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Eye on Washington

Detailed Look at State, Local and Federal Updates

Timely, topical insights on a variety of payroll and reporting issues.

Topics covered in this issue:

State/Territory/District

Colorado Requires Notice Before Certain Deductions from Wages

Colorado has enacted legislation (Senate Bill 161) that amends the state's wage theft law. It requires employers to provide notice to an employee before deducting from their pay for money or property the employee failed to return or repay upon termination of employment.

The Details:

Effective August 9, 2022, employers must provide notice to an employee before deducting from their wages for failing to return company property or failing to repay money to the employer upon termination of employment. The notice must be provided within 10 days of the termination of employment and include a written account that specifies:

- The amount of money or the specific property involved;
- The replacement value of the property; and
- To the extent known, when the money or property was provided to the employee and when the employer believes the employee should have returned or repaid it.

If the employee returns/repays the money/property within 14 days of the employer providing the notice, the employer must then pay the employee the deducted amount within 14 days.

Anti-Retaliation Provisions Amended:

Effective August 9, 2022, the state's wage theft law's anti-retaliation provisions are amended to prohibit employers from taking adverse action against any employee who has:

- Filed any complaint or instituted any proceeding under the state's wage theft law or any other law or rule that relates to wages or hours.
- Testified or provided other evidence, or may testify or provide other evidence, in any proceeding on behalf of the employee or another person regarding afforded protections under the state's wage theft law or any other law or rule related to wages or hours.

Other Changes:

Senate Bill 161 makes significant changes to enforcement procedures and penalties for employers that fail to pay wages and past-due wages to employees. For example, effective January 1, 2023, Senate Bill 161 allows the recovery of attorney fees, an additional fine of 50 percent of the amount of past-due wages, and a penalty of the greater of 50 percent of past-due wages or $3,000 from an employer that fails to pay an employee past-due wages within 60 days after the determination in favor of the employee. See the **text of the law** for details on these and other changes.

Next Steps:

- Ensure compliance with the notice requirements before making covered deductions.
- Train anyone involved in the termination process on the new notice requirement and timeframes for compliance.
- Review the new enforcement procedures and penalties contained in **the law**.

Connecticut Expands Voting Leave Requirement

Connecticut has enacted legislation (Senate Bill 361) that expands the circumstances under which employees may use voting leave under state law. Senate Bill 361 took effect **July 1, 2022**.

Existing Law	Effective July 1, 2022
Employers must grant each employee, in the case of a state election, or each employee who is an elector in the case of any special election for United States senator, representative in Congress, state senator, or state representative, two hours unpaid time off from such employee's regularly scheduled work for the purpose of voting if the employee requests such time off no less than two working days prior to such election.	Employees may also use this voting leave if they are an elector in a special election held for a judge of probate.

The state's voting leave law remains in effect until June 30, 2024, unless extended.

Next Steps:

- Update policies and procedures to comply with Senate Bill 361.
- Train supervisors on how to respond to requests for voting leave.

Supreme Court Rules California Employers Can Force Arbitration of Individual PAGA Claims

Click **here** for the article.

Hawaii Enacts Minimum Wage Legislation

On June 24, 2022, Hawaii Governor David Ige signed into law **HB 2510** which incrementally increases the state's minimum wage. The current minimum wage in Hawaii is $10.10 per hour. The minimum cash wage is $9.35, but only if an employee earns $7.00 more than the minimum wage through tips and wages.

The Details:

The minimum wage in Hawaii is scheduled to increase as follows:

$12.00 per hour beginning October 1, 2022
$14.00 per hour beginning January 1, 2024
$16.00 per hour beginning January 1, 2026
$18.00 per hour beginning January 1, 2028

The minimum cash wage for tipped employees is scheduled to increase as follows:

$11.00 ($1.00 employer tip credit) per hour beginning October 1, 2022
$12.75 ($1.25 employer tip credit) per hour beginning January 1, 2024
$14.75 ($1.25 employer tip credit) per hour beginning January 1, 2026
$16.50 ($1.50 employer tip credit) per hour beginning January 1, 2028

Note: As already provided in Hawaii law, an employer may take a tip credit (allowing an employer to pay a cash wage less than the minimum wage) only if the combined amount the employee receives from the employer and in tips is at least $7.00 more than the applicable minimum wage.

