

Compliance with Changing State and Local Laws is Nonstop

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In 2019, as in previous years, most of the new labor and employment law legislation was enacted at the state and local level.

Paid Family Leave

Paid family leave statutes gained momentum:

- As of July 1, 2019, the [District of Columbia](#) began collecting taxes from its private sector employers and non-profit organizations to fund a new Paid Family Leave Benefit.
- Paid family leave compliance measures began in [Massachusetts](#). As of October 1, 2019, contributions to the Massachusetts Paid Family and Medical Leave Act commenced with a contribution rate of 0.75 percent of employee gross earnings, up to the social security maximum.
- [New Jersey](#) amended its law, significantly expanding leave protections and benefits for employees.
- [Oregon](#) passed a paid family and medical leave law, providing up to 12 weeks of paid leave for eligible employees beginning January 1, 2023.
- [Washington's](#) paid family and medical leave law, signed in July 2017, became effective in 2019. Starting on January 1, 2020, eligible Washington employees may apply to the Washington Employment Security Department for benefits under this law.

Other Leave Benefits

A number of states and localities implemented additional leave benefits for employees:

- [Minnesota's Duluth](#) enacted a Sick and Safe Time Ordinance, effective January 1, 2020, providing employees one hour of sick and safe time for every 50 hours worked, with a permitted accrual of up to 64 hours a year.
- A new [Nevada](#) law requires certain private employers in the state to provide employees up to 40 hours of paid leave "without providing a reason to his or her employer."
- The [Pittsburgh](#) Paid Sick Days Act, expected to take effect on March 15, 2020, requires employers with at least 15 employees to provide employees up to 40 hours a year of paid sick leave, accrued at a rate of one hour of leave for every 35 hours worked.

Sexual Harassment, Gender Identity

Sexual harassment and gender identity laws continued to create new obligations for employers:

- [Connecticut](#) expanded harassment training and posting obligations for employers

with at least three employees in the state.

- [Illinois](#) enacted a workplace harassment training law, creating new obligations for employers.
- [New York](#) implemented significant changes to its harassment laws that removed the “severe and pervasive” standard for actionable harassment claims, eliminated the employer defense that the employee did not follow internal procedures, expanded protections for domestic workers and non-employees, and extended sexual harassment policy requirements for employers.

Medical and Recreational Marijuana

Medical and recreational marijuana initiatives advanced across the country, in stark contrast to federal policy:

- [Illinois](#) passed the Cannabis Regulation and Tax Act, legalizing marijuana for recreational purposes.
- [New Jersey](#) gave job protections to medical marijuana users and created new drug testing procedures under new law.
- [New York City](#) enacted legislation prohibiting city employers from requiring prospective employees to submit to testing for the presence of tetrahydrocannabinol (THC), the active ingredient in marijuana.

Minimum Wage

More than 25 states and localities increased their minimum wages, often significantly well above the federal minimum wage of \$7.25 an hour:

- For example, [Illinois](#), [Maryland](#), and [New Jersey](#) approved minimum wage increases that eventually will bring the state minimum to \$15.00 an hour.

Hair

States passed laws making it illegal for employers to discriminate against certain hairstyles, such as natural, braids, twists, and locs:

- [California's](#) “Create a Respectful and Open Workplace for Natural Hair” (CROWN) Act clarified the definition of race for purposes of the workplace discrimination to include hair texture and protective hairstyles. It also provided a definition for “protective hairstyles.”
- [New Jersey](#) implemented its own CROWN Act in December 2019, which amends the state’s law to define discrimination due to race as including discrimination based on “traits historically associated with race, including, but not limited to, hair texture, hair type, and protective hairstyles.”
- In [New York City](#), legal enforcement guidance affirmed that employer policies on appearance and grooming that ban, limit, or otherwise restrict natural hair or hairstyles may be unlawful under the New York City Human Rights Law.

Privacy

Privacy legislation continues to flourish:

- The much-discussed [California Consumer Privacy Act](#) became effective. Additionally, [New York's Stop Hacks and Improve Electronic Data Security \(SHIELD\) Act](#) becomes effective on March 21, 2020. The SHIELD Act amends New York’s data breach notification law and imposes additional data security and data

breach requirements on employers.

For more on the national trends, legislation, regulation, and litigation that will affect the workplace in 2020 and beyond, see our special report, [2020: The Year Ahead for Employers](#).

Employers should regularly review their policies and practices with employment counsel to ensure they address specific organizational needs effectively and comply with applicable law. Jackson Lewis attorneys are available to answer questions about and assist employers with any workplace requirements.

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