

## Legislative Updates

May 12, 2020

### Alabama

#### *Safety Precautions*

Effective immediately, restaurants, hair/nail salons and gyms may open on a limited basis. Gyms and salons can open at 50 percent capacity while adhering to social distancing and sanitation rules. Restaurants and bars may open with table limits of 8 people and six-foot distances between dining groups.

### Alaska

#### *Safety Precautions*

Effective immediately, health clubs and bars will be permitted to reopen at 25 percent capacity. Businesses will be able to operate at 50 percent capacity and restaurants will be able to serve walk-in customers.

### Arkansas

#### *Safety Guidelines*

Effective May 18, 2020, casinos can open with a maximum capacity of 33 percent and must adhere to social distancing guidelines.

### California

#### *General Election*

Effective November 3, 2020, all registered voters in the state will receive mail-in ballots automatically. In person voting locations will also be available.

### California

#### *Sacramento*

Effective immediately, residential realtors can perform in-person home tours with a maximum group of two visitors, non-contact recreation facilities may operate with social distance protocols being followed and that shared items are disinfected, food trucks are now classified as an essential business.

### California

#### *Workers' Compensation*

Effective immediately, employees are eligible to receive workers' compensation after testing positive or having been diagnosed with Covid-19 within 14 days after a day that the employee performed labor or services at the employee's place of employment at the employer's direction.

## California

### *CalSavers*

Due to the Coronavirus, the CalSavers employee registration period for employers with 100 eligible employees has been moved to September 30, 2020 from June 30, 2020.

## California

### *San Francisco*

Effective July 1, 2020, the minimum wage in San Francisco is raised to \$16.07 from \$15.58 due to an annual inflation adjustment.

## California

### *Emeryville*

Effective July 1, 2020, the minimum wage in Emeryville is raised to \$16.84 from \$16.30 due to an annual inflation adjustment.

## California

### *Berkeley*

Effective July 1, 2020, the minimum wage in Berkeley is raised to \$16.07 from \$15.59 due to an annual inflation adjustment.

## Connecticut

### *Primary Elections*

Eligible voters in each election will be sent an absentee ballot application automatically. In addition to drop boxes in each municipality, pre-paid postage will be provided.

## Colorado

### *Denver*

Effective immediately, the following businesses can begin to reopen.

- Non-Critical Retail - with 50 percent employees and 6-foot social distancing
- Personal Services - with 10 or fewer people in a single location or max of 50 percent occupancy, whichever is less; by appointment only, no walk-ins; strict requirements about PPE and distancing)
- Non-critical offices (with 50 percent employees)
- Field services such as in-person real-estate showings
- Limited healthcare (with 10 or fewer people in a single location or max of 50 percent occupancy, whichever is less; by appointment only, no walk-ins)
- Post-secondary education

## *Operating requirements:*

- Maintain six-foot separation between employees and discourage shared spaces
- Clean and disinfect all high-touch areas
- Post signage for employees and customers on safe hygiene
- Ensure proper ventilation
- Avoid meetings or groups of more than 10 employees, clients, or customers
- Implement symptom monitoring protocols such as temperature checks
- Eliminate, or regularly clean and disinfect, any items in common spaces
- Require employees with symptoms to stay home
- Accommodate employees who are vulnerable individuals
- Provide flexible options for employees with child or elder-care obligations
- Provide appropriate PPE, like gloves, masks, or face coverings, if employees are unable to provide their own
- Deputize a workplace coordinator to address COVID-19

## **Delaware**

### *Presidential Primary*

The state's presidential primary has been postponed for the 2<sup>nd</sup> time until July 7, 2020.

## **Florida**

### *Palm Beach County*

Effective immediately, elective surgeries can recommence at hospitals, and restaurants will be allowed to open at 25 percent capacity. Beaches in the county are scheduled to be re-opened, May 18, 2020.

## **Indiana**

### *Safety Plan*

Effective May 11, 2020, reopening businesses are required to implement and publicly post and provide to employees a safety plan that ensures a safe environment. The plan must provide the following: an employee health screening process, enhanced cleaning and disinfecting protocols, enhanced ability for employees, customers and clients to wash hands or take other personal hygiene measures (hand sanitizer), comply with CDC social distancing guidelines when possible and/or wear a face covering or use barriers. Restaurant dining rooms are permitted to reopen at 50% capacity, and personal services (such as hair and nail salons, barber shops, and tattoo parlors) are allowed to resume operations by appointment only.

