



Employers State Law Alert

Summarizing Significant New Employment Laws & Regs in All 50 States



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Getting pay policies right: State laws vary in what's required of employers

by Tammy Binford

Of all the difficult policy areas employers must deal with, actions related to pay may be the trickiest. Employees and applicants are understandably sensitive about pay, as everyone has heard horror stories about inequities.

State legislatures around the country have taken on those inequities by passing laws aimed at making pay practices not just fair but also transparent. Laws focus on a few different areas, including how much employers should be required to reveal about a position's pay and whether employers can ask candidates for pay history.

PAY TRANSPARENCY

Some state laws require employers to disclose the pay or a pay range in all job postings. Other states require disclosure of pay or a pay range upon request. In addition to state laws, some cities and counties around the country have passed laws related to pay transparency.

Eight states currently have pay transparency laws in effect, and at least two others have laws scheduled to go into effect. Here's a look at those states:

California: The latest California state law on transparency requires employers with 15 or more employees to include a position's pay scale in job postings. The law includes postings for remote workers and has been in effect since January 1, 2023.

The 2023 law wasn't the first to address pay transparency in California. A law taking effect in January 2018 required employers to provide a pay range to job applicants upon request after the applicants had completed an interview. A later law removed the initial interview requirement.

Colorado: Since January 1, 2021, Colorado law has required all employers to include the minimum and maximum pay the employer "in good faith believes" it will pay. An employer may ultimately pay more or less than the published range if it was a good-faith and reasonable estimate.

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Colorado Governor Jared Polis signed a new law in June 2023 that will take effect on January 1, 2024. It will require employers to follow specific guidelines for posting positions and providing information to employees regarding the compensation, benefits, and date that the application window is expected to close.

Connecticut: Since October 2021, all employers have been required to provide the wage range for a position upon request. The law also requires employers to provide the pay range to an employee's position upon hiring or a change in the employee's position or upon request.

Maryland: Since October 2020, all employers have been required to provide a wage range to applicants upon request.

Nevada: In October 2021, all employers were required to provide the pay range or rate for a position to applicants who have completed an interview. The law also requires employers to provide a pay range or rate to employees applying for promotion or transfer after they complete an interview and have been offered the job and have requested the information.

New York: Since September 2023, employers with at least four employees have been required to provide the pay or a pay range for all jobs, promotions, and transfer opportunities that can or will be performed at least in part in the state.

Rhode Island: A state law that went into effect in January 2023 requires all employers to provide a pay range or rate for a position to applicants or employees upon request.

Washington: Since January 2023, employers with at least 15 employees have been required to disclose the wage scale or salary range in job postings and to employees before an internal transfer.

In addition to the eight states with current transparency laws, two more states have laws set to take effect.

Hawaii will require employers with 50 or more employees to provide a pay range in job postings when the law takes effect on January 1, 2024.

Illinois will require employers with at least 15 employees to include pay ranges and benefits information in job postings when the law takes effect on January 1, 2025.

PAY HISTORY

Recent years have seen some states pass laws prohibiting employers from relying on an applicant's salary history when making an offer. The idea is to prevent past pay inequities, which may be a result of unlawful discrimination, from persisting.

The laws vary, with some prohibiting questions about pay altogether and others just stating that employers can't refuse to consider someone who won't reveal pay history.

California, Colorado, Connecticut, Delaware, Hawaii, Illinois, Maine, Maryland, Massachusetts, Nevada, New York, Rhode Island, Vermont, and Washington have laws prohibiting employers from seeking pay history.

Alabama law prohibits employers from refusing to hire, interview, promote, or employ applicants who decline to provide pay history. **Oregon's** law prohibits asking for pay history until after an offer of employment has been made.

Some laws allow employers to confirm voluntarily provided pay history before making an offer. For example, **New Jersey's** law allows employers to verify and consider an applicant's voluntarily provided pay history.

Minnesota has a law scheduled to take effect on January 1, 2024, prohibiting employers from considering or requiring disclosure of pay history.

Some states don't prohibit private sector employers from seeking pay history but specify that government agencies can't seek salary history. Those states are **North Carolina, Pennsylvania, and Virginia.**

A few states have enacted laws to prohibit lawmakers from passing other laws that would ban employers from seeking pay history. **Michigan's** law says local governments cannot regulate what information employers must request, require, or exclude on applications or during interviews.

