
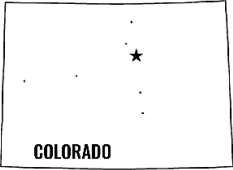











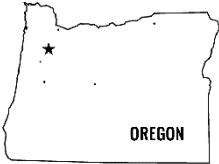
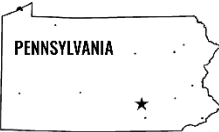


HR, Benefits, and Payroll Compliance Monthly Roundup: May 2020



	<ul style="list-style-type: none">• The State of California has issued its required workplace poster regarding Supplemental Paid Sick Leave for Food Sector Workers. You can find the poster here.• The California Court of Appeals has ruled that some “unlimited vacation” policies may be subject to state requirements to pay out accrued vacation time to employees upon termination. The court notably did not claim that truly unlimited vacation policies are subject to this requirement, but it refuted the definition of an unlimited policy put in place by the defendant and established some standards for these policies. You can find more information on the ruling here.• The City of Los Angeles has passed a new COVID-19 Supplemental Paid Sick Leave Ordinance for Large Employers. Any employer with 500 or more employees nationwide must offer 80 additional hours of paid sick leave to its Los Angeles employees. This ordinance deliberately mirrors the requirements that the Families First Coronavirus Response Act (FFCRA) applies to employers with fewer than 500 employees. You can find the full ordinance here.
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	<ul style="list-style-type: none"> • The State of Colorado has passed the CROWN Act, which expands the definition of “race” as used in antidiscrimination laws to include hair texture, hair type, or hairstyles that are commonly or historically associated with race. You can find more information on the CROWN Act here. • The Colorado Department of Labor and Employment has issued new FAQs to clarify the requirements of the Colorado Health Emergency Leave with Pay Rules as they apply to specific industries. For more information, you can find the FAQs here.
	<p>The District of Columbia City Council has passed the COVID-19 Response Emergency Amendment Act to support individuals and businesses during the COVID-19 crisis. Here are some of its key provisions:</p> <ul style="list-style-type: none"> • The act expands the DC Family and Medical Leave Act by establishing a new category of leave called Declaration of Emergency (DOE) Leave. This expansion provides indefinite, job-protected, unpaid leave to employees who are unable to work due to a public health emergency. • The act also temporarily expands access to unemployment insurance for DC employees who are out of work for COVID-19 related reasons during the public health emergency as well as eliminating certain eligibility requirements for these individuals. • The act also contains several other provisions, such as: providing grants to small businesses, protecting residents from eviction and utility shutoffs due to nonpayment, limiting price gouging or stockpiling of some goods, allowing some restaurants to deliver beer and wine with food orders, and delaying deadlines for certain businesses’ taxes.
	<p>The State of Indiana has passed a law banning drivers from holding or using a cell phone or other handheld telecommunications while operating a motor vehicle. Texting while driving was already illegal in Indiana, so this new legislation expands upon existing state law. For more information, you can find the full text of the law here.</p>
	<p>Effective March 5, 2020, The City of Lexington has passed an ordinance prohibiting discrimination based on sexual orientation and gender identity. The full text of the law is available with a freedom of information request to the city.</p>
	<p>Michigan Governor Gretchen Whitmer has issued an Executive Order mandating protected leave for employees who must stay home from work due to testing positive for COVID-19, displaying principal symptoms of the virus, or coming into contact with someone who displays one or more of the principal symptoms. The order prohibits employers from discharging, disciplining, or otherwise retaliating against employees who stay home for these reasons. For more information, you can find the full text of the Executive Order here.</p>

	<p>The Office of the Nevada Labor Commissioner has issued COVID-19 Leave Guidance stating that employers cannot require their employees to use accrued paid leave time if they are unable to work due to a mandatory government quarantine, whether it is issued by a federal, state, or local authority. However, employees may choose to use their accrued paid leave time under these circumstances if they wish to do so. For more information, you can find the full text of the guidance here.</p>
	<ul style="list-style-type: none"> • The State of New Jersey has voted to expand New Jersey's Earned Sick and Safe Leave Law, Family Leave Act, and Temporary Disability Benefits Law to extend their respective benefits to employees who cannot work for COVID-19 related reasons. In short, the law provides paid sick leave, job-protected family leave, and temporary disability benefits to those impacted by COVID-19. To learn more, you can find the full text of the act here. • During the COVID-19 Public Health Emergency, New Jersey has prohibited employers from terminating or retaliating against an employee who requests or takes a specified amount of time off for a COVID-19 related reason. To learn more, you can find the full text of the bill here. • The New Jersey Supreme Court has ruled that state employers are required to accommodate employees' medical marijuana use outside the workplace, though they still do not need to permit its use at the workplace or during work hours. This ruling helps to clarify the impact of New Jersey's Compassionate Use Medical Marijuana Act (CUMMA) on both employers and their employees. You can find a more detailed summary of the case here.
	<ul style="list-style-type: none"> • New York State has amended its paid voting leave law. Previously the law mandated that New York employers provide their employees up to three hours of paid time to vote on election day, but that has now been decreased to a maximum of two hours. For more information, see the following FAQs. • In response to COVID-19, New York State has updated the language in its Paid Family Leave policy, allowing employees to take paid family leave to care for a family member who has a COVID-19 related diagnosis. For more information on New York's Paid Family Leave policy, visit their website. • As part of its Fiscal Year 2021 budget, New York State has mandated that all New York employers provide sick leave to their employees. For employers with four or fewer employees, this may be paid or unpaid (depending on company income), but for employers with five or more employees, it must be paid. Employees will begin accruing sick time on September 30, 2020 but cannot begin taking it until January 1, 2021. See the paid sick leave portion of the FY2021 budget for more details, including accrual rates and amounts based on company size. • In response to COVID-19, New York State has passed legislation mandating that employers provide additional sick leave to their employees along with any currently available leave. This leave would be available to employees under a mandatory or precautionary quarantine or isolation order due to COVID-19. The amount of leave and whether it is paid or unpaid depends on company size and the employee's income. For employees already