## Indiana

### *St. Joseph County*

Effective immediately, individuals are required to wear masks in enclosed public spaces when social distancing guideline cannot be met. In addition, hand sanitizer must be made available in high touch active area (60% minimum alcohol). St. Joseph County Department of Health issued Public Health Order 1-2020.

## Iowa

### *Safety Precautions*

Effective immediately, dental service providers, campgrounds, drive-in movie theaters, tanning facilities, and medical spas are permitted to resume operations. Aquatic and Fitness Centers may open by appointment only and permit one patron at a time. Malls may reopen with a limit of 50% of its maximum legal occupancy capacity; food courts can operate for carry-out orders. Social distancing, hygiene and public health measures must be maintained.

## Kentucky

### *Safety Precautions*

Effective May 22, 2020, restaurants will be permitted to resume at 33 percent capacity, plus outdoor seating.

## Kentucky

### *Safety Precautions*

Effective immediately, phase one includes the opening of manufacturing, construction, vehicle or vessel dealerships, office-based businesses (50% capacity) horse racing (no spectators), dog grooming and boarder services. All must adhere to social distancing and sanitation requirements.

## Louisiana

### *Safety Precautions*

Effective May 15, 2020, the following industries will be permitted to resume operations at 25 percent capacity; gyms and fitness centers; barber shops and hair/nail salons; gaming establishments; theaters; racetracks (no spectators); museums, zoos, and aquariums (no tactile exhibits); and bars and breweries with food permits.

## Maine

### *Workers with Disabilities*

Effective June 16, 2020, an employer's ability to pay sub-minimum wage for an employee with a mental or physical disability has been repealed.

## Maine

### *Safety Precautions*

- Effective immediately, retail stores will be permitted to open with enhanced safety precautions – in counties where community transmission are not present. Those counties are Aroostook, Piscataquis, Washington, Hancock, Somerset, Franklin, Oxford, Kennebec, Waldo, Knox, Lincoln, and Sagadahoc.
- Effective May 18, 2020 Restaurants in the counties above are permitted to open with added health and safety precautions, including physically distancing customers, ensuring employees follow enhanced hygiene and sanitation practices, and controlling customer flow through reservations whenever possible.
- Effective May 11, 2020 fitness and exercise gyms, initially categorized in Stage 2, will now be permitted to open on May 11th for outdoor classes of 10 or less. One-on-one personal training inside fitness centers will also be permitted.

## Michigan

### *Safety Precautions*

Effective immediately, employees working at a manufacturing company may resume activities if the employer:

- Creates dedicated entry points and conducts daily entry screenings for anyone entering the facility
- Suspends all non-essential visits
- Trains employees on the use of protective equipment,
- Ensures rules to prevent the spread of the virus are put in place
- Design steps to take if symptoms are suspected or confirmed
- Staggers start times and meal times
- Sends exposed individuals home
- Adopts protocols to limit the sharing of tools and equipment to the maximum extent possible
- Frequently and thoroughly cleans and disinfects high-touch surfaces
- Ensures there are sufficient hand washing or hand-sanitizing stations at the worksite and discontinues the use of hand dryers.
- Maintains a central log for symptomatic workers or workers who received a positive test for COVID-19
- Shuts down areas of the manufacturing facility for cleaning and disinfection, as necessary

## Mississippi

### *Safety Precautions*

Effective immediately, barbershops, salons, and gyms may reopen starting Monday, May 11, subject to social distancing and other guidelines. The entire salon and barbershop must be deep-cleaned prior to opening and deep-cleaned daily. In addition, employers must post signage at each entrance stating no customer with a fever or COVID-19 symptoms are allowed in, chairs are to be rearranged to ensure at least 6 feet between each customer and be sanitized after each use by a customer and only one customer per employee is allowed in the salon or barbershop at any given time.

## Nevada

### *Safety Precautions*

Effective immediately, nonessential retail businesses are permitted to operate through curbside and home delivery activity. Religious institutions may host worship services on an in-car or drive-by basis. Individuals may leave their residences to travel to nonessential retail businesses that offer curbside or delivery services. Restaurants may open at 50 percent dine-in capacity while adhering to social distancing guidelines. Salons and barbershops may see customers by appointment only.

## New Mexico

### *Nondisclosure Agreements*

Effective May 20, 2020, employers are prohibited from requiring an employee to sign a nondisclosure provision of a settlement agreement for sexual harassment, discrimination or retaliation.

