

HR Compliance Monthly Roundup: July 2023



EEO-1 Reporting Pushed to Fall 2023

The EEOC [announced](#) that the 2022 EEO-1 Component 1 data collection has updated the tentative opening to the Fall of 2023. See more information in our [e-Alert](#).

OSHA Announces Program to Reduce Workplace Falls


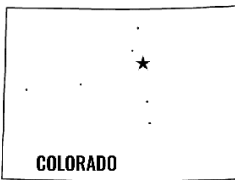
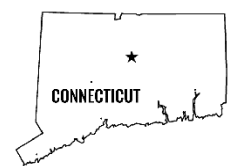

The Occupational Safety and Health Administration (OSHA) has announced the [National Emphasis Program](#) (NEP) in an effort to prevent and reduce falls in the workplace. The program applies to all industries.

Undue Hardship Heightened for Religious Accommodation Claims




The Supreme Court amended [Title VII of the Civil Rights Act of 1964](#) on June 29, 2023, to mark a [higher standard](#) for undue hardships in religious accommodation claims. To clarify undue hardship so that employers may assess claims properly, the enhanced standard requires employers assessing religious accommodation requests to only deny requests if there is evidence that providing the accommodation would result in higher substantial costs in relation to the conduct of business, including hardship on other employees. See more information in our upcoming e-Alert.

PCORI Fee Due July 31


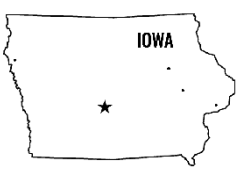
The Affordable Care Act requires employers who sponsor self-funded


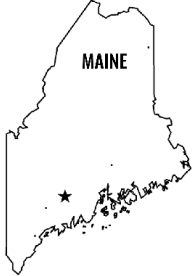
	<p>health plans to pay the Patient-Centered Outcomes Research Institute (PCORI) fee to the IRS. This fee is due July 31st. See more information in our e-Alert.</p>
	<p>California Issues Consumer Privacy Act Final Regulations California issued regulations for the mandated California Privacy Rights Act (CPRA) program that went into effect for employers on July 1, 2023. While employers are required to only collect, use, and retain necessary data, the amended law does not address employer obligations regarding HR data. We will continue monitoring for updates.</p>
	<p>Colorado Prohibits Age-Related Inquiries Effective July 1, 2024, employers based on Colorado, including multi-state organizations who advertise and hire in the state will be prohibited from inquiring about a prospective's employee age, date of birth, or dates of attendance at or date of graduation on any initial application. There are some exceptions to this new law for certain jobs as they relate to safety and or to comply with federal laws or other regulations.</p>
	<p>Connecticut Updates Paid Sick and Safe Leave Law Connecticut's Paid Sick and Safe Leave Law has been updated to expand coverage for service workers. The law defines "service workers" as employees in certain occupations on a specific list of code numbers and titles from the federal Bureau of Labor Statistics Standard Occupational Classification system. Effective October 1, 2023, service workers can use sick leave when their emotional and psychological well-being needs attention during a regularly scheduled shift. The expansion of the law also allows for safe leave to be used if workers are personally a victim or are a parent or guardian of a child who is a victim, of family violence or sexual assault.</p> <p>Connecticut Expands Worker's Compensation Effective January 1, 2024, Connecticut's Workers' Compensation statute will provide coverage for post-traumatic stress injuries to any employee who suffers an eligible qualifying event. This expands coverage from the currently covered police officers, firefighters, emergency medical service personnel, and Department of Corrections personnel. Qualifying events and eligibility requirements are defined in the Amendment.</p>
	<p>Florida Bans COVID-19 Discrimination Florida will prohibit employers from requiring employees, applicants, and contractors to provide documentation pertaining to COVID-19 vaccination or recovery status. Effective September 1, 2023, those in violation may receive fines not to exceed \$5,000 for each violation.</p>

