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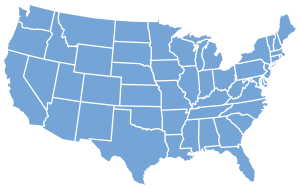
EMPLOYERS STATE LAW ALERT



HRhero.com Summarizing Significant New Employment Laws & Regs in All 50 States

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Employee Training

Tracking state laws on training part of employer fight against sexual harassment

by Tammy Binford

The #MeToo movement that caught fire in 2017 continues to make fighting workplace sexual harassment a priority for employers. Training, especially for supervisors, is a key component in preventing harassment. While many employers have begun training programs on their own, some states require them.

Several states have laws requiring training for public employees, and five states now have laws requiring antiharassment training for private-sector employees. Here's a look at the laws in those five states.

California

California was the first state to require training, and its law is extensive. Beginning in 2005, employers with at least 50 employees were required to provide training to supervisory employees. Effective January 1, 2019, state law requires employers to train supervisory as well as nonsupervisory employees on sexual harassment prevention by January 1, 2020.

The law requires employers to provide at least two hours of classroom or other effective interactive training to all new supervisory employees and at least one hour of instruction to all nonsupervisory employees within six months after assuming a position. After January 1, 2020, employers must provide the training to all employees once every two years.

A summary of California's law from the National Conference of State Legislatures (NCSL) says the content of the training must help employers change workplace behavior that causes or contributes to unlawful sexual harassment; help supervisors prevent, respond to, address, and correct that behavior; and inform supervisors about the negative impact of abusive conduct at the workplace.

The law also outlines what the training must cover. Here are some of the requirements noted in the NCSL summary:

- A definition of unlawful sexual harassment under the state's Fair Employment and Housing Act (FEHA) and Title VII of the Civil Rights Act of 1964;
- Statutory provisions and case law principles regarding the prohibition, prevention, and correction of unlawful harassment, discrimination, and retaliation;
- The types of conduct that constitute sexual harassment;
- Remedies for sexual harassment victims in lawsuits and potential liability for employers and individuals;
- Strategies for preventing harassment;
- Supervisors' reporting obligations;

(continued on page 2)

In This Issue

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Alan King, Editor • Brad Forrister, VP Content • With contributions from members of the Employers Counsel Network

- Examples of harassment, discrimination, and retaliation;
- The limited confidentiality of the complaint process;
- Resources for victims;
- Remedies for correcting sexually harassing behavior;
- What to do if supervisors are accused of harassment;
- The essential elements of an antiharassment policy; and
- The definition of "abusive conduct."

California's law also stipulates that training must address harassment based on sexual orientation and gender identity or expression.

Connecticut

Connecticut's law requires employers to provide at least two hours of training and education to all new supervisors within six months after they assume a supervisory position, according to the NCSL summary. Training must be in a classroom-like setting that allows participants to ask and receive answers to questions.

Content of the training must:

- Describe federal and state laws prohibiting sexual harassment, including Title VII and Connecticut's Discriminatory Employment Practices Law;
- Define sexual harassment under Connecticut law and distinguish it from other forms of illegal harassment;
- Discuss conduct constituting illegal sexual harassment, including that men or women can be harassers or victims and that harassment can occur between members of the same or opposite sex;
- Describe remedies available to victims;
- Advise employees that harassers can be subject to civil and criminal penalties; and
- Discuss strategies for prevention.

Under the state's law, employers are encouraged to update supervisors every three years on legal interpretations and related sexual harassment developments.

Delaware

Delaware law requires employers with 50 or more employees to provide interactive training and education on sexual harassment prevention to new employees within one year after their employment starts and every two years thereafter. The law also requires existing employees to be trained every two years.

The NCLS summary notes that the training must cover:

- The illegality of sexual harassment;
- The definition of sexual harassment, along with examples;
- The complaint process and legal remedies;
- Directions on how to contact the Delaware Department of Labor; and
- The prohibition against retaliation.

Maine

Maine law requires employers with 15 or more employees to conduct training on sexual harassment prevention for all new employees within one year after their employment starts.

The NCSL summary says the training must cover:

- The illegality of sexual harassment;
- The definition of sexual harassment under Maine and federal laws and regulations;
- A description of sexual harassment, using examples;
- The complaint process;
- The legal recourse and complaint process available through the Maine Human Rights Commission;
- Directions on how to contact the commission; and
- Protections against retaliation.

The law requires employers to conduct additional training for supervisory and managerial employees within one year after their employment starts. Also, employers must use a compliance checklist from the Maine Department of Labor in developing their training.

New York

New York law requires employers to provide sexual harassment prevention training to all employees annually. Employers can use a model training program from the New York State Department of Labor, or they can devise their own program if it meets or exceeds the department's minimum standards.

The NCSL summary says the program must be interactive and include:

- An explanation of sexual harassment;
- Examples of conduct that would constitute unlawful sexual harassment;
- Information on federal and state sexual harassment laws and remedies available to victims of harassment;
- Information on employees' right to pursue remedies;
- Information on available forums for adjudicating complaints; and
- Information addressing supervisors' conduct and responsibilities.

Other state laws

Some states have laws on sexual harassment training without requiring it. For example, Massachusetts, Rhode Island, and Vermont encourage employers to conduct training for new employees within one year after they start employment. The laws also encourage employers to conduct additional training for new supervisory and managerial employees within one year after they start employment.

Some states that don't require sexual harassment prevention training for private-sector employees do require it for

state government workers, including Illinois, Kansas, Kentucky, Louisiana, Mississippi, Nevada, New Jersey, Pennsylvania, Tennessee, Texas, Utah, Virginia, and Washington.

Statutes

Alabama

Wages

Prohibits wage discrimination

This law creates the Clark-Figures Equal Pay Act. The law prohibits employers from paying employees of another sex or race lower wages for equal work except under a seniority system, a merit system, or a system that measures earnings by quantity or quality of production. The law also states employers may not refuse to interview, hire, promote, or employ or retaliate against an applicant who does not provide her wage history. Wage history means the wages paid by the applicant's current or former employer.

