

# Employment Law Update 2024: New Employment Laws for the New Year

By Joy C. Rosenquist and Bruce Sarchet on November 27, 2023

The federal government, states, counties, and cities were active again this year passing workplace legislation intended for the most part to protect employees, creating new compliance obligations for employers. Littler’s Workplace Policy Institute (WPI) has been tracking these laws as they worked their way through the legislative and regulatory processes required for these changes to go into effect. Below is our annual summary of new laws and regulations employers will have to take into account in the first quarter of 2024. This article is not intended to be an exhaustive discussion of every single new employment and labor law, does not include the host of new minimum wage laws, and is intended to be informative but not to constitute specific legal advice for any employer.

<a href="#"><u>Federal</u></a>	<a href="#"><u>Arkansas</u></a>	<a href="#"><u>California</u></a>
<a href="#"><u>Colorado</u></a>	<a href="#"><u>Connecticut</u></a>	<a href="#"><u>Hawaii</u></a>
<a href="#"><u>Illinois</u></a>	<a href="#"><u>Indiana</u></a>	<a href="#"><u>Michigan</u></a>
<a href="#"><u>Minnesota</u></a>	<a href="#"><u>Montana</u></a>	<a href="#"><u>New York</u></a>
<a href="#"><u>Ohio</u></a>	<a href="#"><u>Oregon</u></a>	<a href="#"><u>Rhode Island</u></a>
<a href="#"><u>Tennessee</u></a>	<a href="#"><u>Virginia</u></a>	<a href="#"><u>Washington</u></a>

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<a href="#"><u>OSHA Final Rule on Workplace Injury and Illness Reporting Requirements (29 CFR 1904.)</u></a>	Record Reporting	<a href="#"><u>Amends recordkeeping and reporting requirements</u></a> to require certain employers to electronically submit injury and illness information to OSHA.	January 1, 2024
<a href="#"><u>NLRB Final Joint Employer Rule</u></a>	Joint Employment	Defines joint employment under the National Labor Relations Act (NLRA). Two or more employers will be held to be joint employers under the NLRA where they share or codetermine those matters governing employees' essential terms and conditions of employment.	February 26, 2024

### **Arkansas**

<b>Law, Ordinance or Regulation</b>	<b>Main Topic</b>	<b>Summary</b>	<b>Effective Date</b>
<a href="#"><u>Arkansas HB 1197</u></a>	Unemployment Compensation	Prospective employers may notify the Division of Workforce Services if a candidate fails to respond to an employment offer or appear for a job interview, which will result in disqualification for unemployment insurance.	January 1, 2024
<a href="#"><u>Arkansas SB 434</u></a>	Income Tax Withholding	Reduces the threshold number of employees, from 250 to 125, to trigger the requirement to file Arkansas tax withholding statements electronically.	January 1, 2024

### **California**

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<a href="#"><u>California AB 1076</u></a>	Noncompete Agreements	<u> voids noncompete agreements </u> in an employment context that does not satisfy one of the exceptions to the prohibition on non-competes. Requires employers to notify current and former employees in writing by February 14, 2024 that a noncompete that applied to them is now void.	January 1, 2024
<a href="#"><u>California SB 699</u></a>	Noncompete Agreements	Prohibits employers from entering into or attempting to enforce <u> noncompete agreements </u> , which are void under state law, regardless of where and when the contract was signed.	January 1, 2024
<a href="#"><u>California AB 1355</u></a>	Notice Requirements	Allows employers to email employees' statements of earned income tax credits and unemployment benefits with employees' written consent and prohibits employers from taking adverse action against employees who opt out of receiving electronic statements.	January 1, 2024
<a href="#"><u>California AB 636</u></a>	Notice Requirements	Requires employers to 1) include in the required notice to a new employee information regarding emergency or disaster declarations for the county where the employee works, and 2) provide this information and information about agricultural employee rights under California law, in English and Spanish to employees admitted to work under the federal H-2A agricultural visa, if requested by the employee.	January 1, 2024
<a href="#"><u>California AB 1389</u></a>	Unemployment Compensation	Extends the response time for a levy for delinquent payment of employer contributions for Unemployment Insurance and Employment Training Tax from five days to no longer than 14	January 1, 2024

