

# Employers State Law Alert

Summarizing Significant New Employment Laws & Regs in All 50 States



**Maine** has three new employment laws going into effect, p. 6  
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## Considering a paid sick leave policy? Know your state law

by Tammy Binford

Employers, both large and small, have long debated the pros and cons of providing paid sick leave.

Nobody wants to unleash a flu bug that can sicken the whole operation just because somebody decides to come to work sick. One way to prevent such a scenario is to make sure employees know they can take reasonable time off without losing pay.

But employers also don't want to invite unscrupulous employees to feign illness just so they can take a day or two off with pay.

No federal law requires employers to offer paid time off, but nearly half the states have laws requiring certain employers to offer at least some paid time off for an employee's illness or that of a family member.

The patchwork nature of such laws creates a dilemma for multistate employers trying to devise policies that work for all their employees. Another complication: Many municipalities have their own requirements that go beyond state law.

### STATE LAWS

Paid sick leave requirements have been on the books for years in many states, but the issue got muddied in **Missouri** recently. In November 2024, Missouri voters passed a statewide referendum that included a paid sick and safe leave requirement.

The measure meant employees in the state would begin accruing paid leave on May 1, 2025. One hour of paid leave would be accrued for every 30 hours worked.

But on May 30, the state legislature passed House Bill (HB) 567, which removed the paid leave requirement. Governor Mike Kehoe signed HB 567 on July 10, and it became effective on August 28.

A note on the Missouri Department of Labor and Industrial Relations website states, "Employers may continue to offer employees earned paid sick time after Aug. 28, 2025, if they wish but are no longer required to do so beginning Aug. 28, 2025."

So, the provision of paid sick leave in Missouri was short-lived, but such mandates are required in other states. Here's a rundown of state paid sick leave laws as tracked

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by HR software provider Paycor. The list was updated August 12.

**Alaska:** Employees earn one hour of paid leave for every 30 hours worked, with the total capped at 56 hours for employers with at least 15 employees and 40 hours for employers with fewer than 15 employees.

**Arizona:** Employees earn one hour for every 30 hours worked up to 40 hours for employers with 15 or more employees or 24 hours for employers with fewer than 15 employees.

**California:** Employers can choose to frontload paid time or use an accrual method in which one hour is accrued for every 30 hours worked. The law requires employers to provide and allow employees to use at least 40 hours or five days of paid sick leave per year.

**Colorado:** One hour is accrued for every 30 hours worked up to 48 hours per year. Also, 48 hours can be carried over each year.

**Connecticut:** The current law covers employers with 25 or more employees. It covers employees who work at such businesses more than 120 days a year. Workers earn one hour for every 30 hours worked up to 40 hours a year.

**Illinois:** In addition to private-sector employers, the law includes state and local governmental employers. It provides up to 40 hours of paid time a year, and frontloading is permitted. The law does not apply to employers covered by Chicago's or Cook County's sick leave ordinances, and it doesn't apply to school districts under the school code or park districts. The law also includes exemptions: independent contractors, college students employed part time by their school, short-term or temp workers at universities, and employees covered by collective bargaining agreements.

**Maine:** The law covers employers with at least 10 employees who work more than 120 hours annually. Employees who work for covered employers accrue leave but aren't eligible to take it until 120 consecutive days of employment. Employees can earn up to 40 hours per year.

**Maryland:** The law covers employers with 15 or more employees except those covered under local ordinances. It also requires smaller employers to provide unpaid time. Employees who work at least 12 hours per week can earn one hour for every 30 hours worked.

**Massachusetts:** All employers are covered, but local governments and employers with fewer than 11 employees may provide unpaid leave. Employees accrue one hour for every 30 hours worked up to 40 hours, and 40 hours can be carried over.

**Michigan:** Employees earn 40 accrual and usage hours for employers of one to 10 employees and 72 accrual and usage hours for employers of at least 11 employees.

**Minnesota:** Employees who work at least 80 hours during the year earn one hour of paid sick and safe leave for every 30 hours worked up to 48 hours per year.

**Nebraska:** Beginning October 1, nongovernmental employees earn one hour for every 30 hours worked, with frontloading allowed. Employers with 20 or more employees may cap the annual accrual at 56 hours, and employers with fewer than 20 employees may cap the annual leave at 40 hours.

**Nevada:** The law applies to employers that have been in business for at least two years and have 50 or more employees in the state. Employees accrue 0.01923 hours of paid leave for each hour worked, and the employer may limit leave to 40 hours a year.

**New Jersey:** Employees accrue one hour for every 30 hours worked, frontloading is permitted, and leave can be capped at 40 hours.

**New Mexico:** Private-sector employees earn one hour for every 30 hours worked, and they can carry over unused sick leave. The law caps paid sick leave at 64 hours per 12-month period.

**New York:** The law applies to private-sector employers with five or more employees or net income of more than \$1 million. Employees of employers with at least 100 employees earn up to 56 hours; employees of employers with five to 99 employees earn up to 40 hours; employees of employers with four or fewer employees and net income greater than \$1 million earn up to 40 hours. Employees earn one hour for every 30 hours worked, and frontloading is permitted. Employers with four or fewer employees and net income of \$1 million or less must provide up to 40 hours of unpaid leave.

