

Employers State Law Alert

Summarizing Significant New Employment Laws & Regs in All 50 States



Texas school districts now subject to lawsuits for sexual misconduct, p. 3.
 Statutory developments by state, p. 2.
 Regulatory developments by state, p. 4.

Employers seeing new changes in state paid family and medical leave laws

by Tammy Binford

Although no federal law requires employers to provide paid family and medical leave (PFML) to employees, the list of states requiring such pay has grown over the years. And recently, some states have made changes, meaning employers may need to update their practices.

STATE PFML VERSUS FEDERAL FMLA

State PFML laws differ from the federal Family and Medical Leave Act (FMLA), which has been in force for more than 30 years. Under the FMLA, eligible employees of covered employers are entitled to up to 12 weeks of leave in a 12-month period. The leave is unpaid, but it ensures that workers taking the leave can return to their jobs when they are able.

The leave is available to care for the serious health condition of the employee or certain family members of the

employee, as well as for the birth or adoption of a child or placement of a child in foster care. It also provides leave related to a family member’s military service.

The FMLA covers employers with at least 50 employees. Eligible employees are those who have worked for a covered employer for at least a year and work at a location where the employer has at least 50 employees within 75 miles.

The difference between the federal FMLA and the various state PFML laws centers on pay, but just how much pay depends on state law. HR and payroll software company Paycor says wage replacement rates among the states range from 50% to 80%.

As of 2025, about 31% of private-sector workers in the United States had access to paid family leave insurance, according to Paycor, but the rate is much lower among part-time and low-wage workers.

Paycor says state PFML laws are made up of two types of leave: **Paid family leave** gives employees paid time off to take care of a family member with a qualifying condition or to care for a new child, and **paid medical leave** provides paid time for employees to care for their own serious illness or injury.

STATE LAWS

State laws take different approaches to how paid leave is provided. Some make programs mandatory for employers, and others make the leave program voluntary.

In this Issue:

STATUTES

New Jersey
 Employer Reporting.....2
 Employment Discrimination.....3
 Wage and Hour.....3

Texas
 Legislation.....3

REGULATIONS

Alabama
 Licensure.....4

California
 Licensure.....4

Colorado
 Occupational Safety.....4
 Wages.....5
 Whistleblowers.....5

Illinois
 Licensure.....5

Iowa
 Training.....5

Kentucky
 Workers’ Compensation.....5

Louisiana
 Employment Security.....5

Maryland
 Unemployment Insurance.....5

Michigan
 Licensure.....6

New Mexico
 Licensure.....6
 Workforce Development.....6

Oregon
 Workers’ Compensation.....6

Virginia
 Healthcare Professionals.....6
 Occupational Safety.....7

Washington
 Workers’ Compensation.....7

Wisconsin
 Licensure.....7

Because covered employers are required to participate under mandatory programs, more employees are covered, according to information from Paycor. In voluntary programs, states often provide tax incentives for employers that participate, but states using voluntary models are likely to see fewer employees covered.

The National Conference of State Legislatures (NCSL) counted 13 states as of late 2025 with mandatory PFML laws. Those states are California, Colorado, Connecticut, Delaware, Maine, Massachusetts, Maryland, Minnesota, New Jersey, New York, Oregon, Rhode Island, and Washington.

In addition, the NCSL says 10 states have voluntary programs. Those states are Alabama, Arkansas, Florida, Kentucky, New Hampshire, South Carolina, Tennessee, Texas, Vermont, and Virginia.

State programs are funded through employer contributions, employee payroll deductions, or a combination of employer contributions and employee deductions.

NEW REQUIREMENTS

Here's a look at some state laws that have recently changed or soon will see changes.

In **Colorado**, the state's Paid Family and Medical Leave Insurance law has been amended so that in addition to the already existing benefits, as of January 1, 2026, eligible employees are now entitled to 12 additional weeks of paid leave when their child is recovering in a neonatal intensive care unit. Also effective on January 1, the total premium contributions are lowered from 0.9% of wages to 0.88%.

Delaware's Family and Medical Leave Insurance Program was enacted in 2022, with claims for benefits beginning on January 1, 2026. Contributions to the program began on January 1, 2025.

Employers with 25 or more employees must comply with all provisions of the law, and employers with 10 to 24 employees must make contributions, but only the paid parental leave part of the law applies. Employers with fewer than 10 employees may voluntarily participate.