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<a href="#"><u>California AB 2188</u></a>	Cannabis Use	Except for employees in the building and construction trades, prohibits discrimination in hiring, termination, or terms and conditions of employment <u>based on cannabis use</u> during non-work hours, or the results of an employer-required drug screening that has detected non-psychoactive cannabis.	January 1, 2024
<a href="#"><u>California SB 700</u></a>	Cannabis Use	Amends the Fair Employment and Housing Act to make it unlawful for an employer to request information from a job applicant relating to the applicant's prior use of cannabis, unless otherwise required by state or federal law.	January 1, 2024
<a href="#"><u>California AB 594</u></a>	Enforcement of Labor Code	Authorizes public prosecutors to bring civil or criminal actions for Labor Code violations and provides that any agreement between a worker and employer to limit representative actions or mandate arbitration is unenforceable in actions by the Labor Commissioner or public prosecutor.	January 1, 2024
<a href="#"><u>California AB 647</u></a>	Grocery Stores & Business Restructuring	Expands the rights of employees when there is a change of control of a grocery establishment and amends the definition of grocery establishment to include grocery distribution centers.	January 1, 2024
<a href="#"><u>California AB 933</u></a>	Sexual Harassment and Discrimination	Establishes that complaints and related communications regarding sexual assault, harassment, or discrimination are privileged and therefore protected from civil actions, such as defamation suits.	January 1, 2024

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<a href="#"><u>California SB 365</u></a>	Arbitration Proceedings and Procedure	Provides that an appeal from an order dismissing or denying an employer's petition to compel arbitration does not automatically stay trial court proceedings.	January 1, 2024
<a href="#"><u>California SB 476</u></a>	Wage and Hour	Provides that time employees spend to complete food handler training and certification is compensable "hours worked," for which the employee must be paid. Requires payment of necessary expenditures or losses for the employee in obtaining a food handler card. Requires employees to be relieved of all other work duties while taking the training course and examination.	January 1, 2024
<a href="#"><u>California SB 497</u></a>	Discrimination and Retaliation	Creates a rebuttable presumption against an employer in a claim by an employee or applicant for discrimination, retaliation or adverse action, within 90 days of their protected conduct, including complaints of unequal pay, and creates a civil penalty of up to \$10,000 for each violation.	January 1, 2024
<a href="#"><u>California SB 553</u></a>	Workplace Health and Safety	Requires employers to implement a <u>workplace violence prevention plan</u> and provide training to employees; amends the California Code of Civil Procedure, effective January 1, 2025, to allow a collective bargaining representative to seek a restraining order against an employee who poses a credible threat of violence.	January 1, 2024
<a href="#"><u>California SB 616</u></a>	Paid Sick Leave	Increases the number of <u>job-protected paid leave hours</u> employees can receive and use each year; extends some protections to employees covered	January 1, 2024

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<a href="#"><u>California SB 723</u></a>	Layoffs and Right to Recall - Hospitality Industry	Extends until December 31, 2025, the expiration date for the law affording a right to recall for employees in the hospitality industry laid off as a result of the COVID-19 pandemic; creates a presumption that a separation due to lack of business, reduction in force, or other economic, non-disciplinary reason is due to COVID-19.	January 1, 2024
<a href="#"><u>California SB 848</u></a>	Leaves of Absence	Provides for a leave of absence for a <u>reproductive loss event</u> , including the final day of a failed adoption, failed surrogacy, miscarriage, stillbirth, or unsuccessful assisted reproduction.	January 1, 2024
<a href="#"><u>California: Anaheim Ordinance No. 38015</u></a>	Workplace Health and Safety - Hospitality Industry	Requires a hotel employer to provide workers with personal safety devices and workplace safety training; allows a worker up to three hours of paid time off to redress an incident of workplace violence.	January 1, 2024

### Colorado

<b>Law, Ordinance or Regulation</b>	<b>Main Topic</b>	<b>Summary</b>	<b>Effective Date</b>
<a href="#"><u>Colorado Final Rule re FAMLI Program Premiums (7 CCR 1107-1)</u></a>	Paid Family / Medical Leave Insurance	Amendments clarify the definition of wages and establish fines for non-payment of premiums.	January 1, 2024
<a href="#"><u>Colorado Proposition 122</u></a>	Drug Use	Decriminalizes the use or possession of certain natural psychedelic medicines. including	January 1, 2024

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<a href="#"><u>Colorado SB 23-105</u></a>	Equal Pay/Wage Transparency	<a href="#"><u>Amends Colorado's Equal Pay for Equal Work Act</u></a> to require employers to post all job and promotional opportunities, with salary range, benefits, and information about the hiring process. Extends the back pay recovery period from three to six years for employees who claim pay discrimination.	January 1, 2024
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**Connecticut**

