

HR, Benefits and Payroll Compliance Monthly Roundup: March 2022



CDC Eases Masking Mandates

The CDC [updated mask guidelines](#) based on Community-Level metrics. As this guidance relates to employment, employees who are experiencing COVID symptoms, test positive for COVID, or have been exposed, should continue to wear a mask according to the CDC. Employers who wish to continue requiring that employees wear a mask may continue to do so (subject to state or local laws banning masking requirements).

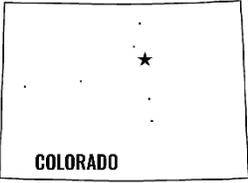
CHIP Notice Updated

The DOL released a new model Children's Health Insurance Program (CHIP) Notice for employers. See our [e-Alert](#) for further detail.

ACA Threshold Decreases

The ACA benchmark for determining the affordability of employer-sponsored health coverage will be decreasing to 9.61% of an employee's household income for the 2022 plan year. See our [e-Alert](#) for further detail.

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	<p>New Affirmative Action Verification Requirement Federal contractors required to have an AAP now have an additional step when accessing the Contractor Portal. See our e-Alert for further detail.</p> <p>FMLA Compliance Under Scrutiny by the DOL The DOL issued an announcement to say the Wage and Hour division would use all of its tools to ensure employers comply with federal labor laws, specifically mentioning “vigorous enforcement,” along with education and outreach, as planned means to increase compliance and reduce industry violations.</p> <p>In addition to FMLA compliance, the initiative will focus on wage payment, workplace harassment and retaliation, and misclassification of employees as independent contractors. In light of this plan for stepped-up enforcement, employers should review their FMLA policies to ensure full compliance with the law.</p>
	<p>California Reenacts COVID Paid Sick Leave The paid leave requirement, which is in addition to other paid leave provided, went into effect February 19, 2022, but is retroactive to January 1, 2022. The Labor Commissioner's Office has recently published FAQ's and a required workplace poster in English and Spanish. This leave is set to expire on September 30, 2022. See our e-Alert for further detail.</p> <p>CAL/OSHA Approves Readoption of ETS Emergency Temporary Standards (ETS) was implemented in the state in 2021 and has been extended through mid-April 2022. See our e-Alert for further detail.</p>
	<p>Colorado Adopts New WARNING Rules Beginning March 2, 2022, Colorado clarified its “WARNING Rules” to make clear what is considered a protected activity and issued notification requirements during the public health emergency. The amendment clarified that an employer may comply with the notice requirements by providing current guidance from OSHA and the Colorado Department of Public Health and Environment.</p>

	<p>New Restrictions on Non-Competes and Non-Solicits</p> <p>Beginning April 1, 2022, the District of Columbia's ban on non-compete agreements takes effect. The act enforces a ban on most non-competes and includes some unique provisions, such as prohibiting covered employers from restricting employees outside business activities during employment as well as post-employment. This amendment covers agreements signed on or after April 1, 2022. There is also a written notice requirement for current staff and new employees within seven (7) days.</p> <p>DC Announces Minimum Wage Increase</p> <p>Beginning July 1, 2022, the minimum wage is \$16.10 per hour; this applies to all employers, regardless of size. Tipped employee minimum wage increases to \$5.35 per hour; employers must ensure that each tipped employee's wages, when combined with the employee's tips, allow the employee to receive wages at least equal to the minimum wage.</p>
	<p>Indiana Restricts Vaccine Mandates</p> <p>Beginning March 3, 2022, Indiana joined several other states prohibiting private employers from mandating COVID vaccines, unless exemptions such as medical reasons, religious reasons, and natural immunity from prior infection are provided.</p>
	<p>Massachusetts Temporary Emergency Paid Sick Leave Program to End March 15</p> <p>The state announced that the COVID-related sick leave program will end on March 15, 2022. Employers have until April 29, 2022, to submit their reimbursement requests. See our e-Alert for further detail.</p>
	<p>Minnesota Adopts Federal OSHA Withdrawal of ETS</p> <p>On February 14, 2022, Minnesota acknowledged the withdrawal of the federal ETS and removed this requirement at the state level. Mandating vaccines and testing is no longer required for those covered employers.</p>

	<p>South Dakota Amends Medical Marijuana Law, Expanding Conduct Employers Can Prohibit</p> <p>Beginning July 1, 2022, South Dakota's amendments to the medical marijuana statute take effect, expanding what employers can prohibit in the workplace. Employers may prohibit possession, transfer, display, and transportation of cannabis, and enforce a drug-free workplace. The amendments also prohibit the performance of safety-sensitive jobs while under the influence of cannabis.</p>
	<p>Washington Postpones Collection of Employee Premiums and Requires Refund for Premiums Previously Collected</p> <p>Employers are now responsible for collecting, remitting, and reporting WA Cares premiums starting July 1, 2023 (delayed from the initial implementation of January 1, 2022). If an employer has already collected premiums, they must refund employees within 120 days of premium collection. The WA Cares Act is a mandatory, state-run, long-term-care insurance program. HR Knowledge will continue to monitor this law.</p>

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