

# GOVERNMENT RELATIONS

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## NEW STATE LAWS IN 2022



A new year is upon us, and some new state laws that have taken (or will take) effect in 2022 could impact the way New York employers do business. Such measures are the following:

### Minimum Wage Increase

On December 31, 2021, the minimum wage rose to \$15 per hour on Long Island and in Westchester, matching the \$15 hourly minimum wage already set in New York City. Minimum wage increased to \$13.20 per hour in the rest of New York state to include Upstate/Central New York. Future increases will be based on an indexed schedule set by the Director of the Division of the Budget in consultation with the Department of Labor.

### NYS Paid Family Leave

Employees with the time-worked requirements for New York's Paid Family Leave can now take up to 12 weeks off to care for a new child or sick family member. In 2022, New Yorkers using the leave will also receive 67 percent of their average weekly wage.

A bill to expand paid family leave to include caring for a "sibling" in New York was signed by Governor Kathy Hochul last year. The new measure applies to biological, adopted, half-siblings, or stepsiblings and will take effect in 2023.

### Electronic Monitoring of Employees

Starting this May, a new state law will require employers to notify their new hires if they plan to electronically monitor them in any way. Employers that "monitor or

otherwise intercept" their employees' calls, e-mails, or internet usage must provide written notice to the employees who are subject to the monitoring and obtain their written acknowledgement. Employers will also have to post the notice.

### Polystyrene Ban pertaining to single-use foam containers

Since January 1, 2022, restaurants and other designated establishments are prohibited under a new law to sell or distribute polystyrene containers in New York. In addition, manufacturers are not allowed to sell, offer for sale, or distribute polystyrene loose fill packaging, or packing peanuts, in the state. Violators could be charged up to \$250 for a first fine. For more information from the Department of Environmental Conservation (DEC), visit:

[www.dec.ny.gov/chemical/120762.html](http://www.dec.ny.gov/chemical/120762.html)

### Whistleblower Protection Law

Whistleblower protections for private-sector employees were expanded when the amended law took effect January 26, 2022. Retaliation was expanded to include actions or threats that would impact the employment, current or future, of "former employees" and "independent contractors." In addition, the statute of limitations was extended from one to two years.