<b>Law, Ordinance or Regulation</b>	<b>Main Topic</b>	<b>Summary</b>	<b>Effective Date</b>
<a href="#"><u>Connecticut SB 913</u></a>	Workers' Compensation	Expands workers' compensation coverage for post-traumatic stress injuries for all employees, not just police officers, firefighters, emergency medical service personnel, emergency 911 dispatchers and similar employees.	January 1, 2024
<a href="#"><u>Connecticut SB 1103</u></a>	Artificial Intelligence	Enacts new rules pertaining to artificial intelligence, automated decision-making, and data privacy. Establishes an Office of Artificial Intelligence and a task force to study AI and develop an AI bill of rights. Requires the Department of Administrative Services to inventory AI systems in use by any state agency.	January 1, 2024

**Hawaii**

<b>Law, Ordinance or Regulation</b>	<b>Main Topic</b>	<b>Summary</b>	<b>Effective Date</b>
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<a href="#"><u>Hawaii SB 1057</u></a>	Equal Pay/Wage Transparency	<u>Expands Hawaii’s existing equal pay requirements</u> by prohibiting an employer from paying employees in “any protected category” listed in Hawaii’s employment discrimination statute less than it pays other employees in the establishment for “substantially similar work.” Also requires that certain job listings disclose the hourly rate or salary range that “reasonably reflects the actual expected compensation” for the position being posted.	January 1, 2024
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**Illinois**

<b>Law, Ordinance or Regulation</b>	<b>Main Topic</b>	<b>Summary</b>	<b>Effective Date</b>
<a href="#"><u>Illinois HB 2068</u></a>	Employee Benefits	Requires employers with at least 50 employees in Chicago and other towns and counties, to allow employees to use pre-tax dollars for the purchase of a transit pass through payroll deductions.	January 1, 2024
<a href="#"><u>Illinois HB 2145</u></a>	Workers’ Compensation	Provides that an employer that fails to carry workers' compensation insurance may have its business license revoked and pay fines.	January 1, 2024
<a href="#"><u>Illinois HB 2493</u></a>	Leaves of Absence	Requires an employer to provide <u>up to two workweeks of unpaid leave</u> to an employee grieving a family or household member killed in a crime of violence.	January 1, 2024
<a href="#"><u>Illinois SB 2024</u></a>	Leaves of	Employers with at least 50 full-time employees	January 1.

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<a href="#"><u>Illinois HB 3516</u></a>	Leaves of Absence	Requires employers with businesses with 51 or more employees to allow employees to use up to ten days of paid leave in a 12-month period for organ donation.	January 1, 2024
<a href="#"><u>Illinois SB 208</u></a>	Paid Leave	<a href="#"><u>Creates the Paid Leave for All Workers Act</u></a> to permit employees to accrue 40 hours of paid leave per year to use for any purpose.	January 1, 2024
<a href="#"><u>Illinois HB 2907</u></a>	Labor Management Relations	Permits an award of monetary damages for damage done to an employer's property as a result of conduct prohibited by law during a labor dispute.	January 1, 2024
<a href="#"><u>Illinois HB 3396</u></a>	Labor Management Relations	Amends the Labor Dispute Act to provide that any person who places any object in the public way with intent to obstruct or impede labor picketing, demonstrations or protest, commits a Class A misdemeanor with a minimum fine of \$500.	January 1, 2024
<a href="#"><u>Illinois HB 3733</u></a>	Notice Requirements	Requires employers with remote workers to provide notices required under certain employment laws by email or on the employer's website.	January 1, 2024
<a href="#"><u>Chicago Paid Leave and Paid Sick and Safe Leave Ordinance</u></a>	Paid Leave	Employees will <a href="#"><u>accrue one hour of Paid Sick Leave for every 40 hours worked</u></a> and may use up to 40 hours of Paid Leave per year. Depending on employer size, Paid Leave may need to be paid out on separation of employment.	December 31, 2023

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<a href="#"><u>Indiana SB 419</u></a>	Income Tax Withholding	Provides that an individual who is not a resident of Indiana and receives compensation for employment in Indiana for 30 days or less during the calendar year is exempt from the adjusted gross income tax.	January 1, 2024
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**Michigan**

<b>Law, Ordinance or Regulation</b>	<b>Main Topic</b>	<b>Summary</b>	<b>Effective Date</b>
<a href="#"><u>Michigan SB 34</u></a>	Labor Management Relations	Repeals the state's right-to-work provisions.	March 30, 2024

**Minnesota**

<b>Law, Ordinance or Regulation</b>	<b>Main Topic</b>	<b>Summary</b>	<b>Effective Date</b>
<a href="#"><u>Minnesota HF 447</u></a> <a href="#"><u>Minnesota SB 2909</u></a>	Discrimination/Pay History	Prohibits employment discrimination based on gender identity; prohibits an employer from inquiring into, considering, or requiring disclosure of a job applicant's pay history during the hiring process.	January 1, 2024
<a href="#"><u>Chapter 53 – MN Laws</u></a>	Paid Leave	The new <a href="#"><u>Earned Sick and Safe Time</u></a> (ESST) law requires employers to provide employees one hour of paid time off for every 30 hours worked up to a maximum of 48 hours each year when an employee is sick, to care for a sick family	January 1, 2024

