

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



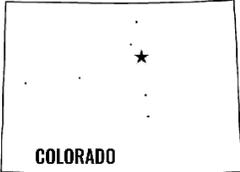
The Speak Out Act is Enacted

President Biden signed into law the [Speak Out Act](#) on December 7, 2022. This law keeps courts from enforcing certain NDAs surrounding alleged sexual assault or sexual harassment. The law defines NDAs as any contractual provision that requires a party to not speak on conduct, settlement existence, or other information covered by the terms of the contract. The law will cover non-disparagement clauses, these clauses must have been entered into before a dispute arises. The law will not prevent post-dispute agreements.

NLRB Issues Memorandum on Electronic Monitoring of Employees

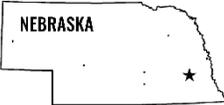
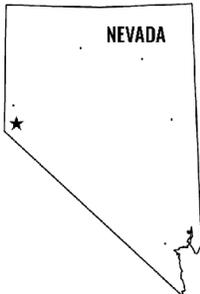
Employers that utilize computer algorithms, artificial intelligence, or electronic monitoring tools should review their use in light of this [NLRB General Counsel Memorandum](#). Considerations include whether the software or monitoring continues outside the office or working hours,

This content is provided with the understanding that HR Knowledge is not rendering legal advice. While every effort is made to provide current information, the law changes regularly and laws may vary depending on the state or municipality. The material is made available for informational purposes only and is not a substitute for legal advice or your professional judgment. You should review applicable laws in your jurisdiction and consult experienced counsel for legal advice. If you have any questions regarding this content, please contact [HR Knowledge](#).

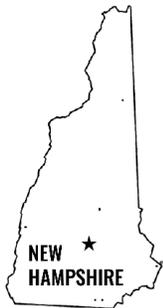
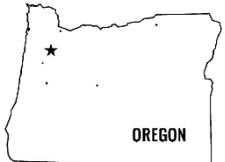
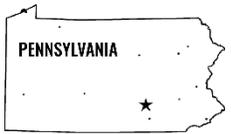
	<p>whether any data are available to third parties, and the purposes the use of technology serves.</p>
	<p>Paid Family Leave Updates for California</p> <p>Through 2024, employees earning less than \$27,000 will receive up to 70% of their weekly wages under paid family leave and short-term disability insurance. This benefit will increase to 90% in 2025 for low-wage workers. In addition, California has updated its definition of family member under the California Family Rights Act (CFRA) and California's Healthy Workplaces Healthy Families Act (HWHFA) to include a "designated person."</p> <p>Under the CFRA, a designated person is an individual related by blood or whose association with the employee is the equivalent of a family relationship. Under the HWHFA, a designated person is "a person identified by the employee at the time the employee requests paid sick days"- the individual need not be related by blood to the employee, and their association need not be the equivalent of a family relationship. The employer is allowed to limit an employee to one designated family member in a twelve (12) month period.</p>
	<p>Colorado Paid Family Leave Payroll Contributions Begin</p> <p>Effective January 1, 2023, Oregon's Paid Family Leave payroll contributions begin for employers. Please see our recent e-Alert for further details.</p> <p>Colorado Expands Public Health Emergency Leave</p> <p>The most recent amendment issued on November 11, 2022, expands public health emergency to cover not only COVID-19, but also RSV, influenza, and "other respiratory illnesses" in Colorado—an undefined term that could, in theory, encompass anything from whooping cough to the common cold. This means that all Colorado employers must provide up to 80 hours of paid PHEL for absences relating to all these illnesses. This entitlement will remain in effect until four weeks after the current public health emergency declaration expires. The Colorado Department of Labor and Employment advises that the PHE emergency will continue until at least February 2023, meaning that the entitlement to provide PHEL will likely extend until at least March 2023.</p>

