HR Suite

Product Update Notice

Policy Manual · Handbook · Forms & Tools

Update

July 2024

Includes Revised

Policies and Forms

Notice Regarding Professional Advice

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Update Contents

EMPLOYMENT LAW DEVELOPMENTS

Once again, federal and state legislatures were active throughout 2023 in passing laws and ordinances that impact employers of all sizes and industries in 2024. Many of these changes affect non-compete agreements, updates from the NLRB, guidance on workplace enhancement, and protections for pregnant and nursing employees. Below you will find a summary of changes made at the federal level.

State and local jurisdictions continued to pass laws with relevance to pay equity and pay transparency, paid sick leave, harassment and discrimination laws among others. It is critical to be aware of the state and local laws that also govern the workplace. Because of the variance of state laws, they are not incorporated into HR Suite or its updates. With the complexity of some of these recent developments and issues, including variances between states, legal counsel is necessary to determine what is appropriate for your organization.

Topics/Contents of this update:

REVISED POLICIES

We conducted a comprehensive review of each of our standard and template policies. Many policies have had changes. The policies were thoroughly updated for clarity and to comport with recent developments in best practices, legal updates, and industry standards. As always, please ensure the updates are applicable to your specific state and workplace.

Remember, some policies have a choice of text options. You will notice these are marked in red in the redlines and in the master version of the manual.

Please note that all policies have been reviewed only for federal law compliance. No state or local law requirements are incorporated into either manual. The manuals should be reviewed by you and your attorney to ensure conformity with your organizational needs, and state and local legal requirements as applicable. Please refer to the redlined documents for specific changes. Policy numbers may differ from your specific manual due to customization.

Pregnant Workers Fairness Act (PWFA)

The Pregnant Workers Fairness Act went into effect in June 2023. Final regulations have been published and took effect June 18, 2024. This federal law requires employers with fifteen or more employees to provide reasonable accommodations to an employee's known limitations related to pregnancy, childbirth, or related medical conditions, unless that accommodation will cause the employer an undue hardship. As a result of this new law, covered employers are advised to adopt a pregnancy accommodation policy similar to disability accommodation policies. We have incorporated pregnancy accommodation into several policies as outlined in the redline documents.

As additional background, the proposed guidance for the Pregnant Workers Fairness Act lists potential reasonable accommodations under the PWFA to include, as a non-exhaustive list, longer or more frequent breaks, remote work, reduced hours or flexible work schedules, unpaid medical leave, shifting to light duty, provision of modified equipment and/or uniforms.

The proposed guidance also suggests that the "other related medical condition" component of the PWFA would include an employee "who requests leave for IVF treatment for the worker to get pregnant" as someone who "has a related medical condition (difficulty in becoming pregnant or infertility)." Such a situation would be protected under the PWFA as that employee seeks medical care.

Additional Resources:

The full Final Rule can be accessed here: Federal Register :: Implementation of the Pregnant Workers Fairness Act

Interpretive Guidance beginning on page 94 of the final rule PDF file provides examples of real life application.

Summary of Key Provisions can be found here: Summary of Key Provisions of EEOC's Final Rule to Implement the Pregnant Workers Fairness Act (PWFA) | U.S. Equal Employment Opportunity Commission

Informational Poster: PWFA (Healthcare Poster)-11.pdf (eeoc.gov)

Affected Policies Employee Handbook:
2010 – Disability and Pregnancy-Related Accommodations
2012 – Anti-Retaliation
4005 – Alternate Working Schedules
6050 – Working Hours
7040 – FMLA and Other Leaves of Absence
7041 – Personal and Other Leaves of Absence

Affected Policies Policy Manual:
2010 – Disability and Pregnancy-Related Accommodations
2112 – Anti-Retaliation
5005 – Alternate Working Schedules
5060 – Medical Reporting and Health Certification
8060 – Personal and Other Leaves of Absence

COVID-19

With many employers withdrawing any COVID protocols in light of the Center for Disease Control's reduction of COVID to a respiratory viral illness like the flu, employers are also revisiting handbook statements about COVID. If the credit union still has special safety protocols related to COVID, then the organization can leave this reference in the handbook. However, if the credit union has withdrawn its active COVID protocols, then we recommend deleting the references to such protocol in the policy manual and handbook as well.

