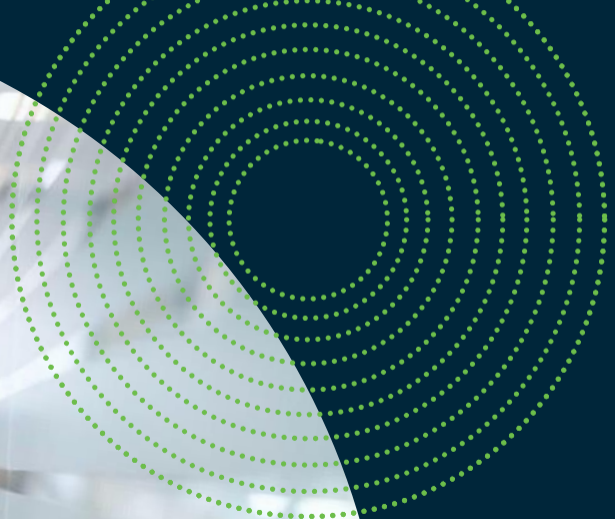




Kickstarting 2026: Employment Law and Compliance Outlook

February 26, 2026



Introduction to ComplianceHR

Simplify the Complexity of Employment Law

Compliance **HR**
A Littler Company



PolicySmart™

Effortlessly create and maintain an up-to-date and legally compliant employee handbook



The Reference Center

Easily answer compliance questions and locate content on several employment law topics



The Document Center

Efficiently generate state and federal compliant documents throughout the employee lifecycle



The Training Center

Interactive compliance training designed to reduce risk and improve retention



Navigator Independent Contractor

Immediately mitigate your risk of independent contractor misclassification



Navigator Overtime

Quickly and compliantly determine whether an employee is exempt or non-exempt

30+ Searchable Topics - Leave, Min Wage, Final Pay, etc.

The screenshot displays the ComplianceHR Reference Center interface. On the left is a dark sidebar with navigation options: Reference Center, List, Comparison, Dashboard, and Littler On Guides. The main content area has a breadcrumb trail: ComplianceHR / Reference Center / List. At the top right of the main area is a 'Support' link. Below the breadcrumb is a filter bar with '5 Jurisdiction' (with a close icon), 'Topics', 'Tags', 'Last Update (Descending)', a 'Clear all' button, and a download icon. A 'Topics' dropdown menu is open, showing a search box and a list of topics: Criminal Background Checks, Documentation at End of Employment, Documentation at Time of Hire, Equal Pay and Wage Disclosure, and Final Pay. An 'Apply' button is at the bottom of the dropdown. The main list shows several entries for 'Minimum Wage and Tip Credit' across different jurisdictions (California, Colorado) and dates (January 01, 2026). One entry for California, Sunnyvale is expanded to show a detailed article. The article title is 'Minimum Wage and Tip Credit' with a sub-heading 'Minimum Wage'. It includes tags for 'Compensation', 'Minimum Wage', and 'Pay'. The content asks 'What is the minimum wage?' and provides the answer: 'The employee must be paid no less than \$19.50 per hour for all hours worked, which is the minimum wage for non-exempt employees working in Sunnyvale.' Below the article is a 'Timeline' section with a dropdown menu set to 'Effective on January 01, 2027'. At the bottom of the page is a footer with copyright information: ©2025 Compliance HR. All Rights Reserved. | Terms & Conditions | Privacy Policy | Disclaimer.

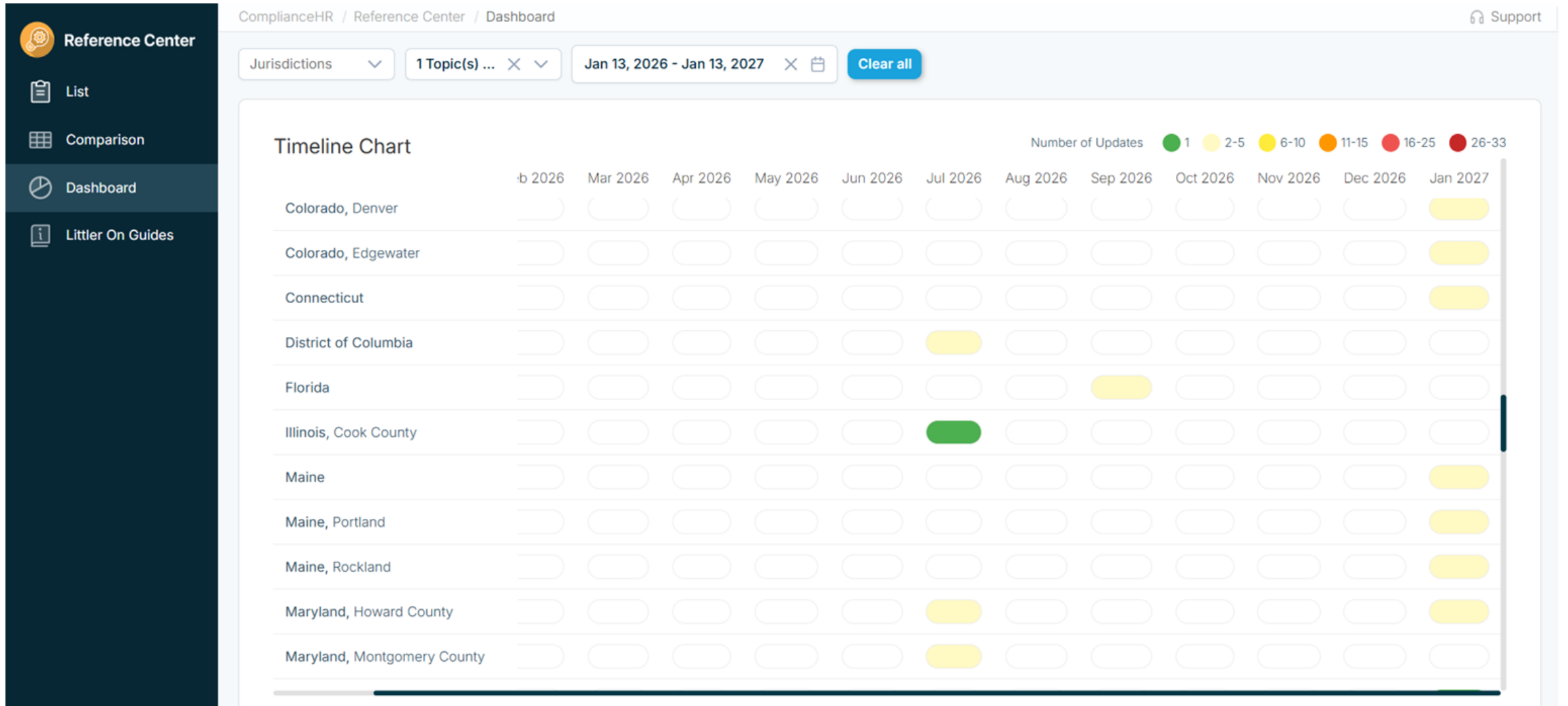
Easily Compare Jurisdiction Requirements

ComplianceHR / Reference Center / Comparison Support

3 Jurisdiction X | 1 Topic(s) ... X | Tags | Clear all Switch Axis | Download

		Illinois, Chicago	New York, New York	Oregon
Predictive Scheduling	Advance Notice	An employer must provide its employees with written notice of work hours by posting the work schedule no later than 14 days before the first day of any new schedule, by posting the schedule within the unit or department or workgroup, either in a conspicuous place at the workplace that is readily accessible and visible to all employees, or using the usual methods of communication, or...	Fast Food and Retail Ordinance Fast Food Employers <i>Notices:</i> The employer must provide an employee a written work schedule containing regular shifts and on-call shifts on or before the employee's first day of work. For all subsequent work schedules, the employer must provide at least 14 days' notice before the first day of any new schedule. The work schedule must span a period o...	The employer must provide the work schedule in writing at least 14 calendar days prior to the first day of the work schedule. The written work schedule must include all work shifts and on-call shifts for the work period with specific start and end times. Posting: The employer must post the written work schedule in a conspicuous and accessible locatio...
	Agency Enforcement	The ordinance is enforced by the Department of Business Affairs and Consumer Protection.	Fast Food and Retail Ordinance The ordinance is enforced by the Office of Labor Standards. Temporary Changes to Work Schedule for Personal Events Ordinance The ordinance is enforced by the Office of Labor Standards.	The law is enforced by the state Bureau of Labor and Industries.
	Excluded Employees	Any person who: <ul style="list-style-type: none"> Performs work for an employer in the capacity of an employee (not a contractor), or a worker for a day and temporary labor service agency 	Fast Food and Retail Ordinance Fast Food Employers: Any person covered by the definition of employee under state or federal law that is employed within the city and works full- or part-time,	An employee, who is employed in a retail establishment, a hospitality establishment, or a food services establishment and is engaged in providing services relating to:

Proactive Effective Date Timeline



Bi-Monthly News Updates

PolicySmart

Policy News and Updates

Click on the links below to access summaries of legal developments added to PolicySmart within the last 30 days:

Arizona

- City of Tempe, Arizona Enacts Heat Safety Standards for City Contractors [View Post](#)

Colorado

- Amended Colorado Paid Family and Medical Leave Insurance (FAMLI) Law Addresses Neonatal Intensive Care, Slightly Low
- Colorado Clarifies Right to Reproductive Decisions [View Post](#)
- Colorado Enacts Increased Wage Act Penalties and Enforcement, Allows Local Governments to Increase Tip Credit [View Post](#)
- Colorado Amends Law on Child Support Withholding [View Post](#)

Connecticut

- Connecticut Amends Consumer Data Privacy and Online Monitoring Act [View Post](#)
- Connecticut Amends Retirement Security Program [View Post](#)
- Connecticut Amends Anti-SLAPP Statute, Extending Protections to Include Communication Concerning Alleged Commission

Delaware

- Delaware Appropriates Funds for Administration of Healthy Delaware Families Act [View Post](#)

District of Columbia

- District of Columbia Amends Human Rights Act, Including Definition of Sexual Harassment [View Post](#)

Hawaii

- Hawaii Amends Retirement Savings Act [View Post](#)
- Hawaii Expands Eligibility for Unemployment Benefits [View Post](#)

Illinois

- Illinois Amends Equal Pay Act, Expanding Reporting Requirements [View Post](#)

Iowa

- Iowa Amends Law on Notification of Positive Drug Tests [View Post](#)

Developments Taking Effect This Month

To help keep you on track, below is a reminder of previously enacted laws taking effect this month. Click on the links to access the PolicySmart summary and any policy related template materials.

