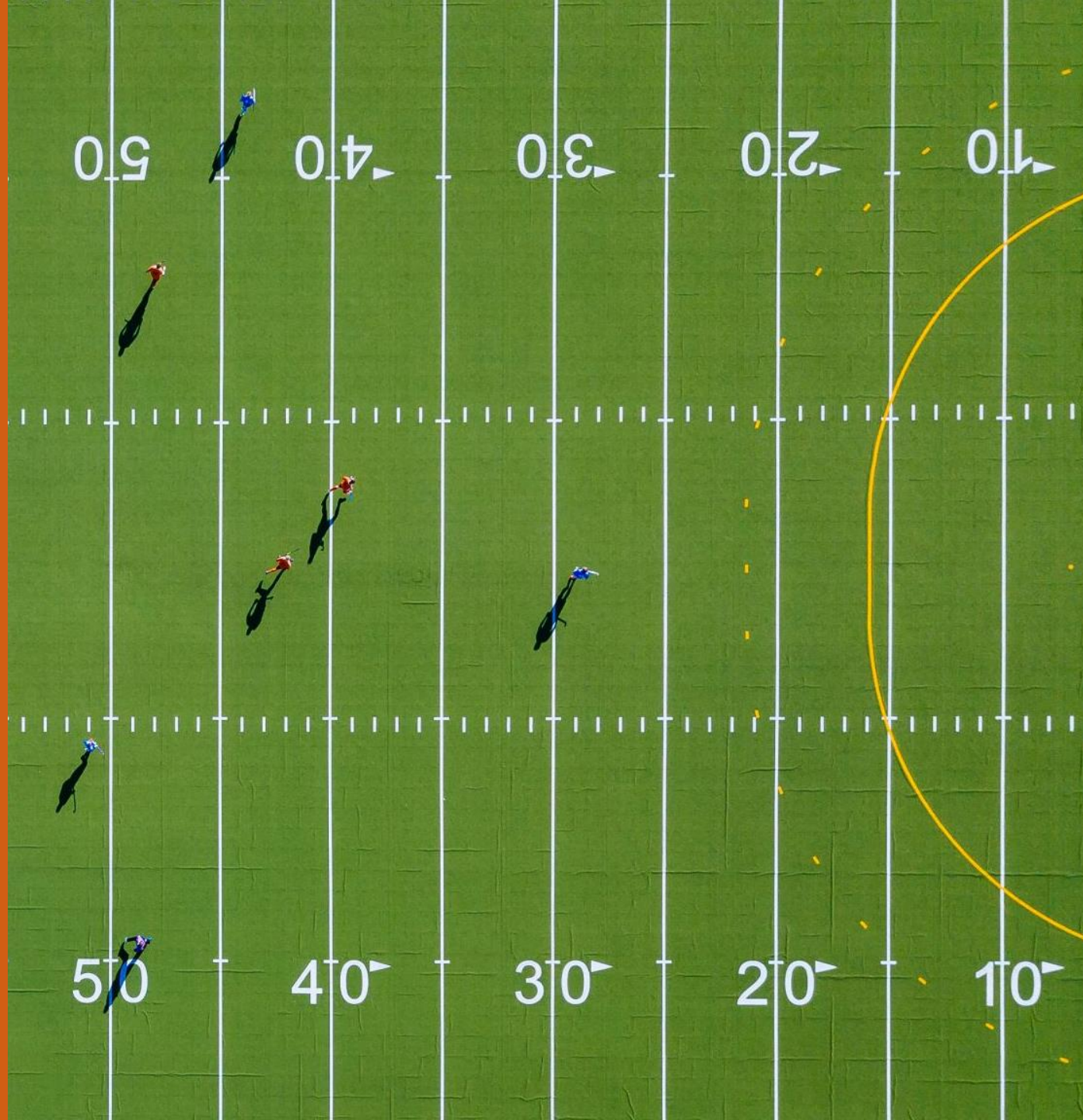
Seyfarth

Handbook Season Kickoff:

New Year, New Laws, New Handbook

October 29, 2026



Seyfarth Shaw LLP

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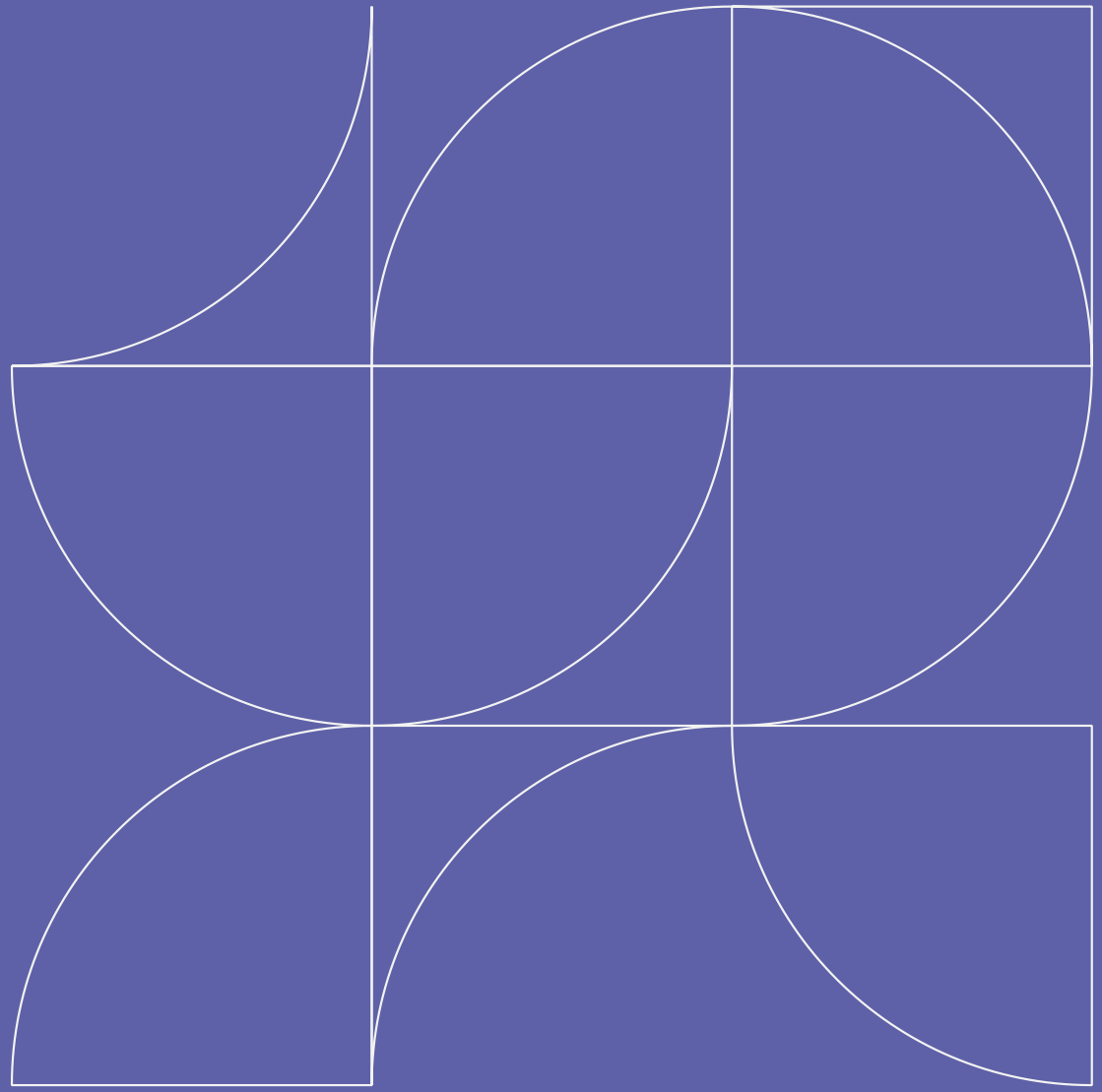


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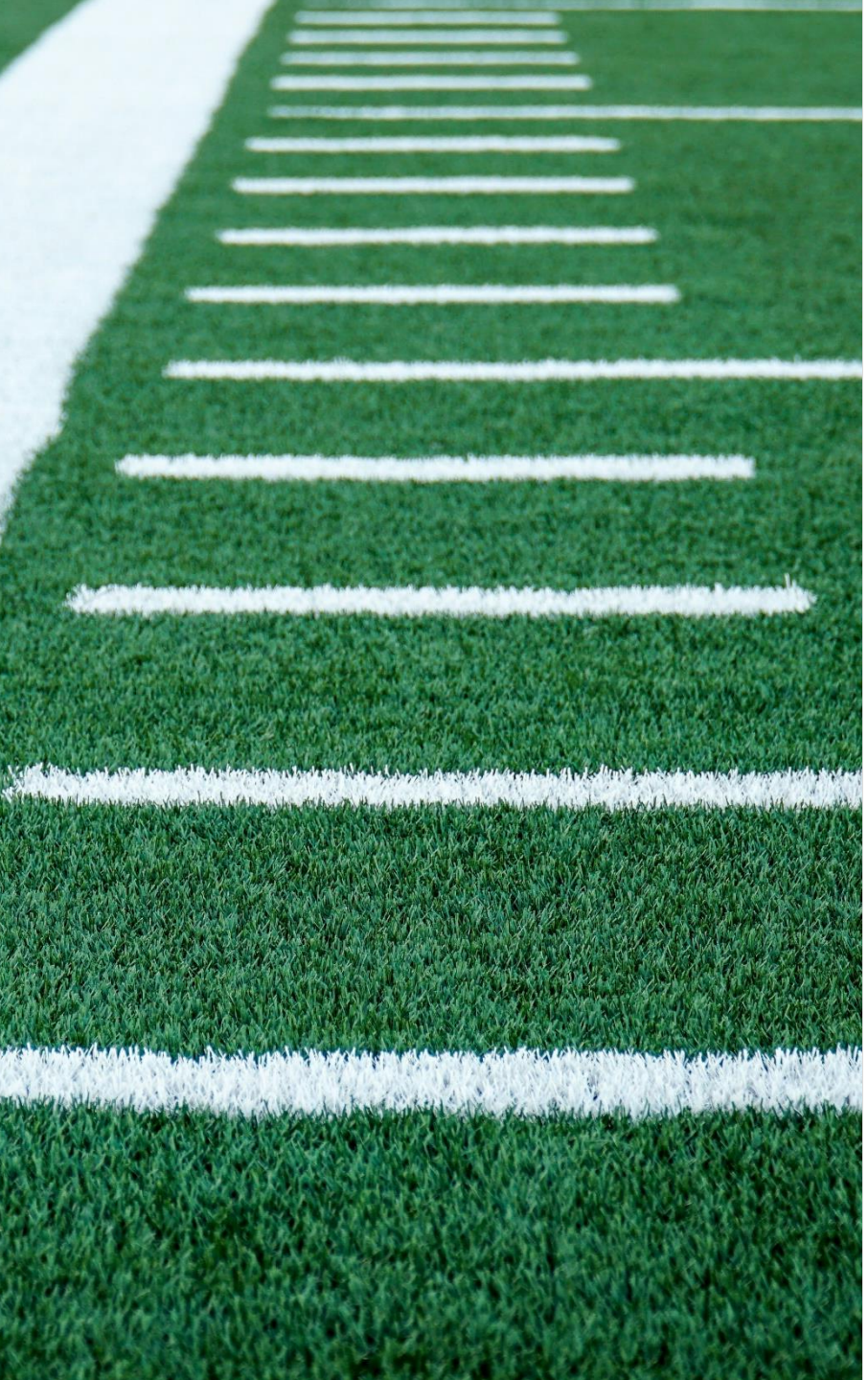
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1

