

# 46<sup>th</sup> Annual Corporate Counsel Institute

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## 2024 Employment Law Update



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## TODAY'S AGENDA

- **Judicial Update:** Supreme Court and 5<sup>th</sup> Circuit Cases
- **Federal Agency Rules and Laws:**
  - **FTC:** Non-Compete Rules
  - **DOL:** Wage and Hour Update
  - **NLRB:**
    - Latest on *McLaren* Decision and GC Memo 23-05
    - Joint Employer Update
  - **EEOC:** New Harassment Guidance
  - **Pregnant Worker's Fairness Act and Rules**
- **Texas Legislation:**
  - Ban on Vaccine Mandates/Crown Act/Workplace Violence Prevention

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## Supreme Court and 5<sup>th</sup> Circuit Update

- Muldrow v. City of St. Louis (S. Ct. 2024)

**Held:** Job transfer can still be actionable even with no change in title, salary, or benefits, *if* the transfer brings “some” harm—need not be “significant.”

- Hamilton v. Dallas County (5<sup>th</sup> Cir. 2023)

**Held:** A change in terms and conditions of employment short of an “*ultimate employment decision*” can be actionable. (Title VII *only*, not TCHRA)

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## Federal Rules and Laws



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# Federal Trade Commission -Noncompetes

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## FTC Rule BANNING Non-compete clauses:

- **April 23** – FTC voted 3-2 to approve the final regulations.
- Covers noncompetes, broad nondisclosure agreements, training cost repayment agreements, and potentially nonsolicits.
- Would go into effect **August 21** if not stayed.
- Permissible to enforce certain noncompete clauses where the cause of action accrued **before** the effective date of the rule, but not after.

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