Alaska

- Alaska Ballot Measure Includes Provisions on Mandatory Employer Meetings (effective Jul 01, 2025) [View Post](#)
- A Majority of Alaskans Appear to Have Approved a Paid Sick Leave Ballot Measure--Now Includes Sample Policy (effective Jul 01, 2025) [View Post](#)

Arizona

- City of Tempe, Arizona Enacts Heat Safety Standards for City Contractors (effective Jul 09, 2025) [View Post](#)

Arkansas

- Arkansas Amends Independent Contractor Test (effective Jul 12, 2025) [View Post](#)
- New Arkansas Law Allows Employers to Disclose Substantiated Allegations of Sexual Abuse or Harassment to Prospective Employers (effective Jul 12, 2025) [View Post](#)
- Arkansas Passes Law Allowing Private Property Owners to Ban Emotional Support Animals (effective Jul 12, 2025) [View Post](#)
- New Arkansas Law Requires Veterans' Benefits and Services Poster (effective Jul 12, 2025) [View Post](#)

California

- Los Angeles County Enacts Predictive Scheduling Ordinance--Now Includes Sample Policy (effective Jul 01, 2025) [View Post](#)

Colorado

- Colorado Expands Privacy Act Protections for Biometric Data--Includes Written Policy Requirement (effective Jul 01, 2025) [View Post](#)

Connecticut

- Connecticut Amends Retirement Security Program (effective Jul 01, 2025) [View Post](#)

Georgia

- Georgia Phases Out Subminimum Wage for Individuals with Disabilities (effective Jul 01, 2025) [View Post](#)

Hawaii

- Hawaii Amends Retirement Savings Act (effective Jul 01, 2025) [View Post](#)
- Hawaii Expands Eligibility for Unemployment Benefits (effective Jul 01, 2025) [View Post](#)

Idaho

- Idaho Expands Law Prohibiting Required Vaccinations (effective Jul 01, 2025) [View Post](#)

Sign Up for a Demo

Three ways to sign up for a demo:

1. Reply “Yes” to the on-screen poll
2. Visit our website: Compliancehr.com
3. Email our team at demo@compliancehr.com

Benefits of a custom demo:

- Discuss your organization’s requirements/challenges
- Review Navigator Suite Solutions
- Share compliance methodologies

ComplianceHR Demo & Free Trial:

<https://compliancehr.com/webinar-demo/>

Resources

[Compliance HR - Demo & Free Trial](#)

[State-by-State CLE Guide](#)

[BeaconLive - How to Access Certificates](#)

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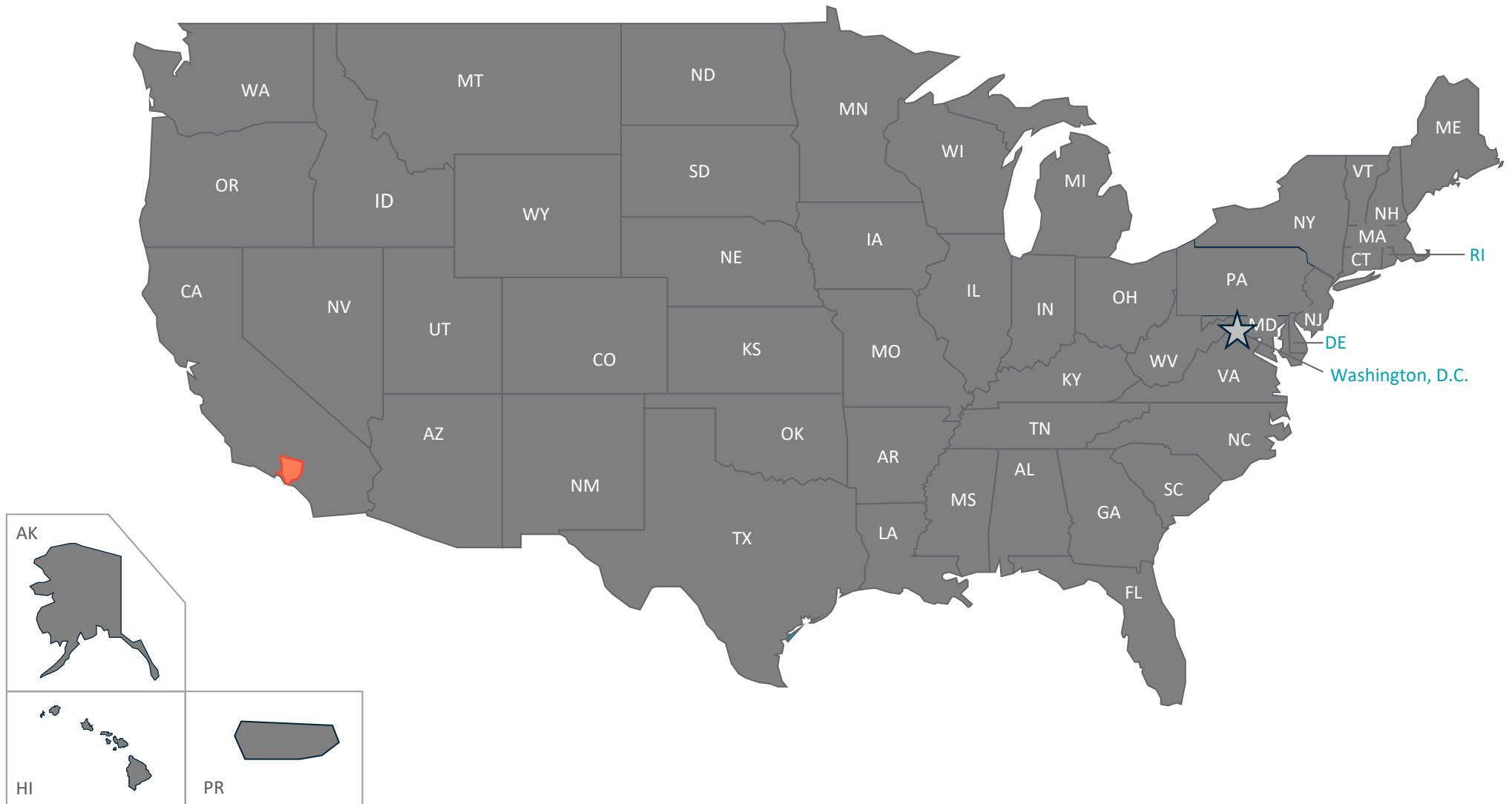


What's New?

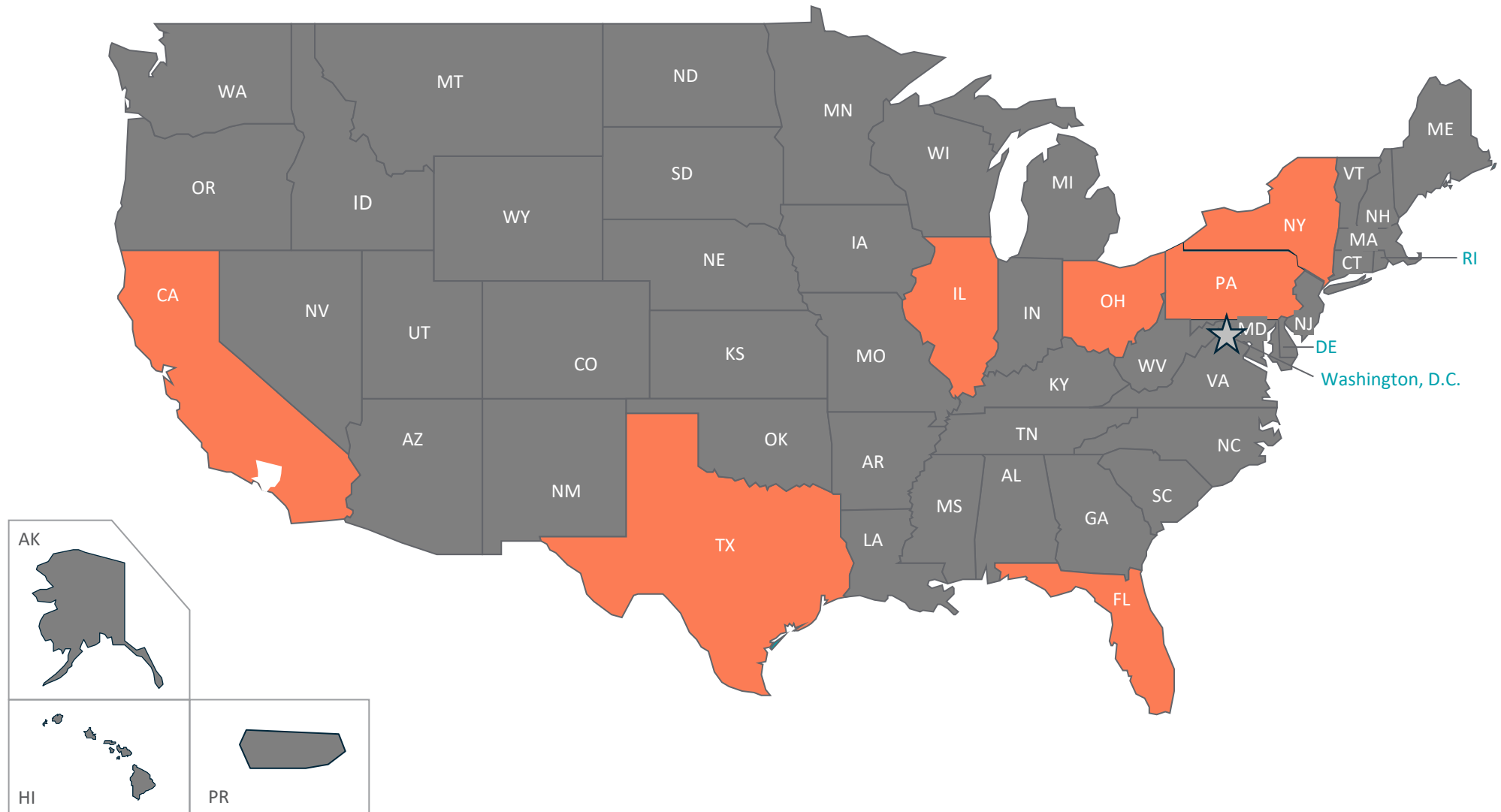
STATE AND LOCAL LAWS!

**CALIFORNIA IS NOW THE 4TH LARGEST
ECONOMY IN THE WORLD!**

IF LA County were a state...



It would be the 8th most populous state in the U.S.





