

# WORKPLACE LAW UPDATE: 10 ESSENTIAL ITEMS ON YOUR FEBRUARY 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 some critical developments we tracked in January and a checklist of the essential items you should consider addressing in February and beyond.

— **Get ready for the Super Bowl's workplace impact.** This year's Super Bowl will be watched by over 100 million viewers – and you can be sure that number will include many of your employees. Will they be placing bets? Donning their team's gear? Engaging in banter? Calling out "sick" employees on Monday? Attending the championship parade? [Here are some key tips to help you prepare for these scenarios so you can win Super Bowl Sunday regardless of the outcome.](#)

— **Mitigate the risk of misclassifying workers under new rules.** Businesses will soon find it harder to classify workers as independent contractors thanks to key changes announced by the U.S. Department of Labor on January 9. [Click here for our five key takeaways.](#)

— **Prepare for NLRB's new joint employer rule.** The Labor Board's controversial final rule is slated to take effect on February 26. The rule makes it easier for workers to be considered employees of more than one entity for labor relations purposes – a move that is expected to result in increased union organizing and collective bargaining across the country. [Here are the 10 steps you should take to prepare.](#)

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Adjust your budget for higher immigration fees. Fee immigration officials recently announced that the cost of expedited service will be going up, meaning employers need to adjust their budgets to manage their foreign workforces. Specifically, USCIS is increasing the fees for those requesting Premium Processing as of February 16. [Click here for the seven things you need to know about the impending change.](#)



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Account for new OSHA rules. In case you missed it, [anticipated workplace safety rule took effect on January 16](#), prompting changes for certain employers that need to submit work-related injury and illness data. Additionally, employers should be aware of [higher penalties for workplace safety violations](#), which apply to all citations issued by OSHA starting January 16.

Review new laws taking effect in New York. New York and New York City continued to enact workplace laws impacting employers. For instance, a law takes effect on February 15 that gives employees [three years](#) to file a complaint with the New York State Division of Human Rights for [all](#) claims of unlawful discriminatory practices, not just sexual harassment. [Learn more here about this law and others that are set to take effect in 2024.](#)



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Update your California COVID-19 protocols. California may be one of the last states standing with a workplace COVID-19 prevention rule in place, but on January 9, Cal/OSHA updated its related isolation and testing requirements for employers in light of recent public health guidance. [Here are five compliance points to keep in mind.](#)



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Provide notice about certain noncompetes. Speaking of California workplace rules, employers in the state now must notify current and former employees whose contracts included an unlawful noncompete that such noncompetes are void. AB 1076 requires this notice by February 1, 2024. [more here about new noncompete laws in California.](#)

Prepare for New Jersey's data privacy law. Governor Murphy signed SB 332 into law on January 16, which creates the state's first consumer data privacy legal framework and will require businesses to make significant changes to their data practices.

changes to their data practices. [Here are the 10 things businesses should consider as we prepare for this development.](#)

— **Revisit your January checklist.** So many new laws take effect at the state level on January 1 each year. So, a good idea to [double check your new year compliance obligations](#) to ensure you addressed all the essential

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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