

Publications

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2024 Mid-year Employment Law Updates

Many state and local government employment laws go into effect this summer. Here is a non-exhaustive list of mid-year employment law updates. To hear a discussion on what you need to know from 2024 and more information about complying with these changing laws, regulations, and rulings, we invite you to register here for a webinar on September 26 from 1:00 PM to 2:00 PM ET.

Related People

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STATE	TOPIC	SUMMARY OF EMPLOYMENT LAW UPDATE
California	Local Minimum Wage	Effective July 1, 2024, the following California jurisdictions will increase their minimum wage: Alameda, Berkeley, Emeryville, Fremont, Los Angeles, Los Angeles County, Malibu, Milpitas, Pasadena, San Francisco, and Santa Monica. Employee tips will not be counted towards minimum wage, and a maximum tip credit will be prohibited. The new minimum wage rates for these jurisdictions range from \$17 to \$19.36. Additionally, industry-specific rates will increase starting on July 1, 2024 and will apply to the healthcare industry, hotels, and related entities.
	Senate Bill 525 - Minimum Wage for Healthcare Workers	Effective July 1, 2024, SB 525 will establish five separate minimum wage increase schedules for healthcare workers, depending on the nature of the employer. Eligible employees of health care facilities must now earn at least \$23 per hour, and the minimum wage will go from \$23 to \$25 per hour, increasing incrementally from July 1, 2024 to July 1, 2026. Eligible employees of hospitals must earn at least \$18 per hour now, and the minimum wage will increase by 3.5% annually from July 1, 2026. Eligible employees of clinics must earn at least \$21 per hour now, and the minimum wage will go from \$21 to \$25 per hour, increasing year by year through July 1, 2027. Eligible employees of skilled nursing facilities must earn at least \$21 per hour now, and the minimum wage will increase from \$21 to 25 per hour, increasing incrementally through July 1, 2027. Eligible employees of all other facilities must earn at least \$21 per hour now, and the minimum wage will go from \$21 to \$25 per hour, increasing incrementally through July 1, 2028. For a more detailed explanation of this legal update, please review our article at the bottom of the table.
	Workplace Violence Prevention Plan	Effective July 1, 2024, this bill requires the majority of California employers to adopt a comprehensive workplace violence prevention plan that includes, amongst other requirements, procedures to identify workplace violence, implementation methods, procedures for ensuring compliance with the plan, procedures for communicating about violence with employees, and record retention of each incident report and workplace investigation. Employers' record-keeping obligations include logging the date, time, and location of the incident, a detailed description of what happened, a classification of who committed the violence, a classification of the location of the violence, and more. Each year, employers covered under this bill must update and review their workplace violence prevention plan and provide an evaluation of the incidents that occurred in their workplace prior. For a more detailed explanation of this legal update, please review our article at the bottom of the table.
Colorado	Job Applications	Effective July 1, 2024, the Job Application Fairness Act prohibits employers from inquiring about a prospective employee's age, date of birth, and attendance at or date of graduation from an educational institution on an initial employment application. Penalties include warnings and compliance orders for a first violation, \$1,000 for a second violation, and \$2,500 for a third and each subsequent violation. The Act allows employers to request or require an individual to provide additional application materials, including certifications, transcripts, and other dated materials, at the time of initial employment application. If the employer notifies the individual, they may redact age-identifying information. An employer may request an individual to verify compliance with age requirements imposed pursuant to or required by (1) a bona fide occupational qualification pertaining to public or occupational safety, (2) a federal law or regulation, or (3) a state or local law or regulation based on a bona fide occupational qualification.
