

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



Federal Contractors have until September 1, 2022, to Certify AAP

Employers that are required to file an Affirmative Action Plan (AAP) and have not completed their certification should certify as soon as possible but no later than September 1, 2022, to avoid any repercussions with their federal contracts. See our [e-Alert](#) for further detail.

VETS-4212 Reporting Due September 30, 2022

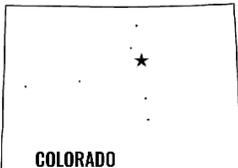
The VETS-4212 filing begins August 1 and ends September 30 each year. All nonexempt federal contractors and subcontractors with \$150,000 or more in federal contracts are required to file a VETS4212 report annually. See our [e-Alert](#) for further detail.

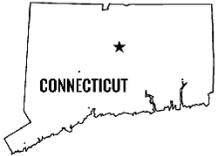
EEOC Updates Q&As about COVID-19 and the ADA

The [EEOC recently](#) made clear that employers will need to assess

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	<p>whether current pandemic circumstances and individual workplace circumstances justify viral screening testing of employees to prevent workplace transmission of COVID-19. This change is not meant to suggest that such testing is or is not warranted; rather, the revised Q&A acknowledges that evolving pandemic circumstances will require an individualized assessment by employers to determine whether such testing is warranted and consistent with the requirements of the ADA.</p> <p>Monkeypox Declared a Public Health Emergency</p> <p>On August 4, 2022, the Biden administration declared the monkeypox outbreak a public health emergency. The information affecting the workplace is still somewhat limited. The U.S. Centers for Disease Control and Prevention (CDC) recommends that people with monkeypox remain isolated at home or in another location for the duration of the illness, which typically can last two to four weeks.</p>
	<p>Arizona Allows Unemployment Benefits Due to COVID-19 Vaccination Requirement</p> <p>Beginning September 24, 2022, Arizona's unemployment benefits law will prohibit disqualifying individuals from receiving unemployment benefits if the employee was terminated for not receiving a COVID-19 vaccine or booster shot. In addition, unemployment benefits cannot be charged to the employer's account if the employer's vaccine requirement is required by law.</p> <p>Arizona Amends Workers Compensation Law to Clarify Definition of Medical Treatment</p> <p>On July 29, 2022, Arizona clarified which medical treatments are excluded for purposes of workers' compensation. Such treatment includes short-term treatment of minor issues that usually do not require care from a physician such as minor cuts, burns, etc. Employers should be aware the amendment removes the \$7,000 penalty limit for specific willful or repeated violations. Instead, the amendment confirms the civil penalty will be assessed up to a maximum amount adopted by OSHA in accordance with the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015.</p>

	<p>California Alters Definitions Under CAL/OSHA COVID ETS</p> <p>On June 8, 2022, the California Department of Public Health issued an order defining “close contact” and “infectious period”. The new definitions affect requirements under the currently effective Third Revised COVID ETS. Employers can find further guidance on the definitions here.</p> <p>San Francisco Voters Adopt Permanent Public Health Emergency Leave Measure</p> <p>Beginning October 1, 2022, San Francisco's Public Health Emergency Leave (PHEL) Ordinance becomes permanent. The ordinance expands the PHEL enacted for COVID-19 to any public health emergency related to contagious, infectious, or communicable disease declared by San Francisco or California health officials, or an air quality emergency when the Bay Area Air Quality Management District issues a Spare the Air Alert. The PHEL will be in addition to San Francisco's paid sick leave or other paid leave benefits provided to employees. Employers should look to San Francisco's OLSE to release more guidance surrounding the new ordinance and be prepared to create or amend current leave policies.</p>
	<p>Colorado Expands Health and Safety Whistleblower Protections</p> <p>In July 2020, Colorado enacted its Public Health Emergency Whistleblower (PHEW) law. This law allows employees to report health violations related to a public health emergency. Recent amendments expand the law to include <i>any</i> violation of a health or safety regulation, not just violations during a public health emergency. The law also prohibits employers from requiring an employee to sign an agreement that limits such disclosures.</p> <p>Colorado Amends Workers' Compensation Act</p> <p>Beginning August 9, 2022, Colorado updated its Workers' Compensation Act. Employers must provide advanced payment of travel expenses for injury treatments that require round-trip travel over 100 miles. Employers must also report treatment plans for employees' injuries if the injury lasts more than 180 days.</p>

