

April 2019 HR Regulatory Updates by State

NEW JERSEY

New Jersey Expands Paid and Unpaid Leave

New Jersey signed a new assembly bill into law on February 19, 2019. This new law significantly expands the scope of the New Jersey Family Leave Act (NJFLA) and the New Jersey Temporary Disability Benefits Law (NJTDBL). The new law also amends New Jersey's Security and Financial Empowerment (SAFE) Act by granting paid family temporary disability leave benefits to covered time off relating to domestic and sexual violence. This new law went into effect immediately, but some of its provisions will be phased in over time.

Link:

<https://myleavebenefits.nj.gov/worker/fli/>

NEW YORK

New York Employees Get Up to Three Hours of Paid Time Off to Vote

A revision, effective immediately, gives New York employees in the state up to three hours of paid time off to vote. Under this new law, all employees may request up to three hours of paid time off to vote, regardless of their work schedules, as long as the request is two working days prior to the election. Employers may designate that any requested time be taken at the beginning or the end of the employee's shift.

Link:

<https://www.elections.ny.gov/ElectionLaw.html>

New York City Sexual Harassment Training Requirements

As part of the "Stop Sexual Harassment in NYC Act", effective April 1, 2019, New York City employers with 15 or more employees are required to conduct annual anti-sexual harassment interactive training for all employees. New employees must complete this training within 90 days of being hired.

The New York City Commission on Human Rights has released an online training that satisfies the requirements (link below), but employers may also develop their own training or hire an outside party to provide training so long as it meets the requirements. Employers must keep record of employees' signed training acknowledgements for three years.

Link:

<https://www1.nyc.gov/site/cchr/law/sexual-harassment-training.page>

New York City – Do Not Discriminate Based on Hairstyles

The New York City Commission on Human Rights issued a new enforcement guidance on appearance and grooming. Employer policies cannot ban or restrict "natural hair, treated or untreated hairstyles, such as locs, cornrows, twists, braids, Bantu knots, fades, Afros, and/or the right to keep hair in an uncut or untrimmed state". Employers should revise any current grooming and appearance policies to ensure compliance.

Link:

<https://www1.nyc.gov/assets/cchr/downloads/pdf/Hair-Guidance.pdf>

MASSACHUSETTS

Massachusetts Releases Paid Family and Medical Leave Employer Guide and Workplace Poster

The Massachusetts Department of Family and Medical Leave has released a new guide for employers on the MA Paid Family and Medical Leave Act (PFMLA). This guide explains what actions employers must take in the coming months. Additionally, the Department has also issued a mandatory PFMLA workplace poster, which employers should display immediately.

Guide Link:

<https://www.mass.gov/guides/a-guide-to-paid-family-and-medical-leave-for-massachusetts-employers#timeline>

Workplace Poster Link:

https://www.mass.gov/files/documents/2019/03/21/20190321_DFML%20Notice_FINAL.pdf

OREGON

Portland's New Law Adds Job Protections for Atheists

The city of Portland, Oregon prohibits religious discrimination in employment, but now the city will also be protecting nonreligious employees, including atheists, agnostics, and others that do not believe in a particular religion. Effective March 29, 2019, Portland law prohibits discrimination on the basis of nonreligion. Just as someone can claim to have been discriminated against because of their religion, employees may now assert legal claims based on their nonreligion. It is recommended that Portland employers treat nonreligion just like any legally protected status, and ensure to update policies to prohibit discrimination on this basis, as well as train managers and employees on company policies.

Link:

https://www.portlandoregon.gov/citycode/28598#cid_16142

PENNSYLVANIA

Pittsburg Now Requires Pregnancy Accommodation for Employees and Partners

The city of Pittsburg, Pennsylvania has passed a new ordinance that greatly expands protection for pregnant employees and partners of pregnant women – which is defined broadly to mean a person of any gender with whom a pregnant woman has a relationship of mutual emotional and/or physical support (does not require a marital or domestic relationship). Pittsburg already treats pregnancy discrimination as a form of sex discrimination, but this new ordinance amends and supplements these existing provisions, elevating protections by making pregnancy its own protected class. Under this new ordinance, Pittsburg employers are required to initiate an interactive process with pregnant employees regardless of whether the employee has asked for an accommodation and will be liable for discrimination if they fail to reasonably accommodate pregnant employees.

WASHINGTON

Washington Paid Family and Medical Leave Reporting

Beginning 2020, Washington state's paid family member leave program will provide up to 12 weeks of paid leave for eligibility employees for the employee's own serious health condition or to care for a sick family member. Employees can take up to 16 weeks of combined family and medical leave, and up to 2 additional weeks may be available for certain pregnancy complications. All employers must meet paid family medical leave reporting requirements beginning July 31, 2019.

Link:

<https://paidleave.wa.gov/reporting>

Additional Resource:

<https://paidleave.wa.gov/employers>