Annual Employment Law Update

What you need to know to be prepared for 2027!

SEPTEMBER 16, 2026

Your Speakers

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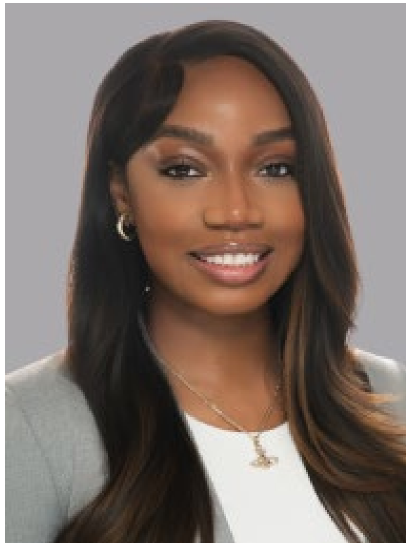


Deja Davis

Today's Agenda

1. EEOC Update
2. Discrimination, Harassment & Accommodation
3. DOL Activity & Independent Contractor Standards
4. Overtime Exemption and Pay Equity
5. Restrictive Covenants and Stay or Pay Agreements
6. Artificial Intelligence in Employment
7. State Law Updates

SECURE 2.0: The Year-End Amendment Deadline

- **December 31, 2026:** Deadline for most tax-qualified retirement plans with a calendar plan year
- **Bottom line:** Employers should expect a SECURE 2.0 amendment package this year and should not assume the provider can complete every employer-level election without review

1. **A formal amendment is due**

   The written plan must reflect applicable SECURE Act, CARES Act and SECURE 2.0 changes, including both required provisions and optional provisions the employer implemented

2. **The amendment must match actual operations**

   Confirm how the plan has been administered since each provision became effective, including elections made with the recordkeeper or document provider

3. **Action now**

   Contact the plan's document provider or benefits counsel now, review the amendment and elections, obtain the required approval or signature, and retain the executed amendment with permanent plan records

EEOC Update

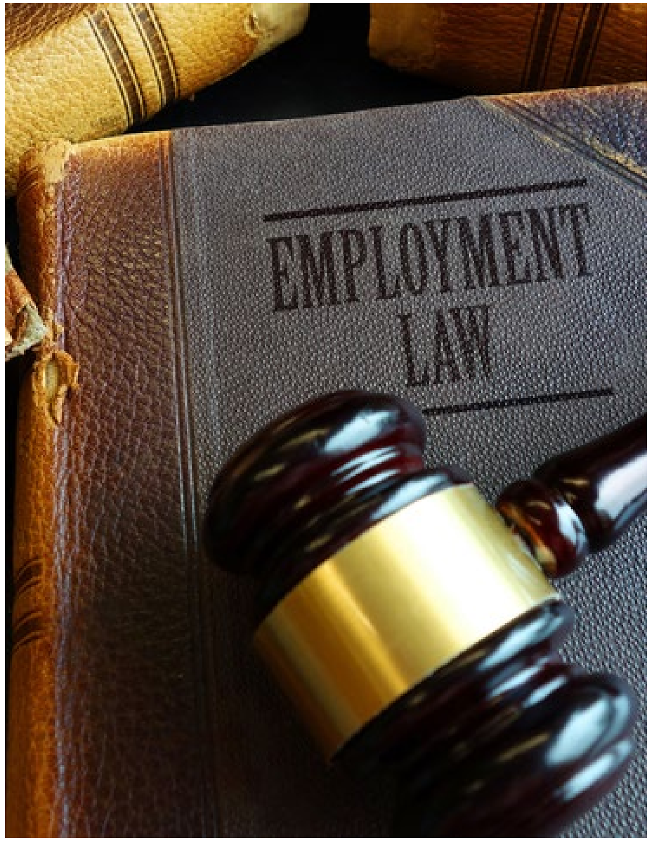
New Leadership, Restored Quorum

- Quorum lost for roughly eight months, then restored with a 2-1 Republican majority under Chair Andrea Lucas
- Two acting general counsel in a year, with a Senate-confirmed General Counsel still pending
- Litigation authority pulled back to the commissioners – expect fewer routine filings and more centralized, message-driven suits

January 28, 2025	September 30, 2025	October 7, 2025	November 18, 2025	February 2026
Commissioners removed – EEOC loses its quorum	Catherine Eschbach becomes Acting General Counsel	Panuccio confirmed – quorum restored, 2-1 majority	M. Carter Crow nominated General Counsel	Commission revokes litigation delegation, 2-1

Stated Points of Emphasis

- Rooting out DEI-motivated race and sex discrimination – including preferences dressed up in “similar euphemisms”
- “Anti-American” national origin discrimination against U.S. workers
- Defending a binary view of sex, including single-sex spaces at work
- Religious discrimination and harassment, including antisemitism
- Deregulatory agenda now in motion:
  - May 2026 proposal to rescind the EEO-1 demographic reporting regulations
  - Expected narrowing of the Pregnant Workers Fairness Act rule



Executive Orders Driving the Agency

EXECUTIVE ORDER	TITLE AND EFFECT
EO 14148	Initial Rescissions of Harmful Executive Orders and Actions (Jan. 20, 2025)
EO 14151	Ending Radical and Wasteful Government DEI Programs and Preferencing (Jan. 21, 2025)
EO 14168	Defending Women from Gender Ideology Extremism (Jan. 20, 2025) – directed rescission of conflicting guidance
EO 14173	Ending Illegal Discrimination and Restoring Merit-Based Opportunity
EO 14188	Additional Measures to Combat Anti-Semitism (Jan. 29, 2025)
EO 14281	Restoring Equality of Opportunity and Meritocracy (Apr. 23, 2025) – eliminate disparate-impact liability "to the maximum degree possible"

TAKEAWAY: The EEOC now expressly describes itself as an executive branch agency aligned with Administration policy – not an independent one.

The New National Enforcement Plan

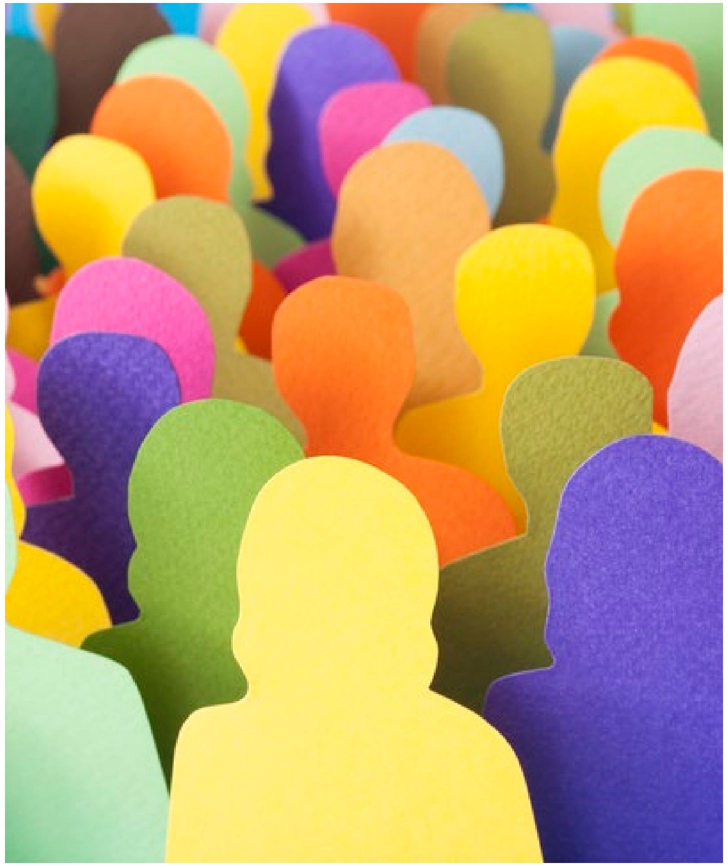
- Effective **June 4, 2026**; covers FY2025-FY2029 and rescinds the Biden-era Strategic Enforcement Plan
- "Strategic" becomes "National" – all local district enforcement plans withdrawn
- **Priorities:**
  - Intentional discrimination and high-impact cases
  - DEI programs and "similar euphemisms"
  - National origin discrimination against American workers
  - Religious accommodation and religious discrimination
  - Single-sex spaces and sex-based expression
- Near-elimination of disparate impact enforcement

Harassment Guidance Rescinded

- **Jan. 22, 2026:** Commission voted 2-1 to rescind the **April 2024** Enforcement Guidance on Harassment in the Workplace
- Effective immediately, with no notice-and-comment period
- **Stated grounds:**
  - EO 14168
  - *Texas v. EEOC (N.D. Tex. May 15, 2025)*
- No replacement guidance has been issued – harassment materials remain “under review”
- **Chair Lucas:** Rescission “does not give employers license to engage in unlawful harassment” – Title VII, *Bostock* and state law are unchanged

