



EYE ON WASHINGTON

Timely, topical insights on a variety of payroll and reporting issues.

Detailed Look at State, Local and Federal Updates



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★ State/Territory/District

Illinois to Phase Out Subminimum Wage for Employees with Disabilities

Illinois has enacted legislation that will phase out the ability for employers to pay a subminimum wage for employees with disabilities in the state. The goal of the new law is to eliminate the use of the subminimum wage completely in the state by **December 31, 2029**.

The Details:

By way of background, state law allows employers, after receiving a certificate from the state, to pay a subminimum wage to workers who have disabilities.

Under the new law, the Employment and Economic Opportunity for Persons with Disabilities Task Force, the Illinois Council on Developmental Disabilities and an academic partner must develop a multi-year plan of recommended actions, outcomes, and benchmarks to phase out the subminimum wage in the state. The state will also offer grants to help with the transition.

Next Steps:

Illinois employers should watch for developments, including the schedule that is decided upon for phasing out the subminimum wage for employees with disabilities.

Massachusetts Publishes Guidance on New Data Reporting Requirement

Massachusetts has published guidance on a new law that requires employers with 100 or more employees in the Commonwealth to report certain data to the state beginning **February 1, 2025**.

The Details:

The new reporting requirement applies to an employer who meets both of the following criteria:

- Has 100 or more employees in the Commonwealth at any time during the prior calendar year; and
- Is subject to the federal EEO-1 filing requirements.

Deadline:

Under the new law, no later than February 1 each year, covered employers must submit to the state a copy of their properly completed federal EEO-1 data report for the prior year. The guidance makes clear that if the deadline falls on a weekend or holiday, it will be extended to the next business day. Since February 1 falls on a Saturday this year, reports will be accepted by the state **until Monday, February 3, 2025**.

Note: The EEO-1 data report is collected by the U.S. Equal Employment Opportunity Commission (EEOC). Certain employers must complete it annually with workforce demographic data categorized by race, ethnicity, sex and job category.

Pay Data Reporting Not Required:

The guidance also makes clear that filing pay data isn't currently required under state law. Previously, the EEOC added a second component to their EEO-1 report, which collected data on W-2 income earnings (aggregated into pay bands) by race/ethnicity, sex, and job category. This data was collected for the 2017 and 2018 calendar years, but has not been required since then. The Massachusetts law was drafted to mirror EEOC reporting requirements. If the EEOC decides to re-implement the pay data component in the future, it would also become part of the required filing in Massachusetts.

Multi-State Employers:

Under the guidance, multi-state employers should file an EEO-1 report that covers their Massachusetts establishments. There is no requirement to create an additional EEO-1 report solely for Massachusetts filing purposes. Accordingly, covered employers may elect to submit a copy of their consolidation report, headquarter report, establishment report, or a similar successor report as required by the EEOC, as long as it covers all Massachusetts establishments.

Clarification of Effective Date for Pay Disclosure Requirement:

The new law will also require employers with 25 or more employees in the Commonwealth to disclose the pay range for a position in any job posting or advertisement. The guidance clarifies that this change will take effect on **October 29, 2025**, instead of July 31, 2025. Additional guidance on this aspect of the law is expected at a later date.

Next Steps:

Covered employers should [read the guidance](#) in full and prepare to submit their report by February 3, 2025.

Missouri Releases Paid Sick Leave FAQs

The State of Missouri will require [paid sick leave](#) beginning on **May 1, 2025**. The state has released [guidance](#) to clarify the paid sick leave law and help employers ensure compliance with the paid sick leave requirements.

The Details:

The [FAQs](#) help clarify the following under the law:

- Private retail and service businesses whose annual gross volume sales made or business done is less than \$500,000 are included in the employers exempt under the law.
- A year is defined as a regular and consecutive 12-month period as determined by an employer. The guidance provides the example that an employer may choose their "earned paid sick time" benefit year to be accounted for from May 1 to April 30 each year.
- The FAQs also break down the rate of pay requirements and provide sample calculations. [See the guidance for further details.](#)

Next Steps:

Review [the FAQs](#) and the [paid sick leave requirements](#) to help ensure compliance with Missouri's paid sick leave law by **May 1, 2025**.

