Eye on State and Local Compliance

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

May 26, 2026

State/Territory/District

Alabama Creates Tax Credit for Employers that Provide Paid Leave for Organ Donation

Impacted Employers: All employers in Alabama.

Effective Dates: The tax credit will be in effect for tax years 2027 through 2031.

Summary: Alabama has enacted legislation creating a tax credit for employers that provide paid time off for organ donation. To be eligible for the tax credit, employers must adopt a written policy containing certain elements.

Next Steps: Employers that intend to claim the tax credit should review the law in full, consult their tax advisor, and draft a written policy that complies with the law.

The Details:

Alabama has enacted legislation creating a tax credit for employers that provide paid time off for organ donation. The tax credit will be in effect for tax years **2027 through 2031**.

The tax credit will equal 25 percent of the amount of gross compensation paid to the employee during the leave for organ donation (up to 30 days) and will be credited to the employer's state income tax liability. The total tax credit is limited to $2,000 for a tax year.

If, after the employer's approval of the leave, there is a medical determination that the individual doesn't qualify as an organ donor, the tax credit will be limited to the amount of gross compensation paid to the employee from the beginning of the leave period through the day of the medical determination.

Eligibility:

To be eligible for the tax credit, employers must adopt a written policy that allows individuals to take paid leave for at least 15 days for organ donation. The 15 days of leave must be available to employees without any reduction in pay, or loss of vacation time, personal days, or sick leave.

Topics covered in this issue:

The leave policy must also require that employees provide signed authorization for the medical provider to confirm their organ donation, in compliance with the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

For the purposes of the tax credit, the leave policy may apply only to employees for whom the employer is responsible for providing a Form W-2 (Wage and Tax Statement).

Next Steps:

Employers that intend to claim the tax credit should:

- **Review the law in full**;
- Consult their tax advisor; and
- Draft a written policy that complies with the law.

Maine Amends Workplace Drug-Testing Rules

Impacted Employers: All employers with testing programs for substance use in Maine.

Effective Date: July 29, 2026

Summary: Maine has enacted legislation to amend state rules governing workplace substance-use testing programs.

Next Steps: Employers with substance-use testing programs should read the law in full and review their policies and practices to help comply with the amended rules.

The Details:

Maine has enacted legislation to amend state rules governing workplace substance-use testing programs. The changes take effect on **July 29, 2026**.

The amendment includes the following changes:

- Mandates that employers who choose to conduct testing follow the procedures of their substance-use testing policy fully once a test has been initiated.
- Requires that an applicant or employee be given an opportunity to contest a non-negative result by asserting that they have a legitimate medical explanation (as defined below). The amended law defines a "non-negative result" as one that indicates the presence of a substance in the tested sample above the cutoff level of the test, but that hasn't been confirmed by a confirmation test.
- Establishes that only a medical review officer may provide a confirmed positive result to an employer.
- Clarifies that authorization from the Maine Department of Labor (MDOL) is required for any substance-use testing program, even for employers with collective bargaining agreements.
- Extends certain requirements for positive results to non-negative results.
- Replaces the term "probable cause" with "reasonable suspicion" and replaces the term "arbitrary testing" with "criteria-based testing" throughout the rules and clarifies the provisions governing such tests.
- Introduces and clarifies various terms, such as criteria-based testing, random testing, and observable behavior.
- Makes clear that for the purposes of an employee's right to request that a blood sample be taken, employers must ensure that their testing facility and confirmation testing laboratory can test blood samples.
- Reduces from six months to 12 weeks the time frame that employers must allow an employee an opportunity to participate in a rehabilitation program after a confirmed positive result, and places the sole responsibility of the cost on the employee (when it isn't covered by group health insurance).
- Allows an employer to administer the testing, but only if their facilities comply with the requirements for a qualified testing laboratory.

- Clarifies that if an employee returns to work with the same employer after a confirmed positive result, the employer may require that the employee submit to **one unannounced** subsequent substance-use test anytime between 90 days and one year after the date of the employee's prior test.
- Requires that an employer notify the MDOL in writing if the employer intends to discontinue an approved substance-use testing policy.
- Adopts other technical changes.

Opportunity to Contest Non-Negative Results:

Under the amended rules, employers must give an applicant or employee the opportunity to contest a non-negative test result by discussing with the medical review officer or confirmation testing laboratory representative any legitimate medical explanation for the non-negative test result.