Introduction



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What We Will Cover Today

01 Introduction

02 Federal and state developments that impact handbooks and policies

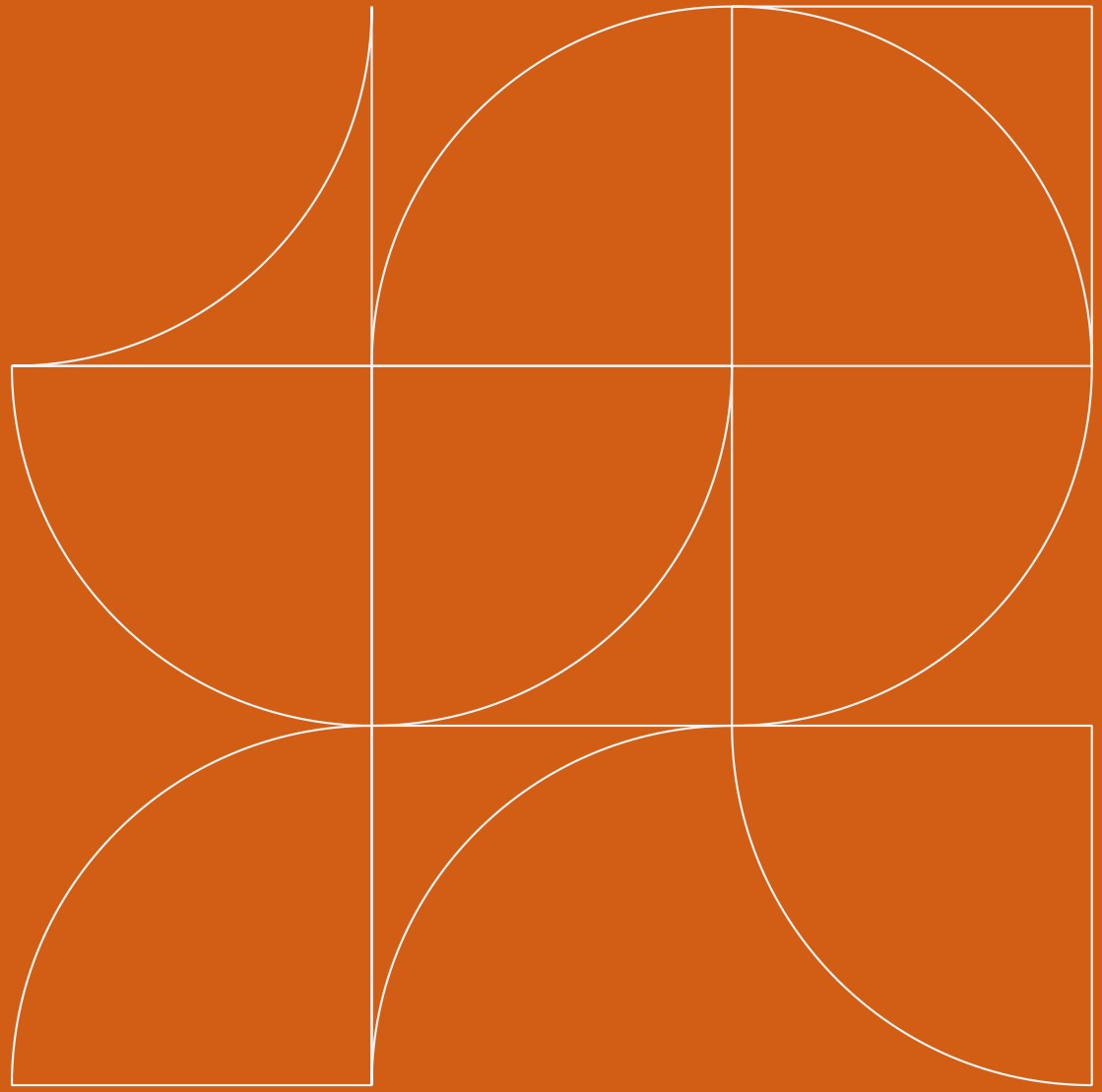
03 The importance of an excellent employee handbook and corresponding state addenda

04 How Seyfarth's Handbook & Policy Team has helped employers

05 Trends in the law - what to expect going forward

2

Federal and State Developments That Impact Handbooks and Policies



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Federal Updates

What to Expect When the Offense Keeps Calling Audibles

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NLRB Updates

- Quorum achieved (at least three members confirmed)
- On August 26, 2026, the NLRB General Counsel issued a memorandum identifying current and anticipated Board precedents she intends to challenge in future cases including:
  - severance and other employment agreements;
  - consent orders;
  - handbook and workplace rules;
  - captive-audience meetings;
  - employer predictions regarding unionization;
  - dress codes;
  - waiver of bargaining rights;
  - bargaining orders (Cemex);
  - employers' duty to bargain before changing terms and conditions of employment;
  - union dues and objector fees;
  - protected concerted activity;
  - post-expiration dues checkoff obligations;
  - and enhanced labor law remedies. (GC 26-04)

Notable Decisions

- Recent decision - officially returning to the employer-friendly burden-shifting test for evaluating whether abusive or offensive employee misconduct loses protection under Section 7 of the National Labor Relations Act (NLRA).
    - This overturns the 2023 setting-specific standard and allows employers to lawfully discipline workers for inappropriate or abusive workplace outbursts if the employer proves the exact same discipline would have occurred regardless of any protected union or concerted activity
- Recording Policies – On January 13, 2026, a NLRB judge found that a policy limiting the use of recording devices during work, in work areas, and included a carveout for any recording activity that would be protected under the NLRA was not so broad as to chill § 7 rights.
- Dress Code – On September 2, 2026, the 2nd Cir. held that the NLRB's 2022 standard for evaluating employer dress code restrictions on union insignia improperly imposed a strict-scrutiny-like burden on employers to justify even facially neutral policies. The court concluded a more balanced analysis that weighs employees' § 7 rights against employers' legitimate business interests when assessing dress code restrictions is required.

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Overview of EEOC Enforcement Priorities

- Chair Lucas has identified five key areas of focus:
  - Focus on race and sex-based discrimination practices
  - Protecting workers from religious discrimination and harassment
  - Addressing national origin discrimination, including anti-American bias
  - Defending women's sex-based rights at work, including single-sex spaces
  - Advancing the rights of veterans with disabilities in the workplace

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Disparate Impact Opinion

- DOJ Opinion: Disparate Impact Liability Under Title VII is Unconstitutional (June 9, 2026)
- The DOJ's Office of Legal Counsel (OLC) issued a memorandum opinion concluding that the EEOC's current interpretation and application of disparate-impact liability under Title VII is unconstitutional, finding it pressures employers into race-based decision-making
- Key Holdings
  - EEOC’s Uniform Guidelines (UGESP) are Unlawful
  - The Guidelines impose liability based on disproportionate effects alone, without regard to employer intent, functioning as a “qualified racial-proportionality mandate”
  - Validation-Study and Affirmative Action Regulations
  - Specifically identified as unlawful and unconstitutional

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Use Policies to Take Down the Temperature

Discrimination/ Harassment/ EEO	Respect and DIB	Political Expression	Religious Accommodation	Social Media
When was your policy last updated?	Could your policy be updated for today's landscape, recent DIB litigation, and the current NLRB?	Is your policy compliant for today's NLRB?	Do you have a policy not just for ADA accommodations but religious?	Is your policy up to date and meeting current needs?

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One to Watch: Small Necessities Leave

- A newly introduced House bill would provide additional job-protected leave to attend school activities, parent-teacher conferences and youth programs involving their children and grandchildren.
- The Family Leave for Parental Involvement in Education Act, was introduced by Florida Democratic Representative Frederica Wilson on August 31.
- The bill is a proposed amendment to FMLA and creates a “school activities leave” similar to several state laws.
- If enacted, it provides eligible employees with up to 48 hours of leave per year (limited to eight hours per rolling 30 days)
- The leave would be in addition to other forms of leave already available under the FMLA.

