

# Local and State Employment Law Update: COVID-19 and Employee Rights

## Labor & Employment Law Update

on August 25, 2022

Check out some of the most recent state law updates on COVID-19, employee rights, minimum wage and paid leave.

### CALIFORNIA

The Division of Occupational Safety and Health (a/k/a Cal/OSHA) has updated its COVID-19 Emergency Temporary Standards FAQs page. Revisions were made to questions regarding employer obligations during an outbreak of COVID-19 in the workplace.

### CONNECTICUT

The Connecticut Department of Labor has released a new notice covering employee rights under the Connecticut Family and Medical Leave Act and the Connecticut Paid Leave Authority.

### ILLINOIS

- The Illinois Department of Human Rights has updated the pregnancy poster which must be displayed and included in employee handbooks.
- The State of Illinois has finalized rules implementing the Secure Choice Retirement Savings Program, which requires employers to automatically (1) enroll all employees who have not opted out of participation in the program and (2) deposit their payroll deductions in the program on their behalf. Employers who fail to comply may face fines of \$250-\$500 per employee.

### MICHIGAN

- The Michigan Supreme Court held that discrimination on the basis of sexual orientation constitutes prohibited discrimination under the Elliott-Larsen Civil Rights Act, which includes the state's fair employment practices provision. *Rouch World, LLC v. Dep't of Civ. Rights*, No. 162482, 2022 BL 263716 (Mich. July 28, 2022).
- The Michigan Court of Claims first (on July 19, 2022) voided existing versions of the state's minimum wage law and the paid medical leave laws (passed by

the legislature) and reinstated previous versions of the laws (passed by voter initiatives), and then (on July 29, 2022) stayed the effect of its decision through February 19, 2023. The stay is meant to give employers and state agencies time to accommodate any changes required under the previous laws.

#### NEW HAMPSHIRE

H.B. 1653 expands employment and reemployment rights, privileges, benefits and protections to employees who are members of *any state's* national guard and called to active duty and also expands rights afforded to military spouses and dependent children of active duty military personnel.

#### WASHINGTON, D.C.

The Ban on the Non-Compete Agreements Amendment Act of 2020 has been amended to generally allow restrictive covenants for highly compensated employees. This amendment was instituted under The District of Columbia Non-Compete Clarification Amendment Act of 2022.

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