Foster Garvey

Legal Alerts

# 2024 “To-Do” List for Employers

01.11.24

As 2023 has ended, and 2024 has arrived, our Labor, Employment & Immigration attorneys are pleased to bring you a convenient summary of significant legal developments. These updates are crucial for you as an employer to stay informed and prepare for the upcoming year.

**2023 Foster Garvey publications:**

- **NLRB’s New Joint Employer Rule:** Changes to this rule could significantly impact businesses and other employers who work with contractors or subsidiaries. Read more.
- **AI in Employment Decisions:** Guidance on using AI algorithms in employment decisions may affect businesses employing such technologies. Read more.
- **EEOC’s Focus on AI in Hiring:** New enforcement plans targeting technology and AI in hiring require a reevaluation of recruitment strategies. Read more.
- **Form I-9 Compliance Changes:** End of COVID-19 flexibility for virtual document reviews necessitates updates to compliance practices. Read more.
- **Restrictions on Confidentiality Provisions:** An NLRB decision limiting confidentiality and non-disparagement clauses may require revising employee agreements. Read more.

**Additional hot topics and key considerations:**

Each of these areas requires careful attention and strategic planning to ensure legal compliance and to maintain a positive and productive workplace environment.

- **Sexual and Other Harassment and Discrimination:** As with past years, addressing harassment and discrimination remains a significant concern. Key areas of focus should include updating policy and communication, training (including presentations by legal counsel), creating a safe reporting process, building a respectful workplace culture, and complying with government requirements and best practices.
- **Off-Duty Marijuana Use and Hiring Processes:** Beginning January 1, 2024, employers are prohibited from discriminating against job applicants based on lawful, off-duty marijuana use and may not rely on pre-employment drug tests that screen for non-psychoactive cannabis metabolites. Specific exceptions are defined in the law, and the law does not affect practices after an employee is hired and begins employment.
- **Adapting to Remote Work and Return of Remote Employees to the Workplace:** Although the pandemic has waned, employers still must navigate the legal challenges of remote work, including issues related to employee classification, tax implications, out-of-state workers, data privacy, and managing employee return to the workplace.

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- **Wage Adjustments:** Employers need to stay updated on changes to minimum wage and the minimum salary requirements for exempt status that go into effect on **January 1.**
- **Noncompete Agreements:** The thresholds for enforcing noncompete agreements will increase to $120,559.99 for employees and $301,399.98 for independent contractors.
- **Hospital Staffing Standards:** Elements of Washington's major revision to nurse and other hospital worker staffing standards will continue coming into effect throughout 2024, including the revised requirement to have a hospital staffing committee by January 1, 2024.
- **Health and Safety Regulations:** Remaining COVID-19 guidelines and a wide range of other workplace health and safety regulations will require management attention.
- **Diversity, Equity, and Inclusion Initiatives:** Employers will continue to develop an inclusive company culture by implementing DEI strategies in recruitment and retention, but should be prepared to navigate legal challenges to these programs from time to time.
- **Data Privacy Compliance:** State and federal data privacy regulations will increasingly affect HR processes.
- **Employee Benefits:** Benefits, particularly government required leave of absence measures, will require employer attention.
- **Union Activities and Labor Relations:** The National Labor Relations Board is expected to remain active in 2024, developing new law that affects both non-union and union workplaces. Unions are also expected to be increasingly active in 2024, requiring additional attention to legal developments under the National Labor Relations Act and similar state laws.
- **Updating Employment Documents:** Due to changes in the law, employers should update employment agreements, confidentiality agreements, separation agreements, and employee handbooks.

**Staying informed and prepared:**

For a deeper dive into these topics and how they might specifically affect your business, we invite you to contact our team for personalized advice and strategies.

**We value your business:**

Thank you for choosing Foster Garvey as your trusted legal partner. The Firm's Labor, Employment & Immigration attorneys stand ready to assist you with your most critical business requirements - in 2024 and beyond.

*Disclaimer: This newsletter is intended for informational purposes only and does not constitute legal advice.*

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## Legal Alerts

- EEOC Releases New Guidance for AI Algorithms in Employment Decisions
- EEOC Unveils New Enforcement Plan Taking Aim at Technology and AI in Hiring
- Form I-9 Practice Alert: End of COVID-19 Flexibility for Virtual Document Reviews
- NLRB Decision Restricts the Use of Confidentiality and Non-Disparagement Provisions
- What Employers Should Know About the NLRB's New Joint Employer Rule

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