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2026 Multistate Compliance Update: Preparing for New Changes

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Agenda

 Leaves (Heaps and Heaps of Leaves)

 Wage and Hour Hurdles

 Hiring

 Firing

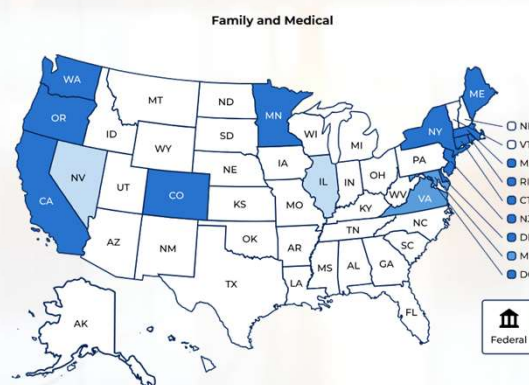
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 Compliance Strategies

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Paid Sick Leave and Paid Family Medical Leave



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Paid Sick Leave and Family Medical Leave

- 13 states + D.C. have **both** PSL (or paid leave for any reason) **and** Paid Family Medical Leave (PFML)
 - 2 states (Maryland and Virginia) will join that list when their enacted PFML laws take effect
- Delaware has PFML but no PSL
- 6 states have PSL but no PFML
- 7 states with no PSL and no mandatory PFML have other leave laws that employers should not overlook—e.g., kin care, unpaid FML, leave for genetic testing/cancer screening

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Pregnancy Leave

- 16 states have some form of pregnancy leave (beyond accommodation requirements)
 - Newest one: Minnesota's Paid Family Medical Leave
 - + California, Connecticut, Hawaii, Iowa, Kansas, Louisiana, Montana, New Hampshire, New York, Ohio, Oregon, Washington (express pregnancy leave)
 - + Maine, Illinois, Nevada (leave for any reason)

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Postpartum and Parental Leave

- 25 states + D.C. have parental leave
 - Alabama, California, Colorado, Connecticut, Delaware, D.C., Hawaii, Illinois, Kentucky, Maine, Maryland, Massachusetts, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, New York, Ohio (childbirth-specific), Oregon, Rhode Island, South Dakota, Tennessee, Vermont, Washington, Wisconsin
- New Hampshire – leave for postpartum and infant pediatric appointments
- Express NICU-related leave: Colorado and Illinois
- Minnesota – law that took effect in 2026 applies retroactively to births in 2025

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Tangent on Women's Health

- Implicit protection for women's health issues through state and federal discrimination laws
- Rhode Island – explicit protection for menopause
- Philadelphia – explicit protection for menstruation, perimenopause, and menopause
- Virginia – Legislature passed bill with protections for menopause and peri-menopause; Governor vetoed (but enacted law expanding employers covered by age discrimination law)

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Frontloading

- 22 states + D.C. permit frontloading of Paid Sick Leave (in addition to some major localities)
 - Newest one is Virginia
- 7 of those state laws nevertheless require carryover even with frontloading (with the option in some cases to pay out unused vacation instead of carrying it over)
 - Virginia is silent on frontloading carryover

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Leave Considerations

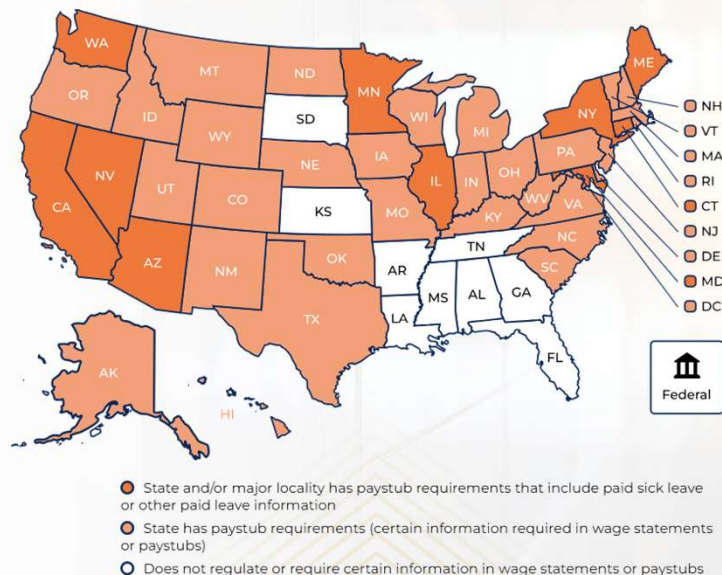
- Accrual v. Frontloading
- PTO, vacation, “global” leave policies
- One-size-fits-all v. Multiple policies v. Regional
- Consider strategy for updates
 - Laws change rapidly: 20 states + D.C. with statewide PSL and/or PFML changed their law (or both laws) in the last 12 months

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Leaves + Wage and Hour: Check Your Checks



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Exempt? Higher Requirements

- Federal – \$684/week + Duties Test
- 6 states have higher salary thresholds than the federal standard (\$684/week)
 - Alaska, California, Colorado, Maine, New York, Washington
 - New York has three different salary thresholds – all higher
- 14 states have different/more onerous duties requirements

