

How to Keep Up with Mandatory Employee Notifications (Beyond Posters!) During the COVID-19 Crisis



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What Are Mandatory Employee Handouts?

- Employee handouts are legal notifications that must be personally distributed to employees, covering topics such as family and medical leave, workers' compensation, sexual harassment in the workplace and more
- Some employee handouts are event-oriented; others must be given to all employees when hired and redistributed regularly
- These requirements are separate and apart from labor law posting compliance, though many of the topics addressed are covered by both postings and handouts (the underlying employment laws may require both, or one or the other)

How Are They Similar to Labor Law Posters?

- Employee handouts are mandatory legal notices informing employees of their rights
- They vary by state (up to 23 per state, plus up to 16 federal)
- Recent surge in local requirements
- Government agencies add/update requirements frequently, without notifying businesses
- There is no one-stop shop for free notices from the government
- There are significant fines, penalties and legal exposure for non-compliance

There's No "One-Stop Shop" for Free Mandatory Employee Handouts

- Across the nation, there are more than 400 different federal/state notices that employers must distribute based on different triggering events
- In a single state, up to 39 employee notices (issued by up to 5 different agencies) required for federal/state compliance
- Each state/local jurisdiction has authority to issue its own employee notification requirements
- Employers are required to create many of the handouts on their own based on legal guidelines (where no samples are provided)

Risks of Non-Compliance

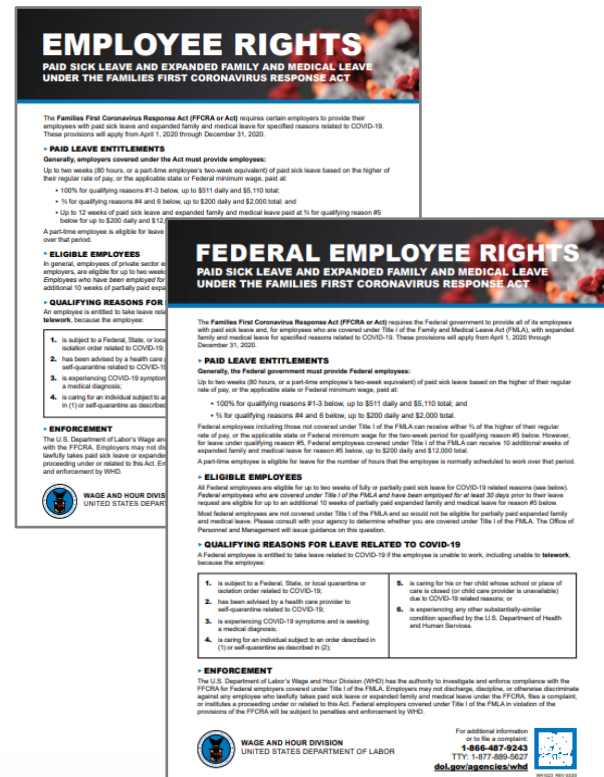
- Federal penalties
 - ✓ Up to \$21,410 per violation
 - ✓ Daily penalties for late notices up to \$110-\$500 per day
- State/Local Penalties
 - ✓ State and local fines typically range from \$100 to \$500 per violation
- Adverse Impact in Employee Lawsuits
 - ✓ Statute of limitations may be extended
 - ✓ Evidence of "bad faith"
 - ✓ Liability/damages if failure to notify results in loss or harm

Recent Changes to Handout Requirements (effective 5/14/20)

- Arizona
- Baltimore, MD
- Belmont, CA
- California
- Chicago, IL
- Colorado
- Connecticut
- Cook County, IL
- Daly City, CA
- Delaware
- Denver, CO
- District of Columbia
- Duluth, MN
- Emeryville, CA
- Flagstaff, AZ
- Florida
- Georgia
- Illinois
- Kansas
- Kentucky
- Louisiana
- Maine
- Maryland
- Massachusetts
- Michigan
- Minneapolis, MN
- Minnesota
- Missouri
- Nevada
- New Jersey
- New York
- New York City, NY
- North Carolina
- Novato, CA
- Oakland, CA
- Ohio
- Oregon
- Pasadena, CA
- Pennsylvania
- Petaluma, PA
- Philadelphia, PA
- Pinellas County, FL
- Portland, ME
- San Francisco, CA
- San Mateo, CA
- Sonoma, CA
- South Carolina
- South San Francisco, CA
- St. Paul, MN
- Tennessee
- Texas
- Vermont
- Washington
- Westchester County, NY

Examples of Mandatory Handouts

- Federal: Families First Coronavirus Response Act (FFCRA) Notice
- Effective April 1 – December 31, 2020, private employers with fewer than 500 employees and most public employers must provide this notice
- Informs employees of their rights to paid leave benefits
- Must be provided to new hires
- Must also be posted in the workplace (or distributed by mail or electronically to existing employees)



Examples of Mandatory Handouts

- California: Sexual Harassment Notice
- All employers must provide this notice
- Informs employees of their rights to a harassment-free workplace and explains the legal remedies and complaint process available through the California Department of Fair Employment and Housing
- Must distribute to all employees at time of hire or in pay envelope
- Mandatory update December 2019



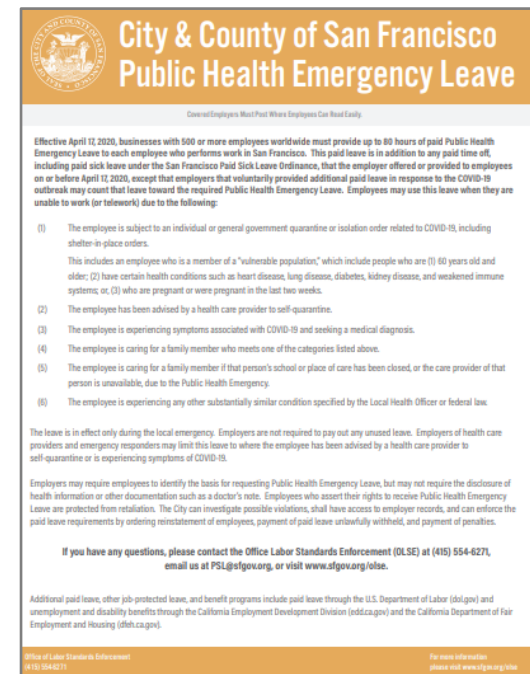
Examples of Mandatory Handouts

- California: Paid Family Leave Notice
- Employers subject to the state's Paid Family Leave Program must provide this notice
- Informs employees of their rights to paid family leave benefits
- Must be provided to employees at time of hire and to employees requesting leave to care for a seriously ill family member or to bond with a new child
- Mandatory update January 2020



Examples of Mandatory Handouts

- San Francisco: Public Health Emergency Leave
- Effective April 17, 2020, employers with 500 or more employees must provide this notice
- Informs employees of their rights to paid leave benefits
- May be provided by posting in the workplace, emailing to employees, or posting it on an employee website



Examples of Mandatory Handouts

- California: Family Care and Medical Leave and Pregnancy Disability Leave Notice
- Employers with 20 or more employees must provide this notice
- Must be provided to an employee who notifies the employer of a pregnancy or condition related to the employee's pregnancy
- Mandatory update December 2019



Examples of Mandatory Handouts

- Washington: Paid Family and Medical Leave Notice
- Employers subject to the state's Paid Family and Medical Leave Program must provide this notice
- Informs employees of their rights to paid family and medical leave benefits
- New handout effective January 1, 2020

Washington
Paid Family & Medical Leave
Employment Security Department

Employer requirement to provide notice to employees

Employers with employees working in Washington state must provide the following notice to employees who may be eligible for Paid Family and Medical Leave the later of:

- Five business days after an employee's seventh consecutive day of absence due to family or medical leave, or
- Five business days after an employer becomes aware that the employee's absence is due to family or medical leave.

