



The HR WIRE

ETC HR Employer Compliance News II *Making Compliance Connections*

August & September 2025

SECTION I: Notices, Reminders & Alerts & SECTION II: Noteworthy Compliance Happenings

Workplace Labor Notice Updates

See Previously Reported Resource for a running list of Federal Forms & Notices and State Labor Notice updates

New Federal Notices

- No updates published

Newly Released State Notices

- AR – [Veterans' Benefits & Services Notice](#) must be provided/posted by all employers with 50 or more full time equivalent employees
- FL – updated [Minimum Wage Notice](#) eff 9/30/25
- KY – updated [Safety and Health on the Job Notice](#)
- LA – updated [LA Earned Income Credit Notice](#)
- NE – newly released [NE Paid Sick Leave Notice](#)
- MD – updated [Maryland OSHA Notice](#)
- MO – updated [Missouri Minimum Wage Notice](#) (8/28/25-12/31/2025) & **removing** of the Earned Paid Sick Time Notice
- NJ – updated [NJ Family Leave Insurance Notice](#) (9/25)
- OK – updated [Unemployment Insurance Benefits Notice \(OES-044\)](#)
- RI – updated [Sick and Safe Leave Notice & Discrimination/Fair Employment Notice](#)
- UT – updated [Workplace Safety and Health \(UOSH\) Notice](#)
- VA – updated [Job Safety and Health Protection \(VOSH/OSHA\) Notice](#). Additionally, the following have also been updated: Unemployment Insurance, Accommodations for Pregnant Employees, Child Labor Law, Employer's Liability & Workers' Compensation, Employment Protections for Victims of Crime, Healthcare Whistleblower Protection, Parental and Family Leave, Safety Records Notice, Sexual Harassment Notice, Earned Sick Time Act, and Workers' Compensation Reinstatement Rights. Access State released Labor Notices/Posters [HERE](#)
- WA – updated [Job Safety & Health \(DOSH\) Notice](#)

New! State Handbook Addendum Updates – 7/1/2025 Releases

Section added to the month HR WIRE publications reducing separate e-blast notifications for State Handbook Addendum updates

- **AK State Handbook Addendum**



- Edited State Paid Sick Leave Policy to provide clarification language to the policy
- **CT State Handbook Addendum**
 - Updated LEAVE FOR FAMILY VIOLENCE, DOMESTIC VIOLENCE OR SEXUAL ASSAULT Policy include expanded protections for victims of sexual assault and human trafficking effective 10/1/25
- **IL State Handbook Addendum**
 - Updated Military Leave policy to address changes including Military Funeral Honors Detail provisions effective 8/2025
- **MD State Handbook Addendum**
 - New Family Deployment Leave Policy added
 - Updated Commentary to provide additional clarity as to applicability for small employers to State's Parental Leave Policy
- **ME State Handbook Addendum**
 - Updated Earned Paid Leave policy updated to reflect new allowance of employees to be able to accrue up to 40 hrs./yr and carry over such into a new calendar year; This new change goes into effect 9/24/25.
- **MN State Handbook Addendum**
 - Updated the St Paul Sick & Safe Policy to include the City's Labor Poster/Notice within the Policy
- **MT State Handbook Addendum**
 - New Emergency Services Leave Policy added effective 10/1/2025
- **NE State Handbook Addendum**
 - New Paid Sick Leave Policy ahead of the 10/1/25 effective date of state regulatory provision.
- **NV State Handbook Addendum**
 - New Civil Air Patrol Leave Policy effective 10/1/25
- **PA State Handbook Addendum**
 - Philadelphia Sick Time Policy verbiage updated
 - Pittsburgh Paid Sick Policy verbiage updated ahead of 1/1/2026 effective date
 - Philadelphia paid sick & Allegheny County Paid Sick Time clarifying policy language added

State Handbook Addendums can be access on the [ETC HR Platform Resource Website](#)

If you encounter issues, please reach out to the HR Support team at HR_Help@etctracking.com

Reminders & Alerts

Reminder: Annual Medicare Part D Notice – Due before Oct 14, 2025

The Annual Creditable Coverage Notice Deadline is just around the corner - October 14. Employers must disclose to Medicare-eligible plan participants whether offered prescription drug coverage is creditable (at least as good as Medicare Part D benefits) or non-creditable.

Employers are to provide notice to all Part D eligible individuals, or those about to become eligible, prior to October 15 of each year who is covered by an employer health plan with outpatient prescription drug coverage, regardless of whether the employer coverage is primary or secondary to Medicare. The notice must be provided to all Part D eligible individuals, whether covered as active employees, retirees, COBRA recipients, disabled individuals, or as dependents. Plan participants are Part D eligible if they are 65 or more years old, three months before turning age 65, and/or if they are disabled.

Providing this notice within your enrollment materials throughout the year will meet the distribution requirements as long as it is provided prior to Oct 15th. A separate reminder in the beginning of Oct each year reminding employees of where to find the information is recommended.



Additional, Employers offering multiple prescription plans (typically as part of their medical benefits) could have both Creditable and Non-creditable offerings. If so, BOTH notices must be prepared & distributed citing which plans are and are not Creditable

Although there are no penalties for employers associated with either the Annual Creditable Coverage Notice and/or the Employer's Online Disclosure to CMS as to a group's plan(s) Creditability, employees deferring Medicare Part D enrollment will be assessed penalties should the group plans they are enrolled in were deemed Non-Creditable.

Employers can engage their benefits broker with regard to this compliance obligation, their carrier and/CMS for additional guidance and sample Notices.

CMS provides [model notices](#) in both English and Spanish as well as [electronic disclosure rules](#). Additionally, CMS has provided a [Simplified Determination document](#) to help employers figure out the creditable coverage status in the event that's unknown. More Creditable Coverage information can be accessed [HERE](#) and the 2026 Part D Redesign Program instructions [HERE](#)

New! Federal Contractor VETS 4212 Filing – Due Sept 30, 2025

Federal contractors with a contract worth \$150,000 or more are required to file a VETS-4212 Report, which is due on September 30 of each year.

The VETS-4212 Report generally requires information about a contractor's workforce at each hiring location, including the following:

- Number of employees
- Number of protected veterans
- Number of new hires during the year
- Number of protected veteran hires during the year

The same data and snapshot period can be used for both the 2024 EEO-1 and 2024 VETS-4212 reports provided conditions are met and the additional Protected Veteran Count provided along with Total Employees. A sample VETS 4212 report is provided as an example.

Filing Period

The official filing cycle is yearly, **August 1 to September 30**. Reports filed outside the official filing cycle will be treated as part of the currently active filing cycle.

Submitting Form VETS-4212

Federal contractors and subcontractors who are required to file form VETS-4212 can submit their forms electronically by using either the VETS-4212 Reporting Application or batch filing process, or by using the paper form by email or U.S. mail. We recommend that you file your form electronically.

Filing Electronically

[VETS-4212 Reporting Application](#) – File your VETS-4212 report online.

For help determining if your company needs to submit a VETS 4212 report the DOL has provided the following tool for use. <https://webapps.dol.gov/elaws/vets/4212/Intro.aspx>

For more information and DOL FAQ <https://www.dol.gov/agencies/vets/programs/vets4212>

New! Benefit Plans Starting **August 1 - Employer's CMS Part D Creditable Coverage Online Disclosure – **September 30, 2025****



New! Benefit Plans Starting September 1 - Employer's CMS Part D Creditable Coverage Online Disclosure – October 31, 2025

New! Treasury Dept Issues List of Jobs Qualifying for new Tip Income Deduction under "One Big Beautiful" Act

This summer the President signed the "One Big Beautiful Bill" Act (OBBBA) into law, which included a provision establishing a new temporary above-the-line tax deduction for "qualified tip income" through at least the 2028 tax year.

On September 2, 2025, the Treasury Department released a ["preliminary list"](#) of jobs eligible for the tax deduction on "qualified tip income" under the OBBBA. While the list is not yet final, as it must still be published in the Federal Register, the Treasury Department notes that the IRS expects the final list to "be substantially the same as this preliminary list" as the OBBBA requires the Treasury secretary to publish an official list of qualifying occupations by October 2, 2025.

Notably, the Treasury Department's preliminary list of occupations that "customarily and regularly received tips" includes many occupations that the U.S. Department of Labor (DOL) has long [interpreted](#) as *not* customarily and regularly receiving tips, such as dishwashers and cooks. This is an important difference. The DOL has construed the Fair Labor Standards Act (FLSA) to prohibit employers from applying a "tip credit" to satisfy the minimum wage obligation for employees who are not engaged in an occupation that customarily and regularly receives tips. Further, when an employer does take a tip credit, only employees who also "customarily and regularly receive tips" can participate in a mandatory tip pool.¹ It had been assumed that the Treasury secretary would align its list with the DOL's approach due to the use of the parallel "customarily and regularly" language in both the FLSA and the OBBBA. It remains to be seen whether the Treasury secretary will attempt to reconcile its final list with the DOL's approach (or whether the broader interpretation suggested by the Treasury Department's preliminary list may one day influence the DOL's narrower interpretation).

Another potential consequence of the Treasury Department's broad preliminary list is that it may ease the reporting burden of employers that were concerned that the OBBBA might require them to separately track tips received by dual job employees while working in traditional tipped occupations (like wait staff and bartender) from tips received from a tip pool by that same employee while working in another position (like dishwasher or cook), assuming that only the former category of tips would qualify for the deduction.