New Jersey Provides Guidance on AI Use in Employment Tools

The New Jersey Attorney General's Office and the Division of Civil Rights have released guidance clarifying how the New Jersey Law Against Discrimination (NJLAD) protects against algorithmic discrimination resulting from the use of technologies, such as artificial intelligence (AI), by employers.

The Details:

The [Guidance on Algorithmic Discrimination and the New Jersey Law Against Discrimination](#) (Guidance) covers ways employers can help prevent discrimination or the impediment of reasonable accommodations resulting from the use of automated decision-making tools (ADTs). [See the text of the law for definitions and examples.](#)

Note: The Guidance does not add new employer requirements that are not included in the NJLAD or establish rights or obligations beyond existing NJLAD requirements.

Background:

The [NJLAD](#) prohibits New Jersey employers from discriminating against employees on the basis of certain protected characteristics (actual or perceived), such as age, race, color, religion, ancestry, national origin, sexual orientation, gender, gender identity, gender expression and disability.

Under the Guidance, automated decision-making tools include, but are not limited to, a technological tool, which includes, but is not limited to, a software tool, system, or process that is used to automate all or part of the human decision-making process, such as AI, machine-learning models, traditional statistical tools, and decision trees. [See the Guidance for further details on ADTs.](#)

The Guidance:

The Guidance clarifies the following relating to the [NJLAD](#):

- The NJLAD applies to discrimination resulting from the use of ADTs in the same way it has applied to other forms of discriminatory conduct (prohibiting all discrimination, including facilitation by ADTs or by human practices).
- An employer is not exempt from violating the NJLAD because a discriminatory policy or practice involves using or relying on an ADT.
- An employer can violate the NJLAD:
 - o When there is no intent to discriminate, but discrimination results from the design or use of ADTs;
 - o Even if they do not understand the inner workings of the tool; or
 - o A third-party was responsible for developing a discriminatory AI tool.
- When an employer uses an ADT, they may violate the NJLAD if the tools result in discrimination based on a protected characteristic.
- The NJLAD also prohibits algorithmic discrimination when it precludes or impedes the provision of reasonable accommodations (or modifications to policies, procedures, or physical structures) to ensure accessibility for people based on their disability, religion, pregnancy, or breastfeeding status.

The Guidance also:

- Clarifies that bias may be introduced into ADTs under certain conditions, which can reinforce and exacerbate existing disparities and harm marginalized populations.
- Lists the following factors for employer awareness to help identify and prevent AI tools from contributing to discriminatory outcomes in employment:
 - o Design: A developer's choices when designing an ADT, including how the developer translates a real-world problem into something (often numerical) that can be analyzed by an ADT, can skew the tool (purposefully or inadvertently). Decisions regarding the ADT's output, the model or algorithms the ADT uses, and what inputs the tool assesses can introduce bias into the ADT.

- o Training: An ADT must be trained (exposed to data from which the tool learns correlations or rules) before it is ready for use in the real world. A developer can either create a new dataset to train an ADT or refine and reformat a pre-existing dataset. Training data may reflect a developer's biases or institutional and systemic inequities, and the tool can become biased if the training data:
 - Is skewed or unrepresentative;
 - Lacks diversity;
 - Reflects historical bias;
 - Is disconnected from the context the tool will be deployed in;
 - Is artificially generated by another automated decision-making tool; or
 - Contains errors.
- o Deployment: Algorithmic discrimination can occur once an ADT is deployed when a tool is used:
 - In a purposely discriminatory manner, such as if a tool is used to assess members of one protected class but not another.
 - To make decisions the tool was not designed to assess, as that may amplify bias in the tool or systemic inequities existing outside of the tool.
 - In a feedback loop, since deployment of a tool may reveal biases that were not apparent during testing, and continual use of the tool's output can potentially exacerbate the tool's bias.

[See the Guidance for further examples of how AI use in employment may lead to discriminatory outcomes.](#)

Next Steps:

New Jersey employers that currently use or are considering using an ADT should:

- Evaluate if their use of an ADT has the potential for bias.
- Follow the proper protocols under the law for compliance with the [NJLAD](#).