Next Steps:

Hawaii employers must pay at least the minimum wage as scheduled above. In addition, employers must post the required **notice** once updated by the state.

Louisiana Prohibits Hairstyle Discrimination

Louisiana has enacted legislation (House Bill 1083) that expressly prohibits employers from discriminating against individuals based on their natural, protective, or cultural hairstyle. House Bill 1083 takes effect August 1, 2022, and applies to employers with 20 or more employees.

The Details:

Effective August 1, 2022, employers with 20 or more employees are expressly prohibited from engaging in the following based on an individual's natural, protective or cultural hairstyle:

- Intentionally failing or refusing to hire or discharging any individual, or otherwise intentionally discriminating against any individual with respect to compensation, or terms, conditions or privileges of employment.
- Intentionally limiting, segregating or classifying applicants or employees in any way that would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect the individual's status as an employee.

The law's definition of natural, protective or cultural hairstyle includes but isn't limited to Afros, twists, locs, braids, cornrow braids, Bantu knots, curls, and hair styled to protect hair texture or for cultural significance.

Next Steps:

- Review dress codes, appearance policies and training to ensure compliance with House Bill 1083.
- If your policy simply indicates that employees must maintain kempt hair, consider clarifying that kempt means that the hair is clean and well-combed or arranged, and that employees can comply with a variety of hairstyles that meet those criteria.

Maine Prohibits Hairstyle Discrimination

Maine has enacted legislation (Legislative Document 598) that expressly prohibits employers from discriminating against individuals because of their hairstyle or other traits associated with race. Legislative Document 598 takes effect on **August 8, 2022**.

The Details:

By way of background, the Maine Human Rights Act prohibits all employers from discriminating against applicants and employees based on their race and certain other characteristics. Legislative Document 598 amends the law to also expressly prohibit discrimination based on traits associated with race, such as hair texture, Afro hairstyles, and protective hairstyles, which include braids, twists and locs.

Next Steps:

- Review dress codes, appearance policies, and training to ensure compliance with Legislative Document 598.
- If your policy simply indicates that employees must maintain kempt hair, consider clarifying that kempt means that the hair is clean and well-combed or arranged, and that employees can comply with a variety of hairstyles that meet those criteria.

State of New York Expands Protections Against Domestic Violence Discrimination

New York has enacted legislation (Senate Bill 8417) that adds "status as a victim of domestic violence" to the list of protected classes throughout the New York Human Rights Law (NYHRL). Senate Bill 8417 is effective immediately.

Background:

In 2019, the NYHRL was amended to prohibit employers from discriminating against employees who are victims of domestic violence and provide such employees with reasonable accommodations.

The Details:

Senate Bill 8417 adds "status as a victim of domestic violence" to the list of protected classes in provisions throughout the NYHRL and expressly prohibits employment agencies and labor organizations from discriminating on the basis of an individual's status as a victim of domestic violence. See the **text of the law** for further details.

Next Steps:

New York employers should review their anti-discrimination policies and procedures to ensure compliance with Senate Bill 8417.

Puerto Rico Revises Labor Laws

Puerto Rico has enacted legislation (House Bill 1244) that makes major revisions to rules governing probationary periods, vacation and sick leave, meal periods, annual Christmas bonuses and other requirements under the island's labor laws. However, the Puerto Rico Fiscal Oversight and Management Board opposes aspects of the law and maintains it has the authority to block it, so employers should watch for developments closely.

Effective Dates:

Unless an employer is a medium-sized business or smaller, the employer must comply with House Bill 1244 by **July 20, 2022**.

Micro, small, and medium-sized businesses have until **September 18, 2022** to comply. The definitions of these terms for the purposes of the law follow:

- A medium-sized business is one that generates a gross income of less than $10 million each year and has 50 employees or fewer.
- A small-sized business is one that generates a gross income of less than $3 million each year and has 25 or fewer employees.
- A micro-sized business is one that generates gross income of less than $500,000 each year and has seven or fewer employees.

The Details:

Here's a summary of several of the changes:

Probationary Periods:

Under the law, the automatic probationary period (for exempt and nonexempt employees) is reduced to 90 days. However, employers have the option of extending it another 90 days upon written notice to the Puerto Rico Secretary of Labor, explaining why the nature of the job requires the longer probation period.