Cite: 2019 AL HB225, AL Pub. Ch. 519 (5 pages)

Enacted: 6/10/2019

Effective: 7/1/2019

http://alisondb.legislature.state.al.us/ALISON/SearchableInstruments/2019RS/PrintFiles/HB225-enr.pdf

Arizona

Analysis

Safety

Arizona becomes 48th state to ban handheld device use while driving

by Dinita L. James, Gonzalez Law, LLC

The conflux of a tragedy, a patchwork of municipal regulations, and perhaps a bit of shame at being one of only three states without a statewide ban on texting while driving finally pushed a driver safety measure into law in Arizona. The law is effective immediately, but it has a long grace period. Still, Arizona employers should insist that employees who drive on their behalf for business comply with the new legal requirements.

Time is right—finally

Since 2007, bills to ban texting while driving have been introduced in the Arizona Legislature. Year after year, however, the measures died in committee because Republicans in leadership, most notably former Senate President, now Congressman Andy Biggs, opposed the bans.

In the meantime, Arizona municipalities began adopting their own ordinances banning cell phone use while driving. At least 27 Arizona jurisdictions now have some kind of ban. Governor Doug Ducey is well-known for his distaste of patchwork local regulation. The proliferation of local regulation of drivers' cell phone use moved him to support statewide legislation addressing the issue.

Then tragedy struck in January 2019. Salt River tribal police officer Clayton Townsend was struck and killed by a distracted driver during a traffic stop. The driver reportedly told officers at the scene that he was reading and responding to a text from his wife when his vehicle crossed two lanes of traffic before hitting Officer Townsend.

It was a Republican who introduced the language that became the new law. Senator Kate Brophy McGee (R-Phoenix) said she had the support of Senate President Karen Fann (R-Prescott) and House Speaker Rusty Bowers (R-Mesa) from the beginning. Brophy McGee said it was an awareness issue, and momentum built up over the years to make conditions finally ripe for statewide legislation.

When he signed the bill into law on April 22, 2019, Governor Ducey said it was enacted out of a passion to save lives. Four days later, however, he vetoed another bill that would have created a separate offense of distracted driving. While Ducey indicated his general support for a distracted-driving measure in the wake of Officer Townsend's death, he cited the risk of motorist confusion as his reason for vetoing the broader measure.

Put down the phone

The new law has a simple message: Put down the phone. It specifically prohibits drivers from engaging in any kind of cell phone use—including talking, texting, typing, or browsing social media sites—unless they are using the device in a hands-free mode. Thus, holding a cell phone in any way while driving, including propping it up with a shoulder, is now a violation of Arizona law. So is swiping a phone screen to make or accept a phone call. The law applies not just to cell phones but to any kind of portable wireless communication device or stand-alone electronic device.

The law does not prohibit drivers from talking on the phone if they're using an earpiece, a headphone device, or a device worn on a wrist. Texting while driving remains lawful if the driver is using a voice-based communication such as a talk-to-text function. There is an exception for calling 911. Touching a cell phone to make a call, send a text, or read a tweet is OK if the driver is stopped at a traffic light.

The hands-free law does not apply to radios, including citizens band and hybrid radios, commercial two-way radios, subscription-based emergency communication devices, prescribed medical devices, amateur or ham radio devices, or in-vehicle security, navigation, or remote diagnostics systems.

There also are exceptions for devices affixed to vehicles to relay information to a dispatcher or digital network or software application service when they're used in the course of the driver's work duties. If your business uses any of those devices, seek legal counsel to confirm that they fall within the new statutory exception.

Patchwork of grace

The bill declared itself an emergency measure to "preserve the public peace, health or safety," making it effective immediately upon Ducey's signature rather than months after the legislative session ended, as is the case with most new laws. However, the hands-free law has a generous grace period: Tickets carrying fines cannot be issued until

January 1, 2021—only warnings can be issued in the meantime. Violating the hands-free law is a primary offense, meaning officers can stop drivers and issue a warning now, and a ticket beginning in 2021, without having any other reason to make a traffic stop.

After the grace period expires, a first-time fine will be between $75 and $149. The second time and every time after that, a driver will be fined between $150 and $250. Officers who stop drivers for breaking the hands-free law can't take possession of their devices or otherwise inspect them.

The 27 cities with existing cell phone bans can enforce them and collect fines until January 2021, when the new law will supplant local ordinances. Municipalities that don't want to wait can enact ordinances consistent with the new state law and start collecting fines immediately.

Safety imperative

If you put employees in the driver's seat of a vehicle, you should have a policy prohibiting them from using any handheld device while the vehicle is moving unless you provide the device and you are sure its use is compliant with the new Arizona law. Don't even think about relying on the grace period. Nothing is important enough to put your employee-drivers and others on the road at risk.

That was true before Arizona adopted the ban on using handheld devices while driving, it's true during the grace period, and it will be true after the grace period ends. Still, Arizona can now say to Montana and Missouri, which one of you wants to be the last?

Excerpted from *Arizona Employment Law Letter*
Dinita L. James, Editor
Gonzalez Law, LLC

California

Analysis

Independent Contractors

Predictability in the law after Dynamex—who knows?

by Mark I. Schickman, Freeland Cooper & Foreman LLP

We still don't know whether Governor Gavin Newsom will be a brake on California's Democratic legislature or a rubber stamp. The California Assembly's recent passage of **Assembly Bill (AB) 5** may provide an early test, once it passes the Senate—which it surely will.

AB 5 codifies the California Supreme Courts recent *Dynamex* decision and adds some wrinkles to it. By now, we all know that *Dynamex* abandoned the state's traditional common-law test for independent contractor status, a nuanced and multifaceted analysis. Instead, *Dynamex* uses a three-pronged pitchfork, which has the advantage of simplicity, if not accuracy. Under that blunt test, you are an employee unless all three of the following apply:

- The work performance is free from the hiring entity's control and direction;
- The work performed is outside the usual course of the hiring entity's business; and
- The worker regularly and customarily engages in the trade, occupation, or business.

Californias Assembly just made the *Dynamex* test a state statute. While *Dynamex* interpreted only the state's wage orders, AB 5 more broadly applies to the definition of "employee" throughout the California Labor Code. As a statute, it also stands against the possibility that a future court may abandon *Dynamex* and restore the common-law test. AB 5 also preempts a competing bill that has been limping around Sacramento, which would have disapproved of *Dynamex* and restored the common-law test. That bill was dead on arrival.

Everybody recognized there were holes, gaps, and unintended consequences stemming from the *Dynamex* test; AB 5 corrected some, but not all, of them. Most important, AB 5 carves out a series of jobs from the *Dynamex* doctrine.