If the medical review officer or laboratory representative determines that there is a legitimate medical explanation for the non-negative test result, the result must be reported to the employer as a confirmed positive result with a legitimate medical explanation.

If the medical review officer or laboratory representative determines that there is no legitimate medical explanation for the non-negative test result, the result must be reported to the employer as a confirmed positive result.

As defined by the amendment, "legitimate medical explanation" is one provided by an employee that justifies a confirmed positive result on a test for a substance, including:

- Use of a controlled substance with a valid prescription, prescribed for a legitimate medical purpose in a quantity appropriate for the condition and expected duration with levels consistent with prescribed amounts; or
- Legal use of cannabis under the Maine Medical Use of Cannabis Act.

The amended rules also require that the medical review officer have knowledge and clinical experience of controlled substance-use disorders and be knowledgeable in deviations of substance-use testing specimens and causes of invalid testing results. The medical review officer must act independently in carrying out any testing reviews.

Reporting Test Results:

A confirmed positive result may be reported to an employer only by a medical review officer. The medical review officer must contact the employee or applicant and, if necessary, the employee's or applicant's physician to review each confirmed positive result or any test found to be adulterated, substituted or otherwise invalid to determine whether there is a legitimate medical explanation for the result.

The medical review officer is prohibited from disclosing the presence or absence of any physical or mental condition of the employee or applicant, or the presence or absence of any substances other than those allowed to be tested for under the Department of Health and Human Services (HHS) laboratory testing rules.

Reasonable-Suspicion Testing:

The amendment clarifies that an employer may require or request that an employee submit to a substance-use test if the employer has reasonable suspicion that, based on observable behaviors, the employee may be impaired, provided that both the following criteria are met:

- The employee's immediate supervisor, other supervisory personnel, a licensed physician or nurse, or the employer's security personnel makes the determination of reasonable suspicion.
- The individual above states, in writing, the facts upon which the determination is made and provides a copy of the statement to the employee **prior to conducting the test**.

The amendment also makes clear that employers are prohibited from basing a reasonable suspicion test solely on a single work-related accident **without the employee also exhibiting observable behavior indicating impairment at the time of the accident**.

The amended rules define "observable behavior" as observable physical, behavioral or psychological signs that can be seen, heard, smelled or otherwise observed that provide a reasonable suspicion that an employee is impaired by substance use, including signs regarding appearance, behavior, speech or odor that are usually associated with substance use.

Random and Criteria-Based Testing:

The amended rules define "random testing" as a neutral selection method by which all employees have an equal chance of being selected for substance-use testing.

The rules define "criteria-based testing" as a practice in which the frequency of substance-use testing and the selection of individuals to be tested are based on a set event, such as an employment anniversary or promotion. This testing includes client-required or site-specific testing based on criteria unrelated to substance use, such as when a client requires testing prior to work on a project or specific site.

In addition to testing employees on a reasonable-suspicion basis, an employer may require or request that an employee submit to a substance-use test on a random or criteria-based basis **if**:

- The employer and the employee have bargained for provisions in a collective bargaining agreement that provide for such testing;
- The employee works in a position the nature of which would create an unreasonable threat to the health or safety of the public or the employee's coworkers if the employee were under the influence of a substance; **or**
- The employer has established a random or criteria-based testing program that generally applies to all employees, regardless of position. This provision is subject to the following rules:
    - An employer may establish a testing program under the provision only if the employer has 50 or more employees who aren't covered by a collective bargaining agreement.
    - An employer may establish a testing program under this provision if the employer is required to test employees to retain a contract.
    - The written policy (required for all testing programs) mandates that the selection of employees for testing be performed by a person or entity outside the employer's influence, such as a medical review officer. Selection must be made from a list, provided by the employer of all employees subject to testing under the provision. The list may not contain information that would identify the employee to the person or entity making the selection.
    - Employees who are covered by a collective bargaining agreement aren't included in the testing program unless they agree to be included under a qualifying collective bargaining agreement.
    - Before initiating a testing program, the employer obtains, from the MDOL, approval of the policy.

Note: Under existing rules, employers must establish an employee committee to develop the policy on random testing. Once the new law takes effect, establishing a committee will no longer be required.

Review **the full text of the law for additional changes and details**.

Next Steps:

Employers with substance-use testing programs should read the law in full and review their policies and practices and ensure compliance with the amended rules.

Maine to Require Pay Disclosure in Job Postings

Impacted Employers: All Maine employers with 10 or more employees.