In **Wisconsin**, a law prohibits local governments from passing laws that would prohibit employers from seeking salary history.

STATUTES

Delaware

Public Employers: Unfair Labor Practices

Amends the Public Employment Relations Act

This law amends the Delaware Public Employment Relations Act by requiring that the Public Employment Relations Board issue written decisions following hearings on unfair labor practice charges within 30 days of the close of the record.

Cite: 2023 DE SB93, DE Pub. Ch. 173 (1 page)

Enacted: 8/17/2023

Effective: 8/17/2023

<https://legis.delaware.gov/json/BillDetail/GenerateHtmlDocumentSessionLaw?sessionLawId=130215&docTypeId=13&sessionLawName=chp173>

Illinois

Background Checks

Amends the Health Care Worker Background Check Act

This law amends the Health Care Worker Background Check Act. Concerning a healthcare employer or long-term care facility hiring individuals convicted of committing or attempting to commit various specified offenses, the law adds substantially equivalent offenses under the laws of any other state or of the laws of the United States, as verified by court records, records from a state agency, or a Federal Bureau of Investigation criminal history records check. For fingerprint-based criminal history records, the law provides that fingerprints submitted shall be transmitted through a live scan fingerprint vendor licensed by the Department of Financial and Professional Regulation. It provides that fingerprints shall be checked against the Illinois State Police and Federal Bureau of Investigation criminal history records databases, including, but not limited to, civil, criminal, and latent fingerprint databases.

Cite: 2023 IL HB2102, IL Pub. Ch. 103-0428 (5 pages)

Enacted: 8/4/2023

Effective: 1/1/2024

<https://www.ilga.gov/legislation/publicacts/103/PDF/103-0428.pdf>

Employee Benefits

Leave for family member death

This law amends the Victims' Economic Security and Safety Act. It provides that an employee may take unpaid leave from work for specified reasons relating to a family or household member who is killed in a crime of violence. It provides that an employee shall be entitled to a total of not more than two workweeks of unpaid leave for specified reasons relating to a family or household member who is killed in a crime of violence, which must be completed within 60 days after the date on which the employee receives notice of the death of the victim. The law provides that an employee may satisfy the certification requirement by providing an employer with a death certificate, published obituary, or written verification of death, burial, or memorial services from a mortuary, funeral home, burial society, crematorium, religious institution, or government agency, documenting that a victim was killed in a crime of violence.

Cite: 2023 IL HB2493, IL Pub. Ch. 103-0314 (10 pages)

Enacted: 7/28/2023

Effective: 1/1/2024

<https://www.ilga.gov/legislation/publicacts/103/PDF/103-0314.pdf>

Employee Safety

Amends Gender Violence Act

This law amends the Gender Violence Act and provides that an employer is only liable for gender-related violence committed in the workplace by an employee or agent of the employer when the interaction giving rise to the gender-related violence arises out of and in the course of employment with the employer. It provides that nothing in the law precludes a person who has been the victim of gender-related violence from pursuing any other right or cause of action created by statute or common law. It removes language providing that no person has the power to waive any of the provisions of the law as part of a dissolution of marriage agreement, civil union, domestic partnership, or custody agreement. The law also provides that liability only extends to an employer for gender-related violence that occurs while the employee was directly performing the

employee's job duties and the gender-related violence was the proximate cause of the injury or while the agent of the employer was directly involved in the performance of the contracted work and the gender-related violence was the proximate cause of the injury.

Cite: 2023 IL HB1363, IL Pub. Ch. 103-0282 (2 pages)

Enacted: 7/28/2023

Effective: 1/1/2024

<https://www.ilga.gov/legislation/publicacts/103/PDF/103-0282.pdf>

Unemployment Compensation

New hires

This law provides that in provisions concerning the directory of new hires, the definition of "newly hired employee" includes an individual under an independent contractor arrangement.

