

Weekly Digest

• October 31, 2023 •

Human Resources

Mark Your Calendars: EEO-1 Reporting Season is Almost Here!

"Ready or not, reporting season is right around the corner. The Equal Employment Opportunity Commission (EEOC) recently announced that the 2022 EEO-Component 1 data collection will open on Tuesday, October 31, 2023, and the deadline for employers to file is Tuesday, December 5, 2023. In completing the EEO-1, all covered private employers and federal contractors have a mandatory legal obligation to submit and certify their workforce demographic data." [Full Article](#)

Venable LLP

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Union Charge and Election Petition Filings Continue to Climb

"Unions continue to dominate headlines, as the UAW strike persists and the union saga at Starbucks continues to unfold. Perhaps unsurprisingly, based on that, the number of charges alleging labor law violations and election petitions filed by unions with the NLRB still are on the rise as well." [Full Article](#)

Barnes & Thornburg LLP

Religious Accommodations, Part Deux: Is the Religious Belief Sincere?

"In Part One of this two-part bulletin, we explored the expansive meaning of religious beliefs entitled to an accommodation under Title VII and the reluctance of courts to second guess whether a belief is "religious" in nature. Even though the religious nature of a belief may not be an appropriate topic for inquiry, it is appropriate and necessary to differentiate between beliefs that are sincerely held as a matter of faith and those that are animated by a motive of fraud or deception." [Full Article](#)

**Constangy, Brooks,
Smith & Prophete LLP**



Senate Confirms New EEOC General Counsel as New Case Filings Climb

"The Senate has confirmed Karla Gilbride as the EEOC's General Counsel, following an almost two and a half year vacancy. As GC, Gilbride is poised to make her mark on the EEOC's litigation program by directing and advocating for EEOC's litigators, both internally and externally." [Full Article](#)

Seyfarth Shaw LLP

Is Your HR Department Aware of the Latest EEOC Priorities?

"Periodically, the EEOC (Equal Employment Opportunity Commission) lets us know what to watch out for. On September 21, the EEOC released its Strategic Enforcement Plan for years 2024-2028 ("SEP"), which tells us where the federal government is prioritizing its employment dollars." [Full Article](#)

Dickinson Wright



NLRB Returns to a More Expansive Joint Standard

"Today, October 26, 2023, the National Labor Relations Board issued a final rule that rescinds and replaces the Trump Administration's 2020 rule establishing the current test for determining whether two entities are joint employers. This new rule will result in more findings that two entities are joint employers." [Full Article](#)

Shawe Rosenthal LLP

STATE COMPLIANCE UPDATES

CALIFORNIA

California Passes New Law Mandating Workplace Violence Prevention Plan for Employers



"On September 30, 2023, Governor Gavin Newsom signed SB 553 into law, establishing a new written Workplace Violence Prevention Plan ("WVPP") requirement for nearly all California employers." [Full Article](#)

Sheppard Mullin Richter & Hampton LLP

MASSACHUSETTS

Massachusetts Amends Paid Family and Medical Leave Law



"As of November 1, 2023, the Massachusetts Paid Family and Medical Leave (PFML) law will permit employees to supplement their PFML benefits using accrued paid time off (PTO), such as sick or vacation pay. Employers cannot require that employees use their accrued PTO while receiving PFML benefits but must permit employees to do so." [Full Article](#)

Morgan, Lewis & Bockius LLP

ILLINOIS

New Illinois Law Mandates Certain Employers Offer Pre-Tax Commuter Benefits Starting January 1, 2024



"Open enrollment season is upon us, but employers who employ a substantial number of employees in Illinois may have a surprise in a new benefit that must be offered. Illinois recently adopted the Transportation Benefits Program Act (HB 2068; P.A. 103-291) (the "Act") which aims to promote the commuter benefits available to employees who use or may use public transportation to commute to and from work." [Full Article](#)

Michael Best & Friedrich LLP

COLORADO

Legislative Update: Colorado Proposes New Rules for Tipped Workers, and More State and Local Efforts to Eliminate the Tip Credits



"Proposed New Rules Under Colorado's Overtime & Minimum Pay Standards Order Would Narrow Employers' Use of the Tip Credit and Tip Pools." [Full Article](#)

Seyfarth Shaw LLP

NEW YORK

New York Narrows the Scope of Employee "Invention Assignment" Provisions



"On September 15, New York enacted Labor Law Section 203-f, limiting the enforceability of invention assignment provisions in employment agreements. Under the new law, employers do not have rights to any employee inventions created on the employee's own time and without the use of employer resources or trade secrets." [Full Article](#)

*Troutman Pepper
Hamilton Sanders LLP*