Effective Date: July 29, 2026

Summary: Maine has enacted legislation that generally requires employers with 10 or more employees to ensure that job postings include a statement listing the prospective pay range the employer will offer a successful applicant. Covered employers must also provide an employee's pay range upon request.

Next Steps: Covered employers should prepare to disclose the required pay information in job postings and comply with the law's recordkeeping requirements by the effective date, **July 29, 2026**.

The Details:

Maine has enacted legislation that generally requires employers with 10 or more employees to ensure that job postings include a statement listing the prospective "range of pay" the employer will offer a successful applicant. The requirement will take effect on **July 29, 2026**.

Effective July 29, 2026, employers with 10 or more employees must ensure that job postings include a statement that lists the prospective pay range the employer will offer to a successful applicant, unless the position is compensated solely by commissions.

If the position is compensated solely by commissions, the job posting's statement must disclose that.

Under the law, "range of pay" includes, but isn't limited to, reference to the following:

- Any applicable pay scale;
- A previously determined range of wages for the position;
- The actual range of wages for those currently holding equivalent positions; or
- The budgeted amount for the position.

Upon an employee's request, an employer must disclose the range of pay the employer offers for the position the employee holds.

Recordkeeping:

Covered employers must maintain a record of each position held by an employee and the pay history of the employee in each position for the duration of the employee's employment with the employer and for three years after termination.

Next Steps:

Covered employers should prepare to disclose the required pay information in job postings and comply with the law's recordkeeping requirements by the effective date, July 29, 2026.

Maryland Bars Mandatory Employer Meetings on Political or Religious Matters

Impacted Employers: All employers in Maryland.

Effective Date: October 1, 2026

Summary: Maryland has enacted legislation that will prohibit employers from taking adverse action against an individual because they refuse to attend an employer-sponsored meeting regarding the employer's opinion on religious or political matters. The law also requires employers to display a poster in the workplace and provide a notice to new hires.

Next Steps: Monitor the Labor Commissioner's website, display the required poster and furnish the required notice once the Labor Commissioner makes them available. Review policies and practices to help comply with the changes. Train supervisors on the new law.

The Details:

Effective October 1, 2026, Maryland will prohibit employers from:

- Taking or threatening adverse action against an employee who refuses to attend, participate in, or listen to communications from the employer in an employer-sponsored meeting during which the employer communicates their opinion on religious or political matters.
- Failing to hire an applicant because they refuse to attend, participate in, or listen to communications from the employer in an employer-sponsored meeting during which the employer communicates their opinion on religious or political matters.

The law defines "political matters" as those relating to:

- Elections for political office;
- Political parties;
- Proposals to change legislation, regulations or public policy; or
- The decision to join or support a political or potential civic, community, fraternal or labor organization.

Under the law, "religious matters" are those relating to:

- Religious belief, affiliation and practice; or
- The decision to join or support a religious organization or association.

Exceptions:

The law includes exceptions for religious organizations, political organizations and other situations. **Review the text of the law for details**.

Poster and Notice Requirements:

Under the law, employers must display a poster in the workplace that describes employees' rights. Employers must also furnish new hires with a notice.

The law requires that the Labor Commissioner develop a model poster and notice for employers.

The law states that the poster and notice must be made available in English and any other language commonly used by employees in the state. The law isn't clear about whether the language requirements apply to the Labor Commissioner or employers. If employers have questions, they should consult legal counsel.

Next Steps:

- **Monitor the Labor Commissioner's website**, and display the required poster and furnish the required notice once the Labor Commissioner makes it available.
- Review policies and practices to help comply with the changes.
- Train supervisors on the new law.

Maryland Prohibits Certain Supervisor-Employee Committees, Adds Penalties for Youth Labor Violations

Impacted Employers: All employers in Maryland.

Effective Date: June 1, 2026

Summary: Maryland has enacted legislation prohibiting employers from allowing the formation of certain supervisor-employee committees in the workplace. The law also gives the state's Labor Commissioner the authority to impose penalties on employers that violate state rules governing the employment of minors.

Next Steps: Review the law in full and determine whether any changes to policies and practices should be made.