**Oregon:** The law applies to employers with 10 or more employees. Employees accrue one hour for every 30 hours worked, frontloading is permitted, and accrual is capped at 40 hours per week. Employers with fewer than 10 employees must provide unpaid sick leave.

**Rhode Island:** The law covers private-sector employers with 18 or more employees. It excludes public workers, local, state, or federal workers, and per diem nurses. Employees accrue one hour for every 35 hours worked, frontloading is permitted, and the accrual cap is 40 hours.

**Vermont:** Employees who work an average of 18 hours per week during a year accrue one hour for every 52 hours worked. Front loading is permitted, and the annual cap is 40 hours.

**Washington:** The law covers all employers and most employees with exclusions for doctors, lawyers, or dentists, as well as most executive managers who are paid on a salary. Workers accrue one hour for every 40 hours worked with no annual accrual cap.

# STATUTES

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## Illinois

### EMPLOYEE BENEFITS

#### Amends Blood and Organ Donation Leave Act

This law amends the eligibility for the Blood and Organ Donation Leave Act. It changes “an employee” to “any participating employee or part-time employee,” clarifying that the law applies to both full-time and part-time employees. The law allows employees to use up to 10 days of leave within a 12-month period for organ donation services. The law clarifies that for part-time employee pay, the employer shall calculate the daily average pay the part-time employee received during the last two months and compensate the employee with this average pay per leave day used.

**Cite:** 2025 IL HB1616, IL Pub. Ch. 104-0193 (2 pages)

**Enacted:** 8/15/2025

**Effective:** 1/1/2026

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### EMPLOYEE BENEFITS

#### Creates the Family Neonatal Intensive Care Leave Act

This law requires Illinois employers to provide job-protected, unpaid leave for employees with a newborn child in a Neonatal Intensive Care Unit (NICU). Employees employed by an employer with 16 to 50 employees are entitled to use up to 10 days of leave, or the length of time the employee’s child was a patient in the NICU—whichever is less. Employees employed by an employer with more than 50 employees may take up to 20 days of leave, or the length of time the employee’s child was a patient in the NICU, whichever is less. Leave may be taken continually or intermittently, in minimum increments of at least two hours. Employers have the authority to request verification of the NICU stay but may not require employees to reveal confidential medical information. This leave would be in addition to any time already taken under the Family and Medical Leave Act, and employers cannot force employees to use paid time off instead. Additionally, health insurance benefits must continue during this leave period. Such leave is job protected, and employers must reinstate the employee to the same or substantially similar job position following the conclusion of the leave. In addition to civil or administrative actions for unpaid wages, employers found in violation of the law could face penalties of up to \$5,000 per violation.

**Cite:** 2025 IL HB2978, IL Pub. Ch. 104-0259 (6 pages)

**Enacted:** 8/15/2025

**Effective:** 6/1/2026

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### EMPLOYEE BENEFITS

#### Military leave

This law updates and expands the Family Military Leave Act, renaming it the “Military Leave Act” and adds new provisions for paid leave related to military funeral honors. The law applies to employers with 51 or more employees. Qualifying employees would be entitled to use up to eight hours of paid leave per calendar month, with a maximum of 40 hours per year, to participate in funeral honors details. To qualify for the new type of leave, employees must be trained to serve in a funeral honors detail and either (1) be an active or retired member of the U.S. Armed Forces or reserve components, including the Illinois National Guard, or (2) be an authorized provider or affiliated with an authorized provider such as a nonprofit. Qualified employees must give reasonable notice to the employer, and the employer is allowed to request confirmation of participation from the relevant veteran service organization or other official notice. Employers must pay the participating employee at their regular rate of pay during such leave. However, employers would be allowed to deny requests for military funeral honors leave if allowing such leave would reduce staffing in sensitive environments that would drop below safe or legal limits, such as nursing homes or 24/7 care facilities, except where a collective bargaining agreement applies.

**Cite:** 2025 IL SB220, IL Pub. Ch 104-0078 (6 pages)

**Enacted:** 8/1/2025

**Effective:** 8/1/2025

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### EMPLOYEE BENEFITS

#### Paid breaks for nursing mothers in the workplace

This law changes the Nursing Mothers in the Workplace Act, requiring employers to provide paid breaks for nursing employees. It requires employers to compensate employees for break time used to express breast milk for up to one year after the child’s birth. The break time must be compensated for at the employee’s regular rate of pay, and employers cannot require the use of paid leave or reduce pay in any other form during this break time.

**Cite:** 2025 IL SB212, IL Pub. Ch. 104-0076 (1 page)

**Enacted:** 8/1/2025

**Effective:** 1/1/2026

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#### EMPLOYEE SAFETY

### **Creates the Workers' Rights and Worker Safety Act**

This law, known as the Illinois Workers' Rights and Worker Safety Act, attempts to lock in worker protections as they currently exist. The law prohibits Illinois state agencies from amending or revising their rules in a way that is less stringent than requirements under federal wage-and-hour, or federal coal mine safety laws, as such laws existed as of April 28, 2025. If any 2025 federal laws are repealed, revoked, or amended in any manner—including through any interpretative guidance—that results in the less stringent federal protections of workers' rights or worker safety, then the applicable state agency is required to promptly adopt a rule that adopts the standard equivalent to the 2025 federal laws. State agencies are also empowered to establish more stringent standards than those implemented in the 2025 federal laws. To ensure compliance with the law's requirements, state agencies would be required to submit a report to the Illinois Clerk of the House of Representatives and the Secretary of the Senate describing the agency's actions and efforts to implement and enforce the law.