## New York

### *Suffolk County*

Effective August 25, 2020, employers with 15 or more employees are prohibited from asking employment applicants about previous criminal convictions until after the 1<sup>st</sup> interview (via telephone or in person).

## New York

### *Sick Leave Law*

Effective September 30, 2020, employees may start accruing paid sick leave. 56 hours of paid sick leave per calendar year for an employer with 100 or more workers, 40 hours for employers of 5-99 employees, 40 hours for an employer with less than 5 employees and a net income of less than 1 million.

## North Carolina

### *Safety Precautions*

Effective immediately, individuals may leave their homes for commercial activity. Retail establishments can operate at 50% capacity, subject to cleaning and social distancing measures. Child-care centers may open for working parents or those looking for work.

## Ohio

### *Safety Precautions*

Effective May 12, 2020, retail and consumer businesses may reopen but must require employees to wear face coverings with certain exceptions and limit capacity to enable social distancing.

## Oklahoma

### *Safety Precautions*

Effective May 15, 2020, bars may operate with reduced standing-room capacity while utilizing social distancing and sanitation protocols.

## Rhode Island

### *Business Operations*

Effective immediately, non-critical businesses reopening (Phase One) are required to adhere to the following; develop a written plan and have it utilized and posted by May 18, 2020, complete and sign a reopening checklist by May 11, 2020, post informational notices per Rhode Island Department of Health (RIDOH) regulations and post screening availability notices. In addition, employers must:

- Adhere to CDC and RIDOH training guidelines
- Develop and implement screening procedures, send home sick employees immediately
- Require face covering for workers and employees and access to hand sanitizer or hand washing station
- Maintain a social distance of six feet apart
- Designate an employee to coordinate with the RIDOH on testing, case investigation and training programs.

## U.S. Virgin Islands

### *Safety Precautions*

Effective immediately, patrons are required to wear a facemask or face covering when entering a business. Employees are must wear a facemask or facial covering during customer interaction. Private healthcare facilities can reopen as long as safety protocols are adhered to. Private businesses are permitted to re-open. Retail stores are allowed to re-open but only allow 10 individuals or less into the establishment at any time. Bowling alleys and movie theaters may re-open but are prohibited from selling food and beverages. Personal Grooming establishments may re-open provided staff and clients utilize facemasks or coverings and maintain a social distance of six feet.

## Virginia

### *Independent Contractors*

Effective July 1, 2020, businesses are required to withhold payments for child support from payments made to independent contractors when income-withholding orders are received and the aggregate compensation reached \$600 or more in a calendar year.

## Virginia

### *Independent Contractors*

Effective September 1, 2020, businesses are required to submit information (same requirements as an employee) concerning a newly hired independent contractor to the Virginia New Hire reporting center.

## Virginia

### *Whistleblower Protection*

Effective July 1, 2020, an employer is prohibited from discharging, threatening, discriminating against or penalizing an employee, or taking other retaliatory action regarding an employee's compensation, terms, conditions, location or privileges of employment, because the employee:

- Reports a violation of any federal or state law or regulation to a supervisor or to any governmental body or law enforcement official
- Is requested by a governmental body or law-enforcement official to participate in an investigation, hearing or inquiry
- Refuses to engage in a criminal act that would subject the employee to criminal liability
- Refuses an employer's order to perform an action that violates any federal or state law or regulation and the employer informs the employer that the order is being refused for that reason
- Provides information to or testifies before any governmental body or law-enforcement official conducting an investigation, hearing, or inquiry into any alleged violations by the employer of federal or state law/regulation



## Virginia

### *Wage Payment Violations*

Effective July 1, 2020, an employee can sue an employer individually or jointly with other employees or in a collective action. If the employer knowingly and/or willfully failed to pay the wages, damages may be tripled and civil and/or criminal penalties may also apply.

## Washington D.C.

### *District Poster*

The District of Columbia has released a Paid Leave Notice. The notice is available for download in the myHRWS Portal.

## West Virginia

### *Covid-19 Testing*

Effective immediately, workers at day care centers and assisted living centers are required to be tested for coronavirus.

## Wisconsin

### *Safety Precautions*

Effective immediately, standalone and strip mall-based retail stores can re-open allowing up to five customers at a time to shop in-store. Stores must enforce social distancing requirements and keep shoppers at least six feet apart.

*The information contained in this document is intended for educational purposes and to provide a general understanding of regulatory events, legislative changes and the law – not to provide specific legal advice.*