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California

A Slower Year for Policy but a Busy Legislature

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CRD Proposed Amended Pregnancy Disability Leaves and Accommodations Regulations

- **Expanded Pregnancy Definition:** Includes (1) current or past pregnancy; (2) childbirth; (3) a related medical condition; (4) potential or intended pregnancy (including infertility, fertility treatment, and the use of contraception); and (5) labor and childbirth.
- **Expanded Reasonable Accommodation:** Preserves existing accommodations but adds several new options.
  - ***Temporary suspension of essential functions***
  - Telework, remote work, and change of worksite
  - Changes to how work is performed
- **Time to Respond to Accommodation Requests:** Cautions against "unnecessary delay" in providing a response and eliminates the fixed 10-day response period.
- **Medical Certification:** Employers would only be able to request medical certification for an accommodation request when "reasonable." Not reasonable if:
  - Request involves an obvious need
  - Employer has sufficient information; and
  - the request involves nursing or pumping at work.
- **Self-Confirmation:** Employees could support a request for accommodation with their own confirmation of a need for accommodation that they self-report an HCP has advised.

- **Reasonable Advance Notice:**
  - Employers would no longer be able to require 30-day advance notice for foreseeable absences. The rebuttable presumption would continue to be available for predictable leaves (i.e. scheduled deliveries).
- **CFRA Availability:**
  - An otherwise CFRA-eligible employee whose pregnancy disability continues after exhausting 4 months of PDL, could continue with CFRA leave during the pregnancy disability.
- **Bonding Leave Available in Smaller Increments:**
  - Would eliminate the two-week minimum duration.

NEXT STEPS

December 8, 2026: Comment period concludes with public hearing

AB 2563 Sex Discrimination Definition

- **“Sex Discrimination” Definition**
  - Under FEHA and CA codes, “sex discrimination” is discrimination based on actual or perceived:
    - Assigned sex or gender category (including nonbinary status),
    - Gender identity,
    - Gender expression,
    - Access to and use of gender-affirming care,
    - Conformity with sex or gender stereotypes,
    - Sexual orientation,
    - Childbirth and related medical conditions,
    - Pregnancy-related conditions (including childbirth, abortion, lactation, miscarriage, fertility, and contraception),
    - Reproductive health decisionmaking, and
    - Variations in sex characteristics such as intersex traits.
- **AB 1940 – VETOED:** Would have added **perimenopause, menopause, postmenopause, and related medical conditions** as protected categories under FEHA.

AB 2495 Unlawful Immigration-Related Practices

Existing law:

- Prohibits an employer or other person from engaging in "unfair immigration-related practices" to retaliate against a person who exercise certain workplace rights.
- Unfair practices include:
  - Requesting more/different employment verification documents than federal law requires,
  - Misusing E-Verify,
  - Threatening to file/filing a false report with a government agency, and
  - Threatening to contact/contacting immigration authorities.

New Law:

- Retaliation prohibitions expanded to cover the exercise/attempted exercise of rights under **any local, state, or federal law applicable to employees.**
- Protected activity includes:
  - Making a good-faith complaint,
  - seeking information about legal compliance, and
  - informing another person of potential rights and remedies.
- Also protects activity before it occurs:
  - Conduct related to a person's perceived immigration status that would reasonably tend to dissuade the person from doing something they have a legal right to do is prohibited.

Penalties: Up to $10,000 per employee/person for each violation + other remedies.

SB 1149 Bereavement Leave for a "Designated Person"

- **Expanded Family Member Definition**
  - The prior definition included (1) a spouse; (2) child; (3) parent; (4) sibling; (5) grandparent; (6) grandchild; and (7) domestic partner
  - "Designated person" means any individual ***related to the employee by blood***, or whose association with the employee is the ***equivalent of a family relationship***.

- **Designation Process**
  - Only 1 designated person per 12-month period
  - Designated at the time an employee takes bereavement leave
  - Documentation of the death of a covered family member, including a designated person, may be requested within 30 days of starting leave.
    - Death certificate
    - Obituary
    - Written verification

AB 2054 Family Military Leave Benefits Expanded

- **Effective Date:** When incorporated into the EDD's updated claims system, or July 1, 2028, whichever occurs first.

- **Expanded Definition of "Covered Active Duty"**
  - Duty during the deployment with the armed forces to a foreign country,
  - For Army Reserves: duty during the deployment to a foreign country under a federal call or order to active duty,
  - **Duty during training,**
  - **Deployment other than to a foreign country, and**
  - **For Army Reserves: a call or order to state active duty.**

AB 2155 Validity of Arbitration Agreements

The Loophole Is Closed

- **Before AB 2155:** Arbitration Agreements subject to the CAA were enforceable unless there were grounds for contract revocation.
  - Allowed employers to use the CAA to compel arbitration where claims would otherwise trigger federal exemption.
  - Arose most commonly with:
    - **Transportation Worker Exemption:** applies to workers engaged in foreign/interstate commerce, including rideshare drivers, delivery, and last-mile workers.
    - **EFAA Exemption:** a person asserting sexual assault/harassment claims against a party they signed an arbitration agreement with can elect to litigate their claims.
- **After AB 2155:** Arbitration agreements that are unenforceable under the FAA, are unenforceable under the CAA.
  - Extends beyond the two exemptions above.
  - Applies prospectively to disputes/claims filed after January 1, 2027

New CA Notice Requirements

"No Robo Bosses Act" ADS

- July 1, 2027 effective date
- Post-use notice required of automated employment-related decision-making tool used in employment-related decisions.

- Notice requirements:
  - that an ADS tool was primarily used in the decision.
  - that a human reviewed and corroborated the output + their contact info.
  - Employee's right to request a meaningful and objective description of the employee data used by the ADS.
  - Anti-retaliation statement.

Cal/WARN AI Tech Displacement

- January 1, 2027 effective date
- Notice required if a mass layoff, relocation or termination is caused in whole/part by an AI system

- Notice requirements:
  - At the top: "This notice for a technology displacement"
  - The number, classification or occupation, and work location of layoffs substantially due to AI or other automated technology.
  - The job functions performed by those replaced workers that will be automated.
  - The specific category/type of AI system or other automating technology resulting in the technological displacement.

SF Paid Parental Leave Eligibility

- **San Francisco employees qualify for SF's Paid Parental Leave after 90 days of employment.**
  - Reduced from 180 days.
  - Aligned with SF's Paid Sick Leave waiting period.
- **Rolling Effective Date:**
  - Employers with 100+ employees: January 1, 2027
  - 20-99 employees: January 1, 2028
  - Less than 20 employees: remain exempt
- **Other eligibility criteria has not changed.**

  Employees must:
  - Work at least 8 hours/week in SF
  - Perform at least 40% of their total weekly hours in SF, and
  - Qualify for CA PFL benefits for new child bonding leave.



Southeastern Seaboard and Southern States

The SEC Called Plays on Paid Sick Leave, Paid Family & Medical Leave, and More!

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Maryland

PFML Reminders

- Regulations: March 30, 2026
- Key Dates Confirmed:
  - January 2027: Payroll Contributions Begin
  - January 2028: Benefits Become Available
- Initial Contribution Rate Set:
  - for 2027, contribution rate is 0.9% of wages up to Social Security wage base
    - employers may require employee contributions of up to 50% of contribution amount
    - employers with less than 15 employees are exempt from employer-share contribution
- Employer Notice and Communications
  - Notice Events
    - July 2027 – Initial Program Notice (6 months before benefits are available)
    - Time of Hire
    - Annual Notice
    - Upon leave inquiry / request / use for qualifying reason

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Maryland

Review of PFML Key Provisions

- Employer Coverage:
  - Employers with 1 or more employees in Maryland
- Employee Eligibility:
  - worked at least 680 hours in position based in MD in last 4 quarters
  - can aggregate hours across employers
  - no minimum income requirement
- Reasons for Leave:
  - Bonding with new child during first year
  - Serious health condition of employee or family member
  - Caring for a service member or uniformed service family needs (deployment)
- Amount of Leave:
  - 12 weeks in benefit year
  - can request additional 12 weeks if employee requires leave for own serious health condition and welcoming a child in same benefit year
  - continuous or intermittent

