

Blog Post

Keeping Pace with Pay Transparency: Recent Updates and What's Ahead for Employers

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Pay transparency laws continue to expand across the United States, creating new compliance obligations for employers that post jobs, recruit candidates, set compensation ranges, or maintain pay records across multiple jurisdictions. As we have previously [covered](#), jurisdictions across the country have continued to adopt and expand laws aimed at arming job applicants with more information and greater leverage in compensation negotiations. Recent developments in California, Maine, and Delaware underscore that pay transparency compliance is becoming more detailed, more localized, and more closely tied to broader pay equity obligations.

For employers, these laws have moved beyond simply adding a salary range to a job posting to broader obligations that impact recordkeeping, compensation review, and pay equity compliance. They increasingly require employers to document how compensation ranges are developed, train recruiters and hiring managers on salary history restrictions, preserve pay and job records, and evaluate total compensation practices. Employers should begin preparing now for new 2026 and 2027 pay transparency laws that may require updates to job posting templates, compensation review processes, record retention practices, and hiring manager training.

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The compliance challenge is that these laws differ in important ways. Some apply only to larger employers, while others reach smaller employers. Some focus on job postings, while others add salary history restrictions, employee disclosure rights, or recordkeeping requirements. Multistate employers therefore should not assume that a single pay transparency policy will satisfy every jurisdiction.

This post summarizes key pay transparency developments in California, Maine, and Delaware and identifies practical steps employers can take to reduce compliance risk.

California

Effective January 1, 2026, California expanded its pay transparency and equal pay requirements through amendments enacted under the Pay Equity Enforcement Act. California's existing Pay Transparency Law already required employers to provide pay scale information to employees upon request and, for employers with 15 or more employees, to include pay scale ranges in job postings. In addition, California's Equal Pay Law has long prohibited wage differentials based on sex for employees performing substantially similar work. The 2026 amendments build on these existing requirements by tightening key definitions and increasing potential employer exposure, reinforcing California's continued focus on pay transparency and equity.

Most notably, the amendments refine the definition of a "pay scale" under the Pay Transparency Law to require a good faith estimate of the salary or wage range that an employer reasonably expects to pay upon hire, rather than a more generalized range.

The amendments also broaden the Equal Pay Law by clarifying that it prohibits paying employees of "another sex" less for substantially similar work and by expanding the definition of "wages" to encompass all forms of compensation, including bonuses,

equity, allowances, and other benefits. This expansion underscores the need for employers to evaluate total compensation — not just base pay — when assessing pay equity compliance.

In addition, the law extends the statute of limitations from one year to three years, with a potential recovery period of up to six years, thereby increasing employers' potential exposure.

Finally, the amendments identify categories of violations — although broadly defined — which may provide additional avenues for enforcement and penalties moving forward.

Delaware

Joining a growing number of jurisdictions, Delaware enacted its first pay transparency law, which will become effective September 26, 2027. The law imposes disclosure and recordkeeping obligations on covered employers (those with more than 25 employees). Employers must include in both internal and external job postings the hourly or salary compensation range — defined as a good-faith minimum-to-maximum range — as well as a general description of benefits and other compensation. Where no posting is made available, employers must provide this information to applicants before any offer or compensation discussion and upon request.

In addition to disclosure obligations, Delaware requires employers to maintain records of job descriptions and employee wage histories for at least three years and make them available to the state Department of Labor upon request. Enforcement authority rests with the Department, which may investigate violations and impose penalties. Employers receive a written warning for a first violation, with subsequent violations subject to civil penalties ranging from \$500 to \$10,000 per violation. The law also includes anti-retaliation protections, emphasizing the need for employers to

ensure that applicants and employees can exercise their rights without adverse consequences.

Maine

Effective July 29, 2026, Maine implemented a new Wage Transparency Law applicable to employers with 10 or more employees. The law requires job postings to include a statement disclosing the prospective pay range for the position. If a position is compensated solely on a commission basis, the employer must expressly state that fact in the posting in lieu of providing a pay range. This requirement brings Maine in line with other states requiring upfront compensation disclosures in job advertisements.

In addition to job posting obligations, the law creates new disclosure and recordkeeping requirements. Upon request, employers must provide current employees with the pay range for the position they hold, reinforcing transparency not only for applicants but also for existing personnel. The law further requires employers to maintain records reflecting each employee's job position and pay history for the duration of employment and for three years following separation.

Employer Takeaways

As pay transparency requirements continue to expand across jurisdictions, employers should take proactive steps to assess and update their hiring and compensation practices. This includes reviewing job postings to ensure required pay ranges and related disclosures are included and reflect a good faith or otherwise supportable estimate, reevaluating compensation structures and documentation to confirm consistency across roles and forms of pay, and strengthening recordkeeping practices to comply with applicable retention requirements. Employers should also ensure that hiring managers and recruiters are trained on restrictions relating to salary history inquiries and permissible compensation discussions.

Given the growing patchwork of state and local laws, employers operating in multiple jurisdictions should consider implementing standardized processes that can be tailored to meet the most stringent requirements, while continuing to monitor legislative and enforcement developments and adjust policies as needed to mitigate risk.

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