Vacation and Sick Leave:

Employers with 13 or More Employees:

Employees will be eligible to accrue paid vacation and sick leave if they work at least 115 hours in a month, a decrease from 130 hours in a month under existing law. Vacation leave will accrue at 1.25 days per month for employees who work at least 115 hours in a month. The accrual rate for sick leave (one day per month) will stay the same for employees who work at least 115 hours in a month.

If an employee works at least 20 hours per week but fewer than 115 hours in a month, they will accrue a half-day of paid vacation leave and a half-day of paid sick leave per month.

Employers with 12 or Fewer Employees:

Employees of smaller employers will also be eligible to accrue paid vacation and sick leave if they work at least 115 hours in a month. For these employees, vacation leave will accrue at a half-day per month, and sick leave will accrue at a rate of one day per month.

If an employee works at least 20 hours per week but fewer than 115 hours in a month, they will accrue one-quarter day of vacation leave and a half-day of sick leave per month.

Vacation Payout:

An employer will be able to allow partial or total payout of accrued vacation upon an employee's written request.

Annual (Christmas) Bonus:

Most employees must now work only 700 hours to be eligible for the Christmas bonus, regardless of when they were hired.

However, if an employee works for a medium-sized employer or smaller, they must work at least 900 hours to be eligible for the bonus. See the **text of the law** for details.

Unjust Dismissal Law:

House Bill 1244 makes several changes to the island's unjust dismissal law, including:

- Revising the calculation of the remedy for an unjust dismissal.
- Providing new examples of just cause for termination.
- Revising the definition of constructive discharge.
- Reestablishing the presumption that all employment terminations are unjust.

See the **text of the law** for details.

Meal Periods:

Once the law takes effect, meal periods may occur no earlier than the third hour of work, unless there is a written agreement for it to occur earlier. Employers will now be prohibited from omitting a meal period if the total work hours are no more than six hours in a working day. A second meal period will be required if work hours exceed 10 hours, unless all of the following conditions are met:

1. Total work hours are no more than 12 hours;
2. There is a written agreement between the employer and employee to waive the second meal period; and
3. The employee has taken the first meal period.

Day of Rest:

A new premium rate will apply to nonexempt "student" employees who work on the day of rest required after six consecutive workdays. See the **text of the law** for details.

Next Steps:

If you have employees in Puerto Rico:

- Review policies and practices and prepare to comply with the law by the applicable effective date.
- Train supervisors on the new requirements.
- Watch for developments closely in case the law is blocked or delayed.

Rhode Island Adds Employment Protections for Recreational Marijuana Users

The Details:

Rhode Island has enacted the Rhode Island Cannabis Act (the Act), which adds and clarifies workplace protections related to cannabis use.

Under the Act, an employer:

- May refuse to hire, or may discharge, discipline or take adverse action against an employee because that person violated a workplace drug policy or worked while under the influence of cannabis;
- Is not required to accommodate a worker that uses, possesses, or is under the influence of cannabis at work or another location (including remote work) while working; and
- May implement policies prohibiting the use or possession of cannabis in the workplace or working under the influence of cannabis.

Note: If an employee's job duties involve work that is hazardous, dangerous, or essential to public welfare and safety, an employer may prohibit cannabis use within 24 hours prior to a scheduled work shift or assignment.

Prohibited Actions:

Under the law, an employer cannot fire or discipline an employee solely because the employee lawfully and privately used cannabis outside of work if the employee has not and is not working under the influence of cannabis.

Note: Exceptions to the off-duty use protections also exist for collective bargaining agreements as well as federal contractors, who may discipline an employee's off-duty use of cannabis if they would otherwise lose a monetary or benefit related to licensing.

Next Steps:

Rhode Island employers should review their drug and alcohol testing policies, forms, practices and supervisor training to ensure compliance with House Bill 7593.

South Carolina Clarifies Employer Unemployment Requirements

South Carolina has enacted a final rule that clarifies what information an employer must provide to the South Carolina Department of Employment and Workforce (the Department) for an employee separation. The final rule is effective immediately.

The Details:

South Carolina has amended its unemployment claims process to:

- Have initial or additional benefit claims filed by workers mailed and electronically transmitted to a worker's last employer;
- Require covered employers to complete and return the required information on magnetic tapes, diskettes, or electronically, in a format approved by the Department instead of using mail.

Note: The Department may waive the requirement to use magnetic media if an employer shows that the requirement would impose a hardship.

