

Eye on State and Local Compliance

Timely, topical insights on a variety of payroll and reporting issues.

October 28, 2025



State/Territory/District

California's New Rules for Automated Employment Decision Systems: What Employers Should Do Now

California has enacted two sets of new regulations that directly impact how employers use automated decision systems (ADSs) in hiring, promotion, compensation, and other significant employment decisions.

Key Steps for Employers:

1. Assess and Document Your Use of Automated Systems

Employers should identify all ADSs used in employment decisions, including recruitment, screening, hiring, promotion, compensation, and termination. The CCPA regulations apply only to ADSs that substantially replace human decision-making, while the CCRC regulations apply to those that facilitate human decision-making.

- **Action Step:** Conduct a thorough inventory of all ADSs in use and document their functions and decision points.

2. Conduct Risk Assessments and Anti-Bias Testing

Before deploying or updating any ADS, businesses subject to the CPPA rules are required to evaluate the risks associated with their use. This includes assessing potential discriminatory impacts on protected groups and the privacy risks related to personal data processing. The CCRC rules allow anti-bias testing as a liability defense.

- **Action Step:** Implement formal risk assessments for each ADS, focusing on impacts to protected characteristics (such as age, sex, disability, religion, and national origin). Where appropriate, incorporate anti-bias testing and document the results as part of your compliance record.

3. Provide Transparency and Notice to Applicants and Employees

The CCPA regulations require employers to inform individuals when ADSs are used to make significant employment decisions. Notices should explain what personal information is processed, how the system works, and how outputs influence employment outcomes. The CPPA regulations also provide explicit rights related to ADS use, including the rights to access, delete, correct, appeal, and opt-out (although the opt-out right does not apply in the employment context).

- **Action Step:** Develop clear, accessible notices for applicants and employees, describing the use of ADSs and their rights under California law.

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4. Respect Consumer Rights and Accommodations

California law grants individual rights to access, correct, delete, and opt-out of ADS-driven decisions involving their personal data. Employers must establish processes to respond to these requests in a prompt manner.

- **Action Step:** Set up procedures for handling requests related to an ADS.

5. Retain Records and Prepare for Audits

Under the CCRC rules, employers are required to retain all records related to significant employment decisions made or influenced by an ADS – including data, assessments, and testing results – for at least four years. This obligation extends to any proceedings or investigations related to employment practices.

- **Action Step:** Update your record retention policies to ensure compliance with the four-year requirement and organize documentation for potential audits or legal inquiries.

6. Review Advertising and Recruitment Practices

The CCRC regulations explicitly cover recruitment and advertising methods that use ADS. Employers must ensure these practices do not result in discriminatory targeting or exclusion.

- **Action Step:** Audit recruitment and advertising channels for compliance and adjust targeting criteria to avoid discriminatory outcomes.

Looking Ahead:

California's new rules reflect a growing national focus on responsible AI and automation in the workplace. By taking proactive steps now, employers can not only avoid costly penalties, but also build trust with applicants and employees.

For more information, visit the official [CPPA](#) and [CCRC](#) websites or consult with a qualified compliance professional.

Next Steps:

- Collaborate across HR, legal, and IT teams to ensure all ADSs are identified and assessed.
- Train staff on new compliance obligations and individual rights under California law.
- Monitor regulatory updates from the CPPA and CCRC for further guidance or clarifications.
- Review key steps for employers on more specific recommendations.

Delaware to Require Pay Disclosure in Job Postings

Delaware has enacted legislation that will require employers with more than 25 employees to include certain information about compensation and benefits in both internal and external postings of job opportunities. The law takes effect **two years after enactment**, which took place on September 26, 2025.

The law (House Substitute No. 2 to House Bill No. 105) applies to postings for jobs:

- Located in Delaware; and
- Non-international remote positions offered by a Delaware-based employer.

Disclosure Requirements:

Specifically, covered employers must disclose all of the following information in the notification of each job opportunity in both internal and external job postings:

- The hourly or salary compensation or the hourly or salary compensation range. The law states that the breadth of the hourly or salary compensation range provided will be one factor relevant to the analysis of whether an employer has complied in good faith with the law; and
- A general description of the benefits and other compensation applicable to the job opportunity.

