

COMPLIANCE UPDATE

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Contained within our compliance update is an assessment of recently passed and upcoming legislative revisions that require attention. The information provided is organized with federal updates first, then alphabetically by state. As always, EarlyHR will collaborate closely to execute any required adjustments tailored to your dimensions, locality, and/or sector. We are happy to answer any questions you may have and look forward to discussing further.



Federal

NEW I9 FORM USAGE

Location: Federal

Effective Date: November 1, 2023

Important Reminder! Nationally, as of November 1, 2023, employers that fail to use the revised Form I-9 with the edition date of "08/01/23" may be subject to penalties under section 274A of the Immigration and Nationality Act (INA).

EMPLOYEE OR INDEPENDENT CONTRACTOR CLASSIFICATION

Location: Federal

Effective Date: March 11, 2024

The Department of Labor published a final rule on January 10, 2024, "Employee or Independent Contractor Classification Under the Fair Labor Standards Act," which offers guidance on determining whether a worker is an employee or independent contractor under the FLSA. The aim is to guarantee proper payment of minimum wage and overtime for employees, prevent competitive disadvantages for law-abiding employers, and address misclassification issues. It will go into effect March 11, 2024. For more information on the rules to determine the difference between an employee and an independent contractor, [click here.](#)

California

CA ESTABLISHES NEW LEAVE FOR REPRODUCTIVE LOSS

Location: California

Effective Date: January 1, 2024

California will now require private employers with five or more employees total to provide employees with up to five days of protected time off following a reproductive loss event starting January 1, 2024.

CA PAID SICK LEAVE EXPANSION

Location: California

Effective Date: January 1, 2024

SB 616 introduces changes to statewide Sick Leave regulations, requiring employers to offer a minimum of 40 hours (5 days) of Paid Sick Leave annually. New employees must be provided with 24 hours (3 days) of Paid Sick Leave within 120 days of employment and an additional 16 hours by the 200th day (totaling 40 hours). If employers use accrual, any remaining accrued Paid Sick Time can carry over, but it may be limited to 40 hours. The use of Sick Time can be restricted to 40 hours per calendar year, employment year, or 12-month period.

CALIFORNIA BANS PRIOR CANNABIS USE QUESTIONS FOR JOB APPLICANTS

Location: California

Effective Date: January 1, 2024

In California, a new state law prohibits employers from asking job applicants about their prior cannabis use.

NEW LAWS ON OFF-DUTY USE OF CANNABIS

Location: California

Effective Date: January 1, 2024

In California, a new state law prohibits employment discrimination based on a person's use of cannabis while off duty and away from the workplace.

Colorado

CO STATE PAY TRANSPARENCY LAW UPDATE

Location: Colorado

Effective Date: January 1, 2024

On June 5, 2023, Governor Polis Signed SB 23-105 into law, which will significantly change employers' job posting and promotional notice obligations in Colorado. The law amends Colorado's pay transparency statute, which has been in effect since 2021, to require employers to notify the colleagues of each new hire or promotion of the identity of the candidate and how to demonstrate interest in similar job opportunities in the future. Providing some reprieve for employers, under the amended law, employers will no longer have to provide notice to current employees of career progression promotion. In addition, until July 1, 2029, the amendments allow employers with physical locations exclusively outside of Colorado with fewer than 15 Colorado-based employees to provide their Colorado employees notice of remote job opportunities only, not all promotional opportunities company-wide. The law will take effect on January 1, 2024.

CO JOB APPLICATION FAIRNESS

Location: Colorado

Effective Date: July 1, 2024

Beginning July 1, 2024, the Job Application Fairness Act (JAFA) prohibits inquiries about a job applicant's age, date of birth, or school attendance or graduation dates on an initial job application form.

Hawaii

HAWAII ENACTS PAY TRANSPARENCY LAW

Location: Hawaii

Effective Date: January 1, 2024

Beginning January 1, 2024, a new law requires employers to include in job listings an hourly rate or salary range that reasonably reflects the actual expected compensation for the job.

Illinois

ILLINOIS END OF "RIGHT TO RETURN TO WORK" ENDS

Location: Illinois

Effective Date: December 31, 2023

The city of Chicago's "Right to Return to Work" ordinance, effective 6/25/2021, which required Chicago hotels to rehire qualified employees laid off during the COVID-19 pandemic before hiring new employees ended on December 31, 2023.

ILLINOIS GENDER VIOLENCE ACT

Location: Illinois

Effective Date: January 1, 2024

Under the Gender Violence Act, an employer may be liable for gender-related violence committed in the workplace by an employee or agent of the employer.

ILLINOIS PAID LEAVE FOR ALL WORKERS ACT

Location: Illinois

Effective Date: March 23, 2024

The Illinois Paid Leave for All Workers Act will provide covered employees up to 40 hours of paid leave per year to be used for any purpose. The new law also requires all employers to post a notice summarizing the paid leave law and provide this notice to employees in writing, either in an employee handbook or as a document distributed to employees.

ILLINOIS EEO-1 REPORTING DEADLINE

Location: Illinois

Effective Date: March 23, 2024

The deadline for private employers required to file an EEO-1 report (and were covered by the amendment to the Illinois Equal Pay Act of 2003 on its inception) to obtain an equal pay registration certificate is March 23, 2024. This applies to all employees in Illinois but does exclude contractors.