The Details:

Bar on Certain Supervisor-Employee Committees:

Effective June 1, 2026, employers are prohibited from allowing the formation of a committee in the workplace if it meets the following criteria:

- It is initiated by the employer or employees and established through mutual consent of the employer and employees;

- Through the committee, supervisors and employees address or negotiate working conditions of mutual interest, including the employees' quality or quantity of work, efficiency, compensation, benefits, recruitment, retention, grievances, child care, safety and health or religious accommodations;
- The employer may dissolve the group unilaterally; and
- Through federal action occurring on or after January 1, 2026, the committee is expressly exempt from, or otherwise not subject to, the National Labor Relations Act (NLRA) or the jurisdiction of the National Labor Relations Board (NLRB).

The law states that it shouldn't be construed to preclude:

- The formation of a labor committee that is subject to the NLRA and the jurisdiction of the NLRB.
- Certification as an exclusive representative under the NLRA.
- The formation of a committee or governance structure that is required for accreditation or designation by a state or national organization.

Penalties for Youth Labor Violations:

The law also gives the state's Labor Commissioner the authority to impose penalties on employers that violate state rules governing the employment of minors.

The maximum penalty is generally $16,035 per violation. However, willful and repeated violations may be subject to a maximum penalty of $72,876 per violation.

These penalties will be adjusted for inflation on July 15 each year, beginning in 2027.

Next Steps:

Review the law in full and determine whether any changes to policies and practices should be made.

Nebraska Enacts State WARN Act

Impacted Employers: An individual who employs 100 or more employees (excluding part-time employees).

Effective Date: July 18, 2026

Summary: Nebraska has enacted legislation that requires an employer to provide notice for certain business closings and mass layoffs.

Next Steps: Update termination and notice policies and procedures by July 18, 2026 and consult counsel as needed.

The Details:

Nebraska has enacted legislation (Legislative Bill 921), or the Nebraska Worker Adjustment and Retraining Notification Act (Nebraska WARN Act), which requires advance notice to employees and the Nebraska Department of Labor (NDOL) before certain large-scale employment actions take place. Legislative Bill 921 takes effect on **July 18, 2026**.

Employer Notice Requirements:

The Nebraska WARN Act requires an individual who employs 100 or more employees (excluding part-time employees) to provide written notice to the Nebraska Department of Labor (the Department) and employees it expects to be impacted by one of the following planned actions:

- **A business closing** – a permanent or temporary shutdown of a single site of employment of one or more facilities or operating units that will result in an employment loss for 100 or more employees, other than part-time employees.

- **A mass layoff** – a reduction in an employment force that is not due to a business closing and results in an employment loss at a single site of employment during a 30-day period of 100 or more employees (other than part-time employees).

Note: An employer must wait nine days after serving the notice before carrying out the planned action.

See the **text of the law** for further collective bargaining data.

Timing and Circumstances:

A covered employer must provide 90 days' written notice to affected employees (or their bargaining representative) and the Department before implementing a mass layoff or business closing.

See the **text of the law** for details on:

- Additional timing and circumstances that trigger notice requirements;
- When multiple closings or layoffs trigger notice requirements; and
- Notice requirements for when:
    - Employee terminations happen on different dates; or
    - When the date or schedule of dates of a planned business closing or mass layoff are extended beyond dates provided in the original notice.

Additionally, a seller must provide notice of a closing or mass layoff that will take place to and on the effective date of the sale, when they sell all or a part of their business. The buyer must provide notice of a closing or mass layoff that will take place afterward.

Notice Contents:

Nebraska also expands what an employer must include in a WARN notice to employees (or their representatives) and the Department. In addition to the federal requirements, a notice that meets Nebraska WARN standards must include:

- The names and job titles of affected employees;
- The addresses of affected employees (which must be included in the notice to the Department); and
- Copies of employee handbooks and employment-related policies that apply to the affected employees, or a written statement that provides employees instructions on how they can access these materials until the expected date of the first employment loss. Employees must receive unrestricted access to those materials.

An employer must also post the employee WARN notice in a conspicuous location in the languages spoken by at least five percent of the workforce.

Delivery:

Under the law, an employer must deliver the notice in a manner that is designed to ensure receipt at least 90 days before the planned action. An employer may provide notice directly to affected employees, including by placing it in pay envelopes.

Notice Shortening:

The 90-day notice period can be shortened by the number of days an employer pays an employee severance or wages instead of giving notice for workdays during that period. The compensation must meet or exceed an amount equivalent to the regular pay the employee would earn for the workdays during the notice period.

Exceptions:

See the **text of the law** for details on exceptions to the mandatory notice including:

- A faltering company (only applies to business closings)
- Unforeseeable business circumstances
- Certain natural disasters that occur when the 90-day notice would be required

Penalties:

An employer that is found to have violated the law may face penalties of up to $100 per day for certain violations of the law.

