

Local and State Employment Law Update: Workplace Rights and Paid Leave

Labor & Employment Law Update

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Many states are updating their laws surrounding workplace rights and paid leave. This blog touches on some of the most recent and crucial updates made to local laws involving paid leave and worker rights.

CALIFORNIA

The City of San Francisco has amended its Family Friendly Workplace Ordinance to require covered employers to provide those who have been employed for at least six months with predictable and flexible work arrangements to care for parents, children, or other family members with serious health conditions, unless such arrangements would cause undue hardship to the employer. Employers who deny the request for predictable and flexible work arrangements must engage in an interactive process with the employee to attempt to find a mutual agreement.

COLORADO

- The Division of Labor Standards and Statistics from the Department of Labor and Employment has made minor revisions to its Whistleblower, Anti-Retaliation, Non-Interference, and Notice-Giving Rules ("Colorado WARNING Rules"). The Colorado WARNING Rules implement and enforce various Colorado employment laws, including the Public Health Emergency Whistleblower Act and the Healthy Families and Workplaces Act.
- The State of Colorado has updated its workplace public health rights poster, which took effect June 1, 2022.

DELAWARE

The State of Delaware has enacted legislation (Senate Substitute 2 for S.B. 1) that establishes a family and medical leave insurance program, effective July 1, 2022. Beginning January 1, 2025, covered employers must remit payroll contributions to the program's fund—and pay for at least 50% of the contributions—at a rate of 0.4% for medical leave benefits, 0.08% for family caregiving leave benefits, and 0.32% for parental leave benefits. Beginning January 1, 2026, benefits are payable to eligible workers for up to 12 weeks in a 12-month period to care for

their child after a birth, adoption, or foster-care placement and up to 6 weeks in a 24-month period to care for their own or a family member's serious health condition or to address the impact of a family member's military deployment. Benefits replace 80% of their average weekly wages during an approved leave period, up to a maximum of \$900 per week.

ILLINOIS

- Effective January 1, 2023, Illinois will expand its child bereavement leave law under S.B. 3120. Such leave will now cover a variety of family members and will allow employees to use the leave when absent due to a miscarriage or stillbirth, an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure, a failed adoption match or surrogacy agreement, a contested adoption that has not been finalized, or a diagnosis that negatively impacts pregnancy or fertility.
- Illinois S.B. 3146 revises the state's meal and rest break law to require at least 24 consecutive hours of rest in every seven-day period (the requirement previously applied to a "calendar week") and an additional 20-minute meal break for each additional 4.5 consecutive hours worked beyond 7.5 consecutive hours. The legislation, which takes effect January 1, 2023, also adds notification requirements and revises the enforcement and penalty provisions of the law.
- Illinois amended its Employee Sick Leave Act to exempt certain railway employees from coverage. The amended law, which takes effect January 1, 2023, also provides that the rights afforded under the Act serve as the minimum standard in a negotiated collective bargaining agreement.

OREGON

The State of Oregon has enlisted new OSHA requirements:

- Oregon finalized a rule that aims to protect workers from wildfire smoke. The rule, which takes effect July 1, 2022, includes requirements for exposure assessments, trainings, and documentation and requires that employers remain in communication with employees exposed to smoke. Employers are required to use exposure controls, including engineering and administrative controls and the voluntary use of filtering facepiece respirators. The rule applies to public and private sector employers whose employees are/will be exposed to wildfire smoke where the ambient air concentration for fine particulate matter (PM_{2.5}) is at least 5 µg/m³ (Air Quality Index value of 101 for PM_{2.5}). The rule includes exemptions for enclosed buildings and vehicles.
- Oregon finalized a rule that aims to protect workers from work-related heat illness. The rule, which took effect June 15, 2022, addresses multiple topics, including access to shade; drinking water; high heat practices (including the development of heat illness prevention break schedules for certain temperature thresholds); emergency medical and actions plans;

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acclimatization plan; heat illness prevention plan; supervisor and employee training; and training documentation. The rule applies to all workers covered under the Oregon Safe Employment Act.

VIRGINIA

Effective July 1, 2022, leave provisions for assistant general registrars will be revised to apply to deputy general registrars at polling places on election day or at electoral board meetings after an election, to determine results of an election.

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