



### Your Checklist Going into 2022

And we thought 2020 was a doozy! In terms of continuing challenges, unprecedented questions and shifting legal landscapes, 2021 delivered. Between maintaining business continuity and keeping your workforce safe, we know there's been little time to track the rapid changes for employers with workforces in Illinois, across the US, and around the world. Here's a quick checklist to help you prepare for some of the most important developments in 2022.



#### COVID-19 Developments

- Determine whether you're covered by a federal scheme (such as the OSHA ETS or the federal contractor mandate)
- Comply with state and local laws to the extent they are not inconsistent with laws that are likely to apply pending litigation
- Don't focus on the existing deadlines for the OSHA ETS and federal contractor mandate, but prepare to comply with the mandates as if they will come into effect relatively soon
- Determine whether the company wants a vaccination policy (notwithstanding any law compelling one)
- Collect worker vaccination status where permitted. Store the information for each employee in a confidential medical file separate from their personnel file, and ensuring minimal people have access
- Establish a specific team of individuals to review and process requests for exemptions
- Determine whether you are required to/will pay for the cost of actual COVID-19 tests. Check applicable state law for requirements
- Keep on top of the status of federal vaccine mandate litigation and state and local prohibitions on vaccine mandates, and other state and local leave laws and anti-retaliation laws that may apply



#### Restrictive Covenants

- Stay updated on noncompete laws in states/countries where you have employees
- Keep an eye out for action by the Federal Trade Commission in line with President Biden's Executive Order on Promoting Competition in the American Economy, and any legal challenges to FTC action

- Inventory and review noncompete agreements and make sure they comply with applicable law
- Educate managers/executives involved in the hiring process on any changes
- For employers with multi-national workforces, re-evaluate the company's use of noncompetes across jurisdictions



## Pay Equity

- Keep up to date on new or amended pay equity laws where you have employees
- Implement the requirements of applicable salary history bans, including modifying application forms and interview questions
- Check and comply with reporting requirements
- Train managers and supervisors on any applicable requirements or restrictions
- Implement annual compensation audits and performance review audits across all jurisdictions where you have employees
- Consider mini-audits of populations that have historically been more impacted
- Audit incumbents against incoming employees to ensure incumbents are being paid as the current market demands



## Best wishes for a healthy and prosperous 2022

### Your Baker McKenzie Illinois Labor & Employment Team



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