-Extracted from Littler Mendelson article released Sept 3 and can be accessed [HERE](#)

New! IRS Raises ACA Affordability Threshold for 2026 Plan Year

The IRS released [Revenue Procedure 2025-25](#) on July 18, 2025. In this release, the Affordable Care Act (ACA) affordability threshold will **increase to 9.96%** for plan years beginning in **2026**.

This threshold, applicable to large employers subject to the ACA's "play or pay" provision, is the maximum percentage of an employee's W-2 wages or rate of pay, or the federal poverty line, that they can be asked to contribute toward their employee-only health insurance coverage.

New! DOJ Defines "Illegal DEI," Warns Recipients of Federal Funds to Take Notice

On July 29, 2025, U.S. Attorney General Pam Bondi issued [Guidance for Recipients of Federal Funding Regarding Unlawful Discrimination](#) (the "Guidance"). Following the creation of the [Civil Rights Fraud Initiative](#) by the Department of Justice ("DOJ"), and joint guidance issued by DOJ and the U.S. Equal Employment Opportunity Commission ("EEOC") on ["unlawful DEI-related discrimination"](#), the Guidance is the most tangible



guidance released to date on what the administration views as “illegal DEI” and a likely roadmap for DOJ’s False Claims Act (“FCA”) investigations under the Civil Rights Fraud Initiative. Read more in the August 6th online article released by Mayer Brown [HERE](#)

New! DOL Ceases Enforcement of Liquidated Damages in FLSA Investigations

The [Federal Fair Labor Standards Act](#) (“FLSA”) is a federal law that establishes a standard minimum wage and overtime pay for eligible employees. The FLSA also provides that employers who violate its requirements can be held liable for liquidated (double) damages. In other words, if an employer shorts an employee \$100 in overtime pay, it faces a potential \$200 liability.

In years past, if the DOL determined the business owed workers unpaid wages, the DOL sought to have the offending business pay out those wages, plus an equal amount as liquidated damages. As of June 27, 2025, that practice has come to an end with the DOL issuing a [Field Assistance Bulletin](#) advising that the agency would no longer seek liquidated damages at the investigation stage.

Note that the prohibition on seeking liquidated damages exists only at the administrative/investigative stage. Businesses that litigate FLSA cases in court still face the threat of liquidated damages in the event of an adverse verdict.

New Update! FTC Ends Pursuit of Non-Compete Prohibition

The Federal Trade Commission (FTC) decided in early September to cease its efforts to implement a nationwide prohibition on employer non-compete agreements. This decision followed the agency’s decision not to appeal against a nationwide injunction that had stalled the Rule’s implementation. Initially proposed in January 2023, the Rule was anticipated to significantly impact non-compete agreements across the country. After facing several court challenges, the FTC has quietly abandoned the initiative. Despite the end of this *federal effort*, the FTC has indicated it will prioritize the scrutiny of restrictive covenant practices, including non-competes, particularly in the healthcare sector, where worker mobility is often restricted. This shift in focus underscores the importance for employers to remain vigilant about state laws governing non-compete agreements.

New! Navigating Employee Political Speech: Key Considerations for Employers

The line that stands between one’s personal politics and professional responsibilities has never been thinner. Employers may wish to remind their employees about the potential repercussions of making public political statements or sharing strong opinions online or in the workplace, particularly on social media. They should do so cautiously and carefully weigh workplace policies as well as organizational reputation against evolving legal protections.

Protected Concerted Activity

While maintaining a respectful workplace is a legitimate goal, employers must balance that interest against employees’ rights.

For **private-sector employers**, [Section 7 of the National Labor Relations Act](#) (NLRA) protects employees’ right to engage in “**protected concerted activity**,” meaning actions employees take together—or on behalf of their coworkers—to **improve wages, hours, or other terms and conditions of employment**. This protection covers employees’ discussions about these topics, whether they occur in person or online. Tweets, posts, and workplace conversations tied to these topics often qualify for protection, even if they are critical of management or politically charged. Overreaching employer policies that chill such activity can lead to unfair labor practice charges. The NLRA does **not** protect federal, state, and local government workers.

First Amendment Protections

Public-sector employers, however, must navigate the First Amendment before taking action based on their employees’ controversial political opinions. Employee speech may be protected by the First Amendment when the



employee's statement involves a matter of public concern and is made as a private citizen, provided the employee's speech does not unduly disrupt the employer's operations.

Private employers, by contrast, generally have more leeway to regulate political expression that is unrelated to workplace conditions, subject to state or local laws that prohibit discrimination based on political affiliation or lawful off-duty conduct.

Employee Takeaway: Before taking action, employers should carefully assess whether their employees' statements relate to any terms and conditions of employment, whether the speech occurred during working time or used company resources, and whether applicable state or local protections apply. A measured approach—paired with clear, narrowly tailored social media and conduct policies—can help reduce legal risk while maintaining a professional and respectful workplace.

--Article published Sept 16, 2025 by Ward & Smith, PA can be accessed [HERE](#)

Recap Previously Published:

- One Big Beautiful Bill Act: Overtime and Tips Taxes
- One Big Beautiful Bill Act: Expanded Telehealth Relief and Student Loan Repayment Benefits
- One Big Beautiful Bill Act: Workplace Immigration Enforcement
- OSHA Issues Updated Penalty & Debt Collection Guidelines to Support Small Businesses – Eff July 14, 2025
- E-Verify: E-Verify Users Must Generate Status Change Reports to ID Terminated Work Authorizations -Eff June 23, 2025
- Compliance Reminder: PCORI – Due July 31, 2025
- DOL Relaunches Option Letters Program
- State Court Ruling Remote Employee Sues MA Employer for Violating MA Employment Laws and Wins
- Court Scraps EEOC Guidance on Pronoun, Restroom & Dress
- DOL Retracts Biden-Era Independent Contractor Classification Rule
- Trump Admin Will Not Enforce Final Rule on Mental Health Parity
- Exec Order: Aim to Reduce Drug Costs
- RxDC Reporting Carrier Deadlines – June 1, 2025 Filing
- 2024 EEO-1 Reporting – May 20-June 24, 2025
- President Trump Issues Executive Order Aimed at Eliminating Disparate Impact Liability
- ADA Accommodations, Even if Employees CAN perform Essential Functions
- President Trump & DEI Executive Orders
- EEOC & DOJ Issue Guidance on DEI-related Discrimination
- Update: IRS Issues Guidance on Alternative Distribution Method for Form 1095-C
- Corporate Transparency Act – Enforcement Paused
- NLRB Rescinds Biden-Era Policy Guidance on Non-Compete Agreements
- Update: Federal Court Blocks Aspects of Executive Orders Targeting DEI Efforts
- Update: Federal Government Contractors May No Longer Have 90 Days to Comply With Trump Administration's DEI Executive Order
- Shifts in NLRB Strategic Goals & Policy
- Shift in DOL Wage & Hour Unpaid Overtime Claims & Burden of Proof
- DOL Releases ERISA Enforcement 2024 Audit Results
- OSHA Form 300 Accidents, Posting and Submission Compliance Obligations – Feb-March 2025
- Creditable Coverage Determination 2025
- Part D Creditable Coverage Online Disclosure to CMS – March 1, 2025 (for calendar year benefit plan years)
- DOL Opinion Letter: FMLA & State PFML Management of PTO Usage
- DOL Opinion Letter: Managers & Tip-pool for Nonsupervisory Time



- ACA Reporting Requirement Changes
- Executive Order: Illegal DEI Efforts – Federal Contractors - **April 21, 2025**
- Article: Best Practices for Employers in Managing USCIS Administrative Onsite Inspections, ICE Raids & Form I-9 Audits.
- Supreme Court: Clarifies Evidence Standard for FLSA Overtime Exemption Disputes
- DOL Announces Dual Jobs Final Rule
- OSHA Revises PPE Standard for Construction Industry
- Form I-9: EAD Automatic Extension Period Lengthened
- 2025 IRS Mileage Reimbursement Rate
- Corporate Transparency Act (BOI Disclosure Requirements) Halted Ahead of Jan 1 (as of Dec 26, 2024)
- Gag Clause Attestation - **Dec. 31, 2024**
- PCORI Fee Amount Adjusted for 2025 – Due **July 31, 2025**
- Federal: DOL's 2024 Exempt Salary Rule Struck Down
- NLRB Prohibits Captive Audience Meetings
- NLRB Expands Definition of "Unlawful Communication" to Employees Concerning Effects of Unionization on Employer-Employee Relationship
- Federal Retirement & Benefit Limits – **2025**
- Draft Forms & Instructions for 2024 ACA Reporting Now Available
- ACA & Affordability - **2025**
- HIPAA Policies/Practices for New Reproductive Health Care Rights

See the ***"Previously Reported Regulatory Matters"*** Attachment for details pertaining to above referenced reminders.

SECTION III:

Noteworthy State/City Compliance

New Regulatory Announcements & Reminders

Alaska

Reminder: State Paid Sick Leave – Eff Sept 25, 2025

As a reminder, adopted paid sick leave (PSL) regulations that go into effect September 25, 2025.

