

# Retail Industry Workplace Law Update – Spring 2022

By Mark S. Askanas

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Retail  
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### Class Action Trends Report

Jackson Lewis attorneys look back at class action developments in 2021, including COVID-19 vaccine mandate litigation, significant procedural decisions, wage and hour suits, and the continuing rise of cases brought under the California Private Attorneys General Act and Illinois Biometric Information Privacy Act, among other litigation trends.

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### Store Sampler Representatives Are Exempt Outside Salespersons, First Circuit Holds

Who doesn't like free samples when shopping? But are the representatives providing those samples actually "selling" them so that they are exempt from overtime under the Fair Labor Standards Act as outside salespersons? Yes, according to the U.S. Court of Appeals for the First Circuit.

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### President Biden Signs Law Limiting Arbitration Agreements for Sexual Assault, Harassment Claims

President Joe Biden has signed a law that limits the use of predispute arbitration agreements and class action waivers covering sexual assault and sexual harassment claims.

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### Jump in Facial and Voice Recognition Raises Privacy, Cybersecurity, Civil Liberty Concerns

Facial recognition, voiceprint, and other biometric-related technology are booming, and they continue to infiltrate different facets of everyday life. The technology brings countless potential benefits, as well as significant data privacy and cybersecurity risks.

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### Indiana's New Procedure Regulating the Employment of Minors Now Fully Operational

Indiana companies employing minors should review Indiana's updated statutory procedure making them responsible for registering the employee with the state, among other obligations.

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### Washington Wage and Hour Developments for Q1 2022

Various updates and adjustments to Washington's wage and hour and related reporting laws have been passed by the legislature.

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## New York City Issues Guidance on Requirement to Disclose Salary Ranges in Advertisements

The New York City Commission on Human Rights published guidance for the recently enacted Local Law 32 of 2022, which requires salary transparency in job advertisements, effective May 15, 2022.

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## Amount of Paid Leave Dramatically Increased Under D.C. Universal Paid Leave Law

Due to a surplus in the District of Columbia's Universal Paid Leave Fund, the number of weeks of paid leave available to D.C. workers under D.C.'s Universal Paid Leave Act will significantly increase on July 1, 2022.

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

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