

The webinar will begin shortly





Hiring in a new state – avoiding pitfalls and what next?

* Although we will be providing legal information during this webinar, we will not be providing legal advice.

AGENDA

Must-do
evaluations and
state specific
hiring laws



How to fulfill
state registration,
tax, policy and
other obligations



Notices and
information for
employees you
need to prepare
per state



How Do You Decide?



Hypotheticals

- 1) A current employee comes to you and wants to move to a new state where you do not currently have employees.
- 2) A team leader comes to you and wants to hire a new employee in a state where you do not currently have employees.

How do you decide whether to expand your workforce into a new state?

POLL # 1

Factors to Consider in Deciding Whether to Expand into a New State Part 1

- Cost – sales tax, income tax, unemployment insurance, workers compensation, paid leave, etc.
- Benefits Coverage – Does your current plan cover the new state?
- Employment Laws – Different states have different requirements
 - Employment Agreements
 - Employee Handbooks



Different States = Different Requirements

Utah

Required State Policies

- Immigration Law Compliance (15 Employees)
- Outside Employment Policy
- Meal and Rest Breaks
- Military Service Leave (state-specific)
- Jury Duty Leave (state-specific)
- Voting Leave
- Witness Duty Leave

Nevada

Required State Policies

- Meal and Rest Breaks
- Paid Time Off
- Paid Sick Leave (50 Employees)
- Domestic Violence Leave
- Jury Duty Leave (state-specific)
- Voting Leave
- Witness Duty Leave
- Emergency Worker Leave (10 Employees)
- School Visitation Leave (50 Employees)

California

Required State Policies

- FMLA (state-specific) (5 Employees)
- Meal and Rest Breaks
- Health and Safety Policy
- Lactation Accommodation
- Outside Employment Policy
- Paid Time Off
- Paid Sick Leave (including separate policies for Berkeley, Emeryville, Los Angeles, Oakland, San Diego, San Francisco, and Santa Monica)
- Pregnancy Leave (5 Employees)
- Organ, Bone Marrow, and Blood Donor Leave (15 Employees)
- Domestic Violence Leave (25 Employees)
- Crime Victim Leave
- Military Service Leave (state-specific)
- Jury Duty Leave (state-specific)
- Voting Leave
- Witness Duty Leave
- Civil Service and Air Patrol Leave (15 Employees, 50 Employees)
- School Activity Leave (50 Employees)
- School Appearance Leave

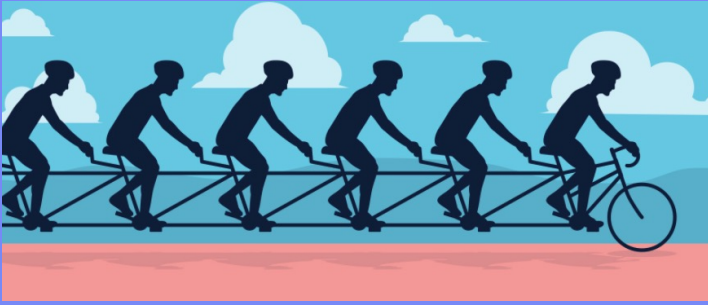
Factors to Consider in Deciding Whether to Expand into a New State Part 2

- COVID Rules and Regulations – Can vary from state to state and may require written policies and training
- Notices and Training – State law may require you to provide different notices to your employees and to train them on various subjects
- Other Challenges – Having employees in different states and time zones can present logistical challenges and affect team and company culture