Illinois	Chicago Paid Leave and Paid Sick and Safe Leave	Effective July 1, 2024 (originally effective in January 2024), employees will be entitled to up to 40 hours of paid sick leave to be available for use for specific sick leave purposes and up to 40 hours of paid leave to be used for any reason each year. This will only apply to certain employees. Additional information regarding the ordinance and changes to the same thereafter can be found at the bottom of the table.
	Freelance Worker Protection Act	Effective July 1, 2024, Illinois now has a law protecting independent contractors. Those workers with products or services valued at \$500 or more in a 120-day period are entitled to written contracts with products and services to be provided (and the dates they will be provided), the rate and method of pay, full payment by the date in the agreement or within 30 days of completion of the service, and protection from retaliation and/or other adverse action.
	Minimum Wage Increase (Chicago and Cook County)	Effective July 1, 2024, minimum wage increases to \$16.20 per hour. Additionally, minimum wage for subsidized youth employment programs and subsidized transitional employment programs will be \$15.00, and minimum wage will no longer be tiered for large and small businesses. Effective July 1, 2024, minimum wage increases to \$14.05 per hour for non-tipped workers in Cook County. Minimum wage remains the same for tipped employees.
Maryland	Prohibition Against Retaliation	Effective July 1, 2024, Maryland law prohibits employers from taking or threatening to take adverse action against an employee because the employee takes certain actions regarding rights and responsibilities, complaints, investigations, proceedings, or hearings under the Maryland's wage and hour laws. It also prohibits employers from hindering or delaying certain persons in the enforcement of the Maryland's wage and hour laws.
	Minimum Wage	Effective July 1, 2024, Montgomery County's minimum wage rates rose to \$17.15 for large employers, \$15.50 for medium-sized employers, and \$15.00 for small employers. Large employers are those with 51 or more employees, mid-size employers with 11-50 employees, and small employers with ten or fewer employees. Employees over 19 years of age and working more than 20 hours per week are subject to this minimum rate. The tipped worker (earning more than \$30 per month in tips) is \$4.00 per hour. Most employees must be paid 1.5 times their usual rate for all work over 40 hours (subject to some exemptions).
Minnesota	Recordkeeping	Effective July 1, 2024, employers must keep records on individuals performing any service for the employers. Those records must be maintained for at least 4 years, in addition to the current calendar year. The state may request to audit or examine these records and failure to allow the state to do so can allow in penalties.
	Restrictive Covenants	Effective July 1, 2024, employers cannot tie service workers to restrictive covenants, especially through service contracts. This law only affects agreements signed after July 1, 2024, and does not apply retroactively. This law is in addition to the existing ban on non-compete clauses in Minnesota. It just closes a loophole that was in place.
	Misclassification	Effective July 1, 2024, employers and owners will face increased penalties for the misclassification of employees and independent contractors, especially those in the construction industry. Penalties can be up to \$10,000 for each individual violation, along with additional penalties from other agencies and payment of compensatory damages. Owners may be held liable for knowing and/or repeated violations.
	Minimum Wage	Effective July 1, 2024, minimum wage for all employers with 100 or fewer employees will increase to \$15.57 which is in line with minimum wage for employers with more than 100 employees in Minneapolis. Effective July 1, 2024, minimum wage for employers with 101-10,000 employees will increase to \$15.57, employers with 6-100 employees will increase to \$14.00, and employers with 5 or less employees will increase to \$12.25 in St. Paul.