If a covered employer announces, posts, or otherwise makes known a job opportunity, the employer must include the hourly or salary compensation range and a general description of the benefits and other compensation.

If an external or internal posting for the job opportunity hasn't been made available to an applicant, a covered employer must provide the required compensation and benefits information for the job opportunity prior to any offer or discussion of compensation, and at any time, at the applicant's request.

Pay Range Defined:

Under the law, "hourly or salary compensation range" means the minimum to maximum pay range for the position, set in good faith by reference to any applicable pay scale previously determined range for the position, the actual range of others currently holding equivalent positions, or the budgeted amount for the position, as applicable.

Other Notification Provisions:

A notification for a job opportunity that is paid on a commission basis, whether in whole or in part, must indicate that the individual hired will be paid on a commission basis and that the employer isn't required to disclose the compensation or compensation range.

A notification for a job opportunity that is paid on a tipped basis must indicate that the individual hired will be paid on a tipped basis and provide the base wage or range of base wages for the job opportunity.

The compensation disclosure requirements don't apply to temporary, interim, or acting job opportunities that require an immediate hire. The law permits the Department of Labor to issue regulations for temporary, interim, or acting job opportunities that necessitate immediate hire.

Note: The law applies to the posting of job opportunities covered by a collective bargaining agreement **only after** the collective bargaining agreement is executed, amended, modified, renewed, or replaced after the law's effective date. The compensation or compensation range disclosed for that job opportunity should be the one that has been agreed upon in the collective bargaining agreement.

Recordkeeping:

Covered employers must make, keep, and preserve records of job descriptions and salary or wage rate history for each employee for at least three years.

Retaliation Prohibited:

The law prohibits employers from discharging or discriminating against an individual because they:

- Made a complaint or have given information to the Department of Labor;
- Started or are about to start any proceedings under the law; or
- Have testified or are about to testify in any such proceedings.

Next Steps:

Covered employers should prepare to disclose the required compensation and benefits information in job postings and comply with the law's recordkeeping requirements by the effective date.

Illinois Adopts New Military Leave Requirement

The Details:

Background:

Illinois requires employers with 15 or more employees to provide unpaid leave to employees when their spouse, parent, grandparent, or child is ordered to active duty for a period of 30 days or more.

Employers with 15 to 50 employees must provide at least 15 days of such leave. Larger employers must provide at least 30 days of the leave.

Senate Bill 220:

Effective August 1, 2025, Senate Bill 220 amended the law to also require employers with **more than 50 employees** to provide paid leave to eligible employees for funeral honors details.

Under the law, a funeral honors detail is defined as honor guard provided for the funeral of any veteran in compliance with federal law and regulations. The detail performs a ceremony that includes the folding of a United States flag and presentation of the flag to the veteran's family, and the playing of "Taps."

An eligible employee may use up to eight hours per calendar month to participate in a funeral honors detail, up to a total of 40 hours per calendar year.

Employee Eligibility:

To be eligible, an employee must have been employed for 12 consecutive months prior to the leave and have worked at least 1,250 hours of service during the 12-month period before the leave. They must also:

- Be trained to participate in a funeral honors detail at the funeral of a veteran; and are either:
 - o A retired or active member of the armed forces of the United States or a member of a reserve component of the armed forces of the United States, including the Illinois National Guard; or
 - o An authorized provider (recognized by the armed forces to augment such details), or a registered member of a nonprofit or other organization that is an authorized provider, including a member of a veterans service organization.

Employee Notice and Documentation:

An employee taking funeral honors detail leave must give their employer reasonable notice.

An employer may request confirmation from the relevant veterans service organization that dispatched the employee to the funeral honors detail, or any official notice provided to the employee in relation to the funeral honors detail, that can be used as proof of the employee's participation in the detail.