Cite: 2023 IL HB3301, IL Pub. Ch. 103-0343 (3 pages)

Enacted: 7/28/2023

Effective: 1/1/2024

<https://www.ilga.gov/legislation/publicacts/103/PDF/103-0343.pdf>

Wages

Amends the Equal Pay Act

This law makes it unlawful for an employer with at least 15 employees to fail to include the pay scale and benefits for a specific job in a job posting in Illinois. Employers can satisfy this requirement by including a hyperlink to a publicly viewable webpage that includes the relevant pay scale and benefits. The law applies to any positions that will be physically performed, at least in part, in Illinois or will be physically performed outside of Illinois, but the employee reports to a supervisor, office, or other worksite in Illinois. If an employer makes an external job posting for a position that current employees may also apply for as a promotion, the employer must announce that opportunity to current employees no later than 14 calendar days after the external job posting is made. Under the law if an employer uses a third party to announce, post, publish, or otherwise make known a job posting, the employer must provide the pay scale and benefits (or a hyperlink to the pay scale and benefits) to the third party, who, in turn, must include that information in the job posting. The

third party is liable for its failure to include the information in the job posting, unless it can show that the employer did not provide the required information. An employee, a former employee, or any person who claims to be aggrieved under the amendments to the IEPA may file a complaint with the Illinois Department of Labor. All complaints must be filed within one year from the date of the relevant violation.

If the Department determines a violation has occurred, it may assess fines of up to \$500 for a first offense; \$2,500 for a second offense; and \$10,000 for a third or subsequent offense. Before fines are levied, employers will be given a short notice and cure period for first (14 days) and second (seven days) offenses. However, employers will incur automatic penalties without a cure period for five years following a third offense, which will restart if, during that period, an employer receives a subsequent notice of violation from the Department. Employers will be required to make and preserve records that document the pay scale and benefits for each position, as well as the job posting for each position.

Cite: 2023 IL HB3129, IL Pub. Ch. 103-0539 (10 pages)

Enacted: 8/11/2023

Effective: 1/1/2025

<https://www.ilga.gov/legislation/publicacts/103/PDF/103-0539.pdf>

Iowa

Cybersecurity

IA Legislature takes on ransomware and affirmative defenses

by Jo Ellen Whitney, Dentons Davis Brown

This year, the Iowa Legislature turned its attention to a variety of cybersecurity issues, including Senate File 262, a new Iowa privacy law, joining California, Colorado, Connecticut, Utah, and Virginia to broadly protect consumer data. In addition to this broader law, the legislature amended Iowa Code 554G.1 to include affirmative defenses in claims relating to data breaches.

AFFIRMATIVE DEFENSE

When hackers attack, there are multiple concerns for your business—operations, keeping your data intact, customer access, publicity, reputational damage, and more. While the

new statute won't help with the immediate chaos triggered by a ransomware attack, it can help down the road in the case of a customer lawsuit involving lost or compromised data. An affirmative defense allows you to say you did your best and shouldn't be held liable.

While an affirmative defense can be incredibly useful, the downside of any codified affirmative defense is that in many instances, it could be used to argue about a standard for what your cybersecurity program should look like. This is especially true in cyber law.

As we've seen nationally, the laws rarely keep pace with the industry, sending courts noncodified standards in various cases. Failure to meet those unspecified standards can sometimes be used as an indication of liability.

WRITTEN CYBERSECURITY PROGRAMS

Iowa Code Section 554.G.2 states that to use an affirmative defense, a business "shall create, maintain and comply with a written cybersecurity program that contains administrative, technical, operational and physical safeguards for the protection of both personal information and restricted information."

While this statement is derived from Health Insurance Portability and Accountability Act (HIPAA) standards, many businesses—particularly smaller businesses—may not have a written program. Additionally, the program must be in writing and can't simply be something IT knows but never articulates.

Compliant cybersecurity programs need to include all of the bullet points below, noting that if a covered entity satisfies all the requirements of this section, it's entitled to the affirmative defense for any action that's the subject of a lawsuit relating to the cybersecurity breach.

- "Continually evaluate and mitigate" internal or external hazards no less than annually.
- Perform a regular security assessment.
- Communicate to "affected parties" how they may mitigate their own risks.

There are additional guidelines for any framework found in 554G.3, which include the use of national standards such as the National Institute of Standards and Technology, Special Publications 800-171.

COMPLIANCE ISSUES

Other compliance issues are listed in this section, and ultimately, the statute states the defenses are available "if the covered entity cybersecurity program reasonably conforms to a combination of industry-recognized cybersecurity frameworks or complies with a standard."

