

PUBLICATION

Pay Transparency in 2026: What Employers Need to Do Now

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In 2025, Illinois, Minnesota, Massachusetts, New Jersey, and Vermont joined the growing ranks of states to institute pay transparency laws (Ensuring Compliance With Pay Transparency Laws in 2025 | Baker Donelson). Heading into 2026 (and beyond), pay transparency laws will continue to expand at the state and local level, creating new compliance obligations – and new litigation risk – for employers, particularly those with multistate workforces. What do multistate employers need to know about these new laws and what steps do they need to take to ensure compliance?

New Pay Transparency Laws

California

- Effective January 1, 2026, California's pay transparency law has been amended to include a new definition of pay scale. "Pay scale" now means "a good faith estimate of the salary or hourly range that the employer reasonably expects to pay for the position upon hire." The intent behind this amendment is to prevent employers from posting overly broad salary ranges for positions. The amendment also extended the statute of limitations for violations to three years.

Delaware

- Effective September 26, 2027, Delaware's pay transparency law requires employers with more than 25 employees to include the hourly or salary compensation range and a general description of the benefits and other compensation in both internal and external job postings.

Columbus, Ohio

- Enforcement of Columbus, Ohio's pay transparency law, which requires employers with 15 or more employees in Columbus to include a reasonable salary range or scale, will begin on January 1, 2027.

What's on the Horizon?

Maine

- The Maine legislature passed a pay transparency bill requiring employers with ten or more employees to include the prospective pay range in job postings. The bill was carried over and is awaiting official concurrence.

New Jersey

- The New Jersey Department of Labor and Workforce Development has issued proposed regulations to implement the State's Pay Transparency Act (PTA). The proposed regulations clarify who is covered under the PTA, provide insight on the posting requirements and setting compensation ranges, and explain what qualifies as "reasonable efforts" to announce or post an opportunity to all employees, among other areas.

What Should Employers Do Now?

These laws are sure to create compliance challenges for multistate employers, especially with respect to how they treat remote jobs. What should multistate employers do now?

- **Audit Job Postings**
 - Employers will want to familiarize themselves with the requirements of each law and confirm they are meeting their disclosure requirements. This includes updating template job postings.
- **Update Policies and Training**
 - Employers will want to ensure their policies are up to date and that HR and recruiting staff are trained on the requirements of the new laws.
- **Keep up to Date on State and Local Developments**
 - The pay transparency landscape is constantly changing. Multistate employers will need to make sure they're up to date on the latest developments in all the states and localities where they have operations.
- **Consult with Counsel**
 - Employers may also want to consider discussing these new laws with their counsel, especially multistate employers who may operate in several states with varying pay disclosure requirements.

For any questions about pay transparency laws and how best to comply with them, please contact the author [Dean J. Shauger](#) or any member of the [Labor & Employment Group](#).