Under AB 5, licensed doctors, real estate agents, stockbrokers and financial advisers, direct salespeople, and hair stylists all remain subject to the common-law test, with some technical limitations. Similarly, professional service providers are kept under the common-law test if they meet yet another series of technical requirements.

Follow the bouncing ball

New amendments will likely be added to the legislation before it reaches the governor's desk, as some *Dynamex* anomalies aren't remedied by AB 5 as it stands. Everybody has their favorite example of an unreasonable and unfair application of the case. Mine is the traditionally independent contractor freelance journalist, with tons of discretion, working for many journals but, by definition, failing the middle prong of the test. It's hard to believe any legislation will catch all the continued glitches, but tweaks will keep coming as the lobbyists stay on AB 5 until it reaches the governor.

For us, whatever the legislation looks like, it will create a new world of compliance problems. We have been living with a common-law test of independent contractor status for decades, and—whether we like the test or not—at least we finally know what it is. Misclassifying an independent contractor carries serious ramifications, so being able to make the call accurately is quite important.

But all of our history determining independent contractor status goes out the window as new judicial and statutory tests have been created. None of the cases that have framed the issue in the past has any authoritative applicability, so we are all now somewhat at sea and making the determination of independent contractor status.

We will still begin our analysis by determining whether the individual is exercising independent discretion without extensive supervision. Importantly, if a worker does a job necessary for your operation that an outsider would assume is to be done by an employee, independent contractor status will be suspect. So the traditional role of an independent contractor filling in on a short-term basis to supplement your existing staff during the busy season may now be a thing of the past.

Finally, you're going to have to grill potential independent contractors about who their other clients are, how long they have been conducting business, and under what

business form they operate. We don't know how the California Labor Commission—or the courts—will interpret the test's language.

On all the points, until we get new guidance, nobody can be sure how the rules will be applied. That is troubling when predictability and consistency are what we look for in employment rules. After decades of grappling with, and perhaps finally understanding, the common-law test, that history is now out the window, at least until the courts and the legislature decide to change the rules again.

Excerpted from *California Employment Law Letter*
Mark I. Schickman, Cathleen S. Yonahara, Editors
Freeland Cooper & Foreman LLP

Colorado

Background Checks

Limits on obtaining criminal history

This law prohibits employers from advertising that a person with a criminal history may not apply for a position, placing a statement in an employment application that a person with a criminal history may not apply for a position, or inquiring about an applicant's criminal history on an initial application. The law takes effect September 1, 2019, for employers with 11 or more employees and September 1, 2021, for all employers.

An employer may obtain a job applicant's publicly available criminal background report at any time. An employer is exempt from the restrictions on advertising and initial employment applications when the law prohibits a person who has a particular criminal history from being employed in a particular job, it is participating in a program to encourage employment of people with criminal histories, or it is required by law to conduct a criminal history record check for the particular position.

A violation of the restrictions does not create a private claim, and the law does not create a protected class under employment antidiscrimination laws.

Cite: 2019 CO HB1025 (6 pages)

Enacted: 5/28/2019

Effective: 8/2/2019

https://leg.colorado.gov/sites/default/files/2019a_1025_signed.pdf

Employee Leave

Paid Family and Medical Leave Task Force

This law creates a study of the implementation of a paid family and medical leave program in the state by:

- Requiring the Department of Labor and Employment to contract with experts in the field of paid family and medical leave;
- Requiring the department to request information from third parties that may be willing to administer all or part of a paid family and medical leave program;
- Creating the Family and Medical Leave Implementation Task Force, which is responsible for recommending a plan to implement a state paid family and medical leave program; and
- Requiring an actuarial study of the final plan recommended by the task force.

Cite: 2019 CO SB188 (10 pages)

Enacted: 5/30/2019

Effective: 5/30/2019

https://leg.colorado.gov/sites/default/files/2019a_188_signed.pdf

Connecticut

Employee Benefits

Paid family and medical leave

This law establishes a paid family and medical leave program. The law amends Connecticut's leave law to give employees and self-employed workers 12 weeks of paid leave over 12 months. The measure also allows two additional weeks of benefits for a serious health condition during pregnancy that results in incapacitation. There is no minimum eligibility requirement for hours worked, and the leave will be funded by an employee payroll tax.

Cite: 2019 CT SB1, CT Pub. Ch. 25 (46 pages)

Enacted: 6/25/2019

Effective: 1/1/2022

https://www.cga.ct.gov/2019/ACT/pa/pdf/2019PA-00025-R00SB-00001-PA.pdf

Analysis

Minimum Wage

Break out the Benjamins: Connecticut raises minimum wage

by Brendan N. Gooley

Employers, take heed: Connecticut has increased its minimum wage from $10.10 to $15 an hour. Because the new state wage far exceeds the federal minimum wage, employers must pay the higher state amount to employees.

Increase to be phased in

Connecticut's increase will not occur all at once. Instead, the minimum wage will rise gradually between now and 2023 on the following dates:

- October 1, 2019—$11
- September 1, 2020—$12
- August 1, 2021—$13
- July 1, 2022—$14
- June 1, 2023—$15

To make things more difficult for employers, the minimum wage will subsequently be adjusted based on the employment cost index, a federal figure that measures the cost of labor in certain businesses. Those adjustments, however, cannot lower the minimum wage below $15. The adjustments also can be suspended if the state's economy does poorly.

If employees earn tips, you're safe for now, but maybe not forever

Under current law, hotel and restaurant employees who work for tips can be paid significantly less than the minimum wage. Employers get a "tip credit" that allows them to pay employees less than the minimum wage *if* the tips are high enough to allow them to meet the minimum wage when their tips and their reduced hourly wage reaches the minimum wage when combined. Thus, hotel and restaurant employees who earn tips have to be paid only $6.38 an hour if they make enough in tips so that they actually earn the minimum wage as of now. Bartenders have to be paid at least $8.23 an hour if they make enough in tips.

The new law doesn't change those minimums—at least for now. Instead, it increases the tip credit as the minimum wage rises over the next few years. That means a restaurant, hotel, or bar *may* not have to increase what it is actually paying workers who receive tips *if* those tips are enough to ensure the employee is earning the minimum wage. That means many restaurants—particularly higher-end establishments—won't have to pay their employees more. Nevertheless, other restaurants whose employees may not make much in tips may end up having to pay them more.