The statute also sets deadlines for changes in such standards and processes at no later than one year, and the amended statute indicates that 554G "shall not be construed to provide a private right of action, including a class action, with respect to any act or practice regulated under this Chapter."

BIG PICTURE

This is an attempt to mitigate the risk of creating a baseline compliance mandate when setting forth affirmative defenses in a statute. However, given the increasing number and prevalence of ransomware attacks—and the fact they merited the attention of the Iowa Legislature—you should focus on understanding how your data networks flow, how information is shared, and how best to protect the privacy and security of the data.

In particular, it's never been more important for you to create a current, regularly updated, and written framework.

*Excerpted from Iowa Employment Law Letter
Jo Ellen Whitney and Michele L. (Warnock) Brott, Editors
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REGULATIONS

Arizona

Licensure

Nursing care administrators

The Board of Examiners of Nursing Care Institution Managers and Assisted Living Facility Managers amended rules to eliminate the distinction between classroom instruction and distance learning for the requirement regarding hours for training programs for both managers and caregivers.

Cite: A.A.C. R4-33-601, 602, 603, 604, 605, 701, 702, 703, 703.1, 704, 705, 706 (29 A.A.R. 1558, 07/14/2023) (15 pages)

Adopted: 6/15/2023

Effective: 6/15/2023

https://apps.azsos.gov/public_services/register/2023/28/contents.pdf

California

Licensure

Examinations and applications

The Board for Professional Engineers, Land Surveyors and Geologists updated regulations relating to the National Association of State Boards of Geology (ASBOG) examination, abandoned applications, postponements, fees, and refunds.

Cite: 16 CCR §§ 3005, 3024, 3024.5, 3026, 3031 (CRNR 2023, No. 28-Z, 07/14/2023, page 914) (5 pages)

Adopted: 6/29/2023

Effective: 6/29/2023

<https://govt.westlaw.com/calregs/Search/Index>

Colorado

Licensure

Fines

The State Electrical Board amended rules to update codes by reference to updated editions and update the schedule for fines for violations of licensure requirements.

Cite: 3 C.C.R. 710-1 (46 CR 13, 07/10/2023, page 414) (5 pages)

Adopted: 7/30/2023

Effective: 7/30/2023

<https://www.sos.state.co.us/CCR/Upload/AGORequest/AdoptedRules42023-00238.rtf>

Florida

Workers' Compensation

Compliance tutorial

The Division of Workers' Compensation adopted a new rule to implement an online workers' compensation coverage and compliance tutorial that will reduce a final assessed penalty by 15 percent upon successful completion.

Cite: Fla. Admin. Code R. 69L-6.036 (49 faw 2428, 07/05/2023) (1 page)

Adopted: 6/28/2023

Effective: 7/18/2023

<https://www.flrules.org/gateway/readFile.asp?sid=0&type=1&tid=27291258&file=69L-6.036.doc>

Return to TOC

Indiana

Healthcare Professionals

Respiratory care practitioners

The Medical Licensing Board amended rules concerning incompetent practice, unprofessional conduct, continuing education reporting and approval, and terminology.

Cite: 844 I.A.C. 11-1-2, 11-1-5, 11-3-2, 11-3-3, 11-3-3.1, 11-3-4, 11-4-5, 11-4-6, 11-5-1, 11-5-3, 11-5-4, 11-5-5 (Indiana Register, DIN: 20230719-IR-844220326FRA) (7 pages)

Adopted: 7/19/2023

Effective: 8/18/2023

<http://iac.iga.in.gov/iac//20230719-IR-844220326FRA.xml.html>

Iowa

Licensure: Healthcare Professionals

Licensure by reciprocity

The Nursing Board amended rules for licensure by reciprocity for veterans and military spouses, adopting a new definition of “spouse” to indicate a spouse of an active-duty member of the military forces of the United States, including spouses within the scope of licensure by reciprocity, and changing references from a “provisional” license to a “temporary” license.

