



Employment Laws on the Horizon



2026 Edition



2026 Employment Laws on the Horizon Report

As of December 1, 2025

The 2026 edition of the *Employment Laws on the Horizon Report* charts the course of upcoming labor and employment developments, equipping private employers with concise, comprehensive summaries that help them anticipate risks and navigate a shifting legal terrain with confidence. In 2026, wage transparency and pay equity continue to evolve as states refine existing laws, raising the stakes for compliance. Three states are ushering in new paid family and medical leave laws—moving from design to implementation—setting in motion new contribution, notice, and benefit administration requirements. Regulations governing the use of AI in employment, both for automated decision-making and bias prevention, remain on the radar, while the FTC and several states have signaled a tightening of non-compete enforcement, particularly in health care.

This year's edition goes beyond our standard online updates, capturing laws that took effect in the fall of 2025 (September – November) and those “on the horizon,” scheduled to take effect on December 1, 2025, and beyond. For ongoing updates on newly enacted employment and labor laws, regulations, and noteworthy case law that may impact your business, speak to your Seyfarth attorney about signing up for the monthly *Employment Law Report*.

HOURS OF WORK

Child Labor

Fall 2025

- **Nev.** (Eff. 10/1/25) – The maximum number of hours that 14- and 15-year-olds can work was reduced to 40 hours per week (cap. 8 hrs. per day) and with limited exceptions, cannot work between 11 p.m. and 6 a.m. There is a posting requirement. ([A.B. 215](#); [Posting](#))

On the Horizon

- **Or.** (Eff. 7/1/26) – Penalties for child labor violations increase, and beginning July 1, 2027, will be adjusted for inflation every two years. There are new penalties, including revoking an employer's minor work permit for at least 12 months for certain violations. ([H.B. 1644](#))
- **Wash.** (Eff. 7/1/26) – Sixteen- and 17-year-olds who are enrolled in a college program or a technical education program may work longer hours (the same number if on a school vacation or holiday). ([H.B. 1121](#); [Proposed Regulations](#))

- **Mich.** (Reminder: 10/2/26) – A new registration system for hiring minors will replace the existing work permit system. ([H.B. 5594](#))

Meal and Rest Periods

On the Horizon

- **Cal.** (Eff. 1/1/26) - The rest period exemption for safety-sensitive positions at petroleum facilities was indefinitely extended. Also, the exemption now applies to employees who hold safety-sensitive positions at refineries that produce fuel from feedstock. ([A.B. 751](#); [Seyfarth Post](#))
- **Cal.** (Eff. 1/1/26) – The categories of employees exempt from the state’s meal period are expanded to include water corporations. ([S.B. 693](#); [Seyfarth Post](#))
- **Minn.** (Eff. 1/1/26) – Employers must provide 15 minutes or enough time to utilize the nearest restroom, whichever is longer, every four hours of consecutive work and a 30-minute meal break for employees working six or more consecutive hours. ([S.F. 17](#); [FAQs](#))
- **Wash.** (Eff. 1/1/26) – Hospital workers may agree to voluntarily waive, in writing, certain meal and rest breaks. Covered employers must submit a quarterly report to the Department. ([H.B. 1879](#); [Seyfarth Post](#))

Scheduling

Fall 2025

- **Me.** (Eff. 9/24/25) – Employers with 10 or more employees in its regular course of business for more than 120 days per year must pay employees who are scheduled to work, but whose schedule is reduced or canceled, the lesser of 2 hrs. of regularly hourly pay or the total pay for the shift the employee was initially scheduled. Employers are not liable for wages if it makes a good faith effort to notify the employee or if the employer is prevented from notifying the employee. ([L.D. 598 / S.P. 282](#))

On the Horizon

- **New York, N.Y.** (Eff. 2/22/26) – New York City amended its local Earned Safe and Sick Time law to include the right to request temporary changes in an employee’s work schedule. The unpaid safe/sick time replaces the two days provided by the Temporary Schedule Change Act. ([Int. 0780-2024](#))

What else we’re watching . . .



Me. – The Maine legislature passed a bill that requires employers to respond, in writing, to an employee’s written requests for a flexible work schedule (an arrangement that allows an employee to work at a location other than the place of employment or work hours different than regular hours of the position). The bill was carried over to the next session, waiting official concurrence. ([L.D. 60 / H.P. 24](#))



LABOR LAW

State Labor Laws

Fall 2025

- **N.Y.** (Eff. 9/5/25*) – New York’s “mini-NLRB” law extends the state Labor Relations Act to cover employers, unless the NLRB asserts jurisdiction, to ensure that employees receive protections guaranteed by the NLRA when the NLRB does not have quorum or otherwise is unable to assert jurisdiction. *As of November 26, 2025, the law is temporarily enjoined from being enforced while litigation ensues. ([S. 8034](#); [Announcement](#))

On the Horizon

- **Cal.** (Eff. 1/1/26) – Transportation network company drivers may form, join, and participate in a union, collectively bargain as an industry-wide unit, and engage in concerted activities without impacting a driver’s status as an independent contractor. ([A.B. 1340](#); [Seyfarth Post](#))
- **Cal.** (Eff. 1/1/26) – California’s “mini-NLRB” law gives the Public Employment Relations Board’s authority to enforce rights guaranteed by the NLRA and to decide unfair labor practice suits. The law has been challenged. ([A.B. 288](#))
- **Ill.** (Eff. 1/1/26) – Agreements may not restrict an employee, prospective employee, or former employee from engaging in “concerted activity,” as defined by the NLRA as it existed on January 19, 2025, to address work-related issues. ([H.B. 3638](#); [Seyfarth Post](#))

LEAVES OF ABSENCE

Bereavement Leave

On the Horizon

- **Minneapolis, Minn.** (Eff. 9/20/25; Operative 12/31/25) – Minneapolis’s new paid earned sick and safe time ordinance allows employees to use accrued ESST for covered bereavement purposes. ([File No. 2025-688](#); [Ord. 2025-041](#))

Domestic Violence Leave

On the Horizon

- **Ill.** (Eff. 1/1/26) – Employees are protected from an adverse employment action for the personal use of employer-issued equipment to document domestic violence, sexual violence, gender violence, and other crimes of violence against themselves, a family member, or household member. ([H.B. 1278](#))
- **Minn.** (Reminder: 1/1/26) – Under Minnesota’s family and medical leave insurance program, employees may take paid safe leave for domestic violence purposes. ([H.F. 2](#))
- **Wash.** (Eff. 1/1/26) – Domestic violence leave expands to cover workers who are a victim of hate crimes, including offenses committed online or through internet-based communication. Regulations take effect on January 2, 2026. ([H.B. 5101](#); [Seyfarth Post](#); [Final Rules](#))

Family Medical Leave

Fall 2025

- **Ohio** (9/25) – Ohio updated its FML posting. ([Posting Package](#))
- **N.J.** (9/25) – New Jersey updated its mandatory Family Leave Insurance posting. ([Posting](#))
- **Me.** (Est. 9/16/25) – Maine amended its paid FML program, clarifying when intermittent leave may be taken and updated its FAQs to address leave benefits and the interaction of PFML and federal FMLA. ([S.P. 383](#); [FAQs](#))
- **Or.** (Est. 9/26/25) – Oregon amended its FML insurance and family leave laws. Family Leave is limited to care for children who are under the age of 18 or who have substantially limited physical or mental impairments. Exceptions to its 30-day notice requirement was expanded to include certain school or child care closures. The FML insurance law was amended to exclude certain airline flight crew members and to allow employers to require an employee returning from a medical leave receive a certification from a health care provider before returning to work. ([S.B. 69](#))
- **Minn.** (9/30/25) – The sample Paid Leave employee notice was updated. Notice must be given to employees by December 1, 2025. ([Sample Notice](#))
- **U.S., D.O.L.** (9/30/25) – The Dep’t. of Lab. explained in an opinion letter that employers should use an employee’s actual, normally scheduled workweek – even if it includes mandatory overtime - when calculating the number of available FMLA hours. In contrast, hours that an employee voluntarily works should not be counted. ([FMLA 2025-02-A](#))
- **Conn.** (Eff. 10/1/25) – Connecticut FML and Connecticut Paid FML Insurance expands to include “nonpublic elementary and secondary school” employees who do not require professional certifications. ([H.B. 7288](#))
- **Me.** (Reminder: 10/1/25) – On October 1st of each year, employers must update the number of covered employees to determine the premium rate for the next calendar year (2026) and report their employee count for the year. Information must be submitted by October 31, 2025. ([Portal](#))
- **Md.** (Eff. 10/1/25) – Maryland redefined “qualified exigency” under its FML program to cover *eligible* service members, replacing “military” with “uniform services.” ([H.B. 895](#))

On the Horizon

- **Minn.** (Reminder: 12/1/25) – Minnesota’s FML insurance program notice requirement takes effect. ([H.F. 2](#); [Final Rules](#); [FAQs](#); [Sample Notice](#)).
- **Del.** (Eff. 12/11/25) – Delaware amended key definitions under its Healthy Delaware Families Act regulations, redefining (a) the “application year” as measured forward from when an employee first uses DE PFML, no longer mirroring the definition under the federal FMLA and (b) “employee” as someone who primarily earns wages in DE (vs. those physically in DE). Also, employers may not require employees to (1) use unused accrued PTO before accessing PFML benefits, but if agreed to in a signed writing, employees may use PTO to supplement their wages and (2) contribute payments to lines of coverage that it voluntarily enrolled. ([Register](#); [Final Order](#))
- **Cal.** (Eff. 1/1/26; Operative 7/1/28) – California expands paid family leave to cover care for a seriously ill “designated person” (i.e., a person related by blood or whose association is equivalent of family), operative on July 1, 2028. ([S.B. 590](#); [Seyfarth Post](#))