The regulations apply to employers of all sizes in Alaska. The regulations largely clarify, verify, and expand on the state's existing [FAQs](#).

Below are highlights:

- Employers that don't designate a fixed 52-week benefit year will be considered to use a calendar year by default.
- Employers that frontload the full annual PSL allotment at the beginning of each benefit year don't have to allow carryover.
- Frontloaded PSL hours can be prorated for part-time employees and those hired mid-benefit year.
- Employers can't require that employees provide more than 10 calendar days' notice for foreseeable leave.
- Employers can have a policy allowing employees to cash out their PSL, upon the employee's written request.



Employer Notice

The regulations also add 2 new notice requirements that must be in writing and given to employees.

- First, employers must inform employees **if an existing paid leave policy will be used to satisfy PSL obligations.**
- Second, employers must inform employees of **any notice or verification requirements.**

The regulations also expand the methods employers can use to provide the required notice to employees.

Acceptable methods will now include:

- A written notice given to each employee by mail, email, or attached to their paycheck
- A posting of the written notice in a conspicuous workplace location

California

Reminder: State Adopts New Employment AI Regulations – Eff Oct 1, 2025

Employer Takeaways:

Employers that use automated decision systems (ADS) in making employment decisions and AI vendors whose products are used in the employment arena should take concrete steps to prepare for the implementation of the new Regulations on October 1, including:

- Identify the ADS systems used in employment decision-making;
- Review & amend record retention policies to ensure records are retained for at least 4 years;
- Ensure HR and managers are aware that accommodations for disability or religion might be required when using an ADS in employment decisions/ Update anti-discrimination and reasonable accommodation policies to address the use of ADS systems;
- Perform anti-bias testing, establishing a plan outlining the frequency and nature of such testing, and documenting the testing process/criteria, results, and steps taken to address results, as appropriate; and

The California Civil Rights Council (CRC) recently [announced](#) that it has finalized regulations that clarify how California's anti-discrimination laws apply to the use of artificial intelligence (AI) and automated decision systems (ADSs) in employment decision-making (the "Regulations").

The [Regulations](#) amend the existing regulatory framework providing that the use of an ADS (including AI) in making employment decisions **can** violate California law if such tools discriminate against employees or applicants – either directly or due to disparate impact – on the basis of protected characteristics (including race, age, religious creed, national origin, gender, and disability). Additionally, the Regulations apply to all employers in California that use "artificial intelligence, machine-learning, algorithms, statistics, and/or other data processing" to facilitate human decision-making with respect to the recruitment, hiring, and promotion of job applicants or employees.

Prohibited Discrimination Due to Use of an ADS and Reasonable Accommodations

The regulations prohibit employers from using an ADS or selection criteria (including a qualification standard, employment test, or proxy) that discriminates against applicants or employees based on protected categories defined under the FEHA. § 11009(f). The term "proxy" is newly defined as "[a] characteristic or category closely correlated with" a protected category under FEHA. § 11008(l). The new regulations further make clear that the use of facially neutral ADS selection tools that have an "adverse impact" on applicants or employees based on a protected characteristic are impermissible under FEHA unless the employer or covered entity can show that the selection practice is "job-related and consistent with business necessity." § 11017(e). Thus, as with other selection criteria used in making employment decisions, even if an employer does not intentionally use an ADS (including AI) to discriminate among applicants or employees, it can be liable for violating FEHA if the use of the ADS creates disparate impact.

The regulations caution that the use of an ADS that, for example, measures an applicant's skill, dexterity, reaction time, and/or other abilities or characteristics may discriminate against individuals with certain disability or other protected characteristics. § 11016(c)(5). Similarly, an ADS that, for example, analyzes an applicant's tone of voice, facial expressions, or other physical characteristics or behavior may discriminate against employees or applicants



based on race, national origin, gender, disability, or other protected characteristics. § 11016(d)(1). Accordingly, to avoid unlawful discrimination, employers may need to provide reasonable accommodation to an applicant or employee consistent with the FEHA's religious creed and disability protections. §§ 11016(c)(5) and (d)(1).

Anti-Bias Testing as Affirmative Defense

The Regulations provide that, to defend against a discrimination claim based on the use of an ADS, employers can show that they performed "anti-bias testing or similar proactive efforts to avoid unlawful discrimination" prior to and after adopting an ADS. § 11009(f). The regulations identify six relevant aspects of such testing, including the quality, efficacy, recency, and scope of such testing, as well as the results of the testing or other due diligence and the employer's response to the results (e.g., whether and how the employer responded to the results).

Extended Record Retention Requirements

The regulations were also amended to require employers and covered entities to preserve personnel and other employment records subject to the following requirements:

- Records must be retained for at least four years from the later of (a) the date the record was made, or (b) the date of the personnel action – an increase from the previous requirement to preserve records for two years;
- Records subject to this requirement include selection criteria, automated decision system data, applications, personnel records, membership records, employment referral records, and other records "created or received by the employer or other covered entity dealing with any employment practice and affecting any employment benefit of any applicant or employee;" and
- "Automated-decision system data" includes (a) any data used in or resulting from the application of an ADS, such as data provided by or about individual applicants or employees, or data reflecting employment decision or outcomes, and/or (b) any data used to develop or customize an ADS for use by a particular employer or other covered entity.

New! Upcoming Minimum Wage Increases – Eff Jan 1, 2026

The Department of Finance [announced](#) the minimum wage on August 1, 2025.

The standard state minimum wage will increase to **\$16.90** per hour on January 1, 2026.

This will also increase the minimum salary threshold for exempt employees to **\$70,304 per year**.

Employers covered by local or industry-specific minimum wages that are higher must comply with those rates.

Colorado

Reminder: State Enacts Significant Wage & Hour Amendments – Eff Aug 6, 2025

On May 22, 2025, Colorado [enacted](#) House Bill 1001, which makes several important changes to the state's wage and hour laws. The amendments will:

- Modify the definition of employer;
- Prohibit payroll deductions beyond an employee's applicable minimum wage;
- Waive the penalty for an employer's failure to pay final wages if certain conditions are met;
- Revise attorney fee award requirements for employers;
- Update enforcement thresholds;
- Impose wage and hour violation reporting requirements on the Colorado Division of Labor Standards and Statistics (Division);
- Permit cities and counties to enact and enforce laws related to wage payments;
- Update penalties for employee misclassification; and
- Expand discrimination and retaliation protections.



Connecticut

New! State Expands Victim Protections – Eff Oct 1, 2025

[CT H 7236](#) was signed by the governor on July 8, 2025. Beginning October 1, 2025, Connecticut's antidiscrimination law, which applies to employers of all sizes, will cover victims of sexual assault and human trafficking and give them the same protections as victims of domestic violence. This means they'll be entitled to discrimination protections, reasonable victim leave, and workplace accommodations. ETC will provide an updated State Handbook Addendum reflective of the new protections.

ETC's State Handbook Addendum for CT is included in the Aug/Sept HR WIRE and includes updates to reflect this enactment.

Delaware

Reminder: State Adds Military Status as a Protected Characteristic – Eff July 23, 2025

[DE H 55](#) was signed by the governor and took immediate effect on July 23, 2025. While employers of all sizes are already prohibited from discriminating on the basis of past, present, or prospective military service under *federal* law, Delaware's law defines *military status* to include the dependents (including spouses) of servicemembers, making its protections more expansive. ETC released an updated State Handbook Addendum in July to include the new protected classification.

Florida

New! State Minimum Wage Increases – Eff Sept 30, 2025

Starting September 30, 2025, Florida's minimum wage will increase to \$14 per hour. The minimum base wage for tipped employees will increase to \$10.98 per hour.

Illinois

New! Changes to IL Employee Blood & Organ Donation Leave Act – Eff Jan 1, 2026

Employer Takeaway: Illinois HB 1616, signed into law on August 15, 2025, has made several important changes to the Employee Blood and Organ Donation Leave Act. There remains confusion relating to whether the leave must be paid. However, there is time and hope for the Illinois Department of Public Health (IDPH) to issue new regulatory guidance for the amended version of the regulation which the General Assembly website for Public Act 104-0193 states that the changes go into effect (as opposed to the amendment itself).

In 2023, Illinois amended the Employee Blood Donation Leave Act (820 ILCS 149 et seq.) to apply all full-time employees in Illinois, including those who work for private employers.

The Act applies to employers in the state with 51 or more employees. As implied in its title, the Act has two components, blood donation and organ donation. The blood donation component of the Act applies to full-time employees and requires employers to provide employees with up to one hour of leave for blood donations every 56 days. "Full-time" is not specifically defined in terms of number of hours per week, but the Act does require a participating employee to have been employed for 6 or more months.

Regarding the organ donation component, the Act will now also apply to part-time employees. "Part-time" is also not defined, which would presumably mean that the requirement for providing leave for organ donation will apply to any employee who works any number of hours for an employer in the state with 51 or more employees.

Confusion remains in determining whether the employer must pay the employees for the 10 days of leave or must merely allow an employee to take the time off (and/or use any accrued paid leave).



