

10 new laws for 2018 affecting employee benefits

From parental leave to employees' genetic info, here are 10 new employment laws affecting benefits pros.

Some new employment laws in 2018 could affect employee benefits. Three are federal laws that apply to employment law. Seven are benefits-related or worker-related laws some states have enacted or will soon enact.

Even if you don't have employees across multiple states, it's quite possible that someday your state will enact similar laws, so consider this a long-term head's up.

Take a look at the **three federal regulations**, followed by the **seven state ones**.

Federal law #1: MONETARY PENALTIES INCREASED: Federal penalties for noncompliance have been increased to match inflation. (Photo: Shutterstock)

Federal law #2: EXECUTIVE COMPENSATION: Under Dodd-Frank, the SEC now requires public companies to disclose the median of the annual total compensation of all employees, except the CEO; the annual total compensation of its CEO; and the ratio of those two amounts.

Federal law #3: DISABILITY CLAIMS PROCESS: ERISA-covered plans that provide disability benefits will have to follow new regulations on reviewing and determining benefits claims. The regulations apply to claims filed on or after April 1, 2018.

4. EMPLOYEE GENETIC INFORMATION: In Illinois, SB 318 prohibits employers from penalizing employees who refuse to disclose genetic information. Two federal laws already prevent employees from being penalized by their employers for not disclosing genetic information: the 1990 Americans with Disabilities Act (ADA) and the 2008 Genetic Information Nondiscrimination Act (GINA). But both laws hinge on the use of the word "voluntary." The EEOC was recently taken to court by the AARP regarding employees having to give up information to be part of wellness programs. The agency was told by the judge to come up with new rules by 2019.

5. PAID PARENTAL OR FAMILY LEAVE: In California, SB63 extended the parental leave law to small employers. Employers with 20 or more employees must grant employees 12 weeks of unpaid, job-protected parental bonding leave. In Washington, SB 5975 requires employers with more than 50 employees to offer eligible employees 12 weeks of paid time off for the birth or adoption of a child, or for the serious medical condition of the employee or a family member. Employers with 50 or fewer employees are exempt. Effective 1-1-20. In New York, employers must offer paid leave for employees to care for a new child, a loved one with serious health issues, or assist with family members when one is called to active military service abroad. In 2018, employees can take up to 8 weeks off and receive 50% of their average weekly wage.

6. PAID SICK LEAVE: In Washington, Initiative No. 1433 requires employers to provide paid sick leave to most employees starting in 2018. In Rhode Island, HB 5413, requires employers with 18 or more employees to provide 3 paid sick days in 2018, 4 paid sick days in 2019 and 5 paid sick days thereafter. Effective 7-1-18. In Oregon, SB 29922 allows employers to limit the number of hours of sick time that employees may accrue per year.

7. PAID SAFE LEAVE: In New York City, No. 1313-A20 expands the City's paid sick leave requirements "to allow a survivor of domestic violence, sexual assault, trafficking or stalking to take time off of work, without fearing a loss of income. Workers who have been the victims of these offenses – or family members who need to assist them – can use Paid Sick or Safe Leave to care for their needs, whether physical, psychological, financial or otherwise." In Nevada, SB 361 requires employers to grant up to 160 hours per year of leave, whether paid or unpaid, to employees who are victims of domestic violence or whose family or household members are victims. Employers must also offer "reasonable" accommodation to include "modifying schedules or new work numbers."

8. PREGNANCY AND NURSING MOTHER ACCOMMODATIONS: In Massachusetts, SB 3680 requires employers to accommodate an employee's pregnancy "or any condition related to the employee's pregnancy, including, but not limited to lactation, or the need to express breast milk for a nursing child."

9. BENEFITS COVERAGE AND BENEFITS CONTRIBUTION LIABILITY In Colorado, HB1186 requires health benefit plans to cover a multi-month supply of prescription contraceptives. Effective 2019. In California, AB1701 makes construction contractors liable for "debt owed to a wage claimant that is incurred by a subcontractor" as well as

for any benefits owed to the worker. In Connecticut, HB 7037 obligates employers to include a copy of any withholding order when an employee first requests workers' compensation benefits so that the employer's workers' compensation benefits carrier can withhold those funds.

10. SALARY HISTORY: The most well-publicized laws enacted in employee benefits this year are those preventing employers from asking job applicants their compensation history or trying to get that from their employers. This is effective in California (in San Francisco, additionally, as of 7-1-18 it will be illegal for employers to provide that information without the person's permission), Delaware, Massachusetts (which also prohibits payment of lower wages for the same job because of gender discrimination and also prevents employers from forbidding employees to share wage information), New York City, and Puerto Rico.

Below is a key to sources cited for each slide:

Federal Laws:

1. DOL source for information about DOL monetary penalties.
2. SEC executive compensation press release.
3. ERISA-covered plans disability benefits claims process.

State Laws:

1. Genetic information: **Illinois, SB 318.**
2. Paid parental or family leave: **California, SB63; Washington, SB 5975; New York.**
3. Paid sick leave: **Washington, Initiative No. 1433; Rhode Island, HB 5413; Oregon, SB 299.**
4. Paid safe leave: **New York City, No. 1313-A20; Nevada, SB 361.**
5. Pregnancy and nursing mother accommodations: **Massachusetts, SB 3680.**
6. Benefits coverage or contribution liability: **Colorado, HB1186; California, AB1701; Connecticut, HB 7037.**
7. Salary history: **"9 places in the US where job candidates may never have to answer the dreaded salary question again" (Business Insider).**

By **Caroline Marwitz**