



Human Resources Weekly Digest

NLRB Memo Refines Position on Employer Social Media Policies

"On the heels of its 2018 *Boeing* decision, the National Labor Relations Board continues to provide employers with guidance regarding acceptable and unacceptable restrictions on employee social media use. In a September 12 advice memorandum, the board concluded that some parts of a health care employer's policy pass muster under *Boeing*, while a few broad prohibitions still conflict with employee concerted activity rights."

[Full Article](#)

Parker Poe Adams & Bernstein LLP



Federal Drug and Alcohol Requirements for Commercial Drivers Begin January 6, 2020

"Beginning January 6, motor carriers using drivers subject to the Federal Motor Carrier Safety Administration's drug and alcohol rules will be required to submit testing results and other information to a new electronic Drug and Alcohol Clearinghouse. Motor carriers must submit positive drug or alcohol test results as well as refusals to test. Drivers with positive tests who complete the DOT return-to-duty process and follow-up testing will also have this information recorded in the clearinghouse." [Full Article](#)

Parker Poe Adams & Bernstein LLP

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Want to Get Sued for Millions? There's an App for That! - The Legal Risks of Digital Workplace Apps

"Over the past year, the popularity of digital workplace apps (that is, mobile applications used by companies to facilitate interactions with, and between, employees) has grown exponentially. These apps promise to streamline the entire world of employee relations into a single portal that's easily accessible, paper-free, and easily managed. Considering all that this new technology promises to deliver, digital workplace apps are quickly becoming the next big thing in employee management. Unfortunately, they're also the next big thing in employment class action litigation." [Full Article](#)

Ogletree Deakins

Review Gift-Giving and Receiving Policies Before the Holidays

"The convergence of the holidays and year-end recognitions creates increased opportunities for gift giving and entertainment, and additional reasons to establish a clear company gift policy. Gifts and entertainment offered to establish and strengthen relationships can be an important contributor to a company's success." [Full Article](#)

Foster Swift Collins & Smith PC

EEOC to Accept Comp Data Past Reporting Deadline

"Didn't get your data in yesterday? You get a break. The Equal Employment Opportunity Commission says that it will continue accepting "Category 2" EEO-1 compensation data for the foreseeable future. In a status report filed on Friday, the EEOC said that only about 40 percent of employers who are required to submit Category 2 data have actually done so. According to the EEOC." [Full Article](#)

Constangy Brooks Smith & Prophete LLP



Fraternalizing May Lead to Your Partner's Promotion, Your Discharge, and Possibly a Lawsuit

"At what point does a company's application of its anti-fraternization policy become sex discrimination? Last week, a federal court in Alabama found that the answer to this question may be determined by a jury. The application of anti-fraternization policies on a non-disparate basis has long been difficult for employers, especially when relationships pre-date (no pun intended) company restructuring and policy updates." [Full Article](#)

Ogletree Deakins

STATE & INTERNATIONAL COMPLIANCE

NEW JERSEY



Labor and Employment Alert: New Jersey Bans Pre-Employment Salary Inquiries

"New Jersey recently joined a growing number of states and municipalities that have passed laws prohibiting employers from inquiring into a job applicant's salary history. Thirteen states (Alabama, California, Connecticut, Delaware, Hawaii, Illinois, Massachusetts, New Jersey, New York, Oregon, Pennsylvania, Vermont and Washington) have passed bans of some form." [Full Article](#)

Vorys Sater Seymour & Pease LLP

NEW YORK



New York Paid Family Leave Benefits and Employee Contributions Set to Increase January 1, 2020

"As we enter the last quarter of 2019 and the business community begins to plan ahead for 2020, New York employers should be aware of the changes coming to the New York Paid Family Leave ("NYPFL") program. On January 1, 2020, both the amount of employee contributions and weekly benefits allowed under the program are scheduled to increase." [Full Article](#)

Epstein Becker Green

NEW YORK



New Requirements and Looming Deadlines in October 2019: What New York Employers Need to Know

"As was previously reported this past summer, the New York State Senate and Assembly passed Senate Bill 6549, which amended Section 194 of the New York Labor Law to prohibit wage differentials based on any protected class. As was also reported, the State Senate and Assembly also passed an omnibus bill that overhauled New York's antidiscrimination laws." [Full Article](#)

Ogletree Deakins

CALIFORNIA



California Extends Paid Family Leave Benefits

"California has approved a new law that extends its Paid Family Leave benefits from six weeks to eight weeks. The new law, Senate Bill 83, will go into effect on July 1, 2020. Currently, the maximum duration of PFL benefits employees may receive from California's State Disability Insurance program is six weeks. SB 83 extends this duration so that eligible employees may claim up to eight weeks of PFL pay benefits within a 12-month period." [Full Article](#)

Cooley LP

CALIFORNIA



A.B.5 Legislation Likely to Have a Greater Impact on California Employers Than Any Law Enacted in Decades

"Governor Gavin Newsom signed A.B. 5 on September 18, 2019. This legislation is expected to have a greater impact on California employers than any law enacted in many decades. Every industry using independent contractors, from agriculture to entertainment, could be impacted. Although some lobbying groups succeeded in obtaining qualified exemptions, the vast majority of the several million workers currently classified as independent contractors (ICs), will need to be reclassified." [Full Article](#)

Dykema Gossett PLLC