

Show Me the Money (or the Wage Range): New State Pay Transparency Laws

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Several states recently enacted new pay transparency laws imposing salary history bans, wage range disclosures, recordkeeping and other obligations on employers. Below is a summary of key provisions in Virginia, Maine, Connecticut and Delaware, along with recommended compliance steps.

Virginia: Salary history ban, wage range disclosure and private right of action

Effective July 1, 2026, Virginia employers must disclose the wage or salary range in all public and internal job postings (including promotions and transfers). Notably, the law has no minimum employee threshold and broadly applies to “employers,” defined in the state Labor Code as any entity “doing business in or operating within this Commonwealth who employs another to work for wages, salaries, or on commission.”

The range (minimum and maximum wage or salary for the position) must be set in good faith by reference to applicable pay scales, prior ranges, equivalent-position salaries or the budgeted amount. The range’s breadth is relevant to whether it has been set in good faith. In addition, employers are also prohibited from seeking or relying on an applicant’s wage or salary history, except where voluntarily disclosed, in which case the employer may use it only to support a higher offer consistent with federal and state equal pay laws. Unlike some other pay transparency laws, the law does not require a description of benefits in postings. It is unclear whether the law’s pay disclosure requirements cover remote positions that could be performed in Virginia or only positions physically performed in Virginia.

The law provides for attorney general enforcement and a private right of action. For attorney general enforcement, employers may face civil penalties of up to \$1,000 for a first violation and up to \$5,000 for subsequent violations, plus legal and equitable relief. For the private right of action, an aggrieved individual must sue within one year. In this case, for posting or good-faith range violations, the individual must first give the employer a 15-business-day written cure period; if the employer corrects the posting, no action may be brought. A written notice received from any person relating to a particular posting constitutes adequate notice for the duration of such posting. Employees may recover actual damages, plus legal and equitable relief.

Maine: Wage range disclosure and recordkeeping

Effective July 29, 2026, Maine employers with 10 or more employees must include the prospective pay range in all job postings, whether made directly or through a third party. Commission-only positions, however, need not include the range, but must indicate that the position is commission-only. The “range of pay” means the range the employer anticipates relying on when setting wages, determined by reference to:

1. Any applicable pay scale.
2. Previously determined range of wages for the position.
3. Actual range of wages for those currently holding equivalent positions.
4. The budgeted amount for the position.

Upon request, employers must also disclose to current employees the pay range for their position. Employers must maintain records of each position and the employee’s pay history for the duration of employment and three years after termination. The Maine Department of Labor will enforce the law.

Connecticut: Existing obligations expanded to include upfront wage ranges and benefits

Effective October 1, 2026, Connecticut's HB 5003 expands existing pay transparency requirements, which currently only require disclosure of wage ranges in certain circumstances. Under HB 5003, which broadly applies to all employers regardless of size, employers must now include the wage or wage range and a general description of benefits in all internal and public job advertisements. The "wage range" must be set in good faith and may include references to any applicable pay scale or previously determined range for the position. "Benefits" include health insurance, retirement benefits, fringe benefits, paid leave and any other compensation other than wages offered with the position. HB 5003 also clarifies that the law covers positions performed in Connecticut and positions where the employee works outside the state but reports "directly to a supervisor, office or other worksite located within the state."

Existing disclosure requirements for applicants and employees have also been expanded. For applicants, if the position has not been advertised, employers must provide the wage range and general description of benefits upon the earlier of the applicant's request, or before any discussion of compensation or offer is made. For employees, employers must provide the wage range and benefits information upon hire, upon a change in position or upon the employee's first request.

The law also expands anti-retaliation protections to cover refusal to interview, hire, promote or retain employees who exercise their rights under the law. Private actions must be brought within two years, and punitive damages are no longer recoverable in such actions.

Delaware: Wage range disclosure and recordkeeping

Effective September 26, 2027, Delaware employers with more than 25 employees must disclose the hourly or salary compensation or hourly or salary compensation range and a general description of benefits and other compensation applicable to the position in all internal and external job postings. The range must reflect the minimum to maximum pay for the position, set in good faith by reference to any applicable pay scale, previously determined range, equivalent-position salaries or the budgeted amount. The breadth of the disclosed range is a factor in assessing good-faith compliance. The law covers jobs located in Delaware and noninternational remote positions offered by Delaware-based employers. Notably, the law does not clarify whether the 25-employee threshold includes only Delaware-based employees or also those located outside the state.

Commission-based roles must disclose that fact but are not required to include a wage range, while tipped roles must disclose that fact and the base wage or range. If a posting was not made available to an applicant, the employer must provide the range and benefits description before any offer or compensation discussion and at any time at the applicant's request. Temporary or immediate-hire positions are exempt from wage range disclosure obligations, with the Department of Labor tasked with promulgating regulations for these job opportunities necessitating immediate hire. Employers must retain job descriptions and salary history for each employee for at least three years. Employers are not liable for job postings that are digitally replicated or reposted by third parties without their consent. The Department of Labor will enforce the law. For a first offense, employers will receive a written warning; subsequent offenses carry civil penalties of \$500 to \$10,000 per violation.

Next steps

Employers operating in Virginia, Maine, Connecticut and Delaware should take the following steps to ensure compliance:

- **Audit job postings.** Confirm that all postings for covered jurisdictions include good-faith compensation ranges and, where required, benefits descriptions.
- **Update salary history practices.** If not done already, eliminate wage history inquiries from applications, interview protocols and recruiter instructions, and train hiring managers accordingly.
- **Establish recordkeeping protocols.** Maintain job descriptions, compensation ranges and employee pay histories for the required retention periods.

- **Map jurisdictional coverage.** Identify which positions are covered under each state’s law, with careful attention to remote work positions.
- **Strengthen anti-retaliation compliance.** Where applicable, train managers and supervisors on the anti-retaliation protections under each law, including prohibited conduct, such as refusing to interview, hire, promote or retain employees who exercise their rights.
- **Monitor guidance and implementing regulations.** Several of the new laws leave important implementation questions unanswered, and agency rulemaking or regulatory guidance may provide further clarity. Employers should track developments as new guidance emerges.
- **Monitor pay data reporting developments.** The [Equal Employment Opportunity Commission \(EEOC\)](#) recently [proposed](#) eliminating EEO-1 Component 1 pay data reporting, which may prompt states and localities to enact their own workforce data collection requirements, and some already have. For example, [Massachusetts’ pay transparency law](#) requires employers required to file EEO-1 reports with the EEOC to also submit those reports to the state annually, and [New York City recently enacted](#) a multistage pay data reporting and pay equity study law, which will require large employers to report pay data to a designated city agency. Other jurisdictions, [including Colorado](#), have enacted or proposed similar measures. Employers with multistate operations should monitor this evolving landscape closely and build state-level reporting compliance into their broader pay equity programs.

If you have questions about pay transparency laws or are interested in conducting a privileged pay equity audit, please contact the Cooley employment team.

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