

# States with Laws Preempting City and County Labor Laws

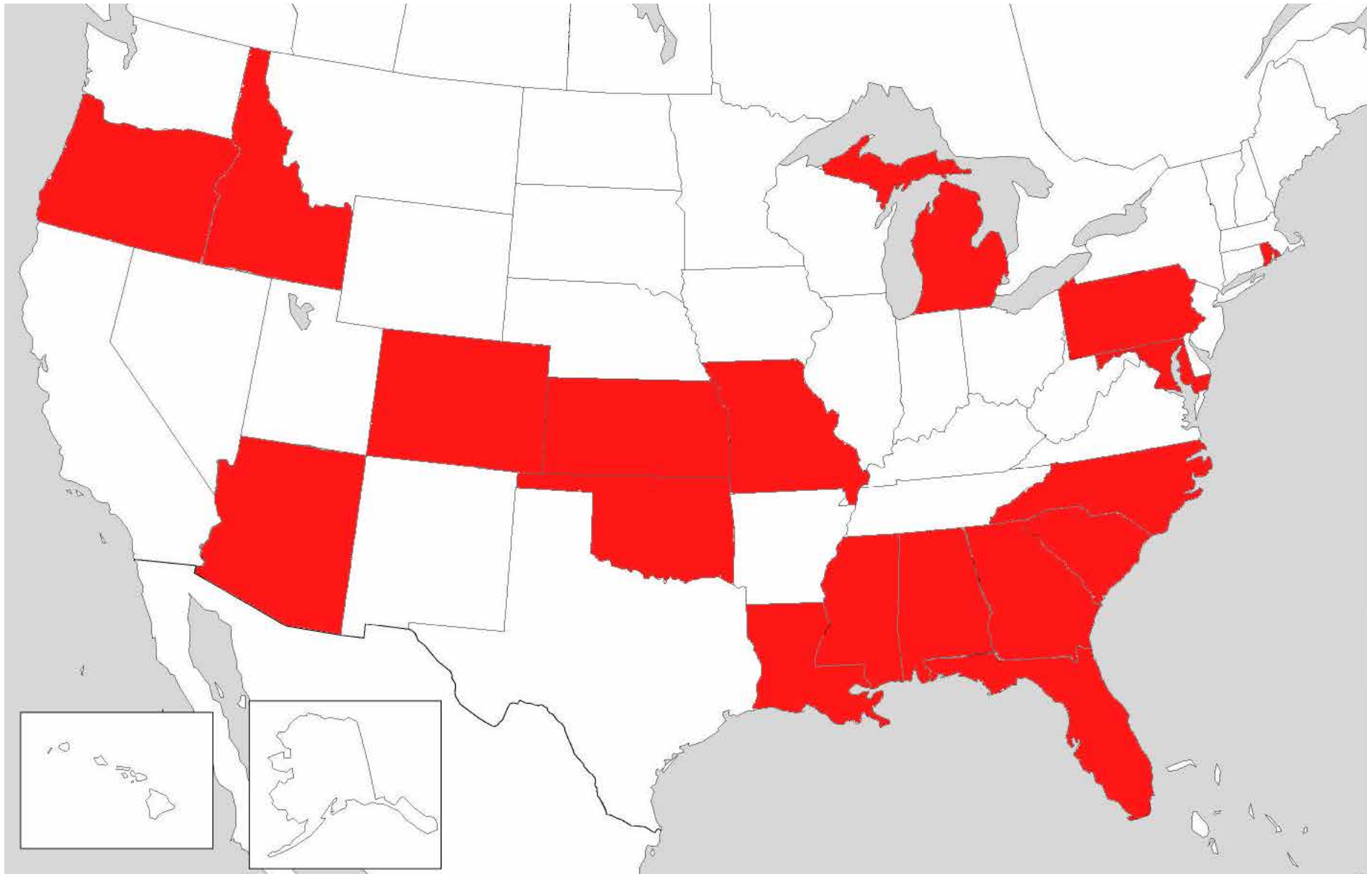


**Preemption**

Updated May 11, 2016

# States with Preemption Laws

The following states have laws that either preclude local government from establishing ordinances affecting the workplace or they at least ensure that state power supersedes local authority. Please see the following pages for more detail about each state's preemption laws.