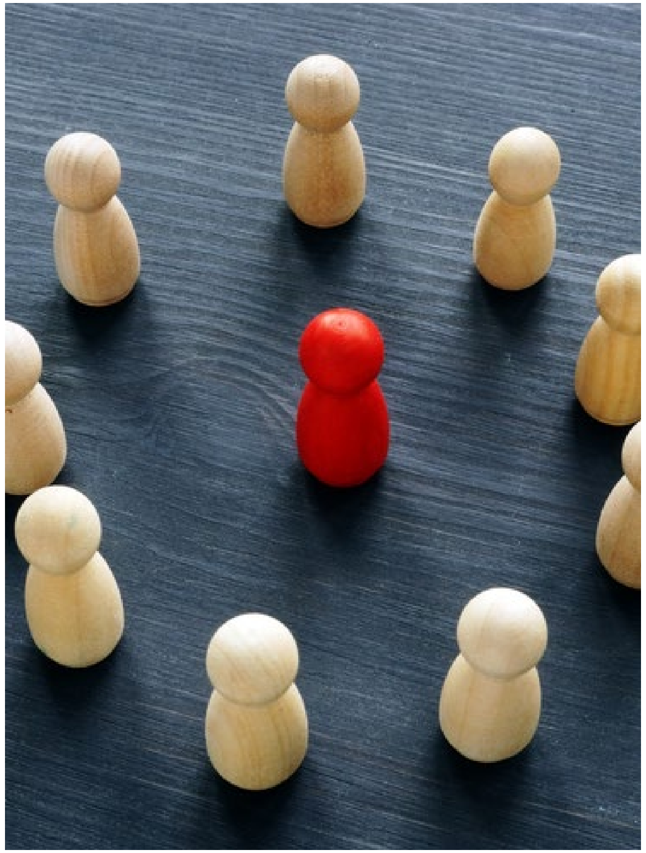
Misgendering and Gender Identity Claims

- **The rescinded guidance had treated two practices as potential unlawful harassment:**
  - Pronoun use inconsistent with known gender identity
  - Denial of sex-segregated facilities consistent with gender identity
- Related expectations on pronouns, dress codes, and facility accommodations are also withdrawn
- *Bostock* remains binding law and courts may read Title VII independently of the EEOC
- Many state and local laws are broader and do not relax policies based on the rescission alone



Reverse Discrimination Takes Center Stage

- *Ames v. Ohio Dept. of Youth Services* (**U.S. June 2025**): Supreme Court holds that majority-group plaintiffs need not clear a higher evidentiary bar
- **December 17, 2025:** Chair Lucas posted a video on X – "White men who experience workplace discrimination may have claims under federal civil rights laws"
  - EEOC's suit against The New York Times is touted as its first such case on behalf of a white man in at least a decade
- **EEOC has pursued DEI-related investigations and subpoena actions involving:**
  - Nike
  - Northwestern Mutual
  - City of San Francisco



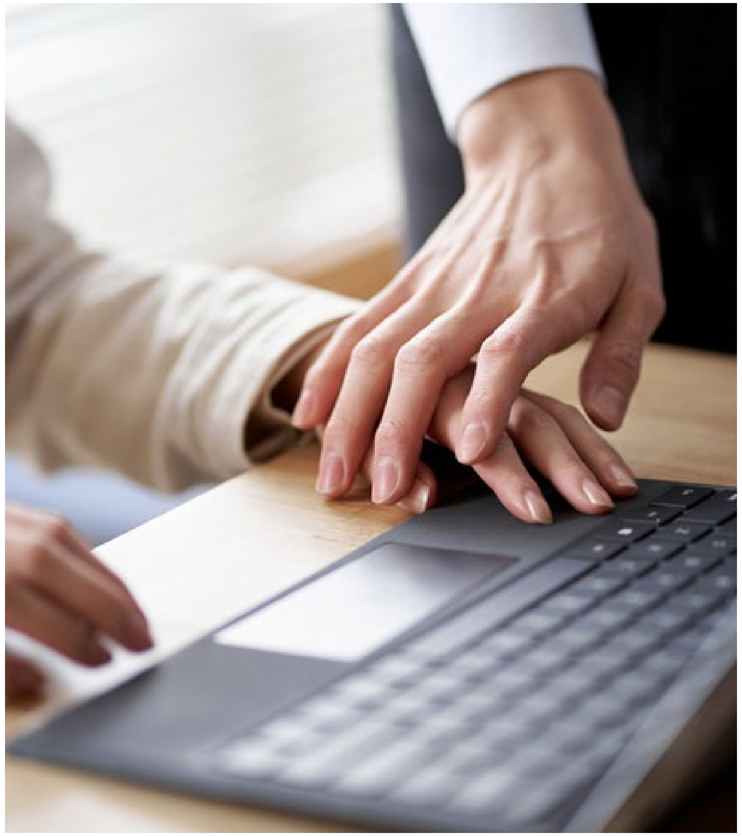
Religious Accommodation – A Growth Area

- EEOC filed 11 religious bias lawsuits in FY2025
  - Recent targets include Apple (Sabbath observance) and a resort that fired an employee over faith-based social media posts
- *Bergin v. New York State Unified Court System (2d Cir. July 15, 2026):* involved a denied vaccine-related religious exemption
  - Second Circuit vacated judgment for the employee
  - EEOC and DOJ filed an amicus brief (**August 25, 2026**) supporting rehearing
- EEOC generally supporting the positions of major faith-based institutions on topics such as vaccines, prayer, and other similar topics in the workplace

Disparate Impact – The Retreat, and What Survives

- **EO 14281 (April 23, 2025)** directs agencies to eliminate disparate-impact liability "in all contexts to the maximum degree possible"
- **September 15, 2025:** Internal memo directed EEOC offices to close all pending disparate-impact-only charges by September 30, 2025
- **DOJ Office of Legal Counsel opinion (June 9, 2026):** Title VII disparate impact guidance challenged; background checks and aptitude tests presumed job-related
- Disparate impact remains codified at *42 U.S.C. § 2000e-2(k)*, and an executive order cannot amend the statute

Off-Premises and Online Harassment

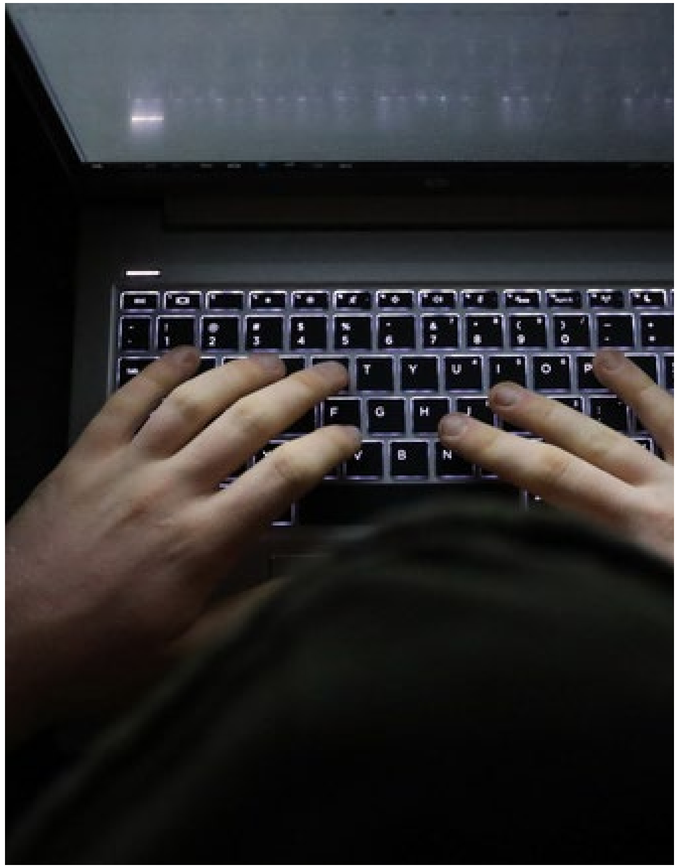


- **The rescinded guidance had recognized two off-site categories:**
  - Conduct in work-related events outside the workplace (trainings, dinners, company events)
  - After-hours conduct affecting the workplace (social media, communications)
- Prior framework could hold employers liable for known off-duty harassment that impacted the workplace
- EEOC has withdrawn that framework and has not issued a replacement and still states that harassment can occur on or off the worksite
- Courts, not EEOC, will determine scope of employer obligations; continue investigating off-site and online complaints that affect the workplace

