

** Please note this is not intended to be an exhaustive list of every new employment and labor law update.

All updates are scheduled for **January 1, 2024**, unless otherwise stated.

ALASKA

Minimum Wage Update

Alaska's minimum wage will increase to \$11.73/hour. The exempt salary threshold will raise to \$938.40/week or \$48,796.80/year. (Poster link)

ARIZONA

Minimum Wage Update

Arizona's minimum wage will increase to \$14.35/hour; the tipped wage will become \$11.35/hour. Poster links: (English) (Spanish)

• Flagstaff \$17.40; tipped wage \$15.90. Poster links: (English) (Spanish)

CALIFORNIA

Minimum Wage Update

California's state minimum wage will increase to \$16.00/hour for all employers; and the exempt salary threshold will increase to \$66,560/year (\$1,280/week); Computer software employees will increase to \$55.58/hour (\$115,763.35/year). Poster link.

Additionally, many local minimum wage rates will increase.

- Belmont \$17.35 (Poster link)
- Burlingame \$17.03 Poster links: (English) (Spanish) (Chinese) (Vietnamese)
- Cupertino \$17.75 (English) (Chinese) (Hindi) (Spanish)
- Daly City \$16.62 (English) (Spanish) (Tagalong) (Chinese)
- East Palo Alto \$17.00 (Poster link)
- El Cerrito \$17.92 Poster links: (English) (Spanish) (Japanese) (Simplified Chinese) (Traditional Chinese)
- Foster City \$17.00 (Poster link)
- Half Moon Bay \$17.01 Poster links: (English) (Spanish)
- **Hayward** \$16.00 for employers with 1-25 employees; \$16.90 or employers with 26 or more employees. Poster links: (English) (Spanish) (Chinese)
- Los Altos \$17.75 Poster links: (English) (Spanish) (Chinese)
- Menlo Park \$16.70 (Posters link)



- Mountain View \$18.75 The updated poster is not yet available, follow this link to the <u>Mountain View poster page</u>
- **Novato** \$16.04 for employers with 1-25 employees; \$16.60; or employers with 26-99 employees; \$16.86 for employers with 100 or more employees. (Posters link)
- **Oakland** \$16.50; Hotel Workers: \$17.94 with health benefits; \$23.91 without health benefits. Poster links: (English) (Spanish) (Chinese) (Vietnamese) Hotel workers poster links: (English) (Spanish) (Chinese) (Vietnamese)
- Palo Alto \$17.80 Poster links: (English) (Spanish)
- Petaluma \$17.45 (Posters link)
- Redwood City \$17.70 Poster links: (English) (Spanish) (Chinese)
- San Carlos \$16.87 Poster links: (English) (Spanish) (Chinese)
- San Diego \$16.85 Poster links: (English) (Spanish) (Chinese) (Vietnamese) (Tagalog)
- San Jose \$17.55 Poster links: (English) (Spanish) (Chinese) (Vietnamese) (Tagalong) (Hindi)
- San Mateo (city) \$17.35 Poster links: (English) (Spanish) (Chinese)
- San Mateo (county unincorporated areas) \$17.06 Poster links: (English) (Spanish) (Chinese)
- Santa Clara \$17.75 Poster links: (English) (Spanish) (Chinese)
- Santa Rosa \$17.45 (Posters link)
- **Sonoma** \$16.56 for employers with 1-25 employees; \$17.60 for employers with 26 or more employees. Poster links: (English) (Spanish)
- South San Francisco \$17.25 Poster links: (English) (Spanish) (Chinese) (Tagalog)
- Sunnyvale \$18.55 Poster links: (English) (Spanish) (Chinese)

Beginning **April 1, 2024**, the minimum wage for fast food restaurant employees will increase to \$20.00/hour. With this large increase, employers may want to start budgeting early in the year.

Paid Sick Leave Expanded

California's Healthy Workplace Healthy Family Act will be amended to expand paid sick leave entitlements and requirements. Employers will be required to provide 40 hours or 5 days (whichever is more) instead of 24 hours or 3 days. Employees' annual usage maximum will also increase from 24 hours or 3 days to 40 hours or 5 days. The amount of leave accrued and the amount of time that employees can carry over into the next twelve-month period will increase to 80 hours or 10 days.

