

# Retail Industry Workplace Law Update – Summer 2021

By Mark S. Askanas

July 1, 2021

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### How Do You Define Workplace?

Our remote and return-to-the-workplace survey shares insights from more than 400 C-suite, senior human resources and legal executive respondents on what the future holds for their workplaces. Those responses reveal that the workplace will become as individual as the employees themselves. Yet, some trends have emerged from the data.

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### Class Action Trends Report Spring 2021

Jackson Lewis attorneys discuss how employers can undertake Diversity, Equity and Inclusion initiatives without risking class action discrimination suits; wage and hour compliance issues arising from the COVID-19-induced work-from-home surge; and a landmark Fifth Circuit decision rejecting the common two-stage framework for conditional certification of Fair Labor Standards Act collective actions.

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### Federal Disability Discrimination Law Does Not Require Websites Be Accessible, Appeals Court Holds

A website is not a “place of public accommodation” and an inaccessible website is not necessarily equal to the denial of goods or services, U.S. Court of Appeals for the 11th Circuit has held in a groundbreaking decision on disability discrimination under Title III of the Americans with Disabilities Act.

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### Fourth Circuit Clarifies Scope of Title VII Same-Sex Workplace Harassment

Same-sex harassment in the workplace under Title VII of the Civil Rights Act is not strictly limited to the three scenarios in the U.S. Supreme Court’s seminal 1998 opinion in *Oncale v. Sundowner Offshore Services*, a three-judge federal appeals court panel has held.

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### Connecticut Legalizes Recreational Marijuana

Connecticut has become the 19th state to legalize recreational marijuana use by adults.

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### Connecticut Amends Pay Equity Law, Requiring Disclosure of Wage Ranges to Applicants, Employees

Connecticut’s “An Act Concerning the Disclosure of Salary Range for a Vacant Position,” which goes into effect on October 1, 2021, imposes new requirements on Connecticut employers to disclose the wage range for vacant positions to both job applicants and

existing

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### Nevada Expands Paid Leave Rights for Employees, Including for COVID-19 Vaccination

Nevada has enacted new law requiring employers to provide additional paid leave to allow employees to receive a COVID-19 vaccination and clarifying that employees may use existing paid leave to care for themselves and their family members.

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### Pennsylvania Court Certifies Nationwide Class in Accessibility Case Against Public Accommodations

A federal district court judge has certified a nationwide class of people with mobility disabilities who allegedly had difficulty getting around the defendant's stores due to aisle obstructions in violation of Title III of the Americans with Disabilities Act. The class involves all or most of the defendant's 350 retail stores nationwide.

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Please contact a Jackson Lewis attorney if you have any questions about these developments.

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