**AND THAT'S
WHAT'S UP!**

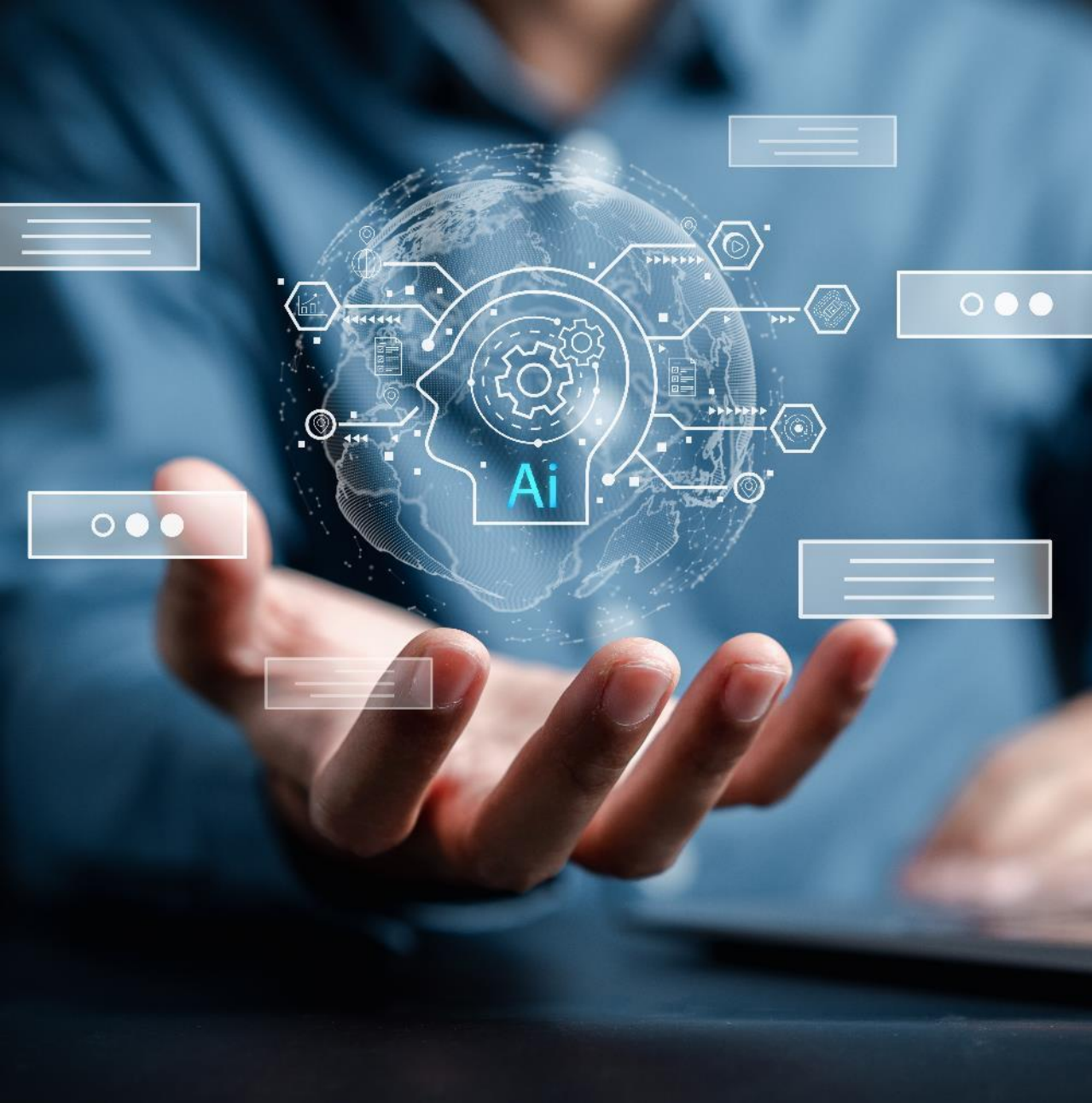
AGENDA: 2026 Employment Laws

1. AI
2. Money!
3. Tuition Repayment Agreements
4. “Know Your Rights”
5. Employment Discrimination
6. Leaves of Absence
7. Labor



DISCLAIMERS!

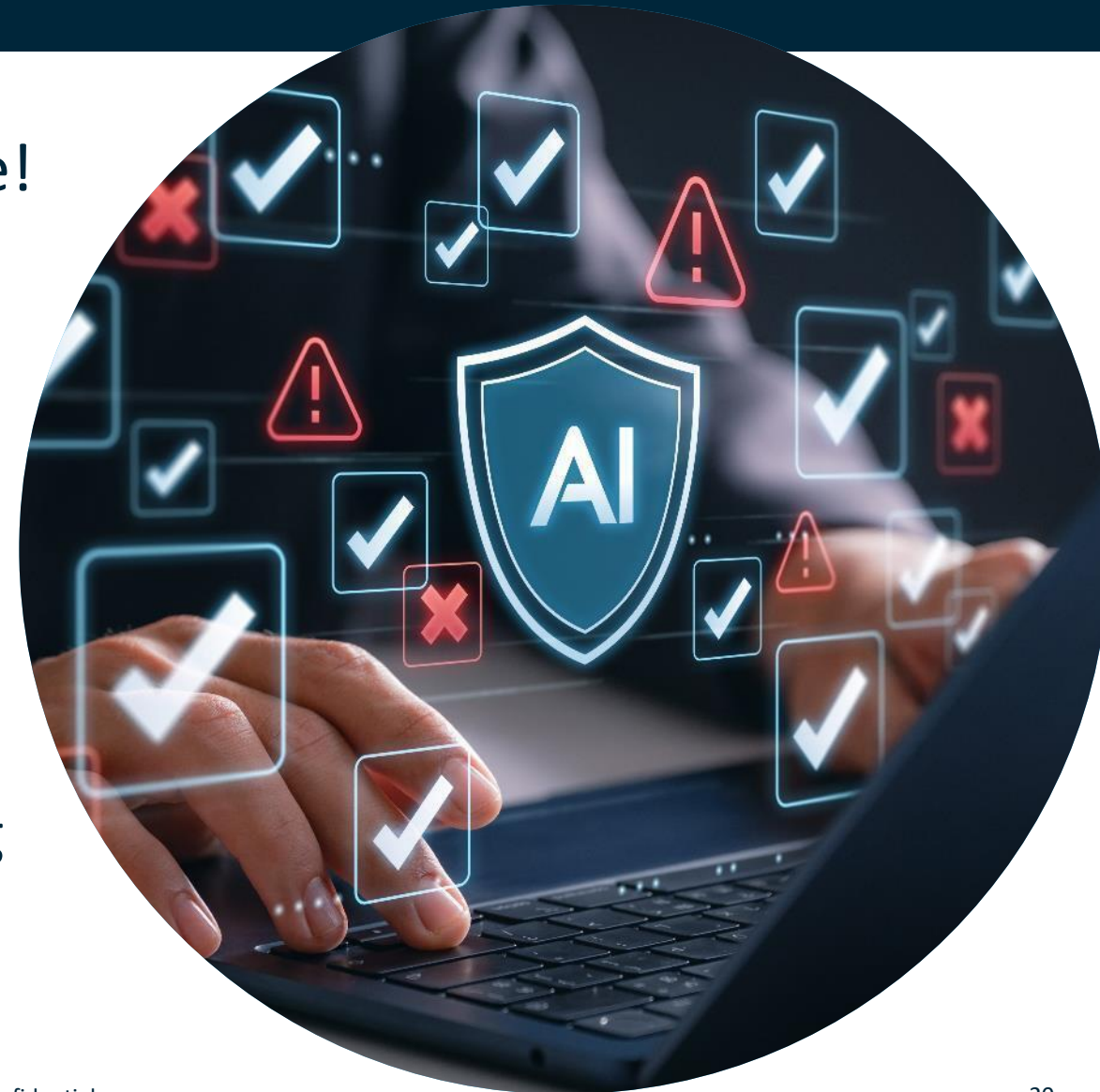
- This is a lot of information to cover!
- So, we won't cover *everything*.
- Some of my slides have more words than usual.
- Finally, as always, this webinar does not substitute for advice of counsel!



ARTIFICIAL INTELLEGENGE

California: AB 316

- “AI Made me do it” is not a legal defense!
 - *“In an action against a defendant who developed, modified, or used artificial intelligence that is alleged to have caused a harm to the plaintiff, it shall not be a defense, and the defendant may not assert, that the artificial intelligence autonomously caused the harm to the plaintiff.”*
 - (Can still argue other defenses, including comparative fault)



California: AI Regulations: Civil Rights Council

- FEHA prohibits discrimination in recruitment, hiring, promotion, training and termination.
- CRC regulates the use of “artificial intelligence, machine-learning, algorithms, statistics, and/or other data processing” to **facilitate human decision-making**
- The regulations define ADS, require anti-bias testing, detail prohibited uses of ADS, define an employer’s affirmative defenses, and more.



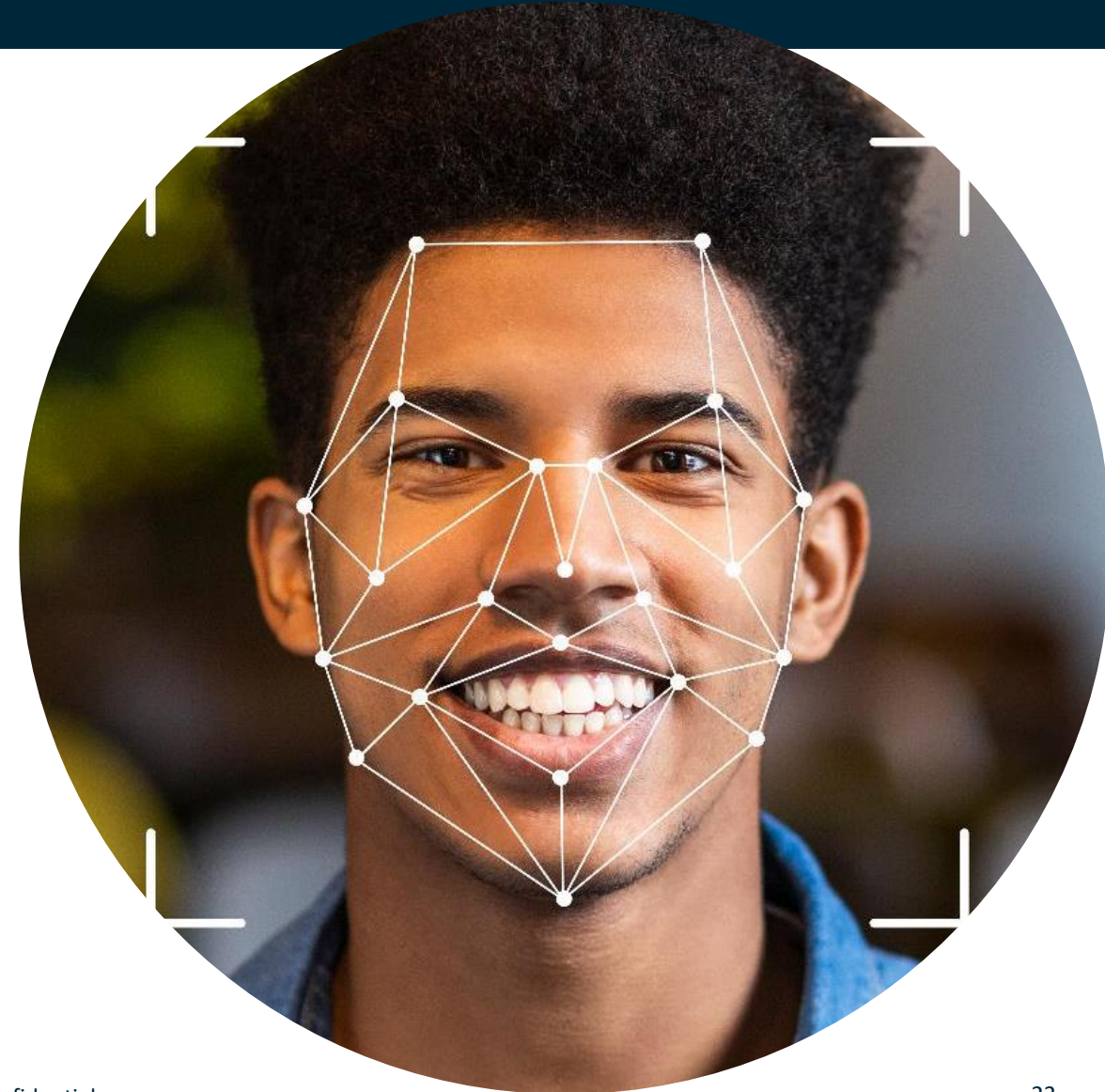
California: Privacy and AI Regulations

- Governs use of ADMT. In effect 1/1/2026.
- Imposes the most stringent requirements in the United States on employers' use of artificial intelligence and other automated tools in employment decision-making.
- Employers must now conduct detailed risk assessments, provide pre-use notices, and honor certain opt-out and access rights.