Employers remain able to use an accrual method or a lump sum method. Employers may continue to use the standard accrual rate of 1 hour per 30 hours worked but must now increase the accrual cap and carryover allowance from 48 hours or 6 days to 80 hours or 10 days. A different accrual amount may be used so long as employees accrue at least 24 hours or 3 days of paid sick leave that is available to use by the 120th calendar day of employment, and at least 40 hours or 5 days of paid sick leave that is available to use by the 200th calendar day of employment.



Employers may also continue to use a lump sum policy that provides employees with 40 hours or 5 days of leave on the first day of employment with no requirement for carryover at year end.

Employers must provide the paid sick leave required by a local ordinance if it is higher than the requirements of state law. However, local ordinances cannot contradict the state paid sick leave law requirements regarding the lending of paid sick leave, paystub statements, calculation of paid sick leave, providing notice if the leave is foreseeable, timing of payment of paid sick leave, and whether payment of sick leave is required upon termination. If a local ordinance contradicts the state law on these specific topics, the state law prevails over (preempts) the local law.

Employer must post the updated <u>paid sick leave poster</u> in a prominent place frequent by employees and provide each employee an <u>individual notice</u>. Employers should also review their current paid sick leave policy and determine what changes need to be made. The California Department of Industrial Relations has updated its <u>Frequently Asked Questions</u> to assist employers with compliance.

Non-Compete Ban Expanded and New Notice Requirements

Section 16600 of the California Business and Professions Code, which restricts employee noncompete and non-solicitation agreements, has been amended by two new pieces of legislation- Senate Bill (SB) 699 and Assembly Bill (AB) 1076.

SB 699 has amended the Code so that any contracts with restrictive covenants that would be considered void under the Code would be unenforceable regardless of where and when the contract was signed and makes it so that employers attempting to enter into or to enforce such contracts a civil violation. SB 699 also creates a private right of action for employees who are subject to contracts with restrictive covenants and provides for remedies of damages, attorney's fees, and injunctive relief.

Additionally, AB 1076 provides that the Code should be applied broadly and shall not be limited to contracts where the person being restrained from engaging in a lawful profession, trade, or business is a party to the contract. In accordance with AB 1076, employers whose employment contracts included a noncompete clause will be required to issue a notice to all current employees and former employees who were employed after **January 1, 2022**, that the noncompete clauses in their contracts are void. The deadline for this notice is **February 14, 2024**.

Off-Duty Cannabis Use

The California Fair Employment and Housing Act has been amended so that it will be unlawful for employers to discriminate against or penalize an applicant or employee based upon their use of cannabis outside of work. Employers will even be prohibited from inquiring or requesting information about an applicant's prior use of cannabis. Additionally, employers that require drug testing for cannabis use will be required to modify their drug tests so that they only test for *active impairment* from cannabis instead of testing for non-psychoactive cannabis metabolites.

These changes will not affect an employer's right to maintain a drug free workplace and will not allow an employee to possess or use cannabis on the job, or to be impaired by cannabis on the job.



Reproductive Loss Leave

California employers with 5 or more employees will be required to provide up to 5 days of unpaid leave to eligible employees following a reproductive loss event. Eligible employees are defined as individuals who have been employed by the employer for at least 30 days.

Within 3 months of a reproductive loss event, eligible employees will be permitted to take up to 5 days of unpaid leave. A reproductive loss event is defined as a failed adoption, failed surrogacy, miscarriage, stillbirth, or unsuccessful assisted reproduction. Employees will not be required to use the 5 days consecutively. Eligible employees who experience multiple loss events shall be provided with a maximum of 20 days in a 12-month period. The leave may be unpaid unless the employer has an existing policy that requires the use of available paid time off during leave or unless the employee chooses to use paid time off for the loss leave.

COLORADO

Minimum Wage Update

Colorado's minimum wage will increase to \$14.42/hour; tipped wage \$11.40/hour; executive/supervisor, administrative, or professional employees ("EAP") salary threshold \$1,057.69/week (\$55,000 per year) (Poster link). These and other minimum pay and income level increases are detailed in the 2024 PAY CALC Order.

