HR SUITE

HR State Law Customizing Guide

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The HR policy manual and employee handbook has been written for **private employers** and to comply with **federal law**. There may be (and in many cases are) different requirements for government employers. The manual also contains common policies adopted by employers that may go beyond those required by federal law (such as break and leave policies). **NO STATE LAW ISSUES HAVE BEEN ADDRESSED.**

Employment law differs considerably from state to state. **Therefore, all policies should be reviewed by legal counsel prior to their implementation to ensure that they meet all federal, state, and local requirements**. The amount of state law customization required depends upon the law in a particular jurisdiction. In some states, such as California, Wisconsin, and Oregon, considerable customizing is necessary. In others, such as Utah, Idaho and Texas minimal additions will be required.

The following customizing guide seeks to highlight some of the common areas where state law must be considered and integrated into the manual and employee handbook. **The guide is not exhaustive but may be used as a starting point for HR managers**. We have also included, at the end of this document, state labor office website addresses.

2000 GENERAL MANAGEMENT PRACTICES

2010 AMERICANS WITH DISABILITIES ACT (ADA)

Some states have reduced the number of employees (below the federally required 15) that trigger prohibitions against discrimination on the basis of disability. A few also prohibit discrimination against disabled employees who use or are accompanied by guide dogs.

State	Laws Governing Discrimination Based on Disability for Private Employers	Covered Employers (subject to limited exceptions)
Alabama	None	N/A
Alaska	Alaska Human Rights Act (Alaska Stat. Ann. §§ 18.80.010 to 18.80.300)	All employers with one or more employees within Alaska (Alaska Stat. Ann. § 18.80.300(5))
Arizona	Arizona Civil Rights Act (Ariz. Rev. Stat. Ann §§ 41-1461 to 41-1468)	Employers with 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year (Ariz. Rev. Stat. Ann. § 41-1461 (6)(a)).
Arkansas	Arkansas Civil Rights Act (Ark. Code Ann. §§ 16-123-101 to 16-123-108)	Employers who employ nine or more employees in Arkansas for 20 or more calendar weeks in the current or preceding calendar year (Ark. Code Ann. § 16-123-102(5)).
California	California Fair Employment and Housing Act (Cal. Gov't Code §§ 12900 to 12996)	Employers regularly employs five or more persons or any person acting as an agent of an employer (Cal. Gov't Code § 12926 (d)).
Colorado	The Colorado Anti-Discrimination Act (Colo. Rev. Stat. Ann. §§ 24-34-401 to 24-34-406)	Employers employing persons inside Colorado. (Colo. Rev. Stat. Ann. § 24-34-401(3)).
Connecticut	Connecticut Fair Employment Practices Act (Conn. Gen. Stat. Ann. §§ 46a-51 to 46a-104)	Employers with three or more employees (Conn. Gen. Stat. Ann. § 46a-51(10)).
Delaware	The Persons with Disabilities Employment Protection Act (19 Del C. §§ 720 to 728)	Employers with four or more employees within the state at the time of the alleged violation (19 Del C. § 710(7)).

District of Columbia	District of Columbia Human Rights Act (D.C. Code §§ 2-1401.01 to 2-1411.06)	All District of Columbia (DC) employers, any person acting in the interest of an employer, and any professional association (D.C. Code § 2-1401.02 (10)).
Florida	Florida Civil Rights Act (Fla. Stat. §§ 760.01 to 760.11)	Employer employing 15 or more employees or each working day in each of 20 or more calendar weeks in the current or preceding calendar year and agent of employer (Fla. Stat. § 760.02(7))
Georgia	Georgia Equal Employment for Persons with Disabilities Code (O.C.G.A. §§ 34-6A-1 to 34-6A-6)	All employers in Georgia with 15 or more employees (O.C.G.A. § 34-6A-2(2)).
Hawaii	Hawaii Fair Employment Practices Act (HRS §§ 378-1 to 378-82)	All Hawaii employers with one or more employees and any agent of an employer. (HRS § 378-1.)
Idaho	Idaho Human Rights Act (Idaho Code §§ 67-5901 to 67-5912)	All employers with five or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year; government contractors and subcontractors; and any agent of a covered employer (Idaho Code § 67-5902(6)).
Illinois	Illinois Human Rights Act (775 ILCS 5/1-101 to 5/10-104)	Any Illinois employer with at least one employee (775 ILCS 5/2-101(B)(1)).
Indiana	Indiana Civil Rights Law (Ind. Code §§ 22-9-1-1 to 22-9-1-18)	Any person employing six or more persons in Indiana (Ind. Code § 22-9-1-3(h)).
	Indiana Employment Discrimination against Disabled Persons Act (Ind. Code §§ 22-9-5-1 to 22-9-5-27)	All employers with 15 or more employees for each working day for at least 20 weeks in the current or previous calendar year (Ind. Code § 22-9-5-10).
Iowa	The Iowa Civil Rights Act (Iowa Code Ann. §§ 216.1 to 216.22)	Employers with four or more employees, excluding the employer's family members (Iowa Code Ann. § 216.6(6)).
Kansas	Kansas Act Against Discrimination (K.S.A. 44-1001 to 44-1044)	Any employer with four or more employees and any person acting directly or indirectly for an employer (K.S.A. 44-1002(b)).
Kentucky	Kentucky Civil Rights Act (KRS §§ 344.010 to 344.990)	For disability discrimination, employer with at least 15 employees for each working day in each of at least 20 calendar weeks in the current or preceding calendar year and agent of the employer (KRS § 344.030(2)).
	Kentucky Equal Opportunities Act (KRS §§ 207.130 to 207.260)	Any employer employing eight or more individuals and any person acting in the employer's interests (KRS § 207.130(3))
Louisiana	Louisiana Employment Discrimination Law (La. R.S. 23:301 to 23:369)	Employers that employ 20 or more workers within Louisiana for each working day in each of 20 or more calendar weeks in the current or preceding calendar year (La. R.S. 23:302(2)).
Maine	Maine Human Rights Act (5 M.R.S.A. §§ 4551 to 4634)	All Maine employers and any person acting in the interest of any employer (5 M.R.S.A. § 4553(4)).
Maryland	Maryland Fair Employment Practices Act (Md. Code Ann., State Gov't §§ 20-601 to 20-610)	Employers with 15 or more employees in each of 20 or more calendar weeks in the current or preceding calendar year, and agents of a covered employer (Md. Code Ann., State Gov't § 20-601(d)(1)).
Massachusetts	Massachusetts Fair Employment Practices Law (M.G.L. c. § 151B)	All Massachusetts employers with six or more employees (M.G.L. c. 151B, § 1(5)).

Michigan	Persons with Disabilities Civil Rights Act (MCL 37.1101 to 37.1607)	All employers with one or more employees or their agent (MCL 37.1201(b)).
Minnesota	Minnesota Human Rights Act (Minn. Stat. Ann. §§ 363A.01 to 363A.44)	Employers with one or more employees (Minn. Stat. Ann. § 363A.03, subd. 16).
Mississippi	None	N/A
Missouri	Missouri Human Rights Act (Mo. Ann. Stat. §§ 213.010 to 213.137)	Employers with six or more employees in Missouri for each working day in 20 or more calendar weeks in the current or preceding calendar year (Mo. Ann. Stat. § 213.010 (8)).
Montana	Montana Human Rights Act (Mont. Code Ann. §§ 49-2-101 to 49-2-602; Mont. Admin. R. 24.8.201 to 24.8.767 and 24.9.601 to 24.9.613)	All Montana employers with one or more employees or their agents (Mont. Code Ann. § 49-2-101 (11))
Nebraska	Nebraska Fair Employment Practice Act (Neb. Rev. St. §§ 48-1101 to 48-1126)	Employers with 15 or more employees for each working day in 20 or more calendar weeks in the current or preceding calendar year, and any agent of the employer (Neb. Rev. Stat. Ann. § 48-1102 (2)).
Nevada	Nevada Fair Employment Practices Act (NRS 613.310 to 613.435)	Employers with 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year (NRS 613.310(2)).
New Hampshire	New Hampshire Law Against Discrimination (N.H. RSA §§ 354-A:1 to 354-A:26)	Employers with six or more employees (N.H. RSA § 354-A:2(VII)).
New Jersey	New Jersey Law Against Discrimination (N.J.S.A. 10:5-1 to 10:5-49)	All employers regardless of size (N.J.S.A. 10:5-5(e)).
New Mexico	New Mexico Human Rights Act (NMSA 1978, §§ 28-1-1 to 28-1-14)	Employers with four or more employees and any person acting for an employer (NMSA 1978, § 28-1-2(B)).
New York	New York State Human Rights Law (N.Y. Exec. Law §§ 290 to 301)	Employers of all sizes. (N.Y. Exec. Law §§ 292(5))
New Carolina	Equal Employment Practices Act (N.C.G.S. §§ 143-422.1 to 143-422.3)	North Carolina employers regularly employing 15 or more employees (N.C.G.S. § 143-422.2(a)).
	Persons with Disabilities Protection Act (N.C.G.S. §§ 168A-1 to 168A-12)	Employers with 15 or more full-time employees in North Carolina (N.C.G.S. § 168A-3(2))
North Dakota	North Dakota Human Rights Act (N.D.C.C. §§ 14-02.4-01 to 14-02.4-23)	Employers: • Within North Dakota that employs one or more employees for more than one quarter of the year. • Situated anywhere that employs one or more employees whose services are performed partially or entirely within North Dakota. (N.D.C.C. § 14-02.4-02(8).)
Ohio	Ohio Civil Rights Act (R.C. 4112.02)	Any Ohio employer with four or more employees within the state (R.C. 4112.01(A)(2)).
Oklahoma	The Oklahoma Anti-Discrimination Act (Okla. Stat. tit. 25, §§ 1101 to 2005)	Employers with at least one paid employee (Okla. Stat. tit. 25, § 1301(1)).
Oregon	Unlawful Discrimination Against Persons with Disabilities (Or. Rev. Stat. §§ 659A.103 to 659A.145)	Any Oregon employer with six or more employees, which includes unpaid interns (Or. Rev. Stat. §§ 659A.106 and 659A.350(1)).

Pennsylvania	The Pennsylvania Human Relations Act (43 P.S. §§ 951 to 963)	Employer with four or more employees within Pennsylvania (43 P.S. § 954(b)).
Rhode Island	The Rhode Island Fair Employment Practices Act (R.I. Gen. Laws §§ 28-5-1 to 28-5-42)	Any Rhode Island employer with four or more employees, including any person acting in the interest of an employer, directly or indirectly (R.I. Gen. Laws § 28-5-6(8)(i)).
	The Rhode Island Civil Rights Act of 1990 (R.I. Gen. Laws §§ 42-112-1 to 42-112-2)	All employers in Rhode Island (see *Ward v. City of Pawtucket Police Dep't,* 639 A.2d 1379, 1381 (R.I. 1994)).
	The Rhode Island Civil Rights of People with Disabilities Act (R.I. Gen. Laws §§ 42-87-1 to 42-87-5)	All employers (R.I. Gen. Laws § 42-87-2).
South Carolina	The South Carolina Human Affairs Law (S.C. Code Ann. §§ 1-13-10 to 1-13-110)	Employers with 15 or more employees for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and their agents (S.C. Code Ann. § 1-13-30(e)).
South Dakota	South Dakota Human Relations Act (SDCL 20-13-1 to 20-13-56)	All employers that hire or employ any person whose services are to be partially or wholly performed in South Dakota, regardless of whether the employer is located in South Dakota (SDCL 20-13-1(7)).
Tennessee	Tennessee Human Rights Act (T.C.A. §§ 4-21-101 to 4-21-1004)	Employers with at least eight employees in Tennessee and individuals acting directly or indirectly as an agent of an employer (T.C.A. § 4-21-102(5)).
Texas	Texas Commission on Human Rights Act (Tex. Lab. Code Ann. §§ 21.001 to 21.556)	Employers with 15 or more employees in each of 20 or more calendar weeks in the current or preceding calendar year and the agents of covered employers (Tex. Lab. Code Ann. § 21.002(8)).
Utah	Utah Antidiscrimination Act (Utah Code §§ 34A-5-101 to 34A-5-112)	Employers with 15 or more employees within the state for each working day in each of 20 or more calendar weeks in the current or preceding calendar year (Utah Code § 34A-5-102(1)(i)(i)).
Vermont	Vermont Fair Employment Practices Act (21 V.S.A. §§ 495 to 496a)	All employer doing business in or operating in Vermont and agent of an employer that has one or more individuals performing services for it in Vermont (21 V.S.A. § 495d(1)).
Virginia	Virginians with Disabilities Act (Va. Code Ann. §§ 51.5-1 to 51.5-181)	All employers in Virginia that are not already covered by the federal Rehabilitation Act of 1973, which covers, in part, federal contractors and programs that receive federal financial assistance (Va. Code Ann. § 51.5-41(F)).
Washington	Washington Law Against Discrimination (RCW 49.60.010 to 49.60.505)*	Washington state employer with eight or more employees and person acting in the interest of an employer (RCW 49.60.040(11)).
West Virginia	West Virginia Human Rights Act (W. Va. Code §§ 5-11-1 to 5-11-20)	Employers with 12 or more persons in West Virginia for 20 or more calendar weeks in either the calendar year in which the discriminatory act took place or the preceding calendar year (W. Va. Code § 5-11-3(d)).
Wisconsin	Wisconsin Fair Employment Act (Wis. Stat. §§ 111.31-111.395)	All Wisconsin employers, regardless of size (Wis. Stat. § 111.321).
Wyoming	Wyoming Fair Employment Practices Act (Wyo. Stat. Ann. §§ 27-9-101 to 27-9-108)	Employers with two or more employees within Wyoming (Wyo. Stat. Ann. § 27-9-102(b)).

*prohibiting employment and other discrimination and retaliation on the basis of use of a trained guide dog or service animal by person with a disability - RCW 49.60.180.

More states have passed laws legalizing marijuana use, which may include use for medical purposes (See 6060 Drug and Alcohol). The laws of the state in which you are operating should be carefully examined for guidance to determine if this requires an employer to accommodate the use of medical marijuana in the workplace.

2020 EMPLOYMENT AT WILL

Every state except Montana follows the basic premise that employees who don't have a written contract are "at will." However, an employer's right to discharge employees at will is subject to important limitations under both state and federal law. Additional protections may be available under the "covenant of good faith and fair dealing". It is important to know your state law regarding an employer's right to discharge employees.

State	Can an Employee Sue an Employer for Breach of Implied Contract?	Does the State Generally Recognize the Covenant of Good Faith and Fair Dealing in At-Will Employment?	Does the State Generally Recognize Public Policy Exceptions to At-Will Employment?
Alabama	Yes	Yes	No
Alaska	Yes	Yes, in all at-will employment agreements	Yes, in limited circumstances
Arizona	Yes, under limited circumstances as provided by statute (A.R.S. § 23-1501(A)(3).	In limited circumstances	Yes, under limited circumstances as provided by statute (A.R.S. § 23-1501(A)(3).
Arkansas	Yes	Yes	Yes
California	Yes	Yes	Yes.
Colorado	Yes	No	Yes, under limited circumstances
Connecticut	Yes	Yes	Yes
Delaware	Yes	Yes	Yes
District of Columbia	Yes	No	Yes
Florida	No	No	No
Georgia	No	No	No
Hawaii	Yes	No	Yes
Idaho	Yes	Yes	Yes
Illinois	Yes	No	Yes
Indiana	No, with limited exception	No	Yes
Iowa	Yes	No	Yes
Kansas	Yes	No	Yes
Kentucky	Yes	No	Yes

Louisiana	Yes, under limited circumstances	No	No
Maine	Yes	No	Unclear
Maryland	Yes	No	Yes
Massachusetts	Yes	Yes	Yes
Michigan	Yes	No	Yes
Minnesota	Yes	No	Yes
Mississippi	Yes	No	Yes
Missouri	No for handbooks	No	Yes
Montana	All common law claims arising from express or implied contracts in employment are preempted by the Wrongful Discharge from Employment Act, which preempts common law claims (Mont. Code Ann. § 39-2-913).		
Nebraska	Yes	Yes	Yes
Nevada	Yes	No	Yes
New Hampshire	Yes	Yes	Yes
New Jersey	Yes	Yes	Yes
New Mexico	Yes	No	Yes
New York	Yes	No	Yes, under limited circumstances
North Carolina	Yes	No	Yes
North Dakota	Yes	No	Yes
Ohio	Yes	No	Yes
Oklahoma	Yes	No	Yes
Oregon	Yes	No	Yes
Pennsylvania	Yes	Unclear. There have been conflicting decisions	Yes
Rhode Island	Unclear for handbook	No	No
South Carolina	Yes	Unclear	Yes
South Dakota	Yes	No	Yes
Tennessee	Yes	No	Yes
Texas	Yes	No	Yes, under limited circumstances
Utah	Yes	No	Yes
Vermont	Yes	No	Yes
Virginia	Yes	No	Yes
Washington	Yes	No	Yes
West Virginia	Yes	No	Yes
Wisconsin	Yes	No	Yes
Wyoming	Yes	Yes	Yes

2030 EQUAL EMPLOYMENT OPPORTUNITY (EEO)

Some states have expanded the number of “protected classes” beyond those required by federal laws. Examples include: prohibitions against discrimination based on marital status, arrest records, sexual orientation, gender identity, appearance, family responsibility, unemployment, and genetic characteristics. In some instances, the number of employees that trigger such protections have also been reduced (as with the ADA above). Provisions involving pregnancy and breastfeeding that exceed federal requirements have also been adopted by a few states.

Other “expansions” of EEO coverage involve age bias (e.g., protecting anyone 18 or over), discrimination against victims of domestic violence, and discrimination against employees who engage in off-duty lawful activities (commonly known as Smoker’s Rights laws).

State	Protected Classes for Employment-Related Agreement or Policy
Alabama	Age (40 year or older), claimants of workers’ compensation benefits
Alaska	Race, religion, color, national origin, or age, physical or mental disability, sex, marital status, changes in marital status, pregnancy, or parenthood when the reasonable demands of the position do not require distinction based on age, physical or mental disability, sex, marital status, changes in marital status, pregnancy, parenthood.
Arizona	Race, genetic test results, color, religion, sex (including pregnancy), age (40 and over), disability, national origin, cardholder status or registration as a qualifying patient under the Arizona Medical Marijuana Act.
Arkansas	Race, religion, national origin, gender, pregnancy, childbirth or related conditions, the presence of any sensory, mental, or physical disability
California	Age (40 years or older), ancestry, color, marital status, medical condition, mental disability, national origin (including whether or not the individual has a driver's license granted under specific sections of the California Vehicle Code), physical disability, race, religious creed, sex (including gender, gender identity, gender expression, transgender status, pregnancy, childbirth, and medical conditions related to pregnancy or childbirth), sexual orientation (including heterosexuality, homosexuality, and bisexuality), membership or service (current or past) in the armed forces of California or the United States, genetic information.
Colorado	Age, ancestry, color, creed, disability, national origin, race, religion, sex, sexual orientation.
Connecticut	Race, creed, religion, color, national origin, ancestry, age, gender, gender identity or expression, marital status, civil union status, domestic partnership status, sexual orientation, genetic information, military service, past or present disability, perceived disability, pregnancy, physical or mental handicap, sexual orientation, witnesses to, or victims of, crime, registration as a qualifying patient or status as a caregiver of a qualifying patient under the Palliative Use of Marijuana Act, smoker status, filer of workers' compensation recipient or who otherwise exercises those rights, service on a jury.
Delaware	Race, marital status, genetic information, color, age, religion, sex (including pregnancy), sexual orientation, gender identity, national origin, volunteer emergency responder status, status as a victim of domestic violence, sexual offenses, or stalking, reproductive health decisions, family responsibilities, disability.
District of Columbia	Age (18 and older), race, color, religion, national origin, sex (specifically including pregnancy, childbirth, breastfeeding, and related medical conditions), marital status, personal appearance (including style of dress and personal grooming), sexual orientation, gender identity or expression, family responsibilities (including being the subject of proceedings for child support payments), matriculation, status as a victim or

	family member of a victim of domestic violence, a sexual offense, or stalking, political affiliation, genetic information, disability, credit information, unemployment status.
Florida	Race, color, religion, sex, national origin, age, handicap, marital status, actual or perceived infection with acquired immune deficiency syndrome (AIDS), an AIDS-related complex or human immunodeficiency virus (HIV), membership or non-membership in a labor union or organization, possession of a sickle-cell trait.
Georgia	Sex (for wage discrimination purposes), age between 40 and 70, disability, absence from employment to attend judicial proceedings in response to a subpoena, jury duty summons, or other court order requiring attendance at the proceedings.
Hawaii	Race, sex, including gender identity or expression; sexual orientation; age; religion; color; ancestry; disability; marital status; arrest and court record; reproductive health decisions; domestic or sexual violence victim status if the domestic or sexual violence victim provides notice to the victim's employer of that status or the employer has actual knowledge of that status; opposition to discrimination or being associated with a person who opposes discrimination; breastfeeding or expressing milk at the workplace; credit history; amount or rate of pay based on sex; conviction record; garnishee status or petitioner under the Bankruptcy Act; status as an employee covered by Hawaii's Workers' Compensation Act; participation in a proceeding under Chapter 378.
Idaho	Race, color, religion, sex, national origin, disability, age (40 years and older).
Illinois	Race, color, religion, national origin, ancestry, age, sex, marital status, pregnancy, protective order status, disability, military status, unfavorable discharge from military service, sexual orientation, citizenship status, arrest record, conviction record, status as a homeless person.
Indiana	Race, color, sex, age, religion, national origin, disability, citizenship status, military status.
Iowa	Age, color, creed, disability, including HIV-positive status, gender identity, national origin, pregnancy, race, religion, sex, sexual orientation, genetic testing.
Kansas	Race, color, religion, national origin, ancestry, sex, age, disability, genetic information, military status, victims of domestic violence, victims of sexual assault.
Kentucky	Race, disability, color, religion, national origin, sex (including pregnancy, childbirth, or a related medical condition), age (over 40), status as a smoker or non-smoker, membership in the Kentucky National Guard or Kentucky active militia, garnishment for any one indebtedness, child support withholding.
Louisiana	Age, disability, sex, race, color, national origin, religion, pregnancy and related medical conditions, childbirth and related medical conditions, sickle cell trait, genetic testing, veterans' status.
Maine	Race or color, sex, pregnancy, sexual orientation, physical or mental disability, religion, age, ancestry or national origin, previous assertion of a claim or right under the workers' compensation law, protected activity under the Maine Whistleblowers' Protection Act.
Maryland	Race, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, genetic information, pregnancy, disability, refusal to submit to or make available the results of a genetic test.
Massachusetts	Age, race, color, religious creed, national origin, ancestry, disability, gender, gender identity, sexual orientation, genetic information, pregnancy, military and veteran status.
Michigan	Religion, race, color, national origin, age, sex, sexual orientation, gender identity, height, weight, familial or marital status, pregnancy, childbirth or a related medical condition, physical or mental disability, arrest record, genetic information

Minnesota	Race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, familial status, membership or activity in a local commission, disability, sexual orientation (including gender identity), age, pregnancy or childbirth, genetic information.
Mississippi	(In addition to the classes protected under federal law) current or previous military service, tobacco usage during non-working hours, nursing mothers.
Missouri	Race, color, religion, national origin, sex, ancestry, age, disability, AIDS/HIV status, lawful use of tobacco or alcohol, genetic testing.
Montana	Race, creed, religion, national origin, color, sex (including pregnancy), marital status, mental or physical disability, age.
Nebraska	Race, color, religion, sex, pregnancy, childbirth or related medical conditions, age, disability, marital status, national origin, having or being suspected of having HIV infection or AIDS.
Nevada	Race, color, religion, sex, sexual orientation, gender identity or expression, age (if over 40), disability, national origin, genetic information, membership in National Guard, volunteer search and rescue, reserve unit of Sheriff's department and Civil Air Patrol.
New Hampshire	Race, color, national origin, sex, gender identity, religion, age, sexual orientation, pregnancy, marital status, physical and mental disability.
New Jersey	Age, ancestry, atypical hereditary cellular or blood trait, service in the US armed forces, color, creed, disability or handicap, gender identity or expression, genetic information, marital status, civil union status, domestic partnership status, national origin, nationality, pregnancy, race, sex, sexual orientation, affectional orientation.
New Mexico	Race, age, religion, color, national origin, ancestry, sex, physical or mental handicap or serious medical condition, spousal affiliation, sexual orientation, gender identity.
New York	Age, color, creed, disability, marital status, military status, national origin (including ancestry), predisposing genetic characteristics, race, sex, sexual orientation (including actual or perceived heterosexuality, homosexuality, bisexuality and asexuality).
North Carolina	Race, religion, color, national origin, age, sex, handicap, possession of sickle cell or hemoglobin C trait, genetic testing and information, HIV or AIDS status, lawful use of lawful products, testimony or assistance with hazardous chemicals proceedings or investigations, jury service, National Guard service, engaging in activities protected by the North Carolina Retaliatory Employment Discrimination Act.
North Dakota	Race, color, religion, sex, national origin, age, physical or mental disability, status with respect to marriage or public assistance, for good faith reports of violation or suspected violation of law, ordinance, or regulation, participation in a lawful activity off the employer's premises during nonworking hours.
Ohio	Race, color, religion, sex, military status, national origin, disability, age, ancestry.
Oklahoma	Race, color, religion, sex (including but not limited to pregnancy, childbirth, and related medical conditions), national origin, age (40 years or older), genetic information, disability.
Oregon	Race, color, national origin, religion, sex, pregnancy-related conditions, sexual orientation, gender identity, marital status, domestic partnership status, family relationship, status as a victim of domestic violence, harassment, sexual assault or stalking, age (18 or older), expunged juvenile record, disability, uniform member status, credit history information, association with protected class, previous assertion of a claim or right under the workers' compensation law, previous filing of a complaint, testimony, or assistance in any discrimination proceeding, previous report, or opposition to an unlawful practice, tobacco use in non-working hours, previous filing for unemployment.

Pennsylvania	Race, color, religious creed, ancestry, age if 40 years old or older, sex, national origin, non-job related handicap or disability, and the use of a guide or support animal because of blindness, deafness, physical handicap.
Rhode Island	Race, color, national origin, sex, religion, age, physical or mental disability, sexual orientation, gender identity or gender expression, homelessness.
South Carolina	Race, sex (including pregnancy, childbirth, or related medical conditions), religion, national origin, color, disability, age (if 40 or older).
South Dakota	Race, color, creed, religion, sex, ancestry, disability, national origin, blindness or partial blindness, genetics.
Tennessee	Race, color, religion, creed, sex or gender, national origin, age, disability.
Texas	Race, color, national origin, ethnicity, sexual orientation (under certain city ordinances), age, religion, disability, genetic information, military service, and sex, including on the basis of pregnancy, childbirth, or related medical conditions.
Utah	Race, color, sex, pregnancy, childbirth, pregnancy-related conditions, age (40 years or older), religion, national origin, disability.
Vermont	Race, color, religion, ancestry, national origin, sex, sexual orientation, gender identity, place of birth, age (18 and over), physical or mental condition, having a positive result on an HIV-related blood test.
Virginia	Race, color, religion, national origin, sex, pregnancy, childbirth, or a related medical condition, age, marital status, sexual orientation, gender identity, veteran status, disability.
Washington	Race, gender, age, creed (religion), national origin, color, sex, citizenship or immigration status, honorably discharged veteran or military status, sexual orientation, marital status, presence of any sensory, mental, or physical disability, use of a trained guide dog or service animal by a person with a disability, political activity or affiliation.
West Virginia	Race or ethnicity, color, religion, sex, national origin, age, ancestry, blindness, disability.
Wisconsin	Race, color, sex, sexual orientation, marital status, arrest and conviction record history, use of lawful products, use of honesty testing, use of genetic testing, pregnancy, childbirth, pregnancy-related conditions, age (40 or older), religion, ancestry, national origin, disability, retaliation, military status, use or nonuse of lawful products off the employer's premises during nonworking hours, declining to attend a meeting or participate in any communication about religious or political matters.
Wyoming	Race, color, creed, sex, ancestry, national origin, age, pregnancy, disability.

2040 HARASSMENT

Some states have passed laws requiring employers to add sexual harassment, anti-bullying, and/or abusive conduct training to their training curriculum. Be sure and check your state law and include these components and required items, if necessary, in your employee training program. Failure to do so could lend weight to an argument that the employer did not do all it could to prevent workplace harassment and discrimination.

State	Applicable Laws	Covered Employer
California	Cal. Gov. Code §§ 12950 and 12950.1 (amended by S.B. 1343); Cal. Code Regs. tit. 2, § 11024	Employers with five or more employees, including temporary or seasonal employees.
Colorado	3 Colo. Code Regs. § 708-1:20.6	Employers covered by the Colorado Fair Employment Practices Act are encouraged but not required to conduct training.
Connecticut	Conn. Gen. Stat § 46a-54.	Employers with: • Three or more employees must provide training to all employees. • Less than three employees must provide training to supervisors only.
Delaware	Del. Code tit. 19, § 711A.	Employers with 50 or more employees within Delaware.
District of Columbia	D.C. Code § 2-1411.05a	Businesses that employ an employee who receive gratuities under D.C. Code § 32-1003(f).
Illinois	775 ILCS 5/2–109, as amended by Illinois Public Act 101-0221	All employers with employees working in Illinois.
Maine	Me. Rev. Stat. tit. 26, §§ 807	Employers with 15 or more employees.
Massachusetts	Mass. Gen. Laws ch. 151B, § 3A.	Employers are encouraged but not required to conduct training.
New York	N.Y. Lab. Law §201-G	All employers.
Rhode Island	R.I. Gen. Laws §§ 28-51-1(a), 28-51-2(c), and 28-51-3	Employers with 50 more employees are encouraged but not required to conduct training.
Vermont	Vt. Stat. tit. 21, § 495h.	All employers are encouraged but not required to provide training.
West Virginia	W. Va. Code § 77-4-3	All employers are encouraged but not required to provide training.

3000 EMPLOYMENT STATUS & HUMAN RESOURCE RECORDS

3030 HUMAN RESOURCE FILES

The states differ as to whether employees must have access to their human resource files. Some are silent on the matter, while others require access. Those that require access generally also have established guidelines as to how, when and under what circumstances an employee may review his/her records. Some limit the types of records that may be reviewed, excluding highly sensitive information such as references or records relating to criminal investigations. Employees have the right to rebut the information in some jurisdictions.

Additionally, some states restrict employers' collection or use of employees' social security numbers. Many state legislatures have passed legislation geared at protecting confidential information in the workplace as a safeguard to protect employees from identify theft.

State	Applicable Laws	Current Employees Have Right to Access Personal Files	Former Employees Have Right to Access Personnel File	Limit on Access	Required Response Time	Employer Penalties
Alaska	Alaska Stat. § 23.10.430	Yes	Yes	Yes	None specified	None specified
California	Cal. Lab. Code § 1198.5	Yes	Yes	Yes	Yes	Yes
Colorado	Colo. Rev. Stat. § 8-2-129	Yes	Yes	Yes	Yes	None specified
Connecticut	Conn. Gen. Stat. §§ 31-128a – 31-128j	Yes	Yes	Yes	Yes	Yes
Delaware	Del. Code Ann. tit. 19, §§ 730 – 732	Yes	Yes	Yes	None specified	Yes
Illinois	820 Ill. Comp. Stat. 40/1 – 40/13	Yes	Yes	Yes	Yes	Yes
Iowa	Colo. Rev. Stat. § 8-2-129	Yes	No	Yes (on item that employee can access only)	None specified	None specified
Maine	Me. Rev. Stat. tit. 26, § 631	Yes	Yes	Yes	Yes	Yes

Massachusetts	Mass. Gen. Laws ch. 149, § 52C	Yes	Yes	Yes	Yes	Yes
Michigan	Mich. Comp. Laws §§ 423.501 – 423.512	Yes	Yes	Yes	None specified	Yes
Minnesota	Minn. Stat. §§ 181.960 – 181.967	Yes	Yes	Yes	Yes	Yes
Nevada	Nev. Rev. Stat. § 613.075	Yes	Yes	Yes (on item that employee can access only)	None specified	None specified
New Hampshire	N.H. Rev. Stat. § 275:56	Yes	Yes	Yes (on item that employee can access only)	None specified	None specified
Oregon	Or. Rev. Stat. § 652.750	Yes	Yes	Yes (on item that employee can access only)	Yes	Yes
Pennsylvania	43 Pa. Stat. §§ 1321 – 1324	Yes	Generally no, except for employee laid off with re-employment rights	Yes	None specified	None specified
Rhode Island	28 R.I. Gen. Laws §§ 28-6.4-1 – 28.-6.4-2	Yes	Yes	Yes	Yes	Yes
Virginia	Va. Code. Ann. § 8.01-413.1(B)	Yes	Yes	Yes (on item that employee can access only)	Yes	No, but court can award damages for expenses, including payment for copies, court costs, and reasonable attorneys' fees.
Washington	Wash. Rev. Code §§ 49.12.240 – 49.12.260	Yes	Yes	Yes	None specified	None specified
Wisconsin	Wis. Stat. § 103.13	Yes	Yes	Yes	Yes	Yes

4000 HIRING ISSUES

4010 EMPLOYMENT OF MINORS

Many states exceed the requirements established in the federal Fair Labor Standards Act and have established stricter rules regarding the employment of minors. Common differences include: imposing more limited hours of work requirements and additional restrictions regarding the types of work performed. Significant administration requirements (e.g., work permits, posters) may also be required.

State	Law Limiting Minimum Working Age	Law Limiting Hours Minors Can Work	Law Limiting Occupations Minors Can Work	Administration Requirements
Alabama	Yes	Yes	Yes	Yes
Alaska	Yes	Yes	Yes	Yes
Arizona	Yes	Yes	Yes	No
Arkansas	Yes	Yes	Yes	Yes
California	Yes	Yes	Yes	Yes
Colorado	Yes	Yes	Yes	Yes
Connecticut	Yes	Yes	Yes	Yes
Delaware	Yes	Yes	Yes	Yes
District of Columbia	Yes	Yes	Yes	Yes
Florida	Yes	Yes	Yes	Yes
Georgia	Yes	Yes	Yes	Yes
Hawaii	Yes	Yes	Yes	Yes
Idaho	Yes	Yes	Yes	Yes
Illinois	Yes	Yes	Yes	Yes
Indiana	Yes	Yes	Yes	Yes
Iowa	Yes	Yes	Yes	Yes
Kansas	Yes	Yes	Yes	Yes
Kentucky	Yes	Yes	Yes	Yes
Louisiana	Yes	Yes	Yes	Yes
Maine	Yes	Yes	Yes	Yes
Maryland	Yes	Yes	Yes	Yes
Massachusetts	Yes	Yes	Yes	Yes
Michigan	Yes	Yes	Yes	Yes
Minnesota	Yes	Yes	Yes	Yes
Mississippi	Yes	Yes	Yes	Yes
Missouri	Yes	Yes	Yes	Yes

Montana	Yes	Yes	Yes	No. However, the Department of Labor and Industry may inspect and access employment records to enforce child labor laws.
Nebraska	Yes	Yes	Yes	Yes
Nevada	Yes	Yes	Yes	Yes
New Hampshire	Yes	Yes	Yes	Yes
New Jersey	Yes	Yes	Yes	Yes
New Mexico	Yes	Yes	Yes	Yes
New York	Yes	Yes	Yes	Yes
North Carolina	Yes	Yes	Yes	Yes
North Dakota	Yes	Yes	Yes	Yes
Ohio	Yes	Yes	Yes	Yes
Oklahoma	Yes	Yes	Yes	Yes
Oregon	Yes	Yes	Yes	Yes
Pennsylvania	Yes	Yes	Yes	Yes
Rhode Island	Yes	Yes	Yes	Yes
South Carolina	Yes	Yes	Yes	No
South Dakota	Yes	Yes	Yes	Yes
Tennessee	Yes	Yes	Yes	Yes
Texas	Yes	Yes	Yes	Yes
Utah	Yes	Yes	Yes	Yes
Vermont	Yes	Yes	Yes	Yes
Virginia	Yes	Yes	Yes	Yes
Washington	Yes	Yes	Yes	Yes
West Virginia	Yes	Yes	Yes	Yes
Wisconsin	Yes	Yes	Yes	Yes
Wyoming	Yes	Yes	Yes	Yes

4020 HIRING PROCEDURES

Applicant background checks can involve extremely sensitive issues, therefore care should be taken that they are in compliance with all legal requirements. Some states have adopted credit or investigative check requirements that exceed those required by federal law (i.e., Fair Credit Reporting Act and Consumer Credit Reform Act). Requirements regarding criminal background investigations have also been imposed. Other hiring related legislation in some states involves employer payments for bonds or photographs that may be required for employment. Additionally, several state laws also limit the use of arrest and conviction records by prospective employers. These range from laws and rules prohibiting the employer from asking the applicant any questions about arrest records to those restricting the employer's use of conviction data in making an employment decision. The use of social media in the hiring process also continues to evolve.

