

Local and State Employment Law Update: Fair Employment, Paid Leave and Minimum Wage Rates

Labor & Employment Law Update

on April 5, 2022

Below are some of the latest state updates and posters –

ILLINOIS

- As of February 15, 2022, the State of Illinois has withdrawn its adoption of the federal OSHA Emergency Temporary Standard regarding COVID-19 vaccination and testing for *public* employers with more than 100 employees.
- Retirement Savings Program

As of February 25, 2022, the Office of the Treasurer issued a notice of adopted amendments to its regulations related to retirement savings programs to conform with recent statutory changes and to add requirements for automatic contribution increases. Contributions for participants who have been enrolled in the program for at least six (6) months will automatically increase by one percent (1%) of an enrollee's wages at the beginning of each subsequent calendar year. Account administrators will notify all eligible enrollees in advance of the increase, and employers will have thirty (30) days to enter contribution changes into their payroll systems. Participants may opt out or adjust the rate of their automatic increase.

MASSACHUSETTS

The State of Massachusetts recently issued a poster on Fair Employment, which details the rights afforded to applicants and employees of private employers, state and local governments, and employment agencies and labor organizations, under Chapter 151B of the Massachusetts General Laws.

NEVADA

The State of Nevada has updated the following posters and notices:

This poster details the Nevada Occupational Safety and Health Act, NRS Chapter 618 (Nevada OSHA), which provides job safety and health protection for workers through promotion of safe and healthful working conditions.

Pursuant to the Act, employers must (i) furnish employees with a place of employment that is free from recognized hazards that are causing or likely to cause death or serious physical harm, and (ii) comply with occupational safety and health standards so adopted.

The Act provides for mandatory penalties against employers of up to \$14,502 for each serious violation and for optional penalties of up to \$14,502 for each nonserious violation. Daily penalties of up to \$14,502 may also be proposed for failure to correct violations within the proposed time period.

Employers must display this poster prominently in the workplace.

- Job Training Poster

On January 1, 2022, NRS 232 was amended to encourage additional job trainings and employment programs. Accordingly, the Department of Employment, Training and Rehabilitation (DETR) will prepare one or more notices concerning job trainings and employment programs at the end of each calendar quarter (October 1, January 1, April 1, and July 1).

- Minimum Wage and Daily Overtime Notices
- A new Minimum Wage Notice was issued to describe the amended statutory minimum wage rate. The following rates will apply to all employees in the state, unless otherwise exempted. Such rates are effective as of July 1, 2022, and will increase as set forth below until July 1, 2024. Lower tier rates apply to those employees who have been offered qualifying health benefits. Higher tier rates apply to all other employees.

State of Nevada Minimum Wage 2022 Annual Bulletin

- A new Daily Overtime Notice was issued to further describe the amended statutory minimum wage rate and its effects on overtime pay. Accordingly, employers must pay one and one half (1-1/2) times an employee's regular wage rate whenever an employee whose regular hourly rate is less than one and one half (1-1/2) times the applicable minimum wage rate works more than forty (40) hours in any workweek or more than eight (8) hours in any workday, unless the employee is otherwise exempted.

For example, a non-exempt employee who's regular hourly rate is less than \$14.25 (or \$15.75 if the employee is not offered qualified health benefits) must be paid at a rate of one and a half times the employee's regular rate for each hour worked over (i) eight (8) hours of work in a 24-hour period; or (ii) forty (40)

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hours of work in a seven-day work week.

NEW JERSEY

The following Forms & Endorsements include various sample workers compensation posting notices for employer review.

NEW YORK

- Discriminatory Practice in Job Postings

Effective May 15, 2022, the administrative code will be amended to make it an unlawful discriminatory practice to not include in job listings, promotions, or transfer opportunities, the minimum and maximum salary offered for any position located within New York City. The amendment does not apply to job listings for temporary employment at temporary staffing firms.

- Retaliation Prohibitions of Fair Employment

New York S. 5870 amends the retaliation prohibitions of the fair employment practices law to specify that retaliation includes disclosure of an employee's personnel file if the employee has (i) opposed practices prohibited by law, (ii) filed complaints, (iii) testified, or (iv) assisted in proceedings under the law. The amendments also provide that the State Attorney General may bring actions against employers for violating the retaliation prohibitions.

OREGON

Effective January 1, 2023, the restrictions on nondisclosure agreements as set forth in Or. Rev. Stat. 659A.370, will be amended by Oregon SB 1586 to include, without limitation, the following:

- It is a violation for employers to make settlement offers conditional upon an employee's request to include a provision to prevent disclosure of discriminatory conduct or sexual assault in the workplace or disclosure of the amount or fact of settlement; and
- When entering an agreement with an employee to release claims under the fair employment practices law, employers must provide the employee with a copy of the employer's discrimination prevention policy.

PENNSYLVANIA

The City of Philadelphia has amended its 2021 Public Health Emergency Leave by passing an ordinance that requires all employers with twenty-five (25) or more employees to provide paid COVID-19 leave for certain virus-related reasons. Pursuant to the ordinance, employees who work forty (40) hours or more per week are entitled to forty (40) hours of emergency leave. Employees who work

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less than forty (40) hours each week are entitled to emergency leave that is the greater of the average number of hours the employee actually works or is scheduled to work in a seven-day period. Employees with varied weekly schedules are entitled to seven (7) times the average number of daily hours scheduled over the past ninety (90) day period. The ordinance is effective March 9, 2022 through December 31, 2023.

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