	<p>Miami Beach Bans Discrimination Based on Hair Texture and Style Discriminatory practices in employment, housing, and public services are now prohibited based on the texture or style of a person's hair. This ordinance applies in cases where hair is commonly associated with a particular race or national origin and includes hair texture such as braids, afros, or locks, among other styles. Employers may discipline, up to and including termination, individuals whose hair texture or style interferes with properly wearing health and safety equipment or impairs the individual's ability to safely perform the job.</p>
	<p>Atlanta Adopts Anti-Discrimination for Criminal History Status and Gender Expression Atlanta has amended its Anti-Discrimination Ordinance to extend protections to individuals based on criminal history status and gender expression in employment, housing, and public services. The criminal history protection makes it unlawful for Atlanta employers to single out or disqualify applicants based on criminal conviction history. However, if the criminal history of the applicant relates to the position's responsibilities, as determined by four factors, employers may be able to consider such criminal history. The law also extends protections to gender expression as an additional protected characteristic.</p>
	<p>Illinois Adopts Ballot Measure Establishing Rights Related to Collective Bargaining Collective bargaining, which refers to the negotiation of employment terms between an employer and a group of workers, which is usually represented by labor unions, is now considered fundamentally necessary. Beginning January 1, 2023, Illinois can no longer pass any law that restricts or interferes with employees from joining collective bargaining discussions.</p>
	<p>Massachusetts Paid Family Leave Updates and Notification Requirements While PFML contribution rates for 2023 have been reduced for both large and small employers, the weekly benefit amount has increased. Additionally, employers are required to notify employees of these changes. Please see our recent e-Alert for further details.</p> <p>Massachusetts Premium Pay Phases Out For businesses subject to the "Blue Laws", the premium pay requirement</p>

This content is provided with the understanding that HR Knowledge is not rendering legal advice. While every effort is made to provide current information, the law changes regularly and laws may vary depending on the state or municipality. The material is made available for informational purposes only and is not a substitute for legal advice or your professional judgment. You should review applicable laws in your jurisdiction and consult experienced counsel for legal advice. If you have any questions regarding this content, please contact [HR Knowledge](#).

	<p>will be eliminated on January 1, 2023 for retail employers. We will be sending an e-Alert with more detail.</p>
	<p>Final Rule Issued on Nebraska’s Short-Time Compensation Program Nebraska issued its final rule on its Short-Time Compensation (STC) program. This program allows employers to reduce hours and compensation due to reduced economic activity, affected employees are eligible for prorated unemployment.</p>
	<p>Nevada Approves Ballot Measure on Equal Rights Amendment Federal and state law currently prohibits discrimination due to race, color, creed, sex, sexual orientation, gender identity or expression, age, disability, ancestry, or national origin. The approved ballot measure adds a guarantee that equality of rights will not be denied based on race, color, creed, sex, sexual orientation, gender identity or expression, age, disability, ancestry, or national origin.</p>
	<p>New Protections for Employees of Certain New Jersey Health Care Entities This new Act establishes employment protections for workers in the health care sector when there is a change in control of their health care entity. All employees must be notified of their rights under the Act at least 30 days prior to a change in control and the successor entity must offer all eligible employees continued employment for a transitional period of at least four (4) months following the change without any reduction in wages, paid time off, or the total value of their benefits – including health care, retirement, and education benefits.</p> <p>Employers must keep in mind that at the end of the transitional period, each retained eligible employee must undergo a performance evaluation. Employers should review and adjust their policies that involve alerting their employees of any changes to their wages, benefits, and status.</p>
	<p>Paid Family Leave Updates for New York Effective January 1, 2023, New York has expanded their definition of a covered family member to include siblings. This includes adopted, biological, step, and half-siblings. In addition, the premium will be reduced in 2023 to 0.455% down from the 2022 premium of 0.511%. To read more on this legislature click here.</p>

This content is provided with the understanding that HR Knowledge is not rendering legal advice. While every effort is made to provide current information, the law changes regularly and laws may vary depending on the state or municipality. The material is made available for informational purposes only and is not a substitute for legal advice or your professional judgment. You should review applicable laws in your jurisdiction and consult experienced counsel for legal advice. If you have any questions regarding this content, please contact [HR Knowledge](#).

