



Workplace Law Update: 10 Essential Items on Your November To-Do List

Insights

11.03.23

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 October and a checklist of the essential items you should consider addressing in November and beyond.

Scrap the old I-9 Form and review updates to the employment verification process.

Federal immigration officials made critical changes over the summer to modernize the I-9 employment verification process, not only announcing a new I-9 Form but also providing a remote verification alternative for qualified employers that use E-Verify. Importantly, all employers must use the new I-9 Form as of November 1. [Click here for seven best practices regarding the new rules.](#)

Take steps to comply with Labor Board's new joint employer rule.

The National Labor Relations Board just released its final joint employer rule that makes it easier for workers to be considered employees of more than one entity for labor relations purposes – a move that will result in increased union organizing and collective bargaining efforts across the country. [Click here for the 10 steps you should consider taking to prepare for this new standard.](#)

Track these SCOTUS cases as the new term gets underway.

The Supreme Court began a new term in October, and we're watching several cases that will likely have a big impact on the workplace. Specifically, the Court will weigh in on whether someone can "test" violations of federal disability law, whether a lateral job transfer can be discriminatory, the extent of federal agency power, and the standard for proving retaliation in whistleblower cases. More employment and labor cases will surely be added to the docket, but for now, [you should keep an eye on these four issues.](#)

Review the workplace implications of President Biden's sweeping AI executive order.

The new executive order on artificial intelligence, which the White House issued on October 30, is the federal government's most ambitious attempt to date to corral this burgeoning technology – and contains numerous items of interest for employers. [Click](#)

burgeoning technology – and contains numerous items of interest for employers. [Click here for the 10 things that all employers need to know.](#)

_____ **Consider updating your benefits offerings now that federal student loan payments have resumed.** Federal student loan payments resumed in October after being on pause since 2020. Employees with student loan debt are feeling the pinch — which means now is a good time for employers to review what you can do to help your employees and hopefully boost your ability to attract and retain talent. [Click here for four key steps you can take this fall as you decide what benefits to potentially offer.](#)

_____ **Get ready for the return of stateside H1-B and L-1 visa renewals.** After an almost 20-year absence, federal officials appear closer than ever to bringing back the stateside issuance of nonimmigrant visas, which would allow H-1B and L-1 workers the option of renewing their visas without leaving the U.S. The pilot program that would put this change into effect officially went to the White House for review on October 17, marking one of the final steps before implementation. [Click here to learn more about the practical implications of this renewed process.](#)

_____ **Prepare for increased safety and health enforcement efforts from NLRB and OSHA.** The two federal agencies announced on October 31 that they entered have entered a partnership to promote safe and healthy workplaces and protect workers who speak out about unsafe working conditions. This agreement aligns with the recent interagency collaboration we've seen from the NLRB, which means employers may find themselves subject to even more scrutiny from multiple agencies. [Here's what employers need to know about the most recent agreement between OSHA and the NLRB.](#)

_____ **Update your California workplace policies in light of new laws.** Governor Newsom had until October 14 to sign or veto the bills on his desk from the latest legislative session – so we now know what new compliance obligations employers will soon face. [Click here to review the top 10 new workplace laws you'll need to address in the coming months.](#) You can also [learn more about new cannabis-related workplace protections here.](#)

_____ **Recognize that New York's equal pay law is stricter than federal law.** A federal appeals court recently made clear that judges must evaluate equal pay claims separately under federal law and New York law because the scope of the NY equal pay law is broader and could capture more legal violations. The October 17 decision reminded employers that NY law also has more limited exceptions for justifying a pay differential between individuals performing the same or substantially similar work. [Here's what employers need to know about this decision.](#)

Prepare for two major changes to the Massachusetts Paid Family and Medical Leave Act. Changes include allowing employees to “top off” PFML benefits with accrued paid time off and a sizeable increase in contribution rates. Changes to the “topping off” rules took effective November 1, and the new contributions rates will start on January 1. [Click here to learn more about these changes.](#)

We will continue to monitor developments related to all aspects of workplace law. Make sure you are subscribed to [Fisher Phillips’ Insight System](#) to get the most up-to-date information. If you have questions, contact your Fisher Phillips attorney.

Related People



Alba V. Aviles
Partner
908.516.1058
[Email](#)



Steven M. Bernstein
Regional Managing Partner and Labor Relations Group Co-Chair
813.769.7513
[Email](#)



J. Randall Coffey

Partner

816.842.8770

Email



Patrick J. Collopy

Associate

303.218.3679

Email



Tami Essis Culkar

Partner

303.218.3622

Email



Benjamin M. Ebbink

Partner

916.210.0400

Email



Scott Fanning
Partner
312.346.8061
[Email](#)



Chantell C. Foley
Partner
502.561.3969
[Email](#)



Edward F. Harold
Regional Managing Partner
504.592.3801
[Email](#)



Ralph Hua
Partner - In Memoriam





Wendy Hughes

Partner

610.230.6104

Email



Jang Hyuk Im

Partner

415.490.9051

Email



David S. Jones

Regional Managing Partner

901.526.0431

Email



Jennifer S. Kieseewetter

Partner

615.488.2905

Email



Joshua Klein

Associate

949.798.2126

Email



Alexandra LaCombe

Partner

248.433.0976

Email



Richard R. Meneghello

Chief Content Officer

503.205.8044

Email



Steve A. Miller

Partner

312.580.7817

Email



Joshua D. Nadreau

Regional Managing Partner and Vice Chair, Labor Relations Group

617.722.0044

Email



Lisa Nagele-Piazza
Lead Content Counsel
404.760.7943
[Email](#)



Ashton M. Riley
Partner
949.798.2186
[Email](#)



Shanon R. Stevenson

Partner

404.240.5842

Email



David J. Walton, CIPP/US

Partner

610.230.6105

Email



Sarah Wieselthier

Partner

908.516.1064

Email



Spencer W. Waldron

Partner

949.798.2170

Email

Service Focus

AI, Data, and Analytics

Consumer Privacy Team

Counseling and Advice

Privacy and Cyber

Employee Benefits and Tax

Employee Defection and Trade Secrets

Employee Leaves and Accommodations

Employment Discrimination and Harassment

Government Relations

Immigration

Labor Relations

Litigation and Trials

Pay Equity and Transparency

Wage and Hour

Workplace Safety and Catastrophe Management

Industry Focus

Financial Services

Healthcare

Hospitality

Manufacturing

Retail