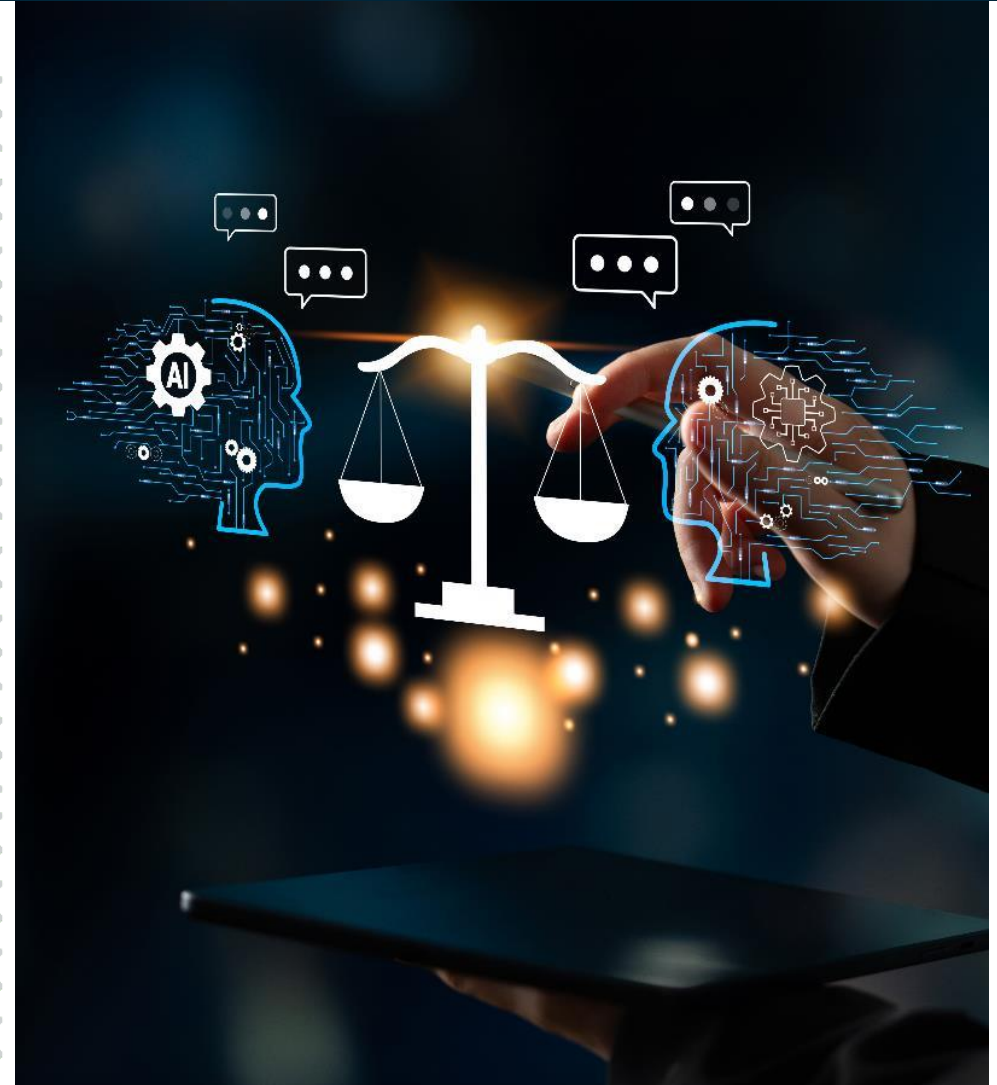
Illinois – HB 3773

- Amends the Human Rights Act to prohibit employers from using AI that has the effect of subjecting employees to discrimination
- Requires employers to notify employees of the employer's use of AI.



Texas – HB 149

- Regulates the use of AI systems.
- Establishes antidiscrimination and disclosure requirements for deployers of AI systems.



New York

- Governor Hochul announced the establishment of an Office of Digital Innovation, Governance, Integrity and Trust (DIGIT) to oversee digital safety and technology governance.
- Proposal to advance legislation aimed at regulating AI-generated content.
- NYC Local Law 144 (Jan 1, 2023) restricts the use of automated employment decision tools (AEDT).
 - AEDTs must be subject to bias audits and requires candidates to be notified

Executive Order to Limit AI Regulation

- Ensuring a National Policy Framework for Artificial Intelligence (Dec2025)
- Establishes a minimally burdensome national AI regulatory framework to prevent what the White House calls a harmful patchwork of differing state-level AI laws.
- Directs the Attorney General to create an AI Litigation Task Force responsible for challenging state AI laws deemed inconsistent with federal policy.
- Requires the Secretary of Commerce to identify and evaluate state AI laws considered “onerous” or in conflict with the administration’s goals for national AI dominance



Money!

Washington - Pay Transparency

- State of Washington Equal Pay and Opportunities Act (EPOA) - allows a private right of action
- A "job applicant" under EPOA is any individual who applies to a job posting, regardless of their genuine interest in the position
- WA Supreme Court: no requirement for a "bona fide" or "good faith" intent to get the job; simply applying to a noncompliant posting is enough to have standing to sue

Branson v. Washington Fine Wine & Spirits

Washington: HB 1905: Pay Equity

- Expands the Equal Pay and Opportunities Act pay equity protections to members of all protected classes



Washington: SB 5408: Right to Cure

- Allows for corrections to wage and salary disclosures in job postings without penalties if made within five business days.

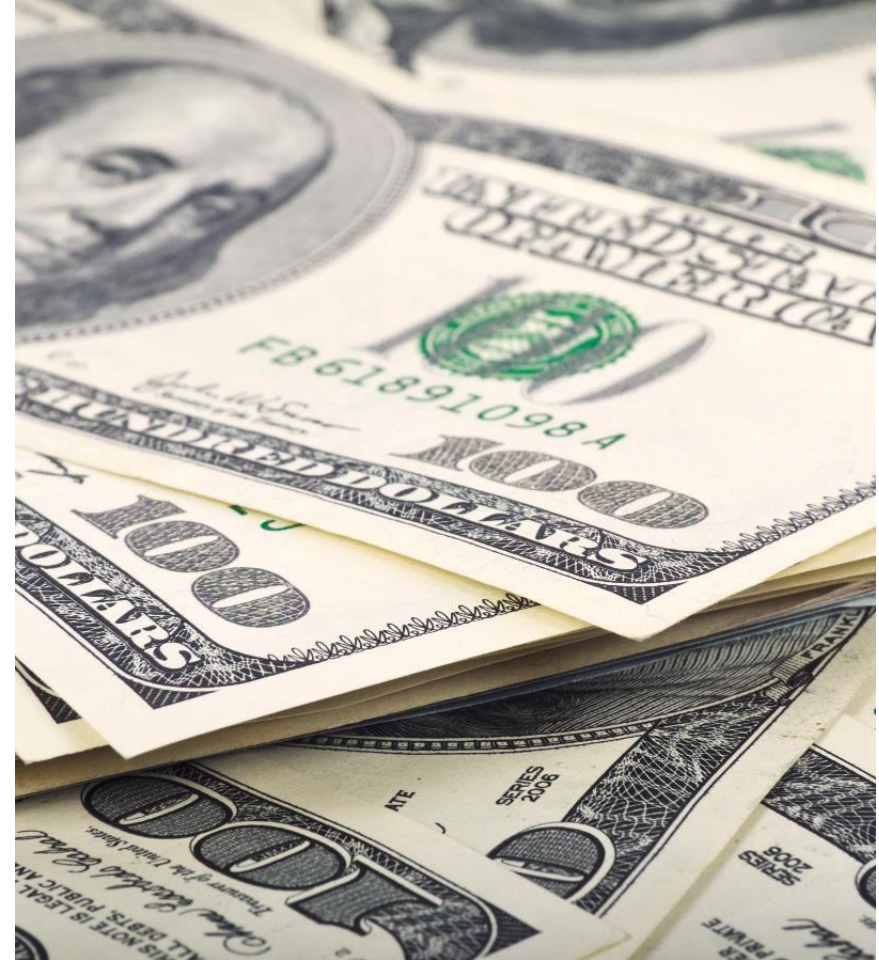
Vermont: HB 74: Pay Transparency

- Requires employers to include a job description and to identify compensation in each job advertisement.



Massachusetts: HB 4890: Pay Transparency

- Requires employers to disclose the pay range for specific positions in job postings and employment offers.
- Requires employers to submit pay data to the state.



California: Pay Data Reporting

- New Civil Rights Council subcommittee on PDR: regs coming
- SB464: Number of job categories increased
- Before: 10 based on EEO-1 format:
 - Executive or senior level officials and managers, First or mid-level officials and managers, Professionals, Technicians, Sales workers, Administrative support workers, Craft workers, Operatives, Laborers and helpers, and Service workers.
- Now, 23 based on BLS format:
 - Chief executives, Management, except chief executives, Business and financial operations, Computer and mathematical, Architecture and engineering, Life, physical, and social science, Community and social science, Legal, Educational instruction and library, Art, design, entertainment, sports, and media, Health care practitioners and technical, Health care support, Protective service, Food preparation and serving related, Building and ground cleaning and maintenance, Personal care and service, Sales and related, Office and administrative support, Farming, fishing, and forestry, Construction and extraction, Installation, maintenance, and repair, Production and Transportation and material moving.

