

10 Takeaways from the 2024 WV SHRM State Council HR Legislative & Law Conference

1. Employers should reevaluate the compensation structure for their employees with an eye on the new proposed salary threshold for overtime.
2. Be aware that requests for accommodation due to pregnancy-related conditions or limitations are likely to be covered under the expansive scope of the Pregnant Workers Fairness Act (PWFA), and personnel should be trained to identify and respond appropriately to such requests.
3. Train employees on laws pertaining to harassment based on sexual orientation and gender identity and intra-sectional and intersectional harassment. The EEOC's updated guidance further emphasizes the necessity of instituting policies to prevent "virtual" harassment, especially in the telework and remote world emerging after the COVID-19 pandemic.
4. Non-Compete Agreements: Monitor pending litigation, be prepared – plan to provide notice to employees who are required to be advised if their non-compete is not enforceable if the rule becomes effective, and review existing agreements.
5. The decision affecting Chevron is also likely to affect state regulations because West Virginia adopted Chevron's deference and, although free to continue using Chevron, it may abandon it in favor of the new approach.
6. Review your severance agreements for confidentiality and non-disparagement clauses that may infringe on employees' Section 7 rights.
7. Review your policies and handbooks for language that could infringe on protected concerted activity.
8. The NLRB and its general counsel will continue to push the limits of what constitutes protected concerted activity. Be careful when addressing these issues.
9. The Board will closely scrutinize employer dress codes and other facially neutral policies that could be interpreted as limiting the free expression of employees concerning discrimination and other workplace issues.
10. Pay close attention to the Presidential election results. The outcome will affect the landscape of labor and employment law moving forward.



Anthony Caldera

Associate

(304) 933-8141

anthony.caldera@steptoe-johnson.com



Michael Moore

Member

(304) 933-8153

michael.moore@steptoe-johnson.com