CDC Guidance: CDC updates and simplifies respiratory virus recommendations | CDC Online Newsroom | CDC

Affected Policies Employee Handbook:
5100 – Safety
6010 – COBRA-Insurance Continuation

Affected Policies Policy Manual:
6100 – Safety
7010 – COBRA-Insurance Continuation

Overtime

A small change is recommended in the Employee Handbook overtime policy to clarify that employees will be paid for all time actually worked. Information on the newly released salary thresholds for overtime exemptions is included later in this document on page 13.

Affected Policies Employee Handbook:
6030 – Overtime

Independent Contractors

Changes made based on the Department of Labor's new final rule which went into effect on March 11, 2024. Information on the newly released independent contractor rule is included later in this document on page 14.

Affected Policies Policy Manual:
3010 – Employee Classification

Appearance & Grooming - Hairstyles

At least 24 different states and 40 local governments have now passed some version of the CROWN Act – Creating a Respectful and Open Work for Natural Hair Act – which prohibits employers from race-based hair discrimination. Employers need to be careful to not prohibit or discourage an employee's hair texture or hairstyle of that style or texture is commonly associated with a particular race or national origin. Specifically, policies should not prohibit hairstyles such as twists, locs, braids, and afros.

Affected Policies Employee Handbook:
5010 – Appearance and Grooming

Affected Policies Policy Manual:
6010 – Appearance and Grooming

Drug Testing

Absent coverage under the Department of Transportation Motor Carrier Safety Administration, drug testing parameters are regulated by state law and vary from state to state. Policy changes were made to define circumstances for drug testing.

Affected Policies Employee Handbook:
5060 – Drugs and Alcohol

Whistleblower Disclaimer

New disclaimer language is meant to protect the credit union in the event that the policy uses terms that are more favorable to employees than the applicable law in the employee's generation. We have also added language carving out protected concerted activity. We recommend that clause here because the current NLRB's General Counsel strongly believes that employers cannot tell employees to keep investigation interviews confidential (which is a position that differs from the EEOC).

Affected Policies Employee Handbook:
5128 – Whistleblowing and Reporting Serious Inappropriate Conduct

Affected Policies Policy Manual:
6150 – Whistleblowing and Reporting Serious Inappropriate Conduct

FMLA & Attendance Awards

Just a reminder that if an FMLA leave is going to disqualify an employee for a perfect attendance award, then the employer needs to ensure it disqualification is consistent with the treatment of other leaves of absence. The Department of Labor's FMLA Regulations allows an employer to disqualify someone who has taken leave under the FMLA from a perfect attendance bonus, IF the employer also disqualifies employees who are "on an equivalent leave status for a reason that does not qualify as FMLA leave." [29 CFR 825.215 – "If a bonus or other payment is based on the achievement of a specified goal such as hours worked, products sold or perfect attendance, and the employee has not met the goal due to FMLA leave, then the payment may be denied, unless otherwise paid to employees on an equivalent leave status for a reason that does not qualify as FMLA leave."] That is, under the FMLA Regulations, leave cannot be treated more negatively than other types of leaves of absence. The Regulations further state that if an employee who used paid vacation leave for a non-FMLA purpose would receive the perfect attendance bonus, then the employee who used paid vacation leave for an FMLA-protected purpose (and does not otherwise have additional unpaid FMLA leave), should also receive the perfect attendance bonus. Further, for non-exempt employees, the Department of Labor takes

the position that attendance bonuses are considered non-discretionary bonuses that must be included in the calculation of the base rate for the time period in which overtime may be calculated. [Fact Sheet #56C: Bonuses under the Fair Labor Standards Act (FLSA) | U.S. Department of Labor (dol.gov)]

To clarify, we are not suggesting a language change to the Recognition Program policy, Outstanding Attendance subsection (policy manual 5025, employee handbook 4073), we are just being prudent in providing the reminder to ensure it is implemented in accordance with DOL Regulations.

Return to Work after FMLA Leave

There is technically no rule under the FMLA stating that the employee has to get the Return-to-Work certification from the same provider who issued the Certification initiating the FMLA leave. The Regulations and DOL Guidance do not specifically address this issue, stating only that (1) there must be a uniformly applied policy related to return to work and (2) the return to work needs to come from the employee's doctor (but not necessarily the same doctor). The Regulations do not contemplate the situation where the return-to-work provider may be different than the certifying doctor. At a minimum, there should at least be continuity in the medical specialty. So, if an employee goes out for a heart condition, the clearance (if uniformly sought by the employer) should at least come from the same specialty that certified the leave (likely a cardiologist) rather than a new specialty. That is, an employer can reserve the right (if uniformly applied by the employer) to reject a return-to-work slip from a psychiatrist for a heart condition.