The fact that restaurants, hotels, and bars have been at least potentially left out of having to pay their workers more is good news for now.

Summer high-school employees will be more expensive, too

Up until now, employers could pay employees under the age of 18 about $8.59 for the first 200 days they worked at a job. That encouraged employers to give new workers a chance while they trained and learned how to be a productive employee.

Going forward, workers under the age of 18 will have to be paid $10.10 an hour for the first 90 days of their employment. After that, they must be paid what the minimum wage is, which will be at least $11 an hour in just a few months. The decrease from 200 to 90 days provides employers less time to train a new worker and may mean they're less inclined to hire first-time employees. Employers that employ high school students during summer vacation can nevertheless benefit from the provision since 90 workdays sync up well with the summer break.

As the minimum wage for regular employees increases over the next few years, however, the minimum wage for newly employed minors will go up as well. That wage will first increase on September 1, 2020, when employers will have to start paying minor workers who are in their first 90 days of employment $10.20 an hour. The minimum wage for those employees will ultimately top out at $12.75 an hour on June 1, 2023. While that may be a small silver lining for some employers, it's still an increase over the current minimum wage.

There's also another price associated with this provision. Because employers will be able to pay minor workers in their first 90 days of employment considerably less than adult workers, the law makes it illegal to fire the older employees or reduce their hours to hire or give more hours to a newly employed minor. (Even though young employees could always be paid less, the law about replacing older employees with younger ones is new.)

As a reminder, Connecticut already prohibits general age discrimination against people over age 40. The new law goes a step further in some respects: An employer could break the law by taking hours from someone who is 18 and giving them to someone who is 16.

Employers that violate the rule regarding replacing older workers with minor employees can be forced to pay the younger workers the full hourly rate they would have had to pay the adults for a set period. Thankfully, however, the law doesn't give employees who have allegedly been replaced by newly employed minors the right to file an age discrimination charge. That is good news because defending such claims can be costly and time-consuming for employers.

What should employers do now?

The first increase in the minimum wage won't occur for a few months. Before you know it, though, October will be here. You should be ready to increase wages by that date. You can start by determining which employees will need to be given raises. That is particularly true if you have employees who earn tips and a corresponding reduced hourly wage. Figuring out whether they will need a raise is going to be difficult.

Excerpted from *Connecticut Employment Law Letter*
James M. Sconzo, Jonathan C. Sterling,
Jillian R. Orticelli, Brendan N. Gooley, Editors
Carlton Fields

Sexual Harassment

Addresses sexual harassment and assault in the workplace

This law makes various changes concerning sexual harassment, sexual assault, and discrimination complaints filed with the Commission on Human Rights and Opportunities (CHRO). The law expands requirements for employers on training employees about sexual harassment laws as well as requires the CHRO to make related training materials available. The law expands training requirements for employers with more than three employees.

The law also requires the CHRO to develop and make available, at no cost to employers, an online training and education video or other interactive method that fulfills the law's training requirements. It further requires the agency to develop and include on its website a link about the illegality of sexual harassment and the remedies available to victims. The law also subjects employers to a fine of up to $1,000 if they fail to provide the training and education as required. Also increased is the maximum employer fine, from $250 to $1,000, for failing to post certain notices about nondiscrimination laws.

Cite: 2019 CT SB3, CT Pub. Ch. 16 (23 pages)

Enacted: 6/18/2019

Effective: 10/1/2019

https://www.cga.ct.gov/2019/ACT/pa/pdf/2019PA-00016-R00SB-00003-PA.pdf

Maine

Human Rights

Changes to Maine Human Rights Act

This law makes changes to the Maine Human Rights Act to clarify its proper application and interpretation. The law describes the behaviors that may constitute harassment in reference to unlawful discrimination. It also provides a definition of "gender identity."

The law provides needed clarification related to several Maine Human Rights Act provisions highlighted by recent court decisions, including confirming that a leave of absence can be a reasonable accommodation for a disability and that individual employees may be liable for their discriminatory behavior in certain circumstances.

Cite: 2019 ME HP1216, ME Pub. Ch. 464 (10 pages)

Enacted: 6/23/2019

Effective: 9/19/2019

www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1216&item=5&snum=129

Military Service

Veterans paid leave

This law requires an employer that provides paid leave and has 10 or more employees to allow a veteran to take paid leave to attend scheduled appointments at a medical facility operated by the U.S. Department of Veterans Affairs. An employer that does not provide paid leave and has 10 or more employees must grant a veteran unpaid leave to attend such appointments.

An employer that provides paid leave and has fewer than 10 employees must allow a veteran to take paid leave to attend such an appointment if the veteran provides at least two weeks' notice of the appointment. If the VA provides the veteran less than two weeks' notice, she must provide the employer notice as soon as reasonably possible.

An employer that does not provide paid leave and has fewer than 10 employees must grant unpaid leave to a veteran to attend scheduled VA appointments if she provides the employer at least two weeks' notice of the appointment. If the VA provides the veteran less than two weeks' notice, she must provide the employer notice as soon as reasonably possible.

Cite: 2019 ME HB1190, ME Pub. Ch. 350 (2 pages)

Enacted: 6/17/2019

Effective: 9/19/2019

www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1190&item=3&snum=129

Noncompete Agreements

Protections from noncompetes

This law prohibits an employer from requiring or entering into a so-called noncompete agreement with an employee who is earning wages that are at or below 300 percent of the federal poverty level. A noncompete agreement is defined as a contract or contract provision that prohibits a current or prospective employee from working in the same or a similar profession or in a specified geographic area for a certain period following termination of employment.

If an employer requires a noncompete agreement for an employment position, it must disclose that requirement in any advertisement for the position, and it must give current or prospective employees a copy of the agreement at least three business days before requiring them to sign it. An employer that violates this law commits a civil violation and faces a fine of no less than $5,000.

The law also prohibits a restrictive employment agreement between two or more employers that prohibits or restricts one employer from soliciting or hiring the other's current or former employees.

Cite: 2019 ME HP538, ME Pub. Ch. 513 (2 pages)

Enacted: 6/28/2019

Effective: 9/19/2019

www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0538&item=1&snum=129

Pregnancy Discrimination

Pregnancy accommodations

This law states it is unlawful employment discrimination for an employer to fail to provide a reasonable accommodation for an employee's pregnancy-related condition unless doing so would impose an undue hardship.

