

## June 2020 Legal HR Updates

### General/Federal

#### **Supreme Court Affirms LGBTQ+ Protection Against Discrimination**

##### **What happened?**

On June 15, 2020, the Supreme Court ruled 6-3 that the Civil Rights Act of 1964 protects gay, lesbian, and transgender employees from discrimination based on sex.

##### **What are the details?**

The U.S. Supreme Court has ruled that according to Title VII of the Civil Rights Act of 1964 gay, lesbian, and transgender employees will be protected from discrimination in the workplace. The Civil Rights Act of 1964 still allows some exemptions to this, as noted by Justice Neil Gorsuch. Justice Gorsuch points to the 1993 Religious Freedom Restoration Act as a prime example of an exemption.

Further details about the ruling can be found [here](#).

##### **What do employers need to do?**

Employers should review their policies to ensure they are not discriminating against members of the LGBTQ+ community. Managers and supervisors should receive training about these changes. Employee handbooks should be updated to reflect changes to EEO and anti-discrimination policies.

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#### **EEOC Denies the Use of Mandatory Antibody Tests for COVID-19**

##### **What happened?**

The EEOC has issued new guidance regarding use the use of mandatory antibody tests before employees can return to work.

##### **What are the details?**

The EEOC has determined that due to a lack of information about COVID-19 antibodies, mandatory testing does not meet the ADA's requirement for a medical examination to be "job related and consistent with business necessity." Note that this is only applicable to antibody testing due to a lack of information at this time and may change in the future. Mandatory COVID-19 testing, to determine if an employee is positive or negative before returning to work, is still allowed.

The EEOC Guidelines regarding antibody testing can be found [here](#).

##### **What do employers need to do?**

Employers should hold off on any planned antibody testing until more information becomes available. Employers who are requiring antibody testing before allowing employees to re-enter the workplace should cease doing so, as this is not allowed under the ADA.

## **Nonimmigrant Visas Severely Restricted**

### **What happened?**

The Trump administration issued a proclamation on June 22, 2020 severely restricting several nonimmigrant visas to help alleviate domestic unemployment related to COVID-19.

### **What are the details?**

The Trump administration has issued severe restrictions to nonimmigrant visas. The following visas will likely be declined upon request:

- H-1b
- H-2b
- L-1
- J Visa
  - Specifically, for interns, trainees, teachers, camp counselors, au pairs, and summer work travel participants

The restrictions do not impact existing visa holders. Those that have existing visas may still petition to have it extended but are advised to not travel internationally, as they may be barred from entry upon returning.

Exemptions apply for the following individuals:

- Lawful permanent residents (Green Card holders)
- Spouses and children of U.S. citizens
- Foreign nationals seeking to enter the United States to provide temporary labor or services essential to the U.S. food supply chain
- Foreign nationals identified by the Secretary of State, the Secretary of Homeland Security, or their respective designees, to be of national interest.

The proclamation also acted as an extension of the April 22, 2020 proclamation that suspended most immigration into the U.S. without an existing visa.

More information about the proclamation can be found [here](#).

The June 22, 2020 proclamation itself can be found [here](#).

The April 22, 2020 proclamation can be found [here](#).

### **What do employers need to do?**

Employers that utilize nonimmigrant visa holding workers frequently should be aware of a possible labor shortage and update their hiring practices to reflect this.

## **Remote I-9 Verification and E-Verify Temporary Policies Extended**

### **What happened?**

The Department of Homeland Security (DHS) extended the temporary rules which allow remote verification of identification for the I-9 and E-Verify program.

### **What are the details?**

Due to the COVID-19 pandemic, the DHS has extended flexibility for employers and workplaces who are working remotely for an additional 30 days, until July 18, 2020.

### **What do employers need to do?**

If still working remotely, employers may remotely verify I-9 identification forms. However, if employers have returned to work in person, the verification must be completed as normal.

A press release of the original order can be found [here](#).

Further details regarding the temporary policies can be found [here](#).

## Helpful Resources

### **Facemasks**

Please check with your local city/county, but a good summary of facemask requirements by state can be found [here](#) and [here](#). Please be aware that multiple states are requiring citizens to wear face coverings while in public places.

### **Return to Work**

Many states across the United States are beginning to re-open and each state has their own standard of review to determine when they should open. For a good summary of state re-opening requirements, check out this [link](#).

### **Health Screening Requirements**

Please check with your local city/county for more information, but a good summary of health screening requirements can be found [here](#).

### **OSHA Return to Work Guidance**

OSHA has released a Return to Work document that employers may use as guidance. The document can be found [here](#).

### **Families First Coronavirus Response Act (FFCRA) Questionnaire**

The Department of Labor released a step by step questionnaire for employees to determine if they are eligible for leave under the FFCRA. An employer questionnaire is forthcoming and the link to the website can be found [here](#).

## **FFCRA FAQ**

The Department of Labor has also released an FAQ regarding the FFCRA. It answers questions ranging in topics from posting requirements to telehealth and other remote care services. The FAQ can be found [here](#) and an article with summarized points can be found [here](#).

## Arizona

### **Arizona Implements Enhanced COVID-19 Mitigation Measures**

#### **What happened?**

Governor Doug Ducey issued Executive Order 2020-40, placing new requirements on businesses related to COVID-19 spread prevention.

#### **What are the details?**

On June 17, 2020, Governor Ducey announced that guidelines from a previous executive order (2020-36) would now be required. The law requires basic precautions be taken from each business and include:

- Ensure physical distance for all employees
- Providing facemasks for all employees
- Requiring usage of facemasks where physical distancing is not possible
- Requiring symptom checks of employees before their shift
- Requiring that sick employees stay home
- Creating policies in the workplace to promote increased employee hygiene
- Increased frequency of cleaning and disinfecting of the workplace

For a more detailed breakdown of each requirement, please [click here](#).

For more information on Executive Order 2020-40 and Executive Order 2020-36, please use the following links: [EE2020-40](#), [EE2020-36](#)

#### **What do employers need to do?**

Employers should review the new required guidelines and update any policies that do not fit with the guidelines provided in EE2020-36. Look to purchase facemasks for employees who are required to use them.

## California

### **CDPH Provides Guidance for Employers Responding to COVID-19 Outbreaks**

#### **What happened?**

The California Department of Public Health (CDPH) has issued guidance to employer who may be dealing with possible COVID-19 outbreaks as workers return to worksites.

### **What are the details?**

The CDPH has released guidance for employers to refer to as employees start returning to the workplace. As more employees show up everyday for work, there is an increased chance of an outbreak. The CDPH's guidelines outline what steps an employer can do to create an outbreak plan.

Industry specific guidelines can be found [here](#).

An article summarizing the guidelines can be found [here](#).

The actual guidelines can be found [here](#).

### **What do employers need to do?**

Employers should review their industry-specific guidelines and start creating a workplace plan for handling an outbreak. Employers should research any guidelines regarding workplace outbreaks issued by their local health department.

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## **Governor Newsom and CDPH Issue New Face Mask Regulations**

### **What happened?**

Governor Newsom alongside the CDPH have issued regulations making facemasks mandatory for most California employees.

### **What are the details?**

On June 18, 2020, Governor Newsom announced that the CDPH has issued new guidelines requiring facemasks for workers that do the following:

- Interact with members of the public in-person
- Work in a space visited by the public, even if there are no members of the public present
- Work in a space where food is prepared or packaged for sale or distribution
- Work in or walk through common areas of a business
- Drive or operate public transportation, including private car service

Employers will be required to provide facemasks for any employees who fit the above criteria.

The guidelines indicate that surgical masks should be reserved for those working in the medical, manufacturing, and food processing industries, as well as those working in community/social services, social work, in-home daycare, law enforcement/public safety, and schools.

For industry specific guidelines, [click here](#).

For the general guidelines and a list of the exemptions made, [click here](#).

### **What do employers need to do?**

Employers should review their industry-specific guidelines and update their workplace policies as soon as possible. Prepare to purchase masks for essential workers who work in industries that fall under the requirements.