Interaction with Other Leave Policies:

An employee who takes funeral honors detail leave may do so in lieu of, and without having exhausted, their vacation leave, personal leave, compensatory leave, or any other leave that may be granted to the employee, including sick leave and disability leave.

Pay During Leave:

During funeral honors detail leave, the employee is entitled to their regular rate of pay.

Exceptions:

An employer may deny a request for leave under the law if granting the request would, at an independent living facility, assisted living facility, nursing home facility, or other similar congregate care facility or at a facility providing 24/7 care, reduce staffing levels to below the established minimum or impair the safe and efficient operations of the facility.

Next Steps:

Review policies, practices and training to ensure compliance with the amended law.

Illinois Requires Certain Employers to Provide NICU Leave

The Details:

House Bill 2978:

Under House Bill 2978, **effective June 1, 2026**, employers with 16 to 50 employees must provide up to 10 days of unpaid leave when an employee's child is a patient in a NICU. Larger employers must provide up to 20 days of unpaid leave.

An employer may require that leave be taken in minimum increments no smaller than two hours in duration.

Documentation:

If an employee takes NICU leave, an employer may require reasonable verification of the employee's child's length of stay in a NICU. When seeking reasonable verification, the employer is prohibited from requesting any confidential information protected by the Health Insurance Portability and Accountability Act of 1996 or other law.

Interaction with Other Leave Policies:

An employee who is entitled to leave under the federal Family and Medical Leave Act (FMLA) and takes NICU leave under House Bill 2978 must be granted, upon completion of and in addition to any leave taken under the FMLA, any NICU leave available under House Bill 2978.

Employers are prohibited from requiring an employee to use any paid leave available to the employee for any reason instead of the leave the employee is entitled to under the new law.

An employee who is entitled to take paid or unpaid leave, including family, medical, sick, annual, personal, or similar leave, from employment, under federal, state, or local law, a collective bargaining agreement, or an employment benefits program or plan, may elect to substitute any period of leave for an equivalent period of leave provided under House Bill 2978.

Retaliation Prohibited:

Employers are prohibited from taking adverse action against an employee for exercising their rights under the law.

Next Steps:

Review policies, practices and training to ensure compliance with the amended laws.

New Jersey Clarifies Mandatory Meetings Ban for Political and Religious Matters

The Details:

New Jersey has enacted legislation, Assembly Bill 4429, which expands prohibitions on employers requiring employees to attend meetings or listen to communications related to political or religious matters. Assembly Bill 4429 is effective **December 2, 2025**.

Background:

By way of background, [the New Jersey Worker Freedom From Employer Intimidation Act](#) prohibits an employer from requiring an employee to attend employer-sponsored meetings, or participate in communications with an employer or their agents or representatives that are intended to communicate the employer's opinion about religious or political matters.

Note: An employer could allow an employee to voluntarily attend employer-sponsored meetings or provide other communications to the employee, provided the employer notified the employee that they may refuse to attend the meetings, or accept the communications without penalty.

Assembly Bill 4429:

The law clarifies that political matters relate to an electioneering communication and the employee's decision to join or support any political party or political, civic, community, fraternal, or labor organization or association.

The law also clarifies that an employer may:

- Communicate information:
 - o That the employer must communicate under the law;
 - o That is necessary for an employee to perform their required job duties (including requiring an employee to attend a meeting or participate in communications).
- Require employees to attend trainings to reduce or prevent unlawful workplace harassment or discrimination.

See [the text of the law](#) for further details and covered organizations.

Employer Notice Requirements:

Employers must post a notice of employee rights under the law in a visible place reserved for employment-related notices, and in a place commonly frequented by employees.

Non-Retaliation:

Assembly Bill 4429 prohibits an employer from discharging, disciplining, penalizing, or threatening to take those actions because an employee refused to participate in a meeting or accept a communication under the law.

Next Steps:

- Review [the changes under the law](#) and train supervisors.
- Monitor [the New Jersey Department of Labor Website](#) for the required notice.