Cite: 2019 ME HP487, ME Pub. Ch. 490 (2 pages)

Enacted: 6/27/2019

Effective: 9/19/2019

www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP0487&item=3&snum=129

Public Employers: Employee Privacy

Protection of municipal employee information

This law amends the law governing the confidentiality of municipal employees' personal information to parallel the same protections provided for state employees and establishes as confidential any genetic information and information about the sexual orientation of employees contained in the municipality's records. The law also amends the state employee personnel records provisions to include confidentiality of genetic information and sexual orientation and amends the laws governing county and municipal employee personnel records to match.

Cite: 2019 ME HP1272, ME Pub. Ch 451 (4 pages)

Enacted: 6/20/2019

Effective: 9/19/2019

www.mainelegislature.org/legis/bills/getPDF.asp?paper=HP1272&item=3&snum=129

Wages

Wage theft

This law addresses employer wage theft by creating additional remedies, including injunctive relief, treble damages to be paid to affected employees, and a stop-work order against the employer. These remedies are in addition to any existing penalties, and the actions may be combined.

Cite: 2019 ME SP473, ME Pub. Ch. 461 (2 pages)

Enacted: 6/21/2019

Effective: 1/1/2020

www.mainelegislature.org/legis/bills/getPDF.asp?paper=SP0473&item=3&snum=129

Massachusetts

Analysis

Employee Benefits

Final regs are out: Are you ready for paid family and medical leave?

by Erica E. Flores

June was a big month for Massachusetts employers and the new Paid Family and Medical Leave Law (PFML). First, in a last-minute move under pressure from employers, the Commonwealth enacted a three-month delay to portions of the PFML. Second, almost exactly one year after Governor Charlie Baker signed the "Grand Bargain" last summer, the Massachusetts Department of Family and Medical Leave (DFML) published its long-awaited final regulations governing the PFML. The DFML had issued a first draft of the regulations in January 2019 and a second draft in March.

Some of the changes from the previous versions of the regulations were expected, including those made to conform them to amendments that were passed by the legislature in mid-June—most notably, the three-month delay of contributions and the increased contribution rate. Other changes came as a surprise, however. Here is a summary of the most important changes to the PFML and its regulations as you prepare for the new law to take effect.

Implementation

On June 13, 2019, Governor Baker signed a bill delaying the DFML's collection of PFML contributions by three months, from July 1 to October 1. The delay, which had the support of both business leaders and employee rights activists, is meant to give employers more time to prepare for the PFML. However, it came at a cost: To make up for the three months of lost contributions, the DFML raised the contribution rate from 0.63% of wages (or other qualifying payments) to 0.75%. The adjustment is intended to ensure the DFML has adequate funding to pay claims when PFML benefits take effect in January 2021 because the three-month delay doesn't postpone the date that employees may begin taking leave.

Given those changes, the DFML delayed the deadline for employers to provide the mandatory PFML notice to their workers from June 30 to September 30, 2019. The DFML also published an updated notice form for both employees and covered contract workers as well as an addendum to the previously published notice form that can be used by employers that provided the required notice before the three-month delay was announced. Employers need not obtain an acknowledgment for the addendum but should keep a record of its distribution.

The DFML also released a new poster that must be displayed by September 30. The forms can be found on the DFML's website at https://www.mass.gov/orgs/department-of-family-and-medical-leave.

Coverage

The final regulations clarify that "employment" under the PFML doesn't include any of the services that don't constitute "employment" under Massachusetts' unemployment statute, such as services provided by minor children for their parents, services performed by student workers in exchange for financial assistance, services performed by inmates, services performed by employees of churches, and services provided by licensed real estate brokers and agents who are compensated exclusively by commissions. Keep in mind, however, that although workers who provide those services aren't "employees" for PFML purposes, they still may be "covered contract workers" if they reside and perform services in Massachusetts and receive a 1099 instead of a W-2.

The final regulations aren't a model of clarity when it comes to whether employers must count such contractors when determining the size of their workforce. However, the DFML recently issued additional guidance stating that employers need to count self-employed contractors as covered individuals only if they make up more than 50% of the employer's workforce.

Accordingly, you should calculate your workforce by counting, for each pay period in the previous calendar year, all covered employees who are on the payroll and, if they make up more than 50% of your workforce, all individual contractors who provided services during the pay period. Then divide the total by the number of pay periods in that year. You may refer to the DFML's website, which now offers a decision tree to assist in determining your workforce count as well as a calculator to help determine the amounts of required contributions.

The final regulations also answered a related question that had been troubling many employers—whether they must count all members of a limited liability company (LLC) or a limited liability partnership (LLP) who provide contract services to their business. The previous version of the regulations was ambiguous on that point, defining any member or partner of such a business as a "self-employed individual." The final regulations clear up the ambiguity by specifying that such individuals must be counted only if they are the "sole" member or partner of the LLC or LLP.

Benefits

In a surprising reversal, the DFML has decided that employees and other covered individuals may take leave under the new law to care for a child regardless of the child's

age or whether the child is capable of "self-care." Therefore, unlike the federal Family and Medical Leave Act (FMLA), the PFML will allow employees to take family leave to care for an adult child as long as the child has a "serious health condition." The adult child doesn't also need to have a physical or mental impairment that rises to the level of a disability and be incapable of activities like dressing and bathing. This change is likely to significantly increase the number of claims for family leave.

The legislature also recently amended the PFML to clarify that medical leave will be available to an employee with a serious health condition only if the condition "makes the covered individual unable to perform the functions of [her] position," a standard that must be construed in accordance with the FMLA. Consistent with that amendment, the final regulations substantially narrow the definition of "incapacity"—from an inability to "work, attend school or perform other regular daily activities" to an inability to "perform the functions of one's position" (or, for a former employee, the most recent position or other suitable employment).

The final regulations also include several changes related to paid family and medical leave taken on an intermittent or reduced-schedule basis:

- The regulations clear up internal inconsistency regarding intermittent or reduced-schedule medical leave, confirming that such leave may be taken only if the covered individual's healthcare provider certifies that it's "medically necessary" and the employer's agreement is no longer required.

- The regulations allow employers to require covered individuals to take intermittent leave in "designated minimum increments" established by the employer. The increments may be no longer than four hours, and we interpret them as minimums, not blocks. Thus, in our view, if you establish a two-hour "designated minimum increment," an employee who takes intermittent PFML to receive medical treatment for three hours will have used three hours of leave, not four hours.

