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# Human Resources Weekly Digest

## Will AI Chatbots Replace Your Employee Handbook?

When faced with a problem or question, do you reach for a resource book or simply Google it to find a solution? Chances are, you Google it (or ask Alexa). Typing in a quick search for an answer is not only easier but usually significantly quicker. Similarly, chatbots powered by artificial intelligence (AI) may provide an easier and quicker way for employees to obtain fast answers to their questions, rather than having to dig up their old employee handbook from onboarding and painstakingly read through the 100-page PDF in search of the applicable policy. [Full Article](#)

*Fisher Phillips*



## Bonuses Paid by Third Parties Excluded From Regular Rate for Overtime Calculation Purposes

Perhaps the most frequently violated provision of the Fair Labor Standards Act is that law's requirement that non-discretionary bonuses be included in non-exempt employees' regular rate of pay used for purposes of calculating overtime pay. On August 20, the Third Circuit Court of Appeals concluded that incentive bonuses paid to employees by third parties were properly excluded from the regular rate calculation. [Full Article](#)

*Parker Poe*

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## Sexual Overperception Bias & Workplace Harassment

Sexual overperception bias provides an example that's relevant to employment law. It occurs when a person mistakenly perceives that a member of the opposite sex is sexually interested in him or her. Studies (like this one) show that men are far more likely to make this mistake than women. In other words, men are more likely to believe that a woman is interested in them sexually when that is not the case. There's even a study that suggests that men in positions of power are more likely to make this mistake. [Full Article](#)

*Fox Rothschild*

### Managed by Robots: Dystopian Fate or Utopian Fantasy?

But what if this technology were used in the workplace behind the scenes, in an effort to make employees more efficient with fewer mistakes? What if the technology and robotic monotony that make one- and two-click purchasing so efficient was also turned to the human employees behind the scenes, making what is already a streamlined process even more efficient? [Full Article](#)

*Fisher Phillips*

### Less Documentation May Sometimes Be Better When Letting People Go

More often than not, when employers make a decision to terminate someone, multiple factors influenced the decision. Yes, the proverbial "straw that broke the camel's back" may have been the employee's recent string of unexcused absences, but perhaps the terminated employee had other problems as well. [Full Article](#)

*Vinson & Elkins*



## Employees Must Participate in Interactive Reasonable Accommodation Process

Reiterating perhaps an obvious point, the U.S. Court of Appeals for the Eighth Circuit rejected an employee's failure to accommodate claim under the Americans with Disabilities Act in part because of the employee's lack of participation in the reasonable accommodations process. In *McNeil v. Union Pacific Railroad Co.*, the employee was a railroad dispatcher, an essential function of which was the ability to work overtime. [Full Article](#)

*Shawe Rosenthal*

# STATE & INTERNATIONAL COMPLIANCE

## CALIFORNIA



### Time is Money: California Meal & Rest Period Requirements

More than seven years ago in *Brinker Restaurant Corp. v. Superior Court*, the California Supreme Court clarified many of the general requirements for meal and rest periods under California law. Nothing the California Supreme Court said has slowed the filing of meal and rest period class actions against employers doing business in the state. [Full Article](#)

*Epstein Becker Green*

## NEW YORK



### Bill Passes Allowing Employees to Place a Lien on Employer's Property for Accusation of Wage Violations

The New York State Assembly and Senate have passed a potentially groundbreaking act (S2844B/A486B) (the "Act") that would allow current or former employees to obtain liens on their employer's personal and real property based upon only the mere accusation of wage violations. [Full Article](#)

*Epstein Becker Green*

## ILLINOIS



### New Recreational Marijuana Law Creates Hurdles for Employers with Zero Tolerance Policies

With the passage of the Cannabis Regulation and Tax Act in June, Illinois became the 11th state in the country to legalize the recreational use of marijuana. Although recreational consumers will not be able to purchase marijuana in the state until January 1, 2020.... [Full Article](#)

*Stinson*

## NEW MEXICO



### Bernalillo County Enacts First Local Paid Time Off Ordinance

New Mexico municipalities, in particular Albuquerque, have flirted with proposed paid sick leave mandates on multiple occasions over the last few years. However, no such proposal became law, and New Mexico remains free of the paid sick leave epidemic that has infected 11 states. [Full Article](#)

*Seyfarth Shaw*

## MICHIGAN



### Legislature Considers Package of Bills Addressing Wage Theft, Independent Contractors, & Non-Competes

Legislators from the Michigan House of Representatives announced an ambitious package of 12 bills aimed at creating new criminal and civil penalties to combat employers that fail to properly pay wages and overtime pay. The legislation would also establish enhanced protections and penalties under Michigan's whistleblower statute and create new civil remedies. [Full Article](#)

*Ogletree Deakins*