

Each month, Optimum Employer Solutions gathers the latest updates and changes to federal and state employment law. Read on to learn how these changes may affect you, and how Optimum can help you ensure compliance.

HR Story

When Your Employee is Suicidal

As employers or HR professionals, you may be the first to recognize a potentially suicidal person who needs intervention. With September being National Suicide Prevention Month, [read on and share with your managers so you know what to look out for and how to respond.](#)

HR Question

Question: I have a problem employee who gave their two-week notice. Management's thinking is "good riddance!" and we want to accept their resignation immediately. The employee has company property at their house, and we're concerned they won't return it. What are the final pay requirements we must follow? Can we withhold a portion of their final check until they return the company property?

[Read on for the answer!](#)

Federal/State Updates

Preventing Missteps in Hiring and Managing Seasonal Workers

Hiring seasonal workers can raise some important legal questions over how to properly handle overtime pay, work schedules, employee training, and other matters. These concerns particularly affect businesses in the hospitality and retail industries, which tend to hire seasonal workers in the fall to prepare for the winter holidays.

[Read more here.](#)

Upcoming Voting Leave Compliance Obligations

Election Day is almost here, so now is a good time to brush up on voting leave laws and make sure you're posting any mandatory notices.

Voting Leave

Most states require that employers provide at least a few hours off to vote, and sometimes those hours need to be paid. Often these laws require very little advance notice from employees about their need for leave, so employers should be prepared to grant last-minute requests to leave work to vote.

If you're in a state with early voting, you may want to encourage employees to take advantage of that option—by offering the same time-off benefit—to reduce the number of absences on Election Day. The availability of early voting and absentee ballots, however, doesn't change an employee's right to vote on Election Day if that's their preference.

Required Notices

California, DC, and New York also require that employers post a notice about employees' voting rights in a conspicuous location in the workplace. Employees who work from home or don't report to the workplace regularly should be provided with these notices electronically. (If you have a All in One Labor Law Poster, this posting may already be included.)

California

California requires the notice to be posted at least 10 days before the November 5 election—which is October 26, a Saturday. If you're closed on Saturdays, we recommend posting or sending this notice by Friday the 25th. California's notice can be found in English [here](#) and in other languages [here](#).

The District of Columbia

DC requires that employers post a voting leave notice created by the DC Board of Elections (DCBOE) at least 60 days before the November 5 election—which is September 6. If you provide this notice electronically for remote employees, you need to get their acknowledgment of receipt. This election's notice can be found in English and in other languages [here](#). The DCBOE has a [web page](#) with additional information.

New York

New York requires the notice to be posted at least 10 working days before the November 5 election (this would be October 22 for a Monday through Friday workplace). New York's notice is available [here](#).

California

County of LA Criminal History Update

Starting September 3, 2024, employers in unincorporated Los Angeles County, including those with remote positions, must adhere to a new fair chance hiring ordinance that goes beyond existing federal and state laws. This ordinance also applies to contractors and freelancers and adds complexity to criminal background check processes. Employers should review and update their hiring practices regarding criminal history inquiries to ensure compliance with this new regulation. The County's Department of Consumer and Business Affairs will provide necessary notices and documents on its website, currently under construction.

Suggested action items for employers with employees in the County and other jurisdictions having ban-the-box laws are as follows:

- Review and update job applications and related forms for impermissible inquiries regarding criminal records;
- Review and update workplace postings to help ensure all required postings are included;
- Review and update company webpages for necessary additions about fair chance hiring;
- Provide training to recruiters and other personnel involved in posting job openings;
- Provide training to personnel who conduct job interviews and make or influence hiring and staffing decisions to explain permissible inquiries into, and uses of, criminal history;
- Provide training to personnel involved in ordering and adjudicating background reports;
- Review written and electronic communications about the hiring process, including conditional job offer templates and pre-adverse action and adverse action notices;
- Plan for the requirement to prepare additional documentation for the individualized assessment and record retention;
- Plan for delays in staffing openings due to delays in receiving background reports; and
- Review the hiring and screening process to help ensure compliance, including the timing of background checks, the distribution of mandatory notices, and the application of mandatory deferral periods.

Illinois

Illinois Law Aims to Curtail Employers' Mandatory, Captive Audience Meetings

Illinois joined a handful of other states in limiting employers' ability to conduct "captive audience" meetings when Governor J.B. Pritzker signed into law SB3649, commonly known as the Worker Freedom of Speech Act. The Act is set to take effect on Jan. 1, 2025. [Read more here.](#)

New Law Steps Up AI Regulation in Employment

In an era when artificial intelligence (AI) is rapidly transforming the workplace, Illinois has joined the growing list of states taking legislative action to further regulate the use of AI in employment settings.

[Read more here.](#)

New Rules for Employing Minors

Illinois passed new child labor laws that will go into effect on January 1, 2025. The enhanced protections include a certificate authorizing a minor to work, restricting the number of hours a minor can work, changes to the occupations in which minors can work, requiring supervision at all times, and recordkeeping requirements, among others. [Read more for additional information.](#)

New York

Retail Workplace Violence Prevention Bill Signed Into Law

On September 4, 2024, Governor Kathy Hochul signed into law the New York Retail Worker Safety Act, a comprehensive measure intended to increase worker safety and address the hazard of workplace violence in retail settings. [Read more here.](#)