

Summer State/Local Law Round-Up, Part 2 of 2 (US)

Article By:

Shennan Harris

Scott G. Held

In our [post](#) earlier this week, we covered recent developments in state and local labor and employment laws in the states at the beginning of the alphabet. We now turn our attention to developments in the remaining states.

New Jersey

- **Temporary Workers' Bill of Rights** – On February 6, 2023, the [Temporary Workers' Bill of Rights](#) was signed into law by New Jersey Governor Phil Murphy. The law broadly expands the rights of approximately 127,000 temporary workers in New Jersey. As of May 7, 2023, staffing agencies must provide their temporary workers with an [Assignment Notification](#) at the time of dispatch to each assignment. Notice must be provided to temporary workers in Spanish or in any other language generally understood in the locale of the staffing agency. If a temporary worker's schedule, shift or location changes on a multi-day assignment, the staffing agency must (if possible) provide notice no less than 48 hours in advance of the change. Finally, temporary workers who exercise their rights under the law are now protected against retaliation by staffing agencies, third-party employers, and any agents thereof. Additional obligations under the law (including recordkeeping, transportation, and additional notification requirements) do not take effect until August 5, 2023. The New Jersey Department of Labor & Workforce Development will add information regarding these additional requirements to its website [FAQ](#) "in the coming months."

New Mexico

- **LGBTQ+ Rights Added to New Mexico Human Rights Act** – On March 24, 2023, Governor Grisham signed [HB 207](#), extending the scope of the state's anti-discrimination law, known as the New Mexico Human Rights Act, to include protections for LGBTQ individuals. As amended, the New Mexico Human Rights Act now includes sexual orientation and gender identity as protected categories.

New York

- **Pay Transparency Law Amended** – As we reported in our [State Law Roundup: 2022 Year-End Edition](#), late last year New York State Governor Kathy Hochul signed the state's pay transparency bill into [law](#). On March 3, 2023, Governor Hochul approved [amendments](#) to the law ahead of its scheduled September 17, 2023 effective date. Most significantly, and in marked contrast with NYC's pay transparency law, the amended NYS law will no longer apply to any job that "can or will be performed in the State of New York" (i.e., to all remote jobs). Instead, NYS's amended pay transparency law will apply to jobs that "will physically be performed, at least in part, in the State of New York." However, coverage has been expanded somewhat to now include jobs that will physically be performed outside of New York but which "report to a supervisor, office, or other work site in New York." The amendment also: (1) removes the requirement that employers keep and maintain records related to job descriptions and pay ranges, and (2) adds a statutory definition of "advertise," defined as "to make available to a pool of potential applicants for internal or public viewing, including electronically, a written description of an employment opportunity."
- **Model Sexual Harassment Policy Updated** – On April 11, 2023, Governor Hochul [announced](#) that NYSDOL had finalized updates to its model sexual harassment policy, along with new training, guidelines for employers and employees, and an interactive video and answer sheet. The updated materials are available on the Department's website, [here](#). Employers may either adopt the model policy published by the NYS Department of Labor (NYSDOL) or adopt their own policy that meets or exceeds the minimum standards contained in the model policy.
- **New York City Prohibits Discrimination Based Upon Height and/or Weight** With passage of [Intro. 209-A](#), effective November 22, 2023, the Big Apple will prohibit employers from discriminating against employees or applicants based upon their height or weight. There are some exceptions, such as where consideration of height and/or weight is required by federal, state or local laws or regulations, or for positions for which height and/or weight may prevent a person from performing essential requirements of a job and no alternative is available, or the criteria is reasonably necessary for the normal operation of the business.
- **Albany County Prohibits Pay History Inquiries** – Albany County joins the long list of states and localities prohibiting pay history inquiries for applicants. Under the [Local Law "E"](#), which went into effect on February 13, 2023, employers are prohibited from requiring applicants to provide prior or current salary information before an offer of employment is made.

North Dakota

- **Amendments to Medical Marijuana Law** – On April 12, 2023, North Dakota Governor signed [S.B. 2388](#) into law. The law amends Century Code [Chapter 19-24.1](#), the state's medical marijuana law. Under the prior version of the law, employers were permitted to discipline employees for possessing or consuming usable marijuana in the workplace or for working while under the influence of marijuana. As amended, the law now allows employers to discipline employees for "working with marijuana in the employee's system."
- **Amendments to Pregnancy Accommodation Law** – On March 17, 2023, North Dakota [amended](#) its pregnancy accommodation law, which makes it an unlawful

discriminatory practice for an employer to fail or refuse to accommodate an individual “because that individual is pregnant.” The amendments clarify the definition of the term “pregnant” to include “pregnancy, childbirth, and related medical conditions.”