	<p>New York City Defers AI Enforcement to April Originally taking effect January 1, 2023, New York City is deferring enforcement of the law to April 15, 2023. This means businesses have an additional 15 weeks to work through the requirements of the law, including the critical question of whether their particular use of AI-driven hiring or promotion tools is within the scope of this law.</p> <p>New York Passes New Law on Lawful Absences Taking effect February 19, 2023, this new law prohibits employers from disciplining employees who take legally protected time off from work. Employers may not threaten, penalize, discipline, fire, or otherwise discriminate or retaliate against employees for their use of lawful absences. Additionally, employers cannot maintain “no-fault” attendance policies and absence control procedures, which may penalize workers for their use of legally protected absences.</p>
	<p>New Hampshire Paid Family and Medical Leave Participation Begins The New Hampshire Paid Family and Medical Leave Plan (NH PFML) is the nation's first voluntary, state-sponsored paid leave plan. This plan takes effect on January 1, 2023, where employers in New Hampshire will be able to participate in the plan, which is an insurance plan that provides NH workers with wage replacement coverage for specific covered reasons. See our e-Alert for more details.</p>
	<p>Oregon's Paid Family Leave Payroll Contributions Begin Effective January 1, 2023, Oregon's Paid Family Leave Obligations begin for employers. Please see our recent e-Alert for further details.</p>
	<p>Pennsylvania Amends Law on Unemployment Insurance to Allow Benefits for Eligible Military Spouses Pennsylvania has amended its unemployment statute to ensure access to unemployment benefits for eligible military spouses, effective November 3, 2022. The amended law provides unemployment benefits for spouses voluntarily leaving work to accompany a spouse who is on active duty with the United States Armed Forces and is required to relocate due to permanent change orders.</p>

This content is provided with the understanding that HR Knowledge is not rendering legal advice. While every effort is made to provide current information, the law changes regularly and laws may vary depending on the state or municipality. The material is made available for informational purposes only and is not a substitute for legal advice or your professional judgment. You should review applicable laws in your jurisdiction and consult experienced counsel for legal advice. If you have any questions regarding this content, please contact [HR Knowledge](#).

	<p>Paid Family Leave Updates for Rhode Island</p> <p>Effective January 1, 2023, Rhode Island will increase the total amount of leave allowed under the states' Temporary Caregiver Insurance from five (5) weeks to six (6) weeks.</p> <p>Rhode Island Enacts Comprehensive Pay Equity Law</p> <p>Rhode Island has enacted amendments to its current wage discrimination laws. Effective January 1, 2023, a wage discrimination standard goes into effect that expands on protected characteristics and enforces companies that participate in pay practice evaluations to provide liability protection. Employers will also be required to provide a wage range for job postings to both internal and external applicants, bans employers from requesting salary history from applicants, and states that employees cannot be prohibited from discussing wages. We will be sending an e-Alert with more details.</p>
	<p>Tennessee Approves Right-To-Work- Amendment</p> <p>The amendment goes into effect on January 1, 2023, and prohibits denying employment based on a person's membership, affiliation, resignation, or refusal to join any labor union or employee organization.</p>

This content is provided with the understanding that HR Knowledge is not rendering legal advice. While every effort is made to provide current information, the law changes regularly and laws may vary depending on the state or municipality. The material is made available for informational purposes only and is not a substitute for legal advice or your professional judgment. You should review applicable laws in your jurisdiction and consult experienced counsel for legal advice. If you have any questions regarding this content, please contact [HR Knowledge](#).

The People Simplifying HR

For almost twenty years, HR Knowledge has made it our mission to demystify the complex and daunting process of HR management. We do more than just provide the level of service and technology you would expect from an industry leader. We combine an unparalleled passion for service with our decades of HR, payroll, and benefits experience to provide our clients with personalized and actionable advice that is second—to—none. From managed payroll to employee benefits to HR support, we can help your organization thrive, grow, and reduce operating costs—no matter what industry you serve. Whether you're interested in our Full-Service solution or just need your employee handbook written, HR Knowledge can help you minimize risk while staying on top of compliance regulations. The bottom line? We're not just another cloud-based technology company that also does HR, #WeAreHR. [Get the scoop](#) on how we can help you simplify HR.



@WEAREHRK