



Employment Law Update 2023 Chart

CATEGORY	EFFECTIVE DATE	LAW, ORDINANCE, REGULATION	SUMMARY
ALABAMA			
Weapons in the workplace	January 1, 2023	Alabama HB 272	Sets forth the conditions under which employees may keep a firearm and ammunition in their personal vehicles in the employer's parking lot.
ALASKA			
Hiring: Veterans Preference	November 7, 2022	Alaska HB 125	Extends private-sector employer hiring preferences to military spouses and dependent children, including surviving spouses of deceased service members.
ARIZONA			
Background Checks: Criminal	December 31, 2022	Arizona SB 1294	Allows a person to file a petition to seal all case records related to a criminal offense if the person was: (a) convicted of a criminal offense and has completed all of the terms and conditions of the sentence that was imposed by the court, including the payment of all monetary obligations and restitution to all victims; (b) charged with a criminal offense and the charge was subsequently dismissed or resulted in a not guilty verdict at a trial; or (c) arrested for a criminal offense and no charges were filed.
CALIFORNIA			
Fast Food Industry: Regulation	January 1, 2023	California AB 257	Creates the Fast Food Accountability and Standards Recovery Act . This law establishes a state Fast Food Council

			within the Department of Industrial Relations, which will be empowered to impose sector-wide minimum standards on wages, working hours, and other conditions related to the health, safety, and welfare of fast food restaurant workers.
Protected Time Off: Scope of Coverage	January 1, 2023	California AB 1041	Expands the definition of a “family member” under the California Family Rights Act (CFRA) and California’s Healthy Workplaces Healthy Families Act (HWHFA) to include a “designated person.” Employees will be able to identify a designated person for whom they want to use leave when they request unpaid (CFRA) or paid (HWHFA) leave.
Worker Adjustment and Retraining Notification Act (WARN): Call Center Employees	January 1, 2023	California AB 1601	Requires call center employers to provide notice of mass layoff, relocation, or termination.
Title III Accommodations	January 1, 2023	California AB 1632	Requires businesses open to the public that have restrooms for employees to allow individuals who have Crohn’s disease, ulcerative colitis, irritable bowel syndrome, or any other similar medical condition, to use the employee restrooms.
Background Checks: Home Health Services	January 1, 2023	California AB 1720	Removes requirement for specified individuals connected with home healthcare facilities to sign a declaration regarding prior criminal convictions.
COVID-19: Workers’ Compensation	January 1, 2023	California AB 1751	Extends to January 1, 2024, the current rebuttable presumption that an employee’s illness resulting from COVID-19 was sustained in the course of employment for purposes of workers’ compensation benefits.
Employer Liability: Human Trafficking	January 1, 2023	California AB 1788	Provides that hotel employers are liable for human trafficking penalties if a supervisory employee knew of or acted with reckless disregard of sex trafficking activity.

Protected Time Off: Bereavement Leave	January 1, 2023	California AB 1949	Amends the California Family Rights Act to require employers with five or more employees to provide up to five days of unpaid bereavement leave for an employee within three months of the death of a family member.
COVID-19: Workplace Posters	January 1, 2023	California AB 2068	Requires certain health and safety posters relating to COVID-19 to be posted in additional languages.
Benefits: Reproductive Health	January 1, 2023	California AB 2134	Applies to religious employers' healthcare service plans and insurers that do not provide coverage for abortion and contraception. These plans and insurers will be required to provide insured employees with written information about free abortion and contraception benefits or services available through the California Reproductive Health Equity Program.
Labor-Management Relations: Farm Workers	January 1, 2023	California AB 2183	The Agricultural Labor Relations Voting Choice Act gives agricultural workers the option to vote by mail in union representation elections that were previously required to be held in person.
Employer Liability: Reproductive Health	January 1, 2023	California AB 2223	Prohibits a person from being subject to civil or criminal liability based on their actions or omissions with respect to their pregnancy or actual, potential, or alleged pregnancy outcome or based on their actions to aid or assist a woman or pregnant person who is exercising their reproductive rights.
Discrimination & Harassment: Hate Crimes	January 1, 2023	California AB 2282	Expands the definition of hate crimes in places of employment to include display of hate imagery.
COVID-19: Exposure Notifications	January 1, 2023	California AB 2693	Amends California Labor Code section 6409.6 (Duties of employer when notified of potential exposure to COVID-19) and extends its provisions until January 1, 2024. The main modification will give employers the option to post a notice of potential COVID-19 exposure at the worksite (and on existing employee portals) instead of providing written notice.

