

XpertHR Develops Comprehensive Chart of Municipal Preemption Laws

State-by-state chart will help companies stay on top of trending employment issues

NEW PROVIDENCE, N.J. -- (Oct. 11, 2016) State governments can preempt local and municipal governments from adopting any ordinance expanding employer requirements on issues such as compensation and benefits, according to XpertHR Legal Editors Melissa Silver, Marta Moakley and Rena Pirsos.

Even though some cities have raised the minimum wage and other local governments are debating topics such as paid family leave, states have the ability to preempt such local ordinances, according to Silver, Moakley and Pirsos, who researched and developed a comprehensive [chart](#), by state, to highlight preemption laws, helping to ensure companies stay informed and make appropriate decisions.

“Preemption laws are not problematic for employers,” Silver says. In fact, she explained that they benefit employers by providing uniformity and consistency within states where they employ staff. “They also create fewer compliance obligations,” she says. “Even with these preemption laws, employers could still provide greater protections than are required by the state or municipality through their company policies and procedures,” Silver notes.

By using the chart, HR professionals would know that their organization would not need to, now or in the future, comply with certain employment laws such as paid sick leave on a municipal level, Silver explains. “However,” she says, “there are a few preemption laws that are currently in litigation and HR professionals should monitor these developments.”

For example, North Carolina is embroiled in litigation with the U.S. Department of Justice because of the state’s law that requires transgender individuals to use public restrooms corresponding to the gender listed on their birth certificates, Silver explains. The state law preempted a Charlotte ordinance that allowed for transgender accommodations regarding restroom use.

Specifically, the chart covers preemption laws in the following categories: compensation and benefits, distracted driving, smoke-free/indoor clean air, discrimination and “ban the box” ordinances. “Ban the box” refers to hiring applications that ask applicants to check a box if they have a criminal record. Campaigns are under way across the nation to persuade employers to remove the check box during the hiring process.

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XpertHR (www.xperthr.com) is a practical online service to help HR professionals comply with federal, state and municipal laws. [Preemption law resources](#) can be found on XpertHR’s website.

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