**Cite:** 2025 IL SB1976, IL Pub. Ch. 104-0161 (11 pages)

**Enacted:** 8/14/2025

**Effective:** 8/15/2025

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#### EMPLOYEE SAFETY

### **Use of employer devices in cases of domestic and sexual violence**

This law creates a new provision in the Victims' Economic Security and Safety Act, aiming to protect employees who use employer-issued electronic devices in the context of domestic violence or any crime of violence. The law prohibits employers from taking adverse actions against an employee who uses a work-issued device to document incidents of domestic violence, sexual violence, gender violence, or other crimes of violence committed against themselves or a family or household member. The law further prohibits employers from revoking the employer-issued device solely because it was used to document domestic violence incidents. Employers must also grant employees access to any photos, videos, audio recordings, or digital documents stored on employer-issued devices that relate to the employee's domestic violence incident. The law does not prohibit an employer from complying with investigations or court orders involving the

employer-issued device and its contents. Additionally, the law includes a specific disclaimer against construing it to relieve employees of any reasonable employment policies or the performance of the essential functions of employment.

**Cite:** 2025 IL HB1278, IL Pub. Ch. 104-0171 (1 page)

**Enacted:** 8/15/2025

**Effective:** 1/1/2026

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#### EMPLOYMENT DISCRIMINATION

### **Amends Illinois Human Rights Act**

This law changes the Illinois Human Rights Act related to fact-finding conferences, introduces new civil penalty provisions, and establishes retroactive applicability. The Illinois Department of Labor is granted discretion to conduct a fact-finding conference, changing the requirement from "shall" to "may." The department is required to conduct the conference if both parties submit a request within 90 days of the date the charge is filed. Any request must include the party's written agreement to a 120-day extension of the Department's deadline for its report.

The law changes civil penalty provisions to include a scale based on the respondent's prior history of violations. A penalty of up to \$16,000 may be imposed for a first violation; up to \$42,500 if the respondent had one prior violation within the last five years; and up to \$70,000 if the respondent had two or more prior violations within the last seven years. Importantly, if the same person committed prior and current violations, the higher penalties may apply regardless of the time between the offenses. The law also states that these changes apply to all charges pending or filed on or after the effective date of this law.

**Cite:** 2025 IL SB2487, IL Pub. Ch. 104-0425 (12 pages)

**Enacted:** 8/15/2025

**Effective:** 1/1/2026

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#### LABOR AND EMPLOYMENT

### **Amends Workplace Transparency Act**

This law amends the state's Workplace Transparency Act. It prohibits any contract, agreement, clause, covenant, waiver, or similar document from restricting an employee, prospective employee, or former employee from engaging in "concerted activities" to address work-related concerns. The law defines "concerted activities" as those engaged in for the purpose of collective bargaining or other mutual aid and protection as provided in the National Labor Relations Act as it stood on the last day of the Biden administration,

as well as under certain Illinois statutes. The law allows such documents as a condition of employment if they explicitly recognize the right to engage in these concerted activities and permits valid settlement or termination agreements to include confidentiality clauses regarding alleged unlawful employment practices, provided the confidentiality expires within five years of the alleged unlawful employment practice. The law restricts provisions that shorten statutes of limitations, apply non-Illinois law to an Illinois employee's claims, require non-Illinois venue for an Illinois employee's claim, or unilaterally declare that 'confidentiality' is the preference of the employee. The law also adds a requirement that consideration for a confidentiality provision must be separate from any consideration that is provided for in exchange for a release of claims. The law expands the definition of "unlawful employment practice" to include the definitions of additional laws enforced by federal and Illinois agencies. Lastly, the law replaces references to "consequential damages" with "compensatory damages."

**Cite:** 2025 IL HB3638, IL Pub. Ch. 104-0320 (10 pages)

**Enacted:** 8/15/2025

**Effective:** 1/1/2026

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#### WAGES

### Amends Prevailing Wage Act

This law amends the Prevailing Wage Act to expand the definition of "public works" to include all federal construction projects administered or controlled by a public body if the prevailing wage rate for the project is equal to or higher than the U.S. Secretary of Labor's prevailing wage determination for that kind of work in the same location.

