

Local and State Employment Law Update: State Leave Law Updates and More

Labor & Employment Law Update

By Kevin Kleine on October 26, 2023

There have been several recent changes impacting employers in jurisdictions across the nation. Read on to see if any of them apply to you.

California

- Effective 1/1/2024

Under S.B. 848, employers must allow eligible employees to take up to five days of leave following a reproductive loss event, which is the day or final day of a failed adoption or surrogacy, a miscarriage or stillbirth, or an unsuccessful assisted reproduction. The leave must be completed within three months after the event or within three months after the end date of any leave they started before or immediately after the event, if they were entitled to that leave under state or federal law. If they experience multiple reproductive loss events within a 12-month period, they can take up to 20 total days of leave in response to those events within a 12-month period.

- Effective 1/1/2024

On September 30, 2023, Senate Bill (S.B.) 553 was signed into law by Governor Newsom. S.B. 553 requires California employers to establish, implement, and maintain, at all times in all work areas, an effective workplace violence prevention plan and keep records of violent incidents. It also requires employers to provide training to employees on the workplace violence prevention plan and to update that training when a new hazard is discovered.

NOTE: this creates the requirement that employers prepare a work safety program and a workplace violence prevention plan and training. The training must be provided on initial implementation of the plan and yearly thereafter.

- Effective 1/1/2024

On October 4, 2023, Governor Newsom signed Senate Bill (S.B.) 616 into law which revises the state's paid sick leave law by increasing the yearly

accrual cap from 48 to 80 hours (i.e., from 6 to 10 days of paid sick leave) and the yearly usage limit from 24 to 40 hours (3 to 5 days). If an employer uses an alternate accrual method under the law, it must provide employees with at least 40 hours of leave by the 200th calendar day of their employment or benefit year. This law excludes railroad carriers, extends the law's procedural requirements to employees who are covered by a collective bargaining agreement, and provides that the law preempts conflicting local ordinances.

- Effective 1/1/2024

On October 7, 2023, Senate Bill (S.B.) 700 was signed into law by Governor Newsom, which makes it unlawful under the Fair Employment and Housing Act (FEHA) for an employer to discriminate against a job applicant based on information regarding prior use of cannabis that is learned from a criminal history. After January 1, 2024, employers will no longer be allowed to request information from an applicant for employment relating to the applicant's prior use of cannabis. An employer would only be allowed to consider information about a person's prior cannabis use obtained from the person's criminal history if the employer is permitted to consider or inquire about that information under state or federal law.

- On October 7, 2023, Governor Newsom vetoed Senate Bill (S.B.) 403 which would have made "caste" discrimination an unlawful employment practice.

Illinois

- Effective 1/1/2024

On August 11, 2023, Governor Pritzker signed Senate Bill (S.B.) 1782 into law, which exempts minors engaged in vlogging work from Illinois' child labor law, with certain exceptions regarding compensation for that work. "Vlogging" means sharing content on an online platform in exchange for compensation.

- Effective 1/1/2024

On July 28, 2023, Governor Pritzker signed House Bill (H.B.) 1363 into law, amending Illinois' Gender Violence Act, which clarifies that an employer is liable for gender-related violence if (1) an employer failed to supervise its employees; (2) an employer failed to investigate complaints or reports of gender-related violence; or (3) if an employer failed to take remedial action in the event of a gender-related violence incident in the workplace.

Chicago, Illinois

- On October 6, 2023, Chicago's City Council passed the One Fair Wage Ordinance, which gradually phases out Chicago's tip credit over a five-year period until it is completely eliminated by June 30, 2028. At which point, all

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tipped employees working in the City of Chicago will earn the same hourly minimum wage rate as non-tipped employees.

Massachusetts

- Massachusetts announced increases for its Paid Family Leave contribution and maximum weekly benefit, starting Jan. 1, 2024. The contribution rate is 0.88% for 2024, up from 0.63% for 2023 – the Medical Leave contribution will be 0.7%, and the Family Leave contribution will be 0.18%. All Family Leave contributions can be withheld from an employees' pay, while only up to 40% of Medical Leave contributions, or 0.28%, can be withheld from an employee's pay. Employers must pay at least the other 60%, or 0.42%, of an employee's Medical Leave contributions. Employers with fewer than 25 employees do not have to pay the required employer share of Medical Leave contributions, so their contribution rate will be 0.46%, up from 0.318%. In addition, the maximum weekly benefit, which is based on the state average weekly wage, increases to \$1,144.90, up from \$1,129.82. Check out the Commonwealth of Massachusetts website for more information.

Maryland

- On September 29, 2023, The Maryland Department of Labor announced that its Family and Medical Leave Insurance contribution rate will be 0.9% starting on October 1, 2024. Employees and employers are each responsible for paying half of the 0.9% FMLI contribution rate, or 0.45%. Employers with fewer than 15 employees within the State of Maryland are exempt from the employer portion of the tax but are still required to withhold the 0.45% employee portion from wages.

New York

- The New York State Department of Labor issued employer guidance, including facts sheets and frequently asked questions, and proposed regulations on the state's pay transparency law and requirements. New York State law requires employers with four (4) or more employees to disclose pay information in all job advertisements and job postings, job promotions, and job transfer opportunities that can or will be performed at least partly in New York.

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