Cite: 655 IAC 18.1, 18.3 (IAB Vol. XLVI, No. 1, 07/12/2023, page 74) (3 pages)

Adopted: 6/14/2023

Effective: 8/16/2023

<https://www.legis.iowa.gov/docs/aco/bulletin/07-12-2023.pdf>

New Jersey

Temporary Workers

NJDOL issues proposed regulations implementing NJ Temporary Workers Bill of Rights

by Patrick W. McGovern and Gina M. Schneider, Genova Burns LLC

On July 21, 2023, the New Jersey Department of Labor (NJDOL) and Workforce Development issued long-awaited guidance regarding the Temporary Workers Bill of Rights Act. Certain provisions of the Act took effect on August 5, 2023. These regulations address Sections 1 through 7 and Section 10 of the Act only and aren't technically binding on employers

and temporary help service firms (THSFs) because they're in their proposed form and the Department is accepting public comments through October 20; however, they provide additional guidance for employers and THSFs that are trying to comply with the Act's provisions.

PROPOSED REGULATIONS

The proposed regulations generally address out-of-state work assignments, the method to determine comparators and compensation to comply with the Act's pay equity requirements, maximum placement fees, wage statements, and administrative penalties. The remaining sections of the Act, including Section 8, which address the new certification process and bonding requirements for THSFs, are enforced by the New Jersey Division of Consumer Affairs, which will promulgate its own rules to implement those sections.

To date, no division regulations have been issued, and it has advised that until it adopts rules relating to the certification process, it won't enforce the Act's certification and accompanying bond requirements.

Which THSFs are covered by the Act? A THSF is covered if it's located in, operates in, or conducts business in New Jersey.

Which job classifications are covered by the Act? The following job classifications are covered as designated by the U.S. Department of Labor's Bureau of Labor Statistics (BLS): protective service workers; food preparation and serving-related occupations; building and grounds cleaning and maintenance occupations; personal care and service occupations; construction laborers; helpers; construction trades; installation, maintenance, and repair occupations; production occupations; transportation and material-moving occupations; and any successor categories as the BLS may designate.

Which temporary laborers are covered by the Act? The Act applies to each temporary laborer in a designated job classification listed above who either is assigned to work in New Jersey or resides primarily in New Jersey, regardless of where the work is performed.

Pay equity. To assist employers and THSFs in complying with the Act's pay equity provisions, the regulations provide guidance as to the calculation of the hourly wage rate and how to determine when temporary workers have third-party client comparator employees.

The regulations make clear that this process begins when the third-party client, at the time it contracts for the temporary

work, determines which of its employees are comparators to the temporary worker and provides the THSF the hourly rate of pay and cost of benefits for these employees.

The regulations define comparator employee as an employee of the third-party client who is performing the same or substantially similar work to that of the temporary laborer at the time the temporary laborer is assigned to the third-party client on a job whose performance requires equal skill, effort, and responsibility to that of the temporary laborer and that's performed under similar working conditions.

The proposed regulations don't address compliance with the pay equity provisions when the third party determines there are no comparators.

The regulations also provide that when determining whether work is substantially similar, job titles and written job descriptions are relevant but not conclusive. The focus is on actual job duties performed (not the specific person performing the job). Skill is measured by factors like the experience, ability, education, and training required to perform the job; effort is the amount of physical or mental exertion needed to perform the job; responsibility is the degree of accountability and discretion required to perform the job; and similar working conditions relate to physical surroundings and hazards, not job shifts.

The regulations also make clear that seniority and seniority systems aren't relevant, even if the client's employee compensation system is seniority-based. However, the years of experience required to perform the job is a relevant factor.

If the third-party client pays a comparator employee on a salary basis, the hourly rate of pay for the comparator employee is calculated by dividing the comparator employee's annual salary by 2,080 hours, and the cost per hour of benefits is calculated by dividing the annual cost to the employer of providing benefits to the comparator by 2,080 hours.

The regulations define benefits as "employee fringe benefits, including but not limited to, health insurance, life insurance, disability insurance, paid time off (including vacation, holidays, personal leave and sick leave in excess of what is required by law), training, and pension," but don't include legally required employee fringe benefits (e.g., earned sick leave under New Jersey Statutes Annotated (N.J.S.A.) 34:11D-1 *et seq.*).

The regulations detail the steps a THSF must follow to determine the appropriate compensation for a temporary laborer. First, the THSF must sum up the hourly rates of pay

of all comparator employees identified by the third-party client and divide it by the number of comparator employees to determine the comparators' average hourly rate of pay.

Second, the THSF must sum up the cost per hour of benefits of all comparator employees identified by the third-party client and divide it by the number of comparators to determine the comparators' average cost per hour of benefits.