Nevada	Minimum Wage Increase	Effective July 1, 2024, Nevada increased the state minimum wage to \$12.00 per hour regardless of whether employer offers employees qualifying health benefits. This ends Nevada's two-tiered minimum wage law with a final incremental increase after legislation passed in 2019. The minimum wage increase raised the earnings threshold to be exempt from daily overtime pay to \$18 per hour. Employees in Nevada will now be entitled to a minimum wage of \$12 per hour and will be subject to daily overtime if they make less than \$18 per hour.
New Mexico	Retirement Program	As of July 1, 2024, New Mexico's Work and Save Program is available for voluntary participation by eligible employers in the state, a payroll deduction IRA saving program run and operated by the State of New Mexico. This program stems from the New Mexico Work and Save Act (H.B. 44), enacted in 2020 and is voluntary for both employers and employees, offering retirement savings options, including a Roth individual Retirement Account and access to a web-based "retail" Retirement Savings Plan Marketplace.
New York	Workers' Bill of Rights	Effective January 3, 2024, the Worker's Bill of Rights and Outreach to Immigrant Workers requires the Department of Consumer and Worker Protection, the Mayor's Office of Immigrant Affairs (MOIA), the New York City Commission on Human Rights, and community labor organizations to coordinate, create, and publish a workers' bill of rights containing information on state and federal protections applicable to all workers in the City. All employers, both in-person and online, would be required to post the workers' bill in a conspicuous location in the workplace or online and provide a copy to employees upon hiring. MOIA would be required to conduct outreach to City workers, including to the immigrant community, to raise awareness of workers' rights and applicability to immigrants.
Oregon	Minimum Wage Increase	Effective July 1, 2024, Oregon's statewide minimum wage for non-exempt employees increased, which varies depending on where non-exempt employees are based: \$14.70 per hour (the "standard" rate) for employees in 18 counties, largely concentrated in the northwest corner of the state, including Marion County, Yamhill County, Lane County, and parts of Clackamas County; \$15.95 per hour in the Portland Metro Area, which also includes parts of Clackamas, Multnomah, and Washington counties; and \$13.70 per hour for non-urban counties, which covers the entire eastern half of the state, including Klamath county. The minimum wage is set to increase again on July 1, 2025.
South Dakota	Definition of Antisemitism	House Bill 1076 defines how the South Dakota Division of Human Rights will now interpret claims of "antisemitism" when investigating discriminatory workplace practices under the South Dakota Human Rights Act. Specifically, the law adopts the International Holocaust Remembrance Alliance's definition of the term as "a perception of Jews that may be expressed as hatred towards Jews, including rhetorical and physical acts" directed at persons – Jewish or not – on their property or towards Jewish community institutions or religious facilities. The law expressly disclaims any infringement on any rights enshrined in the First Amendment of the U.S. Constitution.
	Medicinal Cannabis	Effective July 1, 2024, South Dakota's Senate Bill 12 amends the state's law concerning the use of cannabis within the workplace, S.D. 34-20G-22, which provides that employees who use medical cannabis must be afforded the same rights under state and local laws as other individuals who use other prescription medications with respect to employment and drug screening. Specifically, the amendments provide that nothing bars private employers from taking adverse employment action based solely on a positive test result for cannabis for employees in safety-sensitive roles and/or refusing to hire persons seeking such roles based only on a positive test result. The amendments also clarify that employees may not bring a cause of action for employment discrimination or wrongful termination against an employer for enforcing a drug-free workplace policy compliant with state law.
Tennessee	Cannabis Legalization	Tennessee has legalized the cultivation of Hemp, but Cannabis Sativa containing greater than 0.3% THC remains illegal. Effective July 1, 2024, Tennessee law prohibits people from undertaking a task while under the influence of a hemp-derived cannabinoid when doing so would constitute professional malpractice or from operating a motor vehicle, aircraft, or motorized watercraft while under the influence of a hemp-derived cannabinoid. Employers are not required to accommodate the use of a hemp-derived cannabinoid in a workplace or an employee working while under the influence of a hemp-derived cannabinoid. Employers may establish, continue, or enforce a drug-free workplace program or policy.
Vermont	Discrimination for Race-based Reasons	Effective July 1, 2024, the General Assembly of the State of Vermont amended the definition of Race to include traits associated with or perceived to be associated with race, including hair type, hair texture, hairstyles, and protective hairstyles. Further, protective hairstyles include hairstyles such as individual braids, cornrows, locs, twists, Bantu knots, afros, afro puffs, and other formations, as well as wigs, headwraps, and other head coverings.
	Paid Family and Medical Leave Insurance	Effective February 15, 2024, Vermont will begin offering the Vermont Family and Medical Leave Insurance (FMLI) program for employers. Under this new initiative, employers with two or more employees can design a plan to fit the needs of their employees and business, with benefits beginning on July 1, 2024. Some key features include: the option to provide family and medical leave combined or stand-alone family leave insurance; Contributions can be fully paid by the employer, split between the employer and employees, or fully paid for by the employees as a voluntary benefit; Benefit duration options of six to 26 weeks per 12-month period; and 60% - 70% wage replacement, with additional options available with underwriting review.
Virginia	Human Rights Act	Effective July 1, 2024, House Bill 18 amends the Virginia Human Rights Act to prohibit discrimination based on "ethnic origin" in employment. Ethnic origin is added to the protected categories: race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth (or related medical conditions including lactation), age, military status, disability, and ethnic or national origin.
	Unemployment Compensation	Effective March 14, 2024, Virginia requires employers to notify employees of the availability of unemployment compensation benefits at the time of separation from employment. The state has a model notification for employers to use.
Washington	Minimum Wage in Renton	Effective July 1, 2024, minimum wage in Renton, Washington increases to \$18.29 per hour for small to medium employers (employers with between 15 and 500 employees) and \$20.29 per hour for large employers (employers with 500 or more employees or over \$2 million of annual gross revenue in Renton).
Washington D.C.	Minimum Wage	Effective July 1, 2024, the District of Columbia's Minimum Wage and Living Wage will increase to \$17.50 per hour.

For a more detailed explanation of California's legal update on Senate Bill 525 - Minimum Wage for Healthcare Workers, please review our article "California's New Health Care Workers Minimum Wage Law and the Home Care Industry."

For a more detailed explanation of California's Workplace Violence Prevention Plan,

please review our article “New California Workplace Violence Prevention Law Impacting Home Care – Effective July 1, 2024.”

Additional information regarding Chicago’s Paid Leave and Paid Sick and Safe Leave ordinance and changes to the same thereafter can be found [here](#) and [here](#).

Contact your Polsinelli attorney if you have any questions or need assistance regarding employment law compliance for these legal updates.