

Labor & Employment Workforce Watch

A guide to the employment law developments most likely to impact your business.

In This Issue:

Mandatory Arbitration Clauses for Workplace Sexual Harassment and Sexual Assault Claims Are No Longer Enforceable

In a rare bipartisan act, Congress passed the “[Ending Forced Arbitration of Sexual Assault and Sexual Harassment Act of 2021](#)” bill (the “#MeToo Bill”), which bars enforcement of mandatory arbitration agreements for workplace sexual harassment and sexual assault claims. [read more](#)

2022 Sees Increases to Minimum Wage Rates and Exempt Salary Thresholds Under State (and Local) Law

With the calendar turning to 2022, workers in over two dozen states and localities could see a pay increase as a result of legislation raising applicable minimum wage or exempt salary thresholds. [read more](#)

Mandatory Vaccination Policies: Not on Some States’ Watch

Since April 2021, when all adults in the United States became eligible to receive COVID-19 vaccines, the federal government, as well as most state legislatures and local officials, implemented extensive measures to increase the availability of and access to COVID-19 vaccines. [read more](#)

Group Health Plans Must Cover at-Home COVID-19 Tests

According to [Frequently Asked Questions](#) (FAQs) recently issued by the Departments of Labor, Treasury and Health and Human Services (collectively, the Departments), group health plans and insurers must cover over-the-counter COVID-19 tests (OTC Tests), including tests not ordered by a health care provider, without participant cost-sharing, preauthorization, or medical management. [read more](#)

California Places Further Limitations on an Employer’s Use of Non-Disclosure and Non-Disparagement Provisions

On October 7, 2021, California Governor Gavin Newsom signed into law [Senate Bill 331](#) (SB 331), which, in relevant part, further restricts the use of non-disclosure and non-disparagement provisions in the employment context. [read more](#)

The “State” of Family and Medical Leave Laws in the Wake of COVID-19

The COVID-19 pandemic highlighted a disparity between existing employee leave entitlements under the federal Family and Medical Leave Act (“federal FMLA”) and the scope of family and medical needs typically giving rise to employee leave requests. [read more](#)

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