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Maryland

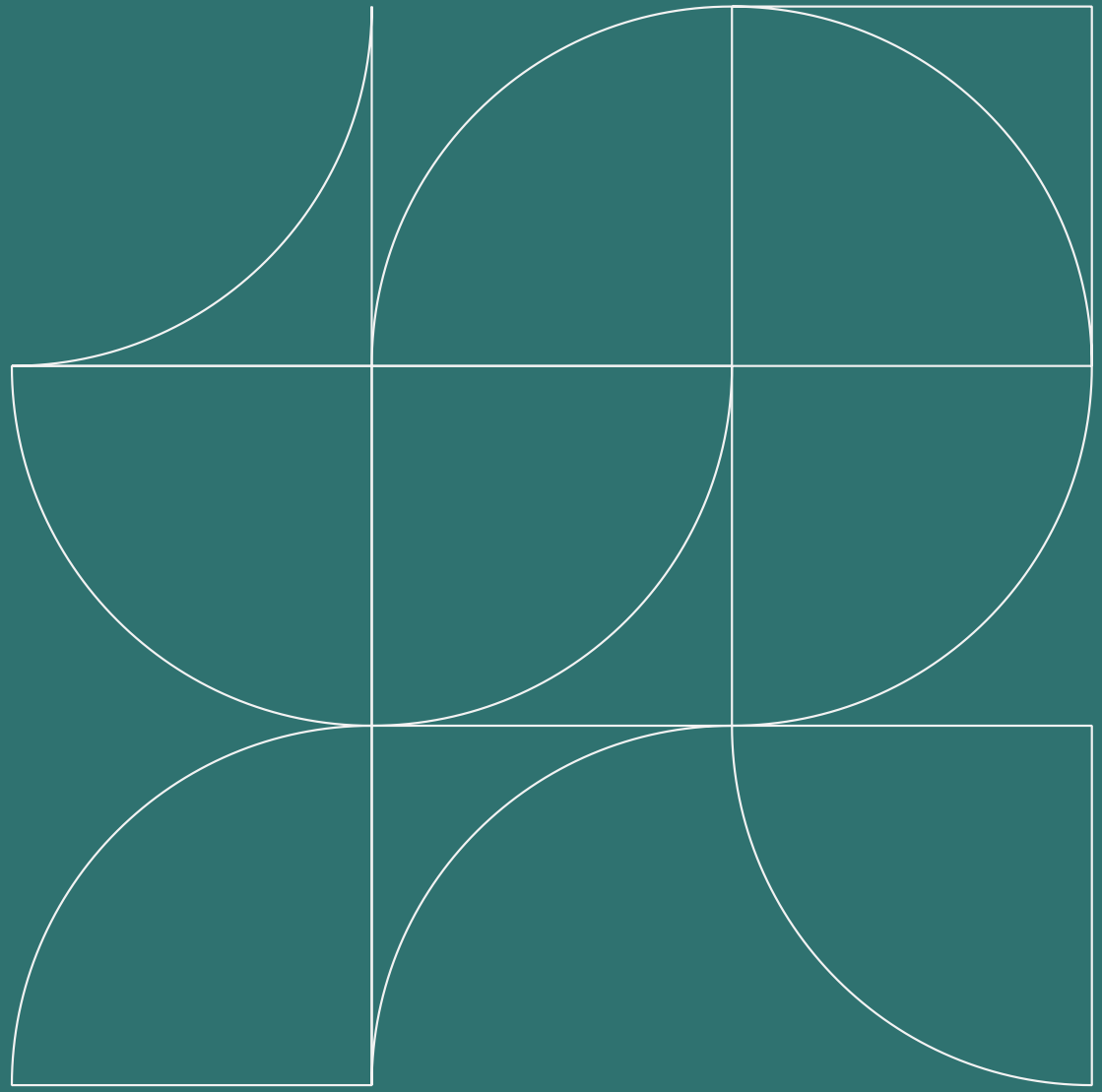
Captive Audience Ban

- Effective October 1, 2026
- Prohibits employers from discharging, disciplining, penalizing, or threatening to take an adverse employment action against an employee or for refusing to hire an applicant for declining to attend, participate in, or listen to employer-sponsored meetings or communications in which the primary purpose is to communicate the employer's opinion about religious or political matters.
- Notice upon hire & workplace posting required beginning November 1, 2026: https://labor.maryland.gov/labor/wages/mdworkerfreedomact.shtml

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Virginia PSL Law

step, foster, or adopted relationships



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Virginia PSL Key Provisions

- **Key Dates and Employer Coverage:**
  - **July 1, 2027:** effective date for employers with at least 50 employees
    - *also deadline for publication of regulations*
  - **July 1, 2028:** effective date for employers with at least 25 employees
  - **July 1, 2029:** effective date for employers with at least one employee

- All private employers covered; prior sick leave law limited to home health workers

- **Employee Eligibility:** any person who, in consideration of wages, salaries, or commissions, may be permitted, required, or directed by any employer to engage in any employment directly or indirectly

- **Accrual:** must accrue at a rate of at least one hour for every 30 hours worked, up to 40 hours per year
  - accrual beings at start of employment
  - assume 40-hour workweek for exempt employees (and airline flight crew employees)

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Virginia PSL Key Provisions (Continued)

- **Usage and Carryover:**
  - four-hour increments
  - permitted to establish annual 40-hour PSL usage cap
  - no provision permitting cap on carry over
  - no provision addressing new hire waiting period
- **Frontloading:**
  - employers can avoid accrual and end of year carryover obligations by frontloading 40 hours of PSL
- **Reasons for Use:**
  - employee's own illness, injury or health condition, including preventative care;
  - caring for covered family member with illness, injury or health condition, including preventative care; and
  - certain absences due to employee or their covered family member's status as a victim of domestic violence, sexual assault, or stalking

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Virginia PSL Key Provisions (Continued)

- **Definition of Family Member:**
  - (1) child
  - (2) grandchild
  - (3) grandparent
  - (4) parent
  - (5) sibling
  - (6) spouse or domestic partner
  - (7) any individual (i) who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for such individual and (ii) who depends on the employee for care.
  - Step, foster, and adopted relationships are included.
  - "Family member" does not include any individual who simply resides in the home with no expectation that the employee care for that individual.

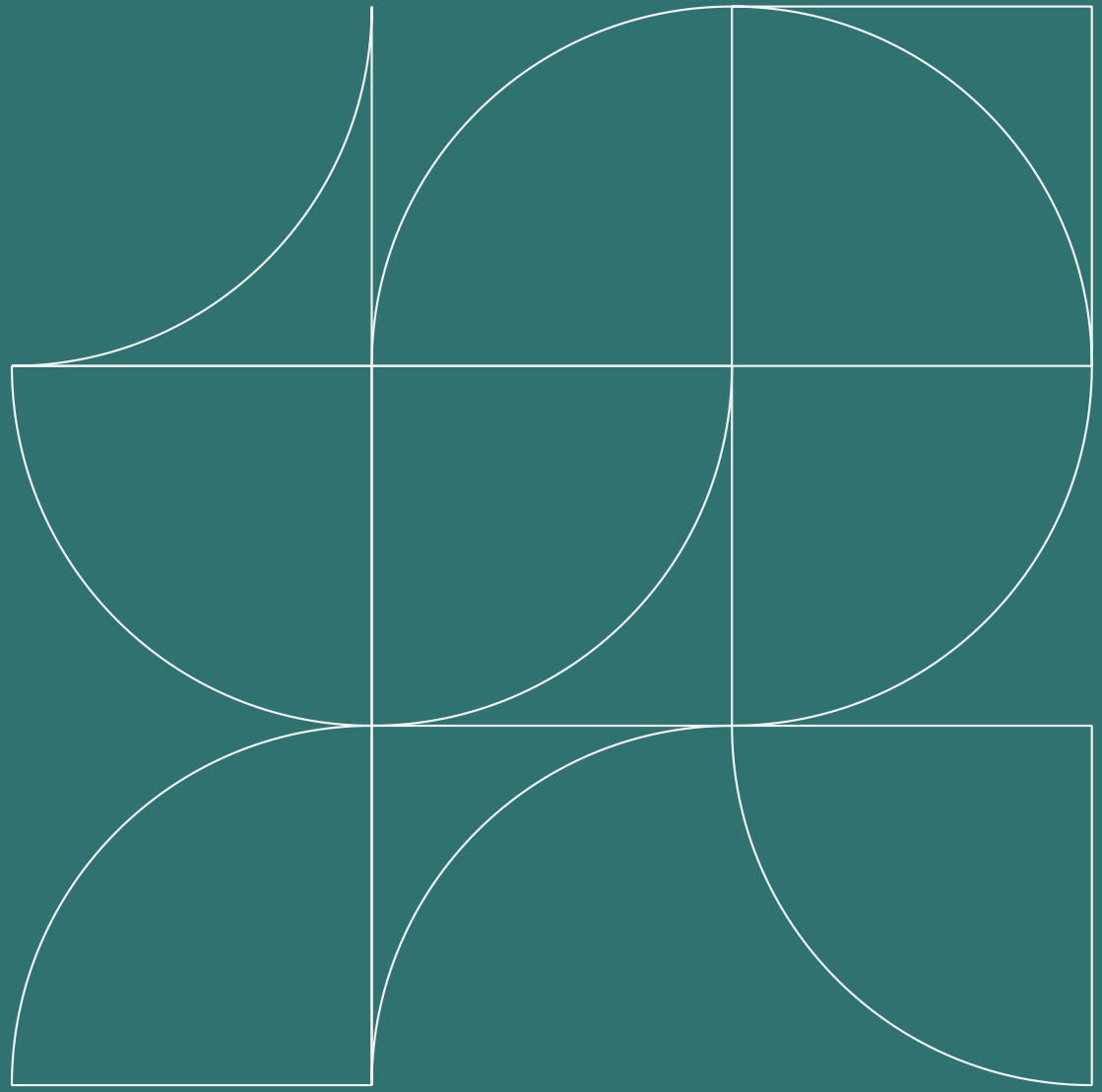
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Virginia PSL Key Provisions (Continued)

- **Employee Notice to Employer:**
  - request can be made orally, in writing, via electronic means or by any other means approved by the employer
  - employer can require a “good faith effort” by employee to provide advance notice for foreseeable leave
  - required notice procedures must be in a written policy
- **Documentation:**
  - can require reasonable documentation for absence of 3+ consecutive days
- **Rate of Pay:**
  - must be at “regular rate”
- **Separation of Employment:**
  - cash out not required
  - must reinstate accrued, unused PSL if employee rehired within 12 months

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Virginia PFML



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Virginia PFML Key Provisions

- **Key Dates:**
  - October 1, 2027: Initial contribution rates set.
  - January 1, 2028: Commission with will establish and administer a Paid Family and Medical Leave Insurance program.
  - April 1, 2028: Payroll contributions begin; Deadline for Virginia Employment Commission to promulgate all rules and regulations
    - Regulations expected to address: the processes for applying for and receiving benefits, the required timeline of notices to employers, and the best practices for communications between employees and employers regarding the use of leave
  - December 1, 2028: Benefits claims and payments begin.

- **Coverage:** all employers

- **Eligibility:** employee must be authorized to work in the US and meet a minimum monetary eligibility criteria (~$3000/quarter for two of last five quarters)

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Virginia PFML Key Provisions (continued)

- **Reasons for Leave:**
  - **Parental:** Birth, adoption, or foster placement of a child within the first year of the birth or placement;
  - **Family**: Care for a family member with a serious health condition;
  - **Medical:** Employee's own serious health condition the makes the employee unable to perform the functions of his or her position;
  - **Injured Servicemember:** Care for a covered service member who is the employee's next of kin or other family member
  - **Qualifying Military Exigency**
  - **Safety Services:** services for employee or family members related to domestic violence, harassment, sexual assault, or stalking
- **Definition of Family Member:**
  - any individual (i) who regularly resides in the employee's home or where the relationship creates an expectation that the employee care for such individual and (ii) who depends on the employee for care.
- **Amount of Leave:**
  - up to 12 weeks of paid leave in a benefit year for medical, family, parental and qualifying exigency leaves
  - up to 4 weeks of paid leave in a benefit year to obtain safety services.

