

The Power of Simplicity**What's New in Your State?****California:**

[AB 1976](#) requires an employer to make reasonable efforts to provide an employee with use of a room or other location, other than a bathroom, for lactation purposes. The bill would deem an employer to be in compliance if the employer provides a temporary lactation location that meets specified conditions; effective January 1st, 2019.

[AB 2338](#) requires a talent agency to provide educational materials on sexual harassment prevention, retaliation, reporting resources, and nutrition and eating disorders to its artists and increases penalties; effective January 1st, 2019.

[AB 2770](#) was signed into law to allow an employer to say whether or not a decision to not rehire is based on the employer's determination that the former employee engaged in sexual harassment; effective January 1st, 2019.

[AB 2751](#) prohibits agricultural employers and labor organizations from engaging in unfair labor practices and empowers the Agricultural Labor Relations Board (ALRB) to prevent any person from engaging in those practices; effective January 1st, 2019.

[AB 3082](#) requires standard educational material about sexual harassment and the prevention thereof to be made available to in home supportive service providers; effective January 1st, 2019.

[SB 820](#) prohibits provisions in settlement agreements that prevents the disclosure of factual information relating to certain claims of sexual assault, sexual harassment, or harassment or discrimination; effective January 1st, 2019.

[SB 1123](#) expands the scope of the California's Paid Family Leave to include not just wage replacement benefits, but time off to participate in a qualifying exigency related to the covered active duty and would provide workers with paid benefits to spend time with their loved one before deployment or during temporary rest and recuperation leave, make arrangements for the care of their loved one's child or parent, attend official military events or support programs, or attend to other needs arising from their loved one's deployment. Workers will be able to take paid leave when their spouse, domestic partner, child, or parent is on active duty abroad or has been notified of an impending call or order to active duty abroad in the Armed Forces. Eligible employees will receive between 60 and 70 percent of their wages, based on their income; effective January 1st, 2019 and beginning January 1st, 2021.

[SB 1252](#) employers must provide a copy of employment records upon employee request to inspect and provide a copy that includes an accurate, itemized, written statement containing specified information regarding the amounts earned, hours worked, and the employee's identity, among other things, subject to certain variations; effective January 1st, 2019.

[SB 1300](#) makes several changes related to sexual harassment prevention including expansion of an employer's liability for the acts of nonemployees beyond sexual harassment to include other types of harassment as well and would generally prohibit required non-disparagement agreements regarding unlawful acts in the workplace; effective January 1st, 2019.

[SB 1343](#) effective January 1st, 2019 and expands the sexual harassment training requirements to cover employers with five or more employees and includes the following elements:

The Power of Simplicity

- Employers must provide certain sexual harassment training by January 1st, 2020.
- Within six months of assuming their position, and once every two years, all supervisors must receive at least two hours of training.
- All non-supervisory employees must receive at least one hour of training.
- Requires that the DFEH make a one hour **and** two-hour online training course employers may use, and the DFEH must make training videos, existing informational posters, fact sheets, and online training courses available in multiple languages.
- Beginning January 1st, 2020, for seasonal and temporary employees, or any employee that is hired to work for less than six months, an employer shall provide training within 30 calendar days after the hire date or within 100 hours worked, whichever occurs first.

[SB 1412](#) specifies that certain provisions, such as having expunged records, do not prohibit an employer from asking an applicant about a particular conviction of the applicant; effective January 1st, 2019.

[Proposition 11](#) allows private sector emergency ambulance employees, to remain “on-call” during their meal periods and rest periods so they can respond in case of an emergency and required training and 10 mental health services per year; effective December 19th, 2018.

Delaware:

[House Bill 360](#) broadens the types of workers covered by the Delaware Discrimination in Employment Act's sexual harassment provisions to include state employees, unpaid interns, applicants, joint employees, apprentices, and individuals who work for employment agencies. It also requires companies with 50 or more employees in the state to provide sexual harassment training to workers and supervisors every two years; effective January 1st, 2019.

District of Columbia:

The Council of the District of Columbia [passed](#) the [Tipped Wage Workers Fairness Amendment Act of 2018](#) which repealed voter-approved Initiative 77, which would have raised the wage paid to tipped workers, require the Office of Human Rights to provide a sexual-harassment training course for employees of businesses that employ tipped workers or to allow the Office of Human Rights to certify a list of providers who may provide such training, and require that business owners who employ tipped workers attend, at least once annually, training on the requirements of the District's wage-theft law, that managers who are employed by an employer that employs tipped workers attend, at least once annually, an in-person training on the requirements of the District's wage-theft law, that employers of tipped workers provide employees with the opportunity to attend training on the requirements of the District's wage-theft law, and that employers of tipped workers annually certify to the Department of Employment Services that such training requirements have been met.

