



## HR, Benefits and Payroll Compliance Monthly Roundup: January 2022



### **DOL Announces Rule to Increase Federal Contractor Minimum Wage**

Effective January 1, 2022, [Executive Order 13658](#) will increase the Federal Contractor minimum wage to \$11.25 per hour. On January 30, 2022, [Executive Order 14026](#) will increase the Federal Contractor minimum wage again to \$15.00 per hour.



The Department of Labor has published a [comparison chart of FAQs](#) for the two executive orders to assist employers' negotiations with both new and existing contracts.


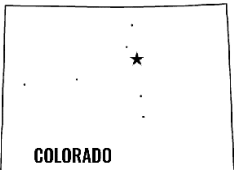
### **DOL, NLRB and EEOC Announce Joint Initiative Against Workplace Retaliation**



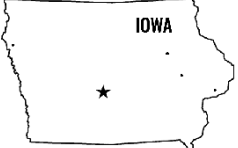
In an effort to minimize the increase in harassment claims, the Department of Labor (DOL), National Labor Relations Board (NLRB), and the Equal Employment Opportunity Commission (EEOC) have [joined forces](#).



It is important to note that there are no employer obligations following this


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	<p>mandate. However, the following initiatives are being rolled out by the participating agencies:</p> <ul style="list-style-type: none"> <li>• Educating the public about worker rights and unlawful retaliation</li> <li>• Initiating a virtual dialogue with employers, trade and business associations, labor organizations and civil rights groups about the importance of employee anti-retaliation protections</li> <li>• Forcefully protecting workers from retaliatory acts</li> </ul>
	<p><b>Alabama Law Requires Employers to Allow Religious and Medical Exemptions to any Vaccine Mandate</b></p> <p>The Alabama Department of Labor enacted <a href="#">Senate Bill 9</a> that requires AL employers to exempt vaccination as a condition of employment for any employee who completes and submits an exemption form. An employee may apply for an exemption for a medical reason or a bona fide religious reason.</p> <p>Employers who deny an employee's application must allow the employee an appeal process. Senate Bill 9 establishes an emergency rule where the employee can file an appeal with the appointed Administrative Law Judge (ALJ).</p> <p>An employer may not terminate an employee whose request has been denied until at least seven days have passed, or the appeal process has concluded, if applicable. Any working time that an employee misses as a result of this process shall be paid by the employer at the employee's regular rate of pay.</p>
	<p><b>Tucson, Arizona Passes Minimum and Living Wage Ordinance with Reporting Pay, Wage Payment and Retaliation Provisions</b></p> <p>Effective April 1, 2022, <a href="#">Proposition 206: The Tucson Minimum Wage Act</a> will move the city's minimum wage to \$13.00 per hour. The following increases will take place as part of the Act:</p> <ul style="list-style-type: none"> <li>• \$13.50 per hour on January 1, 2023</li> <li>• \$14.25 per hour on January 1, 2024</li> <li>• \$15.00 per hour by January 1, 2025</li> </ul> <p>Eligible employees will include those who are working five or more hours within the city's geographical area. All employers who operate within the</p>

	<p>city's geographical limits will need to comply with the Act. State, federal, and tribal entities are excluded from the Act.</p> <p>The Act further clarifies the following additional wage and pay regulations:</p> <ul style="list-style-type: none"> <li>• Employers are prohibited from mandating their employees to receive wages on a payroll card.</li> <li>• Employers must ensure employees are receiving at least the minimum hourly wage after all deductions have been accounted for.</li> <li>• Employers averaging 26 or more employees must pay an employee for a minimum of three hours if the employer engages the employee to work. In addition, employers must pay an employee for three hours if the employer cancels their shift with less than 24 hours' notice.</li> <li>• Employees may file complaints of adverse action under the Act within 90 days after the violation occurs.</li> </ul>
	<p><b>California Pay Data Reporting Approaching</b></p> <p>In September 2020, California implemented the <a href="#">California Pay Data Reporting</a> legislation in an effort to reduce gender and racial pay gaps. It is the time of year again where qualified employers subject to California Pay Data Reporting need to file their employee pay data no later than March 31, 2022. To read our full summary, see our <a href="#">e-Alert: California Pay Data Reporting Approaching</a>.</p>
	<p><b>Colorado Amends Minimum Wage, Overtime and Wage Payment Laws</b></p> <p>Effective January 1, 2022, Colorado's Overtime and Minimum Pay Standards (COMPS) will increase the state's minimum wage to \$12.56 per hour, and \$9.54 per hour for tipped employees. <a href="#">COMPS Order 38</a> provides the updated thresholds for overtime exemptions.</p> <p><a href="#">Colorado's Wage Protection Act</a> has been amended to clarify that any accrued, unused vacation time must be paid to an employee if they separate from the company.</p>