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### **New California Workplace Safety Standards for Nighttime Agricultural Workers**

#### **What happened?**

The California Division of Occupational Safety Health (Cal/OSHA) has issued new standards for agricultural workers who work between sunset and sunrise, effective July 1, 2020.

#### **What are the details?**

Cal/OSHA has issued new “common-sense” standards regarding work conditions for nighttime agricultural workers. Employers will need to evaluate the need for lighting in the workplace to ensure worker safety, including the lighting needs for those operating machinery. Supervisors must conduct safety meetings at the beginning of every shift to inform workers about their surrounding and high traffic areas.

The news release from the Department of Industrial Relations can be found [here](#).

The breakdown of each change to the labor code can be found [here](#).

#### **What do employers need to do?**

Employers utilizing nighttime agricultural labor should begin purchasing lighting equipment, as needed, in order to meet the requirements created by Cal/OSHA. Supervisors will need to be trained on how to conduct their daily meetings with workers and what to identify for the workers every shift. Employers should update their handbooks to include policies regarding company issued lighting, if provided to individual employees.

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### **Paid Family Leave Duration Increased Two Weeks**

#### **What happened?**

Paid family leave has been extended two additional weeks.

#### **What are the details?**

As part of Governor Newsom’s 2020-2021 budget (SB-83), the Paid Family Leave duration will be increased from six weeks to eight weeks. This will also come with increased protections for those on Paid Family Leave. This was not the case before July 1, 2020. Previously, Paid Family Leave did not grant job protection status. Governor Newsom’s budget will allow it the same protections granted to other leaves like the California Family Rights Act and the Family and Medical Leave Act, both of which are unpaid.

Read SB-83 in its entirety [here](#).

Read more about Paid Family Leave [here](#).

### **What do employers need to do?**

Employers should review current policies and procedures, and ensure proper benefits are provided to staff who file for leave.

### [Summary of State Laws \(Q1 & Q2 2020\)](#)

#### **Oakland Hotel Worker Safety Protections**

Effective July 1, 2020, ballot Measure Z creates the Department of Workplace and Employment Standards to enforce these protections. Under Measure Z, hotel employers with 50 or more guest rooms must provide their employees with the following:

- Emergency contact devices (“panic buttons”)
- Rights to report violent or threatening behavior
- Restrictions on the maximum space to be cleaned
- Limitations on mandatory overtime

The measure also contains retaliation and retention protections for hotel employees and includes notice and recordkeeping requirements.

#### **Restraining Order**

Effective September 1, 2020, an employer, co-worker, or school employee may file a court petition requesting a gun violence restraining order against an employee who poses a significant danger of causing personal injury to others by having in their custody or control, owning, purchasing, possessing, or receiving a firearm.

### [Colorado](#)

#### **Colorado Passes Law Requiring Employers to Provide Three Types of Paid Sick Leave**

##### **What happened?**

The Colorado Senate has passed a bill that will create three mandatory types of sick leave, COVID-19 Emergency Paid Sick Leave (CO-EPSL), Paid Sick and Safe Time (PSST), and Public Health Emergency Paid Sick Leave (PHEL).

##### **What are the details?**

The Colorado Senate has passed SB20-205, the Healthy Families and Workplaces Act (HFWA). The bill was signed by the president of the Senate on June 22, 2020 and now needs to be signed by the governor to take effect. The bill will create three distinct sick paid leaves. The paid leaves will take effect at varying times. The sick leaves will be broken down individually below:

## CO-EPST

Effective (once signed by the governor) immediately through December 31, 2020 all employers will need to provide CO-EPST to their employees. This applies the federally mandated paid sick leave provided by the Emergency Paid Sick Leave Act in the Families First Coronavirus Response Act.

It is not clear right now what exemptions may exist when a collective bargaining relationship exists between the employer and employees.

It is not clear how the federally required leave will interact with the also required Health Emergency Leave with Pay rules that already exist in Colorado.

Details related to the leave provided by the FFCRA can be found [here](#).

**Note:** the CO-EPST is the same amount of sick leave provided by the FFCRA. It is only different in that it will be required of **all** Colorado employers.

## PSST

PSST will first apply only to employers with 16 or more employees starting January 1<sup>st</sup>, 2021, then be applicable to all employers January 1<sup>st</sup>, 2022. Employees will start accruing 1 hour of PSST for every 30 hours worked, up to a maximum of 48 hours per year. Employers may frontload the 48 hours instead of accruing per hour worked. It has not been mentioned if this relieves employers of the need to carryover balances like it does for other states. Therefore, every employee will be allowed to carryover their unused balance, up to 48 hours of PSST, to the following plan year. Employers with existing policies that already meet or exceed the 48 hours of PSST **and** the 80 hours provided (assuming the employee is working at least 80 hours every two weeks) will not have to create a new sick plan policy. Unlike other mandatory sick leave programs, PSST has no usage waiting period. Employees may use PSST as they accrue it.

To read more about PSST, including when employee's may use it, [click here](#).

## PHEL

PHEL is only a supplemental paid sick leave. It will only be applicable in the event of a public health emergency. A public health emergency is defined by the HFWA as:

- an act of bioterrorism, a pandemic influenza, or an epidemic caused by a novel and highly fatal infectious act, for which: (1) a disaster emergency is declared by the governor; or (2) an emergency is declared by a federal, state, or local public health agency;
- a highly infectious illness or agent with epidemic or pandemic potential for which a disaster emergency is declared by the governor.

Additionally, the employee can use their PHEL up to four weeks after the official termination or suspension of the public health emergency. The amount of supplemental leave provided varies by the amount of time worked by the employee. The amounts are as follows:

- For employees who normally work 40 hours or more per week: At least 80 hours.



- For employees who normally work fewer than 40 hours in a week: At least the greater of either the amount of time the employee is scheduled to work in a 14-day period or the amount of time the employee actually works during an average 14-day period.

It is not currently clear when exactly PHEL is supposed to be offered by employers.

For more details on PHEL [click here](#).

The Senate bill itself is available [here](#).

### **What do employers need to do?**

Employers with employees in Colorado should closely monitor the governor's website, as it will be effective immediately once signed. Paid sick leave policies should be changed to accommodate the new emergency leaves and PSST that will start at the beginning of 2021.

### [Summary of State Laws \(Q1 & Q2 2020\)](#)

#### **Overtime and Minimum Pay**

Effective March 16, 2020, the Colorado Overtime and Minimum Pay Standards (COMPS) Order #36, replacing Minimum Wage Order #35, contains wage and hour changes to include:

- An increase in salary thresholds for exempt employees
- Expanded coverage to nearly all employees
- Modified rest period requirements
- Expanded posting requirements that include adding a copy of the COMPS Order or poster to a handbook or policy for those employers that distribute a handbook or policies to their workers

For additional information regarding this Order, please refer to this firm's [legal update](#) on this Colorado COMPS Order.

In addition, temporary amendments to the COMPS Order (set to expire July 14, 2020, but proposed to become permanent) include:

- Analysis of joint employment under Colorado wage and hour law under the versions of the federal Fair Labor Standards Act (FLSA) and applicable FLSA regulations that were in effect as of May 16, 2019 rather than the current FLSA regulations.
- Reduction of information required in the earnings statements provided to employees each pay period, specifically eliminating an employee's address, occupation, date of hire, date of birth (if the employee is under the age of 18), and daily record of all hours worked.
- Requirement that employers provide employees access to required records of their daily hours and a statement of their occupation through either each pay period's earnings statements (previously mandatory, but now optional), online access to the information (if the employer knows that the employee has an email address) or annually by each January 31, as well as upon a request that an employee can make once per year.

#### **Hair Discrimination**

Effective September 14, 2020, an amendment to the Colorado Anti-Discrimination Act provides that race discrimination includes hair texture, hair type, and protective hairstyles such as braids, locs, twists, tight

coils or curls, cornrows, bantu knots, afros, and headwraps that are commonly or historically associated with race.