Next Steps:

Understand notice requirements under the law by **July 18, 2026** and consult counsel as needed.

Oregon Court Rules Wage Law Protections Extend to Employee Inquiries

Impacted Employers: Oregon employers.

Effective Date: Effective immediately.

Summary: The Oregon Court of Appeals has ruled that employee wage inquiries to management are protected under state law.

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

The Details:

The Oregon Court of Appeals has ruled that an employee is protected from retaliation for merely asking for a raise, even where no claim of pay inequity or class-based discrimination is alleged, under **Oregon state law**.

Background:

A worker requested a promotion and a salary increase. After the employer offered them a new title and a pay raise, the worker emailed one of the company's owners seeking an additional $5,000 increase and future consideration for a director-level role. Days after that follow-up email, the company terminated the worker's employment.

The worker alleged that the termination was unlawful retaliation based on the inquiry about wages. The employer believed that **the law** protects only wage discussions among employees that are intended to promote pay equity (not an individual employee's requests to management for a raise).

The Court of Appeals Ruling:

The Court of Appeals ruled that state law protects an employee from adverse action when inquiring about their own wages by requesting a raise because **ORS 659A.355(1)(a)** makes it an unlawful employment practice for an employer to retaliate against an employee because the employee has inquired about, discussed or disclosed in any manner the wages of the employee or of another employee.

The court focused on the employee wages portion of the law, concluding that:

- The law's language includes an employee's inquiry into their own compensation, which also includes a request for a raise;
- The law is not limited to co-worker discussions or circumstances involving pay discrimination;
- An exception in **ORS 659A.355(2) on unauthorized disclosures** by employees with access to others' wage information does not limit discussions in this case;
- ORS chapter 659A's general anti-discrimination wording does not limit **ORS 659A.355** to pay equity disputes involving protected classes because protecting an employee who engages in open wage discussions with their employers promotes the legislature's non-discrimination goals;
- Wage transparency (including direct conversations about pay with management) helps uncover and prevent unlawful disparities; and
- The **intent of the law** is to protect employee-to-employer wage discussions and raise requests, without fear of discipline or retaliation.

Next Steps:

- Train supervisors on the court's ruling that requesting a raise is protected activity under the law. An employer may deny an employee's raise request, but they cannot retaliate against an employee for making the request; and
- Carefully evaluate the timing, documentation and the decision-making processes for disciplinary actions or terminations following compensation discussions.

Virginia Codifies and Announces Minimum Wage Increases

Impacted Employers: Virginia employers.

Effective Dates: January 1, 2026; January 1, 2027; and January 1, 2028

Summary: Virginia has enacted legislation that sets the state minimum hourly wage rate, and future state minimum hourly wage increases and practices.

Next Steps: Ensure workers are paid at least $12.77 per hour. See details below.

The Details:

Virginia has enacted legislation (House Bill 1), which sets and increases the state minimum wage in the following phases:

- **January 1, 2026**: $12.77 per hour
- **January 1, 2027**: $13.75 per hour
- **January 1, 2028**: $15.00 per hour
- **January 1, 2029 and moving forward**: An adjusted state hourly minimum wage rate.*

*The minimum wage will be set by October 1, 2028 and adjusted annually thereafter (adjustments will not be negative). See the **text of the law** for further details.

Farm Laborer and Farm Employee Minimum Wage Increased:

Virginia had previously excluded farm laborers and farm employees from the definition of an employee that must receive the minimum state hourly wage. Virginia has enacted legislation (House Bill 20), which requires farm laborers and farm employees to receive the minimum wage, and minimum wage increases under House Bill 1.

House Bill 1 is effective **July 1, 2026 through July 1, 2030**.

Next Steps:

Ensure employees are paid **at least $12.77 per hour** and review the upcoming changes to the minimum wage.

Virginia Expands Its Human Rights Act

Impacted Employers: An individual with five or more employees (see below for details).

Effective Date: July 1, 2026

Summary: Virginia has enacted legislation that increases the number of employers covered under the Virginia Human Rights Act (VHRA) and expands worker nondiscrimination protections.

Next Steps: Review whether the changes to the VHRA apply to your business and train supervisors on the changes under the law.

