

Compliance Alert



As 2020 comes to a close, we take a look at what legislative requirements have employer impact. Below are summaries of what to expect and prepare for beginning January 1, 2021 through June 30, 2021.

HCM Year-End Review

Federal Compliance Alerts



Florida Compliance Alerts



California Compliance Alerts



Maine Compliance Alerts



Colorado Compliance Alerts



Massachusetts Compliance Alerts



Connecticut Compliance Alerts



New York Compliance Alerts



**For information from the 2020 Mid-Year Alert,
please click here or see PCTY-88749.**

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Federal

EEO-1 Filing to Resume

- The EEOC will be collecting reports for both 2019 and 2020 during 2021.
 - The EEOC expects to begin collecting the 2019 EEO-1 Component 1 data along with the 2020 EEO-1 Component 1 data in March 2021 and will notify filers of the precise date the collections will open as soon as it is available.
- The EEOC is not collecting Component 2 Pay Data for 2019 or 2020, or future filing periods at this time.

2021 Inflation adjustments to contribution limits

- **Health Savings Account (HSA) Contribution Limits:** the annual contribution limit for self-only HSA is \$3,600 and the Family contribution limit is \$7,200.

[Click here for more information.](#)

PEAK ID: PCTY-87498

- **Flexible Spending Account (FSA) Limits:** employees can contribute up to \$2,750 to their health FSAs, just as they could in 2020. The limit also applies to limited-purpose FSAs.
- **Qualified Transportation Fringe Benefit Plan Limits:** employees can contribute up to \$270/month towards commuter and transit benefits and \$270/month towards qualified parking benefits.
- **Qualified Small Employer Health Reimbursement Arrangement (QSEHRA):** employers will be able to reimburse up to \$5,300 for single coverage and \$10,700 for family coverages under a QSEHRA. This is a \$50 increase for single coverage and \$100 increase for family coverage.

[Click here for information about the QSEHRA limits.](#)

- **Excepted Benefit Health Reimbursement Arrangement (EBHRA):** employers will be able to reimburse up to \$1,800 a year under an EBHRA.

[Click here for information about the EBHRA limits](#)

[Click here for more information](#)

PEAK ID: PCTY-93169



California

Consumer Protection Act

- Most recently amended by the California Privacy Rights and Enforcement Act of 2020 (CPRA).
- The CPRA goes into effect on January 1, 2023, with some provisions requiring a 12-month look-back period that would start January 1, 2022.
- The CPRA extends the CCPA's exemption of employee data until January 1, 2023.
- The CPRA also extends the CCPA's business to business exemption until January 1, 2023.
- The CCPA provisions remain in effect until the CPRA provisions are effective.

[Click here for more information.](#)

PEAK ID: PCTY-93973

Pay Data Reporting

- Effective January 1, 2021 California employers are required to begin filing pay data information by March 31 of each year.
- Private employers with 100 employees or more who are required to file an annual EEO-1 report under federal law to submit an annual report to the California Department of Fair Employment and Housing (DFEH).
- The pay data report must include the number of employees by race, ethnicity, and sex in 10 job categories.
- The data must be for a single pay period between October 1 and December 31 of the previous year.
- Based on W-2 information, employers must include employee compensation in one of 11 pay bands used by the United States Bureau of Labor Statistics in its Occupational Employee Survey, by race, ethnicity, and sex.

[Click here for more information.](#)

PEAK ID: PCTY-92179

Family Rights Act Expansion

- Effective January 1, 2021.
- Expands coverage and family member definition.
- Removes two provisions from original bill text.
- Small employers are eligible to participate in a Mediation Pilot Program if they receive a right-to-sue letter.

[Click here for more information.](#)

PEAK ID: PCTY-91723

Paid Family Leave Expansion

- Effective January 1, 2021
- PFL will expand to include claim coverage for Military Assist.
- This coverage is for employees who need time off to participate in qualifying events as a result of a family members military deployment.

