

# State and Local Employment Law Update – Family Leave, Fair Labor Standards Act, Religious Accommodations and More

## Labor & Employment Law Update

on May 2, 2024

In the latest round of state employment law updates family leave and religious accommodations are in the spotlight. We also highlight wage and hour laws relating to compensable time. Read the full article to see if any of these updates apply to you.

### Oregon

#### FAMILY-LEAVE INSURANCE AND FAMILY LEAVE PROGRAMS:

Senate Bill 1515, which takes effect July 1, 2024, makes technical changes to align Oregon's family-leave insurance and family leave programs for employers with at least 25 employees. It also removes a provision in the law that limits employees from taking more than 16 weeks of leave in a year under both programs. As a result, the unpaid leave under the family leave program will be in addition to any leave taken under the family-leave insurance program.

### Tennessee

#### COMPENSABLE TIME LAWS:

House Bill 2110, which takes effect July 1, 2024, enacts state compensable time laws to align with the federal Fair Labor Standards Act. For state-wage hour purposes, compensable time for employees does not include time spent traveling to and from work or performing pre- or postliminary activities that require insubstantial amounts of time beyond their work schedule. However, time spent on pre- or postliminary activities and work-related travel is compensable under certain circumstances such as an express agreement between employer and employee.

## Utah

### RELIGIOUS EXPRESSION:

House Bill 396, which takes effect May 1, 2024, bars employers from requiring an employee to engage in religiously objectionable expression that would offend the employee's sincerely held religious beliefs. The law makes exceptions for undue burdens to the employer or substantial interference with the employer's core mission or ability to provide training and safety instruction from the job. It outlines the process for employees to request an accommodation and notes that employers with fewer than 15 employees are not required to grant a scheduling accommodation.

## Washington

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### ABILITY TO REFUSE TO PARTICIPATE IN RELIGIOUSLY OR POLITICALLY CHARGED MEETINGS/COMMUNICATIONS:

Senate Bill 5778, which take effect June 6, 2024, prohibits employers from retaliating (or threatening retaliation) against employees for refusing to attend or participate in meetings about the employer's religious or political opinions or for refusing to listen to or view communications about those opinions. "Political matters" are defined as matters "relating to elections for political office, political parties, proposals to change legislation, proposals to change regulations, and the **decision to join or support any** political party or political civic, community, fraternal, or **labor association or organization**. In a nutshell, it prohibits employer's "captive audience" meetings during labor union campaigns." It also prohibits employers from coercing employees into attending such meetings or participating in the communications.

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### NON-COMPETE AND NON-SOLICITATION:

Substitute Senate Bill 5935, which takes effect June 6, 2024, amends Washington's 2019 non-compete statute (RCW 49.62) and expands upon the already significant restrictions it places on employers doing business in Washington.

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## AUTOMATIC IRA SAVINGS PROGRAM:

Senate Bill 6069 creates the Washington Saves program, an automatic enrollment IRA savings program requiring employers to facilitate payroll deductions. The program is expected to launch no later than July 1, 2027, at which point, covered employees will be automatically enrolled in the program unless they opt out. Covered employers are businesses located in Washington State for at least two years, that had employees working a combined minimum of 10,400 hours during the previous calendar year, and that do not already offer employees a qualified retirement plan. They will be required to enroll employees who have had continuous employment for one year or more. The law also creates a governing board, which will be responsible for determining the default contribution and escalation rates as well as the investment options that will be available to participants. The requirements for the state's Small Business Retirement Marketplace, a voluntary program created connect eligible employers and their employees with approved plans to increase retirement savings, will also be amended by S.B. 6069.

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## UNEMPLOYMENT INSURANCE PAYROLL TAXES:

House Bill 1898, which takes effect June 6, 2024, amends the calculation of an employer's experience rating for state unemployment insurance payroll taxes when the employer is exempt or otherwise relieved from directly paying for a former employer's benefits. The legislation clarifies that all base-year employers, not just separating employers, will not be charged for benefits received by claimants who were ineligible or disqualified from receiving them. It also prohibits the department from requiring employers to submit a request for benefits charges under certain circumstances.

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## EXPANSION OF PAID SICK LEAVE:

Senate Bill 5793, which takes effect January 1, 2025, expands Washington's paid sick leave law, which requires employers to offer at least one hour of paid sick leave for every 40 hours worked, and through which the state offers a program of up to 12 to 18 weeks a year. The bill allows eligible employees to use leave under the state's paid sick leave law when their child's school or place of care is closed due to a government-declared emergency. It also expands the definition of a "family member" to include any individual who regularly resides in the employee's home, except those who do not expect to be cared for by the employee.

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