State	Laws Addressing Credit or Investigative Check	Laws Addressing Criminal Background Check	Laws Protecting the Employment Rights of Persons with Criminal Records	Laws Limiting Use of Social Media in Hiring Process
Alabama	No	Yes (for certain jobs)	No	No
Alaska	No	Yes	No	No
Arizona	Yes	Yes	No	No
Arkansas	No	Yes (for certain jobs)	No	Yes
California	Yes	Yes	Yes	Yes
Colorado	Yes	Yes	Yes	Yes
Connecticut	Yes	Yes	Yes	Yes
Delaware	No	Yes (for certain jobs)	No, but public employers' inquiries are limited.	Yes
District of Columbia	Yes	Yes	Yes	No
Florida	No	Yes	Yes	No
Georgia	Yes	Yes	Yes	No
Hawaii	No	Yes	Yes	No
Idaho	No	Yes	No	No
Illinois	Yes	Yes	Yes	Yes
Indiana	No	Yes	Yes	No
Iowa	No	Yes	No	No
Kansas	Yes	Yes	Yes	No
Kentucky	No	Yes (for certain jobs)	Yes (for state employers)	No
Louisiana	No	Yes (for certain jobs)	Yes (for state employers)	Yes
Maine	Yes	Yes (for certain jobs)	No	Yes
Maryland	No	Yes	Yes	Yes

Massachusetts	Yes	Yes	Yes	No (legislation pending)
Michigan	No	Yes	Yes	Yes
Minnesota	Yes	Yes	Yes	No
Mississippi	No	Yes	Yes	No
Missouri	No	Yes (for certain jobs)	Yes	No
Montana	Yes	Yes	Yes (for occupational licenses)	Yes
Nebraska	No	Yes	Yes (for public employers)	Yes
Nevada	Yes	Yes	No	Yes
New Hampshire	Yes	Yes (for certain jobs)	Yes (for public employers)	Yes
New Jersey	Yes	Yes	Yes	Yes
New Mexico	No	Yes (for certain jobs)	Yes	Yes
New York	Yes	Yes	Yes	No
North Carolina	No	Yes	Yes	No
North Dakota	No	Yes (for certain jobs)	Yes (for public employers)	No
Ohio	No	Yes (for certain jobs)	Yes	No
Oklahoma	Yes	Yes (for certain jobs)	Yes	Yes
Oregon	Yes	Yes (for certain jobs)	Yes	Yes
Pennsylvania	No	Yes	Yes	No
Rhode Island	Yes	Yes	Yes	Yes
South Carolina	No	Yes	No	No
South Dakota	No	Yes (for certain jobs)	No	No
Tennessee	Yes	Yes (for certain jobs)	Yes	Yes
Texas	Yes	Yes	No	No
Utah	No	Yes	Yes	Yes
Vermont	Yes	Yes (for certain jobs)	Yes	Yes
Virginia	No	Yes	Yes	Yes
Washington	Yes	Yes	Yes	Yes
West Virginia	No	Yes (for certain jobs)	No	Yes
Wisconsin	No	Yes (for certain jobs)	Yes	Yes
Wyoming	No	Yes	No	No

4040 IMMIGRATION LAW COMPLIANCE

Some states have enacted laws with additional employer restrictions or obligations on immigration/ employee eligibility verification that goes beyond federal law. Below is a list of states that mandate or recommend employment eligibility verification. Some states also permit alternative verification methods other than the E-Verify system.

State	Alternative Verification Method (other than Federal Verification System) Permitted	Private Employers Covered	State Contractors Covered
Alabama	No	Yes, employers with any employees working in the state (Ala. Code § 31-13-15).	Yes (Ala. Code § 31-13-9).
Arizona	No	Yes, employers with any employees working in the state (A.R.S. § 23-214).	Yes (Colo. Rev. Stat. Ann. § 8-17.5-102).
Arkansas	Yes	No	Before executing a public contract, each prospective contractor must certify in a manner that does not violate federal law that the contractor, at the time of certification, does not employ or contract with an illegal immigrant. If a contractor uses a subcontractor at the time of certification, the subcontractor must certify in a manner that does not violate federal law that the contractor, at the time of certification, does not employ or contract with an illegal immigrant (Ark Code Ann, Sec. 19-11-105).
Colorado	Yes, a state verification program administered by the Colorado Department of Labor and Employment (Colo. Rev. Stat. Ann. § 8-17.5-102(5)(c)).	No	Yes (Colo. Rev. Stat. Ann. § 8-17.5-102).
Florida	No. Private employers may verify employment eligibility by • using the E-Verify system; or • requiring the person to provide the same documentation that is required by Form I-9 (Fla. Stat.§ 448.095).	Yes (Fla. Stat.§ 448.095). Private employers that apply for taxpayer-funded incentives through the state Department of Economic Opportunity must enroll in and use E-Verify for all new employees (Fla. Stat.§ 288.061)	Beginning January 1, 2021, all contractors and subcontractors must enroll in and use E-Verify for all new employees (Fla Stat. § 448.095(2)(a)).
Georgia	Yes, contractors or subcontractors with no employees may, in limited circumstances, present copies of verified drivers' license or state	Yes, employers with more than ten employees (O.C.G.A. § 36-60-6(a)).	Yes (O.C.G.A. § 13-10-91(b)).

	identification for the independent contractors they retain to perform labor or services (O.C.G.A. § 13-10-91(b)(5)).		
Idaho	None specified. Although not mandated, E-Verify is recommended by the Idaho Division of Human Resources to meet the verification requirement.	No	Yes (Idaho Exec. Order No. 2009-10 (May 29, 2009)).
Indiana	No	Yes, those either: • Receiving grants of more than $1,000 from a state agency or political subdivision (Ind. Code § 22-5-1.7-11(b)). • Claiming certain tax credits (see, for example, Ind. Code §§ 6-3.1-13-5 and 6-3.1-13-18).	Yes (Ind. Code §§ 22-5-1.7-11(a), 22-5-1.7-11.1 and 22-5-1.7-15).
Louisiana	Yes, but only for public or private employers (La. R.S. 23:995).	Yes, by either: • Enrolling in E-Verify. • Retaining one of an enumerated list of documents. (La. R.S. 23:995.)	Yes, by E-Verify only (La. R.S. 38:2212.10).
Maine	N/A	Not required, but it is an affirmative defense to prosecution of hiring unauthorized aliens if employer, before employing or referring a person for employment, made a good faith inquiry to whether that person was a United Citizen or an alien, and whether the alien was lawfully admitted and authorized to work in the United States. A good faith inquiry must be in writing, and an employment application form that request citizenship data or an alien number meets the requirement of a good faith inquiry in writing (Me. Rev. Stat. tit. 26, § 871).	Not required.
Massachusetts	N/A	Not required, but an employer is not deemed to violate the prohibition of employing unauthorized alien if employer makes a bona fide inquiry into the worker's citizenship and whether the worker is lawfully admitted and authorized to work in the United States (Mass.	Yes. State agencies must require contractors to certify, as a condition of receiving Commonwealth funds under the contract, that they must not knowingly use undocumented workers in connection with performing the contract. Contractors must verify the immigration status of all workers

		Gen. Laws Ann. ch. 149, § 19C).	assigned to the contract without engaging in unlawful discrimination and not knowingly or recklessly alter, falsify, or accept altered or falsified documents from any such worker (E.O. 481).
Michigan	No	No	Yes, certain contractors and subcontractors of the Departments of Human Services and Transportation (Mich. Pub. Act 252 of 2014, Art. X Part 2 § 291 and Art. XVII Part 2, § 381 (June 30, 2014)).
Minnesota	No	No	Yes, employers with contracts for services exceeding $50,000 must E-Verify new hires anywhere in the US who will perform work on behalf of the state of Minnesota (Minn. Stat. Ann. § 16C.075).
Mississippi	No	Yes, employers with any employees working in the state (Miss. Code Ann. §§ 71-11-3(4)(b)(i), (ii), and (6)(b)).	Yes (Miss. Code Ann. § 71-11-3(4)(b)(iii)).
Missouri	No	No, optional for private employers (RSMo § 285.530(4),).	Yes, if employer receives either: • A contract or grant of more than $5,000. • State-administered tax credits, tax abatements or loans. (RSMo § 285.530(2))
Nebraska	No	Certain employers seeking tax incentives under the Nebraska Advantage Rural Development Act must use E-Verify for all newly hired employees employed in Nebraska (Neb. Rev. St. § 77-27,188.03(1)).	Yes (Neb. Rev. St. § 4-114(2)).
Nevada	Yes. Employers may submit proof demonstrating that it attempted to verify the social security number of the worker within 6 months from the date on which the worker was alleged employed, including a printout from the link maintained on the Internet website of the Department of Business and Industry. Such proof may be used as prima facie evidence that the violation was not willful, flagrant or otherwise	Employers holding a state business license (Nev. Rev. Stat. Ann. § 360.796).	Employers holding a state business license (Nev. Rev. Stat. Ann. § 360.796).

	egregious. (Nev. Rev. Stat. Ann. § 360.796).		
New Hampshire	Yes. The law requires all employers to obtain and retain documents showing employment eligibility. It does not mention or require E-Verify specifically. (N.H. RSA § 275-A:4-a.)	All employers are covered (N.H. RSA § 275-A:4-a).	All employers are covered (N.H. RSA § 275-A:4-a).
North Carolina	No	Yes, for employers with 25 or more employees (N.C.G.S. §§ 64-25(4) and 64-26). An individual whose term of employment is less than nine months in a calendar year is exempt (N.C.G.S. § 64-25(3)).	Yes, for any contractors or subcontractors with: • The state. • Any institution of the state. • Any political subdivision of the state. (N.C.G.S. §§ 143-48.5, 143-129(j) and 143-133.3. Section 143-133.3 was added by N.C. HB 318, SL 2015-294.) Certain contractors and subcontractors are exempted from E-Verify (N.C.G.S. § 143-133.3.).
Oklahoma	No	No	Yes (Okla. Stat. tit. 25, § 1313(B)).
Pennsylvania	No	Yes, construction industry employers must enroll in and use E-Verify. Staffing agencies supplying employees to those employers must also enroll in and use E-Verify for workers supplied to the construction industry. Employment includes subcontractor arrangements providing workers but does not include subcontractors who are material suppliers. (43 P.S. §§ 168.1 to 168.8.)	Yes (43 P.S. § 167.3).
South Carolina	No	Yes, employers with any employees working in the state (S.C. Code Ann. § 41-8-20(B)).	Yes (S.C. Code Ann. § 8-14-20(B)).
Tennessee	No	Yes, private employers with 50 or more employees must enroll in and use E-Verify (T.C.A. § 50-1-703(b)). An employer does not violate the prohibition of knowingly employ, recruit, or refer for a fee for employment an illegal alien if the employer (2) required from the employee, received, and documented the employee record, after commencement of employment, lawful resident	Tennessee contractors must attest that they will not knowingly employ or use subcontractors that employ illegal immigrants (T.C.A. § 12-3-309).

		verification information consistent with employer requirements under the Immigration Reform and Control Act of 1986 or (2) verified the work authorization status of the employee by using the federal electronic work authorization verification service provided by the United States department of homeland security. Tenn. Code Ann. § 50-1-103	
Texas	No	No	Yes, contractors to state agencies under the authority of the governor (Tex. Exec. Order No. RP-80 (Dec. 3, 2014)). Railroad Commission of Texas contractors and subcontractors are required to use E-Verify (Tex. Nat. Res. Code Ann. § 81.072).
Utah	Yes, status verification may be accomplished by either: • The E-Verify system. • Another federal verification system, as designated by the DHS. • The Social Security Number Verification Service (SSNVS). • An independent third-party system with equal reliability. (Utah Code §§ 13-47-102(4)(b) and 63G-12-102(21).)	Yes, employers with more than 15 employees for all new hires except workers with: • H-2A nonimmigrant status. • H-2B nonimmigrant status. (Utah Code § 13-47-201.)	Yes (Utah Code § 63G-12-302(3)).
Virginia	No	No, but all employment application forms used by privately owned businesses shall ask prospective employees if they are legally eligible for employment in the United States. Va. Code Ann. § 40.1-11.1.	Yes, for contractors with both: • More than an average of 50 employees in the prior 12 months. • A contract in excess of $50,000. (Va. Code Ann. § 2.2-4308.2.)
West Virginia	Yes. The law requires all employers to obtain and retain documents showing employment eligibility. It does not mention or require E-Verify specifically. (W. Va. Code §§ 21-1B-3(b) and 21-1B-4.)	Yes, all employer ((W. Va. Code §§ 21-1B-3(b) and 21-1B-4.)	Yes, all employer ((W. Va. Code §§ 21-1B-3(b) and 21-1B-4.)

5000 EMPLOYMENT PRACTICES

5040 LAYOFF AND REDUCTION IN FORCE

Many states have requirements, in addition to the federal WARN Act, for notice of layoffs and/or closures. A number of states also have WARN Act layoff notice laws that may be stricter than the federal law and may apply to smaller employers. Below is a list of the state with notice requirement for layoffs and/or closures.

State	Mini-Warn Act / Laws Requiring Notice	Covered Employer
Alabama	Employers must notify the unemployment claims office nearest the affected workers' place of employment as soon as the date of the mass separation and the number of workers involved is determined, but no later than the date of the actual separation (Ala Admin Code, r. 480-4-3-.10).	All employers (Ala Admin Code, r. 480-4-3-.10).
California	California's mini-WARN Act requires 60 days' advance, written notice to certain parties before: • A mass layoff, which is a layoff of 50 or more employees within a 30-day period at a covered establishment. • A relocation, which is the removal of all or substantially all of a covered establishment's operations to a different location 100 miles or more away. • A termination, which is the cessation or substantial cessation of industrial or commercial operations in a covered establishment. (Cal. Lab. Code §§ 1400 to 1408.) On March 17, 2020, California Governor Gavin Newsom issued Executive Order N-31-20 relieving California employers of some of the notice requirements under California's Mini-WARN Act.	Any industrial or commercial facility or part of an industrial or commercial facility that employs, or has employed within the preceding 12 months, 75 or more persons.
Connecticut	There is no mini-WARN Act or other notice requirement for group layoffs in Connecticut, but there is a: • Notice requirement when a business is sold: Certain Connecticut businesses that are sold must give a written notice to their retired employees and the Connecticut Department of Labor at least 30 days before the intended sale. The notice must specify the retired employees' health and life insurance benefits post-sale. (Conn. Gen. Stat. Ann. § 31-51s). • The Connecticut Plant Closing Law, which requires certain employers relocating or closing a plant to pay the full cost of continuing the existing group health insurance for terminated employees and their dependents (Conn. Gen. Stat. Ann. § 31-51o).	Connecticut businesses must comply with the insurance notification if they: • Employ 25 or more employees. • Have retired employees who are receiving life or health insurance, or both, from the business. (Conn. Gen. Stat. Ann. § 31-51s). Connecticut businesses must comply with the Connecticut Plant Closing Law if they: • Employ or have employed at any time in the preceding 12-month period at least 100 employees. • Are owned, operated, or controlled, directly or indirectly, by the employer. (Conn. Gen. Stat. Ann. § 31-51n(1), (2)). The Connecticut Plant Closing Law does not apply to:

		• Businesses owned or operated by the state or local government. • Agricultural enterprises. • Construction enterprises. (Conn. Gen. Stat. Ann. § 31-51n(2)).
Delaware	The Delaware Workplace Adjustment and Retraining Notification Act (Del. Code tit. 19, §§ 1901 – 1911) requires employer to provide at least 60 days advance notice of mass layoffs, plant closings, or relocations causing employment loss to the affected employees and the representatives of the affected employees, the Delaware Department of Labor Division of Employment and Training, WARN Act Administrator, and the Delaware Workforce Development Board for the locality in which the mass layoff, plant closing or relocation will occur (Del. Code Ann. tit. 19, § 1904).	The Delaware Workplace Adjustment and Retraining Notification Act applies to all employers have either: • 100 or more full time employees. • 100 or more employees who work at least 2000 hours per week in the aggregate. "Employer" does not include the federal or state government or any of their political subdivisions, including any unit of local government or any school district or charter school. (Del. Code Ann. tit. 19, § 1903).
District of Columbia	DC has no mini-WARN Act or other notice requirements for group layoffs, but there the Displaced Workers Protection Act that protects workers when there is a change in a service contract (D.C. Code §§ 32-101 to 32-103).	The DWPA covers contractors and subcontractors who have a total of 25 or more employees who work 15 or more hours per week as food service workers, performing janitorial or building maintenance services, performing nonprofessional healthcare or related support services, or performing security services in certain establishments. The DWPA does not apply to individuals employed in an executive, administrative, or professional capacity under the Fair Labor Standards Act or persons requiring an occupational license under DC law. (D.C. Code § 32-101(a))
Hawaii	The Hawaii Dislocated Workers Act (DWA) (HRS §§ 394B-1 to 394B-13) requires employers to provide written notice 60 days before the closing or partial closing of a covered establishment due to (i) A sale, transfer, merger, other business takeover, or transaction of business interests, (ii) Bankruptcy, and (iii) Any other close of business transaction that results in the layoff of employees. (HRS § 394B-9). Employers must give notice to all affected employees and to the Hawaii Department of Labor and Industrial Relations (HRS §§ 394B-2 to 394B-9.)	The Hawaii Dislocated Worker Act applies to employers with at least 50 employees at any time in the 12-month period before the closing or partial closing of a covered establishment (HRS § 394B-2).
Illinois	The Illinois Worker Adjustment and Retraining Notification Act (Illinois mini-WARN Act) requires covered employers to provide written notice 60 days before ordering any mass layoff, relocation, or employment loss (820 ILCS 65/10).	The Illinois mini-WARN Act applies to any business enterprise that employs either: • Seventy-five or more full-time employees. • Seventy-five or more employees who work at least 4,000 hours per week, excluding overtime hours, in the aggregate. (820 ILCS 65/5(c).) The Illinois mini-WARN Act does not apply to: • Federal or state governments or any of their political subdivisions.

		• Charitable or tax-exempt institutions and organizations. (56 Ill. Admin. Code 230.110.)
Iowa	The Iowa Worker Adjustment and Retraining Notification (WARN) Act, also known as the Iowa Layoff Notification Law, requires 30 days' advance, written notice before a covered "business closing" or a "mass layoff" (Iowa Code Ann. § 84C.3(1)(a)).	The Iowa WARN Act applies to employers who employ 25 or more employees, excluding part-time employees who either are employed for an average of fewer than 20 hours per week or have been employed for fewer than six of the 12 months before the date on which WARN notice is required. (Iowa Code Ann. § 84C.2(5), (7), and (8).)
Kansas	Kansas has no mini-WARN Act or other notice requirement for group layoffs. However, certain Kansas employers must apply to the Kansas Secretary of Labor for authority to cease or limit operations (K.S.A. 44-616). The purpose of this statute is not to require notice for resulting group layoffs, but to maintain reasonable continuity and efficiency of these businesses for the peace and security of Kansas residents (K.S.A. 44-606).	The statute requiring authorization to cease or limit operations covers the following industries: • Manufacturers or preparers of food products, clothing, and wearing apparel. • Miners or producers of any substance or material used as fuel. • Transporters of food products, articles, or substances entering into wearing apparel (used to make clothing), or fuel. • Public utilities. • Common carriers. (K.S.A. 44-603(a).)
Maine	Maine has enacted notice requirements for certain group layoffs as part of the Maine Severance Pay Act (26 M.R.S. § 625-B). This law also sets criteria for severance pay in the event of certain group layoffs.	The Maine Severance Pay Act (MSPA) covers employers who directly or indirectly own and operate a covered establishment (26 M.R.S. § 625-B(1)(C)). A covered establishment means any industrial or commercial facility, in whole or in part, which employs or has employed at any time in the preceding 12-month period at least 100 employees (26 M.R.S. § 625-B(1)(A)).
Maryland	Maryland's Economic Stabilization Act requires employers with 50 or more employees that lay off the greater of 25% of their workforce or 15 employees over any three-month period are required to provide a written notification at least 60 days before initiating a reduction in operations (Md. Code Ann., Lab. & Empl. §§ 11-301(b)(1), (c)(2) and 11-305.) Maryland Unemployment Insurance Law, Separation Notices requires employers who lay off at least 25 employees in a single establishment for the same reason and at the same time to submit a list of the laid-off workers to the Maryland Department of Labor if the layoff is either permanent, indefinite, or expected to be over seven days long (Md. Code Ann., Lab. & Empl. § 8-627(b)(1).)	The Economic Stabilization Act applies to employers with 50 or more employee, excluding individuals who work less than an average of 20 hour per week or have worked for an employer for less than 6 months in the immediately 12 months "Employer" does not include the state or its political subdivision or any employer who has been doing business in the state for less than 1 year. (Md. Code Ann., Lab. & Empl. § 11-301 (b), (c)). Maryland Unemployment Insurance Law, Separation Notices law applied to Maryland employers that hire one or more individuals for some portion of the day (Md. Code Ann., Lab. & Empl. § 8-101(o), (p)(1)).
Massachusetts	Massachusetts Plant Closing Law (M.G.L. c. 151A, §§ 71A-71G): Covered employers must notify the Mass Hire Department of Career Services, an agency within the Executive Office of Labor and Workforce Development, of any	The Massachusetts Plant Closing Law applies to anyone not engaging in seasonable enterprises who has owned or operated a facility in Massachusetts for at least one year and had at least 50 employees during any month in the six

	plant closing (M.G.L. c. 151A, §§ 71A and 71B(a)). Standards for Companies Financed by Quasi-Public Agencies Law (M.G.L. c. 149, § 182): Certain Massachusetts companies must make a good faith effort to give advance notice to, maintain income and benefits of, and assist with reemployment of every employee affected by a plant closing or partial closing. (M.G.L. c. 149, § 182.)	months before the Mass Hire Department of Career Services certified that a plant closing occurred. (M.G.L. c. 151A, § 71A). The Standards for Companies Financed by Quasi-Public Agencies Law applies to companies that receive financing from specified Massachusetts quasi-public agencies (M.G.L. c. 149, § 182.).
Michigan	Michigan has no mini-WARN Act or other notice requirements for group layoffs. However, employee-owned businesses with 25 or more employees are encouraged, but not required, to provide notice of any closing or relocation of operations to: • The Michigan Department of Licensing and Regulatory Affairs. • Affected employees. • Any employee organization representing affected employees. • The local community. (MCL 450.732(a) and 450.736.)	Michigan employee-owned businesses with at least 25 employees are covered under the state's voluntary notice statute (MCL 450.736).
Minnesota	Minnesota has no mini-WARN Act or other notice requirements for group layoffs. However, Minnesota's Early Warning System statute encourages, but does not require, employers to give notice of a plant closing, substantial layoffs, or relocation of operations to: • The Minnesota Department of Employment and Economic Development. • Any affected employees. • Any representative of the affected employees, for example, a union. • The local government unit of the area in which the affected establishment is located. (Minn. Stat. Ann. § 116L.976, subd. 1(a).) An employer that gives notice under this statute, or under the federal WARN Act, must report to the Department of Employment and Economic Development all of the following: • The names of affected employees. • The addresses of affected employees. • The occupations of affected employees. (Minn. Stat. Ann. § 116L.976, subd. 2.)	The Early Warning System statute covers businesses considering a plant closing, a substantial layoff, or a relocation of operations in Minnesota (Minn. Stat. Ann. § 116L.976, subd. 1(a)
New Hampshire	The New Hampshire Worker Adjustment and Retraining Notification Act (NH WARN Act) (N.H. RSA §§ 275-F:1 to 275-F:12). The NH WARN Act requires an employer to give affected employees 60 days' written notice of a mass layoff or plant closing (N.H. RSA § 275-F:3). The Fact Finding for Mass Layoffs law requires an employer to file a mass layoff notice with New Hampshire Employment Security if the employer lays off or expects to lay off 25 or	The New Hampshire Worker Adjustment and Retraining Notification Act (NH WARN Act) applies to: • An employer who employs 100 or more employees in New Hampshire who are not part-time (i.e., person employed for an average of fewer than 20 hours per week or fewer than six of the 12 months before the required date for written notice) • An employer who employs 100 employees who work at least 3,000 hours

	more individuals within certain timeframes (N.H. RSA § 282-A:45-a).	per week in aggregate, exclusive of overtime • Any entity that directly or indirectly owns and operates a business in New Hampshire that satisfies either of the criteria above (N.H. RSA § 275-F:2(IV)). The Fact Finding for Mass Layoffs law applies to any individual or organization with one or more individuals performing services for it in New Hampshire (N.H. RSA § 282-A:7(I)).
New Jersey	The Millville Dallas Airmotive Plant Job Loss Notification Act (New Jersey mini-WARN Act) requires covered employers to provide written notice 90 days before terminating 50 or more full-time employees within a 30-day period (N.J.S.A. 34:21-1 and 34:21-2). A mass layoff is subject to the requirements of New Jersey's mini-WARN Act if, within a 30-day period, it results in the termination of 50 or more employees at or reporting to an establishment. (N.J.S.A. 34:21-1 and 34:21-2).	The New Jersey mini-WARN Act applies to businesses that employ 100 or more employees without regard to full-time status (N.J.S.A. 34:21-2(a)).
New York	The New York Worker Adjustment and Retraining Notification Act requires 90 days' advance, written notice to certain agencies and parties when there is a covered plant closing, mass layoff, reduction in work hours, or relocation of substantially all facility operations (N.Y. Lab. Law §§ 860 to 860-i; 12 NYCRR § 921-1.0 to 921-9.1).	The New York Worker Adjustment and Retraining Notification (WARN) Act generally applies to private sector employers that employ either: • At least 50 employees, not including part-time employees (employees who either work an average of 20 or fewer hours a week or have been employed for less than six months in the last 12 months). • At least 50 employees who work a total of 2,000 hours per week in New York state, including overtime hours earned by employees on a regular basis (meaning in at least seven of the 12 weeks immediately before notice is required). (N.Y. Lab. Law § 860-a(3); 12 NYCRR § 921-1.1(e))
North Dakota	North Dakota has no mini-WARN Act. However, the North Dakota Administrative Code requires employers to provide notice of mass layoffs to the public employment service (Job Service North Dakota) office closest to the workers' place of employment within 48 hours prior to the date of mass separation (N.D. Admin. Code § 27-03-02-02).	North Dakota's mass separation notice law applies to all employers in North Dakota (N.D. Admin. Code § 27-03-02-02).
Ohio	Ohio has no mini-WARN Act. However, under the notice provision of the Ohio Unemployment Compensation Law, however, employers must inform the Ohio Department of Job and Family Services of a layoff or separation of 50 or more employees because of a lack of work within any seven-day period. The employer must provide notice at least three working days before the first day of the separation or lay off. (R.C. 4141.28(C)).	All Ohio employers are covered by the notice provisions of the Ohio Unemployment Compensation Law (R.C. 4141.01(A)).

Oregon	When employers are required to provide written notice of plant closings or mass layoffs under the federal Worker Adjustment and Retraining Notification Act, they also must notify the Department of Community Colleges and Workforce Development (Or. Rev. Stat., Sec. 285A.516).	Employers required to provide written notice of plant closings or mass layoffs under the federal Worker Adjustment and Retraining Notification Act (Or. Rev. Stat., Sec. 285A.516).
Tennessee	Tennessee's Plant Closing and Reduction in Operations Act requires covered employers to submit a notice when 50 or more employees are affected by a reduction in operations (T.C.A. §§ 50-1-601 to 50-1-604).	An employer is covered under the Tennessee Plant Closing and Reduction in Operations Act if it is a person, corporation, or entity that: • Employs between 50 and 99 full-time employees at a workplace located within Tennessee. • Is not excluded or exempt from the requirements of the Tennessee Employment Security Law. (T.C.A. § 50-1-601(1).)
Vermont	The Vermont Notice of Potential Layoffs Act (NPLA) and Rule requires covered employers to provide written notice: • 45 days before a closing or mass layoff to the Vermont secretary of Commerce and Community Development and commissioner of Labor at the Vermont Department of Labor (VDOL); and . • 30 days before a closing or mass layoff to the local chief elected official or administrative officer of the municipality where the business closing or mass layoff is to occur, affected employees, and bargaining agent, if any. (21 V.S.A. § 413.) The Vermont Mass Separation Notification Administrative Rule requires all Vermont employers to • Notify the VDOL if there is a mass separation, which is a separation of either (i) At least 20% of the total number of workers employed in a single establishment, (ii) At least 50% of the total number of workers employed in any division or department, or (iii) Ten or more workers employed in a single establishment. • File the notice with the commissioner of the Department of Labor and the Department of Labor's Unemployment Insurance Claims Center within 24 hours after the separation. (Vt. Admin. Code 13-1-100:9(D)).	The Vermont Notice of Potential Layoffs Act and Rules cover employers that employ either: • 50 or more full-time employees. • 50 or more part-time employees who work at least 1,040 hours per employee per year. • A combination of 50 or more full-time employees and part-time employees who work at least 1,040 hours per employee per year. (21 V.S.A. § 411(5)) The Vermont Mass Separation Notification Administrative Rule covers all employers in Vermont (Vt. Admin. Code 13-1-100:9).
Wisconsin	Wisconsin's mini-WARN Act, known as the Wisconsin Business Closing and Mass Layoff Law, generally requires businesses with 50 or more employees in Wisconsin to provide written notice 60 days before implementing a business (plant) closing or mass layoff in the state. (Wis. Stat. § 109.07; Wis. Admin. Code DWD §§ 279.001 to 279.13).	The Wisconsin Business Closing and Mass Layoff Law covers any business enterprise with 50 or more employees in Wisconsin excluding those employees who either have been employed for less than six of the 12 months before the date notice must be given or worked average less than 20 hours per week (Wis. Stat. § 109.07(1)(d), (h); Wis. Admin. Code DWD § 279.01(l)(d), (k)).
Wyoming	Wyoming has no mini-WARN Act. However, the Wyoming Department of Workforce Services	The mass separation notice requirements cover all employers, but in practicality those

	Unemployment Insurance Division (WYUID) adopted regulations requiring employers to file a mass separation notice with the WYUID when 20 or more employees are separated (permanently, indefinitely, or as expected duration of seven or more days) (WY Rules and Regulations 053.0018.21 § 1). The employer must file the notice with the WYUID as soon as the employer has reason to believe a mass separation will take place, but no longer than five calendar days after a mass separation (WY Rules and Regulations 053.0018.21 § 1(b)).	requirements apply only to employers with 20 or more employees (WY Rules and Regulations 053.0018.21 § 1).

5050 MEDICAL EXAMINATIONS AND DRUG TESTING

Some states have enacted legislation requiring employers to pay for the cost of pre-employment physicals, restricted HIV testing, and/or established confidentiality and disclosure requirements. Considerable state legislation also exists regarding workplace drug testing and legalization of marijuana (See 6060 Drugs and Alcohol). This is a complex and sensitive area. Employers should work with their attorneys to ensure their compliance with all legal requirements.

State	Drug Testing/Medical Examinations Law
Alabama	Drug-Free Workplace Program (Ala. Code §§ 25-5-330 to 25-5-340) is an optional program that gives employers incentives to create drug-free workplaces. If an employer implements a drug testing program that meets the program's requirements, it receives a discount under its workers' compensation insurance policy (Ala. Code § 25-5-332(a)).
Alaska	Alaska Stat. Ann. §§ 23.10.600 to 23.10.699 govern drug and alcohol testing in employment and pre-employment. Employers that comply with the law's provisions receive certain protection from employee claims related to testing.
Arizona	The Arizona Drug Testing of Employees Act (ADTA) (A.R.S. §§ 23-493 to 23-493.12) allows, but does not require, private employers to test employees and applicants for drugs or alcohol (A.R.S. § 23-493.01). The ADTA provides certain protections for employers if the employer satisfies certain requirements in their drug and alcohol testing policies (A.R.S. §§ 23-493 to 23-493.12).
Arkansas	Arkansas has implemented a voluntary drug-free workplace program (Ark. Code Ann. §§ 11-14-101 to 11-14-112 and AR ADC 099.00.1-099.36). Employers that comply with the program typically receive a discount on the employer's workers' compensation insurance policy (Ark. Code Ann. § 11-14-112; AR ADC 099.00.1-099.36(XV)). Ark. Code. Ann § 11-2-203 sets out the conditions on which an employer can require current or prospective employees to submit to a physical or medical exam or a drug test.
California	The Fair Employment and Housing Act (Cal. Gov't Code §§ 12900 to 12996) prohibits: • Requiring a job applicant or employee to submit to a medical or psychological examination (Cal. Gov't Code § 12940(e)(1), (f)(1)). • Inquiring into the existence or severity of a job applicant's or employee's mental, physical or medical condition, unless it is limited to asking about an applicant's or employee's ability to perform job-related functions or responding to an applicant's or employee's request for reasonable accommodation (Cal. Gov't Code § 12940(e), (f).)
Connecticut	Connecticut's Drug Testing Law (Conn. Gen. Stat. Ann. §§ 31-51t to 31-51aa) regulates the conditions on which employees and applicants may be tested for drug. Employers generally are authorized to conduct medical screening (with the express consent of employees) and prohibit the use of intoxicating substances during work hours and discipline employees for working under the influence (Conn. Gen. Stat. Ann. § 31-51y). Colo. Rev. Stat. Ann. § 10-3-1104.5 prohibits asking or requiring applicants for health insurance coverage to submit to HIV-related tests without the applicant's informed written consent or obtaining the results of an HIV-related test without a separate written informed consent. (Colo. Rev. Stat. Ann. § 10-3-1104.5(3), (4).)
Florida	Florida employers may choose to implement and maintain a drug testing program that complies with the Drug-Free Workplace Program to receive a discount on workers' compensation premiums and employer's liability insurance premiums (Fla. Stat. § 627.0915).

	An employer who chooses not to operate a drug-free workplace program may conduct drug testing independently for any drug listed in Fla. Stat. § 440.102(1)(c) (Fla. Stat. § 440.102(2)).
Georgia	Georgia's workers' compensation law establishes standards and procedures for drug-free workplace programs (O.C.G.A. §§ 34-9-410 to 34-9-421). If an employer implements a drug-free workplace program in compliance with the statute, the employer may qualify for certification for a premium discount under its workers' compensation insurance policy (O.C.G.A. § 34-9-412).
Hawaii	Hawaii's Substance Abuse Testing Law (HRS §§ 329B-1 to 329B-8) governs drug testing in private employment.
Idaho	The Idaho Employer Alcohol and Drug-Free Workplace Act (IEADWA) (Idaho Code §§ 72-1701 to 72-1717) allows, but does not require, employers to test applicants and employees for drugs and alcohol (Idaho Code § 72-1702). Employers in compliance with the IEADWA receive certain protections and workers' compensation premiums discount.
Illinois	The Illinois Human Rights Act, 775 ILCS 5/2-104(3) allows an employer to prohibit the illegal use of drug and alcohol in the workplace.
Indiana	The Indiana Employment Discrimination Against Disabled Persons allows employers to prohibit the use of illegal drugs and alcohol in the workplace (Ind. Code Ann. § 22-9-5-24 (a)). A test to determine the illegal use of drug is not considered a medical examination (Ind. Code Ann. § 22-9-5-24 (b)). The law does not encourage, prohibit, or authorize the conducting of drug testing for the illegal use of drug by job applicants or employees or making employment decision based on the test results (Ind. Code Ann. § 22-9-5-24 (c)).
Iowa	The Iowa Private Sector Drug-Free Workplace Law sets out the requirements based on which employers may make testing a condition of hire or continued employment and may conduct testing under a written policy (Iowa Code Ann. § 730.5). Iowa employers are prohibited from requiring any employee or applicant to take HIV test as a condition of employment or using the result of an HIV test to affect the terms, condition, or privileges of employment, or terminate employment (Iowa Code § 216.6(1)(d)).
Kansas	
Kentucky	Employers can choose to implement a drug-free workplace program in accordance with 803 Ky. Admin. Regs. 25:280 and be certified by the Kentucky Department of Workers' Claims to receive possible discounts on workers' compensation benefits.
Louisiana	Louisiana's drug testing statute (La. R.S. 49:1001 to 49:1012) governs drug the testing requirements in employment.
Maine	The Maine Substance Abuse Testing Law: 26 M.R.S.A. §§ 681 to 690 sets out the requirements for policy and procedures of drug testing in the workplace.
Maryland	Md. Code Ann., Health-Gen. § 17-214 and Md Regs Code tit. 10, Sec. R. 10.10.10.01 to 10.10.10.10 govern drug and alcohol testing in employment and pre-employment in Maryland. An employer may require an employee or job applicant to submit to a test for use or abuse of controlled substances or alcohol (Md. Code Ann., Health-Gen. § 17-214(b)(1), (h)).
Michigan	The Michigan's Persons with Disabilities Civil Rights Act, MCL 37.1211(a)) provides that employers may create employment policies, programs, procedures, or rules on the use of alcohol or illegal use of drugs.
Minnesota	Minnesota Drug and Alcohol Testing in the Workplace Act (Minn. Stat. Ann. §§ 181.950 to 181.957) comprehensively regulates drug and alcohol testing for job applicants and employees.