- Section 3 of the Act states that the Act is “intended to provide time off with pay” to allow employees in the state to donate blood or an organ. But while the intent may be stated, the actual language of the Act does not actually accomplish that intent.
- Section 10 of the Act, both in the original (2023) and amended versions, is entitled “**Paid leave for blood donation; administration,**” with no reference to organ donation. Subsection (a) then states “*On request, a participating employee subject to this Act may be entitled to leave with pay to donate blood or an organ.*” Subsection (a) does not state that leave must be paid, only that an employee “may” be entitled to “leave with pay” for blood or organ donation. Subsection (b) in both versions then references the one hour of leave for blood donation up to every 56 days, still with no reference to the hour being paid. Subsection (b-5) in the original version states “*An employee may use up to 10 days of leave in any 12-month period to serve as an organ donor.*” Once again, the word “paid” does not appear, which would arguably imply that the leave need not be paid.
- Amended Subsection (b-5) adds part-time employees to those who can take leave to donate an organ. It also goes further and states: “*For a part-time employee using leave under this subsection, the employer shall calculate the daily average pay the part-time employee received during his or her previous 2 months of employment and compensate the part-time employee in the amount of the daily average pay for the leave days used.*” Nothing in this subsection references providing pay to full-time employees, and the original language remains the same, stating that an employee “may use up to 10 days of leave” without reference to the leave being paid or unpaid.

As it stands, the only references to pay in the substantive portion of the Act (i.e. not the title of a subsection and not in the introductory language about intent) is in the amended subsection (b-5) relating to how to calculate pay for part-time employees and in subsection (a) stating that an employee “may” be entitled to leave with pay. Therefore, employers are left to wonder whether they must provide paid leave to employees who donate an organ (on top of whatever other paid leave they provide), or whether they must merely allow the 10 days of leave and allow employees to use accrued paid leave and pay them accordingly.

Employers are left wondering whether they actually must pay employees who donate blood and organs on top of whatever other paid leave they provide.

New! Updated State Regulations: Neonatal Intensive Care Leave, Military Funeral Honors and Paid Break Time for Nursing Mothers

New Illinois employment laws requires covered Illinois employers to provide unpaid leave for parents with a child in neonatal care, paid leave for military funeral honors, and paid break time for nursing mothers.

Nursing Mothers Breaktime – Eff Jan 1, 2026

The Nursing Mothers in the Workplace Act (the “Act”) requires employers to compensate nursing mothers for breaks taken to express breast milk. Under the [amended Act](#), as of January 1, 2026, employers now must compensate nursing mothers for such break time at the mother’s regular rate of compensation. Employers also may not require the employee to use paid leave during such break time or otherwise reduce the employee’s compensation during the break time.

We will continue to monitor any new employment obligations under Illinois law.

Neonatal Intensive Care Leave – Eff June 1, 2026

Effective June 1, 2026, employers with at least sixteen employees are required to provide unpaid leave to employees to use while their child is a patient in a neonatal intensive care unit.

Under the [Family Neonatal Intensive Care Leave Act](#), employees of employers with 16 to 50 employees may use up to 10 days of leave, while employees of employers with at least 51 employees may use up to 20 days of leave. This leave may be taken continuously or intermittently, though employers may require that leave be taken in at least two-hour increments. The bill requires employers to maintain an employee’s health insurance benefits while he or she is on leave and to reinstate the employee to his or her former position or a substantially equivalent



position once the leave ends. Employers are prohibited from taking any adverse action against an employee exercising his or her right to neonatal intensive care leave. Employers who violate the Act are subject to a civil penalty up to \$5,000 per employee affected.

New! State's Military Leave Law – Eff Aug 1, 2025

- Illinois employers with 51 or more employees are now required to provide **paid leave** to employees who participate in a **military funeral honors detail** ([Public Act 104-0078](#))
- Employees can take up to eight (8) hours per month—but not more than 40 hours per calendar year—to participate in these funeral activities.
- Employees can't be required to use other forms of leave like PTO.
- Employees eligible for this leave include current and retired servicemembers and those who typically participate in a military funeral honors detail, such as members of veterans service organizations.

ETC has released an updated IL State Handbook Addendum to address military funeral honors leave with the Aug/Sept HR WIRE.

New! Amended Wage Transparency Act – Eff June 1, 2026

Employer Takeaway: Employers with one or more employees (or non-employee consultants or contractors) in Illinois should consider reviewing the agreements they use with any such persons and consult legal counsel regarding the applicability of and compliance with the IWTA, including its most recent amendments.

New amendments (House Bill 3638) to the Illinois Workplace Transparency Act (IWTA) expand employee and consultant/contractor protections, including prohibitions on various “unilateral” contract provisions imposed as a condition of employment and enhanced requirements for valid “mutual” conditions and for confidentiality clauses in termination and settlement agreements.

Overview of the [Amended Act](#)

- broadens the definition of “unlawful employment practice” to encompass any practice made unlawful by any federal or Illinois state employment law, providing protections for employees participating in “concerted activity”
- adds restrictions on the use of certain “unilateral” conditions in employment agreements and expand the requirements for certain legally enforceable “mutual” conditions and agreements, as well as for certain confidentiality provisions in termination and settlement agreements
- introduces a new remedy of consequential damages that employees may pursue in addition to attorney’s fees and costs
- continues to provide that protected “Employees” include “nonemployees” as defined in Section 2-102 of the Illinois Human Rights Act.”

To read more, access a recent article published August 27th by the Morgan Lewis Firm accessible [HERE](#)

New! State Amends Equal Pay Act to Separate It from Federal EEO-1 Reporting

Illinois has amended their Equal Pay Act to remove references to the EEO-1 Annual Employer Information Report. References to the EEO-1 report and the EEOC itself have been removed in 4 places. A “business” now only needs to be a private employer who has 100 or more employees in the State of Illinois. Reference to the business being required to also have filed an Annual Employer Information Report EEO-1 with the Equal Employment Opportunity Commission have been removed.

Although the job categories have remained the same, they are now given a specific definition within this law and are no longer formally based upon ‘the major job categories in the Employer Information Report EEO-1’. References to ‘skilled’, ‘semi-skilled’ and ‘unskilled’ labor have also been removed from the job category titles, as seen in the EPRC (equal pay registration certificate) [employee import template](#).



These changes will not lead to a difference in how the EPRC employee template is completed. Companies must submit their data and attest to the compliance requirements every two years.

New EPRC Filers

Employers with Illinois employees that have not previously obtained an EPRC certificate can look to the IDOL's [frequently asked questions \(FAQs\)](#) guidance on the EPRC to determine if they are required to file a first-time EPRC application in 2025.

To read more, access the state's updated Equal Pay Registration FAQs website [HERE](#) and the State's provided Training Slides [HERE](#)

Maine

New! Reporting Time Pay & Updates Earned Paid Leave – Eff Sept 24, 2025

Reporting Time Pay

Employers with 10 or more employees will need to pay nonexempt employees for reporting to work when the employer cancels or reduces the hours they were scheduled to work under [S 282](#). In these cases, the employee must be paid the lesser of:

- Two hours of pay at their regular hourly rate of pay
- The total pay for their scheduled shift

Exceptions

An employer doesn't have to pay if an employee's hours are canceled or shortened due to any of the following:

- Adverse weather conditions
- A natural disaster
- A civil emergency
- An employee's illness or medical condition
- An employee's workplace injury

Employers won't owe reporting time pay if they made a documented, good faith, and successful attempt to notify the employee not to report to work. If the employee arrives before the employer can reach them, the employer can assign any available duties the employee is physically able to perform—or, if no work is available, send them home and provide reporting time pay.

Employer Takeaway: Employers should review their scheduling and call-in procedures to ensure compliance with this new law.

Earned Paid Leave

Employers with 11 or more employees have to allow employees to accrue up to 40 hours of earned paid leave each benefit year, no matter how many unused hours are carried over under [H 19](#). Previously, carryover hours could count against the accrual limit in the new benefit year.

This update means employee leave balances may now exceed 40 hours—for example, 40 hours of accrued leave in the current benefit year plus 40 hours of carryover. However, current regulations still allow employers to cap usage at 40 hours per benefit year. It's unclear whether Maine's Department of Labor will update its regulations based on this change. ETC will be releasing an updated State Handbook Addendum to address this new state change.

Maryland

New! State Expands Deployment Leave – Eff Oct 1, 2025

- As of October 1, 2025, Maryland's family deployment leave law will cover deployment to the National Oceanic and Atmospheric Administration and Public Health Service under [S 279](#). (Currently, the law only covers the armed forces.)
- This law applies to employers with 50 or more employees



- The law also provides one (1) day of leave when a family member is leaving for or returning from active duty outside of the United States.

ETC released an updated State Handbook Addendum reflective of changes, though such has not been released of the Aug/Dept WIRE.

New! State's Mandatory Notice Requirements for Mass Layoffs or RIFs in Effect

According to the Maryland Department of Labor (MDOL), employers (50 or more employees that have operated an industrial, commercial, or business enterprise in the state for over a year) must now comply with the [Maryland Economic Stabilization Act](#), which requires employers to provide notice of **mass layoffs** or **reductions in force** (RIFs) in certain circumstances.

Although the MDOL had previously taken the position that it would not enforce the mandatory notice requirements of this law (commonly referred to as "the Maryland Mini-WARN Act") until it had issued final regulations, apparently this is no longer the case.

- Maryland's Mini-WARN Act requires employers with 50 or more employees to provide 60 days' notice of mass layoffs or reductions in force impacting the greater of at least 25 percent or fifteen employees.
- The notice provisions of Maryland's Mini-WARN Act were made mandatory in 2020, but the MDOL previously announced it would not enforce the law until it had issued final regulations.
- Although only proposed regulations have been issued, the MDOL is now taking the position that employers must comply with the act.