Paid Family and Medical Leave

Statement of Employee Rights

You may qualify for Paid Family and Medical Leave
As of Jan. 1, 2020, Washington employees who have worked 820 hours or more in the qualifying period and experience(d) a qualifying event have access to Paid Family and Medical Leave.

Employees who have missed work due to family or medical reasons may be eligible for paid family or medical leave for the following qualifications:

- Care for and bond with a child younger than 18 following birth or placement
- Care for yourself or a family member experiencing a serious health condition
- Certain military-connected events.

Paid Family and Medical Leave requires that you give your employer(s) written notice at least 30 days in advance of when you plan to take leave. However, if the reason you need leave was not foreseeable, you may notify your employer(s) as soon as possible.

The Paid Family and Medical Leave Benefit Guide provides information on how to apply for benefits and submit weekly claims. It also explains your rights and responsibilities under the law. Download the guide at www.paidleave.wa.gov/benefit-guide.

For more information about how to apply, contact us at 833-717-2273 or visit www.paidleave.wa.gov.

Important information for when you apply

Employer UBI #:


This employer offers supplemental benefits: Y N

Notes: Except during the waiting week, employees cannot use employer provided paid time off at the same time as Paid Family and Medical Leave, unless the employer chooses to offer a "supplemental benefit." Supplemental benefits can be used along with Paid Family and Medical Leave to provide additional pay while an employee receives partial wage replacement through Paid Leave benefits. Employees may accept or reject supplemental benefit payments.

EMPLOYER NOTICE TO EMPLOYEE
UPDATED NOVEMBER 2019
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Examples of Mandatory Handouts

- Colorado: Overtime and Minimum Wage Standards Notice (COMPS Order 36)
- Every employer who publishes or distributes any handbook, manual, or policies must include this notice in their handbook, manual or policies
- Must be provided upon request
- Must also be posted in the workplace
- New handout effective March 16, 2020


COLORADO
 Department of
 Labor and Employment

COMPS Order #36 Poster
Colorado Overtime and Minimum Pay Standards Order
 Division of Labor Standards & Statistics
 Effective March 16, 2020

Colorado Minimum Wage: \$12.00 per hour, or \$8.98 for Tipped Employees, effective 1/1/2020.

- The minimum wage adjusts annually by inflation; next year's COMPS Order and Poster will provide the 2021 minimum wage.
- The minimum wage applies to all adults and unorganized miners, whether paid hourly or on other basis (salary, commission, piecework, etc.), unless exempted by COMPS Order Rule 2. Unorganized miners may be paid 15% below the minimum.
- The federal minimum wage (\$7.25) and any local minimum wages (including \$12.47 in Denver as of 1/1/20) may also apply. If work is covered by multiple minimum or overtime wage rules, the rule with the higher wage or standard applies.

Overtime: 1½ times the regular pay rate for hours over 40 weekly, 12 daily, or 12 consecutive.

- Hours in two or more weeks cannot be averaged in computing overtime.
- Employers may not provide time off (often called "comp time") instead of time-and-a-half premium pay for overtime hours.

Meal Periods: 30 minutes uninterrupted and duty-free, for shifts over 5 hours.

- Employers must be completely relieved of all duties, and allowed to pursue personal activities, for meal periods to be unpaid.
- If work makes uninterrupted meal periods impractical, eating an on-duty meal must be permitted, and the time must be paid.
- To the extent practical, meal periods must be at least 1 hour after starting and 1 hour before ending shifts.

Rest Periods: 10 minutes, paid, every 4 hours.

Work Hours	1p to 2p	2p to 3p	3p to 4p	4p to 5p	5p to 6p	6p to 7p	7p to 8p	8p to 9p	9p to 10p	10p to 11p	11p to 12p	12p to 1p
Rest Periods	1	1	1	1	1	1	1	1	1	1	1	1

- Rest periods need not be off-site but must not include work and should be in the middle of the 4 hours to the extent practical.
- Two 5-minute rest periods, instead of one 10-minute, are permitted if employees and employers agree voluntarily and without coercion, and if 5 minutes is enough to go back and forth to a bathroom or other place where a genuine break would be taken. Additional flexibility with 5-minute periods applies to agriculture, medical home care, and collectively bargained work.
- Employers that do not authorize and permit rest periods must pay extra for the work time that would have been rest periods.

Time Worked: Time employers allow performance of labor/services for their benefit must be paid.

- All time on-premises, on duty, or at prescribed workplaces (but not just letting off-duty employees be on-premises), including:
 - putting on or removing work clothes/gear (but not clothes worn outside work), changing/using, or other off-the-clock duty.
 - awaiting assignments at work, or receiving or sharing work-related information; or
 - security/safety screening, checking/inchecking in or out; or
 - waiting for any of the above tasks.
- Travel for employer benefit is time worked; normal home/work travel is not.
- For more on travel time and sleep time, see Rule 1.9.2.

Deductions, Credits, & Charges from Wages: Subject to limits in C.R.S. 8-4-105 and below.

- Ty credits of up to \$1.00 per hour (lowering minimum wages to \$8.98) are allowed for those regularly, customarily receiving over \$50 per month in tips. If hourly pay plus tips is below the full minimum wage, the employer must pay the difference.
- Meal credits are allowed for the cost or value (without employer profit) of a voluntarily accepted meal.
- Lodging deductions are allowed only if housing is voluntarily accepted by the employee, primarily for the employer's (not employer's) benefit, recorded in writing, and limited to \$25 or \$100 per week (depending on the housing type).
- Uniforms that are ordinary clothes, without special material or design, need not be provided; other uniforms must be provided at no cost. Employers must pay for any special clothing required, and cannot require deposits or deduct for ordinary wear and tear.

Exemptions from the COMPS Order: All listed in Rule 2; key exemptions listed below.

- Executive/supervisors, decision-making administrative employees, and professionals (Rule 2.1-3) paid the exempt salary:

Salary through 6/20	7/20-12/20	2021	2022	2023	2024	Each Year After 2024
Equal to at least minimum wage for all hours	\$35,568	\$40,500	\$45,000	\$50,000	\$55,000	Prime year's salary, inflation-adjusted

- 20% owners, or at a nonprofit the highest-paid/highest-ranked employee, if actively engaged in management (2.2.5).
- Highly technical computer-related employees (defined in 2.2.10), if paid at least \$27.63 per hour.
- Various nonresidence workers, including property managers, wage workers, and comprehensive education field staff (2.2.7).
- Variants, but not all, types of subordinates (2.2.4, 2.4.1, 2.4.2) and transportation workers (2.2.6).
- Certain medical/transportation and hospital/training home employees have modified overtime rules (2.4.4, 2.4.5).
- Download all nonboard employees, including on-residents food but not lodging, are exempt from 40-hour overtime (2.4.3).
- Agriculture jobs are exempt from overtime and meal periods, and have more flexibility as to rest periods (2.3).