**Cite:** 2025 IL HB1189, Pub. Ch. 104-0160 (1 page)

**Enacted:** 8/14/2025

**Effective:** 7/1/2025

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#### WAGES

### Amends Wage Payment Act

This law updates the Illinois Wage Payment and Collection Act, expanding enforcement powers for the Illinois Department of Labor (IDOL), increasing penalties for wage violations, and strengthening employee protections. Final administrative decisions from IDOL requiring employers to pay owed wages, damages, fines, or fees related to wages would automatically become debts to the state if not paid within 35 days after judicial review or when the time to seek review expires. This debt could then be collected using any legal remedy, and IDOL's findings and orders would be enforceable in the

same manner as any civil court judgment. This provision replaces prior language that required IDOL to file a petition against the employer before payment, therefore giving IDOL more streamlined authority to pursue recovery of amounts owed in connection with a wage claim. The law also increases penalties for employers for unpaid wages. It clarifies that, for a claim adjudicated with IDOL through an administrative hearing, the 5% monthly penalty will accrue for each month of unpaid amounts until the final decisions become a state debt. The law clarifies that the 1% daily penalty that accrues for each day of delay in paying unpaid wages that has been ordered to be paid by IDOL will accrue for each calendar day that such amounts remain unpaid until the final order and decision of IDOL becomes a debt owed to the state. The law increases non-waivable administrative fees, now ranging from \$500—up from \$250—to \$1,250—up from \$1,000—depending on the amount owed. The law also addresses how past and future wage claims will be dealt with. Procedural changes in this law will apply retroactively, while substantive changes will apply only moving forward. The law states that any changes to the remedies available under the Illinois Wage Payment and Collection Act are procedural in nature. This means employers may be liable for increased penalties for historical violations for up to 10 years.

**Cite:** 2025 IL SB2164, IL Pub. Ch. 104-0135 (10 pages)

**Enacted:** 8/1/2025

**Effective:** 8/1/2025

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#### WAGES

### Expansion of the "public works" definition and imposition of new payroll penalties

This law expands enforcement provisions of the Prevailing Wage Act and broadens the definition of "public works." It adds sewer inspection projects using closed-circuit television for identifying issues in a sewer system to the definition of "public works." The law also introduces additional civil penalty provisions to the Prevailing Wage Act for failing to file certified payrolls for any public work projects. The first offense may be up to \$1,000 and can rise to \$2,000 for a second or subsequent offense within five years after the first offense. Employers found in violation may request an administrative hearing within 10 days of receiving notice of the offense. While the contractor or subcontractor may submit mitigating evidence, such as a technical issue when trying to submit payrolls, the bill clearly states that the lack of knowledge of the payroll filing requirement will not be considered as mitigating evidence. If a civil penalty is not paid within 35 days of a final administrative decision, or is not timely challenged, the attorney general may step in to enforce the penalty in a circuit court.

**Cite:** 2025 IL SB1344, IL Pub. Ch. 104-0023 (15 pages)

**Enacted:** 6/30/2025

**Effective:** 6/30/2025

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## Maine



### ANALYSIS

LEGISLATION

#### Three new Maine employment laws going into effect

by Peter Lowe and Hanna Wurgaft, Brann & Isaacson

*It's the time of year when Maine employers have to get up to speed on the new laws taking effect. This year, there are three employment laws you should pay attention to.*

#### EARNED PAID LEAVE LAW

Effective September 24, 2025, the earned paid leave (EPL) law is amended as follows:

Employees are entitled to roll over up to 40 hours of accrued but unused EPL from the year in which it was earned into the following year of employment.

The amount of paid leave an employee is entitled to accrue in that following year of employment (up to the higher of 40 hours or the accrual limit specified by the employer if higher) may not be reduced by the amount of the rolled-over EPL. For most employers, an employee's EPL balance could reach 80 hours (40 rolled-over hours plus the new 40-hour accrual).

Before this change in the law, guidance published by the Maine Department of Labor had indicated that employers were not required to allow rollover of EPL that was front-loaded to the employee, and EPL earned in a future year could be reduced by the amount of any EPL permitted to be rolled over from the prior year.

We recommend that you review your current EPL policy and adopt this change in the rollover requirements.

#### PAID FAMILY AND MEDICAL LEAVE LAW

Effective September 24, 2025, the new paid family and medical leave (PFML) law is amended with respect to intermittent leave.

Any leave taken under the PFML law on an intermittent basis may be taken by an employee in increments of not less than one workday, unless a smaller increment is agreed to by the employee and the employer. Any smaller increment, however, can't be less than one hour.

"Workday" is not defined. We expect that it will be interpreted as the employee's regular or customary hours worked in a day.

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#### MINIMUM PAY FOR REPORTING TO WORK

Legislative Document (LD) 598 passed on June 24, 2025, without Governor Janet Mills' signature. Effective September 24, LD 598 provides a new requirement for call-in pay. Public employees covered by a collective bargaining agreement and employers with fewer than 10 employees are exempt.

If an employee reports to work as required and the employer then cancels or reduces the number of hours in the employee's shift, the employer must pay the employee the lesser of two hours of pay at the employee's regular hourly rate or the total amount the employee would have earned for the originally scheduled shift. This does not apply, however, if the employee is not required or is unable to work because of adverse weather conditions, natural disaster or civil emergency, or the employee's own illness or medical condition or workplace injury.

This law is intended to address situations in which an employee is sent home early, typically for lack of work. If you send an employee home for disciplinary reasons, the minimum pay requirement applies. Many of you will be starting to work on a PFML policy, and you may want to add language setting up parameters on intermittent leave that comply with the new law.