Employer Takeaway: Employers preparing for a mass layoff or a reduction in force that triggers the notice requirements of the Maryland Mini-WARN Act must be prepared to comply with those requirements immediately.

Reminder: State's Amends Parental Leave Act – Eff Oct 1, 2025

Maryland has enacted [Senate Bill \(SB\) 785](#), amending the state's [Parental Leave Act](#) (PLA) to clarify that it does not apply to employers while they are covered by the federal Family and Medical Leave Act (FMLA). The amendment takes effect Oct. 1, 2025.

PLA and FMLA

The PLA applies to employers with 15-49 employees in the state during 20 or more calendar weeks in the current or preceding calendar year. It requires them to provide employees with up to six weeks of unpaid leave annually for the birth, adoption or foster placement of a child. Employers must also continue employees' health insurance while they are on leave.

The FMLA requires employers with 50 or more employees during 20 or more calendar weeks in the current or preceding calendar year to provide up to 12 weeks of unpaid leave annually for reasons including those covered by the PLA. Like the PLA, the FMLA also requires employers to continue health insurance benefits for employees on leave.

SB 785

The bill was introduced as a technical correction to rectify an unintended consequence of the PLA: that employers could be subject to both the PLA and the FMLA simultaneously in a calendar year during which they reach the 50-employee FMLA threshold, because they could have employed 15-49 employees for at least 20 weeks in that or the preceding year. Under the PLA as currently worded, the employer might, therefore, be required to provide leave to an employee under both that law and the FMLA.

To avoid this result, the bill amends the definition of "employer" under the PLA to exclude employers who are covered by the FMLA for the current calendar year. Eligible employees of these employers will be able to take qualifying leave under the FMLA but not the PLA.



ETC's State Handbook Addendum covers the policy requirements; however, an updated Addendum is being published to offer additional commentary for Employers.

Montgomery County Increases Minimum Wage – Eff July 1, 2025

On July 1, 2025, the minimum hourly wage in Montgomery County increased. More information can be found [here](#).

Massachusetts

Reminder: State's Pay Transparency Regulations: Pay Ranges in Job Postings and Upon Request – Eff Oct 29, 2025

Starting October 29, 2025, employers with 25 or more employees in the state will have new pay transparency obligations, outlined below.

Pay Ranges in Job Ads

Employers will need to include a pay range in all job postings. The law applies to internal and external postings, as well as to postings from third parties recruiting on an employer's behalf. The pay range provided should be the amount the employer reasonably intends to pay for the position when filled—not the entire potential pay range for the position from entry level through retirement. Generally, the applicable pay range will be the amount budgeted for the position.

Promotions and Transfers

Employees who are offered promotions or transfers to new positions with different job responsibilities also need to be provided with the pay range for the new role.

Current Employees

Current employees will be entitled to know the pay range for their position, or a position they apply for, upon request. As a result, employers should have a plan for providing this information. For those that don't have a well-established compensation structure, the plan will likely involve directing these requests to Human Resources. Ideally, the ranges provided will be reasonable, documented, and won't raise any red flags with respect to pay equity.

The [guidance](#) from the Massachusetts Attorney General's (AG) Office provides further clarification on several key aspects of the Act, including the following

- To determine if they reach the 25-employee threshold for application of the Act, employers must count all full-time, part-time, seasonal and temporary employees with a primary place of work in Massachusetts. Remote employees who work out of state may count toward this threshold if their primary place of work is considered to be Massachusetts.
- The definition of "primary place of work" under the Act is the same definition as adopted in the AG's [Earned Sick Time FAQs](#). Under those FAQs, employees with a primary place of work in Massachusetts include employees who:
 - spend work hours traveling outside Massachusetts for work but return regularly to a Massachusetts base of operations
 - telecommute through an arrangement with their employer to a Massachusetts worksite
 - spend the plurality of their working time in Massachusetts over the course of one year
- The Act applies to all job postings where the position's primary place of work is Massachusetts. However, remote employees with a Massachusetts worksite and remote employees with a primary place of work in Massachusetts are included in this requirement. If the employee hired for a position may have a primary place of work in Massachusetts (even if the employee hired could also be located outside of Massachusetts), employers would be well advised to comply with the Act's requirements for that posting.

REMINDER: Annual Wage Data Reporting Obligations – Feb 1, 2026, next reporting deadline

The Act has also required, since Feb. 1, 2025, that employers with 100 or more employees submit an annual [aggregate wage data report](#), including workforce demographic and pay data categorized by race, ethnicity, sex and job category. These are not new reports but rather copies of the same required data as the U.S. Equal



Employment Opportunity Commission (EEOC) Employer Information Report, commonly known as an EEO-1 report. Employers who file EEO-3 or EEO-5 reports must submit these reports every other year beginning on Feb. 1, 2025. Employers who file EEO-4 reports must submit these reports every other year beginning on Feb. 1, 2026. As with the Act's employee threshold for pay disclosures, the 100-employee threshold for pay reporting includes all full-time, part-time, seasonal, temporary and remote employees with a primary place of work in Massachusetts.

Reminder: State's Paid Family & Medical Leave Updates - Eff August 31, 2025

The Massachusetts Department of Family and Medical Leave (the "Department") recently updated its Employer Portal, issued a reminder for the private plan reporting deadline of August 31, 2025, and summarized tax guidance concerning the Massachusetts Paid Family and Medical Leave law ("MAPFML").

Exempt Private Plan Employer Reporting Deadline

Employers that meet their Paid Family and Medical Leave (PFML) law obligations through an approved M.G.L. c. 175M, sec. 11 private plan are required to maintain reports, information and records related to their approved plan and furnish required data to the Department of Family and Medical Leave (DFML) on request.

Employers who are **self-insured**, third parties who administer private plans, and **private plan insurance carriers** should be prepared to **submit the required private plan data to the Department by August 31, 2025**.

Employers should enlist their benefits broker to assist in determining their types of plan and whether the reporting obligation is applicable.

Michigan

Reminder: Updated Paid Sick Leave for Small Employers – Eff March 23 & Oct 1, 2025

PAID SICK LEAVE

The legislature did make it a little easier to manage for small employers back in February. They also added to or clarified a few aspects of the law.

Key changes:

- The definition of "small employer" is now an employer with 10 or fewer employees (instead of nine or fewer)
- Small employers don't have to comply until October 1, 2025
- Small employers only need to provide 40 hours of paid sick leave per year (the additional 32 hours of *unpaid* sick leave is **not** required)
- Employers can make new hires wait until their 120th day of work to use accrued earned sick time (EST) (instead of their 90th day)
- Employers now have until **March 23** to provide employees with notice of their EST rights (instead of February 21)
- Employees who are rehired within two months (instead of six) need to have their unused EST restored, unless it was paid out at termination

The [notice poster](#) provided by the state has been updated, as have the [FAQs](#). Access the amended law [here](#).

Minnesota

New! State Guidance on Meal & Rest Break Amendments – Eff Jan 1, 2026

The January 1, 2026, changes to Minnesota's meal and rest break laws require employers to provide fifteen-minute breaks and a thirty-minute meal break depending on hours worked.

Highlights:

- Minnesota's break laws are only applicable to "employees" as defined by the Minnesota Fair Labor Standards Act, excluding exempt employees and some U.S. Department of Transportation (DOT)-related positions.



- Employers must only provide one meal period per day if an employee works 6 continuous hours or more.
- An unpaid meal period of twenty minutes or more is not counted as “hours worked” for purposes of calculating rest breaks.
- Employees must be provided rest breaks of at least 15 minutes or enough time to utilize the nearest convenient rest room (whichever is longer) within each 4 continuous hours of work

The Minnesota Department of Labor and Industry (MNDOLI) has now published guidance in the form of frequently asked questions ([FAQs](#)) providing some clarity. While not law, the FAQs indicate how MNDOLI interprets the laws and how they are anticipated to enforce them. MNDOLI has indicated it is evaluating whether it will conduct breaks-related rulemaking.

ETC will update and released the applicable MN State Handbook Addendum in the coming months.

Missouri

Reminder: State Legislature Repeals State’s Paid Sick Leave - Eff Aug 28, 2025

Montana

Reminder: Montana Adds Protections for Volunteer Firefighters and EMTs – Eff Oct 1, 2025

[MT H 128](#) was signed by the governor on April 16, 2025. Beginning October 1, 2025, employers of all sizes will be prohibited from terminating employees because they’re volunteer emergency services providers.

Employers will also be prohibited from terminating employees when they’re late to work or absent due to acting in that capacity. A *volunteer emergency services provider* means a volunteer firefighter or volunteer medical technician.

Employers can decide whether an employee is allowed to leave work to respond to an emergency if they’ve already started their workday. Additionally, employers can require employees to request and receive permission to be late or absent if their absence would pose a risk to public safety or prevent the employer from performing an essential function. Employers don’t need to extend these protections to employees in their probationary period but certainly *can* in the interest of public safety.

Employers can require notice that an employee is a volunteer emergency service provider and can also request a note from the employee’s emergency response supervisor that they missed work during a given day and time due to service.