# States with Preemption Laws

State	Preemption Areas	Description	Enacted	Reference
<b>Alabama</b>	<ul style="list-style-type: none"> <li>• Minimum Wage</li> <li>• Benefit &amp; Leave</li> <li>• Collective Bargaining</li> </ul>	Prohibits local governmental entities from requiring minimum leave, wages, or other benefits for employees, classes of employees, or independent contractors of employers, provides for the State Uniform Minimum Wage and Right-to-Work Act to retain the exclusive authority of the State through the Legislature to regulate collective bargaining under federal labor laws, and wages, leave, and benefits provided by an employer.	2016	AL H 174 / Act No. 2016-18 <sup>1</sup>
<b>Arizona</b>	<ul style="list-style-type: none"> <li>• Minimum Wage</li> <li>• Benefit &amp; Leave</li> </ul>	The regulation of employee benefits, including compensation, paid and unpaid leave and other absences, meal breaks and rest periods, is of statewide concern. The regulation of employee benefits pursuant to this chapter and federal law is not subject to further regulation by a city, town or other political subdivision of this state.	2013	AZ HB2280 <sup>2</sup>
<b>Colorado</b>	<ul style="list-style-type: none"> <li>• Minimum Wage</li> </ul>	No unit of local government, whether by acting through its governing body or an initiative, a referendum, or any other process, shall enact any jurisdiction-wide law or ordinance with respect to minimum wages unless specifically authorized to do so by this article; except that a unit of local government may set minimum wages paid to its own employees.	1999	CO TITLE 8, ARTICLE 3, CRS <sup>3</sup>
<b>Florida</b>	<ul style="list-style-type: none"> <li>• Minimum Wage</li> <li>• Benefit &amp; Leave</li> </ul>	A political subdivision may not establish, mandate, or otherwise require an employer to pay a minimum wage, other than a state or federal minimum wage, to apply a state or federal minimum wage to wages exempt from a state or federal minimum wage, or to provide employment benefits not otherwise required by state or federal law.	2015	Florida Statutes 218.077.2 <sup>4</sup>
<b>Georgia</b>	<ul style="list-style-type: none"> <li>• Minimum Wage</li> <li>• Benefit &amp; Leave</li> </ul>	Any and all wage or employment benefit mandates adopted by any local government entity are hereby preempted. No local government entity may adopt, maintain, or enforce by charter, ordinance, purchase agreement, contract, regulation, rule, or resolution, either directly or indirectly, a wage or employment benefit mandate.	2015	O.C.G.A. § 34-4-3.1 § 34-4-3.1 <sup>5</sup>
<b>Idaho</b>	<ul style="list-style-type: none"> <li>• Minimum Wage</li> </ul>	Prohibits political subdivisions from establishing minimum wages higher than the minimum wages provided by state law.	2016	ID H 463 / Act No. 145 <sup>1</sup>
<b>Kansas</b>	<ul style="list-style-type: none"> <li>• Minimum Wage</li> <li>• Benefit &amp; Leave</li> </ul>	No city, county or local government unit shall enact or administer any ordinance, resolution or law which requires an employer to: (1) Provide to such employer's employees any leave from work, either with or without pay, unless such leave is required by state or federal law; (2) pay compensation to such employer's employees for any leave from work unless payment of compensation for such leave is required by state or federal law; (3) pay compensation or wages at any rate higher than the minimum wage unless the payment of higher compensation or wages is required by state or federal law; or (4) offer an employee benefit other than those required by state or federal law.	2013	HB 2069 <sup>6</sup>