Civil Procedure	January 1, 2023	California AB 2960	Amends the Fair Employment and Housing Act to toll right-to-sue notice deadlines during mandatory or voluntary dispute resolution proceedings.
Protected Categories: Reproductive Health	January 1, 2023	California SB 523	Amends the Fair Employment and Housing Act to prohibit employment discrimination on the basis of an individual's reproductive health decision-making; expands required health plan coverage for contraceptives.
Background Checks: Criminal	January 1, 2023	California SB 731	Amends the state penal code to provide for criminal record relief. Seals records of defendants convicted of most felonies on or after January 1, 2005, if they completed their sentence, probation, supervision, parole and any other terms of their conviction, and are not convicted of a new felony for four years.
Labor-Management Relations	January 1, 2023	California SB 931	Permits an employee organization to file a claim against an employer before the Public Employee Relations Board (PERB) alleging violations of Government Code section 3550, which prohibits a public employer from deterring or discouraging public employees or applicants from becoming or remaining members of an employee organization.
Protected Time Off: FMLA Paid	January 1, 2023	California SB 951	Increases the amount of unemployment and wage replacement benefits for low-wage employees under the family temporary disability insurance program, for disabilities or covered incidents occurring on or after January 1, 2025.
Privacy: Surveillance	January 1, 2023	California AB 984	Disclosure regarding use of GPS tracking location technology in fleet vehicles. Allows an employee to disable off hours.
Data Privacy	January 1, 2023	California Privacy Rights Act of 2020	Substantially expands the privacy and information security obligations of most employers doing business in California, requiring significant changes to existing policies, procedures, and practices for handling HR Individuals' personal information. Creates the Privacy Protection Agency to enforce the state

			consumer data privacy laws.
Protected Time Off: Non-Retaliation	January 1, 2023	California SB 1044	Prohibits an employer from taking adverse action against an employee for refusing to report to or leaving work during an emergency condition; prohibits an employer from preventing an employee from accessing a mobile device during that time.
Home Care Agencies: Background Checks	January 1, 2023	California SB 1093	Permits applicants for home healthcare licenses to request transfers of criminal record clearance online; removes requirement to submit government issued identification when requesting transfer.
Benefits: 401K/Retirement/Pension	January 1, 2023	California SB 1126	Expands the definition of “eligible employer” under the CalSavers program to include those with one or more employees; requires employers with one or more employees that do not offer a retirement savings program to implement a payroll deposit retirement savings arrangement by December 31, 2025.
Wage Transparency	January 1, 2023	California SB 1162	Requires employers of 100 or more contracted employees to submit separate annual pay data reports regarding the contracted employees; requires employers of 15 or more employees to provide the pay scale for a position in any job posting.
Wage & Hour: Garnishments	January 1, 2023	California SB 1477	Reduces the maximum amount of wages that may be subject to garnishment.
COLORADO			
Protected Time Off: FMLA Paid	January 1, 2023	Colorado Paid Family and Medical Leave (Proposition 118)	Provides for up to 12 weeks of paid family and medical leave, with an additional 4 weeks for pregnancy or childbirth complications. While employees cannot take FAML I benefits until 2024, premiums are due under the program starting January 1, 2023.
Wage Theft	January 1, 2023	Colorado SB 22-161	Amendments to Colorado's wage theft laws increase penalties for employers that do not timely pay wages, allow employees to demand wages on behalf of a class of similarly situated employees, permit the