- The regulations make clear that the seven-day waiting period applicable to claims for intermittent or reduced-schedule leave is "seven consecutive calendar days, not the aggregate accumulation of seven days of leave," and the waiting period counts toward the total number of available weeks of leave. In other words, an employee will not get 12 paid weeks plus one unpaid week for the birth of a child. Instead, the employee will get 12 weeks total, 11 of which will be paid.

Other changes

Some of the other changes made in the final regulations include:

- Providing for refunds of contribution overpayments;

- Allowing employers to deduct different percentages of the family and medical leave contributions from the wages or qualifying payments of different groups of covered individuals, as long as they aren't more than the maximum allowable deduction for each type of leave;

- Allowing the DFML to waive or modify any penalty or assessment for failure to make the required contributions upon a showing of good cause;

- Clarifying that the bond that must be furnished to the DFML by any employer that elects to use a self-insured private plan must be a surety bond issued by a surety company authorized to transact business in Massachusetts;

- Making clear that the amount an employee or other covered individual must have earned to meet the "financial eligibility" test for PFML leave benefits may change every year and will be determined by the Department of Unemployment Assistance;

- Allowing the DFML to require a healthcare provider to verify, supplement, or amend information in a certification if it determines the information is incomplete, inaccurate, inauthentic, or otherwise insufficient;

- Limiting the fitness-for-duty certification and related provisions to employees; and

- Allowing an employer to deny reinstatement upon return from leave if the employee was hired for a specific term that has expired or for a specific project that has been completed, as long as the employer wouldn't have continued to employ the employee.

The DFML also announced that employers now have until December 20, 2019, to apply for a private-plan exemption for the collection period commencing October 1, and it has published a bond form and instructions to assist employers in preparing their applications. Those materials are available on the DFML's website.

Takeaways

The final regulations are an improvement over the previous draft, but there are important unanswered questions, including how employers should handle delays between taking PFML leave and filing an actual claim. In the short term, however, you should focus on hanging the posters, determining the portion of the required contributions you will deduct from wages and payments to other covered individuals, distributing the required notices, ensuring your payroll systems are set up to make PFML deductions in advance of the October 1 start date, and/or or preparing your application for a private-plan exemption. Questions about counting your workforce, calculating contributions, and applying for a private-plan exemption should be directed to an employment attorney to ensure compliance with the PFML and the DFML's final regulations.

Excerpted from *Massachusetts Employment Law Letter*
Amelia Holstrom, Marylou V. Fabbo, Timothy F. Murphy,
John S. Gannon, Erica Flores, Editors
Skoler, Abbott & Presser, P.C.

New Jersey

Workplace Safety

Protection of certain hotel employees

This law requires hotels to provide employees performing housekeeping or room service duties with panic devices for

their protection against inappropriate conduct by guests when they are servicing guest rooms by themselves. The requirement applies to any hotel with 100 or more guest rooms. The law allows hotel employers to refuse occupancy to a guest if the guest is convicted of a crime in connection with an incident brought to the attention of the employer by the pressing of a panic device or otherwise reported by a hotel employee.

Cite: 2019 NJ SB2986, NJ Pub. Ch. 123 (5 pages)

Enacted: 6/11/2019

Effective: 7/4/2019

https://www.njleg.state.nj.us/2018/Bills/S3000/2986_R2.PDF

Oregon

Employment Contracts

Prohibits certain nondisclosure agreements

This law makes it unlawful for an employer to enter into an agreement with a current or prospective employee—as a condition of employment, continued employment, promotion, compensation, or the receipt of benefits—that contains a nondisclosure provision, a nondisparagement provision, or any other provision that prevents the employee from disclosing or discussing conduct that constitutes discrimination, including sexual assault.

The law permits an employer to enter into a settlement, separation, or severance agreement with an aggrieved employee that includes one or more of the following provisions, but only at the request of the aggrieved employee:

- A provision preventing the disclosure or discussion of conduct that constitutes discrimination;
- A provision that prevents the disclosure of information relating to a claim of discrimination or conduct that constitutes sexual assault; or
- A no-rehire provision that prohibits the employee from seeking reemployment with the employer as a term or condition of the agreement.

An agreement entered into between an employer and aggrieved employee must provide the employee with at least seven days to revoke it. The agreement may not become effective until after the revocation period has expired.

Cite: 2019 OR SB726, OR Pub. Ch. 343 (9 pages)

Enacted: 6/11/2019

Effective: 1/1/2020

https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB726/Enrolled

Employment Eligibility

Notice of inspection

This law requires an employer to notify employees that an inspection of I-9 forms or other employment records used by the employer to verify identity and employment eligibility will be conducted by a federal agency. The notice must be provided within three business days of the employer receiving the federal notice of inspection. The law requires the commissioner of the Bureau of Labor and Industries (BOLI) to create a template for the notice. It requires employers to make reasonable attempts to individually distribute the required notification to employees as well as post it in an accessible and conspicuous location.

Cite: 2019 OR SB370, OR Pub. Ch. 260 (2 pages)

Enacted: 6/6/2019

Effective: 6/6/2019

https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB370/Enrolled

Public Employers: Employee Safety

Workplace harassment

This law requires public employers to establish and adopt a written policy to prevent workplace harassment. It requires the policy to include a statement prohibiting workplace harassment and information explaining a victim's rights through internal processes, BOLI processes, or other available laws. The policy also must include statements that a person who reports harassment is protected from retaliation; information about the scope of the policy and its application to public officials, volunteers, and interns; an explanation that the victim may voluntarily disclose information relating to incidents of workplace harassment; and information to connect the victim with legal and support services. Employers must give a copy of the policy to new employees at time of hire and at any time an employee discloses concerns about workplace harassment.

The law specifies that policies and procedures must provide instruction for maintaining records of workplace harassment, establish a process for filing a complaint, and require the employer to follow up with the victim at least once every three months in the year following the report to determine whether harassment has stopped or whether the victim has been subject to retaliation.

The law also makes it unlawful for an employer to enter into a nondisclosure agreement as a condition of employment, continued employment, promotion, compensation, or receipt of benefits if the agreement prevents the employee from disclosing or discussing employment discrimination or sexual assault. In addition, it specifies the conditions for entering into a settlement, separation, or severance agreement.

