

ALERTS

Recent Employment Law Updates

November 16, 2022

EEOC Releases Updated “Know Your Rights” Poster

The U.S. Equal Employment Opportunity Commission (EEOC) has released a “Know Your Rights” poster, which replaces the previous “EEO is the Law” poster. The new poster summarizes federal laws prohibiting job discrimination and explains that employees or applicants can file a charge if they believe that they have experienced discrimination. Covered employers are required by federal law to prominently display the poster at their work sites. The EEOC also encourages employers to post a notice digitally.

The EEOC advises that employers should remove the old poster and display the new one within a reasonable amount of time. Covered employers are subject to fines for noncompliance, with the maximum penalty being \$612 per offense.

New York City’s Private-Sector Vaccine Mandate Has Expired

New York City’s COVID-19 vaccine mandate for private employers, detailed in a previous *Alert*, expired on Nov. 1, 2022. The expiration of the private-sector mandate does not curtail an employer’s ability to create and enforce its own vaccine policies, subject to applicable local, state and federal laws. For example, employers are still permitted to require their employees to be vaccinated to enter their workplaces.

New York City Salary Transparency in Job Advertisements Law Now in Effect

New York City's Salary Transparency in Job Advertisements law went into effect on Nov. 1, 2022. As previously discussed here and here, the new law makes it an unlawful discriminatory practice for covered employers to advertise a job posting for any position (including when seeking, among other roles, interns and consultants) located within New York City (including remote roles) without including a "good faith" minimum and maximum salary for the job.

New York City Releases Proposed Rules for Upcoming Artificial Intelligence Employment Law

The New York City Department of Consumer and Worker Protection has proposed rules to implement the legislation, previously passed effective as of Jan. 1, 2023, regulating the use of Automated Employment Decision Tools ("AEDT") (discussed here).

The proposed rules define key terms to supplement the law's definition of AEDTs, as well as terms for the law's mandated bias audit. The proposed rules also require that employers publish the results of their bias audit, that such posting be made "publicly available on the careers or job section of their website in a clear and conspicuous manner," and include the date of the audit, the distribution date of the tool and the selection rates and impact ratios for all categories.

The proposed rules further outline several ways by which employers may provide the law's required advance notice of AEDT use. These methods must include instructions on how a candidate or an employee may request an alternative selection process or accommodation. Additionally, the proposed rules provide clarification with respect to the law's requirement of notices regarding the type of data collected, the source of the data and the data retention policy.

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If you have any questions concerning this *Alert*, please contact your attorney at Schulte Roth & Zabel or one of the authors.

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