

The Power of Simplicity**What's New in Your State?****Alaska**

Effective October 1, 2018, [S.B. 63](#) revises all state laws prohibiting smoking in enclosed areas and workplaces. Effective September 21, 2018, [AK H.B. 3](#) extends leave to Alaska residents who are called to action as members of the national guard of another state.

The Alaska Department of Labor and Workforce Development finalized regulations ([2018200075](#)) to prohibit employers from redistributing employees' tips among other workers.

Arizona

[HB2421](#) was signed into law effective July 21, 2018 and it extends the state's leave and reinstatement protections from only Arizona National Guard members to members of the National Guard of any State.

California

Governor Jerry Brown signed [S.B. 1500](#), extending the protections against discharge from employment to U.S. Armed Forces Federal Reserve members and State Military Reserve members. The law also prohibits places of public entertainment or amusement from refusing entrance to any member of the U.S. Armed Forces because he or she is wearing a military uniform.

The California Supreme Court ruled in [Troester v. Starbucks Corporation](#), holding that the relevant California statutes and wage order did not incorporate the de minimis doctrine found in the Fair Labor Standards Act and did not allow employers to require employees to routinely work for minutes off-the-clock without compensation. The Court left open whether there are activities so irregular or brief that employers may not be required to compensate employees for the time spent on them.

[AB 2282](#) is effective January 1, 2019 and clarifies existing California Labor Code regarding the prohibition of an employer from relying on the salary history information of an applicant for employment as a factor in determining whether to offer an applicant employment or what salary to offer an applicant, except in specified circumstances.

[Assembly Bill 2770](#) was signed into law and is effective January 1, 2019. Under the law, certain employee and employer statements regarding sexual harassment allegations are deemed privileged and therefore cannot be used to support a defamation claim.

The governor also signed [AB 2587](#), also effective January 1, 2019. The legislation removes a sentence that references a 7-day waiting period rule to ensure consistency with legislation that went into effect earlier this year that eliminated a statutory seven-day waiting period for Paid Family Leave (PFL) benefits.

Delaware

[House Bill 360](#), signed by the governor and effective Jan. 1, broadens the types of workers covered by the Delaware Discrimination in Employment Act's sexual harassment provisions and requires companies with 50 or more employees in the state to provide sexual harassment training to workers and supervisors every two years.

The "[Delaware Worker Adjustment and Retraining Notification Act](#)" creates a state mass layoff and plant closing notice requirement for certain larger employers.

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Under [S.B. 170](#), the state's hourly minimum wage will rise to \$8.75 on Jan. 1, 2019 and then to \$9.25 an hour Oct. 1, 2019. Under [H.B. 483](#), employees who are at least 18 during the first 90 consecutive days of work may be paid a training minimum wage of at least \$8.25 an hour, effective Jan. 1, 2019. Employees who are younger than 18 may be paid a youth wage that is at least \$8.25 an hour, effective Jan. 1, 2019.

Hawaii

[S.B. 2351 \(Act 108\)](#) is effective January 1, 2019 and generally prohibits employers from asking applicants about their prior compensation history.

Illinois

The Illinois Wage Payment and Collection Act is amended by [SB2999](#), effective January 1, 2019, which adds a new provision requiring employers to reimburse employees for all necessary expenses that are incurred by the employee within the employee's scope of employment.

The governor signed [S.B. 20](#) extending the charge-filing period at the Department of Human Rights and the Human Rights Commission (HRC) from 180 days to 300 days.

The governor signed [S.B. 3547](#) to improve employment protections and services for current and former military personnel, creating the Illinois Service Member Employment and Reemployment Rights Act.

Illinois [H.B. 1595](#) amends existing requirements under the state's Nursing Mothers in the Workplace Act ([820 ILCS 260/10](#)) to require employers to provide nursing mothers with reasonable break time to express milk as needed for one year after a child's birth, effective Aug. 21, 2018.