New York State Adds Protections for Warehouse Workers

New York State has enacted legislation (Assembly Bill 8907A, the Warehouse Worker Injury Reduction Act, "the Act"), which adds safety protections for certain warehouse workers. The Act takes effect on **June 1, 2025**.

The Details:

Under the Act, a [covered employer](#) (one that directly or indirectly employs 100 or more employees at a single warehouse distribution center or 1,000 or more employees in at least one or more warehouse distribution centers in New York State) must:

- Develop a formal injury reduction program;
- Train employees on ways to reduce injuries;
- Work with employees to help identify and minimize the risks of musculoskeletal injuries in the workplace; and
- Have a qualified ergonomist provide an evaluation of risk factors that cause (or are likely to cause) musculoskeletal injuries by **June 19, 2025**.

The Injury Reduction Program:

The injury reduction program should identify and minimize the risk of work-related musculoskeletal injuries and disorders. [See the Act for further details.](#)

An employer's injury reduction program must include:

1. A Worksite Evaluation

A qualified ergonomist must evaluate each job, process or operation, and provide a written evaluation of risk factors that have caused (or are likely to cause) a musculoskeletal injury.

The evaluation must:

- Include risk factors that caused (or are likely to cause) a musculoskeletal injury. [See the Act for further details.](#)
- Determine whether the employees exposed to the risk factors are subject to:
 - o Personnel action with the potential for adverse action; or
 - o Termination of employment caused (in whole or in part) by using quotas to determine employee assignments.
- Be reviewed and updated annually, identifying new risk factors when found. Employees and their representatives can request to view the evaluations, and an employer must provide the evaluation to employees at no cost and within one business day of the request.

An employer must correct a risk factor within 30 days of identification or provide a schedule for proposed corrections. The schedule must be included in the evaluations and provided to employees and their representatives.

Note: If an employer demonstrates it is unable to eliminate a risk factor, exposure to the risk factor must be minimized to the extent feasible.

2. *Managed Control of Exposures Related to Musculoskeletal Injuries and Disorders*

Under the Act, an employer must:

- Manage the control of exposures that cause, or may cause, musculoskeletal injuries, considering: 1) Engineering controls, redesigned workstations, providing adjustable fixtures or redesigning tools; and 2) Administrative controls, such as job rotation, reduced work pace or additional breaks.
- Document actions taken to control exposures and minimize risks and provide the records to employees and their representatives upon request.

3. *Injury Reduction Training*

Employers must provide injury reduction training to every employee involved in performing manual materials handling jobs at the worksite during normal work hours and with no loss of pay. Training must include the following on musculoskeletal injuries and disorders:

- Symptoms and the importance of detecting symptoms early;
- Risk factors and workplace exposure, such as hazards from excessive rates of work (and methods to reduce them) and engineering and administrative controls, including limitations on the pace of work and increased scheduled and unscheduled breaks;
- The employer's program to identify risk factors and prevent musculoskeletal injuries and disorders (including summary protocols for medical treatment that are approved by the employer's medical consultant);
- The rights and function of: 1) workplace safety committees and 2) employees to report risk factors, injuries, hazards or health and safety concerns; and
- Non-retaliation measures, including non-discrimination policies and the disciplinary actions required when supervisors violate the Act or policy.

Note: Training required under the Act must be provided annually in a language and vocabulary that employees understand. Training must also be provided to supervisors.

4. *On-Site Medical and First Aid Station Staffing*

Warehouses with on-site medical or first aid stations that treat musculoskeletal injuries and disorders are also required to follow certain medical staffing, consultation, and evaluation requirements under the Act. [See the Act for further details.](#)

5. *Employee Involvement*

The injury reduction program must consult employees and their designated representatives before and during the development and implementation of all aspects of the program, obtaining recommendations from employees that regularly perform manual materials handling jobs and tasks on the possible risk factors and workplace changes to help reduce risk factors.

