rules in a Tough Labor Climate

On March 7, 2019, the U.S. Department of Labor announced its proposed regulations on overtime that would render more than 1 million new workers eligible for overtime pay. Coupled with a historically tight labor market, this new rule has the potential to place even greater strain on employers already struggling to attract and retain new talent for their respective workforces. Full Article

Fisher Phillips

They’re Back…SSA “No-Match” Letters

In March 2019, the Social Security Administration (“SSA”) resumed the practice of sending “No-Match Letters” to those employers who the SSA identified as having at least one name and social security number (“SSN”) combination submitted on a wage and tax statement (Form W-2) that did not match its SSA records. Full Article

Leech Tishman
STATE & INTERNATIONAL COMPLIANCE

Illinois

**Illinois Marijuana Legalization: Initial Impact on Employers**
On May 31, 2019, the Illinois General Assembly approved the Illinois Cannabis Regulation and Tax Act (the Cannabis Act), legalizing recreational marijuana use by adults in Illinois starting Jan. 1, 2020. Governor Pritzker is expected to sign the legislation into law imminently. [Full Article](#)

Washington

**Washington Paid Family & Medical Leave Act: What Employers Need to Know**
Washington employers are likely aware of Washington Paid Family & Medical Leave Act ("PFMLA") and the recently passed amendments, but they may have some lingering questions. This post seeks to answer those questions to ensure employers are in compliance and remain in compliance when benefits begin January 1, 2020. [Full Article](#)

Oregon

**New Oregon Law Requires Employers to Remind Departing Employees of Their Non-Compete Obligations**
Pursuant to a recently passed state law (HB 2992), non-compete agreements entered into on or after January 01, 2020 will only be enforceable against Oregon employees if the employer provides the departing employee with a signed copy of the agreement within 30 days after the termination. [Full Article](#)

Maryland

**Maryland Joins Bandwagon: Bans Non-Competes for Low Wage Workers**
Maryland has become the latest state to revise its noncompetition law to clamp down on the practice and further restrict the types of workers permitted to be bound by such restrictive covenants. On May 25, 2019, SB 328 officially became law in Maryland, prohibiting employers from entering into noncompetition agreements with employees who earn equal to or less than (1) $15 per hour or (2) $31,200 annually. [Full Article](#)

Nevada

**Paid Leave Soon to be the Law in Nevada**
Nevada Governor Steve Sisolak has announced his intent to sign Senate Bill No. 312, which will require, for the first time, that Nevada private-sector employers provide employees with up to 40 hours of paid leave per benefit year. Although originally styled as “sick leave” legislation, the final bill as enrolled requires that paid leave be made available to employees to be used for any reason. With limited exceptions, employers with 50 or more employees must provide paid leave to their employees in proportion to the number of hours worked. [Full Article](#)