A recent change means that Delaware employers cannot require employees to use or exhaust employer-provided paid time off before applying for benefits, but the use of accrued paid time is allowed to "top off" pay if both the employer and employee agree.

Under **Maine's** law, employers will have to provide PFML starting on May 1, 2026. Contributions to the program began in January 2025 through employee payroll deductions and employer contributions.

Maine's law covers nearly all public- and private-sector employers and provides eligible employees up to 12 weeks of paid time off a year to care for their own medical needs;

to bond with a child after birth, fostering, or adoption; to care for a loved one with a serious health condition; to prepare for a family member's military deployment; or to find safety after abuse or violence.

Under the Maine law, employers with 15 or more employees will contribute 1% of wages and may deduct up to half of the contribution from the employees' wages. Employers with fewer than 15 employees will contribute 0.5% of wages and may deduct the entire amount from the employees' wages.

In **Maryland**, payroll deductions are scheduled to begin on January 1, 2027, with benefits scheduled to start in January 2028. Leave can be used to care for a new child, care for an employee's serious health condition or that of a loved one, or manage family needs related to military deployment. Contribution rates are to be set by May 1, 2026.

In **Minnesota**, benefits under the state's paid leave law began on January 1, 2026. The medical leave can be used to care for an employee's own or a family member's serious health condition, to bond with a new child, for certain safety reasons, or to support a family member called to active duty.

The law is in addition to Minnesota's Earned Safe and Sick Time Act and doesn't replace pregnancy and parental leave available under the state's Parental Leave Act.

Washington's paid leave law was recently amended so that as of January 1, 2026, employers of 25 or more employees must provide new job restoration benefits for certain employees. Those obligations are to cover employers with just 15 or more employees on January 1, 2027, and they will apply to employers with at least eight employees on January 1, 2028.

STATUTES

New Jersey

EMPLOYER REPORTING

Expands employer reporting requirements

This law expands certain employer reporting requirements to include entities that employ or contract with individuals for financial compensation, including technology platforms used for ride-sharing, delivery, or other services. The law expands these existing reporting requirements to include employers and other entities that employ or contract with any person for financial compensation. Financial compensation includes earnings reported on a Form 1099.

Cite: 2026 NJ AB4750, NJ Pub. Ch. 361 (3 pages)

Enacted: 1/20/2026

Effective: 1/20/2026

[Click for Extended Link](#)

EMPLOYMENT DISCRIMINATION**Members of the military**

This law specifically bars discrimination against persons currently serving in the military and military veterans. The law defines this additional protected class of persons as those in active service in any branch of the Armed Forces of the United States or National Guard, and those who have been discharged or released from active service in any branch of the Armed Forces of the United States or National Guard. The law also makes it an unlawful employment practice for employers to deny reemployment to employees who take leave for military service. This provision is in compliance with the federal Uniformed Services Employment and Reemployment Rights Act of 1994.

Cite: 2026 NJ SB3800, NJ Pub. Ch. 307 (28 pages)

Enacted: 1/20/2026

Effective: 1/20/2026

[Click for Extended Link](#)

WAGE AND HOUR**Amends employer local payroll tax**

This law amends the local payroll tax law to require certain employers, which employ persons within any municipality that imposes a local payroll tax, to provide additional information to assist in the administration of the local tax, as requested by the municipality collecting the tax. The law further provides that if an out-of-state municipality, or other out-of-state entity, imposes an employer payroll tax on a New Jersey resident employee, an employer payroll tax imposed would not apply to that employee.

Cite: 2026 NJ SB4219, NJ Pub. Ch. 314 (7 pages)

Enacted: 1/20/2026

Effective: 1/20/2026

[Click for Extended Link](#)

Texas**ANALYSIS****LEGISLATION****Texas school districts now subject to lawsuits for sexual misconduct**

by Michael P. Maslanka, UNT-Dallas College of Law

A new era began in Texas on September 1, 2025, when House Bill (HB) 4623 took effect. The Texas law stripped school districts and most of their employees of immunity from lawsuits for sexual misconduct.

WHO IS COVERED?

HB 4623 covers just about everybody:

- School districts;
- Teachers (including substitutes);
- Supervisors;
- School counselors;
- Superintendents;
- Nurses;
- Teacher's aides;
- School bus drivers; and
- Trustees.

