

# Local and State Employment Law Updates: A Mass Issuance of New Labor Posters

## Labor & Employment Law Update

on March 7, 2022



Below are some of the latest state updates and posters –

### CALIFORNIA

The State of California has released various information on Covid-19 related paid sick leave for 2022:

- According to the Supplemental Paid Sick Leave Poster, which became

effective on February 19, 2022, covered employees in the *public or private sectors who work for employers with at least 26 employees* are entitled to up to 80 hours of 2022 COVID-19 related paid sick leave from January 1, 2022 through September 30, 2022. This leave is to be issued immediately upon any form of request to employers, and 40 of these hours are to be available only when an employee or family member tests positive for COVID-19. A “family member” includes a child, parent, spouse, a registered domestic partner, grandparent, grandchild or sibling.

Covered, full-time employees may take up to 40 hours of leave if the employee is unable to work for any of the following reasons:

- Vaccine-Related – Covered employee is attending a vaccine or booster appointment for themselves or a family member or cannot work or telework due to vaccine-related symptoms. Unless a health care provider states otherwise, an employer may limit employees to a 24 hour or 72 hour leave period for recovery purposes for each vaccination or booster appointment.
- Caring for Yourself – Covered employee is subject to quarantine or isolation due to COVID-19.

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- Caring for a Family Member – Covered employee is caring for a family member who is subject to quarantine or isolation due to COVID-19 or is caring for a child whose school or care center is closed or unavailable due to COVID-19 on the premises.

Covered, full-time employees may take up to 40 additional hours of leave if the employee is unable to work or telework for either of the following reasons: (1) the covered employee tests positive for COVID-19; or (2) the covered employee is caring for a family member who has tested positive for COVID-19.

Covered, part-time employees may take leave up to the amount of hours worked over two weeks, with half of those hours available only when they or a family member test positive for COVID-19.

Finally, this poster must be displayed where it can be easily read by employees. If employees do not frequent a physical workplace, employers may provide the poster electronically.

- The California Department of Industrial Relations created a FAQ page for the paid sick leave poster. It responds to various questions in great detail.

### DISTRICT OF COLUMBIA

The District of Columbia has updated its Voting Leave Poster for the primary on June 21, 2022. Employers must allow leave for early voting and voting on election day.

This poster must be posted conspicuously at all sites where employees report to work and on the employers' website, if applicable.

### MARYLAND

The State of Maryland has updated the following posters and notices:

- Minor Fact Sheet

Child labor laws in Maryland prohibit minors from engaging in various occupations that have been declared "hazardous" by the U.S. Secretary of Labor. According to this poster, such hazardous occupations have been adopted by the Commissioner of Labor and Industry for the State of Maryland. Thus, all minors are forbidden from being employed at the listed occupations with certain exceptions including, but not limited to, Youth Apprenticeship. The poster also provides a separate list of forbidden occupations for minors that are 14 and 15 years of age.

Minors, 14 through 17 years of age, may apply for a work permit as long as it has been signed by the minor, the minor's parent or guardian and the employer. Minors of any age may apply for special permits for certain types of work.

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- **Earned Sick and Safe Leave Notice**

The Maryland Healthy Working Families Act requires employers with at least 15 employees to provide paid sick and safe leave to certain workers. It also requires employers with fewer than 15 employees to provide sick and safe leave to certain workers.

Employees may use earned leave for the following reasons:

- To care for or treat an employee's mental or physical illness, injury or condition;
- To obtain preventative medical care for an employee or family member;
- To care for a family member with mental or physical illness, injury or condition;
- For maternity or paternity leave; or
- Due to domestic violence, sexual assault or stalking committed against employee or family member if used (1) to obtain medical or mental health attention; (2) to obtain services from victim services organization; (3) for legal services or proceedings; or (4) because an employee has temporarily relocated as result of domestic violence, sexual assault or stalking.

- **Notice to Tipped Employees**

A "tipped employee" is defined as an employee who customarily and regularly receives more than \$30 each month in tips or gratuities. The notice provides that employers are prohibited from (1) requiring a tipped employee to reimburse or pay an employer for the amount of a customer's charge for food or beverage if the customer leaves without paying; or (ii) unless otherwise provided by law, deducting an employee's wages to cover the cost of a customer's charge for food or beverage if the customer leaves without paying.

Employers must post this notice in a conspicuous area where any tipped employee is employed.

- **Equal Pay for Equal Work**

Section 3-301 of the Labor and Employment law regulates compensation discrimination. This notice is a restatement of the statute, which provides that employees must receive equal pay for equal work.

## NEW YORK

The State of New York has updated its workers compensation poster and mask mandate guidance.

- Occupational Injury/Illness Statement of Rights

This poster is a simplified presentation of workers' rights under the Workers' Compensation Law in New York. It provides that all workers who are injured while working or who suffer from an occupational disease may be entitled to workers' compensation benefits. Further, it ensures that employers may not ask employees to waive their rights to compensation or deduct money from wages to pay for workers' compensation insurance premiums. Employers are also prohibited from firing or discriminating against employees who have filed claims for benefits.

The poster provides instructions for filing claims and instructs employees not to pay for their legal fees directly as all fees are to be set by the NYS Workers' Compensation Board and deducted from their award.

- Face Coverings for COVID-19 Prevention

The New York Public Health and Health Planning Council amended its prior emergency regulation related to the mask mandate for COVID-19 prevention. The new guidance specifies that, until April 22, 2022, individuals are required to wear face coverings in public places when unable to maintain social distance, and in certain other settings like schools and health care facilities. The guidance also provides that businesses must continue to supply, at their expense, face coverings for employees required to wear them under the amendment.

## WASHINGTON

The State of Washington has updated its mask mandate and barred discrimination against vaccinated employees.

The new order, which became effective on February 18, 2022, amends proclamation 20-03 to require all individuals in Washington State to wear face coverings over their nose and mouth when in places where any person from outside their household is present, or in places that are generally accessible to any person from outside their household. For example, if a person lives in a congregate living setting where they share living facilities, their household only includes those individuals who regularly reside in their bedroom. Such persons must wear face coverings when outside their bedroom and in all common areas inside the building or complex. Exceptions and exemptions do apply.

The following people are exempt from the requirement and need not wear a face covering:

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- Children younger than 5 years old; and
- People with medical conditions, mental health conditions, developmental or cognitive conditions, or disabilities that prevent wearing facial coverings.
- Amendment to Safe Workers Proclamation

The Safe Workers Proclamation amends proclamations 20-05 and 21-08 to clarify that employers may not take adverse actions against employees who (i) receive a COVID-19 vaccine; (ii) take leave to receive or recover from a COVID-19 vaccine or booster; (iii) take leave when subject to a quarantine or isolation order or when advised to self-quarantine; or (iv) wear a face covering while at work.

Adverse employment actions are defined in the proclamation and include, but are not limited to: (i) termination, suspension, demotion, or denial of a promotion; (ii) denial of paid or unpaid leave; and (iii) reducing the number of work hours for which the employee is scheduled.

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