			Colorado Department of Labor and Employment's Division of Labor Standards and Statistics to investigate such demands on a class-wide basis, and limit employers' ability to recover attorney's fees for successfully defending a claim. The amendments also impose additional requirements on employers to be able to deduct from an employee's final pay for the value of unreturned company equipment. While some provisions took effect August 10, 2022, the most significant changes are effective January 1, 2023.
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DISTRICT OF COLUMBIA

Sexual Harassment Training	December 31, 2022 and March 1, 2023	District of Columbia Tipped Wage Workers Fairness Amendment Act	Covered employers of tipped employees must submit a copy of their sexual harassment policy and a certified report of sexual harassment claims for calendar years 2020 and 2021 by December 31, 2022. The deadline for reporting 2022 harassment claims is set for March 1, 2023. The date by which sexual harassment training had to be completed was initially set for December 31, 2022, but the DC Office of Human Rights has indicated it will push this deadline to March 2023. *Please note that a 2022 ballot initiative governing tipped workers could render these requirements moot.
Disability Insurance	This measure becomes effective following approval by the mayor, a 30-day period of congressional review, and publication in the <i>DC Register</i>	District of Columbia B24-0916	This temporary measure amends the Universal Paid Leave Amendment Act to prohibit insurers from reducing short-term disability benefits based on actual or estimated paid leave benefits.
Drug Testing	This measure is effective following approval by the	District of Columbia B 109	Prohibits testing for marijuana as a condition of employment except under certain

	mayor, a 60-day period of congressional review, and publication in the <i>DC Register</i> . *Projected law date: November 17, 2022		circumstances. * Please note that this measure will <i>not</i> become operative and enforceable <i>unless and until it is funded</i> through inclusion in an approved budget, which cannot be determined at this time.
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FLORIDA

Hairstyle Discrimination	November 5, 2022	Florida: Miami Beach CROWN Act	Prohibits employment discrimination on the basis of natural or protective hairstyles commonly associated with race and national origin.
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ILLINOIS

Labor Relations: Minimum Sick Leave Provisions	January 1, 2023	Illinois SB 645	Amends the Employee Sick Leave Act to provide that the rights afforded under the act serve as the minimum standard in a negotiated collective bargaining agreement.
Pay Data Reporting	January 1, 2023 (operative date for certain requirements)	Illinois SB 1480 and SB 1847	Requires employers that currently file EEO-1 reports to submit similar reports to the state of Illinois, and includes new pay data reporting and certification requirements, among other obligations. *These laws took effect in 2021, but employers will need to be prepared for the EEO-1 reporting obligations in Illinois as of January 1, 2023.
Protected Time Off: Other	January 1, 2023	Illinois SB 3120	Requires an employer to provide unpaid leave for absences resulting from a pregnancy loss, unsuccessful IVF treatment, a failed adoption or surrogacy, or a diagnosis that impacts pregnancy.
Employer Liability: Meal & Rest Periods	January 1, 2023	Illinois SB 3146	Provides that any employer that violates any of the provisions of the One Day Rest In Seven Act is guilty of a civil offense and subject to a civil penalty of up to \$500 per offense.
Hairstyle	January 1, 2023	Illinois SB 3616	Illinois amended the state Human Rights

Discrimination			Act. The Act prohibits employers from engaging in discrimination based on numerous protected characteristics, including race. This amendment expands the definition of “race” to include traits associated with race, including but not limited to hair texture and protective hairstyles such as braids, locks, and twists.
MAINE			
Wage & Hour: Vacation Payout	January 1, 2023 (operative date)	Maine HP 160-LD 225	Amends the state’s final wages statute to require that “[a]ll unused paid vacation accrued pursuant to the employer’s vacation policy on and after January 1, 2023 must be paid to the employee on cessation of employment.” The amendment provides that private employers with 11 or more employees must pay all unused vacation to a separated employee at the cessation of employment regardless of the employer’s policy; payment must be made in full no later than the employee’s next established payday. *The changes took effect on July 19, 2022, but operative date is January 1, 2023.
NEW JERSEY			
Business Restructuring: Health Care Industry	November 17, 2022	New Jersey SB 315 (AB 3684)	Requires contracts for sale of certain health care entities to preserve employee wages and benefits and to honor collective bargaining agreements.
NEW YORK			
Protected Time Off: Scope of Coverage	January 1, 2023	New York SB 2928	Adds siblings to the definition of family member for the purposes of paid family leave.
Artificial Intelligence (AI) & Robotics	January 1, 2023	New York: NYC Int. No. 1894-2020	Requires an employer that uses an automated employment decision tool to screen a candidate for an employment decision to notify each such candidate regarding use of the AI tool.
Wage Transparency	November 1, 2022	New York: NYC Int. No. 0134-2022	Amends the city wage transparency provisions to clarify the positions for which a pay range must be provided;

