

## Virginia Enacts Pay Transparency and Salary History Ban Requirements

### Related Professionals

Adam J. Rocco

Jacob C. Semus

### Related Services

Employment Counseling

Labor and Employment

**CLIENT ALERT** | 5.26.2026

Virginia recently enacted a [pay transparency law](#) requiring employers to include a pay range in all job postings and prohibiting employers from seeking the salary history of a prospective employee. This is Virginia's third attempt at passing pay transparency and salary history legislation; however, the previous two efforts in 2024 and 2025 were vetoed by then-Governor Glenn Youngkin (R). Under the new law, most Virginia employers will be required to disclose a pay range in their job postings and will be prohibited from asking prospective employees their salary history or using their salary history in determining the employee's pay. The law will go into effect on July 1, 2026, and applies broadly to any individual or legal entity which employs one or more individuals.

### What must covered employers do to comply with the pay transparency requirements?

Covered employers must disclose the wage or salary range for the position in postings for new jobs. This requirement includes internal job postings like transfers and promotions. However, the law is silent on whether the pay transparency requirement applies to jobs that can or will be performed remotely.

Virginia's law does **not** require a general description of benefits, which is a frequent requirement in other jurisdictions.

The wage or salary range must be set in good faith. Whether the range is set in good faith depends on the breadth of the range.

### What are employers prohibited from doing under the salary history ban?

The law makes it unlawful for an employer to:

1. Seek the wage or salary history of a prospective employee;
2. Rely on the wage or salary history of a prospective employee in considering the individual for employment;

3. Rely on the prospective employee's wage or salary history in setting their wages, unless the employee provides it voluntarily and it is used to set a wage *higher* than what the employer initially offered
4. Refuse to interview, hire, employ, or promote or otherwise retaliate against a prospective or current employee for not providing wage or salary history or for requesting a wage or salary range.

A prospective employee may voluntarily provide their wage or salary history to an employer. The employer then (i) may rely on that history to support a wage or salary higher than the employer's initial offer of compensation only to the extent that the higher wage or salary does not violate the Virginia and federal equal pay laws, and (ii) may seek to confirm that history to support a wage or salary higher than that offered only to the extent that the higher wage or salary does not violate equal pay laws.

### **What are the penalties for failure to comply?**

Employers are prohibited from retaliating or discriminating against applicants for requesting a wage or salary range, or for not providing their wage or salary history.

The Virginia Attorney General can bring a civil action to enforce this law, with a penalty of \$1,000 for the first violation, and \$5,000 for any subsequent violation.

Employees and applicants can also bring their own lawsuits. However, before an employer can be liable to an individual for violations of the pay transparency provision, the employee must notify the employer in writing of the alleged violation, and the employer then has 15 business days to correct any violation. If the employer does not correct the violation, the employee may sue and receive actual damages and any other legal or equitable relief the court deems appropriate.

### **Takeaways for employers**

Employers doing business in Virginia should review their current pay rates, hiring practices, promotion practices, and postings in anticipation of the July 1, 2026 effective date.

States continue to enact pay transparency (job posting) requirements. For example, Illinois, Massachusetts, Minnesota, New Jersey and Vermont all had pay transparency laws take effect in 2025. Maine is set to join them this year and Delaware's pay transparency law takes effect in 2027.