

# Weekly Digest

• June 15, 2021 •

Human Resources

## A Revised Post-Coronavirus Return to Work Checklist

"This checklist is designed to help employers navigate difficult and complex legal issues surrounding COVID-19 vaccines, a protocol for physical return to worksite, and whether updates are needed for employee-sponsored benefit plans. Because employment policies should be specifically tailored to your business and operational needs, the checklist includes important concepts to keep in mind when preparing a physical return to work plan, critical components and considerations for vaccine policy and the most recent guidance from the EEOC." [Full Article](#)

**Cozen O'Connor**



## Spring into Summer and Fall Minimum Wage, Tipped and Exempt Employee Pay Increases

"Minimum wage laws can affect businesses of all sizes, whether operating nationwide, in multiple jurisdictions, or only in one state, county, or city. To help manage this challenge, below we provide, essentially, a rates-only update that details scheduled state-and local-level wage increases throughout the summer and fall of 2021 so employers can determine the minimum amount they must pay non-exempt, tipped, and certain exempt employees." [Full Article](#)

**Littler Mendelson P.C.**

## In This Digest

### PAGE 1

#### A Revised Post-Coronavirus Return to Work Checklist

*By, Cozen O'Connor*

#### Spring into Summer and Fall Minimum Wage, Tipped, and Exempt Employee Pay Increases

*By, Littler Mendelson P.C.*

### PAGE 2

#### Chronic Considerations: Employment Implications of Marijuana Legalization

*By, Venable LLP*

#### OSHA Issues New Guidance for Protecting Unvaccinated or Otherwise At-risk Workers from Exposure to COVID-19

*By, Haynes & Boone*

#### Beat the Bots: Employer Risk in Delegating Hiring Practices to Artificial Intelligence- A Dilemma Worth Solving

*By, Adams & Reese LLP*

#### Ready or not, back to the workplace we might go...

*By, Jackson Lewis*

### PAGE 3

#### State & International Compliance Updates

## Chronic Considerations: Employment Implications of Marijuana Legalization

"Marijuana use is legal in seventeen states and the District of Columbia, and an additional nineteen state allow its use for medical reasons. Ten years ago, marijuana was not legal in any state. The brisk pace of marijuana legalization at the state level raises significant questions about the enforcement of workplace drug policies, especially where those policies are required by federal law. At the federal level, marijuana is still illegal, is still covered by the Drug-free Workplace Act, and is still prohibited under the Department of Transportation testing requirements." [Full Article](#)

**Venable LLP**



### Beat the Bots: Employer Risk in Delegating Hiring Practices to Artificial Intelligence—A Dilemma Worth Solving

"As the hiring market surges in the post COVID-19 world, companies may be tempted to automate hiring systems by adopting artificial intelligence (AI), freeing up human resources professionals to engage with candidates at a higher level. After the European Commission's April 12, 2021 proposed legal framework for AI, it is time for U.S. labor and employment and data privacy lawyers to address the looming issues AI use poses domestically when used for hiring purposes." [Full Article](#)

**Adams and Reese LLP**

### OSHA Issues New Guidance for Protecting Unvaccinated or Otherwise At-risk Workers from Exposure to COVID-19

"On June 10, 2021, OSHA updates its COVID-19 guidance from January 29, 2021. In its updated guidance, OSHA recognizes that unless otherwise required by federal, state, local, tribal, or territorial laws, rules and regulations, most employers no longer need to take steps to protect fully vaccinated workers who are not otherwise at-risk from COVID-19 exposure. Thus, the updated guidance focuses only on protecting unvaccinated or otherwise at-risk workers in their workplaces (or well-defined portions of workplaces)." [Full Article](#)

**Haynes & Boone LLP**



### Ready or not, back to the workplace we might go...

"Before the pandemic hit, remote work was, in most cases, a thing of the future. Concern about the productivity of the remote workers caused many employers to resist these arrangements. Employees they thought, would rather be taking care of laundry or kids than taking care of their duties. Enter COVID-19—and most employers around the world were left without a choice: life threw remote work upon them and it became—in most instances—their only alternative." [Full Article](#)

**Jackson Lewis**

# STATE & INTERNATIONAL COMPLIANCE

## CALIFORNIA



### California Workers Can't Ditch Masks Just Yet

"On June 3, 2021, California's Occupational Safety & Health Standards Board approved controversial amendments to the Emergency Temporary Standards ("ETS") related to COVID-19. If approved by the Office of Administrative Law within the 10 day review period, the new ETS will require (among many other things) most California workers (whether or not they are vaccinated) to continue to wear face masks." [Full Article](#)

*Proskauer Rose*

## MASSACHUSETTS



### Massachusetts COVID-19 Emergency Paid Sick Leave

"Massachusetts Governor Charlie Baker recently signed legislation requiring employers to provide COVID-19 emergency paid sick leave ("COVID-19 EPSL") to employees who are unable to work for COVID-19-related reasons. In this post, we summarize and answer some frequently asked questions." [Full Article](#)

*Mintz*

## NEW JERSEY



### You've Been WARNed! Amendments to the New Jersey WARN Act May soon Go Into Effect

"On January 21, 2021, New Jersey Governor Philip Murphy signed into law sweeping amendments to the New Jersey WARN Act, which could soon become the most expansive business closing/mass-layoff notification law in the nation and the first to impose mandatory severance pay to affected employees." [Full Article](#)

*Lewis Brisbois*

## PENNSYLVANIA



### Pennsylvania's Living Donor Protection Act Provides FMLA Leave for Organ Donating Surgery

"Beginning June 26, 2021, Pennsylvania's Living Donor Protection Act (the "LDPA") will provide time off to organ and tissue donors to cover time off for donation surgery, including necessary preparation and recovery." [Full Article](#)

*Epstein Becker Green*

## COLORADO



### Colorado Joins Coalition of States Expanding Antidiscrimination Laws to Include Protections for Gender Identity and Gender Expression

"On May 20, 2021, Colorado Gov. Jared Polis signed into law HB21-1108, known as the Gender Identity Expression Anti-Discrimination Act (the Act). The Act updates Colorado's nondiscrimination provisions applicable to individuals seeking protection on the basis of "sexual orientation" including by adding the terms "gender expression" and "gender identity" to 48 areas of state law." [Full Article](#)

*Baker & Hostetler*