*Excerpted from Maine Employment Law Letter*

*Peter D. Lowe, Daniel C. Stockford, Eamonn Hart, and Hanna Wurgaft, Editors*

*Brann & Isaacson*

## Nebraska



### ANALYSIS

LEGISLATION

#### New Nebraska paid sick leave law takes effect on October 1, 2025

by Mark M. Schorr, Erickson | Sederstrom, P.C.

*Nebraska voters passed Initiative 436 in the November 2024 general election, mandating that Nebraska adopt paid sick leave. As with any ballot initiative, there are always practical factors in actual employment situations that require conforming such an initiative to existing Nebraska law. Therefore, the legislature passed, enabling legislation in the form of LB 415, and the Nebraska Healthy Families and Workplaces Act is now codified in the Nebraska Statutes at Neb. Rev. Stat. §48-3801 through §48-3811 (2025). The new paid sick leave law takes effect on October 1, 2025, but Nebraska employers must be prepared by September 15 to send out notices to all employees and have posters from the Nebraska Department of Labor in place before the Act goes into effect. Let's examine the key requirements of this new law for Nebraska employers.*

## COVERAGE

All private employers in Nebraska with more than 10 employees will be covered by the Act. Employers with 10 or fewer employees will be exempt from the Act, as are the federal government and the state of Nebraska and its agencies, departments, and political subdivisions.

Any individual employed by an employer, including part-time and temporary employees, will be covered by the Act. The Act does provide exemptions, however, and the following individuals are exempt from the Act's requirements:

- Independent contractors;
- Individuals who work in Nebraska for fewer than 80 hours in a calendar year;
- Individuals employed in agricultural employment of a seasonal or other temporary nature;
- Any employee under 16 years of age;
- Owner-operators; and
- Any employee subject to the Federal Railway Unemployment Insurance Act

## ACT'S REQUIREMENTS, ACCRUAL, AND CARRY-OVER RULES

Eligible covered employees will begin accruing paid sick time after 80 hours of consecutive employment in Nebraska and shall accrue a minimum of one hour of paid sick time for every 30 hours worked. Employees employed by a small business—defined in the Act as employers with 11 employees through 19 employees during a given work week, including part-time and temporary employees—will be entitled to accrue up to 40 hours of paid sick time in a year. Employees of employers with 20 or more employees, including part-time and temporary employees, may accrue up to 56 hours of paid sick time in a year.

The Act requires that, each payroll period, employers report to each employee the amount of accrued paid sick time available to the employee, the amount of paid sick time taken by the employee to date in the current year, and the amount of pay the employee has received as paid sick time on each paycheck stub or in an attachment to the employee's regular paycheck. If an employer's payroll system isn't capable of including this information, the Nebraska Department of Labor (NDOL) has made it clear that any reasonable method of reporting this information to the employee will be accepted, including an online system where employees can regularly access this information.

With the new law taking effect on October 1, the Act provides that any and all paid sick time or paid time off (PTO) provided to an employee on or after January 1, 2025,

and before October 1, 2025, shall be counted towards a covered employer's obligations under the Act for calendar year 2025.

Employees who are exempt from overtime shall be assumed to work 40 hours in each work week for purposes of paid sick time accrual, unless their typical work week is less than 40 hours. Accrued sick time shall be carried over to the following year. However, a small employer isn't required to allow an employee to use more than 40 hours accrued sick leave in any given calendar year, and a larger employer isn't required to permit an employee to use more than 56 hours of paid sick time in any given calendar year. In lieu of carryover of unused paid sick time, covered employers may pay an employee for unused paid sick time.

Nebraska employers that already maintain a paid leave policy—such as a combined PTO policy that incorporates paid vacation and sick leave—that equals or exceeds the requirements of the new Act won't be required to provide any additional paid sick time under the Act and won't be obligated to permit employees to accrue or carry over benefits beyond the employers' existing paid leave policy and any caps contained therein.

In accordance with Nebraska law, employers won't be required to pay out any accrued, but as yet unused, sick leave upon separation of an employee from employment. However, employers in Nebraska that combine vacation and sick leave into one overall PTO policy and don't differentiate between sick leave and vacation will still be required to pay out all accrued but unused PTO upon termination under existing Nebraska law. Moreover, it's important to note that, under the new Act, if an employee with accrued paid sick leave separates from employment with a covered employer and that employee is rehired by the same employer within 12 months of separation, all previously accrued paid sick time that had not been used or paid out to the employee must be reinstated. In such circumstances, the employee will be entitled to immediately use accrued paid sick time and accrue additional paid sick time at the recommencement of employment.

## REQUIREMENT TO PROVIDE PAID SICK LEAVE TO EMPLOYEES

Employees may use paid sick time for a broad variety of purposes, including their own injury, illness, or health condition; to care for a family member with a mental or physical illness, injury, or health condition; closure of an employee's place of business because of a public health emergency; the employee's need to care for a child whose school or place of care has been closed because of a public health emergency; or the employee's need to self-isolate because of a health exposure or condition.

Unlike certain other similar federal and state laws, paid sick time under the Act may be used in the smallest hourly increment that an employer's payroll systems use to account for absences of use or other time—i.e., employers may not require it to be used for at least a full day's absence. Any employer that requires notice of the need to use paid sick time in accordance with this section shall establish and maintain a written policy that contains reasonable procedures for employees to provide notice.

