

# National State Employment Law Update

## Labor & Employment Law Update

By Kevin Kleine on August 30, 2024

Several changes impacting employers in jurisdictions across the nation are summarized in our latest blog post.

### CALIFORNIA

#### Effective July 1, 2024

- On July 1, 2024, Governor Newsom signed Assembly Bill 2288 (A.B. 2288) and Senate Bill 92 (S.B. 92) into law, which revise the state's Private Attorneys General Act (PAGA), which allows aggrieved employees to bring a civil action (on behalf of themselves and other current or former employees) to enforce any Labor Code provision that would otherwise be enforced by the state through a civil penalty. A.B. 2288 limits a PAGA civil action to employees aggrieved by a violation of the same provision, reduces the fine if certain mitigating factors apply, and eliminates a higher fine for subsequent violations in favor of a higher fine if certain aggravating factors apply. These revisions generally apply to civil actions brought on or after June 19, 2024. S.B. 92 establishes a procedure for small employers to cure alleged violations beginning October 1, 2024. It also allows large employers to request an early evaluation conference and a stay of court proceedings in order to resolve a PAGA claim. These revisions generally apply to civil actions brought on or after June 19, 2024.
- California's Occupational Safety and Health Standards Board issued new regulations for indoor heat illness that apply to indoor work areas where the temperature equals or exceeds 82 degrees Fahrenheit. The new standard requires employers to provide potable drinking water that is fresh, pure, suitably cool, and given at no cost. It also requires that employees have access to cool-down areas, and that employers make regular assessments of temperature and heat index, allow new employees to acclimatize appropriately, and conduct both employee and supervisor training. California's Department of Industrial Relations published a new webpage with FAQs aimed at helping employers comply with the new indoor heat illness prevention standard.

## COLORADO

### Effective August 7, 2024

- On May 31, 2024, Governor Polis signed House Bill 1324 (H.B. 1324) into law, which gives the Colorado attorney general rule-making authority over restrictive employment agreements. The new law regulates the recoverable expense an employer can collect for worker training as other consumer debt and student debt. The new law also adds the requirement that, for an employer to recover the expense, the training must comply with rules promulgated by the attorney general regarding the transferability of the training or credentialing that is available to the employee as a result of the training.

### Effective July 1, 2025

- On May 31, 2024, Governor Polis signed House Bill 1130 (H.B. 1130) into law which expands the Colorado Privacy Act (CPA) to protect employees' biometric data and restrict when employers can collect and use it. The legislation adds a section to the CPA that requires employers to obtain consent from employees or applicants before collecting and processing their biometric data. Employers are prohibited from requiring biometric data collection as a condition of employment for any purpose other than those outlined in the bill. The new provisions apply to any biometric data collected or processed on or after July 1, 2025.

## HAWAII

### Effective July 3, 2024

- On July 3, 2024, Governor Green signed Senate Bill 2715 (S.B. 2715) into law, which adds a captive audience prohibition to the list of unfair labor practices in the state's Employment Relations Act. An employer commits an unfair labor practice if it retaliates against employees because they decline to attend or participate in meetings, or decline to receive or listen to communications, regarding the employer's opinions about political matters. "Employees" include groups that aren't otherwise covered by the law, such as those employed in an executive or supervisory capacity and those subject to the National Labor Relations Act. "Political matters" means anything related to an attempt to influence a person's future vote.

## LOUISIANA

### Effective August 1, 2024

- On June 10, 2024, Governor Landry signed House Bill 118 (H.B. 118) into law, which prohibits employers from requiring employees to sign a pre-dispute

arbitration agreement that requires arbitration for a claim or accusation of sexual harassment.

**Effective August 1, 2024**

- House Bill 161 (H.B. 161) makes nondisclosure clauses unenforceable in Louisiana when they are required by an employer and agreed to before a hostile work environment dispute or sexual harassment dispute. The law does not restrict individuals from entering a confidential settlement agreement dispute after the report is filed or the dispute has occurred.

**MASSACHUSETTS**

**Effective October 29, 2025 – Pay Transparency Law**

- On July 31, 2024, Governor Healey signed House Bill 4890 (H.B. 4890) into law, which requires Massachusetts employers with 25 or more employees in the commonwealth to disclose the pay range for jobs in the posting of the position and to employees offered a promotion or transfer and to an employee or applicant upon request.

**MICHIGAN**

**Effective February 21, 2025**

- On July 31, 2024, Michigan's Supreme Court reinstated the original versions of 2018 laws (Public Acts 337 and 338) that increase Michigan's minimum wage and expand mandatory paid sick leave, after ruling that the legislature's adopt-and-amend strategy for enacting scaled-back versions of the laws (Acts 368 (S.B. 1171) and Acts 369 (S.B. 1175)) was unconstitutional. The court's decision in *Mothering Just. v. AG*, means the original 2018 laws will take effect on Feb. 21, 2025, with gradual minimum wage increases through 2028.

**NEW HAMPSHIRE**

**Effective September 1, 2024**

- On July 3, 2024, Governor Sununu signed House Bill 1169 (H.B. 1169) into law, which bars employers from discriminating against a person because they wear a protective hairstyle. It defines protective hairstyles to mean hairstyles or hair types, including braids, locs, tight coils or curls, corn rows, Bantu knots, Afros, twists, and head wraps. These laws are commonly referred to as CROWN Acts. A person who believes they were discriminated against because of their hairstyle has a private cause of action and is not subject to the jurisdiction of the state human rights commission.

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## NEW JERSEY

### Effective August 8, 2024

- Senate Bill 2869 allows the New Jersey Department of Labor and Workforce Development to fine employers that disclose or threaten to disclose an employee's immigration status to a public body for the purpose of concealing any violation of the state's wage, benefit, or tax laws. Those laws include the state's wage and hour law, which covers minimum wage and overtime pay requirements, along with laws regarding wage payment requirements, final wage payments, wage deductions, earned sick leave, workers' compensation, unemployment compensation, temporary disability benefits, family leave insurance, and income tax withholding.

## RHODE ISLAND

### Effective June 29, 2024

- House Bill (H.B. 7952) revises the law governing written arbitration agreements to exclude collective contracts between employers and employees regarding terms or conditions of employment. H.B. 7952 adds provisions for giving notice of an intention to arbitrate, specifies where proceedings can be brought if multiple parties are seeking arbitration against the same party or parties, and adds provisions regarding representation rights, fees, costs, invoices, breaches, sanctions, and remedies.

## UTAH

### Effective March 18, 2024

- On March 18, 2024, Governor Cox signed House Bill 0245 (H.B. 245) into law, which allows members of the U.S. Armed Forces' reserve components to take a leave of absence from employment for active duty, active or inactive training duty, or state active duty pursuant to military orders. It also prohibits employers from discriminating in hiring based on that membership. In addition, the legislation provides members of the Utah National Guard or State Defense Force with the same rights and protections, when ordered by the governor to state military service, that federal law provides for activation to federal military service.

## VERMONT

### Effective July 1, 2024

- Senate Bill 102 amends Vermont's fair employment practices law regarding employer communications related to religious or political matters. Specifically it protects an employee's right to opt out of employer-sponsored meetings or

employer communications regarding an employer's opinion about religious or political matters, including the decision to join or support a labor organization.

**Effective July 1, 2025 – Pay Transparency Law**

- On June 4, 2024, Governor Scott signed House Bill 704 into law, which requires employers to note the compensation or range of compensation in job openings. The law makes exceptions for work paid on a commission basis. Tipped work must disclose that the work is tipped along with the base wage or range of base wages.

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