- **Colo.** (Reminder: 1/1/26) – Colorado’s FML insurance program clarifies when and how premium rates will change. Beginning January 1, 2026, the premiums for all Colorado workers and employers will lower from 0.9% to 0.88% of wages. ([S.B. 144](#))
- **Del.** (Reminder: 1/1/26) – Delaware’s paid FMLA (Healthy DE Families Act) benefits begin. ([Regulations](#))
- **Me.** (Eff. 1/1/26) – The Social Security cap increases to \$184,500, which acts as the maximum amount of employee wages subject to PFML. ([Announcement](#))
- **Mass.** (Eff. 1/1/26) – The 2026 PFML contribution rates will remain the same – 0.88% for employers with 25 or more covered employees of which employers must contribute 0.42% for medical; and 0.46% for employers with fewer than 25 covered employees. The max. weekly PFML benefit will increase to \$1,230.39 per week. Employers must provide employees with an *annual* notice of changes. ([Announcement](#); [Seyfarth Post](#))
- **Minn.** (Reminder: 1/1/26) – Minnesota’s FML insurance program benefits begin. The 2026 Family-Leave Insurance Premium Rate will be 0.88% of wages up to the Old-Age, Survivors, and Disability Insurance limit. The maximum employee contribution rate is 0.44%, and the max. weekly contribution is \$14.90. Small employers may qualify for a reduced contribution rate of 0.22% while the employee would be responsible for 0.44%. The annual premium rate is capped at 1.1% of taxable wages paid to each employee (down from 1.2%). The mandatory posting has been updated. ([H.F. 2](#); [Equivalent Plan Guidance](#); [Final Rules](#); [FAQs](#); [Announcement](#); [Calculator](#); [S.F. 17](#); [Sample Notice](#); [Poster](#))
- **N.Y.** (Eff. 1/1/26) – The 2026 Paid Family Leave law contribution rates increase to 0.432% of an employee’s gross wages with a max. contribution of \$411.91 per pay period. The max. benefit amount increases to \$14,742.36 (\$1,228.53 per week). ([Announcement](#))
- **R.I.** (Reminder: 1/1/26) – Under Rhode Island’s temporary disability insurance benefits, the maximum temporary caregiver benefit expands from seven to eight weeks. ([H. 7171](#) / [S. 2121](#))
- **R.I.** (Eff. 1/1/26) – Rhode Island amends its TDI program, which provides paid leave for covered reasons: adding sibling to covered family members; increasing the taxable wage base for TDI from \$38,000 to \$100,000; and increasing the benefit rate payable to an eligible individual from 4.62% to 5.38% beginning January 1, 2027. ([H. 6066](#) / [S. 974](#))
- **Wash.** (Eff. 1/1/26) – Family and medical leave protections expand: employment restoration requirements are updated, including written notice requirements if an employee requests or uses unpaid leave protected by the federal FMLA; the commissioner must develop a written statement of employee rights; the min. claim duration payment is reduced from eight to four consecutive hours of leave; and there are new options for grants for employers with 150 employees or less. Employers may (1) limit benefit stacking and (2) expand exceptions for continued health care benefit requirements. ([H.B. 1213](#); [Seyfarth Post](#))
- **D.C.** (Eff. 2/26) – D.C. updated its mandatory Paid Family Leave posting, which must be posted by February 2026. ([Announcement](#); [Posting](#))
- **Me.** (Reminder: 5/1/26) – ME’s paid FML benefits begin. ([L.D. 1964](#); [L.D. 258](#); [Final Regulations](#); [Link to Portal](#); [FAQs](#))
- **Ill.** (Eff. 6/1/26) – Illinois’s neonatal intensive care leave law requires employers, depending on its size, to provide unpaid leave to employees while they have a child

in the NICU. Employers with 16-50 employees must provide up to 10 days; employers with 51+ employees must provide up to 20 days of NICU leave. Leave is in addition to FMLA leave and may be taken intermittently. Employers may not require an employee to use paid leave available for any reason instead of NICU leave. ([H.B. 2978](#))

- **Md.** (Reminder: 1/1/27) – Maryland’s paid FML Insurance contributions begin; benefits will begin no earlier than January 1, 2027, but no later than January 3, 2028. The exact date will be announced in the future. ([S.B. 0275](#); [S.B. 828](#) / [H.B. 988](#); [Seyfarth Post](#); [Announcement](#); [H.B. 571](#) / [S.B. 485](#); [H.B. 102](#))

What else we’re watching . . .



Md. – The Maryland Dep’t. of Lab. proposed regulations governing its forthcoming FML Insurance Program, which include definitions; authorizes the FMLI Div. to mandate employer’s use a specific notice; provides guidance on calculating an employer’s size; specifies how to report wages and remit contributions; and details equivalent private insurance plans. Final regulations are forthcoming. ([Proposed Regulations](#))

Jury Duty Leave

Fall 2025

- **Cal.** (Eff. 10/1/25) – California’s jury duty leave law was amended, striking the provision requiring employees give reasonable notice, section I(1) nonetheless requires employees to give employers “reasonable advance notice” of their intention to take time off, unless advance notice is not feasible. ([A.B. 406](#); [Seyfarth Post](#))

Military, Military Leave, & Veteran Posters

Fall 2025

- **N.Y.** (Eff. 12/5/25) – New York added Space Force members as members of the armed forces and “veterans,” impacting eligibility for certain credits and benefits, including military leave. ([A. 291](#))

On the Horizon

- **N.H.** (Eff. 1/1/26) – Employers with 50 or more employees at the same location may not take an adverse employment action against the spouse of a military service member, because their spouse has been involuntarily mobilized. Spouses that take a leave of absence may be entitled to reemployment. ([H.B. 225](#))
- **Or.** (Eff. 1/1/26) – The Space Force was added to components of the U.S. Armed Forces. ([H.B. 3968](#))
- **Penn.** (Eff. 1/3/26) – Employers with a Pennsylvania worksite and 50 or more full-time employees must display a veteran’s benefit poster in a conspicuous area in the workplace or on an accessible website. ([H.B. 799](#); [Poster](#))
- **N.Y.** (Eff. 4/1/26) – New York expands the definition of “veteran” to include members of the Commissioned Corps of National Oceanic and Atmospheric Administration (NOAA) and the Commissioned Corps of the Public Health Service. Employers that treat “veteran” status specially or who are subject to state-level veteran status obligations may be impacted. ([A. 6264](#))

Organ Donor, Wellness, & Misc. Medical Leave

On the Horizon

- **Ill.** (Eff. 1/1/26) – Illinois’s paid organ donor leave expands to include part-time employees. ([H.B. 1616](#))
- **Or.** (Eff. 1/1/26) – Employees may use earned sick time to donate blood made in connection with certain approved voluntary blood donor programs. ([S.B. 1108](#))
- **R.I.** (Eff. 1/1/26) – Rhode Island provides temporary caregiver benefits to any eligible bone marrow transplant or living organ donor via its TDI program. Benefits cover time needed for any procedure, medical test, and surgery related to the donation, including up to five business days of recovery for a bone marrow donation and 30 business days for an organ donation. ([H. 6065](#) / [S. 829](#))
- **Me.** (Eff. 5/1/26) – Maine’s paid FML benefits begin, which provides leave for organ donation.

Other Leaves

Fall 2025

- **Me.**, *Earned Paid Leave* (Est. 9/24/25) – Unused Earned Paid Leave carried over from the immediately preceding year now does *not* impact how much Earned Paid Leave an employee may accrue in the current year (40 hrs.). Use remains capped at 40 hrs./yr. ([H.P. 19](#) / [L.D. 55](#))
- **Cal.**, *Judicial Proceeding Leave* (Eff. 10/1/25) – Beginning January 1, 2026, employers may not discharge, discriminate, or retaliate against an employee, or whose family member, is a victim to take time off to attend judicial proceedings related to a crime, including any proceeding where a right of that person is an issue. ([A.B. 406](#); [Seyfarth Post](#))

Sick and Safe Leave

Fall 2025

- **Alaska** (Eff. 9/25/25) – The paid sick leave regulations were finalized, which address frontloading; clarify that the written notice requirement may be satisfied via a written notice, inclusion in a handbook, or posting the notice; specify notice from employees and when employers may verify proof of absences; outline voluntary cash-out policies; and addresses combined PTO and sick leave policies. ([Final Regs.](#))
- **Cal.** (Eff. 10/1/25) – Paid sick leave may be used for judicial witness leave and safety leave needed for victims. ([A.B. 406](#); [Seyfarth Post](#))

On the Horizon

- **Minneapolis, Minn.** (Operative 12/31/25) – Minneapolis aligns its local paid sick leave ordinance with the Minnesota sick leave law. Some changes include redefining key terms such as covered employee and family member; changing the purposes for use; removing the 90-day use waiting period; amending frontloading requirements; adding a written notice requirement; amending recordkeeping and balance statement requirements; and provides for a private right of action and penalties. ([File No. 2025-688](#); [Ord. 2025-041](#))
- **Conn.** (Reminder: 1/1/26) – The Connecticut sick leave mandate applies to employer with 11 or more employees. ([H.B. 5005](#); [Seyfarth Post](#); [Notice Prototype](#); [Poster](#); [FAQs](#))
- **Pittsburgh, Pa.** (Eff. 1/1/26) – Paid sick time increases: covered employees accrue 1 hr. of paid sick time for every 30 hrs. worked (down from 35), capped at 72 hrs. per

year for employers with 15 or more employees (up from 40 hrs.) and 48 hrs. per year for smaller employers (up from 24 hrs). ([Ord. 2025-1736](#))