## Connecticut

### Summary of State Laws (Q1 & Q2 2020)

#### **Sexual Harassment Training**

By October 1, 2020, employers must provide sexual harassment training as follows: For employers with three or more employees, employers must provide two hours of sexual harassment training to all employees. For employers with fewer than three employees, employers must provide two hours of sexual harassment training to all supervisors.

New employees hired on or after October 1, 2019, must receive training within six months of their start date. However, employers may request a 90-day extension from the Connecticut Commission on Human Rights and Opportunities by explaining how current COVID-19 restrictions have prevented training.

If existing employees were provided training after October 1, 2018, employers are not required to provide this training again to such employees. Employers must provide subsequent training at least once every 10 years.

## Florida

### **Florida Emergency Order Restricts Sale of Alcohol for On-Site Consumption**

#### **What happened?**

The Secretary of Florida's Department and Professional Regulation has passed an emergency order restricting the sale of alcohol for on-site consumption.

#### **What are the details?**

An emergency executive order was signed June 26, 2020 that limited the sale of alcohol for on-site consumption. If a vendor is licensed to sell alcohol for consumption onsite, and they make more than 50% of their gross revenue from those sales, the vendor may no longer sell alcohol for consumption onsite. The vendor can still sell for pick up/consumption elsewhere.

Restaurants may continue to provide on-premises consumption of alcohol, if they make 50% or less gross revenue from the sale of alcoholic beverages that are consumed onsite. They must also still comply with Executive Order 20-139, which mandates they stay at 50% capacity indoors and outdoor dining must still practice social distancing measures.

The emergency executive order can be found [here](#).

Executive Order 20-139 can be found [here](#).

## **What do employers need to do?**

Vendors in Florida that make over 50% of their revenue from selling alcohol for on-site consumption should adjust their business practices to accommodate pick up/takeout orders. Restaurants should keep an eye on how much revenue they are generating through alcohol sales and continue complying with the capacity reduction and social distancing measures enforced by Executive Order 20-139.

### [Summary of State Laws \(Q1 & Q2 2020\)](#)

#### **Pinellas County Wage Theft Notice**

Effective February 7, 2020, employers must provide written notice to employees at time of hire and to all employees who work for the employer as of the date of the ordinance and in the future, containing:

- The rate or rates of pay and basis thereof, whether paid by the hour, shift, day, week, salary, piece, commission, or otherwise, including any rates for overtime, as applicable
- Allowances, if any, claimed as part of the minimum wage, including meal or lodging allowances
- The regular payday designated by the employer
- The name of the employer, including any “doing business as” names used by the employer
- The physical address of the employer’s main office or principal place of business, and a mailing address, if different
- The employer’s telephone number

Employers must also provide the written notice to an employee whenever anything in the original written notice changes within seven calendar days after the time of the changes.

### [Illinois \(Chicago\)](#)

#### **Chicago Enacts COVID-19 Anti-Retaliation Measures**

##### **What happened?**

On May 20, 2020, a new ordinance was signed into law increasing protections for employees who are impacted directly or indirectly by COVID-19.

##### **What are the details?**

The ordinance creates new protections for “Covered Employees,” who are following orders issued by the mayor of the City of Chicago. These protections include prohibiting the demotion and termination of these “Covered Employees.” A “Covered Employee” is defined generally as, an employee who, in any two-week period, performs at least two hours of work for an employer while physically present within the geographic boundaries of the City of Chicago. Covered employees may be following any of the following orders:

- Staying at home to minimize the transmission of COVID-19
- Remaining at home while experiencing COVID-19 symptoms or while sick with COVID-19
- A quarantine order issued to the Covered Employee
- An isolation order issued to the Covered Employee
- An order issued by the Commissioner of Health regarding the duties of hospitals and other congregate facilities

These protections extend to a covered employee who is caring for an individual who is following the first three of the listed orders. Additionally, as of July 1, 2020, outside salespersons and some students will be considered Covered Employees as well.

The ordinance also creates new ways for the City of Chicago to enforce these protections. An administrative or court action can be brought against employers who are noncompliant with the law. Even if the City itself does not pursue the employer, employees will be able to bring the case forward in court as well. Employers who are noncompliant have a 30-day period after they have been notified of a violation to fix the behavior without being liable for damages. Otherwise, the employees will be able to seek the following damages:

1. Reinstatement to the same or equivalent position
2. Monetary damages equal to three times the lost wages
3. Actual damages
4. Attorney fees and costs

For a more detailed breakdown of the ordinance: [Read Here](#)

### **What do employers need to do?**

Employers in Chicago should immediately update their workplace policies to prevent any violations of the Covered Employee's protections. Should it become necessary to terminate a Covered Employee the employer needs to be able to provide documentation to show its necessity.

## [Summary of State Laws \(Q1 & Q2 2020\)](#)

### **Sexual Harassment Training**

The Illinois Department of Human Rights has provided clarity on sexual harassment training requirements in guidance it issued on January 31, 2020. The guidance includes clarifications, such as:

- Employers must train all employees in Illinois, including short-term and part-time employees and interns.
- Employers are not required to train independent contractors but are strongly advised to train independent contractors who work on-site at the employer's workplace or interact with the employer's staff.
- Employees who perform work or regularly interact with the employer's employees in Illinois should be trained, even if they are based in another state.

### **Human Trafficking Training for Lodging Establishments**

Effective June 1, 2020, hotels, motels, and casino hotels must provide certain employees with training on the recognition of human trafficking and protocols for reporting observed human trafficking to the appropriate authorities. An employer may develop its own training program or use that of a third party that includes the minimum requirements. In addition, the Department of Human Services is expected to develop a training program for use by employers by July 1, 2020.

### **School Activities Leave**

Effective August 1, 2020, Illinois' School Visitation Rights Act (SVRA) is amended to cover behavioral meetings or academic meetings (previously classroom activities) and prohibit employers from terminating an employee because of an absence that is due solely to a reason protected by the SVRA.

### **Chicago Paid Sick Leave**

Effective July 1, 2020, Chicago's Paid Sick Leave Ordinance applies to all employers with at least one covered employee, regardless of whether the employer maintains a business facility in Chicago or is subject to any Chicago business license requirements (as previously required). In addition, individuals excluded from coverage include outside salespersons, members of a religious corporation or organization, certain students, motor carriers, and certain camp counselors.

### **Chicago Predictive Scheduling**

Effective July 1, 2020, the Chicago Fair Workweek Ordinance requires certain employers in building services, healthcare (effective January 1, 2021 for safety-net hospitals), hotels, manufacturing, restaurants, retail, and warehouse services to provide covered employees at least 10 days' notice of their work schedules and predictability pay for certain changes to the schedule.

For additional information regarding this Chicago ordinance, please refer to this firm's [legal update](#). Please note that recent amendments to this ordinance allow for certain exceptions during a pandemic (including the COVID-19 pandemic).

## Indiana

### Summary of State Laws (Q1 & Q2 2020)

#### **Microchip Implantation**

Effective July 1, 2020, employers are prohibited from requiring current and prospective employees to undergo microchip implantation as a condition of employment or receiving additional compensation or benefits. An employer may require current or prospective employees to comply with a court order directing them to receive the implantation.

#### **Noncompete Agreement**

Effective July 1, 2020, employers must include the following provisions in any non-compete agreement with a physician:

- A clause requiring the employer to provide the physician with a copy of any notice to patients regarding the physician's departure from the employer.
- An obligation on the employer to provide contact information for the physician to inquiring patients.
- The ability for the departed physician to obtain medical records from the employer for patients who provide authorization.
- The ability of the physician to buy-out the non-compete provision at a reasonable price.

## Iowa

### Summary of State Laws (Q1 & Q2 2020)

#### **Waterloo Criminal Background**

Effective July 1, 2020, employers cannot inquire about a job applicant's criminal records on a job application. In addition, employers with 15 or more employees may not ask an applicant about previous

criminal activity before making a conditional employment offer. Employers may discuss the criminal record if voluntarily disclosed by the applicant during a job interview.