The THSF must then take those results and subtract the cost per hour to the THSF of benefits actually provided to the temporary laborer. The resulting number is the total hourly rate of pay the THSF must pay the temporary laborer for all work performed during the designated classification placement. This can be paid all in cash or part in wages and part in benefits.

Placement fees. If a client chooses to hire a temporary laborer as its employee, the THSF may charge the client a placement fee, but it can't exceed the total daily commission rate the THSF would have received from the client for that laborer for a 60-day period, less the daily commission rate actually received for that temporary laborer in the prior 12 months. If this number is a negative number, no fee may be charged; if it's a positive number, that's the maximum placement fee the client can be charged.

Wage statements. At the time it makes wage payments to the temporary laborer, the THSF must provide a wage statement, either on the paycheck stub or on a form prescribed by the Department, that includes:

- The name, address, and telephone number of each third-party client the temporary laborer worked at during that pay period;
- The number of hours worked by the temporary laborer at each third-party client on each day during that pay period;
- The rate of pay for each hour worked by the temporary laborer during that pay period, including any premium rate or bonus;
- The total pay period earnings and the hourly rate, including any premium rate or bonus;
- The total amount of each deduction made from the temporary laborer's wages, including the purpose of the deduction (i.e., the temporary laborer's food, equipment, withheld income tax, withheld Social Security deductions, and withheld contributions to the state unemployment compensation trust fund and the state disability benefits trust fund);

- The current maximum amount of placement fees that may be charged to the third-party client if it wishes to directly hire the temporary laborer;
- The total amount the client is charged by the THSF for the temporary laborer's services during that pay period; and
- The total cost to the THSF of benefits provided to the temporary laborer during that pay period.

Recordkeeping requirements. The regulations impose separate recordkeeping obligations on THSFs and third-party clients. THSFs must maintain the following records for each assignment of a temporary laborer to work in a designated classification placement for six years:

- The name, address, and telephone number of the third-party client;
- The name, address, and telephone number of each worksite the temporary laborer was sent to by the THSF and the date the temporary laborer was sent to each worksite;
- The nature of the work performed by the temporary laborer;
- The number of hours worked by the temporary laborer;
- The number of hours billed by the THSF to the third-party client for the temporary laborer's work;
- The temporary laborer's hourly rate of pay;
- The name and title of the individual(s) at the third-party client who's responsible for the temporary laborer's assignment;
- Any specific qualifications or attributes of a temporary laborer that were requested by the third-party client for the assignment;
- Copies of the contract(s) with the third-party client for the assignment;
- Copies of any invoice(s) provided by the THSF to the third-party client for payment in relation to the assignment;
- Copies of the statements, notices, and written confirmations provided by the THSF to the temporary laborer under New Jersey Administrative Code (N.J.A.C.) 12:72 3.1 to 3.4;
- A record of any deductions made from the temporary laborer's wages, including a description of each deduction and the amount of each deduction; and

- Verification of the actual cost to the THSF or third-party client of any equipment or meal charged to the temporary laborer.

Third-party clients must maintain the following records for each temporary laborer assigned by a THSF to work in a designated classification placement for the third-party client: the name, address, and telephone number of each worksite the temporary laborer was sent to by the THSF; the date the temporary laborer was sent to each worksite; the nature of the work performed by the temporary laborer; the number of hours worked by the temporary laborer; and the temporary laborer's hourly rate of pay.

For each workweek in which the temporary laborer performed work with the third-party client, the third-party client must remit these records to the THSF no later than seven business days after the last day of the workweek.

Penalties. The commissioner will consider the following factors when determining administrative penalties: the seriousness of the violation, past history of violations, the good faith of the THSF, and the size of the business.

*Excerpted from New Jersey Employment Law Letter
John C. Petrella and Dina M. Mastellone, Editors
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New Mexico

Licensure

Private law enforcement practitioners

The Private Law Enforcement Practitioners Advisory Board amended rules related to general liability insurance, biometric criminal history reports, qualifications and experience requirements for private investigator and patrol operator licenses, and interstate reciprocity.