In the event an employee uses paid sick time for more than three consecutive workdays, an employer may require reasonable documentation (e.g., a doctor's note) that the paid sick time has been used for a purpose covered by the Act. For absences of less than three days, however, employers may not require medical certification.

### **ENFORCEMENT, NOTICE, AND POSTING REQUIREMENTS**

Enforcement of the new paid sick leave law will lie strictly with the NDOL. The law excludes any private right of action on the part of employees complaining of noncompliance. The NDOL's Labor Standards Division will receive complaints in the same manner as it receives complaints under the Nebraska Wage Payment and Collection Act and other Nebraska laws. The NDOL will have the authority to conduct a formal investigation, including issuance of subpoenas, if necessary. If an employer is determined to be in violation of the new Act, a citation may be issued with penalties up to \$500 in the case of a first violation, and not more than \$5,000 in the case of a second or subsequent violation.

On or before September 15, employers covered by the new Act must give employees notice of their entitlement to paid sick time, the amount of paid sick time that may be accrued, the terms of use guaranteed under the Act outlined above, and other details of the Act. Employers must also display a poster created by the NDOL that contains all of the information required in the notice in a conspicuous and accessible place in each department or establishment where covered employees are employed. The posters may be obtained from the NDOL, which has provided the following link for such inquiries: [laborstdrdsinquiries@nebraska.gov](mailto:laborstdrdsinquiries@nebraska.gov).

### **ACTION ITEMS FOR NEBRASKA EMPLOYERS**

Covered employers should determine head counts and exempt status to prepare for the effective date of the Act. Audit your covered workforce identifying those potentially exempt individuals. Examine existing PTO policies to determine whether they meet or exceed paid sick leave requirements under the new law. Update policies and handbooks to provide for accrual, use payout, etc. Integrate the 80-hour accrual threshold into payroll

systems, and prepare for required notices and poster deployment.

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*Excerpted from Nebraska Employment Law Letter*

*Bonnie Boryca and Mark M. Schorr, Editors*

*Erickson | Sederstrom, P.C.*

## **Wisconsin**

### **WORKERS' COMPENSATION**

#### **Transferring adjudicatory functions relating to workers' compensation claims**

This law transfers the adjudicatory functions relating to disputed worker's compensation claims from the Department of Administration Division of Hearings and Appeals to the Department of Workforce Development. These functions include: receiving answers; scheduling and conducting prehearings and hearings; receiving testimony; issuing findings, orders, and awards; dismissing parties and applications for hearings; and conducting mediation.

**Cite:** 2025 WI AB232, WI Pub. Ch. 33 (63 pages)

**Enacted:** 8/8/2025

**Effective:** 1/1/2026

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## **REGULATIONS**

### **Alaska**

#### **LICENSURE**

#### **Journeyman reciprocity**

The Department of Labor and Workforce Development amended rules concerning certificates of fitness for journeyman plumbers and journeyman electricians, allowing for the issuance of a provisional certificate when an applicant holds a comparable certificate in another jurisdiction.

**Cite:** 8 AAC 63, 8 AAC 90 (Online Public Notice System, 07/09/2025) (12 pages)

**Adopted:** 7/9/2025

**Effective:** 8/8/2025

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## Arizona

### LICENSURE

#### Physical therapists

The Board of Physical Therapy updated its ethics materials, removed clinical performance instruments from materials incorporated by reference in favor of approving available instruments on a case-by-case basis, and changed the certification of physical therapist assistants to licensure pursuant to legislative amendments.

**Cite:** 4 A.A.C. 24 (31 A.A.R. 2377, 07/18/2025) (20 pages)

**Adopted:** 7/18/2025

**Effective:** 8/30/2025

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## Arkansas

### WAGES

#### Contribution payments and reports

The Division of Workforce Services amended rules regarding contribution payments and reports, payments in lieu of contributions, advance payments, and wage reports, specifically concerning quarterly contributions and filing requirements.

**Cite:** 11 CAR § 1-205 (Arkansas Register, Vol. 50, No. 7, July 2025, page 3) (34 pages)

**Adopted:** 6/2/2025

**Effective:** 6/12/2025

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## California

### DISCRIMINATION

#### Automated employment decisions

The Civil Rights Council amended its regulations to define terms such as “agent,” “employment agency,” “proxy,” “decision system,” “algorithm,” “artificial intelligence,” “automated–decision system data,” and “machine learning,” and made it unlawful for an employer or other covered entity to use an automated–decision system or selection criteria that discriminates against an applicant or employee or a class of applicants or employees on a basis protected by the Fair Employment and Housing Act.

**Cite:** 2 CCR §§ 11008, 11008.1, 11009, 11013, 11015, 11016, 11017, 11017.1, 11020, 11028, 11032, 11033, 11038, 11039, 11056, 11063, 11070, 11071, 11072, 11076, 11079 (CRNR 2025, No. 28-Z, 07/11/2025, page 887) (21 pages)

**Adopted:** 6/27/2025

**Effective:** 10/1/2025

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### OCCUPATIONAL SAFETY

#### Fall protection

The Occupational Safety and Health Standards Board amended its regulations related to floor openings at locations where steel erection work is taking place, requiring that floor openings be barricaded by guardrails, the cone and bar barricade (CBB) system, or be covered when not attended by steel erection personnel.