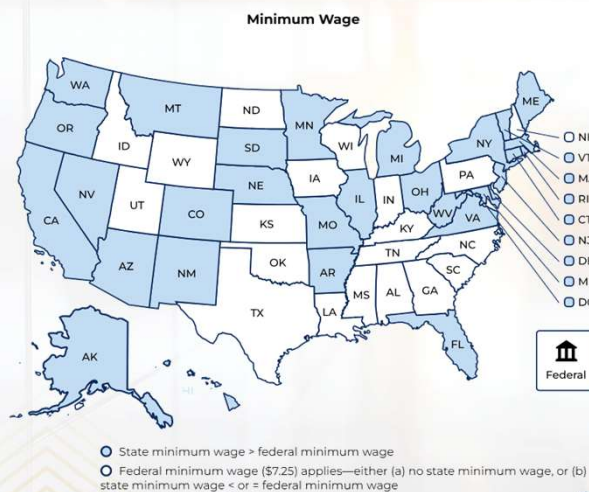
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Exempt? Check Minimum Wage

- 6 states have higher salary thresholds for exemptions
- ...But 30 states + DC have a minimum wage higher than \$7.25
- Watch for absurdities (e.g., an exempt employee in D.C. working ZERO OT can make less than minimum wage)
 - In RI, this is unlawful

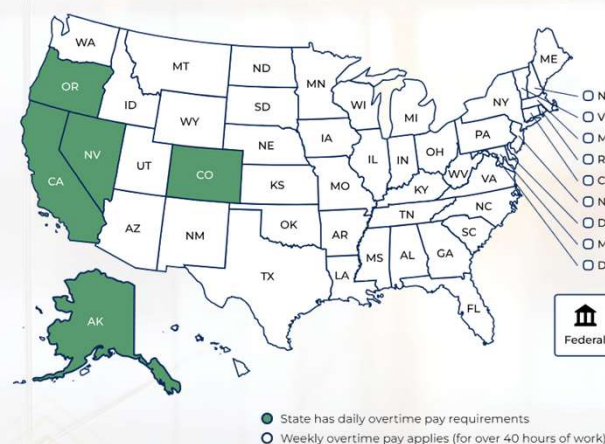


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Not Exempt? Watch OT Rules

- 5 states have daily OT requirements
 - Alaska
 - California
 - Colorado
 - Nevada
 - Oregon
- Some states (e.g., NY) have other unusual requirements



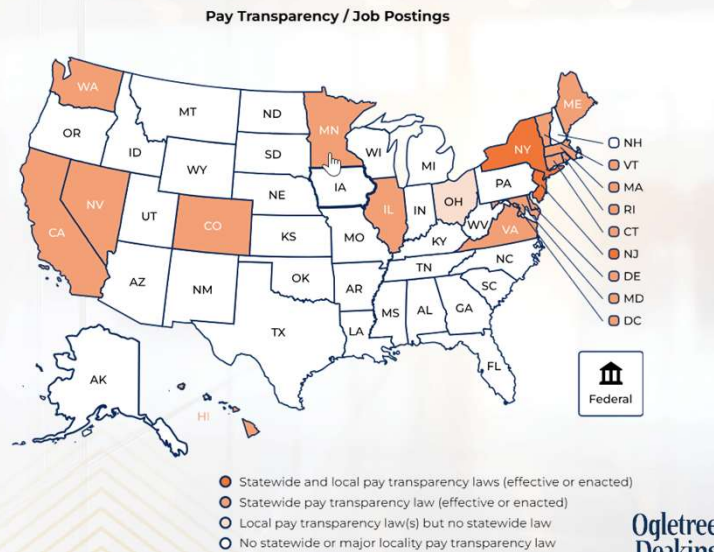
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Hiring – Pay Transparency

- 18 states (plus some major localities in and outside those 18 states) have laws
- Newest laws:
 - Maine and Virginia (effective July 2026)
 - Connecticut (effective October 2026) and Delaware (effective September 2027)



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Hiring – Onboarding Notices

- 42 states (plus some major localities) have unique laws
- New in 2026:
 - CA (Know Your Rights); CT (Disability Accom); IL (AI Disclosure); MD (FML + employer speech); ME (Surveillance); NY (Secure Choice Savings); OR (Pay Stubs); RI (Wage Notice); VA (PFML + PSL)



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Firing – Many Requirements

- 35 states require termination notices
- 45 states have final pay requirements
- 11 states may require accrued PTO payout
- New mini-WARN law in Nebraska in 2026 (+ new WARN coverage and notice requirements in Washington)



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AI in Employment

- Caveat: Rules (and tech) change rapidly
 - The current EO is intended to preempt state laws
 - More clarity at a national level is anticipated
- Unlawful Discrimination from Employer's AI = Unlawful Discrimination from Employer
 - AI and LLMs use information from people
- California, Colorado, Connecticut, Illinois, and Texas (plus NYC) have laws specific to employers' use of AI for automated employment-related decision-making (e.g., hiring, recruiting, management); NY added a question to WARN portal

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Compliance Strategies

- Handbook strategies
 - Required laws v. Laws required in writing
- Pending legislation v. Enacted legislation
 - Notification overload
- Legislative session timing and calendar tools
 - Effective dates cluster in January and July
 - Anticipate ballot initiatives (especially PSL)
- Executive orders, pending litigation, pending regulations
- Change is constant—consider speed, cost, risk tolerance

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Thank you!

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