- Boulder County \$15.69; tipped wage \$12.67
- Denver \$18.29; tipped wage \$15.27. Poster link
- Edgewater \$15.02; tipped wage \$12.00

Family and Medical Leave Insurance (FAMLI) Program

Under the state-run Paid Family and Medical Leave Insurance (FAMLI) program, eligible Colorado employees will be able to begin taking paid time off under the FAMLI program for certain life events. Colorado's dedicated page to the FAMLI program may be found with this <u>link</u>.

Both employers and employees contribute premiums to the program. Colorado employers are required to annually report their total employee headcount to ensure they are charged the correct premiums each quarter. The Annual Total Employee headcounts are due by **January 31, 2024**. For more information on employer reporting requirements, employers may visit the Family and Medical Leave Insurance Program page here.

CONNECTICUT

Minimum Wage Update

Connecticut's minimum wage will increase to \$15.69/hour. Posters not available yet, link to the page found here.

DELAWARE

Minimum Wage Update

Delaware's minimum wage will increase to \$13.25/hour; tipped wage will remain \$2.23/hour.

Poster links: (English) (Spanish) (Haitian Creole)

HAWAII

Minimum Wage Update

Hawaii's minimum wage will increase to \$14.00/hour; tipped wage will be \$12.75/hour.

Pay Transparency

Hawaii employers with 50 or more employees will be required to include an hourly rate or salary range in external job postings that reasonably reflects the actual expected compensation. Additionally, employers will be prohibited from salary discrimination, based on any protected category, for substantially similar work.

ILLINOIS

Minimum Wage Update

Illinois' minimum wage will increase to \$14.00/hour; and the tipped wage will be \$8.40/hour. Posters are not available yet, link to the page found here.

Child Extended Bereavement Leave Act (CEBLA)

CEBLA will require Illinois employers with 50 or more full-time employees to provide unpaid leave to an eligible employee if they experience the loss of their child by suicide or homicide. The Act defines "child" to include an employee's biological, adopted, foster, or stepchild, legal ward, or a child for which the employee is standing in loco parentis. All full-time employees who have worked for their employer for at least 2 weeks are eligible for leave under the Act. The amount of leave is determined by employer size. Eligible employees of large employers (employs 250 or more full-time employees in Illinois) are entitled to use up to 12 weeks of unpaid leave while eligible employees of small employers (employs 50-249 full-time employees in Illinois) are entitled to use up to 6 weeks. The Act does not extend the maximum leave employees are entitled under the federal Family and Medical Leave Act or any other paid or unpaid leave law, including the Illinois Family Bereavement Act.

Illinois Personnel Record Review Act (IPRRA) Amended

IPRRA outlines the circumstances under which employees may inspect their personnel records. The Act has been amended to allow employees to submit a written request for their personnel records to be provided by either email or U.S. mail in lieu of an inspection. Employers are permitted to charge the requesting employee a fee, limited to the actual cost of duplicating the records.



Notice for Remote Workers

Employers will be required to provide workplace notices to their remote employees or employees who travel for work. The labor notices must be emailed to each employee or posted to the employer's website or intranet site, and include notices for the Illinois Minimum Wage Law, the Illinois Wage Payment and Collection Act, and the Illinois Child Labor Law.

Organ Donation Leave

The Employee Blood Donation Leave Act has been amended to provide additional leave benefits. Now known as the Employee Blood and Organ Donation Leave Act employees will be permitted to take up to 10 days of *paid* leave in any 12-month period to serve as an organ donor or bone marrow donor.

Paid Leave for All Workers (PLAW) Act

The PLAW Act will require Illinois employers to provide up to 40 hours of paid leave per year that can be taken for any reason. Eligible employees start accruing paid leave at the start of employment leave or on January 1st (whichever is later), but may not begin to use the leave for 90 days (March 31, 2024) or 90 days after commencement of their employment (whichever is later). The accrual rate is one hour of paid time off for every 40 hours worked with a minimum of 40 hours of paid leave within a twelve-month period. Employers may choose to front load hours in lieu of the accrual rate.

The Illinois Department of Labor recently updated their website, link here to the FAOs page.