Cite: 2019 OR SB479, OR Pub. Ch. 463 (10 pages)

Enacted: 6/20/2019

Effective: 1/1/2020

https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB479/Enrolled

Wages

Garnishments

This law increases the minimum amount guaranteed an employee whose earnings are garnished.

Cite: 2019 OR SB519, OR Pub. Ch. 263 (10 pages)

Enacted: 6/6/2019

Effective: 1/1/2020

https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB519/Enrolled

Wages

Subminimum wage rate changes

This law requires employers authorized to pay a subminimum wage to individuals with disabilities to annually increase the rate until reaching the state minimum wage rate by July 1, 2023.

Cite: 2019 OR SB494, OR Pub. Ch. 371 (4 pages)

Enacted: 6/13/2019

Effective: 1/1/2010

https://olis.leg.state.or.us/liz/2019R1/Downloads/MeasureDocument/SB494/Enrolled

Regulations

Alabama

Healthcare Professionals

Collaborative practice, prescriptions, and medication orders by nurse practitioners and midwives

The Board of Nursing adopted amendments to clarify documentation required for nurse practitioners and midwives to maintain advanced practice approval and eliminate conflicts related to electronic prescription formats.

Cite: Ala. Admin. Code r. 610-X-5-.09, .12, .20, .23 (37 Ala. Admin. Mthly. 8, 05/31/2019) (4 pages)

Adopted: 5/20/2019

Effective: 5/20/2019

www.alabamaadministrativecode.state.al.us/docs/nurs/index.html

Illinois

Employment Security

Comprehensive rule revisions

The Department of Employment Security adopted extensive amendments to rules related to unemployment contributions, claims, filing procedures, definitions, gender references, benefits, hearings, appeals, and other provisions.

Cite: 56 Ill. Admin. Code pt. 2712, 2714, 2720, *et seq.* (43 Ill. Reg. 6372, 05/31/2019) (221 pages)

Adopted: 5/31/2019

Effective: 5/14/2019

https://www.cyberdriveillinois.com/departments/index/register/volume43/register_volume43_issue22.pdf

Occupational Safety

Safety standards for transportation of gas and for gas pipeline facilities

The Commerce Commission adopted amendments to update minimum safety standards for the transportation of gas and for gas pipeline facilities consistent with recent amendments to federal regulations. The amendments also provide rules for reports pertaining to underground natural gas storage facilities.

Cite: 83 Ill. Admin. Code pt. 590.10, 590.20 (43 Ill. Reg. 5748, 05/17/2019) (4 pages)

Adopted: 5/17/2019

Effective: 5/2/2019

https://www.cyberdriveillinois.com/departments/index/register/volume43/register_volume43_issue20.pdf

Iowa

Healthcare Professionals

Prescription monitoring program

The Pharmacy Board amended rules for the Iowa Prescription Monitoring Program (PMP) to require prescribing practitioners to register for the program at the same time as the Uniform Controlled Substances Act registration, allow for a surcharge of up to 25 percent of a registration fee to be deposited into the PMP fund, align language for disciplinary actions, and amend other related provisions.

Cite: Iowa Admin. Code r. 657-10.2(124), -10.5(124), *et seq.* (41 Iowa Admin. Bull. 2910, 05/22/2019) (7 pages)

Adopted: 5/2/2019

Effective: 6/26/2019

https://www.legis.iowa.gov/docs/aco/bulletin/05-22-2019.pdf

Occupational Safety—Healthcare Professionals

Exposure to hazardous drugs

The Pharmacy Board added a new rule and amended rules to ensure that pharmacies adequately protect personnel and patients from unnecessary exposure to hazardous drugs, consistent with United States Pharmacopeia (USP) General Chapter 800 for handling hazardous drugs, and allowing the board to establish a committee to grant or deny requests for delayed compliance.

Cite: Iowa Admin. Code r. 657-8.5(155A)-8.5(11); 657-20.5 (126,155A) (41 Iowa Admin. Bull. 2908, 05/22/2019) (2 pages)

Adopted: 5/2/2019

Effective: 6/29/2019

https://www.legis.iowa.gov/docs/aco/bulletin/05-22-2019.pdf

Kansas

Licensure

Education and experience for reciprocity

The Board of Technical Professions amended rules for acceptable education and experience standards for reciprocity

applicants for licenses to practice engineering, surveying, landscape architecture, geology, and architecture.

Cite: K.A.R. 66-9-7, 66-10-1, 66-10-3 (38-22 Kan. Reg. 622, 05/30/2019) (1 page)

Adopted: 5/30/2019

Effective: 6/14/2019

www.kssos.org/pubs/register/2019/Vol_38_No_22_May_30_2019_pages_597-644.pdf

Maryland

Licensure—Healthcare Professionals

Electrology licensure

The secretary of health adopted amendments to regulations of the Board of Nursing, Electrology Practice Committee, related to definitions, licensure, electrology examinations, continuing education, standards of practice and conduct, electrology programs, and fees.

Cite: COMAR 10.53 (46:10 Md. Reg. 490, 05/10/2019) (4 pages)

Adopted: 4/18/2019

Effective: 5/20/2019

www.dsd.state.md.us/COMAR/subtitle_chapters/10_Chapters.aspx#Subtitle53

Licensure—Healthcare Professionals

Sexual misconduct

The Secretary of Health adopted amendments to rules prohibiting sexual misconduct by healthcare practitioners to clarify definitions; state that sexual misconduct includes, but is not limited to, sexual harassment of a "patient, key third party, employee, student, or coworker," regardless of whether the sexual harassment occurs inside or outside a professional setting; and update the rules to include factors to consider in determining whether a sexual or romantic relationship with a key third party or former patient is prohibited.

Cite: COMAR 10.32.17 (46:10 Md. Reg. 488, 05/10/2019) (5 pages)

Adopted: 5/10/2019

Effective: 5/20/2019

www.dsd.state.md.us/COMAR/SubtitleSearch.aspx?search=10.32.17.*

Mississippi

Workers' Compensation

Medical fee schedule

The Workers' Compensation Commission amended the Medical Fee Schedule, including adjustments to the maximum fees allowed.

Cite: Mississippi Workers' Compensation Medical Fee Schedule (Miss. Admin. Bull., System Number 24122, 05/15/2019) (944 pages)

Adopted: 5/15/2019

Effective: 6/15/2019

www.sos.ms.gov/adminsearch/ACProposed/00024122b.pdf

Missouri

Licensure

Electrical contractor licensing

The Office of Statewide Electrical Contractors amended rules authorizing license holders to engage in the practice of electrical contracting anywhere within the state of Missouri regardless of local licensing requirements, consistent with statewide electrical contractor statutes.