- **Wash.** (Eff. 1/1/26) – Domestic Violence Leave expands to cover workers who are a victim of hate crimes. Consequently, Washington’s sick leave will also cover such leave. Corresponding regulations take effect on January 2, 2025. ([H.B. 5101](#); [Seyfarth Post](#); [Final Rules](#))
- **Wash.** (Eff. 1/2/26) – Washington amended its paid sick leave law to provide leave to prepare for or participate in any judicial or administrative immigration proceedings involving the employee or their family member, which took effect on July 27, 2025. The corresponding regulations take effect on January 2, 2026. ([H.B. 1875](#); [Seyfarth Post](#); [Final Rules](#))
- **New York, N.Y.** (Eff. 2/22/26) – New York City’s Earned Safe and Sick Time law may be used to provide care for a child or care recipient; to attend a legal proceeding for subsistence benefits or housing; and to respond to a public disaster or workplace violence. Also, employers must provide 32 hrs. of unpaid safe/sick time that is immediately available for use upon hire and each calendar year thereafter as well as 20 hrs. of paid prenatal leave. Employees have the right to request temporary changes in their work schedule. The local law does *not* apply to a CBA if the agreement expressly waives the provision and addresses temporary work schedule changes. ([Int. 0780-2024](#); [Seyfarth Post](#))
- **Conn.** (Reminder: 1/1/27) – Connecticut sick leave applies to any employer with one or more employee. ([H.B. 5005](#); [Seyfarth Post](#); [Notice Prototype](#); [Poster](#); [FAQs](#))

MINIMUM WAGE, TIP CREDIT, AND MINIMUM EARNINGS FOR EXEMPT STATUS REVISIONS

Effective January 1, 2026, unless otherwise noted. Note that certain sub-minimum wage rates for learners or certain minors, heightened minimum wage rates for emergencies, a myriad industry- or position-specific rates (e.g., home care workers, piece-rates), and/or rates for “gig” workers are not included. Most jurisdictions publish updated posters, which are not linked below.

Jurisdiction <i>See counsel for coverage definitions and exceptions</i>	2026 Minimum Wage	2026 Minimum Cash Wage	2026 Min. Earnings for Exempt Status
Alaska Effective 7/1/26 Effective 7/1/27	\$14.00 \$15.00	\$14.00 \$15.00	\$1,120/week (or \$58,240 annually)
Arizona <i>Flagstaff</i> <i>Tucson</i>	\$15.15 \$18.35 \$15.45	\$12.15 \$18.35 \$12.45	
California* <i>Belmont</i> <i>Burlingame</i> <i>Cupertino</i> <i>Daly City</i> <i>East Palo Alto</i> <i>El Cerrito</i> <i>Foster City</i> <i>Glendale</i>	\$16.90 \$18.95 \$17.86 \$18.70 \$17.50 \$17.90 \$18.82 \$17.85	\$16.90 \$18.95 \$17.86 \$18.70 \$17.50 \$17.90 \$18.82 \$17.85	\$70,304/year or \$1,352/week Computer software employee: \$122,573.13/year, \$10,214.44/month, or \$58.85/hour

Jurisdiction <i>See counsel for coverage definitions and exceptions</i>	2026 Minimum Wage	2026 Minimum Cash Wage	2026 Min. Earnings for Exempt Status
Hotel Workers, Eff. 7/1/26 Hotel Workers, Eff. 7/1/27 Hotel Workers, Eff. 7/1/28	\$25.00 \$27.50 \$30.00	\$25.00 \$27.50 \$30.00	Physicians or surgeons: \$107.17/hour
<i>Half Moon Bay</i> <i>Hayward</i>	\$17.91	\$17.91	
26+ employees 25 or fewer employees	\$17.79 \$16.90	\$17.79 \$16.90	Higher Ed: \$152.10/hour
<i>Long Beach</i>			
Hotel Workers, Eff. 7/1/26 Hotel Workers, Eff. 7/1/27 Hotel Workers, Eff. 7/1/28	\$26.50 \$28.00 \$29.50	\$26.50 \$28.00 \$29.50	
<i>Los Altos</i>	\$18.70	\$18.70	
<i>City of Los Angeles</i>			
Hotel Workers, Eff. 7/1/26 Hotel Workers, Eff. 7/1/27 Hotel Workers, Eff. 7/1/28	\$25.00 \$27.50 \$30.00	\$25.00 \$27.50 \$30.00	
<i>Menlo Park</i>	\$17.55	\$17.55	
<i>Mountain View</i>	\$19.70	\$19.70	
<i>Novato</i>			
100+ employees 26-99 employees 1-25 employees	\$17.73 \$17.46 \$16.90	\$17.73 \$17.46 \$16.90	
<i>Oakland</i>	\$17.34	\$17.34	
Hotel workers with health benefits Hotel workers without health benefits	\$18.85 \$25.14	\$18.85 \$25.14	
<i>Palo Alto</i>	\$18.70	\$18.70	
<i>Petaluma</i>	\$18.31	\$18.31	
<i>Redwood*</i>	\$18.65	\$18.65	
<i>Richmond</i>	\$19.18	\$19.18	
If medical benefits exceed min. wage	\$17.68	\$17.68	
<i>San Carlos</i>	\$17.75	\$17.75	
<i>San Diego</i>	\$17.75	\$17.75	
Qualifying hotel, amusement park, and event center employees (Eff. 7/1/26)**	\$19.00	\$19.00	
<i>San Jose</i>	\$18.45	\$18.45	
<i>San Mateo</i>	\$18.60	\$18.60	
<i>San Mateo County</i>	\$17.95	\$17.95	
<i>Santa Clara</i>	\$18.70	\$18.70	
<i>Santa Rosa</i>	\$18.21	\$18.21	
<i>Sonoma</i>			
26+ employees 1-25 employees	\$18.47 \$17.38	\$18.47 \$17.38	
<i>South San Francisco</i>	\$18.15	\$18.15	
<i>Sunnyvale</i>	\$19.50	\$19.50	
<i>West Hollywood (non-hotel employees)</i>	\$20.25	\$20.25	
*Rates may vary for qualifying fast food or healthcare workers			
** Rates scheduled to increase through 7/1/2030			

Jurisdiction <i>See counsel for coverage definitions and exceptions</i>	2026 Minimum Wage	2026 Minimum Cash Wage	2026 Min. Earnings for Exempt Status
Colorado <i>Boulder</i> <i>Boulder (Eff. 1/1/27)</i> <i>Boulder County</i> <i>Denver</i> <i>Edgewater County</i> <i>Edgewater County (Eff. 1/1/27)</i> <i>Edgewater County (Eff. 1/1/28)</i>	\$15.16* \$16.82 \$18.17 \$16.82 \$19.29 \$18.17 \$19.99 \$21.99	\$12.14* \$13.80 \$15.15 \$13.80 \$16.27 \$15.15 \$16.97 \$18.97	\$1,111.23/week or \$57,784/year Highly Compensated Employee: \$130,014/yea Highly Technical Computer Employees: \$34.85
Connecticut <i>Bartenders</i>	\$16.94	\$6.38 \$8.23	
D.C.	\$17.95	\$12.00	
Florida <i>Eff. 9/30/26</i>	\$14.00 \$15.00	\$10.98 \$11.98	
Hawaii <i>Eff. 1/1/28</i>	\$16.00 \$18.00	\$14.75 \$16.50	
Maine <i>Portland</i> <i>Portland (Eff. 1/1/27)</i> <i>Portland (Eff. 1/1/28)</i> <i>Rockland</i>	\$15.10 \$16.75 \$17.75 \$19.00 \$16.00	\$7.55 \$8.38 TBD TBD \$8.00	\$871.16 weekly or \$45,300.32 per year.
Maryland <i>Howard County (Small Employers)</i> <i>Howard County (Small Employers, eff. 7/1/26)</i>	\$15.00 \$15.50 \$16.00	\$3.63 \$3.63	
Michigan <i>Eff. 1/1/27</i>	\$13.73 \$15.00	\$5.49 TBD	
Minnesota <i>Minneapolis</i> <i>St. Paul</i> Macro and large employers Small employers (Eff. 7/1/26) Micro employers (Eff. 7/1/26)	\$11.41 \$16.37 \$16.37 \$16.37 \$14.25	\$11.41 \$16.37 \$16.37 \$16.37 \$14.25	
Missouri	\$15.00	\$7.50	
Montana	\$10.85	\$10.85	
Nebraska	\$15.00	\$2.13	
New Jersey <i>(Seyfarth Post)</i>	\$15.92	\$6.05	
New Mexico* <i>Las Cruces</i> <i>Santa Fe (Eff. 1/1/27)</i> * Santa Fe County will adjust rates 3/1/26	\$13.01 \$17.50	\$5.20 \$3.00	
New York <i>NYC, Long Island, and Westchester County</i> Tipped Service Workers Tipped Food Service Workers <i>Remainder of New York</i> Tipped Service Workers Tipped Food Service Workers <i>(Seyfarth Post)</i>	\$17.00 \$16.00	 \$14.15 \$11.35 \$13.30 \$10.70	<i>NYC, Long Island, and Westchester:</i> \$1,275/week or \$66,300/year <i>NY:</i> \$1,199.10/week or \$62,353.20/year

