

Eye on State and Local Compliance

Timely, topical insights on a variety of HR, payroll, benefits and workforce management issues.

April 27, 2026



State/Territory/District

Illinois Supreme Court: State Law Doesn't Include Federal Exception to Pay Requirement

Impacted Employers: All employers that require employees to complete health screenings and other pre-shift and post-shift activities in the State of Illinois.

Effective Dates: Immediately

Summary: The Illinois Supreme Court has ruled that state law doesn't incorporate a federal exception that allows employers to exclude employer-required pre-shift and post-shift activities, such as pre-shift health screenings, from hours worked if they aren't integral and indispensable to the employee's duties.

Next Steps: Review timekeeping policies and practices and ensure that they adhere to applicable laws. Consult legal counsel to assess the potential impact of the ruling on your operations.

The Details:

The Illinois Supreme Court ruled on March 19, 2026, that the state doesn't incorporate a federal exception that allows employers to exclude certain pre-shift and post-shift activities from hours worked, such as health screenings.

Illinois Supreme Court Case:

In the case before the Illinois Supreme Court, during the COVID-19 pandemic, the employer required non-exempt warehouse employees to undergo health screenings before clocking in for their shifts.

For the screenings, employees formed a line at the entrance to the facility and underwent a brief examination, which included temperature checks and symptom-screening questions. If the employees passed the examination, they were given masks and permitted to clock in for their shifts.

A group of workers eventually filed a class-action lawsuit, arguing that the screenings took 10 to 15 minutes and that they should have counted as work time and been paid (see [Johnson v. Amazon.com Services, LLC](#)). The employer argued that both federal and state law allowed it to treat the health screenings as unpaid.

Topics covered in this issue:

State/Territory/District

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- Maine Adds Requirements for Violators of Its Employment Laws
- New York State Codifies Disparate Impact Protections
- Washington State Prohibits Mandatory Employee Microchipping

Minimum Wage

- Minimum Wage Announcements
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The case was removed to federal court and eventually reached a federal appeals court, which then sent it to the Illinois Supreme Court to address a question of state law.

The question before the Illinois Supreme Court was whether state law incorporates a federal exception that allows employers to exclude from hours worked employer-required pre-shift and post-shift activities, if they aren't integral and indispensable to the employee's duties.

The Illinois Supreme Court ruled that state law doesn't incorporate the federal exception. The court noted that, instead of adopting the exception, the state's legislature gave the Illinois Department of Labor (IDOL) the authority to define "hours worked" and the IDOL has since adopted a broader definition that includes "all the time an employee is required to be on duty, or on the employer's premises, or at other prescribed places of work, and any additional time the employee is required or permitted to work for the employer."

Note: Where federal and state law conflict, the law more protective of the employee generally applies.

Next Steps:

- Consult with legal counsel to identify any required pre-shift or post-shift activities that are not currently compensated and consider whether any changes to current policies and practices are needed.
- Watch for developments, since, among other things, the state legislature could amend the law in response to the ruling. This however is not guaranteed.

Maine Adds Requirements for Violators of Its Employment Laws

Impacted Employers: All employers with employees in Maine.

Effective Date: July 13, 2026

Summary: Maine has enacted legislation requiring employers who violate the state's employment laws to notify employees.

Next Steps: Employers should monitor the legislature's website for the date of adjournment to determine the exact effective date. Additionally, employers should review their policies and practices and ensure compliance with Chapter 7 and other applicable laws.

The Details:

Maine has enacted legislation requiring employers to notify employees if they are found in violation of [Title 26, Chapter 7](#) of the Maine Revised Statutes. [Chapter 7](#) contains dozens of provisions relating to pay, hours, recordkeeping, workplace postings, access to personnel files, leave, breaks, and certain other areas of employment law.

Once the new law takes effect, if the Maine Department of Labor's Bureau of Labor Standards (BLS) issues a notice of violation to an employer under Chapter 7, the employer must post the notice prominently in a conspicuous location in the workplace that is accessible to employees.

If no such location exists, a copy or copies of the notice of violation must be delivered to each employee in a reasonable manner.

Note: The requirement to notify employees is in addition to any penalties or remedies ordered by BLS.

If a notice of violation of Chapter 7 covers a defined period, it must be provided to all employees who were employed during that period.

For this provision, the law defines reasonable manners of delivery, such as mail, email, and text messages, provided the employer's communication is in the same language in which the employer typically communicates to employees.

The new law also clarifies BLS enforcement procedures. Review [the full text of the law for details](#).

Next Steps:

Employers should review their policies and practices and ensure compliance with Chapter 7 and other applicable laws.