The Details:

Virginia has enacted legislation (Senate Bill 637), which expands **the Virginia Human Rights Act** (VHRA), a law that provides various employment protections to prevent unlawful discrimination, by:

- Updating the definition of employer to mean an individual (and their agent) that employs **five or more employees** (previously 15 employees) for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, or one or more domestic workers;
- Extending the time an employee may file a complaint of alleged discrimination to two years (previously 300 days); and
- Allowing an employer to discriminate only on the basis of age against a minor (an individual who is less than 18 years of age).

Next Steps:

Review whether the changes to the VHRA will apply to your business and train supervisors on the changes under the law by **July 1, 2026**.

Virginia Extends Child Labor Laws

Impacted Employers: Virginia employers.

Effective Date: July 1, 2026

Summary: Virginia has enacted legislation that extends and clarifies its child labor laws.

Next Steps: Review hiring and training policies and train supervisors on the changes under the law.

The Details:

Virginia has enacted legislation (Senate Bill 10), which amends and extends its child labor law to allow workers who are at least 16 years of age to work:

- At a voluntary apprenticeship in an occupation that meets the **federal Fair Labor Standards Act (FLSA)** and existing requirements (see **the text of the law** for further details); and
- In an apprenticeship program or a work-based learning experience related to culinary arts or information technology, provided that a worker who is a child:
    - Is continuously enrolled in an accredited secondary school;
    - Receives a letter of support from a school counselor or administrator each semester, verifying that the child is on track to graduate on time;
    - Is a registered apprentice (see **the text of the law** for further details);
    - Is employed in a **work-training program** that meets the Board of Education's rules and regulations; and
    - Does not perform work that violates the FLSA, **Virginia Occupational Safety and Health Program** guidance or regulations, or laws or regulations related to hazardous or prohibited occupations for minors.

The law also makes clear that workers under 18 years of age cannot work in an occupation that the U.S. Secretary of Labor has determined and declared hazardous (see **the text of the law** for further details).

Next Steps:

Review hiring and training policies and train supervisors on the changes under the law by July 1, 2026.

Virginia Prohibits Salary History Inquiries and Requires Pay Transparency

Impacted Employers: Most Virginia employers (with limited exceptions).

Effective Date: July 1, 2026

Summary: Virginia has enacted legislation that prohibits an employer from asking about a prospective employee's salary history and requires an employer to provide a good-faith wage or salary range in its internal and external job postings.

Next Steps: Update compensation and recruiting policies and procedures, and train supervisors to help comply with the law.

The Details:

Salary History Inquiries Prohibited:

Virginia has enacted legislation (Senate Bill 215), which prohibits a covered employer from taking the following actions:

- Seeking a prospective employee's wage or salary history;
- Relying on a prospective employee's wage or salary history when considering them for employment and determining their wage or salary; or
- Retaliating against a prospective employee for not providing wage or salary history or for requesting a wage or salary range.

Exceptions:

When a prospective employee voluntarily provides their wage or salary history to an employer without the employer's prompting, an employer may:

- Rely on the information to support a wage or salary higher than the employer's initial offer of compensation; and
- Confirm the prospective employee's wage or salary history to support a wage or salary that is higher than the wage or salary an employer offers.

Additionally, a prospective employee may voluntarily disclose their wage or salary history, including for the purpose of negotiating wages or salary after they receive an initial offer of employment with an offer of compensation.

Pay Transparency Required:

Under the law, a covered employer must:

- Set a wage or salary range in good faith; and
- Disclose in each public and internal posting for each job, promotion, transfer or other employment opportunity the position's wage, salary or wage or salary range.

The law defines "wage or salary range" as the minimum and maximum wage or salary for the position, set in good faith by reference to:

- Any applicable pay scale;
- Any previously determined wage or salary range for the position;
- The actual range of wages or salaries for individuals currently holding equivalent positions; or
- The budgeted amount available for the position.

Note: The law clarifies that the breadth of a wage or salary range will be used as a factor when determining whether a wage or salary range has been set in good faith.

Penalties:

An employer that is found to have violated the law may face penalties of up to $1,000 for the first violation and up to $5,000 for any subsequent violation.

Note: An employer has 15 business days to correct a posting after written notice without being penalized. See **the text of the law** for further details.

Next Steps:

Update compensation and recruiting policies and procedures, and train supervisors to help comply with the law by **July 1, 2026**.

Virginia Restricts Firearm Storage in Employer Lots

Impacted Employers: Virginia employers.

