



LIVINGHR | Q2 2023

# The Inside Scoop

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## Who said compliance can't be fun?

Okay, don't answer that. We know it's *everyone*.

Every quarter, our internal compliance expert partners with our attorney, Cherie, and she drafts a witty, humor-filled update for the livingHR team on happenings in compliance news.

She takes what's going on in the complex topics of compliance and translates them in a clear and concise way that's easy to understand. Keep in mind that this information is provided for informational purposes only and should not be construed as legal advice.

We hope you enjoy!



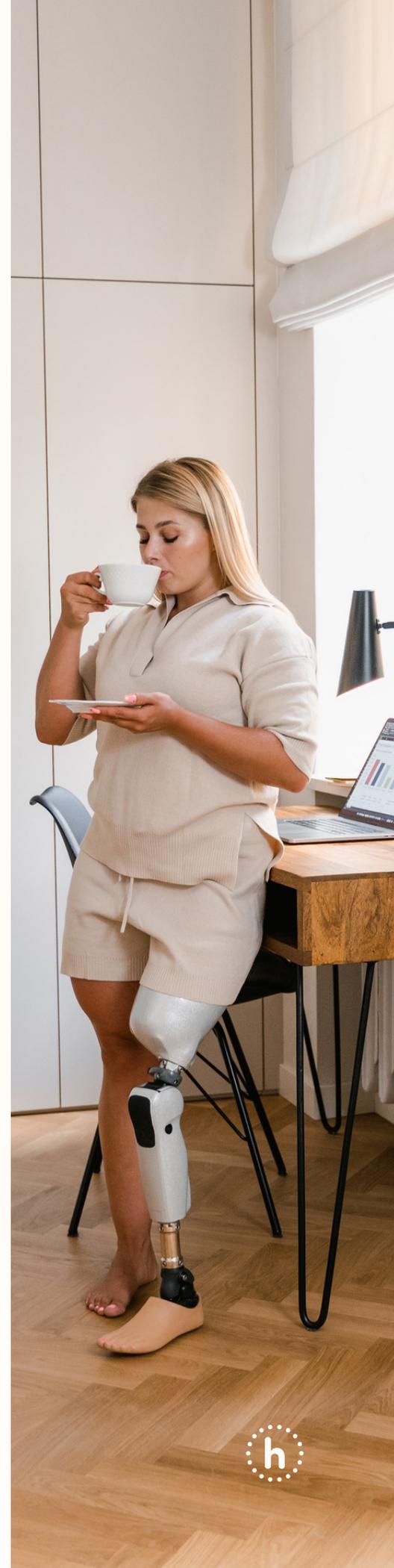
## Spill the tea. Or maybe don't? IDK.

So, we've all heard about the **removal of disparagement** (talking smack) and confidentiality (talking about it) clauses in severance agreements. For the most part, this applies to employees and not leaders of people (but they *\*actually\** have to manage people AND have the ability to coach them and impact the terms of their employment). Why? Because of how the NRLB is interpreting the NLRA and how it applies here. I know, way too many acronyms. Here's the thing though: their team says this applies retroactively with no limits, meaning that severance agreement you signed in 2008 that says you can't spill the tea may not be enforceable. BUT! A lot of really smart people think there are going to be challenges, especially on the part where there aren't time limits. And so we wait...as the world turns

**To spill the tea or to not spill the tea?  
That is the question.**

## So, what do you do now?

If you're considering providing a severance agreement to anyone, make sure you're engaging with employment counsel. We have a great one if you need a referral, but it's crucial to have expert eyes on these situations.





## AUDIT. AUDIT. AUDIT!

Now that we have your attention – **DOL audits are on the rise**. How do we know that? They told us they were hiring 100 more investigators last year... to do more audits. They would be *terrible* secret keepers.

## So, what do you do now?

- You prepare! Job descriptions should be fully updated with proper classifications (exempt/non-exempt), with clearly listed duties and physical requirements.
- You update your handbook.
- You make sure your non-exempt people are clocking in and out, and that your payroll records are sparkling (not literally – they should just be really clear).
- You call us if you need help with these things because your plate is absurdly full and this is a lot. Plus, you may have heard that we're experts. It's true.





## Them dolla dolla bills, y'all.

Not news: people want pay transparency. Maybe news: a bunch of states do too and are pushing for **wage transparency laws** that require companies to post the *\*actual\** pay ranges for a job (not \$30k - \$120k, based on experience). The goal is to shrink those pay gaps and make things more equitable. Whether or not this actually helps, only time will tell.

PS: Maybe also news? Employees have the right to discuss their wages under Section 7 of the NRLA, which seems to always surprise people. And yes, some states specifically have laws allowing people to talk about their cash money (just maybe don't share what your coworker makes without their permission. Makes things v awkward).





## So, what do you do now?

You don't panic!

This doesn't have to feel scary, and we can help. (Seriously – our team is really, really smart).

- We're going to do a full market analysis with an expert who can tell you what it all means.
- We'll look at your pay philosophy, we'll look at compression.
- We'll budget for changes.
- We'll create materials so everyone can learn about these things internally.

And we'll communicate, communicate, communicate. Then probably communicate more because you really can't do that enough.

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If you've made it this far, good job.  
**Take a break, you deserve it.**

