

## HR, Benefits, and Payroll Compliance Monthly Roundup: March 2023





### **USCIS Redesigns Permanent Resident Cards**

As a security measure to decrease fraud, the U.S. Citizenship and Immigration Services (USCIS) have [redesigned Permanent Resident Cards](#) (Green Cards) and Employment Authorization Documents (EAD). Employers should familiarize themselves with the new design to aid in the Form I-9 document verification.





### **Department of Labor Issues Guidance on Remote Hours Worked**

The Department of Labor (DOL) has [issued guidance](#) on tracking hours for remote employees. Additional background on the Fair Labor Standards Act (FLSA) and what constitutes hours worked and what does not is explored further for remote workers.

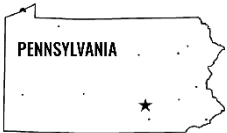


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	<p><b>California Passes CAL/OSHA's COVID-19 Non-Emergency Regulations (NER)</b></p> <p>Effective February 3, 2023, California has approved <a href="#">CAL/OSHA's COVID-19 Non-Emergency Regulations (NER)</a>. Generally, less restrictive than CAL/OSHA Emergency Temporary Standard, NER eases COVID-19 requirements and will remain in effect until February 3, 2025. Employers are no longer required to provide free COVID-19 testing or pay employees for time missed. NER outlines 8 steps employers should take in correlation with written procedure, COVID-19 training for employees, and hazard control measures.</p> <p><b>California Strikes Down Federal Arbitration Act</b></p> <p>The California Ninth Circuit Court of Appeals issued a ruling on the Federal Arbitration Act (FAA), which prevented employers from issuing mandatory employment arbitration agreements. Employers will now be able to implement arbitration agreements for employee claims for unpaid wages and discrimination, among other causes of action.</p> <p><b>San Francisco Releases Paid Military Leave FAQs</b></p> <p>San Francisco's Office of Labor Standards Enforcement (OLSE) has released a <a href="#">Frequently Asked Questions bulletin</a> on the <a href="#">Military Leave Pay Protection Act (MLPPA)</a> that details further responsibilities for covered employers. The FAQs provide firmer guidance on calculating pay and supplemental compensation, when to make payments, recordkeeping rules, and the employer and employee notice obligations. See our <a href="#">e-Alert</a> about this requirement.</p>
	<p><b>District of Columbia Passes Paid Family Medical Leave Act</b></p> <p>Effective January 27, 2023, the District of Columbia's <a href="#">Universal Paid Leave Act</a> has become permanent. Additional details and guidance are provided, including parameters around leave length and qualifications. Under the Act, employees receive up to 12 weeks of medical, family, and parental leave, as well as 2 weeks of prenatal leave.</p> <p><b>District of Columbia Enacts Second Chance Amendment Act</b></p> <p>Effective March 10, 2023, the District of Columbia's <a href="#">Second Chance Amendment Act</a> become law. The Act removes barriers during the hiring process for applicants with criminal records. Applicants with expunged or sealed criminal records are not required to divulge history to employers.</p>

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	<p>Employees who do not share expunged/sealed records are exempt from adverse action.</p>
	<p><b>Illinois Issues Ruling on Biometric Collection</b> The Illinois Supreme Court has issued an employee-friendly ruling on <a href="#">biometric collection</a> practices. Biometric data includes employee fingerprints, retinal or iris scans, voiceprints, hand scans, or face geometry. Employers that collect this data must receive prior written consent from the employee before using the data or face penalties each time the data is collected. Employers must also develop a policy that outlines a retention schedule for the biometric data.</p>
	<p><b>St. Paul Amends Earned Sick and Safe Time Ordinance</b> Effective February 24, 2023, amendments to St. Paul's <a href="#">Earned Sick and Safe Time (ESST) Ordinance</a> go into effect. The amendments clarify city limits, define a reporting year, set guidance around accrued and frontloading leave time, and define how leave must be carried over into the following year for new hires.</p>
	<p><b>New Jersey Amends Disability Benefit Regulations</b> Effective January 27, 2023, New Jersey amended its <a href="#">Temporary Disability Benefit</a> Regulations. The amendment changes the definition of a base year to accurately calculate disability benefits, requires employers with private plans to post plan notices in a conspicuous location, and loosens restrictions on employee consent for establishing private plans. The amended regulations also let employers decide if a reduced work week is permitted for disability purposes. In order to claim partial benefit, an eligible employee must be unable to perform work for at least 7 consecutive days.</p>
	<p><b>New York Places Limits on Warehouse Worker Protections</b> New York's recently passed <a href="#">Warehouse Worker Protection Act</a> (WWPA) has faced delays due to amendments in the <a href="#">original bill</a>. The amendments include pushing the effective date from February 19, 2023, to June 19, 2023, a 30-to-180-day delay, and clarifying the bill only applies to non-exempt employees. The amended bill also changes the employee count threshold and repeals many recordkeeping requirements.</p>

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	<p><b>Philadelphia Revises COVID Paid Sick Leave</b></p> <p>Philadelphia’s Department of Labor has released the <a href="#">3rd version</a> of Supplemental COVID-19 Regulations for Promoting Healthy Families and Workplaces Ordinance (PHFWO). PHFWO requires employers to provide time off for covered employees. The updated version, which is effective through December 31, 2023, distinguishes 3 types of leave benefits available and outlines changes related to COVID-19 amendments.</p>
	<p><b>Rhode Island Issues Final Amendments for Equal Pay Act</b></p> <p>Effective January 6, 2023, Rhode Island issued final amendments around its Equal Pay and Wage Transparency Law. The law prohibits employers from paying an employee less for comparable work based on race, color, religion, sex, sexual orientation, gender identity or expression, disability, age, or country of origin. Click <a href="#">here</a> for our e-Alert with further details.</p>
	<p><b>Wisconsin Issues Ruling on Unpaid Meal Breaks</b></p> <p>Effective January 31, 2023, the U.S. Court of Appeals for the Seventh Circuit has ruled that employers in Wisconsin can require <a href="#">meal breaks</a> to be unpaid for non-exempt employees. The ruling only applies if the employee is relieved from all duties during the break; if the employee is performing any type of work during their lunch break, the break must be paid. A meal break is considered a 30-minute period, which does not apply to 15-minute rest breaks, which must be paid.</p>

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