Massachusetts

MA PAID FAMILY & MEDICAL LEAVE

Location: Massachusetts

Effective Date: January 1, 2024

Recent amendments to the Massachusetts Paid Family and Medical Leave law (PFML) now allow employees to supplement their weekly PFML benefit amount with their accrued paid leave (vacation, sick time, paid time off, etc.). PFML contribution rates and weekly benefits are also set to change.

Michigan

MICHIGAN EMPLOYMENT DISCRIMINATION

Location: Michigan

Effective Date: March 15, 2024

Beginning March 15, 2024, the Elliott-Larsen Civil Rights Act will prohibit employment discrimination based on the termination of a pregnancy.

Minnesota

POLICIES FOR EARNED SICK AND SAFE TIME NOTIFICATION

Location: Minnesota

Effective Date: January 1, 2024

In Minnesota, employers that require notice of the need to use earned sick and safe time must have a written policy containing reasonable notice procedures for employees to follow and must provide a written copy of the policy to all employees.

VETERAN'S BENEFITS POSTERS IN MN

Location: Minnesota

Effective Date: January 1, 2024

In Minnesota, all employers with more than 50 full-time employees total are required to display the veteran's benefits poster in a location where employees can easily see it.

EARNED SICK AND SAFE TIME NOTICE REQUIREMENTS FOR MN

Location: Minnesota

Effective Date: January 1, 2024

In Minnesota, all employers must provide a copy of the earned sick and safe time notice to each employee by January 1, 2024, and at the time of hire, and include it in employee handbooks.

New York

END TO NV COVID VACCINATION PAID LEAVE

Location: Nevada

Effective Date: December 1, 2023

In Nevada, the obligation imposed by SB 209, which mandates that private employers with 50 or more employees offer paid leave to workers getting a COVID-19 vaccination, and also permits employees to use paid leave for any reason, has come to an end.

REVISED ESSTA REGULATIONS: IMPACT ON REMOTE WORKERS AND NYC EMPLOYMENT

Location: New York City, New York

Effective Date: October 15, 2023

The New York City Department of Consumer and Worker Protection adopted changes to the regulations governing the city's Earned Safe and Sick Time Act (ESSTA). In light of increased remote working arrangements, the regulations now state that an employee who performs work only while physically located outside of New York City is not covered by the ESSTA. An employee with a primary work location outside of New York City may be covered by the ESSTA "if they regularly perform, or are expected to regularly perform, work in New York City" during a calendar year.

NOTIFICATION OF UNEMPLOYMENT BENEFITS AMENDMENT IN NEW YORK

Location: New York

Effective Date: November 13, 2023

A new law mandating that employers provide separated employees, among others, written notice of eligibility for unemployment benefits went into effect on November 13, 2023 in New York. The law, which amends Section 590 of the Labor Law and formalizes existing state Department of Labor guidance, requires employers to provide written notice of the right to file for unemployment benefits to any employee whose employment has been terminated or whose scheduled working hours have been reduced.

HEIGHT AND WEIGHT DISCRIMINATION PROTECTIONS IN NEW YORK CITY

Location: New York City, New York

Effective Date: November 22, 2023

In New York, the New York City Human Rights Law prohibits employment discrimination based on a person's height or weight.

NY COVID PAID LEAVE EXPIRATION

Location: New York

Effective Date: December 31, 2023

In New York, the extension granted by A9513 on June 28, 2022, which expanded the COVID-19 paid leave law to ensure both public and private employees receive up to four hours of paid time off (PTO) for each COVID-19 vaccine dose, expired on December 31, 2023.

NEW YORK'S BAN ON EMPLOYER REQUESTS FOR SOCIAL MEDIA ACCESS

Location: New York

Effective Date: March 12, 2024

New York Governor recently signed a bill that prohibits employers from requesting or requiring an employee's personal username, login information, passwords, or social media accounts as a condition of hiring, a condition of employment, or for use in a disciplinary action. This legislation mirrors enactments in many other jurisdictions.

NY LABOR LAW UPDATE: HIGHER EARNINGS THRESHOLD AND DIRECT DEPOSIT MANDATE

Location: New York

Effective Date: March 13, 2024

A new bill amending the Labor Law's definition of "clerical and other worker" goes into effect on March 13, 2024 in New York. This legislation modifies the minimum weekly earnings that a bona fide executive, administrative, or professional employee must receive to be excluded from the category of "clerical and other worker," increasing that amount from \$900 to \$1,300 per week. Only employees who meet the revised exclusion can be subject to mandatory direct deposit.

Texas

REPORTING WORKPLACE VIOLENCE NOTICE

Location: Texas

Effective Date: January 8, 2024

Beginning January 8, 2024, Texas employers must post a Reporting Workplace Violence notice in English and Spanish in a conspicuous place that is convenient to all employees as required by House Bill 915, 88th Texas Legislature, Regular Session (2023), and 40 Texas Administrative Code § 800.600. An electronic copy of a Reporting Workplace Violence poster is available below to download and print.

Poster link: <https://www.twc.texas.gov/sites/default/files/fdcm/docs/workplace-violence-poster-twc.pdf>

Washington

PROTECTION AGAINST OFF-DUTY CANNABIS USE DISCRIMINATION IN WA

Location: Washington

Effective Date: January 1, 2024

In Washington, state law prohibits all employers from discriminating against job applicants based on the use of cannabis off the job and away from the workplace. Marijuana drug testing prior to hire is no longer allowable for most.