

Local and State Employment Law Update: Wages, Sick Leave, and More

Labor & Employment Law Update

By Kevin Kleine on January 10, 2024

Several changes impacting employers in jurisdictions across the nation are summarized below. Read our blog below to determine if any of these laws apply to you.

California

- California's statewide minimum wage increased to \$16.00 per hour for all employers on January 1, 2024. Some cities and counties in California have a local minimum wage that is higher than the state rate.

Illinois

- *Effective 11/17/2023* -- On November 17, 2023, Governor Pritzker Signed H.B. 3641 into law which, among other things, delays implementation of the equal pay for equal work mandate until April 1, 2024. IL employers and staffing agencies do not have to comply with the equal pay mandates required under the amendments passed this August to the Day and Temporary Labor Services Act at this time. Day and temporary laborers engaged 90 calendar days after April 1, 2024, on assignment at a particular user client, will be entitled to "equal pay for equal work." Of course, the legislature is currently debating additional amendments to try and provide more clarity on this subject.

Chicago, Illinois

- On December 13, 2023, The Chicago City Council voted to delay implementation of the recently enacted Paid Leave and Paid Sick and Safe Leave Ordinance until July 1, 2024. The City Council also made several noteworthy amendments to the Ordinance from its original version that was passed on November 9, 2023, including, the following:
 - The definition of "covered employee" was amended to include any employee who works at least 80 hours for an employer in Chicago within any 120-day period is covered by the ordinance and is eligible for paid sick leave. Employees begin to accrue paid sick leave on the first calendar day after they begin their employment;

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- Chicago employers must provide their employees with written notice of their rights and entitlement to paid leave under the Ordinance in the employee's primary language; and
- The City Council also amended the provisions of the Ordinance that provides covered employees with a right to sue their employer for a violation of the Ordinance and delays a covered employee's ability to bring and file a lawsuit against their employer for a violation of the Ordinance's paid leave provisions until July 1, 2025.
- *Effective 12/31/2023* -- On December 14, 2023, the Cook County Board of Commissioners voted to pass the Cook County Paid Leave Ordinance which amends the Cook County Earned Sick Leave Ordinance to require Cook County employers to provide employees with paid leave for ANY REASON starting on January 1, 2024. The Ordinance is similar to the statewide Illinois Paid Leave for All Workers Act that goes into effect on January 1, 2024. The new Cook County Paid Leave Ordinance essentially now covers all employers with locations in Cook County and all employees, but excluding independent contractors. Cook County employers are not required to modify their existing paid leave policy as long as it: (1) provides employees with at least 40 hours of paid leave each year, and (2) allows employees to use paid leave for any reason. Enforcement of Cook County's new Paid Leave Ordinance will begin on February 1, 2024.

Michigan

- On November 14, 2023, Governor Whitmer signed H.B. 4234 into law, which repealed a State prohibition that prevented employers from soliciting or obtaining certain political contributions on an automatic or passive basis, including through a payroll deduction plan or reverse checkoff method, from employees who have policymaking, managerial, professional, supervisory, or administrative nonclerical responsibilities. H.B. 4234 also repealed a similar State law prohibition that prevented labor organizations from soliciting or obtaining such contributions on an automatic or passive basis from their members.

New York

- *Effective 3/7/2024* -- On November 21, 2023, Governor Hochul signed S.B. 5026 into law, otherwise known as the "Freelance Isn't Free Act" ("Act") which provides for, among other things, timely payment of compensation and handling controversies relating to payment for freelance workers and independent contractors in New York, but excluding construction contracts. The Act provides certain protections for freelance workers and independent contractors (excluding certain sales reps, attorneys, medical professionals, and construction contractors) who contract with a "hiring party" (i.e., all non-government private parties) for services totaling \$800 or more over the preceding 120 days. The Act requires a written contract between the parties

that must include certain terms and payment by the contract's payment due date or within 30 days after payment for services is due if a due date isn't specified in the contract. The bill is effective 108 days after November 21, 2023.

- *Effective 11/13/2023* -- On September 14, 2023, Governor Hochul signed S.B. 4878A into law which amends New York Labor Law Section 590 to require employers to provide notice to employees that they may be eligible for unemployment benefits whenever the employee's scheduled hours are reduced or the employee's employment is terminated. Such notice must include the employer's name and registration number and a contact address for the employer.

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