Under the law, another liable employer may be sent, and required to complete and return, a Request to Employer for Separation Information form in accordance with the law.

Mass Separations:

The final rule defines a "mass separation" as a permanent, or indefinite separation period, of ten or more workers employed in a single establishment at or about the same time and for the same reason.

Note: Mass separations do not include separations for regular vacation periods.

For mass separations, employers must file **Form UCB-113 (Notice of Mass Separations)** with the office nearest to the worker's place of employment or residence no later than ten calendar days, for each individual affected, after their separation (excluding Sundays and holidays).

Next Steps:

South Carolina employers should ensure timely and complete responses to requests for information concerning unemployment benefits to the Department to ensure compliance with the **final rule**.

Tennessee Enacts Shared Work Program

Tennessee has enacted legislation (Senate Bill 958) that allows employers to create a voluntary shared work program. Senate Bill 958 took effect on May 27, 2022.

The Details:

Tennessee has established a shared work program that allows employers to reduce and evenly redistribute work hours among a group of employees to avoid layoffs.

Shared Work Plan Requirements:

To participate in the shared work program, an employer must submit a written plan to the state administrator. To be approved, the plan must:

- Provide an estimate of how many layoffs would occur without the program;
- Certify that the total reduction in work hours would have impacted at least 10 percent of the employees in the affected group;
- Apply to at least 10 percent of the employees in the affected group;
- Ensure that the affected group of employees was not reduced by temporary layoffs of over 10 percent of the workers in the past four months;
- Reduce the usual weekly hours for affected employees by at least 10 percent and up to 40 percent;
- Continue health, retirement and fringe benefits for the affected employees as though their work was not reduced; and
- Not act as a subsidy for part-time, intermittent or seasonal employees.

Employee Eligibility and Benefits:

An employee is eligible for shared work benefits if they are a member of an affected group and able and available to work during the normal work week.

Eligible employees are entitled to replace a portion of their lost wages by collecting a portion of their unemployment benefits (their regular weekly unemployment benefit multiplied by the percentage of the reduction in their usual weekly working hours) for up to 25 weeks.

Note: Under the law, **additional rules** exist if an employee works for a shared work employer and another employer.

Next Steps:

Tennessee employers should consult legal counsel to discuss the impact of Senate Bill 958 on their staffing policies and practices.

Tennessee Extends Time to File a Discrimination Claim

Tennessee has enacted legislation (Senate Bill 2774) that increases the time in which an individual may file a discrimination complaint against their employer from 180 to 185 days. Senate Bill 2774 is effective immediately.

The Details:

The Tennessee Human Rights Act prohibits Tennessee employers from discriminating on the basis of certain protected characteristics, such as race, creed, color, religion, sex, age or national origin.

Senate Bill 2774 increases the time in which an individual may file a discrimination complaint with the Tennessee Human Rights Commission from 180 to 185 days.

Next Steps:

Tennessee employers should inform their HR personnel of the change.

Tennessee Prohibits Hairstyle Discrimination

Tennessee has enacted legislation that expressly prohibits employers from discriminating against individuals because of their hairstyle or other traits associated with race. Senate Bill 136 took effect on July 1, 2022.

Background:

The Tennessee Human Rights Act prohibits employers from discriminating against applicants and employees based on numerous protected characteristics, including race.

The Details:

Senate Bill 136 is amended to prohibit discrimination based on traits associated with race, such as hair texture, Afro hairstyles, and protective hairstyles, which include braids, locs, and twists.

Next Steps:

- Review dress codes, appearance policies and training to ensure compliance with Senate Bill 136.
- If your policy simply indicates that employees must maintain kempt hair, consider clarifying that kempt means that the hair is clean and well-combed or arranged, and that employees can comply with a variety of hairstyles that meet those criteria.

Utah Restricts Usage of Genetic Information

Utah has enacted legislation (Senate Bill 144) that prohibits employers from accessing or inquiring about an employee's private genetic information or discriminating on the basis of genetic information or procedures. Senate Bill 144 is effective immediately.

The Details:

<u>Amended Definitions:</u>

The law expands the following terms:

- DNA is expanded to include proteins, enzymes, or other molecules that are associated with a genetic process that may be modified or replaced in function by a medical procedure.
- Genetic analysis is expanded to include the detection of an individual's DNA.

- A genetic procedure is any therapy, treatment, or medical procedure that is intended to add, remove, alter, activate, change or cause mutation in an individual's inherited DNA; or replace, supersede or bypass a normal DNA function.