Discrimination, Harassment & Accommodation

Off-Premises and Online Harassment

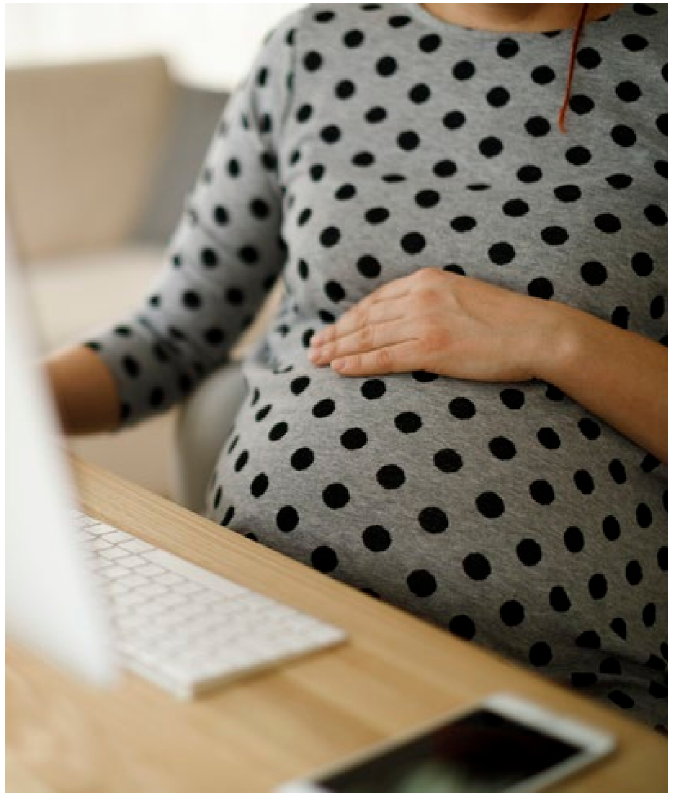
- **January 2026:** EEOC rescinded its 2024 Harassment Guidance; Title VII, ADA, and ADEA obligations unchanged
- *Okonowsky v. Garland (9th Cir.):* off-site, off-hours social media can contribute to a hostile work environment
- *District Court of Ohio (Bryant v. Cincinnati Fire Dept.):* open question on purely off-premises conduct
- **Takeaway:** Maintain anti-harassment policies, investigate promptly, train managers that harassment isn't limited to in-person conduct



Telework as a Reasonable Accommodation

- **February 2026:** The EEOC and OPM issued federal-sector FAQs on telework as an accommodation that track ADA principles
- Telework may be reasonable when it lets an employee with a disability perform essential functions or access equal benefits. It is not required for convenience or general quality-of-life preferences
- **Courts are split and fact-specific:**
  - ***Smith v. District of Columbia:*** Denied summary judgment because whether in-person attendance was essential was a jury question
  - ***Hayes v. Gstek:*** Fifth Circuit held full-time telework unreasonable where onsite presence was essential
- Evidence that supports an in-person requirement: job descriptions, regular face-to-face duties, hands-on supervision or equipment, and proof that remote work prevented essential tasks

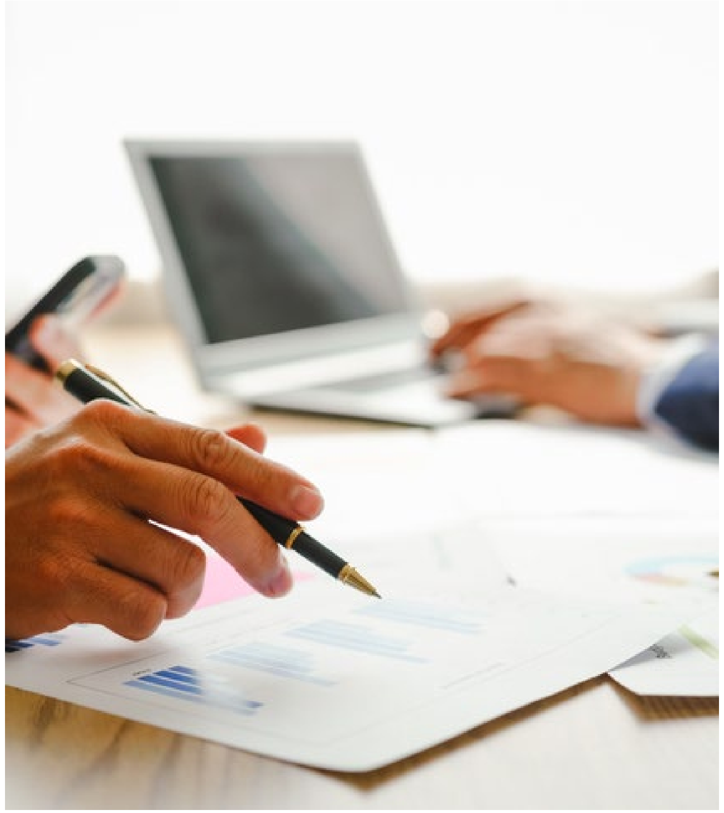
What the PWFA Requires



- Covers employers with 15 or more employees
- Requires reasonable accommodation of known limitations related to pregnancy, childbirth, or related medical conditions, even when the limitation is not an ADA disability
  - **Common accommodations:** Modified schedules/breaks, light duty or lifting help, seating, equipment or uniform changes, telework where effective, leave for appointments or recovery
  - **Documentation:** Request only when reasonable, limited to the minimum needed to confirm the limitation and adjustment
- Differs from ADA because an employee can still be qualified even if they temporarily cannot perform an essential function

Enforcement and Litigation: Where the Risk Is

- The EEOC is actively enforcing the PWFA
- **Recurring theme:** Do not place a pregnant employee on involuntary leave when another accommodation would let her keep working
- Current litigation is at the edges of the Final Rule, not the core duty
- *Louisiana v. EEOC* vacated the rule to the extent it required accommodating elective abortion
- **Bottom line:** The core accommodation obligation remains settled; only the outer edges are contested



EEOC Moves to Eliminate EEO-1 Reporting

- **July 21, 2026:** The EEOC voted to issue a proposed rule rescinding the EEO-1, along with the EEO-2 through EEO-6 reports and related recordkeeping requirements
  - It would end annual demographic reporting (job category, sex, and race or ethnicity) for the roughly 110,000-plus employers currently covered
  - A public comment period followed, with a hearing held **August 11, 2026**
- While the requirement is in effect, covered employers must continue to file and state reporting survives

DOL Activity & Independent Contractor Standards

New Regulatory Agenda

- Focus on compliance assistance (opinion letters, PAID program, etc.)
- Domestic Service Worker rulemaking a priority (expanding exemptions for companions and live-in domestic workers)
- White Collar exemptions rule moved to "long term" status
- Revisiting Independent Contractor rules and enforcement (intention to rescind 2024 rule)

Return of the Opinion Letter

- Program relaunched and expanded in **June 2025**
- Opportunity to receive an official written opinion from DOL explaining how it would apply the laws it enforces to a particular factual situation
- Limited to specific facts but can be very instructive in how the DOL would apply the law in other situations
- DOL Wage & Hour Division has issued four Opinion Letters since re-launch, all on **September 30, 2025**

Opinion Letter #1:
Oyster Shuckers & Tip Pools

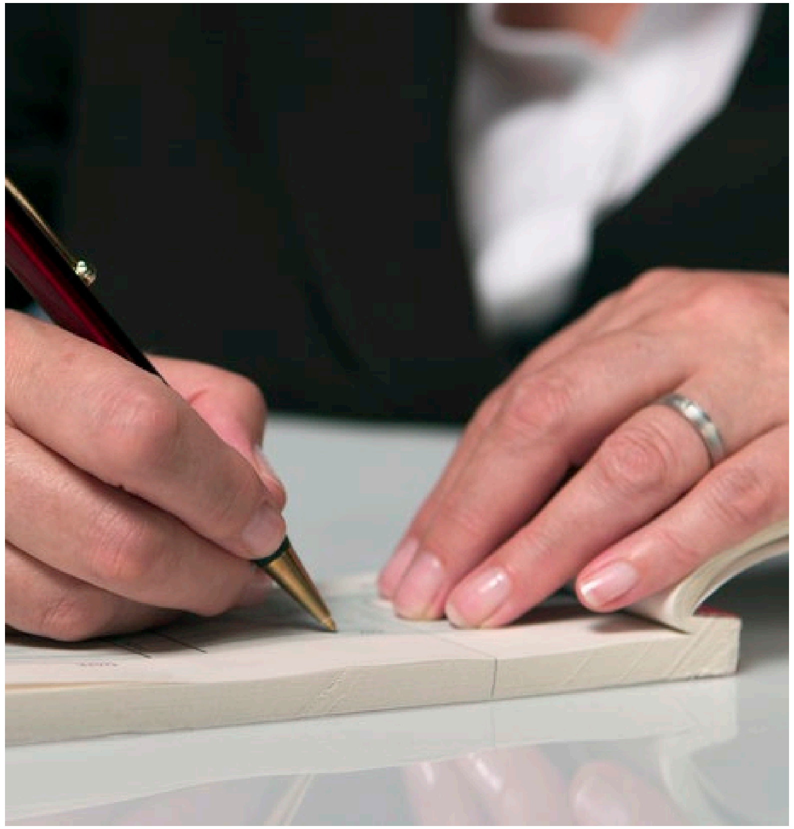
Background: While the law allows for tip pooling (requiring employees to share their tips), only non-manager, front of house employees can be included in the pool.

