

Countdown to January 1: New Year Rings in 100+ New Employment Laws

Author: [XpertHR Editorial Team](#)

It's fair to say 2021 has been a roller-coaster ride for HR professionals. In the wake of COVID-19, they've had to plan and implement return-to-the-workplace policies and procedures, vaccination and COVID testing mandates, and other health and safety protocols, such as procedures to screen employees and respond to potential COVID-19 exposures in the workplace. They've also had to be nimble and creative in response to the pandemic's impact on the physical and mental health of colleagues and employees, the tightening labor market, staffing shortages and more.

While we can't predict everything 2022 will bring, there is one thing HR teams can count on - and prepare for: the arrival at new year of a bevy of new employment laws (as well as amendments to existing laws, new regulations, provisions in existing laws that take effect and more). This year they total more than 100 at the federal, state and local levels.

To help organizations get ready to comply, we've summarized the key topic areas covered and provided a list of the laws, organized by jurisdiction. Employers should review these developments and make any needed updates to policies and procedures.

Employers with operations in California should become familiar with forthcoming changes to the state's family and medical leave law, and new developments affecting workplace safety, settlement agreements, wage theft and more. For more insight, see our separate round-up of [January 1 compliance requirements for California](#).

Keep in mind that many jurisdictions will have new posting requirements in 2022, so take time now to review and update applicable [federal](#) and [state and local](#) workplace posters.

Key Topics

Minimum Wage

The new year brings minimum wage changes for 20 states and dozens of localities across the US, including statewide increases in California, Illinois, Massachusetts, Maryland, Ohio and Virginia to name a few.

All the rate changes can be found on our [Minimum Wage Rates by State and Municipality](#) 50-State Chart, which provides a comprehensive overview of all new rates taking effect in January as well as future rate increases across the US.

Discrimination

States and localities continue to pass laws to protect employees from workplace discrimination. Oregon will join a number of other states and cities in prohibiting employers from discriminating against individuals based on physical characteristics historically associated with race, such as hair type, texture and hairstyle. Charlotte, North Carolina, recently passed a nondiscrimination ordinance that expands protected classes beyond those recognized at the state level and applies to *all* employers in the city, regardless of size.

Employers in Illinois should note a new law that prohibits discrimination based on an individual's association with a person with a disability. Minnesota employers should update policies and procedures to reflect changes to pregnancy and lactation accommodation requirements.

Employee Leaves

In light of the COVID-19 pandemic, it's no surprise that states continue to expand employee leave benefits. Amendments to the California Family Rights Act will enable employees to use leave to care for a parent-in-law with a serious health condition. Rhode Island will increase paid temporary caregiver leave from four to five weeks in a benefit year. And in Oregon, amendments to the state's Family Leave Act will expand the law's eligibility and leave provisions.

Connecticut employees may begin accessing the state's paid family and medical leave benefits beginning January 1. Employee-friendly changes to the Connecticut Family and Medical Leave Act will take effect then as well, including an expanded list of covered family members. Employer coverage will broaden, too: employers in the Constitution State with one or more employees will now be covered (previously only employers with 75 or more employees were covered).

Our [Leave Laws by State and Municipality](#) 50-State Chart provides an overview of these and other leave requirements at the federal, state and local levels.

Payroll

Payroll administrators in several states should prepare for changes affecting wage payments, withholding and related taxes. In Louisiana and West Virginia, for example, income tax withholding exemptions will take effect for certain nonresident employees. San Francisco employers will see a new payroll tax kick in if they pay their highly compensated managerial executives more than a set amount. Also of note: in Washington, employers must begin payroll deductions to fund the state's new long-term care benefits program.

Other Trending Topics

Additional noteworthy developments touch on topics such as health care benefits, noncompete agreements and immigration. A new federal law will require that group health plans publicly disclose cost-sharing information. And employers with workers on H-1B visas should be aware that beginning December 31, 2021, a new selection process will take effect that prioritizes visa applications based on the wage level of the position being filled.

Federal, State and Local Developments

Federal

Topic	Legal Development	Effective Date
Health Care Benefits	Transparency in Coverage Public Disclosure Requirements Take Effect	January 1, 2022
Immigration	H-1B Final Rule on Registration Requirements Takes Effect	December 31, 2021
Tip Credit	FLSA "80/20 Plus 30" Tip Credit Rule Takes Effect	December 28, 2021
Workplace Safety	OSHA's Vaccination and Testing Requirements Take Effect (Note: Enforcement is temporarily blocked by judicial order.)	January 4, 2022

California

Topic	Legal Development	Effective Date
Data Security Breach	California Data Breach Notification Law Amended to Protect Genetic Data	January 1, 2022
Discrimination	California Corporate Boards Must Include a Director from an Underrepresented Community	December 31, 2021
Discrimination	California Corporate Boards Must Include a Certain Number of Women Depending on Board Size	December 31, 2021
Discrimination and Recordkeeping	California Amends Record Retention Period and Statute of Limitations Under FEHA	January 1, 2022
Employee Classification	California Minimum Pay for Overtime-Exempt Computer Professionals and Physicians and Surgeons Paid an Hourly Rate Is Adjusted for Inflation	January 1, 2022