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	<p>Georgia Bans Vaping in the Workplace Georgia has expanded its Smokefree Air Act, which prohibits smoking in the workplace in all enclosed areas, to modify the definition of “smoking” to include electronic smoking devices, or vaping. Effective July 1, 2023, the Act requires employers to communicate the nonsmoking policy to employees and provide a copy to job applicants.</p> <p>Georgia Lifts Voting Leave Barriers Georgia law allows qualified employees time off from work to vote on election days. Effective July 1, 2023, the state has amended its current law to allow employees to take time off to vote on the day of election or on one of the advance in-person voting days. Other amendments to the law strike the previous provision that if an employee’s hours of work begin either two hours after the polls open, or end at least two hours before polls close, the employee is not entitled to take time off during work hours to vote. Under the amendment, all employees are eligible to take time off to vote.</p>
	<p>Hawaii Amends Equal Pay Act Effective, January 1, 2024, employers with at least fifty or more employees are required to include an hourly or salary rate that the employer reasonably expects to compensate for the role. The law does not provide clarification whether the fifty-employee requirement refers to employees within Hawaii or the employer’s total employee count.</p>
	<p>Illinois Adds Equal Pay Act Requirements Effective January 1, 2025, employers with at least fifteen employees are required to include a pay scale and benefits information in any job posting. Employers will be required to communicate opportunities for promotion to current employees no later than 14 calendar days after the employer posts the job externally. See more information in our upcoming e-Alert.</p> <p>Illinois Amends Multiple Provisions in Labor Dispute Act Illinois amends its Labor Dispute Act to issue protections for striking workers. Protections include limiting the amount an employer can recover for any damages inflicted as a result of a labor dispute and establishing a minimum \$500 fine and Class A misdemeanor for placing objects in the public way for intent to interfere, obstruct a picket, or protest. The amendments are effective January 1, 2024.</p> <p>Chicago, Illinois Expands Criminal History Screening Ordinance The City of Chicago signed a law to amend and expand the existing ban-the-box ordinance restricting an employer’s use of criminal history for employment purposes. The amendments include creating a new individualized assessment requirement, requiring a pre-adverse and final</p>

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	<p>adverse action notice, and requiring additional language to be included in an adverse action notice. The ordinance takes effect immediately.</p> <p>Evanston, Illinois Enacts Fair Workweek Ordinance Effective September 1, 2023, the city of Evanston has passed a Fair Workweek Ordinance requiring an employer with 100 or more employees in the hospitality, food service, retail, manufacturing industries, warehouse and building service to provide an estimated work schedule and premium pay changes. The estimate must identify the predicted days and hours of work for the first 90-days of employment, including the average number of work hours in a week, whether the employee can expect to work on-call shifts, and an estimate of days and times or shifts expected to work and not work. The ordinance prohibits employers from hiring new employees to off-set additional work hours unless first offered to current part-time employees.</p>
	<p>Indiana Amends Non-resident State Tax Withholding Law Indiana's income tax law has been amended to clarify circumstances where an employer is required to withhold state taxes for work performed in the state by non-resident employees. Amendments include exempting compensation such as wage, salary, and tips from an employee's adjusted gross income tax if they are performing work in Indiana for 30-days or less during the calendar year. Employers will be subject to penalties for failure to deduct and withhold income taxes unless in limited circumstances, such as relying on an attendance system to allocate wages or employee-committed fraud. The amendments are effective January 1, 2024.</p> <p>Indiana Clarifies Service Animal Law Effective July 1, 2023, an amendment defines that places of public accommodation are now required to have processes in place to allow a disabled person to have a service animal on the property.</p>
	<p>Iowa Amends Child Labor Laws Effective July 1, 2023, Iowa amends its Child Labor Laws to remove the requirement for a child labor permit. The law also extends the permissible number of hours that minors, aged 14 and 15, may work. Minors aged 16 may now work up to six hours a day, two more than the current four hours, and until 9:00 pm during school and 11:00 pm during the summer.</p>

	<p>Lexington, Kentucky Expands Human Rights Ordinance Lexington-Fayette County, Kentucky has amended its Human Rights Ordinance to include the CROWN Act. The amendment clarifies that the natural texture of hair, hair color, and protective hair styles, such as hair ornaments, and hair wraps, are protected characteristics of race, national origin, and religion. Discrimination tied to these amendments are prohibited.</p>
	<p>Maine Exempts Sexual Harassment Liability from Workers Comp Law Effective September 19, 2023, Maine amends its workers' compensation law to remove a civil liability exemption for acts involving sexual harassment, sexual assault, and intentional torts committed by employers, supervisors, and officers or directors of a covered employer. Under the amendment, liability is not imposed on the employer for violation of sexual harassment or assault, however, it no longer prohibits or limits action of employment discrimination claims.</p> <p>Maine Expands Mini-WARN Law Maine amends its Worker Adjustment and Retraining Notification Act, or Mini-WARN law, effective September 16, 2023. The changes require advance notice and severance pay for employees in the event of a mass layoff or the closing of a covered establishment and removed the coverage limitations so that the requirements now apply to all types of businesses. Accordingly, as amended, the statute provides the following key definitions:</p> <ul style="list-style-type: none"> • “Covered establishment” means any facility or part thereof that employs or has employed at any time in the preceding 12-month period 100 or more persons. • “Closing” means the permanent shutdown of operations at a covered establishment. A closing may occur due to relocation or termination of the employer’s business. • “Relocation” means the removal of all or substantially all of operations in a covered establishment to a new location, inside or outside of Maine, 100 or more miles away from its original location. <p>Maine Requires Veterans’ Rights Workplace Poster Effective September 19, 2023, employers with 50 or more employees are required to post a notice of veterans’ rights and benefits in their workplace. The poster must contain information on veteran benefits and services, such as the state’s Bureau of Veteran’s Services on substance abuse, mental health treatment, tax benefits, and workforce and training resources.</p>