Cite: 20 CSR 2117-1.010 (44 MO Reg. 1395, 05/15/2019) (3 pp.)

Adopted: 5/15/2019

Effective: 6/30/2019

https://www.sos.mo.gov/CMSImages/AdRules/csr/current/20csr/20c2117-1.pdf

New Mexico

Licensure—Healthcare Professionals

Optometry expedited licensure

The Board of Optometry added a new rule for expedited licensure of doctors of optometry with current licenses in good standing in other U.S. jurisdictions with licensing standards equal to or greater than New Mexico's.

Cite: 16.16.4.10 NMAC (30 NM Reg. 282, 05/28/2019) (1 page)

Adopted: 5/28/2019

Effective: 5/29/2019

http://164.64.110.134/nmac/nmregister/xxx/16.16.4amend.pdf

New York

Workers' Compensation

Fees

The Workers' Compensation Board amended rules to update and incorporate fees for emergency rooms, rural area outpatient clinics, hospital-based mental health clinics and private psychiatric hospitals for medical services provided to injured workers.

Cite: 12 NYCRR 329.3 (2019-18 N.Y. St. Reg. 23, 05/01/2019) (2 pages)

Adopted: 5/1/2019

Effective: 6/1/2019

https://docs.dos.ny.gov/info/register/2019/may1/rulemaking.pdf

North Carolina

Licensure—Healthcare Professionals

Physician assistant licensure

The Medical Board amended rules for qualifications and requirements for physician assistant licensure, including annual renewal and expedited application requirements.

Cite: 21 NCAC 32S.0202, .0204, .0220 (33:21 NCR 2142, 05/01/2019) (3 pages)

Adopted: 5/1/2019

Effective: 4/1/2019

https://files.nc.gov/ncoah/Volume-33-Issue-21-May-1-2019.pdf

Oregon

Workers' Compensation

Document translation and notices

The Workers' Compensation Board adopted rules related to translation of documents and required notices of claim acceptances/denials.

Cite: OAR 438-005-0050, 438-005-0053, *et seq.* (Oregon Bulletin, May 2019) (7 pages)

Adopted: 4/2/2019

Effective: 6/1/2019

https://secure.sos.state.or.us/oard/viewReceiptPDF.action?filingRsn=40922

South Carolina

Employee Benefits

Leave protection for pregnant employees

The Human Affairs Commission adopted rules providing for expanded leave protection for pregnant employees, regardless of marital status, and including all accommodations arising from pregnancy, childbirth, and related medical conditions.

Cite: S.C. Code Regs. 65-30 (43-5 SC Reg. 85, 05/24/2019) (1 page)

Adopted: 5/24/2019

Effective: 5/24/2019

https://www.scstatehouse.gov/state_register.php?first=FILE&pdf=1&file=Sr43-5.pdf

Wage Deductions

Revocable authorization of a deduction of earnings

The Department of Consumer Affairs adopted rules to provide a framework for the provision of an employee's revocable authorization of a deduction of earnings, in which an assignment of earnings is unenforceable by a creditor, including an assignee, and is revocable by the consumer.

Cite: S.C. Code Regs. 28-55 (43-5 SC Reg 42, 05/24/2019) (2 pages)

Adopted: 5/24/2019

Effective: 5/24/2019

https://www.scstatehouse.gov/state_register.php?first=FILE&pdf=1&file=Sr43-5.pdf

Texas

Licensure

Background Checks

Plumbing licensure background checks

The State Board of Plumbing Examiners amended and adopted new rules to begin the process of requiring fingerprint-based criminal background checks for licensees and registrants.

Cite: 22 TAC § 363.2 (44 TexReg 2714, 05/31/2019) (1 page)

Adopted: 5/20/2019

Effective: 8/1/2019

https://www.sos.state.tx.us/texreg/archive/April52019/Proposed%20Rules/22.EXAMINING%20BOARDS.html#57

Utah

Licensure

Elevator mechanics licensing

The Department of Occupational and Professional Licensing amended rules for elevator mechanic licensing to extend the expiration date of a temporary elevator mechanic license to allow the erecting, constructing, installing, altering, servicing, maintaining, or repairing of an elevator during times when there is a shortage of licensed elevator mechanics.

Cite: Utah Admin. Code r. 156-55e (2019-10 Utah Bull. 119, 05/15/2019) (4 pages)

Adopted: 3/15/2019

Effective: 4/22/2019

https://rules.utah.gov/publicat/code/r156/r156-55e.htm

Virginia

Licensure

Occupational therapists

The Virginia Board of Behavioral Health and Developmental Services amended regulations to include occupational therapists and occupational therapy assistants in definitions consistent with substantial equivalence to comparable professionals listed in current licensing regulations.

Cite: 12VAC35-105 (35 VA Regs Reg. 2284, 05/13/2019) (11 pages)

Adopted: 4/22/2019

Effective: 6/15/2019

http://register.dls.virginia.gov/vol35/iss19/v35i19.pdf

Licensure—Healthcare Professionals

License applications

The Board of Pharmacy amended rules to require that a pharmacist, pharmacy intern, or pharmacy technician provide an e-profile identification number from the National Association of Boards of Pharmacy in an application for a license, registration, or the renewal or reinstatement of a license or registration.

Cite: 18VAC110-20 (35 VA Regs Reg. 2420, 05/27/2019) (2 pages)

Adopted: 4/30/2019

Effective: 6/26/2019

http://register.dls.virginia.gov/vol35/iss20/v35i20.pdf

Wisconsin

Licensure—Healthcare Professionals

Nurse licensure compact

The Board of Nursing repealed, amended, and replaced rules governing the state's nurse licensure compact, creating separate requirements and procedures for single state and multistate licenses and creating an appendix for rules under the authority of the new licensure compact.

Cite: Wis. Admin. Code § CR 18-030, Ch. N 2, Ch. N 9 (Wis. Admin. Reg. No. 761B, 05/28/2019) (3 pages)

Adopted: 5/20/2019

Effective: 7/1/2019http://docs.legis.wisconsin.gov/code/register/2019/761B/register/cr/cr_18_030_rule_text/cr_18_030_rule_text