Rhode Island Expands Temporary Caregiver and Disability Insurance Benefits

Background:

[Rhode Island provides wage replacement benefits through temporary caregiver insurance](#) to workers in businesses with 50 or more employees who take time off work to care for a seriously ill child, spouse, domestic partner, parent, parent-in-law, grandparent or to bond with a new child.

House Bill 6066:

Rhode Island has enacted legislation (House Bill 6066), which expands the definition of a covered family member under the TCI leave law to include siblings (children with a common parent, including biological, half, step, foster and adopted siblings). House Bill 6066 is effective **January 1, 2026**.

Note: House Bill 6066 also increases the taxable wage base for Temporary Disability Insurance (TDI) from \$38,000 to an amount (to be determined by the Rhode Island Department of Labor and Training) to match the annual earnings required to qualify for the maximum weekly benefit and duration under the program.

Next Steps:

Review the [changes under the law](#) and update TCI policies to include siblings as eligible family members by **January 1, 2026**.

Texas Adds Law Governing AI Use

The Details:

Texas has enacted legislation, House Bill 149, which, among other things, prohibits the development or deployment of an [artificial intelligence system](#) with the intent to unlawfully discriminate against a protected class. House Bill 149 takes effect **January 1, 2026**.

Under the law, a protected class is defined as a group or class of people with a characteristic, quality, belief or status protected from discrimination by state or federal civil rights laws, including race, color, national origin, sex, age, religion or disability.

Note: The law adds disclosure requirements for governmental entities and health care providers, but it does not require private employers to disclose to employees or job applicants the use of AI to make or aid in employment-related decisions.

The law also states that a [disparate impact](#) is not sufficient by itself to demonstrate an intent to discriminate. In addition, individuals do not have a private cause of action under the statute.

See the [text of the law](#) for further requirements, details and exceptions.

Next Steps:

Ensure that AI systems are not developed or used for the prohibited scenarios [under the law](#).

Local

New York City Expands Minimum Pay Requirement to App-Based Grocery Delivery Workers

Background:

In 2021, New York City passed legislation that, among other things, required the New York City Department of Consumer and Worker Protection (DCWP) to evaluate pay and working conditions of [workers who make restaurant deliveries for a delivery service](#) (this did not include grocery delivery workers).

In June 2023, the DCWP announced a final minimum pay rule, but restaurant delivery apps sued the city, seeking to block the rule. The New York Supreme Court, Appellate Division ruled in favor of the city in November 2023. The city moved forward with fully enforcing the minimum pay rule. On April 1, 2025, the minimum pay rate of \$21.44 per hour for contracted restaurant delivery workers took effect. This rate is set to be adjusted in April 2026.

Minimum Pay Rule Extended:

On September 10, 2025, the city council voted to override a mayoral veto of [Int 1135-2024](#), extending the minimum pay requirement to grocery delivery workers.

Specifically, the Ordinance will require a covered grocery delivery service to make payments to contracted grocery delivery workers that meet or exceed the minimum pay requirements for contracted restaurant delivery workers (currently \$21.44 per hour).

Int 1135-2024 is scheduled to go into effect on the same date as [Int 0030-2024](#), which should take effect in early 2026.

Note: The city may establish a method for applying such minimum pay requirements to app-based grocery delivery workers that is tailored to the circumstances of the workers (including variations in the working conditions of the workers) as compared to the working conditions of restaurant delivery workers.

Other Protections:

The city has enacted additional protections for contracted delivery workers (including grocery delivery workers). See [Int 0859-2024](#) and [Int 1133-2024](#) for details.

Next Steps:

Review the changes under the Ordinances, examine minimum wage pay practices, monitor the [DCWP's website](#) for an exact effective date of the minimum pay, and update pay practices accordingly.

Philadelphia Expands Employer Background Screening Requirements

The Details:

The City of Philadelphia has passed Ordinance 250373-A ("the Ordinance") that clarifies and amends provisions under the Fair Criminal Record Screening Standards Ordinance (FCRSSO). The Ordinance is effective **January 6, 2026**.

