

# National State Employment Law Update – September 2025 Changes

## Labor & Employment Law Update

By Sara Zorich on October 7, 2025

Below are the key state employment law changes that have occurred in September 2025. Employers should review these updates to ensure compliance with new leave rights, posting requirements, and employee protections across multiple states.

### California

- On August 21, 2025, the California Supreme Court ruled that employers cannot avoid penalties for minimum wage violations by claiming ignorance of the law. In *Ilhoff v. LaPaille*, No. S275848, 2025 BL 296571 (C.A. Aug. 21, 2025), the Court held that employers asserting that they acted in “good faith” must show efforts to understand and comply with state requirements. The Court also held, for the first time, that employees may seek paid sick leave in the context of a Berman appeal, reversing a prior appellate decision.

### Colorado

- Colorado has issued a new Notice of Payday poster. Employers must ensure that the most recent version is displayed in a conspicuous location accessible to employees, replacing any outdated postings to remain compliant with state payroll notice requirements.

### Connecticut

- Effective October 1, 2025, House Bill 7288 (H.B. 7288) revises Connecticut’s family and medical leave statutes and the state’s paid family and medical leave law. The legislation modifies the education-related exclusions in the definition of “employer” and expands the definition of “eligible employee” to include certain educational employees. It also revises the education-related exclusions in the paid family and medical leave law’s definition of “employer” and makes related changes to the definition of “covered public employee.”

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## Delaware

- Effective August 20, 2025, Senate Bill 17 (S.B. 17) amended the state's Fair Employment Practices Law making it an unlawful employment practice to discriminate against an individual who is a victim of a crime or a representative of a victim because the person participated in a legal proceeding.

## Illinois

- Effective August 15, 2025, House Bill 2873 (H.B. 2873) broadens the definition of "stalking" under the Stalking No Contact Order Act to include harassment that is unnecessary to accomplish a purpose under reasonable circumstances and would cause a person emotional distress, excluding lawful exercises of free speech such as monitoring compliance with labor laws. The following conduct is presumed to cause "emotional distress" unless rebutted by a preponderance of evidence: creating a disturbance at the petitioner's place of employment, repeatedly contacting the petitioner's place of employment, or surveilling the petitioner at work, among other conduct outlined in Sec. 5.
- Effective August 15, 2025, House Bill 1362 (H.B. 1362) revises the definition of "active service" under the Service Member Reemployment Rights Act to exclude absences to work as a federal dual-status military technician. The law also gives service members the right to use accrued paid leave (vacation, annual, or similar) during active service when employment is interrupted.
- Effective January 1, 2026, House Bill 1616 (H.B. 1616) revises the Employee Blood and Organ Donation Leave Act. The legislation clarifies that the Employee Blood and Organ Donation Leave Act applies to "participating" full-time employees with six months or more of service and extends organ donation leave provisions to part-time employees. Approved part-time leave must be paid at the employee's daily average rate.
- Effective January 1, 2026, House Bill 1278 (H.B. 1278) amends the Victims' Economic Security and Safety Act to prohibit employers from disciplining employees for using employer-issued equipment to record incidents of domestic, sexual, gender-based, or other violence against themselves or family members. Employers must also return any relevant digital materials or communications stored on company devices related to such incidents.
- Effective January 1, 2026, Senate Bill 1344 (S.B. 1344) amends the Workplace Transparency Act to entitle current, prospective, or former employees to compensatory damages if they challenge a contract for violating the law (upon a final, non-appealable action in their favor regarding the contract's validity and enforceability) or if they defend an action for breach of a confidentiality agreement pursuant to the law.
- Effective June 1, 2026, House Bill 2978 (H.B. 2978) enacts the Family Neonatal Intensive Care Leave Act which creates new leave rights for employees with children in neonatal intensive care units. Employers with 16–50 employees

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must provide up to 10 days of unpaid leave, while employers with 51 or more must provide up to 20 days. Leave can be continuous or intermittent, is in addition to FMLA leave, and employees may substitute paid leave. Employers must maintain health benefits and reinstate employees to the same or equivalent position following leave.

## New Jersey

- Effective December 2, 2025, Assembly Bill 4429 (A.B. 4429) revises New Jersey's captive audience law prohibiting employers from requiring employees to attend meetings where the employer communicates its views on religious or political matters. The legislation exempts communications that are legally required or necessary for performing required job duties and trainings to reduce or prevent unlawful harassment or discrimination. It also revises the definition of "political matters" to mean matters related to an electioneering communication or an employee's decision to join or support any political party or political, civic, community, fraternal, or labor organization or association.

## Rhode Island

- The Rhode Island Department of Labor and Training has issued a revised fact sheet on the state's Paid Sick and Safe Leave law. Employers should review the updated guidance to ensure compliance with current requirements.

## Virginia

- Virginia has released an updated Job Safety poster. Employers are required to post the most current version in the workplace where it is readily visible to employees. Employers should ensure the updated poster replaces any earlier versions to remain in compliance with state posting requirements.

## Vermont

- Vermont has released an updated Parental and Family Leave poster. Employers must replace outdated versions with the updated poster and ensure it is displayed in a location accessible to all employees.

## Washington

- Washington has released an updated Job Safety and Health Law poster. Employers are required to display the updated version in a prominent workplace location to comply with state job safety posting requirements.