## Maine

### Summary of State Laws (Q1 & Q2 2020)

#### **Subminimum Wage**

Effective June 16, 2020, employers may no longer pay less than the minimum wage to a person because they have a mental or physical disability.

## Maryland

### **Maryland Employers with 50+ Employees Must Submit Sexual Harassment Survey by July 1, 2020**

#### **What happened?**

Pursuant of the Disclosing Sexual Harassment in the Workplace Act of 2018, employers in Maryland with 50 or more employees must complete a survey and submit it to the Maryland Commission on Civil Rights on or before July 1, 2020.

#### **What are the details?**

The Act requires employers to fill out the survey, which will include the following information:

1. The number of settlements made by or on behalf of the employer after an allegation of sexual harassment by an employee;
2. The number of times the employer has paid a settlement to resolve a sexual harassment allegation against the same employee over the past 10 years of employment; and
3. The number of settlements made after an allegation of sexual harassment that included a provision requiring both parties to keep the terms of the settlement confidential.

If there is an answer for Question 2, employers must also answer a follow-up question:

4. Whether the employer took personnel action against an employee who was the subject of a settlement.

After his initial report employers will be required to fill out the survey every other year. The information will be kept confidential.

The Act can be found [here](#).

#### **What do employers need to do?**

Employers with 50 or more employees in Maryland should fill out the survey as soon as possible. Keeping proper documentation will allow for employers to fill out the future surveys easier.

## Summary of State Laws (Q1 & Q2 2020)

### **Criminal Background**

Effective January 1, 2020, employers with 15 or more full-time employees are prohibited from requiring applicants to disclose whether they have a criminal record or have had criminal accusations brought against them before the first in-person interview and/or retaliating or discriminating against an applicant or employee for claiming a violation of the law.

Employers can inquire about an applicant's criminal background during the first in-person interview. This law does not prohibit employers from making an inquiry if required or expressly authorized by federal or state law, nor does it apply to employers that provide programs, services, or direct care to minors or vulnerable adults.

### **Sexual Harassment Settlement Reporting**

On or before July 1, 2020, Maryland employers with 50 or more employees must report the following information to the Maryland Commission on Civil Rights:

- The number of settlements made by or on behalf of the employer after an allegation of sexual harassment by an employee
- The number of times the employer has paid a settlement to resolve a sexual harassment allegation against the same employee over the past 10 years of employment
- The number of settlements made after an allegation of sexual harassment that included a provision requiring both parties to keep the terms of the settlement confidential

A second report is due on or before July 1, 2022.

### **Hair Discrimination**

Effective October 1, 2020, an amendment to the Maryland Fair Employment Practices Act provides that race discrimination includes discrimination based on traits associated with race, including hair texture, afro hairstyles, and protective hairstyles such as braids, locs, and twists.

### **Salary History**

Effective October 1, 2020, employers must provide job applicants with a wage range for their potential position upon request. In addition, employers may not take adverse action against applicants for not providing a wage history or rely on an applicant's wage history in considering the applicant for employment or in determining the applicant's wages.

However, after an initial offer of employment with a compensation offer has been made to an applicant, an employer may confirm and rely on voluntarily provided wage history to support a wage offer higher than initially offered, as long as the higher wage does not create an unlawful pay differential based on sex or gender identity.

### **Salary Disclosure**

Effective October 1, 2020, employers may not take adverse action against employees for inquiring about their own wages.

### **WARN**

Effective October 1, 2020, employers with 50 or more employees are required to provide written notice at least 60 days prior to the relocation of a part of an employer's operation from one workplace to

another existing or proposed site or the shutting down of a workplace or a portion of the operations of a workplace that reduces the number of employees by at least 25% or 15 employees, whichever is greater, over any three-month period.

Employers must also provide continuation of benefits to affected employees.

#### **Paid Sick Leave**

Effective October 1, 2020, the definition of family member for paid sick leave purposes has been expanded to include a legal ward of the employee and a legal guardian or ward of the employee's spouse.

#### **Facial Recognition**

Effective October 1, 2020, an employer may not use a facial recognition service for the purpose of creating a facial template during a job applicant's employment interview unless the applicant provides consent.

### New Jersey

#### Summary of State Laws (Q1 & Q2 2020)

#### **Employee Classification**

Several bills have been enacted that penalize employers for improperly misclassifying employees as independent contractors and inform employees of their rights. Among these laws are:

- Effective January 20, 2020, joint liability will be imposed for employee misclassification on labor contractors that provide workers to an employer.
- Effective January 20, 2020, New Jersey regulators may issue stop-work orders for violations of wage laws, including misclassification, and may require financial penalties for misclassification.
- Effective January 20, 2020, the New Jersey Department of Labor and Workforce Development is permitted to post a list of wage-law violators on its website.
- Effective April 1, 2020, employers are required to post notices in the workplace to inform workers of their rights under the state's classification laws.

#### **Family Leave, Sick Leave, and Temporary Disability Benefits**

Effective March 25, 2020, New Jersey amended the New Jersey Earned Sick Leave Act, New Jersey Family Leave Act (NJFLA), and New Jersey Temporary Disability Benefits Law, which includes New Jersey Family Leave Insurance, in regards to leave and benefits for employees impacted by a state of emergency or a quarantine or isolation order due to a communicable disease by:

- Expanding the list of qualifying reasons for use of paid sick leave.
- Expanding the qualifying reasons for leave under the NJFLA, including the need to care for a child due to the closure of the child's school or place of care due to a public health emergency.
- Limiting the NJFLA's key employee exemption.
- Expanding the eligible reasons an employee may collect temporary disability insurance (TDI) benefits.
- Eliminating the seven-day waiting period for collecting TDI for sickness related to an epidemic.

Effective June 17, 2020, eligible employees who return to work on a reduced basis while recovering from a disability will be paid a reduced amount of temporary disability benefits.



Effective July 1, 2020, the maximum duration for family leave insurance benefits is 12 weeks (previously six weeks) or 56 days (previously 42 days) taken on an intermittent basis. For temporary disability insurance and family leave insurance benefits, an employee's weekly benefit rate is 85% (previously two-thirds) of the employee's average weekly wage, up to a maximum of 70% (previously 53%) of the state average weekly wage.

### **Pay Statement**

Effective May 20, 2020, employers with 10 or more employees must include the following information on employees' pay statements in addition to the already required deductions:

- Gross wages
- Net wages
- Rate of pay
- Number of hours worked during the pay period (if relevant to the wage calculation)

Employers are permitted to provide pay statements to employees electronically, unless an employee requests statements in paper form.

### **Organ and Bone Marrow Donation Leave**

Effective May 20, 2020, New Jersey's Temporary Disability Benefits Law is expanded to provide job-protected leave to individuals who are unable to work because they are donating an organ or bone marrow. For purposes of donating an organ or bone marrow, the one-week waiting period for the payment of temporary disability benefits is eliminated.

In addition, employers are eligible for a tax credit if they choose to provide a paid leave of absence to employees for bone marrow or organ donation and if such time is in addition to any other paid time off granted to the employee. The credit is equal to 25% of the employee's salary during the time missed from work, for up to 30 days of missed work for each donation.

## [New Mexico](#)

### [Summary of State Laws \(Q1 & Q2 2020\)](#)

### **Nondisclosure Provisions**

Effective May 20, 2020, employers cannot require that an employee, as a term of employment, sign a nondisclosure provision of a settlement agreement relating to a claim of sexual harassment, discrimination, or retaliation in the workplace.

Confidentiality provisions in settlement agreements are permitted when they relate to the monetary amount of a settlement or, at the employee's request, they prohibit disclosure of facts that could lead to the identification of the employee. However, the existence of a confidentiality provision does not prohibit the disclosure of information required for a judicial, administrative, or other governmental proceeding by subpoena or other applicable order required by law.