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Virginia PFML Key Provisions (continued)

- **Amount of Pay:**
  - generally equivalent to 80% of the employee's average weekly wages, subject to a cap equal to 100% of Virginia's average weekly wage

- **Funding:**
  - funded by payroll premiums shared by both employers and employees (up to 50% contribution from employee)
    - Small employer contribution exemption
    - Contribution rates are not yet set but will be capped at the Social Security wage base
    - Annual rates set by October 1 the prior year

- **Notice and Posting:**
  - must provide written notice of employee rights under PFML
    - upon hire,
    - annually, and
    - when leave is requested or the employer becomes aware that the employee intends to take leave that may qualify for PFML benefits.
  - must post a Commission-issued workplace notice in English, Spanish, and any other language spoken by at least five percent of the employer's workforce.

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Virginia PFML Key Provisions (continued)

- **Job Protection:**
  - employees who have worked for their current employer for at least 120 days before the leave begins are entitled to reinstatement to the same or equivalent position held at the time leave commenced and maintenance of health insurance during leave
- **Private Plans:**
  - employers may apply for approval to use a private paid leave plan instead of contributing to and providing leave through the state program and must have plans recertified every two years
- **Prohibitions against interference and retaliation**
  - employers may apply for approval to use a private paid leave plan instead of contributing to and providing leave through the state program and must have plans recertified every two years
  - prohibits an employer “or other person” from interfering with, restraining or denying an employee’s rights under the law, or retaliating against an individual for exercising his or her rights under the law
  - prohibited from counting PFL leave as absence that may lead to discipline
    - currently, nothing limiting this to those employees who qualify for job protection
  - actions to enforce alleged violations must be brought within one year, or three years for willful violations

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Virginia

- **Non-Discrimination Law Expanded**
  - Effective July 1, 2026
  - Covers employers with 5+ employees (down from 15)
  - Lengthens statute of limitations from 300 days to 2 years

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Washington, D.C.

Paid Family & Medical Leave Updates

- Reduced amounts of leave (10/1/2026 – 9/30/2030):
  - Family Leave – 6 weeks (down from 12 weeks)
  - Medical Leave – 10 weeks (down from 12 weeks)
  - Parental Leave – remains 12 weeks
  - Prenatal Leave – remains 2 weeks
- Maximum Weekly Benefit Amount (eff. 10/1/2026)
  - decreased to $1,100 (was $1,190)
- Updated model notice: https://dcpaidfamilyleave.dc.gov/wp-content/uploads/2026/09/2026-Employee-Notice-2026-OPFL-Employee-Notice_FY26_Update.pdf

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Louisiana

Organ & Bone Marrow Donor Leave

- Effective August 1, 2026.
- Up to 30 days of leave.
- Public employers must provide paid leave.
- Private employers may offer paid or unpaid leave.
- Existing paid bone marrow donation leave law remains in effect:
  - 40 hours of paid leave.
  - Employers with 20+ employees at one site.
  - Employees working 20+ hours/week.

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South Carolina

Civil Air Patrol Leave

- Effective October 1, 2026.
- 30 days of leave annually for emergency service operations.
- 10 days for training or “proficiency activities”.
- Public employers must provide paid leave.
- Private employers may offer paid or unpaid leave.

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New England

Mostly Quiet in Patriots Nation

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Massachusetts

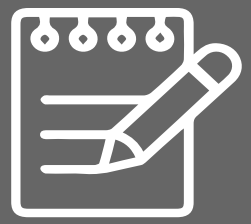


Paid Family and Medical Leave

- **Changes effective: Jan. 1, 2027**
- Maximum benefit increases to **$1,284.61** (increase from $1,230.39).
- Total contribution rate stays at **0.88%** of wages.
- The medical / family leave allocation changes because of IRS tax treatment.
- Annual employee contribution notices remain required.
- MA PFML Posters, Notices, and Rate Sheets

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New Hampshire



Lactation Accommodation

- **Effective Date: July 1, 2026**
- Lactation **policy required** for employers with 6+ New Hampshire employees.
  - Must provide reasonable break period
  - 30 minutes every 3 hours
  - 1 year after birth, subject to undue hardship.
  - A private, clean, non-bathroom space is required.
  - Civil penalty took effect July 1, 2026.

Maine Paid Family & Medical Leave



- **Benefits Available: May 1, 2026**
- **Plan Type:** Private plan or public option
  - Public option administered by ME PFML Benefits Authority
- **Coverage:** All employers with at least one employee in Maine with limited exceptions
- **Funding:** 50/50 split between employer and employee – 1% of wages
- **Eligibility:**
  - Earnings of at least 6 x the state average weekly wage ($7,188) in the first 4 of the last 5 completed quarters
  - No tenure requirement
- **Benefit Amount**: percentage of average weekly wage up to max benefit of $1,249.12 (adjusted annually – **July 1**)
- **Notice**
  - Notice must be provided within 30 days of hire and requires customization
  - ME PFML Poster

ME-PFML - Reasons for Use & Duration of Leave

- **Duration of leave**
  - **12 weeks** of leave in a 12-month period
    - 12-month period begins on the Sunday prior to when leave starts
    - ME-PFML will run concurrently with other leaves - federal FMLA & ME Family Medical Leave
    - ME-PFML duration will be reduced by any federal FMLA leave or unpaid ME Family Medical Leave taken within 12-month period before ME-PFML begins
- **Reasons for leave**
  - **Bonding –** to care for a child within 12 months of birth, adoption, or foster placement
  - **Family Caregiver** – Caring for a family member with a serious health condition
  - **Employee Medical** – Managing personal medical needs due to a serious health condition
  - **Military Exigency** – Addressing military exigencies related to a family member's active duty
  - **Injured Servicemember** – Caring for a covered service member who is a family member
  - **Safe leave** – For situations involving domestic violence, sexual assault, or stalking

Maine



Surveillance and Electronic Monitoring

- **Effective date: July 14, 2026**
- **Written notice** required if engage in surveillance
  - current employees before monitoring begins
  - applicants during the interview process
  - **annually**
  - EmployerSurveillancePoster.pdf
- **Employer surveillance**
  - means the monitoring of an employee through the use of an electronic device or system (e.g., computer, telephone, wire or radio or an electromagnetic, photoelectronic or photo-optical system)
  - Does not include use of surveillance cameras for security or safety purposes or global positioning system tracking or other safety devices on company vehicles
  - Prohibits audiovisual monitoring in employee's residence or personal vehicle unless monitoring is required by job duties

Connecticut



Connecticut Paid Sick Leave

- Coverage phased in
  - **Jan. 1, 2027 – all employers**
- No substantive changes for 2027
  - accrual cap: **40 hours of paid sick time/year**
  - accrual rate: one hour of sick time for every 30 hours worked
  - carryover: up to 40 hours/year
  - use cap: may only use 40 hours/year
  - **may frontload** time to avoid carry-over
  - no requirement to provide advance notice
  - **cannot require documentation**
  - **expansive reasons for use** including mental health wellness day

New CT Notice Requirements – Eff. Oct. 1, 2026

Electronic Monitoring

- Must provide prior written notice of any electronic monitoring to each newly hired employee
  - listing types of monitoring
  - **locations where monitoring occurs**
- Post notice in conspicuous place and where monitoring is taking place
- CT Electronic Monitoring Notice

Disability Accommodation

- Must provide written notice of right to reasonable accommodation
  - To newly hired employees
  - To existing employees by Jan 2027
  - Within 10 days of employee notifying employer of disability
- Notice Concerning the ADA

Overtime Payroll Guide

- Employer with 100 or more employees
- Create and maintain an OT pay-code guide explaining OT requirements and commonly used pay differentials
  - on-call
  - call-back
  - holiday pay
- Provide to new hires and when new codes introduced

Artificial Intelligence

- Must disclose to applicant or employee any automated employment-related decision-making tool
  - they interact with
  - used to generate output for the purpose of making, or as a substantial factor in making an employment-related decision
- AI use is subject to anti-discrimination laws

Connecticut Other Developments



- **Stay-or-Pay –** Employers cannot condition employment on repayment for leaving before a set period including:
  - Training repayment
  - Reimbursement for onboarding or certification costs
  - Any arrangement imposed as condition of employment requiring payment upon early separation (e.g., sign-on bonus, retention payment)
  - Exceptions
    - loans or advances
    - amounts related to sabbatical leave
    - payment for property sold or leased to employee
    - CBAs
- **Pay Transparency** – Existing law expanded to require general description of benefits

Western States

Monday-Morning Quarterbacking the West Coast Updates

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Washington

- **Veteran, Service Member and Military Spouse Benefits – June 11, 2026**
  - Allows private employers to give spouses of active-duty service members and veterans with a qualifying discharge hiring preference.
  - Clarifies that that seniority rights for reinstatement apply to all uniformed service members.
  - Expands the definition of "uniformed services" to include U.S. public health service commissioned corps and the national oceanic and atmospheric administration commissioned officer corps.
- **Immigration Worker Protection Act – June 11, 2026**
  - Employers are required to post a new AG-issued notice about I-9 inspections.
  - Within **5 business days** of receiving a federal notice of an I-9 inspection or results, employers must provide detailed written notices to workers and their representatives.
  - Prohibits retaliation against workers who report a violation of the Act.
  - Creates a private right of action for injured workers.
- **More Limits on Criminal Background Checks – July 1, 2026 (15+ EEs) & January 1, 2027 (less than 15 EEs)**
  - Employers are prohibited from inquiring about an applicant's criminal record until an initial determination that the applicant is qualified for the position AND an offer of employment is made.
  - Employers can only exclude applicants based on their adult conviction record when the employer has a legitimate business reason to do so and complies with notification and response requirements.
  - Employers cannot at any point in the process exclude an applicant based on their arrest record or juvenile conviction record.

