

Local and State Law Updates: New Posters and Revised Legislation

Labor & Employment Law Update

on January 27, 2022



Within the last week, the State of Illinois issued two new workplace posters and the District of Columbia issued a revised COVID-19 poster. The State of Minnesota and the State of Colorado also updated their legislation on pregnancy accommodations and sentencing reform, respectively.

All posters are required postings and must be displayed in the workplace—including, to the extent applicable, employees' remote workplaces.

ILLINOIS

The Illinois Department of Labor (IDOL) has issued the following posters:

- *Victim's Economic Security and Safety Act*

This poster details the rights and protections afforded to employees who are victims of domestic violence, sexual violence, gender violence, or any other crime of violence, and employees who have a family or household member who is a victim of such violence. Employers must provide the following: (i) unpaid, job-guaranteed leave; (ii) reasonable accommodations; and (iii) protections from discrimination and retaliation.

The duration of leave permitted during a 12-month period is based on the number of employees a company has. For example, an employee working for a company with 14 or fewer employees is eligible for four weeks of leave, an employee at a company with 15-49 employees is eligible for eight weeks of leave, and an employee at a company with 50+ employees may take up to 12 weeks.

Finally, when practicable, employees must provide employers with at least 48 hours' advance notice of the need for leave.

- *Your Rights Under Illinois Employment Laws*

This poster summarizes the rights of employees in Illinois. It specifically addresses (i) minimum wage, (ii) unpaid wages, (iii) meal and rest periods, (iv) the Equal Pay Act, (v) violent crime victims' leave, and (vi) child labor laws.

DISTRICT OF COLUMBIA

On January 14, 2022, the District's COVID-19 poster was revised under the DC Family and Medical Leave Act (DCFMLA). The New COVID-19 Leave Notice (New Leave Notice) requires all employers with 20 or more employees to allow up to 16 weeks of leave for those employed 30+ days, for any of the following reasons: (a) positive COVID-19 test result; (b) isolation or quarantine; (c) care for others; and (d) childcare closure. Violations of the leave provisions could result in fines of \$1,000 per offense as well as damages outlined in D.C. Code § 32-509.

The New Leave Notice only applies to employers with 20 or more employees. Thus, employers with under 20 employees need not post or maintain the New Leave Notice in the workplace.

MINNESOTA

The Minnesota Legislature amended Section 181.939 of the Minnesota Code to include paid lactation breaks and pregnancy accommodations.

- *Paid Lactation Breaks*

Employers are required to provide reasonable break times each day to "lactating employees" for up to a year after the birth of a child. As of January 1, employers are prohibited from reducing an employee's compensation for "time used for the purpose of expressing milk."

- *Pregnancy Accommodations*

As of January 1, the state's pregnancy accommodations provision will apply to employers with at least 15 employees. Additionally, employees may qualify for the accommodation rights and protections without satisfying any length of time or average number of hours per week.

COLORADO

The General Assembly of the State of Colorado enacted SB21-271 (Bill) to reform the sentencing provision for misdemeanors and petty offenses, which will impact the penalties associated with various employment laws. For example, beginning on March 1, violations of Colorado's restrictive covenants statute, C.R.S.

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§ 8-2-113, may subject employers to criminal liability. The same is true for violations of the minimum wage statute, C.R.S. § 8-6-115. This list is not exhaustive, and many employment statutes have been amended to result in criminal liability. Under the Bill, any violation of C.R.S. § 8-2-113 or C.R.S. § 8-6-115 will be a class 2 misdemeanor carrying potential punishments in the form of jail time, fines, or both

Currently, it is unclear how Colorado courts will apply the Bill's misdemeanor and petty offense provisions, or how often they will be used, as there is no further guidance in that regard at present.

CONCLUSION

Employers in each of the above states must be aware of the new posters and statutory amendments. Additionally, and particularly in light of the heightened liability for violations of various Colorado statutes, employers should consult experienced labor and employment counsel to ensure they comply with all amendments.

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