Background:

By way of background, in 2024, the City of Philadelphia had amended its [Fair Criminal Record Screening Standards Ordinance](#) (FCRSSO) to consider employers rejecting an applicant or employee on the basis of a conviction that has been exonerated (reversed or vacated by the court or other government official) an unlawful discriminatory practice.

Under the Ordinance, an employer may consider the conviction record of an applicant or employee for job-related employment purposes to the extent that the conviction did not result in exoneration and occurred fewer than seven years from the date of the inquiry.

Note: A period of incarceration is not included when calculating the seven-year period.

Ordinance 250373-A:

Expanded Protections:

In addition to [existing protections under the FCRSSO](#), the Ordinance prohibits an employer from excluding an applicant or employee unless (based on the available information and consideration of certain assessment factors listed [in the Ordinance](#)), a reasonable person would conclude that employing the applicant or employee would pose a specific unacceptable risk to the operation of the business or to co-workers or customers, as independently determined by the fact finder.

The Ordinance enhances the individualized assessment: "Any evidence of the applicant's or employee's rehabilitation since the conviction" to include credible information that shows:

- Completion of a mental health or substance use disorder treatment program, a job training program or a GED or post-secondary education program.
- Service to the community.
- Work history in a related field since the time of conviction or incarceration.
- Active occupational licensure, commercial driver licensure, or other licensure necessary to perform the specific duties of the job.

Under the Ordinance, unless otherwise required by state or federal law, an employer may consider, for employment purposes:

- An applicant's or employee's felony conviction record only to the extent that the conviction did not result in exoneration, and the underlying arrest or the release from incarceration for such conviction, whichever is later, occurred fewer than seven years from the date of the inquiry. Any period of incarceration is not be included in the calculation of the seven-year period.
- An applicant's or employee's misdemeanor conviction record only to the extent that the conviction did not result in exoneration and the underlying arrest or the release from incarceration for such conviction, whichever is later, occurred fewer than four years from the date of the inquiry.

A private employer cannot consider, for employment purposes, an applicant's or employee's:

- Summary offense conviction record; and
- Conviction record that has been expunged, sealed, or otherwise cannot be used under the Ordinance (whether the record appears on a criminal background check, a driver record issued by the [Pennsylvania Department of Transportation](#) or any other source).

Note: If an expunged or sealed criminal record appears on a driver record, the employer must allow the applicant or employee to provide evidence of expungement or sealing.

The Ordinance also clarifies other terms and employment-related definitions, including inquiry, job advertisement, adverse action, excessive and unreasonable levels of suspicion, felony, misdemeanor, summary offense, and incarceration. See [the Ordinance](#) for the amended definitions of these terms.

Additionally, the law previously allowed an individual 10 business days to provide evidence of the inaccuracy of the information, or to provide an explanation. The Ordinance clarifies that this time must occur before an employer makes its final employment decision.

Non-Retaliation:

An employer cannot interfere with, restrain, deny the exercise of, or the attempt to exercise, any right under the Ordinance, or retaliate against an employee for exercising their rights under the Ordinance.

Under the Ordinance, unlawful retaliation:

- Includes adverse actions taken prior, during, or after the termination of the worker's relationship with the employer; and
- Can exist when the protected activity is one of several motivating factors for the adverse action.

See [the Ordinance](#) for the amended definitions of these terms.

Notice Requirements:

The Ordinance clarifies that:

- The existing required notice is a pre-adverse (provisional) and must include the specific convictions being considered; and
- An employer must provide a copy of the criminal record used in the provisional decision to the applicant or employee.

The Ordinance also requires an employer to provide an additional notice, written in plain language that includes the following to an applicant or employee:

- A summary of their rights under the FCRSSO;
- A statement that their evidence of any error in the criminal history records and evidence of rehabilitation and mitigation will be considered. **Note:** The notice should include a list of the types of evidence that may be used under the law; and
- Instruction on how to exercise their right to provide evidence or explanation directly to the employer.

The Philadelphia Commission on Human Relations (the "Commission"), or another city department or office the mayor may designate, may issue regulations implementing and interpreting the notice requirements.

