

Weekly Digest

• October 5, 2021 •

Human Resources

Future Employer: Planning and Preparing for Employee Skills Gap in the Post-COVID Future of Work

"It is hard to argue that the COVID-19 pandemic has not permanently changed the workforce. We have all felt these changes: teleworking and working from home; changes to traditional interview processes; new privacy and data privacy concerns; and the need for "talent agility" and flexibility to respond to fluctuations in business demand brought on by the pandemic; among other things. Employers are also faced with addressing the needs and wants of Generation Z (also known as "Gen Z") employees and prospective employees, who are the most tech savvy, risk averse, independent, and competitive of any generation." [Full Article](#)

Seyfarth Shaw



Ordering All Employees Back to Work? Not So Fast, Says the EEOC

"As vaccination rates increase and the COVID-19 pandemic (hopefully) subsides, many employers have instructed their employees to return to in-person work. But is that the right call for all employees? In one recent case, the U.S. Equal Employment Opportunity Commission (EEOC) has said no." [Full Article](#)

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Vaccine Mandates Don't Eliminate the Duty to Bargain in Unionized Workplaces

"As unionized employers are aware, section 8(a)(5) of the National Labor Relations Act (NLRA) requires bargaining with unions over hours and other terms and conditions of employment. This includes work rules such as vaccination or testing requirements. Whether the company's implementation of such requirements is a voluntary choice or a government mandate, the employer's duty to bargain must be considered." [Full Article](#)

Jackson Lewis



Employee Vaccine Information: Privacy Concerns

"Given the COVID-19 vaccine mandates, employers—including healthcare entities—will need to confirm their employees' vaccination status. Employers and healthcare providers must ensure they comply with privacy rules relating to employee vaccination information, including those imposed by the Health Insurance Portability and Accountability Act (HIPAA) and Americans with Disabilities Act (ADA)." [Full Article](#)

Holland Hart

Court Finds Elevated Risk of COVID-19 Complications is Not a Covered Disability under Federal Law

"On September 28, 2021, Venable LLP attorneys Brian Clark and Allison Gotfried secured for a client what could prove to be a far-reaching ruling on the issue of whether individuals with an underlying condition that places them at an "elevated risk of complications" from exposure to COVID-19, without more, are qualified as "disabled," entitling them to job accommodations under the Federal Americans with Disabilities Act (ADA) and the Rehabilitation Act of 1973 (Rehabilitation Act). Background: the case involved a registered nurse (RN) who worked in the surgical intensive care unit (ICU) at a hospital." [Full Article](#)

Venable LLP



Vaxxed and in Class: A COVID-19 Vaccination Mandate Q&A for Independent Schools

"Fall 2021 has already been a busy one. Although the COVID-19 Delta variant continues to spread, there are positive developments for independent schools: the Biden administration's announcement of a vaccination requirement for certain employers and schools, full approval of Pfizer's COVID-19 vaccine for those ages 16 and older, continued availability of the Pfizer vaccine under Emergency Use Authorization for those ages 12-15, and the anticipated approval under Emergency Use Authorization for the Pfizer vaccine for ages 5-11." [Full Article](#)

Venable LLP

STATE & INTERNATIONAL COMPLIANCE

MASSACHUSETTS

Massachusetts Governor Signs Extension Of COVID-19 Emergency Paid Sick Leave Law



“Massachusetts Governor Charlie Baker signed an extension of the Massachusetts COVID-19 Emergency Paid Sick Leave Law. The law, created a new sick leave entitlement for employees who are, or whose family members are, affected by COVID-19. In addition, the law established a \$75 million fund for certain employers to seek reimbursement for paid leave provided to employees.” [Full Article](#)
Seyfarth Shaw

ILLINOIS

Illinois Courts Begin Clarifying the Biometric Information Privacy Act



“Earlier this year, McGuireWoods reported that, in 2021, Illinois courts are expected to decide several open issues related to the state’s Biometric Information Privacy Act (BIPA). Those opinions have recently begun to be issued, providing answers regarding BIPA’s statute of limitations and certain preemption arguments. [Full Article](#)
McGuire Woods

D.C.

October Brings Changes to D.C. Universal Paid Leave Law and D.C. Family and Medical Leave Act



“The District of Columbia has enacted emergency legislation expanding the District’s Universal Paid Leave Act (UPLA). In addition, the D.C. Mayor signed legislation to make these changes permanent. That legislation is in its 30-day Congressional review period. The legislation also expands eligibility for leave under the District’s Family and Medical Leave Act.” [Full Article](#)

Jackson Lewis

CALIFORNIA

California Enacts New Law Targeting Warehouse Distribution Center Production Quotas

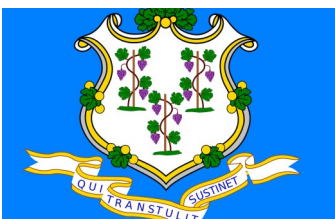


“On Sept. 22, 2021, Governor Gavin Newsom signed Assembly Bill 701 (AB 701). Effective Jan. 1, 2022, it will become the first state law of its kind to regulate and set parameters around the use of production quotas at warehouse distribution centers in California.” [Full Article](#)

McGuire Woods

CONNECTICUT

Connecticut Publishes Guidance Regarding Disclosure of Salary Range for Vacant Positions



“In reviewing this guidance, employers should be mindful that it does not constitute legal advice and is non-binding. A court may have a different interpretation of the law’s provisions. The guidance reiterates that the law applies to any employer within the state using the services of one or more employees for pay, even if those employees are located outside the physical confines of the state.” [Full Article](#)

Jackson Lewis
Simplify Compliance