POLL # 2

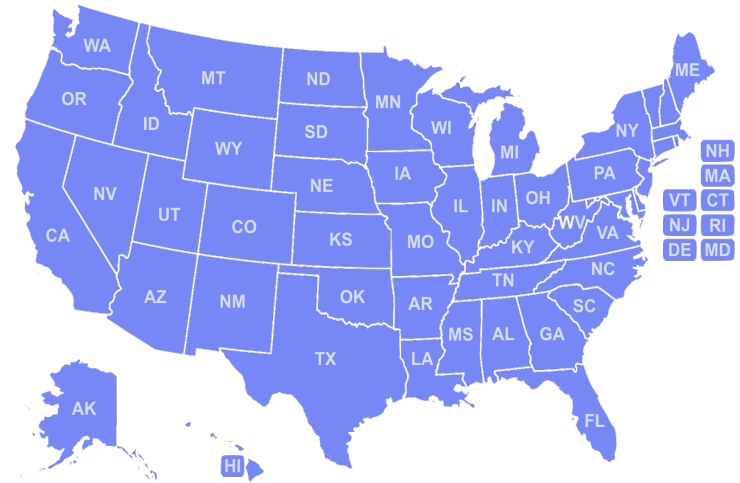
Strategies to Make Expanding to New States Easier



- Leverage your current service providers
- Explore outside tools
- Create processes for both
 - (1) determining whether to expand into a new state and
 - (2) taking the steps required to expand into a new state

Register to do Business

- Almost every state has a law that says a foreign entity should not conduct or transact business until that entity has obtained a certificate of authority in the state.
- Almost every state has a statute indicating certain activities that are *not* considering transacting business in the state.



Colorado Secretary of State

Q3. I have an employee who's working remotely in Colorado, do they need to file a SOFEA?

A3. Refer to section [7-90-801, C.R.S.](#) to determine if a foreign entity is required to obtain authority to transact business in Colorado.

Other agencies may require you to register with us.

Your business is unique. We do not know every situation your business is facing and cannot answer legal-based questions. We suggest talking to an attorney or business advisor if you have questions.

POLL # 3

Employment Registration

- Report new hire
- Ensure workers compensation coverage includes new hire
- Register for unemployment insurance
- Register with paid family and medical leave authority (if applicable)

Tax Registration

- Income or Payroll Tax
- Sales and Use Tax
- Other Taxes



County and City Laws

A few of the ways county and city law can differ

Business Registration



Obtain a business license or permit, home occupation permit, sales tax license...

Taxes



Sales tax, income tax, franchise tax, use tax...

Leave Requirements



Paid time off, family and medical leave, parental leave, COVID leave...

Minimum Wage Laws



Minimum wage rate and overtime laws

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Required Leave

- Family and Medical Leave Act: CA, CT, DC, ME, RI
- Bone Marrow Leave: AK, CA, DC, HI, LA, MD, MN, NJ, NY, OR, PA, SC, WI
- Witness Duty Leave: CA, CO, CT, DC, FL, GA, HI, IL, IN, IA, KY, MD, MA, MN, MO, MT, NE, NV, NJ, ND, OH, OR, PA, SC, TX, UT, VT, VA, WA, WI, WY
- Election Judge Leave: AL, DE, IL, NE, OH, VA, WI



Required Notices

- Wage Notices: AK, CA, CT, DE, DC, HI, ID, IL, LA, MD, MT, NH, NJ, NY, NC, PA, SC, UT, WV.
- Non-Compete Agreements: DC, GA, ME, OR.
- Federal Notices
- Remote workforce?

POLL # 4

Signage

- Child Labor Laws
- Minimum Wage
- Human Rights Laws
- Workers' Compensation
- Unemployment Insurance
- Blood Donation (NY)
- Workplace Domestic Violence (OH)
- Right To Know Act (PA)
- Right to be Free from Pregnancy Discrimination (RI)

Pay Frequency

States have different ways of dictating how often employees must be paid.

- Illinois: employers are required to pay employees at least semi-monthly.
- Kansas: at least once per month.
- NM: no more than 16 days apart.
- Oregon: employees must be paid at least every 35 days.



Overtime

- Fair Labor Standards Act
- Exempt/Non-Exempt
- State Differences
- NV: 1.5x regular rate for 40+ hours per week or 8+ hours in a 24-hour period.
- CA: 1.5x regular rate for 8+ hours in a day, and 2x for 12+ hours.



Questions?