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Washington – PFML, FCA and Pregnancy Accommodation

- **Paid Family and Medical Leave Changes**
  - **October 2, 2026 –** Clarified that for purposes of determining whether an employee satisfies the 180-day employment requirement for job restoration rights, only employees' most recent hire date is considered.
    - Prior periods of employment before a break in service do not count toward the 180-day threshold.
  - **January 1, 2027 –** Employers with 15+ employees must provide job protection benefits to employees on PFML. The current threshold is 25 employees and will drop to 8 employees in 2028.
- **Family Care Act - TBD**
  - August 7, 2026: Comment period closed for updates to the FCA's Employment Standards Administrative Policy
  - Clarifies the leave and family members covered by the FCA
  - Identifies how the FCA protections differ from PFML
- **Pregnancy Accommodation – January 1, 2027**
  - **All** employers must provide pregnancy-related accommodations, including lactation accommodations.
  - Employees must be paid their **regular rate of pay** for break time used to express breast milk, and travel time to access lactation locations.
  - Employees **cannot be required to use paid leave** for lactation breaks or related travel time, and this time must be in addition to meal and rest breaks.
  - Expands **reasonable accommodation** to include scheduling flexibility for postpartum medical visits.
  - **Employers cannot require HCP certification for accommodation of a lifting limit of more than 17 pounds**
  - **Records relating to pregnancy accommodation cannot be disclosed through public records requests.**

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Seattle, WA

- **Seattle Expanded "Sexual Orientation" Definition – June 1, 2027**
  - No longer includes references to "male/female"
  - Expressly recognizes pansexuality and asexuality, attitudes/preferences/beliefs/practices involving consensual relationships with multiple partners and non-monogamous relationships.

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Oregon

- **Immigration-Related Employment Protections – June 5, 2026**
  - New protected category for employees that are updating or attempting to update personal information based on a lawful change to employment authorization documentation.
- **Oregon Paid Leave Model Notice – March 2026**
  - New model notice available.
- **Healthcare Without Fear Act – June 5, 2026**
  - Prohibits covered healthcare facilities from retaliating against/disciplining employees who distribute educational materials on immigration rights or legal services.
- **Portland – Sexual Orientation and Family Status Protected Categories – April 10, 2026**
  - New protected categories for actual or perceived family or relationship statuses, including involvement or non-involvement in intimate personal relationships, multi-partner or parent relationships, multi-generational households, non-monogamous relationships, and asexual or aromantic relationships.

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Colorado

- **Expanded Paid Voting Leave – June 1, 2026**
  - Up to **2 hours of paid voting leave** on any day when voter service and polling centers are open.
    - Not limited to the election day itself.
  - Employees must request leave in advance.
  - Employers may deny leave only if an employee has 3+ consecutive nonworking hours while voter service and polling centers are open.
- **Automated Decision-Making Technology Act (ADMT Act)**
  CO repealed and reenacted it's AI anti-discrimination law.
  - Employer obligations:
    - **Provide Notice:**
      - At the point of interaction with an ADMT; and
      - Within 30 days of an ADMT making a consequential decision that leads to an adverse outcome.
    - **Data Rights:** Employees and applicants can request the personal data used in an ADMT decision and request corrections of inaccurate data.
    - **Human Reviewer:** Individuals who receive an adverse outcome from an ADMT can request human review and reconsideration.
    - **Recordkeeping:** 3 years
  - **Next Steps:** Comment period on the proposed rules closed on October 26, 2026. Although slated to go into effect January 1, 2027, enforcement is paused pending final rulemaking.

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Midwest

It was Ground and Pound for the Middle of the Map

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Illinois – Always Busy

- On July 31, 2026, Illinois enacted a law requiring employers with more than 25 employees to pay employees their regular rate of pay for time spent serving on jury duty. (H.B. 4844)

- Ill. (Eff. 6/1/26) – On August 15, 2025, Illinois enacted a neonatal intensive care leave law that mandates that employers, depending on its size, 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)

- Ill. (Eff. 1/1/27) – On August 7, 2026, Illinois enacted the Menopause Equity and Care Act, which among other things, amends the Illinois Human Rights Act to expressly include "menopause-related conditions" within the definition of pregnancy and pregnancy-related conditions, entitling employees to reasonable accommodations for menopause-related conditions. "Menopause-related condition" includes perimenopause, menopause, and associated medical or symptomatic conditions such as vasomotor symptoms, sleep disruption, cognitive or mood changes, and osteoporosis-related changes. Also, the law updates required workplace notices to reflect these rights. (H.B. 5284)

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Illinois – Always Busy

- Ill. (Eff. 1/1/27) – On August 7, 2026, Illinois expanded the definition of harassment under its domestic violence law to include certain technology-based conduct (e.g., electronic tracking, impersonation, and non-consensual dissemination of images or personal information), which may broaden the scope of conduct that can trigger leave protections under the Victims' Economic Security and Safety Act. (S.B. 3020)
- Chicago, Ill. (Eff. 6/1/26) – On May 15, 2026, Chicago revised its Fair Workweek rules to clarify and expand scheduling obligations, including redefining a "week" as any seven consecutive 24-hour period; requiring posted work schedules to be time and date stamped; and adding detail to the required good-faith estimate including on-call shifts.
  - The rules specify how and when an employer may issue shorter notice schedules to new hires, employees returning from leave, and employees who are transferred or promoted.
  - Also, the rules explain how predictability pay is calculated and documents for employer-initiated schedule changes.

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Illinois – Always Busy

- Ill. (Eff. 1/1/27) – On July 6, 2026, Illinois amended its Whistleblower Act to prohibit employers from retaliating against employees who disclose or threaten to disclose, in good faith, violations of a new AI law. (S.B. 315)
- Ill. (Eff. 1/1/27) – On July 31, 2026, Illinois amended the Illinois Human Rights Act to expressly prohibit employers, employment agencies, and labor organizations from using neutral "criteria or methods" that have a discriminatory effect on protected groups (i.e., disparate impact), unless the employer can show (1) the practice is job related and consistent with business necessity and (2) that no less discriminatory alternative exists. (S.B. 3777)
- Volunteer Emergency Responders (Eff. 1/1/27) – On July 24, 2026, Illinois amended its Volunteer Emergency Worker Job Protection Act, extending job protections for volunteer emergency workers to include related mandatory training. Additionally, the law clarifies that employers may not require the employee to use vacation or other compensatory time to respond to an emergency or participate in mandatory training. (H.B. 1353)

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Minnesota Safe Time Protections Updates

- Minn., Crime Victim Leave (Eff. 8/1/26) – On May 14, 2026, Minnesota amended its definition of “violent crime” to include stalking, thereby expanding its crime victim leave law to require employers to allow an employee who either is a victim or whose spouse or immediate family member is a victim, to take leave to attend related criminal proceedings. (S.F. 4760)
- Bloomington, Minn. (4/27/26) – On April 27, 2026, the Bloomington City Council approved repealing its local sick and safe time ordinance, fully deleting it from its code. (Agenda Packet, Item 4.1; Meeting (see min. 24-39’))

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Elsewhere in the Middle West

- Ind. (Exp. 7/1/29) – IN's law prohibiting employers from taking an adverse employment action against an employee for being absent to attend certain school meetings is scheduled to expire. (S.B. 409)
- Mo. (Eff. 8/28/26) – On July 9, 2026, Missouri revised its state military leave and reemployment laws to expand job-protection rights for employees called to state active duty (including Missouri employees serving in another state's National Guard) and extending USERRA-like reemployment rights;
  - applying certain Servicemember Civil Relief Act protections to state active duty lasting more than 30 days;
  - and clarifying that private employers may not require employees to exhaust employer-provided leave for certain National Guard benefits.
  - Also, the law provides a private right of action against employers for violations. (H.B. 2593)

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Ohio and Oklahoma Turn to Drugs

- Ohio (Eff. 12/19/25 with parts est. 3/20/26) – On December 19, 2025, Ohio revised its medical and adult-use marijuana laws.
  - The law reaffirms that employers may maintain drug-free workplaces 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. (S.B. 56)
- Okla. (Eff. 11/1/26) – On April 17, 2026, Oklahoma amended its medical marijuana law:
  - employers may not refuse to hire or take an adverse action against an applicant or employee solely based on their status as a medical marijuana licensee or a positive marijuana test, with limited exceptions including actions taken pursuant to a written drug and alcohol testing policy.
  - Also, safety-sensitive positions are subject to a mandatory zero-tolerance standard, regardless of whether the policy permits impairment-based testing or alternative standards.
  - The law amends the definition of "safety-sensitive positions"; preserves employers' ability to prohibit use or possession at work; and ties "positive" test results to DOT or Okla. cutoff levels. (H.B. 3127)

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New York, New Jersey & Pennsylvania

New Plays for Tri-State Fans
Jets, Giants, Bills, Eagles, Steelers!