WHAT IS COVERED?

The law covers sexual misconduct toward a student, including:

- Sexual abuse;
- Sexual harassment;
- Unwelcome sexual advances;
- Sexual comments;
- Requests for dates;
- Sexual touching; and
- Indecency.

And separately from misconduct, a "failure to report suspected child abuse or neglect" is also covered.

WHAT DOES THE SUING PARTY NEED TO PROVE TO HOLD THE SCHOOL DISTRICT LIABLE?

A jury will decide whether to impose liability on the school district, but this isn't a free-floating inquiry.

To hold the school district responsible, the suing party needs to prove gross negligence or recklessness in hiring, supervising, or employing one of the above individuals who is engaging in sexual misconduct. Misconduct encompasses active, affirmative acts against a student, as well as an omission to act—that is, staying silent in the face of misconduct.

WHAT ARE THE DAMAGES?

Here goes:

- Actual damages up to \$500,000 for each claimant; and
- Attorneys' fees and costs if the claimant wins.

BOTTOM LINE

Note a few things: *First*, the law is broadly drafted to cover as much territory as possible. This is called a remedial law designed to cure a societal problem. The consequence is

not only that the law's terms are broad but also that courts will interpret the terms as broadly as possible.

Second, the law is structured to attract lawyers to sue, with a hefty \$500,000 for each claimant. What this means is that if there's only one teacher engaging in the same sexual misconduct toward three students, then each suing student can be awarded up to \$500,000, totaling a potential \$1,500,000.

Third, school districts need to review hiring policies, including background checks, and start to create—or continue to stress—a culture where one can't look the other way if sexual misconduct toward a student is occurring. (A culture is defined, for me, by acting automatically when confronted with certain situations.)

Fourth, to get a sense of how the new law operates—and how it can play out in a small community—check out “Abuse Allegations Against A Legendary Football Coach's Son Fracture A North Texas Town,” by Lomi Kriel, appearing in *The Texas Tribune* on December 12, 2025. The allegation is that the son, who was a middle school teacher and an assistant football coach, “forced students to perform naked jumping jacks and burpees while videotaping them on his phone.” There are further allegations that district officials covered up a pattern of this conduct, resulting in a failure to intervene earlier to stop it.

Before September 1, 2025, this lawsuit and its allegations would have been barred by governmental immunity. No longer.

Excerpted from Texas Employment Law Letter

Michael P. Maslanka, Jacob M. Monty, and Daniel Ramirez, Editors

UNT-Dallas College of Law and Monty & Ramirez LLP ■

REGULATIONS

Alabama

LICENSURE

Continuing education for electrical contracting

The Board of Electrical Contractors repealed and replaced rules for the establishment of minimum standards for continuing education for the practice of electrical contracting.

Cite: Ala. Admin. Code r. 303-X-5 (Vol. XLIV, Issue No. 3 AAM, 12/31/2025, page 32) (6 pages)

Adopted: 12/3/2025

Effective: 12/31/2025

[Click for Extended Link](#)

[Return to TOC](#)

California

LICENSURE

Appeal process for citations and compliance

The Board of Chiropractic Examiners adopted amendments to align its rules with Business and Professions Code section 125.9, subdivision (b), and to extend the deadline for requesting an informal conference to contest a citation to 30 days from the date of issuance on the citation for consistency with the timeframe for requesting a formal administrative hearing.

Cite: 16 CCR §§ 390.4, 390.5 (CRNR 2025, No. 49-Z, 12/05/2025, page 1503) (2 pages)

Adopted: 11/19/2025

Effective: 1/1/2026

[Click for Extended Link](#)

LICENSURE

Interpreters for licensing exams

The Board of Barbering and Cosmetology amended the frequency in which an individual can serve as an interpreter for any Board licensing exam from only once in two years to once per year, defined the meaning of “once per year,” and amended the interpreter application to align with the changes in the California Code of Regulations.

Cite: 16 CCR § 931 (CRNR 2025, No. 49-Z, 12/05/2025, page 1503) (1 page)

Adopted: 11/19/2025

Effective: 1/1/2026

[Click for Extended Link](#)

Colorado

OCCUPATIONAL SAFETY

Conveyance regulations

The Division of Oil and Public Safety amended conveyance regulations, including rules for administration, jurisdiction, licensing of mechanics, contractors, and inspectors, and enforcement.

