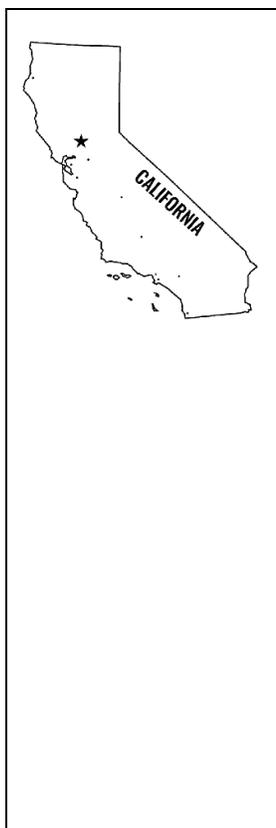


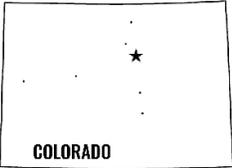


## HR, Benefits, and Payroll Compliance Monthly Roundup: August 2020



- On June 30, 2020, the Sacramento City Council enacted the [Sacramento Worker Protection, Health, and Safety Act](#). This ordinance goes into effect from July 15 through December 31, 2020. In light of the COVID-19 pandemic, the ordinance addresses concerns and implements certain safety practices and protocols, allowing employees the right to refuse work under certain circumstances and allowing for supplemental paid sick leave for COVID-related reasons.
  - The Supplemental Paid Sick Leave (SPSL) provision only applies to employers with 500 or more employees nationally. An “employee” can be defined by the [California Labor Code section 2750.3](#), regardless of whether they are unionized.
  - Employers cannot request that employees waive any rights provided under the ordinance. Such waivers are contrary to public policy, void, and unenforceable.
- The Santa Rosa City Council enacted its [temporary sick leave ordinance](#), effective July 7 through December 31, 2020. The city has the right to extend the ordinance. The ordinance generally covers all private employers with 500 or more employees nationally, typically those not covered under the Emergency Paid Sick Leave

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	<p>Act (EPSLA). The ordinance does not apply to employers with fewer than 50 employees, which are exempt from the EPSLA.</p>
	<ul style="list-style-type: none"> <li>• The Colorado legislature recently passed the <a href="#">Healthy Families and Workplaces Act (HFWA)</a>, SB20-205. The Act will require all Colorado employers to provide three types of paid sick leave:             <ul style="list-style-type: none"> <li>◦ COVID-19 emergency paid sick leave (CO-EPSL);</li> <li>◦ Paid sick and safe time (PSST); and</li> <li>◦ Public health emergency paid sick leave (PHEL).</li> </ul> </li> <li>• Governor Jared Polis (D) has not yet signed the HFWA. Once he does, it should take effect immediately, although some provisions may not take effect until 2021 or 2022 depending on the number of employees the employer has.</li> </ul>
	<ul style="list-style-type: none"> <li>• The District of Columbia has amended its <a href="#">Election Code</a> to provide for voting leave during work hours. Under the new law, an employer must provide an employee with at least two hours of paid leave to vote, in person. Employers must post an official notice (available <a href="#">here</a>).</li> <li>• The District of Columbia previously expanded its <a href="#">Accrued Sick and Safe Leave Act</a> that provides additional leave due to the COVID-19 pandemic. This policy is subject to change pending final regulatory guidance issued regarding the Coronavirus Support Congressional Review Emergency Amendment Act (CSCREAA.)</li> <li>• The District of Columbia passed the <a href="#">Coronavirus Support Congressional Review Emergency Amendment Act of 2020</a>. Similar to the previously enacted Coronavirus Support Emergency Amendment Act of 2020, the new law extends and makes some changes to the District's Family and Medical Leave program.             <ul style="list-style-type: none"> <li>◦ The new law expands the definition of employee to include, for COVID-19 Public Health Emergency Leave, an individual employed by an employer for at least 30 days before the request for leave.</li> </ul> </li> </ul>
	<p>Monthly Current Idaho law prohibits drivers from texting while driving. An amendment effective July 1, 2020, now prohibits drivers from using a mobile electronic device while operating a motor vehicle.</p> <ul style="list-style-type: none"> <li>• A "<a href="#">Mobile electronic device</a>" is defined as a cellphone, broadband personal communication device, two-way messaging device, text messaging device, pager, personal digital assistant, computer laptop/tablet or computer-like device, stand-alone computer, portable computing device, mobile device with a touchscreen display that is designed to be worn, electronic games, equipment that is capable of playing a video or recording or transmitting video, or any similar electronic device that is used to initiate, receive, or display communication or information.</li> </ul>

