

## LABOR LAW UPDATES – NY, NJ, PENNSYLVANIA, AND FLORIDA

### NEW YORK

<u>Bill/Law</u>	<u>Area of Labor/Employment Law</u>	<u>What It Does</u>
NYS Minimum Wage Act	Minimum Wage and Exempt Salary Threshold	<p>Beginning on 12/31/2021, NYS general minimum wage increased to \$13.20/hour.</p> <p>The minimum wage in Nassau, Suffolk, and Westchester rose to \$15.00/hour</p> <p>The minimum salary for exempt employees increased in Nassau, Suffolk, and Westchester counties to at least \$1,125/week or \$58,500/year. In the remainder of the State, exempt employees must earn at least \$990/week or \$51,480/year.</p>
Senate Bill: S2588A	COVID-19	For all of 2022, NY employers are still required to provide employees up to 4hrs of paid leave per COVID-19 vaccine injection
12/13/2021 – Order of the Commissioner of Health and Mental Hygiene	COVID -19	As of 12/27/2021, all private employers in NYC must require workers to provide proof of COVID-19 vaccinations
NYLL §196(b)	Sick Leave	<p>As of 12/2/2021, NYLL §196(b) allows employees to use sick leave for mental or physical illness, injury, or health condition, regardless of whether such illness, injury, or health condition has been diagnosed or requires medical care at the time of the request for leave.</p> <p>The amount of leave depends on the employer size and income and when counting employees, the employer must count the number of employees nationwide – not just in NYS.</p> <ul style="list-style-type: none"> <li>- 4 or fewer employees + net income of \$1 million or less → 40hrs unpaid sick leave per calendar year</li> <li>- 4 or fewer employees + net income of greater than \$1 million → 40hrs paid sick leave per calendar year</li> <li>- 5 to 99 employees → 40hrs of paid sick leave per calendar year</li> <li>- 100+ employees → 56 hours of paid sick leave per calendar year</li> </ul>

Senate Bill: S2928	Paid Family Leave	As of 1/1/2022, the new maximum weekly benefit for paid family leave is \$1,068.36
Senate Bill: S2628	Electronic Monitoring in the Workplace	<p>Effective 5/7/2022, NYS employers are required to provide notice to an employee upon hire where the employer “monitors or otherwise intercepts” telephone calls, emails, or internet usage or access using “any electronic devices or systems.”</p> <p>Notice must be in writing or sent electronically and employees must acknowledge receipt in writing or electronically. For current employees, employers must post an electronic monitoring notice in a conspicuous place readily available for viewing by employees</p>
NYLL §740	NYS Whistleblower Law (amended)	<p>NYS Whistleblower Law has been amended in the following:</p> <ul style="list-style-type: none"> <li>• “Employee” now covers former employees and independent contractors</li> <li>• Employers may not retaliate against any employee because the employee reasonably believed the action violated the law or poses a substantial and specific danger to the public health or safety</li> <li>• Employees only need to make a “good faith effort” to notify employers of the violations, before giving them an opportunity to cure</li> <li>• The Statute of Limitations is expanded from 1 to 2 years from the date of the alleged retaliatory action</li> <li>• Employees are now entitled to jury trials. Remedies include: <ul style="list-style-type: none"> <li>(1) Front pay in lieu of reinstatement</li> <li>(2) Punitive damages if the violation was willful, malicious, or wanton, and</li> <li>(3) Eligibility for a civil penalty not more than \$10,000</li> </ul> </li> <li>• Employers are required to post notice of updated protections, rights, and obligations under this law, in an accessible and well-lighted place</li> </ul>
NYS HERO Act	COVID-19	The NYS HERO Act requires employers to have extensive workplace health and safety protections in response to the COVID-19 pandemic and future airborne infectious disease outbreaks