Jurisdiction <i>See counsel for coverage definitions and exceptions</i>	2026 Minimum Wage	2026 Minimum Cash Wage	2026 Min. Earnings for Exempt Status
Ohio* *Ohio's minimum wage applies to businesses with gross receipts of at least \$405,000/yr., otherwise the minimum wage is \$7.25/hr.	\$11.00	\$5.50	
Oklahoma* (Eff. 11/1/2025) *June 2026 election may raise to \$10.50 in 2026 with additional preset increases	\$7.25	\$2.13	
Rhode Island Eff. 1/1/27	\$16.00 \$17.00	\$3.89	
South Dakota	\$11.85	\$5.925	
Vermont	\$14.42	\$7.21	
Virginia	\$12.77	\$2.13	
Washington <i>Bellingham</i> <i>Burien</i> <i>Everett</i> 500+ Employees 15-500 Employees 15-500 Employees (Eff. 7/1/26) <i>Unincorporated King County (see exceptions)</i> <i>Renton (large employer)</i> <i>Renton (mid-sized employer)</i> <i>Renton (mid-sized employer, eff. 7/1/26)</i> <i>Sea Tac (hospitality and transp. workers)</i> <i>Seattle</i> <i>Tukwila</i>	\$17.13 \$19.13 TBD \$20.77 \$18.77 \$19.77 \$20.82 \$21.57 \$20.57 \$21.57 \$20.74 \$21.30 \$21.65	\$17.13 \$19.13 TBD \$20.77 \$18.77 \$19.77 \$20.82 \$21.57 \$20.57 \$21.57 \$20.74 \$21.30 \$21.65	\$1,541.70/week or \$80,168.40/year* Computer: \$59.96/hour *Note changes upcoming 1/1/27 and 1/1/28

PAY EQUITY AND WAGE TRANSPARENCY

Compensation Disclosure

Fall 2025

- **Cleveland, Ohio** (Eff. 10/27/25) – Employer with 15 or more employees in Cleveland to provide a salary range or scale in employment notifications, ads, and posting, excluding internal transfers and promotions. “Salary” is broadly defined as “financial compensation,” including but not limited to wages, hourly earnings, commissions, other monetary earnings, and benefits. ([Announcement](#); [Ord. 105-2025](#))

On the Horizon

- **Cal.** (Eff. 1/1/26) – “Pay scale” in California’s wage disclosure law is redefined as a good faith estimate of the salary or hourly wage range that the employer reasonably expects to pay upon hire. Also, there is a three-year statute of limitations with a six-year lookback period. ([S.B. 642](#); [Seyfarth Post](#))
- **Del.** (Eff. 9/26/26) – Delaware’s pay transparency law, applicable to employers with more than 10 employees, requires employers to make job opportunities known to all employees. Job posts must include the hourly or salary compensation or range; the base/range for work paid on a tipped basis; or that the job is paid on a commission basis, plus a general description of the benefits. If a posting has not been made available to an applicant, employers must provide this information prior to any offer or discussion of compensation. There is a three-year recordkeeping requirement and carries civil penalties up to \$10,000. ([H.B. 105](#))
- **Columbus, Ohio** (Enforcement Begins: 1/1/27) – A local ordinance requires employers with 15 or more employees in Columbus, Ohio to include a reasonable salary range or scale in employment postings based on factors such as the anticipated range of experience, potential variation in the responsibilities of the position; cost of living; and opportunities for growth. The ordinance does not apply to internal transfers and promotions or solicitations replicated and published without an employer’s consent. ([File No. 2898-2025](#); [Amendments](#); [Fact Sheet](#))

What else we’re watching . . .

- **Me.** – The Maine legislature passed a pay transparency bill requiring employers with 10 or more employees to include the prospective pay range, or if applicable, that compensation is based solely on commission, in job postings made by the employer or indirectly through a third party. Also, upon an employee’s request, employers must disclose the pay range for the position that the employee holds. The bill was carried over and is awaiting official concurrence. ([H.P. 18](#))
- **N.J.** – New Jersey proposed pay transparency regulations that clarify who is covered, what are “benefits”; and what qualifies as “reasonable efforts” to notify employees; and addresses notification requirements. Regulations are forthcoming. ([Proposed Regulations](#))
- **Wash.** – In August, Washington filed a preproposal statement to update wage and salary disclosure requirements and rules governing when an employer may require a driver’s license as a condition of employment. ([Preproposal](#))

Equal Pay Laws

On the Horizon

- **Cal.** (Eff. 1/1/26) – California’s equal pay law will replace “opposite sex” with “another sex,” introducing non-binary implications from a pay perspective: employees of one sex cannot be paid less than substantially similar employees of another sex. Also, “wage” and “wage rates” are redefined to include all forms of pay. ([S.B. 642](#); [Seyfarth Post](#))
- **Colo.** (Reminder: 7/1/29) – Through July 1, 2029, employers physically located outside of Colorado with fewer than 15 remote workers in Colorado need only provide notice of vacant “remote” job opportunities under the Ensure Equal Pay for Equal Work Act. ([S.B. 23-105](#); [Seyfarth Post](#); [INFO #9](#); [Final Regulations](#); [Seyfarth Post RE: Final Rules](#); [INFO #9A](#))

Mandatory Pay and E.E.O. Reporting

Fall 2025

- **New York, N.Y.** (Eff. 12/4/25) – The New York City Council overrode two mayoral vetoes, enacting a local law that requires private employers with more than 200 employees working in New York City to submit a pay data report to a designated agency that includes demographic and occupational information. Also, it enacted a local law that requires the agency to study the data and evaluate whether there are pay disparities based on gender, race, or ethnicity. (Int. [982A](#); [Veto Letter](#); Int. [984A](#); [Veto Letter](#); [Seyfarth Post](#))

On the Horizon

- **Cal.** (Eff. 1/1/26) – Employer subject to California’s pay data reporting must collect and store the requisite demographic data separately from employee personnel records. Also, effective January 1, 2027, the existing pay data reporting law will expire and be replaced with a comparable version that expands the list of job categories and excludes an expiration date. ([S.B. 464](#); [Seyfarth Post](#))

What we’re watching . . .



O.M.B. – The OMB extended the deadline for updating the standards used to collect federal race and ethnicity data. The EEOC must submit an Action Plan by March 28, 2026. The standards must be updated “as soon as possible” but no later than September 28, 2029, which may impact EEO-1 reporting. ([Announcement](#))

Salary History

Fall 2025

- **Cleveland, Ohio** (Eff. 10/27/25) – Employers with 15 or more employees in Cleveland may not inquire into; screen an application; with limited exceptions, rely solely on; or refuse to hire or otherwise disfavor, injure, or retaliate against a job applicant for not disclosing their salary history. ([Announcement](#); [Ord. 105-2025](#))

What else we're watching . . .



Me. – The Maine legislature passed a pay transparency bill requiring employers with 10 or more employees maintain a record of an employee's pay history for each position they held during employment and for three years after the termination of the employee's employment. The bill was carried over awaiting official concurrence. ([H.P. 18](#))

WAGE AND EXPENSE, ETC.

Earned Wage Access Services

Fall 2025

- **Conn.** (Eff. 10/1/25) – Connecticut enacted a law governing earned but unpaid wage or salary income, which is considered a “small loan” and may be subject to finance charges. The loan may not exceed the amount of earned but unpaid income. ([S.B. 1396](#))

On the Horizon

- **Ind.** (Eff. 1/1/26) – The Indiana Earned Wage Access Act governs earned but unpaid wages, including consumer directed and employer integrated wage access services, but excludes small loans and employers who offer a portion of an employee or independent contractor's salary, wages, compensation, or other income before the normally scheduled pay date. EWA is *not* considered a loan or other form of credit or debt. ([H.B. 1125](#))

Expense Reimbursement

On the Horizon

- **Cal.** (Eff. 1/1/26) – California enacted a stay-or-pay law that prohibits and makes void, with limited exceptions, employment contracts entered into on or after January 1, 2026 that require a terminated worker, as a condition of employment or a contract, to repay the employer, training provider, or debt collector for debt - including employment and educational-related costs or consumer financial products or services - regardless of whether the debt is certain, contingent, or incurred voluntarily. ([A.B. 692](#); [Seyfarth Post](#); [Seyfarth Post 12/25](#))
- **Cal.** (Eff. 1/1/26) – Employers have a duty to indemnify employees from all necessary expenses or losses when the employee uses their own vehicle for work. Also, certain drivers that use their own commercial vehicle for work are entitled to reimbursement for the use, upkeep, and depreciation of the vehicle's value. ([S.B. 809](#); [Seyfarth Post](#))

Frequency of Pay

On the Horizon

- **New York, N.Y.** (Eff. 1/26/26) – Effective 180 days after [Int. 30-2024](#) was signed, New York City requires delivery services to pay their contracted delivery workers no later than seven calendar days after the end of the pay period. ([Int. 859-2024](#))

Overtime & Premium Pay

Fall 2025

- **Nev.** (Eff. 11/20/25) – Nevada incorporates federal overtime calculation requirements, including provisions of the FLSA, into its wage-hour laws. ([S.B. 8](#))