Complaint & Anti-Retaliation Rights.

- The Division of Labor Standards and Statistics (contact info at the top of this Poster) accepts complaints for unpaid minimum or overtime wages required by federal, state, or local law. Alternatively, employees may file lawsuits in court.
- Parties liable for unpaid wages include the employer as an entity, and individuals with operational control over the entity.
- Employers cannot retaliate by threatening, coercing, or discriminating for purposes of capital, indifference, or obstruction, as to actual or anticipated wage investigations, hearings, complaints, or proceedings.
- Violations of wage or anti-retaliation provisions may be reported to the Division as complaints or as anonymous tips.

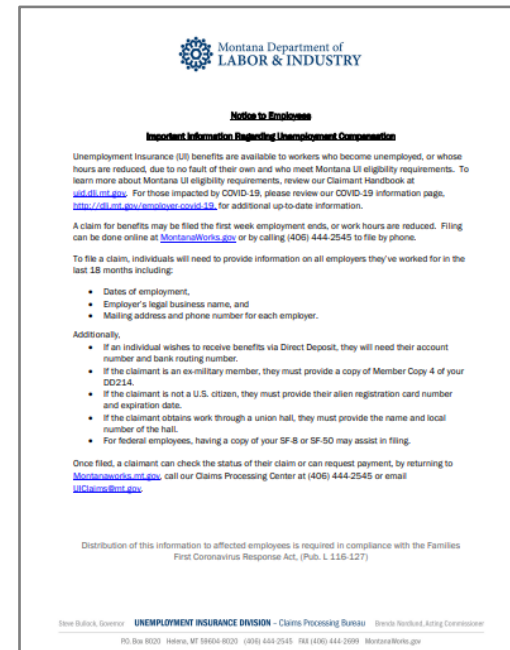
Posting & Translation of COMPS Order Poster.

- Posting: Employers must display this Poster where employees can easily read it during the workday. If physical posting is impractical, employers must provide copies of this Poster or the COMPS Order to each employee in the first week of work.
- Distribution: Employers must provide this Poster upon request, and include a copy with any written handbook or policies.
- Translation: If employees have limited English language ability and speak Spanish, employers must post this Poster in Spanish. If employees speak a language other than Spanish, the employer must ask the Division for a Poster in that language.

This Poster summarizes key wage rules in the COMPS Order, but not all, and should not be relied upon as complete information on wage rules. For the full COMPS Order and other wage law information, or with wage law questions, contact: Division of Labor Standards & Statistics, coloradolaborstats@gov, toll-free 1-844-388-3906/7936.

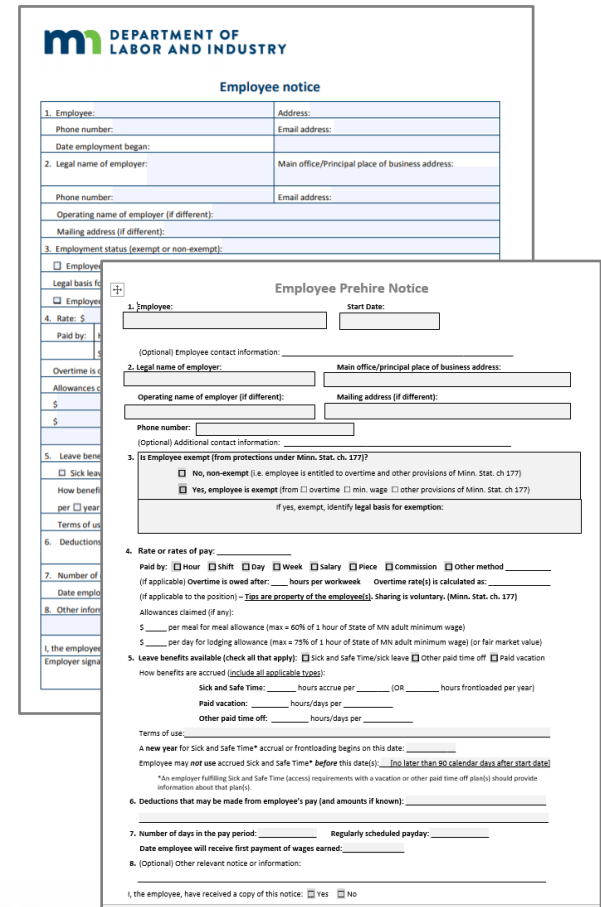
Examples of Mandatory Handouts

- Montana: Important Information Regarding Unemployment Insurance
- Employers must distribute this notice to employees at the time of separation from employment
- Informs employees of the availability of unemployment insurance and how to file a claim
- New handout effective April 1, 2020



Examples of Mandatory Handouts

- Minnesota: Wage Theft Notice
 - Effective July 1, 2019, employers must provide this notice to new employees at time of hire (and with any pay status change)
 - Employers must keep a copy of the notice signed by each employee
- Minneapolis, Minnesota: Wage Theft Notice
 - Effective January 1, 2020, employers must provide this notice to new employees at time of hire (and with any pay status change)
 - Employers must keep a copy of the notice signed by each employee
 - Poster must also be displayed in the workplace



DEPARTMENT OF LABOR AND INDUSTRY

Employee notice

1. Employee: _____ Address: _____
 Phone number: _____ Email address: _____
 Date employment began: _____

2. Legal name of employer: _____ Main office/Principal place of business address: _____
 Phone number: _____ Email address: _____
 Operating name of employer (if different): _____
 Mailing address (if different): _____

3. Employment status (exempt or non-exempt): _____

☐ Employee
☐ Legal basis for exemption: _____

4. Rate: \$ _____
 Paid by: _____
 Overtime is: _____
 Allowances claimed (if any): _____
 \$ _____
 \$ _____

5. Leave benefits available (check all that apply): ☐ Sick leave ☐ Vacation ☐ Other: _____
 How benefits are accrued (include all applicable rates): _____
 Terms of use: _____

6. Deductions that may be made from employee's pay (and amounts if known): _____

7. Number of days in the pay period: _____ Regularly scheduled payday: _____
 Date employee will receive first payment of wages earned: _____

8. (Optional) Other relevant notice or information: _____

I, the employee, have received a copy of this notice: ☐ Yes ☐ No

Employee Prehire Notice

1. Employee: _____ Start Date: _____

(Optional) Employee contact information: _____

2. Legal name of employer: _____ Main office/Principal place of business address: _____
 Operating name of employer (if different): _____ Mailing address (if different): _____
 Phone number: _____

(Optional) Additional contact information: _____

3. Is Employee exempt (from protections under Minn. Stat. ch. 177)?
☐ No, non-exempt (i.e. employee is entitled to overtime and other provisions of Minn. Stat. ch. 177)
☐ Yes, employee is exempt (from ☐ overtime ☐ min. wage ☐ other provisions of Minn. Stat. ch. 177)
 If yes, exempt, identify legal basis for exemption: _____

4. Rate or rates of pay: _____
 Paid by: ☐ Hour ☐ Shift ☐ Day ☐ Week ☐ Salary ☐ Piece ☐ Commission ☐ Other method _____
 (If applicable) Overtime is owed after: _____ hours per workweek Overtime rate(s) is calculated as: _____
 (If applicable to the position) – Tip are property of the employee(s). Sharing is voluntary. (Minn. Stat. ch. 177)
 Allowances claimed (if any): _____
 \$ _____ per meal for meal allowance (max = 60% of 1 hour of State of MN adult minimum wage)
 \$ _____ per day for lodging allowance (max = 75% of 1 hour of State of MN adult minimum wage) (or fair market value)

5. Leave benefits available (check all that apply): ☐ Sick and Safe Time/sick leave ☐ Other paid time off ☐ Paid vacation
 How benefits are accrued (include all applicable rates): _____
 Sick and Safe Time: _____ hours accrue per _____ (OR _____ hours frontloaded per year)
 Paid vacation: _____ hours/days per _____
 Other paid time off: _____ hours/days per _____

Terms of use: _____
 A new year for Sick and Safe Time* accrual or frontloading begins on this date: _____
 Employee may not use accrued Sick and Safe Time* before this date(s): _____ (no later than 90 calendar days after start date)
 *An employer fulfilling Sick and Safe Time (access) requirements with a vacation or other paid time off plan(s) should provide information about that plan(s).

