



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



- Effective January 1, 2021, California has passed [amendments](#) to the California Family Rights Act (CFRA), which do the following:
 - Include employers with five or more employees
 - Allow parents who work for the same employer to **each** take 12 weeks of child related leave
 - Expand covered family members to now include grandparent, grandchild, siblings, and domestic partners and their children
 - Provide leave to care for a child **over** 18 years of age
 - Provide leave due to a qualifying exigency
- See HRK's summary of CFRA changes on our recent [e-Alert](#), and find a helpful summary of California leave laws [here](#)!
- Effective January 1, 2021, California expands the law on [Leave for Victims of Domestic Violence](#) to include a victim of any crime that caused either physical injury or mental injury with a threat of physical injury. Additionally, a person whose immediate family member is deceased as the direct result of a crime is considered a

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	<p>victim under the amendment.</p> <ul style="list-style-type: none"> California has enacted a law creating new pay data reporting requirements for private employers with 100 or more employees who are required to file an annual EEO-1 under federal law. These employers must submit a pay data report to the Department of Fair Employment and Housing (DFEH) that contains specified employee and wage information. The first filing must be submitted on or before March 31, 2021, and on or before March 31 each year thereafter.
	<p>Connecticut has enacted the Paid Family and Medical Leave Act (PFMLA), and employers must begin withholding from employees' paychecks for this law on January 1, 2021. A newly created agency, the Connecticut Paid Leave Authority, is responsible for administering the program.</p> <p>The program covers all employers with at least one employee in Connecticut. Self-employed individuals and sole proprietorships may apply to participate. Employees in Connecticut will be eligible for benefits under the PFMLA if they have earned wages of \$2,325 in the highest-earning quarter of the first four of the five most recently completed quarters (the "base period"), are currently employed, and have been employed within the last 12 weeks.</p> <p>Employees will be permitted to take paid leave under the program as early as January 1, 2022, if the leave is for a range of reasons covered under the existing Connecticut Family and Medical Leave Act (CTFMLA). These include:</p> <ul style="list-style-type: none"> o The birth of a child of the employee or placement of a child with the employee for adoption or foster care; o The need to care for a family member with a serious health condition; o A serious health condition of the employee; o Service as an organ or bone marrow donor; o A qualifying exigency related to the employee's spouse, son, daughter, or parent being on active duty or having been notified of an impending call or order to active duty in the armed forces; or o Reasons related to family violence. <p>While the reasons for taking leave correspond to unpaid leave under the CTFMLA, the scope of who will be considered a covered "family member" is greatly expanded under the new paid leave law. In addition to spouse, son, daughter, or parent, all included under the current unpaid leave law, the new paid leave expands "family member" to include siblings, parents-in-law, grandparents, and grandchildren, as well</p>

	<p>as any other “individual related to the employee by blood or affinity whose close association the employee shows to be the equivalent of those family relationships.”</p> <p>Eligible employees may receive up to 12 weeks of paid leave in a 12-month period with an additional two weeks available in the event of a pregnancy-related health condition resulting in incapacitation. Eligible employees may receive a maximum benefit of up to 95% of the employee's regular weekly pay, capped at 60 times the state minimum wage.</p> <p>See full HRK e-Alert here! More to come on this emerging benefit!</p>
	<p>Currently in effect, the District of Columbia enacted the Leave to Vote Amendment Act of 2020 to provide for at least two hours of paid leave to vote to eligible employees. Moreover, the employer cannot deduct these two hours from an employee's salary, wages, or accrued leave.</p> <p>The employer can, however, require the employee to request the leave a reasonable time in advance. The employer can also specify the hours during which the employee can take leave (for example, at the beginning or end of working hours). Employers must post this notice.</p>
	<p>Montgomery County, Maryland, amended its antidiscrimination ordinance to include a prohibition against subjecting an individual to harassment, including sexual harassment. Notably, the ordinance rejects the familiar “severe or pervasive” standard for proving harassment in the workplace and now reads as “[whether] a reasonable victim of discrimination would consider the conduct to be more than a petty slight, trivial inconvenience, or minor annoyance.” In addition, the victim must also prove one of the following three elements:</p> <ul style="list-style-type: none"> ○ That “submission to the conduct is made either explicitly or implicitly a term or condition of an individual's employment”; ○ “Submission to or rejection of the conduct is used as a basis for employment decisions affecting the individual”; or ○ “The conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating a working environment that is perceived by the victim to be abusive or hostile.” <p>Montgomery County also amended its discrimination in public accommodations ordinance based on gender expression and HIV status. The amendment adds definitions of gender expression, gender nonconforming, and transgender individual. It also creates new protections for LGBTQ individuals in care facilities and requires that a notice about those protections be displayed prominently in the facility</p>

	and included with its nondiscrimination policies.
	<p>Effective January 1, 2021, the Massachusetts Paid Family and Medical Leave (PFML) law will require all private Massachusetts employers to provide covered individuals with paid family and medical leave, funded through a payroll tax that began in October 2019.</p> <p>Employees are eligible for MA PFMLA if they meet the financial eligibility requirements. To note, this law provides a new paid leave with job protection, with no employee hours or service requirement.</p> <p>Beginning January 1, 2021, eligible employees may be entitled to:</p> <ul style="list-style-type: none"> ○ Up to a maximum of 12 weeks of paid family leave in a benefit year: (1) for the birth, adoption, or foster care placement of a child; or (2) due to a qualifying exigency arising because a family member is on active duty or has been notified of an impending call to active duty in the United States armed forces. ○ Up to a maximum of 20 weeks of paid medical leave in a benefit year for their own serious health condition that incapacitates them from work. ○ Up to a maximum of 26 weeks of paid family leave in a benefit year to care for a family member who is a covered service member undergoing medical treatment or otherwise addressing consequences of a serious health condition related to the family member's military service. <p>Beginning July 1, 2021, eligible employees may be entitled to:</p> <ul style="list-style-type: none"> ○ Up to a maximum of 12 weeks of paid family leave in a benefit year to care for a family member with a serious health condition. <p>A covered employee will be allowed a maximum of 26 weeks of paid medical and paid family leave, in the aggregate, in a benefit year.</p> <p>MA PFML will run concurrently with leave taken under the Massachusetts Parental Leave Act and the federal Family and Medical Leave Act (FMLA) when the leave is for the same qualifying reason.</p> <p>For more information, visit the Department of Family and Medical Leave (DFML) or the Department's Toolkit.</p>

	<p>New York State has recently issued its first guidance on the Paid Sick Leave Law (NYSSLL). The FAQ provides an overview of the law and other topics that include:</p> <ul style="list-style-type: none"> ○ Information about sick leave accruals ○ Eligibility for sick leave ○ Permitted uses of sick leave <p>Questions remain on:</p> <ul style="list-style-type: none"> ○ Employee headcount (nationwide or within New York State only) ○ Frontloading Sick Time; must an employer require carryover? ○ Cap on Carryover <p>See our full HRK e-Alert on the FAQ here!</p> <p>In other news, New York has recently <i>repealed</i> a law that prohibited the hiring of women in a factory or mercantile establishment during the four weeks after giving birth, unless she provided a written statement and physician's note.</p>
	<p>The Rhode Island Department of Health has issued emergency workplace safety rules in response to the COVID 19 pandemic. Among other rules, employers are required to:</p> <ol style="list-style-type: none"> 1. Implement face covering requirements and provide face coverings to employees. 2. Develop and implement a written plan for safe operation. 3. Follow specified COVID-19 mitigation protocols, including the temporary closure of break rooms and common areas. <p>Sector-specific guidance and additional information are available on the Reopening RI website.</p>



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