Next Steps:

- Review workplace safety policies and procedures.
- Train supervisors on requirements under the Act.
- Develop an injury reduction program by **June 1, 2025**.
- Work with ergonomists to provide an evaluation of risk factors that cause, or are likely to cause, musculoskeletal injuries by **June 19, 2025**.

New York State Enacts Fashion Workers Act

New York State has enacted legislation (Senate Bill 9382), also known as the Fashion Workers Act (the Act), which adds workplace protections related to working with models in New York. The Act takes effect on **June 19, 2025**.

The Details:

Covered Employees:

The Act covers models (independent contractors and employees) who provide showroom, parts or fit modeling services or who participate in entertainment, exhibitions or performances, performing modeling services for a client.

Note: Modeling services include the use of a digital replica (a significant, computer-generated or artificial intelligence (AI) enhanced representation of a model's likeness).

Client Duties:

Under the Act, a client (a retail store, ad agency, manufacturer, photographer, publishing company, clothing designer, or other person or entity receiving a model's modeling services directly or via intermediaries and/or a model management company (MMC)), must:

- Compensate models at an hourly rate at least 50 percent higher than the contracted rate and provide a 30-minute meal break in any 24-hour period where a model's modeling services exceed eight hours.
- Only offer employment that does not pose an unreasonable risk of danger and provide adequate levels of liability insurance.
- Ensure that employment requiring nudity or sexually explicit material is compliant with the [New York Civil Rights Law](#).
- Allow a model to be accompanied by their agent, manager, chaperone or representative.
- Obtain clear and conspicuous prior written consent for any creation or use of a model's digital replica, detailing the scope, purpose, rate of pay and duration of the use.

Model Management Company Requirements:

Under the Act, a MMC, must:

- Post a copy of the company's certificate of registration in their office and a digital copy on the company's website, and include the registration number of the company in all advertisements (including social media profiles for the company) used to solicit models and in any contract with a model or client.
- Use best efforts to procure employment for models signed to the company, ensuring the employment or engagement does not pose any unreasonable risk of danger and that employment requiring nudity or sexually explicit material is compliant with the [New York Civil Rights Law](#).
- Clearly specify the items that will be paid for initially by the company, but will ultimately be deducted from the model's compensation.
- Notify former models when the company collects royalties due to the model when the company no longer represents the model.
- Obtain clear written consent (separate from the representation agreement) for the creation or use of a model's digital replica, detailing the scope, purpose, rate of pay, and duration of the use.

Under the Act, a MMC cannot:

- Retaliate against a model who files or attempts to file a complaint pursuant to this law and cannot engage in discrimination or harassment because of any protected status.
- Create, alter, or manipulate a model’s digital replica using AI without clear, conspicuous, and separate written consent from the model.
- Require or collect a fee or deposit from a model at the time of signing or as a condition to entering into an agreement, impose a commission fee greater than 20 percent of the model’s compensation, or deduct from a model’s pay a fee or expense other than an agreed-upon commission and items that are advanced.
- Procure an accommodation that the model will have to pay for without providing a written disclosure of the rate charged in advance of the model’s stay.
- Advance travel or visa-related costs without a model’s informed written consent.

The Act also contains additional protections such as registration, contract, agreements and fiduciary requirements. See the text of the law for further details.

Penalties:

Employers that the [New York Department of Labor \(NYDOL\)](#) finds to have violated [the Act](#) will be required to pay penalties. See the text of the law for further details.

Next Steps:

- Review and update AI, pay, and safety policies and practices.
- Be on the lookout for further guidance from the [NYDOL](#) on requirements to help comply with [the Act](#).

Puerto Rico Announces Pension/Retirement Plan Contribution Limits for 2025

The Puerto Rico Department of Treasury (Departamento de Hacienda) issued a circular letter (CC RI 25-01) with the applicable Pension Plan Contribution and Catch-Up Limits beginning on or after January 1, 2025 as shown below.

Note: For Tax Year 2025, the pension plan contribution limits for Puerto Rico residents participating in both PR IRC 1081.01 and IRS 401(K) (dual-qualified plans) are different than the IRS limits.