Conclusion: Restaurant employees who shuck oysters in front of customers, interact with customers, answer questions and make recommendations may be included in the tip pool.

Opinion Letter #2: Emergency Pay as Part of Regular Rate

Background: An employee's overtime rate is equal to 1½ times their "regular rate of pay". Question here was whether premium "emergency pay" paid during declared emergencies had to be included in their regular rate.

Conclusion: Emergency pay had to be included in regular rate (and thus reflected in overtime rate) because it isn't discretionary and isn't contingent on working beyond regular hours or on particular days.



Opinion Letter #3: Joint Employer Liability

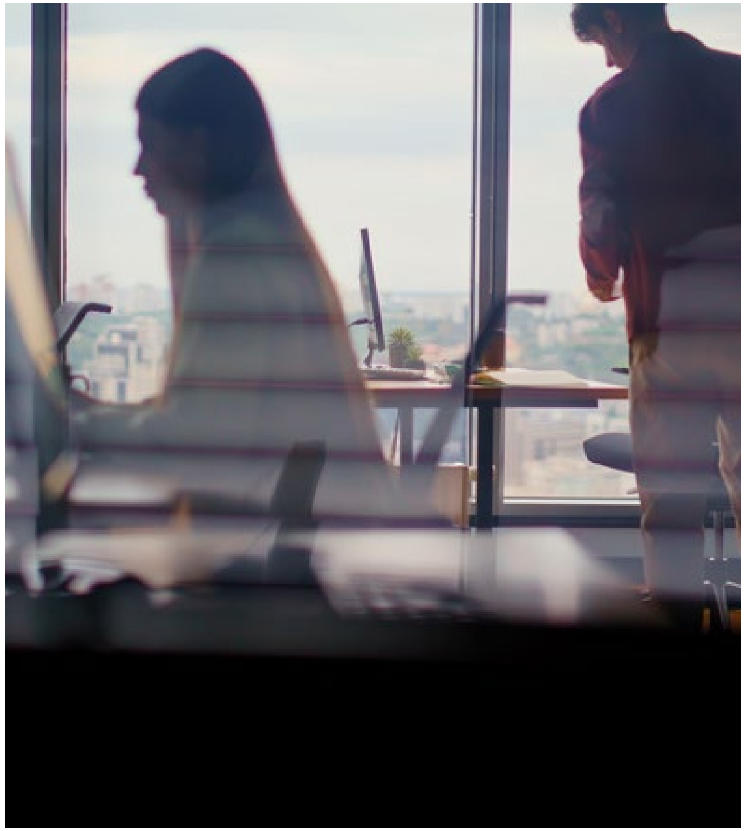
Background: Where two separate employers are deemed to be "horizontal" joint employers, hours worked by an employee need to be combined in determining when overtime is due.

Conclusion: Hours a server worked in a restaurant and a private club in the building (which shared a common kitchen and had similar menus) had to be added together, so that if the server worked 35 hours in a week at the restaurant and 12 hours a week at the private club, she would be entitled to 7 hours of overtime.

Opinion Letter #4:
FMLA and Non-Traditional Work Schedules

Background: FMLA entitled eligible employees to take 12 "workweeks of leave" in a 12-month period, which generally equates to 480 hours of leave. However, this may be different where an employee is regularly scheduled to work more or less than 40 hours per week.

Conclusion: In determining an employee's FMLA entitlement, employers may rely on employee's average regularly scheduled hours, including any mandatory overtime.



Independent Contractor Standard Proposed Rule

- Proposed rule issued **February 2026**. Notice and comment period has expired. Awaiting final rule
- Rescinds 2024 rule and largely restores 2021 rule (with some differences)
- Applies to FLSA & FMLA
- **Economic realities test focuses on two core factors & three secondary factors:**
  - **Core Factors:** (1) nature and degree of control over work, and (2) opportunity for profit and loss (including investment in equipment/facilities)
  - **Secondary Factors:** (3) amount of skill required, (4) degree of permanence and (5) whether work is a component of the business' integration production process for a good or service
- Only get to Secondary Factors if Core Factors don't go the same way
- Focus is on actual practice over contractual or theoretical possibility

Other Independent Contractor Test Developments

New Jersey rule adopts ABC Test *across statutes*

- Same approach as California and Massachusetts
- Same standard as almost 30 states use for unemployment compensation determinations
- Generally viewed as the toughest test

A Worker is free from control and direction in performing the work (both in contract and fact)

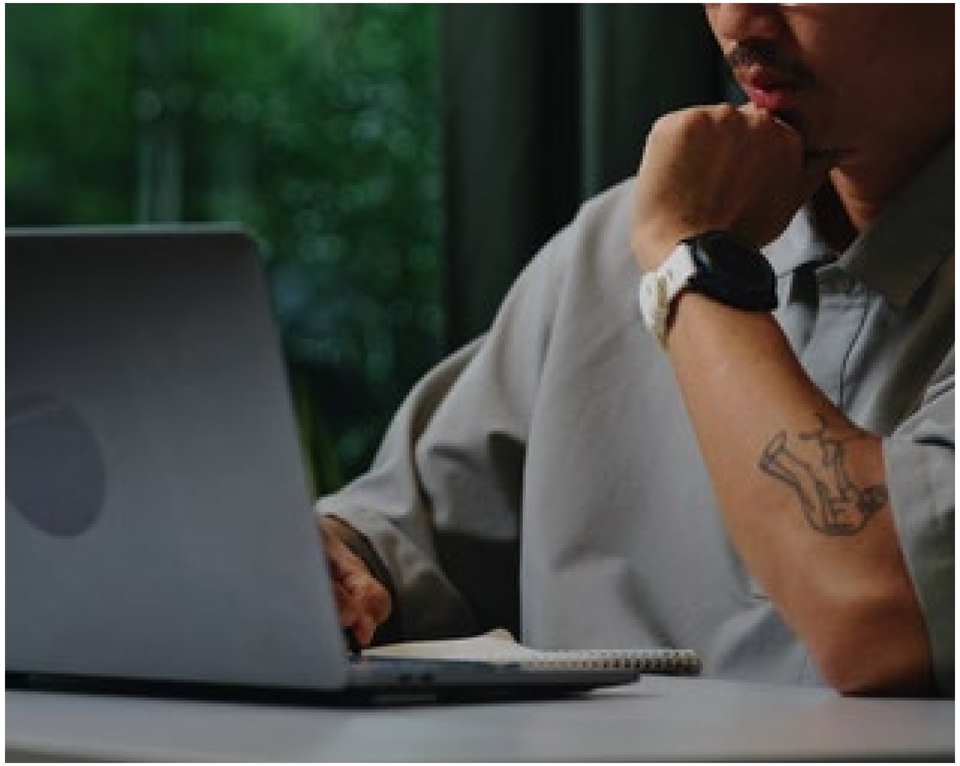
B Work is outside the usual course of the business

C Worker is customarily engaged in an independently established trade, occupation or business of the same nature as the work in question

