

Local and State Employment Law Update: Settlement Agreements, Abortion-Related Services and Family-Leave Benefits

Labor & Employment Law Update

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Certain states are prohibiting employers from entering into settlement agreements, while others have reduced family-leave insurance rates and prohibited employers from cooperating in any inquiry or investigation into an employee and abortion-related services. Read the full article to determine whether any of these laws apply to you.

CALIFORNIA

Under A.B. 352, employers are prohibited from disclosing certain information to any person, agency, or department from another state, if the disclosure would identify or is related to a person seeking or obtaining an abortion (or abortion-related services) that are lawful under California law. Specifically, employers cannot cooperate with an inquiry or investigation by, or provide medical information to, the out-of-state entity unless a request for medical information is authorized by certain provisions of existing law. To the extent permitted by federal law, the same prohibition applies to disclosing medical information to a federal law enforcement agency. Health care providers must comply with this law by January 31, 2026 to avoid liability, and businesses that electronically store or maintain medical information on behalf of healthcare providers, healthcare service plans, pharmaceutical companies, contractors, or other employers must implement security measures to limit user access to the data by July 1, 2024.

MASSACHUSETTS

Under H.B. 4053, the weekly family-leave benefits provided by Massachusetts cannot be reduced simply because employees also receive employer-provided paid leave. The only instance in which paid leave would reduce weekly family-leave benefits is if the sum of an employee's weekly benefit and paid leave amount exceeds the employee's average weekly wage. Paid leave includes accrued sick or vacation pay, as well as any other paid leave provided under an employer policy or a collective bargaining agreement. The new law will apply to

claims filed on or after November 1, 2023.

NEW YORK

- Settlement agreements that prevent the disclosure of certain information related to workplace discrimination are prohibited in the State of New York. B. 4516 expands the prohibition on such settlement agreements to include harassment or retaliation claims and covers settlement agreements between employers and independent contractors. The law applies to settlement agreements entered into on or after November 17, 2023.
- B. 3255 amends the state's Human Rights Act to extend the statute of limitations on claims resulting from unlawful discriminatory practices from one year to three years.

WASHINGTON

Beginning on January 1, 2024, the family-leave insurance premium rate in Washington will decrease from 0.8% to 0.74%. Any employer with 50+ employees will be required to pay 28.57% of the premium rate, and employees will pay the remaining 71.43%. Employers with fewer than 50 employees need not pay the employer portion of the premium but will be required to withhold and remit the employee portion.

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