Prohibited Actions:

The law also prohibits an employer from:

- Requesting or requiring an individual or their relative to undergo a genetic test or genetic procedure in connection with employment decisions, such as hiring, promotional, retention or related reasons; or
- Inquiring about or considering whether an individual or their relative has taken or refused to take a genetic test or who had or refused to have a genetic procedure.

Note: Individuals who experienced covered incidents after June 30, 2003, may file claims.

Next Steps:

Utah employers should review their policies and procedures to ensure compliance with Senate Bill 144.

Vermont Issues Tax Guidance for Relocated and Remote Workers

The Vermont Department of Taxes has provided withholding tax guidance for relocated and remote workers.

The Details:

The Vermont guidance states in part as follows:

> **Relocated and Remote Workers**
> If you live and work remotely in Vermont, then income earned during the entire period of time that you live in Vermont is subject to Vermont income tax. This is true even if you claim another state as your domicile, or even if you perform the remote work for a company that is not located in Vermont.

Next Steps:

Vermont employers should withhold tax as instructed at the following website:

Withholding | Department of Taxes (vermont.gov)

Virginia Clarifies Religious Protections

Virginia has enacted legislation (House Bill 1063) that clarifies the definition of religion for nondiscrimination purposes. House Bill 1063 is effective immediately.

Background:

The **Virginia Human Rights Act** prohibits an employer from discriminating against an individual on the basis of certain protected characteristics, such as race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, sexual orientation, gender identity, military status or disability.

The Details:

House Bill 1063 clarifies that religious protections include any outward expression of the individual's faith, such as:

- Their adherence to religious dressing;
- Grooming practices; or
- Carrying or displaying religious items or symbols.

Next Steps:

Virginia employers should review their nondiscrimination policies and practices to ensure compliance with House Bill 1063.

West Virginia Issues Final Rule on Child Labor Form for 14-and 15-Year-Olds

West Virginia has issued a final rule that amends child labor regulations. The final rule is effective immediately and set to expire on August 1, 2027.

Background:

Under state law, when a 14- or 15-year-old minor wants to work in a lawful occupation, the minor's prospective employer, the minor's parent, the minor's school principal, administrator or registrar and the county superintendent of schools all must complete the Division of Labor's (Division) **work permit form**.

Note: The form may be obtained from the county board of education and the **Division's website**.

The Details:

Under **the final rule**, when a 14- or 15-year-old minor wants to work in a permissible occupation, only one form must be completed, in order, as follows:

- The prospective employer completes Section A;
- The minor's parent completes Section B;
- The minor's school principal, administrator, or registrar completes Section C; then
- The county superintendent of schools (or authorized person) completes Section D, retains the original work permit, and furnishes copies to the minor's parent and employer.

Next Steps:

West Virginia employers should review their child labor policies and procedures to ensure compliance with the final rule.

Local

Chicago Requires Sexual Harassment Policy, Training and Poster

Chicago, Illinois, has established an ordinance that will require employers to have a written policy on sexual harassment, provide harassment training annually and display a poster in the workplace beginning July 1, 2022.

The Details:

Covered Employers and Employees:

The changes cover any employer that is subject to Chicago licensing requirements or maintains a business facility within city limits. Employees are covered if they are engaged to work in the city for or under the direction or control of another for monetary or other valuable consideration.

Policy Requirements:

Effective July 1, 2022, all covered employers must have a written policy on sexual harassment. The written policy document must include at least the following:

- A statement that sexual harassment is illegal in Chicago.
- The new definition of sexual harassment as defined in Section 6-010-020 of the city code:

  "Any (i) unwelcome sexual advances or unwelcome conduct of a sexual nature; (ii) requests for sexual favors or 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, or (2) submission to or rejection of such conduct by an individual is used as the basis for any employment decision affecting the 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; or (iii) sexual misconduct, which means any behavior of a sexual nature which also involves coercion, abuse of authority, or misuse of an individual's employment position."

- A requirement that all employees participate in sexual harassment prevention training annually (see below).
- Examples of prohibited conduct that constitute sexual harassment.
- Details on: How an individual can report an allegation of sexual harassment, including, as appropriate, instructions on how to make a confidential report, with an internal complaint form, to a manager, employer's corporate headquarters or human resources department, or other internal reporting mechanism; and
- Legal services, including governmental, available to employees who may be victims of sexual harassment.
- A statement that retaliation for reporting sexual harassment is illegal in Chicago.