Affected Policies Employee Handbook:
7040 – FMLA and Other Leaves of Absence

Affected Policies Policy Manual:
8010 – Family and Medical Leave

Religious Accommodation

Policy changes made based on the U.S. Supreme Court's June 2023 decision in Groff v. DeJoy holding that the undue hardship burden for religious accommodations is actually not just de minimus or a lower standard than the ADA undue hardship burden.

Affected Policies Employee Handbook:
2012 – Anti-Retaliation

Affected Policies Policy Manual:
2030 – Equal Employment Opportunity (EEO)

Jury, Witness, Victim, and Voting Leave

A small change was made to make it clear that the credit union will provide the leave that is legally required.

Affected Policies Employee Handbook:
7030 – Jury, Witness, Victim and Voting Leave

Affected Policies Policy Manual:
8040 – Jury, Witness, Victim and Voting Leave

Repayment of Educational Expenses

It is recommended that any employee who will be expected to repay all or a portion of educational expenses if they leave their employment within a particular period of time should be required to sign a standalone repayment agreement that details the expense associated with the education and/or training costs, the dollar amount of repayment, and is in compliance with state law on the issue.

Affected Policies Employee Handbook:
8010 – Control of Expenses and Reimbursement

Affected Policies Policy Manual:
9040 – Education and Training

Harassment & Bullying Investigations

If an employee files a harassment lawsuit, their lawyer is likely to ask for all documents related to investigation protocols. These documents would be discoverable. Since there is list of suggested investigation steps in this policy, the employee's lawyer would take the investigator through all the steps in a deposition to determine whether they were all followed, any of them skipped, why were they skipped, etc. For this reason, we recommend taking out the specific investigation steps as shown in the redline document.

We have also narrowed the language dealing with sharing results of the investigation. This revision helps to respond to any complaining party's request to know if the accused was disciplined.

Affected Policies Policy Manual:
2040 – Harassment & Bullying

Also, on April 29, 2024, the U.S. Equal Employment Opportunity Commission (EEOC) published final guidance on harassment in the workplace, "Enforcement Guidance on Harassment in the Workplace."

These laws protect covered employees from harassment based on race, color, religion, sex (including pregnancy, childbirth or related medical conditions; sexual orientation; and gender identity), national origin, disability, age (40 or older) or genetic information.

The press release can be accessed here: https://www.eeoc.gov/newsroom/eeoc-releases-workplace-guidance-prevent-harassment

Affirmative Action Plans

After the Supreme Court's decision in the Harvard affirmative action case (which was not an employment matter), employers need to be very careful to not have programs that provide a "preference" or "quota" for hiring anyone based on race, gender, or any protected classification. That was always the rule; however, after the Supreme Court decision more attention is being made to employers' efforts to use race or gender as a "plus" factor or fulfilling quotas. Affirmative Action is only permissible in two situations: (1) the employer is a federal contractor, or (2) if the employer is not a federal contactor, then the employer must meet the requirements necessary to establish a voluntary affirmative action program. For a voluntary affirmative action program to be lawful, the credit union must be able to demonstrate a manifest imbalance in the workforce based on race or gender when comparing representation to availability. The voluntary program must seek to remedy this imbalance through broader outreach, recruitment, and training. Multiple legal opinions have determined that there is a limit to how far voluntary affirmative action programs can go, invalidating programs that do not sufficiently relate to Title VII's purposes of remedying and eliminating employment discrimination.

Unless the credit union at issue is a federal contractor or has done an analysis to determine that there is a manifest imbalance in the workforce based on race or gender and has adopted a voluntary affirmative action plan, then we recommend taking out the references to Affirmative Action in 2B and referring just to EEO. Public interest groups have increased their lawsuits against employers who advertise affirmative action programs on the basis that such programs discriminate against white and/or male employees. If the credit union is not a federal contractor and has not met the legal requirements for a voluntary affirmative action plan, then removing the affirmative action language reduces the chances of the credit union becoming a target of these lawsuits.

Affected Policies Policy Manual:
4020 – Hiring Procedures

Layoffs

Employee interviews as part of a reduction in force process should proceed with caution, preferably under the cloak of attorney-client privilege. The Employee Interviews section in this policy was removed so as not to cause a future evidentiary issue. However, this does not preclude the employer from conducting such interviews.

Layoff Criteria section - If the layoff criteria are pre-selected in this layoff policy, then it will be more difficult for the credit union to customize layoff criteria in an individual layoff program. If the credit union does not want the ability to adjust the criteria in a particular layoff, then this criteria is fine. Keeping the policy as-is means that the credit union will need to be very careful to ensure that each step and requirement is followed.

