

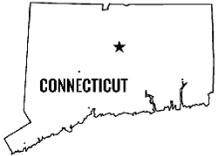
HR, Benefits, and Payroll Compliance Monthly Roundup: May 2022

	<p>HSA/HDHP Limits Increase for 2023</p> <p>The IRS announced 2023 inflation-adjusted limits for health savings accounts and high deductible health plans. See our e-Alert for further detail.</p>
	<p>Alabama Enacts Adoption Promotion Act</p> <p>Beginning July 1, 2022, employers subject to the federal Family and Medical Leave Act must provide 12 weeks of unpaid leave to eligible employees for the birth and care of an employee's child or for the care of an adopted child placed with the employee. If an employer provides any form of paid leave for the birth of a child, it must also extend this to adoptive parents.</p>

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	<p>Arizona Expands Notification Requirements for Data Breaches</p> <p>Beginning July 23, 2022, covered entities must provide certain notifications following a data breach that involved personal information. Companies that have a breach impacting more than 1,000 Arizona residents must notify the AZ Department of Homeland Security, in addition to other agencies.</p>
	<p>Cal/OSHA Publishes a Draft Readoption of COVID-19 Emergency Temporary Standard (ETS)</p> <p>Cal/OSHA's COVID-19 ETS expired on May 5, 2022, and the readoption has been approved with the following amendments:</p> <ul style="list-style-type: none"> • Clarifies 'exclusion period' as it relates to symptoms and testing • Removes vaccination parameters, transitioning applicability of the ETS to <i>all</i> employees regardless of vaccination status • Removes the 'light test' for face coverings • Removes contaminated surfaces as a hazard for COVID-19 exposure • Removes the mandate for partitions when social distancing cannot be achieved • Clarifies parameters for close contacts, which the new ETS continues to define as being within six feet of a COVID-19 case for a cumulative total of 15 minutes or greater in any 24-hour period that overlaps with the infections period of the COVID-19 case. • Broadens parameters for acceptable COVID-19 tests to include self-administered and self-read tests to identify COVID-19 cases <p>This is the third revision which will be in effect through December 31, 2022.</p> <p>San Francisco Amends Family Friendly Workplace Ordinance</p> <p>San Francisco's Family Friendly Workplace Ordinance has been amended and will take effect on July 12, 2022. The amendments include:</p> <ul style="list-style-type: none"> • Updated definitions for "employee," "telework," and "caregiver" • Removes the limit on the number of flexible work requests an employee may make per year • Requirements for employers to participate in an interactive process if they do not agree with an employee's initial request for flexibility

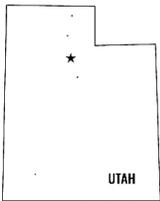
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	<p>Connecticut Department of Labor Issues Final Proposed FMLA Regulations</p> <p>The CT DOL released the final draft of the amended CT FMLA regulations. They include many revisions; including but not limited to:</p> <ul style="list-style-type: none"> • Leave Duration, Eligibility, and Coverage • Additional Leave in the Event of Incapacity During Pregnancy • Use of Employer-Provided Paid Leave/PTO • Holidays • Determining Amount of Leave Used • Accrual of Benefits or Seniority during Leave and Requalification for Benefits upon Return • Notice Requirements
	<p>Illinois Equal Pay Registration Certificate Application Updates</p> <p>The Illinois Department of Labor has published the following resources to assist in the state's Equal Pay Registration Certificate Application Process:</p> <ul style="list-style-type: none"> • Compliance Statement Template • Workforce Data Template • Training Slides on the Program • FAQs <p>Please see our previous e-Alert: Illinois Pay Data Reporting outlining this new state requirement. Additional resources may be found on the state's website.</p>
	<p>Indiana Restricts Employer Vaccination Mandates</p> <p>Indiana enacted House Bill 1001 which provides restrictions on employer COVID-19 vaccination mandates. Employers may require COVID-19 vaccinations for their employees with the understanding that employees have the right to apply for an exemption. Employees with an approved exemption may be required to undergo routine testing for COVID-19 up to two times per week.</p> <p>Indiana Amends Law on Data Security Breach Notifications</p> <p>Beginning July 1, 2022, businesses who experience a breach of propriety data must provide notification within 45 days of the incident. The notice should be sent to the affected individuals of the breach, law enforcement, and any applicable consumer credit reporting agencies.</p>