Topic	Legal Development	Effective Date
Health Care Benefits	California Expands Health Insurance Coverage Requirements	January 1, 2022
Family and Medical Leave	California Family Rights Act Amendments Regarding Covered Family Members and Mediation Take Effect	January 1, 2022
Payroll	San Francisco, California, Overpaid Executive Gross Receipts Tax Based on Payroll Expenses Takes Effect	January 1, 2022
Privacy	California Consumer Privacy Act Extends Employee Data Exemption	January 1, 2022
Settlement and Nondisparagement Agreements	California Imposes Additional Limitations on Settlement Agreement	January 1, 2022
Subminimum Wage	California Stops Issuing New Licenses Authorizing Subminimum Wage for Workers With Disabilities	January 1, 2022
Training	California Requires Additional Information from Janitorial Employers	January 1, 2022
Wage Theft	California Intentional Wage Theft Law Takes Effect	January 1, 2022
Workplace Posters	California Allows Email Notification of Required Postings	January 1, 2022
Workplace Safety	California Expands Cal/OSHA Authorization to Issue Citations and Penalties	January 1, 2022
Workplace Safety	California Provides Protections to Warehouse Workers	January 1, 2022

Colorado

Topic	Legal Development	Effective Date
Employee Classification	Colorado Repeals Minimum Wage Exemption for Agricultural Employees	January 1, 2022
Health Care Benefits	Colorado Requires Large Employers to Cover Annual Mental Health Wellness Exam	January 1, 2022
Paid Sick Leave	Colorado Paid Sick Leave Law Applies to Small Employers	January 1, 2022

Connecticut

Topic	Legal Development	Effective Date
Family and Medical Leave	Connecticut Paid Family and Medical Leave Benefits Begin	January 1, 2022

Delaware

Topic	Legal Development	Effective Date
Subminimum Wages	Delaware Repeals Subminimum Wages for Trainees and Youths	December 29, 2021

Hawaii

Topic	Legal Development	Effective Date
Payroll	Hawaii Amends Form W-2 Requirements	January 1, 2022

Illinois

Topic	Legal Development	Effective Date
Crime Victim Leave	Illinois Amends Victims' Economic Security and Safety Act	January 1, 2022
Discrimination	Illinois Human Rights Act Prohibits Association Discrimination	January 1, 2022
Employment Contracts	Chicago, Illinois, Requires Written Contracts for Domestic Workers	January 1, 2022
Health Care Benefits	Illinois Requires Pancreatic Cancer Screening and Colonoscopy Coverage	January 1, 2022
Noncompete Agreements	Illinois Noncompete and Nonsolicitation Agreement Restrictions Take Effect	January 1, 2022
Recordkeeping	Illinois Personnel Record Review Act Amendments Take Effect	January 1, 2022
Retirement Savings Plans	Illinois Amends Secure Choice Savings Program	January 1, 2022
Wage Theft	Chicago, Illinois, Wage Payment Method Penalty Takes Effect	January 1, 2022

Kentucky

Topic	Legal Development	Effective Date
Health Care Benefits	Kentucky Amends Mental Health Parity Requirements	January 1, 2022

Louisiana

Topic	Legal Development	Effective Date
Payroll	Louisiana Withholding Exemption for Mobile Nonresident Employees Takes Effect	January 1, 2022

Massachusetts

Topic	Legal Development	Effective Date
Overtime	Massachusetts Retail Worker Overtime Rate Decreases to One and One-Tenth	January 1, 2022
Payroll	Massachusetts' Inflation-Adjusted State PFML Contribution Rates and Benefit Amounts Take Effect	January 1, 2022

Minnesota

Topic	Legal Development	Effective Date
Pregnancy and Lactation Accommodations	Minnesota Amends Pregnancy and Lactation Accommodation Requirements	January 1, 2022

Montana

Topic	Legal Development	Effective Date
Marijuana	Montana Amends Marijuana Law	January 1, 2022

New Mexico

Topic	Legal Development	Effective Date
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Topic	Legal Development	Effective Date
Health Care Benefits	New Mexico Temporarily Eliminates Cost Sharing for Behavioral Health Services	January 1, 2022

New York

Topic	Legal Development	Effective Date
Paid Family Leave	New York Amends Cap on Paid Family Leave Taken Intermittently	January 1, 2022
Pay Deductions	New York Paid Family Leave Contribution Rates Increase for 2022	January 1, 2022

North Carolina

Topic	Legal Development	Effective Date
Discrimination	Charlotte, North Carolina, Nondiscrimination Ordinance Takes Effect	January 1, 2022

North Dakota

Topic	Legal Development	Effective Date
Payroll	North Dakota Amends Payroll Depositing and Reporting Requirements	January 1, 2022

Oregon

Topic	Legal Development	Effective Date
Discrimination	Oregon Bans Hairstyle Discrimination	January 1, 2022
Family Leave	Oregon Expands Family Leave Rights	January 1, 2022
Immigration	Oregon Regulates Use of Driver Licenses for Employment Purposes	January 1, 2022
Noncompete Agreements	Oregon Reduces Noncompete Agreement Enforceability Period	January 1, 2022

Pennsylvania

Topic	Legal Development	Effective Date
Preemployment Screening and Testing	Philadelphia Bans Preemployment Marijuana Testing	January 1, 2022

Rhode Island

Topic	Legal Development	Effective Date
Paid Family Leave	Rhode Island Increases Temporary Caregiver Leave Benefits	January 1, 2022

Washington

Topic	Legal Development	Effective Date
Noncompete Agreements	Washington Increases Earnings Requirement for Noncompete Agreements	January 1, 2022
Overtime	Washington Requires Overtime for Agricultural Employees Who Work More Than 55 Hours	January 1, 2022
Payroll	Washington Requires Pay Deductions for Long-Term Care Benefits	January 1, 2022

West Virginia

Topic	Legal Development	Effective Date
Payroll	West Virginia Nonresident Income Tax Withholding Exemption Takes Effect	January 1, 2022