

Weekly Digest

• February 8, 2022 •

Human Resources

Remote Work Tax and Compliance Considerations

"Many tax and compliance obligations apply when a company offers a remote work arrangement to employees in different states. These obligations include state and local employee tax requirements and may also include state and local family medical leave tax requirements where applicable." [Full Article](#)

Bowditch & Dewey



Nationwide Injunction on COVID-19 Vaccine for Federal Contractors Applies to Vaccine Requirement Only

"The federal court that issued a nationwide injunction of Executive Order (EO) 14042, "Ensuring Adequate COVID Safety Protocols for Federal Contractors," has issued a new Order stating that it enjoined only the vaccine requirement of the EO's implementing tool: the Safer Federal Taskforce (Safer Taskforce) Guidance. As a result of this Order, federal contractors covered by the EO should dust off their compliance plans to meet the many non-vaccine requirements of the Safer Taskforce Guidance, though action by other federal courts considering preliminary injunctions of the EO may put all of the requirements back on hold." [Full Article](#)

Jackson Lewis

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Hazy Directions on the Path Back to the Office

"The return-to-office journey has been a long one with a lot of roadblocks. The onset of the omicron variant is continuing to reinforce how unpredictable the current environment is," said Craig Leibowitz, executive director of innovation and insight advisory for Avison Young. Employers continue to weigh many of the same questions they've been wrestling with for nearly two years: timing of wide-scale reopening of offices, and whether to require vaccines or COVID testing to ensure workplaces are safe. So far, the data suggests many of the decisions remain on hold." [Full Article](#)

Goulston & Storrs



FLSA Misclassification: Common Mistakes That Employers Make When Classifying Their Employees as "Exempt" from Overtime Requirements

"In 2021, the U.S. Department of Labor (DOL) collected a whopping \$234 million in back wages for nearly 200,000 employees who the DOL determined were not paid in accordance with the Fair Labor Standards Act (FLSA). Experts report that more than 6,000 lawsuits alleging FLSA violations are filed each year in federal courts throughout the country, and that private settlements of FLSA lawsuits cost employers hundreds of millions each year. These figures confirm what every human resources professional already knows: misclassification of employees under the FLSA can be a costly mistake." [Full Article](#)

Venable

What Are the Parameters for An Employer's Requests for Medical Records Under the ADA?

"The Americans with Disabilities Act governs employers' ability to make medical inquiries of employees, including requests for medical records. And where the ADA permits employers to make such inquiries, it also requires employees to comply with those requests, as the U.S. Court of Appeals for the Fourth Circuit recently affirmed in a case that also provided a useful summary of the scope of such inquiries."

[Full Article](#)

Shawe Rosenthal



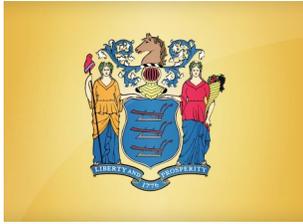
Lockout/Tagout: The Most Misunderstood, Most Costly, and Most Misapplied Standard

"These OSHA inspections focus on two standards: machine guarding (29 C.F.R. 1910.212) and the Control of Hazardous Energy Standard, Lockout/Tagout ("LOTO") (29 C.F.R. 1910.147). Given advances in machine guarding, these inspections increasingly examine accidents where employees bypassed machine guards (light curtains, photo eyes) or failed to follow energy control procedures when they performed service or maintenance. OSHA may issue citations relating to the accident, as well as programmatic failures relating to employers' LOTO programs." [Full Article](#)

Seyfarth Shaw

STATE & INTERNATIONAL COMPLIANCE

NEW JERSEY



New NJ Law Requires Employers to Warn Employees About Tracking Devices in Vehicles

"Employers have placed tracking devices on vehicles used by their employees for good reason: to ensure that employees are where they are supposed to be during working time. However, based on a recently enacted law in New Jersey, private sector employers must warn employees before they utilize a tracking device in a vehicle used by an employee. The employer's failure to disclose this information comes at a notable cost." [Full Article](#)

Stevens & Lee

CONNECTICUT



Connecticut FMLA: Proposed Regulations Released for Comment

"The Connecticut Department of Labor has released proposed regulations for the amended Connecticut Family and Medical Leave Act, which was effective January 1, 2022. The proposed regulations will be subject to a 30-day comment period, ending on February 28. A virtual hearing on the proposed regulations will take place on February 17." [Full Article](#)

Jackson Lewis

NEW YORK



New York City and State Update COVID Quarantine and Isolation Guidance to Align with CDC's Shortened Timeframes

"New York City updated its quarantine and isolation guidance to align with the CDC's recent shortening of both (i) the recommended timeframe for isolation following a COVID-19 diagnosis for individuals regardless of vaccination status, and (ii) the recommended quarantine period following a COVID-19 exposure for vaccinated individuals. New York State has also updated its guidelines to reflect these changes." [Full Article](#)

Proskauer Rose

DISTRICT OF COLUMBIA



District of Columbia Issues New Mandatory COVID-19 Leave Poster

"The D.C. Office of Human Rights (OHR), published an updated poster on DCFMLA COVID-19 leave. Employers with 20 or more employees in the District are required to post this poster in a conspicuous place in the workplace. We recommend that the poster also be posted electronically for employees who work remotely." [Full Article](#)

Hogan Lovells

ILLINOIS



Illinois Employers See Equal Pay Certification Looming on the Horizon

"Last year, Illinois made sweeping amendments to its state Equal Pay Act (EPA). Governor J.B. Pritzker twice signed bills passed by the Illinois legislature — first on March 23, 2021, and then on June 25, 2021, (the EPA amendments) — the cumulative effect of which gives Illinois perhaps the most robust and onerous (for employers) equal pay law in the nation." [Full Article](#)

Cozen O'Connor