Cite: 7 C.C.R. 1101-8 (48 CR 23, 12/10/2025, page 1615) (40 pages)

Adopted: 12/10/2025

Effective: 1/1/2026

[Click for Extended Link](#)

WAGES**Wage protection rules**

The Division of Labor Standards and Statistics amended rules for filing wage complaints, investigations, mediation, determinations, appeals, attorney fees and costs, administrative liens and levies, and management of the wage theft enforcement fund.

Cite: 7 C.C.R. 1103-7 (48 CR 24, 12/25/2025) (25 pages)

Adopted: 12/8/2025

Effective: 2/1/2026

[Click for Extended Link](#)

WHISTLEBLOWERS**Whistleblower, antiretaliation, noninterference, and notice-giving rules**

The Division of Labor Standards and Statistics amended its rules for protecting against retaliation for, or interference with, the exercise of protected rights, and requiring that employees and other workers receive various forms of notification of their rights.

Cite: 7 C.C.R. 1103-11 (48 CR 24, 12/25/2025) (16 pages)

Adopted: 12/8/2025

Effective: 2/1/2026

[Click for Extended Link](#)

Illinois**LICENSURE****Fire protection personnel**

The Office of the State Fire Marshal amended rules providing requirements for the participation and certification of fire protection personnel, updating references to national standards for professional qualifications, removing references allowing credit for equivalent coursework approved by the Division, and updating regulations for recertifications.

Cite: 41 Ill. Adm. Code 141 (49 Ill. Reg. 15637, 12/05/2025) (30 pages)

Adopted: 11/14/2025

Effective: 11/24/2025

[Click for Extended Link](#)

Iowa**TRAINING****Employment and training services divisions**

The Workforce Development Department adopted a new chapter of rules for employment and training

services divisions, providing for the divisions' mission, organization, and complaint process with the intent to implement Iowa Code chapter 84A.

Cite: 871 IAC 49 (IAB Vol. XLVIII, No. 14, 12/24/2025, page 5627) (2 pages)

Adopted: 12/3/2025

Effective: 1/28/2026

[Click for Extended Link](#)

Kentucky**WORKERS' COMPENSATION****Benefits**

The Personnel Cabinet amended rules to connect the provision of workers' compensation benefits directly to statutory authority, clarify rules for the restoration of accumulated leave upon request of the employee, and include online availability to material incorporated by reference.

Cite: 101 KAR 2:140 (52 Ky.R. 944, 12/01/2025) (2 pages)

Adopted: 11/10/2025

Effective: 11/10/2025

[Click for Extended Link](#)

Louisiana**EMPLOYMENT SECURITY****Separation notices**

The Louisiana Workforce Commission amended employment security law that provides for individual separation notice requirements under conditions which may disqualify the employee from benefits pursuant to regulations, and updated rules requiring employers to electronically file with the administrator notice setting forth the existence of any labor dispute which results in the separation of workers.

Cite: LAC 40:IV.323 (LR 51:2109, 12/20/2025) (1 page)

Adopted: 12/20/2025

Effective: 12/20/2025

[Click for Extended Link](#)

Maryland**UNEMPLOYMENT INSURANCE****Obligations of employers**

The Department of Labor adopted amendments to implement an administrative fee authorized by statute, detailing the obligations of employers subject to the fee, the consequences of nonpayment including the imposition

of interest charges, the means of collection, and the order in which payment by an employing unit is to be applied.

Cite: COMAR 09.32.01 (52:24 Md. Reg. 1201, 12/01/2025) (4 pages)

Adopted: 10/3/2025

Effective: 12/11/2025

[Click for Extended Link](#)

Michigan

LICENSURE

Private security guard and security alarm agencies

The Department of Licensing and Regulatory Affairs adopted new regulations providing general rules for private security guard and security alarm agencies, with definitions, uniform requirements, badge requirements, prohibited words in agency names, daily supervision requirements, and employer and employee responsibilities.

