

## Retail Industry Workplace Law Update – Winter 2019

By Mark S. Askanas

January 2, 2019

### Class Action Trends Report

The latest issue of our quarterly report on developments in class action litigation focuses on “joint employers” and covers the following topics:

- Are *you* my employer?
- A patchwork of tests
- Only in California
- Prevention pointer

[Read the Report ...](#)

### OSHA: Certain Safety Incentive Programs, Post-Accident Drug Tests Permissible

Most safety incentive programs and post-incident drug testing policies will not be considered retaliatory and unlawful under a new Standard Interpretation from the Occupational Safety and Health Administration. [Read full article ...](#)

### 2019 Minimum Wage Rate Increases: The List Grows

While the federal minimum wage has remained stalled at \$7.25 an hour since 2009, there has been significant movement at the state level, with some states enacting a minimum wage rate that is more than double the federal level. [Read full article ...](#)

### Oregon Implements Expansive Equal Pay Act

A majority of the provisions of Oregon’s Equal Pay Act became effective on January 1, 2019. The Act’s ban on salary history inquiries went into effect in October 2017. Beginning 2019, the Bureau of Labor and Industries (BOLI) will enforce the Act, including the inquiry ban. [Read full article ...](#)

### New York Issues Revised Proposed ‘Predictive Scheduling’ Regulations

The New York State Department of Labor has issued sweeping proposed regulations addressing worker scheduling practices that will affect most employers in the state. [Read full article ...](#)

### Philadelphia Enacts Broad Scheduling Regulations

The Philadelphia Fair Workweek Employment Standards Ordinance, intended to regulate scheduling practices for the employers in the city in the hospitality, retail, and food services industries, will become effective on January 1, 2020. [Read full article ...](#)

©2019 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.’s 950+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients’ goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.

### Meet the Author



[Mark S. Askanas](#)

Principal  
San Francisco 415-394-9400  
Email

### Practices

Class Actions and Complex Litigation  
Wage and Hour  
Workplace Safety and Health

### Services

Drug Testing and Substance Abuse Management  
Pay Equity

### Industries

Retail

©2021 Jackson Lewis P.C. All rights reserved. Attorney Advertising. Prior results do not guarantee a similar outcome. No client-lawyer relationship has been established by the posting or viewing of information on this website.

\*The National Operations Center serves as the firm's central administration hub and houses the firm's Facilities, Finance, Human Resources and Technology departments.