ETC is releasing an updated State Handbook Addendum to address this new state change alongside the Aug/Sept HR WIRE.

Nevada

New! State Requires Civil Air Patrol Leave – Eff Oct 1, 2025

Beginning October 1, 2025, employers of all sizes will be required to provide unpaid leave to employees who are volunteer members of the Nevada Wing of the Civil Air Patrol for emergency training and response under [AB 422](#).

Specifically, employees will be allowed to take the following amounts of leave per federal fiscal year (October 1 through September 30):

- Up to 10 workdays to train for emergency missions
- Up to 30 workdays to respond to an emergency mission (including search and rescue and disaster response missions)

Employers can’t require that employees exhaust other leave they are entitled to before using leave under this law.

New! State Restricts Working Hours for 16 to 18 Year Olds – Eff Oct 1, 2025



As of October 1, 2025, employees aged 16–18 who are enrolled in a public or private high school and who aren't emancipated will generally be prohibited from working between 11 p.m. and 6 a.m. on school nights under [AB 215](#).

This restriction doesn't apply to certain occupations, such as lifeguards, arcade employees, stage or theatrical performers, or farm workers. Additionally, a school district, the governing body of the high school, or a juvenile court can grant an exemption if it determines that it's in the best interest of the minor.

New Hampshire

New! State Provides Protections for Military Spouses – Eff Jan 1, 2026

Beginning January 1, 2026, employers with 50 or more employees at the same location in New Hampshire will need to provide certain protections for military spouses under [NH H 225](#). Specifically, the spouses of servicemembers who have been called into action will be protected from employment discrimination and will have reemployment rights within certain timeframes. ETC will provide an updated State Handbook Addendum to address these changes.

New! State Creates Leave for Childbirth and Postpartum Care – Eff Jan 1, 2026

Beginning January 1, 2026, New Hampshire employers with 20 or more employees will need to provide up to 25 hours of job-protected, unpaid leave to employees for certain baby-related medical appointments under [HB 2](#).

Employees can use the leave for:

- Their own medical appointments for childbirth (the law doesn't define *for childbirth*, but we assume this includes appointments to prepare for it, as well)
- Their own postpartum care
- Their child's pediatric medical appointments within the first year of their child's birth or adoption

If both parents work for the same employer, they can share the 25-hour entitlement for the child's medical appointments. Employees can use accrued vacation or other paid leave to substitute for the unpaid leave time.

New Jersey

New! State Bans Mandatory Employee Meetings – Eff Dec 2, 2025

New Jersey Governor Phil Murphy signed into law significant amendments to the New Jersey Employer Political Communication Restrictions Act (the "Act") on September 3, 2025. These amendments, which take effect on December 2, 2025, make New Jersey one of 12 states in the nation to prohibit employers from holding mandatory, captive audience meetings to discuss unionization with employees. Additionally, once the Act goes into effect, employers must post a notice of employee rights under the Act in conspicuous locations frequented by employees.

New York

New! State Passes Regulations Resulting in Mini State Labor Relations Boards

In a significant development, New York enacted [S.8034A](#), a law that would transform its Public Employment Relations Board (PERB) into a mini-National Labor Relations Board (NLRB). Under the new law, PERB would have new authority to resolve unfair labor practices (ULPs), enforce collective bargaining agreements, and certify unions operating in the private sector. By enacting S.8034A, New York signals the state's intent to increase protections for workers while the NLRB continues to operate without a quorum.

Under the National Labor Relations Act ("NLRA") the NLRB has exclusive jurisdiction over virtually all private labor relations matters, which is necessary to ensure there is a single set of national standards governing labor relations for all 50 states. New York's intrusion into federal labor policy risks undermining these uniform federal standards, creating considerable compliance challenges

New York's expansion of state labor authority introduces uncharted complexities for employers, potentially altering the playing field for labor relations in New York



Ohio

Reminder: State Enacts Mini-WARN Act Requiring Notice Components in Addition to Federal WARN – Eff Sept 29, 2025

- New Ohio Revised Code § 4113.31 requires employers to provide 60 days' advance notice of "plant closings" or "mass layoffs" to employees, unions, the state, and local government officials.
- Although the law mostly incorporates and tracks the federal Worker Adjustment and Retraining Notification Act (Fed WARN), it adds requirements for the information that must be included in the notices.

Reminder: Cleveland Joins the Pay Equity Trend, Mandating Pay Transparency and Banning Salary Inquiries – Eff Oct 27, 2025

On April 30, 2025, Cleveland, Ohio, became the latest in a long list of jurisdictions to restrict how private employers recruit and hire talent. Intended to promote equitable compensation practices, [Ordinance No. 104-2025](#) requires covered employers to post salary information in job ads and further bans covered employers from asking applicants about their salary history or using salary history to set pay. The ordinance covers private employers with at least 15 employees located in Cleveland and takes effect October 27, 2025.

Employer Takeaway: Cleveland employers should review their job applications for questions about salary history. Additionally, they should review salary and benefits information to prepare for disclosing compensation information in job postings. Another step they may want to take is training internal and external recruiters, hiring managers and other personnel involved in hiring about the mandates of the ordinance. Cleveland employers ought to consider as well how the ordinance may affect employee relations with existing employees. Employers in Ohio should note that three other major cities have laws similar to the ordinance already in effect: Cincinnati (effective March 2020), Toledo (effective June 2020) and Columbus (effective March 2024).

Oregon

Reminder: State Updates OFLA, PLO, and Sick Leave – Eff Sept 26, 2025

Oregon has updated the Oregon Family Leave Act (OFLA), Paid Leave Oregon (PLO), and its sick leave law under enacted [SB 69](#).

OFLA

Employees will only be able to take OFLA leave to care for a child if the child is under 18 or is substantially limited by an impairment for the following leave reasons:

- When the child is sick at home, or
- When the child requires home care because their school or place of care is closed due to a public health emergency (PHE).

PLO

Before an employee returns from PLO medical leave, employers will be allowed to require a certification from the employee's healthcare provider that they're fit to resume work. However, employers that require certification need to have a uniform practice of requiring it from all returning employees. If you'd like to learn more, the state has a comprehensive website dedicated to [Paid Leave Oregon](#).

Sick Leave

Employees will be able to use sick leave for *any* reason that's covered by PLO.

Employer Takeaway: ETC's July 2025 OR State Handbook Addendum reflects changes.



Reminder: State Expands Age Discrimination Protections – Eff Sept 28, 2025

Oregon [amended](#) its antidiscrimination law to expand age discrimination by prohibiting employers from making age-related inquiries during the hiring process and restricting the use of age limits in apprenticeships. The amended law takes effect on Sept. 28, 2025.

Rhode Island

New! State Rules Clarify Sunday & Holiday Premium Pay Calculations – Eff Aug 17, 2025

Employer Takeaway: RI Employers are advised to review the new rules and determine whether they are in compliance with the state's overtime pay obligations and whether they may be considered a retail or wholesale business.

The Rhode Island Department of Labor and Training (DLT) issued new rules that clarify what constitutes "retail businesses" regarding calculations of overtime pay requirements and premium pay for work on Sundays and holidays. The rules confirm the general understanding of the overtime and premium pay requirements but provide additional certainty for employers on which businesses are and are not considered retail.

- The Rhode Island DLT has established new rules defining "retail businesses" and clarifying overtime and holiday pay calculations, emphasizing that only those selling directly to consumers qualify.
- The rules clarify that retail businesses can count Sunday and holiday hours towards overtime calculations, impacting how premium pay is administered during those periods.

Effective August 17, 2025, the DLT regulation, "[Payment of Wages, Employer Exemptions from Weekly Pay, and Exemptions for Work on Holidays and Sundays](#)," (260-RICR-30-05-2) outlines rules and procedures related to the payment of wages, exemptions from weekly pay requirements, and exemptions from premium pay for work on Sundays and holidays.

Specifically, the rules define "retail businesses" as those that sell directly to consumers and not to other businesses. This distinction is critical for calculating overtime and Sunday and holiday pay, as retail businesses are allowed to count Sunday and holiday pay against any overtime hours worked.

Definition of Retail Business

The rules define "retail businesses" as establishments "engaged primarily in the sale of goods or services directly to the general public" and that "operate[] at the end of the distribution chain, selling in small quantities to the ultimate consumer in a manner consistent with other consumer goods and services."

The rules distinguish retail businesses from those that "engage primarily in resale, wholesale transactions, or manufacturing" and provide products or services generally recognized as retail sales. The rule explicitly excludes "businesses that primarily prepare and sell food for immediate consumption" and "wholesale operations that serve other businesses rather than individual consumers."

Overtime Pay Requirements

Rhode Island law requires that nonexempt employees be paid one-and-a-half times their regular rate of pay for any hours worked over forty in a week, which is consistent with the federal Fair Labor Standards Act (FLSA). Additionally, employees are entitled to a premium pay equal to one-and-a-half times their rate for hours worked on Sundays and holidays.

For most employers, overtime and Sunday holiday pay hours are calculated separately, meaning employers may be required to pay employees both time-and-a-half for hours worked over forty and time-and-a-half for any hours worked on Sundays or holidays.

Retail businesses are not exempt from Sunday or holiday premium pay requirements, but they can count the Sunday and holiday hours against the overtime hours. That means an employee at a retail business who works forty-eight hours in a week, including an eight-hour shift on Sunday, would only be entitled to eight hours of time-and-a-half pay covering both the overtime and Sunday premium.