6. Deductions that may be made from employee's pay (and amounts if known): _____

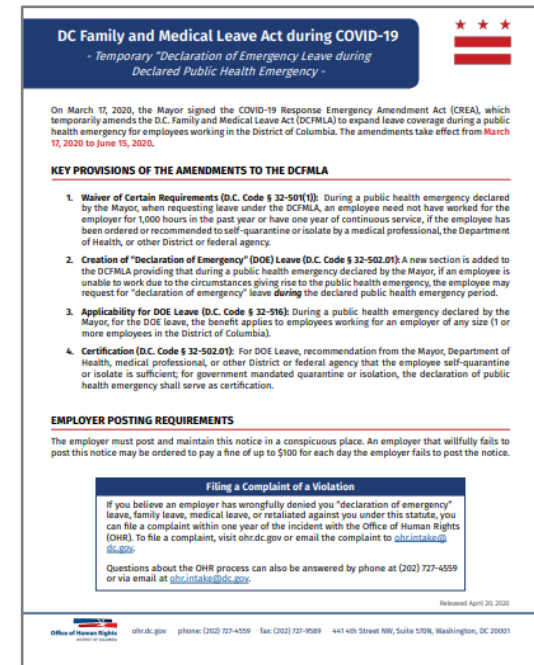
7. Number of days in the pay period: _____ Regularly scheduled payday: _____
 Date employee will receive first payment of wages earned: _____

8. (Optional) Other relevant notice or information: _____

I, the employee, have received a copy of this notice: ☐ Yes ☐ No

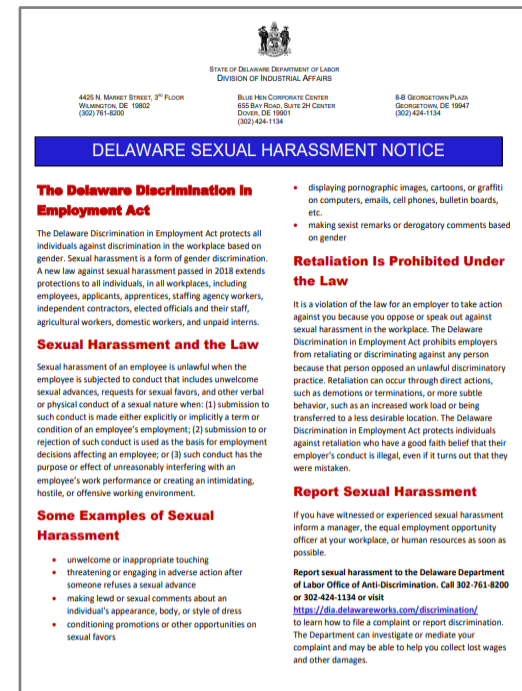
Examples of Mandatory Handouts

- District of Columbia: Family and Medical Leave Act During COVID-19 Notice
- Effective March 17, 2020, employers must provide this notice to new employees at time of hire or include in employee handbooks
- Informs employees of their rights to public health emergency leave under the D.C. Family and Medical Leave Act
- Must also be displayed in the workplace



Examples of Mandatory Handouts

- Delaware: Sexual Harassment Notice
- Effective January 1, 2019, employers with 4 or more employees must provide this notice to new employees at time of hire and to existing employees by July 1, 2019
- Informs employees of their rights to a harassment-free workplace, lists examples of sexual harassment and explains the complaint process available through the Delaware Department of Labor, Office of Anti-Discrimination



Examples of Mandatory Handouts

- Massachusetts: Rights and Obligations Under the Massachusetts Family and Medical Leave Law
- Informs employees of their paid leave benefits, contribution rates and more
- By September 30, 2019, employers had to provide this notice to all existing employees
- Beginning October 1, 2019, it must be given to new employees within 30 days of hire

Employer Notice to Employee
Rights and Obligations under the Massachusetts Family and Medical Leave Law, M.G.L. c. 175M

(Employer Name)

(Employer Street Address)

(Employer City, State, Zip)

(Employer's ID Number)

Explanation of Benefits

- Beginning January 1, 2021,
 - employees may be entitled to up to 12 weeks of paid family leave in a benefit year for the birth, adoption, or foster care placement of a child, or because of a qualifying exigency arising out of the fact that a family member is on active duty or has been notified of an impending call to active duty in the Armed Forces;
 - employees may be entitled to up to 20 weeks of paid medical leave in a benefit year if they have a serious health condition that incapacitates them from work
 - employees may be entitled to up to 26 weeks of paid family leave in a benefit year to care for a family member who is a covered service member undergoing medical treatment or otherwise addressing consequences of a serious health condition relating to the family member's military service.
- Beginning July 1, 2021,
 - employees may be entitled to up to 12 weeks of paid family leave in a benefit year to care for a family member with a serious health condition.
- Employees may be eligible for up to 26 total weeks, in the aggregate, of paid family and medical leave in a single benefit year.
- An employee's weekly benefit amount will be based on the employee's earnings, with a maximum benefit of \$550 per week.

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Examples of Mandatory Handouts

- Massachusetts: Pregnant Workers Fairness Act Notice
- Effective April 2018, employers with six or more employees must provide this notice
- Informs employees of the right to be free from discrimination due to pregnancy or a condition related to pregnancy
- Must be provided to employees at time of hire and to an employee who notifies the employer of a pregnancy or condition related to the employee's pregnancy

MASSACHUSETTS COMMISSION AGAINST DISCRIMINATION

MCAD Guidance PREGNANT WORKERS FAIRNESS ACT Issued 1/23/2018

The Pregnant Workers Fairness Act ("the Act") amends the current statute prohibiting discrimination in employment, G.L. c. 151B, §4, enforced by the Massachusetts Commission Against Discrimination (MCAD). The Act, effective on April 1, 2018, expressly prohibits employment discrimination on the basis of pregnancy and pregnancy-related conditions, such as lactation or the need to express breast milk for a nursing child. It also describes employers' obligations to employees that are pregnant or lactating and the protections these employees are entitled to receive. Generally, employers may not treat employees or job applicants less favorably than other employees based on pregnancy or pregnancy-related conditions and have an obligation to accommodate pregnant workers.