Iowa

Effective July 1 under [HF2240](#), employees may receive electronic paystubs outside their workplace, expanding the original law which required employers to provide pay stubs via the mail, hand delivery or provide the means to view and print paystubs as the workplace.

Kentucky

Effective July 1, [HB291](#) expands the state's leave of absence and reinstatement protections from only Kentucky National Guard members to members of the National Guard of any state.

Maine

The Maine Department of Labor, Bureau of Labor Standards [revised](#) Chapter 11 of Rules Governing the Rules Governing Hazardous Occupations for Minors under the Age of Eighteen in Non-Agricultural Employment, aligning state rules with federal standards, effective August 19, 2018:

The Maine legislature overrode the governor's veto of [ME S.P. 639](#), which requires certain businesses to conspicuously post public awareness signs informing the public and employees about the illegality of human trafficking and how to report it, effective July 31, 2018.

Maryland

Effective October 1, 2018, [H.B. 1539](#) makes a general contractor on a project for construction services jointly and severally liable for subcontractor violations of the state's wage payment and collection law, regardless of whether the subcontractor is in a direct contractual relationship with the contractor.

Massachusetts

The governor [signed](#) a non-compete measure into law that will limit the duration of most *non-compete agreements* to one year and limit the use of non-compete agreements for certain employees in the state.

The governor also signed [H.4640](#) that provides eligible employees with up to 12 weeks of paid leave to care for a sick family member or bond with a new baby, and up to 20 weeks of paid leave for their own medical needs, beginning in 2021. Also, the state [minimum wage](#) and tipped worker cash wage will increase to \$15 and \$6.75 respectively by 2023.

Michigan

[HB 5235](#) was effective September 2, 2018, requiring employers with a regularly scheduled monthly pay period to pay to employees within 15 days after the end of the monthly pay period all wages earned during the monthly pay period.

Minnesota

The Minnesota DOL [announced](#) the new minimum wage requirements for 2019, in response to inflation.

Mississippi

Effective July 1, [HB2549](#) expands the state's leave of absence and reinstatement protections from only Mississippi National Guard members to members of the National Guard of any state.

Missouri

Missouri voters overwhelmingly [rejected](#) a right-to-work law which sought to ban unions from requiring union fees as a condition of employment in Missouri.

Under [SB573](#) and effective August 28, private employers are permitted to grant preference to veterans or the spouse of a disabled veteran in hiring and promoting employees.

New Hampshire

[HB 1319](#), effective July 8, prohibits discrimination based on gender identity in employment, housing, and public accommodation, unless based upon a bona fide occupational qualification.

Effective July 29, [S.B. 428](#) requires wages which are owed to employees who are paid weekly be paid within eight days after the end of the workweek and wages which are owed to employees who are paid biweekly be paid within 15 days after the end of the workweek.

Also effective July 29, [S.B. 417](#) adds recreation-camp workers and youth-skill camp employees to the categories of workers exempt from state day-of-rest and Sunday work requirements.

New Jersey

The governor signed a bill ([A3861](#)) that provides that workers on strike can, under certain circumstances, get unemployment compensation.

A MOU demonstrating a heightened focus on worker misclassification, was [signed](#) by the New Jersey Department of Labor and the U.S. Department of Labor. The state of New Jersey follows the [ABC test](#) for determining employee v. an independent contractor status.

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Effective January 16, 2019, [NJ S.B. 2534](#) prohibits the smoking of tobacco products and the use of electronic smoking devices in all enclosed indoor places of public access, workplaces, and at all public parks and beaches.

New York

New York State launched the new "[Combating Sexual Harassment in the Workplace](#)," website to assist employers in complying with several sexual harassment laws passed earlier this year. The website contains (i) a model sexual harassment policy; (ii) model training materials; (iii) a model complaint form; and (iv) Frequently Asked Questions ("FAQs"). The model policy, complaint form, and training materials were subject to a comment period that has now closed; final requirements are expected before October 9, 2018. The [FAQs](#) set forth new and important requirements not included in the law itself related to training timelines.