	<p>Louisiana has enacted two new laws that limit liability related to COVID-19.</p> <ul style="list-style-type: none"> <li>• The first new law, which took effect on June 12, 2020, limits liability for individuals, businesses, and governmental entities conducting business during the COVID-19 public-health emergency. The provisions under this new law are that any claims filed on or after March 11, 2020, do not hold the individual or legal business entity liable for damages or personal injury resulting from actual or alleged exposure to COVID-19 that occurred during the course of business.</li> <li>• The second new law, which took effect June 13, 2020, creates immunity from liability for employer claims arising out of an employee's exposure to COVID-19. This new law provides that no person or business will be liable for any civil damages, including cases of injury or death, related to exposure to COVID-19, unless the person or business failed to follow proper and applicable COVID-19 safety procedures, thus resulting in the injury or death due to gross negligence or wanton or reckless conduct.</li> </ul>
	<p>Effective October 1, 2020, Maryland has amended its <a href="#">paid sick leave law</a> requiring employers to provide earned paid sick and safe leave to eligible employees working in the state.</p>
	<p>On June 10, 2020, the Minnesota Supreme Court deemed that the <a href="#">Minneapolis Sick and Safe Time Ordinance</a> (SST Ordinance) can apply to employers located outside of Minneapolis. Employers must provide covered employees under The SST Ordinance protected sick and safe time (SST). Employers of six or more employees must track the accrual and use of leave time for employees, and the SST must be paid. Covered employees include "any individual employed by an employer . . . who perform[s] work within the geographic boundaries of the City for at least eighty (80) hours in a year."</p>
	<p>Governor Murphy's signing of the S2304 bill into law on March 25, 2020, expanded New Jersey's <a href="#">Earned Sick and Safe Leave Law</a>, Family Leave Act, and the Temporary Disability Benefits Law to protect employees who cannot work due to COVID-19 circumstances.</p>

	<p>In Bernalillo County, New Mexico, the <a href="#">Employee Wellness Act</a> has been extended from July 1, 2020, to October 1, 2020. Enacted on August 20, 2019, by the county's commissioners, covered employers are to provide paid time off (PTO) that employees can use for any reason. The ordinance applies to employers with county business registration with at least two employees and a physical premise in the county's unincorporated limits, and newer businesses are exempt for the first 12 months of operation.</p>
	<p>Effective June 24, 2020, New York has amended its laws regarding <a href="#">tip credits</a>; after December 31, 2020, a tip credit will no longer be valid in all parts of the state.</p> <p>Under the law, the state's minimum wage ranges from \$11.80 to \$15.00 per hour, depending on the location of the employee, and a tip credit will be calculated with a "Low" and "High" amount on a weekly basis.</p> <ul style="list-style-type: none"> <li>• Less than the Low amount, no credit can be claimed.</li> <li>• Between Low and High, the tip credit cannot exceed the Low amount.</li> <li>• High amount, the tip credit cannot exceed the High amount.</li> </ul> <p>In New York City, the minimum wage is \$15.00. For New York City, the Low amount is \$2.25, and the High amount is \$3.65. The new law states that from June 30, 2020 to December 30, 2020, the Low will be \$1.15, and the High will be \$1.85.</p> <p>In Nassau, Suffolk, and Westchester counties, the minimum wage is \$13.00 per hour. The Low amount is \$1.95, and the High amount is \$3.20. The new law states that from June 30, 2020 to December 30, 2020, the Low will be \$1.00, and the High will be \$1.60.</p> <p>In the remainder of the state, the minimum wage is \$11.80 per hour. The Low amount is \$1.75, and the High amount is \$2.90. The new law states that from June 20, 2020 to December 30, 2020, the Low will be \$0.90, and the High will be \$1.45.</p>
	<p>South Carolina enacted a new law to make it easier for employees who wish to express breast milk at work. Under the new law, all employers must:</p> <ul style="list-style-type: none"> <li>• Provide reasonable unpaid break time or permit an employee to use paid break or mealtime each day to express breast milk;</li> <li>• Make reasonable efforts to provide a room or other location, other than a toilet stall, near the work area, where an employee may express milk in privacy; and</li> </ul>

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	<ul style="list-style-type: none"> <li>• Ensure the employee is not discriminated against for choosing to express breast milk in the workplace in accordance with the new law.</li> </ul> <p>The law technically takes effect on July 25, 2020, but employers have within 30 days after enactment to comply and to post guidance on the new law on their <a href="#">websites</a>.</p>
	<p>Tennessee has enacted the <a href="#">Pregnant Workers Fairness Act</a>, which requires employers of 15 or more employees to provide reasonable accommodations for pregnancy and conditions related to pregnancy. Under the new law, employers must make reasonable accommodations for employees or applicants with medical needs that arise from pregnancy, childbirth, or related medical conditions, unless the employer can show that the accommodation would impose an undue hardship on the its business operations. An employer may not require an employee to take leave if another reasonable accommodation can be provided.</p>
	<p>On July 15, 2020, Virginia implemented an <a href="#">emergency temporary standard ("ETS")</a> to address the COVID-19 pandemic which went into effect the week of July 27, 2020. The ETS requires all employers in the Commonwealth to provide training and leave requirements and includes an antidiscrimination provision.</p>

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