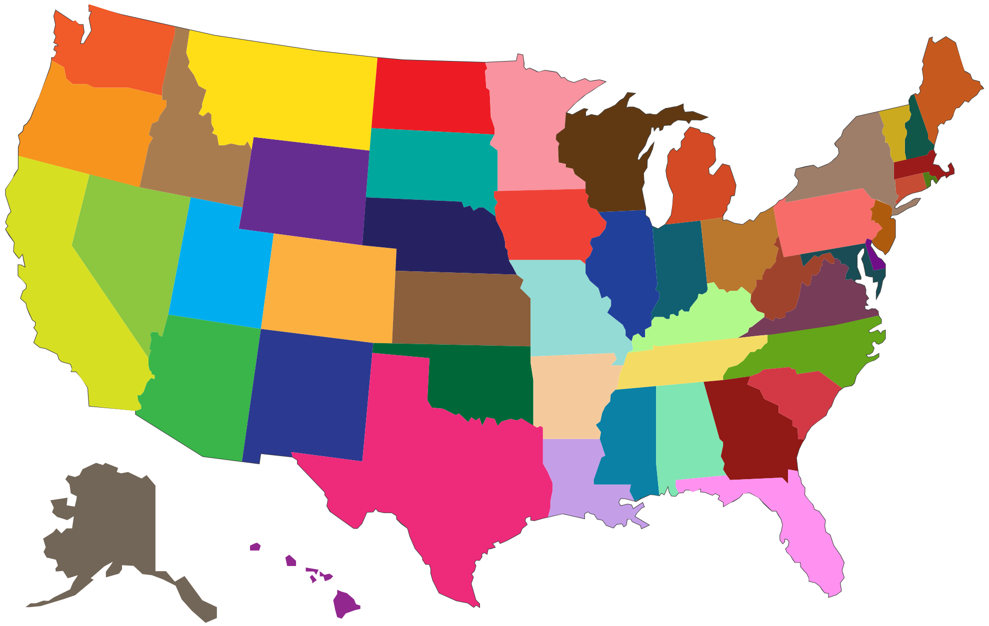
Overtime Exemption & Pay Equity

Overtime Exemption Minimum Salary Update

- 2024 increases to minimum salary were officially rescinded in May 2026
- Rule reverts to 2019 threshold of $35,568/year ($684/week)
- DOL has indicated no changes soon



Six states now have salary minimums for exempt status that are higher than $35,568/year



Alaska: $58,240

California: $70,304

Colorado: $57,784

Maine: $45,300.32

New York: $66,300 / $62,353.20 (depending on location)

Washington State: $80,168.40

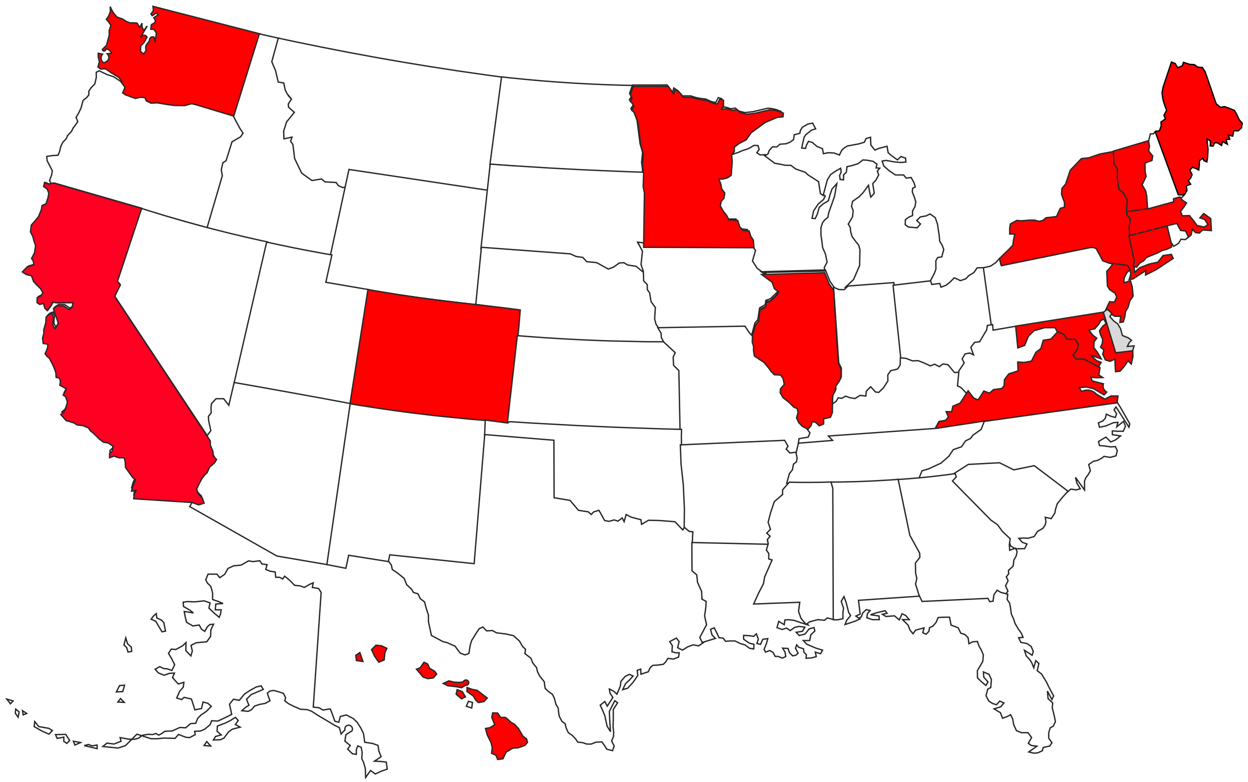
***Note:** These amounts are indexed so they increase with minimum wage!*

More states now require pay information in job postings

New in the last year:

- **Massachusetts** (effective October 29, 2025)
- **Virginia** (effective July 1, 2026)
- **Maine** (effective July 29, 2026)
- **Connecticut** (effective October 1, 2026)
- **Delaware** (effective September 26, 2027)

also… Columbus & Cleveland, Ohio



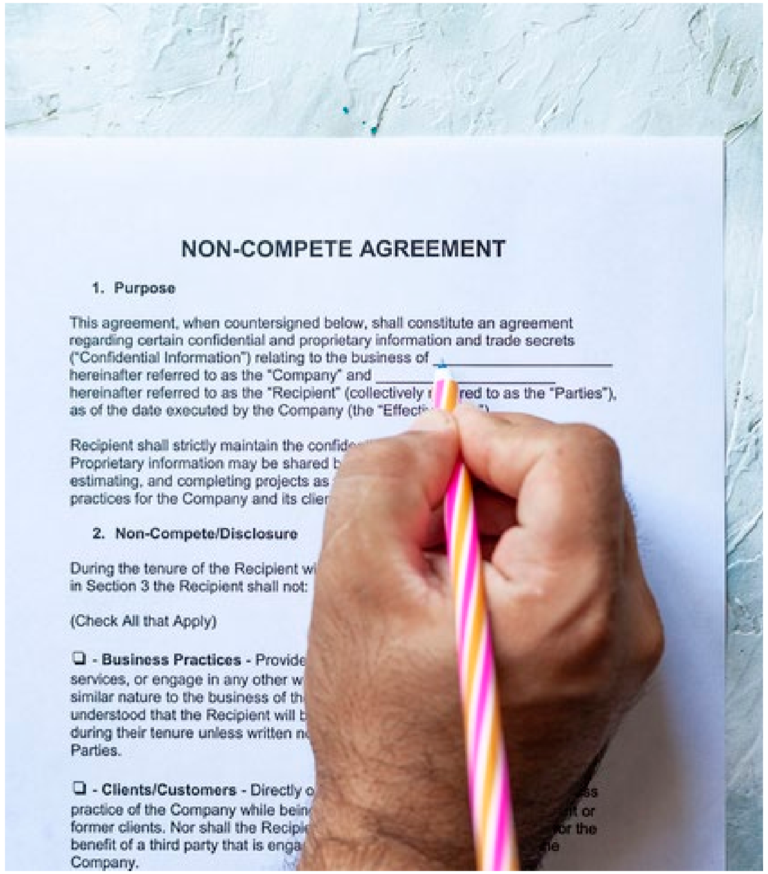
Restrictive Covenants & Stay or Pay Agreements

FTC Still Active in Attacking Restrictive Covenants

- **Sep 2025:** Warning letters to large healthcare employers
- **Sep 2025:** Consent order with Gateway Services prohibiting enforcement of non-compete agreements with 1,800 employees in pet cremation business
- **Feb 2026:** Consent order with Adamas Amenity Services prohibiting enforcement of no-hire agreements
- **April 2026:** Consent order with Rollins, Inc. prohibiting enforcement of non-compete agreements with 18,000 employees involved in pest control business

FTC Concerns

- Broad use of non-competes with lower-level employees when not reasonable given role or other types of protections would suffice
- Customer non-solicits that are overbroad
- No-hire agreements that limit worker mobility



State Law Developments

- As of **June 30, 2027**, **Washington** bans all employment non-competes, including those entered into before that date. Non-solicit (but not non-acceptance) covenants are allowed. Sale of business covenants are allowed for those with 1% or more. Notice required to be sent by **October 1, 2027,** to employees bound by covenants informing them that they are no longer bound

