

Employment & Labor Group Checklist:
Top-10 Employment Law Issues for 2024

1. **Stay Up-to-Date with Non-Compete Regulations:** State and federal non-compete regulations are evolving rapidly and employers may need to revise their agreements. Be aware of restrictions, salary threshold requirements, notice requirements, and more.
2. **Notify Employees About Unenforceable California Restrictive Covenants by February 14, 2024:** Determine whether you are obligated to identify and notify current and certain former employees about unenforceable California restrictive covenants. Notification deadline is February 14, 2024, so do not wait.
3. **Update Payment Protocols for NY Employees:** Review and update payment protocols for employees in New York to comply with the NY Wage Theft Accountability Act. Maintain records of your compliance efforts. The Act contains stiff penalties and is already in effect.
4. **Revise Severance Agreements to Acknowledge Employee Rights:** Severance agreements that include non-disparagement and confidentiality provisions must also include language that explicitly protects employees' rights. Using old template agreements will not suffice, and required language may vary by state.
5. **Review Employee Classifications and Salary Thresholds:** Ensure compliance with updated salary exemption thresholds in states such as California and New York. Salary thresholds have increased in many states.
6. **Audit AI Tools Being Used in Workplace:** Establish a process for testing and reviewing Artificial Intelligence (AI) and automated decision-making tools to prevent discrimination. Although AI is now common in the workplace, employers are still responsible for the tools they use and outcomes generated.
7. **Comply with NYC LL 144 if Using AEDTs:** Ensure compliance with New York City Local Law 144 for using Automated Employment Decision Tools (AEDT). Covered employers must conduct annual bias audits, publish audit results, and provide candidates and employees with proper notice.
8. **Consider Separate Sick Leave and Flexible Paid Time Off Policies:** There are significant benefits to maintaining separate policies. Communicate policies, and how they interact with one another, to employees.
9. **Adjust Leave Policies to Align with New State and Local Requirements:** Many states and localities are expanding the amount of leave employees may take, and the reasons employees may take leave. California, Illinois, and Minnesota will see significant changes in 2024.
10. **Stay Tuned for Demographic Data Reporting Obligations:** Under California's Fair Investment Practices by Investment Advisors Act, VC investment firms and advisors (and certain private funds) with a California nexus may need to collect and report demographic data about their portfolio companies' founders. The Act is part of a broader trend to promote transparency and diversity in venture capital investments. Governor Newsom has acknowledged that current deadlines and requirements are problematic and that he plans to propose clean-up provisions. Take a "wait and see" approach for now.