Pre-Tax Commuter Benefit

The Transportation Benefit Program Act will require covered employers to provide pre-tax commuter benefits to full-time employees (those who work at least 35 hours per week) after 120 days of employment. Covered employers are those with at least 50 full-time employees, who are located within one mile of a fixed-route transit in Cook County or 37 townships listed in the law. Covered employees are those who work at least 35 hours a week, with new hires being eligible after 120 days of employment.

Victims' Economic Security and Safety Act (VESSA) Amended

VESSA entitles Illinois employees who are victims of domestic violence, sexual violence, or gender violence (or whose family members or household members are victims of such violence) to unpaid leave. VESSA has been amended to permit employees to take up to 2 weeks (10 workdays) of unpaid leave related to the death of a family member or household member who is killed in a crime of violence to attend the memorial service; make arrangements necessitated by the death; and grieve the death of the victim. Leave will be required to be taken within 60 days after the date on which the employee receives notice of the death of the victim. Leave under this Act will be in addition to leave employees may be eligible for under the Illinois Family Bereavement Leave Act.

CHICAGO, ILLINOIS

Paid Time Off

In November 2023, the City Council voted to mandate Chicago employers to provide their employees with 40 hours of paid time off in addition to the 40 hours of paid sick leave for which they already qualify. **On December 13, 2023, the City Council agreed to delay the start of the additional paid leave for six months until July 1, 2024**.

Employers may find more information here.

COOK COUNTY, ILLINOIS

The Cook County Earned Sick Leave Ordinance has been replaced by the Cook County Paid Leave Ordinance, under which all employers will be required to provide 40 hours of paid leave to employees in Cook County to be used for *any reason*. Employees will be entitled to accrue paid leave at a rate of 1 hour for every 40 hours worked up to 40 hours per year, with unused accrued time to carry over to the next year. In lieu of accrual methods, employers may frontload 40 hours of paid leave on the first day of the benefit year, for which carryover to the following year is not required.

Employers should check the <u>Cook County government site</u> for updated notices and workplace posters, which should be published prior to **January 1, 2024**.

EVANSTON, ILLINOIS

The Fair Workweek Ordinance, that was scheduled to take effect on September 1, was postponed and now becomes effective on **January 1, 2024**. It will require employers to:

- provide new hires with a written good-faith estimate of the employee's work schedule for the first 90 days of employment;
- provide employees with a 14-day advance notice of their schedules;
- offer hours or additional work to their part time employees before hiring new employees; and
- provide premium pay if they fail to provide proper notice of employees work schedule.

MAINE

Minimum Wage Update

Maine's minimum wage will increase to \$14.15/hour; and the tipped wage will be \$7.08/hour. The Exempt salary threshold will be \$42,450.20/year or \$816.35/week. Updated posters are not available yet, follow this link to the Maine labor poster page.

- Portland \$15.00; tipped wage \$7.50 Poster links: (English) (Spanish)
- Rockland \$15.00; tipped wage \$7.50

MARYLAND

Minimum Wage Update

Maryland's state minimum wage will increase to \$15.00/hour regardless of employer size; the tipped wage will remain \$3.63/hour. Poster links: (English) (Spanish)

• **Montgomery County** \$15.00 employees of small employers (1-10 employees). No change to the wages of the employees of employers with 11 or more employees, or for tipped workers.

MICHIGAN

Minimum Wage Update

Michigan's minimum wage will increase to \$10.33/hour; for minors aged 16 & 17 wage will increase to \$8.78/hour; and the tipped wage will be \$3.93/hour. Poster links: (English) (Spanish) (Arabic)

Pregnancy Termination Discrimination Prohibited

The Elliott-Larsen Civil Rights Act (ELCRA) was amended to prohibit employers from discriminating against applicants or employees who terminate a pregnancy. The law will take effect 90 days after the end of the 2023 Regular Legislative Session, which will be on or about **February 12, 2024**.

MINNESOTA

Minimum Wage Update

Minnesota's minimum wage will increase to \$10.85/hour for large employers and \$8.85 per hour for small employers. Poster links: (English) (Spanish) (Chinese) (Hmong) (Somali)

- A large employer is an enterprise with an annual gross volume of sales made or business done of no less than \$500,000, exclusive of excise taxes at the retail level that are separately stated and covered by specific sections of the Minnesota Fair Labor Standards Act.
- A small employer is an entity similar to a large employer but with an annual gross volume of sales made or business done of less than \$500,000.
- Minneapolis \$15.57 for employers with more than 100 employees. Poster Link
- Saint Paul \$15.57 or employers with more than 10,001 employees.

