

Adhering to Laws of Every State in Which Employees Are Working Remotely Part II

March 9, 2023

By Katherine Witherspoon Fry

As I've written before, the employment laws of the states where an employer hires employees are applicable to the employment relationship. If you missed those blogs, you may access them [here](#) and [here](#). I am listing more types of laws to consider here. If you're bored by this topic, I promise this is my last blog on the subject.

Prior wages inquiries:

- The employer can't do any or all of the following under some state laws:
- Require, as a condition of employment, that an employee refrain from inquiring about, discussing, or disclosing information about either the employee's own wages or about any other employee's wages (also violates federal law);
- Seek the wage or salary history of a prospective employee from the prospective employee or a current or former employer or to require that a prospective employee's prior wage or salary history meet certain criteria; provided, however, that:
- If a prospective employee has voluntarily disclosed such information, a prospective employer may confirm prior wages or salary or permit a prospective employee to confirm prior wages or salary; and
- A prospective employer may seek or confirm a prospective employee's wage or salary history after an offer of employment with compensation has been negotiated and made to the prospective employee.
- Employers can't retaliate against employees who report violations.

Wage payment:

- Employers must pay wages earned by employees within different time periods of a termination; the definitions of "wages" and penalties for failing to pay on time vary from state to state.

Medical assistance & family medical leave contributions:

- Employers in some locations must pay into an account set up by the state, similar to the unemployment insurance fund.

Workers' compensation and unemployment insurance premiums:

- Employers must pay these, in every state, for each employee performing any work in that state.

Contribution to a workforce training fund program:

- Where a state has such a fund or similar, the employer must contribute.

The list is not exclusive. There are other employment-related laws in some states that are not common, so I've omitted them here. Please ask if you have questions.