

# Employer regulatory updates



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**N**ALC branch leaders and activists serve the membership in a wide variety of roles. From providing representation on the workroom floor in enforcement of the collective-bargaining agreement and negotiating local memorandums of understanding to coordinating community service events, the tasks and responsibilities are seemingly endless. And although most leaders and members alike are very familiar with these responsibilities, oftentimes the branches' role as employers is understated.

While it is somewhat instinctive that branches, which have full-time officers and staff, would be classified as employers, it becomes less

intuitive when considering branches that do not have full-time employees. To help bring some clarity to the issue, consider these examples: Branch size is not the determining factor as to whether a branch is an employer. For instance, if branch bylaws provide for payment to officers for performing the duties of their elected position, the branch is considered an employer. Likewise, if a branch sends its member(s) to training and pays compensation for attending, the branch is considered an employer.

**Once it is determined that a branch is an employer,** a myriad of employment compliance requirements are forced upon it—such as new hire reporting with your state, employment eligibility verification and employee notification requirements. The landscape for these compliance requirements for employers is constantly changing and is, at times, complex. For example, did you know that the following states have recently adopted new regulations that require harassment prevention training for employees and supervisors over the next year?

Connecticut	Oct. 1, 2020	All Connecticut employees must be trained.
New York	Oct. 9, 2020	All New York employees must be trained, regardless of employer size.

Also, several states have anti-harassment mandates currently pending in their respective state legislatures: Texas, Massachusetts, Pennsylvania, Rhode Island and Florida. Not all these states have training requirements, but each has proposed legislation related to harassment prevention. In some cases, the state may have more than one bill in the pipeline to address harassment in the workplace.

**In addition, Massachusetts introduced new legislation** regarding paid family and medical leave (PFML) benefits for all employees in 2021. If you employ Massachusetts workers (i.e., have employees on your payroll, including branch officers, stewards and all others who receive wages from your branch), you are required to comply with the PFML law, because of the legislation that took effect last month. In addition, employers are required to immediately provide written notice to their current workforce about PFML benefits, contribution rates and other provisions, as outlined in the law. The notice also must be distributed to all new hires moving forward.

All branches in Massachusetts with more than one employee on payroll are required to comply with PFML. Branches with fewer than 25 employees are not required to pay the employer portion, but still will be required to deduct employee contributions, submit quarterly reports and remit contributions to the state. To see all of the requirements of this new program, including templates for written notices for employees, FAQs and payroll specific deduction info, please visit [mass.gov/guides/employers-guide-to-paid-family-and-medical-leave](https://mass.gov/guides/employers-guide-to-paid-family-and-medical-leave).

**Although it is the responsibility of each branch to keep** abreast of and comply with federal and state employment regulations, NALC will try to provide help in this cumbersome endeavor moving forward. Ken Raker, NALC's director of human resources, soon will be providing periodic HR updates that pertain to key employment law changes at the national level and within individual states. These updates will be outlined in this section of *The Postal Record* and/or mailed to the affected branches directly as they develop. Although these updates are not intended to be a comprehensive source for all of your requirements as an employer, they will at least provide a foundation to help you navigate most of the major developments in employment law within your state and at the national level. For specific questions, please reach out to Ken directly through the NALC Headquarters Human Resources Department.

State	Deadline	Compliance Date	Details
Connecticut	Oct. 1, 2019		All new hires must be trained within six months of hire and every two years thereafter.
New York	Oct. 9, 2019		Employers with five or more employees must train all employees annually.
California	Jan. 1, 2020		Employers with five or more employees must train all employees and independent contractors.