

Local and State Employment Law Update: Employee Pay and Safety

Labor & Employment Law Update

on April 14, 2022

Below are some of the latest state updates and posters —

CALIFORNIA

Minimum Wage Poster

The City of Pasadena has updated its Minimum Wage Poster to reflect a \$16.11 hourly minimum wage rate, effective July 1, 2022 through June 30, 2023. The minimum wage requirement set forth in the Pasadena Minimum Wage Ordinance applies to adult and minor employees who work two (2) or more hours per week in Pasadena.

Employers must (1) display this poster in the workplace where it can be easily read by employees, and (2) translate its contents into languages spoken by five percent (5%) or more of their employees. Violators will be subject to penalties. Additional information can be found online.

COVID-19 Protocol

The California Department of Public Health has updated its COVID-19 protocol as it relates to isolation and quarantine of the general public. The guidance has (1) removed quarantine recommendations for exposed individuals (in the general public) that remain asymptomatic; (2) added recommendations for work exclusion or restriction in certain specified high-risk settings; and (3) updated the definition for “close contact” and “infectious period.”

As of April 6, 2022, “close contact” refers to sharing the same indoor airspace as an infected person for at least 15 minutes over a 24-hour period during that person’s infectious period. The “infectious period” for infected persons is as follows:

- For symptomatic infected persons, 2 days before the infected person had symptoms through day 10 after symptoms first appeared (or through day 5 if testing negative on day 5 or later), and 24 hours have passed with no fever, without the use of fever-reducing medications, and symptoms have improved, or

- For asymptomatic infected persons, 2 days before the positive test result date through day 10 after such positive test result date (or through day 5 if testing negative on day 5 or later) after date of first positive test result date.

DISTRICT OF COLUMBIA

Through Act 24-0350, the Council of the District of Columbia has amended, on an emergency basis, the Ban on Non-Compete Agreements Amendment Act of 2020 to postpone the applicability of the law to October 1, 2022.

NEVADA

The Nevada Division of Industrial Relations of the Department of Business and Industry has finalized a regulation addressing the occupational safety and health of employees exposed to certain high temperatures in the workplace. Employers with employees exposed to temperatures at or above a dry-bulb temperature of ninety (90) degrees Fahrenheit must include measures for avoidance of heat illness in their written safety programs.

Programs must include the following: (i) a provision for potable water, including how such water will be provided where not plumbed or otherwise continuously provided; (ii) a provision for rest breaks for employees exhibiting signs of heat illness; (iii) a provision for shade or other means of cooling, during daylight hours, at least as effective as shade; (iv) monitoring of employees for heat illness; (v) monitoring acclimatization of employees for at least the first fourteen (14) days of employment; (vi) identification of work processes that may generate additional heat or humidity, and procedures to mitigate such hazards; (vii) training for employees and management; and (viii) procedures for responding to emergency situations.

NEW JERSEY

The New Jersey Department of Labor and Workforce Development has reformatted and redesigned its Wage Payment Poster. It must be displayed conspicuously in the workplace.

NEW YORK

The City of New York, through Executive Order 68, continues to extend its vaccine requirement to obtain proof of vaccination from covered workers who have not received a reasonable accommodation.

OREGON

As of April 1, 2022, the Oregon Bureau of Labor and Industries has amended its Whistleblowing Process to provide aggrieved employees and prospective employees with up to 12 months to file a complaint with the Civil Rights Division. The regulation creates a rebuttable presumption that unlawful employment

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practice has occurred when a person discriminates against an employee or prospective employee within 60 days after such employee or prospective employee has engaged in protected activities.

UTAH

The State of Utah passed H.B. 252 to amend the employee verification requirements set forth by the Private Employer Verification Act. Effective May 4, 2022, only employers with at least 150 employees will be required to register for and use the E-verify system for new hires.

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