

Federal and State Employment Law Update

Labor & Employment Law Update

By Kevin Kleine on November 14, 2025

Several changes impacting employers in jurisdictions across the nation on the federal and state level are summarized below in our latest blog post.

Federal Law Updates

NEW UPDATES ON THE H-1B VISA

- U.S. Citizenship and Immigration Services (USCIS) recently issued new guidance on the new \$100,000 H-1B Visa application fee. The \$ 100,000 application fee applies to new H-1B petitions filed at or after 12:01 a.m. eastern daylight time on Sept. 21, 2025.

On Sept. 19, 2025, President Trump issued a “proclamation”, *Restriction on Entry of Certain Nonimmigrant Workers*, mandating that new H-1B petitions filed at or after 12:01 a.m. eastern daylight time on Sept. 21, 2025 must be accompanied by an additional \$100,000 payment as a condition of eligibility.

The payment must be made prior to filing a petition with USCIS, as petitioners must submit proof that the payment has been scheduled from pay.gov or evidence of an exception from the \$100,000 payment from the Secretary of Homeland Security at the time of filing the H-1B petition.

Petitions subject to the \$100,000 payment that are filed without a copy of the proof of the payment from pay.gov or evidence of an exception from the Secretary of Homeland Security will be denied. Note, a lawsuit was filed in federal court on Oct. 3, 2025 challenging the president’s proclamation and \$100,000 petition fee.

State Law Updates

CALIFORNIA

- **Effective Oct. 13, 2025** – Senate Bill 497 (S.B. 497) prohibits employers from releasing employees' medical information related to gender-affirming care in response to subpoena, inquiry, or request by another state or federal agency that might interfere with such care, which is legal in the state of California.

Federal and State Employment Law Update

- **Effective Jan. 1, 2026 – California criminalizes threats of violence in the workplace** – Senate Bill 19 (S.B. 19) makes it a crime for a person to willfully threaten acts of violence at a workplace, daycare, school, university, house of worship, or medical facility with specific intent that the statement is to be taken as a threat, **even if there is no intent of actually carrying it out**.

This applies if the threat on its face and under the circumstances in which it is made is so unequivocal, unconditional, immediate, and specific as to convey to the person or persons threatened a gravity of purpose and an immediate prospect of execution of the threat, and if that threat causes a person or persons to reasonably be in sustained fear for their own safety or the safety of others at these locations.

- **Effective Jan. 1, 2026** – Assembly Bill 692 (A.B. 692) makes it unlawful to include in any employment contract, or to require an employee or prospective employee to execute as a condition of employment or a work relationship a contract that includes a provision requiring repayment of training and education expenses, relocation costs, or other hiring-related fees if the employee quits or is terminated. This applies to contracts entered into on or after Jan. 1, 2026. There are a number of exceptions to this prohibition under A.B. 692.
- **Effective Jan. 1, 2026** - Senate Bill 294 (S.B. 294) enacts the state's Workplace Know Your Rights Act, which requires employers to provide a notice of worker rights regarding topics such as workers' compensation benefits, immigration agency inspections, unfair immigration-related practices, union organizing or engaging in concerted activities, and constitutional rights when interacting with law enforcement at the workplace.

The notice must be given to employees by Feb. 1, 2026, and annually thereafter; new employees upon hire; and any collective bargaining representatives annually. The state will provide a template notice by Jan. 1, 2026 that employers can use to comply with the requirement. Additionally, employers must keep records of their compliance with the requirement for **three years**.

The legislation also requires an employer to notify the designated emergency contact of employees who are arrested or detained on the employer's worksite, if they provided advance notice that they wanted their contact to be notified in that event. If the arrest or detention occurs off-site, during work hours or while they are performing their job duties, the employer must notify their contact only if it has actual knowledge of their arrest or detention. The employer must give employees the opportunity to name an emergency contact by March 30, 2026, or at the time of hire for new employees hired after that date.