Effective Date: July 1, 2026

Summary: Virginia has enacted legislation that will require secure vehicular storage of handguns in certain employment areas.

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

The Details:

Virginia has enacted legislation (House Bill 110), which will require individuals to securely store a handgun in **certain areas**, such as parking areas, lots, or structures exclusively reserved and used for commercial or retail employees.

House Bill 110:

House Bill 110 prohibits an individual from knowingly leaving a handgun in an unattended **vehicle** or trunk, unless it is out of plain view in a locked hard-sided container, including a locked container affixed to a vehicle's interior (which must include a locked glove compartment or a locked center console) by steel cable, bolt, or welding.

Note: **A boat** is considered a vehicle, but bicycles, electric personal assistive mobility devices, electric power assisted bicycles, motorized skateboards or scooters, and mopeds are not considered vehicles under the law.

A vehicle is unattended when:

- It is left unattended on a public highway or other public property or a parking area, lot, or structure that is intended for commercial or retail use, or exclusively reserved and used by commercial or retail employees; and
- The owner, operator, or passenger of the motor vehicle cannot observe the vehicle.

Exceptions:

The law does not apply to the storage of **an antique firearm, a law-enforcement officer**, or an **individual who reports the theft or loss of a firearm to a law-enforcement agency**.

Next Steps:

Train employees and supervisors on the requirements under House Bill 110 by **July 1, 2026**.

Virginia to Add Heat Illness Prevention Requirements

Impacted Employers: Virginia employers.

Effective Date: Employer regulations will be developed by May 1, 2028.

Summary: Virginia has enacted legislation that will require employers to implement heat illness prevention plans.

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

The Details:

Virginia has enacted legislation (House Bill 1092), which will require **employers** to implement heat illness prevention plans under **state law**.

Background:

Heat illness is a serious medical condition resulting from the body's inability to cope with a particular heat load, which includes heat cramps, heat rash, heat edema, heat exhaustion, heat syncope, rhabdomyolysis and heat stroke.

House Bill 1092:

Under House Bill 1092, the Safety and Health Board (the Board) and **the Virginia Department of Labor and Industry** (DOLI) will develop employer regulations by **May 1, 2028**, which will create standards designed to protect employees, independent contractors, and other laborers from heat illness during indoor and outdoor work.

The standards will include requirements for each employer to:

- Provide water, access to shade or climate-controlled environments when practical, rest periods, acclimatization to working in heat, and effective training regarding heat illness prevention;
- Implement heat and high-heat procedures when the temperature equals or exceeds heat thresholds set by the Board; and
- Establish effective emergency response procedures.

There will be exemptions for heat exposure:

- Lasting no longer than 15 consecutive minutes; or
- During the provision of emergency services involving emergency law enforcement, emergency medical services, firefighting services, rescue and evacuation operations, emergency highway construction or maintenance or emergency restoration of essential utilities, including electric and telecommunication utilities.

See **the text of the law** for further details that will help shape the regulations.

Next Steps:

Monitor **the Virginia Department of Labor and Industry website** for further details on employer requirements and opportunities to participate as a stakeholder in shaping the heat illness prevention regulations.

Washington State Enacts the Immigrant Worker Protection Act

Impacted Employers: Washington State employers.

Effective Dates: The law will take effect on June 11, 2026, but the employer requirements will take effect on October 1, 2026.

Summary: The State of Washington has enacted legislation that adds employer poster and notice requirements and provides guidance related to immigrant protections.

Next Steps: Review policies, practices and training to ensure compliance with the changes.

The Details:

The State of Washington has enacted legislation (House Bill 2105), **the Immigrant Worker Protection Act ("the Act")**, which adds **employer** poster and notice requirements and provides guidance related to immigrant protections. Many employer requirements for House Bill 2105 take effect on **October 1, 2026**.

Poster Requirements:

By September 1, 2026, the attorney general will **make available on its website** a poster that informs workers of the notice requirements, meets the Act's language requirements, and has space for an employer to provide information on where they will post and communicate notices required by the Act.

An employer must post (and keep posted), in a visible place on their premises where notices to workers are customarily posted, the required poster by **October 1, 2026**.

Employer Notice Requirements:

Notify Workers of Federal Agency Inspections:

An employer must, within five business days of receiving notification from a **federal agency** of an inspection of **Forms I-9** and related **worker records**, provide a written notice to each worker and authorized representative. The employer must:

- Post and maintain the notice through the completion of the inspection in visible places on the employer's premises where such notices are customarily posted; and
- Transmit the notice directly to workers using the typical, primary method of communication (the method must be at least one of the methods **listed in the Act**).