California: Data Segregation

- The amended PDR law requires employers and labor contractors to store demographic data separately from personnel records
- Data on race, ethnicity, and sex
- How to keep it separated?
 - implement data segregation systems, such as using separate databases or secure folders;
 - ensure access controls (encryption), so that demographic data is only available to those responsible for compliance reporting; and
 - maintain an audit trail of who accesses data

California: SB 642: ~~Equal~~ Fair Pay Act

- SB642 clarifies pay scale disclosure: good faith estimate of the expected wage range for a position upon hire.
- Amended Fair Pay Act to replace “opposite sex” with “another sex,” broadening protections to be more inclusive
- Employees may now recover wages for violations no later than 3 (vs.2) years after the cause of action occurs; May obtain relief for entire period of violation, not to exceed *six years*.
- Cause of action is triggered not only when a discriminatory pay decision is made, but also each time wages are paid under that decision (the “continuing violation” theory)

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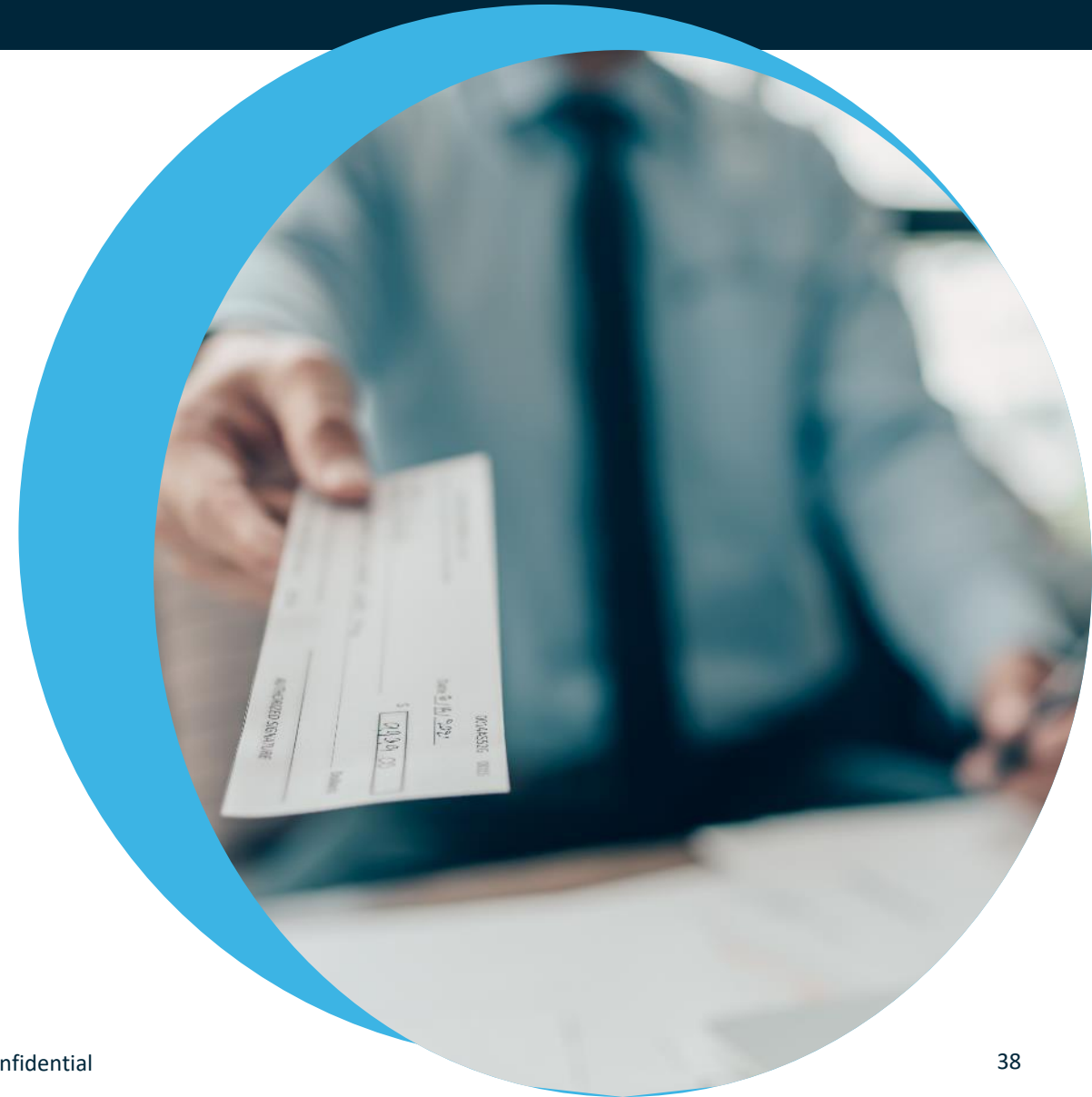
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California: Fair Pay Act: Definition of Wages

- Definitions of “wages” and “wage rates” now includes all forms of compensation:
 - Salary, overtime pay, bonuses, stock, stock options, profit sharing and bonus plans, life insurance, vacation and holiday pay, cleaning or gasoline allowances, hotel accommodations, reimbursement for travel expenses, and benefits.
- Note that this newly revised definition of “wages” applies in the context of **this statute only** and is not to be construed to apply to any other provisions of the Labor Code.

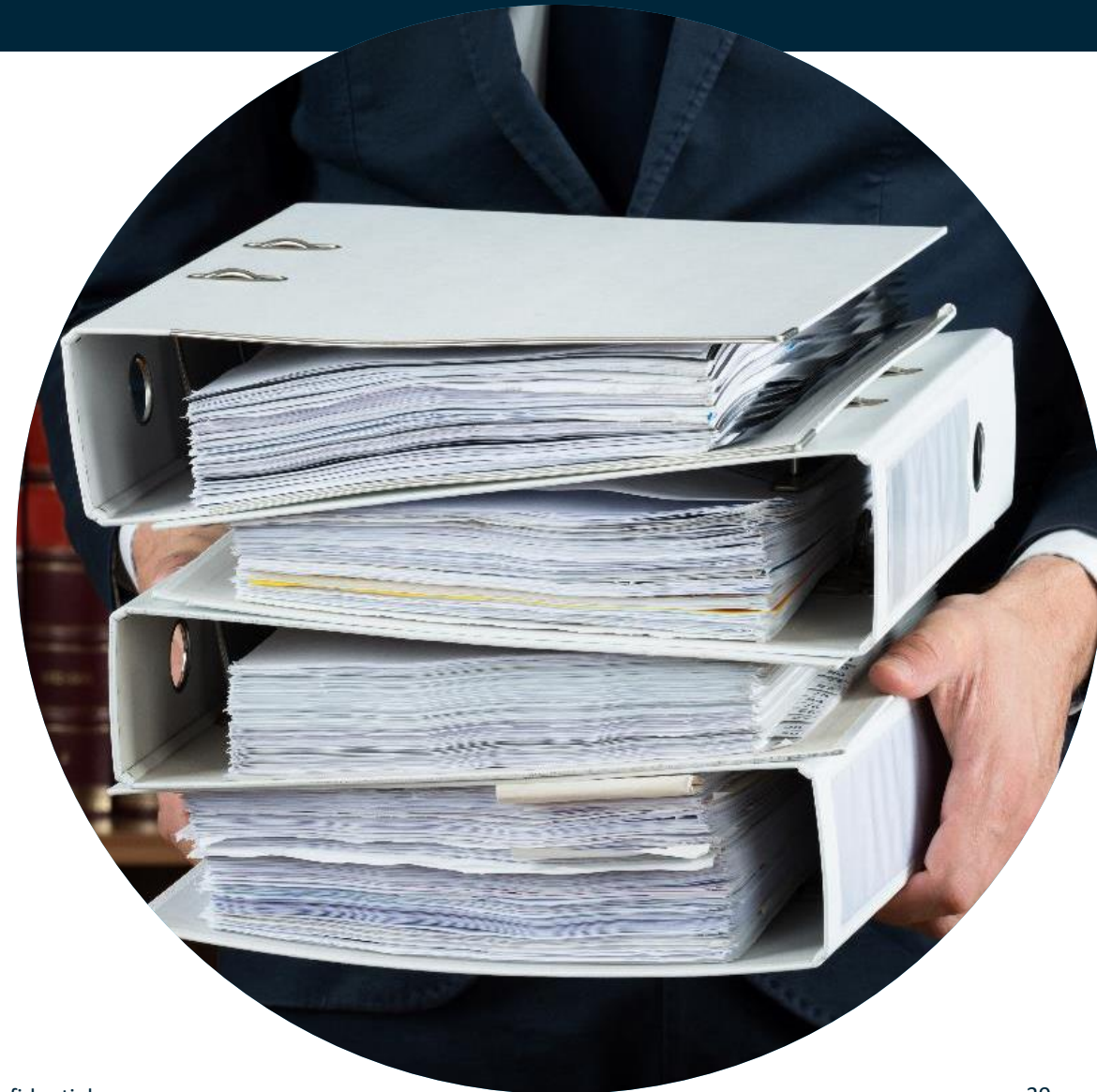
NY Amendments to Pay Scale Disclosures

- NYC and NYS laws already require employers to publish salary ranges in job advertisements.
- NYC Int. No. 982-A & Int. 984-A would require employers with 200+ employees to report demographic and pay data that NYC would then use to conduct a pay equity analysis of the private workforce and identify any disparities related to gender, race, and ethnicity.



New Jersey – Regulations Pending

- Implement the Pay and Benefit Transparency Act—expected to be finalized in late 2025 or early 2026.
- Clarifications on employer coverage, posting requirements, compensation ranges, and promotional notice obligations under these proposed rules
- **60% Rule -the spread between the minimum and maximum pay range in a job posting cannot exceed 60%.**



On the topic of money...

Minimum Wage Ordinances

- There are more than **60 localities in 9 states** with local minimum wage ordinances that apply **generally**
 - Arizona; California; Colorado; Illinois; Maine; Maryland; Minnesota; New Mexico; Washington State
- Ordinances that apply only to a **specific industry or position**
 - San Diego, California Hospitality Minimum Wage Ordinance (Amusement Parks, Event Centers, Hotels)
 - New York City, New York (Security Guards)
 - SeaTac, Washington Employment Standards Ordinance (Hospitality, Transportation)
- Local standards
 - Flagstaff, Arizona **prohibits tip credits**
 - Portland, Maine's minimum wage can increase during a declared **emergency**
 - Santa Fe, New Mexico will consider not only inflation, but also the **fair market rent for a two-bedroom unit** in the city, when annually adjusting its minimum wage



Tuition Repayment Agreements

California: AB 692: “Stay or Pay”

- TRAPs: Training Repayment Agreement Provision
- Contracts that require workers to repay bonuses, education or training costs to their employer or a third party if they leave their job before a specified period (“retention” period.)



California: Prohibits Certain “TRAP” Contracts

- It is unlawful to include terms that:
 1. Require a worker to repay a debt (e.g., training costs, immigration fees, quit fees);
 2. If they leave their job;
 3. Allow an employer or training provider to resume debt collection upon termination; and
 4. Impose penalties or fees for leaving employment.



California: Exceptions to TRAP Law

- Government loan forgiveness programs.
- Tuition repayment for transferable credentials (with strict conditions).
- Approved apprenticeship programs.
- Sign on bonuses with separate agreements and worker protections – so long as they are entered into at the outset of employment.
- **What is not an exception? Retention bonuses**
- Stay tuned for amendments- Newsom asked for cleanup legislation in 2026.