Pay Statements

On the Horizon

- **Or.** (Eff. 1/1/26) – Employers must provide additional information in an employee's pay stub. Also, at onboarding, employers must provide a written explanation containing certain information regarding the earnings and deductions displayed on an itemized pay stub. The statement may be made available online or via email but must be reviewed and updated by January 1st each year. There is a \$500 civil penalty. ([S.B. 906](#); [Seyfarth Post](#); [Notice Template](#))

Tip Credit and Subminimum Wage

On the Horizon

- **Flagstaff, Ariz.** (Reminder: 1/1/26) – The tipped minimum is phased out. ([Rates](#))
- **Mich.** (Reminder: 1/1/26, 1/1/27, 1/1/28, 1/1/29, 1/1/30, & 1/1/31) – Michigan is gradually increasing the tipped minimum wage. Beginning January 1, 2026, the tipped minimum wage will be 40% of the Michigan minimum wage. On January 1st of each year thereafter, the tipped minimum wage will equal a percent of the Michigan minimum wage: 42% in 2027, 44% in 2028, 46% in 2029, 48% in 2030, and 50% in 2031. ([S.B. 8](#))
- **Chicago, Ill.** (Reminder: 7/1/26, 7/1/27, & 7/1/28) – In 2023, Chicago enacted an ordinance phasing out the tip minimum wage over five years. Tips may not account for more than a percentage of an employee's pay, which adjusts annually on July 1st. Until July 1, 2024, tips may not account for more than 40% of an employee's pay. Each year after, tips may not account for more than 32%, 24%, 16%, and 8% of their pay. On and after July 1, 2028, employers may not account for tips when calculating employee pay and must pay each covered employee the applicable minimum wage. ([Ord. SO2023-2995](#); [Seyfarth Post](#))
- **D.C.** – On December 6, 2025, Congress approved D.C.'s budget: starting on July 1, 2026, the tipped minimum wage will 56% of the D.C. minimum wage. On July 1, 2028, it will be 60% of the D.C. minimum wage. Then, it will increase 5% every two years until July 1, 2024, when the tipped minimum wage is 75% of the D.C. minimum wage. ([B26-0450](#))
- **Ill.** (Reminder: 12/31/29) – Illinois completes phasing out subminimum wage for disabled workers. ([H.B. 793](#))

Wage Deductions: Overpayment, Loans/Advances, & Theft/Loss


On the Horizon

- **Cal.** (Eff. 1/1/26) – Under California's Wage Garnishment Law, employers must provide levying officers with additional information. ([A.B. 774](#); [Seyfarth Post](#))

Wage Theft: Including Wage Related Written Notice Requirements

Fall 2025

- **Nev.** (Eff. 11/20/25; Exp. 10/31/29) – In response to a Nevada Supreme Court decision, Nevada incorporated provisions of the Portal-to-Portal Act into its wage-hour laws, clarifying that certain pre- and post-shift activities are not compensable.



Employers, however, must pay employees for time donning and doffing uniforms or personal protective equipment if they cannot bring or wear it from home. This provision is scheduled to expire on October 31, 2029. ([S.B. 8](#))

On the Horizon

- **Or.** (Eff. 1/1/26) – Owners and direct contractors are jointly and severally liable in a civil action for unpaid wages owed to an employee of the direct contractor or subcontractor. ([S.B. 426](#))

WORKFORCE MANAGEMENT

Independent Contractors/Gig Workers/Contingent Workers

Fall 2025

- **Tex.** (Eff. 9/1/25) – Texas requires delivery network companies to comply with existing transportation network company laws. Delivery persons are considered independent contractors if the company does not - specify when the delivery person must be logged into its network; restrict their ability to use other delivery network company networks; prescribe the delivery territory; restrict them from engaging in another occupation or business; and the company and delivery person agree, in writing, that they are an independent contractor. ([H.B. 4215](#))
- **Wash.** (Eff. 9/1/25) – Washington requires transportation network companies to inform its drivers of eligible product classes and to reinstate certain vehicles for a limited duration. Regulations are forthcoming. ([H.B. 1332](#); [Seyfarth Post](#); [Proposed Rules](#))
- **New York, N.Y.** (Eff. 9/10/25 with exceptions) – The New York City Council overrode a veto, enacting a local law that expands delivery worker protections to all food delivery workers. Workers must be provided insulated delivery bags at the third-party food delivery services expense, access to toilet facilities, and information regarding fire risks posed by powered mobility devices. ([Law 2025/123](#))

On the Horizon

- **Ala.** (Eff. 12/31/25) – A hiring party may contribute to an independent contractor's portable benefit account as a form of compensation without creating an employment relationship. ([S.B. 86](#))
- **Cal.** (Eff. 1/1/26) – California amends its Labor Code, extending the ABC test-carve out for licensed estheticians, electrologists, manicurists, barbers, cosmetologists, and commercial fisherman to January 1, 2029. ([A.B. 1514](#))
- **Cal.** (Eff. 1/1/26) – California clarifies that mere ownership of a vehicle that is used to provide labor or services does not make that person an independent contractor. ([S.B. 809](#); [Seyfarth Post](#))
- **Or.** (Eff. 1/1/26) – Oregon governs unpaid wages for construction workers. The law creates a rebuttable presumption that in any action for unpaid wages, the construction worker is an employee (vs. independent contractor). ([S.B. 426](#))
- **Wash.** (Eff. 1/1/26) – On January 1, 2026, new receipt and notice requirements kick-in for transportation network companies. Regulations are forthcoming. ([H.B. 1332](#); [Seyfarth Post](#); [Proposed Rules](#))

What else we're watching . . .



N.J. – The New Jersey Labor Dep't. proposed new rules governing the statutory "ABC Test" used to determine an independent contractor's status. The final regulations are forthcoming. ([Announcement](#); [Proposed Rules](#); [Seyfarth Post](#))

Non-Competes

Fall 2025

- **Tex.** (Eff. 9/1/25) – Texas further limits the use of non-competes with licensed physicians, narrowing the duration to one year, the geographic scope to five miles, and requiring agreements to include a buyout cap not to exceed the practitioner's annual salary and wages at the time of termination. Additionally, the law was expanded to cover dentists, certain nurses, and PAs. ([S.B. 1318](#))

On the Horizon

- **Cal.** (Eff. 1/1/26) – Contracts involving the management of a physician or dental practice and a private equity group or hedge fund may not include any clause prohibiting a provider in the practice from competing with that practice if the provider is terminated or resigns from the practice. ([S.B. 351](#))
- **Colo.** (Eff. 1/1/26) – Colorado approved the 2026 highly compensated employee threshold: non-competes may only be entered into with employees earning \$130,014 or more and covenants not to solicit customers may only be entered into with an employee earning approx. \$78,008.40. The temporary rule will take effect January 1, 2026, with the permanent rule taking effect on February 1, 2026. (Temporary [7 CCR 1103-14](#); Permanent [7 CCR 1103-14](#))
- **Wash.** (Eff. 1/1/26) – The 2026 non-compete threshold increases from \$123,394.17 to \$126,858.83 for employees and from \$308,485.43 to \$317,147.09 for independent contractors. ([Announcement](#); [Seyfarth Post](#))

WORKPLACE LAWS, REGULATIONS, RULES, AND POLICIES

Artificial Intelligence

Fall 2025

- **Tex.** (Eff. 9/1/25) – Texas regulates the use of AI and the management of data by gov't entities that has private sector implications. The law prohibits developing and deploying an AI system with the intent to unlawfully discriminate against a protected class but excludes disparate impact as a theory to prove discrimination. ([S.B. 1964](#))
- **Cal.** (Eff. 10/1/25) – The CA Civil Rights Dep't. finalized regulations that clarify how employment provisions under FEHA apply to automated-decision systems and the scope of third-party liability arising from the use of AI. The regulations include key definitions; examples; a four year recordkeeping requirement; a pre-use notice requirement; and places liability with "agents," a person who acts on the employer's behalf to do a function traditionally done by the employer (e.g., applicant screening, hiring, promotions, decisions regarding pay, etc.). The final rules exclude a definition for "adverse impact" and the "facilities human decisionmaking" component. While bias audits are not required, it may be instrumental in defending discrimination claims. ([Announcement](#); [Final Regs.](#); [Seyfarth Post Roundup](#))

