

Labor & Employment Workforce Watch

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

In This Issue:

Preparing for the November Election: Best Practices for All Employers?

As the November 2024 election approaches, many employers are facing issues ranging from providing time off for employees to vote, addressing political speech in the workplace, and navigating the tension between encouraging employees to support political causes on their own behalf and maintaining a safe and respectful workplace for all employees. The political landscape continues to evolve due, in part, to polarizing political views and employees' increased social media use. [read more](#)

Key Employer Updates for 2024/2025 – Part Three: State Law Trends for Restrictive Covenant Agreements?

As year-end nears, many employers are updating their key employment policies and agreements to ensure they align with ever-evolving federal, state, and local laws and changes to business needs. In [Part One](#) of this series, we explored key updates to offer letters and job descriptions, and in [Part Two](#) we looked at updates to employee handbooks. This article is Part Three and focuses on restrictive covenant agreements. [read more](#)

EEOC's Pregnancy Priority: The Commission Sues Three Employers in Lawsuits Alleging Violations of the Pregnant Workers' Fairness Act?

In September 2024, the Equal Employment Opportunity Commission (EEOC) filed lawsuits against three separate employers alleging violations of the Pregnant Workers' Fairness Act (PWFA), a federal law enacted in June 2023 that requires covered employers to provide reasonable accommodations to employees for known limitations related to pregnancy, childbirth, and related medical conditions. [read more](#)

Department of Labor's New Rule Raises the Minimum Salary Requirements for Certain FLSA Exemptions

Earlier this year, [we let you know](#) that the Department of Labor ("DOL") recently promulgated [29 CFR Part 541](#), a rule that raises the minimum salary requirements for employees eligible for the white collar and highly-compensated employee exemptions in the Fair Labor Standard Act's ("FLSA"). While the rule faces challenges in the courts, the first increase became effective July 1, 2024, and the second one goes into effect on January 1, 2025, so employers should familiarize themselves with the current and potential future changes. [read more](#)

The Fifth Circuit Strikes Down DOL's Rule for Tipped Employees

In a highly anticipated decision published on August 23, 2024, the United States Court of Appeals for the Fifth Circuit struck down the Department of Labor's (DOL) Final Rule that limited the circumstances under which an employer could claim a "tip credit" for certain tipped employees under the Fair Labor Standards Act (FLSA). The Fifth Circuit's decision in [Restaurant Law Center v. U.S. Department of Labor, No. 23-50562 \(Aug. 23, 2024\)](#), now makes it easier for employers to claim a "tip credit." [read more](#)

Massachusetts Enacts New Pay Transparency Legislation

On July 31, 2024, Governor Maura Healy signed into law [H.4890](#), creating pay transparency and data reporting requirements for qualified Massachusetts employers. With this move, Massachusetts joins a growing line of states, including California, New York, Washington State, and Colorado in expanding employers' pay equity obligations. Read a [prior Locke Lord publication](#) on these types of laws. [read more](#)

IRS Issues Guidance on Employer Matching Contributions for Student Loan Repayments

The Internal Revenue Service (IRS) issued interim guidance on the SECURE 2.0 Act provision permitting employers to make matching contributions based on employees' qualified student loan repayments ("QSLP") under 401(k), 403(b), governmental 457(b) and SIMPLE IRA plans. [Notice 2024-63](#) ("Notice") addresses a variety of issues that may arise for plan sponsors in administering such matching contributions. [read more](#)

Commentary: NLRB Poised to Rule That Independent Contractor Misclassification Alone Violates the Law, but Ruling Not Likely to Survive Court Review

A recent decision by the National Labor Relations Board in a case involving workers who were classified by a company as independent contractors has provided a clear signal that the NLRB is likely to reverse its current law that, standing alone, independent contractor ("IC") misclassification is not a violation of the National Labor Relations Act. [read more](#)

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