**Cite:** 8 CCR § 1635 (CRNR 2025, No. 30-Z, 07/25/2025, page 929) (3 pages)

**Adopted:** 7/15/2025

**Effective:** 10/1/2025

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## Connecticut

### OCCUPATIONAL SAFETY

#### Safety and health standards for construction industry

The Department of Labor updated occupational safety and health standards by reference to revisions of federal standards, pursuant to state statute.

**Cite:** Regs., Conn. State Agencies § 31-372-107-1926 (eRegulations System, Tracking Number PR2025-001, 07/09/2025) (8 pages)

**Adopted:** 7/3/2025

**Effective:** 7/8/2025

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## Iowa

### LICENSURE

#### Continuing education for athletic trainers

The Inspections and Appeals Department amended rules for the continuing education of athletic trainers, allowing licensees who complete continuing education hours in excess of the requirements for renewal to apply up to 50 percent of the required hours to the following renewal period, up to a 20 hour maximum.

**Cite:** 481 IAC 862.2(4) (IAB Vol. XLVIII, No. 1, 07/09/2025, page 383) (2 pages)

**Adopted:** 6/10/2025

**Effective:** 8/13/2025

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### LICENSURE

#### Discipline for therapists and counselors

The Board of Athletic Training adopted a new chapter of rules for the discipline of marital and family therapists,

mental health counselors, behavior analysts, psychologists, and social workers; discipline for psychologists; discipline for marital and family therapists, mental health counselors, behavior analysts, and assistant behavior analysts; and discipline for social workers.

**Cite:** 481 IAC 882, 887, 893, 898 (IAB Vol. XLVIII, No. 1, 07/09/2025, page 409) (3 pages)

**Adopted:** 5/27/2025

**Effective:** 8/13/2025

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#### LICENSURE

### Occupational therapist continuing education

The Inspections and Appeals Department amended rules governing the continuing education of occupational therapists and occupational therapy assistants, so that licensees who complete continuing education hours in excess of the requirements for renewal may apply up to 50 percent of the required hours to the following renewal period, up to a maximum of 15 hours for occupational therapists and 7.5 hours for occupational therapy assistants.

**Cite:** 481 IAC 805.2(3) (IAB Vol. XLVIII, No. 1, 07/09/2025, page 382) (2 pages)

**Adopted:** 6/13/2025

**Effective:** 8/13/2025

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## Kentucky

#### OCCUPATIONAL SAFETY

### Personal protective equipment

The Division of Occupational Safety and Health Compliance adopted an emergency amendment to safety rules, requiring that personal protective equipment (PPE) worn by employees in the construction industry is of safe design and construction for the work performed, and selected to ensure it properly fits each affected employee.

**Cite:** 803 KAR 2:404E (52 Ky.R. 7, 07/01/2025) (3 pages)

**Adopted:** 6/12/2025

**Effective:** 6/12/2025

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## Maine

#### LICENSURE

### Nursing ethics

The Board of Nursing adopted the American Nurses Association Code of Ethics as an ethical standard of

practice for licensees, incorporating the generally accepted Code of Ethics for Nurses, 2025 Edition, by reference.

**Cite:** 02-380 CMR Ch. 14 (Weekly Notices of State Agency Rulemaking, 07/02/2025, page 4) (20 pages)

**Adopted:** 7/1/2025

**Effective:** 7/1/2025

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## Maryland

#### LICENSURE

### Electricians continuing education

The Board of Electricians adopted amendments to rules for continuing education for licensees, including language to account for amendments, modifications, or updates incorporated by reference to national codes.

**Cite:** COMAR 09.09.02 (52:14 Md. Reg. 712, 07/11/2025) (1 page)

**Adopted:** 5/27/2025

**Effective:** 7/21/2025

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## Michigan

#### WORKERS' COMPENSATION

### Healthcare services

The Workers' Disability Compensation Agency amended rules for healthcare services regarding procedure codes, billing information, adoption of rules by reference, consultation services, follow-up care, general information, and modifier codes.

**Cite:** AC, R 418.10106, R 418.10107, R 418.10201, R 418.10205, R 418.10206, R 418.10404, R 418.10901, R 418.10904, R 418.10915, R 418.10920, R 418.101002, R 418.101004 (2025 MR 12, 07/15/2025, page 47) (9 pages)

**Adopted:** 6/4/2025

**Effective:** 6/4/2025

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## Minnesota



### ANALYSIS

#### REGULATIONS

### Minnesota publishes paid family and medical leave rules

by Brian Benkstein, Felhaber Larson

The Minnesota Department of Employment and Economic Development (DEED) recently published rules interpreting and clarifying some of the requirements in the state's paid family

medical leave law, which is codified at Chapter 268B. The “Adopted Expedited Rules Regulating Paid Sick Leave” provide at least some guidance for a complicated set of legal requirements set to take effect January 1, 2026.