Under the Act:

- Upon request for an accommodation, the employer has an obligation to communicate with the employee in order to determine a reasonable accommodation for the pregnancy or pregnancy-related condition. This is called an "interactive process," and it must be done in good faith. A reasonable accommodation is a modification or adjustment that allows the employee or job applicant to perform the essential functions of the job while pregnant or experiencing a pregnancy-related condition, without undue hardship to the employer.
- An employer must accommodate conditions related to pregnancy, including post-pregnancy conditions such as the need to express breast milk for a nursing child, unless doing so would pose an undue hardship on the employer. "Undue hardship" means that providing the accommodation would cause the employer significant difficulty or expense.
- An employer cannot require a pregnant employee to accept a particular accommodation, or to begin disability or parental leave if another reasonable accommodation would enable the employee to perform the essential functions of the job without undue hardship to the employer.
- An employer cannot refuse to hire a pregnant job applicant or applicant with a pregnancy-related condition, because of the pregnancy or the pregnancy-related condition, if an applicant is capable of performing the essential functions of the position with a reasonable accommodation.
- An employer cannot deny an employment opportunity or take adverse action against an employee because of the employee's request for or use of a reasonable accommodation for a pregnancy or pregnancy-related condition.
- An employer cannot require medical documentation about the need for an accommodation if the accommodation requested is for: (i) more frequent restroom, food or water breaks; (ii) seating; (iii) limits on lifting no more than 20 pounds; and (iv) private, non-bathroom space for expressing breast milk. An employer, may, however, request medical documentation for other accommodations.
- Employers must provide written notice to employees of the right to be free from discrimination due to pregnancy or a condition related to pregnancy, including the right to reasonable accommodations for conditions related to pregnancy, in a handbook, pamphlet, or other means of notice no later than April 1, 2018.

Examples of Mandatory Handouts

- Massachusetts: Earned Sick Time Notice of Employee Rights
- Informs employees of their rights to earned sick time
- Notice must be posted and provided to all employees

EARNED SICK TIME

Notice of Employee Rights

Beginning July 1, 2015, Massachusetts employees have the right to earn and take sick leave from work.

<h4>WHO QUALIFIES?</h4> <p>All employees in Massachusetts can earn sick time.</p> <p>This includes full-time, part-time, temporary, and seasonal employees.</p>	<h4>WILL IT BE PAID?</h4> <ul style="list-style-type: none"> If an employer has 11 or more employees, sick time must be paid. For employers with 10 or fewer employees, sick time may be unpaid. Paid sick time must be paid on the same schedule and at the same rate as regular wages.
<h4>HOW IS IT EARNED?</h4> <ul style="list-style-type: none"> Employees earn 1 hour of sick time for every 30 hours they work. Employees can earn and use up to 40 hours per year if they work enough hours. Employees with unused earned sick time at the end of the year can rollover up to 40 hours. Employees begin earning sick time on their first day of work and may begin using earned sick time 90 days after starting work. 	<h4>WHEN CAN IT BE USED?</h4> <ul style="list-style-type: none"> An employee can use sick time when the employee or the employee's child, spouse, parent, or parent of a spouse is sick, has a medical appointment, or has to address the effects of domestic violence. The smallest amount of sick time an employee can take is one hour. Sick time cannot be used as an excuse to be late for work without advance notice of a proper use. Use of sick time for other purposes is not allowed and may result in an employee being disciplined.
<h4>CAN AN EMPLOYER HAVE A DIFFERENT POLICY?</h4> <p>Yes. Employers may have their own sick leave or paid time off policy, so long as employees can use at least the same amount of time, for the same reasons, and with the same job-protections as under the Earned Sick Time Law.</p>	
<h4>RETALIATION</h4> <ul style="list-style-type: none"> Employees using earned sick time cannot be fired or otherwise retaliated against for exercising or attempting to exercise rights under the law. Examples of retaliation include: denying use or delaying payment of earned sick time, firing an employee, taking away work hours, or giving the employee undesirable assignments. 	<h4>NOTICE & VERIFICATION</h4> <ul style="list-style-type: none"> Employees must notify their employer before they use sick time, except in an emergency. Employers may require employees to use a reasonable notification system the employer creates. If an employee is out of work for 3 consecutive days OR uses sick time within 2 weeks of leaving his or her job, an employer may require documentation from a medical provider.
<h4>DO YOU HAVE QUESTIONS?</h4> <p>Call the Fair Labor Division at 617-727-3465 Visit www.mass.gov/ago/earnedsicktime</p>	

Commonwealth of Massachusetts
Office of the Attorney General
English - July 2016

The Attorney General enforces the Earned Sick Time Law and regulations.

It is unlawful to violate any provision of the Earned Sick Time Law.

Violations of any provision of the Earned Sick Time Law (MGL c. 149, §49C, or these regulations, 840 CMR 33.00) shall be subject to paragraphs (1), (2), (4), (6) and (7) of subsection (b) of MGL c. 149, §27C(2b) and to §150.

This notice is intended to inform.

Full text of the law and regulations are available at www.mass.gov/ago/earnedsicktime.

Examples of Mandatory Handouts

- New Jersey: Earned Sick Leave Notice
- Must be provided to employees at time of hire
- Informs employees of their rights to earned sick time
- Notice must be posted and provided to employees
- Mandatory update January 2019

Advance Notice
If your need for earned sick leave is foreseeable (can be planned in advance), your employer can require up to 7 days' advance notice of your intention to use earned sick leave. If your need for earned sick leave is unforeseeable (cannot be planned in advance), your employer may require you to give notice as soon as it is practical.

Documentation

New Jersey Department of Labor and Workforce Development
New Jersey Earned Sick Leave Notice of Employee Rights

Under New Jersey's Earned Sick Leave Law, most employees have a right to accrue up to 40 hours of earned sick leave per year. Go to nj.gov/labor to learn which employees are covered by the law.

New employees must receive this written notice from their employer when they begin employment, and existing employees must receive it by November 29, 2018. Employers must also post this notice in a conspicuous and accessible place at all work sites, and provide copies to employees upon request.

YOU HAVE A RIGHT TO EARNED SICK LEAVE.

Amount of Earned Sick Leave
Your employer must provide up to a total of 40 hours of earned sick leave every benefit year. Your employer's benefit year is: Start of Benefit Year: _____ End of Benefit Year: _____

Rate of Accrual
You accrue earned sick leave at the rate of 1 hour for every 30 hours worked, up to a maximum of 40 hours of leave per benefit year. Alternatively, your employer can provide you with 40 hours of earned sick leave up front.

Date Accrual Begins
You begin to accrue earned sick leave on October 29, 2018, or on your first day of employment, whichever is later. Exception: If you are covered by a collective bargaining agreement that was in effect on October 29, 2018, you begin to accrue earned sick leave under this law beginning on the date that the agreement expires.

Date Earned Sick Leave is Available for Use
You can begin using earned sick leave accrued under this law 120 days after you begin employment.

Acceptable Reasons to Use Earned Sick Leave
You can use earned sick leave to take time off from work when:

- You need diagnosis, care, treatment, or recovery for a mental or physical illness, injury, or health condition; or you need preventive medical care.
- You need to care for a family member during diagnosis, care, treatment, or recovery for a mental or physical illness, injury, or health condition; or your family member needs preventive medical care.
- You or a family member have been the victim of domestic violence or sexual violence and need time for treatment, counseling, or to prepare for legal proceedings.
- You need to attend school-related conferences, meetings, or events regarding your child's education; or to attend a school-related meeting regarding your child's health.
- Your employer's business closes due to a public health emergency or you need to care for a child whose school or child care provider closed due to a public health emergency.