On the Horizon

- **U.S.** (12/11/25) - An executive order, the “Ensuring a National Policy Framework for Artificial Intelligence,” asserts broad federal authority over state AI laws that are viewed as obstructing national AI policy. The EO established a “minimally burdensome” national AI governance framework; creates a DOJ AI Litigation Task Force; directs federal agencies to challenge state requirements deemed inconsistent with federal priorities; and conditions certain funding on states’ willingness to pause enforcement of conflicting AI statutes. The EO is expected to face significant legal challenges. ([Exec. Ord.](#); [Fact Sheet](#); [Seyfarth Post](#))
- **N.J.** (Eff. 12/15/25) – New Jersey adopted regulations governing disparate impact discrimination in the workplace, which includes the use of automated employment decision technology. ([Regs.](#))
- **Cal.** (Eff. 1/1/26) – The CA Privacy Protection Agency (CPPA) finalized regulations that define automated decisionmaking technology (ADMT) and requests to opt-out of its use. The regulations amend cybersecurity audit requirements and when a risk assessment may be triggered, such as when automated processing is used to infer or extrapolate a consumer’s performance at work based upon systematic observations when they are acting in their capacity as a job applicant, employee, or independent contractor for a business (e.g., using emotion-recognition technology without human involvement to review a videotaped interview to make a decision). ([Final Regulations](#))
- **Ill.** (Eff. 1/1/26) – It is a civil rights violation to use AI with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure, or the terms, privileges, or conditions of employment that has the effect of discriminating on the basis of a protected class or to use zip codes as a proxy for protected classes. Employers must provide employees with notice of its use of AI for the above noted reasons. ([H.B. 3773](#); [Seyfarth Post](#); [Seyfarth Post Roundup](#))
- **Tex.** (Eff. 1/1/26) – With limited exceptions a person may not develop or deploy an AI system with the intent to unlawfully discriminate against a protected class. ([H.B. 149](#))
- **Colo.** (Reminder: 6/30/26) – Colorado’s AI law requires private sector employers that use a high-risk artificial intelligence system to (1) take reasonable care to protect consumers from algorithmic discrimination; (2) implement and regularly review a risk management policy and program that meets specified criteria; (3) complete an annual impact assessment; (4) post a statement on its website summarizing its use; and (5) notify consumers if AI is used to make, or is a substantial factor in making, consequential decisions, including providing a purpose statement and an option to opt out of its use. If AI’s use results in an adverse decision, employers must provide additional information to the consumer, an opportunity to correct incorrect data, and an appeals process. Employers may be exempt from certain requirements if it has fewer than 50 full-time employees, the AI is trained using outside data, and it discloses certain information to consumers. The law has a broad definition of “consequential decisions” that may open the door to a range of employment claims. On August 28, 2025, Colorado delayed implementing the law until June 30, 2026. ([S.B. 205](#); [Seyfarth Post](#); [Seyfarth Post Roundup](#))

Background Checks

Fall 2025

- **Tex.** (Eff. 9/1/25) – Delivery network companies are required, among other things, to run criminal background checks on workers and reviews delivery people’s driving records. ([H.B. 4215](#))

On the Horizon

- **Ill.** (Eff. 1/1/26) – Illinois increases the timeline for renewal of criminal background checks for childcare workers from three to five years. ([H.B. 3439](#))
- **Philadelphia, Pa.** (Eff. 1/6/26) – Philadelphia amends its Fair Criminal Record Screening Standards ordinance: defining terms; expanding notice requirements to job postings and when employers intend to reject an applicant; allowing employees to show evidence of rehabilitation; expanding restrictions on what criminal records may be considered; and requires applicants and employees be given 10 days to provide evidence of inaccurate information before an employers makes a final determination regarding their employment status. ([File no. 250373-A](#))
- **Wash.** (Reminder: 7/1/26) – Changes to the WA Fair Chance Act apply to employers with 15 or more employees. ([H.B. 1747](#); [Seyfarth Post](#))
- **Wash.** (Reminder: 1/1/27) – Changes to the WA Fair Chance Act apply to employers with fewer than 15 or more employees. ([H.B. 1747](#); [Seyfarth Post](#))

Cannabis

Fall 2025

- **Tex.** (Eff. 9/1/25) – The Compassionate Use program expands the list of ailments that low-THC cannabis may be prescribed. ([H.B. 46](#))

On the Horizon

- **U.S.** (Eff. 11/12/26) – The package to fund the gov’t included a provision overhauling the federal definition of “hemp.” Hemp may contain only de minimis total THC (not just delta-9) and consumable hemp-derived product may contain no more than 0.4 mg of total-THC per container. Products that exceed this amount will be reclassified as marijuana, a Schedule I substance under federal law, including most existing consumable hemp products. The FDA must issue guidance within 90 days. ([H.R. 5371](#))
- **U.S.** (12/18/25) – The executive order, “Increasing Medical Marijuana and Cannabidiol Research,” directs the Attorney General to expedite rescheduling marijuana as a Schedule III controlled substance. Also, it directs a federal agency to work with Congress to redefine hemp-derived cannabinoid products, allowing Americans to benefit from a full-spectrum of CBD products, while restricting access to products that pose serious health risks. ([Exec. Ord.](#); [Fact Sheet](#))

What else we’re watching . . .



Ohio – The Ohio legislature passed a bill revising the state’s medical and adult-use marijuana laws. The bill reaffirms that employers may maintain drug-free workplace and zero-tolerance policies and may refuse to hire, discipline, or discharge employees for marijuana use that violates such policies. Employers are not required to permit or accommodate an employee’s use, possession, or distribution of

marijuana—medical or otherwise. On December 10, 2025, the bill was sent to the governor for signature. ([S.B. 56](#))



U.S. – The Dep’t. of Justice proposed rescheduling marijuana from a Schedule I to Schedule III controlled substance alongside Tylenol with codeine and anabolic steroids. Rescheduling marijuana does not legalize recreational use, but it will recognize limited medical marijuana uses. An executive order directs the AG to expedite rescheduling marijuana; see above. ([Seyfarth Post](#); [Announcement](#); [Proposed Rule Notice](#); [Proposed Rule](#); [Exec. Ord.](#); [Fact Sheet](#))

CROWN Act

Fall 2025

- **Cuyahoga County, Ohio** (Eff. 10/14/25) – Cuyahoga County passed a CROWN Ordinance by adding a definition of “race” to its Unlawful Discrimination Code section. “Race” includes discrimination based on a person’s hair texture or hairstyle when it is commonly associated with a particular race or national origin, including but not limited to, a tightly coiled or curled hair, locs, cornrows, twists, braids, Bantu knots, and Afros. ([O2025-0004](#))

On the Horizon

- **Penn.** (Eff. 1/24/26) – Pennsylvania enacted a CROWN Act that amends its civil rights law by (1) defining “race” as including traits historically associated with an individual’s race, such as hair texture and protective hairstyles (e.g., locs, braids, twists, coils, Bantu knots, afros, and extensions) and (2) defining “religious creed” as including head coverings and hairstyles historically associated with religious creeds. The law does not prohibit an employer from adopting and enforcing bona fide workplace health and safety rules if they meet certain criteria. ([H.B. 439](#))

DEI

Fall 2025

- **Ohio** (Eff. 9/30/25) – Ohio removes affirmative action and certification requirements for government contractors. Bidders will not be disqualified on the basis of not complying with an affirmative action or DEI program. ([H.B. 96](#))
- **U.S.** (Eff. 10/1/25) – The OFCCP increased threshold requirements that trigger affirmative action requirements under Section 503 (now, \$20,000) and VEVRAA (\$200,000). ([Bulletin](#))
- **Philadelphia, Penn.** (10/22/25) – The City of Philadelphia entered into a settlement agreement in which it agreed to not establish or enforce any race or sex-based quotas on City contractors or unions representing those contractors. Nor may it discriminate against or award preferential treatment to individuals on account of their race or sex. Future project labor agreements that include race or sex-based diversity goals must include specific language clarifying that it is an aspirational goal and not a mandatory minimums or quota. ([Road Con. Settlement Agreement](#))

What else we’re watching . . .



N.Y. – On June 16, 2025, the NY legislature passed a bill that codifies disparate impact analysis for employment discrimination cases governed by NY state law. The legislation provides that “an unlawful discriminatory practice may be established by a practice’s discriminatory effect, even if such practice was not motivated by

discriminatory intent. The bill has not yet been sent to the governor for signature. ([S. 8339](#); [Seyfarth Post](#))



U.S. – On July 1, 2025, the OFCCP proposed rescinding regulations implementing Exec. Order 11246 (prohibiting federal contractors from discriminating based on a protected class) and modifying regulations implementing Section 503 of the Rehabilitation Act (RE: disabled workers) and VEVRAA (RE: veteran preferences). The proposed modifications include eliminating the 7% disability utilization goal and no longer require federal contractors to solicit the disability status from applicants and employees. The comment period closed on October 24, 2025. (RINs [1250-AA17](#); [1250-AA18](#); and [1250-AA19](#); [Seyfarth Post](#); [Sec'y Order 08-2025](#); [Request for Comments](#))

E.E.O. Laws: Discrimination

Fall 2025

- **Haw.** (Eff. 9/1/25) – Hawaii added “place of birth” as a protected class under its civil rights law. ([S.B. 116](#))
- **Tex.** (Eff. 9/1/25) – Texas enacted a law specifying that each individual is either male or female. Individuals diagnosed with a sex development disorder or as intersex are not a third sex and must receive accommodations in accordance with state and federal law. The law clarifies that there are legitimate reasons to distinguish between sexes with respect to locker rooms, restrooms, and other areas where biology, safety, or privacy are implicated. ([H.B. 229](#))
- **Tex.** (Eff. 9/1/25) – Delivery network companies must, among other requirements, adopt a nondiscrimination policy that prohibits delivery workers from discriminating against customer or potential customers based on their geographic location or destination, race, color, national origin, religious belief or affiliation, sex, disability, or age. ([H.B. 4215](#))
- **Ohio** (Eff. 9/30/25) – Ohio defines “sex” as male or female. It is the policy of Ohio to recognize two sexes that are not changeable. ([H.B. 96](#))
- **Conn.** (Eff. 10/1/25) – Employer may not discriminate on the basis of a person’s status as a victim of sexual assault or human trafficking. ([H.B. 7236](#))
- **Nev.** (Eff. 10/1/25) – Nevada conditions accepting state funding on agreeing to comply with civil rights and employment laws that prohibit discrimination because of race, creed, color, national origin, sex, sexual orientation, gender identity or expression, age, or disability. ([S.B. 162](#))
- **E.E.O.C., U.S.** – The EEOC released technical guidance addressing national origin discrimination, which includes preferential treatment of foreign workers (e.g., including “H-1B preferred” or “H-1B only” language in job postings) and disparate treatment (e.g., more laborious job application for U.S. worker than visa holders). ([Announcement](#); [Guidance](#))
- **N.Y.** (Eff. 12/5/25) – The New York Human Rights law now expressly prohibits retaliation against individuals who request a reasonable accommodation. ([S. 3398](#))