			establishes a private right of action for employees; extends the effective date to November 1, 2022.
Wage Transparency	November 6, 2022	New York: Westchester County Ordinance No. 2022-119	Makes it an unlawful employment practice for an employer to advertise a job, promotion, or transfer opportunity without stating the minimum and maximum salary for the position in the advertisement.
OREGON			
Workers Compensation: Anti-Retaliation	January 1, 2023	Oregon HB 4086	Expands scope of retaliation provisions under the workers' compensation statute; amends definitions of "beneficiary," "child," and "dependent."
Notifications: Temporary Disability Benefits	January 1, 2023	Oregon HB 4138	Requires employers to provide notice before suspending temporary disability benefits. The written notice must provide the reason the benefits are being ended.
Labor Relations: Sick Leave	January 1, 2023	Oregon SB 588	Removes provision that exempts certain employees who are covered under collective bargaining agreement from sick leave requirements.
Protected Time Off: FMLA Paid	January 1, 2023	Oregon SB 1515	Modifies definition of "benefit year" for purposes of paid family and medical leave insurance program.
Nondisclosure Agreements	January 1, 2023	Oregon SB 1586	Clarifies provisions that prohibit employers from entering into nondisclosure agreements that include, but are not limited to, discrimination, sexual assault, or workplace harassment.
PENNSYLVANIA			
Benefits: Transportation	December 31, 2022	Pennsylvania: Philadelphia Ordinance No. 220337	Requires an employer of 50 or more employees to provide a mass transit and bicycle commuter benefit program.
RHODE ISLAND			
Wage Transparency & Salary History	January 1, 2023	Rhode Island HB 5261 / SB 270	Prohibits wage discrimination ; prohibits an employer from requesting or relying on an applicant's wage history; requires an employer to provide a wage range for a job position.

Benefits: Reproductive Health	January 1, 2023	Rhode Island SB 2548	Establishes a special enrollment provision for pregnant employees to obtain health insurance coverage at any time after the commencement of the pregnancy.
UTAH			
Tax Withholding	January 1, 2023	Utah SB 39	Modifies employer withholding obligations from certain nonresident employees.
VIRGINIA			
Hospitality: Human Trafficking Training	January 1, 2023	Virginia HB 258	Requires hotel employees to complete a training course to identify instances of human trafficking.
Data Security Breach Notification	January 1, 2023	Virginia HB 2307 / SB 1392	Establishes the Consumer Data Protection Act to provide consumers certain controls over their personal data. The law specifically exempts data that is processed or maintained in the course of an individual applying to, being employed by, or acting as an agent or contractor of a controller, process, or other entity, if the data is used and collected in the context of that role.
WASHINGTON			
Wage Transparency	January 1, 2023	Washington SB 5761	Requires employers to disclose hourly or salary compensation and a general description of benefits in postings for job openings.
Unemployment	November 17, 2022	Washington Final Rule re Employer Quarterly Tax Reports	Requires employers to include the Standard Occupational Classification code or job title of each worker in their quarterly tax reports.
Noncompete Agreement	January 1, 2023	Washington 2023 Non-Compete Enforceability Thresholds (Annual Announcement)	Increases the amount an employee must earn to meet the non-compete enforceability threshold to account for inflation using the consumer price index.

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