New York's New TRAP Law

- Going into effect December 19, 2026
- Prohibits employment promissory notes, subject to specific exceptions
 - Tuition-repayment agreements under strict conditions
 - Voluntary payment for property sold/leased by employer
 - Repayment of certain non-educational monetary benefits, including bonuses and relocation assistance, subject to guardrails.
 - Repayment not permitted if EE terminated for any reason other than misconduct or if job was misrepresented to EE applicant.

Colorado's TRAP Law

- TRAPs allowed only for training that is “distinct from normal, on-the-job training.”
- Repayment obligations must decrease proportionately each month over a 24-month period, reaching zero by the end of two years.
- Penalties for violations may include actual damages, attorneys' fees, and civil penalties up to \$5,000 per worker.



Workplace Rights Posters

California: SB 294: Written Notice to Employees

- Workers' compensation rights
- Notice of immigration inspections
- Protection against unfair immigration-related practices
- Right to unionize and engage in concerted activity
- Constitutional rights when interacting with law enforcement (e.g., Fourth and Fifth Amendments)
- Do not need to obtain confirmation that employee received

California: Emergency Contacts

- Employers must allow employees to designate an emergency contact by March 30, 2026.
- If an employee is arrested or detained at work or during work hours, the employer **must** notify the emergency contact if they have actual knowledge of the incident.

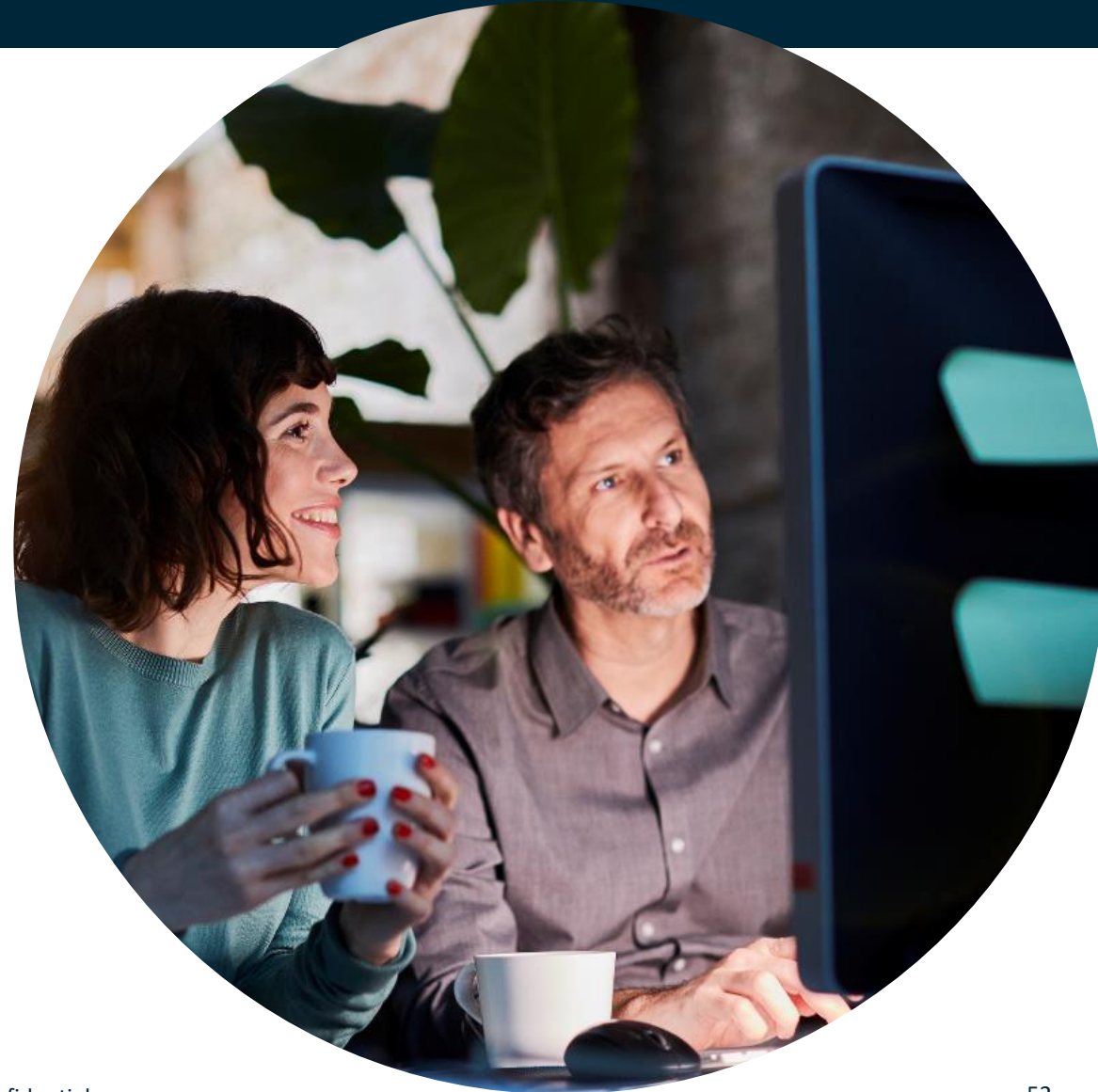


California: SB 513: Personnel Files Include Training Records

- Current and former employees (or their authorized representatives) have the right to inspect and copy their personnel records.
- SB 513 amends Labor Code Section 1198.5 to explicitly include education and training records as part of the “personnel records.”
- Employers must respond to written requests for inspection or copies within 30 calendar days, unless both parties agree in writing to extend up to 35 days from the date the **employer’s receipt** of the written request.

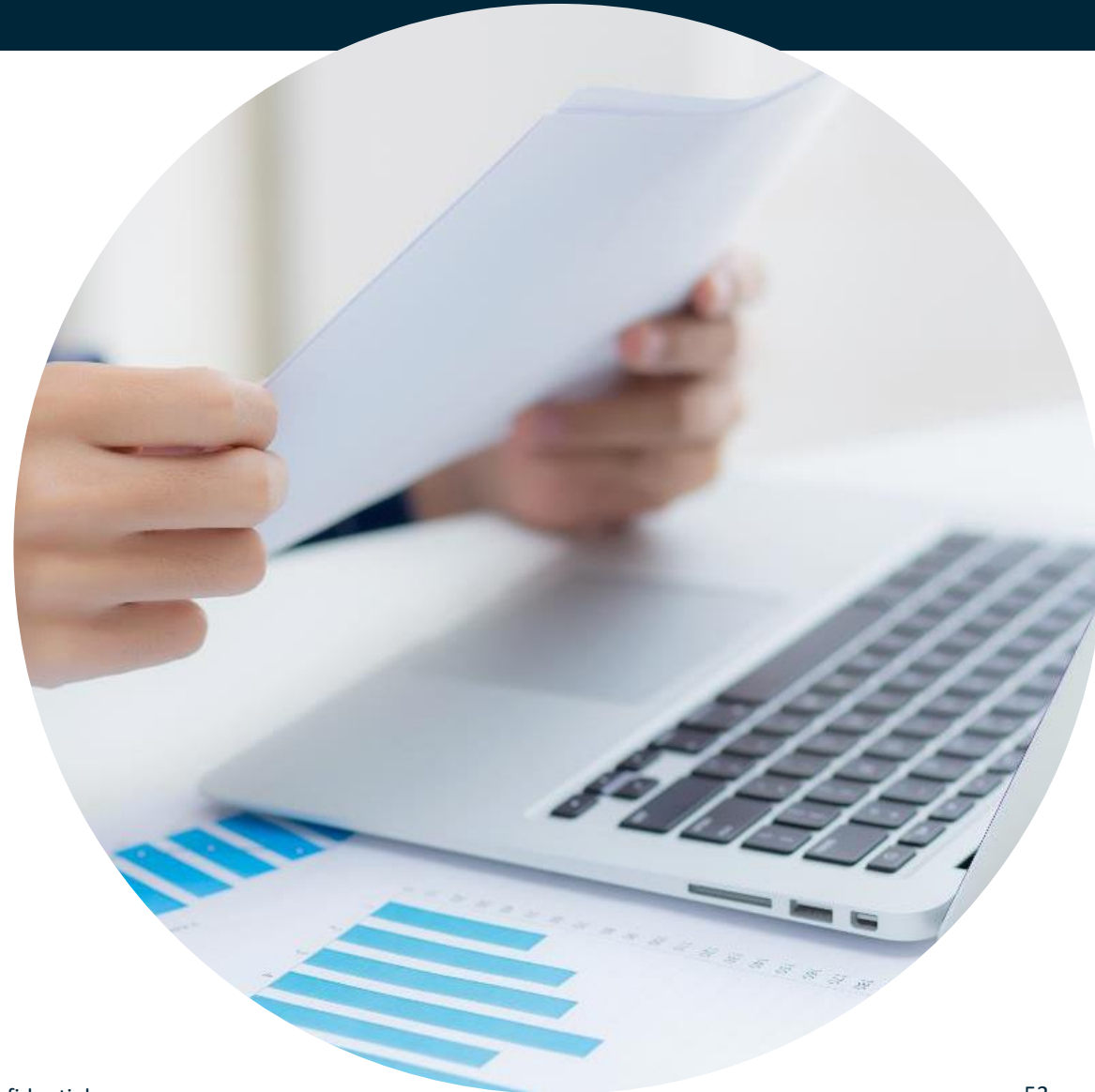
Ohio: SB 33: Workplace Postings

- Allows employers to post wage statements and certain labor law notices online
- Clarifies how the child labor abstract must be posted.