It is recommended that any disparate impact analysis be conducted under the cloak of attorney-client privilege. We recommend removing reference to disparate impact analysis from the policy manual so as to not increase the chance of the analysis becoming discoverable in any litigation over a reduction in force.

Affected Policies Policy Manual:
5040 – Layoff and Reduction in Force

Succession Planning

Just a reminder to be very careful with succession planning and identifying high-potential candidates. Any documents created in the process of identifying successors, high-potential candidates, 9-blocks, talent planning, etc. will be discoverable absent an attorney-client privilege. Everyone involved in the succession planning process should be reminded to follow all EEO and anti-discriminatory principles (as already noted in the Succession Planning policy-PM 5102). There are no recommended policy changes, just a reminder.

Personal Finances

We recommend removing the language regarding managers providing advice and financial counsel to employees as this might impose unnecessary liability on employers if that financial advice causes harm to the employee.

Affected Policies Policy Manual:
6072 – Personal Finances

SOME OTHER RECENT HR DEVELOPMENTS SINCE OUR LAST UPDATE

Equal Employment Opportunity Commission (EEOC)

EEO-1 Reporting

The 2023 EEO-1 Component 1 data collection opened April 30, 2024. The deadline to file 2023 EEO-1 reports was June 4, 2024.

To file your report, visit: Home (eeocdata.org)

Updated Visual Disabilities in the Workplace and the ADA Guide

On July 26, 2023, the EEOC released an updated guide that explains how the Americans with Disabilities Act (ADA) applies to job applicants and employees with visual disabilities. In particular, this document addresses:

- when an employer may ask an applicant or employee questions about a vision impairment and how an employer should treat voluntary disclosures;
- what types of reasonable accommodations applicants or employees with visual disabilities may need;
- how an employer should handle safety concerns about applicants and employees with visual disabilities; and
- how an employer can ensure that no employee is harassed because of a visual disability.

The guide can be found at: Visual Disabilities in the Workplace and the Americans with Disabilities Act | U.S. Equal Employment Opportunity Commission (eeoc.gov)

U.S. Department of Labor (DOL)

Updated Salary Thresholds for Overtime Exemptions

On April 26, 2024, the U.S. Department of Labor (DOL) issued final regulations that update the minimum salary for employees to be considered exempt from overtime requirements under the Fair Labor Standards Act. The increase will take effect in two steps.

The final rule can be accessed here: 2024-08038.pdf (govinfo.gov)

Under the new rule, exempt executive, administrative, and professional employees must be paid at least:

- $844 per week ($43,888/year) beginning July 1, 2024
- $1,128 per week ($58,656/year) beginning January 1, 2025

The final rule also increases the annualized salary threshold for Highly Compensated Employees to:

- $132,964 per year beginning July 1, 2024
- $151,164 per year beginning January 1, 2025

Starting July 1, 2027, and every three years after, automatic updates to the minimum salary levels will be made. Employers will have at least 150 days' notice before those changes take effect.

Earnings thresholds for the Executive, Administrative, and Professional exemption from minimum wage and overtime protections under the FLSA | U.S. Department of Labor (dol.gov)

Frequently Asked Questions - Final Rule: Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales, and Computer Employees | U.S. Department of Labor (dol.gov)

We have updated the Exempt Determination Worksheets that are found in the HR Suite Library with the July 1, 2024, numbers. We will update them again later this year if the January 1, 2025, levels get put into effect.

Revised Tools found in Library/Tools/FLSA:

- Nonexempt Exempt Determination
- Nonexempt Exempt Determination Executive Worksheet
- Nonexempt Exempt Determination Administrative Worksheet
- Nonexempt Exempt Determination Professional Worksheet
- Nonexempt Exempt Determination Highly Compensated Worksheet

- Nonexempt Exempt Determination Computer Related Worksheet
- Nonexempt Exempt Determination Outside Sales Worksheet

NLRB Joint Employer Rule

A National Labor Relations Board (NLRB) final rule was blocked March 8 by a district court judge in Texas. On May 7th, 2024, the NLRB filed a notice of appeal. This rule would have made it easier for employers who contract employees from other companies to be deemed a joint employer. The rule was to take effect March 11, 2024. The rule was found to be invalid because it would treat some companies as the employers of contract or franchise workers even when those companies lacked any meaningful control over their working conditions.

