Pros and Cons of Limiting Political Activity in the Workplace

“While the 2020 general election is now behind us, politics are still on a lot of people's minds. For some employees, their passion for politics are not put on hold when they arrive at work. Here, we explore what employers can and cannot do when it comes to regulating employee political activity.”  

Full Article

Hall Benefits Law

DOL Issues COVID-19-Related Guidance Regarding Whether Overtime Payments Based on Expected Hours Worked are Credited for Overtime

“In Opinion Letter FLSA2020-20, the Department of Labor’s Wage and Hour Division (WHD) provided guidance on paying overtime to live-in caregivers who work shifts of more than 24 hours based on an expected number of hours worked, and whether these overtime payments can be excluded from the regular rate and credited for overtime.”  

Full Article

Hall Benefits Law

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.
Please, Please, Please Use Common Sense When Responding to an Employee's Request for a Reasonable Accommodation

“This case is a good example of just how expensive it can be when we don’t. The Plaintiff in this case, Mr. Burnette, worked in a call center for Ocean Properties. The call center was located in the clubhouse of a golf club. (Sounds a little sketchy right off the bat.) The public entrance to the club house, which Mr. Burnette had to use, had two heavy, wooden doors that pulled outward and then automatically closed. The area leading to the doors had a slight, downward slope away from the doors. Mr. Burnette was a paraplegic who used a wheelchair, and he had a very difficult time opening the doors by himself without rolling down the slope. In fact, after complaining several times and asking Ocean Properties to install push-button automatic doors, Mr. Burnette injured his wrist while trying to get through the doors by himself.” Full Article

Breazeale, Sachse, & Wilson, LLP

IRS Clarifies PPP Loans, Retention Credit Wage Reporting Rules

“When March 1, the Internal Revenue Service (IRS) issued Notice 2021-20, which provides updated guidance on the Employee Retention Tax Credit (ERTC) as it applies before Jan. 1, 2021. The ERTC was first enacted on March 27, 2020, pursuant to Sec. 2301 of the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). It provided eligible employers with a refundable tax credit up to $5,000 per employee, for qualified wages paid from March 13, 2020, through Dec. 31, 2020. The provision was extended and expanded by Secs. 206 and 207 of the Consolidated Appropriations Act of 2021 (CAA), which was signed into law Dec. 27, 2020.” Full Article

Brownstein Hyatt Farber Schreck
STATE & INTERNATIONAL COMPLIANCE

ILLINOIS

Illinois Legislature Seeks to Limit Use of Restrictive Covenants

"Two bills were recently introduced in the Illinois legislature that seek to limit or preclude the use of restrictive covenants for Illinois employers. First, on February 19, 2021, the Illinois House of Representatives introduced House Bill 3066, which seeks to eliminate the use of non-competition and non-solicitation restrictive covenants against Illinois employees unless certain salary thresholds and notice requirements are met. Second, on February 22, 2021, the Illinois House of Representatives introduced House Bill 3449 (accessible here), which also seeks to amend the Illinois Freedom to Work Act.” 

Full Article

NEW JERSEY

Legalized Recreational Cannabis and the New Jersey Workplace - What Employers Need to Know

“New Jersey Governor Phil Murphy signed legislation on February 22 enabling the constitutional amendment to legalize adult recreational use of cannabis and a companion decriminalization bill. Each law has significant employment implications, including a requirement in the enabling legislation that employers procure a "Workplace Impairment Recognition Expert” to conduct physical evaluations to determine marijuana use and impairment in the workplace.”

Full Article

MISSOURI

Missouri Employer Had Just Cause To Terminate Union Employee Who Tested Positive For Marijuana, Despite Lack of Workplace Impairment

“An employee’s personal use of CBD oil and marijuana did not cause impairment at work. Virbac Corporation and International Brotherhood of Electrical Workers, Local 1, (January 10, 2020) (Horn, Arb.).”

Full Article

CALIFORNIA

California Supreme Court: Employee Time Punches Are Presumptive Evidence of Meal Period Compliance

“California’s Supreme Court issued an opinion today that will likely further increase employers’ risk of class action lawsuits arising out of meal periods. California law has many traps for unwary employers. This most recent decision is a reminder for employers of both the need to remain vigilant in this area and to expect continued expensive class litigation.”

Full Article

NEW YORK

New York Workers’ Compensation Board Announces New C-8.1 and C-8.4 Forms

“On occasion, the New York Workers’ Compensation Board issues general policy statements to provide updates on procedure and legal updates. As part of the CMS-1500 requirements, the Board recently addressed the soon-to-be-effective updates to the C-8.1 and C-8.4 forms—pending their elimination when OnBoard goes live.”

Full Article