The Details:

The Puerto Rico Code has limits for certain pension plans that are different from those set by Federal Code. A summary of the 2025 pension/retirement plan contribution limits as compared to 2024 is below:

Puerto Rico Retirement Plan Limits		
Category	2024 Limit	2025 Limit
Limit on Cash or Deferred Contributions applicable to participants in a qualified retirement plan only under Section 1081.01(a) of the Code (Section 1081.01(d)(7)(A)(i) of the Code).	\$15,000.00	\$15,000.00
Limit on Additional Contributions applicable to participants in a retirement plan not sponsored by the federal government who have reached the age of 50 (Section 1081.01(d)(7)(C)(i) of the Code).	\$1,500.00	\$1,500.00
Limit on Cash or Deferred Contributions applicable to participants in a retirement plan sponsored by the U.S. federal government, and participants in a qualified retirement plan both under Section 1081.01(d) of the Code and under Section 401(k) of the Federal Code (Section 1081.01(d)(7)(A)(ii) of the Code).	\$23,000.00 **\$20,000.00	\$23,500.00 **\$20,000.00

Puerto Rico Retirement Plan Limits		
Category	2024 Limit	2025 Limit
<p>**NOTE: The \$23,500.00 limit is the 2025 federal contribution limit set annually by Section 402(g) of the Federal Code. However, Section 1081.01(d)(7)(A)(iii) of the Code provides that for an employee who participates in a qualified plan under Section 1081.01(d) of the Code and under Section 401(k) of the Federal Code, the maximum limit of contributions to the plan may not exceed \$20,000.00. Any amount contributed in excess of the limit established by the Code will be taxable.</p>		
Limit on Additional Contributions applicable to participants in a retirement plan sponsored by the U.S. federal government who have reached the age of 50 (Section 1081.01(d)(7)(C)(v) of the Code).	\$7,500.00	\$7,500.00
Limit on Annual Contributions applicable to the accounts of participants in defined contribution plans (Section 1081.01(a)(11)(B)(i) of the Code).	\$69,000.00	\$70,000.00
Limit on Annual Compensation applicable for the computation of benefits under qualified retirement plans (Section 1081.01(a)(12) of the Code).	\$345,000.00	\$350,000.00
Limit on Annual Benefits payable to participants in defined benefit pension plans (Section 1081.01(a)(11)(A)(i) of the Code).	\$275,000.00	\$280,000.00
Highly Compensated Employee Earnings Limit (Section 1081.01(d)(3)(E)(iii)(III) of the Code).	\$155,000.00	\$160,000.00
Limit on Voluntary Employee After-Tax Contributions applicable to participants in qualified retirement plans under Section 1081.01(a) of the Code. The limit applies to the participant's aggregate compensation for all years of participation in the plan (Section 1081.01(a)(15) of the Code).	10%	10%
<p>NOTE: For purposes of the above elective deferral limits, dual-qualified plans are plans that meet the requirements of both section 1081.01(d) of the Code and 401(k) of the Federal Code. In addition, the dual-qualified limits will apply to an individual who is a participant in multiple plans of an employer, for example, a U.S. qualified plan and a Puerto Rico qualified plan. Plans sponsored by the U.S. government (such as the federal Thrift Savings Plan) are also considered dual-qualified.</p>		



Cook County, Illinois Clarifies Paid Leave Rules

Cook County, Illinois recently published amended regulations implementing a law that requires employers to provide paid leave that employees can use for any reason. The regulations took effect immediately as of October 2024.

The Details:

Accrual Rate:

Under the amended regulations, paid leave continues to accrue when employees are using the paid leave, at the same rate as if they were working (one hour for every 40 hours worked).

Rate of Pay:

Employees with multiple job functions and who work for various rates should be paid an average of all hourly rates, or the greater of the minimum wage or lowest rate.

Employer Notice:

Employers must provide each employee with a written policy that advises each employee of their leave benefits and rights. Employers must provide the written policy at the start of employment (or the date of initial accrual) and annually thereafter.

The policy must include:

- A summary of the Paid Leave Ordinance;
- A description of the benefit(s) offered by the employer;
- Coverage, the rate of accrual, permissible uses and prohibited employer practices;
- Contact information for the Cook County Commission on Human Rights (CCCHR); and
- An explanation of how employees can file a complaint with the CCCHR.