	<p>Connecticut Notice Requirements under FMLA Reminder</p> <p>As a reminder, beginning July 1, 2022, employers must provide employees written notice of their rights and terms to use leave under the CTFMLA, their opportunity to file for wage benefits under the CTPL, as well as retaliation and complaint procedures. Employees must receive this notice upon hire and annually thereafter. See our e-Alert for further detail.</p>
	<p>Georgia Reexamines Independent Contractor Status</p> <p>Georgia's house bill 389 went into effect July 1, 2022. The new law considers the nature and scope of an individual's work, rather than purely the control, to determine the existence of an employer-employee relationship. The law will likely reclassify many independent contractors as employees, therefore opening liabilities and obligations for employers.</p> <p>Georgia Enacts Constitutional Carry Act</p> <p>The Constitutional Carry Act amended provisions regarding the possession of firearms in motor vehicles located in employer-controlled parking lots. The law removes the requirement that the individual must possess a Georgia weapons license to carry and applies this provision to prospective employees who are lawful weapons carriers.</p>
	<p>Illinois Expands Human Rights Act</p> <p>Beginning January 1, 2023, Illinois signed the Creating a Respectful and Open World for Natural Hair (CROWN) Act. The Act amends Illinois' Human Rights Act to expand the definition of race to include traits associated with race, including but not limited to hair texture and protective hairstyles.</p>
	<p>Kentucky Expands Leave to Emergency Responders</p> <p>Kentucky has enacted a new law regarding employment and volunteer emergency responders. The amendment expands the reasons for an emergency responder's protected absences, now prohibiting an employer from terminating an employee who is a volunteer firefighter, rescue squad member, emergency medical technician, peace officer, or member of an emergency management agency and who takes leave after being involved in a "critical incident."</p>

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	<p>Massachusetts Enacts the CROWN Act</p> <p>Beginning October 24, 2022, Massachusetts' Creating a Respectful and Open World for Natural Hair (CROWN) Act takes effect. The Act prohibits discrimination on the basis of hair texture and hairstyles associated with race. See our e-Alert for further detail.</p>
	<p>New Jersey Enacts New Annual and Remote Worker Poster Requirements</p> <p>Beginning August 1, 2022, employers must not only post, but also distribute, copies of the posters to each employee each year and upon request. Digital or print delivery is permissible, this includes posting in a handbook or intranet.</p> <p>New Jersey Amends Laws on Employment of Minors</p> <p>Amendments clarify that minors aged 14 or 15 may work during non-school hours for no more than three hours on a school day, eight hours on a non-school day during the school week, and 18 hours total in a school week. However, minors ages 14 and 15 may work up to 40 hours per week during their school's summer break through Labor Day, and minors ages 16 and 17 may work up to 50 hours per week and 10 hours per day during that time. The Department of Labor and Workforce Development will also be creating a database that serves as an employer and employee registry. Employers that hire minors under the age of 18 must register and provide certain information to the Department about their business and the minors they employ.</p>
	<p>New York State's Sexual Harassment Hotline Law Takes Effect</p> <p>Beginning July 14, 2022, New York state amended the New York State Human Rights Law. The amendment required the New York State Division of Human Rights to establish a statewide, confidential toll-free hotline to provide advice, free of charge, to employees about workplace harassment. The hotline provides advice via pro bono attorneys, Monday through Friday, 9:00 am to 5:00 pm. Employers should review and revise their handbooks, policies, and any other relevant materials to include the hotline number, 1-800-HARASS-3.</p> <p>New York Extends COVID-19 Leave Effective Period</p> <p>New York enacted Labor Law § 196-C granting employees paid leave time to receive the COVID-19 vaccination in March of 2021. The law was</p>

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	<p>initially set to expire on December 31, 2022, but has now been amended to remain in effect until December 31, 2023.</p> <p>New York Enacts Law Restricting Concealed Carry New York has enacted a new law that restricts the concealed carry of firearms. Of interest to employers, the new law makes it a crime to carry a firearm onto private property where the owner has posted signage prohibiting firearms on the property. There are some exceptions including but not limited to police officers and security guards.</p> <p>New York City Salary Transparency Requirements Beginning November 1, 2022, NYC employers with at least four employees must disclose the minimum and maximum salary range for all job postings for positions in NYC. Other NY counties have implemented similar laws. See our e-Alert for further detail.</p>
	<p>Ohio Amends Workers' Comp Law to Address Working from Home Ohio has clarified the definition of injury as <i>“those received in the course of and arising out of employment”</i>. If an injury occurs while working from home but separate from the designated “work location” the injury will not be compensable.</p>
	<p>Rhode Island Enacts "Tip Protection" Law On June 28, 2022, tip protection legislation was signed whereby tips given to any tipped employees (any employee who receives \$30/per month or more in tips on a regular basis), are solely the tipped employees' property. Employers have no right to any shared amount of their employees' tips unless for credit card transaction fees or a tip pool arrangement has been put in place. Employers with tipped employees should verify that they are not retaining any portion of employees' tips, that their tip pooling arrangements are valid, and that employees are properly notified about tip pooling or credit card deductions.</p> <p>Rhode Island Bill Provides Special Enrollment Period During Pregnancy Beginning January 1, 2023, Rhode Island has updated its health benefits and insurance laws to provide for a special health benefits enrollment period for pregnant individuals. This law applies to all individual health insurance, large group health insurance, and small employer health</p>

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	<p>insurance plans. Under the new law, insurance carriers and health plans must establish a special enrollment period that allows for the enrollment of a pregnant individual at any time after the commencement of the pregnancy.</p>
	<p>Washington Amends Health and Safety Regulations on Enforcement</p> <p>Washington amended its health and safety regulations in the workplace. The amendment clarifies the anti-discrimination provisions which prohibit employers from taking adverse action against employees who participate in protected activity. In addition, the employees' deadline for filing a complaint has been extended. Employees may submit evidence of discrimination complaints through a new online complaint submission process, found here, and employers have 30 days to notify the Department of their intent to appeal. Employers should be aware that penalty amounts increase based on employer size and repeat offenses.</p>

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