- **Effective Jan. 1, 2026** – Senate Bill 398 (S.B. 398) makes it a crime, punishable by a fine of up to \$10,000, imprisonment for up to three years, or both, for a

Federal and State Employment Law Update

person to knowingly or willfully pay or offer to pay money or other valuable consideration to another person with the intent to induce the person to vote or to register to vote, or where the payment is contingent upon whether the person voted or the person's voter registration status. **However, this does not apply to an employer granting an employee time off to vote.**

- **Effective Jan. 1, 2026 - California Expands Employee Personnel File Retention Requirements** - Senate bill 513 (S.B. 513) requires employers to include education and training records in an employee's personnel file. The records must identify and include the name of the training, its duration and date the training or education occurred, the core competencies taught, and the resulting certification or qualification.
- **Effective Jan. 1, 2026 - California Amends Pay Data Report Requirements** - Senate Bill 464 (S.B. 464) requires an employer to collect and store separately from employees' personnel records, any demographic information gathered by an employer or labor contractor for the purpose of submitting the employer's annual pay data report.

COLORADO

- Senate Bill 25B-004 (S.B. 25B-004) postpones the effective date of Colorado's new algorithmic discrimination law to **June 30, 2026**, from Feb. 1, 2026. The legislation requires employers to implement a risk management policy and program governing the use of high-risk artificial intelligence (AI) systems and disclose their use to employees.

ILLINOIS

- Effective Jan. 1, 2026 – Senate Bill 2487 (S.B. 2487) amends the Illinois Human Rights Act to make it discretionary rather than mandatory that the Illinois Department of Human Rights (IDHR) conduct a fact-finding conference when an individual has filed a charge of discrimination alleging a civil rights violation. The amendment applies to charges of discrimination pending or filed on or after Jan. 1, 2026.

This makes it more important than ever for employers to submit a comprehensive and thorough response and statement of position to the IDHR because the assigned investigator may not require the employer and complainant to participate in a fact finding conference, whereby the employer can obtain more information concerning the complainant's allegations.

NEW YORK CITY, NY

- **Effective February 22, 2026** - New York City: Int. No. 780-A amends the City's Earned Safe and Sick Time Act (ESSTA) to require employers to provide employees with an additional 32 hours of unpaid sick and safe time leave per

Federal and State Employment Law Update

calendar year. It also amends the reasons employees can use sick and safe time.

Beginning February 22, 2026, employers must provide employees with a minimum of 32 hours of unpaid safe/sick time immediately available for use upon hire and on the first day of each calendar year.

PHILADELPHIA, PA

- **Effective Jan. 6, 2026** – on Oct. 8, 2025, the City of Philadelphia amended its Fair Criminal Record Screening Standards Ordinance (the “Ordinance”). Currently, the Ordinance prohibits employers from taking adverse employment actions against job applicants or employees based on arrests or criminal charges that did not result in a conviction. A brief overview and summary of the amendments is as follows:
 - Employers cannot consider misdemeanor convictions four years older than the date of the inquiry, excluding the time the individual was incarcerated.
 - Employers cannot consider “summary offenses” for employment purposes.
 - Employers must provide job applicants and employees with a copy of the following information and documents before taking any adverse employment action:
 - (i) a summary of rights under the Ordinance;
 - (ii) a statement that the employer will consider evidence challenging the accuracy of the information contained in the criminal record, rehabilitation or mitigation; and
 - (iii) instructions on how to provide evidence challenging the accuracy of the information contained in the criminal record, rehabilitation or mitigation.
 - The amendments clarify that employers must give applicants and employees ten (10) business days to provide evidence challenging the accuracy of the information contained in the criminal record, rehabilitation or mitigation, and allow applicants and employees to provide this information BEFORE the employer makes a final determination concerning the applicant or employee’s employment.
 - Employers cannot review or consider conviction records that have been expunged or sealed for employment purposes.
 - If an expunged or sealed criminal record appears on a motor vehicle record, employers must allow applicants and employees to provide evidence that the records have been expunged or sealed.
 - The amendments add protections against retaliation.
 - The amendments require employers to respond to complaints filed alleging violations of the Ordinance, and the employer’s response must include the

Federal and State Employment Law Update

following information and documents: (i) a copy of the criminal record the employer based its decision on; (ii) the specific duties and requirements of the job being sought that the employer considered; (iii) the amount of time passed since the arrest or incarceration relating to the specific conviction considered; and (iv) the evidence of rehabilitation and mitigation that the employer considered.

- The amendments add remedies and damages that can be recovered if employers violate the Ordinance, including civil penalties payable to the City and liquidated damages to the applicant or employee.

Subscribe to Amundsen Davis's Legal Updates: