

# HR Compliance Insights

November 2023

## Introduction

Hilb Group's HR Compliance Insights delivers summaries of legislative and regulatory updates to your inbox each month.



### New Form I-9 Available for Employers

The U.S. Citizenship and Immigration Services' (USCIS) [revised version](#) of the Form I-9 must now be used for all new hires and rehires beginning November 1, 2023. The updated form brings several enhancements, including a new checkbox for employers enrolled in E-Verify to indicate virtual document examination, reduces Section 1 and 2 down to one page, and moved Section 3 for rehires and reverifications to a separate page, among other changes.

### EEOC Proposes Guidance on Harassment in the Workplace

The U.S. Equal Employment Opportunity Commission (EEOC) has [released](#) proposed guidance to help employers comply with federal antidiscrimination laws that prohibit workplace harassment based on protected characteristics. The guidance features content that the EEOC believes an anti-harassment policy and process should contain in order to be effective. We will monitor the proposed guidelines for further information.

### NLRB Simplifies Joint Employer Liability

The National Labor Relations Board (NLRB) has [issued](#) a new rule that makes it easier for multiple companies to qualify as joint employers under shared liability for labor law violations and legal obligations to negotiate with unions. The rule significantly impacts franchisors and employers that hire from staffing firms. See our upcoming HR-Alert for more information.



### California Continues COVID-19 Recall Rights for Laid Off Staff

Effective January 1, 2024, California [extends](#) its protections for laid off employees affected by the COVID-19 pandemic. Employees who were laid off due to the pandemic were to be provided with information about opening job positions and to be offered the positions when available by covered employers. The law has been amended to modify the definition of laid off employees to cover separations occurring on or after March 4, 2020, and has been extended to expire on December 31, 2025.



### 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 within a job posting.



### Chicago, Illinois Eliminates Subminimum Wage for Tipped Employees

Chicago, Illinois has passed the [One Fair Wage ordinance](#), which eliminates the subminimum wage, otherwise known as the tip credit, for tipped employees working within the city. Currently, employers must make up the difference if an employees' tips combined with their direct pay at the subminimum hourly rate does not meet the standard minimum wage. Under the new ordinance, the tip credit will be gradually phased out over a five-year period beginning July 1, 2024.

### Illinois Passes Paid Leave for All Workers Act

Effective January 1, 2024, Illinois will require private employers to provide up to 40 hours of paid leave that can be used for any reason. See our [HR-Alert](#) for more information.

### Illinois Releases Equal Pay Act Reporting Requirements

Illinois is requiring private businesses with 100 or more employees in the state of Illinois to report certain payroll information to the Illinois Department of Labor to obtain an Equal Pay Registration Certificate. Employers must submit their certificates to the state by March 24, 2024. See our [HR-Alert](#) for more information.



### Massachusetts Amends Paid Family and Medical Leave

Effective November 1, 2023, Massachusetts employees have the option to "top off" their Paid Family and Medical Leave (PFML) wage replacement benefits with available accrued paid leave to receive up to 100% of wage replacement during their PFML-qualified leave. Effective January 1, 2024, Massachusetts changes the employer

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contribution rates and benefit amounts under the Paid Family and Medical Leave Act (PFMLA). See our [HR-Alert](#) for more information.

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### **Minnesota Bans Applicant Pay History Inquiries**

Effective January 1, 2024, Minnesota employers are [prohibited](#) from asking job applicants their pay history to help narrow racial and gender pay gaps. Employers will need to base their salary offer on market conditions and the applicant's skills, education, and other qualifications. The law applies to all Minnesota employers, regardless of size, and applies to all job applicants, including full and part time employees, contractors, and current employees seeking an internal promotion or transfer.

### **Minnesota Implements Earned Sick and Safe Time**

Effective January 1, 2024, Minnesota will require employers to provide paid Earned Sick and Safe Time to eligible employees. See our [HR-Alert](#) for more information.

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