Mississippi	The Mississippi Drug and Alcohol Testing of Employees Law governs drug and alcohol testing in employment (Miss. Code Ann. §§ 71-7-1 to 71-7-33). Compliance with the drug testing law is voluntary. Employers must follow the law's specified guidelines to receive its rights and protections. (Miss. Code Ann. §§ 71-7-3(1) and 71-7-27(2)) However, employers may elect to conduct drug testing outside the statute's parameters, subject to common law claims and remedies (Miss. Code Ann. § 71-7-27(2)).
Missouri	Mo. Ann. Stat. § 288.045 provides that employers may conduct random, preemployment, reasonable suspicion, or post-accident test and test results may be used to establish violation of the employer's alcohol and controlled substance workplace policy if employers' policy clearly states an employee may be subject to test. An employer may require a preemployment test for alcohol or controlled substance use as a condition of employment and test results shall be admissible so long as the claimant was informed of the test requirement prior to taking the test.
Montana	The Workforce Drug and Alcohol Testing Act (WDATA) (Mont. Code Ann. §§ 39-2-205 to 39-2-211) governs workplace drug and alcohol testing in Montana.
Nebraska	The Nebraska's drug testing statute (Neb. Rev. St. §§ 48-1901 to 48-1910) governs drug testing in the workplace. Private employers with six or more employees must follow specified procedures under Nebraska law to discipline or terminate employees because of their drug test results (Neb. Rev. St. §§ 48-1903 and 48-1902(8))
North Carolina	The Controlled Substance Examination Regulation Act (CSERA) (N.C.G.S. §§ 95-230 to 95-235 and 13 N.C. Admin. Code 20.0101 to 20.0602) governs employment-related drug testing in North Carolina. The CSERA does not require employers to conduct drug tests (N.C.G.S. § 95-233). However, all North Carolina employers who perform employment-related drug testing must follow the procedures in the CSERA (N.C.G.S. §§ 95-231(2) and 95-232). North Carolina employer may not require, perform, or use any AID test to determine suitability for continued employment, but may (1) require a test for AIDS for job applicants in pre-employment medical exams; (2) deny employment to a job applicant based solely on a confirmed positive test for AIDS virus infection; (3) include an AIDS test as part of an annual medical examination routinely required for all employees; (4) and act (including reassignment or termination), if the continuation of an infected employee's work tasks would pose a significant risk to the heath of the employee, co-worker, or the public or the employee is unable to perform the normally assigned duties of the job (N.C.G.S. § 130A-148(i)).
North Dakota	N.D. Cent. Code Ann. § 65-01-11 provides that an employer who has a mandatory drug alcohol testing policy for work accidents or has reasonable grounds to suspect an employee's alleged work injury was caused by the employee's voluntary impairment caused by illegal use of a controlled substance may request that the employee undergo testing to determine if the employee had the controlled substance in the employee's system at levels greater than the limit set by the United States department of transportation at the time of the injury. If an employee refuses to submit to a reasonable request to undergo a test to determine if the employee was impaired, the employee forfeits all entitlement to workers' compensation benefits arising out of that injury. North Dakota Human Rights Act, specifically provision concerning medical information (N.D. C.C. § 14-02.4-10) prohibits medical examinations and inquiries about an applicant's health history before making an employment offer, but after making a conditional offer of employment, may (1) require a potential employee to undergo a physical examination to determine the potential employee's capability to perform the essential functions of the job with or without reasonable accommodations and (2) investigate the potential employee's medical history to determine the potential employee's capability to perform available employment. However, these exams and inquiries are only allowed if every entering employee in the same job category is subjected to the same type of examination.

New York	N.Y. Pub. Health Law § 2781 prohibit requiring an individual to undergo an HIV-related test without first providing that individual with certain statutorily required information or obtaining the individual (or their authorized representative's) consent.
Ohio	Ohio employers may require employees to follow the requirements of the federal Drug-Free Workplace Act (41 U.S.C. § 8102) without risking discrimination charges (R.C. 4112.02(O)(2)(d)).
Oklahoma	The Standards for Workplace Drug and Alcohol Testing Act (Okla. Stat. tit. 40, §§ 551 to 563) permits, but does not require or encourage, employers to conduct alcohol or drug testing in the circumstances set out by the law. Under Okla. Stat. tit. 40, § 191, an employer may only require employees or job applicants to submit to or take a physical or medical examination if the employer provides the examination at no cost to the employee or applicant and furnishes the results of the examination on the employee's or applicant's request within 30 days after the examination. Employers may not require an employee or applicant to pay, directly or indirectly, any part of the cost of the examination, report, or copy of the report
Oregon	In Oregon, there is no law governing pre-employment or employment drug testing. However, all Oregon employers must comply with state alcohol testing laws (Or. Rev. Stat. §§ 659.840 and 659A.300).
Rhode Island	The Rhode Island Urine and Blood Tests as a Condition of Employment Act (R.I. Gen. Laws §§ 28-6.5-1 to 28-6.5-3) regulates drug testing of employees and applicants. Under R.I. Gen. Laws § 23-6.3-11, Rhode Island employers may not require an HIV test as a condition of employment.
	The South Carolina Human Affairs Law (S.C. Code. Ann. §§ 1-13-10 to 1-13-1100 generally prohibits employers from using "qualification standards, employment tests, or other selection criteria that screen out or tend to screen out an individual with a disability or a class of individuals with disabilities" (S.C. Code Ann. § 1-13-80(D)(3)). This law explicitly applies to medical examinations and inquiries (S.C. Code Ann. § 1-13-85(A)).
Tennessee	Tennessee has implemented a voluntary drug-free workplace program (T.C.A. §§ 50-9-101 to 50-9-115 and Tenn. Comp. R. & Regs. 0800-02-12-.01 to 0800-02-12-.15). Employers that comply with the program receive certain workers' compensation premium reduction benefits. Employers who choose not to conform to the program do not violate state law and may still test their employees for drugs and alcohol (T.C.A. §§ 50-9-102 and 50-9-103(5)).
Texas	Texas Workforce Commission has issues guidance regarding drug testing in the workplace. https://www.twc.texas.gov/news/efte/drug_testing_in_the_workplace.html
Utah	The Utah Drug and Alcohol Testing Act (UDATA)(Utah Code §§ 34-38-1 to 34-38-15) governs pre-employment and employment drug and alcohol testing. The UDATA applies to all private employers in Utah (Utah Code § 34-38-2(4)). Generally, employers may, but are not required to, test employees for drugs and alcohol if they comply with the UDATA. Employers that comply with the UDATA are protected from certain liability claims. (Utah Code § 34-38-3.)
Vermont	The Vermont Drug Testing Act governs drug testing by employers in Vermont (21 V.S.A. §§ 511 to 519). Employers can only require employees and applicants to submit to a drug test in certain circumstances. Under 21 V.S.A. § 495, employers cannot request or require an applicant or employee to have an HIV-related blood test as a condition of employment unless HIV status is a bona fide occupational qualification.

Virginia	Per Va. Code Ann. § 40.1-28, An employer cannot require any employee or applicant to pay the cost of a medical examination or furnishing any medical records required as a condition of employment.
West Virginia	The West Virginia Safer Workplace Act (W. Va. Code §§ 21-3E-1 to 21-3E-16) allows employers to require drug and alcohol testing for current and prospective employees in accordance with the requirements set out by the law (W. Va. Code § 21-3E-4). W. Va. Code § 21-3-17 prohibits an employer from requiring an employee or applicant for employment to pay the costs of a medical examination as a condition of employment.
Wisconsin	Under Wis. Stat. § 103.37, an employer may not require any employee or applicant to pay for a medical examination that is required as a condition of employment.
Wyoming	Wyo. Stat. Ann. § 27-11-113 provides that employers in Wyoming may require employees to submit to a physical examination before or during employment due to exposure or contact with hazards or environmental conditions that may be detrimental to the health of the employee. An employee subject to physical examination may object to the medical examination, immunization, or treatment for religious reasons except in situations where the examination is necessary for protecting the health and safety of others.

5110 TERMINATION PROCEDURES

States have very different requirements as to when wages must be paid upon termination. Some differentiate between voluntary and involuntary termination. Penalties for late payments are often severe so employers should ensure their paychecks are timely.

6000 EMPLOYEE RESPONSIBILITIES

6010 APPEARANCE AND GROOMING

While employers have considerable discretion in establishing company dress code policies as long as they are not discriminatory, some states have legislation that restricts employers' dress code policies (e.g., prohibiting employees from wearing pants based on their sex). Other issues include payment for employee uniforms and cleaning of uniforms.

6030 COMMUNICATION AND INFORMATION SYSTEMS

While this area of the law continues to evolve, some states have enacted legislation regarding employer monitoring of employee communications (e.g., e-mail, voice-mail, computer records, social media accounts) in the workplace. Legislation regarding protection of employee information (e.g., Social Security numbers, medical information, genetic information) is also becoming common. Below is a chart with relevant laws governing the monitoring, surveillance, or recording of employees as well as laws regarding requiring disclosure and protection of employee information.

State	Law Governing the Monitoring, Surveillance, or Recording of Employee	Law Regarding Requiring Disclosure and Protection of Employee Information
Alabama	Criminal Eavesdropping and Surveillance Act: Ala. Code §§ 13A-11-30 to 13A-11-37	Workers' Compensation Information: Ala. Code §§ 25-5-4 and 25-5-294 Reporting Notifiable Diseases: Ala. Code §§ 22-11A-2 and 22-11A-22
Alaska	Alaska Constitutional Right to Privacy: Ak. Const. Art. 1, § 22 Communications, Eavesdropping, and Wiretapping Law: Alaska Stat. Ann. §§ 42.20.300 to 42.20.390	Protection of Social Security Number: Alaska Stat. Ann. §§ 45.48.400 to 45.48.480 Prohibition Against Lie Detector Tests: Alaska Stat. Ann. § 23.10.037 Disposal of Records: Alaska Stat. Ann. §§ 45.48.500 to 45.48.590 Genetic Privacy: Alaska Stat. Ann. §§ 18.13.010 to 18.13.100 Providing Information to a Requesting Employer: A.R.S. § 23-1361(B) Child Support Compliance and Cooperation: A.R.S. § 25-330
Arizona	Photographic Surveillance: A.R.S. § 13-1424 Interception of Wire, Electronic, and Oral Communications: A.R.S. § 13-3005 Arizona Constitution: A.R.S. Const. Art. 2 § 8	Taking the Identity of Another Person or Entity: A.R.S. § 13-2008 Communicable Disease Reporting: A.R.S. § 36-664 Restricted Use of Social Security Number: A.R.S. §§ 44-1373 through 44.1373.03 Discarding and Disposing of Records Containing Personal Identification Number: A.R.S. § 44-7601

Arkansas	Interception and Recording of Communications: Ark. Code Ann. § 5-60-120 Social Media Accounts of Current and Prospective Employees: Ark. Code Ann. § 11-2-124	Medical Examination: Ark. Code Ann. § 11-3-203 Job Information About Current or Former Employees: Ark. Code Ann. § 11-3-204 Genetic Information in the Workplace: Ark. Code Ann. §§ 11-5-401 to 11-5-405 Prohibiting the Misappropriation of Social Security Numbers: Ark. Code Ann. §§ 4-86-107
California	Invasion of Privacy Act: Cal. Penal Code §§ 630 to 638 Unauthorized Access to Computers, Computer Systems, and Computer Data: Cal. Penal Code § 502 California Constitutional Right to Privacy: Cal. Const. art. 1, § 1 Changing Room Surveillance: Cal. Lab. Code § 435 Use of Social Media: Cal. Lab. Code § 980	Mandatory Photographs or Fingerprints: Cal. Lab. Code § 1051 Use of Social Security Numbers: Cal. Civ. Code § 1798.85 and Cal. Lab. Code § 226 Fair Employment and Housing Act: Cal. Gov't Code §§ 12900 to 12996 Voice Stress Analysis: Cal. Penal Code § 637.3
Colorado	Wiretapping and Eavesdropping: Colo. Rev. Stat. Ann. §§ 18-9-303 to 18-9-305 Personal Social Media Account Information: Colo. Rev. Stat. Ann. § 8-2-127	Disclosure of Genetic Testing Information: Colo. Rev. Stat. Ann. § 10-3-1104.7 Protection of Health Information: Colo. Rev. Stat. Ann. § 10-16-1003 Consumer Protection Act: Colo. Rev. Stat. Ann. §§ 6-1-713 to 6-1-715
Connecticut	Electronic Monitoring: Conn. Gen. Stat. Ann. § 31-48d Employee Online Privacy: Conn. Gen. Stat. Ann. § 31-40x	Medical Screenings: Conn. Gen. Stat. Ann. § 31-51y Polygraph Testing: Conn. Gen. Stat. Ann. § 31-51g Protection of Social Security Numbers and Personal Information: Conn. Gen. Stat. Ann. §§ 42-470 to 42-472d
Delaware	Employer Use of Social Media: 19 Del. C. § 709A Telephone Transmissions, Email, and Internet Usage: 19 Del. C. § 705 Criminal Privacy Law: 11 Del. C. § 1335 Electronic Surveillance and Interception of Communications: 11 Del. C. §§ 2401 to 2412	Safe Destruction of Records Containing Personal Identifying Information: 19 Del. C. § 736 Compensation History: 19 Del. C. § 709B Polygraph, Lie Detector or Similar Test or Examination Prohibited as Condition of Employment or Continuation of Employment: Del. Code Ann. tit. 19, § 704
District of Columbia	Criminal Wire Interception and Interception of Oral Communications Law: D.C. Code §§ 23-541 to 23-556	Genetic Information: D.C. Mun. Regs. tit. 4, § 509

		Lie Detectors: D.C. Code §§ 32-901 to 32-903
Florida	Security of Communication, Surveillance: Fla. Stat. Ann. § 934.03 to 934.04	Genetic Testing Confidentiality: Fla. Stat. Ann. § 760.40
Georgia	Employment and Use of Service Observing Equipment: Ga. Comp. R. & Regs. 515-8-1-.05 Unlawful Eavesdropping: O.C.G.A. § 16-11-62 to 16-12-63 Search of Privately-Owned Locked Vehicles: O.C.G.A § 16-11-135	Disclosure of AIDS Information: O.C.G.A. §§ 24-12-20 to 24-12-21 Use or Display of Social Security Numbers Prohibited: O.C.G.A. § 10-1-393.8
Hawaii	Electronic Eavesdropping: HRS §§ 803-41 to 803-49 Violation of Privacy: HRS §§ 711-1111	HIV Infection, ARC, and AIDS: HRS §§ 325-101 to 325-104 Social Security Number Protection: HRS §§ 487J-1 to 487J-7 Destruction of Personal Information Records: HRS §§ 487R-1 to 487R-4 Mental Health, Mental Illness, Drug Addiction, and Alcoholism: HRS §§ 334-1 to 334-15 Lie Detector Tests: HRS §§ 378-26 to 378-29.3
Idaho	Interception and Disclosure of Wire, Electronic, or Oral Communications Prohibited: Idaho Code § 18-6702 Unlawful Possession of Wire, Electronic, or Oral Communication Intercepting Devices: Idaho Code § 18-6703	Genetic Testing Privacy Act: Idaho Code §§ 39-8301 to 39-8304 Prohibition of Polygraph Tests: Idaho Code § 44-903
Illinois	Criminal eavesdropping: 720 Ill. Comp. Stat. Ann. 5/14-1 to 5/14-9 Prohibited Inquiries into Employees' Online Activities: 820 Ill. Comp. Stat. Ann. 55/10	Use of Genetic Testing Information by Employers: 410 Ill. Comp. Stat. Ann. 513/25 Prohibition of Voice Stress Analyzer in Pre-Employment Screening: 225 Ill. Comp. Stat. Ann. 430/4
Indiana	Interception of Telephonic or Telegraphic Communications: Ind. Code Ann. § 35-33.5-1-1 to 35-33.5-5-6	
Iowa	Electronic and Mechanical Eavesdropping: Iowa Code § 727.8 Interception of Communications: Iowa Code § 808B.2 Restrictions on Use and Installation of a Pen Register or a Trap and Trace Device: Iowa Code. 808B.10	Genetic Testing: Iowa Code § 729.6 Acquired Immune Deficiency Syndrome (AIDS): Iowa Code §§ 141A.1 to 141A.11 Polygraph Examination Prohibited: Iowa Code § 730.4 Personal Information Security Breach Protection: Iowa Code §§ 715C.1 and 715C.2

Kansas	Electronic Monitoring: K.S.A. 21-6101	Prevention of Blacklisting and Providing Employee Information to Subsequent Employers: K.S.A. 44-117 to 44-119a Protection of Social Security Numbers: K.S.A. 75-3520 Genetic Testing: K.S.A. 44-1009
Kentucky	Eavesdropping: KRS 526.010 to 526.080	
Louisiana	Interception of Communications and Related Matters: La. Stat. Ann. §§ 15:1302 to 1312 Pen Registers and Trap and Trace Devices: La. Stat. Ann. § 15:1313 Personal Online Account Privacy Protection Act: La. Stat. Ann. § 51:1953	Prohibition of Genetic Discrimination in the Workplace and Privacy: La. Stat. Ann. § 23:368
Maine	Interception of Wire and Oral Communications: Me. Rev. Stat. tit. 15, §§ 709 to 712 Violation of Privacy: Me. Rev. Stat. tit. 17-A, § 511 Employee Social Media Privacy: 26 M.R.S. §§ 615–619.	Employment Discrimination on the Basis of Refusal of Submitting to Genetic Testing or Making Available Genetic Information: Me. Rev. Stat. tit. 5, § 19302 Limitations on Use of Polygraph Examination in Employment: Me. Rev. Stat. tit. 32, § 7364 Protection of Social Security Numbers: Me. Rev. Stat. tit. 10, §§ 1272, 1272-B
Maryland	Maryland Wiretap Act: Md. Code Ann., Cts. & Jud. Proc. §§ 10-401 to 10-414 User Name and Password Privacy Protection: Md. Code Ann., Lab. & Empl. § 3-712 Visual Surveillance with Prurient Interest: Md. Code Ann., Crim. Law § 3-902	Facial Recognition Technology for Applicants: Md. Code Ann., Lab. & Empl. § 3-717 Inquiries Regarding Medical History: Md. Code Ann., Lab. & Empl. § 3-701 Maryland Polygraph Testing Law: Md. Code Ann., Lab. & Empl. § 3-702 Prohibitions on Discrimination based on Refusal to Submit to a Genetic Test and On Requesting or Requiring Genetic Tests: Md. Code Ann., State Gov't § 20-606 Social Security Numbers Use in Wage Payment: Md. Code Ann., Lab. & Empl. § 3-502
Massachusetts	Massachusetts Privacy Act: M.G.L. c. 214, § 1B Intercepting Wire and Oral Communications: M.G.L. c. 272, § 99	Massachusetts Privacy Act: M.G.L. c. 214, § 1B Polygraph Testing Law: M.G.L. c. 149 § 19B Prohibited Employment Practices Based on Genetic Information and Testing: Mass. Gen. Laws Ann. ch. 151B, § 4

		Standards for Disposal of Records Containing Personal Information: Mass. Gen. Laws Ann. ch. 93I, § 2
Michigan	Surveillance and Eavesdropping of Communications: MCL 750.539 to 750.540h. Internet Privacy Protection Act: MCL 37.273 and 37.275	Prohibited Employment Practice Based on Genetic Information and Testing: MCL 37.1202 Social Security Number Privacy Act: MCL 445.81 to MCL. 445.87 Polygraph Protection Act: MCL 37.201 to MCL 37.209
Minnesota	Minnesota Privacy of Communications Act: Minn. Stat. Ann. §§ 626A.01 to 626A.42	Access to Employee Assistance Records: Minn. Stat. Ann. § 181.980 Public Safety Peer Counseling and Debriefing: Minn. Stat. Ann. § 181.9731 Polygraph Testing: Minn. Stat. Ann. §§ 181.75 and 181.76 Use of Social Security Numbers: Minn. Stat. Ann. § 325E.59 Minnesota Human Rights Act: Minn. Stat. Ann. § 363A.20, subd. 8 Minnesota Health Records Act: Minn. Stat. Ann. § 144.293 Wage Disclosure Protection: Minn. Stat. Ann. § 181.172 Genetic Testing In Employment: Minn. Stat. Ann. § 181.974
Mississippi	Electronic Monitoring: Miss. Code Ann. §§ 41-29-501 to 41-29-536 Voyeurism: Miss. Code Ann. § 97-29-61	Unlawful Photography or Filming: Miss. Code Ann. § 97-29-63
Missouri	Prohibition of Illegal Wiretapping and Divulging of Illegally Wiretapped Information: Mo. Ann. Stat. § 542.402.	Prohibited Uses of Genetic Information by Employers: Mo. Ann. Stat. § 375.1306 Prohibited Actions Involving Social Security Numbers: Mo. Ann. Stat. § 407.1355
Montana	Privacy in Communications: Mont. Code Ann. § 45-8-213 Employer Access to Social Media: Mont. Code Ann. § 39-2-307	Montana Constitutional Right of Privacy: Mont. Const. art. II, § 10 Montana Lie Detector Law: Mont. Code Ann. § 39-2-304 Prohibited Medical Examinations and Inquiries: Mont. Admin. R. 24.9.607 Compliance with the Federal GINA: Mont. Admin. R. 2.21.4009
Nebraska	Intercepted Communications: Neb. Rev. St. §§ 86-271 to 86-2,115 Workplace Privacy Act: Neb. Rev. St. §§ 48-3501 – 48-3511	Genetic Testing: Neb. Rev. St. § 48-236 Prohibited Use of Social Security Numbers: Neb. Rev. St. § 48-237

		Truth and Deception Examination: Neb. Rev. St. § 81-1932
Nevada	Interception and Disclosure of Wire and Radio Communications or Private Conversations: NRS 200.610 to 200.690 Social Media Access: NRS 613.135	Security of Personal Information: NRS 603a.010 to 603a.290 Use of Consumer Credit Report or Other Credit Information: NRS 613.520 to 613.600 Genetic Testing: NRS 613.345 Use of Lie Detectors: NRS 613.440 to 613.510
New Hampshire	Violation of Privacy: N.H. RSA § 644:9 Use of Social Media and Electronic Mail: N.H. RSA §§ 275:73 to 275:75 Anti-Wiretapping and Anti-Eavesdropping: N.H. RSA § 570-A:2	HIV Testing: N.H. RSA § 141-F:8 Use of Genetic Testing in Employment Situations: N.H. Rev. Stat. Ann. § 141-H:3
New Jersey	New Jersey Wiretapping and Electronic Surveillance Control Act: N.J.S.A. 2A:156A-1 to 2A:156A-37 The New Jersey Social Media Act: N.J.S.A. 34:6B-5 to 34:6B-10 Computer Related Offenses Act: N.J.S.A. 2A:38A-1 to 2A:38A-6	Genetic Privacy Act: N.J.S.A. 10:5-43 to 10:5-49 Freedom from Intimidation Law: N.J.S.A. 34:19-9 to 34:19-14 Identity Theft Prevention Act: N.J.S.A. 56:11-44 to 56:11-53 and N.J.S.A. 56:8-161 to 56:8-166 Lie Detectors: N.J.S.A. 2C:40A-1 Applicant's Salary History: N.J.S.A. 10:5-12.12 Social Security Numbers Protection: N.J. Stat. Ann. § 47:1-16
New Mexico	Interference with Communications: NMSA 1978, §§ 30-12-1 to 30-12-11 Social Networking Privacy: NMSA 1978, § 50-4-34	Genetic Information Privacy Act: NMSA 1978, §§ 24-21-1 to 24-21-7 HIV Testing: NMSA 1978, § 28-10A-1
New York	New York Eavesdropping Law: N.Y. Penal Law §§ 250.00 to 250.05 Employee Privacy Protection: N.Y. Lab. Law § 203-c Unlawfully Installing or Maintaining Viewing Devices: N.Y. Gen. Bus. Law § 395-b Surveillance as an Unfair Labor Practice: N.Y. Lab. Law § 704	Employee Personal Identifying Information: N.Y. Lab. Law § 203-d HIV and AIDS Related Information: N.Y. Pub. Health Law § 2781 Psychological Stress Evaluator Examinations: N.Y. Lab. Law §§ 733 to 739 Unlawful Discriminatory Practices (based on genetic characteristic and testing): N.Y. Exec. Law § 296
North Carolina	Interception and Disclosure of Wire, Oral, or Electronic Communications Prohibited: N.C.G.S. § 15A-287	Persons with Disabilities Protection Act: N.C.G.S. § 168A-5

	Pen Registers; Trap and Trace Devices: N.C.G.S. § 15A-261	Communicable Diseases: N.C.G.S. § 130A-143 Social Security Number Protection: N.C.G.S. §§ 75-62 to 75-66 Destruction of Personal Information Records: N.C.G.S. § 75-64 Publication of Personal Information: N.C.G.S. § 75-66
North Dakota	Wiretapping and Eavesdropping: N.D.C.C. § 12.1-15-02 Radio Frequency Identification Chips: N.D.C.C. § 12.1-15-06	Workers' Compensation Information: N.D.C.C. § 65-05-32
Ohio	Prohibition against Interception of Communications: Ohio Rev. Code Ann. § 2933.52.	The Minimum Fair Wage Standards Law: R.C. 4111.14 Furnishing Medical Report to Employee: R.C. 4113.23
Oklahoma	Security of Communication Act: Okla. Stat. Ann. tit. 13, § 176.1 to § 176.6 Social Media Privacy: Okla. Stat. tit. 40, § 173.2	Genetic Nondiscrimination in Employment Act: Okla. Stat. tit. 36, § 3614.2 Use of Social Security Numbers: Okla. Stat. tit. 40, § 173.1
Oregon	Crimes Involving Communications: Or. Rev. Stat. Ann. § 165.535 to § 165.572 Use of Pen Registers and Trap and Trace Devices: Or. Rev. Stat. Ann. § 165.657 to § 165.673 Prohibited and Allowable Actions regarding Employee or Applicant Social Media Account: Or. Rev. Stat. Ann. § 659A.330	Breathalyzer, Polygraph, Psychological Stress or Brain-wave Test or Genetic Test of Employees: Or. Rev. Stat. Ann. § 659A.300 Social Security Number Protection: Or. Rev. Stat. Ann. § 646A.620.
Pennsylvania	Pennsylvania Wiretapping and Electronic Surveillance Control Act: 18 Pa. C.S.A. §§ 5701 to 5782	Confidentiality of HIV-Related Information Act: 35 P.S. §§ 7601 to 7612 Pennsylvania Drug and Alcohol Abuse Control Act: 71 P.S. §§ 1690.101 to 1690.115 Breach of Personal Information Notification Act: 73 P.S. §§ 2301 to 2329 Privacy of Social Security Numbers: 74 P.S. § 201 Mental Health Procedures Act: 50 P.S. §§ 7101 to 7503 Polygraph Testing: 18 Pa. C.S.A. § 7321
Rhode Island	Rhode Island Wiretap Act: R.I. Gen. Laws §§ 12-5.1-1 to 12-5.1-16 and 11-35-21	Rhode Island Identity Theft Protection Act of 2015: R.I. Gen. Laws §§ 11-49.3-1 to 11-49.3-6 Rhode Island Confidentiality of Health Care Communications and Information

	Rhode Island Computer Crimes Law: R.I. Gen. Laws §§ 11-52-1 to 11-52-8 Rhode Island Employee Social Media Privacy Act: R.I. Gen. Laws §§ 28-56-1 to 28-56-6 Rhode Island Employee Privacy Protection Law: R.I. Gen. Laws § 28-6.12-1	Act: R.I. Gen. Laws §§ 5-37.3-1 to 5-37.3-11 Employee Assistance Program Confidentiality: R.I. Gen. Laws §§ 28-6.8-1 and 28-6.8-2 HIV Testing Discrimination: R.I. Gen. Laws § 23-6.3-11 Genetic Testing Discrimination: R.I. Gen. Laws §§ 28-6.7-1 to 28-6.7-5 Prohibition of Lie Detector Tests: R.I. Gen. Laws §§ 28-6.1-1 to 28-6.1-4 Prohibition on Requests for Tax Returns: R.I. Gen. Laws §§ 28-6.9-1 to 28-6.9-2 Social Security Number Protection: 6 R.I. Gen. Laws Ann. § 6-48-8
South Carolina	Interception of Wire, Electronic or Oral Communications Act: S.C. Code §§ 17-30-10 to 17-30-145	Privacy of Genetic Information: S.C. Code Ann. § 38-93-40 Restriction on Publication and Use of Social Security Numbers: S.C. Code Ann. § 37-20-180 Requirements for Disposition of Business Records: S.C. Code Ann. § 37-20-190
South Dakota	Interception of Wire or Oral Communications: SDCL 23A-35A-20 Unlawful Uses of Computer System: SDCL 43-43B-1 Criminal Trespassing to Eavesdrop: SDCL 22-21-1 Use of Pen Register or Trap and Trace Device SDCL § 23A-35A-22	Use of Genetic Information: SDCL 60-2-20 and 60-2-21
Tennessee	Employee Online Privacy Act of 2014: T.C.A. §§ 50-1-1001 to 50-1-1004 Employee Surveillance and Tracking: T.C.A. §§ 39-13-601 to 39-13-610	Employee Polygraph Testing: T.C.A. §§ 62-27-101 to 62-27-129 Social Security Number Protection: Tenn. Code Ann. § 47-18-2110
Texas	Criminal Instruments, Interception of Wire or Oral Communication, and Installation of Tracking Device: Tex. Penal Code Ann. § 16.01 to § 16.06	Employee Surveillance and Tracking: T.C.A. §§ 39-13-601 to 39-13-610 Protection of Driver's Licenses and Social Security Numbers: Tex. Bus. & Com. Code Ann. §§ 501.001 to 501.002 Workers' Compensation Information: Tex. Lab. Code Ann. §§ 402.087 and 402.091 Biometric Identifiers: Tex. Bus. & Com. Code Ann. § 503.001

Utah	Internet Employment Privacy Act: Utah Code §§ 34-48-101 to 34-48-301 Interception of Communications Act and Access to Electronic Communications: Utah Code §§ 77-23a-1 to 77-23a-16 and 77-23b-1 to 77-23b-9 Offenses against Privacy: Utah Code Ann. §§ 76-9-401 to 76-9-408	Genetic Testing Privacy Act: Utah Code §§ 26-45-101 to 26-45-106 Protection of Driver's Licenses and Social Security Numbers: Utah Code §§ 34-46-102 to 34-46-302 Workers' Compensation Act: Utah Code §§ 34A-2-101 to 34A-2-1005 and Utah Admin. Code r. 612-300-10
Vermont	Social Media Accounts: 21 V.S.A. § 495l	Health Coverage Status: 21 V.S.A. § 561 Genetic Testing: 18 V.S.A. § 9333 Polygraph Testing: 21 V.S.A. §§ 494 to 494e Social Security Number Protection Act: Vt. Stat. Ann. tit. 9, § 2440
Virginia	Interception of Wire, Electronic, or Oral Communications: Va. Code. Ann. §§ 19.2-61 to 19.2-70.3 Interception or Monitoring of Customer Telephone Calls: Va. Code Ann. § 18.2-167.1. Unauthorized Use of Electronic Tracking Device: Va. Code Ann. § 18.2-60.5 Social Media Accounts of Employees: Va. Code Ann. § 40.1-28.7:5	Prohibition of Use of Certain Questions on Polygraph Tests for Employment: Va. Code Ann. § 40.1-51.4:3 Release of Employee's Personal Identifying Information: Va. Code Ann. § 40.1-28.7:4 Genetic Testing or Genetic Characteristics as a Condition of Employment: Va. Code Ann. § 40.1-28.7:1 Restricted Use of Social Security Numbers: Va. Code Ann. § 59.1-443.2
Washington	Washington Privacy Act: RCW 9.73.010 to 9.73.030, 9.73.060 to 9.73.080 Social Media Privacy: RCW 49.44.200 to 49.44.205	Disposal of Personal Information Act: RCW 19.215.005 to 19.215.030 Lie Detector Tests: RCW 49.44.120 and 49.44.135 Prohibitions on Genetic Screening: RCW 49.44.180.
West Virginia	Wiretapping and Electronic Surveillance Act: W. Va. Code §§ 62-1D-1 to 62-1D-16 Computer Crime and Abuse Act: W. Va. Code §§ 61-3C-1 to 61-3C-21 Interception or Monitoring Consumer Telephone Calls: W. Va. Code Ann. § 61-3-24c Electronic Surveillance: W. Va. Code § 21-3-20 Employer Access to Employee or Potential Employee Personal Accounts Prohibited: W. Va. Code Ann. § 21-5H-1.	Polygraph Testing: W. Va. Code § 21-5-5b Post-Employment Agreements and Disclosures: W. Va. Code § 55-7-18a

Wisconsin	Internet Privacy Protection Act: Wis. Stat. § 995.55 Use of Pen Register or Trap and Trace Device Restricted: Wis. Stat. Ann. § 968.34 Interception and Disclosure of Wire, Electronic or Oral Communications Prohibited: Wis. Stat. Ann. § 968.31	Declaration of Policy (concerning the practice of requiring lie detector test): Wis. Stat. Ann. § 111.31. Honesty Testing: Wis. Stat. § 111.37 Use of Genetic Testing in Employment Situations: Wis. Stat. Ann. § 111.372.
Wyoming	General Prohibition on Pen Register and Trap and Trace Device: Wyo. Stat. Ann. § 7-3-802 Communication Interception: Wyo. Stat. Ann. §§ 7-3-701 to 7-3-712	

6060 DRUGS AND ALCOHOL

The use of marijuana remains illegal under the Federal Controlled Substances Act despite continued attempts to pass national medical marijuana legislation. Although federal law prohibits marijuana use, states are not required to enforce federal law and are not precluded from passing their own laws to the contrary. Several states have made recreational and/or medical marijuana use legal. The laws of the state in which you are operating should be carefully examined for guidance.

State	Medical Marijuana/Cannabis	Recreational Marijuana/Cannabis
Alabama	Alaska Stat. Ann. §§ 17.37.010 to 17.37.080. Employers are not required to accommodate medical marijuana use in any place of employment (Alaska Stat. Ann. § 17.37.040(d)(1)).	No applicable statute.
Alaska	No applicable statute.	Alaska Stat. Ann. §§ 17.38.010 to 17.38.900. Employers are not required to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of marijuana in the workplace or amend their policies restricting the use of marijuana by their employees (Alaska Stat. Ann. § 17.38.220).

Arizona	A.R.S. §§ 36-2801 to 36-2821.
	
	Employers generally are authorized to take adverse employment actions for positive drug tests or failure to take drug tests (A.R.S. § 23-493.05). If the medical marijuana card holder employee "used, possessed or was impaired by marijuana on the premises of the place of employment or during the hours of employment," the employer can discipline or terminate the employee (A.R.S. § 36-2813).
	
	If employers have policies and drug testing programs consistent with state law, there is no employee cause of action for adverse employment action based on a good faith belief that an employee used, possessed, or was impaired by any drug while on the employer's premises or during the hours of employment (A.R.S. § 23-493.06).
	
	Prohibition against employer discrimination (based on the card holder status or positive drug tests) is waived if the employer would lose financial or licensing benefits under federal law or regulations by declining to penalize the patient employee (A.R.S. § 36-2813(B)).
		Smart and Safe Arizona Act (A.R.S. §§ 36-2850 to 36-2865).
		
		The law does not:
		• Restrict an employer's right to:
		  ○ maintain a drug and alcohol-free workplace; and
		  ○ have workplace policies that restrict employees' use of marijuana.
		• Require employers to allow or accommodate the use, consumption, possession, transfer, display, transportation, sale, or cultivation of marijuana in their place of employment.
		(A.R.S. § 36-2851.)

Arkansas	Arkansas Medical Marijuana Amendment of 2016 (AR Const. Amend. 98, §§ 1 to 26). Employers may not discriminate in hiring, termination, or any term or condition of	No applicable statute.

	employment, or otherwise penalize a person, based on the person's past or present status as a qualifying patient or designated caregiver (AR Const. Amend. 98, § 3(f)(3)(A)). Employers are not liable and are not prohibited from: • Establishing or implementing a substance abuse or drug-free workplace with drug testing. • Acting on good faith belief that an employee used marijuana or was under the influence of marijuana (but positive test result of marijuana cannot be the sole basis) in the workplace during work hours • Excluding a marijuana user from safety sensitive position. (AR Const. Amend. 98, § 3(f)(3)).	
California	Cal. Health & Safety Code §§ 11362.5 and 11362.7 to 11362.9; Medicinal and Adult-Use Cannabis Regulation and Safety Act (Cal. Bus. & Prof. Code §§ 26000 to 26250). Employers are not required to accommodate medical marijuana use on employer property or premises or during working hours (Cal. Health & Safety Code § 11362.785(a)).	Control, Regulate and Tax Adult Use of Marijuana Act. Medicinal and Adult-Use Cannabis Regulation and Safety Act (Cal. Bus. & Prof. Code §§ 26000 to 26250). The law does not: • Amend, repeal, affect, restrict, or preempt employers' rights and obligations to maintain a drug- and alcohol-free workplace. • Require employers to allow use, consumption, possession, transfer, display, transportation, sale, or growth of cannabis in the workplace. • Affect employers' ability to maintain policies prohibiting cannabis use by employees and prospective employees. • Prevent employers from complying with state or federal law. (Cal. Health & Safety Code § 11362.45(f)).
Colorado	Colo. Rev. Stat. Ann. §§ 44-10-101 to 44-10-1401, 18-18-406.3, and 25-1.5-106; Colo. Const. art. XVIII, § 14; 5 Colo. Code Regs. §§ 1006-2:1 to 1006-2:14. Employers are not required to accommodate medical marijuana use in any place of employment (Colo. Const. art. XVIII, § 14(10)(b)).	Colo. Const. art. XVIII, § 16. Employers are not required to permit or accommodate the use, consumption, possession, transfer, display, transportation, sale, or growing of recreational marijuana in the workplace. Nothing in the law prohibits employers from restricting marijuana use in the workplace. (Colo. Const. art. XVIII, § 16(6).)
Connecticut	Conn. Gen. Stat. Ann. §§ 21a-408 to 21a-414 and Conn. Agencies Reg. §§ 21a-408-1 to 21a-408-72. Employers cannot discriminate against employees or applicants on the sole basis of their status as qualifying patients, unless required by federal law or required to obtain federal funding (Conn. Gen. Stat. Ann. § 21a-408p).	No applicable statute.

