

Weekly Digest

• September 21, 2021 •



Human Resources

Occasional Contacts Are Permitted During an Employee's FMLA Leave

"While employees are on extended FMLA leaves, there may be occasions where the employer needs to contact them, such as for operations-critical information or to proceed with normal or significant disciplinary matters that should not wait until the conclusion of the leave. Employers can contact those employees without violating the FMLA – but should be careful to ensure that such contacts are kept to a minimum." [Full Article](#)

Shawe Rosenthal



Facing Your Face Mask Duties - A List of Statewide Orders

"Governors and public health officials across the country implemented stringent mitigation measures to help contain the spread of COVID-19. As COVID-19 case rates fluctuate, face coverings remain popular as a preventative measure. Numerous jurisdictions have encouraged—or mandated—citizens to wear face coverings when out in public, especially when social distancing cannot be maintained effectively. Some directives also obligate employers to provide masks to their employees."

[Full Article](#)

Littler Mendelson

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Maintaining Employee Medical Information and COVID-19

"In employers' urgency to ensure proper procedures are in place to create a safe and healthy workplace to protect against the spread of COVID-19, employers must maintain the privacy and security of employee medical information. Whether creating a mandatory vaccination or testing policy, implementing contact tracing procedures or merely questioning individual employees about health status, employers may be collecting or creating medical information and documentation on their employees that must be properly maintained and only communicated as strictly necessary." [Full Article](#)

Frost Brown Todd



FAQs on US employee privacy issues related to the COVID-19 vaccine

"In addition to the issue of [mandated COVID-19 vaccine policies](#), employers must also manage the related privacy risks. Below are some of the frequently asked questions surrounding the issues of employee privacy as it relates to the COVID-19 vaccine." [Full Article](#)

Reed Smith

"You Just Gotta Believe": COVID-19 Vaccination Religious Exemptions

"COVID-19 vaccinations in the workplace are obviously a hot topic, especially in light of [President Biden's recent proposal](#) that employers with 100 or more employees mandate vaccination or weekly testing. Most vaccine mandates, including the Biden proposal, include a religious exemption. But can someone just claim a religious exemption and that be it? Who decides whether it is legitimate or sincere? And what does the person seeking the exemption have to show? Unfortunately, how to handle a religious exemption is not an exact science. But there are several points to help guide an organization through that labyrinth." [Full Article](#)

Bradley



Medicare and Medicaid Facilities Are Put On Notice: Employees Must Be Vaccinated

"Medicare and Medicaid certified facilities will be required to ensure that their employees are vaccinated for COVID-19, the Centers for Medicare & Medicaid Services (CMS) [announced](#) on September 9, 2021. Healthcare providers with 100 or more employees also may be subject to a forthcoming Emergency Temporary Standard (ETS) from the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) that also will require that employees be vaccinated for COVID-19. These mandates are part of President Biden's new six-prong COVID-19 Action Plan (the Plan) that he announced last week." [Full Article](#)

Akerman

STATE & INTERNATIONAL COMPLIANCE

MISSOURI



Missouri Now Requires Employers to Provide Leave and Accommodations for Victims of Domestic and Sexual Violence

"On August 28, 2021, Missouri's new Victims Economic Safety and Security Act (VESSA) took effect. The statute requires employers with at least 20 employees to provide employees who have experienced domestic or sexual violence with unpaid leave and reasonable safety accommodations. VESSA also requires qualifying employers to comply with employee notice obligations by October 27, 2021." [Full Article](#)

Lewis Rice

New Jersey



New Laws Passed in New Jersey Designed to Identify and Penalize Employers Who Misclassify Employees as Independent Contractors

"On July 8, 2021, Governor Murphy signed four bills into law which make it easier for the state to (i) identify employers who misclassify employees as independent contractors, and (ii) penalize employers for such misclassification. Highlights from each of these four laws are summarized below." [Full Article](#)

Sheppard Mullin

MAINE



Maine's Public Sector Employers Will Be Subject To OSHA COVID-19 Vaccination Mandate

"The Maine Department of Labor announced on September 17, 2021 that the state's public sector employees will be subject to President Biden's COVID-19 vaccine mandate due to Maine's state plan agreement with the federal government." [Full Article](#)

Littler Mendelson

LOUISIANA

After the Storm: Employers Obligations Following Natural Disasters



"When natural disasters such as hurricanes hit, employers must be mindful of their responsibilities under state and federal law. With Louisiana as illustration, this article highlights nine critical points about compensation, communication, benefits, and leave employers should pay attention to after a disaster." [Full Article](#)

Jackson Lewis

FLORIDA

Florida Businesses Required to Report Independent Contractor Hires Effective 1 October 2021



"Effective 1 October 2021, certain Florida businesses will be required to submit new hire information for their independent contractors to the Florida Department of Revenue." [Full Article](#)

K&L Gates