# States with Preemption Laws

State	Preemption Areas	Description	Enacted	Reference
<b>Louisiana</b>	<ul style="list-style-type: none"> <li>• Minimum Wage</li> <li>• Benefit &amp; Leave</li> </ul>	No local governmental subdivision shall establish a mandatory, minimum number of vacation or sick leave days, whether paid or unpaid, or a minimum wage rate which a private employer would be required to pay or grant employees.	2012	LA S.B. 521 <sup>7</sup>
<b>Maryland</b>	<ul style="list-style-type: none"> <li>• Minimum Wage Enforcement</li> </ul>	Requires the Maryland Commissioner of Labor and Industry to enforce a local minimum wage law and to investigate complaints of local minimum wage law violations.	2014	MD H 579 / Act No. 411 <sup>1</sup>
<b>Michigan</b>	<ul style="list-style-type: none"> <li>• Minimum Wage</li> <li>• Benefit &amp; Leave</li> </ul>	Limits the powers of local government regarding regulation of terms and conditions of employment for employees of nonpublic employers, prohibits an ordinance, local policy, or local resolution regulating wage, hour, benefit disputes, and paid or unpaid leave.	2015	MI H 4052 / Act No. 105 <sup>1</sup>
<b>Mississippi</b>	<ul style="list-style-type: none"> <li>• Minimum Wage</li> <li>• Benefit &amp; Leave</li> </ul>	Prohibits counties and municipalities from establishing a mandatory, minimum living wage rate, minimum number of vacation or sick days, that would regulate how a private employer pays its employees.	2013	MS HB141 <sup>8</sup>
<b>Missouri</b>	<ul style="list-style-type: none"> <li>• Minimum Wage</li> <li>• Benefit &amp; Leave</li> </ul>	Prohibits a political subdivision from mandating that an employer provide an employee a minimum or living wage rate or any employee benefits.	2015	MO H 722 <sup>1</sup>
<b>North Carolina</b>	<ul style="list-style-type: none"> <li>• Minimum Wage</li> <li>• Benefit &amp; Leave</li> </ul>	The provisions of this Article supersede and preempt any ordinance, regulation, 38 resolution, or policy adopted or imposed by a unit of local government or other political 39 subdivision of the State that regulates or imposes any requirement upon an employer pertaining to 40 compensation of employees, such as the wage levels of employees, hours of labor, payment of 41 earned wages, benefits, leave, or well-being of minors in the workforce.	2016	NC HB 2 / NC G.S. SECTION 2.1. 95-25.1 <sup>9</sup>
<b>Oklahoma</b>	<ul style="list-style-type: none"> <li>• Minimum Wage</li> <li>• Benefit &amp; Leave</li> </ul>	Provides that no political subdivision of this state shall establish a mandatory minimum number of vacation or sick leave days or a minimum wage rate which an employer would be required to pay or grant employees, provides that any existing or future ordinances, orders or regulations in this field are null and void.	2014	OK S 1023 / Act No. 40 <sup>1</sup>
<b>Oregon</b>	<ul style="list-style-type: none"> <li>• Minimum Wage</li> <li>• Benefit &amp; Leave</li> </ul>	<p><b>Minimum Wage:</b> Establishes tiered system for determination of minimum wages based on geographical location of the employer, creates base rate for minimum wage, suspends annual inflation adjustment for minimum wage rate, requires employers located within state's urban growth boundary to pay rate higher than base rate for minimum wage, allows employers located within certain counties to pay rate lower than base rate for minimum wage.</p> <p><b>Sick Leave:</b> The State of Oregon preempts all charter and statutory authority of local governments as defined in ORS 174.116 to set any sick leave requirements.</p>	2015	<p>Wage: OR S 1532 / Act No. 12<sup>1</sup></p> <p>Leave: OR SB 454 B</p>

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State	Preemption Areas	Description	Enacted	Reference
<b>Pennsylvania</b>	<ul style="list-style-type: none"> <li>Minimum Wage</li> </ul>	This act shall preempt and supersede any local ordinance or rule concerning minimum wage.	2006	PA Minimum Wage Act of 1968; Section 14.1. Preemption <sup>10</sup>
<b>Rhode Island</b>	<ul style="list-style-type: none"> <li>Minimum Wage</li> </ul>	No municipality shall establish, mandate, or otherwise require an employer to pay a minimum wage to its employees, other than the state or federal mandated minimum wage, or to apply a state or federal minimum wage law to wages statutorily exempt from a state or federal minimum wage requirement.	2014	Rhode Island Statutes: Labor and Labor Relations: Minimum Wages SECTION 28-12-25 <sup>11</sup>
<b>South Carolina</b>	<ul style="list-style-type: none"> <li>Minimum Wage</li> </ul>	A political subdivision of this State may not establish, mandate, or otherwise require a minimum wage rate that exceeds the federal minimum wage rate set forth in Section 6 of the Fair Labor Standards Act of 1938, 29 U.S.C. 206. Also, a political subdivision of this State may not establish, mandate, or otherwise require a minimum wage rate related to employee wages that are exempt under 29 U.S.C. 201 et seq., the Fair Labor Standards Act of 1938.	2015	SC Code of Laws 6-1-130. Political subdivisions; scope of authority to set minimum wage rates <sup>12</sup>
<b>Tennessee</b>	<ul style="list-style-type: none"> <li>Minimum Wage</li> <li>Benefit &amp; Leave</li> </ul>	Prohibits local governments from mandating health insurance benefits, leave policies, hourly wage standards or prevailing wage standards that deviate from state statutorily imposed standards on private employers as either a condition of operating a business within the jurisdictional boundaries of the local government or when the local government contracts with a private employer; prohibits a county, municipality, or political subdivision of the state from adopting a wage theft ordinance or regulation that exceeds certain state and federal laws.	2013	HB 501 - Amends TCA Title 7; Section 12-4-903 and Title 50 <sup>13</sup>
<b>Utah</b>	<ul style="list-style-type: none"> <li>Minimum Wage</li> </ul>	A city, town, or county may not establish, mandate, or require a minimum wage that exceeds the federal minimum wage as provided in 29 U.S.C. Sec. 201 et seq., Fair Labor Standards Act of 1938.	2008	Utah Minimum Wage Act 34-40-106 Limitations on minimum wage imposed by cities, towns, or counties. <sup>14</sup>
<b>Wisconsin</b>	<ul style="list-style-type: none"> <li>Minimum Wage</li> <li>Benefit &amp; Leave</li> </ul>	<p><b>Local Minimum Wage:</b> A city, village, town, or county may not enact and administer an ordinance establishing a minimum wage. Any city, village, town, or county minimum wage ordinance that is in effect on June 16, 2005, is void.</p> <p><b>Local Leave Ordinances:</b> A city, village, town, or county may not enact and administer an ordinance requiring an employer to provide an employee with leave from employment, paid or unpaid. Any ordinance requiring an employer to provide an employee with leave from employment, paid or unpaid, that is in effect on May 20, 2011, is void.</p>	2005 / 2011	<p>Wage: WI statutes, Chapter 104.001 Statewide concern; uniformity.<sup>15</sup></p> <p>Leave: WI statutes, Chapter 103.10(1m)(e) Statewide concern; uniformity.<sup>16</sup></p>