Cite: AC, R 28.4001, R 28.4002, R 28.4003, R 28.4004, R 28.4005, and R 28.4006 (2025 MR 22, 12/15/2025, page 53) (2 pages)

Adopted: 11/4/2025

Effective: 11/4/2025

[Click for Extended Link](#)

New Mexico

LICENSURE

Alternative to discipline program

The Nursing Board adopted new rules for the Alternative to Discipline Program, providing a voluntary alternative to traditional disciplinary action for a nurse whose competencies may be impaired because of the habitual use of substances, including drugs or alcohol, allowing individuals to request admission into the program following the filing of a complaint against their nursing license or by self-referral.

Cite: 16.12.13 NMAC (36 n m reg 1454, 12/23/2025) (4 pages)

Adopted: 12/23/2025

Effective: 1/1/2026

[Click for Extended Link](#)

LICENSURE

Licensed practical nurse licensure

The Nursing Board adopted new rules providing for the licensure of Licensed Practical Nurses, including licensure by examination, licensure by interstate compact,

continuing education requirements, standards for practice, use of artificial intelligence, and expedited licensure for military service members and veterans.

Cite: 16.12.15 NMAC (36 n m reg 1462, 12/23/2025) (12 pages)

Adopted: 12/23/2025

Effective: 1/1/2026

[Click for Extended Link](#)

WORKFORCE DEVELOPMENT

State apprenticeship policy manual

The Department of Workforce Solutions amended rules for the State Apprenticeship Policy Manual, requiring that the construction of facilities that generate electricity for the state's retail customers shall only employ apprentices from an apprenticeship program registered with the department and recognized by the director of apprenticeship after an appropriate recommendation.

Cite: 11.2.3 NMAC (36 n m reg 1386, 12/09/2025) (1 page)

Adopted: 12/9/2025

Effective: 12/9/2025

[Click for Extended Link](#)

Oregon

WORKERS' COMPENSATION

Self-insurance

The Department of Consumer and Business Services, Workers' Compensation Division, amended rules to implement legislative changes to employer/insurer coverage responsibilities to clarify the process a self-insured employer must follow when appealing the revocation of its self-insurance.

Cite: OAR 436-050-0008, 436-050-0110, 436-050-0165, 436-050-0175, 436-050-0180, 436-050-0185, 436-050-0210 (Oregon Bulletin, December 2025) (22 pages)

Adopted: 11/13/2025

Effective: 1/1/2026

[Click for Extended Link](#)

Virginia

HEALTHCARE PROFESSIONALS

Pharmacy practice

The Board of Pharmacy amended rules consistent with new federal requirements that ensure emergency medical services (EMS) providers can provide drugs to patients as needed.

Cite: 18VAC110-20 (42 va regs reg 1273, 12/15/2025)
(14 pages)

Adopted: 12/15/2025

Effective: 1/14/2026

[Click for Extended Link](#)

OCCUPATIONAL SAFETY

Safety and health regulations for mineral mining

The Department of Energy amended rules to remove outdated documents incorporated by reference to improve clarity around mine safety regulation; remove redundancy in the regulatory catalog; provide a flexible, alternative pathway to protect the health, safety, and welfare of citizens and the regulated community through hands-on training incorporating up-to-date federal safety guidelines; and reflect current practice.

Cite: 4VAC25-40 (42 va regs reg 982, 12/01/25) (4 pages)

Adopted: 12/1/2025

Effective: 1/15/2026

[Click for Extended Link](#)

Washington

WORKERS' COMPENSATION

Insurance classification and reporting rules

The Department of Labor and Industries amended rules to reduce the regulatory burden on employers insured with the state fund, amending some classifications to increase ease of reporting and ensure consistent and equitable treatment to businesses, with a classification plan that classifies all occupations or industries in accordance with their degree of hazard and in a manner consistent with recognized insurance principles.

Cite: WAC 296-17, 296-17A (WSR 25-23-070, 11/18/2025)
(66 pages)

Adopted: 11/18/2025

Effective: 1/1/2026

[Click for Extended Link](#)

Wisconsin

LICENSURE

Physician assistant licensure compact

The Physician Assistant Affiliated Credentialing Board amended rules regarding the implementation of the Physician Assistant Licensure Compact, including updated definitions and requirements for compact privilege.

Cite: Wis. Admin. Code § PA 1, 2, 3, 4 (Wis. Admin. Reg. No. 840B, 12/29/2025) (3 pages)

Adopted: 12/29/2025

Effective: 1/1/2026

[Click for Extended Link](#)