	The provision in the law protecting palliative use does not apply to workplace use (Conn. Gen. Stat. Ann. § 21a-408a(b)(2)).	
Delaware	16 Del. C. §§ 4901A to 4928A Unless a failure to do so would cause the employer to lose a monetary or licensing-related benefit under federal law or federal regulations, employers cannot discriminate against employees or applicants on the sole basis of their status as a medical marijuana card holder or positive drug tests, unless the patient employees used, possessed, or were impaired by marijuana on employer premises during work hours (16 Del. C. § 4905A(a)(3)). Employers cannot be penalized under state law for employing medical marijuana registration cardholders (16 Del. C. § 4905A(c)). Employers are not required to accommodate medical marijuana use in any place of employment or to allow employees to work under the influence. However, employers cannot assume patient employees are under the influence merely because marijuana is detected in a drug test. Employers may discipline employees for ingesting marijuana at work or working under the influence. (16 Del. C. § 4907A.)	No applicable statute.
District of Columbia	D.C. Code §§ 7-1671.01 to 7-1671.13. A person cannot undertake any task under the influence of medical marijuana when doing so would be negligence or professional malpractice (D.C. Code § 7-1671.03(d)(1)).	D.C. Code § 48-904.01. Employers need not permit or accommodate the use, consumption, possession, display, or growth of marijuana in the workplace and may establish and enforce policies restricting the use of marijuana by employees (D.C. Code § 48-904.01(a)(1C)).

Florida	§ 381.986, Fla. Stat.
	
	Florida's law does not permit individuals to use medical marijuana at their place of employment, unless permitted by the employer (§ 381.986(1)(j)(5)(c), Fla. Stat.).
	
	The law does not:
	• Limit the ability of an employer to enforce a drug-free workplace program or policy.
	• Require employers to accommodate either:
	  ○ the medical use of marijuana in the workplace; or
	  ○ any employee working while under the influence of marijuana.
	• Permit employees to sue an employer for wrongful discharge or discrimination related to their medical marijuana use.
	(§ 381.986(15), Fla. Stat.)
		No applicable statute.

Georgia	O.C.G.A. §§ 16-12-190, 16-12-191, 31-2A-18, 31-51-1 to 31-51-10, and 51-1-29.6. Employers are not required to: • Accommodate medical marijuana users. • Having a written zero tolerance policy prohibiting the on-duty, and off-duty, use of marijuana • Permit the use of marijuana in the workplace. (O.C.G.A. § 16-12-191(g).)	No applicable statute.
Hawaii	HRS §§ 329-121 to 329-131; HAR §§ 11-160-1 to 11-160-56. Medical cannabis use is unauthorized for a one's workplace (HRS § 329-122(e)(2)(B)).	No applicable statute.
Idaho	No applicable statute.	No applicable statute.
Illinois	410 ILCS 130/1 to 410 ILCS 130/999. Employers cannot discriminate against employees or applicants on the sole basis of their status as a registered qualifying patient unless failing to do so would result in a loss of a monetary or licensing-related federal benefit (410 ILCS 130/40). Employers are free to make reasonable regulations concerning consumption, storage, and timekeeping related to the lawful use of medical marijuana. Employers may enforce drug testing, zero tolerance, or drug-free workplace policies if the policy is applied non-discriminatorily. Employers may also discipline employees for violations of any of these policies. Employers may discipline an employee for failing a drug test if failing to do so would result in violation of federal law or loss of federal funds (410 ILCS 130/50). Employees do not have a cause of action against an employer if the employer has a good faith belief that the employee either: • Used or possessed marijuana on the premises or during work hours. • Was impaired (defined by statute) while working on the premises during work hours. • Caused injury or loss to a third party if the employer neither knew nor had reason to know that the employee was impaired. (410 ILCS 130/50.) The employee must be provided with an opportunity to contest the basis of the discipline (410 ILCS 130/50(f)).	410 ILCS 705/1-1 to 705/999-99. An employer may: • Adopt or maintain reasonable zero tolerance or drug-free workplace policies. • Maintain policies concerning drug testing, smoking, consumption, storage, or use of cannabis in the workplace or while on call. • Prohibit employees from being under the influence or use cannabis in the workplace, while performing their duties, or while on call. • Discipline or terminate an employee for violating the employer's workplace drug policies. • Discipline employees who appear to be impaired by marijuana at work if the employee manifest specific, articulable symptoms that decrease or lessen the employee's performance but must offer the employee a reasonable opportunity to contest the basis of the employer's determination that the employee was impaired. (410 ILCS 705/10-50.) There is no private right of action for: • Subjecting employees or applicants to reasonable or random drug or alcohol testing and disciplining, terminating, or withdrawing a job offer if the employee or applicant fails a drug test. • Actions based on the employer's good faith belief that an employee used, possessed, or was impaired by cannabis at work or while on call. • Any injury, loss, or liability to a third party if the employer did not know or have reason to know an employee was impaired. (410 ILCS 705/10-50.)

		However, an employer may not discriminate against applicants or employees for lawful use of marijuana while off-duty, away from the workplace, or not on call (820 ILCS 55/5).
Indiana	No applicable statute.	No applicable statute.
Iowa	Medical Cannabidiol Act, Iowa Code Ann. §§ 124E.1 to 124E.26. The law does not: • Require an employer to permit or accommodate the use or possession of marijuana in the workplace. • Prohibit an employer from implementing policies to promote workplace health and safety by restricting employee use of marijuana. • Prohibit an employer from including a provision prohibiting the use of marijuana in an employment agreement. • Prohibit an employer from establishing and enforcing a zero-tolerance drug policy or a drug-free workplace by using a drug testing policy as specified by state or federal law. (Iowa Code Ann. § 124E.21.)	No applicable statute.
Kansas	No applicable statute.	No applicable statute.
Kentucky	No applicable statute.	No applicable statute.
Louisiana	La. R.S. 40:1046 Implications for employers are not clearly stated in the law. But employers and their workers' compensation insurers are not required to pay for medical marijuana in claims arising under the Louisiana Workers' Compensation Law (La. R.S. 40:1046(J)).	No applicable statute.
Maine	22 M.R.S.A. §§ 2421 to 2430-H; 18-691 Code Me. R. ch. 2, §§ 1 to 11. Unless the employer would violate federal law or lose a federal contract or federal funding, employers cannot discriminate against employees or applicants on the sole basis of their status as qualifying patients (22 M.R.S.A. § 2430-C(3)). Employers are not required to accommodate marijuana use in any workplace or any employees working under the influence (22 M.R.S.A. § 2426(2)(B)).	Marijuana Legalization Act (28-B M.R.S.A. §§ 101 to 1504). An employer: • Need not permit or accommodate the use, consumption, or possession of marijuana in the workplace. • May enact and enforce workplace policies restricting the use of marijuana by employees in the workplace or while working. • May discipline employees under the influence of marijuana in the workplace. (28-B M.R.S.A. § 112.)
Maryland	Md. Code Ann. Health-Gen. §§ 13-3301 to 13-3316 Implications for employers are not clearly stated, although the statute says that qualifying patients may not be subject to any civil or administrative	No applicable statute.

	penalty, including disciplinary action by a professional licensing board, or "be denied any right or privilege" for the medical use of or possession of medical cannabis (Md. Code Ann., Health-Gen. § 13-3313).	
Massachusetts	M.G.L. c. 94I §§ 1 to 8; 935 Code Mass. Regs. §§ 501.001 to 501.900. Employers are not required to accommodate any on-site medical marijuana use at any place of employment (935 Code Mass. Regs. § 501.840(2)(d)).	M.G.L c. 94G §§ 1 to 21. Employers are not required to permit or accommodate conduct otherwise allowed by this law in the workplace and can still enact and enforce workplace policies restricting the consumption of marijuana by employees (M.G.L. c. 94G § 2(e)).
Michigan	Michigan Medical Marihuana Act (MCL §§ 333.26421 to 333.26430); Mich. Admin. Code R. §§ 333.101 to 333.133. Employers are not required to accommodate the ingestion of marihuana in any workplace or any employee working while under the influence of marihuana (MCL § 333.26427(c)(2)). The law does not permit any person to undertake any task under the influence of marihuana, when doing so would constitute negligence or professional malpractice (MCL § 333.26427(b)(1)).	Michigan Regulation and Taxation of Marihuana Act, MCL 333.27951 to 333.27967. Employers are not required to permit or accommodate marijuana use in the workplace or on the employer's property (MCL 333.27954). An employer may refuse to hire, discharge, discipline, or take any other adverse action against an employee because the employee violated a workplace drug policy or worked while under the influence of marijuana (MCL 333.27954)
Minnesota	Minn. Stat. Ann. §§ 152.22 to 152.37. Unless a failure to do so would violate federal law or regulations or cause an employer to lose a monetary or licensing-related benefit under federal law or regulations, employers cannot discriminate against employees or applicants based on either: • Their status as a qualified patient. • A positive marijuana test if they are a qualified patient, unless the patient uses, possesses, or is impaired by marijuana on the employer's premises or during working hours. (Minn. Stat. Ann. § 152.32 subd. 3(c)).	No applicable statute.
Mississippi	Initiative 65 (approved Nov. 3, 2020, beginning August 15, 2021). Employers are not required to accommodate medical marijuana use in their place of employment (Initiative 65, § 3).	No applicable statute.
Missouri	Mo. Const. Art. 14, § 1. The law specifically prohibits an employee from filing wrongful discharge, discrimination, or similar claims because the employer: • Prohibited the employee from being under the influence of marijuana at work.	No applicable statute.

	• Disciplined the employee for working or attempting to work under the influence of marijuana. • Terminated the employee for working or attempting to work under the influence of marijuana. (Mo. Const. Art. 14, § 1, ¶ 7).	
Montana	Mont. Code Ann. §§ 50-46-301 to 50-46-347. Employers are not required to accommodate marijuana use by registered cardholders (Mont. Code Ann. § 50-46-320(4)(b)). Employers are permitted to include prohibitions on use of medical marijuana in contracts and the law does not give employees a cause of action against employers for wrongful discharge or discrimination under Montana's medical marijuana laws (Mont. Code Ann. § 50-46-320(5)).	Montana Marijuana Regulation and Taxation Act (Initiative 190, approved Nov. 3, 2020, effective January 1, 2021). This law does not: • Require employers to permit or accommodate possession or use of marijuana in the workplace or on their property. • Prohibit employers from disciplining employees for violating a workplace drug policy or for working while intoxicated by marijuana. • Prevent an employer from declining to hire, discharge, discipline, or taking an adverse employment action against an individual because of their violation of a workplace drug policy or working while intoxicated by marijuana. (Initiative 190, § 16.)
Nebraska	No applicable statute.	No applicable statute.
Nevada	Nev. Const. Art. 4, § 38; NRS 678C.005 to 678C.860; Nev. Admin. Code §§ 453A.010 to 453A.720. Employers are not required to allow medical cannabis use in the workplace or to modify the job or working conditions of employees who engage in medical cannabis use. However, employers must attempt to make reasonable accommodations for the medical needs of these employees, provided they do not pose a threat of harm or danger, cause undue hardship, or prevent the employees from fulfilling their job responsibilities (NRS 678C.850(3)). Also, an employer may not refuse to hire, discharge, or otherwise discriminate against an employee because the employee engages in "the lawful use of any product" outside the employer's premises during nonworking hours if the use does not adversely affect the employee's ability to perform the job or the safety of other employees (NRS 613.333). An employer may not refuse to hire a prospective employee because the employee tested positive for marijuana, unless the person is applying for a position as a firefighter or as an emergency medical technician that requires the employee to operate a motor vehicle and for which federal or state law requires a drug screening test, and that,	Regulation and Taxation of Marijuana Act (NRS 678A.005 to 678D.510). The law does not prohibit a public or private employer from maintaining, enacting, or enforcing a workplace policy prohibiting or restricting actions otherwise permitted under the act (NRS 678D.510(1)(a)). An employer may not refuse to hire, discharge, or otherwise discriminate against an employee because the employee engages in "the lawful use of any product" outside the employer's premises during nonworking hours if the use does not adversely affect the employee's ability to perform the job or the safety of other employees (NRS 613.333). An employer may not refuse to hire a prospective employee because the employee tested positive for marijuana, unless the person is applying for a position as a firefighter or as an emergency medical technician that requires the employee to operate a motor vehicle and for which federal or state law requires a drug screening test, and that, in the employer's determination, could

	in the employer's determination, could adversely affect the safety of others (NRS 613.132.)	adversely affect the safety of others (NRS 613.132.)
New Hampshire	N.H. RSA §§ 126-X:1 to 126-X:12. Employers are not required to accommodate medical marijuana use in the workplace (N.H. RSA § 126-X:3(III)(c)).	No applicable statute.
New Jersey	Jake Honig Compassionate Use Medical Cannabis Act (N.J.S.A. §§ 24:6I-1 to 24:6I-30); N.J.A.C. §§ 8:64-1.1 to 8:64-13.11 Employers may not take any adverse employment action based solely on an employee's status as a medical cannabis registrant (N.J.S.A. § 24:6I-6.1(a). If an employer has a drug testing policy and an employee or applicant tests positive for cannabis, the employer must offer the employee or applicant an opportunity to present a legitimate medical explanation for the positive test result and written notice of this right to explain. The employee or applicant may submit the explanation within three working days or request a retest of the original sample at the employee's or applicant's expense. The employee or applicant may submit a health care practitioner's authorization for medical cannabis, proof of registration with the medical cannabis commission, or both ((N.J.S.A. § 24:6I-6.1(b)) Employers may still prohibit and take adverse employment actions against an employee for possession and use of intoxicating substances during work hours or on the employer's premises. An employer may also not be required to take any action that would cause the employer to violate a federal law, lose a licensing-related benefit under federal law, or lose a federal contract or federal funding (N.J.S.A. § 24:6I-6.1(c))	New Jersey Cannabis Regulatory, Enforcement Assistance, and Marketplace Modernization Act (A.21); S. Res. 183, approved Nov. 3, 2020.effective January 1, 2021. Employers are not required to accommodate cannabis in the workplace and may require employees to submit to drug tests: • On reasonable suspicion of usage while performing work responsibilities. • On observing signs of intoxication related to cannabis use. • Following a work-related accident subject to employer investigation. • As part of pre-employment drug screening. • As part of regular screening of current employees. Employers may not refuse to hire or take adverse actions against employees solely because they tested positive for cannabis.
New Mexico	NMSA 1978, §§ 26-2B-1 to 26-2B-10 and 26-2A-1 to 26-2A-7; N.M. Admin. Code 7.34.2. Employers: • May not take an adverse employment action against an applicant or employee for legally using medical marijuana. • May prohibit or take adverse employment action against employees for using or being impaired by medical cannabis at work or during working hours. These employment protections do not apply to employees working in safety-sensitive positions. (NMSA 1978, § 26-2B-9.)	Cannabis Regulation Act (H.B. 2) (signed Apr. 12, 2021) The law does not: • Restrict an employer's ability to prohibit or take an adverse employment action against employees who are impaired by or in possession of intoxicating substances at work or during work hours. • Require an employer to commit any act that would cause the employer to be noncompliant with or in violation of federal law or that would result in the loss of federal funding. • Prevent or infringe on an employer's right to adopt and implement a written zero-tolerance policy regarding

		cannabis use, which includes employee discipline or termination for a positive cannabis test. • Apply to employees subject to Title 2 of the federal Railway Labor Act. • Invalidate, diminish, or otherwise interfere with any CBA or the power to collectively bargain such an agreement. (H.B. 2 § 34.)
New York	N.Y. Pub. Health Law §§ 3360 to 3369-E. Employers may require that employees not be impaired by a controlled substance when performing work duties (N.Y. Lab. Law § 201-d). Certified patients are deemed as having a "disability" under New York's Human Rights Law (N.Y. Exec. Law §§ 290 to 301) and other statutes and may require reasonable accommodation as is true for other recognized disabilities. Employers are not required to take any action that would violate federal law or cause the loss of a federal contract or funding (N.Y. Pub Health Law § 3369(2)).	Marihuana Regulation and Taxation Act (2021 NY S.B. 854) (enacted Mar. 31, 2021) The law does not prohibit an employer from enacting or enforcing a workplace policy pertaining to cannabis in the workplace (S.B. 854 § 2). Employers may only take action against an employee if: • The employer's actions were required by state or federal law. • The employee is impaired by the use of cannabis by manifesting specific articulable symptoms while working that decrease or lessen the employee's job performance or interfere with the employer's obligation to provide a safe workplace. • The employer's actions would require the employer to commit an act in violation of federal law or would result in the loss of a federal contract or federal funding. (S.B. 854 § 9-b.) Unless otherwise provided by law, employers may not refuse to hire, employ or license, or to discharge from employment or otherwise discriminate against an individual because of an individual's legal use of cannabis in accordance with state law, outside work hours, and off of the employer's premises and without use of the employer's equipment or other property (N.Y. Lab. Law § 201-d (2)(b), (c)).
North Carolina	No applicable statute.	No applicable statute.
North Dakota	N.D.C.C §§ 19-24.1-01 to 19-24.1-40. Employers may discipline an employee for possessing or consuming marijuana in the workplace or working under the influence (N.D.C.C. § 19-24.1-34(2)).	No applicable statute.
Ohio	Ohio R.C. 3796.01 to 3796.30. Employers are:	No applicable statute.

	• Not required to permit or accommodate an employee's use, possession, or distribution of medical marijuana.
	• Not prohibited from:
	  ○ refusing to hire, discharging, disciplining, or otherwise taking an adverse employment action regarding hire, tenure, terms, conditions, or privileges of employment because of possession or distribution of medical marijuana; or
	  ○ establishing and enforcing a drug testing policy, drug-free workplace policy, or zero-tolerance drug policy.
	(Ohio R.C. 3796.28.)
	
	Workers may not bring an action against an employer for refusing to hire, discharging, disciplining, discriminating, retaliating, or otherwise taking an adverse employment action regarding hire, tenure, terms, conditions, or privileges of employment related to medical marijuana. (Ohio R.C. 3796.28(A)(5).)
	
	A person discharged from employment because of medical marijuana use should be considered to have been discharged for just cause if the use was in violation of an employer's drug-free workplace policy, zero-tolerance policy, or other formal program or policy regulating the use of medical marijuana (Ohio R.C. 3796.28(B)).	

Oklahoma	Okla. Stat. tit. 63, §§ 420 to 426.
	
	Unless the employer would potentially lose a monetary or licensing benefit under federal law or regulations, employers may not discriminate or otherwise penalize an employee based solely on either:
	• The person's status as a medical marijuana license holder.
	• A drug test showing positive results for marijuana or its components.
	Employers may take action against a medical marijuana license holder if the holder uses or possesses marijuana at work or during work hours.
	(Okla. Stat. tit. 63, § 425(B).)
	
	An employer may not, unless otherwise required by federal law or to obtain federal funding, refuse to hire, discipline, discharge, or otherwise penalize an applicant or employee solely based on:
	• Status as a medical marijuana licensee.
	• A positive test for marijuana components or metabolites, unless:
	  ○ the applicant or employee does not have a valid medical marijuana license;
	  ○ the employee possesses, consumes, or is under the influence of medical marijuana at work or while working; or
		No applicable statute.

	○ the position involves safety-sensitive job duties. (Okla. Stat. tit. 63, § 427.8(H).)	
Oregon	Or. Rev. Stat. §§ 475B.785 to 475B.949. Employers are not required to accommodate medical marijuana use in the workplace (Or. Rev. Stat. § 475B.794).	The Control, Regulation, and Taxation of Marijuana and Industrial Hemp Act (Or. Rev. Stat. §§ 475B.005 to 475B.548). The law does not: • Amend or affect any state or federal law regarding employment matters. • Prohibit federal contractors or grantees from prohibiting possession or use of marijuana to satisfy federal requirements for the grant or contract. • Exempt an individual from a federal law or obstruct the enforcement of a federal law. (Or. Rev. Stat. § 475B.020.)
Pennsylvania	35 P.S. §§ 10231.101 to 10231.2110. Employers: • May not discharge, threaten, refuse to hire, or otherwise discriminate or retaliate against an employee based solely on the employee's status as a person certified to use medical marijuana. • Are not required to: ○ accommodate medical marijuana use at a place of employment; or ○ commit an act that would put the employer or any person acting on its behalf in violation of federal law. • May discipline employees for being under the influence of medical marijuana in the workplace. (35 P.S. § 10231.2103(b).) The law prohibits being under the influence of medical marijuana in certain safety-sensitive jobs (35 P.S. § 10231.510).	No applicable statute.
Rhode Island	R. I. Gen. Laws §§ 21-28.6-1 to 21-28.6-18; 216 RICR 20-10-3.1 to 20-10-3.15. Employers may not refuse to employ or otherwise penalize a person solely for the person's status as a medical marijuana cardholder, except: • An employer may take action against an employee for: ○ using or possessing marijuana at the workplace; ○ undertaking a task under the influence of marijuana when doing so constitutes negligence, professional malpractice, or jeopardizes workplace safety; ○ operating a motor vehicle, machinery, equipment, or firearms while under the influence of marijuana; or	No applicable statute.

	○ violating employment conditions in a collective bargaining agreement (CBA). • When the employer is a federal contractor or otherwise subject to federal law and the employer's failure to take action against an employee would cause the employer to lose a monetary or licensing benefit. (R.I. Gen Laws § 21-28.6-4.) Employers are not required to accommodate medical marijuana use in the workplace (R.I. Gen. Laws § 21-28.6-7(b)(2)).	
South Carolina	No applicable statute.	No applicable statute.
South Dakota	Measure 26 (approved Nov. 3, 2020 and planned effective date of July 1, 2021) The law does not require employers to: • Allow employees to ingest cannabis in the workplace. • Allow employees to work while under the influence of cannabis. • Refrain from disciplining employees for ingesting cannabis in the workplace or working under the influence of cannabis. (Measure 26, §§ 24 and 28.) A registered qualifying patient may not be considered under the influence of cannabis solely because of the presence of metabolites or cannabis components that appear insufficient in concentration to cause impairment (Measure 26, § 24).	Marijuana Legalization Initiative (Const. Amend. A, approved Nov. 3, 2020, effective July 1, 2021). The law does not: • Require employers to permit or accommodate possession or use of marijuana. • Affect an employer's right to restrict employees' use of marijuana. (Amend. A § 3.)
Tennessee	No applicable statute.	No applicable statute.
Texas	No applicable statute.	No applicable statute.
Utah	Utah Medical Cannabis Act (Utah Code §§ 26-61a-101 to 26-61a-703). Employers and insurance companies need not pay or reimburse for cannabis or medical cannabis devices (Utah Code § 26-61a-112). Private employers are not required to accommodate the use of medical cannabis (Utah Code § 26-61a-111(4)).	No applicable statute.
Vermont	18 V.S.A. §§ 4471 to 4474n. Vermont's statute is a criminal statute, but there is a carve out that individuals may be subject to arrest or prosecution for being under the influence of marijuana while in a workplace (18 V.S.A. § 4474c(a)(1)(B)). There are no civil requirements or limitations relevant to employers.	18 V.S.A. § 4230a; 7 V.S.A. §§ 831 to 847. 2019 VT S.B. 54 (NS), 2019 Vermont Senate Bill No. 54, Vermont 2019-2020 Legislative Session The law does not: • Require employers to permit or accommodate marijuana possession or use in the workplace. • Prevent an employer from adopting a policy that prohibits marijuana in the workplace.

		• Create a cause of action against an employer that terminates an employee for violating any policy restricting or prohibiting marijuana use by employees. (18 V.S.A. § 4230a(e).)
Virginia	Va. Code Ann. §§ 18.2-250.1, 18.2-251.1, 40.1-27.4, and 54.1-3408.3. Effective July 1, 2021, Virginia law prohibits an employer from discharging, disciplining, or discriminating against an employee for lawful use of cannabis oil based on a valid written certification. However, the law does not: • Restrict an employer's ability to take any adverse employment action for any work impairment caused by the use of cannabis oil or to prohibit possession during work hours. • Require an employer to commit any act that would cause the employer to be in violation of federal law or that would result in the loss of a federal contract or federal funding. • Require any defense industrial base sector employer or prospective employer to hire or retain any applicant or employee who tests positive for THC in excess of specified amounts. (H.B. 1862: Va. Code Ann. § 40.1-27.4).	S.B. 1406/H.B. 2312 (enacted Apr. 7, 2021, effective July 1, 2021) The law does not provide guidance to employers regarding employee marijuana use.
Washington	RCW 69.51A.005 to 69.51A.900. Employers are not required to accommodate medical marijuana use in the workplace and can establish drug free workplaces (RCW 69.51A.060(4) and 69.51A.060(7)).	Initiative Measure No. 502 (July 8, 2011) amended and added several Washington statutes, including RCW 69.50.325 to 69.50.395 and 69.50.4013; Wash. Admin. Code §§ 314-55-005 to 314-55-54. Although Initiative Measure No. 502 provides little guidance for employers, the legal interpretations of medical marijuana use is likely to be extended to recreational marijuana use.
West Virginia	West Virginia Medical Cannabis Act (W. Va. Code §§ 16A-1-1 to 16A-16-1). Employers may not discharge, threaten, refuse to hire, or otherwise discriminate or retaliate against an employee solely based on the employee's status as a person certified to use medical cannabis (W. Va. Code § 16A-15-4(b)(1)). Employers need not accommodate employees' use of medical cannabis on the job. Employers may discipline employees for being under the influence of medical cannabis at work only if the employee's conduct falls below the standard of care normally accepted for that position. (W. Va. Code §§ 16A-15-4(b)(2), (3).)	No applicable statute.

	The law also prohibits anyone using medical cannabis from being under the influence of medical cannabis when:
	• Performing a task under the influence would constitute negligence, professional malpractice, or professional misconduct.
	• Operating or being in control of:
	  ○ any vehicle, aircraft, train, boat, or heavy machinery;
	  ○ certain chemicals; and
	  ○ high-voltage electricity or public utilities.
	• Performing employment duties at heights or in confined spaces, including mining.
	• Performing any task the employer deems life-threatening.
	• Performing any duty which may result in a public health or safety risk.
	(W. Va. Code §§ 16A-5-10 and 16A-12-9(1)	

Wisconsin	No applicable statute.	No applicable statute.
Wyoming	No applicable statute.	No applicable statute.

6070 EMPLOYEE CONDUCT AND WORK RULES

Workplace violence continues to be of concern to most employers. Many organizations have adopted policies banning guns and other weapons on company property. However, state law differs widely regarding employees' weapons rights. You may want to contact your attorney for additional guidance. A growing number of states also require leave or some form of reasonable accommodation for victims of domestic violence (See 8040 Jury, Witness, Victim and Voting Leave).

Below is a chart listing the states that have enacted guns-at-work laws concerning private employers and indicates whether the law includes the key provisions typically found in state guns-at-work laws, including parking lot restriction (restricting an employer's ability to prohibit employees from storing firearms in their private vehicles when parked in the employer's parking lot), exception to parking lot restriction, immunity to employers that comply with a guns-at-work law, and requirements for employers to post notices if they ban firearms at the workplace.

State	Parking Lot Restriction	Exception to Parking lot Restriction	Employer Immunity	Posting Requirement
Alabama	Yes (Ala. Code §§ 13A-11-90(b) and 13A-11-61.2(b)	Yes (Ala. Code § 12A-11-90(b))	Yes (Ala. Code §13A-11-91)	Certain places that are allowed to prohibit gun possession on the premises must post a notice at the public entrances of the premises (Ala.Code. § 13A-11-61.2(c))
Alaska	Yes (Alaska Stat. Ann. § 18.65.800(a)).	Yes (Alaska Stat. § 18.65.800(d)).	Yes (Alaska Stat. § 18.65.800(c)).	Yes (Alaska Stat. § 18.65.800(d)).
Arizona	Yes (A.R.S. § 12-781(A)).	Yes (A.R.S. § 12-781(C)).	N/A	N/A
Arkansas	Yes (Ark. Code Ann. § 5-73-326 and § 16-118-115).	Yes (Ark. Code Ann. § 5-73-326(c)).	Yes (Ark. Code Ann. § 16-120-802).	Yes (Ark. Code Ann. § 5-73-306(18)).
Florida	Yes (§ 790.251(4), Fla. Stat.).	Yes (§ 790.251(7), Fla. Stat.).	Yes (§ 790.251(5), Fla. Stat.).	N/A
Georgia	Yes (O.C.G.A. § 16-11-135(b)).	Yes (O.C.G.A. § 16-11-135(d)).	Yes (O.C.G.A. § 16-11-135(e)).	N/A
Idaho	N/A	N/A	Yes (Idaho Code § 5-341)	N/A
Illinois	Yes (430 ILCS 66/65(b)).	N/A	N/A	Yes (430 ILCS. 66/65(d)). To download a template of the approved sign, see the Illinois State Police Firearms Service Bureau's website.
Indiana	Yes (Ind. Code § 34-28-7-2(a)).	Yes (Ind. Code § 34-28-7-2(b)).	Yes (Ind. Code § 34-28-7-5).	N/A

Kansas	Yes (K.S.A. 75-7c10(b))	N/A	Yes, for private entities (K.S.S. 75-7c10(c))	Yes (K.S.A. 75-7c10(a) and Kan. Admin. Regs. § 16-11-7)
Kentucky	Yes (KRS 237.106(1))	Yes (KRS 237.106(2), (5)).	N/A	Yes (KRS 237.110(17))
Louisiana	Yes (La. R. S. 32.292.1(A), (C))	Yes (La. R. S. 32.292.1(D))	Yes (La. R. S. 32.292.1(B))	N/A
Maine	Yes (26 M.R.S.A. § 600(1))	Yes (26 M.R.S.A. § 600(1))	Yes (26 M.R.S.A. § 600(2))	N/A
Michigan	Yes (MCL 28.425c)	Yes (MCL 28.425(n)(2)(a), (b)).	N/A	N/A
Mississippi	Yes (Miss. Code Ann. § 45-9-55(1))	Yes (Miss. Code Ann. § 45-9-55(2), (3), and (4))	Yes (Miss. Code Ann. § 45-9-55(5))	Yes (Miss. Code. Ann. § 45-9-101(13)).
Nebraska	Yes (Neb. Rev. St. § 69-2441(3)).	Yes (Neb. Rev. St. § 69-2441(1), (3), and (4)).	N/A	Yes (Neb. Rev. St. §§ 69-2441(1)(a), (2)).
North Dakota	Yes (N.D.C.C. § 62.1-02-13 (1)).	Yes (N.D.C.C. § 62.1-02-13 (6)).	Yes (N.D.C.C. § 62.1-02-13 (3)).	N/A
Ohio	Yes (Ohio R.C. 2923.1210(A))	Yes (Ohio R. C. 2923.1210(A); Ohio R.C. 2923.126(C)(1)).	Yes (Ohio R.C. 2923.126(C)(2)(a) and 2923.1210(B)).	Owners or persons in control of private land or premises may post a sign prohibiting guns but are not required to (Ohio R.C. 2923.126(C)(1), (3)(a)).
Oklahoma	Yes (Okla. Stat. tit. 21, §§ 1289.7a(A) and 1290.22(B)).	Yes (Okla. Stat. tit. 21, §§ 1289.7a(A) and 1290.22(B)).	Yes (Okla. Stat. tit. 21, §§ 1289.7a(B) and 1290.22(F)).	Yes (Okla. Stat. tit. 21, § 1290.22(C)).
Tennessee	Yes (T.C.A. §§ 39-17-1313(a) and 50-1-312).	Yes (T.C.A. §§ 39-17-1307(e) and 39-17-1313(a), (c)).	Yes (T.C.A. § 39-17-1313(b)).	Yes (T.C.A. § 39-17-1359(b)).
Texas	Yes (Tex. Lab. Code Ann. § 52.061).	Yes (Tex. Lab. Code Ann. § 52.062).	Yes (Tex. Lab. Code Ann. § 52.063(a)).	Yes (Tex. Lab. Code Ann. § 52.062 and Tex. Gov't Code Ann. § 411.203). For notice-posting requirements, see Tex. Penal Code Ann. §§ 30.06 and 30.07.
Utah	Yes (Utah Code § 34-45-103(1)).	Yes (Utah Code §§ 34-45-103(2) and 34-45-107).	Yes (Utah Code § 34-45-104).	N/A
West Virginia	Yes (W. Va. Code § 61-7-14).	N/A	Yes (W. Va. Code § 61-7-14).	N/A
Wisconsin	Yes (Wis. Stat. § 175.60(15m)(b)).	N/A	Yes (Wis. Stat. 175.60(21)(c)).	N/A

6100 SAFETY

In addition to the federal Occupational Safety and Health Act (OSHA), some employers must comply with "state OSHA's" that may overlap or go beyond federal requirements.

The following chart lists states that have safety and health plans approved by OSHA. It includes whether the plan covers private employers, whether the state has adopted state-specific standards, and a link to the state's workplace safety and health poster.

State	Private Employers Covered	State-Specific Standards	Link to Workplace Safety and Health Poster
Alaska	Yes	In general, has adopted some of the federal standards. Also has adopted state-specific standards.	Safety and Health Protection On the Job.
Arizona	Yes	Has adopted federal standards relating to state and local government workplaces. Also has adopted a state-specific standard.	Employee Safety and Health Protection (English/Spanish).
California	Yes	In general, has adopted federal standards. Also has adopted state-specific standards.	Safety and Health Protection On the Job (English). Safety and Health Protection On the Job (Spanish).
Connecticut	No, only covers public employers (state and local government).	No, has adopted federal standards.	Job Safety & Health Protection.
Hawaii	Yes	In general, has adopted federal standards. Also has adopted state-specific standards.	Occupational Safety & Health Laws Notice to Employees (see also Poster Request Form).
Illinois	No, only covers public employers (state and local government).	In general, has adopted federal standards. Also has adopted a state-specific standard.	Job Safety and Health.
Indiana	Yes	No, has adopted federal standards.	Safety and Health Protection On the Job.
Iowa	Yes	In general, has adopted federal standards. Also has adopted state-specific standards.	Job Safety and Health.
Kentucky	Yes.	In general, has adopted federal standards. Also has adopted state-specific standards.	Safety and Health On the Job (English). Safety and Health On the Job (Spanish).
Maine	No, only covers public employers (state and local government).	Has adopted federal standards relating to state and local government employment. Also has adopted state-specific standards.	Occupational Safety and Health Regulations for Public Sector Workplaces.

Maryland	Yes	In general, has adopted federal standards. Also has adopted state-specific standards.	Safety and Health Protection On the Job (Private Sector/English). Safety and Health Protection on the Job (Private Sector/Spanish). Safety and Health Protection On the Job (Public Sector).
Michigan	Yes	In general, has adopted federal standards. Also has adopted a state-specific standard.	Safety and Health Protection On the Job (English). Safety and Health Protection On the Job (Spanish).
Minnesota	Yes	In general, has adopted federal standards. Also has adopted state-specific standards.	Safety and Health Protection On the Job (English). Safety and Health Protection On the Job (Spanish).
Nevada	Yes	In general, has adopted federal standards. Also has adopted state-specific standards.	Safety and Health Protection On the Job (English). Safety and Health Protection On the Job (Spanish).
New Jersey	No, only covers public employers (state and local government).	Has adopted federal standards relating to state and local government employment with some exceptions. Also has adopted state-specific standards.	You Have the Right to a Safe and Healthful Workplace.
New Mexico	Yes	In general, has adopted federal standards. Also has adopted state-specific standards.	Job Health and Safety Poster (English/Spanish).
New York	No, only covers public employers (state and local government).	Has adopted all federal standards applicable to state and local government employment with one exception.	Public Employees Job Safety and Health Protection.
North Carolina	Yes	Yes	OSH Notice to Employees (see page 2).
Oregon	Yes	In general, has adopted federal standards. Also has adopted state-specific standards.	You Have a Right to a Safe and Healthful Workplace (English). You Have a Right to a Safe and Healthful Workplace (Spanish).
South Carolina	Yes	No, has adopted the federal standards.	Safety and Health Protection On the Job.
Tennessee	Yes	In general, has adopted federal standards with some modifications. Also has adopted a state-specific standard.	You Have a Right to a Safe and Healthful Workplace.
Utah	Yes	In general, has adopted federal standards. Also has adopted state-specific standards.	Workplace Safety and Health (English). Workplace Safety and Health (Spanish).
Vermont	Yes	In general, has adopted federal standards. Also has adopted state-specific standards.	Safety and Health Protection On the Job.

Virginia	Yes	In general, has adopted federal standards. Also has adopted state-specific standards.	Job Safety and Health Protection (English). Job Safety and Health Protection (Spanish).
Washington	Yes	In general, has adopted federal standards. Also has adopted state-specific standards.	Job Safety and Health Law (English/Spanish).
Wyoming	Yes	In general, has adopted federal standards. Also has adopted state-specific standards.	Health and Safety Protection on the Job.

6110 SMOKING AND OTHER TOBACCO USE

Most states have adopted extensive legislation regarding smoking in public places and in the workplace and requiring employers that are covered by the law to implement smoke-free policies.

6115 SOCIAL MEDIA

Regulation of employer access to social media continues to evolve. Many states have enacted laws addressing employer access to current and prospective employees' social media account. These laws vary in their specific provisions, but generally prohibits employers from asking employee and prospective employees to provide their usernames and passwords to personal social media accounts, with certain exceptions. Be sure and know your state's laws regarding the use of social media in hiring and employment (See 6030 Communication and Information Systems)

7000 COMPENSATION & BENEFITS

7016 DOMESTIC PARTNERSHIP BENEFITS

The federal government has redefined the definition of spouse for federal purposes relating to FMLA, federal benefits, etc. State laws across the country vary on this topic so be sure and know the laws in the state(s) you do business.