- **Virginia** previously banned non-competes for low-wage workers, healthcare professionals and certain other workers. As of **July 1, 2026**, non-competes for highly paid workers prohibited if workers not paid severance on a termination without cause. Non-solicits still permitted

- As of **July 1, 2026**, non-competes are prohibited in **Tennessee** for employees making less than $70k. Presumption that two-year covenant is enforceable for those agreements that are permitted

California

- As of **Jan 1, 2026**, California bans employers, as a condition of employment, from using contractual provisions that require debt repayment at end of employment or impose any other penalty, fee, or cost if employment ends, including, but not limited to, reimbursement for immigration or visa costs, replacement hire fees, and retraining fees

- Repayment of tuition or a “transferable credential” if included in a separate contract and other conditions are met

- Repayment of “upfront” discretionary bonuses, if that payment occurs at the start of employment, it is included in a separate contract, and other conditions are met

Stay or Pay Agreements

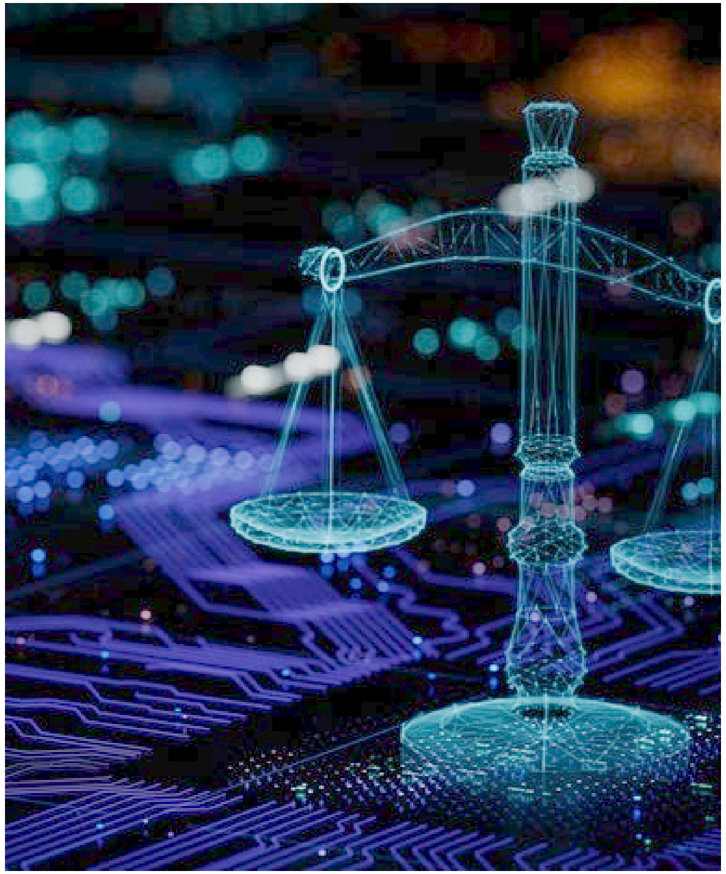
New York

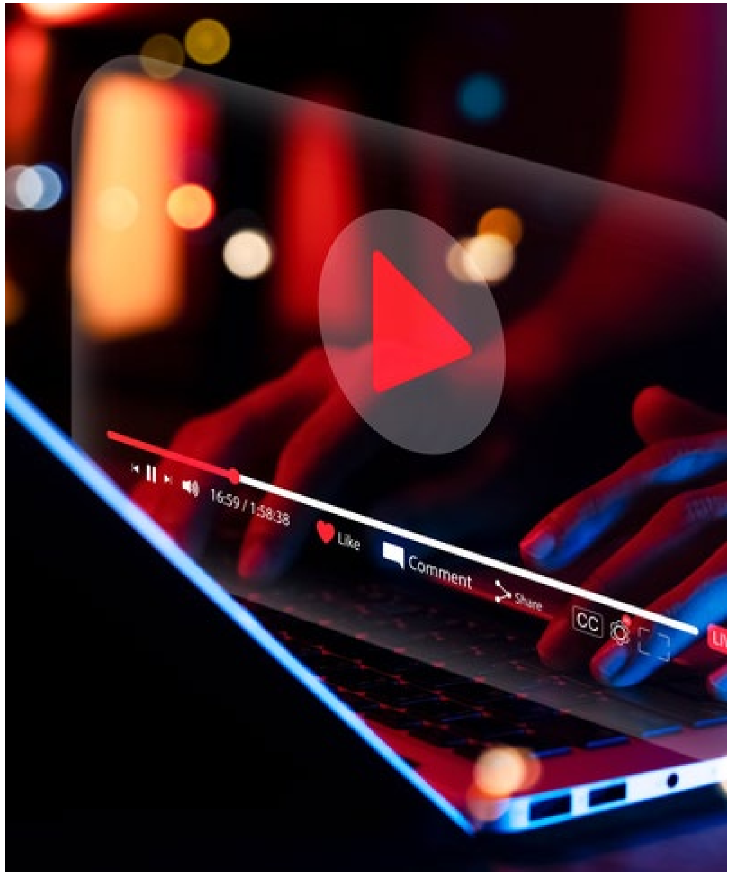
- Law passed in December 2025 and amended to clean up various issues in February 2026. Goes into effect on **December 19, 2026**
- Prohibits any agreement requiring employees or prospective employees to repay amounts if the employment relationship terminates before the expiration of a stated period
- **Exceptions:**
  - Transferable Credentials
  - Non-Education Incentives – unless job duties misrepresented or terminated for reasons other than misconduct
- Other states with restrictions – Connecticut & Colorado

Artificial Intelligence in Employment

Colorado: SB 26-189 Resets the Nation's First AI Law

- **May 2026:** Colorado enacted SB 26-189, repealing/replacing the 2024 law (SB 24-205); effective **January 1, 2027**
- Narrower, notice-based framework for ADMT used in consequential decisions
- **Deployer obligations:** Point-of-interaction notice, plain-language explanation within 30 days of adverse decision, right to correct data, right to human review, 3-year recordkeeping
- **Dropped:** Mandatory risk-management program, annual impact assessments, self-reporting duty. Anti-discrimination liability preserved





Illinois: Artificial Intelligence Safety Measures Act (SB 315)

- Effective **January 1, 2027**, with some provisions in 2028
- Targets large frontier developers (>$500M revenue): requires published safety framework, transparency reports, third-party audits, critical-incident reporting, whistleblower protections
- Developer-focused, not an employer mandate
- Day-to-day Illinois rules still control for employers: AI Video Interview Act and Public Act 103-0804 (AI in employment, HRA amendment) require notice, prohibit discriminatory outcomes

Broader trend to watch: *Connecticut's Public Act 26-15 (ADT transparency) and similar multistate activity*

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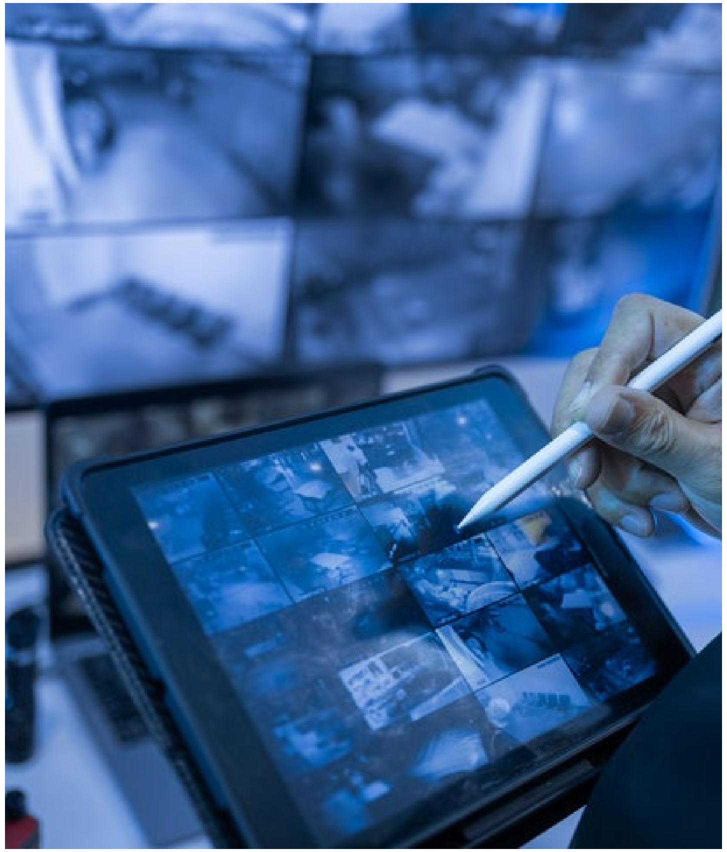
State Trends & Updates