	<p>Maine Amends Law that Requires Payout of Vacation</p> <p>Beginning July 19, 2022, private employers with 11 or more employees must pay all unused vacation time to an employee upon separation of employment, regardless of the employer's current policy. Payment must be made no later than the next payday. If a CBA governs how vacation payout is handled, the CBA shall govern, not the statute. Maine's Earned Paid Leave law (EPL) does not address end-of-employment payout. We will be sending an e-Alert with further details on this new requirement.</p> <p>Maine Removes CBA Exemption from Whistleblower Act</p> <p>Beginning July 19, 2022, the Maine Whistleblowers' Protection Act is amended to ensure that those employees covered under a CBA are protected by Whistleblowers' Protection Act. The Act protects an employee from discrimination if they report the employer for a violation of a practice, rule, or law.</p>
	<p>Maryland Enacts a Paid Family and Medical Leave Program</p> <p>On April 9, 2022, Maryland adopted a statewide family and medical leave program. This program provides temporary paid benefits to eligible employees taking time off from work to care for a family member or has a serious health condition. This program does not take effect until October 1, 2023, allowing employers to prepare for this major change. We will be sending an e-Alert will further details on this new requirement.</p>
	<p>McDonnell Douglas Burden Shifting</p> <p>The recent ruling of Hanson vs. State of Minnesota, reminds employers that the McDonnell Douglas Burden Shifting framework still applies to claims under the Minnesota Whistleblower Act. Employees are subject to discipline for misconduct in the workplace, however, employers should proceed with caution when assessing disciplinary action for individuals who have brought legitimate claims of adverse conduct to the company's attention.</p>
	<p>Ohio Amends Overtime Law</p> <p>Beginning April 21, 2022, Ohio amended its wage hour law to exclude certain travel and routine tasks from overtime requirements. The new law incorporates specific language found in the Portal-to-Portal Act, an amendment to the federal Fair Labor Standards Act which covers employee time spent before and after work in such activities as checking email. The Portal-to-Portal Act provides that time spent in preliminary and postliminary activities – those activities are undertaken before and after</p>

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	<p>the “whistle blows” – are not subject to federal minimum wage and overtime requirements. In other words, it is non-compensable time.</p>
	<p>Oregon Revises “Benefit Year” Definition for Purposes of Paid Family and Medical Leave</p> <p>The state of Oregon has redefined a “benefit year” to be a period of 52 consecutive weeks which starts the Sunday before an employee experience a family, medical, or safety qualifying leave event.</p> <p>Oregon Requires Notice Before Suspension of Temporary Disability Benefits</p> <p>Beginning January 1, 2023, amendments to Oregon’s Temporary Disability benefits will take effect. Under the amendments, insurers are mandated to provide notice to employees prior terminating an individual’s benefits. Additionally, authorized physicians can retroactively authorize benefits up to 45 days after their services were provided to an individual.</p> <p>Oregon Amends Nondisclosure Agreement Provisions</p> <p>Beginning January 1, 2023, employers are prohibited from entering into nondisclosure agreements relating to discrimination, sexual assault, and workplace harassment. The amends includes those former employees are covered by this law. In addition, when entering into an agreement to release a claim brought by the employee alleging unlawful conduct, the agreement must include certain provisions. Every employer must adopt a written policy about prevention of discrimination, sexual assault, and workplace harassment. The amended law requires employers to provide to each person with whom the employer seeks to enter into an agreement a copy of the policy in the language the employer typically uses to communicate with that person.</p>
	<p>Tennessee Expands E-Verify Requirements</p> <p>Beginning January 1, 2023, employers with 25 or more employees as of 1/1/23 must use the federal E-Verify program. The current Act requires this of employers with 50 or more employees.</p> <p>Tennessee Requires Notice to Employees who Drive Personal Vehicles</p> <p>As of April 8, 2022, entities that employ or contract with drivers who use their own vehicles for the delivery of goods or services, must inform the driver at time of hire that their insurance may not cover commercial issues and the drivers should check their insurance policy regarding commercial coverage.</p>

	<p>Utah Amends Employer Verification Act</p> <p>Beginning May 4, 2022, only employers with at least 150 employees will be required to register for and use the E-Verify system for new hires. Prior to this change, this requirement was for private employers with 15 or more employees.</p>
	<p>Virginia Realigns Overtime Requirement with Federal FLSA</p> <p>Beginning July 1, 2022, amendments to the Overtime Act take effect, which clarify that employers must comply with the federal FLSA overtime provisions.</p> <p>Family Leave Insurance as a Class of Insurance</p> <p>Beginning July 1, 2022, a new law establishes that family leave insurance as a class of insurance. Employers on a voluntary basis may purchase insurance policies that provides benefits for family leave reasons. This may be written as an amendment or rider to a disability policy, or a separate group insurance policy.</p> <p>Virginia Employers Must Provide Devices After Certain Workplace Injuries</p> <p>Beginning July 1, 2022, depending on certain workplace accidents, employers must furnish certain devices to the employee.</p>
	<p>Washington Prohibits Certain Nondisclosure and Non-Disparagement Provisions</p> <p>Beginning June 9, 2022, any provisions within a nondisclosure agreement or a non-disparagement agreement that prevent or discourage an employee from sharing unlawful experiences in the workplace are strictly prohibited. These experiences may include, but are not limited to:</p> <ul style="list-style-type: none"> • Harassment • Discrimination • Retaliation • Wage and Hour Violations • Sexual Assault <p>The amendments to this prohibition extend to current employees, former employees, and independent contractors.</p> <p>Washington Law Requires Reimbursement of Fees for Dishonored Checks</p> <p>Beginning June 9, 2022, employers must reimburse employees for any fees</p>

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	<p>incurred in the event a paycheck is not able to be cashed. To request reimbursement, an employee must provide an 'instrument' of proof (e.g., receipt) to the employer within 30 days of the attempted bank transaction.</p>
	<p>West Virginia Enacts Changes to Payroll Card Method of Wage Payment Beginning June 9, 2033, employers may make the decision to pay all their employees via payroll cards, without all their employees' agreement, although the option of a direct deposit needs to be offered.</p> <p>West Virginia Amends Child Labor Rules Beginning May 1, 2022, employers are required to obtain a work permit when a 14- or 15-year-old minor is employed.</p>

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