7020 INSURANCE AND RETIREMENT BENEFITS

With the creation of the Affordable Care Act (ACA) and the Health Insurance Marketplace, more options for health insurance coverage are available. Employers have some notice requirements pertaining to the ACA. Some states have also initiated their own Health Benefit Mandates and Exchanges. As healthcare reform mandates are implemented, there may be more legislation introduced on the state level to supplement the federal healthcare mandates.

7030 OVERTIME

Some states have adopted overtime requirements that exceed those required under the federal Fair Labor Standards Act (which generally requires overtime payments to nonexempt employees who work more than 40 hours in a workweek). A few states have different requirements in selected industries only.

State	State Overtime Requirement and Rates
Alaska	Employers must pay overtime (1.5 times an employee's regular pay rate) to nonexempt employees for all hours worked over: • Eight hours a day. • 40 hours a week. (Alaska Stat. Ann. § 23.10.060(b).)
Arkansas	In Arkansas, nonexempt employees must be paid at least 1.5 times their regular rate of pay for all hours worked above 40 in one workweek (Ark. Code Ann. § 11-4-211(a), (d)).

California	A nonexempt employee must receive overtime pay in the amount of:
	• 1.5 times the employee's regular rate of pay for:
	  ○ any work in excess of eight hours in any workday;
	  ○ any work in excess of 40 hours in any workweek; or
	  ○ the first eight hours worked on the seventh consecutive day of work in any one workweek.
	• Twice the employee's regular rate of pay for:
	  ○ any work in excess of 12 hours in any workday; and
	  ○ any work in excess of eight hours on the seventh consecutive day of work in any workweek.
	(Cal. Lab. Code § 510; for example, Cal. Code Regs., tit. 8, § 11040(3)(A).)

Colorado	A Colorado employer must pay a nonexempt employee 1.5 times the regular rate of pay for any work over either: • 40 hours per week. • 12 hours per workday. • 12 consecutive hours. (7 Colo. Code Regs. § 1103-1:4.1.) Employers must use whichever overtime calculation results in the largest payment to the employee (7 Colo. Code Regs. § 1103-1:4.1). In an emergency, an employer may require minors to work more than eight hours in a 24-hour period or over 40 hours per week. Employers must pay these minors 1.5 times the regular rate of pay for all hours worked over eight hours in a 24-hour period or 40 hours per week, whichever results in higher wages. (7 Colo. Code Regs. § 1103-1:4.3.)

Connecticut	A nonexempt employee in Connecticut must be paid at least 1.5 times their regular pay rate for all hours worked in excess of 40 in one week (Conn. Gen. Stat. Ann. § 31-76c).
District of Columbia	A nonexempt employee in the District of Columbia (DC) cannot be employed for more than 40 hours in any workweek unless the employee receives at least 1.5 times the regular rate of pay for each hour of overtime (D.C. Code § 32-1003(c)).
Hawaii	A nonexempt employee in Hawaii cannot be employed for more than 40 hours in any workweek unless they receive at least 1.5 times their regular rate of pay for each hour worked over the 40-hour threshold (HRS § 387-3(a)). Under the Wages and Hours of Employees on Public Works Law, laborers and mechanics employed on any public work job site must be paid at least 1.5 times their regular rate of pay plus the cost of fringe benefits for working: • On a Saturday, Sunday, or a state holiday. • More than eight hours on any other non-state holiday day. (HRS §§ 104-1 and 104-2(c).)
Illinois	A nonexempt employee must not be employed for more than 40 hours in any workweek unless they receive 1.5 times their regular rate of pay for overtime for all hours worked over 40 in a workweek (820 ILCS 105/4a(1)).
Indiana	Employers cannot require a nonexempt employee to work over 40 hours in a workweek unless the employee is paid at least 1.5 times the employee's regular pay rate for all hours worked over 40 (Ind. Code § 22-2-2-4(f), (g)).
Kansas	An employee in Kansas cannot be employed for more than 46 hours in any workweek unless the employee receives 1.5 times the employee's regular rate of pay for overtime (K.S.A. 44-1204(a)).
Kentucky	Employers must compensate employees 1.5 times their hourly wage rate for all hours worked over 40 hours in a workweek (KRS 337.285(1)).
Maine	Nonexempt employees in Maine may not be employed for more than 40 hours in a workweek without receiving 1.5 times their regular hourly rate for overtime (26 M.R.S.A. § 664(3)).
Maryland	Unless an exception applies, all nonexempt employees must be paid overtime at a rate of 1.5 times their regular hourly wage (Md. Code Ann., Lab. & Empl. § 3-415(a)).
Massachusetts	All nonexempt employees must be paid at least 1.5 times the regular rate of pay for hours worked more than 40 during a workweek (M.G.L. c. 151, § 1A).
Michigan	Under the Improved Workforce Opportunity Wage Act (IWOWA), covered nonexempt employees must be paid overtime for any work over 40 hours per workweek (MCL 408.934a(1)).
Minnesota	Generally, a nonexempt employee must receive overtime pay (1.5 times the employee's regular rate of pay) for all time worked over 48 hours in a designated, seven-day workweek (see Definition of Workday and Workweek) (Minn. Stat. Ann. § 177.25, subd. 1).
Missouri	Under the Missouri Minimum Wage Law, covered employers must pay covered employees 1.5 times the employee's regular pay rate for time worked over 40 hours a week (§ 290.505(1), RSMo).
Montana	Unless specifically excepted, Montana employees must be paid at least 1.5 times the regular rate of pay for all hours worked over 40 hours in a workweek (Mont. Code Ann. § 39-3-405).
Nebraska	
Nevada	Nevada employers must pay overtime compensation at a rate of at least 1.5 times an employee's regular wage rate if the employee earns: • Less than 1.5 times the minimum wage and works either: over 40 hours in any scheduled workweek or more than eight hours in any workday. • At least 1.5 times the minimum wage and works over 40 hours in any scheduled workweek.

	(NRS 608.018(1), (2).) However, daily overtime is not required if the employer and employee agree that the employee will work a scheduled ten hours per day for four calendar days within any scheduled workweek, referred to as 4 10s (NRS 608.018(1), (2).)
New Hampshire	New Hampshire law generally follows the federal Fair Labor Standards Act (FLSA) for overtime pay requirements, except that delivery drivers or sales merchandisers may not be paid overtime using the fluctuating workweek method as specified under 29 C.F.R. § 778.114 (N.H. RSA § 279:21(VIII)). If an employer is not covered under the FLSA, the employer generally must pay employees one and one-half times their regular rate of pay for any time worked over 40 hours in a workweek (N.H. RSA § 279:21(VIII)).
New Jersey	In New Jersey, a nonexempt employee working more than 40 hours in any workweek must be paid overtime at a rate of 1.5 times the employee's regular hourly wage (N.J.S.A. 34:11-56a4(b)). Employers are not required to pay overtime for: • Working more than eight hours a day. • Working on Saturdays, Sundays, holidays, or regular days of rest. (N.J.A.C. 12:56-6.4(b).)
New Mexico	New Mexico employers must pay employees overtime (1.5 times the employee's regular rate of pay) for all hours worked over 40 hours per week (NMSA 1978, § 50-4-22(E)).
New York	New York generally incorporates the federal Fair Labor Standards Act (FLSA) overtime pay requirements for calculating overtime payments for nonexempt employees (12 NYCRR § 142-2.2).
North Carolina	Under North Carolina law, an employee who works longer than 40 hours in any workweek is entitled to be paid overtime at a rate of at least 1.5 times the employee's regular rate of pay for each hour over 40. (N.C.G.S. § 95-25.4(a).)
North Dakota	Unless exempt, North Dakota employers must pay employees 1.5 times the regular rate of pay for all hours worked over 40 hours in a workweek, with certain exception for taxi drivers and hospital and residential care establishments (N.D. Admin. Code § 46-02-07-02(4).)
Ohio	Ohio law follows the federal Fair Labor Standards Act (FLSA) regarding overtime rules. Generally, employees must be paid 1.5 times the normal rate of pay for any work over 40 hours per week (R.C. 4111.03(A)).
Oregon	An Oregon employer must pay a nonexempt employee at least 1.5 times the regular rate of pay for all hours above 40 worked in a workweek (Or. Rev. Stat. § 653.261; OAR 839-020-0030(1)).
Pennsylvania	The Minimum Wage Act of 1968 requires employers to pay nonexempt employees at least 1.5 times the employee's regular rate of pay for all hours over 40 worked in a workweek (43 P.S. § 333.104(c); 34 Pa. Code § 231.41).
Rhode Island	Employers must pay nonexempt employees 1.5 times their regular pay rate for all hours worked over 40 per week (R.I. Gen. Laws § 28-12-4.1(a)).
Vermont	Vermont employers with two or more employees must pay employees 1.5 times the regular wage rate for all hours worked over 40 in a workweek (21 V.S.A. §§ 382 and 384(b)).
Washington	A nonexempt employee must receive at least 1.5 times the employee's regular rate of pay for all hours worked over 40 hours in a workweek. However, Washington law allows employers to grant compensatory time off instead of overtime pay if an employee requests it. (RCW 49.46.130(1) and (2).)
West Virginia	West Virginia employers must pay nonexempt employees at least 1.5 times their regular hourly wage rate for all hours worked over 40 hours in a workweek (W. Va. Code § 21-5C-3(a)).
Wisconsin	Employers generally must pay to each employee time and one-half the regular rate of pay for all hours worked in excess of 40 hours per week (Wis. Admin. Code DWD § 274.03).

7040 REST AND LUNCH BREAKS

Most states have enacted legislation regulating rest and lunch breaks in the workplace. A few have not addressed the issue. The chart below provides an overview of the general applicable meal period and rest break requirements for adult, nonexempt employees of private sector employers.

State	General Applicable Meal Break / Period Requirements	General Applicable Rest Break/Period Requirements
Alabama	None specified	None specified
Alaska	None specified. However, according to the Department of Labor and Workforce Department, employer-provided breaks of less than 20 minutes are compensable. Meal periods are not compensable if: • They are longer than 20 minutes. • The employee does not work during that time. (Alaska Department of Labor and Workforce Development: Wage and Hour: Employees' FAQs.)	None specified. Employer-provided rest breaks of less than 20 minutes are compensable (Alaska DOL: Wage and Hour: Employees' FAQs).
Arizona	None specified	None specified
Arkansas	None specified. However, if employers offer unpaid meal periods, the employee must: • Be completely relieved from duty (permission to leave the employer's premises is not required). • Have at least 30 minutes to eat regular meals (less time may be sufficient under certain circumstances). (AR ADC 235.01.1-108(C)(2).)	None specified, but rest periods of 5 to "about" 20 minutes must be counted as compensable hours worked and cannot offset other working time, such as compensable waiting time or on-call time (AR ADC 235.01.1-108(C)(1)).
California	Generally, employees are entitled to an unpaid meal period of at least 30 minutes for work periods of more than 5 hours. The meal period may be waived by mutual consent if the workday is completed in no more than 6 hours. Employees are entitled to a second meal period of at least 30 minutes for work periods of more than 10 hours. The second meal period may be waived by mutual agreement if both: • The total hours worked is not more than 12 hours. • The first meal period was not waived. (Cal. Lab. Code §§ 226.7(b) and 512; various California Industrial Welfare Commission (IWC) Wage Orders; see also California Department of Industrial Relations, Division of Labor Standards Enforcement: Meal Periods.) The California Supreme Court has held that, during meal breaks, employers must relieve employees of all duties, relinquish control over employees' activities, and permit employees a reasonable opportunity to take an uninterrupted 30-minute break. Employers are not required to police meal breaks to ensure no work is being	Paid rest periods must be provided at a daily rate of a net 10 minutes for every 4 hours or major fraction thereof (meaning more than 2 hours). Therefore, employees are entitled to rest periods as follows: • 10 minutes for shifts from 3.5 to 6 hours (no rest period is required for employees working less than 3.5 hours in a day). • 20 minutes for shifts of more than 6 to 10 hours. • 30 minutes for shifts of more than 10 to 14 hours. Rest periods should occur in the middle of a work period, to the extent possible. Rest periods must be counted as hours worked and are compensable. A net 10 minutes refers to 10 consecutive minutes that begin when the employee reaches the worksite rest area. Employers must provide suitable resting facilities available to employees during working hours in an area separate from the restrooms. (Cal. Code Regs. tit. 8, § 11010(12); *Brinker*, 273 P.3d at 528-30; various IWC Wage Orders; see also Cal. Lab. Code §

	done. (*Brinker Rest. Corp. v. Superior Court*, 273 P.3d 513, 532-37 (2012).) The meal period must be paid if the employer requires an employee to remain at the worksite during the meal period (California DLSE: Meal Periods (citing *Bono Enters., Inc. v. Bradshaw*, 32 Cal. App. 4th 968 (1995)); but see *Rodriguez v. Taco Bell Corp.*, 896 F.3d 952 (9th Cir. 2018) (on-premises meal time required for discounted meal plan is not compensable)). Special requirements apply to providing a suitable place to eat meals and the availability of hot food and drink or the ability to heat food or drink (see California DLSE: Meal Periods). On-duty, paid meal periods are permitted if both: • The nature of the work prevents relief from all duties. • The on-duty meal period is agreed to in writing by the employer and employee. The agreement must expressly give the employee the right to revoke the agreement in writing at any time. (Cal. Code Regs. tit. 8, § 11010(11); IWC Wage Order 1-2001, Sec. 11; see also California DLSE: Meal Periods.) Employers must pay employees one additional hour of pay for each workday a required meal, rest, or recovery period is not provided (Cal. Lab. Code § 226.7(b); see also *Ferra v. Loews Hollywood Hotel*, 456 P.3d 415 (Cal. 2020) (granting appeal on issue of definition of "regular rate of pay" for purposes of the one-hour penalty) (fully briefed as of Aug. 31, 2020)).	226.7; California DLSE: Rest Periods/Lactation Accommodation.) Rest periods generally must be duty-free. With some exceptions, employers cannot require employees to remain on the premises or be in radio communication during rest periods. (Cal. Lab. Code § 226.7(b).) Employees paid by commission or piece-rate are entitled to separate rest period pay (Cal. Lab. Code § 226.2; see also *Vaquero v. Stoneledge Furniture LLC*, 2017 WL 770635, at *1 (Cal. Ct. App. Feb. 28, 2017); *Bluford v. Safeway Stores, Inc*., 216 Cal. App. 4th 864, 872 (2013)). Employers must pay employees one additional hour of pay for each workday a required meal, rest, or recovery period is not provided (Cal. Lab. Code § 226.7(b))
Colorado	Employees are entitled to an unpaid meal period of at least 30 minutes for every scheduled shift of more than 5 hours. To the extent practical, the timing of meal periods should not be in the first or last hour of a shift. To qualify as unpaid, non-working time, a meal period must be an uninterrupted, duty-free 30-minute period when employees are completely relieved of all duties and can pursue personal activities. The Colorado Department of Labor and Employment takes the view that unpaid meal breaks also require that employees can leave the worksite (CDLE Interpretive Notice & Formal Opinion (INFO) #4: Meal and Rest Periods (providing an example where security guards could leave their car but not the worksite and were not permitted to nap, either of which was enough to make the meal period compensable)). If the nature of the work makes relief from all duties impractical, on-duty meal periods are permitted if employees are both: • Paid for the entire on-duty meal period. • Permitted to eat a full meal of their choice • while working.	Employees are entitled to a paid 10-minute rest period for each 4-hour work period or major fraction thereof. To the extent practical, the timing of rest periods should be in the middle of each 4-hour work period. Employers can require employees to remain on the premises. (7 Colo. Code Regs. § 1103-1:5.) Every 4-hour work period or "major fraction thereof" means: • One rest period for more than 2 and up to 6 hours of work. • Two rest periods for more than 6 and up to 10 hours. • Three rest periods for more than 10 and up to 14 hours. • Four, five, or six rest periods for work periods of 14 to 18, 18 to 22, or more than 22 hours. Required rest periods are working time for minimum wage and overtime pay purposes. (CDLE: COMPS Order; CDLE INFO #4: Meal and Rest Periods.)

	(7 Colo. Code Regs. § 1103-1:5; see also CDLE: Colorado Overtime & Minimum Pay Standards (COMPS) Order; CDLE INFO #4: Meal and Rest Periods.)	Employers must "authorize and permit" employees to take the required rest breaks. Employers are not required to ensure that employees take rest breaks, only that, given the workplace realities, employees are able to do so without repercussion. An employee's decision not to take a rest break must be voluntary. If an employer does not authorize and permit a 10-minute paid rest period, the violation results in the employee working an additional 10 minutes without compensation. Therefore, employers must pay for an additional 10 minutes of work for each missed rest period. Because rest periods count as working time for both minimum wage and overtime compensation, rest breaks missed during overtime hours must be paid at overtime rates. An employer and employee may agree, voluntarily and without coercion, on a given workday or in a writing covering up to a one-year period and signed by both parties, to two 5-minute breaks instead of one 10-minute break, if 5 minutes is sufficient in the work setting to go back and forth to a restroom or other location where a bona fide break would be taken. (CDLE: COMPS Order; CDLE INFO #4: Meal and Rest Periods.)
Connecticut	Employees are entitled to an unpaid meal period of at least 30 minutes after the first 2 hours but before the last 2 hours of work when working 7.5 hours or more (Conn. Gen. Stat. Ann. § 31-51ii(a)). Exceptions include: • Written employer-employee agreements (including collective bargaining agreements) setting different meal period schedules. • Employers that provide at least 30 minutes total of paid rest or meal periods during each 7.5-hour work period. (Conn. Gen. Stat. Ann. § 31-51ii(e), (f).)	None specified
Delaware	Employees are entitled to an unpaid meal break of at least 30 minutes after the first 2 hours but before the last 2 hours of work when working 7.5 hours or more. The meal period requirement does not apply if the employer and employee have a written agreement, including a collective bargaining agreement, setting different meal period schedules.	None specified

	Employers that operate consecutive, non-overlapping shifts may provide paid meal breaks of at least 20 minutes. (19 Del C. § 707(a); 19 DE ADC 1327-1.0 and 19 DE ADC 1327-2.0.)	
District of Columbia	None specified	None specified
Florida	None specified	None specified
Georgia	None specified	None specified
Hawaii	None specified, but if an employer provides a meal break, the period is not compensable if: • It is 30 minutes or more, and • The employee is completely relieved of duty. (Hawaii Department of Labor and Industrial Relations: Breaks: Meal & Rest.)	None specified, but rest breaks of 5 to 20 minutes are compensable as hours worked (Hawaii DOL: Breaks: Meal & Rest).
Idaho	None specified. Employees are only entitled to breaks if it is the employer's policy to provide them (Idaho Department of Labor: FAQs on Labor Laws). Time spent going to or returning from lunch is not considered hours worked (Idaho Code § 44-1202(3)(b)).	None specified
Illinois	Employees working 7.5 hours or more are entitled to a meal period of at least 20 minutes, beginning no later than 5 hours after starting work. The requirement does not apply to meal period schedules in collective bargaining agreements. (820 ILCS 140/3.) Meal periods must be paid only if the time is spent predominantly for the employer's benefit (Ill. Admin. Code tit. 56, § 210.110).	None specified
Indiana	None specified	None specified
Iowa	None specified. Breaks are not compensable if employees are completely relieved of their duties. Employers can require employees to stay on the premises during a break. (Iowa Division of Labor: Wage FAQs.)	None specified. However, all employees must be allowed restroom breaks when needed (Iowa Division of Labor: Wage FAQs)
Kansas	None specified. Meal periods of at least 30 minutes may be unpaid if the employee is: • Advised in advance that the time is unpaid. • Completely relieved of their duties. (Kan. Admin. Regs. § 49-30-3(a)(4), (b)(2)(A).)	None specified. Break periods of less than 30 minutes are generally treated as hours worked (Kan. Admin. Regs. § 49-30-3(a)(3)).
Kentucky	Employees are entitled to a meal period: • Of reasonable length (ordinarily, 30 minutes or more, though a shorter period may be permitted under certain circumstances). • Occurring as close to the middle of their scheduled shift as possible, but not less than 3 or more than 5 hours after their shift begins. • During which they are completely relieved from their duties, whether active or inactive.	Employees are entitled to a paid 10-minute rest period during each 4 hours of work. Rest periods of 5 to "about" 20 minutes are compensable working time and may not be offset against other working time, such as waiting or on-call time. Rest periods are in addition to regularly scheduled meal periods. (KRS 337.365 (providing an exception, effective

	Employers are not required to permit employees to leave the premises. Bona fide meal periods are not compensable working time. Meal periods provided for in a collective bargaining agreement or mutual agreement between the employer and employee are excluded. (KRS 337.355; 803 Ky. Admin. Regs. 1:065.)	March 27, 2020, for qualifying collective bargaining agreements); 803 Ky. Admin. Regs. 1:065).
Louisiana	None specified	None specified
Maine	See rest break requirements.	Employers cannot require employees to work more than 6 hours without the opportunity to take a rest break of at least 30 minutes. Employees may use the rest break as an unpaid meal period if completely relieved from their duties. A collective bargaining agreement or written employer-employee agreement may provide otherwise. (26 M.R.S.A. § 601.) The Maine Department of Labor provides that employees may waive their right to the break, preferably in writing, though employers can make the 30-minute rest break mandatory. If employees work through their break, the time is compensable working time. Shorter breaks are not required and are compensable working time. (Maine DOL: FAQS.)
Maryland	None specified. If employers choose to provide meal periods, the time is compensable if employees must perform any duties during the break (Md. Code Regs. 09.12.41.10). Maryland's Department of Labor, Licensing & Regulation takes the view that employers choosing to provide breaks are not required to pay employees for breaks longer than 20 minutes if employees: • Are free to leave the premises (or workstation if leaving the workplace is physically impractical). • Actually take their break. • Do not perform any work. This requirement is not satisfied if employees are told their pay will be reduced by 30 minutes each day for lunch but have a reasonable understanding that they must work or be available to work during their break. (See Maryland DOL: Pay for Lunch and Other Breaks: The Maryland Guide to Wage Payment and Employment Standards and Breaks, Benefits and Days Off - The Maryland Guide to Wage Payment and Employment Standards.)	None specified. But see meal period requirements.

Massachusetts	Employers cannot require employees to work more than 6 hours with a meal period of at least 30 minutes (M.G.L. c. 149, § 100). The Massachusetts Attorney General provides that: • Employees on a meal break must be relieved of all duties and allowed to leave the workplace. • Meal breaks may be unpaid. • Meal breaks are an employee's free time. • Employees must be allowed to pray during their meal breaks. • Employers may make meal breaks mandatory. Meal breaks must be paid if the employee, at the employer's request, agrees to either: • Work during the break. • Remain at the workplace during the break. (Massachusetts Attorney General's Fair Labor Division: Meal Breaks.)	None specified
Michigan	None specified	None specified
Minnesota	Employees working 8 or more hours must be given enough time to eat a meal (typically at least 30 minutes, though a shorter period may be adequate under special conditions). The meal period may be unpaid if the employee is completely relieved of all duties, both active and inactive (though it is not necessary that employees be free to leave the premises). Meal periods do not include rest periods such as coffee or snack breaks. Employers and employees are free to establish different meal period requirements under a collective bargaining agreement. (Minn. Stat. Ann. § 177.254; Minn. R. 5200.0120 subpt. 4)	Employees are entitled to adequate time to use the nearest convenient restroom during each 4 hours of work. Employers and employees are free to establish different break requirements under a collective bargaining agreement. (Minn. Stat. Ann. § 177.253). Employers that voluntarily provide breaks of less than 20 minutes must treat those breaks as hours worked (Minn. R. 5200.0120 subpt. 1).
Mississippi	None specified	None specified
Missouri	None specified. The Missouri Department of Labor takes the view that breaks of any kind are left to the discretion of the employer, agreed on by the employer and employee, or addressed in a company policy or contract (Missouri Department of Labor & Industrial Relations: Breaks, Lunches, and Personal Time Off).	None specified
Montana	None specified. If employers provide a meal period, it may be unpaid if: • Employees are completely relieved from all duties, both active and inactive (though it is not necessary that employees be free to leave the premises). • The break is sufficiently long (typically at least 30 minutes though a shorter period may be adequate under special conditions). Meal periods do not include coffee or snack breaks. (Mont. Admin R. 24.16.1006(2); see also Montana Department of Labor & Industry: Hours Worked: Meal Periods Unless Certain Criteria Are Met.)	None specified. Short rest breaks (typically 5 to "about" 20 minutes) are compensable working time. They cannot be offset against other working time, such as compensable waiting or on-call time. (Mont. Admin R. 24.16.1006(1); see also Montana DOL: Hours Worked: Rest Breaks.)

Nebraska	None specified	None specified

Nevada	Employees are entitled to an unpaid meal period of at least 30 minutes for each 8-hour work period (NRS 608.019(1); see also Nevada Department of Business & Industry: Office of the Labor Commissioner: FAQs).
	
	Meal period requirements do not apply:
	• When only one person is employed at a place of employment.
	• To employees subject to a collective bargaining agreement.
	• If the state labor commissioner grants an exemption.
	
	Employees may voluntarily agree to waive meal periods. Employers have the burden of proving the existence of the agreement.
	
	(NRS 608.019(3), (4), and (5); Nev. Admin. Code § 608.145(3).)
		Rest breaks are not required for employees working less than 3.5 hours. Otherwise, employers must permit a paid rest period that is:
		• Taken in the middle of the work period, to the extent possible.
		• Counted as compensable working time.
		• Based on a rate of 10 minutes for each 4 hours worked or major fraction thereof (interpreted as at least 3.5 hours), not including unpaid meal periods, as follows:
		  ○ one 10-minute rest period if the employee works at least 3.5 and less than 7 hours;
		  ○ two 10-minute rest periods if the employee works at least 7 and less than 11 hours;
		  ○ three 10-minute rest periods if the employee works at least 11 and less than 15 hours; or
		  ○ four 10-minute rest periods if the employee works at least 15 and less than 19 hours.
		
		(NRS 608.019(2); Nev. Admin. Code § 608.145; see also Nevada Department of Business & Industry: Office of the Labor Commissioner: FAQs.)
		
		Rest break requirements do not apply:
		• When only one person is employed at a place of employment.
		• To employees subject to a collective bargaining agreement.
		• If the state labor commissioner grants an exemption.
		
		Employees may voluntarily agree to waive rest periods. Employers have the burden of proving the existence of the agreement.
		
		(NRS 608.019(3), (4), and (5); Nev. Admin. Code § 608.145(3).)

New Hampshire	Employees working more than 5 hours are entitled to a 30-minute meal period unless it is feasible for employees to eat while working and the employer allows them to do so. If an employee works while eating, the meal period must be paid. (N.H. RSA § 275:30-a; see also New Hampshire Department of Labor: Wages and Work Hours FAQ.) The New Hampshire DOL provides a sample form for employees to agree in writing to waive their meal period.	None specified

New Jersey	None specified. Employees required to stay on the employer's premises or work during a meal period must be paid for the meal period (N.J.A.C. 12:56-5.2).	None specified
New Mexico	None specified	None specified. But breaks of less than 30 minutes must be paid (see New Mexico Department of Workforce Solutions: Labor Relations FAQs).
New York	Non-factory employees working a shift of more than 6 hours that extends over the noonday meal period (between 11:00 a.m. and 2:00 p.m.) must be allowed at least 30 minutes off during that period. Non-factory employees working a shift of more than 6 hours that starts between 1:00 p.m. and 6:00 a.m. must be allowed a meal period of at least 45 minutes midway between the beginning and end of the shift. Any employee starting work before 11:00 a.m. and continuing until after 7:00 p.m. must be allowed an additional meal period of at least 20 minutes between 5:00 and 7:00 p.m. The New York State Department of Labor may permit shorter meal periods. Meal periods of not less than 20 minutes require a special permit. The NYSDOL interprets Section 162 as applying to all categories of workers, including blue collar, white collar, and management. (N.Y. Lab. Law § 162; see also NYSDOL: Meal Period Guidelines.)	None specified
North Carolina	None specified. If employers give breaks: • Breaks of 30 minutes or more may be unpaid if employees are completely relieved of their duties. • Employers are not required to allow employees to leave the premises. • Employers are not required to provide a breakroom. (See North Carolina Department of Labor: What to Know About Breaks.)	None specified. Breaks of less than 30 minutes generally must be paid (see North Carolina DOL: What to Know About Breaks).
North Dakota	When at least two employees are on duty, employees working more than 5 hours are entitled to a meal period of at least 30 minutes. Employees may agree to waive the meal period. Meal periods may be unpaid if: • Employees are completely relieved of their duties. • The meal period is ordinarily 30 minutes long. (North Dakota Department of Labor guidance provides that the meal period must be "at least" 30 minutes long, rather than "ordinarily.")	None specified. Rest breaks are not required but must be paid if offered by employers (see North Dakota DOL: Minimum Wage & Work Conditions Summary Poster).

	Collective bargaining agreement meal period provisions control. (N.D. Admin. Code § 46-02-07-02(5); see also North Dakota Department of Labor and Human Rights: Minimum Wage & Work Conditions Summary Poster.)	
Ohio	None specified	None specified
Oklahoma	None specified	None specified
Oregon	Employees working 6 to 8 hours are entitled to a meal period of at least 30 minutes, during which they are relieved of all duties, as follows: • If employees are not relieved of all duties for 30 continuous minutes, employers must pay them for the entire 30-minute meal period. • For work periods of 7 hours or less, the meal period must be taken between the end of the second and beginning of the fifth hour of work. • For work periods of more than 7 hours, the meal period must be taken between the end of the third and beginning of the sixth hour of work. Employees working: • Less than 6 hours are not entitled to a meal period. • At least 6 hours but less than 14 hours are entitled to 1 meal period. • At least 14 but less than 22 hours are entitled to 2 meal periods. • At least 22 hours are entitled to 3 meal periods. Meal periods do not count as part of a work period to determine the number of meal periods required unless the employee is not completely relieved of their duties. Exceptions exist for: • Employer-demonstrated undue hardship (as defined by the regulations). Employers that make the required showing must instead: ○ provide adequate paid time for employees to rest, eat a meal, and use the restroom; and; ○ provide affected employees, in advance, the notice prescribed by the Oregon Bureau of Labor and Industries (BOLI) (see Oregon BOLI: Notice to Employees Regarding Meal and Rest Periods) and keep a copy of the notice for at least 6 months after an employee's termination. • Industry practice or custom of providing a paid meal period of less than 30 minutes (but not less than 20 minutes) when employees are relieved of all duty. • Unforeseeable equipment failures, acts of nature, or other exceptional and unanticipated circumstances that rarely and temporarily prevent the required meal period.	Employers must provide paid rest breaks of at least 10 minutes for every 4-hour work period or major part thereof (more than 2 hours), as follows: • Employees must be relieved of all duties for at least 10 continuous minutes. • Breaks must be taken at approximately the middle of each 4-hour segment of working time (to the extent permitted by the nature of the work). • Breaks may not be: ○ added to the meal period to make the meal period longer; ○ deducted from the beginning or end of the workday to shorten the employee's shift; or ○ treated as working time to make up missed time (late arrivals, for example). • Employers have the burden of showing that they provided the required rest breaks. • Rest breaks are earned as follows: ○ employees working 2 hours or less are not entitled to a rest break; ○ employees working more than 2 hours but not more than 6 hours are entitled to one 10-minute rest break; ○ employees working more than 6 but not more than 10 hours are entitled to two 10-minute rest breaks; ○ employees working more than 10 but not more than 14 hours are entitled to three 10-minute rest breaks; ○ employees working more than 14 but not more than 18 hours are entitled to four 10-minute rest breaks; ○ employees working more than 18 but not more than 22 hours are entitled to five 10-minute rest breaks; and ○ employees working more than 22 hours are entitled to six 10-minute rest breaks. Meal periods do not count as part of a work period to determine the number of rest breaks required unless the employee is not completely relieved of their duties.

	• Collective bargaining agreements that specifically provide for meal periods. • Industry or occupation exceptions (see last column). Employers are not required to allow employees to leave the premises during their meal periods. Employers must require employees to take all mandated meal and rest breaks, not simply offer employees the opportunity to do so. Employers may discipline employees for refusing to take required breaks. (OAR 839-020-0050 and OAR 839-020-0050 Appendix A; *Maza v. Waterford Ops., LLC*, 300 Or. App. 471 (2019); see also Oregon BOLI: Meals and Breaks.)	Exceptions exist for collective bargaining agreements that specifically provide for rest breaks. Industry or occupation exceptions may also apply. Employers are not required to allow employees to leave the premises during rest breaks. Employers must require employees to take all mandated meal and rest breaks, not simply offer employees the opportunity to do so. Employers may discipline employees for refusing to take required breaks. (OAR 839-020-0050 and OAR 839-020-0050 Appendix A; see also Oregon BOLI: Meals and Breaks.)
Pennsylvania	None specified. Time allowed for meals is excluded from working time unless the employee must or is permitted to work during that time (34 Pa. Code § 231.1; see also Pennsylvania Department of Labor & Industry: General Wage and Hour FAQs (unpaid meal periods must be duty-free and longer than 20 minutes)).	None specified
Rhode Island	Employees are entitled to: • A 20-minute meal period for a 6-hour shift. • A 30-minute meal period for an 8-hour shift. Employers are not required to compensate employees for meal periods. (R.I. Gen. Laws § 28-3-14; see also Rhode Island Department of Labor and Training: Labor Standards FAQs.)	None specified
South Carolina	None specified	None specified
South Dakota	None specified	None specified
Tennessee	Employees scheduled to work 6 hours are entitled to an unpaid 30-minute meal or rest break except when the nature of the business allows ample opportunity to take an appropriate meal break. The meal break may not be scheduled during or before the first hour of scheduled work activity. (T.C.A. § 50-2-103(h)(1).) Examples of work environments where employees have sufficient opportunity to rest or take an appropriate break include food and beverage industry employees and security guards (Tennessee Department of Labor & Workforce Development: Wages, Fringe Benefits, Paychecks & Breaks).	The statute refers to a "meal break," which is defined as a rest break or meal period (T.C.A. § 50-2-103(h)(1)).

Texas	None specified	None specified, but some cities may have their own ordinances on breaks (Texas Workforce Commission: Breaks).
Utah	None specified. Meal periods of at least 30 minutes are not treated as working time if employees are relieved of all responsibilities (Utah Admin. Code r. 610-3-2(H)).	None specified
Vermont	Employers must provide employees with reasonable opportunities during work periods to eat and use the restroom. State law does not define "reasonable opportunity." (21 V.S.A. § 304; see also Vermont Department of Labor: Summary of Vermont Wage & Hour Laws.)	See meal period requirements.
Virginia	None specified	None specified
Washington	Employees who work: • More than 5 hours are entitled to a 30-minute meal period no less than 2 hours and no more than 5 hours after the start of the employee's normal workday. An additional 30-minute meal period must be given within 5 hours from the end of the first meal period and for each 5 hours worked thereafter as part of the employee's normal workday. For example, if an employee's normal shift is 12 hours, they are entitled to a 30-minute meal period no later than at the end of each 5 hours worked. • At least 3 hours longer than their normal workday are entitled to at least one 30-minute meal period before or during the overtime period. Meal periods must be paid if either: • They are less than 30 minutes. • Employees are: ○ required or allowed to remain on duty; ○ required to be on-call at the premises and available to return to duty, even if they are not called back to duty (employees who choose to remain on the premises and keep their phone or radio on need not be paid for their meal period if they are not required to respond to their phone or radio or return to work); or ○ called back to duty during their meal period, even if they normally are not on-call during that period. Employers may require employees to remain on the premises during unpaid meal periods if employees are completely relieved of their duties. If employees are required to remain on the premises and act in the interest of the employer, the employer must make every effort to provide employees with an uninterrupted meal period. If the meal period is interrupted, then after the task is completed, the meal period must be continued until the employee has received a total of 30 minutes of meal time, not including the time	Employees are entitled to a paid rest period of at least 10 minutes for each 4 hours of working time. Rest periods should be taken as near as possible to the midpoint of the work period, but no later than the end of the third hour of work. Where the nature of the work allows employees to take intermittent rest periods equivalent to 10 minutes for each 4 hours worked, scheduled rest periods are not required. During rest periods, employers may require employees to remain: • On the premises. • In on-call status (but if called to duty, employees must receive the remainder of the 10-minute break during that 4-hour work period). (Wash. Admin. Code 296-126-092(4), (5); see also *Pellino v. Brink's Inc.*, 267 P.3d 383, 399 (Wash. Ct. App. 2011); *Wash. State Nurses Ass'n v. Sacred Heart Med. Ctr.*, 287 P.3d 516, 520 (Wash. 2012) (missed rest breaks extended nurses' workdays because both the rest break and the additional labor constituted compensable working time); Washington DOL: Rest Breaks, Meal Periods and Schedules; Washington DOL Admin. Policy: Meal and Rest Periods for Nonagricultural Workers Age 18 and Over.)

	spent performing the task. Additionally, the entire meal period must be paid, regardless of the number of interruptions. (Wash. Admin. Code 296-126-092; Washington Department of Labor & Industries: Rest Breaks, Meal Periods and Schedules; Washington DOL: Admin. Policy: Meal and Rest Periods for Nonagricultural Workers Age 18 and Over; see also *Brady v. Autozone Stores, Inc*., 397 P.3d 120, 124 (Wash. 2017) (holding that employer liability for missed meal breaks is not automatic; employers may rebut a showing that an employee did not receive a timely meal period by showing that no violation occurred or that a valid waiver exists).) If the employer allows waivers, employees may choose to waive their meal period. Employers should require that waivers be in writing. Employees may rescind the waiver at any time. (See Washington DOL: Rest Breaks, Meal Periods and Schedules; Washington DOL Admin. Policy: Meal and Rest Periods for Nonagricultural Workers Age 18 and Over.)	
West Virginia	Employees working at least 6 hours are entitled to a meal break of at least 20 minutes, at times reasonably designated by the employer. No additional breaks are required, regardless of the total hours worked over six. The meal break requirement does not apply where employees are otherwise afforded necessary breaks or are permitted to eat while working. (W. Va. Code § 21-3-10a; West Virginia Division of Labor: Fact Sheet 1: Employee Meal Break Requirements.) At the employer's discretion, the 20-minute requirement may be split into smaller increments, for a total of 20 minutes (West Virginia DOL: Fact Sheet 1: Employee Meal Break Requirements). Meal breaks of 30 minutes or more may be treated as non-working time (W. Va. C.S.R. § 42-8-11(11.3.b); West Virginia DOL: Fact Sheet 1: Employee Meal Break Requirements).	None specified. Rest breaks of 20 minutes or less must be treated as compensable time (W. Va. C.S.R. § 42-8-11(11.3.a); West Virginia DOL: Fact Sheet 1: Employee Meal Break Requirements).
Wisconsin	Wisconsin's wage and hour regulations "recommend" that employers provide meal periods of at least 30 minutes "reasonably close" to the usual mealtime (6:00 a.m., 12:00 noon, 6:00 p.m., or 12:00 midnight) or near the middle of a shift. Employers should avoid scheduling shifts of more than 6 hours without a meal period. On-duty meal periods are counted as work time and must be paid. On-duty meal periods are breaks where employees either: • Do not have at least 30 minutes free from work. • Are not free to leave the premises. (Wis. Admin. Code DWD § 274.02.)	None specified. Rest periods of less than 30 minutes must be counted as working time and may not be offset against other working time, such as compensable waiting time or on-call time (Wis. Admin. Code DWD § 272.12(2)(c)(1)). The WI DWD takes the view that employers may require employees to take breaks to take breaks (Wisconsin Department of Workforce Development: Breaks and Meal Periods).