The U.S. Senate on April 10 approved repealing the joint employer rule. The House of Representatives also has voted to repeal the rule, but the repeal was vetoed by the President on May 3rd. A two-thirds majority vote in the Senate and House of Representatives would be needed to overturn the veto.

Watch for further developments. For now, joint-employer status will continue to be determined under the regulations adopted in 2020.

New Independent Contractor Final Rule

The U.S. Department of Labor (DOL) released its final rule revising the standard for determining whether a worker is an employee or independent contractor under the Fair Labor Standards Act (FLSA). The final rule took effect on March 11, 2024. Legal challenges are already underway.

The Final Rule rescinded the independent contractor rule issued during the Trump Administration and provides a different interpretation of the “economic realities” test. This test uses a multifactor, totality-of-the-circumstances analysis to determine whether a worker is an employee who is economically dependent on the employer for work, or an independent contractor who is in business for themself.

Six factors to be considered under the new test are:

- The degree to which the employer controls how the work is done.
- The worker's opportunity for profit or loss.
- The amount of skill and initiative required for the work.
- The degree of permanence of the working relationship.
- The worker's investment in equipment or materials required for the task.
- The extent to which the service rendered is an integral part of the employer's business.

Other relevant factors also can be considered.

The final rule can be viewed here: 2024-00067.pdf (govinfo.gov)

Frequently Asked Questions - Final Rule: Employee or Independent Contractor Classification Under the FLSA | U.S. Department of Labor (dol.gov)

Federal Contractor Minimum Wage Increase

On September 28, 2023, the Department of Labor published a notice in the Federal Register announcing that, beginning January 1, 2024, the Executive Order 14026 minimum wage rate would increase to $17.20 per hour

Federal Register :: Minimum Wage for Federal Contracts Covered by Executive Order 14026, Notice of Rate Change in Effect as of January 1, 2024

OSHA Civil Penalties 2024 Increases

Below are the maximum penalty amounts adjusted for inflation as of January 8, 2024.
2024 Annual Adjustments to OSHA Civil Penalties | Occupational Safety and Health Administration

Type of Violation	Penalty Minimum	Penalty Maximum
Serious	[$1,190**] per violation	$16,131 per violation
Other-Than-Serious	$0 per violation	$16,131 per violation
Willful or Repeated	[$11,524*] per violation	$161,323 per violation

Posting Requirements	$0 per violation	$16,131 per violation
Failure to Abate	N/A	$16,131 per day unabated beyond the abatement date [generally limited to 30 days maximum]

* For a repeated other-than-serious violation that otherwise would have no initial penalty, a GBP penalty of $460 shall be proposed for the first repeated violation, $1,152 for the second repeated violation, and $2,304 for a third repetition.

**This amount reflects the actual minimum penalty with all penalty reductions which rectifies error in the previous years' serious minimum penalty posted.

State Plan States

States that operate their own Occupational Safety and Health Plans are required to adopt maximum penalty levels that are at least as effective as Federal OSHA's.

Internal Revenue Service

401(k) Contribution Limit for 2024

The Internal Revenue Service announced that the amount individuals can contribute to their 401(k) plans in 2024 has increased to $23,000, up from $22,500 for 2023.

The IRS also issued technical guidance regarding all of the cost-of-living adjustments affecting dollar limitations for pension plans and other retirement-related items for tax year 2024 in Notice 2023-75 PDF. Click on the link below for more information.

401(k) limit increases to $23,000 for 2024, IRA limit rises to $7,000 | Internal Revenue Service (irs.gov)

Mileage Rates for 2024

The Internal Revenue Service issued the 2024 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes.

Beginning on Jan. 1, 2024, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be:

- 67 cents per mile driven for business use, up 1.5 cents from 2023.

- 21 cents per mile driven for medical or moving purposes for qualified active-duty members of the Armed Forces, a decrease of 1 cent from 2023.
- 14 cents per mile driven in service of charitable organizations; the rate is set by statute and remains unchanged from 2023.

IRS issues standard mileage rates for 2024; mileage rate increases to 67 cents a mile, up 1.5 cents from 2023 | Internal Revenue Service

Flexible Spending Account (FSA) Contribution Limits for 2024

For 2024, there is a $150 increase to the contribution limit for these accounts.

An employee who chooses to participate in an FSA can contribute up to $3,200 through payroll deductions during the 2024 plan year. Amounts contributed are not subject to federal income tax, Social Security tax or Medicare tax.