Illinois:

[SB 2999](#) amends the Illinois Wage Payment and Collection Act, which adds a new provision requiring employers to reimburse employees for all necessary expenses that are incurred by the employee within the employee's scope of employment and that are directly related to services performed for the employer; effective January 1st, 2019.

The Power of Simplicity

[S.B. 20](#), became effective on August 24th, 2018 and makes complaint processing at the Department of Human Rights and the Human Rights Commission (HRC) more efficient and to give potential discrimination victims more flexibility to file. The bill also extended the charge-filing period from 180 days to 300 days after an actionable incident.

[S.B. 3547](#) creates the Illinois Service Member Employment and Reemployment Rights Act. The new law clarifies service members' rights and employers' obligations and authorizes the state attorney general to file civil actions under the statute; effective January 1st, 2019.

The [Illinois Health Care Violence Prevention Act](#) requires health care providers to create a workplace violence prevention program which includes mandated safety and health training with required hours determined by rule; effective January 1st, 2019.

Massachusetts:

[SB 2632](#) requires employers to allow eligible employees to participate in Memorial Day events and take leave to observe Veterans' Day. However, these provisions do not apply to employees whose services are essential and critical to public health or safety and determined to be essential to the employer or the employer's property; became effective November 7th, 2018.

The "[Grand Bargain](#)" will gradually phase out the premium pay requirement for certain non-exempt employees for hours worked on Sundays and certain holidays. Employers who choose to pay the new lower rate may be responsible for extra overtime pay for non-exempt employees since payment of less than time-and-a-half for work on Sundays or certain holidays is not excluded from the regular rate calculation under the FLSA; effective January 1st, 2019.

Michigan:

[Proposal 18-1](#) permits individuals 21 years and older to purchase, possess, and use marijuana for recreational purposes; likely effective in December 2019.

Missouri:

[Article XVI](#) was passed by voters to legalize the medical use of marijuana to treat qualifying medical conditions; Effective December 6th, 2019.

The Missouri Commission on Human Rights [amended](#) the state's regulations prohibiting discrimination based on an individual having a disability by eliminating language inconsistent with the federal ADA. The amended regulation changes the requirements for pre-employment inquiries, pre-employment exams, and exam administration; effective November 30th, 2019.

New Jersey:

The [New Jersey paid sick leave law \(PSLL\)](#) law preempts the 13-jurisdictional paid sick leave laws currently enacted across the state. Employers will be looking towards the release of final regulations, expected sometime after December 14th to address remaining uncertainty around employer provisions. All employees working in New Jersey are covered under the law; effective October 29th, 2018.

The Power of Simplicity**New York:**

[“The Living Donor Protection Act”](#) expands the definition of "Serious Health Condition" under Paid Family Leave to include transplantation, preparation, and recovery from surgery related to organ or tissue donation; effective ninety days from the enactment of this bill, or early February, 2019.

Utah:

The [Utah Medical Cannabis Act](#) ballot initiative was approved by voters legalizing the medical use of marijuana for individuals with qualifying medical illnesses.

Washington:

[Washington Paid family leave](#) will be funded by premiums paid by both employees and many employers starting January 1st, 2019. This insurance program will allow workers to take up to 12 weeks, as needed, when they welcome a new child into their family, are struck by a serious illness or injury, need to take care of an ill or ailing relative and for certain military connected events; benefits will be available effective January 1st, 2020.

Many states have increased their minimum wage rates for 2019. The following changes are effective January 1st, 2019:

Note: The New York effective date for minimum wage changes is December 31st, 2018.

State	Non-Tipped Employees	Tipped Employees
Alaska	\$9.89	N/A
Arizona	\$11.00	\$8.00
Arkansas	\$9.25	\$2.63
California	\$12.00 (Large ER) \$11.00 (Small ER)	N/A
Florida	\$8.46	\$5.44
Maine	\$11.00	\$5.50
Massachusetts*	\$12.00	\$4.35
Michigan	\$10.00	\$4.80
Minnesota	\$9.86 (Large ER) \$8.04 (All others)	N/A
Missouri	\$8.60	\$4.30
Montana	\$8.50	N/A
New Jersey	\$8.85	\$2.13 (no change)

The Power of Simplicity

New York**	\$11.10	\$7.50
Ohio	\$8.55	\$4.30
Rhode Island	\$10.50	\$3.89 (no change)
South Dakota	\$9.10	\$4.55
Vermont	\$10.78	\$5.39
Washington	\$12.00	N/A

Notes

**Minimum wage rates may vary by industry and location within [New York State](#).

Additional states may increase their minimum wage rates going forward.