New Jersey



NJ Family Leave Act Changes

- **Effective – July 17, 2026**
- Coverage expanded
  - from 30+ employees to 15+ employees
    - 2027 – 10+ employees
    - 2028 – 5+ employees
  - 3 months of service and 250 hours (previously 12 months and 1,000 hours)
- Up to 12 weeks of unpaid, job-protected leave in a 24-month period to bond with new child, care for family member, state of emergency
- Expands job-protection to employees who are eligible for NJ Temporary Disability Insurance or NJ Family Leave Insurance (even if not covered by NJ FLA)

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New York



- **Personnel Files**
  - **Effective Nov. 8, 2026**
  - Provide record within 5 business days of a written request (no cost to employee)
  - Two times within calendar year
  - Negative information – notify employees within 10 days of placing information in personnel record
    - information that is, has been, or may be used to negatively affect the employee's qualifications for employment, promotion, transfer, additional compensation, or the possibility of disciplinary action
- **Credit Checks**
  - **Effective April 18, 2026**
  - employers prohibited from using credit history with limited exceptions

New York



Trapped at Work Act

- **Effective – Dec. 19, 2026**
- Prohibits agreements that require workers to repay money if they leave employment before a stated period of time
- Exception for certain types of agreements
  - Tuition reimbursement for transferable credential
    - strict written agreement requirements
  - Financial bonus, relocation assistance, other non-educational incentive/payment/benefit not tied to specific job performance unless employee terminated for a reason other than misconduct or duties/requirements of job misrepresented to employee

New York City



Safe and Sick Time

- **Effective February 22, 2026** – written policy required
- **Expanded reasons** for use
  - care for a child or care recipient (e.g., school holiday)
  - attend legal proceedings for subsistence benefits or housing for employee or covered family member
  - respond to a public disaster (in addition to PHE)
  - address effects of workplace violence on employee or covered family member
  - bereavement – addressed in FAQs
- **32 hours of unpaid safe/sick time** available upon hire and each calendar year (in addition to paid safe and sick time)
  - no carryover
  - employees may choose to use paid time first
- NYC Notice of Employee Rights: Protected Time Off

Allegheny County



Paid Parental Leave

- **Effective Date:** April 19, 2027; additional 180 days to come into compliance – October 16, 2027
- **Coverage:** employers situated or doing business within Allegheny County with at least 15 or more employees
- **Employee Eligibility:** 180 days of service and 625 hours
- **Benefit:** Up to 12 weeks within the first year after birth, adoption, legal permanent placement, or stillbirth
  - 100% of base salary
  - Maximum cap - $4,200/week
- **Job Protection:** Continue health insurance + reinstatement to same or equivalent position

Sick Time

- **Annual accrual cap:** Increase from 40 to 72 hours if 15+ employees; 48 hours if less than 15 employees
- **Accrual rate:** Increase from 1 hour for every 35 hours worked to 1 hour for every 30 hours worked

Philadelphia

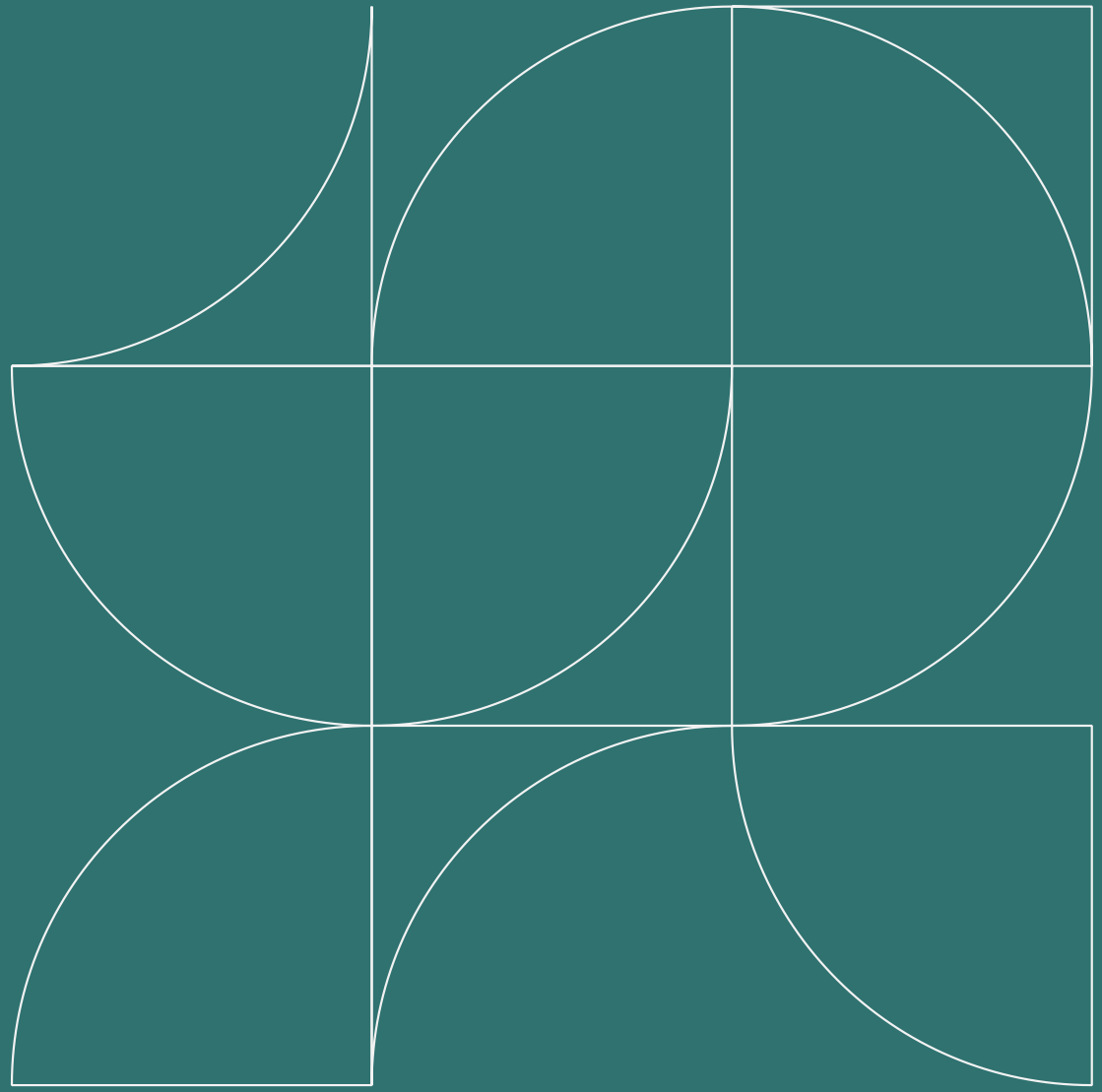


- **New Protected Characteristics**
  - **Effective: May 7, 2026**
  - **Citizenship and immigration status** added to list of protected characteristics
  - Exceptions permit actions required or authorized by federal or state law, regulation or government contract.
- **New Accommodation Obligations**
  - **Effective: January 1, 2027**
  - Protected characteristics expanded to include **menstruation, perimenopause, and menopause**
  - Employers must accommodate if symptoms substantially interfere with employee's ability to perform one or more job functions
  - Subject to undue hardship analysis

3

The Best Offense is a Good Defense:

The Importance of an Excellent Employee Handbook and Corresponding State Addenda



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What is the Purpose of a Good Handbook?



- Establish uniform expectations
- Obtain acknowledgment of understanding of these expectations from employees
- Showcase workplace benefits
- Give employees something to rely on
- Achieve organizational consistency
- Reduce excessive supervisory discretion
- Deliver notice of legal rights and obligations such as at-will and arbitration
- Communicate required written policies (legal compliance!)
- Not to be a contract, but a reliable guidepost

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Why Exactly Do We Need Written Policies?



- Required by law
- Recommended best practice
- New/different practice
- Something went wrong or consistent problem needs to be corrected

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Before You Start Drafting



- Establish the purpose of the policy
- A little light reading:
  - the law/laws
  - regulations
  - FAQs
  - legislative history
  - NLRB memos
  - opinion letters
  - enforcement guide
  - case law
- Consider whether template is needed or unique tone

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What Should We Tell Employees?