New Notice Rules and Limits: CT, ME, & WA

- **Connecticut, PA 26-73 (eff. 10/1/26):** Expands electronic-monitoring notice; post specific locations monitored, give new hires plain-language statement of monitorable activities
- **Maine, LD 61 (eff. Summer 2026):** Broader privacy approach; bars surveillance of home/personal property/vehicle, no monitoring software on personal devices; requires pre-implementation notice, applicant disclosure, annual notice
- **Washington, SHB 1672/HB 2144 (proposed):** Would require advance notice before electronic/AI monitoring, restrict emotion/gait/facial-recognition tools

In short…inventory monitoring tools, update notices, and confirm no reach into personal devices or off-duty activity

Language-Access Obligations: WA & NE

- **Washington, SHB 2475 (eff. 6/11/26):** Standardizes language access across state agencies (spoken, signed, written, digital)
- No new employer mandates
- **Nebraska, LB921 (op. 7/18/26):** Amends Non-English-Speaking Workers Protection Act; if >5% of employees share a non-English language, requires worksite interpreter each shift plus community-services referral agent
  - New WARN-style law also requires layoff/closing notices posted in languages spoken by ≥5% of workforce

Leave Requirements – 2026-2027 Roadmap

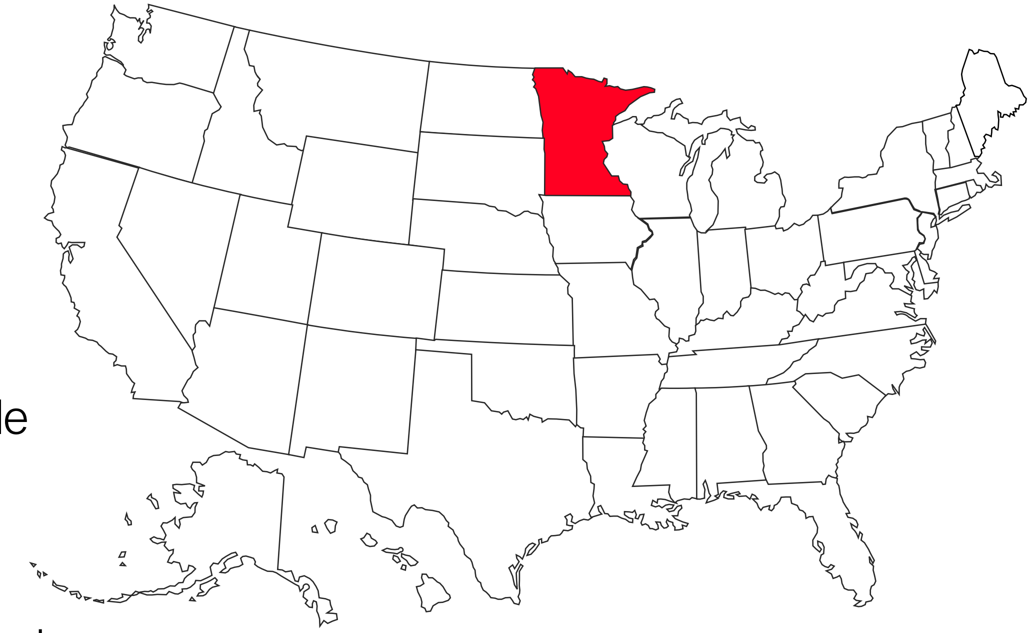
TYPE OF CHANGE	JURISDICTIONS	EFFECTIVE
New paid family and medical leave benefits	Delaware, Minnesota, Maine	Jan. 1, 2026 (DE, MN); May 1, 2026 (ME)
PFML contributions begin	Maryland; Virginia to follow	Jan. 1, 2027 (MD); Apr. 1, 2028 (VA)
Voluntary and expanded PFML	Vermont; Rhode Island (siblings added)	Jan. 1, 2026
New paid sick time mandates	Alaska; Nebraska	July 1, 2025 (AK); Oct. 1, 2025 (NE)
Sick leave coverage expanded by size	Connecticut	11+ employees Jan. 1, 2026; all employers Jan. 1, 2027
Repeal and rollback	Missouri (repeal); Michigan (revisions)	Aug. 28, 2025 (MO); Feb. 21, 2025 (MI)
Rate and threshold changes	Washington, Colorado, Oregon	Jan. 1, 2026; OR benefit increase June 28, 2026
Targeted and local mandates	New York, New York City, Illinois; Chicago, Cook County, California cities	NYC Feb. 22, 2026; IL NICU June 1, 2026

Existing Paid Family & Medical Leave (PFML) Programs Now Paying Benefits

- **Delaware**: Full effect **January 1, 2026**; claims now being accepted
  - Most businesses with 10 or more Delaware employees participate; obligations scale with size
  - State is the primary payor and employee disability plans may be offset
  - Cannot require PTO usage first
- **Maine**: Benefits begin **May 1, 2026**; applications opened April 2026
  - Every employer with at least one Maine employee must register in the Contributions Portal

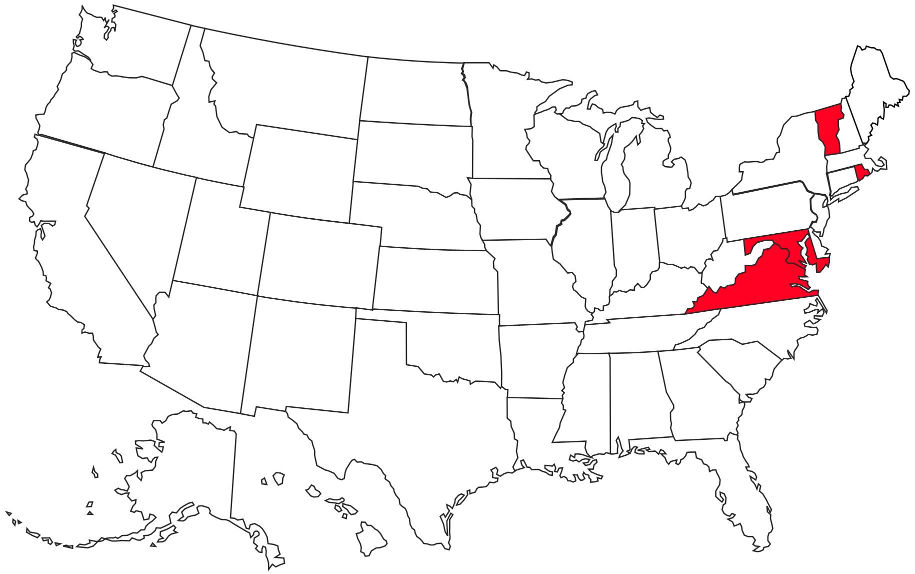
Minnesota Paid Leave – Effective January 1, 2026

- **Minnesota's** program took effect **January 1, 2026**, contributions beginning the same date and the first quarterly payment due **April 30, 2026**
- Coverage reaches employers regardless of size – no small-employer exemption from participation
- Total contribution is 0.88% of wages, with employer responsible for at least half; reduced rate for employers with 30 or fewer
- 2026 taxable wage base is $185,000
- Employers offering an equivalent private plan must get approved rather than self-certifying



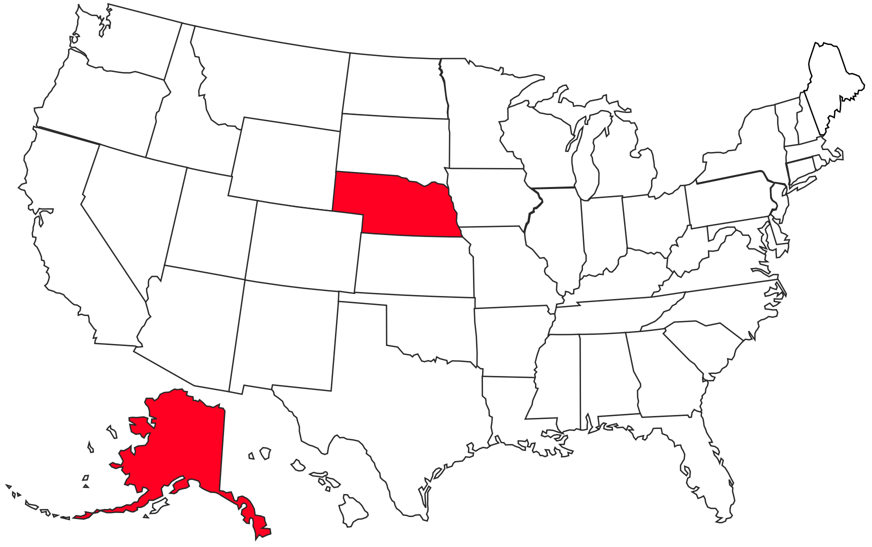
States with Upcoming Paid Family and Medical Leave Programs