Cite: 16.48.1, 16.48.2, 16.48.5, 16.48.9 NMAC (34 n m reg 680, 07/18/2023) (20 pages)

Adopted: 7/18/2023

Effective: 7/18/2023

<https://www.srca.nm.gov/nmac/nmregister/xxxiv/16.48.2amend.html>

North Carolina

Licensure: Healthcare Professionals

Continuing education for nurses

The Board of Nursing amended rules for the continuing education of nurse practitioners, with 50 contact hours every two years, and including 20 hours in the advanced practice nursing population focus of the NP role and other requirements related to the prescription of controlled substances.

Cite: 21 NCAC 36.0807 (38:01 NCR 72, 07/03/2023) (1 page)

Adopted: 6/1/2023

Effective: 6/1/2023

https://files.nc.gov/oah/documents/2023-07/Volume-38-Issue-01-July-3-2023.pdf?VersionId=F2Ave.P_4gyX7dcBOQxIgo3dGVPNBCSI

Oklahoma

Licensure: Healthcare Professionals

Practical and registered nurses

The Board of Nursing amended rules governing minimum standards for approved nursing education programs, requirements for registration and licensure as a registered nurse and licensed practical nurse, disciplinary actions, and prescriptive authority for CRNAs.

Cite: OAC 485:10-5-12, 10-7-2, 10-11-2, 10-11-4, 10-18-2 (40 ok reg 1105, 08/01/2023) (9 pages)

Adopted: 5/31/2023

Effective: 8/11/2023

<https://rules.ok.gov/register#>

Oregon

Benefits

Sick time requirements on public works

The Bureau of Labor and Industries adopted rules to clarify sick time requirements on public works projects relating to the regular rate of pay for workers to ensure that employers apply a consistent methodology when calculating the regular rates of pay for similarly situated employees.

Cite: OAR 839-007-0033 (Oregon Bulletin, July 2023) (1 page)

Adopted: 6/14/2023

Effective: 7/1/2023

<http://records.sos.state.or.us/ORSOSWebDrawer/Recordhtml/9549713#>

Licensure

Examinations and reciprocity

The Board of Accountancy amended rules for the issuance of refunds, alignment of definitions with statutory language, alignment of fees in accordance with statutory authority, processing of examination applicants, and consistency of the rules with statutory authority regarding substantial equivalency for reciprocity.

Cite: OAR 801-001-0060, 801-005-0010, 801-010-0010, 801-010-0050, 801-010-0060, 801-010-0080, 801-040-0070 (Oregon Bulletin, July 2023) (15 pages)

Adopted: 6/30/2023

Effective: 7/1/2023

<http://records.sos.state.or.us/ORSOSWebDrawer/Recordhtml/9549794#>

Texas

Benefits

Employer-related health benefit plans

The Department of Insurance adopted amendments to rules concerning employer-related health benefit plan regulations, clarifying the applicability of legislative requirements to certificates of insurance issued to certain residents.

Cite: 28 TAC §§26.5, 26.301 (48 TexReg 3666, 07/07/2023) (6 pages)

Adopted: 6/22/2023

Effective: 7/12/2023

[https://texreg.sos.state.tx.us/public/readtac\\$ext.ViewTAC?tac_view=4&ti=28&pt=1&ch=26](https://texreg.sos.state.tx.us/public/readtac$ext.ViewTAC?tac_view=4&ti=28&pt=1&ch=26)

Licensure

Medical gas piping installation endorsement

The State Board of Plumbing Examiners amended rules concerning examination and registration, allowing a nationally

known and recognized certification in medical gas installation from the American Society of Sanitation Engineering (ASSE) to qualify medical gas installation endorsement candidates.

Cite: 22 TAC §363.9 (48 TexReg 3989, 07/21/2023) (2 pages)

Adopted: 7/6/2023

Effective: 7/26/2023

<https://www.sos.state.tx.us/texreg/archive/July212023/Adopted%20Rules/22.EXAMINING%20BOARDS.html#51>

Utah

Licensure

Plumber licensing rules

The Department of Commerce amended rules to broaden the scope of “minor plumbing work,” clarify the Plumbers Licensing Board’s authority to consider and recommend to the Division of Professional Licensing out-of-state plumbing training programs that meet the state’s minimum standards, amend certain examination requirements, and extend the time in which an applicant may retake an exam after a failed attempt.