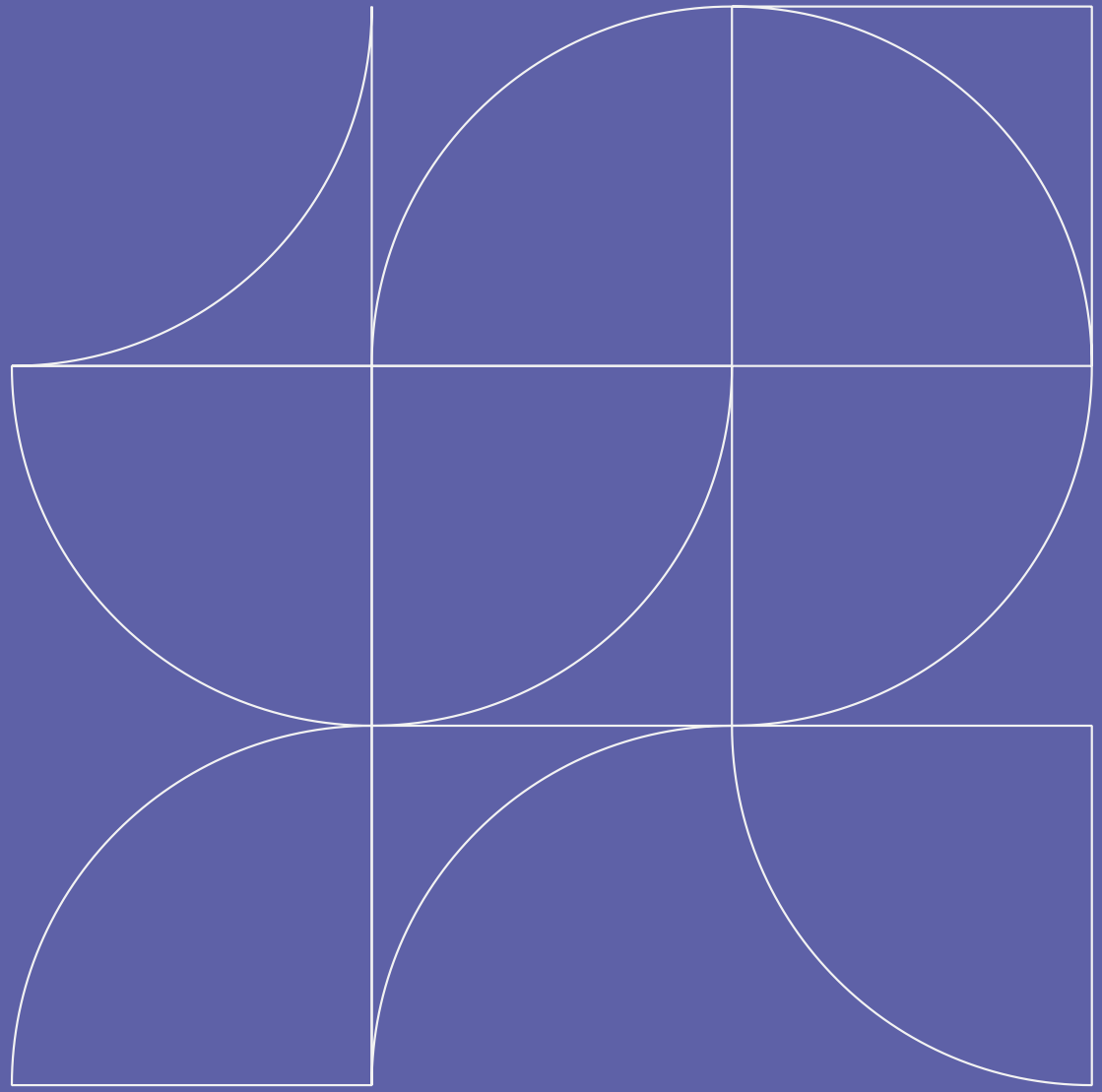


- The Anatomy of a Good Employment Policy Includes:
  - Eligibility – who needs to care about this?
  - Rights – what's in it for me?
    - Limitations – waiting periods, effective date, reasons for use, etc.
  - Responsibilities – and what do I have to do?
  - Consequences – and what happens if I don't?
  - Resources – who can I ask if I don't understand this legalese?
  - Examples if complicated topic (but proceed with caution).

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4

How Seyfarth's Handbook & Policy Team Has Helped Employers Score



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Who are we, and what are we doing?



- 40+ attorneys of every level and office
  - trained handbook and policy experts
- Used as both an internal Seyfarth training (not billed to clients) and an external resource building project
- Built an easily updatable and customizable national template and a state addendum for every state (even those that might not need one, just in case you want one)
- Updated questionnaire for employers to tailor handbooks and state addenda
- Partnering with our paid sick leave and paid family leave teams to assist in efficiently managing national resources in those spaces as well

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What is it, and what is it not?



IT IS:

- A completely customizable tool
- For clients looking for a new product, we can build from a starting price and add per state based on a sliding scale of complexity of each state's laws (ranging from a few hundred to a few thousand per state)
- Most states can be done for a few hundred dollars each (or can be rendered unnecessary)
- For clients looking for a review of an existing book and state addenda, the documents we already have in place provide current resources for more efficient and cost-effective revisions

IT IS NOT:

- An off the shelf product to give or even sell
- A one size fits all version
- Although not a document that can simply be sold to an employer for use without editing, it requires far less time and customization compared to others and previous projects.

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What it can do, and how can we help?

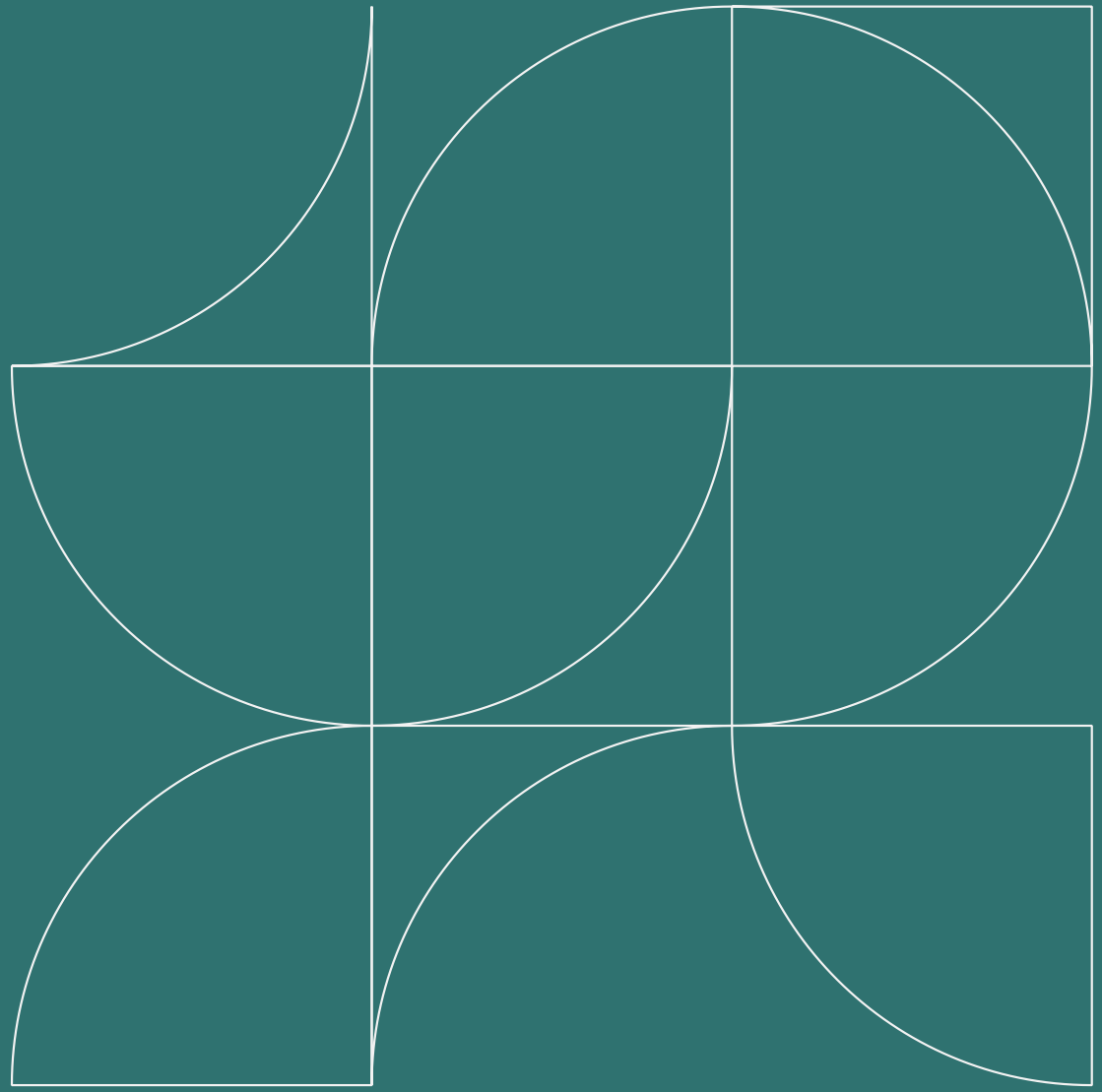


- Provide comprehensive handbook requirements and information for each state at the outset to help employers stay on top of new and changing laws across the nation
- Greatly increase predictability of cost and timing
- Greatly reduce time spent/fees on these projects without compromising the quality and depth of the work
- Similarly, reduce time spent in updating in future years, as the tools continue to be updated by our team
- Contact one of us or our other experts to map out what a project would look like for you

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5

Trends in the Law & Preparing for the Next Game



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Trends in Employee Handbooks

- AI and Generative AI Use Policies
- Return to Work, Remote, Hybrid, and "Work From Anywhere“
- Paid Leave Expansion (Sick, Family, and Medical Leave)
- DEI Policy Recalibration
- Workplace Monitoring and Surveillance Disclosures
- Social Media and Online Conduct



Voting Leave Law Reminders

Unpaid Leave

- Alabama (1 hour)
- Arkansas
- Georgia (2 hours)
- Kentucky (4 hours)
- Massachusetts (2 hours; industry specific)
- North Dakota (encouraged but not required)
- Ohio (hourly employees)
- Wisconsin (3 hours)

Paid Leave

- Alaska
- Arizona
- California (2 hours)*
- Colorado
- D.C.
- Illinois (2 hours)
- Iowa (2 hours)
- Kansas (2 hours)
- Maryland (2 hours)
- Minnesota
- Missouri (3 hours)
- Montana (2 hours)
- Nebraska (2 hours)
- Nevada (1-3 hours depending on distance)
- New Mexico (2 hours)
- New York (2 hours)*
- Ohio (salaried employees)
- Oklahoma (2 hours)
- South Dakota (2 hours)
- Tennessee
- Texas
- Utah
- West Virginia (3 hours)
- Wyoming (1 hour)

No Leave Provision

- Connecticut
- Delaware
- Florida
- Hawaii
- Idaho
- Indiana
- Louisiana
- Maine
- Michigan
- Mississippi
- New Hampshire
- New Jersey
- North Carolina
- Oregon
- Pennsylvania
- Rhode Island
- South Carolina
- Vermont
- Virginia
- Washington

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Voting Leave Law Requirements

- **Are the polls open for sufficient time before or after employees' shifts?**
  - Leave generally permitted if there is insufficient time for employees to vote outside of work hours.
- **Must employees give advance notice of the need for leave?**
  - Some states do **not** require advance notice, including Alaska, Arkansas, Maryland, Minnesota, North Dakota, Ohio, South Dakota, Texas, and Wyoming.
  - Nebraska allows same-day notice
- **Can employers designate the time for leave?**
  - Most states allow employers to ensure that leave time limits workplace disruptions, including: Alabama, California, Colorado, D.C., Georgia, Illinois, Iowa, Kansas, Kentucky, Missouri, Montana, Nebraska, Nevada, New Mexico, New York, Oklahoma, South Dakota, Tennessee, Utah, West Virginia, Wisconsin, and Wyoming.
- **Must employers post a voting leave notice?**
  - Only required in D.C. and New York

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You will need:

1. **Title:** Handbook Season Kickoff: New Year, New Laws, New Handbook
2. **Date Viewed:** 10/29/2026
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State-specific CLE credit information can be found in the form.

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thank you

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