What Does President Trump's Executive Order on Combating Race and Sex Stereotyping Mean for Government Contractors?

“On September 22, 2020, President Trump signed Executive Order 13950, Combating Race and Sex Stereotyping (the “EO”), which seeks to “combat offensive and anti-American race and sex stereotyping and scapegoating,” and end so-called “divisive concepts” covered in some of these workplace trainings. The EO establishes requirements aimed at “promoting unity in the Federal workforce,” by prohibiting messages in workplace trainings that imply “an individual, by virtue of their race or sex, is inherently racist, sexist or oppressive, whether consciously or unconsciously.”

Full Article

Employers Grapple with Workers’ Off-Duty Behavior

“Employees gathering with friends, expressing their political views and posting about these things on social media have created for employers an increasingly urgent question: When the people engaging in unsafe or politically charged behavior are your employees, and the conduct happens off the clock, is it appropriate or even possible to discipline them?”

Full Article

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State & International Compliance Updates
Deadline Approaching to Submit Comments on DOL Proposed Independent Contractor Rule

“The U.S. Department of Labor (“DOL”) recently released a proposed rule seeking to clarify independent contractor vs. employee status under the Fair Labor Standards Act (“FLSA”). The proposed rule seeks to simplify the “economic realities” test currently applied by federal courts in various forms. “The Department’s proposal aims to bring clarity and consistency to the determination of who’s an independent contractor under the Fair Labor Standards Act,” Secretary of Labor Eugene Scalia explained in the DOL’s news release.” Full Article

Hunton Andrews Kurth

Inclusivity and High Performance Begins with Psychological Safety

“A workplace where employees believe they can speak up candidly with ideas, questions, and concerns, and even make mistakes without fear of reprisal or adverse repercussions, contributes to inclusivity and can improve performance. In such a work environment, employees feel comfortable asking questions, admitting what they do not know, or expressing their work-relevant thoughts and feelings. This construct is called psychological safety.” Full Article

Jackson Lewis

COVID-19 Related Litigation Surges: What Employers Can Do To Minimize Exposure

“The much-anticipated surge of COVID-19 pandemic-related litigation has begun. As the pandemic continues to lay siege to the United States economy, claimants’ lawyers and government agencies have begun setting their sights on employers. In early May, we blogged here, predicting an uptick in a variety of claims, including those relating to workplace safety, discrimination in furlough and termination decisions, disability issues, leave issues, and wage and hour issues.” Full Article

Akerman

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.
Federal Court Finds Pennsylvania’s Medical Marijuana Act Contains Implied Private Right of Action

"On September 25, 2020, the U.S. District Court for the Eastern District of Pennsylvania became the first federal court in the Third Circuit to rule that Pennsylvania’s Medical Marijuana Act (MMA) allows an employee to bring a private lawsuit against his or her employer for taking an adverse employment action “solely on the basis of such employee’s status as an individual who is certified to use medical marijuana.” Full Article

Ogletree Deakins

Michigan Agency Continues to Issue Emergency Health Orders and Guidance on Face Coverings and Gatherings

“In light of the Michigan Supreme Court’s October 2, 2020 order nullifying over 100 of the governor’s COVID-19 executive orders, the Michigan Department of Health and Human Services (MDHHS) continues to issue health-related orders to protect Michigan residents.” Full Article

Littler Mendelson P.C.

New California Law Expands Supplemental Paid Sick Leave Requirements

“On September 9, 2020, Governor Gavin Newsom signed Assembly Bill (“AB”) 1867 into law, expanding California’s supplemental paid sick leave requirements for employers with 500 or more employees nationwide and creating two new sections of the California Labor Code.” Full Article

Vedder Price

D.C. Mandates on Workplace Posting and Notices, as well as Sexual Harassment Training and Reporting, Finally to Take Effect

“As we reported in our October 2018 E-Update, the District of Columbia had enacted a law imposing certain notice and posting requirements for all employers and broad new training and reporting obligations for employers of tipped workers.” Full Article

Shawe Rosenthal

New York State Paid Time Off for Voting Law Update

“With election day fast approaching, New York State employers should ensure that they are ready to comply with § 3-110 of the New York State Election Law (“Law”)...However, in 2019, § 3-110 was amended to essentially entitle employees to three hours of paid time off to vote, regardless of how much time they had to vote before their workday began or after it ended.” Full Article

Phillips Lytle