The hours worked by New York home-care aides may exclude meal periods and sleep times for those who work shifts of at least 24 hours, according to emergency rulemaking that was re-adopted by the state labor department for the fifth time and published Aug. 15 in the [New York Register](#).

New York Governor Andrew M. Cuomo on August 20 [signed legislation](#) to smoking in any facility that provides child care services in New York State, including private homes.

The Workers' Compensation Board has released a few additional Paid Family Leave forms for employers on the state PFL [website](#) including discrimination/retaliation complaint related forms. The Department of Financial Services announced the 2019 Paid Family Leave benefit amounts and employee contribution rate. The information was posted on the Paid Family Leave website and [can be found here](#).

North Carolina

Effective December 1, 2018, [NC H.B. 774](#) requires persons granted a certificate of relief for criminal convictions to notify their employer, landlord, or other party who relied on the certificate within 10 days of its modification or revocation, or of any new conviction. The law also protects an employer from liability for a negligence claim if it relied on a certificate of relief to hire or retain a person.

Oklahoma

Oklahoma voters [approved legalization](#) of medical marijuana, effective July 26, 2018. The law restricts employers from taking action against applicants or employees solely based on their status as a medical marijuana license holder or due to a positive drug test result.

Oregon

The Bureau of Labor and Industries has released [final regulations](#) interpreting the state's impending predictable scheduling law which was effective on July 1, 2018. Oregon also published its [Final Rules regarding the civil penalties](#) to be imposed for violations of the employee scheduling law. Civil penalties will not be imposed until after *January 1, 2019*.

Pennsylvania

Pennsylvania now joins Michigan as the second state to recognize "sex" discrimination as including sexual orientation and gender identity discrimination under state employment law. The [Comment and Response Document](#) on the guidance provides additional insight into the Commission's thinking about the guidance and its implications.

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[H. 7800 Sub Aaa/S. 2597 Sub Aaa](#) were signed on June 28 and effective immediately. This legislation provides that wage statements and records furnished to employees may be provided electronically. If an employee wishes to receive a printed or handwritten record in lieu of an electronic record, an employer must provide it at no cost to the employee, when a written authorization from the employee is provided to the employer.

South Carolina

The South Carolina Human Affairs Commission (SCHAC) has released its new workplace poster in compliance with the recently enacted South Carolina Pregnancy Accommodations Act, effective September 14, 2018. The Human Affairs Commission also published [Frequently Asked Questions](#) on the new Act.

South Dakota

Effective July 1, [HB1010](#) expands the state's leave of absence and reinstatement protections from only South Dakota National Guard members to members of the National Guard of any state.

Vermont

The Vermont Office of the Attorney General recently published a [Guide to Vermont's Laws on Marijuana in the Workplace](#) to summarize existing employment laws related to drug testing in the workplace, as well as to provide employers with an overview of the changes to Vermont's marijuana laws, including the state's recreational marijuana law which took effect on July 1, 2018.

[H.B. 711](#), signed into law and effective as of July 1, 2018, adds crime victims to the list of protected classes in the state's Fair Employment Practices Act, making retaliation and discrimination against these individuals unlawful.

Effective July 1, 2018, [H. 294](#) prohibits an employer from inquiring about a prospective employee's current or past compensation from either the prospective employee or from a current or former employer of the prospective employee.

Also effective July 1, 2018, [H.B. 707](#) requires employers to develop a written policy prohibiting sexual harassment in the workplace along with prevention training upon hire, as well as encouraging annual training and additional training for supervisors and managers.

Virginia

Effective July 1 under [H1527](#), Members of the Virginia Civil Air Patrol may take a leave of absence not to exceed 10 days when called for training or to a leave of absence not to exceed 30 days if required to partake in an emergency mission.