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	<p>Maine Modifies Wage Payment Law Effective September 19, 2023, Maine <u>amends</u> its wage payment law to exempt salaried employees, members of an employer's family, employees of limited liability partnerships, and employees of S corporations from the requirement that employees receive compensation at regular intervals of at most sixteen days apart. Other changes include striking the provision that employers are required to keep a daily time record for salaried employees and removing the provision that employers need to provide salaried employees notification related to changes in rate of pay.</p>
	<p>Michigan Expands Antidiscrimination Law Michigan <u>amends</u> its antidiscrimination law to include prohibiting employment discrimination based on an employee or applicant terminating or choosing to terminate pregnancy. The amendments are effective March 28, 2024.</p> <p>Michigan Broadens Protected Classes and Characteristics Effective June 15, 2023, Michigan's <u>Elliott-Larsen Civil Rights Act</u> has been amended to add sexual orientation and gender identity and expression as protected classes. The amendments also expand the definition of race to include hair texture and protective hairstyles as defined under the <u>CROWN Act</u>.</p> <p>Michigan Clarifies Cell Phone Use While Driving Law Michigan has amended its <u>law</u> that prohibits cell phone use while driving. The amendments went into effect on June 30, 2023.</p>
	<p>Minnesota Strengthens Protections for Employee Wage Disclosure Effective July 1, 2023, Minnesota <u>amends</u> its current statute to prohibit employers from retaliating against employees who disclose their own wages. Retaliatory actions include discharging, disciplining, penalizing, interfering, threatening, restraining, or coercing actions.</p> <p>Minnesota Modifies Parental Leave Act Effective July 1, 2023, Minnesota amended its <u>Parental Leave Act</u>. The previous provision applied only to employers with 21 or more employees, but under the amendments, all employers must now comply with the Act. Other amendments include striking the minimum months and hours worked requirements, and outlining that employees are no longer required to work for the employer for 12 months to be eligible for leave.</p> <p>Minnesota Expands Lactation and Pregnancy Accommodation Laws Effective July 1, 2023, Minnesota has <u>amended</u> its lactation and pregnancy accommodation law. Employers must inform employees of their rights under the law which requires employers to provide breaks to</p>

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lactating employees to express milk regardless of the timeframe since the birth of the employee's child, defines that employers cannot deny reasonable breaks to express milk, regardless of hardship to the employer, and requires employers to provide space to employees for milk expression that should be clean, private, secure, and have access to an electrical outlet.

The pregnancy accommodation has been expanded to cover employers with one or more employees, versus the previous 15 or more, and adds that reasonable accommodations now include modified work schedules or job assignments, temporary leaves of absence, and more frequent or longer breaks.

Minnesota Prohibits Recreational Cannabis Discrimination

Minnesota has legalized recreational marijuana for individuals 21 and up. Employers will be prohibited from taking adverse action against employees for recreational marijuana use outside of their place of employment. Effective August 1, 2023, whether employers can test for cannabis will depend upon the position and the type of testing:

- It will be considered unlawful for employers to test for cannabis before employment.
- Employers may continue to mandate random drug testing, including cannabis, if in a safety sensitive position.
- Employers may continue to mandate reasonable suspicion drug testing, including cannabis when applicable.

Minnesota Modifies Voting Leave Law


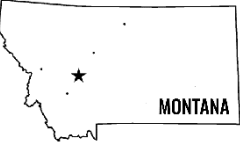
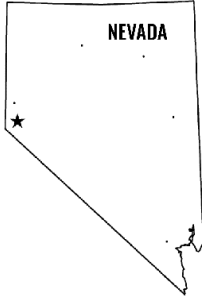
Effective July 1, 2024, Minnesota's leave law will allow employees that are eligible to vote the time necessary to be absent from work to travel to the polling location, cast their vote, and return to work without penalty or wage deduction. Amendments also apply to early voting prior to election day, including permitting an employee eligible to vote in an election to be absent from work to vote in person during the early voting period.