On the Horizon

- **N.J.** (Eff. 12/15/25) – New Jersey codified regulations addressing disparate impact discrimination in the workplace: practices and policies may be unlawful if it has a disparate impact on members of a protected class, even if practices or policies are facially neutral or not motivated by discriminatory intent. Covered practices include

pre-employment practices such as recruiting, advertising, solicitation, pre-employment screening and interviewing, and the use of automated employment decision technology. ([Regs.](#))

- **Chester Cnty., Penn.** (Eff. 12/23/25) – Chester County prohibits employment discrimination by employers with four or more employees (excluding certain family members) from discriminating on the basis of a person’s actual or perceived race, color, religion, national origin, citizenship status, ancestry, sex, gender identity, gender expression, sexual orientation, marital status, familial status, physical or mental disability, source of income, age, veteran status, use of guide or support animals and/or mechanical aids, or domestic or sexual violence victim status. “Sex” is defined as male, female, or non-binary. ([Ord. 2025-03](#))
- **Cal.** (Eff. 1/1/26) – An employee’s assessment, testing, admission, or acknowledgement of their own personal bias made in good faith that is solicited or required as part of a bias mitigation training does not constitute unlawful discrimination under FEHA. ([S.B. 303](#); [Seyfarth Post](#))
- **N.C.** (Eff. 1/1/26) – North Carolina recognized two sexes – male and female – all administrative rules, regulations, or public policies adopted by the state or political subdivisions. The law clarifies that “gender identity” “shall” not be treated as legally or biologically equivalent to sex. ([H.B. 805](#))

What else we’re watching . . .



Cal. – The CA Civil Rights Dep’t. proposed updates to the regulations governing mandatory non-discrimination certification that contractors must submit. The proposed rule amends clauses that must be in a contract. It expands clauses to include prohibitions on harassment; requires contractors to implement a non-discrimination program and take reasonable steps to prevent discrimination and harassment; and requires contractors to comply with other listed laws (e.g., sexual harassment training, complying with FMLA, limit consideration of an applicant’s criminal history, etc.). On October 6, 2025, the Council approved the final rules. ([Initial Statement of Reasons](#); [Final Rules](#))



N.Y. – On December 8, 2025, in response to an executive order that found disparate impact analysis unconstitutional, NY sent a bill to the governor for signature that clarifies that under NY law, an unlawful employment discriminatory practice may be established if such practice has a discriminatory effect, even if such practice was not motivated by a discriminatory intent. If enacted, the bill will take effect immediately. ([S.B. 8338](#))



Wash. – Washington protects employees from coercion in the workplace based on the employee or their family member’s immigration status. Proposed rules are expected to be finalized on February 3, 2026. ([S.B. 5104](#); [Seyfarth Post](#); [Preproposal](#); [Proposed Rules](#))

E-Verify

On the Horizon

- **Ill.** (Eff. 12/12/25) – Illinois enacted a law that prohibits an employer from taking an adverse action against an employee solely based on a written notice from a federal agency or outside vendor who are not responsible for enforcing immigration laws that

there is a discrepancy with an employee's identification documents. Upon notice, employers must notify employees – in person, by hand - of the discrepancy either within five days or after the employer determines that the employee must respond. If in-person notice is not possible, then notice must be given via mail or email. The notice must contain certain information, including the time period to respond and any action the employer requires the employee to take. ([S.B. 2339](#))

What else we're watching . . .



Ohio – On December 9, 2025, the “E-Verify Workforce Integrity Act” was sent to the governor for signature. The bill, with limited exceptions, requires certain construction contractors to use E-Verify to verify employment eligibility of employees who are hired to work on nonresidential construction projects. Violators may be prohibited from future state contracts for up to two years and the AG may impose a penalty of up to \$1,000 per violation. If enacted, it will take effect 91 days after it is filed with the Sec'y of State. ([H.B. 246](#))

Lactation/Nursing

On the Horizon

- **Ill.** (Eff. 1/1/2026) – Illinois requires lactation breaks to express milk to now be paid at the employee's regular rate of compensation. Employers cannot require employees to use paid leave during the break time or otherwise reduce their compensation during the break time. ([S.B. 212](#))
- **Wash.** (Eff. 1/1/27) – Washington amended its pregnancy accommodations law to specify that “pregnancy” now includes the need to express milk and a reasonable accommodation includes a reasonable break to express milk. All employers must pay an employee for break and travel time to express milk during work, in addition to meal and rest periods. ([S.B. 5217](#))


Non-Disclosure or Confidentiality Provisions/Agreements

Fall 2025

- **Tex.** (Eff. 9/1/25) – Nondisclosure or confidentiality agreements and provisions contained in an employment agreement or settlement may not include a provision that prohibits a person from disclosing an act of sexual abuse or surrounding related facts to any other person. ([S.B. 835](#))

On the Horizon

- **Cal.** (Eff. 1/1/26) – California prohibits any contract involving the management of a physician or dental practice and a private equity group or hedge fund from including any clause prohibiting a provider in the practice from disparaging, opining, or commenting on the practice about issues involving quality of care, utilization of care, ethical or professional challenges in the practice of medicine or dentistry or revenue-increasing strategies used by the private equity or hedge fund. ([S.B. 351](#))
- **Ill.** (Eff. 1/1/26) – Illinois amends its law governing settlement or termination agreements: bargained for consideration in exchange for confidentiality must be separate from any consideration provided in exchange for a release from claims. Additionally, employers may not unilaterally include any clause in a settlement or termination agreement that states that the promises of confidentiality are the employee's preference. Lastly, such agreements may not waive the right to testify in



an arbitral proceeding, including related depositions concerning alleged unlawful employment practice. ([H.B. 3638](#); [Seyfarth Post](#))

Political Expression or Speech

On the Horizon

- **N.J.** (Est. 12/2/25) – New Jersey amended its captive audience law, by redefining “political matters” and expanding the list of articulated actions that are *not* prohibited by the law (e.g., requiring an employee to attend a training to reduce or prevent unlawful workplace harassment or discrimination). ([A. 4429](#) / [S. 3302](#))

Pregnancy, Childbirth, & Bonding

On the Horizon

- **Del.** (Reminder: 1/1/26) – The Healthy DE Families Act benefits begin. Employers with 10-24 employees must provide parental leave. ([Regulations](#))
- **N.H.** (Eff. 1/1/26) – Employers with 20 or more employees must allow employees to take up to 25 hours of unpaid leave to attend medical appointments for childbirth, postpartum care, and their child’s pediatric medical appointments within the first year of the child’s birth or adoption. Employees may use accrued leave, such as vacation leave. ([H.B. 2](#))
- **R.I.** (Reminder: 1/1/26) – Rhode Island further expands temporary disability insurance benefits for temporary caregivers. ([H. 7171](#) / [S. 2121](#))
- **Wash.** (Eff. 1/1/27) – The “Healthy Starts Act,” a pregnancy accommodations law which largely mirrors its existing pregnancy accommodation law, takes effect. The new law expands the definition of “employer” to include any employer with one or more employee; expands the definition of “employee” to include effectually all employees; expands the definition of “pregnancy” to include the need to express milk; and requires a reasonable accommodation for schedule flexibility for postpartum visits. ([S.B. 5217](#))
- **W. Va.** (Reminder: Exp. 8/1/30) – On August 1, 2030, West Virginia’s pregnancy accommodation rules are scheduled to expire. ([Rules](#))

Religious Expression or Speech

Fall 2025

- **U.S., D.O.J.** (9/18/25) – The DOJ issued an opinion addressing religious exercise in the federal workplace, clarifying that situational telework may be an appropriate accommodation for religious practice. While specific to the federal workforce, it will likely influence the private sector. ([Slip Opinion](#))

Sexual Harassment Policy and Training Mandates

On the Horizon

- **Wash.** (Eff. 1/1/26 and 1/16/26) – Washington requires employers that employ an isolated employee to adopt a sexual harassment policy; provide certain mandatory trainings to employees; and provide instructions on how to use panic buttons. An “isolated employee” is a janitor, security guard, hotel/motel housekeeper, or room service attendant who performs work in an area where two or more employees are unable to immediately respond to an emergency without being summoned by the employee or who spends at least 50% of their working hours without a coworker or supervisor present. Corresponding regulations take effect on January 16, 2026. ([H.B. 1524](#); [Regs.](#))

TERMINATION OF EMPLOYMENT

mini-WARN

Fall 2025

- **Ohio** (Eff. 9/30/25) – Ohio, in large part, adopts the federal WARN act requirements, requiring employers in Ohio to provide a WARN notice if the employer employs 100 or more employees who in the aggregate work at least 4,000 hours per week or the employer lays off 50 or more employees at a single site of employment during any 30 day period. Employers must provide a written notice no less than 60 days before a plant closing or mass layoff begins. Also, there are additional notice requirements. ([H.B. 96](#))
- **Md.** (Eff. 10/13/25) – Maryland adopted the proposed rules governing the Economic Stabilization Act in full. The rules provide differing definitions of a “workplace” for teleworkers in Maryland and remote workers: a “workplace” is a teleworker’s official duty station, while the entire state of Maryland is treated as a single workplace for remote workers. Also, the rules create a framework for compelling compliance. ([Announcement](#); [Final Rules](#))
- **Los Angeles County, Cal.** (Eff. 11/6/25) – Los Angeles County adopted an ordinance that makes the right to recall qualifying janitorial, maintenance, security service, and hospitality workers a permanent right that may be waived in a CBA. Qualifying workers must be given ten days to accept or decline a written offer. There is also a right to retention for certain workers when a successor business takes over. (Ord. No. [2025-0042](#))

