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# NEW 2024 HR UPDATES FOR EMPLOYERS

DECEMBER 2023

NORTH RISK WEBINARS | 2023

# PRESENTER

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**Janell Stanton**

HR Attorney

WAGNER, FALCONER & JUDD, LTD.



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# ARKANSAS

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# ARKANSAS

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- **HB 1197** was passed allowing prospective employers to notify the Division of Workforce Services if a candidate fails to respond to an employment offer or appear for a job interview, which will disqualify the individual for unemployment
- **SB 434** reduces the threshold number of employees from 250 to 125 to trigger the requirement to file Arkansas tax withholding statements electronically



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# CALIFORNIA

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# CALIFORNIA

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The CA Department of Industrial Relations (DIR) announced that in 2024, there are **adjusted minimum thresholds** for computer software employees who are considered exempt under CA law

**SB 525** signed into law which amended the California Labor Code to set healthcare industry minimum wage requirements for nearly all healthcare workers, whether they are hourly, salaried, or ICs

**AB 1076** signed into law, which codifies legal precedent banning certain non-compete and non-solicitation agreements & requires employers notify current and former employees in writing by 2/14/24 that any prior NC is void

# CALIFORNIA

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- **SB 497** creates a rebuttable presumption of retaliation if an employee is disciplined or discharged within 90 days of certain protected activity
- **AB 947** which revised the California Consumer Privacy Act definition of “sensitive personal information” to include personal information that reveals a consumer’s citizenship or immigration status
- **SB 700** expands California’s FEHA to protect applicants from discrimination based on prior cannabis use, with certain exceptions.



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# CALIFORNIA

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**SB 616** expands California's existing paid sick leave law in multiple ways, including by increasing the employee's entitled to annual paid sick leave

**AB 1228** raises the minimum wage for restaurant workers at national fast food chains to \$20/hour

**SB 699** adds enforcement provisions to create a private right of action by employees, former employees, and prospective employees against any employer that enters into or tries to enforce a restrictive covenant under CA law, regardless of whether the covenant was entered into or the employee worked.



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# COLORADO

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# COLORADO

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The Boulder County Minimum Wage is as follows, exclusive of fringe benefits and any other deductions or credits, except as otherwise described in this ordinance:

- a. Beginning January 1, 2024: \$15.69 per hour;
- b. Beginning January 1, 2025: \$16.57 per hour;
- c. Beginning January 1, 2026: \$17.99 per hour;
- d. Beginning January 1, 2027: \$19.53 per hour;
- e. Beginning January 1, 2028: \$21.21 per hour;
- f. Beginning January 1, 2029: \$23.03 per hour;
- g. Beginning January 1, 2030: \$25.00 per hour;
- h. Beginning January 1, 2031 and on January 1 of each subsequent calendar year, such amended wage rate necessary to keep pace with the year-over-year increase in the Consumer Price Index, for all items, published annually each August for the Denver-Aurora-Lakewood Area.

- The Boulder County Board of Commissioners adopted a **minimum wage ordinance** effective January 1, 2024.



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# COLORADO

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- **SB 23-105**, expands notification requirements in Colorado's Equal Pay for Equal Work Act beyond "promotional opportunities" to "job opportunities" eliminating any arguments that a posting is not required because an opportunity is not promotional

- Effective July 1, 2024, employers are prohibited, per the **Job Application Fairness Act (JAFA)**, from requesting or requiring that job applicants provide information related to age, date of birth, or dates of attendance at or graduation from an educational institution on a job application.



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# CONNECTICUT

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# CONNECTICUT

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**Minimum wage** will increase to \$15.69 on January 1, 2024, which will adjust annually going forward.

- **Substitute Bill No. 913** was enacted and expands the definition of employee to allow nearly all workers (not just first responders) who suffer certain tragic qualifying events to claim workers' compensation benefits.



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# HAWAII

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# HAWAII

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Hawaii enacted **SB 1057**, effective January 1, 2024, that:

Requires most employers with 50 or more employees to disclose a position's hourly rate or salary range in certain job postings

Amends existing equal pay requirements by prohibiting an employer from paying employees in any protected category of the state's discrimination statute less than it pays other employees for substantially similar work, instead of equal work



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# ILLINOIS

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# ILLINOIS

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The Chicago City Council passed a new **paid leave ordinance** requiring all Chicago employers to provide employees with 10 paid leave days.

**SB 2034** signed into law requiring employers with at least 50 employees to provide between 6-12 weeks of unpaid leave (depending on employer size) for employees who have lost a child due to suicide or homicide



# ILLINOIS

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Evanston, IL adopted a **Fair Workweek ordinance** expanding hourly workers' rights to predictable scheduling across multiple industries

The Illinois Department of Labor published **Paid Leave for All Workers Act FAQs** which provides guidance on PLAWA

Reminder re: PLAWA

Effective **January 1, 2024**, Illinois will require private employers to provide a minimum of 40 hours (or a pro rata amount) of annual paid leave to employees to be used for any reason. **Employers can choose to frontload the leave on the first day of employment or a designated twelve-month period or use an accrual method. Employers may not require any documentation or certification of the need to take leave.** Employers may require up to seven days' notice if the leave is foreseeable and set a reasonable minimum of increment of no less than two hours per day.