Cite: Utah Admin. Code r. 156-55c (23-14 utah bull 111, 07/15/2023) (4 pages)

Adopted: 6/20/2023

Effective: 6/20/2023

<https://adminrules.utah.gov/public/rule/R156-55c/Current%20Rules?searchText=156-55c>

Virginia

Licensure

Continuing education requirements

The Real Estate Appraiser Board amended rules to add continuing education requirements for appraisers, to include a minimum of two hours of fair housing or appraisal bias courses, and to provide acceptable content for a course in fair housing or appraiser bias so that the course qualifies for approval by the Appraisal Qualifications Board.

Cite: 18VAC130-20 (39 va regs reg 2787, 07/17/2023) (6 pages)

Adopted: 6/28/2023

Effective: 8/16/2023

<https://register.dls.virginia.gov/details.aspx?id=10736>

Occupational Safety

Radiation protection regulations

The Department of Health amended rules requiring licensees to establish the authority, duties, and responsibilities of a radiation safety officer (RSO) in writing; provide the RSO sufficient authority, organizational freedom, time, resources, and management prerogative to respond to problems; and retain records of actions in accordance with specified regulations.

Cite: 12VAC5-481-451, 1700, 1750, 1770, 1780, 2018, 2040, 3120, 3770 (39 va regs reg 2725, 07/17/2023) (37 pages)

Adopted: 6/20/2023

Effective: 8/16/2023

<https://register.dls.virginia.gov/details.aspx?id=10737>

Washington

Employment Security

Public health emergency rules

The Employment Security Department amended rules to clarify how a declaration of a public health emergency that begins or ends during the middle of a benefit week affects a claimant's eligibility for benefits and an employer's ability to get relief of benefit charges in certain situations.

Cite: WAC 192-15-055, 165, 235; WAC 192-170-010, 055, 078 (WSR 23-15-009, 07/06/2023) (6 pages)

Adopted: 7/6/2023

Effective: 8/6/2023

<https://lawfilesexternal.leg.wa.gov/law/wsrpdf/2023/15/23-15-009.pdf>

Occupational Safety

Outdoor heat exposure

The Department of Labor and Industries amended rules to ensure outdoor workers are adequately protected from the hazards associated with exposure to high ambient outdoor temperatures, with prescriptive requirements for outdoor heat exposure safety plans, cooldown rest periods, provision of shade, acclimatization procedures, response to symptoms of heat-related illness, and information and training requirements.

Cite: WAC 296-62-09510, 09520, 09530, 09535, 09540, 09545, 09547, 09550, 09560; 296-307-09710, 09720, 09730, 09735, 09740, 09745, 09747, 09750, 09760, 09720, 09730, 09747, 09760 (WSR 23-14-042, 06/27/2023) (12 pages)

Adopted: 6/27/2023

Effective: 7/17/2023

<https://lawfilesexternal.leg.wa.gov/law/wsr/2023/14/23-14-042.htm>

Wisconsin

Licensure

Reciprocity

The Department of Safety and Professional Services amended rules to provide reciprocal credentials for servicemembers, former servicemembers, and their spouses, covering licenses for private detectives, barber and cosmetology schools and instructors, acupuncturists, midwives, unarmed combat sports licensees, and music, art, and dance therapists.

Cite: Wis. Admin. Code § SPS 31, 50, 65, 71, 141, 175, 181, 192 (Wis. Admin. Reg. No. 811B, 07/31/2023) (3 pages)

Adopted: 5/24/2023

Effective: 8/1/2023

https://docs.legis.wisconsin.gov/code/register/2023/811B/register/final/cr_21_056_rule_text/cr_21_056_rule_text

Wyoming

Occupational Safety

Enforcement

The Department of Workforce Services amended rules for the enforcement of safety provisions, including rules for inspections, complaints by employees, investigation priorities, notices of violation or citation, penalties, and the protection of trade secrets during inspections and investigations.

Cite: 053.0014.3.08182023 Wyo. Code R. (Wyoming Secretary of State website, 08/18/2023) (14 pages)

Adopted: 8/18/2023

Effective: 8/18/2023

https://rules.wyo.gov/DownloadFile.aspx?source_id=21823&source_type_id=81&doc_type_id=110&include_meta_data=Y&file_type=pdf&filename=21823.pdf&token=01208304508810107511301905104401401506102021098