On the Horizon

- **Cal.** (Eff. 1/1/26) – California amended the CA WARN Act, requiring employers to include in its WARN notice whether the employer plans to coordinate services through the local workforce development board or another entity. Also, notices must include information about CalFresh, a statewide food assistance program. ([S.B. 617](#); [Seyfarth Post](#))
- **Cal.** (Eff. 1/1/26; Exp. 12/31/26) – California extended COVID-19 reemployment protections, set to expire on December 31, 2025, to December 31, 2026. ([A.B. 858](#); [Seyfarth Post](#))

OTHER DEVELOPMENTS

California

Fall 2025

- **Long Beach, Cal.** (Eff. 9/21/25) – Long Beach adopted an ordinance requiring drug and food retail establishments that provide self-service checkout options to (1) have at least one employee to supervise self-service checkout stations that has no other interfering work responsibilities and (2) must provide at least one non-self-service checkout station available during the times that a self-service checkout is open, which should advertise that it is limited to 15 items. There is also a policy and posting requirement. ([Meeting](#); [Ord-25-0010](#))

On the Horizon

- **San Francisco, Cal.** (Eff. 12/28/25; Operative 2/26/26) – San Francisco amended its Healthy Airport Ordinance to require, beginning January 1, 2027, that covered employers with airport workers who hold safety- or security-sensitive positions to make irrevocable health care expenditures on behalf of their employees at tiered rates reflecting the employee’s household size. ([File 250210](#))
- **Know Your Rights** (Eff. 1/1/26) – California requires employers, on or before February 1, 2026, and annually thereafter, to provide each employee and new-hire a stand-alone written notice of their rights. The Labor Comm’n will post a template notice by January 1, 2026 that will be updated annually. By March 30, 2026, employers must provide employees with an opportunity to name an emergency contact who an employer must notify if the employee is arrested or detained at work or if off-site during work hours, if the employer has actual knowledge. Penalties range from \$500 per employee per violation up to \$10,000 per employee. ([S.B. 294](#); [Seyfarth Post](#))
- **Personnel Records** (Eff. 1/1/26) – Personnel records must include education and training records, including the name of the training, duration, date, core competencies, and the resulting certification or qualification. ([S.B. 513](#); [Seyfarth Post](#))
- **Sexual Assault** (Eff. 1/1/26) – California extends the period in which a person may bring a sexual assault claim against an entity that would otherwise be barred by the statute of limitation, allowing causes of action that commence between January 1, 2026, and December 31, 2027. ([A.B. 250](#); [Seyfarth Post](#))
- **Tip Theft** (Eff. 1/1/26) – The Lab. Comm’r may investigate, issue citations, or file a civil action for taking or withholding gratuity paid, given, or left for an employee by a patron or deducting any amount of wages due on account of receiving gratuity. ([S.B. 648](#); [Seyfarth Post](#))
- **Threats** (Eff. 1/1/26) – It is a crime to willfully threaten by any means (e.g., images, internet posts) to commit a crime at a workplace that would result in death or great bodily injury that is intended to be a threat, regardless of the intent to carry out the threat. ([S.B. 19](#))
- **Los Angeles, Cal.** (Eff. 4/1/26; Training 10/1/26) – The “Los Angeles County Hotel Worker Protections Ordinance” applies to the unincorporated areas of L.A. County, and requires hotel employers to provide hotel workers a free personal security device if they work in guest rooms or restrooms where other hotel workers are not present and must provide immediate on-scene assistance if activated. Also, employers must provide employees with paid time to report an incident and to consult a counselor or advisor, and they must provide a reasonable accommodation to those subjected to violent or threatening conduct. Employers may not take an adverse employment action against an employee for activating the device. There is also an annual training and written notice requirement. CBA’s may waive requirements in clear unambiguous terms. ([Ord.](#))

Illinois

On the Horizon

- **Retaliation.** (Eff. 12/9/25) – Illinois prohibits employers from retaliating against employees for disclosing or threatening to disclose in good faith any violations of the Illinois Bivens Act, which allows civil lawsuits against anyone who violates constitutional rights during civil immigration enforcement. ([H.B. 1312](#))

Maine

What else we're watching . . .



Surveillance – The Maine legislature passed a bill prohibiting employers from using employer surveillance, unless it notifies an employee before use. With limited exceptions, surveillance is the monitoring of an employee through the use of an electronic device or system. Employers using surveillance must inform prospective employees during the interview that the employer uses surveillance and must annually provide a written notice to employees. The governor held the bill preventing it from becoming law. When the legislature reconvenes for the second session in January 2026, the governor will have three days to sign the bill. ([L.D. 61 / H.P. 25](#))

New York

Fall 2025

- **New York, N.Y.** (Eff. 9/10/25) – New York City expands delivery worker protections to cover all contracted delivery workers retained to deliver goods for a delivery service. ([Int. 1133-2024](#))
- **Gender-Based Violence** (Eff. 11/5/25) – New York requires bidders on public contracts to certify under penalty of perjury that they have implemented a written policy addressing gender-based violence in the workplace. ([Seyfarth Post](#))

On the Horizon

- **Healthy Terminal Act** (Eff. 1/1/26) – NY amended its Healthy Terminal Act to provide covered airport workers with wage and health benefits. ([Announcement](#); [S. 3006](#) (Part T))
- **New York, N.Y.** (Eff. 1/26/26) – New York City enacted two ordinances that require third-party food delivery services and grocery delivery services (e.g., Uber Eats, Instacart) to (1) provide an option to pay gratuity that is at least 10% of the purchase price on each delivery order or (2) if the provider offers online ordering, to solicit gratuity for delivery workers at the time an order is placed. The ordinances take effect 180 days after [Int. 30-2024](#) was enacted. ([Int. 737-2024](#) & [Int. 738-2024](#))
- **Hospital Workplace Violence Prevention** (Est. 9/18/26) – New York requires certain hospitals and nursing homes, by December 2026, to adopt workplace violence prevention plans after conducting an assessment. Employees regularly assigned to provide security must be trained. A written summary of the plan and information on how to report incidents of workplace violence must be provided to employees and their CBA representative, if applicable. ([A. 203](#))
- **Retail Workplace Violence Prevention** (Reminder: 1/1/27) – Retail employers with 500 or more retail employees in NY must install silence response buttons that request immediate assistance. ([A. 1678](#) / [S. 740](#); [Seyfarth Post](#))

What else we're watching . . .



Employment Promissory Notes – The “Trapped at Work Act” prohibits employers from entering into an employment promissory note with an employee (including independent contractors) that requires the employee to pay a sum of money (e.g., training reimbursements) to the employer or its agent if the worker leaves employment before a stated period of time with limited exceptions. Such agreements are unconscionable, against public policy, unenforceable, and null and void. On December 8, 2025, the bill was sent to the governor for signature. ([A. 584](#) / [S. 4070](#))

Rhode Island

On the Horizon

- **Onboarding Notice** (Eff. 1/1/26) – Employers must, at the start of employment, provide employees with a written notice, in English, containing certain information relative to wages, rate of pay, allowances, benefits, deductions from pay, and other information. ([S. 70](#))

Texas

Fall 2025

- **Delivery Network Companies** (Eff. 9/1/25) – Texas requires delivery network companies to adopt an intoxicating substance policy that prohibits a delivery person logged into its system from any amount of intoxication; requires a gov't ID; and has a two year recordkeeping requirement, among other requirements. ([H.B. 4215](#))
- **Professional Employer Organizations** (Eff. 9/1/25) – Texas amended its licensing requirements for professional employer organizations, clarifying that if the PEO does not renew its license in 18 months, its employer status ends. ([S.B. 1254](#))

United States/Federal

On the Horizon

- **Disparate Impact** (12/10/25) – The Dep't. of Justice, to align with Executive Order 14281, amended regulations implementing Title VI of the Civil Rights Act to eliminate disparate-impact liability. ([Reg.](#))
- **Right of First Refusal** (Eff. 12/22/25) – On December 22, 2025, in response to a January 20th executive order rescinding Exec. Ord. 14055, the Dep't. of Lab. rescinded regulations on nondisplacement of qualified workers under service contracts, which required certain federal contractors to give predecessor employees a right of first refusal for jobs on successor contracts. ([Fed. Reg.](#))

What else we're watching . . .



O.F.C.C.P. – On July 7, 2025, the OFCCP proposed amending the employment discrimination complaint form (CC-4) and the pre-complaint inquiry for employment discrimination involving federal contractors (CC-390) to align with Exec. Order 14173, which revoked the executive order that these forms were based on. The public comment period closed on September 17, 2025. ([2025-12556](#); [Extension](#))



Drug and Alcohol Testing – On September 2, 2025, the Dep't. of Transp. issued a notice of proposed rulemaking, proposing amending to the procedure for transportation workplace drug and alcohol testing; adding fentanyl and norfentanyl metabolite to drug testing panels; and amending urine and oral fluid testing guidelines. On October 17, 2025, the comment period closed. ([Notice](#))

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