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<u>Minnesota: St. Paul Ordinance No. 23-48</u>	Paid Leave	Amends the city's paid sick and safe time ordinance to align it with the statewide ESST law.	January 1, 2024
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**Montana**

Law, Ordinance or Regulation	Main Topic	Summary	Effective Date
<u>Montana HB 447</u>	Income Tax	Describes the circumstances when employers are not required to impose withholding tax on certain nonresident employees.	January 1, 2024

**New York**

Law, Ordinance or Regulation	Main Topic	Summary	Effective Date
<u>New York AB 836</u>	Privacy and Data Security	Prohibits employers from requesting or requiring employees or applicants to disclose any user name, password, or other means for accessing a personal account or service through specified electronic communications devices.	March 12, 2024

**Ohio**

Law, Ordinance or Regulation	Main Topic	Summary	Effective Date
<u>Ohio: Columbus</u>	Pay History	Prohibits employers with 15 or more employees	March 1,

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Law, Ordinance or Regulation	Main Topic	Summary	Effective Date
<a href="#"><u>Oregon HB 3307</u></a>	Discrimination and Harassment	<u>Extends civil rights</u> , discrimination, and harassment workplace protections to participants in registered apprenticeship programs and certain private-sector on-the-job training programs.	January 1, 2024
<a href="#"><u>Oregon HB 3443</u></a>	Leaves of Absence	Expands eligibility for protected leave under the Oregon Family Leave Act (OFLA) to include bias crime victims.	January 1, 2024
<a href="#"><u>Oregon SB 1033</u></a>	Leaves of Absence	Defines “active service of the state” for purposes of the requirement that an employer grant a leave of absence during a period of active military service.	January 1, 2024
<a href="#"><u>Oregon SB 184</u></a>	Reporting Requirements	Modifies employer child support reporting requirements to include payments made to independent contractors.	January 1, 2024
<a href="#"><u>Oregon SB 907</u></a>	Discrimination/Retaliation/ Workplace Safety	Bars employers from retaliating or discriminating against employees who refuse to do work that would expose them to serious hazards, provided the employee acted "in good faith and with no reasonable alternative."	January 1, 2024

### **Rhode Island**

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### Tennessee

<b>Law, Ordinance or Regulation</b>	<b>Main Topic</b>	<b>Summary</b>	<b>Effective Date</b>
<u>Tennessee SB 454 (HB609)</u>	Family/Medical Leave Insurance	Authorizes the issuance of an insurance policy that an employer may offer to an employee for the purpose of providing family leave benefits.	January 1, 2024

### Virginia

<b>Law, Ordinance or Regulation</b>	<b>Main Topic</b>	<b>Summary</b>	<b>Effective Date</b>
<u>Virginia Final Rule re Workplace Injuries and Illnesses Reporting Requirements (16 VAC 25-85)</u>	Workplace Safety	Adopts by reference the federal Occupational Safety and Health Standards related to reporting and recordkeeping.	January 1, 2024

### Washington

<b>Law, Ordinance or Regulation</b>	<b>Main Topic</b>	<b>Summary</b>	<b>Effective Date</b>
<u>Washington Final Rule re Unemployment for Officers of</u>	Unemployment	Excludes certain corporate officers from eligibility for unemployment benefits.	January 1, 2024

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<u>Washington SB 5123</u>	Cannabis Use	Prohibits an employer from discriminating against a person in hiring based on the person's <u>use of cannabis off the job</u> and away from the workplace, or because an employer-required drug screening test found the presence of nonpsychoactive cannabis metabolites.	January 1, 2024
<u>Washington SB 5176</u>	Unemployment	Amends the definition of “unemployed” as it relates to officers of cooperative associations.	January 1, 2024
<u>Washington SB 5586</u>	Paid Family and Medical Leave	Provides that a current employer, a current employer's third-party administrator, or an employee may request access to an employee's Washington Paid Family and Medical Leave Act claim records for the purpose of administering internal employer leave or benefit practices.	January 1, 2024
<u>Washington SB 5111</u>	Paid Sick Leave	<u>Provides that employers</u> must pay certain temporary construction workers, who have not been employed for 90 days, the balance of their accrued and unused paid sick leave upon separation from employment.	January 1, 2024

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