

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



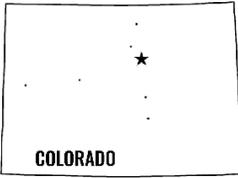
Roe vs. Wade Overturned: Group Health Plan Considerations

The most pressing concern for many employers resulting from the overturn of Roe v. Wade is whether they can continue offering coverage of abortions through their health plan, including by reimbursing costs incurred by a participant traveling to a state to receive lawful abortion services in that state. Please see our [e-Alert](#) for further details.

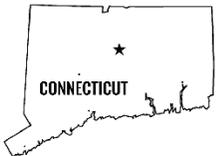
Cap Reached for H-2B Workers for Second Half of FY 2022

There was a H-2B supplemental cap [temporary final rule](#) in place that increased the number of visas through the end of the fiscal year 2022. Recently, the USCIS received enough petitions to reach the cap, however, the USCIS will continue to accept petitions for H-2B visas allotted for nationals of El Salvador, Guatemala, Honduras, and Haiti, regardless of whether they are returning workers.

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	<p>California Wage Statement Updates for Meal and Rest Break Premiums The recent ruling of Naranjo v. Spectrum Security Services, Inc. brings to light potential risks for Labor Code violations. Please see our e-Alert for further details.</p> <p>California Court Holds that Pre-Employment Travel for Drug Screening is Non-Compensable California law doesn't require employers to reimburse new hires for their travel expenses or for their time related to a pre-employment drug test, the 9th U.S. Circuit Court of Appeals held (Johnson v. WinCo Foods, LLC.). Under the Fair Labor Standards Act, employers must pay current employees for time spent taking a drug test, however, this does not apply to applicants. The best practice is to clearly communicate that employment offers are conditioned on passing a pre-employment drug test or background check.</p> <p>California Employers Can Force Arbitration of Individual PAGA Claims The US Supreme Court has ruled that employers may compel employees to arbitrate individual claims under the California Private Attorneys General Act (PAGA). This ruling allows for individual PAGA claims to be arbitrated, but non-individual claims of other alleged aggrieved employees are not subject to arbitration. Therefore, once an employer compels arbitration of an employee's individual PAGA claim, the non-individual claim should be dismissed. California employers should review with legal counsel and determine whether to start utilizing arbitration agreements or modifying their existing agreements based on this new ruling.</p>
	<p>Colorado Issues First Round of Regulations for its Paid Family and Medical Leave Insurance Program Effective January 1, 2023, employees and employers will start making contributions via a payroll deduction to Colorado's Paid Family and Medical Leave Insurance (FAMLI) Program. The Colorado Department of Labor and Employment recently published the first set of general rules and regulations as well as an Employer Toolkit and a series of webinars to assist and prepare employers for the next steps. Please see our e-Alert for further details.</p>

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	<p>Colorado Amends Wage Payment Law Beginning August 9, 2022, amendments to Colorado's wage payment law take effect which requires employers to provide specified notices to terminated employees regarding payroll deductions. The amended law also enhances the penalties for wage theft. We will be sending an e-Alert with further details.</p> <p>Colorado Amends Non-Compete Law Beginning August 10, 2022, recent amendments limit the enforceability of non-compete agreements for employers with employees working or living in Colorado. We will be sending an e-Alert with further details.</p>
	<p>Connecticut Paid Family and Medical Leave Reminder As of July 1, 2022, employers must notify their current employees of their rights and benefits under the law, and new employees at the time of hire. This new leave program, Connecticut Paid Family and Medical Leave (PFML) will be administered by the Connecticut Paid Family and Medical Leave Insurance Authority. Please see our e-Alert for further details. Please email us if you are a Full-Service or Virtual HR client and would like our assistance with updating your handbook or parental leave policy.</p> <p>Connecticut Amends Voting Leave for Special Elections Effective July 1, 2022, employers are now required to grant employees up to two hours of unpaid time off to vote in state elections; in addition, elector employees must receive two hours of unpaid time off for voting in special elections for United States senator, a representative in Congress, state senator or state representative. This amendment remains in place until June 30, 2024, and does not require an update to the employer's voting policies.</p>
	<p>Washington DC Bans Non-Competes Please see our e-Alert for further detail.</p>