### **Pregnancy Accommodation**

Effective May 20, 2020, the New Mexico Human Rights Act requires covered employers to provide a reasonable accommodation for an employee or applicant arising from pregnancy, childbirth, or a condition related to pregnancy or childbirth, unless doing so would create an undue hardship on the

employer's business. Employers cannot, however, require an employee to take paid or unpaid leave if another reasonable accommodation can be provided, unless the employee voluntarily requests to be placed on leave or the employee is placed on leave pursuant to federal law.

In addition, the Act includes pregnancy, childbirth, or related medical conditions as a protected class.

### **Bernalillo County Paid Leave**

Effective July 1, 2020, employers with two or more employees within Bernalillo County must provide paid leave to employees that can be used for any reason.

Employees accrue one hour of paid leave for every 32 hours worked, up to 28 hours in a year. Up to 28 hours of paid leave may be used in a year.

Employers must allow employees to carry over up to 28 hours of unused accrued paid leave to the following year.

Effective July 1, 2021, employers with 11 or more employees must provide accrual and use of paid leave of up to 44 hours in a year.

Effective July 1, 2022, employers with 35 or more employees must provide accrual and use of paid leave of up to 56 hours in a year.

### [New York \(New York City\)](#)

#### **New Rules Adopted Clarifying the "Safety-Sensitive" Exception**

##### **What happened?**

New York City has adopted new rules clarifying the "Safety-Sensitive" exception for pre-employment tests.

##### **What are the details?**

The new rules established by New York City grant greater leeway to employers to administer marijuana tests in the pre-employment process. The following guidelines outline what types of positions will be granted "Safety-Sensitive" status:

- The position requires that an employee regularly, or within one week of beginning employment, work on an active construction site;
- The position requires that an employee regularly operate heavy machinery;
- The position requires that an employee regularly work on or near power or gas utility lines;
- The position requires that an employee operate a motor vehicle on most work shifts;
- The position requires work relating to fueling an aircraft, providing information regarding aircraft weight and balance, or maintaining or operating aircraft support equipment; or
- Impairment would interfere with the employee's ability to take adequate care in the carrying out of his or her job duties and would pose an immediate risk of death or serious physical harm to the employee or to other people.

These build upon the previous exemptions listed below:

- positions in law enforcement;
- certain construction jobs (as defined in the law);

- any position requiring a commercial driver's license; and
- positions requiring the supervision or care of children, medical patients, or vulnerable persons (as defined in the law).

Read more about the exemption [here](#).

### **What do employers need to do?**

Employers conducting marijuana tests in New York City will need to review the responsibilities of each position to ensure they fit the above criteria to meet exemption status.

The official Notice of Adoption can be found [here](#).

## [Summary of State Laws \(Q1 & Q2 2020\)](#)

### **Voting Leave**

Effective April 3, 2020, New York's voting leave law is amended (reversing most of the amendments effective April 12, 2019) to require an employer to provide up to two hours of paid voting leave. The amendments also include adding back the requirements that leave may be taken by an employee without sufficient time outside of working hours to vote and that employees must notify their employer at least two workdays (but not more than 10 workdays) before election day of the need for time off to vote.

### **Wage Theft**

Effective June 23, 2020, amendments to the Wage Theft Prevention Act (WTPA) require employers who claim prevailing wage supplements to provide employees with a wage rate notice at the time of hire that includes:

- Hourly rate claimed
- Type of supplement, such as pension or health care
- Names and addresses of the person or entity providing the supplement
- Agreement, if any, requiring or providing for such supplement, together with information on how copies of such agreements or summaries may be obtained by an employee.

Covered employers are also required to include, on each employee's wage statement, the type of each prevailing wage supplement claimed and the hourly rate for each supplement or be accompanied by a copy of the hiring notice containing that information.

Effective October 1, 2020, home health care employers in certain locations are required to include the benefit portion of the minimum rate of home care aide total compensation on the home care worker's wage rate notice at the time of hire and on the wage statements. The wage statement must also include the type of such benefits provided and the name and address of the person or entity providing such benefits.

### **Tip Credit Reduction**

Effective June 30, 2020, the maximum tip credit for workers covered by the Minimum Wage Order for Miscellaneous Industries and Occupations is reduced by 50% (and completely eliminated on December 31, 2020).

### **Call Center Jobs Notice Requirements**

Effective June 30, 2020, the New York Call Center Jobs Act requires covered call center employers to provide advance-notice of at least 100 days to the Labor Commissioner if the employer intends to relocate out of New York State, or reduce call volume by at least 30% with the intent to relocate out of state. In addition, the Act requires the Labor Commissioner to keep a list of call center employers that have relocated out of state, which will be available on the New York State Department of Labor website. Such relocations affect the call center employers' access to state grants, tax benefits, and procurement contracts.

### **Sexual Harassment Claims**

Effective August 12, 2020, the statute of limitations is extended from one year to three years for employees to file sexual harassment complaints with the New York Division on Human Rights.

### **New York City Sexual Harassment Training**

In New York City's Commission on Human Rights guidance regarding an amendment to the New York City Human Rights Law (NYCHRL) effective January 11, 2020, which expanded protections under the law to independent contractors and freelancers, employers are now required to provide certain independent contractors and freelancers with sexual harassment prevention training in accordance with the NYCHRL. Similar to employees and interns, independent contractors must receive this training if they work for an employer of 15 or more people, work more than 80 hours in a calendar year, and work for at least 90 days.

### **Suffolk County Criminal Background**

Effective August 25, 2020, employers with 15 or more employees are prohibited from inquiring about a job applicant's prior criminal convictions during the application process or before a first interview.

The law allows employers to inquire about prior criminal convictions when:

- The employer is hiring for licensed trades or professions (including interns and apprentices) and asks applicants the same questions asked by the trade or professional licensing body in accordance with state law.
- Certain convictions under or violations of state or federal law prohibit employment in that position.
- The inquiries are authorized by law.

The restrictions do not apply to certain public employers, private schools, and private service providers of direct services specific to the care or supervision of children, young adults, senior citizens, or the physically or mentally disabled.

### **Paid Sick Leave**

Effective September 30, 2020, New York's statewide paid sick leave law requires that employers with 100 or more employees provide up to 56 hours of paid sick leave per year and employers with fewer than 100 employees provide up to 40 hours of paid sick leave per year, except employers with fewer than four employees and a net income of less than \$1 million, whom can provide sick leave as unpaid. Employees accrue one hour of sick leave for every 30 hours worked beginning September 30, 2020 or when employment begins, whichever is later. Employers are not required to allow use of sick leave until January 1, 2021.

Unused sick leave must be carried over to the next calendar year, but the employer may limit the amount of sick leave that may be used in a calendar year to 40 hours (employers with fewer than 100 employees) and 56 hours (employers with 100 or more employees).

Sick leave may be used for the employee's or employee's family member's mental or physical illness, injury or health condition; medical diagnosis, care or treatment; and preventive medical care. It can also be used for an absence for various reasons when the employee or employee's family member has been the victim of domestic abuse, a family offense, sexual offense, stalking, or human trafficking.

## Ohio

### Summary of State Laws (Q1 & Q2 2020)

#### **Toledo Hair Discrimination**

Effective January 10, 2020, Toledo prohibits discrimination based on “natural hair types and hair styles or head wraps commonly associated with race, culture or religion,” including afros, braids, twists, cornrows, and locs.

#### **Toledo Salary History**

Effective June 25, 2020, employers with at least 15 employees are prohibited from any of the following:

- Asking job applicants about salary history.
- Screening applicants based on their current or prior wages, benefits, other compensation or salary histories.
- Relying on an applicant's salary history in deciding whether to offer employment to the applicant or in determining the applicant's salary, benefits or other compensation, including the terms of an employment contract.
- Refusing to hire or otherwise retaliate against an applicant who fails to disclose his or her salary history to a prospective employer.

However, employers may discuss salary and benefit expectations with applicants.