Family Members
The law recognizes the following individuals as "family members:"

- Child (biological, adopted, or foster child; stepchild; legal ward; child of a domestic partner or civil union partner)
- Grandchild
- Sibling
- Spouse
- Domestic partner or civil union partner
- Parent
- Grandparent
- Spouse, domestic partner, or civil union partner of an employee's parent or grandparent
- Sibling of an employee's spouse, domestic partner, or civil union partner
- Any other individual related by blood to the employee
- Any individual whose close association with the employee is the equivalent of family

page 1 of 2

page 2 of 2

Examples of Mandatory Handouts

- New Jersey: Conscientious Employee Protection Act Notice
- Employers with 10 or more employees must provide this notice
- Informs employees of their rights under the Conscientious Employee Protection Act (Whistleblower Act)
- Must be provided in English and Spanish
- Must be provided annually

Conscientious Employee Protection Act
"Whistleblower Act"

Employer retaliatory action; protected employee actions; employee responsibilities

1. New Jersey law prohibits an employer from taking any retaliatory action against an employee because the employee does any of the following:

- Discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy or practice of the employer or another employer, with whom there is a business relationship, that the employee reasonably believes is in violation of a law, or a rule or regulation issued under the law, or, in the case of an employee who is a licensed or certified health care professional, reasonably believes constitutes improper quality of patient care;
- Provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any violation of law, or a rule or regulation issued under the law by the employer or another employer, with whom there is a business relationship, or, in the case of an employee who is a licensed or certified health care professional, provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into quality of patient care; or
- Provides information involving deception of, or misrepresentation to, any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
- Provides information regarding any perceived criminal or fraudulent activity, policy or practice of deception or misrepresentation which the employee reasonably believes may defraud any shareholder, investor, client, patient, customer, employee, former employee, retiree or pensioner of the employer or any governmental entity.
- Objects to, or refuses to participate in, any activity, policy or practice which the employee reasonably believes:
 - is in violation of a law, or a rule or regulation issued under the law or, if the employee is a licensed or certified health care professional, constitutes improper quality of patient care;
 - is fraudulent or criminal; or
 - is incompatible with a clear mandate of public policy concerning the public health, safety or welfare or protection of the environment. N.J.S.A. 34:19-3.

2. The protection against retaliation, when a disclosure is made to a public body, does not apply unless the employee has brought the activity, policy or practice to the attention of a supervisor of the employee by written notice and given the employer a reasonable opportunity to correct the activity, policy or practice. However, disclosure is not required where the employee reasonably believes that the activity, policy or practice is known to one or more supervisors of the employer or where the employee fears physical harm as a result of the disclosure, provided that the situation is emergency in nature.

CONTACT INFORMATION

Your employer has designated the following contact person to receive written notifications, pursuant to paragraph 2 above (N.J.S.A. 34:19-4):

Name: _____

Address: _____

Telephone Number: _____

This notice must be conspicuously displayed.

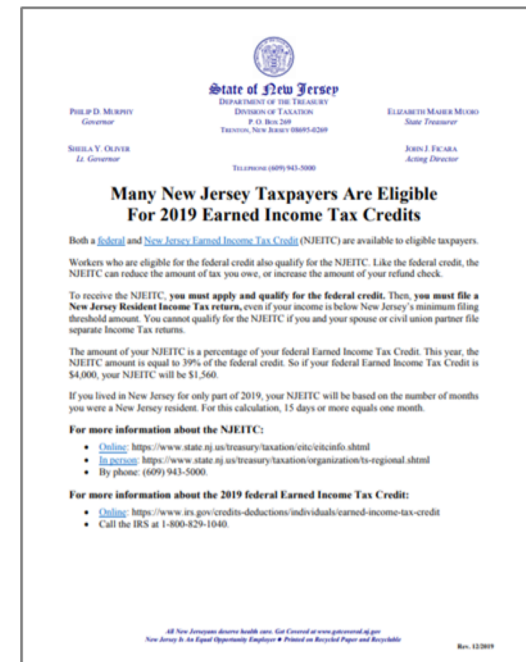
Once each year, employers with 10 or more employees must distribute notice of this law to their employees. If you need this document in a language other than English or Spanish, please call (609) 292-7632.

NEW JERSEY DEPARTMENT OF
LWD
LABOR & WORKFORCE DEVELOPMENT

AD-ERS 0075


Examples of Mandatory Handouts

- New Jersey: Earned Income Tax Credit Notice
- Informs employees of the availability of both the federal and New Jersey Earned Income Tax Credits
- Must be provided between January 1 and February 15 of each year to coincide with the distribution of Form W-2
- Mandatory update January 2020



Examples of Mandatory Handouts

- Connecticut: Sexual Harassment Notice
- Effective October 1, 2019, employers with 3 or more employees must provide this notice to new employees at time of hire
- Lists examples of sexual harassment and explains the complaint process available through the Connecticut Commission on Human Rights and Opportunities
- Must also be posted in the workplace



State of Connecticut
COMMISSION ON HUMAN RIGHTS AND OPPORTUNITIES
Promoting Equality and Justice for all People

SEXUAL HARASSMENT IS ILLEGAL

and is prohibited by
The Connecticut Discrimination Employment Practices Act, and
Title VII of the Civil Rights Act of 1964

Sexual harassment means: "Any unwelcome sexual advances or requests for sexual favors or any conduct of a sexual nature when:

- (1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment;
- (2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- (3) Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile or offensive working environment."

Individuals who engage in acts of sexual harassment may be subject to civil and criminal penalties.

Examples of Sexual Harassment	Remedies For Sexual Harassment
<ul style="list-style-type: none"> • Unwelcome sexual advances • Suggestive or lewd remarks • Unwanted hugs, touches, or kisses • Requests for sexual favors • Retaliation for complaining about sexual harassment • Derogatory or pornographic posters, cartoons or drawings 	<ul style="list-style-type: none"> • Cease and desist orders • Back pay • Compensatory damages • Hiring, promotion or reinstatement • Emotional distress damages

Connecticut law requires that a written complaint be filed with the Commission within 300 days of the date the alleged harassment for events occurring on or after October 1, 2019. For harassment occurring before October 1, 2019, complaints must be filed within 180 days of the harassment.

If you feel you have been discriminated against, contact the Connecticut Commission on Human Rights and Opportunities at 860-541-3400, CT Toll Free 1-800-477-5737, or online at www.ct.gov/CHRO

Examples of Mandatory Handouts

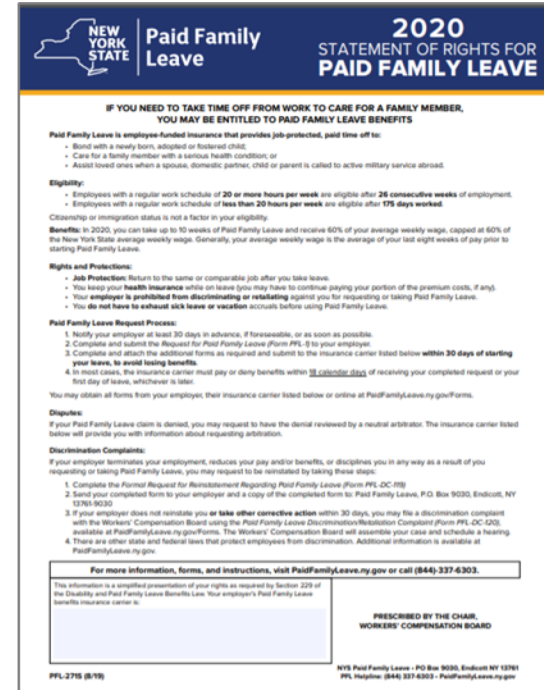
- New York: Sexual Harassment Policy, Complaint Form and Prevention Notice
- NY employers must provide all new employees with a sexual harassment policy, complaint form and prevention notice at the time of hire, and to existing employees at every mandatory sexual harassment prevention training (required annually)
- Informs employees of their rights to a harassment-free workplace, how to file complaints and explains where employees can locate the employer's sexual harassment policy, training materials, and complaint form
- Mandatory updates November 2019

The image displays three sample forms from the New York State Department of Labor, specifically from the 'Combating Sexual Harassment' initiative.