- **Maryland** FAMLI contributions begin **January 1, 2027**, with benefits phasing in through **January 3, 2028**
  - Registration is mandatory for any employer with at least one Maryland employee – no size exception
  - Notice obligations begin **July 2027**, six months ahead of benefits
- **Vermont:** VT-FMLI remains voluntary; the mandatory unpaid family leave law expanded **July 1, 2025**
- Further out – **Virginia** in 2028



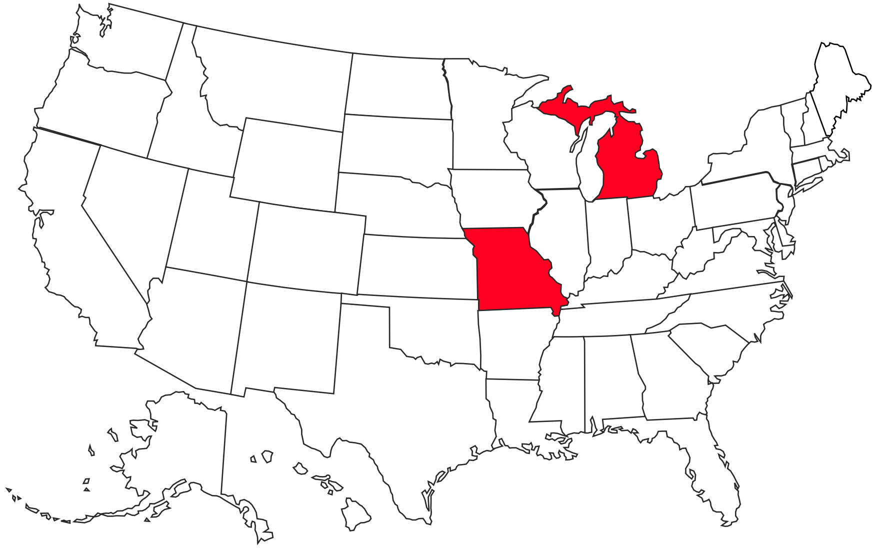
New Paid Sick Time Mandates – Alaska and Nebraska

- **Alaska**: Effective **July 1, 2025**, covering all employers regardless of size
  - Caps are 40 hours under 15 employees and 56 hours at 15 or more; carryover is required
- **Nebraska:** Effective **October 1, 2025,** for employers with 11 or more employees
  - Caps are 40 hours at 11 to 19 employees and 56 hours at 20 or more; accrual starts after 80 hours worked
- Both states require written notice and posting – confirm those obligations were met



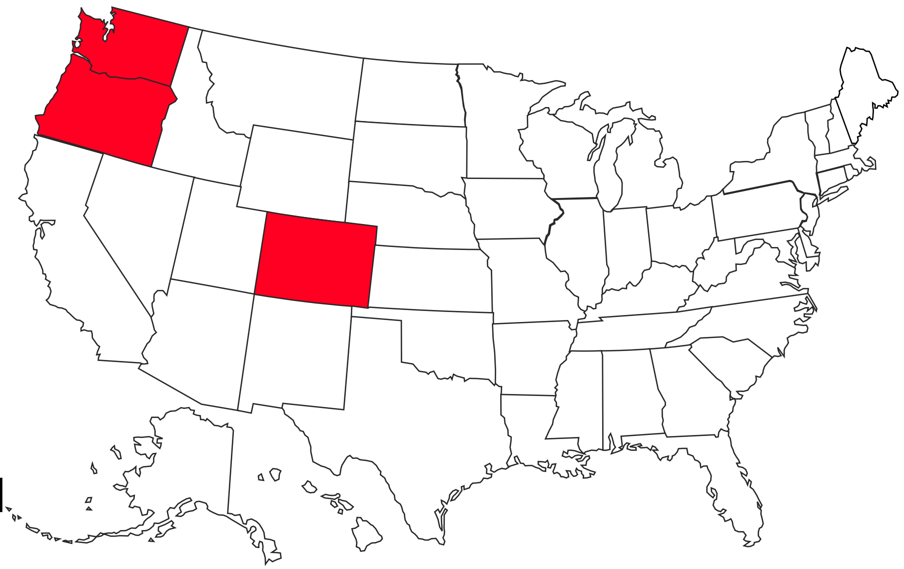
Expansion and Retrenchment

- **Connecticut** is phasing sick leave down to every employer: 11 or more as of **January 1, 2026**, no threshold at all in 2027
  - Notice, posting, pay-stub reporting of accrued and used hours, and three-year records all apply
- **Missouri** went the other way – voter-approved sick leave was repealed effective **August 28, 2025**
  - Voluntary policies remain lawful; the $15.00 minimum wage survived without inflation indexing
- **Michigan** substantially revised its Earned Sick Time Act effective **February 21, 2025** to cover all employers, allow usage caps at 72 hours per year, and permit frontloading



2026 Rate & Threshold Changes in Existing Programs

- **Washington** PFML premium rises from 0.92% to 1.13% for pay dates on or after **January 1, 2026**
  - Split 28.57% employer and 71.43% employee on a $184,500 wage cap; Q1 premiums due end of April
- Employers under 50 owe no **Washington** employer share but must collect the employee portion
- **Colorado** FAMLI drops from 0.9% to 0.88% effective **January 1, 2026**
- **Colorado** added up to 12 additional weeks of NICU leave, and the 2026 notice must be redistributed
  - NICU leave runs up to 24 weeks total, or 28 with pregnancy or childbirth complications
- **Oregon** holds at 1%, with the maximum weekly benefit rising to $1,692.16 on **June 28, 2026**



Targeted and Local Mandates

- **New York** paid prenatal leave: 20 hours per 52-week period, standalone and in addition to sick leave or PTO, with no hours or tenure minimum, covering prenatal visits, testing, fertility treatment and end-of-pregnancy care. It must be tracked separately and cannot be conditioned on using other leave first

- **New York City ESSTA:** Expanded effective **February 22, 2026**, to add unpaid leave requirements and formally incorporate the State's 20-hour prenatal leave. It reaches remote workers physically performing services in the city, and household employers

- **Illinois** NICU leave, effective **June 1, 2026**: unpaid, job-protected leave while a child is a NICU patient – up to 10 days for employers with 16 to 50 employees and 20 days at 51 or more, with no tenure or hours test. FMLA is exhausted first, but PTO cannot be forced

- Local ordinances still control where they are more generous – **Chicago** and **Cook County** exceed the Illinois Paid Leave for All Workers Act, and the California cities (**Los Angeles, San Diego, Berkeley, Emeryville, Santa Monica, West Hollywood, San Francisco**) each impose their own accrual and cap rules

Criminal History in Hiring – Washington, Pennsylvania, Connecticut

- **Washington** amended its Fair Chance Act (EHB 1747) – inquiries only after a conditional offer
  - Effective **July 1, 2026,** at 15 or more employees; **January 1, 2027,** for smaller employers
  - No use of arrests, pending charges or juvenile records; no categorical exclusions in ads or applications
- **Washington** requires documented individualized assessment plus written notice before adverse action
- **Pennsylvania** Clean Slate 3.0 finished automatically sealing the conviction backlog in 2025
  - Sealed records – now including some low-level felonies – cannot be used in hiring decisions
- **Connecticut** now considers erased convictions as a protected class under the Fair Employment Practices Act
  - Applicants may go directly to CHRO or court; do not ask about erased records or penalize non-disclosure
- **Practical takeaway:** This adds to a multistate patchwork on consideration of arrest and conviction records; review applications, job postings, offer timing and adverse action letters state by state

Any questions?

Ask us anything. We're happy to answer now,
or connect with us later if you prefer.

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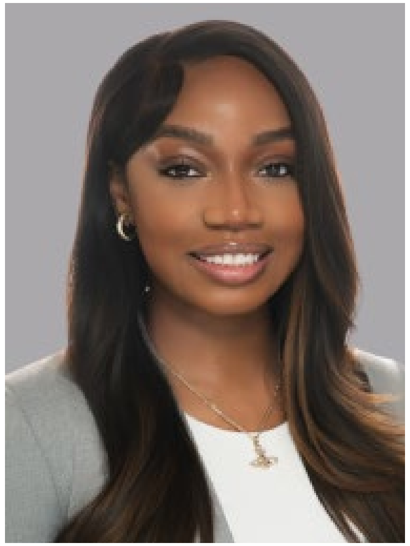

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