Upon reasonable request, an employer must provide the applicable pay scale to applicants who have received a conditional job offer.

## Oregon

### Summary of State Laws (Q1 & Q2 2020)

#### **Scheduling Law**

Effective July 1, 2020, covered employers must post the written work schedule at least 14 calendar days (previously seven calendar days) before the first day of the work schedule. Covered employers are retail, hospitality, and food services establishments with 500 or more employees worldwide, including those that are part of a chain.

### **Nondisclosure Agreement**

Effective October 1, 2020, employers are restricted from entering into nondisclosure or nondisparagement agreements at the time of hiring and during settlement and severance negotiations that prevents the employee from disclosing or discussing discrimination or sexual assault. However, such provisions are permitted when an aggrieved employee voluntarily requests to sign a nondisclosure, nondisparagement, or no-rehire agreement and will have seven days to revoke the agreement and/or if an employer makes a good faith determination that an employee has engaged in discriminatory conduct prohibited by Oregon law, including sexual assault.

### **Anti-Discrimination Policy**

Effective October 1, 2020, employers are required to adopt an anti-discrimination policy, make it available to employees within the workplace, and provide a copy to new hires and to employees who make a complaint about prohibited discrimination or harassment. The policy must include:

- A process for employees to report prohibited conduct
- Identification of the person(s) responsible for receiving complaints, including an alternate person
- The five-year statute of limitation for bringing a claim of discrimination or sexual assault
- A statement that the employer may not require or coerce employees to sign a nondisclosure or nondisparagement agreement, including a description of the meaning of those terms
- An explanation that an aggrieved employee may voluntarily request to sign a nondisclosure, nondisparagement, or no-rehire agreement and will have seven days to revoke the agreement
- A statement advising employers and employees to document incidents of unlawful discrimination or sexual assault

The Oregon Bureau of Labor and Industries' site contains a model policy for employers to use.

## [Pennsylvania](#)

### [Summary of State Laws \(Q1 & Q2 2020\)](#)

#### **Philadelphia Salary History**

Effective February 6, 2020, an injunction was lifted that had blocked part of a 2017 Philadelphia ordinance that would have prohibited employers from asking applicants about their wage history. As such, employers cannot:

- Inquire about a prospective employee's wage history in writing or otherwise
- Require disclosure of a prospective employee's wage history
- Condition employment or consideration for an interview or employment on the disclosure of wage history
- Rely on a prospective employee's wage history from any current or former employer in wage determinations for that individuals at any stage during the employment process, including negotiating or drafting an employment contract, unless the prospective employee "knowingly and willingly" discloses that information
- Retaliate against a prospective employee for failing to comply with a wage history inquiry or opposing an unlawful act under Philadelphia's Fair Practices Ordinance

However, employers can take action pursuant to federal, state or local law that specifically authorizes disclosure or verification of wage history for employment purposes. Employers can also ask prospective

employees other questions relevant to setting a salary and relative to the position, to including the applicant's salary requirements or expectations, skill level, and experience.

## South Dakota

### Summary of State Laws (Q1 & Q2 2020)

#### **Discrimination**

Effective July 1, 2020, the South Dakota Human Rights Act is amended to provide discrimination protections to interns.

## Texas

### **Texas Restricts Sales of Alcohol on Site, Limits Restaurant Capacity, Closes Businesses Temporarily to Combat COVID-19**

#### **What happened?**

As part of the "Opening of Texas" Executive orders, bars will be closed effective June 26, 2020 only allowing sales for delivery and takeout.

#### **What are the details?**

Per Executive Orders GA-26, GA-23, GA-21, and GA-18, collectively all part of the "Opening the State of Texas" process, the State has decided to close bars effective June 26, 2020 for the foreseeable future. They will be allowed to continue with sales for delivery and takeout.

Restaurants will also now be limited to 50% capacity, a reduction from the previous 75% allowed.

Rafting and tubing businesses will also be closing.

Further reading and a link to all the involved executive orders can be found [here](#).

#### **What do employers need to do?**

Bars, rafting, and tubing businesses should keep an eye out for executive orders that may allow them to fully or partially re-open their businesses. Restaurants should begin reducing capacity in their restaurants.

### Summary of State Laws (Q1 & Q2 2020)

#### **Dallas Paid Sick Leave**

This ordinance that went into effect on August 1, 2019 for employers with more than five employees has been blocked effective March 30, 2020 in a lawsuit contesting its legality.

## Utah

### Summary of State Laws (Q1 & Q2 2020)

#### **Medical Marijuana**

Effective February 28, 2020, Utah has amended its medical marijuana law to include that private employers are not required to accommodate the use of medical marijuana and are allowed to have policies restricting the use of medical marijuana by applicants or employees.

## Virginia

### Summary of State Laws (Q1 & Q2 2020)

#### **Hair Discrimination**

Effective July 1, 2020, an amendment to the Virginia Human Rights Act (VHRA) provides that race discrimination includes discrimination based on traits historically associated with race, including hair texture, hair type, and protective hairstyles such as braids, locs, and twists.

#### **Pregnancy Discrimination and Lactation Accommodation**

Effective July 1, 2020, employers with five or more employees are prohibited from discriminating against employees based on pregnancy, childbirth, or related conditions, including lactation. Employers must also provide reasonable accommodations for employees that are pregnant or have related conditions, including providing lactation breaks.

A covered employer is required to conspicuously post a notice and include information in an employee handbook regarding the prohibition against unlawful discrimination and the right to reasonable accommodations. This information must be provided to:

- All existing employees by October 29, 2020
- New employees upon commencement of employment
- An employee who discloses their pregnancy within 10 days after disclosure to the employer

#### **Discrimination Protections**

Effective July 1, 2020, the Virginia Values Act (VVA) amends the VHRA by:

- Extending discrimination protections to employees and applicants based on sexual orientation, gender identity and veteran status
- Expanding the definition of “employer” and extending liability under state law
- Expanding the list of prohibited actions
- Detailing lawful employment practices
- Revising enforcement procedures
- Expanding damage provisions

#### **Wage Statement**

Effective January 1, 2020, employers must provide a written statement to employees each pay day that includes:

- The employer’s name and address
- Hours worked (Effective July 1, 2020, this is only required if employee is paid on the basis of (1) the number of hours worked or (2) a salary that is less than the standard salary level adopted by



regulation of the Department of Labor pursuant to the FLSA. Previously, the Virginia Department of Labor and Industry (DOLI) stated that enforcement of the hours worked requirement would be delayed until July 1, 2020 for salaried, piece work, and other employees not traditionally paid on an hourly basis.)

- Rate of pay
- Gross wages
- Amount and purpose of any deductions

Previously, employers were only required to provide, on an employee's request, a written statement of gross wages and deductions.

Effective July 1, 2020, the paystub must include sufficient information to enable the employee to determine how the gross and net pay were calculated.

### **Wage Payment**

Effective July 1, 2020, employees have a right to sue an employer in Virginia state court to recover unpaid wages. Employees may sue individually, jointly, or in a collective action. If the court finds that the employer knowingly and/or willfully failed to pay the wages, damages may be tripled and civil and/or criminal penalties may also apply.

In investigating an employee's complaint, if the DOLI has a reasonable belief that the employer failed to pay wages to other employees, the DOLI may expand its investigation.

Employers are prohibited from terminating or otherwise discriminating against an employee because the employee has filed a complaint for nonpayment of wages, caused to be instituted any proceeding under wage payment laws, or testified or is about to testify in a wage payment law proceeding.

### **Wage Disclosure**

Effective July 1, 2020, employers are prohibited from discharging or retaliating against an employee for inquiring about, discussing with, or disclosing to another employee any information about either the employee's own or another employee's wages or other compensation, or filing a related complaint with the Department of Labor.

### **Employee Classification**

Effective July 1, 2020, employers cannot retaliate against employees or independent contractors for reporting employee misclassification or because an appropriate authority requests or subpoenas them to participate in a related investigation, hearing, or inquiry.