The exception is if the retail workers are covered by a collective bargaining agreement that provides premium pay for Sundays or holidays. In such cases, employers must comply with the terms of the agreement, even if they are otherwise exempt from premium pay requirements.

Oklahoma

New! State Increases Tip Credit – Eff Nov 1, 2025

Beginning November 1, 2025, Oklahoma will increase the allowable tip credit under SB 250.

Texas

New! Texas Enacts New Law for Employers Using Artificial Intelligence Eff Jan 1, 2025

Governor Greg Abbott signed the Texas Responsible Artificial Intelligence Governance Act (TRAIGA, [HB 149](#)) into law which becomes effective on January 1, 2026.

Recommendations for Employers Utilizing AI Tools in Employment Candidate Software

If an employer's Applicant Tracking System (ATS), resume-screener, or candidate-matching AI tool could inadvertently display intent to discriminate against protected groups, an employer may be at risk even without disparate impact alone.

Employers should audit their AI systems and the use of those systems to make decisions to confirm the tools do not intentionally discriminate against applicants or employees. Implementing AI policies and trainings about appropriate AI use can help to mitigate the risk of intentional discrimination. Employers should also ask their AI vendors to confirm that any tools do not intentionally discriminate against a protected group. Although the Texas law does not cover disparate impact discrimination, employers should still monitor AI tools for adverse effects against a protected group and ensure all tools are job-related.

Compliance hinges on establishing internal governance: AI oversight teams, documentation of data use and outputs, testing, and mitigation steps for prohibited intents. We recommend that anyone using AI tools for making employment decisions establish a governance team, which would include, among others, an Industrial/Organizational Psychologist who can evaluate things like the adverse effects, intent, and job-relatedness of AI tools.

Washington

New! State Regulations Related to Transportation Network Companies – Eff Sept 1, 2025 & July 1, 2026

Washington employers should prepare for two significant legislative updates that will impact Transportation Network Companies (TNCs). Effective September 1, 2025, TNCs must provide drivers with detailed information about vehicle eligibility for each product class offered on their platform, including make, model, and year. Then, by July 1, 2026, drivers will also be entitled to request aggregated, downloadable per-trip receipt data in a searchable format, enhancing transparency around earnings. As this topic is more industry released and beyond what ETC typically reports, access a recent article on the topic published by Seyfarth Shaw, LLP [HERE](#)

New! State Expands of Domestic Violence Leave – Eff Jan 1, 2026

Effective January 1, 2026: Washington's Domestic Violence Leave Act (DVLA) will expand to include protections for victims of hate crimes, allowing newly-affected employees to access unpaid DVLA leave and safety accommodations (SB 5101). Ahead of the effective date ETC will release an updated State Handbook Addendum.

New! State Amends Paid Family & Medical Leave Requirements – Eff Jan 1, 2026

Beginning January 1, 2026, Washington State will implement significant amendments to its Paid Family and Medical Leave (PFML) program (Also, SB 5101). These changes will expand employee protections and introduce new compliance obligations for employers, particularly those with smaller workforces.



Starting in 2026, employees who have worked for at least 180 days will be entitled to job restoration if their employer has 25 or more employees. This threshold will decrease to 15 employees in 2027 and to 8 employees in 2028. Employers who previously fell outside the scope of PFML job protection requirements will need to prepare for these new obligations.

Another key change involves the continuation of health insurance benefits. Employers will be required to maintain existing health coverage for employees on PFML leave, provided the employee qualifies for job protection. This aligns PFML more closely with federal FMLA standards and ensures continuity of benefits during leave.

The minimum duration for PFML claims will also be reduced. Currently, employees must take at least eight consecutive hours of leave to file a claim. Beginning in 2026, the minimum claim duration will drop to four hours, allowing for more flexible use of leave.

Employers should also be aware of new notification requirements related to combining PFML with federal FMLA leave.

ETC will provide the updated Notice upon release as well as an updated State Handbook Addendum reflective of necessary Policy changes.

There are many mid-year compliance obligations & updates. Review the previously reported supplemental HR WIRE publication to ensure you are fully aware of all applicable state compliance obligations.

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See the “*Previously Reported Regulatory Matters*” Attachment for details regarding state-specific reported matters

Alaska

- State’s Captive Audience Ban – **July 1, 2025**
- Updated Min Wage & Saley Exempt Salary Threshold – **July 1, 2025**
- New Paid Sick Leave Regulations - **July 1, 2025**
- State Votes in Favor of Captive Audience Ban – **July 1, 2025**

California

- State Publishes Required Victim Leave Notice – **July 1, 2025**
- State Regulation IVF Coverage Mandate - 2026
- Regulations Addressing AI & Employment Discrimination - **October 1, 2025**
- Min Wage Increases – **July 1, 2025**
- State’s Pay Data Report Filing - Platform Open **Feb 3, 2025** & Filing Due – **May 14, 2025**
- San Franscico Health Care Security & Fair Chance Ordinance Annual Reporting – **May 2, 2025**
- California’s Bird Flu State of Emergency Notice Requirements
- San Diego County Fair Chance Ordinance - Oct 10, 2024
- Upcoming Local Minimum Wage Ordinance Increases – **Jan1, 2025**
- State Expands Discrimination Protections – **Jan 1, 2025**
- State Passes Freelance Worker Protections Act – **Jan 13, 2025**
- Paid Sick Leave Expansion – **Jan 1, 2025**
- State Amends Victim Leave for Employees – **Jan 1, 2025**
- Jury & Witness Duty Leave Oversight & Enforcement Change– **Jan 1, 2025**
- State Passes Captive Audience Ban – **Jan 1, 2025**
- Expanded Use of CA Paid Sick Leave – **Jan 1, 2025**



- CA Employers Lose Option to Require Vacation Leave Before PFL – Jan 1, 2025
- Workplace Safety Enacted Provisions Effective Jan 1, 2025
- CA Disability Insurance Updates – Jan 1, 2025
- Small Employer Mediation Program – Permanent – Jan 1, 2025
- CA PAGA FAQ Published
- State Transparency Requirements-Child Labor Practices–Jan 1, 2025

Colorado

- State Enacts Significant Wage & Hour Amendments – Aug 6, 2025
- State Clarifies Gender Expression - May 16, 2025
- State Clarifies Job Protection Rules Under FAMLI Leave – July 1, 2025
- Biometric Information Requirements – July 1, 2025
- State Enacts Significant Wage & Hour Amendments – Aug 6, 2025
- State Adds to FAMLI Leave – NICU Baby Stays - Jan 1, 2026
- State Enacts Comprehensive AI Legislation - Feb 1, 2025
- State FAMLI Rules Include Coordination of Benefits with other Leave Benefits & Employer Penalties
- Holiday Incentive Pay in Regular Rate of Pay Calculation

Connecticut

- State Issues FAQs in New Paid Sick Leave Requirements – Jan 1, 2025
- Expands Family Violence Leave – Oct 2024 (Updated State Handbook Addendum released 7.2024)
- Connecticut Expands Paid Sick Leave Law (HB 5005)– Jan 1, 2025

Delaware

- Key Deadlines Approaching for Paid Family Medical Leave (19 DAC 1401)–Dec 1 & 2; Jan 1, 2025
- State Added Housing Status as a Protected Characteristic “Housing Status” – Sept 26, 2024

District of Columbia

- Tipped Minimum Wage Increase & Changed Effective Date– Moved to Oct 1 & Tipped Min Wage June 30, 2025
- Minimum Wage Increase – July 1, 2025
- Universal Paid Leave Act’s Paid Family Leave Notice – Feb 1, 2025

Florida

- State’s Non-Compete Bill Becomes Law – July 2025

Georgia

- State Eliminates Subminimum Wage – July 1, 2025

Illinois

- State Expands Annual Equal Pay Registration Certificate Requirements
- Changes in State Insurance Law Extends Coverage to Certain Parents of Insured Individuals – Jan 1, 2026
- City of Chicago Minimum Wage & Fair Workweek Threshold Increase Regulations - July 1, 2025
- City of Chicago Updated Paid Sick Leave Payouts – July 1, 2025
- State Amends 1 Day in 7 Act to Prohibit Retaliation
- Cook County Revises Mandatory Paid Leave Rules – Issued April 10, 2025
- Court Decision: Pay Calculations for Nondiscretionary Performance Bonuses & OT
- Navigating Updated State E-Verify and I-9 Compliance Requirements – Jan 1, 2025
- Expanded Employee Protections (HB 2161 amending Illinois Human Rights Act) for “Family Responsibilities” – Jan 1, 2025
- State Enacts Whistle Blower Act – Jan 1, 2025
- State Issues FAQs – Pay Transparency Law – Jan 1, 2025
- Cook County Updates Paid Leave Guidance Issued – Oct 24, 2024
- IL Amended Right to Privacy in the Workplace Act (SB 508) – Jan 1, 2025