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	<p>US District Court Denies Injunction Against Florida “Stop-WOKE” Law</p> <p>The law that dramatically limited what and how employers can communicate to employees in workplace training relating to diversity, non-discrimination, and non-harassment went into effect on July 1, 2022. For now, the US District Court's decision means that an employer's diversity, equity, and inclusion (DEI) training materials must refrain from sending any messaging to employees that could be construed as requiring employees to believe in certain concepts. The court's decision will likely be appealed which may uphold, reverse, or modify the lower court's decision. Given the uncertainty of the law, Florida employers should consider placing a strategic pause on mandatory training while considering how to comply with the Act.</p>
	<p>Illinois Expands Unpaid Leave to Employees</p> <p>Illinois has enacted the Family Bereavement Leave Act amending the previous Child Bereavement Leave Act. The Child Bereavement Act required employers with 50 or more employees to provide 10 unpaid days of leave following the death of a child. The Family Bereavement Act now provides leave following the death of a covered family member and expands the reasons for leave to include leave for pregnancy loss, failed adoptions, unsuccessful reproductive procedures, and diagnoses that negatively impact pregnancy and/or fertility. The Family Bereavement Law will go into effect on January 1, 2023.</p> <p>Scheduled Changes to The Chicago Fair Workweek Ordinance</p> <p>Beginning July 1, 2022, the updated law requires that employers provide 14 days of advance notice of work schedules to their covered employees, review the increased covered employee's earnings threshold, and provide a notice to all employees of the updated law.</p> <p>Illinois Amends Law on Leave for Victims of Violent Crimes</p> <p>The Victim's Economic Security and Safety Act provides unpaid leave to employees who are victims of domestic violence, gender violence, and/or other violent crimes. Recent amendments specify that protections extend to employees who attend court proceedings related to an incident of violent crime.</p>

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	<p>Louisiana Prohibits Hairstyle Discrimination</p> <p>Last month the Governor signed into law legislation that prohibits employment discrimination on the basis of hairstyles or textures historically associated with race.</p>
	<p>Bloomington, Minnesota Passes Earned Sick and Safe Leave Ordinance</p> <p>Effective July 1, 2023, Bloomington City has passed an Earned Sick and Leave Ordinance. Employers with five or more employees (no matter their work location) are required to provide at least 48 hours of sick and safe leave per year to employees who work in Bloomington. We will be sending an e-Alert with further details.</p>
	<p>New Hampshire Amends Child Labor Law</p> <p>Recent amendments removed the limit on consecutive days of work and increased the maximum weekly hours to 35 for minors aged 16 and 17 during workweeks when school is in session for five days. The limit on hours minors may work during short school weeks was repealed, as well as the provisions limiting early and late shifts for minors.</p>
	<p>Oregon Issues Rules on Employer Equivalent Paid Family Medical Leave Insurance Plans</p> <p>Oregon issued new rules related to the administration of its Paid Family and Medical Leave Insurance program. These new rules provide requirements for employer-administered equivalent plans. The Oregon Employment Department (OED) will begin reviewing equivalent plans in September 2022, in preparation for the law taking effect on January 1, 2023. The OED anticipates the review process will take at least 30 days. Please see our e-Alert for further details.</p>

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	<p>Rhode Island Legalized Recreational Cannabis Please see our e-Alert for further detail</p>
	<p>Tennessee Created New Shared Work Program Tennessee has established a shared work program that allows employers to reduce work hours for a group of employees and reallocate the work evenly between the employees to avoid layoffs.</p>
	<p>Vermont Expands Crime Victim Leave Vermont has amended its crime victim leave law, which applies to employers of all sizes. An employee who is an alleged victim of a crime or delinquent act is now entitled to take leave to attend a required related criminal proceeding or have the right to attend. Previously the law did not explicitly cover alleged victims, just victims.</p> <p>Vermont Passes Whistleblower and Protection Act The act prohibits employers from terminating, discharging, demoting, suspending, threatening, harassing, or in any way retaliating against an individual for certain actions.</p>
	<p>Washington Amends Paid Leave Rules on Waiting Periods Washington has amended the waiting period regulation under its paid leave law for certain employees. The waiting period will no longer be required for birth parents requiring medical leave immediately following the birth of a child and won't count against the employee's benefit entitlement. Employees taking family leave for bonding after a child's birth or placement or leave taken for reasons related to qualified military leave are already exempt from a waiting period.</p>

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