

Get ready for 2019 new labor and employment laws

With 2019 just around the corner, now is the time to preview labor and employment laws that will soon affect employers.

There haven't been any significant federal employment law changes in 2018 that will affect employers in 2019. However, there have been regulatory changes employers should review. These include renewed efforts to protect American workers from perceived preference for foreign workers admitted under various visa programs.

Here's what you can prepare for in the coming months.

Joint Employment

Expect new rules defining joint employment in early 2019.

The National Labor Relations Board is extending the time for submitting comments regarding its proposed rule addressing its joint-employer standard. The submission window remains open and interested parties may now file comments on or before Jan. 14, 2019. Originally, comments were to have been submitted in November.

Under the proposed rule, an employer may be found to be a joint employer of another employer's employees only if it possesses and exercises substantial, direct and immediate control over the essential terms and conditions of employment.

Joint employment relationships cover a variety of scenarios:

- Companies that use staffing services or temp agencies to acquire workers
- Contractor/subcontractor arrangements
- Franchise/franchisee relationships.

What they have in common is that wage-and-hour disputes can be difficult to resolve because more than one organization is involved in directing employees' work.

New overtime laws

The Department of Labor is likely to announce new proposed overtime rules. Earlier this fall, the U.S. Department of Labor says it will propose a new salary threshold for paying overtime to white-collar workers next March.

Possible rules revisions include raising the salary threshold above its current \$23,660 per year. Anyone who makes less than that is eligible for overtime pay when they work more than 40 hours in a workweek.

Meeting the March deadline would cap what has so far been a drawn-out process. The DOL originally began seeking public comment on revising the overtime rules in the summer of 2017.

Minimum wage increases

New federal rules that will take effect in early 2019 include an increase in the federal contractor minimum wage to \$10.60 per hour and expanded ability to exclude contraceptive coverage from employer-sponsored health plans, based on moral objections.

Many states will raise their minimum wage rates in 2019:

- Alaska \$9.89
- Arizona \$11.00
- Arkansas \$9.25
- California \$11.00/\$12.00 (for employers of 26 or more)
- Colorado \$11.10
- Delaware \$8.75 on Jan. 1, \$9.25 on Oct. 1,
- D.C. \$14.00
- Florida \$8.46
- Maine \$11.00
- Massachusetts \$12.00
- Michigan \$10.00 on April 1
- Minnesota \$9.86 (\$500,000 annual gross sales)/ \$8.04 (less than \$500,000)
- Missouri \$8.60
- Montana \$8.50
- New Jersey \$8.85
- New York \$11.10
- Ohio \$8.55
- Oregon \$11.25
- Rhode Island \$10.50
- South Dakota \$9.10
- Vermont \$10.78
- Washington \$12.00