The written policy must be available in the employee's primary language within the first calendar week of starting employment. Additionally, employers will be required to display a poster advising of the prohibition on sexual harassment where employees can see it. A model policy and the poster are expected to be made available to employers on the **city's website** by July 1, 2022.

Training Requirements:

Covered employees must participate in a minimum of one hour of sexual harassment prevention training annually. Anyone who supervises or manages employees must participate in a minimum of two hours of sexual harassment prevention training annually. All employees must participate in one hour of bystander training annually.

Note: The state of Illinois already requires employers to provide harassment training annually. Chicago says that the **state's training template**, which is one hour, would be sufficient for sexual harassment prevention training required for employees. Training modules for the additional hour of training for supervisors and for the bystander training are expected to be made available to employers on the **city's website** by July 1, 2022.

Next Steps:

- Monitor the **city's website** for the policy, training and poster materials.
- Implement the policy, and display the required notice, by July 1, 2022.
- Begin providing annual training that meets all of the requirements of the ordinance on or before July 1, 2022.

San Francisco Amends Family Friendly Workplace Ordinance

San Francisco, California, has amended the city's Family Friendly Workplace Ordinance (FFWO), which applies to employers with 20 or more employees. The changes are effective **July 12, 2022**.

The Details:

Current Law	Effective July 12, 2022
An employee who has been employed with an employer for six months or more and works at least eight hours per week on a regular basis may request a flexible or predictable working arrangement to assist with caregiving responsibilities for: 1) a child or children for whom the employee has assumed parental responsibility, 2) a person or persons with a serious health condition in a family relationship with the employee, or 3) a parent age 65 or older.	Unless it would impose an undue hardship on the employer (see below), an employee who has been employed with an employer for six months or more *must be permitted* a flexible or predictable working arrangement to assist with caregiving responsibilities for: 1) a child or children for whom the employee has assumed parental responsibility, 2) a person or persons with a serious health condition in a family relationship with the employee, or 3) a person or persons age 65 or older in a family relationship with the employee.
To be covered, an employee must: (1) be employed in San Francisco, (2) for six months or more by their current employer, and (3) working at least eight hours per week on a regular basis.	Teleworking employees are also considered to be working within the city and therefore entitled to such arrangements, provided the covered employer maintains an office or worksite within the geographic boundaries of the city at which the employee may work or, prior to the COVID-19 pandemic, was permitted to work.

Types of Flexible or Predictable Working Arrangements:

Under the amended ordinance, the arrangements may include but aren't limited to a change in:

- The employee's terms and conditions of employment as they relate to the number of hours the employee is required to work, such as part-time work, part-year employment, or job-sharing arrangements.
- The employee's work schedule, such as modified hours, variable hours, predictable hours, or other schedule changes or flexibilities.
- The employee's work location, such as telework.
- The employee's work assignments or duties.

Undue Hardship:

An employer may deny a flexible or predictable working arrangement that would be acceptable to the employee only if granting such an arrangement would cause the employer undue hardship by way of significant expense or operational difficulty when considered in relation to the size, financial resources, nature or structure of the employer's business.

Basis for undue hardship may include, but aren't limited to, the following:

- The identifiable costs directly caused by flexible or predictable working arrangement, including but not limited to the cost of productivity loss, retraining or hiring employees, or transferring employees from one facility to another facility.
- Detrimental effect on the ability to meet customer or client demands.
- Inability to organize work among other employees.
- Insufficiency of work to be performed during the time or at the location the employee proposes to work.

An employer must explain any denial in a written response to the employee that sets out the basis for the denial and notifies the employee of the right to request reconsideration by the employer and the right to file a complaint, and include a copy of the FFWO Notice.

An employer that doesn't agree to a flexible or predictable working arrangement must engage in an interactive process with the employee to attempt in good faith to determine an arrangement that is acceptable to both the employee and employer.

Next Steps:

If you are a covered employer:

- Read the **amended ordinance** in full for other details, including procedures and timeframes for responding to employees seeking flexible or predictable working arrangements.
- Train supervisors on how to respond to employees who ask for such arrangements.

Federal

Roe v. Wade Overturned: Employer Considerations

Click **here** for the article.

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