If the plan allows, the employer may also contribute to an employee's FSA. If the employee's spouse has a plan through their employer, the spouse can also contribute up to $3,200 to that plan. In this situation, the couple could jointly contribute up to $6,400 for their household.

For FSAs that permit the carryover of unused amounts, the maximum 2024 carryover amount to 2025 is $640. For unused amounts in 2023, the maximum amount that can be carried over to 2024 is $610.

IRS: 2024 Flexible Spending Arrangement contribution limit rises by $150 | Internal Revenue Service

Health Savings Account (HSA) Contribution Limits for 2025

The IRS released this information on May 9, 2024. The publication can be found here: https://www.irs.gov/pub/irs-drop/rp-24-25.pdf

Annual HSA contribution limits:

- Self-coverage only: $4,300
- Family coverage: $8,550

Annual catch-up contribution maximum remains unchanged at $1,000 for HSA-eligible individuals age 55 or older.

Minimum annual HDHP deductible:

- Self-coverage only: $1,650
- Family coverage: $3,300

Maximum annual HDHP out-of-pocket expenses (deductibles, copayments, and other nonpremium amounts):

- Self-coverage only: $8,300
- Family coverage: $16,600

Office of Federal Contract Compliance Programs (OFCCP)

Artificial Intelligence Guide

In keeping with Executive Order 14110, the Office of Federal Contract Compliance Programs (OFCCP) developed this guide addressing AI in the Equal Employment Opportunity (EEO) context. The guide addresses obligations enforced by OFCCP and applies to both federal contractors and subcontractors, collectively referred to as federal contractors.

The Guide can be accessed here: https://www.dol.gov/agencies/ofccp/ai/ai-eeo-guide

The main OFCCP AI landing page is here: https://www.dol.gov/agencies/ofccp/Artificial-Intelligence?utm_medium=email&utm_source=govdelivery

VEVRAA Hiring Benchmark

Federal contractors required, by the Vietnam Era Veterans' Readjustment Assistance Act (VEVRAA,) to develop a written affirmative action program (AAP) must also establish a hiring benchmark for protected veterans every year, or adopt the national benchmark provided by the Office of Federal Contract Compliance Programs (OFCCP) each year, as part of their AAP update.

The OFCCP announced the hiring benchmark, effective March 31, 2024, is 5.2 percent. This is down from 5.4 percent in 2023.

VEVRAA Hiring Benchmark | U.S. Department of Labor (dol.gov)

OFCCP Contractor Portal

The OFCCP has updated its Contractor Portal website with this year's certification cycle. It states: Beginning April 1, 2024, federal contractors will be able to certify the status of their AAPs for each establishment and/or functional/business unit, as applicable. The deadline for certifying compliance is July 1, 2024.

OFCCP Contractor Portal | U.S. Department of Labor (dol.gov)

Federal Trade Commission (FTC)

Noncompete Ban

On April 23, 2024, the Federal Trade Commission, FTC, issued a final Non-Compete Clause Rule which bans use of non-compete agreements for almost all workers. The final rule will become effective 120 days after publication in the Federal Register which is September 4, 2024. However, multiple legal challenges are already underway with some decisions expected in July.

The press release and final rule can be found here: FTC Announces Rule Banning Noncompetes | Federal Trade Commission

U.S. Citizenship & Immigration Services

Form I-9 – E-Verify+

On February 21, 2024, the release of E-Verify+ was announced. The press release can be found here: E-Verify is Happy to Share Exciting News!

The "plus" in E-Verify+ represents the benefits the new service provides to employers and employees alike. E-Verify+ provides employers added efficiency and employees more control over their personal information.

It will be launched as a pilot this spring.

CAUTIONS

Although HR Performance Solutions has conducted a great deal of research developing this product, HR Suite is not designed to be an exhaustive, legally compliant document specific to

your company or intended to comply with state and local laws. In other words, we do not assume the role of your legal counsel and, as always, responsibility for compliance with applicable employment laws remains with you. Once you have customized your HR Suite Policy Manual and Employee Handbook, there may be areas that should be reviewed by you and your attorney to ensure conformity with your organizational needs, state, and local legal requirements as applicable.

The HR Suite was primarily written for use by private employers. In many instances, relevant employment laws are vastly different in the public sector. In some cases, language pertaining to public employers, federal contractors, and sub-contractors is included in the manual as many areas may apply to both private and public employers. Additionally, companies with unionized environments may have considerably different obligations than those addressed in the HR Suite. Although some language for public employers may be included, employers in public and union environments should consult their attorneys for assistance in using this product.