

# Paid Sick Leave? Ban The Box? Pregnancy? Equal Pay? Smoker Retaliation Poster? Here's Your State Employment Law Update

## Labor & Employment Law Update

By Heather Bailey on September 24, 2014

**Arizona:** In July, the Attorney General confirmed that the AZ smoking restrictions do not apply to e-cigs.

**California:** Employers, get ready to start having to offer paid sick leave beginning July 1, 2015 if you aren't already! See our September 16, 2014 post for more details. Also, beginning January 1, 2015, unpaid interns and volunteers are getting the same nondiscrimination and harassment treatment as paid workers, including non-harassment training.

**Connecticut:** Starting October 1, 2014, workers may obtain certificates of rehabilitation related to their arrests and convictions of which employers are prohibited from retaliating against employees and applicants when they present one for initial or continuing employment.

**Delaware:** Your minimum wage increased to \$7.75 per hour on June 1, 2014!

**Illinois:** In case you missed our other blog posts, effective January 1 2015, Illinois joined the ranks of the "Ban the Box" campaign, which prohibits employers (with 15 or more employees) from asking applicants about criminal records on a job application. You cannot do so until they have either been selected for an interview or been given a conditional offer of employment (with a few select exceptions). Also effective January 1, the Illinois Human Rights Act related to pregnancy was expanded (more than any other state) so employers must now reasonably accommodate any condition related to pregnancy.

**Indiana:** On September 2, 2014, the right to work law was upheld once again – this time by the 7<sup>th</sup> Circuit Court of Appeals.

**Massachusetts:** Please note your minimum wage hikes: January 1, 2015, \$9 per hour (\$3 an hour for tipped employees); \$10 an hour (\$3.35 for tipped employees) on January 1, 2016, and to \$11 (\$3.75 for tipped) beginning January 1, 2017.

**Michigan:** Your minimum wage increased to \$8.15 per hour on September 1, 2014.

**Missouri:** The Missouri Supreme Court recently held that the state's statutory cap on punitive damages is unconstitutional as is applied to certain common law claims. (*Lewellen v. Franklin*, case SC92871). The holding is limited to common law causes of action that existed when the Missouri Constitution was adopted in 1820. In the short-term, this decision may raise the cost of litigation as plaintiff's attorneys will undoubtedly try to add common law claims to employment lawsuits hoping that the threat of unlimited punitive damages will result in more generous settlements. However, given that traditional common law claims have been increasingly difficult to sustain in the employment context and have been largely supplanted by statutory and more recently-recognized common law actions, *Lewellen* is ultimately unlikely to raise the stakes for Missouri employers.

**New Hampshire:** Beginning January 1, 2015, employers have a new mandatory poster requirement for equal pay and smoker rights non-retaliation, as well as, employers may not prohibit employees from discussing pay wages or retaliate against them for doing the same.

**Oklahoma:** OK jumped on the band wagon by prohibiting employers from requiring employees to give up their personal social media log-ons and passwords, effective November 1, 2014.

**Vermont:** Vermont's smoking ban includes at least 25 feet from buildings and entrances. Your minimum wage obligations also increase: January 1, 2015 = \$9.15 per hour; January 1, 2016 = \$9.60; January 1, 2017 = \$10 and January 1, 2018 = \$10.50. All tipped employees must be paid at least one-half of the minimum wage effective January 1, 2015.

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