Employers must also display a workplace poster that advises employees of their leave benefits and rights.

The amended regulations clarify that employees who don't work at a physical worksite should receive a copy of the workplace poster via the normal method of communicating workplace policies (e.g., email, worker portal, company intranet).

Payout Upon Termination:

The law requires employers to pay the value of unused paid leave if the leave is credited to the employee's paid time off bank or employee vacation account. Payout of paid leave credited to an employee's paid time off bank or employee vacation account is required within 15 days of the employee's termination, resignation, retirement, or other separation.

Employers should additionally consider their vacation payout obligations under the Illinois Wage Payment and Collection Act. For example, an employer provides 40 hours of sick leave and 40 hours of vacation time. In this example, any unused vacation time must be paid out. Unused sick leave would not be required to be paid out.

Interplay with the Federal Family and Medical Leave Act (FMLA):

The federal FMLA rules and regulations, including notification requirements, take precedence over the county's paid leave law and an employer's paid leave policy when an eligible FMLA employee uses FMLA leave.

Per FMLA rules, an employer may require FMLA-eligible employees to use accrued paid leave, paid sick or family leave for some or all of the FMLA leave period prior to taking unpaid FMLA leave. Absent an employer requirement to use accrued paid time off for FMLA leave, an FMLA-eligible employee may choose whether to use accrued paid leave or unpaid leave for FMLA leave purposes pursuant to the FMLA rules and regulations.

Next Steps:

Employers should:

- [Read the amended regulations in full.](#)
- Ensure paid leave policies and practices align with the latest rules and guidance.

New York City Amends Lactation Room Accommodation Requirements

New York City has enacted legislation (Int 0892-2024), which amends lactation room accommodation policy requirements. Int 0892-2024 takes effect on **May 11, 2025**.

The Details:

Background:

Existing laws ([Local Law 185](#) and [Local Law 186](#)) require New York City employers to implement and distribute to all employees upon hire a written lactation accommodation policy, which includes a statement that employees have a right to request a lactation room and the procedure to request a lactation room. Employers must also respond to requests within five business days.

Int 0892-2024:

Effective May 11, 2025, [Int 0892-2024](#) requires employers to distribute the policy at the commencement of employment (instead of upon hire) and make the policy readily available to employees through:

- A physical posting in an area accessible to employees in the workplace; and
- An electronic posting on the employer's intranet (if the employer has one).

Interplay with State Law:

New York State's [paid lactation break law](#) requires employers to include a statement in their policy that they will provide 30 minutes of paid break time and that employees may use existing paid break time or meal time for time in excess of 30 minutes to express breast milk.

Next Steps:

By May 11, 2025, New York City employers should:

- Follow the physical and electronic posting requirements; and
- Review and update policies with city and state laws, ensuring the state's required language on paid lactation breaks is included.



Minimum Wage

Minimum Wage Announcements: 1/21/25 – 2/20/25

The following states or localities have announced new minimum wage increases.

State or Locality	Minimum Wage Rate	Minimum Tipped Cash Wage	Effective Date(s)	New or Updated Poster Requirement?	Notes
City of Los Angeles, CA	\$17.87	\$17.87*	7/1/25	Yes	
San Francisco, CA	\$19.18	\$19.18*	7/1/25	Yes	Once available found here
City of Santa Fe, NM	\$15.00	\$4.50	3/1/25	Yes	Once available found here
Santa Fe County, NM	\$15.00	\$4.50	3/1/25	Yes	

*CA does not allow the use of a tip credit.

[Download a PDF of a comprehensive listing of state and local minimum wage rates.](#)

ADP Compliance Resources

ADP maintains a staff of dedicated professionals who carefully monitor federal and state legislative and regulatory measures affecting employment-related human resource, payroll, tax and benefits administration, and help ensure that ADP systems are updated as relevant laws evolve. For the latest on how federal and state tax law changes may impact your business, visit the ADP *Eye on Washington* Web page located at www.adp.com/regulatorynews.

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