	Bona fide meal periods of 30 minutes or more are not work time if both: • Employees are completely relieved from duty to eat a regular meal. Employees are not relieved if they must perform any duties, whether active or inactive, while eating. • The meal period is sufficiently long (ordinarily at least 30 minutes). (Wis. Admin. Code DWD § 272.12(2)(c)(2).) The Wisconsin Department of Workforce Development takes the view that employers may require employees to take breaks (Wisconsin Department of Workforce Development: Breaks and Meal Periods).	
Wyoming	None specified.	None specified.

7050 PAYROLL PROCEDURES

State law imposes requirements as to frequency of wage payment and direct deposit authorization. There are also strict requirements/prohibitions regarding deductions from an employee's paycheck. Employers should exercise caution before deducting or offsetting against an employee's wages. Additionally, a few states have legislation involving "reporting pay," requiring an employer, in some instances, to pay employees who report to work as scheduled only to find that no work is available.

8000 TIME OFF

8010 FAMILY AND MEDICAL LEAVE ACT (FMLA)

Some states have enacted their own family and medical leave laws, providing additional employee rights beyond that required under the FMLA. Some have expanded eligibility requirements (e.g., requiring such leave at organizations of fewer than 50 employees) or increased the types and nature of leave available (e.g., expanding pregnancy leave). Some states have passed laws requiring private employers to provide paid family and medical leave to their employees, as shown below:

State	Applicable Laws	Coverage	Paid Leave Requirement
California	Cal. Unemp. Ins. Code §§ 3300-3306, as amended by S.B. 83, 2019-2020 Leg., Reg. Sess. (Cal. 2019), and further amended by A.B. 2399 (Paid Family Leave)	Covered Employees: Employees who have been paid at least $300 in wages during the past 5 to 18 months (see Cal. Employee Dev. Dep't (EDD): About Paid Family Leave and Am I Eligible for PFL Benefits). Covered Employers: All private sector employers.	Maximum of 8 weeks for: • Birth. • Adoption. • Foster care placement. • Caring for family member with serious health condition. • Qualifying exigency related to spouse, domestic partner, child, or parent being on active duty (added by A.B. 2399, effective as of January 1, 2021). (Cal. Unemp. Ins. Code § 3301(a).)
Colorado	Proposition 118 (Colo. Rev. Stat. §§ 8-13.3-501 to 8-13.3-524, formerly numbered as 8-13.3-401-424) Paid Family and Medical Leave Insurance Act)	Covered Employees: Individuals who either: • Earned at least $2,500 in wages during the base period. • Elect coverage as a self-employed person. (Colo. Rev. Stat. § 8-13.3-503(3).) Covered Employers: All employers that either: • Employ at least one person for each working day during the 20 calendar workweeks in the current or preceding calendar year. • Paid wages of at least $1,500 or more during any quarter in the preceding calendar year. (Colo. Rev. Stat. § 8-13.3-503(8).)	Beginning January 1, 2024, up to 12 weeks in the application year for: • Birth. • Adoption. • Foster care placement. • Caring for a family member with a serious health condition. • Caring for the employee's own serious health condition. • Qualifying exigency related to a family member being on active duty. • Certain purposes related to employee or employee's family member experiencing domestic violence, harassment, sexual assault, or stalking. Employees may take an additional four weeks for a serious health condition related to pregnancy or childbirth complications. (Colo. Rev. Stat. §§ 8-13.3-504, -505.)
Connecticut	S.B. 1, 2019 Leg., Reg. Sess. (Conn. 2019) (Conn. Gen. Stat. Ann. P.A. 19-25) (An Act Concerning Paid Family and Medical Leave), amending in part Conn. Gen. Stat. Ann. §§31-51kk to 31-51qq (Family	Covered Employees: Individuals who both: • Have earned at least $2,325 during highest earning quarter in the first 4 of last 5 quarters. • Are employed or have been employed by a covered employer in the previous 12 weeks or opt-in as self-employed. (Conn. Gen. Stat. Ann. P.A. 19-25, § 1(4); Conn. Gen. Stat. § 31-51ll(f).)	As of January 1, 2022, up to 12 weeks in 12 months for: • Birth. • Adoption. • Foster care placement. • Caring for a family member with a serious health condition. • Caring for employee's own serious health condition. • Serving as an organ or bone marrow donor.

	and Medical Leave)	Covered Employers: All private employers. (Conn. Gen. Stat. Ann. P.A. 19-25, §§ 1(8).)	• Qualifying exigency related to a spouse, child, or parent being on active duty. (Conn. Gen. Stat. Ann. P.A. 19-25, § 18.) Additional Leave: Up to additional 2 weeks for an employee's serious health condition resulting in incapacitation during pregnancy (Conn. Gen. Stat. Ann. PA 19-25, § 18).
District of Columbia	D.C. Code §§ 32-541.01 to 32-541.12, 32-551.01 (Universal Paid Leave)	Covered Employees: Employees who either: • Work more than 50% of their work time in D.C. • Are based in D.C., regularly work in D.C., and spend no more than 50% of their work time in another jurisdiction. (D.C. Code § 32-541.01(3).) Covered Employers: All private employers subject to the D.C. Unemployment Compensation Act (D.C. Code § 51-101).	Paid Parental Leave: Up to 8 weeks for: • Birth. • Adoption. • Foster care placement. (D.C. Code § 32-541.01(16).) Paid Family Leave: Up to 6 weeks to care for seriously ill family member (D.C. Code § 32-541.01(12)). Paid Medical Leave: Up to 2 weeks to care for employee's own serious health condition (D.C. Code § 32-541.01(14)). Maximum Total Leave: Maximum of 8 weeks per year for combined family and medical leave (D.C. Code § 32-541.04(d)).
Massachusetts	M.G.L. c. 175M, §§ 1 to 11, as amended; 458 Mass. Code Regs. 2.01 to 2.17 (Paid Family and Medical Leave), as amended July 24, 2020, and further amended by emergency regulations enacted on Dec. 21, 2020 (458 Mass Code Regs. 2.00, 2.02, 3.00)	Covered Employees: Employees who meet the eligibility requirements for state unemployment insurance working for a Massachusetts employer, including personal care attendants and family childcare providers, and having earned both: • At least $4,700 during the last 4 calendar quarters. • At least 30 times the eligible weekly benefit amount. (See M.G.L. c. 175M, § 1; MA Unemployment Benefits Eligibility website). Covered Employers: All private sector employers, including covered business entities using 1099-MISC workers for more than 50% of their workforce (M.G.L. c. 175M, § 1; MA Unemployment Benefits Eligibility website).	Paid Family Leave: Effective January 1, 2021, maximum of 12 weeks for: • Birth. • Adoption. • Foster care placement. • Caring for seriously ill family member. • Qualifying exigency related to family member on active duty. Leave is available for births, adoptions, and foster care placements occurring during 2020 if the covered individual otherwise qualifies for leave, and the leave is taken during the first 12 months after the qualifying event (with exceptions for acute care hospital workers) and is completed within 2021 (458 Code Mass. Regs. 3.02, as amended Dec. 21, 2020). Exception: 26 weeks to care for a family member who is a covered servicemember. (M.G.L. c. 175M, § 2.)
New Jersey	N.J.S.A. §§ 43:21-25 to 43:21-42; A	Covered Employees: Employees (or individuals out of	Paid Family Leave: 6 weeks (12 weeks as of July 1, 2020) for:

	3975, 218th Leg., Reg. Sess. (N.J. 2019) (Temporary Disability Benefits Law and Family Leave Insurance) (expanded March 25, 2020 by S. 2304.)	employment for less than 2 weeks) who have either: • Worked 20 weeks and earned at least $172 per week. • Earned a total of $8,600 in the first 4 of the last 5 completed quarters. (N.J.S.A. § 43:21-27(b); NJ DOL: Temporary Disability Insurance.) Covered Employers: All employers paying wages of at least $1,000 per year (N.J.S.A. § 43:21-27(a)).	• Birth. • Adoption. • Foster placement. • Engaging in activities related to self or family member being a victim of domestic or sexual violence. (N.J.S.A. §§ 43:21-39(b), 43:21-27(o).) COVID-19 Leave: Paid leave for: • Caring for family member with serious health condition, which includes being diagnosed with or exposed to a communicable disease. • Caring for a family member who has been ordered to isolate or quarantine by a healthcare provider or public health official. (S. 2304.)
New York	N.Y. Workers' Comp. Law §§ 200 to 239, as amended by A. 8419, (July 17, 2019) (Paid Family Leave Benefits Law), and expanded March 18, 2020 by S. 8091), and interpreted by implementing regulations (12 NYCRR §§ 380-2.1 to 380-10.2)	Covered Employees: With exceptions: • Full-time employees working at least 20 hours per week are eligible after 26 consecutive weeks of employment. • Part-time employees working less than 20 hours per week are eligible after 175 total days worked. (N.Y. Workers' Comp. Law § 203; 12 NYCRR §§ 355.2, 355.4, 380-2.5.) Covered Employers: All private employers (N.Y. Workers' Comp. Law § 202). COVID-19 Leave: • Employers with less than 10 employees and less than $1 million in net income must provide paid family leave to employees on application. • Employers with less than 10 employees and more than $1 million in net income, and employers with 11-99 employees must provide family leave benefits after paying 5 days of emergency paid sick leave. (S. 8091.)	Paid Family Leave: Maximum of 12 weeks as of January 1, 2021 for: • Birth. • Adoption. • Foster care placement. • Caring for family member with serious health condition. • Qualifying exigency related to spouse, domestic partner, child, or parent being on active duty. (N.Y. Workers' Comp. Law §§ 201(15), 204(2)(a); 12 NYCRR §§ 380-2.2 to 2.4.) Paid Medical Leave: Maximum of 26 weeks for employee's own disability (even if combined with paid family leave) (N.Y. Workers' Comp. Law § 205; 12 NYCRR § 380-2.5(f)). COVID-19 Leave: Paid leave is available after the use of any emergency paid sick leave benefits for the duration of a mandatory quarantine or isolation period for: • A state or health department order to isolate or quarantine due to COVID-19. • Caring for a dependent child due to mandatory school closure issued by the state or health department due to COVID-19. (S. 8091.)
Oregon	Or. Rev. Stat., 2019 Undesignated Enactments, Ch. 700, §§ 1 to 62a (H.B. 2005, 80th Leg. Assembly, Reg. Sess. (Or.	Covered Employees: Employees who have: • Earned at least $1,000 in wages during the base year or an alternative base year. • Paid into the Paid Family and Medical Leave Insurance Fund using wage deduction	Paid Family and Medical Leave: Beginning January 1, 2023, 12 weeks for: • Birth. • Adoption. • Foster care placement.

	2019)) (Paid Family and Medical Leave Insurance)	(Contributions are expected to begin January 1, 2022) (H.B. 2005, §§ 2(11), 3, 12). Covered Employers: All employers (H.B. 2005, §§ 2(14), 3).	• Employee's own serious health condition. • Caring for family member with serious health condition. • Certain purposes related to employee or employee's minor child or dependent experiencing domestic violence, harassment, sexual assault, or stalking. (H.B. 2005, §§ 2(17), 2(19), 2(21), 4.) Additional Leave: Additional 2 weeks due to limitations caused by pregnancy, child birth, or related medical condition, including lactation (H.B. 2005, § 4). Maximum Total Leave: Maximum of 18 weeks of paid and unpaid time if using unpaid leave under Oregon's Family Leave Act (Or. Rev. Stat. § 659A.159; H.B. 2005, § 4).
Rhode Island	R.I. Gen. Laws §§ 28-41-34, 28-41-35 (RI Temporary Caregiver Insurance (TCI) Program, as part of the Temporary Disability Insurance Program (TDI))	Covered Employees: Employees who have worked in Rhode Island and been paid either: • At least $12,600 during the base period (first 4 of last 5 quarters before claim). • At least $2,100 in one of the base period quarters, has total base period wages of at least 1.5 times the highest quarter earnings, and has total base period earnings of at least $4,200. (R.I. Gen. Laws § 28-41-11; RI DLT: UI and TDI Quick Reference (Eff. Jan. 1, 2021).) Covered Employers: All private sector employers. (R.I. Gen. Laws §§ 28-39-2 to 28-39-3.1.)	Paid Family Leave: Maximum of 4 weeks for: • Birth. • Adoption. • Foster care placement. • Caring for family member with serious health condition. (R.I. Gen. Laws § 28-41-35(d)(1).) Paid Medical Leave: Maximum of 30 weeks for employee's own disability (even if combined with care for family member or child) (R.I. Gen. Laws § 28-41-35(e)).
Washington	RCW Ch. 50A (RCW 50A.05.005 to RCW 50A.50.200), as amended by S.H.B. 1399, 2019 Wash. Legis. Serv. Ch. 13 (Paid Family and Medical Leave), and amended further by S.H.B. 2614, 2020 Wash. Legis. Serv. Ch. 125.	Covered Employees: Employees who have worked at least 820 hours in the first 4 of the last 5 quarters (RCW 50A.15.010). Covered Employers:All employers (RCW 50A.05.010(6)).	Paid Family Leave: 12 weeks for: • Birth. • Adoption. • Foster care placement. • Caring for family member with serious health condition. • Qualifying exigency related to family member on active duty. (RCW 50A.05.010(9), (20), 50A.15.020). Paid Medical Leave: 12 weeks for employee's own serious health condition (RCW 50A.05.010(14), 50A.15.020(3)(b)).

			Additional Leave: Additional 2 weeks for serious health condition that results in incapacity (RCW 50A.15.020(3)(b)). Maximum Total Leave: Maximum of 16 weeks combined medical and family leave per year (18 weeks if own serious health condition results in incapacity) (RCW 50A.15.020(3)(c)).

8030 HOLIDAYS

Private employers are generally free to formulate their own nondiscriminatory policies relating to holidays, holiday pay, and eligibility for holidays.

8040 JURY, WITNESS, VICTIM AND VOTING LEAVE

As with federal law, states prohibit employers from discriminating against employees for taking time off for jury duty. A few also require that the leave be paid. Some states also impose voting leave requirements and, in some circumstances, require that the leave be paid.

State	Jury Duty Leave	Witness Leave	Crime Victim Leave	Voting Leave
Alabama	Ala. Code § 12-16-8	No applicable statute.	Ala. Code § 15-23-81	Ala. Code § 17-1-5
Alaska	Alaska Stat. Ann. § 09.20.037	No applicable statute.	No applicable statute.	Alaska Stat. Ann. §§ 15.15.100 and 15.25.090
Arizona	A.R.S. § 21-236	No applicable statute.	A.R.S. §§ 8-420 and 13-4439	A.R.S. § 16-402
Arkansas	Ark. Code Ann. § 16-31-106	No applicable statute.	Ark. Code Ann. § 16-90-1105	Ark. Code Ann. § 7-1-102
California	Cal. Lab. Code § 230(a)	Cal. Lab. Code § 230(b)	Cal. Lab. Code §§ 230.2 and 230.5 (Crime Victim Leave for Judicial and Other Proceedings); Cal. Lab. Code §§ 230(c) and 230.1 (Victims of Crime or Abuse Leave); Cal. Lab. Code §§ 245 to 249 (Paid Sick Leave)	Cal. Elec. Code §§ 14000 to 14004
Colorado	Colo. Rev. Stat. Ann. § 13-71-134	No applicable statute.	Colo. Rev. Stat. Ann. § 24-34-402.7	Colo. Rev. Stat. Ann. §§ 1-7-102, 1-13-719, 31-10-603, and 31-10-1522
Connecticut	Conn. Gen. Stat. Ann. §§ 51-247 to 51-247c	Conn. Gen. Stat. Ann. § 54-85b	Conn. Gen. Stat. Ann. § 54-85b (Leave for Victims of Crime to Attend Court Proceeding); Conn. Gen. Stat. Ann. § 31-51ss (Leave of Victim of Family Violence)	No applicable statute.
Delaware	10 Del. C. § 4515	No applicable statute.	11 Del. C. § 9409	No applicable statute.

District of Columbia	D.C. Code §§ 11-1913 and 15-718	No applicable statute.	D.C. Code Ann. § 32-531.02 (b)(4)	No applicable statute.
Florida	Fla. Stat. § 40.271	Fla. Stat. § 92.57	Fla. Stat. § 741.313	No applicable statute.
Georgia	O.C.G.A. §§ 34-1-3 and 15-1-4	O.C.G.A. §§ 34-1-3 and 15-1-4	No applicable statute.	O.C.G.A. §§ 21-2-404, 21-2-598, and 21-2-599
Hawaii	HRS § 612-25	HRS § 621-10.5	HRS § 378-72	No applicable statute.
Idaho	Idaho Code § 2-218	No applicable statute.	No applicable statute.	No applicable statute.
Illinois	705 ILCS 305/4.1	725 ILCS 5/115-18	820 ILCS 180/1 to 180/999	10 ILCS 5/7-42 and 5/17-15
Indiana	Ind. Code §§ 33-28-5-24.3, 34-28-4-1, and 35-44.1-2-11	Ind. Code § 35-44.1-2-12	No applicable statute.	No applicable statute.
Iowa	Iowa Code Ann. § 607A.45	Iowa Code Ann. § 915.23	No applicable statute.	Iowa Code Ann. § 49.109
Kansas	K.S.A. 43-173	No applicable statute.	K.S.A. 44-1131 to 44-1133	K.S.A. 25-418
Kentucky	KRS 29A.160	KRS 337.415	No applicable statute.	KRS 118.035
Louisiana	La. R.S. 23:965	No applicable statute.	No applicable statute.	No applicable statute.
Maine	14 M.R.S.A. § 1218	No applicable statute.	26 M.R.S.A. § 850	No applicable statute.
Maryland	Md. Code Ann., Lab. & Empl. § 3-709, Cts. & Jud. Proc. §§ 8-501 and 8-502	No applicable statute.	No applicable statute.	Md. Elec. Law § 10-315
Massachusetts	M.G.L. c. 234A, §§ 48 to 49 and 60 to 61	M.G.L. c. 258B, § 3(l)	M.G.L. c. 258B, § 3(l) (to attend court); M.G.L. c. 149, § 52E (domestic violence leave)	M.G.L. c. 149, § 178
Michigan	MCL 600.1348	No applicable statute.	MCL 780.762 (Crime Victim Leave); MCL 408.961 to 408.974 (Paid Medical Leave)	No applicable statute.
Minnesota	Minn. Stat. Ann. § 593.50	Minn. Stat. Ann. § 611A.036	Minn. Stat. Ann. § 611A.036 (to attend criminal proceeding); Minn. Stat. Ann. §§ 609.748 and 518B.01 (to seek a harassment restraining order or an order of protection)	Minn. Stat. Ann. § 204C.04
Mississippi	Miss. Code Ann. § 13-5-35	No applicable statute.	No applicable statute.	No applicable statute.
Missouri	RSMo § 494.460	RSMo §§ 595.200 to 595.215	RSMo §§ 595.200 to 595.215	RSMo § 115.639
Montana	No applicable statute.	No applicable statute.	No applicable statute.	No applicable statute.

Nebraska	Neb. Rev. St. § 25-1640	No applicable statute.	No applicable statute.	Neb. Rev. St. § 32-922
Nevada	NRS 6.190	NRS 50.070	NRS 608.0198	NRS 293.463
New Hampshire	N.H. RSA § 500-A:14	No applicable statute.	N.H. RSA §§ 275:61 to 275:65	No applicable statute.
New Jersey	N.J.S.A. 2B:20-17	No applicable statute.	N.J.S.A. 34:11C-1 to 34:11C-5	No applicable statute.
New Mexico	NMSA 1978, § 38-5-18	No applicable statute.	NMSA 1978, §§ 50-4A-1 to 50-4A-8	NMSA 1978, § 1-12-42
New York	N.Y. Jud. Law § 519	No applicable statute.	N.Y. Penal Law § 215.14	N.Y. Elec. Law § 3-110
North Carolina	N.C.G.S. § 9-32	No applicable statute.	N.C.G.S. § 50B-5.5	No applicable statute.
North Dakota	N.D.C.C. § 27-09.1-17	N.D.C.C. § 27-09.1-17 N.D.C.C. § 34-01-20 (Public Investigation, Hearing, or Inquiry Leave)	No applicable statute.	N.D.C.C. § 16.1-01-02.1
Ohio	R.C. 2313.19	R.C. 2939.121, 2151.211, and 2945.451	R.C. 2930.18	R.C. 3599.06
Oklahoma	Okla. Stat. tit. 38, §§ 34 and 35	No applicable statute.	No applicable statute.	Okla. Stat. tit. 26, § 7-101
Oregon	Or. Rev. Stat. §§ 10.090 to 10.092	No applicable statute.	Or. Rev. Stat. §§ 659A.190 to 659A.198 (to attend a criminal proceeding); Or. Rev. Stat. §§ 659A.270 to 659A.290 (leave for victims of domestic violence, sexual assault, stalking, or harassment); Or. Rev. Stat. §§ 653.601 to 653.661 (Oregon sick leave)	No applicable statute.
Pennsylvania	42 Pa. C.S.A. § 4563	18 Pa. C.S.A. § 4957	18 Pa. C.S.A. § 4957	No applicable statute.
Rhode Island	R.I. Gen. Laws § 9-9-28	No applicable statute.	R.I. Gen. Laws §§ 12-28-1 to 12-28-13	No applicable statute.
South Carolina	S.C. Code Ann. § 41-1-70	S.C. Code Ann. § 41-1-70	No applicable statute.	No applicable statute.
South Dakota	SDCL 16-13-41.1 and 16-13-41.2	No applicable statute.	No applicable statute.	SDCL 12-3-5
Tennessee	T.C.A. § 22-4-106	No applicable statute.	No applicable statute.	T.C.A. § 2-1-106
Texas	Tex. Civ. Prac. & Rem. Code Ann. §§ 122.001 to 122.003	Tex. Lab. Code Ann. § 52.051	No applicable statute.	Tex. Elec. Code Ann. § 276.004

Utah	Utah Code § 78B-1-116	Utah Code § 78B-1-132	No applicable statute.	Utah Code § 20A-3a-105
Vermont	21 V.S.A. § 499	21 V.S.A. § 499	21 V.S.A. § 472c	No applicable statute.
Virginia	Va. Code Ann. § 18.2-465.1	Va. Code Ann. § 18.2-465.1	Va. Code Ann. § 40.1-28.7:2	Va. Code Ann. § 24.2-119.1
Washington	RCW 2.36.165	No applicable statute.	RCW 49.76.010 to 49.76.900; RCW 49.46.200 to 49.46.210 (Paid Sick Leave)	No applicable statute.
West Virginia	W. Va. Code §§ 52-3-1 and 61-5-25a	No applicable statute.	No applicable statute.	W. Va. Code §§ 3-1-42 and 3-9-20
Wisconsin	Wis. Stat. § 756.255	Wis. Stat. § 103.87	No applicable statute.	Wis. Stat. § 6.76
Wyoming	No applicable statute.	No applicable statute.	No applicable statute.	Wyo. Stat. Ann. § 22-2-111

8050 MILITARY LEAVE

Most states do not impose private sector military leave requirements that exceed federal legislation. However, military leave laws are complex, and employers may want to seek help in addressing this issue. Some states now require leave for family members to spend time with relatives on military leave.

State	Military Leave	Military Family Leave
Alabama	Military Leave: Ala. Code § 31-2-13 (All Alabama employers)	No applicable statute.
Alaska	Military Leave: Alaska Stat. Ann. § 26.05.075 (All Alaska employers)	No applicable statute.
Arizona	National Guard Leave: A.R.S. §§ 26-167 and 26-168 (All employers)	No applicable statute.
Arkansas	Military Leave and Re-Employment Rights: Ark. Code Ann. § 12-62-413 (All private employers with five or more employees in the state in 20 or more calendar weeks in the current or previous year)	No applicable statute.
California	Military Leave: Cal. Mil. & Vet. Code §§ 394(a), (d) and 394.5 (All employers) Civil Air Patrol Leave: Cal. Lab. Code §§ 1500 to 1507 (All California employers with more than 15 employees)	Military Spouse Leave: Cal Mil & VetCode, Sec. 395.10 (Employers with 25 or more employees)
Colorado	Military Leave: Colo. Rev. Stat. Ann. §§ 28-3-609 to 28-3-611 (All employers) Colorado Civil Air Patrol Mission Leave: Colo. Rev. Stat. Ann. §§ 28-1-105 and 28-1-106 (All employers)	No applicable statute.
Connecticut	Military and National Guard Leave: Conn. Gen. Stat. Ann. § 27-33a (All Connecticut employers)	Connecticut Family and Medical Leave Act: Conn. Gen. Stat. Ann. §§ 31-51kk to 31-51rr (Employers with 75 or more employees within the state)

Delaware	Military Service Leave: 20 Del. C. § 905 (All employers in Delaware)	No applicable statute.
District of Columbia	No applicable statute.	No applicable statute.
Florida	Military Leave: §§ 250.481 and 250.482, Fla. Stat.(All employers) Civil Air Patrol Leave: § 252.55, Fla. Stat. (All Florida employers with at least 15 employees)	No applicable statute.
Georgia	Military Leave: O.C.G.A. § 38-2-280 (All employers)	No applicable statute.
Hawaii	National Guard Leave: HRS §§ 121-43 and 378-2 (All Hawaii employers with one or more employees)	No applicable statute.
Idaho	National Guard and Reservists Training Leave: Idaho Code § 46-224 (All Idaho employers)	No applicable statute.
Illinois	Illinois Service Member Employment and Reemployment Rights Act: 330 ILCS 61/1-1 to 61/40-5 (All employers) Civil Air Patrol Leave Act: 820 ILCS 148/1 to 148/35 (All Illinois employers with 15 or more employees)	Family Military Leave Act: 820 ILCS 151/1 to 151/99 (Employers with 15 or more employees)
Indiana	Military Leave: Ind. Code § 10-16-7-6 (All employers) Leave of Absence for Military Training: Ind. Code §§ 10-17-4-1 to 10-17-4-5 (All employers) Civil Air Patrol Leave: Ind. Code §§ 10-16-19-1 to 10-16-19-2 (All employers)	Indiana Military Family Leave Law: Ind. Code §§ 22-2-13-1 to 22-2-13-16 (All private employers with at least 50 employees for each working day during at least 20 calendar work weeks)
Iowa	Armed Forces Leave: Iowa Code Ann. § 29A.43 (All employers)	No applicable statute.
Kansas	Military Leave: K.S.A. 48-517, 48-222, and 44-1125 to 44-1128 (All employers and their successors in interest)	
Kentucky	Military Leave: KRS 38.238, 38.250, and 38.460 (All employers)	No applicable statute.
Louisiana	Military Service Relief Act: La. R.S. 29:401 to 29:426 (All employers)	No applicable statute.
Maine	Military Leave Law: 26 M.R.S.A. §§ 811 to 813 (All employers) Leave for Appointments for Veterans: 26 M.R.S.A. § 638 (All employers)	Maine Family and Medical Leave Law: 26 M.R.S.A. §§ 843 to 848 (Employers with 15 or more employees at one location in Maine) Family Military Leave Law: 26 M.R.S.A. § 814 (All employers with at least 15 employees)
Maryland	Civil Air Patrol Leave Act: Md. Code Ann., Lab. & Empl. §§ 3-1001 to 3-1008 (All employers with more than 15 employees)	Deployment Leave Act: Md. Code Ann., Lab. & Empl. § 3-803 (All private employers with 50 or more employees)

Massachusetts	Military Leave: M.G.L. c. 33, § 13 (All Massachusetts employers) Veterans Day and Memorial Day Leave: M.G.L. c. 149, § 52A ½ (All Massachusetts employers)	Paid Family and Medical Leave: M.G.L. c. 175M, §§ 1 to 11 (All Massachusetts employers)
Michigan	Military Service Leave: MCL 32.271 to 32.274 (All Michigan employers)	No applicable statute.
Minnesota	Military Service Leave: Minn. Stat. Ann. §§ 192.26, 192.261, and 192.34 (All employers) Civil Air Patrol Service Leave: Minn. Stat. Ann. § 181.946 (Employers with 20 or more employees on at least one site)	Military Injury or Casualty Leave: Minn. Stat. Ann. § 181.947 (Employers with one or more employees)
Mississippi	Military Leave: Miss. Code Ann. § 33-1-19 (All employers)	No applicable statute.
Missouri	Missouri United States Coast Guard Auxiliary Leave: § 41.1005, RSMo (Employers with 50 or more employees) Missouri Civil Air Patrol Leave: § 41.1000, RSMo (Missouri employers with 50 or more employees)	No applicable statute.
Montana	Militia Leave of Absence: Mont. Code Ann. §§ 10-1-1006 to 10-1-1007 and 10-1-1015 to 10-1-1022 (All Montana employers)	No applicable statute.
Nebraska	Military Leave of Absence: Neb. Rev. St. §§ 55-160 to 55-166 (All Nebraska employers)	Family Military Leave Act: Neb. Rev. St. §§ 55-501 to 55-507 (All employers with at least 15 employees).
Nevada	Military Leave: NRS 412.139 and 412.1395 (All Nevada employers)	No applicable statute.
New Hampshire	National Guard and Active Duty Leave: N.H. Rev. Stat. Ann. § 110-C:1 (All employers)	No applicable statute.
New Jersey	New Jersey Soldiers' and Sailors' Civil Relief Act: N.J.S.A. §38:23C-1 to 38:23C-26 (All New Jersey employers)	No applicable statute.
New Mexico	Military Leave: NMSA 1978, §§ 28-15-1 to 28-15-3 (All employers in Mexico) State Defense Force Anti-Discrimination: NMSA 1978, § 20-5-13 (All employers)	No applicable statute.
New York	Military Service Leave: N.Y. Mil. Law § 317 (All employers)	Military Spouse Leave: N.Y. Lab. Law § 202-I (Employers with 20 or more employees)
North Carolina	Military Leave: N.C.G.S. §§ 127A-201 to 127A-203, 127B-14, and 127B-15 (All employers in North Carolina)	No applicable statute.
North Dakota	No applicable statute.	No applicable statute.

Ohio	No applicable statute.	Military Family Leave: R.C. 5906.01 to 5906.99 (Employers with 50 or more employees)
Oklahoma	Military Leave: Okla. Stat. tit. 72, §§ 47 and 48.1 (All employers)	No applicable statute.
Oregon	Oregon Uniformed Service Leave: Or. Rev. Stat. § 659A.082 (All employers) State Militia Leave: Or. Rev. Stat. § 659A.086 (All employers) Leave for Veterans on Veterans Day: Or. Rev. Stat. § 408.495 (All Oregon employers)	Oregon Military Family Leave: Or. Rev. Stat. §§ 659A.090 to 659A.099 (Employers with at least 25 employees in Oregon)
Pennsylvania	Military Leave: 51 Pa. C.S.A. §§ 103 and 7301 to 7319 (All Pennsylvania employers)	No applicable statute.
Rhode Island	Rhode Island Employment Rights of Members of Armed Forces Act: R.I. Gen. Laws §§ 30-11-1 to 30-11-9 (All employers in Rhode Island)	Rhode Island Military Family Relief Act: R.I. Gen. Laws §§ 30-33-1 to 30-33-6 (All employers doing business in Rhode Island)
South Carolina	Reemployment After Service in the South Carolina National Guard or State Guard: S.C. Code Ann. §§ 25-1-2310 to 25-1-2340 (All employers in South Carolina)	No applicable statute.
South Dakota	No applicable statute.	No applicable statute.
Tennessee	Military Service Leave: Tenn. Code Ann. § 8-33-110 (All employers) Civil Air Patrol Leave: Tenn. Code Ann. § 42-7-102 (All employers)	No applicable statute.
Texas	Military Leave: Tex. Gov't Code Ann. §§ 437.202 to 437.204 (Employers with 15 or more employees for each working day, in each of 20 or more calendar weeks in the current or preceding year).	No applicable statute.
Utah	Military Leave: Utah Code § 39-1-36 (All Utah employers)	No applicable statute.
Vermont	Military Reserve and National Guard Members' Leave: 21 V.S.A. §§ 491 to 493 (All employers in Vermont)	No applicable statute.
Virginia	Military Leave: Va. Code Ann. §§ 44-93 to 44-93.5 (All employers)	No applicable statute.
Washington	Military Leave and Reemployment: RCW 73.16.005 to 73.16.900 (All employers in Washington)	Leave for Spouses of Deployed Military Personnel: RCW 49.77.010 to 49.77.900 (All employers engaging in any business, industry, profession, or activity in Washington)
West Virginia	No applicable statute.	No applicable statute.
Wisconsin	Military Service Leave: Wis. Stat. §§ 321.64 to 321.65 (All Wisconsin employers)	No applicable statute.

	Civil Air Patrol Service Leave: Wis. Stat. § 321.66 (All Wisconsin employers with at least 11 permanent employees)	
Wyoming	Military Service Relief Act: Wyo. Stat. Ann. §§ 19-11-101 to 19-11-125 (All Wyoming employers)	No applicable statute.

8068 SCHOOL/VOLUNTEER LEAVE

Some states have enacted legislation requiring employers to grant time off for employees to attend school-related activities or participate in volunteer programs. Employers should research their state's legal requirements with reference to this area.

8070 SICK LEAVE

States generally do not address sick leave issues, allowing employers to implement their own sick leave programs as long as such programs are nondiscriminatory. However, the number of states that do require paid sick leave or who are considering this is increasing. Some states impose restrictions on employers who provide such leave (e.g., requiring employers to permit an employee to use sick leave for a sick child or spouse). Additionally, some states have laws regarding maternity leave that go beyond the federal law, and laws that require leave for domestic violence situations.