In addition, an individual not properly classified as an employee can sue their employer for failing to properly classify them as an employee if the employer had knowledge of their misclassification.

### **Whistleblower Protection**

Effective July 1, 2020, employers are prohibited from retaliating against an employee because the employee:

- Reports a violation of any federal or state law or regulation to a supervisor, governmental body, or law enforcement official
- Is requested by a governmental body or law enforcement official to participate in an investigation, hearing, or inquiry

- Refuses to engage in a criminal act or follow an employer's order that violates any federal or state law or regulation
- Participates in an investigation into any alleged violation by the employer of federal or state law or regulation

### **Criminal Background**

Effective July 1, 2020, employers are prohibited from requiring job applicants to disclose information concerning any arrest, criminal charge, or conviction for possession of marijuana. An applicant does not have to answer any questions about it or provide such information given such records are no longer open for public inspection.

### **Noncompete Agreement**

Effective July 1, 2020, employers are prohibited from entering into, enforcing or threatening to enforce a covenant not to compete against low-wage employees (i.e., employees who earn less than the average weekly wage in Virginia).

### **Election Officer Leave**

Effective July 1, 2020, Virginia's election officer leave law is expanded to protect local electoral board members and assistant general registrars (previously only election officers). In addition, employers are prohibited from requiring an employee to use sick leave or vacation time for an absence from work to serve at a polling place on election day or a meeting to determine election results.

### **New Hire Reporting**

Effective September 1, 2020, newly hired independent contractors must be reported according to the same requirements as newly hired employees if they have not previously had a contract with an employer or have previously entered into a contract with an employer and have received a payment based on the contract after receiving no payments for at least 60 consecutive days.

## [Washington](#)

### [Summary of State Laws \(Q1 & Q2 2020\)](#)

### **Paid Family and Medical Leave**

Effective March 25, 2020, amendments to Washington's paid family and medical leave expand the definition of a covered child and include definitions for casual labor, paid time off, and supplemental benefits.

Effective June 11, 2020, this paid family and medical leave is further amended regarding waiting periods, supplemental benefit payments, benefits disqualification, conditional waivers, voluntary plan premiums, and enforcement and penalties.

### **Hair Discrimination**

Effective June 11, 2020, an amendment to the Washington Law Against Discrimination (WLAD) provides that race discrimination includes discrimination based on traits historically associated or perceived to be associated with race, including hair texture and protective hairstyles, such as afros, braids, locs, and twists.

### **Immigrant Discrimination**

Effective June 11, 2020, the WLAD is amended to prohibit discrimination based on citizenship and immigration status.

### **Pregnancy Discrimination**

Effective June 11, 2020, the time to file an administrative complaint with the Washington Human Rights Commission regarding pregnancy discrimination is extended from six months to one year.

### **Lactation Accommodation**

Effective June 11, 2020, employers with 15 or more employees may no longer require certification to support the need for a lactation accommodation.

### **Overtime Exemption**

Effective July 1, 2020, Washington's overtime exemption regulations are amended to raise the minimum salary levels and simplify the duties test for most exempt employees to more closely align with the FLSA duties tests. Effective January 2021, Washington's minimum salary will exceed the FLSA amount by rising to approximately \$827 per week (or \$43,004 per year for employers with 50 or fewer employees and to approximately \$965 per week (or \$50,180 per year) for employers with more than 50 employees).

### **Seattle Hotel Employee Protections**

Effective July 1, 2020, Seattle's four ordinances (collectively known as the Hotel Employee Protections Ordinances) require hotel employers to:

- Take certain steps to protect employees from violent or harassing conduct by guests
- Limit the workload to reduce frequency and occurrence injuries associated with room cleaning
- Provide increased access to medical care
- Take actions to reduce job insecurity

### **Seattle Paid Sick and Safe Time**

Effective March 18, 2020, amendments to Seattle's PSST permit employees to use PSST when a family member's school or place of care has been closed and/or when an employee's place of business (for an employer with 250 or more full-time equivalent employees) has reduced operations or closed for any health or safety reason.

## [Washington, D.C.](#)

### **D.C. Paid Family Leave Available July 1**

#### **What happened?**

Washington, D.C. passed a law on February 17, 2017 to provide paid family leave to employees effective July 1, 2020.

#### **What are the details?**

Starting July 1, 2020 employers will need to accommodate employees taking their government provided paid leaves. Employers are entitled to the following paid leaves from the D.C. government:

- Up to eight weeks per year to bond with a new child

- Up to six weeks per year to care for a family member with a serious health condition
- Up to two weeks per year to care for the employee's own serious health condition

For a more detailed breakdown of what steps employers should have taken leading up to July 1, 2020, [click here](#).

### **What do employers need to do?**

Employers need to maintain records relating to the employee leaves for a minimum of three years. They will still need to report quarterly payroll contributions to the Department of Employment Services. Every year employers will need to provide a notice to all employees regarding their rights to Paid Family Leave. If the employer becomes aware of an employee who may need to use the Paid Family Leave they must provide a copy of the notice to the employee.

The notice is available online, [click here](#).

## PLAN AHEAD - UNCHANGED

(This section provides you with an overview of current and upcoming laws that take effect)

Law / Regulation	Effective Date
Illinois Requires Human Trafficking Recognition Training for Lodging Establishments	6/1/2020
District of Columbia Amends Data Breach Law	6/8/2020
Washington Prohibits Hairstyle Discrimination	6/11/2020
Washington Extends Time to File Pregnancy Discrimination Administrative Complaints	6/11/2020
Washington Amends Pregnancy Accommodation Certification Requirement	6/11/2020
Washington Prohibits Discrimination Based on Citizenship and Immigration Status	6/11/2020
Washington Amends Paid Family and Medical Leave Law	6/11/2020
Title VII Protects LGBTQ+ Employees	6/15/2020
Maine Repeals Subminimum Wage for Workers with Disabilities	6/16/2020
New Jersey Begins Allowing Payment of Partial Temporary Disability Benefits	6/17/2020
New York Amends Health and Safety Whistleblower Law	6/17/2020
Toledo, Ohio, Restricts Salary History Inquiries and Requires Pay Scale Disclosure	6/25/2020
Oregon Requires Notice of Pregnancy and Lactation Rights to Existing Employees	6/29/2020
New York Reduces Tip Credit for Miscellaneous Industries	6/30/2020
New York Call Center Jobs Act Takes Effect	6/30/2020
Virginia Amends Minimum Wage Tip Credit Law	7/1/2020
Oregon Amends Scheduling Law	7/1/2020
Oregon Minimum Wage Increases to \$12.00 (\$11.50 for Rural Counties)	7/1/2020
Tennessee Unemployment Insurance Amendments Apply to Seasonal Employers	7/1/2020
District of Columbia Minimum Wage Increases to \$15.00	7/1/2020
Waterloo, Iowa, Restricts Criminal Record Inquiries During Hiring Process	7/1/2020
Santa Rosa, California, Minimum Wage Takes Effect at \$15.00 for Large Employers, \$14.00 for Small Employers	7/1/2020
Washington Overtime-Exemption Amendments Take Effect	7/1/2020
Vermont Expands Data Breach Notification Law	7/1/2020
South Dakota Prohibits Use of Cell Phones While Driving	7/1/2020
Waterloo, Iowa, Restricts Criminal Record Inquiries During Hiring Process	7/1/2020
Santa Rosa, California, Minimum Wage Takes Effect at \$15.00 for Large Employers, \$14.00 for Small Employers	7/1/2020
Washington Overtime-Exemption Amendments Take Effect	7/1/2020
South Dakota Amends Service Animals Law	7/1/2020
Maryland Requires Sexual Harassment Settlement Reporting	7/1/2020
Alameda, California, Minimum Wage Increases to \$15.00	7/1/2020