- State Grants Employees the Right to Inspect Pay Stubs Upon Request (SB 3208 & HB 3763) – Jan 1, 2025
- Worker Freedom of Speech Act – Captive Audience Prohibition (SB 3649)- Jan 1, 2025
- Human Rights Act Amended - Expansion of Protected Classes (HB 4867, HB 1261, SB 3310 & HB 5371) – Jan 1, 2025
- State Enacts New Child Labor Laws (SB 3646) – Jan 1, 2025
- Illinois Wage Payment and Collection Act (IWPCA) Amended - Employees the Right to Inspect Pay Stubs Upon Request (SB 3208) – Jan 1, 2025
- State Pay Transparency Laws & Equal Pay Act applicable to smaller employers (HB 3129) – Jan 1, 2025

Indiana

- State Enacts Employee Conference Leave – July 1, 2025

Iowa

- State Requires Equal Treatment for Employees Who Adopt Children (Parity for Adoptive Parents) - July 1, 2025
- State Drug Testing Regulatory Updates – July 1, 2025

Maine

- Paid Family & Medical Leave – [PFML Final Rule](#) Issued by State with Payroll withholdings commencing Jan 1, 2025 (Benefits Available [May 1, 2026](#))
- Maine's Paid Family & Medical Leave (PFML) Launches (Wage withholding, Workplace Poster & Written Notice requirements) – Jan 1, 2025

Maryland

- State Amends Parental Leave Act – Oct 1, 2025
- State's Family and Medical Leave Insurance (FAMLI) Program/Time to Care Act – Expanded Leave Rights – Updated eff dates: Jan 1, 2027 & Jan 2028
- Multiple Employment Laws Updated Effective – Oct 1, 2024
- Maryland Adopts Heat Stress Standards – Sept 20, 2024

Massachusetts

- MA Paid Family & Medical Leave Updates from the Department (Portal Updates & updated Exempt Private Employer Reporting Deadline) - August 31, 2025
- State Enacts Salary Range Transparency Obligations – Oct 29, 2025
- Pay Transparency Annual Submission of EEO Data to State – **Feb Annually** (ERs >100 Employees submit EEO Data) & July 2025 (ERs with 25 or more Employees must disclose salary ranges in job postings)
- Employers Must Complete HIRD Form - **Dec 15 Annually**
- PFML Rate Sheets & Employee Notices – Dec 2, 2024
- Amended State Earned Sick Time to Cover Reproductive Loss – Nov 21, 2024
- MA 2025 PFML Benefit to Increase – 2025

Michigan

- State's Amended Earned Sick Time – ~~Feb 21, 2025~~ **UPDATE: March 23 & Oct 1 (Small Employers)**
- State Expands Child Labor Protections – April 2 & Oct 2, 2025
- State Issues FAQs and Other Materials for Earned Sick Time Act – Feb 21, 2025
- State Supreme Court Increases Minimum Wage and Paid Sick Leave Requirements – Feb 2025

Minnesota

- State Amends Paid Sick Leave & PFML ahead of PFML 1.1.26 effective date – July 1, 2025
- St. Paul's Increased Minimum Wage – July 1, 2025
- Minneapolis Amends Anti-Discrimination Regulations - Aug 1, 2025



- State Amends Meal & Rest break Requirements – [January 1, 2026](#)
- State's Leave Guidance Issued for Option Out – Private Plans
- State Makes Several Changes to Work Comp Laws – Aug & Oct 2024
- State Paid Leave Wage Reports - Oct 31, 2024
- Pay Transparency (Wage Disclosure Protection Law) - [Jan 1, 2025](#)
- State Amends Sick Leave, Paid Family and Medical Leave ([SF 5234/HF 5247](#))

Missouri

- State Legislature Repeals State's Paid Sick Leave - [Eff Aug 28, 2025](#)
- State Passes Earned Paid Sick Leave Initiative ([Proposition A](#)) – Notice to Employees – [April 15, 2025](#) & Leave Accrual Starts [May 1, 2025](#)

Montana

- State Expands Protections for Elected Officials – [Retro Effective Date Jan 1, 2025](#)

Nebraska

- State Enacts & Amends Paid Sick Leave – [Sept 15, 2025](#) (Notice to Employees) & [Oct 1, 2025](#), for Leave

Nevada

- State's Employee Savings Trust Retirement Program Enacted – [July 1, 2025](#)
- State Approves New Heat Illness Regulation & Employer Obligations – [Nov 15 & Enforcement +90 Days](#); Updated Guidance to be enforced starting [April 29, 2025](#)

New Hampshire

- State Adds Lactation Protections – [July 1, 2025](#)
- Firearms in Employee Vehicles ([HB 1336](#)) State Regulation – [Jan 1, 2025](#)

New Jersey

- Employers' Use of AI Tools to Comply with State's Anti-discrimination Laws
- Expanded Pay Transparency Regulations ([SB 2310](#)) – [June 1, 2025](#)
- New Jersey Family and Disability Insurance Leave Rates to Increase - [2025](#)
- Upcoming Deadlines for RetireReady NJ - Sept & Nov 2024
- New Jersey Family and Disability Insurance Leave Rates to Increase – [Jan 1, 2025](#)

New York

- State Sunsets Covid-19 Sick Leave – [July 31, 2025](#)
- State Increases Jury Duty Pay – [June 8, 2025](#)
- State Retail Workplace-Violence Prevention Obligations - [June 2, 2025 & Jan 1, 2027](#)
- State Establishes Warehouse Workers Injury Reduction Program Act – [June 1, 2025](#)
- **NY City** Amends Paid Sick Leave Rule for Prenatal Leave – [July 2, 2025](#)
- **NY City** Amends Lactation Accommodation Policy - [May 8, 2025](#)
- State Publishes FAQs for New Paid Prenatal Leave Requirement – [Jan 1, 2025](#)
- NY Expands Protections for National Guard Service – Sept 27, 2024
- New York PFL Contribution and Benefit Rates to Increase in 2025
- Clean Slate Act (Expanded Criminal History Protections - [NY S 940](#))– Nov 16, 2024
- Mandated Paid Prenatal Leave ([A08805](#)) – [Jan 1, 2025](#)

Ohio

- State Enacts Mini-WARN Act Requiring Notice Components in Addition to Federal WARN – [Sept 2, 2025](#)
- State Allows Electronic Labor Notice Postings – [July 21, 2025](#)
- **Cleveland** Bans Employer Salary Inquiries & Pay Transparency – [Oct 27, 2025](#)
- State Enacts Wage Statement Regulations – [April 9, 2025](#)

Oregon

- State Expands Age Discrimination Protections – [Sept 28, 2025](#)



- State Expands Wage Statement Requirements to Time of Hire – [Jan 1, 2026](#)
- State Allows Sick Leave Use for Blood Donation – [Jan 1, 2026](#)
- Updated Min Wage – [July 1, 2025](#)
- State Updates Administrative Rules for Paid Leave – [Jan 1, 2025](#)
- Paid Leave Oregon & OFLA Leave Change - [Jan 1, 2025](#)
- State Warehouse Quota Notification Requirements – [Jan 1, 2025](#)

Pennsylvania

- **Philadelphia** Enacts POWER Act Expanding Worker Protections – [May 27, 2025](#)
- **Pittsburg** Increases Paid Sick Leave – [Jan 1, 2026](#)
- State Now Permits Direct Deposit Payment of Workers' Compensation Benefits

Rhode Island

- State Enacts Accommodations for Menopause, Expanded Protections for Race, Captive Audience Restrictions - [June 24, 2025](#)
- State Enacts New Written Notice – Payment of Wages - [January 1, 2026](#)
- State Amends Temporary Caregiver Insurance (TCI) Law – [Jan 1, 2025](#)
- State Enacts New Consumer Data Privacy Law – [Jan 1, 2025](#)

Texas

- State Enacts Healthcare Non-competes in Texas – [September 1, 2025](#)
- State Expands Medical Marijuana Law – [September 1, 2025](#)

Vermont

- State Expands Parental & Family Leave – [July 1, 2025](#)
- State Requires Pay Ranges in Job Postings ([VT H 704](#))– [July 1, 2025](#)

Virginia

- State Enacts New Healthcare Workplace Violence Incident Reporting Requirements – [July 1, 2025](#)

Washington

- Updated Local Minim Wage Changes – [July 1, 2025](#)
- Protection from Coercion Based on Immigration Status – [July 1, 2025](#)
- Limits of Driver's License Requirements – [July 1, 2025](#)
- State Enacts Mini-WARN Act – [July 27, 2025](#)
- Equal Pay & Opportunities Act & Amendments – Salay Ranges on Job Postings - [July 1, 2025](#)
- Employee Access to Personnel Records Regulations – [July 27, 2025](#)
- State Paid Sick Leave to Cover Immigration Proceedings – [July 27, 2025](#)
- State Expands Criminal History Law – [July 1, 2026](#) & [July 1, 2027](#)
- State Amends PFML to Limit Stacking & Expansion of Job Protection – [Jan 1, 2026](#)
- State Passes Leave, Job Protections for Hate Crimes – [Jan 1, 2026](#)
- State Announces PFML Premium Rate for 2025 – [Jan 1, 2025](#)
- State Expansion of Paid Sick Leave ([SB 5793](#)) – [Jan 1, 2025](#)

West Virginia

- State Regulatory Changes – Hiring Preference Military Spouses & Work Permit Requirements for Minors - [July 2025](#)

Wisconsin

- Wisconsin Arrest Record Protections Clarified by State Supreme Court – Reported May 2025

The HR WIRE is for informational purposes only and should not be construed as legal advice.