Penalties:

Employers found to have violated the Ordinance may face civil penalties of up to \$2,000 per violation. See [the Ordinance](#) for additional enforcement details.

Next Steps:

- Review background screening and hiring policies and procedures.
- Train HR personnel to help ensure compliance with [the Ordinance](#).

Minimum Wage

Minimum Wage Announcements – 9/21/25 – 10/20/25

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
Arizona	\$15.15	\$12.15	1/1/26	Yes	
Flagstaff, AZ**	\$18.35	\$18.35*	1/1/26	Yes	Once available found here
Belmont, CA	\$18.95	\$18.95*	1/1/26	Yes	
Burlingame, CA	\$17.86	\$17.86*	1/1/26	Yes	
East Palo Alto, CA	\$17.90	\$17.90*	1/1/26	Yes	
El Cerrito, CA	\$18.82	\$18.82*	1/1/26	Yes	
Los Altos, CA	\$18.70	\$18.70*	1/1/26	Yes	Once available found here
Palo Alto, CA	\$18.70	\$18.70*	1/1/26	Yes	
Richmond, CA (if employers do not pay toward medical benefits)	\$19.18	\$19.18*	1/1/26	Yes	
Richmond, CA (if employers do pay toward medical benefits)	\$17.68	\$17.68*	1/1/26	Yes	
San Carlos, CA	\$17.75	\$17.75*	1/1/26	Yes	
San Diego, CA	\$17.75	\$17.75*	1/1/26	Yes	
San Jose, CA	\$18.45	\$18.45*	1/1/26	Yes	
San Mateo, CA	\$18.60	\$18.60*	1/1/26	Yes	
Santa Clara, CA	\$18.70	\$18.70*	1/1/26	Yes	Once available found here
West Hollywood, CA (Non-Hotel Workers)	\$20.25	\$20.25*	1/1/26	Yes	
Connecticut	\$16.94	\$6.38 Waitstaff \$8.23 Bartenders \$16.59 All other Tipped Employees	1/1/26	Yes	Once available found here
Minneapolis, MN	\$16.37	\$16.37*	1/1/26	Yes	
St. Paul, MN (Employs 101 or more EEs)	\$16.37	\$16.37*	1/1/26	Yes	

State or Locality	Minimum Wage Rate	Minimum Tipped Cash Wage	Effective Date(s)	New or Updated Poster Requirement?	Notes
St. Paul, MN (Employs 6-100 EEs)	\$16.37	\$16.37*	7/1/26	Yes	
St. Paul, MN (Employs 5 or less EEs)	\$14.25	\$14.25*	7/1/26	Yes	
Las Cruces, NM	\$13.01	\$5.20	1/1/26	Yes	
Montana	\$10.85	\$10.85	1/1/26	Yes	
Ohio	\$11.00	\$5.50	1/1/26	Yes	
South Dakota	\$11.85	\$5.925	1/1/26	Yes	
Vermont	\$14.42	\$7.21	1/1/26	Yes	Once available found here
Washington	\$17.13	\$17.13*	1/1/26	Yes	Once available found here
Bellingham, WA	\$19.13	\$19.13*	1/1/26	No	
Everett, WA (More than 500 EEs)	\$20.77	\$20.77*	1/1/26	Yes	
Everett, WA (500 or less EEs)	\$18.77	\$18.77*	1/1/26	Yes	
Renton, WA (More than 500 EEs worldwide)	\$21.57	\$21.57*	1/1/26	No	
Renton, WA (15 to 500 EEs worldwide)	\$20.57	\$20.57*	1/1/26	No	
SeaTac, WA (Hospitality and transportation employees)	\$20.74	\$20.74*	1/1/26	Yes	
Seattle, WA	\$21.30	\$21.30*	1/1/26	Yes	Once available found here
Tukwila, WA	\$21.65	\$21.65*	1/1/26	Yes	Once available found here

*CA, MN, and WA do not allow the use of tip credit.

**Effective 1/1/26 – Flagstaff, Arizona has eliminated 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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