

**Department of Planning and Budget**  
**2026 General Assembly Session**  
**State Fiscal Impact Statement**

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**ORIGINAL**

**Bill Number:** HB962

**Patron:** Mehta

**Bill Title:** Labor and employment; nondiscrimination; prohibiting employer seeking wage or salary history of prospective employees; wage or salary range transparency; predictive scheduling for large employers; causes of action; civil penalties.

**Bill Summary:** Prohibits an employer, labor organization, employment agency, or joint apprenticeship committee controlling an apprenticeship or other training program to discriminate based on an individual's name or address, if the individual's name or address are used as a proxy for race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or ethnic or national origin. Additionally, the bill prohibits a prospective employer from (i) seeking the wage or salary history of a prospective employee; (ii) relying on the wage or salary history of a prospective employee in determining the wages or salary the prospective employee is to be paid upon hire; (iii) relying on the wage or salary history of a prospective employee in considering the prospective employee for employment; (iv) refusing to interview, hire, employ, or promote a prospective employee or otherwise retaliating against a prospective employee for not providing wage or salary history; and (v) failing or refusing to disclose in each public and internal posting for each job, promotion, transfer, or other employment opportunity the wage, salary, or wage or salary range. The bill establishes a cause of action for an aggrieved prospective employee or employee and provides that an employer that violates such prohibitions is liable to the aggrieved prospective employee or employee for statutory damages between \$1,000 and \$10,000 or actual damages, whichever is greater, reasonable attorney fees and costs, and any other legal and equitable relief as may be appropriate.

The bill also requires an employer that is a retail establishment, hospitality establishment, or a food services establishment, including a chain or integrated enterprise, employing 500 or more employees worldwide to provide a written good faith estimate of each new employee's work schedule at the time of hire, to provide 14 days' advanced notice of an employee's work schedule, and to compensate employees for certain employer-requested changes that occur to an employee's work schedule without such advanced notice. The bill prohibits such an employer from scheduling or requiring an employee to work during certain required rest periods and from retaliating against an employee for inquiring about or seeking enforcement of the bill's provisions. The bill permits an employee who is unlawfully discharged, disciplined, threatened, discriminated against, or penalized in violation of its provisions to bring a civil action for certain enumerated remedies and file a complaint with the Commissioner of the Department of Labor and Industry (DOLI). With the consent of a complainant, this bill authorizes the Commissioner to institute proceedings against the employer.

Additionally, the bill subjects an employer who violates any of its provisions to certain civil penalties, which are deposited to the Literary Fund.

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**Budget Amendment Necessary:** Yes

**Items Impacted:** 352 of HB30

**Explanation:** This bill involves the Department of Labor and Industry (DOLI); a budget amendment is necessary to implement the provisions of the bill.

**Fiscal Summary:** It is anticipated that this bill will have a general fund expenditure impact to DOLI and an indeterminate nongeneral fund revenue impact to the Literary Fund. This bill expands the enforcement authority of the DOLI by creating a new statutory framework governing predictive scheduling. Based on experience in the enforcement of the Code’s payment of wage provisions, DOLI anticipates requiring five positions at an annual cost of \$946,040. Also, DOLI indicates that a new system of record will be required, at an estimated one-time cost of \$991,486.

**General Fund Expenditure Impact:**

<u>Agency</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	<u>FY2031</u>
DOLI	-	\$1,892,526	\$946,040	\$946,040	\$946,040	\$946,040
<b>TOTAL</b>	<b>\$0</b>	<b>\$1,892,526</b>	<b>\$946,040</b>	<b>\$946,040</b>	<b>\$946,040</b>	<b>\$946,040</b>

**Position Impact:**

<u>Agency</u>	<u>FY2026</u>	<u>FY2027</u>	<u>FY2028</u>	<u>FY2029</u>	<u>FY2030</u>	<u>FY2031</u>
DOLI	-	5	5	5	5	5
<b>TOTAL</b>	<b>-</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>	<b>5</b>

**Fiscal Analysis:** This impact statement is preliminary. This bill expands the enforcement authority of DOLI by creating a new statutory framework governing predictive scheduling. A general fund amendment of up to \$1.9 million and five positions in the first year and \$946,040 and five positions in the out years is anticipated to be required to implement the provisions of this bill.

Predictive scheduling differs from existing enforcement programs in statutory structure, remedies, employer coverage, and retaliation protections. DOLI anticipates the need of five new positions to administer the program. These positions include a managing supervisor, three compliance officers/investigators, one legal services officer, and one program specialist. Each compliance officer is expected to complete approximately 100–150 investigations annually, consistent with existing enforcement benchmarks in payment-of-wage. According to DOLI, approximately five percent of all complaints are expected to require legal review, and as such, a legal services officer is required for investigation support, legal analysis, settlement negotiation, and litigation. A program specialist is required to manage intake, case tracking, public inquiries, document

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**2026 General Assembly Session**  
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processing, and coordination with compliance officers and legal staff. The total cost for these positions, including salary, benefits, and other operating expenses, is estimated at \$896,615 annually.

In addition to staffing costs, DOLI anticipates the need to create a new system of record to track and maintain complaints resulting from this new program. Based on prior systems developed within the agency, one-time costs of \$991,486 in FY 2027 are expected, with annual maintenance costs of \$45,000 beginning in FY 2028. Lastly, DOLI anticipates increased complaints requiring language translation services at a cost of \$4,425.

This bill also prohibits a prospective employer from certain actions related to wage or salary history of prospective employees. Additionally, the bill prohibits discrimination based on an individual's name or address, if the individual's name or address are used as a proxy for race, color, religion, sex, sexual orientation, gender identity, marital status, pregnancy, childbirth or related medical conditions, age, military status, disability, or ethnic or national origin. It is anticipated that any fiscal impact on the agency resulting from these prohibitions, considered in isolation, can be absorbed within existing resources.

The bill establishes civil penalties for violations of the provisions. Such penalties are deposited to the Literary Fund; the amount of revenue cannot be determined at this time.

**Other:** None.