## End Notes

- 1 <http://www.ncsl.org/research/labor-and-employment/minimum-wage-legislation-database.aspx>
- 2 <https://legiscan.com/AZ/text/HB2280/id/771838>
- 3 <https://www.colorado.gov/pacific/sites/.../Labor%20Peace%20Act.pdf>
- 4 [http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App\\_mode=Display\\_Statute&Search\\_String=minimum+wage&URL=0200-0299/0218/Sections/0218.077.html](http://www.leg.state.fl.us/statutes/index.cfm?mode=View%20Statutes&SubMenu=1&App_mode=Display_Statute&Search_String=minimum+wage&URL=0200-0299/0218/Sections/0218.077.html)
- 5 <http://www.lexisnexis.com/hottopics/gacode/>
- 6 [http://www.kslegislature.org/li\\_2014/b2013\\_14/asures/hb2069/](http://www.kslegislature.org/li_2014/b2013_14/asures/hb2069/)
- 7 <http://www.legis.la.gov/Legis/ViewDocument.aspx?d=811631&layouthtmlink?app=00075&view=full&interface=1&docinfo=off&searchtype=get&search=O.C.G.A.+%A7+34-4-3.1>
- 8 <http://billstatus.ls.state.ms.us/2013/pdf/history/HB/HB0141.xml>
- 9 <http://ncleg.net/sessions/2015e2/bills/house/html/h2v4.html>
- 10 <http://www.portal.state.pa.us/portal/server.pt?open=514&objID=552960&mode=2#14>
- 11 <http://webserver.rilin.state.ri.us/Statutes/TITLE28/28-12/28-12-25.HTM>
- 12 <http://www.scstatehouse.gov/code/t06c001.php>
- 13 <http://openstates.org/tn/bills/108/HB501/>
- 14 <http://le.utah.gov/xcode/Title34/Chapter40/34-40.html>
- 15 <https://docs.legis.wisconsin.gov/statutes/statutes/104>
- 16 <https://docs.legis.wisconsin.gov/statutes/statutes/103/10/1m/a>



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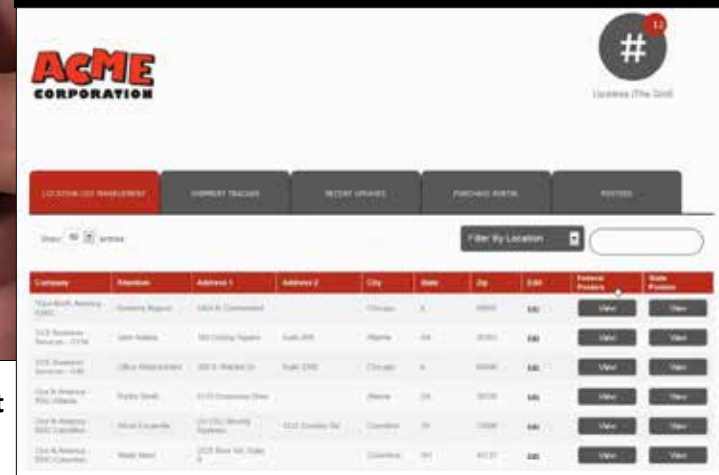
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