

September 22, 2020

2020 – Employment Bills after Veto Deadline

Act 17

(9/15/20)

HB 2054 HD1 SD1

Sexual Harassment or Assault; Nondisclosure Agreements – Amends Chapter 378 by prohibiting an employer from requiring an employee to enter into a nondisclosure agreement pertaining to sexual harassment or sexual assault. Prohibits an employer from retaliating against an employee for disclosing or discussing sexual harassment or sexual assault. Does not apply to: (1) HR employees who are expected to maintain the confidentiality of an investigation as part of their official duties; (2) employees asked to maintain confidentiality of ongoing HR investigation; and (3) proceedings pursuant to section 624-25.5 (*i.e.*, proceedings and records of peer review committees and quality assurance committees). *Effective upon approval (September 15, 2020).*

Act 40

(9/15/20)

HB 2148 HD1 SD1

Family Leave Law – Extends the Family Leave Law to include care for employees' grandchildren and defines "sibling" as "an individual who is a biological, adopted, or foster brother or sister; or a stepbrother or stepsister of an employee." *Effective July 1, 2020.*

Act 44

(9/15/20)

HB 2350 HD2 SD1

DLIR; Penalties – Increases penalties for various laws enforced by DLIR, including:

- **DLIR's catchall penalty:** Increases from \$250 to \$500
- **Lie Detector Test:** Civil penalty increases from \$250 to \$2500. Criminal penalty increases from \$1,000 to \$2,500.
- **Whistleblowers' Protection Act:** Increases from \$750 to \$7,500.
- **Leave for domestic or sexual violence:** Increases from \$10 to \$100.
- **Additional unemployment compensation benefits:** Fines would be between \$175 to \$1,750 (instead of \$20 to \$200).
- **Workers' compensations inspections:** Increases from \$250 to \$500.
- **Workers' compensation fraud:** Increases from \$10,000 to \$20,000.
- **Wage & Hour willful hindering investigations:** Increases from \$500 to \$10,000.
- **Wage & Hour criminal fines:** Fines would be between \$500 and \$5,000 (instead of \$50 and \$500).
- **Job application processing fees:** Fines would be between \$250 and \$2,500 (instead of \$100 to \$1,000).
- **TDI failure to pay assessment:** Increases from \$10 to \$250.
- **TDI failure to file claims:** Increases from \$10 to \$250.
- **TDI violations:** Increases from \$250 to \$500.

Effective upon approval (September 15, 2020).

Act 51
(9/15/20)
SB 2193 HD2

Criminal History Check – Changes the lookback period for criminal conviction checks from 10 years for all convictions to 7 years for felony convictions and 5 years for misdemeanor convictions. *Effective upon approval (September 15, 2020).*