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# INDIANA

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# INDIANA

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- **SB 419** provides that an individual who is not a resident of Indiana and receives compensation for employment in Indiana for 30 days or less during the calendar year is exempt from the adjusted gross income tax.





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# MICHIGAN

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# MICHIGAN

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**SB 34** repealed the state's right-to-work provisions, effective March 30, 2024. Michigan became the first state to have repealed its right-to-work law





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# MARYLAND

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# MARYLAND

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- Maryland Governor Wes Moore approved the Maryland General Assembly's modifications to the Maryland **Time to Care Act** of 2022, which, among other things, established employer and employee shares of the total rate of contribution.
- Effective January 1, 2024, the **Fair Wage Act of 2023** mandates a uniform \$15 hourly minimum wage for all employees.



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# MINNESOTA

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# MINNESOTA

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On November 14, 2023, the Minnesota Department of Labor and Industry (DLI) issued guidance on the state's **paid earned sick and safe time (ESST)** law

The City of Bloomington, MN amended its **paid sick leave ordinance** to more closely align with the statewide ESST, by, among other things:

- expanding the definition of family member;
- modifying the allowable reasons for leave;
- allowing frontloading with no waiting period; and
- allowing reasonable documentation to justify the reasons for leave.

# MINNESOTA

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**HF 447/SB 2909** were enacted and prohibit employment discrimination based on gender identity, prohibits an employer from inquiring into, considering, or requiring disclosure of a job applicant's pay history during the hiring process.





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# NEVADA

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# NEVADA

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Nevada passed **SB 290** which requires earned wage access providers to obtain a license from the state government and regulates the providers. The law governs entities that provide consumers with an advance of income they have earned or accrued but have not been paid at the time the advance is made.

The **Nevada OSHA announced increased penalties** that took effect on January 17, 2023, and on March 24, 2023, released an updated list of establishments it is targeting for programmed inspections.



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# NEW JERSEY

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# NEW JERSEY

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The NJDOL launched the **Workplace Accountability in Labor List (the WALL)**, a publicly available list of businesses with outstanding liabilities for violations of state wage, benefit, and tax laws enforced by the agency. Businesses on the list are prohibited from public contracting.





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**NEW YORK**

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# NEW YORK

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On October 17, 2023, in *Eisenhauer vs. Culinary Institute of America*, the Second Circuit held, interpreting New York Labor Law, that New York's **equal pay law** requires employers asserting the affirmative defense that pay disparity may be based on any other factor than sex to show that those factors are job-related

New York's **Paid Family Leave Program** will be updated for 2024 so that employees' maximum:

**Weekly Benefit** is \$1,151.16 (\$20.08 more than in 2023; and  
**Annual Contribution** is \$333.25 (\$66.18 less than in 2023)



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# NEW YORK

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- With some exceptions, **A5295** renders unenforceable agreements that assign an employee's rights in an invention to their employer even where the employee develops the invention entirely on their own time without using the employer's property. **S5572** increases the salary threshold for certain wage payment exemptions, such as pay frequency requirements.
- **S2518A** prohibits employers from requesting or requiring an employee or applicant to disclose access information for a personal social media account or performing other related acts. **S4878A** requires employers to provide employees written notice of their right to file for unemployment benefits when they are separated from employment (including temporary or indefinite separation) or experience a reduction in hours or other interruption of employment.



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**OHIO**

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# OHIO

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## Joining 23 other states:

- Ohio has passed a recreational marijuana law legalizing and regulating the cultivation, sale, purchase, possession, use, and home growth of recreational marijuana
- The law does not require employers accommodate an employee's use, possession, or distribution of adult use cannabis



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**OREGON**

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# OREGON

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**HB 3307** was passed extending civil rights, discrimination and harassment workplace protections to participants in registered apprenticeship programs and certain private-sector on-the-job training programs

**HB 3443** was passed and expands the eligibility for protected leave under the Oregon Family Leave Act to include bias crime victims



# OREGON

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- **SB 1033** defines “active service of the state” for purposes of the requirement that an employer grant a leave of absence during a period of active military service
- **SB 907** bars employers from retaliating or discriminating against employees who refuse to do work that would expose them to serious hazards, provided the employee acted in good faith and with no reasonable alternative.



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# RHODE ISLAND

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# RHODE ISLAND

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Rhode Island Governor Daniel McKee signed a bill that increases the penalties for **employers that knowingly and willfully violate the wage and hour laws** and specified additional penalties for employers in the construction industry.



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# TENNESSEE

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# TENNESSEE

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**SB 454** enacts the “Tennessee Paid Family Leave Insurance Act” which authorizes the issuance of an insurance policy that an employer may offer to an employee for the purpose of providing family leave benefits.



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# WASHINGTON

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# WASHINGTON

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On September 29, 2023, the Washington Department of Labor and Industries announced an **increases to state and local minimum wage and exempt salary thresholds** for 2024. The increases are effective January 1, 2024.

**SB 5586** allows employees, an employer, and third parties acting on behalf of an employee or employer to request access to records related to paid family or medical leave claims



# GENERAL COMPLIANCE STRATEGIES

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01

Understand where laws are most likely to vary

02

Have a policy and method for tracking employees' work location

03

Choose your approach

- Apply the most stringent location's laws for all employees
- Maintain separate policies for each jurisdiction

04

Spend time preparing for January 1 and July 1

05

Use trusted payroll/HCM provider

# QUESTIONS



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