Below is a list of states with paid sick leave laws:

State	Paid Sick Leave Law	Coverage	Amount and Permitted Uses
Arizona	Ariz. Rev. Stat. Tit. 23, ch. 2, Art. 8.1 (A.R.S. §§ 23-371 to 23-381) and A.R.S. § 23-364 (as amended) (Fair Wages and Healthy Families Act (Proposition 206)), with final rules published in the Arizona Administrative Register (Vol. 23, Issue 42, p. 2896) on October 20, 2017, and effective Jan. 1, 2018	**Covered Employers:** Any corporation, proprietorship, partnership, joint venture, limited liability company, trust, association, political subdivision of the state (such as municipalities and school districts), individual, or other entity acting directly or indirectly in the interest of an employer regarding an employee, except federal and state employees. **Eligible Employees:** Any person employed by an employer, including recipients of public benefits who are required to work as a condition of receiving public assistance, but not including: • Those working for a parent or a sibling. • Babysitters.	**Leave Amount and Accrual:** Employees accrue 1 hour of leave for every 30 hours worked, with the following accrual caps based on employer size (including full-time, part-time, and temporary employees): • 15+ employees: Leave accrual capped at 40 hours per year. • 1-14 employees: Leave accrual capped at 24 hours per year. Leave generally accrues on the later of employee's hire date or July 1, 2017. Employers may frontload the annual leave entitlement at the beginning of each year. **Permitted Uses:** Paid leave can be used for: • Diagnosis, care, or treatment of mental or physical illness, injury, or health condition, or preventive medical care, of an employee or employee's family member (defined by the statute) • For specified purposes related to the employee's or employee's family member's domestic or sexual violence, abuse or stalking • Closure of employee's place of business, closure of a child's school or place of care by order of a public official for any health-related reason

California	Cal. Lab. Code §§ 245 to 249 and 2810.5 (Healthy Workplaces, Healthy Families Act of 2014), as amended by A.B. 304 (2015), and S.B. 3 (2016), and A.B. 2017 (2020) (amending Cal. Lab. Code § 233) (kin care amendment)	**Covered Employers:** Any person, including the state, its political subdivisions, and municipalities, that employs at least one employee who works in California at least 30 days within a year for an employer. **Eligible Employees:** Employees not covered by one of the exemptions and have worked for the same employer for at least 30 days within a year from the commencement of employment, including part-time, temporary, seasonal, per diem, and exempt employees.	**Leave Amount and Accrual:** Employers must do one of the following: • Provide a front-loaded annual grant of 24 hours or 3 days of paid leave at the beginning of each year or 12-month period. ○ For employees who regularly work more than 8 hours a day, they must receive 3 times their regular number of daily work hours at the beginning of the year, so an employee working 10-hour shifts must receive 30 hours (see California DLSE Opinion Letter, August 7, 2015). • Allow employees to accrue 1 hour of paid leave for every 30 hours worked. Leave accrues beginning on the later of July 1, 2015 or the employee's first day of employment. Accrual may be capped at 48 hours or 6 days. Accrual may be capped at 48 hours or 6 days. • Provide sick leave that accrues on a regular basis other than 1 hour of leave for every 30 hours worked, so that employees have no less than 24 hours of accrued leave by either the 120th calendar day of employment or in each 12-month period. **Permitted Uses:** Employees may use leave for: • Diagnosis, care, or treatment of an existing health condition of, or preventive care for, an employee or employee's family member (defined by the statute) • Specified purposes if the employee is a victim of domestic violence, sexual assault, or stalking
	Supplemental Paid Sick Leave (Retroactive from Jan. 1, 2021): SB 95 (codified in Cal. Lab. Code § 248.2).	**Covered Employers:** Law covers all employers with more than 25 employees. **Eligible Employees:** Employees employed by an employer (public or private) with more than 25 employees.	**Leave Amount and Accrual:** Full-time employees are entitled to up to 80 hours of paid leave, with pro-rated calculations specified for part-time employees (number of hours scheduled over 2-week schedule) or those with variable work schedules. **Permitted Uses:** Covered employees are entitled to COVID-19 supplemental paid sick leave if they are unable to work or telework because they are: • Quarantining or isolating per state or local public health authority guidelines or health care provider recommendation. • Experiencing COVID-19 symptoms and seeking a medical diagnosis. • Attending a COVID-19 vaccination appointment. • Experiencing symptoms related to a COVID-19 vaccine. • Caring for a family member in quarantine or isolation.

			• Caring for a child whose school or place of care is closed for COVID-19-related reasons on or after Jan. 1, 2021
Colorado	Colorado: (Paid Sick, Public Health Emergency, and COVID-19-Related Leave): Colo. Rev. Stat. Ann. §§ 8-13.3-401 to 418 (Colorado Healthy Family and Workplaces Act), and implementing Wage Protection Rules (7 Colo. Code Regs. § 1103-7) (effective Apr. 14, 2021) and Health Emergency Leave with Pay (HELP) Rules (7 Colo. Code Regs. § 1103-10:6.1) (effective Mar. 11, 2020).	**Covered Employers:** With limited exemptions, all private employers (as defined under the FLSA). Paid sick leave and public health emergency provisions are effective: • On January 1, 2021 for employers with 16 or more employees. • On January 1, 2022 for all other employers **Eligible Employees:** With limited exceptions, all "employees" as defined under either Colo. Rev. Stat. Ann. § 8-4-101(5), including private and public sector employees.	**Leave Amount and Accrual:** Employees accrue 1 hour of paid sick leave (PSL) for every 30 hours worked, up to 48 hour annual cap. Employers may frontload the full amount PSL entitlement at the beginning of the year. Leave accrues beginning on first day of employment with no waiting period. In the event of a public health emergency (PHE), employers must supplement PSL so that full-time employees can take up to 80 hours of leave (which can include unused PSL), beginning January 1, 2021 or 2022 depending on employer size. Part-time employees are entitled to supplemental leave calculated as the greater of the number of hours the employee is scheduled for work or paid leave in the 14-day period after the leave request or actually worked in the 14-day period before the PHE declaration or the leave request, whichever is later. Employees hired during a PHE are entitled to PHE supplemental leave. **Permitted Uses:** Employees may use up to 48 hours of PSL for: • Care for a physical or mental illness, injury or health condition, or medical diagnosis, care, or preventive medical care, of an employee or employee's family member (defined by the statute) • Specified purposes if employee or family member is a victim of domestic abuse, sexual assault, or harassment • Closure of an employee's place of business or a child's school or place of care due to a public health emergency On the declaration of a public health emergency until 4 weeks after it ends, employees may use supplemental PHE leave (up to 80 hours, which may include unused PSL) for specified reasons related to the PHE.
Connecticut	Conn. Gen. Stat. Ann. §§ 31-57r to 31-57w, as amended by Conn. Publ. Act No. 14-128) (Connecticut Paid Sick Leave Law)	**Covered Employers**: With certain exemptions (manufacturers, nationally chartered non-profit organizations providing recreation, childcare, and education services), entities with 50 or more employees in the state in any one quarter in the	**Leave Amount and Accrual:** Employees accrue 1 hour of paid leave for every 40 hours of service capped at 40 hours per benefit year. Leave begins to accrue on the later of Jan. 1, 2012, or employee's date of employment. **Permitted Uses:** Leave may be used for: • Diagnosis, care, or treatment of the mental or physical illness, injury, or

		previous year, as determined by the number of employees on payroll for the week containing Oct. 1. **Eligible Employees:** Service workers in job classifications defined by statute paid on an hourly basis or otherwise nonexempt under the FLSA, but not including day or temporary workers.	health condition of, or preventive medical care for, an employee or employee's spouse or child (defined by the statute) • Specified purposes if the employee is a victim of family violence or sexual assault.
District of Columbia	D.C. Code §§ 32-531.01 to 531.16 (Accrued and Sick Safe Leave Act of 2008), as amended by D.C. Law 20-89 (Act 20-259) (Earned Sick and Safe Leave Amendment Act of 2013), and as further amended by D.C. Law 21-160, § 7026	**Covered Employers**: Any legal entity that directly or indirectly employs or exercises control over the terms and conditions of employment of an employee, temporary services or staffing agencies, and the District government. **Eligible Employees:** Any individual employed by an employer, including tipped restaurant and bar employees, subject to the statutory exemptions.	**Leave Amount and Accrual:** Paid leave accrues as follows: • 100+ employees: 1 hour for every 37 hours worked (capped at 7 days per year). • 25-99 employees: 1 hour for every 43 hours worked (capped at 5 days per year). • 1-24 employees: 1 hour for every 87 hours worked (capped at 3 days per year). • Tipped employees: Tipped restaurant and bar employees accrue 1 hour for every 43 hours worked (capped at 5 days per year), regardless of employer size. Leave accrues at beginning of employment. **Permitted Uses:** Leave may be used for: • Care for a physical or mental illness, injury or medical condition, or professional medical diagnosis, care, or preventive care of same, of an employee or employee's family member (defined by the statute) • Specified purposes if employee or family member is a victim of stalking, domestic violence, or sexual abuse.
Georgia	O.C.G.A. § 34-1-10 (S.B. 201 (2017)) (commonly referred to as "Kin Care Law"), as amended by S.B. 408 (passed on June 29, 2020) (extending sunset provision to July 1, 2023)	**Covered Employers:** Any individual or entity that employs 25 or more employees, except employer that offers their employees an employee stock ownership plan. **Eligible Employees:** Employees working for salary, wages, or other compensation for a covered employer at least 30 hours per week.	**Leave Amount and Accrual:** Employees can use up to 5 days sick leave to care for an immediate family member. Employers are not required to provide paid sick leave under this Act if they do not already do so. **Permitted Uses:** Employees can use paid sick leave (which does not include paid short-term or long-term disability) to care for an immediate family member.
Illinois	820 ILCS 191/1 to 191/99 (Employee	**Covered Employers:** Subject to certain exemptions, all Illinois	**Leave Amount and Accrual:** Employees can use personal sick leave benefits for reasonable periods of time for family sick

	Sick Leave Act or ESLA)	employers that provide paid personal sick leave benefits to their employees, except as provided in the amendment. **Eligible Employees:** Employees working for covered employers that provide their employees with paid sick leave benefits.	leave purposes. Employees are not entitled to accrue any specific amount of leave under this law. **Permitted Uses:** Employees can use personal sick leave benefits already provided for absences due to the illness, injury, or medical appointment of specified family members of the employee on the same terms as employees can use personal sick leave under the employer's policies, subject to some limitations.
Maine	26 M.R.S.A. § 637 (S.P. 110 - L.D. 369) (Earned Paid Leave) and implementing regulations (12-170 Code Me. R. Ch. X, §§ I-VI)	**Covered Employers:** With certain exemptions, employers with 10 or more employed during the regular course of business for 120 days during any calendar year. **Eligible Employees:** Any person engaged in employment (as defined in 26 M.R.S.A. § 1043(11)) for a covered employer, including part-time and per diem, and including work performed in and out of the state that is localized within the state, but not including employment in a seasonal industry.	**Leave Amount and Accrual:** Employees accrue 1 hour of leave for every 40 hours worked, which may be capped at 40 hours per year of employment. Generally, leave accrues on the later of employee's hire date or January 1, 2021. **Permitted Uses:** Earned leave may be used for any reason and is not limited to sick leave.
Maryland	Md. Code Ann., Lab. & Empl. §§ 2-106(b), 3-103(k), 3-1301 to 3-1311 (Healthy Working Families Act)	**Covered Employers**: All employers with employees whose primary work location is in Maryland (even if the employer is located elsewhere), including any person that acts directly or indirectly in the interest of another employer with an employee. **Eligible Employees:** All employees except: • Employees in the construction industry (as defined) and covered by a CBA that clearly waives rights under the Act. • Individuals who are called to work on an as-needed basis in a health or human services industry, can reject or accept the shift offered, are not guaranteed to be	**Leave Amount and Accrual:** Employees accrue 1 hour of leave for every 30 hours worked as follows: • 15+ employees: Leave is paid. • 1-14 employees: Leave is unpaid. All employees are counted, even if not eligible for leave under the Act. Leave begins to accrue on the earlier of Feb. 1, 2018 or the first day of employment. Employers can cap: • Earned leave at 40 hours per year. • Usage at 64 hours per year. • Total accruals at 64 hours at any time. Employers may award leave as accrued or frontload leave at the beginning of each calendar year. Employers can prohibit accrual during a: • 2-week pay period when the employee worked fewer than 24 hours total. • 1-week pay period if the employee worked fewer than 24 hours in the current and previous pay period.

		called on to work for the employer, and are not employed by a temporary staffing agency. • Individuals who regularly work 12 hours a week or less for an employer. • Individuals who are independent contractors. • Individuals who are under 18 years old. • Certain licensed commissioned real estate salespeople and brokers. • Certain agricultural employees. • Certain temp services or agency employees.	• Pay period when the employee is paid twice a month and worked fewer than 26 hours in the pay period. **Permitted Uses:** Leave may be used for the: • Care or treatment of a mental or physical illness, injury, or condition of, or preventive medical care for, an employee or employee's family member (defined by the statute). • Maternity or paternity leave. • Specified reasons due to domestic violence, sexual assault, or stalking committed against the employee or employee's family member, including the time when employee has temporarily relocated because of these events.
Massachusetts	M.G.L. c. 149, §§ 148C to 148D (Earned Sick Time Law), and 940 Mass. Code Regs. 33.01 to 33.11 (implementing regulations)	**Covered Employers:** Any individual or public or private entity that engages the services of an employee for wages or other compensation, except the US government. **Eligible Employees**: Any person who performs services in Massachusetts for an employer for wages or other compensation, and whose primary place of work is in Massachusetts, regardless of where the employer is located, except as excluded by statute	**Leave Amount and Accrual:** Employees accrue 1 hour of leave for every 30 hours worked, including overtime hours for nonexempt employees, subject to the following limitations based on employer size calculated based on all of an employer's employees, including part-time, seasonal, and temporary workers, and regardless of where employees are located: • 11+ employees: Employees earn and can use paid sick time capped at 40 hours per calendar year, defined as any 12-month period designated by the employer. • 1-10 employees: Employees earn and can use unpaid sick time capped at 40 hours per calendar year. Employers can cap accrual at 40 hours per calendar year and can delay accrual of additional leave until the employee draws down on the leave bank below 40 hours. Leave accrues on the later of employee's hire date or July 1, 2015. **Permitted Uses:** Leave may be used to: • Care for physical or mental illness, injury, or medical condition of the employee or specified family members of the employee who requires home care, professional medical diagnosis or care, or preventive medical care. • Attend routine medical appointments for employee or employee's child, spouse, parent, or parent of a spouse. • Address psychological, physical, or legal effects of domestic violence against an employee or employee's dependent child.

Michigan	MCL 408.961 to 408.974, ballot initiative adopted by lawmakers on Sept. 5, 2018 (Earned Sick Time Act), as amended by Public Act 369 of 2018 adopted Dec. 4, 2018 and filed with Sec'y of State on Dec. 14, 2018 (Paid Medical Leave Act)	**Covered Employers:** Employers with 50 or more employees. **Eligible Employees:** Individuals engaged in service to an employer, except: • Independent contractors. • FLSA exempt employees. • Individuals covered by a CBA but not employed by a public agency. • US, state, and local government employees. • Employees covered by the RLA or RUIA, including air carrier flight deck and cabin crew members. • Employees whose primary work location is not in Michigan. • Variable hour employees. • Seasonal employees who work and are scheduled to work 25 weeks or fewer in a calendar year. • Part-time employees who worked less than 25 hours per week the preceding calendar year. • Workers whose wages are set under the Improved Workforce Opportunity Wage Act. • Certain temp firm workers defined in MCL 421.29(l).	**Leave Amount and Accrual:** 1 hour of paid leave for every 35 hours worked. Accrual can be capped at 1 hour per week and 40 hours in a benefit year. Leave accrues beginning on later of March 29, 2019 or beginning of employment. **Permitted Uses:** Leave may be used for the: • Mental or physical illness, injury, or health condition, medical diagnosis, care, or treatment of a mental or physical illness, injury, or health condition of, or preventive medical care for an employee or employee's family member (defined by the statute). • Specified purposes if employee or family member is a victim of domestic violence or sexual assault. • Closure of employee's place of business or a child's school or place of care due to a public health emergency, or when health authorities determine that employee's or employee's family member's presence would jeopardize others' health because of exposure to communicable disease.
Nevada	S.B. 312, amending NRS Ch. 608, as interpreted by Labor Commissioner Advisory Opinion (AO 2019-02, Oct. 4, 2019)	**Covered Employers:** With certain exemptions (including employers in the first two years of operation and employers that provide at least the minimum leave required under the law), private sector employers with 50 or more employees in Nevada in 20 or more consecutive or nonconsecutive workweeks in the current or preceding calendar year. The Advisory Opinion clarifies that the	**Leave Amount and Accrual:** Employers must provide at least 0.01923 hours of paid leave for every hour worked (approximately 40 hours for employee who works 40 hours per week). Alternatively, employers may frontload anticipated leave on the first day of the benefit year. No cap is stated for accrual (but can cap use and carryover). **Permitted Uses**: Earned leave may be used for any reason and is not limited to sick leave. Employees can use leave without providing a reason for use to the employer.

		50-employee count includes part-time, but not seasonal, temporary, or on-call employees. **Eligible Employees:** Private sector employees working for a covered employer, including part-time employees, but not including seasonal employees, temporary employees, and on-call employees.	
New Jersey	P.L. 1966, c. 113 (C.34:11-56a) (Bill No. A1827), N.J.S.A. 34:11D–1 to 34:11D-13 (New Jersey Paid Sick Leave Act), and final implementing regulations (N.J.A.C. 12:69-1.1 to 12:69-3.7) as amended by S.2304 (epidemic emergency leave, not limited to COVID-19)	**Covered Employers:** Any person, firm, business, educational institution, nonprofit agency, corporation, limited liability company, or other entity that employs employees in the State, including a temporary help service firm. **Eligible Employees:** Subject to limited exceptions, individuals engaged in service to an employer in the employer's business for compensation working in NJ, including telecommuters who routinely perform some work in NJ and whose base of operations is in or work is directed and controlled from a location in NJ.	**Leave Amount and Accrual**: Employees accrue 1 hour of paid leave for every 30 hours worked (not just hours worked in NJ), with accrual, use, and carryover capped at 40 hours per benefit year. Alternatively, employers can frontload the full amount of annual leave at the beginning of each benefit year. Leave accrues on later of October 29, 2018 (except for non-construction employees covered by a collective bargaining agreement, for whom the act is only effective after their collective bargaining agreement expires) or the first day of employment, unless the employee has accrued earned sick leave before the effective date. **Permitted Uses:** Leave may be used for the: • Diagnosis, care, or treatment or, or recovery from, a mental or physical illness, injury, or other adverse health condition or preventive medical care for an employee or employee's family member (defined by statute). • For specified purposes if the employee or employee's family member is a victim of domestic or sexual violence. • Closure of employee's place of business, a child's school or place of care, or need to care for a family member due to a public health emergency (or, as amended, due to the Governor's declaration of a state of emergency). • Attendance at a school-related conference, meeting, function, or other event requested or required by a school administrator, teacher, or other professional staff member responsible for the employee's child's education, or a meeting regarding care provided to the child regarding the child's health conditions or disability. • During epidemic-related emergencies for:

			○ A determination that the employee's presence in the community, or family member needing the employee's care, jeopardizes other's health. ○ An employee under isolation or quarantine, or caring for a family member in quarantine, due to suspected exposure to a communicable disease and a finding that the presence in the community of the employee or family member jeopardizes other's health.
New Mexico	Healthy Workplaces Act (HWA) (H.B. 20) (effective July 1, 2022)	**Covered Employers:** Any person, partnership, association, corporation, business trust, legal representative, or any organized group of persons employing one or more employees at any one time, acting in the interest of an employer in relation to an employee. **Eligible Employees**: With limited exceptions, all employees, including part-time, seasonal, and temporary employees, but not employees:	**Leave Amount and Accrual:** Employees accrue 1 hour of leave for every 30 hours worked, up to a total of 64 hours per benefit year. Leave begins to accrue on the later of the HWA's effective date or the first day employment. Employers may award leave as accrued, at a higher rate of accrual than required, or frontload 64 hours of leave at the beginning of each calendar year (or a prorated amount for mid-year new hires). **Permitted Uses:** Leave may be used for: • A mental or physical illness, injury, or health condition of, or medical diagnosis, care, preventive care, or treatment for an employee or employee's family member (defined by the statute) • Meetings at the employee's child's school or place of care related to the child's health or disability • Specified reasons due to domestic abuse, sexual assault, or stalking regarding the employee or employee's family member
New York	N.Y. Lab. Law § 196-b (added by A. 9506)	**Covered Employers:** All employers. **Eligible Employees:** All employees.	**Leave Amount and Accrual:** Employees accrue 1 hour of leave for every 30 hours worked based on the number of employees in any calendar year as follows: • 1-4 employees: Up to 40 hours of unpaid leave, unless employer had net income of more than $1 million in prior tax year, then leave is paid. • 5-99 employees: Up to 40 hours of paid leave. • 100+ employees: Up to 56 hours of paid leave. Leave begins to accrue on the later of the beginning of employment or effective date of the law. Employers may award leave as accrued or frontload leave at the beginning of each calendar year but cannot reduce frontloaded leave if employees reduce their hours worked.

			Permitted Uses: Leave may be used for: • A mental or physical illness, injury, or health condition of, or diagnosis, care, preventive care, or treatment for, an employee or employee's family member (defined by the statute) • Specified reasons due to domestic violence, a family offense, sexual offense, stalking, or human trafficking regarding the employee or employee's family member
	Emergency COVID-19 Leave (S. 8091) (see NYS: COVID-19 Paid Leave Guidance for Employers), as modified by E.O. 202.45, and interpreted further by NYSDOL Guidance on Use of COVID-19 Sick Leave (Jan. 20, 2021)	**Covered Employers:** All employers. **Eligible Employees:** All employees	**Leave Amount and Accrual:** Leave available only to the extent it is greater than federal benefits available under the Family First Coronavirus Response Act. Employees are entitled to leave based on employer size and revenue as follows: • 1-10 employees (annual net income less than $1 million): Unpaid leave until the quarantine order ends, plus the ability to qualify immediately for paid family leave and temporary disability benefits, plus full job protection. • 1-4 employees (annual net income more than $1 million), and 5-99 employees: at least 5 days of paid sick leave plus unpaid leave until the quarantine order ends, plus eligibility for family leave benefits after end of paid leave. • 100+ employees and public employers (as defined): at least 14 days of paid sick leave. However, no paid leave is available if quarantine is required because of employee's return from travel (not work-related): • To a country with CDC Level 2 or 3 health warnings if the employee was given notice of the warnings. • After June 25, 2020 to a state with a positive test rate higher than 10 per 100,000 residents, or higher than a 10% test positivity rate, over a 7 day rolling average, and which the Dept of Health designated as meeting these conditions in E.O. 205. Employee can use other accrued paid leave or take unpaid leave for duration of quarantine. **Permitted Uses:** Leave may be used for an employee who is subject to a mandatory or precautionary quarantine order related to COVID-19, but not if an employee is: • Asymptomatic or has not yet been diagnosed with any medical condition. • Physically able to work remotely. Employees subject to a quarantine order or caring for a child subject to a quarantine

			order may be eligible for paid family leave benefits. Per NYSDOL Jan. 2021 guidance, employees may be entitled to leave for a second or third quarantine order based on a positive COVID-19 test. Leave is also available when an employer mandates that an employee who is not otherwise subject to a quarantine order to remain out of work due to exposure or potential exposure to COVID-19, even if not from the workplace, until the employee can return to work or becomes subject to a quarantine order.
	COVID-19 Vaccination Leave (A. 3354B), adding N.Y. Civ. Serv. Law § 159-C and N.Y. Lab. Law § 196-C, as interpreted by NYSDOL FAQs on Paid Leave for COVID-19 Vaccinations (effective from March 12, 2021 through December 31, 2022)	**Covered Employers**: All employers. **Eligible Employees:** All employees.	**Leave Amount:** A sufficient period time, up to 4 hours, for each COVID-19 vaccine injection, unless the employer or a CBA authorizes more time. **Permitted Uses:** Time needed for an employee getting COVID-19 vaccinations (but not assisting others to get them).
Oregon	Or. Rev. Stat. §§ 653.601 to 653.661, 653.256 and 659A.885, each as amended by S.B. 454, OL 2015, Ch. 537, and Paid Sick Leave Rules, Div. 7, Ch. 839, and as further amended by S.B. 299, OL 2017	**Covered Employers:** Employers with 1 or more employees working anywhere in the state of Oregon. **Eligible Employees:** With exceptions, individuals who perform personal services for employers at a fixed rate, including an hourly, salary, commission, or piece-rate basis, if the employer pays or agrees to pay for the services or permits the individual to perform the services.	**Leave Amount and Accrual:** Pay and accrual based on employer size: • 10+ employees within the state, and employers in a city with population exceeding 500,000 [Portland] with 6+ employees: Sick leave must be paid for up to 40 hours per year, accrued at 1 hour for every 30 hours worked or 1-1/3 hours for every 40 hours worked, subject to a 40 hour annual accrual cap and 80 hour total accrual cap, or frontloaded sick leave of 40 hours at the beginning of each year. • 1-9 employees within the state, and employers in a city with population exceeding 500,000 [Portland] with 1-5 employees: Sick leave must be provided but may be unpaid for up to 40 hours per year, accrued at 1 hour for every 30 hours worked or 1-1/3 hours for every 40 hours worked, subject to a 40 hour annual accrual cap and 80 hour total accrual cap, or frontloaded sick leave of 40 hours at the beginning of each year. Employees begin to accrue sick time beginning on the first day of employment. **Permitted Uses:**

			• Diagnosis, care, or treatment of mental or physical illness, injury, or health condition, including pregnancy, childbirth, postpartum care and preventive medical care for, an employee or employee's family member, defined as the employee's child or parent (including biological, adopted, foster, and in loco parentis), spouse, grandchild, grandparent, or parent-in-law.
			• For family leave purposes as defined by statute (Or. Rev. Stat. § 659A.159).
			• For specified purposes if the employee or employee's minor child or dependent is a victim of domestic violence, harassment, assault, or stalking.
			• For a public health emergency, including:
			  ○ a closure of employee's place of business, a child's school, or place of care;
			  ○ the need to care for the employee or a family member due to a public health emergency; or
			  ○ other required exclusion of employee from the workplace for health reasons.
			• To donate to another employee for a specified purpose if the employer has a policy allowing it.

Rhode Island	R.I. Gen. Laws §§ 28-57-1 to 28-57-15 – H.B. 5413 Substitute A (Healthy and Safe Families and Workplaces Act), and implementing regulations (260-RICR-30-05-5)	**Covered Employers:** Private employers with 18 or more employees (or any person or group of persons acting directly or indirectly in the interest of an employer) provided that their employees shall not be terminated solely because of using up to 3 unpaid sick days in any year. **Eligible Employees:** Any person suffered or permitted to work by an employer with 18 or more employees in RI (those employees who work more in RI than in any other state, or whose primary place of work is in RI, regardless of employer's location), including full-time, part-time and per diem employees, but do not include those who are exempted, independent contractors, subcontractors, work study participants, apprentices, and interns.	**Leave Amount and Accrual:** Covered employees accrue one hour of earned sick time for every 35 hours worked, subject to accrual cap of 40 hours. Employees accrue sick time beginning on the later of the first day of employment or the effective date of the Act. Employers may frontload annual leave entitlement at the beginning of each year. Employers that do not want to track hourly accruals can grant leave in lump sums according to the schedule in R.I. Gen. Laws § 28-57-14. **Permitted Uses:** • Mental or physical illness or injury or health condition of, or medical diagnostic, preventive, routine, or therapeutic medical care for, employee or family member (defined by the statute) • Time needed when the employee or employee's family member is a victim of domestic violence, sexual assault, or stalking • Closure of employee's business or need to care for a child whose school or place of care has been closed for public health or safety reasons, or care for employee or family member where health

			authorities determine that the individual's presence will jeopardize others' health
Vermont	21 V.S.A. Ch. 5, Subchapter 4B, and 21 V.S.A. § 384, as amended by H. 187 (Earned Sick Time), and implementing Final Rules	**Covered Employers:** All employers doing business in or operating in Vermont. New employers have a year from hiring their first employee to comply, but employers have the burden to overcome a presumption that they are covered by the act. **Eligible Employees:** Individuals whose primary workplace is in Vermont and who are employed by an employer for an average of 18 hours per week during a year, subject to statutory exceptions.	**Leave Amount and Accrual:** Employees accrue one hour of earned sick time for every 52 hours worked, including overtime. Accrual can be capped at 40 hours in a 12-month period. Employees begin to accrue sick time beginning on the later of the first day of employment or the effective date of the act, subject to waiting periods for usage entitlement. The law is effective on Jan. 1, 2017, for all covered employers, except for employers with 5 or fewer employees the effective date is Jan. 1, 2018. Employers shall calculate accrued leave as it accrues or quarterly, but must allow use as it accrues. **Permitted Uses:** • Illness or injury of, or professional diagnostic, preventive, routine, or therapeutic health care, including travel time, for employee or family member (defined by the statute) • Accompanying the employee's parent, grandparent, spouse, or parent-in-law to an appointment related to long-term care • For specified purposes if the employee or employee's family member is a victim of domestic violence, assault, or stalking • Caring for a family member because the school or business where the individual is normally located is closed for public health or safety reasons
Virginia	H.B. 2137 (adding Va. Code Ann. §§ 40.1-33.3 to 40.1-33.6)	**Covered Employers:** All employers that employ home health workers, except employers with workers covered by a CBA providing equivalent leave (who does not need to to provide additional leave to CBA-covered employees). **Eligible Employees:** Home health workers (defined by the statute) averaging at least 20 hours per week or 90 hours per month (with limited specified exceptions).	**Leave Amount and Accrual:** Employees accrue 1 hour of leave for every 30 hours worked, up to a total of 40 hours per year. Leave begins to accrue at the beginning of employment. Employers may choose to frontload leave at the beginning of each year. **Permitted Uses:** Leave may be used for a mental or physical illness, injury, or health condition of, or diagnosis, care, preventive care, or treatment for, an employee or employee's family member (defined by the statute).
Washington	Ballot Measure No. 1433, Part II, amending RCW 49.46.200 and	**Covered Employers:** Any individual, partnership, association, corporation, business trust, or any	**Leave Amount and Accrual:** Employees accrue 1 hour of paid leave for every 40 hours worked beginning on the later of Jan. 1, 2018 or their first day of employment.

	adding RCW 49.46.210 (Establishing Fair Labor Standards by Requiring Employers to Provide Paid Sick Leave to Employees (Initiative 1433)), and accompanying regulations (Wash. Admin. Code 296-128-010 and 296-128-600 to 770)	person or group acting directly or indirectly in an employer's interest in relation to an employee. **Eligible Employees:** Any individual employed by an employer with many enumerated exceptions, including: • Certain hand harvest laborers. • Casual laborers in a private home. • Exempt employees. • State or local government employees who provides voluntary services. • Employees of educational, charitable, religious, state, or local government body or agency. • Others as specified by statute.	There is no stated cap on accrual or usage (but there is for carryover). Employers also may provide leave in advance of accrual by frontloading leave that meet or exceeds the law's accrual, use, and carryover provisions. Employers may frontload annual leave based on anticipated accruals if they have a written policy or CBA outlining procedures but cannot recover leave that exceeds actual accrual at time of an employee's departure or take a deduction from employee's final pay. Employers must reinstate previously accrued unused leave for employees who are rehired within 12 months of an employment separation. **Permitted Uses:** Paid leave can be used for: • Diagnosis, care, or treatment of mental or physical illness, injury, or health condition, or preventive medical care, of an employee or employee's family member (defined by statute) • For specified purposes under the Domestic Leave Act (RCW 49.76.030). • Closure of employee's place of business, closure of a child's school or place of care by order of a public official for any health-related reason (which does not include closures for inclement weather).

Many local jurisdictions also have passed paid sick leaves and measures in response to the COVID-19 pandemic.

8080 VACATIONS

Employers in most states are generally free to formulate their own nondiscriminatory policies relating to vacations, vacation pay, and eligibility for paid vacations. However, some states require payment for unused, accrued vacation at termination.

State	Key Statutory Vacation Pay Provisions	Statutory Permissibility of Use-It-or-Lose-It Vacation Policies	Payment of Accrued, Unused Vacation on Termination
Alabama	Not addressed by state statute	Not addressed by state statute.	Not addressed by state statute. If an employer communicates a paid vacation policy to employees, it may not unilaterally revoke that policy after performance by employees. For example, employees must be notified in advance if the employer decides it will no longer pay accrued, unused vacation at termination. (*Amoco Fabrics & Fibers Co. v. Hilson,* 669 So. 2d 832, 835 (Ala. 1995).)
Alaska	"Rate of pay" for purposes of Alaska's required notice of wage payments includes accrued vacation pay (Alaska Stat. Ann. § 23.05.160; Alaska Admin. Code tit. 8, § 25.030). If an employer has a policy, promise, or contract to provide paid vacation, the Alaska Department of Workforce Development (DWD) will enforce the employer's own rules for those payments (Alaska DWD: Employees' FAQs).	Not addressed by state statute.	Not addressed by state statute (but see Alaska DWD: Employees' FAQs).
Arizona	After August 6, 2016, definition of “wages” made no reference to vacation pay (A.R.S. § 23-350(7)) Vacation pay is "nonwage compensation" for purposes of the state's preemption of local regulation (A.R.S. § 23-204; but see *United Food & Commercial Workers Local 99 v. State*, 2017 WL 8776461 (Ariz. Super. Aug. 30, 2017) (holding this preemption of local authority unconstitutional)).	Not addressed by state statute.	On termination, employees must be paid "all wages due." Effective August 6, 2016, the definition of "wages" no longer includes an express reference to vacation pay. (A.R.S. §§ 23-350(7) and 23-353(A), (B).) Based on statutory language effective before August 6, 2016, wages due on separation included vacation pay if the employer had a policy or practice of making those payments (see *Vitto v. Cent. Parking Corp.*, 103 F. App’x 202, 204 (9th Cir. 2004)).

Arkansas	Not addressed by state statute.	Not addressed by state statute.	Earned, unused vacation must be paid to departing employees according to the employer's plan or policy (*Oil Fields Corp. v. Hess,* 53 S.W.2d 444, 447 (Ark. 1932); *Waymack v. KCLA, Inc.,* 664 S.W.2d 509, 510 (Ark. Ct. App. 1984)).
California	Earned vacation time is considered wages. Vacation time is earned as work is performed. (Cal. Lab. Code § 227.3; *Suastez v. Plastic Dress-Up Co.,* 647 P.2d 122, 128 (Cal. 1982).)	Prohibited. Vacation pay accrues as it is earned, and cannot be forfeited, even on termination, regardless of the reason for the termination. However, employers may impose a reasonable cap on the amount of vacation employees can accrue. (California Division of Labor Standards Enforcement (DLSE): Vacation FAQs.)	If a contract or policy provides for paid vacation and the employee is terminated, earned and **unused** vacation, which accrues as work is performed, must be paid as wages at the employee's final rate, unless otherwise stipulated by a CBA (Cal. Lab. Code § 227.3; see also *Minnick v. Auto. Creations, Inc*., 220 Cal. Rptr. 3d 752, 755 (Cal. Ct. App. 2017); California DLSE: Vacation FAQs).
Colorado	"Wages" and "compensation" include vacation pay that is earned under the terms of any agreement (Colo. Rev. Stat. Ann. § 8-4-101(14)(a)(III); see also Colorado Department of Labor and Employment (CDLE): Vacation). Employers may establish a vacation pay policy in writing or by custom and practice. Employees must be made aware of the policy and the parties must follow the established policy. (CDLE: Vacation.)	CDLE rules allow employers to cap vacation pay, with some restrictions. The Colorado Court of Appeals has concluded that the state vacation pay statute did not give employees a substantive right to pay for accrued, unused vacation and that the parties' agreement could impose conditions on whether vacation pay is "earned, vested, and determinable" (*Nieto v. Clark's Market, Inc.,* 2019 WL 2621236, at *3 (Colo. App. June 27, 2019) (addressing a claim for vacation pay on termination and citing Colo. Rev. Stat. Ann. §§ 8-4-101(14)(a) and 8-4-121 and *Barnes v. Van Schaack Mortg.*, 787 P.2d 207, 210 (Colo. App. 1990))). In response to *Nieto* and other "restrictive interpretations" of the vacation pay statute, the CDLE adopted, initially on a temporary basis, rules providing that the statute's "earned and	On separation from employment, employees must be paid all **vacation pay** earned and determinable under the terms of any agreement between the employer and the employee (Colo. Rev. Stat. Ann. § 8-4-101(14)(a); see also CDLE: Vacation). The CDLE has rejected the view that the statutory phrase "in accordance with the terms of any agreement" permits employers to forfeit all earned vacation pay on termination. Instead, the rules expressly provide that employers may not forfeit any earned (accrued) vacation pay. (7 Colo. Code Regs. § 1103-7:2.15; see also CDLE: Statement of Basis, Purpose, Specific Statutory Authority, and Findings: Amendments to Wage Protection Act Rules (October 25, 2019) (rejecting the approach in decisions such as *Nieto*).)

		determinable" provision does not allow forfeiture of any earned (accrued) vacation pay. The rules clarify that the statute allows agreements about: • Whether there is any vacation pay at all. • The amount of vacation pay each year or other period. • Whether vacation pay accrues all at once or proportionally. • Whether there is a cap of one year's worth (or more) of vacation pay. Employers, therefore, may have policies that cap employees at a year's worth of vacation pay, but those policies must not forfeit any of that amount. For example, an agreement for ten vacation days a year: • May provide that employees can accrue more than ten days, by allowing carryover from year to year. • May cap employees at ten days. • May not diminish an employee's number of days (other than through the employee's use of vacation time). (7 Colo. Code Regs. § 1103-7:2.15; see also CDLE: Vacation: Wage Protection Act Rules, Rule 2.17.) However, the vacation pay rules remain uncertain, pending the *Nieto* plaintiff's petition for review by the Colorado Supreme Court and appellate review of an administrative decision, *Blount, Inc. v. CDLE*.	