Ohio

- **Revises Crime Victim Protections** – On January 5, 2023, Ohio Governor DeWine signed into law [House Bill 343](#), also known as Marsy’s Law, expanding the employment protections for crime victims, including prohibiting employers from retaliating against victims or their family members or representatives for attending certain criminal or delinquency proceedings. The law also repealed the provision stating employers are not required to pay an employee for time lost as a result of their attendance at such proceedings. The law took effect on April 6, 2023.
- **Columbus Bans Salary History Inquiries** – Add Columbus, Ohio to the ever-growing list of jurisdictions prohibiting pay history inquiries under a recently passed [ordinance](#). Effective March 1, 2024, employers with 15 or more employees in Columbus will be prohibited from: (1) asking about the salary history of an applicant; (2) screening applicants based on their current or prior wages, benefits, other compensation, or salary histories; (3) relying solely on an applicant’s salary history in deciding whether to make an employment offer or in determining the salary, benefits, or other compensation for such applicant during the hiring process; and (4) refusing to hire or otherwise disfavor, injure, or retaliating against an applicant for not disclosing their salary history.

Pennsylvania

- **Philadelphia Releases Further Paid Sick Leave Regulations** – On February 28, 2023, the Philadelphia Department of Labor released supplemental [regulations](#) on the Promoting Healthy Families and Workplaces Ordinance, the city’s paid sick leave (PSL) law. The PSL law covers three types of leave: (1) accrued sick leave, (2) COVID-19 leave, and (3) health-care epidemic leave emergency. The regulations clarify coverage and leave entitlements under each type of leave, the purposes for which each type of leave can be taken, and the documentation employers may require for the use of each type of leave.

Utah

- **Utah Repeals Military Leave** – Utah [repealed](#) its military leave law, effective May 3, 2023. The now-repealed [law](#) required all Utah employers to provide up to five years of military leave to reserve members of the US armed forces who, pursuant to military orders, enters active duty, active duty for training, inactive duty training, or state active duty.

Virginia

- **Virginia Organ and Bone Marrow Donation Leave** – Effective July 1, 2023, Virginia employers with 50 or more employees will be required to provide unpaid organ donation leave

to their employees under [S.B. 1086](#). Eligible employees are entitled to up to 60 business days of unpaid leave in any 12-month period to serve as an organ donor, and up to 30 business days of unpaid leave in any 12-month period to serve as a bone marrow donor. Organ donation leave will not run concurrently with FMLA leave.

Washington

- **Prohibits Marijuana-Related Hiring Discrimination** – In 2012, Washington became one of the first states to legalize recreational marijuana. Considering the disconnect this created between employers' hiring practices and applicants' legal marijuana use, the Washington Legislature decided to take further action more than ten years later to prevent employers from restricting job opportunities based on an applicant's past marijuana use. Effective January 1, 2024, a new Washington [law](#) will make it unlawful for an employer to make hiring decisions based on (1) a person's off the job and away from the workplace use of marijuana, or (2) an employer-required drug screening test detecting non-psychoactive cannabis metabolites in a person's hair, blood, urine, or other bodily fluids. The law does not affect an employer's right to maintain drug and alcohol-free workplace policies or conduct drug tests outside of the preemployment stage. The law does not apply to applicants for certain safety-sensitive positions.
- **Bars Employer Vehicle Searches** – Under [S.B. 1491](#), effective July 23, 2023, Washington employers are prohibited from searching their employees' private vehicles, including in the company parking lot, with certain exceptions.
- **Seattle Mandates Paid Sick Leave for App-Based Workers** – On March 29, 2023, Seattle passed an [ordinance](#) guaranteeing paid sick leave for app-based gig workers who perform services in Seattle for "network companies," defined as any organization or entity that uses an online app or platform to connect customers with app-based workers. Services include work-related stops in Seattle but does not include stopping in Seattle for refueling, personal meals or errands, or time spent traveling to a destination outside Seattle where no commercial stops are made in Seattle. Effective January 13, 2024, eligible app-based workers will accrue one day of paid leave for every 30 days worked.
- **Seattle Bans Caste Discrimination** – On February 23, 2023, Seattle Mayor Bruce A. Harrell approved [amendments](#) to the City's anti-discrimination ordinance by adding "caste" as a protected classification. This makes Seattle the first and only jurisdiction nationwide to prohibit caste-based discrimination. The ordinance went into effect on March 25, 2023.

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