- Top Form: Sexual Harassment Policy for All Employers in New York State**. This form includes an 'Introduction' section explaining the commitment to a harassment-free workplace and a 'Policy' section with three numbered points: 1. Policy applies to all employees, 2. Sexual harassment is prohibited, and 3. Retaliation is prohibited. It also includes a section for 'COMPLAINANT INFORMATION'.
- Middle Form: Model Complaint Form for Reporting Sexual Harassment**. This form provides a structured way for employees to report harassment, including sections for 'Introduction', 'If you believe that you have been subjected to sexual harassment...', and 'If you are more comfortable reporting verbally or in another manner...'. It also includes a section for 'COMPLAINANT INFORMATION'.
- Bottom Form: Sexual Harassment Prevention Notice**. This form informs employees of their rights to a harassment-free workplace, how to file complaints, and where to find the employer's policy, training materials, and complaint form. It includes a section for 'COMPLAINANT INFORMATION'.

Examples of Mandatory Handouts

- New York: Paid Family Leave Notice
- Updated for 2020: Informs employees of their paid family leave benefits
- Notice must be provided in employee handbooks
- Employers who do not have employee handbooks must give this notice separately to employees
- Notice must also be given to employees when they take paid family leave



NEW YORK STATE | **Paid Family Leave** | **2020 STATEMENT OF RIGHTS FOR PAID FAMILY LEAVE**

IF YOU NEED TO TAKE TIME OFF FROM WORK TO CARE FOR A FAMILY MEMBER, YOU MAY BE ENTITLED TO PAID FAMILY LEAVE BENEFITS

Paid Family Leave is employer-funded insurance that provides job-protected, paid time off to:

- Bond with a newly born, adopted or fostered child;
- Care for a family member with a serious health condition; or
- Assist loved ones when a spouse, domestic partner, child or parent is called to active military service abroad.

Eligibility:

- Employees with a regular work schedule of **20 or more hours per week** are eligible after **26 consecutive weeks** of employment.
- Employees with a regular work schedule of **less than 20 hours per week** are eligible after **175 days worked**.

Citizenship or immigration status is not a factor in your eligibility.

Benefits: In 2020, you can take up to 10 weeks of Paid Family Leave and receive 60% of your average weekly wage, capped at 60% of the New York State average weekly wage. Generally, your average weekly wage is the average of your last eight weeks of pay prior to starting Paid Family Leave.

Rights and Protections:

- **Job Protection:** Return to the same or comparable job after you take leave.
- You keep your **health insurance** while on leave (you may have to continue paying your portion of the premium costs, if any).
- Your employer is **prohibited from discriminating or retaliating** against you for requesting or taking Paid Family Leave.
- You **do not have to exhaust sick leave or vacation accounts** before using Paid Family Leave.

Paid Family Leave Request Process:

1. Notify your employer at least 30 days in advance, if foreseeable, or as soon as possible.
2. Complete and submit the Request for Paid Family Leave (Form PFL-R) to your employer.
3. Complete and attach the additional forms as required and submit to the insurance carrier listed below **within 30 days of starting your leave, to avoid losing benefits**.
4. In most cases, the insurance carrier must pay or deny benefits within **10 calendar days** of receiving your completed request or your first day of leave, whichever is later.

You may obtain all forms from your employer, their insurance carrier listed below or online at PaidFamilyLeave.ny.gov/Forms.

Disputes:

If your Paid Family Leave claim is denied, you may request to have the denial reviewed by a neutral arbitrator. The insurance carrier listed below will provide you with information about requesting arbitration.

Discrimination Complaints:

If your employer terminates your employment, reduces your pay and/or benefits, or disciplines you in any way as a result of you requesting or taking Paid Family Leave, you may request to be reinstated by taking these steps:

1. Complete the Request for Reinstatement Regarding Paid Family Leave (Form PFL-DC-RS).
2. Send your completed form to your employer and a copy of the completed form to: Paid Family Leave, P.O. Box 9030, Endicott, NY 13761-9030.
3. If your employer does not reinstate you or take other corrective action within 30 days, you may file a discrimination complaint with the Workers' Compensation Board using the Paid Family Leave Discrimination/Retaliation Complaint (Form PFL-DC-DR), available at PaidFamilyLeave.ny.gov/Forms. The Workers' Compensation Board will assemble your case and schedule a hearing.
4. There are other state and federal laws that protect employees from discrimination. Additional information is available at PaidFamilyLeave.ny.gov.

For more information, forms, and instructions, visit PaidFamilyLeave.ny.gov or call (844) 337-4303.

This information is a simplified presentation of your rights as required by Section 229 of the Disability and Paid Family Leave Benefits Law. Your employer's Paid Family Leave benefits insurance carrier is:

PRESCRIBED BY THE CHAIR, WORKERS' COMPENSATION BOARD

NY Paid Family Leave - PO Box 9030, Endicott NY 13761
PFL Hotline: (844) 337-4303 - PaidFamilyLeave.ny.gov

PFL-2715 (8/18)

Examples of Mandatory Handouts

- New York: Wage Theft Notice
- Purpose is to inform employees of rate of pay, regular payday, name of employer, and any allowances taken as part of the minimum wage
- Notice must be given in English and the employee's primary language
- Employers must choose the correct notice based on the type of employee relationship
- Must be provided to employees at time of hire (and with any pay status change)

NEW YORK
NOTICE

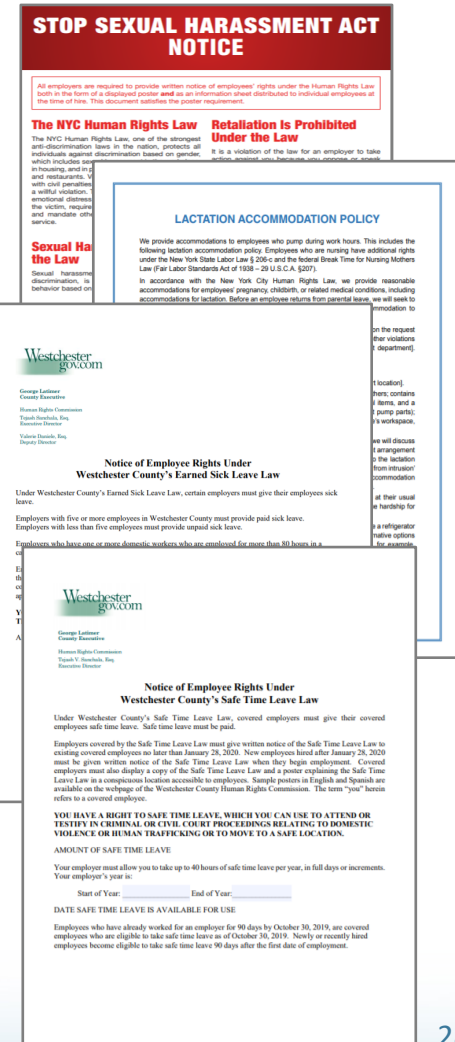
Notice and Acknowledgement of Pay Rate and Payday
Under Section 195.1 of the New York State Labor Law
Notice for Employees Paid a Weekly Rate or a Salary for a Fixed Number of Hours (40 or Fewer in a Week)

