

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

Insights
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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 announcing a new I-9 Form but also providing a re-verification alternative for qualified employers that use E-Verify. Importantly, all employers must use the new 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 employer for labor relations purposes – a move that will result in increased union organizing and collective bargaining 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

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impact on the workplace. Specifically, the Court will look on whether someone can “test” violations of federal disability law, whether a lateral job transfer can be discriminatory, the extent of federal agency power, the standard for proving retaliation in whistleblower cases, and employment and labor cases will surely be added to the docket, but for now, [you should keep an eye on these issues.](#)

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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. It 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 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 evaluate what benefits to potentially offer.](#)



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Get ready for the return of stateside H1-B and L-1 visa renewals. After an almost 20-year absence, federal agencies appear closer than ever to bringing back the stateside issuance of nonimmigrant visas, which would allow L-1 workers the option of renewing their visas without leaving the U.S. The pilot program that would put this change in 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 implications of this renewed process.](#)



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Prepare for increased safety and health enforcement efforts from NLRB and OSHA. The two federal agencies announced on October 31 that they entered into a new partnership to promote safe and healthy workplaces, 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 e

scrutiny from multiple agencies. [Here's what employers need to know about the most recent agreement between the NLRB and the NLRB.](#)

Update your California workplace policies in light of new laws. Governor Newsom had until October 14 to sign the bills on his desk from the latest legislative session, and now we 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 it clear that judges must evaluate equal pay claims separately under federal law and New York law because the scope of the equal pay law is broader and could capture more violations. The October 17 decision reminded employers that NY law also has more limited exceptions for justifying a 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 Family and Medical Leave Act. Changes include allowing all employees to "top off" PFML benefits with accrued sick leave and a sizeable increase in contribution rates. When the "topping off" rules took effective November 1, a new contribution 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.



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