

National State Employment Law Update

Labor & Employment Law Update

By Kevin Kleine on November 19, 2024

In this brief update, we detail several changes impacting employers in jurisdictions across the nation.

California

- California's Department of Industrial Relations issued updated FAQs for the State's Private Attorney Generals Act (PAGA) covering changes that took effect in 2024. PAGA allows employees to sue their employer on behalf of the state for violations of California's Labor Code.
- On September 20, 2024, Governor Newsom signed Assembly Bill 224 (A.B. 224) into law, which extends an exemption from California's "ABC" test for determining a worker's status as an employee or independent contractor for certain purposes. The legislation extends the exemption, which applies to certain newspaper distributors and newspaper carriers, from January 1, 2025, to January 1, 2030.
- On September 26, 2024, Governor Newsom signed Assembly Bill 1815 (A.B. 1815) into law, which clarifies California's CROWN Act to remove the word "historically" from its definition of race. The law now defines race as being "inclusive of traits associated with race, including, but not limited to, hair texture and protective hairstyles." The law is effective immediately.
- On September 28, 2024, Governor Newsom signed Assembly Bill 1034 (A.B. 1034) into law, which expands an exemption under PAGA. Specifically, the exemption, which applies to certain construction workers covered by collective bargaining agreements, is extended from January 1, 2028 to January 1, 2038, and is no longer limited to collective bargaining agreements in effect before January 1, 2025.

EFFECTIVE JANUARY 1, 2025

- On September 22, 2024, Governor Newsom signed Assembly Bill 3234 (A.B. 3234) into law, which requires employers who voluntarily conduct a "social compliance audit" of their business operations and practices to post a clear and conspicuous link on their website to a report detailing the findings of the employer's compliance with child labor laws.

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- On September 27, 2024, Governor Newsom signed Senate Bill 399 (S.B. 399) into law, which prohibits employers from disciplining or threatening to discipline an employee who declines to attend employer-sponsored meetings or participate in, receive, or listen to employer-sponsored communications about religious or political matters.
- On September 28, 2024, Governor Newsom signed Senate Bill 1100 (S.B. 1100) into law, which makes it an unlawful employment practice for an employer to include a statement in employment materials that an applicant must have a driver's license unless the employer reasonably expects the duties of the position to require driving and the employer reasonably believes that satisfying that job function using an alternative form of transportation would not be comparable in travel time or cost to the employer.

On September 28, 2024, Governor Newsom signed Senate Bill 998 (S.B. 988) into law, otherwise known as the Freelance Worker Protection Act (FWPA). FWPA establishes minimum requirements for contracts with independent contractors and applies to professional services in an exchange for an amount equal to or greater than \$250.

Delaware

- On September 26, 2024, Governor Carney signed House Bill 440 (H.B. 440) into law, which prohibits employers from discriminating against employees or applicants on the basis of housing status. This law is effective immediately.

Louisiana

EFFECTIVE AUGUST 1, 2024

- On June 10, 2024, Governor Landry signed House Bill 352 (H.B. 352) into law, which clarifies that an employer's written policy dictates when commissions, bonuses, and incentive pay are earned and payable to terminated employees in Louisiana.

Massachusetts

- On August 23, 2024, Governor Healey signed House Bill 4999 (H.B. 4999) into law, which allows employees to use their leave under the state's earned sick time law for their own or their spouse's physical and mental health needs after a pregnancy loss or a failed assisted reproduction, adoption, or surrogacy.

Washington

- On March 26, 2024, Governor Inslee signed Senate Bill 5632 (S.B. 5632) into law, which requires the state's health benefit exchange to establish a program by Jan. 1, 2025, for workers who lose employer-provided coverage due to a

strike, lockout, or other labor dispute. Upon request, employers must provide the exchange with information about the status of their labor dispute and its impact on health benefit coverage and any other information the exchange needs to conduct outreach and determine eligibility for subsidies.

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