Earned Sick and Safe Time Leave

Under Minnesota's new earned sick and safe time law, all employers will be required to offer safe and sick time to those employees who work at least 80 hours in a year. Employee will accrue one hour of sick and safe time for every 30 hours worked with a maximum of 48 hours per year. Employers that require notice of the need to use earned sick and safe leave must have a written policy containing reasonable notice procedures for employees to follow and must provide a written copy of the policy to all employees.



All employers must provide a copy of the earned sick and safe leave <u>notice</u> to each current employee by January 1, 2024, or at the time of hire for all new hires and include the notice in their employee handbook. Follow this link to <u>Minnesota's fact sheet with FAOs</u>.

Pay History Ban

Employers will be prohibited from inquiring about an applicant's past or current compensation including wages, benefits, and salary during the hiring process or negotiations on promotions or transfers. However, applicants may voluntarily provide the information, without prompt from the employer.

MISSOURI

Minimum Wage Update

Missouri's minimum wage will increase to \$12.30/hour; and the tipped wage will be \$6.15/hour.

Poster links: (English) (Spanish)

MONTANA

Minimum Wage Update

Montana's minimum wage will increase to \$10.30/hour.

Poster links: (English) (Spanish)

NEBRASKA

Minimum Wage Update

Nebraska's minimum wage will increase to \$12.00/hour; the tipped will remain \$2.13/hour.

Poster links: (English) (Spanish)

NEW HAMPSHIRE

Paid Family and Medical Leave

New Hampshire Paid Family and Medical Leave (NH PFML) is a voluntary insurance plan that will provide New Hampshire workers with 60% wage replacement (up to the Social Security wage cap) for up to 6 weeks per year for work absences due to common life events. Employers are not required to provide NH PFML insurance to their employees; however, all employers have responsibilities regarding NH PFML. Specific responsibilities are determined based on whether an employer is considered a large or small employer under NH PFML. Employers should visit the NH PFML site to determine their responsibilities.

Open enrollment in the NH PFML Individual Plan for 2024 began on **December 1, 2023** and will run through January 29, 2024.

NEW JERSEY

Minimum Wage Update

New Jersey's minimum wage will increase to \$15.13/hour, and \$13.93/hour for employers with fewer than 6 employees. The tipped wage will remain \$5.26/hour.

NEW MEXICO

Minimum Wage Update

Las Cruces minimum wage will increase to \$12.36/hour; tipped wage will be \$4.95/hour. (Posters link)

NEW YORK

Minimum Wage Update

- New York State's minimum wage will increase to \$15.00/hour and \$16.00/hour for NYC, Westchester County, and Long Island.
- The health care aid rate will increase to \$17.55; \$18.55 for NYC, Westchester County, and Long Island.
- The tipped food service worker rate will increase to \$12.50 for New York State; and \$13.35 for NYC, Westchester County, and Long Island.
- The tipped service worker rate will increase to \$10.00 for New York State; and \$10.65 for NYC, Westchester County, and Long Island.
- The exempt salary threshold will increase to \$1,064.25/week or \$55,341/year.
- Note that home care aides must be paid \$2 per hour more than the applicable minimum wage.

Poster links are not available yet but may be found <u>here</u> and <u>here</u>. Here is also a <u>link</u> to the NY Minimum Wage Lookup tool.

NEW YORK CITY

Height and Weight Discrimination Ban

On November 22, 2023, the New York City Human Rights Law was expanded to prohibit employment discrimination based on a person's height or weight. Employers may not consider an applicant or employee's height or weight when making employment decisions, with some limited exceptions. Follow this link to the NYC's dedicated page on Height and Weight Protections.

NEVADA

Domestic Violence Leave Law Expanded

The domestic violence leave law has been expanded to include employees who are victims of sexual assault as well as their family or household members. Employers will be required to provide qualified employees up to 160 hours of unpaid leave within a twelve-month period so long as they have been employed by the employer for at least 90 days.