New York State Codifies Disparate Impact Protections

Impacted Employers: New York employers.

Effective Date: Immediately

Summary: New York State has enacted legislation that codifies disparate impact protections.

Next Steps: Review policies, practices and train supervisors to help ensure compliance with the changes.

The Details:

New York State has enacted legislation (Senate Bill 8338), which codifies disparate impact protections. Senate Bill 8338 took effect on **December 19, 2025**.

Background:

The [New York State Human Rights Law](#) prohibits New York employers from [engaging in discrimination](#) based on [certain protected characteristics](#).

Senate Bill 8338:

Under Senate Bill 8338, an unlawful discriminatory practice (a practice that actually or predictably results in a disparate impact on a group of individuals due to their membership in a protected class) may violate the law, even in circumstances where the alleged discrimination is not motivated by discriminatory intent.

Exceptions:

A practice may be lawful if it has a legally sufficient reason that is supported by evidence and is not hypothetical or speculative, such as when it is:

- Job-related for the position;
- Consistent with business necessity; and
- The business necessity could not be met by another practice with a less discriminatory effect.

Next Steps:

New York State employers should review and update their policies and practices and train supervisors on the law to help ensure compliance with Senate Bill 8338.

Washington State Prohibits Mandatory Employee Microchipping

Impacted Employers: Washington State employers.

Effective Date: June 11, 2026

Summary: Washington State has enacted legislation that prohibits an employer from requiring an employee or applicant to be microchipped.

Next Steps: Review policies, practices and training to help comply with the changes.

The Details:

The State of Washington has enacted legislation ([House Bill 2303](#)), which prohibits an employer from requiring an employee or applicant to be microchipped. House Bill 2303 takes effect **June 11, 2026**.

House Bill 2303:

Under the law, an [employer](#) may not request, require, or coerce any employee or applicant to have a microchip implanted in the employee for any reason.

The law defines a “microchip” as a product, device, or technology that:

- Is implanted beneath the skin (not information temporarily attached to skin by an adhesive strip or bracelet upon which or within which personal information is maintained or stored) of an individual; and
- Contains a unique identification number and personal information that can be noninvasively retrieved or transmitted with an external scanning device.

Next Steps:

Review the requirements under House Bill 2303 to help ensure compliance with the law by **June 11, 2026**.

Minimum Wage

Minimum Wage Announcements – 3/21/26 – 4/20/26

The following states or localities have announced new minimum wage increases.

State or Locality	Minimum Wage Rate	Minimum Tipped Cash Wage	Effective Date(s)	New or Updated Poster Requirement?	Notes
City of Los Angeles, CA	\$18.42	\$18.42*	7/1/26	Yes	
City of Los Angeles, CA (Hotel Workers)	\$25.00 with health benefits \$33.15 without health benefits	\$25.00* with health benefits \$33.15* without health benefits	7/1/26	Yes	
Berkeley, CA	\$19.61	\$19.61*	7/1/26	Yes	
Emeryville, CA	\$20.34	\$20.34*	7/1/26	Yes	Once available found here
Fremont, CA	\$18.05	\$18.05*	7/1/26	Yes	
District of Columbia	\$18.40	\$10.30	7/1/26	Yes	
Montgomery County, MD (51 or more EEs)	\$18.00	\$4.00	7/1/26	Yes	Once available found here
Montgomery County, MD (11 – 50 EEs)	\$16.50	\$4.00	7/1/26	Yes	Once available found here
Montgomery County, MD (10 or less EEs)	\$15.95	\$4.00	7/1/26	Yes	Once available found here
Oregon	\$15.50	\$15.50*	7/1/26	Yes	Once available found here
Oregon – Portland, Urban Growth Boundary	\$16.50	\$16.80*	7/1/26	Yes	Once available found here

State or Locality	Minimum Wage Rate	Minimum Tipped Cash Wage	Effective Date(s)	New or Updated Poster Requirement?	Notes
Oregon – Non-Urban Counties	\$14.55	\$14.55*	7/1/26	Yes	Once available found here
Virginia	\$13.75	\$2.13	1/1/27	Yes	Once available found here

*CA and OR do not allow the use of tip credit.

[Download a PDF of a comprehensive listing of state and local minimum wage rates.](#)

ADP Compliance Resources

ADP maintains a staff of dedicated professionals who carefully monitor federal and state legislative and regulatory measures affecting employment-related human resource, payroll, tax and benefits administration, and help ensure that ADP systems are updated as relevant laws evolve. For the latest on how federal and state tax law changes may impact your business, visit the ADP **Eye on Washington** Web page located at www.adp.com/regulatorynews.

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