	<p><b>D.C. Passes COVID-19 Vaccination Leave, Extends Other COVID-19 Employee Leave</b></p> <p>On November 18, 2021, Washington, D.C. passed the <a href="#">COVID Vaccination Emergency Leave Amendment Act of 2021</a>, which extends the public health emergency leave available under the DC Family Medical Leave Act and establishes new COVID-19 paid vaccine leave requirements until February 16, 2022. Employers must provide up to two hours of paid leave to obtain a COVID-19 vaccine for the employee or their child and 8 hours to recover during the 24-hour period following the vaccine.</p> <p>In addition, employees may take an additional 16 weeks of unpaid public health emergency leave for COVID-19-related reasons through February 16, 2022.</p>
	<p><b>Illinois Enacts Pay Data Reporting</b></p> <p>Illinois enacted <a href="#">SB 1480</a> and <a href="#">SB 1847</a>, which amended various laws including the Illinois <a href="#">Equal Pay Act</a>. On June 25, 2021, Governor Pritzker signed SB 1847 into law, which further amended the Act ("Recent Amendments"). To read our full summary, see our <a href="#">e-Alert: Illinois Pay Data Reporting</a>.</p> <p><b>Illinois Governor Gives Employers Greater Authority to Impose COVID-19 Requirements as a Condition of Employment</b></p> <p>Effective June 1, 2022, <a href="#">Illinois Senate Bill 1169</a> will amend the <a href="#">Illinois Health Care Right of Conscience Act</a>. The senate bill reminds the public of the original intent of the Act; to protect medical practitioners from adverse action if they refuse to perform a medical procedure due to ethical conflict. The most common example of this is an abortion. The senate bill clarifies that facilitating COVID-19 vaccinations to those who do not wish to receive one does not fall under this context of the bill.</p>
	<p><b>Iowa Requires Exemptions from Employer Vaccine Mandates</b></p> <p>Employers operating in the state of Iowa are starting to mandate COVID-19 vaccinations as a condition of employment; in response, the state passed <a href="#">House File 902</a> on October 29, 2021 requiring employers to allow employees to apply for a medical or religious exemption. And further, if an employee is dismissed from their position because they have failed to comply with this condition of employment, the employee's unemployment benefits will not be affected.</p>

	<p><b>New York Requires New Notice of Electronic Monitoring</b></p> <p>Effective May 7, 2022, all New York employers will need to comply with the <a href="#">amended New York State's Civil Rights Law</a>. The amendment mandates that a notice of electronic monitoring be provided to and acknowledged by all employees at time of hire. It is important to note that, for current employees, this notice only needs to be provided and does not need to be signed, collected, and kept in an employee's file.</p> <p>For the purposes of this amendment, electronic monitoring is when an employer monitors any of the following activities on any device:</p> <ul style="list-style-type: none"> <li>• Incoming and outgoing telephone calls</li> <li>• Incoming and outgoing e-mails, and/or</li> <li>• Internet webpage browsing history</li> </ul> <p><b>New York Dramatically Expands Whistleblower Protections</b></p> <p>Effective January 26, 2022, <a href="#">Section 740 of New York's Labor Law</a> will be expanded to include the following protections for Whistleblowers:</p> <ul style="list-style-type: none"> <li>• An individual needs to reasonably believe the act in question violates the law, even if the act does not pose a public health and safety risk.</li> <li>• An individual only needs to have a reasonable belief that there is a violation; they do not need to prove a violation.</li> <li>• The act protects employees, former employees, and independent contractors.</li> </ul> <p>Employees now have two years from the date the adverse action occurs to file a complaint. Employees must first bring the adverse action to their employer's attention and allow adequate time for a response. Employers are required to post notice of these amended protections for Whistleblowers.</p>
	<p><b>Mecklenburg County, Wake County, and Durham County, North Carolina Pass Antidiscrimination Ordinances</b></p> <p>Anti-discrimination ordinances have been enacted in these three North Carolina counties establishing clear laws that prohibit employment discrimination based on a protected class in terms of tenure, promotion, transfer, compensation, or other employment conditions.</p>

	<p><b>West Virginia Requires Exemptions for COVID-19 Vaccine Mandates</b></p> <p>West Virginia has enacted a law requiring covered employers that require COVID-19 vaccines to permit certain exemptions, including medical and religious reasons.</p>
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