	<p>receiving additional leave benefits under the FFCRA, this law would only provide benefits in excess of the amount provided by federal law. You can find more information on these leave requirements here.</p> <ul style="list-style-type: none"> New York City is prepared to enact its ban on preemployment testing for marijuana and THC effective May 10, 2020. The New York City Commission on Human Rights has proposed amended rules as to what employees would be exempted from this ban. Its proposed list includes employees who work in an active construction site, operate heavy machinery, work on power or gas utility lines, operate a motor vehicle, or conduct other tasks in which impairment represents a significant risk of injury or death. Essentially, these rules would determine exemptions based on typical job duties, not job type or title.
	<p>The State of Oregon has temporarily amended the language of the Oregon Family Leave Act (OFLA) in order to allow employees to take job-protected leave to care for a child whose school or place of care has been closed due to COVID-19. This emergency amendment will remain in effect through September 13, 2020, unless it is extended. For more information on Oregon's permanent and emergency leave laws, visit its website.</p>
	<ul style="list-style-type: none"> The City of Philadelphia has expanded its existing paid sick leave law in response to the COVID-19 outbreak. These emergency regulations allow employees to take their paid sick leave due to mandated business closure, caring for a child whose school or place of care is closed, or for quarantine/self-quarantine. For more information on these emergency regulations, visit the city's website. The City of Philadelphia's Fair Workweek Ordinance went into effect on April 1, 2020. Among other things, this ordinance requires employers to provide a good-faith estimate of expected work schedule to their employees, and to notify them in advance of any significant changes to that schedule. It also requires employers to offer additional "predictability pay" to employees whose schedule is changed without sufficient notice. As of now, Philadelphia has stated that it will not enforce the predictability pay portion of the ordinance, though all other provisions must be observed. You can find more information on the Fair Workweek ordinance here.
	<p>The State of South Dakota has extended its employment antidiscrimination laws to include both paid and unpaid interns under the definition of employee. This amendment will take effect on July 1, 2020. For more information on South Dakota's antidiscrimination laws, visit their website.</p>
	<p>The City of Dallas has received a preliminary injunction from a federal judge stopping it from enforcing its paid sick leave ordinance. The ordinance officially went into effect on August 1, 2019, but penalties for noncompliance were not scheduled to be enforced until April 1, 2020. A final ruling must still be issued on this matter but for the time being, the ordinance cannot be enforced by the city. Similar injunctions have been issued against Austin and San Antonio pending final judgment. For updates on this matter, keep an eye on the Dallas paid sick leave website.</p>

	<ul style="list-style-type: none"> • The Commonwealth of Virginia has updated its wage statement requirements. The amendment requires employers to include the number of hours worked on the paystub for all nonexempt employees, whether they are hourly or salaried. Employers must also include sufficient information for employees to show how their gross and net pay were calculated. For more information, you can find the full amendment here. • The Commonwealth of Virginia has updated its ban on cell phone use while driving to include specific exceptions. These exceptions include: emergency vehicle operators acting in their official duties, anyone using their phone to report an emergency, anyone who is lawfully parked or stopped, operators of any Department of Transportation vehicles, and anyone using an amateur or citizens band radio. This amendment will go into effect on January 1, 2021. You can find the full text of the law here. • The Commonwealth of Virginia has passed new legislation allowing employees who have been misclassified by their employer as independent contractors to take private civil action against the employer. If the court finds that the employee has been misclassified, the court may award them any compensation, benefit costs, and other expenses that should have been covered, in addition to court costs. This law will take effect on July 1, 2020. You can find the full text of the law here. • Directly related to the previous law, the Commonwealth of Virginia has passed new legislation prohibiting employers from taking any adverse action against employees or independent contractors who report misclassification. This law also takes effect on July 1, 2020. You can find the full text here. • The Commonwealth of Virginia has voted to progressively increase the state minimum wage from its current hourly rate of \$7.25 to \$15 between May 1, 2021, and January 1, 2026. Effective July 1, 2020, Virginia will also extend minimum wage protections to several types of employees that are currently excluded. You can find the full text of the law here.
	<p>The State of Washington has amended its law requiring employers to provide reasonable workplace accommodations in relation to their employees' pregnancy-related health conditions, including the need to express breast milk. The law has been updated to clarify that employers cannot require written certification from a health professional in order to provide lactation-related accommodations. This change takes effect on June 11, 2020. You can find the full text of the law here.</p>

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