Connecticut	"Wages" do not include vacation time. If an employer offers vacation time, the amount of vacation time an employee is entitled to is governed by the terms of the employment contract or CBA. (*Fulco v. Norwich Roman Catholic Diocesan Corp.,* 609 A.2d 1034, 1037 (Conn. App. Ct. 1992).) Employers must provide written or posted notice of any employment practices and policies concerning vacation pay (Conn. Gen. Stat. Ann. § 31-71f). If employees receive regular wages and vacation pay on the same payday, employers must compute withholding separately (Conn. Gen. Stat. Ann. § 31-74a).	Not addressed by state statute.	Employers are not required to pay accrued, unused vacation on termination unless an employment policy or CBA provides otherwise (Conn. Gen. Stat. Ann. § 31-76k).
Delaware	Vacation pay is defined as a "benefit or wage supplement," not "wages" (19 Del. C. §§ 1101(a)(5) and 1109(b)). If an employer has an agreement to provide vacation pay, it must pay that amount within 30 days after payment is due (19 Del. C. § 1109; *see also Manley v. Assocs. in Obstetrics & Gynecology, P.A.,* 2001 WL 946489, at *7 (Del. Super. Ct. July 27, 2001)).	Not addressed by state statute.	If an employer has an agreement to pay accrued vacation on termination, it must pay that "benefit or wage supplement" within 30 days after payment is due (19 Del. C. §§ 1103, 1109(a), and 1113).
District of Columbia	"Wages" is defined broadly as "all monetary compensation," including fringe benefits paid in cash and other compensation due under an oral or written contract (D.C. Code § 32-1301(3); see also Pleitez v. Carney, 594 F. Supp. 2d 47, 48 (D.D.C. 2009) (vacation pay qualifies as "wages")).	Not addressed by state statute.	An employee who accrues vacation is generally entitled to vacation pay on termination, absent a contrary agreement (see *Nat'l Rifle Ass'n v. Ailes,* 428 A.2d 816, 820-21 (D.C. 1981); *Jones v. Dist. Parking Mgmt. Co.,* 268 A.2d 860, 862 (D.C. 1970)). If an employee has not expressly agreed to a new policy limiting compensation for unused leave on termination, the employer must show that the employee's knowledge of the policy was sufficient to find that the decision to continue working

			signaled acceptance (*Nat'l Rifle Ass'n,* 428 A.2d at 822-23).
Florida	"Wages" is defined as including "the cash value of all remuneration paid in any medium other than cash" (§§ 443.036(45) and 443.1217, Fla. Stat.). The Florida District Court of Appeal has said that all remuneration in exchange for personal services, including vacation pay, is wages (Ferry v. XRG Int'l, Inc., 492 So. 2d 1101, 1103 (Fla. Dist. Ct. App. 1986)).	Not addressed by state statute.	
Georgia	None	Not addressed by statute. However, where an employee receives a copy of the employer's clear and unambiguous written vacation pay policy, Georgia courts will enforce the policy terms (see *Jean-Baptiste v. Parkwood Living Ctr., LLC*, 2008 WL 11333935, at *6 (N.D. Ga. Sept. 19, 2008); *Ellison v. DeKalb Cty*., 511 S.E.2d 284, 285 (Ga. Ct. App. 1999); *Shannon v. Huntley's Jiffy Stores, Inc.*, 329 S.E.2d 208, 210 (Ga. Ct. App. 1985)).	Not addressed by state statute. However, Georgia courts will uphold nonpayment for accrued, unused vacation on termination where the employer's written policy is clear and unambiguous (*see Jean-Baptiste,* 2008 WL 11333935, at *6; *Amoco Fabrics & Fibers Co. v. Ray,* 510 S.E.2d 591, 592 (Ga. Ct. App. 1998); *Shannon,* 329 S.E.2d at 210).
Hawaii	"Wages" do not include vacation pay (HRS §§ 388-1, 3, and 4; *Casumpang v. ILWU Local 142,* 121 P.3d 391, 400-02 (Haw. 2005)). Employers that provide vacation benefits must make their policies available in writing or through a posted notice (HRS § 388-7(3)). Any policy changes must be issued before the effective date. (Hawaii Wage Standards Division: Vacation and Sick Leave.)	Not addressed by state statute. However, the Hawaii Wage Standards Division takes the view that an employer's policy determines how employees earn and use vacation benefits (Hawaii Wage Standards Division: Vacation and Sick Leave).	Under common law, absent an express agreement or uniform custom, employees are not entitled to unused vacation on employment separation (HRS §§ 388-3, 4; *Casumpang*, 121 P.3d at 401).
Idaho	None Vacation pay is a subject of agreement between	Not addressed by state statute.	Absent an express agreement, employees are not entitled to vacation pay following discharge from employment (*Ferguson v. City*

	employers and employees (*Jackson v. Minidoka Irrigation Dist.,* 563 P.2d 54, 59 (Idaho 1977); Idaho Department of Labor: Labor Law FAQs). If an existing vacation pay policy is to change, the employer must notify employees in advance (Idaho Department of Labor: Labor Law FAQs).		*of Orofino,* 953 P.2d 630, 636 (Idaho Ct. App. 1998); *Jackson*, 563 P.2d at 59).
Illinois	For employers that offer paid vacation: • If the employment contract or policy provides for paid vacation earned by length of service, vacation time must be earned pro rata. • Oral promises, handbooks, memos, and uniform practice may create a duty to pay earned vacation. • Employer must keep records of vacation days earned, taken, and paid. Employees claiming unpaid vacation pay: • Must bring those claims to the state department of labor within three years from the date the vacation is earned. • May bring a civil action to recover additional vacation pay found due by a court. (Ill. Admin. Code tit. 56, § 300.520.)	Not prohibited. Employers may require employees to take vacation by a certain date or lose it, provided employees: • Are given a reasonable opportunity to take the vacation. • Have notice of the contract or policy provision. The Illinois Department of Labor (IDOL) recognizes vacation policies where: • No vacation is earned during a limited period at the beginning of employment, if: ○ the policy is not a subterfuge to avoid paying vacation actually earned by length of service; and ○ no vacation is implicitly earned or accrued during that period. • Vacation is earned and accrues at an accelerating rate during the year, if: ○ the rate is reasonable; and ○ the employer applies the policy uniformly. • The employer does not have separate arrangements for vacation and sick leave time and employees earn paid time off they can use	If an employment contract or policy provides for paid vacation, employees who resign or are terminated are owed all earned, unused vacation as part of their final compensation. No employment contract or policy may provide for forfeiture of earned vacation time on separation. CBAs may provide otherwise. (820 ILCS 115/2 and 115/5; Ill. Admin. Code tit. 56, § 300.520; see also IDOL: Vacation FAQs (providing examples).)

		for any purpose. Because employees have an absolute right to take this time off, the IDOL treats the paid time off as earned vacation days. (Ill. Admin. Code tit. 56, § 300.520.)	
Indiana	None	Not addressed by state statute. Indiana case law suggests that use-it-or-lose-it policies are permitted. An employer may impose prerequisites on an employee's ability to use vacation time or prevent an employee from using the vacation time after a certain date or period of time (*Comm'r of Labor ex rel. Shofstall v. Int'l Union of Painters & Allied Trades AFL-CIO, CLC Dist. Council 91*, 991 N.E.2d 100, 103-04 (Ind. 2013)).	Employees are entitled to accrued vacation pay on termination unless an employer arrangement or policy provides otherwise (*Ind. Heart Assocs., P.C. v. Bahamonde,* 714 N.E.2d 309, 311-12 (Ind. Ct. App. 1999)). The agreement need not be "published" (*Hicks v. Avery Drei, LLC,* 654 F.3d 739, 742-43 (7th Cir. 2011) (concluding that the employee was not entitled to vacation pay on termination, after having worked less than one year, because the parties agreed she would not earn vacation until after the first year)).
Iowa	"Wages" include vacation pay due under an agreement or policy (Iowa Code Ann. § 91A.2(7)(b)).	Not addressed by state statute. Employers must follow their own policies, practices, or contracts regarding vacation pay (Iowa Division of Labor: Wage FAQs).	At termination, if an agreement or policy provides for pro rata accrual of vacation, the increment must be in proportion to the fraction of the year the employee was actually employed (Iowa Code Ann. § 91A.4). Absent a contract, policy, or procedure to the contrary, departing employees are not entitled to vacation pay (Iowa Division of Labor: Wage FAQs).
Kansas	"Wages" are compensation for labor or services determined on a time, task, or other basis. The "other basis" includes fringe benefits such as vacation pay when the employee meets the conditions for entitlement, eligibility, accrual, or earning. Whether vacation pay is earned wages is controlled by employment contracts and policies. (K.S.A. 44-313(c); Kan. Admin. Regs. § 49–20–1(d); *A.O. Smith Corp. v.*	Not prohibited. Employers must provide vacation pay according to their policy or practice (Dillard, 13 P.3d at 362).	Not addressed by state statute.

	Kan. Dep't of Human Res., 144 P.3d 760, 768 (Kan. Ct. App. 2005); *see also Dillard Dep't Stores, Inc. v. Kan. Dep't of Human Res.,* 13 P.3d 358, 362 (Kan. Ct. App. 2000).) If requested by an employee, the employer must provide written or posted notice of vacation policies and practices (K.S.A. 44-320(c)).		
Kentucky	"Wages" include vested vacation pay (KRS 337.010(1)(c)).	Not addressed by state statute. Vacation benefits are a matter of contract between the employer and employee. Employees have no inherent right to either vacation leave or pay for unused vacation time. (*Berrier v. Bizer,* 57 S.W.3d 271, 281-82 (Ky. 2001).)	All wages, including vested vacation pay, must be paid on termination or resignation (KRS 337.010(1)(c) and 337.055).
Louisiana	None. The Louisiana Supreme Court, however, has held that when an employer agrees to pay employees for unused vacation time as a condition of their employment, the accrued vacation pay constitutes wages under La. R.S. 23:631 (*Beard v. Summit Inst. for Pulmonary Med. & Rehab.,* 707 So. 2d 1233, 1234-36 (La. 1998); *see also Hess v. Magnolia Behavioral Healthcare, LLC,* 189 So. 3d 1183, 1188 (La. Ct. App. 2016)).	Not prohibited. Nothing in the provisions of La. R.S. 23:631 or 23:634 prevents an employer from restricting an employee's right to accrue vacation and use-it-or-lose-it policies are not inherently unlawful. A use-it-or-lose-it policy, however, may not require the forfeiture of accrued vacation on resignation or discharge. (*Wyatt v. Avoyelles Parish Sch. Bd.,* 831 So. 2d 906, 913-15 (La. 2002).)	Employment contracts may not require forfeiture of accrued vacation pay on resignation or discharge (La. R.S. 23:634; *see also Wyatt,* 831 So. 2d at 913). This prohibition applies to employment policies as well as contracts (*Beard*, 707 So. 2d at 1235). To be paid for accrued vacation on resignation or discharge, an employee must: • Be eligible for and have accrued vacation time under the employer's policy. • Not have taken or been paid for the time. (La. R.S. 23:631(D); see also *Hess*, 189 So. 3d at 1185-86.) At least one state appellate court has held that an employer is not liable for vacation pay on termination if the employer's clear, written policy characterizes paid time off as a "gift" or "mere gratuity," because the policy does not: • Address eligibility for or accrual of paid time off. • Constitute a condition of employment.

			(*Hess*, 189 So. 3d at 1186.)
Maine	None Generally, vacation benefits, if provided, are established, earned, and paid according to the employer's policy (Maine Department of Labor (DOL): FAQs).	Not prohibited. Employees have no right to paid vacation except as provided by the terms of their employment (*Gibson v. Power Maint. Int'l, Inc.,* 2002 WL 31399791, at *6 (D. Me. Oct. 24, 2002), ***aff'd,*** 2002 WL 31744223 (D. Me. Dec. 4, 2002)).	If employment terms or the employer's established practice includes provisions for paid vacations, vacation pay on termination has the same status as wages earned (26 M.R.S.A. § 626; see also 26 M.R.S.A. § 637). The Maine DOL interprets state law as providing that accrued vacation must be paid on termination only if specifically provided for in the employer's policy (Maine DOL: FAQs). Employers may impose conditions or limits on eligibility for vacation pay on termination (*Richardson v. Winthrop Sch. Dep't,* 983 A.2d 400, 402-03 (Me. 2009); *Rowell v. Jones & Vining, Inc.,* 524 A.2d 1208, 1211 (Me. 1987)). On sale of the business, the seller satisfies its obligation to pay wages owed through an agreement with the buyer that the buyer will honor any paid vacation earned under the seller's vacation policy (26 M.R.S.A. § 626). If employment ends because of the employer's insolvency, a claim for wages earned includes earned vacation pay (26 M.R.S.A. § 629-A).
Maryland	"Wages" may include fringe benefits such as vacation leave (Md. Code Ann., Lab. & Empl. § 3-501(c); Maryland Department of Labor (DOL): What Is a "Wage"?).	Not addressed by state statute.	Employees are not entitled to accrued vacation on termination if: • The employer has a written policy providing for forfeiture. • The employer notified employees in writing of forfeiture at the time of hire. Otherwise, employees are entitled to the cash value of any unused, earned vacation. (Md. Code Ann., Lab. & Empl. §§ 3-504 and 3-505; Maryland DOL: Unused Vacation at Termination.)
Massachusetts	"Wages" include vacation due under an oral or written agreement. Employers may not contract with employees to forfeit earned wages, including paid vacation. (M.G.L. c. 149, § 148.)	Not expressly addressed by state statute. However, the Massachusetts Attorney General's office takes the view that use-it-or-lose-it policies are permitted if employers give employees: • Adequate prior notice of the policy.	Employees who leave or are fired, with or without cause, are entitled to accrued vacation pay (M.G.L. c. 149, § 148; *Elec. Data Sys. Corp. v. Att'y Gen.,* 907 N.E.2d 635, 637 (Mass. 2009); Massachusetts Attorney General's Fair Labor Division: Vacation; Advisory 99/1: An Advisory from the Attorney General's Fair Labor Division on Vacation Policies).

		• Reasonable opportunity to use accumulated vacation time before the cut-off date. Employers may also: • Cap the amount of vacation employees earn or accrue. • Provide that vacation is not earned until after a specific probationary period. • Provide that vacation is earned at a specified rate, such as one day at the end of each month. However, policies must be clear. Stating that employees earn a given amount of vacation each year or on their anniversary date is not clear and actual vacation earned will be prorated according to the time the employee actually works. Employers that combine sick, personal, vacation, and other types of leave into a single category should designate the amount of hours or days that are considered vacation time. Any changes to vacation policies must be prospective. (Massachusetts Attorney General's Fair Labor Division: Vacation; Advisory 99/1: An Advisory from the Attorney General's Fair Labor Division on Vacation Policies.)	
Michigan	"Fringe benefits" is defined as compensation due under a written policy or contract, including vacation time (MCL 408.471(e), (f)).	Not addressed by state statute.	Employers must pay fringe benefits according to the terms of their written contract or policy. If the contract or policy provides for unused vacation time on termination, payment must be made unless the employee voluntarily agrees in writing. (MCL 408.473 and 408.474; Michigan Department of Labor and

			Economic Opportunity: Payment of Fringe Benefits on Termination.)
Minnesota	Benefits or wage supplements required under an employment agreement must be paid timely or the employer is subject to penalty. "Benefits or wage supplements" include vacation pay. (Minn. Stat. Ann. § 181.74; Minnesota Department of Labor & Industry (DLI): Employment Termination.)	Not prohibited. Use-it-or-lose-it policies and caps on accrual are permitted (*Lee v. Fresenius Med. Care, Inc.*, 741 N.W.2d 117, 129-30 (Minn. 2007)). The Minnesota DLI takes the view that company policy determines when benefits are due, including vacation (Minnesota DLI: Employment Termination).	Minnesota courts have held that "wages" for purposes of Minn. Stat. Ann. § 181.13(a) (wage payment on discharge) include vacation pay. However, vacation benefits are a contractual rather than a statutory right and employers may attach conditions, including that accrued vacation will not be paid to employees discharged for misconduct. (*Lee*, 741 N.W.2d at 123-28.)
Mississippi	None	Not addressed by state statute.	If an employment contract entitles an employee to accrued vacation pay if involuntarily terminated, the employee has a claim against their employer for nonpayment (*Fuselier, Ott & McKee, P.A. v. Moeller,* 507 So. 2d 63, 67-68 (Miss. 1987)).
Missouri	None Vacation pay is left to the employer's discretion or any contract the employer has with employees. Employers may offer vacation pay to one group of employees and not others if the distinction is not discriminatory. (Missouri Department of Labor & Industrial Relations: Vacation Pay and Sick Leave.)	Not addressed by state statute.	The definition of "wages" for purposes of determining final wages due on termination with or without cause under § 290.110, RSMo does not include vacation pay (*Doores v. Intercontinental Eng'g-Mfg. Corp.,* 670 S.W.2d 65, 67 (Mo. Ct. App. 1984)).
Montana	None Vacation earned under an employer's policy is considered wages and is due and payable in the same manner as regular wages (*McConkey v. Flathead Elec. Co-op.,* 125 P.3d 1121, 1125-26 (Mont. 2005); *Langager v. Crazy Creek Prods., Inc.,* 954 P.2d 1169, 1173-75 (Mont. 1998); Montana Department of Labor & Industry: Wage and Hour FAQs (citing Attorney	Prohibited Use-it-or-lose-it policies are not permitted. However, employers may cap accumulated vacation. (Montana Department of Labor & Industry: Wage and Hour FAQs.)	Employers may reasonably restrict paid vacation accrual. However, once an employee has accrued paid vacation, the employer may not impose new conditions that would take it away. (*Langager*, 954 P.2d at 1173-75.) Employers may establish a cash value to pay out accrued vacation, such as a 95% conversion rate (*McConkey*, 125 P.3d at 1125-26).

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Nebraska	"Wages" include fringe benefits such as vacation pay where a prior agreement exists and the employee has satisfied any conditions (Neb. Rev. Stat. § 48-1229(6)).	Prohibited Once earned, vacation benefits are treated as wages (Neb. Rev. Stat. § 48-1229(6)).	All earned, useable vacation benefits must be paid with final wages on termination of employment (Neb. Rev. Stat. § 48-1229(6); *Coffey v. Planet Grp., Inc.,* 845 N.W.2d 255, 261 (Neb. 2014)). No exception to this rule is available (Nebraska Department of Labor: Division of Labor Standards General FAQs). If an employer does not distinguish among types of paid time off (PTO), the only condition for earning it is the employee's service, and employees have an absolute right to use their PTO for any purpose, accrued PTO must be treated as vacation time (*Fisher v. PayFlex Sys. USA, Inc.,* 829 N.W.2d 703, 711-13 (Neb. 2013)).
Nevada	None	Not addressed by state statute.	Not addressed by state statute.
New Hampshire	If vacation pay is provided by an employment policy or practice, it is considered "wages" when it becomes due (N.H. RSA §§ 275:42(III) and 275:43(V)). Employers must provide written or posted detailed descriptions of vacation pay practices and policies (N.H. RSA § 275:49(III); N.H. Code Admin. R. Lab. 803.03(b)). Employers must keep a signed copy of the written notification provided to each employee (N.H. Code Admin. R. Lab. 803.03(f)(6)). Any vacation earned, accrued, or vested cannot be lost because of a change in an employer's policy (N.H. Code Admin. R. Lab. 803.03(d)).	Not addressed by state statute.	Not addressed by state statute.
New Jersey	New Jersey's wage statute does not expressly address vacation pay. "Wages" for wage collection purposes include "benefits arising out of an employment	Not addressed by state statute.	Unused vacation is not considered "wages" that must be paid on termination absent a signed employment agreement or other contract (*Barrett v. Walgreens Inc.,* 2015 WL 1021276, at *6 (D.N.J. Mar. 6, 2015); *Chrin v. Cambridge*

	contract" (N.J.S.A. 34:11-57). Employers that provide vacation benefits must uniformly follow the established policy or employment agreement (New Jersey Department of Labor & Workforce Development (LWD): Wage and Hour Compliance FAQs: Benefits).		*Hydrodynamics, Inc.,* 2003 WL 25754809, at *1 (N.J. App. Div. Dec. 30, 2003); see also New Jersey LWD: Wage and Hour Compliance FAQs: Benefits).
New Mexico	None	Not addressed by state statute.	An employer's policy establishes vacation benefits and the terms and conditions, including whether accrued, unused vacation time is paid on termination (*N.M. State Labor & Indus. Comm'n, ex rel. Tolman v. Deming Nat'l Bank,* 634 P.2d 695, 696 (N.M. 1981)).
New York	Employers must provide written or posted notice of any vacation policy and comply with the terms of that policy (N.Y. Lab. Law §§ 195 and 198-c; New York Department of Labor (DOL): Notice Requirements for Fringe Benefits and Hours). If the employer does not have a written policy, an oral policy or past practice may be enforced (New York DOL: Wages and Hours: FAQs). If an employer provides benefits or wage supplements, they must be paid timely or the employer is subject to penalty. "Benefits or wage supplements" include vacation pay. (N.Y. Lab. Law § 198-c.)	Not expressly prohibited by state statute. If an employer offers vacation benefits, it is free to impose any conditions it chooses (New York DOL: Wages and Hours: FAQs). However, employers must give employees prior notice of the policy (N.Y. Lab. Law § 195(5); *Glenville Gage Co. v. Indus. Bd. of Appeals of New York, Dep't of Labor,* 421 N.Y.S.2d 408 (N.Y. App. Div. 1979), aff'd, 52 N.Y.2d 777 (N.Y. 1980)).	Vacation policies can provide that employees lose accrued benefits under certain conditions, including forfeiture of vacation pay on termination. However, employers must provide written notice of those conditions. (N.Y. Lab. Law § 195(5); *Glenville Gage Co.,* 421 N.Y.S.2d 408; New York DOL: Wages and Hours: FAQs.)
North Carolina	Employers must: • Comply with the terms of their vacation policy, if any. • Notify employees of any vacation benefit orally or in writing at the time of hire. • Make available, in writing or through a	Not prohibited. Employees must be notified in writing of any policy that requires or results in loss or forfeiture of vacation time or pay. Employees who are not notified are not subject to the loss or forfeiture. (N.C.G.S. §	Earned vacation must be paid at termination unless the employer has a written forfeiture clause in its vacation or termination policy (N.C.G.S. § 95-25.13(2); North Carolina Department of Labor: Promised Wages Including Wage Benefits).

	posted notice, vacation policies and practices. • Notify employees, in writing or through a posted notice, at least 24 hours before any change to vacation benefits. (N.C.G.S. §§ 95-25.12 and 95-25.13.) An employer's vacation policy must address: • How and when vacation is earned. • How much vacation time may be carried forward from one year to another, if any. • When vacation time must be taken. • When and if vacation pay may be paid in lieu of time off. • Under what conditions vacation pay will be forfeited on discontinuation of employment for any reason. (13 NCAC 12.0306(a).) Ambiguous policies and practices are construed against employers. Vacation benefits under a policy that does not establish an earning period cannot be reduced or eliminated by a change in that policy. For example, an employee who earns one week of vacation each calendar year is entitled to a pro rata share of those benefits if the accrual rate changes. (13 NCAC 12.0306.)	95-25.12; 13 NCAC 12.0306(a).)	
North Dakota	Paid time off, once earned or awarded, is considered "wages" on separation from employment. "Paid time off" includes: • Annual leave. • Earned time. • Personal days. • Any other provisions intended to provide compensation as vacation.	Not prohibited. An employment contract or policy may require employees to take vacation by a certain date or lose it, if employees: • Are given a reasonable opportunity to take vacation.	Paid time off, once earned or awarded, is considered "wages" on separation from employment (N.D. Admin. Code § 46-02-07-02(12)). If an employee separates from employment, private employers may withhold payment for paid time off if both: • The paid time off was awarded by the employer but not yet earned by the employee.

	(N.D. Admin. Code § 46-02-07-02(12).)	• Had notice of the provision. (N.D. Admin. Code § 46-02-07-02(12).)	• Before awarding the paid time off, the employer provided written notice of the limitation. If employment separation is voluntary, private employers may withhold payment for accrued paid time off if all of the following apply: • At the time of hire, the employer provided written notice of the limitation on payment of accrued paid time off. • The employee has been employed for less than one year. • The employee gave the employer less than five days' written or verbal notice. (N.D.C.C. § 34-14-09.2(1), (2); North Dakota Department of Labor and Human Rights: Wage & Hour and Equal Employment Laws.) If these requirements are not met, no employment contract or policy may provide for forfeiture of earned paid time off on separation. If paid time off is available for use at the time of separation, the employer must pay the employee for that time at the regular rate of pay earned by the employee before separation. (N.D. Admin. Code § 46-02-07-02(12).)
Ohio	Failure to pay fringe benefits, including vacation pay, according to the terms of the employer's agreement or policy may be the subject of a wage claim under Ohio's wage payment statute (Ohio R.C. 4113.15).	Not expressly prohibited by state statute. Ohio courts have held that use-it-or-lose-it policies are permitted, though they may not be applied retroactively (*Fridrich v. Seuffert Constr. Co.,* 2006 WL 562156 (Ohio Ct. App. Mar. 9, 2006); *Van Barg v. Dixon Ticonderoga Co.,* 789 N.E.2d 727, 728 (Ohio Ct. App. 2003)).	An employer's clear, published policy determines whether earned, unused vacation is paid on termination (see *Majecic v. Universal Dev. Mgt. Corp.,* 2011 WL 3273964, at *4 (Ohio Ct. App. July 29, 2011)). Where an employee agrees to be bound by employment policies on hiring and the vacation policy clearly provides that accrued vacation is lost on termination, the employee is not entitled to accrued vacation (*Winters-Jones v. Fifth Third Bank,* 1999 WL 342215, at *1 (Ohio Ct. App. May 27, 1999); *see also Broadstock v. Elmwood at the Springs,* 2013 WL 1092725 (Ohio Ct. App. Mar. 15, 2013)).
Oklahoma	"Wages" include vacation pay and "similar advantages" agreed on between the employer and the employee when earned and due or provided by the employer in an established policy	Not addressed by state statute.	Vacation pay is considered "wages" payable on termination only if the payment is either: • Agreed upon between the employer and the employee. • Provided by the employer under an established policy.

	(Okla. Stat. tit. 40, § 165.1(4)). If an employer provides benefits or wage supplements, they must be paid timely or the employer is subject to penalty. "Benefits or wage supplements" include vacation pay. (Okla. Stat. tit. 40, § 165.11.)		(Okla. Admin. Code § 380:30-1-5(1); see also Okla. Stat. tit. 40, § 165.11; Oklahoma Department of Labor: Wage and Hour: FAQs.) An employee must meet all conditions in a written contract or manual before entitlement to accrued leave vests (Okla. Admin. Code § 380:30-1-5(3)).
Oregon	"Wages" is defined as all compensation for service, including the cash value of all compensation paid in any medium other than cash (Or. Rev. Stat. § 652.210(11)). "Wages" includes paid vacation for purposes of the state's wage claim statute (see *State ex rel. Nilsen v. Or. State Motor Ass'n,* 432 P.2d 512, 514-15 (Or. 1967)).	Not expressly addressed by state statute.	Employers are required to honor any established policy or agreement relating to the payment of benefits such as accrued vacation on termination (Or. Rev. Stat. § 652.140; Oregon BOLI: Technical Assistance for Employers: Holiday and Vacation Pay).
Pennsylvania	"Wages" include fringe benefits such as vacation pay (43 P.S. § 260.2a; *Harding v. Duquesne Light, Co.,* 882 F. Supp. 422, 427 (W.D. Penn. 1995)).	Not addressed by state statute.	An employer's policy or agreement determines whether earned, unused vacation is paid on termination. An employer must follow its own rules regarding vacation pay. (43 P.S. § 260.2a; Harding, 882 F. Supp. at 427-28; Pennsylvania Department of Labor & Industry: General Wage and Hour Questions.)
Rhode Island	Wages due on termination include accrued vacation for employees separated from employment after at least one year of service (R.I. Gen. Laws § 28-14-4(b)).	Not addressed by state statute.	For employees separated from employment after at least one year of service, any vacation pay accrued or awarded under a written or verbal company policy or other agreement becomes wages and is payable in full or on a prorated basis (R.I. Gen. Laws § 28-14-4(b); Rhode Island Department of Labor and Training: FAQs).
South Carolina	"Wages" include vacation pay due under an employer policy or employment contract (S.C. Code Ann. § 41-10-10(2)). Employers must provide written or posted notice on hiring of wages and other terms. At least seven days' advance written notice is required for any	Not addressed by state statute.	Employers that provide vacation benefits must: • Provide notice of the policy. • Follow the policy terms. • Not discriminate in administering the policy. An employer's policy determines whether earned, unused vacation is paid on termination. (South Carolina Department of Labor, Licensing and Regulation: FAQs.)

	change. (S.C. Code Ann. § 41-10-30.)		
South Dakota	None	Not addressed by state statute.	Vacation leave and whether accrued vacation is paid on termination is determined by an employer's policy (South Dakota Department of Labor & Regulation: Labor and Employment Laws).
Tennessee	Final wages of employees who quit or are discharged include vacation pay if required under the employment policy or agreement (T.C.A. § 50-2-103(a)(4)).	Not addressed by state statute. The Tennessee Attorney General has stated that use-it-or-lose-it policies may be enforceable (Op. Tenn. Att'y Gen. 06-169 (2006) (noting in a footnote that the Tennessee Department of Labor and Workforce Development agrees that an employer's use-it-or-lose-it policy could be properly enforced)).	Employees who quit or are discharged are not entitled to accrued, unused vacation pay unless compensation is specifically required by the employer's policy (T.C.A. § 50-2-103(a)(4); Op. Tenn. Att'y Gen. 06-169 (2006); Tennessee Department of Labor & Workforce Development: Wages, Fringe Benefits, Paychecks & Breaks).
Texas	"Wages" include vacation pay if owed to an employee under a written policy or agreement. Paid time off (PTO) or paid days off (PDO) are wages unless the employer's written policy defines it as something other than a combination of vacation, holiday, sick leave, severance, or parental leave pay. (Tex. Lab. Code Ann. § 61.001(7)(B); 40 Tex. Admin. Code § 821.25(a), (c), (g).)	Permissible. Accrued leave only carries over to subsequent years if provided for in a written employment agreement or policy (40 Tex. Admin. Code § 821.25(f); see also Texas Workforce Commission: Vacation and Sick Leave).	Accrued vacation pay is payable on separation from employment only where specifically provided for in a written policy or agreement. Employers may condition receipt of accrued vacation pay on separation on requirements such as giving two weeks' notice. (40 Tex. Admin. Code § 821.25(a), (c); Texas Workforce Commission: Accrued Leave Payouts.)
Utah	For wage claim purposes, "wages" include any vacation pay due under the employer's policy or agreement (Utah Admin. Code r. 610-3-4(B)(1)).	Not addressed by state statute.	For wage claim purposes, "wages" include any vacation pay due under the employer's policy or agreement (Utah Admin. Code r. 610-3-4(B)(1)).
Vermont	None	Not addressed by state statute.	Not addressed by state statute. Employers with written employment agreements, which can be employee handbooks, memos, or correspondence, that provide for vacation time, are liable to their employees for those benefits (Vermont Department of Labor: Summary of Wage and Hour Laws).

Virginia	None	Not addressed by state statute.	Not addressed by state statute. The Virginia Department of Labor & Industry does not investigate claims for fringe benefits such as vacation pay (Virginia Department of Labor & Industry: Labor & Employment Law: Payment of Wage).
Washington	None Employers providing paid vacation must comply with the terms of the employment agreement or established practice. The state department of labor does not enforce vacation policies. (Washington State Department of Labor & Industries: Holiday, Vacation & Bereavement Pay.)	Not addressed by state statute.	The employment contract or policy determines whether earned, unused vacation is paid on termination. Courts generally require that employees claiming compensation for accrued, unused vacation on termination show that their employment agreement expressly or impliedly provides for this extra compensation. (Lapo v. Avalon Music, Inc., 2001 WL 583248, at *5-6 (May 31, 2001); Walters v. Ctr. Elec., Inc., 506 P.2d 883, 887 (Wash. Ct. App. 1973).)
West Virginia	Employers that provide vacation benefits are responsible for establishing a written policy outlining how benefits are earned and paid. Employers may change the written policy if employees receive: • Advance notice. • An opportunity to use benefits accrued under the prior policy. (West Virginia Division of Labor: Wage Payment and Collection FAQs.)	Not addressed by state statute.	Final wages include fringe benefits such as vacation that are capable of calculation and payable directly to an employee. Whether fringe benefits are capable of calculation and payable directly to an employee is determined by the terms of employment. Those conditions may provide that no accrued vacation is paid on termination, but terms must be express and specific. (W. Va. Code § 21-5-1(c), (l); *Meadows v. Wal-Mart Stores, Inc.,* 530 S.E.2d 676, 690 (W. Va. 1999).) An employer's policy determines when fringe benefits accrue and if they are payable on termination (*Gress v. Petersburg Foods, LLC,* 592 S.E.2d 811, 815 (W. Va. 2003); see also *Wolfe v. Adkins,* 725 S.E.2d 200, 207 (W. Va. 2011)).
Wisconsin	"Wages" include holiday and vacation pay (Wis. Stat. § 109.01(3)).	Not addressed by state statute.	An employer's vacation or resignation policy determines whether employees are entitled to accrued vacation on employment separation. Employers are free to impose any conditions they choose. Generally, if an employer implements a written vacation policy and does not include a written forfeiture provision, then the employer must pay employees for any earned, unused vacation pay. (Wisconsin Department of Workforce Development: Wage Payment and Collection.)

Wyoming	If an employer chooses to provide paid vacation benefits, failure to pay those benefits willfully or with the intent to defraud is unlawful (Wyo. Stat. Ann. § 27-4-507).	Not expressly prohibited by state statute. The Wyoming Department of Workforce Services takes the view that use-it-or-lose-it policies are permitted if the employer either: • Provides employees a full opportunity to use earned vacation days. • Has not refused a request to use those days. Employers may also impose a waiting period on earning vacation for new employees. (Wyoming Department of Workforce Services: Labor FAQs.)	Employees are not entitled to pay for accrued, unused vacation on termination if: • The employer's written policies provide that accrued vacation is forfeited on termination. • The employee has acknowledged the policies in writing. (Wyo. Stat. Ann. § 27-4-501; Wyoming Department of Workforce Services: Labor FAQs.)\ Employees are entitled to receive vacation pay when all of the following are met: • An agreement or contract provides for vacation pay. • The agreement specifies the period of employment that must be completed before a right to vacation pay is earned. • Vacation pay is earned as provided in the agreement. (Op. Wyo. Att'y Gen. 53 (1963).)

9000 EXPENSES AND REIMBURSEMENT

9030 CAR EXPENSES

The U.S. Department of Labor and the U.S. Department of Transportation have partnered with OSHA in its distracted-driving initiative, making it clear that lawmakers and government agencies are focused on ending distracted driving. Many states have already enacted bans on texting while driving, and enacted other restrictions regarding use of cell phones while driving.

9040 EDUCATION AND TRAINING

A handful of states have laws requiring employers to train employees to identify and prevent harassment (See 2040 Harassment). These states typically have specific requirements about what to include in training materials, how soon after hire or promotion employees must be trained, and how frequently employees must receive "refresher" training.

STATE LABOR OFFICE WEBSITES

Alaska Division of Labor Standards and Safety	Internet address: http://labor.state.ak.us/lss/home.htm
California Department of Industrial Relations	Internet address: http://www.dir.ca.gov/
Colorado Department of Labor & Employment	Internet address: http://www.coworkforce.com/
Connecticut Department of Labor	Internet address: http://www.ctdol.state.ct.us/
Florida Department of Economic Opportunity	Internet address: http://www.floridajobs.org
Georgia Department of Labor	Internet address: http://www.dol.state.ga.us/
Hawaii Department of Labor and Industrial Relations	Internet address: http://hawaii.gov/labor/
Idaho Department of Labor	Internet address: http://labor.idaho.gov
Illinois Department of Labor	Internet address: http://www.state.il.us/agency/idol/
Indiana Department of Labor	Internet address: http://www.in.gov/dol/
Kansas Department of Labor	Internet address: http://www.dol.ks.gov/
Kentucky Labor Cabinet	Internet address: http://www.labor.ky.gov/Pages/Labor-Home.aspx
Louisiana Workforce Commission	Internet address: http://www.ldol.state.la.us/
Maryland Department of Labor, Licensing and Regulation	Internet address: http://www.dllr.state.md.us/
Massachusetts Department of Labor and Workforce Development	Internet address: http://www.mass.gov/dlwd/
Michigan Department of Licensing and Regulatory Affairs	Internet address: http://www.michigan.gov/lara/
Minnesota Department of Labor and Industry	Internet address: http://www.doli.state.mn.us/
Missouri Department of Labor and Industrial Relations	Internet address: http://www.labor.mo.gov/
Nebraska Department of Labor	Internet address: http://www.dol.nebraska.gov/
Nevada Department of Employment, Training & Rehabilitation	Internet address: http://detr.state.nv.us/
New Hampshire Department of Employment Security	Internet address: http://www.nhes.state.nh.us/
New Jersey Department of Labor and Workforce Development	Internet address: http://lwd.state.nj.us/labor/index.html
New Mexico Department of Workforce Solutions	Internet address: http://www.dws.state.nm.us/
New York Department of Labor	Internet address: http://www.labor.ny.gov/home
North Carolina Department of Labor	Internet address: http://www.nclabor.com
North Dakota Department of Labor and Human Rights	Internet address: http://www.nd.gov/labor/
Ohio Department of Commerce	Internet address: http://www.com.ohio.gov/

Oklahoma Department of Labor	Internet address: http://www.ok.gov./odol/
Oregon Employment Department	Internet address: http://www.employment.oregon.gov/
Pennsylvania Department of Labor and Industry	Internet address: http://www.dli.state.pa.us/
Rhode Island Department of Labor and Training	Internet address: http://www.dlt.ri.gov/
South Carolina Department of Labor, Licensing & Regulation	Internet address: http://www.llr.state.sc.us/
South Dakota Department of Labor and Regulation	Internet address: http://dol.sd.gov/
Tennessee Department of Labor and Workforce Development	Internet address: http://www.state.tn.us/labor-wfd/
Texas Workforce Commission	Internet address: http://www.twc.state.tx.us/r
Utah Labor Commission	Internet address: http://www.laborcommission.utah.gov/
Vermont Department of Labor	Internet address: http://www.labor.vermont.gov/
Virginia Department of Labor and Industry	Internet address: http://www.doli.virginia.gov/
Washington State Department of Labor and Industries	Internet address: http://www.lni.wa.gov/
West Virginia Department of Commerce	Internet address: http://www.wvcommerce.org
Wisconsin Department of Workforce Development	Internet address: http://www.dwd.state.wi.us/
Wyoming Department of Workforce Services	Internet address: http://doe.wyo.gov/