Law / Regulation	Effective Date
Oakland, California, Establishes Hotel Worker Safety Protections	7/1/2020
Fremont, California, Minimum Wage Increases to \$15.00 for Large Employers, Takes Effect at \$13.50 for Small Employers	7/1/2020
Pasadena, California, Minimum Wage Increases to \$15.00 for Large Employers, \$14.25 for Small Employers	7/1/2020
Colorado Amends Unclaimed Wages Reporting Requirements	7/1/2020
Cook County, Illinois, Minimum Wage Increases to \$13.00 per Hour	7/1/2020
Malibu, California, Minimum Wage Increases to \$15.00 for Large Employers (\$14.25 for Small Employers)	7/1/2020
District of Columbia Employees May Access Universal Paid Leave Benefits	7/1/2020
Alameda, California, Minimum Wage Increases to \$15.00	7/1/2020
Oakland, California, Establishes Hotel Worker Safety Protections	7/1/2020
Fremont, California, Minimum Wage Increases to \$15.00 for Large Employers, Takes Effect at \$13.50 for Small Employers	7/1/2020
Pasadena, California, Minimum Wage Increases to \$15.00 for Large Employers, \$14.25 for Small Employers	7/1/2020
Oregon Subminimum Wage for Workers with Disabilities Increases to \$9.25	7/1/2020
California Increases Duration of Paid Family Leave Benefits	7/1/2020
Illinois Human Rights Act Expanded and Clarified	7/1/2020
Maryland Requires Sexual Harassment Settlement Reporting	7/1/2020
Colorado Amends Unclaimed Wages Reporting Requirements	7/1/2020
Berkeley, California, Minimum Wage Increases to \$16.07	7/1/2020
Virginia Requires Employers to Notify Employees About Workers' Compensation Claims	7/1/2020
Chicago, Illinois, Minimum Wage and Paid Sick Leave Amendments Take Effect	7/1/2020
Bernalillo County, New Mexico, Earned Paid Time Off Law Takes Effect	7/1/2020
Virginia Prohibits Discrimination Based on Hairstyle	7/1/2020
Novato, California, Minimum Wage Increases to \$15.00 for Very Large Employers, \$14.00 for Large Employers, \$13.00 for Small Employers	7/1/2020
San Francisco, California, Minimum Wage Increases to \$16.07	7/1/2020
Emeryville, California, Minimum Wage Increases to \$16.84	7/1/2020
Chicago, Illinois, Fair Workweek Ordinance Takes Effect for Most Covered Industries	7/1/2020
Illinois Enacts Hotel and Casino Employee Safety Act	7/1/2020
Los Angeles County, California, Minimum Wage Increases to \$15.00 (\$14.25 for Small Employers)	7/1/2020
Portland, Oregon Minimum Wage Increases to \$13.25	7/1/2020
Los Angeles, California, Minimum Wage Increases to \$15.00 (\$14.25 for Small Employers)	7/1/2020
Illinois Minimum Wage Increases to \$10.00	7/1/2020
New Jersey Increases Temporary Disability and Paid Family Leave Benefits	7/1/2020

Law / Regulation	Effective Date
Montgomery County, Maryland, Minimum Wage Increases to \$14.00 for Large Employers (\$13.25 for Mid-Sized Employers and \$13.00 for Small Employers)	7/1/2020
St. Paul, Minnesota, Minimum Wage Takes Effect at \$11.50 for Large Employers, \$10.00 for Small Employers and \$9.25 for Micro Employers	7/1/2020
Nevada Minimum Wage Increases to \$9.00	7/1/2020
Chicago, Illinois, Minimum Wage Increases to \$14.00 for Large Employers, \$13.50 for Small Employers	7/1/2020
Milpitas, California, Minimum Wage Increases to \$15.40	7/1/2020
Minneapolis, Minnesota, Minimum Wage Increases to \$13.25 (\$11.75 for Small Employers)	7/1/2020
San Leandro, California, Minimum Wage Increases to \$15.00	7/1/2020
Santa Monica, California, Minimum Wage Increases to \$15.00 (\$14.25 for Small Employers)	7/1/2020
Indiana Restricts Microchip Implantation	7/1/2020
South Dakota Expands Discrimination Protections to Interns	7/1/2020
Virginia Clarifies Pay Statement Requirements	7/1/2020
Virginia Minimum Wage Exemptions Repealed	7/1/2020
Virginia Requires Child Support Withholding for Independent Contractors	7/1/2020
St. Paul, Minnesota, Minimum Wage Takes Effect at \$11.50 for Large Employers, \$10.00 for Small Employers and \$9.25 for Micro Employers	7/1/2020
Santa Monica, California, Minimum Wage Increases to \$15.00 (\$14.25 for Small Employers)	7/1/2020
San Leandro, California, Minimum Wage Increases to \$15.00	7/1/2020
Minneapolis, Minnesota, Minimum Wage Increases to \$13.25 (\$11.75 for Small Employers)	7/1/2020
Milpitas, California, Minimum Wage Increases to \$15.40	7/1/2020
Chicago, Illinois, Minimum Wage Increases to \$14.00 for Large Employers, \$13.50 for Small Employers	7/1/2020
Colorado Overtime and Minimum Pay Standards (COMPS) Order Emergency Modifications Expire	7/14/2020
Maine Clarifies Law Restricting Requests for Applicants' Social Security Numbers	Expected July 14, 2020
Illinois Amends School Visitation Rights Act	8/1/2020
Colorado Prohibits Hairstyle Discrimination	Expected August 5, 2020
DOL Allows Bonuses, Other Incentive-Based Pay Under Fluctuating Workweek Method	8/7/2020
New York State Human Rights Law Statute-of-Limitations Period Extended	8/12/2020
Suffolk County, New York, Bans the Box	8/25/2020
Minnesota Amends Workers' Compensation Injury-Reporting Requirements	8/31/2020

## POSTING UPDATES

Federal or State	Updated Posting	Mandatory or Recommended
TBD		
Federal	Fair Labor Standards Act (FLSA) - Overtime Exemptions, Overtime, Joint Employment	ANTICIPATED
Federal	Paid Sick Leave and Expanded Family and Medical Leave under The Families First Coronavirus Response Act (FFCRA)	MANDATORY
ANTICIPATED		
Connecticut	Minimum Wage/Wage and Hour Laws	ANTICIPATED
District of Columbia	Discrimination, Minimum Wage	ANTICIPATED
Illinois	You Have the Right to be Free from Job Discrimination and Sexual Harassment	ANTICIPATED
California	Minimum Wage	ANTICIPATED
New Jersey	Wage Theft	ANTICIPATED
New Jersey	Safe Act	ANTICIPATED
New York	Discrimination	ANTICIPATED
New York	Minimum Wage	ANTICIPATED
Rhode Island	Minimum Wage	ANTICIPATED
Virginia	Minimum Wage	ANTICIPATED
New York	Fair Employment	ANTICIPATED
Rhode Island	Minimum Wage	ANTICIPATED
California	Unemployment Insurance	ANTICIPATED
Maine	Earned Employee Leave	ANTICIPATED
Missouri	Earned Employee Leave	ANTICIPATED
New Mexico	Minimum Wage	ANTICIPATED
Vermont	Minimum Wage	ANTICIPATED
June 1, 2020		
Texas	Unemployment and Payday Law	MANDATORY
Mississippi	Unemployment Insurance	MANDATORY
Oregon	Minimum Wage	MANDATORY
Oregon	Sexual Harassment & Domestic Violence Protection	MANDATORY
Oregon	Family Leave	MANDATORY
Oregon	Break & Meals, Overtime & Paychecks	MANDATORY
Oregon	Sick Time	MANDATORY
Oregon	Equal Pay	MANDATORY
North Carolina	Wage and Hour Act	MANDATORY





*The information and resources provided in this communication are not a substitute for experienced legal counsel and does not constitute legal advice or attempt to address the numerous factual issues that inevitably arise in any employment-related dispute. Although this information attempts to cover some major recent developments, it is not all-inclusive, and any recommendations are based upon HR best practices and procedures. We recommend you consult an attorney for legal guidance.*

**END OF UPDATES**