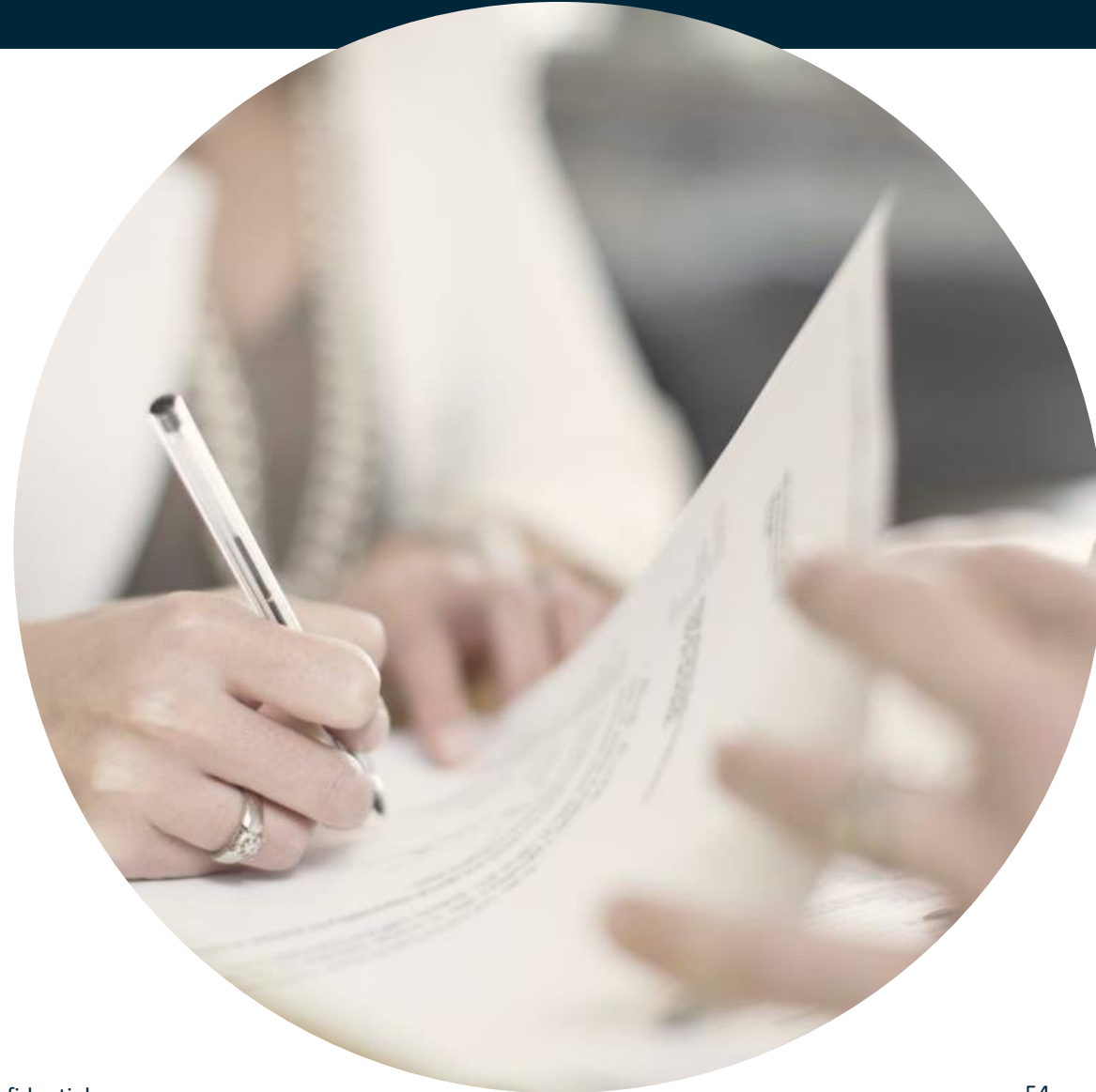
Oregon: HB 906: Wage Statements

- Requires employers to provide employees with an explanation of their wage statements at the time of hire.



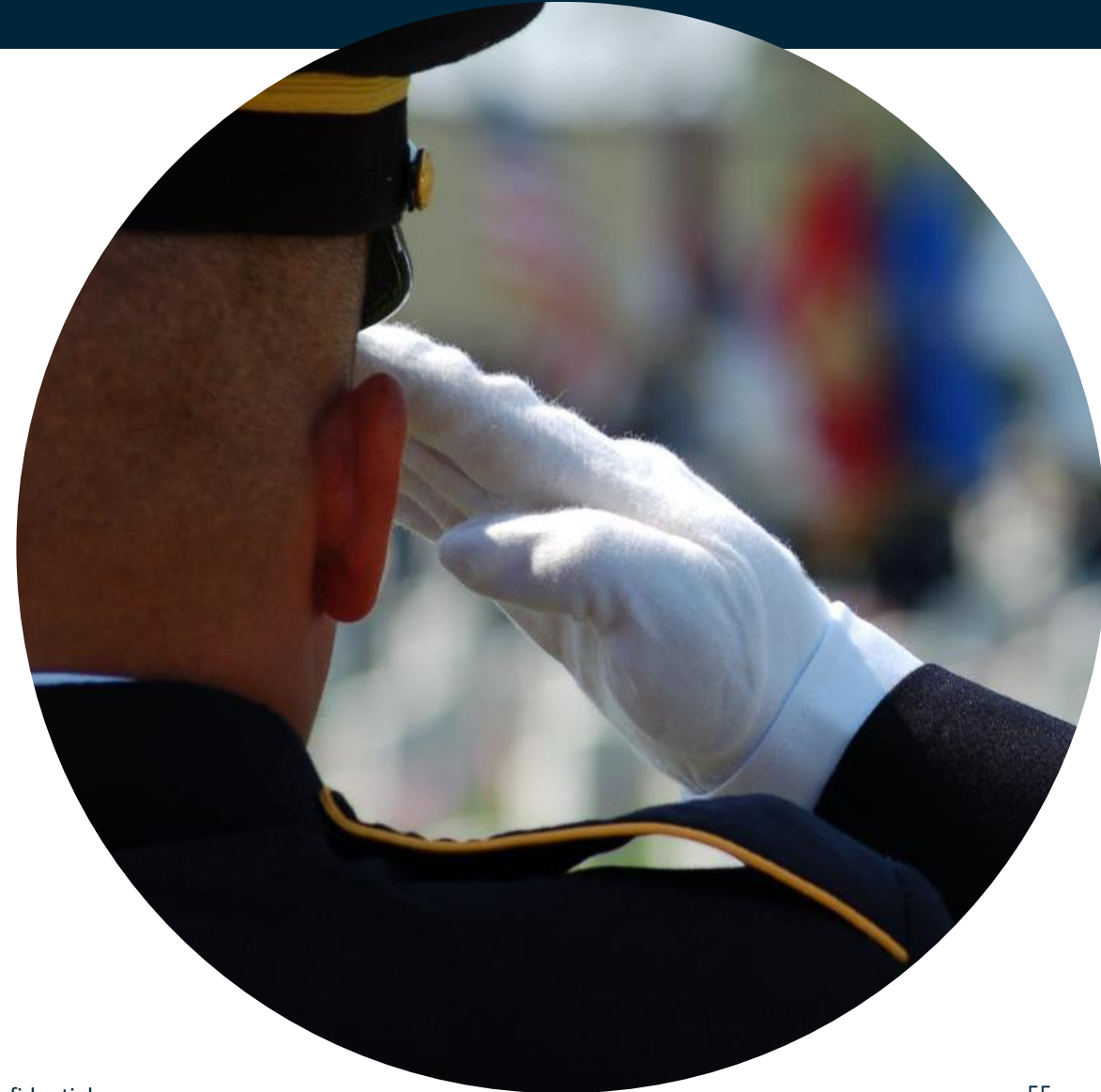
Rhode Island: HB 7659: New Hire Notice

- Requires employers to provide each employee with a written notice of specific conditions of employment upon hire.



Arkansas: SB 497: Notice of Veterans' Services

- Requires employers with 50 or more employees to display a poster concerning veterans' services



New York: ESSTA Amendments



NYC amendment to Earned Sick and Safe Time Act (ESSTA) , effective February 22, 2026, requires employers to provide 32 hours on unpaid sick and safe time to covered employees, in addition to paid sick and safe time already provided by the ESSTA.



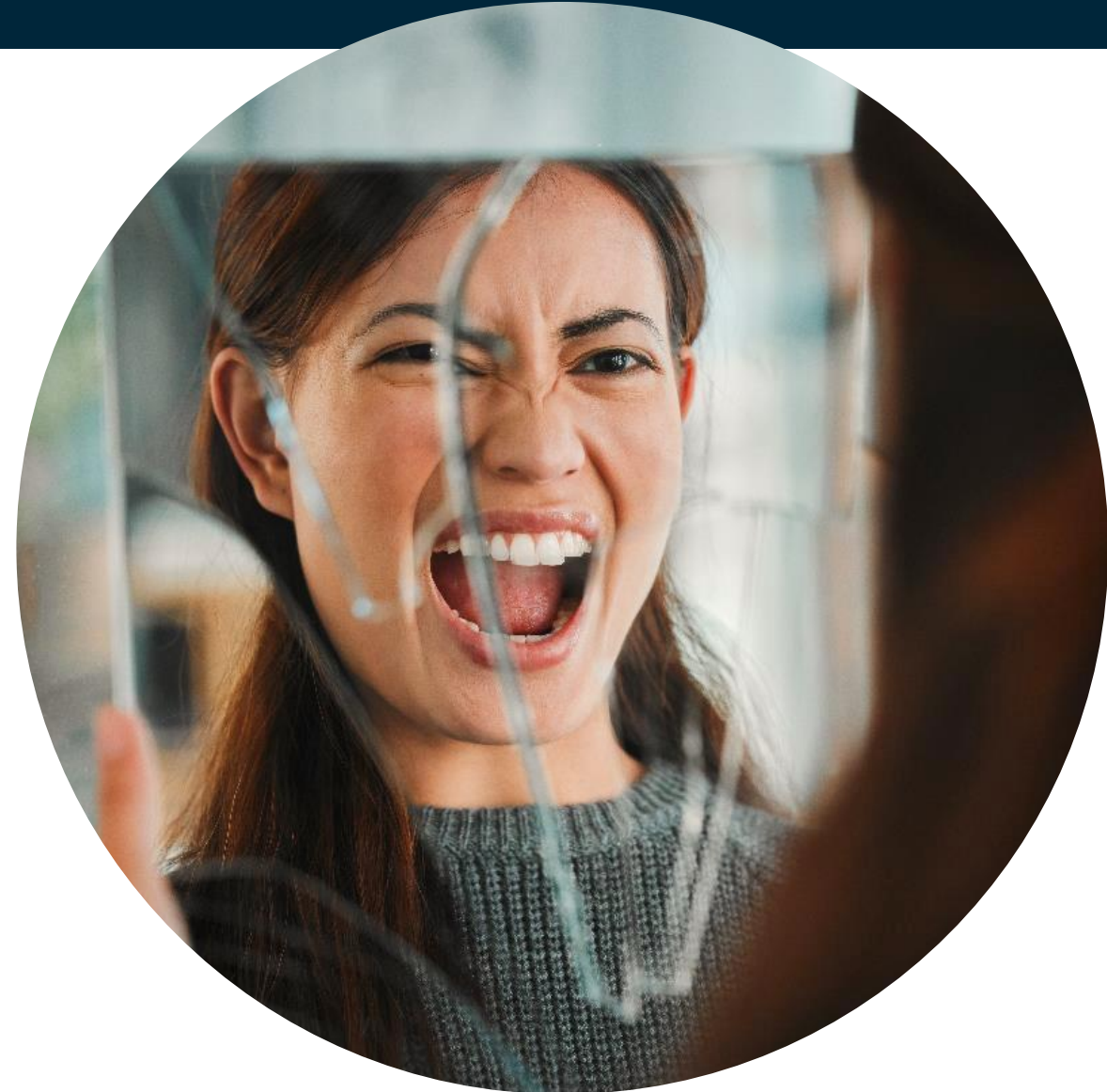
Employers must track the unpaid sick/safe time on paystubs or on another form of written documentation that is provided to the employee each pay period.



Employment Discrimination

California: SB 303: Bias Training

- Employees self assessing their bias cannot have their assessments used against them as admissions in a discrimination case
- Encourages employers to conduct bias trainings without legal repercussions
- “Self-critical analysis” is allowed.



North Carolina: HB 805: Gender Discrimination

- Provides that for purposes of any state law or rules and regulations, "sex" means a person's biological sex, either male or female, at birth.



