

WORKPLACE LAW UPDATE: 10 ESSENTIAL ITEMS ON YOUR SEPTEMBER TO-DO LIST

Insights
Sep 1, 2023

It's hard to keep up with all the recent changes to labor and employment law, especially since the law always seems to evolve at a rapid pace. In order to ensure you stay on top of the latest changes and have an action plan for compliance, here is a quick review of the latest developments we tracked in August and a checklist of the essential items you should consider addressing in September and beyond.

Review your pay practices to prepare for a potential salary threshold for exempt employees under Standards Act's (FLSA's) white-collar exemption: announced on August 30 that it intends to significantly change the agency says would impact 3.6 million [comprehensive guide here](#).

Determine whether your employee handbook's policies need to be modified in light of the National Board's August 2 ruling in *Stericycle, Inc.* That decision shows such rules are narrowly tailored to special ci

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any infringement on employee rights. [Click here to your policies may need to be updated.](#)



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Make sure your anti-bias policies and practices are effectively administered. The full 5th Circuit Court oversees cases arising out of Texas, Louisiana, and the scope of the Title VII claims and opened the door to more discrimination charges and lawsuits. [Click here for takeaways from the August 18 Hamilton v. Dallas decision.](#)



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Also ensure your business doesn't run afoul of artificial intelligence for employment-related matters. The Equal Employment Opportunity Commission (EEOC) reached a settlement on August 9 in a case involving AI discrimination in the workplace. [Click here for 10 steps you can take to ensure your organization doesn't befall the same fate as you and your technologies.](#)



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Revisit your procedures for when the Occupational Safety and Health Administration (OSHA) shows up to conduct an inspection. A new rule OSHA announced on August 29 would give a worker representative the right to accompany an OSHA inspector during a walkaround — *regardless of whether the representative or the facility is a union shop.* [Click here for more on what you can take to prepare.](#)

Discuss the potential impact of recent NLRB deci counsel. The Board kept its foot on the gas in Aug after decision – each further weighing the scales i up to the expiration of Democratic Board member Decisions include the return of [quickie union elect representation process](#) to boost union organizing, [actions](#) during first contract negotiations and after [here to review our Labor Relations Insights](#).



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Consider submitting a comment on the EEOC's p the Pregnant Workers Fairness Act (PWFA), a new rule requiring employers to broadly consider pregnancy-related requests from job applicants and employees. The rule was published in the Federal Register on August 1 about how the EEOC will interpret and enforce the rule. Employees have time to provide meaningful feedback about the rule in the workplace. [Click here for the seven key takeaway: about the proposal.](#)



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Prepare for California's minimum wage to increase in 2024. The Director of California's Department of Industrial Relations published a letter stating that the minimum wage will be increased to account for an inflation adjustment effective the beginning of 2024. [Click here for the five things employers need to know about the change – and what you can expect in the coming year.](#)



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Develop a plan to comply with mandatory Roth conversions under the SECURE Act 2.0. Employees who are currently able to make "pre-tax" catch-up contributions to employer-sponsored retirement plans, including 401(k) plans, will be required to make Roth conversions of those contributions starting in 2025.

earners will soon be required to make such contri
tax Roth account. This provision takes effect on J
IRS announced in August that there will be a two-
giving employers a pass until the beginning of 20
[the four steps should you consider taking now.](#)



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**Prepare for changes to the way the Office of Fed
Compliance Programs (OFCCP) audits federal co
conciliates disputes over alleged discriminatory**
released a final rule on August 4 removing much c
transparency that contractors have enjoyed the p
comes to pre-enforcement notices and conciliatio
making things more complicated for the employer
becomes effective on September 5 – meaning nov
contractors to understand what is changing and w
[Click here to learn more.](#)



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We will continue to monitor developments related to all
aspects of workplace law. Make sure you are subscribed
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information. If you have questions, contact your Fisher
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