**What’s New in Your State?**

**Colorado – Minimum Wage**
Effective January 1, 2014, the minimum wage in Colorado increased to $8.00 per hour for non-tipped employees. Also effective January 1, 2014, the tipped employee minimum cash wage increased to $4.98 per hour.

**Colorado**
Effective January 1, 2014, the Social Media and the Workplace Law Rules further implement the provisions of § 8-2-127 C.R.S. These rules apply to Colorado employers, employees, and applicants under § 8-2-127, C.R.S. The social media provisions are now revised to allow employers to access information about employees and applicants that is publicly available online. In addition, employers who violate the provisions can be fined.

**District of Columbia**
D.C. Mayor Gray signed B20-0480, the Earned Sick and Safe Leave Amendment Act of 2013, to expand the District’s paid sick day law (passed in 2008) to cover tipped restaurant and bar workers. The legislation also allows covered workers in the District to accrue paid sick days immediately and begin using them after 90 days on the job, eliminating the requirement that they be at a job for one year and 1,000 hours. The legislation was effective February 22, 2014.

**Maryland – Minimum Wage**
The Maryland Division of Labor and Industry (DLI) revised its regulations on tipped employees. Effective January 20, 2014, tipped employees may spend up to 20% of their time performing non-tip activities related to their primary (tipped) occupation and still be paid at the tipped employee rate. However, tipped employees who spend more than 20% of their time on non-tip activities must be paid at least the regular minimum wage rate for that time. The amendments make Maryland’s regulations consistent with federal wage and hour regulations [Md. Regs. Code § 09.12.41.19].

**New Jersey**
S2995 amends the New Jersey Law Against Discrimination and was effective on January 17, 2014. The amendment prohibits workplace discrimination against women because of pregnancy, childbirth and childbirth recovery. The measure also requires employers of women affected by pregnancy to make available reasonable accommodations for pregnancy-related needs when the employee, with the advice of her physician, requests accommodation. It also prohibits employers from penalizing employees affected by pregnancy in the terms, conditions, or privileges of employment for using accommodations.

**New Jersey**
S2996 was signed into law expanding eligibility for state leave and disability benefits for employees who have been laid off or furloughed due to a declared state of emergency. The bill allows up to 90 days of an employee’s time missed for such purposes to count for purposes of determining eligibility for leave under the New Jersey Family Leave Act and the New Jersey Security and Financial Empowerment Act (both of which require at least 1,000 hours worked during
the preceding year). The law also allows up to 13 weeks of such absences to count as “base weeks” for determining eligibility for temporary disability and family leave insurance benefits.

New Jersey
The New Jersey Department of Labor has published a copy of the long-awaited Gender Equity Notice, a required notice that must be posted and distributed to employees as result of legislation passed in September 2012 (P.L.2012, c.57). The final adoption of the notice was published in the New Jersey Register on January 6, 2014, at which time New Jersey employers with 50 or more employees working inside or outside the state must comply with the notice requirements. The NJDOL also released a Spanish version of the posting which must be posted by covered employers who believe Spanish to be the first language of a significant portion of their workforce.

New Mexico
The New Mexico Supreme Court legalized same-sex marriage in a ruling handed down on December 19, 2013. All rights, protections, and responsibilities that result from the marital relationship will now apply equally to both same-gender and opposite-gender married couples and references to marriage in “any other New Mexico statutes, rules, regulations or the common law” will now apply to same-sex marriage.

New York – Minimum Wage
Effective December 31, 2013, revised NYS wage orders reflect recent legislation increasing the state minimum wage in three stages up to $9.00 per hour by December 31, 2015. The new Minimum Wage Orders reflect the increase to the minimum salary basis amounts for employees to qualify for the executive and administrative exemptions to $600.00 per week (up from $543.75 per week), inclusive of board, lodging, and other allowances and facilities. This amount is also slated to increase over the next two years (annually). The amended Minimum Wage Orders also impose other pay-related changes for employees in certain industries, including changes to the amount of allowances that may be taken for the provision of meals, lodging, and (where applicable) tips.

New York
On January 10, Governor Cuomo signed into law S5867 the New York State Commercial Goods Transportation Industry Fair Play Act, effective March 11, 2014. The Act amends the New York Labor Law to create a presumption that any person performing commercial goods transportation services for a commercial goods transportation contractor shall be classified as an employee, unless the individual satisfies the stringent independent contractor or separate business entity tests set forth in the new law. The Act includes criteria for finding an individual to be an independent contractor or separate business entity as well as notice requirements (a posting to be developed by the NY DOL), enforcement, and very significant civil and criminal penalties.

Vermont
HB99 was passed in May 2013. Although the provisions in the law related to strengthening Vermont’s law requiring equal pay for equal work were effective July 1, 2013, the provision relating to flexible work arrangements took effect on January 1, 2014. Under the law, an employee may request a flexible working arrangement that meets the needs of the employer and employee. The employer shall consider a request using the procedures in in the law at least twice per calendar year.