INT 1208-2018	Salary Disclosure	Effective on 5/15/2022, NYC employers are required to include the minimum and maximum salary for a position in any advertisement for a job, promotion, or transfer opportunity
S.17-A/A.7373-A	Shared Work Program	Employees facing potential layoff may now petition employers to participate in a shared work program. Under this amendment to labor law, most employees can submit a request for a shared work program in writing to the employer before the layoff or within 10 days of the layoff. The employer has 7 days to respond and is not required to implement the program
NYC Fair Chance Act	Conditional Offers and Criminal Records	<p>The FCA applies to all NYC employers with 4 or more employees, and generally prohibits employers from making inquiries about an applicants criminal record until after a conditional offer of employment is made and then requires the employers to engage in a fair chance process before withdrawing such conditional offer. A new amendment took effect in July 2021, now requiring that employers follow a 2 step process when conducting background checks on applicants:</p> <ul style="list-style-type: none"> <li>○ Step 1 (prior to conditional offer being made) → employer must review an applicants non-criminal background information</li> <li>○ Step 2 (after a conditional offer is made) → employer may then conduct a criminal record review and, if an employers seeks to withdraw an offer, must still engage in a Fair Chance Process. During this step, an employer cannot consider any noncriminal information prior to making the conditional offer and the employer would not have the offer if it had known the noncriminal information prior to making the conditional offer.</li> </ul>
NYLL §215(a)	Police Officer Quotas	Effective on September 1, 2023, no employer shall transfer or in any other manner penalize or threaten, expressly or impliedly, an employee who is a police officer as to his or her employment in a manner, including but not limited to, a reassignment, a scheduling change, an adverse evaluation, a constructive dismissal, the denial of a promotion, or the denial of overtime based in whole or in part on such employees failure to meet a quota of tickets issued within a specified period of time for violations of provisions of law for which a ticket or summons is authorized by any general, special, or local law

NYLL §193	Wage Deductions	<p>Effective on November 6, 2022, no employer shall make any deductions from wages of an employee, except deductions which:</p> <ul style="list-style-type: none"> <li>• Are made in accordance with provisions of any law or rule issued by a governmental agency,</li> <li>• Are expressly authorized in writing by the employee and are for the benefit of the employee</li> </ul>
-----------	-----------------	---

**NEW JERSEY**

<b><u>Bill/Law</u></b>	<b><u>Area of Labor/Employment Law</u></b>	<b><u>What It Does</u></b>
	Minimum Wage	Effective 1/1/2022, NJ statewide minimum wage increased to \$13hr
A-6195/S-771	Workers Compensation	NJ extended their workers compensation law to expand coverage. Now, workers compensation coverage commences when an employee arrives at the parking area prior to reporting for work and shall terminate when an employee leaves the parking area at the end of the work period
A-4562/S-1053	Wage Rates for Longshoremen	<p>Waterfront employers are required to keep accurate wage records for 2 years following payment of wages and make them available to the commissioner of Labor and Workforce Development.</p> <p>These employers are also required to post prevailing wage rates for each job classification as determined by the commissioner in a “prominent and easily accessible place at the site of work”</p>
A-3950/S-3180	Tracking Devices	Effective 4/18/2022, Employers may not knowingly use a tracking device in a vehicle used by an employee – personal or otherwise – without first providing written notice to the employee
A-2617/S-2998	Hiring Preference for Workers Injured at Work	Beginning in 9/2021, NJ workers compensation law requires employers with 50 or more employees to provide a “hiring preference” to any employee who was injured in a job-related injury and has reached “maximum medical improvement” where the worker cannot return to their former job with the employer.

		The employer must afford the employee a preference for any of the employers existing and open positions for which the employee can perform the essential functions.
A-5892/S-3922	Employee Misclassification	On 1/1/2022, NJ implemented a law where misclassifying employees to evade payment of insurance premiums is now a violation of the NJ Insurance Fraud Prevention Act and provides civil penalties of up to \$5,000 for the first violation.
Executive Order 252	COVID-19	All workers in health care facilities and high-risk congregate settings are required to be up to date with their COVID-19 vaccinations
Executive Order 253	COVID-19	All part-time and full-time individuals, employed by all public, private, and parochial preschool programs and elementary and secondary schools, including charters, are required to be fully vaccinated.
Executive Order 264	COVID-19	All staff at childcare centers are required to be fully vaccinated or submit to testing
Executive Order 271	COVID-19	All workers at state agencies, authorities, and public colleges and universities are required to be fully vaccinated or submit to testing
NJ ST §34:11-56.27	Required Contract Provisions	Effective on May 7, 2022, Every contract in excess of the prevailing wage contract threshold amount for any public work to which any public body is a party or for public work to be done on property or premises owned by a public body or leased by a public body shall contain a provision stating the prevailing wage rate which can be paid to the workers employed in performance of the contract and the contract shall contain a stipulation that such workers shall be paid not less than such prevailing wage rate.