<p>1. Employer Information</p> <p>Name: _____</p> <p>Doing Business As (DBA) Name(s): _____</p> <p>FEIN (optional): _____</p> <p>Physical Address: _____</p> <p>Mailing Address: _____</p> <p>Phone: _____</p>	<p>3. Employee's Pay Rate:</p> <p>\$ _____ per _____</p> <p>Weekly hours _____ (Specify the number of hours for which the weekly rate or salary will be paid.)</p> <p>Employers may not pay a non-hourly rate to a non-exempt employee in the Hospitality Industry, except for commissioned salespeople.</p> <p>4. Allowances taken:</p> <p><input type="checkbox"/> None</p> <p><input type="checkbox"/> Tips _____ per hour</p> <p><input type="checkbox"/> Meals _____ per meal</p> <p><input type="checkbox"/> Lodging _____</p> <p><input type="checkbox"/> Other _____</p> <p>5. Regular payday: _____</p> <p>6. Pay is:</p> <p><input type="checkbox"/> Weekly</p> <p><input type="checkbox"/> Bi-weekly</p> <p><input type="checkbox"/> Other _____</p> <p>7. Overtime Pay Rate:</p> <p>\$ _____ per hour (This must be at least 1½ times the worker's regular rate, with few exceptions.)</p>	<p>8. Employee Acknowledgement:</p> <p>On this day, I have been notified of my pay rate, overtime rate (if eligible), allowances, and designated payday. I told my employer what my primary language is.</p> <p>Check one:</p> <p><input type="checkbox"/> I have been given this pay notice in English because it is my primary language.</p> <p><input type="checkbox"/> My primary language is _____, I have been given this pay notice in English only, because the Department of Labor does not yet offer a pay notice form in my primary language.</p> <p>Print Employee Name _____</p> <p>Employee Signature _____</p> <p>Date _____</p> <p>Preparer Name and Title _____</p> <p>The employee must receive a signed copy of this form. The employer must keep the original for 6 years.</p> <p>Please note: It is unlawful for an employee to be paid less than an employee of the opposite sex for equal work. Employers also may not prohibit employees from discussing wages with their co-workers.</p>
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LS 56 (01/17)

Examples of Mandatory Handouts

- New York City: Stop Sexual Harassment Notice
 - Effective September 6, 2018
 - Must be provided to new employees at time of hire or in employee handbooks
- New York City: Lactation Accommodation Policy
 - Effective March 17, 2019
 - Must be provided to new employees at the time of hire
- Westchester County: Earned Sick Leave Notice
 - Effective April 10, 2019
 - Must be provided to new employees at the time of hire and existing employees by July 10, 2019
- Westchester County: Safe Time Leave Notice
 - Effective October 30, 2019
 - Must be provided to new employees at the time of hire and to existing employees by January 28, 2020



ComplyRight™ Mandatory Employee Handout Service

- Attorney-developed, 50-state service to help businesses comply with federal, state and local laws requiring employers to provide employees with a written copy of certain labor law notifications
- Provides employers electronic access to current federal, state and local handouts to print or email to employees unlimited times during the annual service term
- Includes 365 days of monitoring by our in-house legal team, and automatic alerts/updates with every mandatory change

How It Works

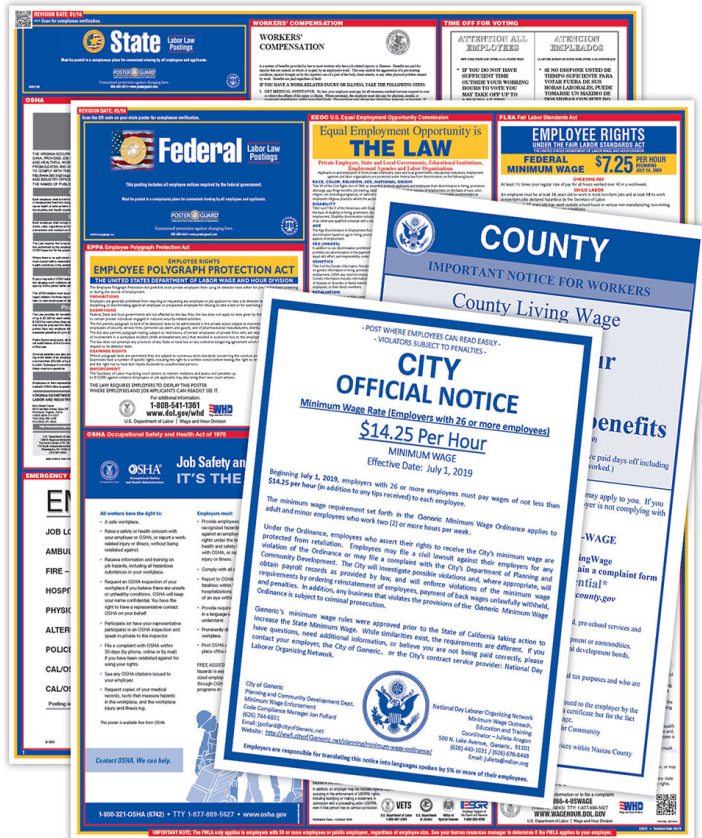
- We provide 24/7 digital access to your mandatory federal, state and local employee handouts for the states you select
- Our in-house legal team researches all applicable laws, and immediately updates files to ensure they are complete and accurate at all times
- We notify you of new/updated mandatory handout requirements via timely email notifications
- You can print completed handouts, or send them as email attachments, unlimited times during your active service

More About the Handouts

- Each includes detailed instructions, explaining when and how to use (e.g., triggering event, frequency, whether posting also required, foreign language requirements, acknowledgments)
- Acknowledgments provided whenever mandatory
- Grouped by category (e.g., Hiring, Injury, Separation) for easy navigation/access
- Handouts are fillable/editable; completed forms can be saved
- Attorney-written content provided for all “self-create” handouts (templates not provided by government agencies)
- Includes foreign-language versions where required

Distribute to Affected Employees...

- Distribute according to instructions, if applicable
- Options may include (unless specified by instructions):
 - ✓ Print and distribute by hand
 - ✓ Include as an email attachment
 - ✓ Incorporate into policy manuals
 - ✓ Include with pay checks
 - ✓ Send by regular mail
 - ✓ Post electronically on company intranet
- Always use current template provided by ComplyRight when retrieving/completing a new notice to ensure you are using the most up-to-date version



For more information, contact:

Peter Kettwig
Compliance Specialist

954.970.5688

pkettwig@hrdirect.com