Minnesota Enacts Omnibus Budget Bill

Minnesota has enacted an omnibus budget bill. The bill amends the Minnesota Human Rights Act to include gender identity as a protected class effective January 1, 2024. Other provisions include restricting salary history questions, unless available by public record, and prohibiting the use of expunged records in employment decisions.

Bloomington, Minnesota Amends Earned Sick and Safe Leave Ordinance

Bloomington, Minnesota's Earned Sick and Safe Leave Ordinance, or ESST

	<p>Ordinance, went into effect on July 1, 2023. The ordinance has since been slightly modified to allow employees to accrue leave on a pro-rata basis, if preferred by the employer. See more information in our previous e-Alert.</p>
	<p>Kansas City, Missouri Amends Liquor Law Effective June 17, 2023, Kansas City, Missouri amends its liquor law to make it illegal for convicted sex offenders to sell, deliver, or dispense alcoholic beverages. Employers are responsible for verifying employees are not convicted of such crimes.</p>
	<p>Montana Enacts Violence Reporting Law for Health Care Employees Effective October 1, 2023, Montana will enact a law requiring three reports to be filed when a health care employee is a victim of an acts of violence. The law defines acts of violence to include intentional or purposeful force that either causes injury or threatens to cause injury.</p> <p>Montana Defines Terminology for Coding Purposes Effective October 1, 2024, Montana enacts a law defining several terms, including female, male, person, and sex to ensure uniformity across state law. The definitions have been incorporated in the code sections of applicable employment laws, some of which include the prohibition against discrimination, comparable worth law, and exemption to wrongful discharge.</p>
	<p>Nevada Expands Wage Payment Law Nevada has amended its wage payment law for employees on nonworking status. The law requires employers to pay discharged employees any earned and unpaid wages and compensation at the time of discharge, however, the law has been expanded to include those on nonworking status. If an employer places an employee on nonworking status, then the employer must pay any due wages at the time of the status change. Nonworking is defined as temporary layoff where the employee remains employed and may be called back at a future date. It does not apply to suspensions or approved leave of absences. The amendments are effective July 1, 2023.</p> <p>Nevada Now Covers Sexual Assault Under Leave Eligibility Nevada has expanded its domestic violence leave statute to include victims of sexual assault under leave eligibility. Employers must provide up to 160 hours of leave during a 12-month period to employees who are victims of domestic violence and sexual assault. Effective June 5, 2023, the amendments apply to employees and their family or household members who are victims of sexual assault.</p>

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New Jersey Makes Significant Unemployment Law Changes

Effective July 31, 2023, New Jersey amends its [Unemployment Compensation Law](#) to increase employers' reporting requirements and increase penalties for noncompliance. See more information in our [e-Alert](#).



New York Sets Plan for Minimum Wage Increase

New York State [issued](#) a new budget for fiscal year 2023-2024 which includes a multi-year plan to increase minimum wage. Starting January 1, 2024, the following increases go into effect:

Effective Date	New York, Long Island, and Westchester	Remainder of New York State
January 1, 2024	\$16.00	\$15.00
January 1, 2025	\$16.50	\$15.50
January 1, 2026	\$17.00	\$16.00

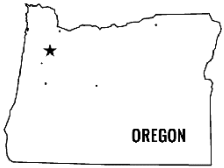
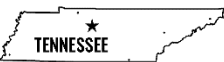
Beginning in 2027, the minimum wage will be based on the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI-W). These new rates apply to all New York employers regardless of size.

New York City Publishes Automated Employment Decision Tools FAQ



New York City's Local Law 144 went into effect on July 5, 2023, and the New York City Department of Consumer and Worker Protection (DCWP) has released an [FAQ](#) to provide guidance on [automated employment decision tools](#) (AEDT). See more information in our previous [e-Alert](#).

New York Requires Human Trafficking Recognition Training

Effective July 20, 2023, certain hospitality and lodging employers are required to provide [human trafficking recognition training](#). If employers are required to provide alcohol awareness training, they are now required to include human trafficking in the training as well. Transportation employers must post signs concerning services for victims in their public restrooms. Establishments serving alcohol are also required to post signs about human trafficking and an assistance hotline. A list of approved training will be posted online and must be completed by November 20, 2023.

