

Local and State Employment Law Update: Minimum Wage Rates and More

Labor & Employment Law Update

on May 16, 2023

Several recent changes impacting employers in jurisdictions across the nation are summarized below. Many states and municipalities have increased their hourly minimum wage rates, some to as high as \$18.07 per hour. Read the full article to determine whether any of these changes apply to you!

CALIFORNIA

- The City of San Francisco has increased its minimum wage from \$16.99 to \$18.07. Beginning July 1, 2023, employers will be required to pay at least \$18.07 per hour to employees (including part-time and temporary) performing work in San Francisco.
- The City of Milpitas has increased its minimum wage from \$16.40 to \$17.20 for all employees who perform at least two (2) hours of work per week in Milpitas. As of July 1, 2023, employers who are subject to the city's business license requirement or who maintain a business facility in Milpitas, must pay eligible employees at least \$17.20 per hour.
- The City of Berkeley has increased its minimum wage from \$16.99 to \$18.07 for all employees who work at least two (2) hours in the geographical limits of Berkeley. Beginning July 1, 2023, employers (including for-profit and non-for-profit) must pay employees at least \$18.07 per hour.

DELAWARE

- Senate Bill 27 doubles Delaware's statute of limitations for unpaid wages, including damages, interest, and penalties, from one (1) year to two (2) years.
- House Bill 2 allows employers to discipline employees for infractions related to marijuana and does not require employers to accommodate marijuana use.

NEBRASKA

As of August 10, 2023, individuals will not need a permit to carry a concealed handgun; however, employers may continue to prohibit employees from carrying concealed handguns on work property and in company vehicles. The law is set forth in L.B. 77.

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NEW YORK

Senate Bill 4006-C increases New York's minimum wage rate to \$15.00 on Jan. 1, 2024; \$15.50 on Jan. 1, 2025; and \$16.00 on Jan. 1, 2026. It also increases the minimum wage rate for New York City and Nassau, Suffolk, and Westchester counties to \$16.00 on Jan. 1, 2024; \$16.50 on Jan. 1, 2025; and \$17.00 on Jan. 1, 2026. Beginning January 1, 2027, the state and local rates will be adjusted annually based on changes in the consumer price index, unless certain conditions apply.

OHIO

Beginning March 1, 2024, employers with 15 or more employees in Columbus may not inquire about the salary history of job applicants. Employees will also be barred from screening applicants based on current wages, relying solely on salary history to decide whether or not to offer employment, and from refusing to hire an applicant for not disclosing their salary history.

OKLAHOMA

House Bill 2464 establishes rules for determining whether drivers for transportation network companies ("TNC") are independent contractors. Under Oklahoma law, TNCs are businesses that use a digital network or software application to connect passengers to services provided by TNC drivers, excluding taxi, limousine, and similar motor carrier services.

UTAH

Senate Bill 64 provides that employees licensed under Section 53-2d-402 qualify as emergency service volunteers, which affords them protections against unlawful discharge based on that status and based on missing work to respond to emergencies.

WASHINGTON

Senate Bill 5217 allows Washington's Department of Labor and Industries to enact ergonomic rules for industries with high workers' compensation claim rates involving musculoskeletal injuries. The law stipulates that the department can only enact one rule per year, and it will only cover one industry. The first rule will take effect on or after July 2026.