**PENNSYLVANIA**

<b><u>Bill/Law</u></b>	<b><u>Area of Labor/Employment Law</u></b>	<b><u>What It Does</u></b>
Bill No. 200625	Drug Testing	Effective 1/1/2022, employers are prohibited from requiring prospective employees to undergo testing for marijuana as a condition of employment. This does NOT apply to public safety, federal contractors, positions that require commercial drivers licenses, and formal caregiver positions
Pennsylvania Workers Compensation Act	Workers Compensation (modification)	PA's Workers Compensation Act was modified to include that an illness caused by work exposures can be considered an injury or an occupational disease as it pertains to workers compensation.
Executive Order 2016-02	Minimum Wage	The Governor of Pennsylvania signed an amended executive order raising the minimum wage to \$15hr, effective 1/31/2022. The original plan was a \$.50 increase every year until reaching \$15hr by 2024 – however, this amended executive order accelerates this plan.
House Bill No. 2495	COVID-19	Unused COVID-19 emergency paid sick leave for Pennsylvania employees has been extended to June 30, 2022. Employees may use this leave when they are subject to, or caring for someone who is subject to, quarantine or isolation order due to COVID-19 infection or experiencing side effects of the COVID-19 vaccine
	COVID-19	Eligible employees who receive both doses of a COVID-19 vaccine by 12/21/2021 can take up to five days of paid time off between 12/20/21 – 4/31/2022.
'Paid Sick Leave Act'	Sick Leave	<p>Compliance with the Act is effective on March 10, 2022.</p> <p>Employers in Allegheny County are required to provide employees with up to 40 hours of paid sick time per year.</p> <p>Employers must allow employees to use accrued paid sick time for any of the following reasons:</p> <ul style="list-style-type: none"> <li>• Mental/physical illness</li> <li>• Care of a family member with a mental/physical illness</li> <li>• Closure of employee's place of business by order of a public official due to a public health emergency</li> <li>• Care for a child whose school has been closed by order of a public official due to a public health emergency</li> </ul>

		<ul style="list-style-type: none"> <li>Care for a family member when they are exposed to a communicable disease, whether or not the family member has actually contracted the disease</li> </ul>
--	--	--

**FLORIDA**

<b><u>Bill/Law</u></b>	<b><u>Area of Labor/Employment Law</u></b>	<b><u>What It Does</u></b>
Florida Minimum Wage Act	Minimum Wage	Effective 9/30/2022, the minimum wage will increase to \$11hr and increase \$1 per year thereafter until it reaches \$15hr.
Senate Bill 1532 (Amending Fla. Stat. 409.2576)	Hiring Reporting	In October 2021, Florida expanded its new hire reporting obligations for employers. First, employers must report the hiring of independent contractors who are paid \$600 or more in the calendar year. Next, this reporting requirement is expanded to all employers, regardless of size – whereas previously it was only effective for employers of 250+ employees
House Bill 1B	COVID-19	<p>This bill prohibits private employers from mandating COVID-19 vaccination without providing employees the ability to opt out of the mandate. The following exemptions must be provided:</p> <ul style="list-style-type: none"> <li>Medical reasons</li> <li>Religious reasons</li> <li>COVID-19 immunity</li> <li>Regular testing</li> <li>Use of employer-provided personal protecting equipment</li> </ul> <p>Employees improperly terminated on basis of COVID-19 vaccination mandates may be eligible for unemployment benefits</p> <p>If an employer violates this law, they must pay a fine up to \$50,000 per violation.</p>