	<p>New York’s WARN Act Amendments in Effect On June 21, 2023, amendments to New York’s Worker Adjustment and Retraining Notification (NY WARN) Act went into effect. Covered employers must now count employees working remotely but based out of the employment site. Additionally, poster notice requirements have been expanded. See more information in our upcoming e-Alert.</p> <p>New York Begins Mandatory Overtime for Nurses Law New York’s amendments to its Restrictions on Consecutive Hours of Work for Nurses law took effect on June 28, 2023. The law limits when health care employers can require nurses to work overtime, except in specific circumstances, such as a healthcare disaster or federal, state or county declaration of emergency.</p>
	<p>Oregon Adds Contractors to Child Support Reporting Oregon has amended its new hire reporting law for employees to include independent contractors for child support purposes. Effective January 1, 2024, employers must supply reports for both new hires and independent contractors to the state within 20 days of the start date. The reports may be made on a W-9 or equivalent form and must contain the employee or independent contractor’s name, address, and Social Security Number.</p> <p>Oregon Amends Paid Family and Medical Leave Law Effective September 14, 2023, Oregon has amended its Paid Family and Medical Leave law for penalties and overpayments. Under the law, employers may either choose coverage under the state-administered plan, or under a private plan that they administer. Amendments made include that if an employer violates the requirements to administer a private plan, they can be fined \$1,000 for the first violation and \$2,000 for each violation thereafter. These penalties can only be waived if the employer corrects the initial violation within 30 days or if the violation was made inadvertently.</p> <p>Oregon Issues Workplace Civil Rights Protections Effective January 1, 2024, certain persons participating in on-the-job training programs will be considered to have an employment relationship. This relationship provides protected civil rights, discrimination, and harassment protections for the participant. On-the-job training relates to programs that provide skills training to obtain employment in a skilled trade.</p>
	<p>Tennessee Passes Information Protection Act Effective July 1, 2024, Tennessee’s Tennessee Information Protection Act (TIPA) provides consumers with rights over their personal information and obligates businesses to implement processes to protect personal</p>

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	<p>information. The law does not apply to employers processing data related to employment.</p>
	<p>Texas Requires Human Trafficking Training Texas will require transportation network companies to provide drivers with human trafficking awareness and prevention training materials. Effective September 1, 2023, all training must be approved by the Texas Attorney General and be available in English and Spanish. Additional requirements include the training must be in digital or Internet-based video format, at least 15 minutes long, and provided annually. Drivers must receive the materials before being permitted to drive.</p> <p>Texas Requires Workplace Violence Posting Notice Effective September 1, 2023, employers are required to post a notice that contains the appropriate contact information to report instances to the Department of Public Safety. Notices must be available in both English and Spanish.</p> <p>Texas Authorizes Qualified Insurers to Provide Paid Family Leave Insurance Effective September 1, 2023, Texas law has authorized qualified insurers to offer paid family leave insurance, which will be considered a type of disability leave insurance. This law allows employers to offer the paid family and medical leave insurance through an employer related benefit program similar to a short-term disability plan. Keep in mind this law does not require employers to provide paid family and medical leave or to purchase a policy.</p>
	<p>Washington Amends PFML Records Law Effective January 1, 2024, Washington will allow necessary parties to obtain certain medical documentation to process a paid family and medical leave (PFML) claim. Information that is accessible includes the type of leave taken, requested and/or approved leave dates, benefit approval status, and payment status. The information provided may only be used to administer employee leave or benefits.</p> <p>Washington Amends PFML Payroll Reporting Requirements Washington's amendments for its paid family and medical leave (PFML) reporting requirements, which applies to employers with no employees on payroll, went into effect on July 1, 2023. The amended law requires a quarterly report to be filed by employers showing no employee wages were paid. Employers must file the report for 8 consecutive calendar quarters unless otherwise informed by the Department of Labor.</p> <p>Washington Prohibits Unjustified Employee Vehicle Searches Effective July 23, 2023, Washington prohibits privately owned vehicle searches without due cause. Employees called into question for having</p>

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illegal substances in their vehicle can consent to a search and request a witness to be present. Company-owned vehicles are subject to search at any time, as applicable under the statutes of the law.

Washington Sets Warehouse Worker Parameters

Effective July 1, 2024, the [new law](#) covers employers with at least 100 non-exempt employees at a single warehouse distribution center or at least 1,000 non-exempt employees at one or more warehouse distribution centers in the state. Covered employers must provide employees with a written description of all applicable quotas or a notice of change of quotas, along with any associated incentives or bonuses.