### HIGHLIGHTS OF THE NEW RULES

The new rules are contained within Chapter 3317, and some of the more pertinent provisions are highlighted here:

- Employees have an obligation to attest to DEED that they provided proper notice to their employer in connection with an application for paid leave benefits. The rules set out a process whereby the employer can challenge the notice, which may delay the leave, if upheld.
- The rules make clear that employers have affirmative reporting requirements including, for example, an obligation to notify DEED of supplemental benefit payments paid to employees.
- The rules address situations where an employee seeks to end a leave early, extend an approved leave, or change an intermittent work schedule. Employees have certain notice and reporting obligations both to DEED and the employer, and there are processes for employers to challenge those notifications.
- The rules contain provisions that cover certain employer/employee disputes about intermittent leave—specifically, whether the employee made a “reasonable effort” to share the need for a leave and proposed schedule before applying with DEED for benefits.
- Finally, the rules address requirements for private plans to file amendments to the plan, employee notice requirements, and obligations to provide employees with requested information about a claim for benefits.

### BOTTOM LINE

The rules provide some helpful guidance with respect to the topics covered. In a perfect world, however, the rules would have gone further to address some of the more nuanced provisions contained in the Minnesota Paid Leave Law (MPLL), such as coordination of employer-provided “supplemental” benefits, the “camouflaged” minimum wage requirements surrounding employee premium deductions, and the limitations on waivers and releases of claims under MPLL. But, at this point, we’ll take what we can get as we prepare for implementation of MPLL. Continue to be on the lookout for updates throughout the coming months.

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*Excerpted from Minnesota Employment Law Letter*

*Ryan A. Olson and David Richie, Editors*

Felhaber Larson

## New York

### LABOR

#### Filing requirements

The Public Employment Relations Board amended rules to effectuate the purposes of the Public Employees’ Fair Employment Act, eliminating notarization requirements in filings before the Public Employment Relations Board.

**Cite:** 4 NYCRR 200, 201, 203, 204, 210, 211, 231 (N.Y. State Register, Vol. XLVII, Issue 29, 07/23/2025, page 12) (2 pages)

**Adopted:** 7/7/2025

**Effective:** 7/23/2025

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## North Carolina

### LICENSURE

#### Engineers and surveyors

The engineers and surveyors board amended rules governing the application procedures for individuals desiring to become certified as a Surveyor Intern or licensure as a Professional Land Surveyor.

**Cite:** 21 NCAC 56.0602 (40:1 NCR 119, 07/01/2025) (2 pages)

**Adopted:** 5/1/2025

**Effective:** 5/1/2025

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## Ohio

### WORKERS’ COMPENSATION

#### Access to documentation

The Bureau of Workers’ Compensation amended rules to provide that a claimant shall promptly provide a current signed release of medical information, records, and reports relative to the issues necessary for the administration of the claim when requested by the employer; and that the employer shall immediately provide copies of all medical information, records, and reports to the bureau and to the claimant or the claimant’s representative upon request.

**Cite:** Ohio Admin. Code 4123-6-20.1 (Register of Ohio, 07/30/2025) (2 pages)

**Adopted:** 7/30/2025

**Effective:** 7/30/2025

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**WORKERS' COMPENSATION****Standards of conduct**

The Bureau of Workers' Compensation amended rules for standards of conduct of commission and bureau employees, expanding confidentiality requirements and changing the filing dates for financial disclosure and personal trading policy affirmations.

**Cite:** Ohio Admin. Code 4123-15-03 (Register of Ohio, 07/30/2025) (6 pages)

**Adopted:** 7/30/2025

**Effective:** 7/30/2025

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**Oregon****WAGES****Prevailing wage rate**

The Bureau of Labor and Industries amended rules to update the prevailing rates of wage for workers upon public works in each trade or occupation in the locality where work is performed to the wage rates stated in the publication of the Oregon Bureau of Labor and Industries, entitled Prevailing Wage Rates for Public Works Contracts, dated July 5, 2025.

**Cite:** OAR 839-025-0700 (Oregon Bulletin, July 2025) (1 page)

**Adopted:** 6/27/2025

**Effective:** 7/5/2025

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**Texas****LICENSURE****Social worker requirements for continuing education**

The Board of Social Worker Examiners amended rules relating to Requirements for Continuing Education, clarifying the nature of professional development a licensee must receive related to maintaining competency when providing services to unique populations.

**Cite:** 22 TAC § 781.501 (50 TexReg 4016, 07/11/2025) (4 pages)

**Adopted:** 6/30/2025

**Effective:** 7/20/2025

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**Virginia****LICENSURE****Contractor regulations**

The Board for Contractors Regulations amended rules to revise definitions; remove and consolidate fees; clarify and streamline licensing provisions; extend to 60 days the period of time a regulant has to report a change of qualified individual; expand the requirement for a contractor to obtain the signed acknowledgment of receipt of department statement of protection; and reduce to six hours the length of the required prelicense education course and remove requirements that the student supply a social security number for that education course and that the course provider have certificates of approval available on site.

**Cite:** 18VAC50-22 (41 va regs reg 2686, 07/28/2025) (15 pages)

**Adopted:** 7/28/2025

**Effective:** 9/1/2025

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