

## Labor & Employment Workforce Watch

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

In This Issue:

### **FTC’s Final Rule Banning Non-Competes: What Is It and How “Final” Is It?**

On April 23, 2024, the Federal Trade Commission issued its long-awaited [Final Non-Compete Clause Rule](#), which operates to ban most post-employment non-compete agreements between employers and their workers. However, the Final Rule does not take effect until September 4, 2024, which provides an opportunity for employers to challenge the Final Rule in court. [read more](#)

### **Pay Bump: The Department of Labor Releases Final Rule Increasing Minimum Salary Threshold for White Collar Exemptions**

In a development somewhat overshadowed by the release of the more-publicized Federal Trade Commission’s recent [non-compete-ban](#), the DOL’s final overtime rule, *Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees*, has now been finalized and released as of April 23, 2024. [read more](#)

### **High Court Update: Recent US Supreme Court Rulings Employers Should Know About**

Thus far, 2024 has been a whirlwind of new employment rules, statutes, guidance, and decisions for employers to grapple with and account for in their businesses. Among these decisions are a handful of rulings from the Supreme Court of the United States that will have important impacts on the workplace. [read more](#)

### **OSHA’s Final Walkaround Rule: Welcome, Workplace Visitors!?**

On April 1, 2024, the federal Occupational Safety and Health Administration (“OSHA”) published its long-awaited [Final Rule](#) (the “Final Walkaround Rule”), which amends 29 C.F.R. 1903.8(c) – the agency’s regulation that protects the rights of employees to authorize a representative to accompany an OSHA Compliance Officer (“CSHO”) during an inspection of the employees’ workplace. [read more](#)

### **But-For, or Not But-For: That Is the Question for FMLA Retaliation Claims**

For a retaliation claim under the Family and Medical Leave Act (“FMLA”), must an employee show that an adverse employment action would not have happened *but-for* (i.e., it happened only because of) the employee’s request for FMLA leave or other protected activity? Or, does an employee have to show only that his or her request for FMLA leave or other protected activity was a *motivating factor* for the adverse employment action? [read more](#)

### **California Supreme Court Ruling Gives Guidance on Compensable Time Under California Law**

On March 25, 2024, the California Supreme Court issued its decision in *Huerta v. CSI Electrical Contractors*. This

ruling provides important guidance as to what does and does not constitute sufficient employer control to make certain time at the job site compensable under California's [Wage Order No. 16](#). [read more](#)

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