OHIO

Minimum Wage Update

Ohio's minimum wage will increase to \$10.45/hour; the tipped wage will be \$5.25/hour. (Poster link)

COLUMBUS, OHIO

Pay History Ban

Effective March 1, 2024, employers with 15 or more employees will not be permitted to ask job applicants about their current or prior wages, salary, benefits, or other compensation.

OREGON

Protected Leave Under Oregon Family Leave Act Expanded

Oregon is expanding protected leave under the Oregon Family Leave Act to include victims of bias crimes. Employers with 6 or more employees will be required to allow unpaid leave for employees who are the victim of domestic violence, harassment, sexual assault, bias, or stalking.

Employee's Refusal to Perform in Hazardous Conditions

Employers will be prohibited from discriminating or retaliating against applicants or employees who refuse to perform certain work assignments that may expose the applicant or employee to serious injury or death arising from a hazardous condition.

RHODE ISLAND

Minimum Wage Update

Rhode Island's minimum wage will increase to \$14.00/hour; the tipped wage will remain \$3.89/hour. Posters not available yet, link to the page found <u>here</u>.

SOUTH DAKOTA

Minimum Wage Update

South Dakota's minimum wage will increase to \$11.20/hour; the tipped wage will be \$5.60/hour. Poster links: (English) (Spanish)

TEXAS

Discrimination Based Upon Lack of COVID-19 Vaccination Prohibited

Private employers will be prohibited from adopting or enforcing COVID-19 vaccine mandates or discriminating against applicants or employees who lack a COVID-19 vaccination. The bill was signed by Governor Abbot on November 10, 2023, and becomes effective on **February 6, 2024**.

VERMONT

Minimum Wage Update

Vermont's minimum wage will increase to \$13.67/hour; the tipped wage will be \$6.84/hour. Poster link

WASHINGTON

Minimum Wage Updates

Washington's state minimum wage will increase to \$16.28/hour. The salary threshold for both large & small employers will be \$1,302.40/week (\$67,724.80/year). The minimum wage for exempt computer professionals who are paid on an hourly basis will be \$56.98/hour. Washington does not require employers to post the State's minimum wage.

- **Sea Tac** \$19.71.
- **Seattle** \$19.97, or \$17.25 if the employer has 500 or fewer employees and pays at least \$2.72/hour toward medical benefits. Tipped wage: \$19.97, or \$17.25 if the employer has 500 or fewer employees and employees earn \$2.72 per hour in tips. Poster link; additional languages may be found here.
- **Tukwila** \$20.29 if employer has more than 500 employees; \$18.29 if employer has 15-500 employees; otherwise, must pay the state minimum wage. Poster link; additional languages may be found here.

Off-Duty Cannabis Use

Employers will not be permitted to discriminate against job applicants or employees based on their use of cannabis off the job and away from the workplace, or because an employer-required drug screening test found the presence of **non-psychoactive** cannabis metabolites.



Paid Sick and Safe Time (PSST) Expanded For Short-Term Construction Workers

Eligible employees who are construction workers covered under the North American Industry Classification System (NAICS) industry code 23 who have not met their 90th day of employment as of the date of their separation will be entitled to be paid their unused accrued PSST. Workers covered under NAICS code 236100 (residential building construction) are excluded.

Washington Paid Family and Medical Leave- Employer Access to Records

Employers will be permitted to request records of their employees' Washington Paid Family and Medical Leave Act (WPFMLA) claim records in order to review information that may be helpful in administering concurrent leave and supplemental benefit programs. In order to gain access to the records employers may submit a request accompanied to the Washington State Employment Security Department.

Changes to Paid Family and Medical Leave Premiums

Each year the premium rates for the Washington Paid Family and Medical Leave Program is adjusted. For the year 2024, the total premium rate will decrease to 0.74%. Employers will pay 28.57% of the total premium and employees will pay 71.43% of the total premium. Businesses classified by the Employment Security Department as having fewer than 50 employees for the 2024 calendar year will not be required to pay the employer portion of the premium.

Employers must notify their employees of the new premium. An updated employer toolkit, including a template employee notice and mandatory poster are available here">here.

Please contact our HR Department at 877-884-7700 if you need further guidance or if you have any questions or concerns about these updates.