The notice must include a copy of the notice of inspection from the federal agency and certain information in English and the five most commonly used non-English languages in the state. See **the text of the law** for further details.

Notify Workers of Federal Agency Inspection Results:

Beginning **October 1, 2026**, within five business days of receiving a written notice of the results of a federal agency's inspection of Forms I-9 and related worker records, an employer must provide to each **affected worker** (and their authorized representative):

- A copy of the federal agency's written notice;
- The following (which must be written in the language most regularly used to communicate between the employer and the affected worker):
    - A written notice of the employer's and affected workers' obligations that arise from the results of the inspection of the Forms I-9 and related records;
    - A description of deficiencies or other items identified in the written immigration inspection results related to the affected worker. An employer must use the primary method of communication typically used (which must include at least one of the methods **in the Act**).
    - The time period to correct potential deficiencies found by a federal agency;
    - A mutually agreed upon time and date (or options), within the allotted correction period, for a meeting with the employer to correct identified deficiencies; and

- Notice that a worker has the right to representation during a scheduled meeting with the employer.

Note: Information provided to a worker must relate to the affected worker only. Additionally, personal information about a worker or their family members (including names) in a complaint or investigation is confidential and exempt from public inspection, copying, or disclosure under the law.

The attorney general **will post a model employer notice to its website** that meets the Act's requirements by **September 1, 2026**. See **the text of the law** for further details.

Nondiscrimination and Nonretaliation:

Under the Act, beginning **October 1, 2026**, an employer cannot:

- Impose a work authorization verification or reverification requirement greater than those required by federal law;
- Interfere with, restrain, or deny the exercise of any worker's rights provided under or in connection with the Act;
- Use a worker's **exercise of their rights** under the Act negatively in an employment action such as evaluation, promotion, or termination; or
- Subject a worker to discipline for the exercise of any rights provided under the Act, except that an employer may take actions required under state or federal law. See **the text of the law** for further details.

The Act also does not require an employer to perform Form I-9 self-audits. A Form I-9 self-audit must comply with applicable federal, state and local nondiscrimination and nonretaliation laws and collective bargaining agreements. See **the text of the law** for further details.

Guidance Requirements:

The attorney general will:

- **Provide guidance** on an employer's rights to restrict a federal agency from accessing certain areas and worker records without a subpoena or judicial warrant; and
- Conduct outreach to provide information and guidance on the Act's requirements to businesses through October 1, 2027.

Penalties:

Under certain circumstances, beginning **October 1, 2026**, an employer found to have violated the law may face penalties. See **the text of the law** for further details.

Next Steps:

- Monitor **the attorney general's website** for the required notice, poster and guidance;
- Train supervisors and HR officers on the requirements under the law; and
- Seek legal counsel in cases of conflicting or invalid provisions of the Act.

Note: If funding for the Act is not provided by June 30, 2026, the Act will be considered null and void.

Minimum Wage

Minimum Wage Announcements – 4/21/26 – 5/20/26

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
Glendale, CA (Hotel Workers – 60 or more rooms)	$25.00	$25.00*	7/1/26	Yes	
Long Beach, CA **(Concessionaire Workers)**	$25.00	$26.50*	7/1/26	Yes	
Long Beach, CA **(Hotel Workers)**	$26.50	$26.50*	7/1/26	Yes	
Milpitas, CA	$18.50	$18.50*	7/1/26	Yes	
Pasadena, CA	$18.57	$18.57*	7/1/26	Yes	
Santa Monica, CA	$18.47	$18.47*	7/1/26	Yes	
Virgin Islands	$13.00	$4.80	4/24/26	Yes	

*CA does 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**.

ADP is committed to assisting businesses with increased compliance requirements resulting from rapidly evolving legislation. Our goal is to help minimize your administrative burden across the entire spectrum of employment-related payroll, tax, HR and benefits, so that you can focus on running your business. This information is provided as a courtesy to assist in your understanding of the impact of certain regulatory requirements and should not be construed as tax or legal advice. Such information is by nature subject to revision and may not be the most current information available. ADP encourages readers to consult with appropriate legal and/or tax advisors. Please be advised that calls to and from ADP may be monitored or recorded. If you have any questions regarding our services, please call **855-466-0790**.

Updated on May 26, 2026