[Click here for more information.](#)

Colorado

Healthy Families and Workplaces Act

- Effective January 1, 2021
- Paid Sick and Safe time accrual of one hour per 30 hours worked
- Accrual max of 48 hours; use limit of 48 hours
- Public Health Emergency Leave – awarded based upon the amount of hours typically worked

[Click here for more information.](#)

PEAK ID: PCTY-89355

Equal Pay Transparency Rules

- Effective January 1, 2021, All Colorado employers are required to disclose compensation or a range of compensation on all job postings, including promotions, for positions in Colorado.
- All Colorado employers are required to provide a general description of all benefits and other compensation to be offered on all job postings, including promotions, for positions in Colorado.
- The Colorado Department of Labor and Employment has issued guidance on submitting and responding to a wage and hour complaint.

[Click here for more information.](#)

PEAK ID: PCTY-93961

Secure Savings Program

- Colorado Governor signed SB20-2020 which establishes the Colorado Secure Savings Program to implement a statewide retirement savings program.
- The Act tasks the Colorado Secure Savings Board with developing and administering the program.
- Effective date is still to be determined but anticipated in 2021.

[Click here for more information.](#)

PEAK ID: PCTY 94444



Connecticut

Paid Family and Medical Leave

- Contributions effective January 1, 2021 with benefits becoming available January 1, 2022.
- Employers who employ one or more individuals are required to provide paid family and medical leave
- Employees will contribute ½ of 1% of their wages each pay period. Employers have no contribution requirements.

[Click here for more information.](#)

PEAK ID: PCTY-76228



Florida

2021 E-Verify and Employment Verification Requirements

- Public employers or contractors or subcontractors, must verify employment eligibility, by E-Verify beginning January 1, 2021.
- Private employers must use E-Verify or other comparable methods to verify employment eligibility for employees beginning January 1, 2021.

[Click here for more information.](#)

PEAK ID: PCTY-86372



Maine

Paid Sick Leave

- Effective January 1, 2021.
- Required for employers with 10 or more employees who have worked 120 days in any calendar year.
- Employees accrue one hour for every 40 hours worked.
- Employees can accrue up to 40 hours of paid sick leave within a 12-month benefit period.

[Click here for more information.](#)

PEAK ID: PCTY-76226



Massachusetts

Paid Family and Medical Leave Benefits

- Employee benefits begin on January 1, 2021.
- Paid family leave may be taken to: care for a sick family member; bond with a newborn child; bond with a child after adoption or foster care placement; manage family affairs when a family member is on active duty in the armed forces.
- Paid medical leave may be taken to: manage a personal serious injury or illness.
- The maximum total amount that an employee can receive in PFML benefits right now is \$850 per week.



[Click here for more information.](#)

PEAK ID: PCTY-68653

New York

PFML Benefits & Employee Contribution Increase

- Effective January 1, 2021.
- Employees will have access to up to 12 weeks of job protected, paid time off.
- Employees taking Paid Family Leave will receive 67% of their average weekly wage, up to a cap of 67% of the current Statewide Average Weekly Wage of \$1,450.17.
- The maximum weekly benefit for 2021 is \$971.61.
- The contribution is 0.511% of an employee's gross wages each pay period. The maximum annual contribution is \$385.34.

[Click here for more information.](#)

PEAK ID: PCTY-94255

Paid Sick Leave Amendments

- Effective September 30, 2020:
- Provide domestic workers with 40 hours of paid safe and sick leave;
- Allow employees to use safe and sick leave as it is accrued;
- Reimburse employees who must pay for required documentation after three consecutive workdays of leave;
- List on employees' paystubs (or any document issued each pay period) the amounts of accrued and used leave and the total balance of accrued leave.
- Effective January 1, 2021:
- Employers with 100 or more employees must provide up to 56 hours of paid leave.
- Employers with four or fewer employees and a net income of \$1 million or more must provide PAID leave.

[Click here for more information.](#)

PEAK ID: PCTY-92039