

Weekly Digest

• January 25, 2022 •

Human Resources

Supreme Court Lifts Stay on CMS Vaccine Mandate in 24 of the 25 States Where the Mandate Had Been Enjoined

"In issuing an order on January 13, 2022, in two cases involving the Centers for Medicare and Medicaid Services (CMS) vaccine rule, *Biden v. Missouri* and *Becerra v. Louisiana*, the U.S. Supreme Court removed a temporary halt imposed by lower courts that affected health care facilities in 24 states, including Ohio, Indiana, and Kentucky." [Full Article](#)

Taft



Big Money: OSHA and EPA Civil Penalties Increase for 2022

"We have blogged previously about the annual adjustments to the maximum civil penalty dollar amounts for OSHA and EPA violations. The agencies have now finalized the 2022 inflation adjustments, which increase the penalties yet again." [Full Article](#)

Seyfarth Shaw

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Labor Agencies Pursue Aggressive Agendas in 2022

“Executive Order 12866 requires federal agencies to publish an agenda of regulations they plan to propose, promulgate, or review in the coming one-year period. The Department of Labor’s regulatory agenda showed ambitious goals for its agencies in 2022, as does President Biden’s Build Back Better Framework. Employers should brace themselves for increased enforcement activity from agencies such as the Equal Employment Opportunity Commission (“EEOC”), the Occupational Safety and Health Administration (“OSHA”), and the Office of Federal Contract Compliance Programs (“OFCCP”). [Full Article](#)

Hunton Andrews Kurth



Avoid Possible Tragedy in the Future by Preparing for Disasters and Emergencies Now

“Employers have a duty to provide a safe workplace for employees, and that includes when there is a natural disaster or other emergency situation. According to the federal Occupational Safety and Health Administration (OSHA), a workplace emergency is a situation that threatens workers, customers, or the public; disrupts or shuts down operations; or causes physical or environmental damage.” [Full Article](#)

Akerman

NLRB and Department of Labor Join Forces: What Does This Mean for Employers?

“Earlier this month, the U.S. Department of Labor’s Wage and Hour Division and the National Labor Relations Board announced a Memorandum of Understanding (MOU) described as “strengthening the agencies’ partnership and outlining procedures on information-sharing, joint investigations and enforcement activity, as well as training, education and community outreach.”

[Full Article](#)

Barnes & Thornburg



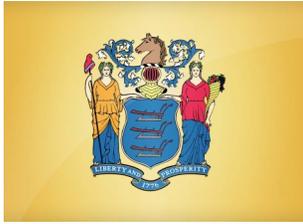
Department of Labor Proposes New Formula For H-2A Guest Worker Wages

“As December began, the U.S. Department of Labor (“DOL”) proposed a modified formula for calculating minimum wages for agricultural guest workers on H-2A visas. The proposal was necessitated by a federal judge in California striking down a prior proposal in December 2020 for the DOL failing to provide sufficient justification for two fundamental changes.” [Full Article](#)

Hall Benefits Law

STATE & INTERNATIONAL COMPLIANCE

NEW JERSEY



New Jersey Governor Signs Bill Expanding Parking Lot Liability for Employers

“On a cold January morning, New Jersey Gov. Phil Murphy trudged through the snow-covered statehouse parking lot and, with one swipe of his pen, shifted the landscape for injuries that occur in employer parking lots. On January 10, 2022, Gov. Murphy signed S771 into law, expanding workers’ compensation liability in parking lots.” [Full Article](#)

Goldberg Segalla

ILLINOIS



Beware of the Illinois Employee who Insists on Independent Contractor Status

“Imagine that your company contracts with a salesperson, consultant, or other professional, who insists on an independent contractor arrangement. Your company accommodates by paying a daily rate for services, setting up a payment-upon-invoicing system, paying as a 1099 contractor, and signing a written contract stating your agreement that he is an independent contractor.” [Full Article](#)

Krieg Devault

NEW YORK



Federal and New York City Workplace Vaccination and Testing Mandates: A Primer

“At President Biden’s urging, in late 2021, different arms of the federal government issued three high-visibility vaccine mandates to private employers, applying to federal contractors, many health care workers, and midsized and large employers. Those were followed by a sweeping order in New York City requiring businesses there to verify that their on-site employees have been vaccinated.” [Full Article](#)

Skadden Arps

NEW HAMPSHIRE



Supreme Court of New Hampshire Weighs in On Reasonable Accommodations for Medical Marijuana Users

“The Supreme Court of New Hampshire reversed a trial court decision that dismissed a former employee’s complaint alleging his employer failed to consider whether it could reasonably accommodate his use of marijuana for medicinal purposes.” [Full Article](#)

Seyfarth Shaw

LOUISIANA



Louisiana Supreme Court Upholds Private Employer Vaccine Mandate

“In *Hayes v. University Health Shreveport, LLC*, 2022 WL 71607 (La. Jan. 7, 2022), the Louisiana Supreme Court ruled that a hospital – or any other private employer – may impose an absolute vaccination requirement and fire any employee who fails to comply.” [Full Article](#)

Reed Smith