Iowa: SB 418: Gender Discrimination

- Provides that for purposes of any state law or rules and regulations, "sex" means a person's biological sex, either male or female, at birth.



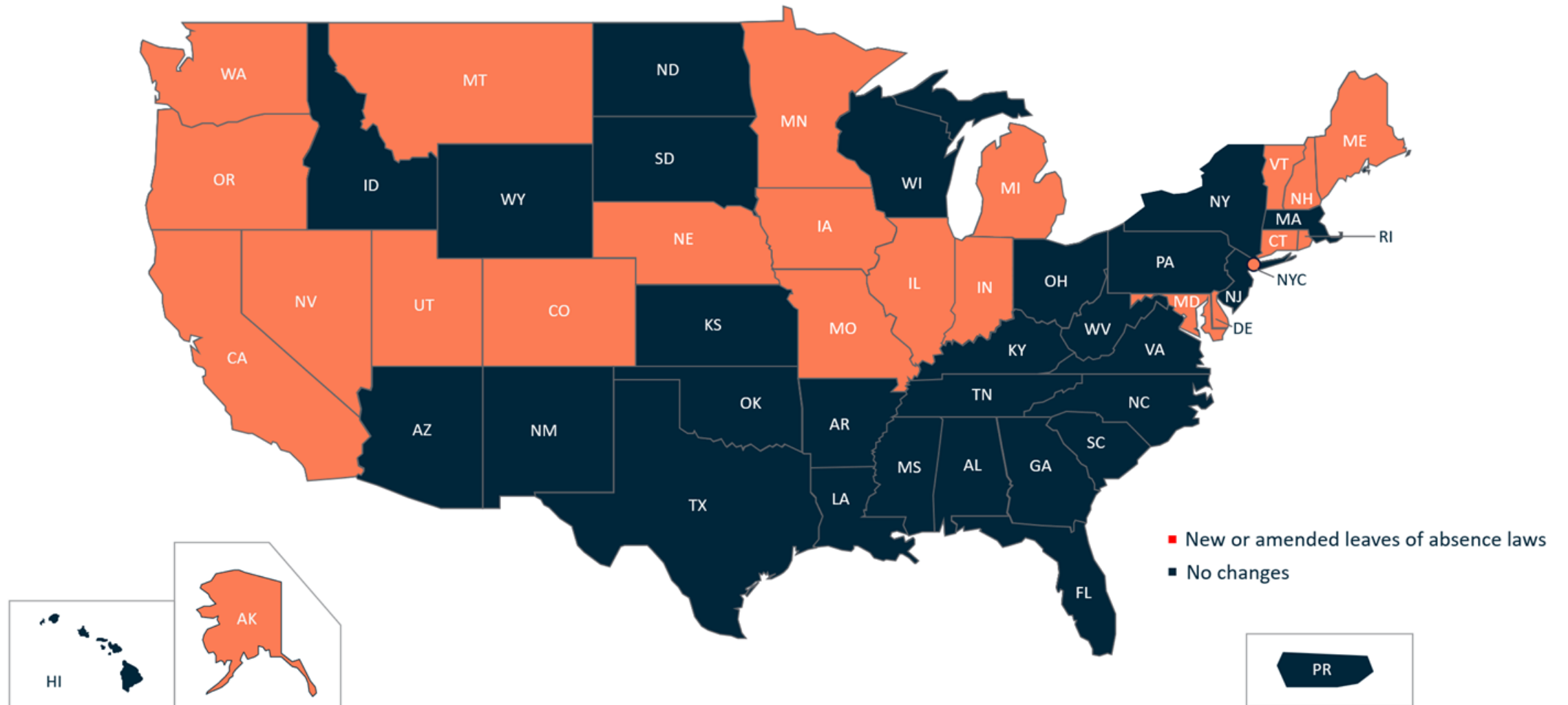
New York: NYSHRL Discrimination Amendments

- NYSHRL amended to explicitly prohibit facially neutral employment practices that have a discriminatory impact on a protected group regardless of discriminatory intent.
- NYSHRL amendment applies to all cases challenging discriminatory practices constituting employment discrimination on and after December 19, 2025.
- NYCHRL already explicitly prohibits disparate impact discrimination.



Leaves of Absence

New or Modified Leaves Laws in 2025





Labor

States with “Captive Audience” Bans

Alaska

California

Connecticut

Hawaii

Illinois

Maine

Minnesota

New Jersey

New York

Oregon

Vermont

Washington

States with Mini-NLRB Laws

If NLRB won't do it, we will!

- California
- New York
- (proposed law) Massachusetts

Off to Court!

Captive audience meetings:

- Injunction granted in CA (appealed). Pending in Connecticut and Illinois.
- No injunction granted in Minnesota

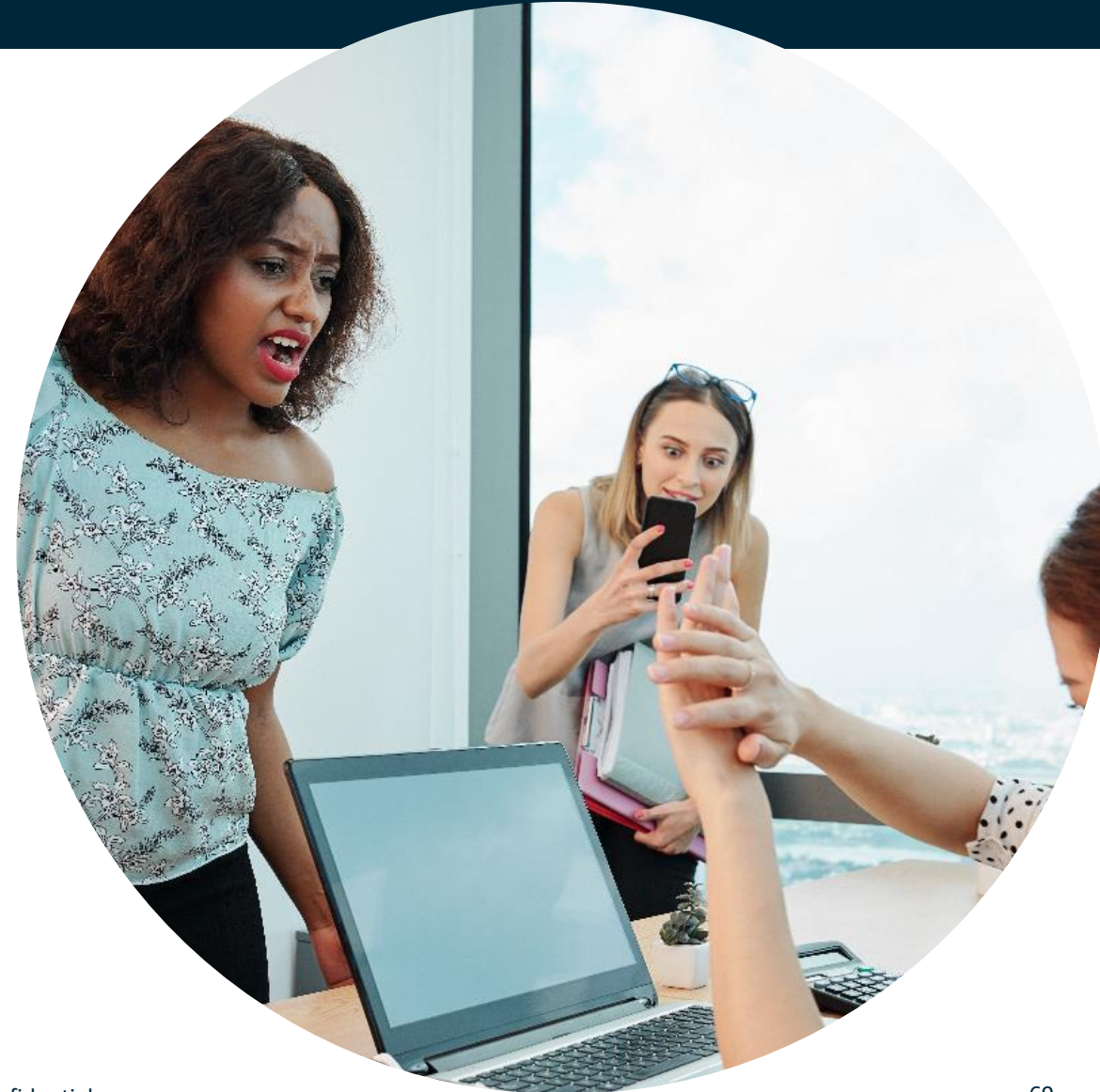
Mini-NLRB laws: injunctions granted in both CA and NY



Brand New

Illinois: HB 1278: Recording Acts of Violence

- Prohibits employers from disciplining or retaliating against employees for using employer-provided electronic devices to record acts of violence.



Long Beach: (ORD-25-0010): Self-Checkout Staffing

- Drug stores and food retail stores
- If self-checkout is in use, store must have at least one staffed traditional checkout lane
- Must also have at least one employee supervising every three self-checkout stations (1:3 ratio).
- An “employee” does not include managers, supervisors, or confidential employees (*i.e.*, employees who have access to sensitive management or labor relations information).



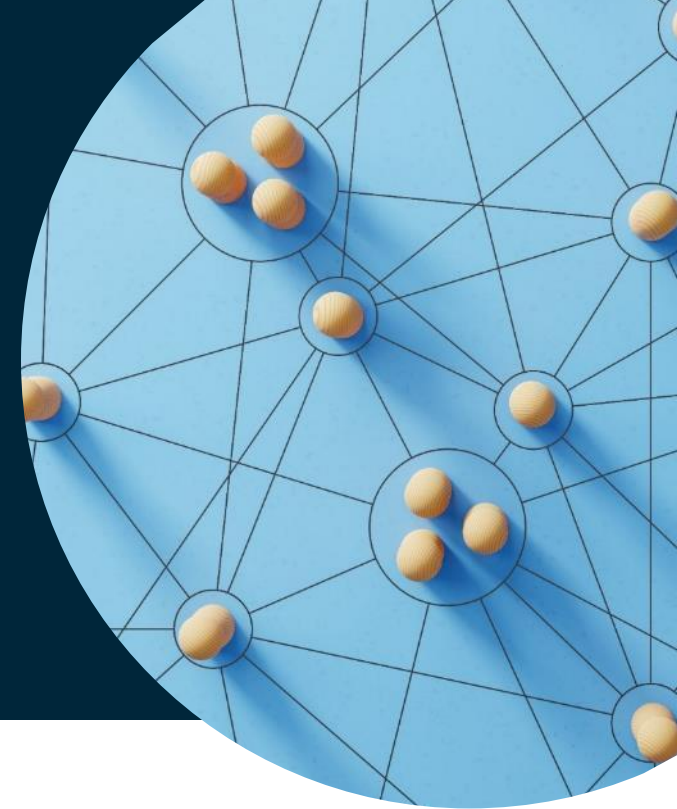
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Questions?



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Inspired by you.[®]



Thank You

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