

Workplace Law Update: 10 Essential Items on Your September 2025 To-Do List

Insights

8.29.25

Here are the top ten items you should tackle in September, based on the latest workplace law developments and upcoming critical compliance dates:



_____ **Assess workplace impact of recent SCOTUS rulings.** Take a look back on all the SCOTUS cases from the past year that impacted your workplace, industry, and litigation exposure. [Click here](#) for a quick guide along with a rating for how impactful each decision will be for employers.

_____ **Track employment-related AI lawsuits.** In [the latest big lawsuit](#), filed on August 4, an unsuccessful job applicant sued Sirius XM Radio in federal court claiming the company's AI-powered hiring tool discriminated against him based on his race.

Another [new lawsuit](#) highlights concerns about AI notetakers.

_____ **Vet your AI bias auditors.** Speaking of AI developments, as you increasingly use artificial intelligence tools to help shape your decisions, you'll likely retain vendors to conduct AI bias audits. But here's the challenge: not every "bias auditor" is equally qualified. [Click here](#) for key questions you should ask when evaluating AI bias auditors to avoid wasted effort or an audit that won't withstand scrutiny.

_____ **Prepare for possible public release of EEO-1 data.** In a decision that could significantly reshape how EEO-1 Reports for federal contractors are handled by the federal government, a federal appeals court recently ruled that certain employer EEO-1 reports must be disclosed in response to a FOIA request. [Click here](#) to learn what you should do as a result.

_____ **Continue to monitor DEI and EEO compliance.** Federal officials recently issued another warning that employers may be at risk of losing federal funding if their DEI or similar programs violate anti-discrimination laws. [Click here](#) for your workplace compliance roadmap.

_____ **Review labor relations developments.** The Fifth Circuit [recently blocked the NLRB](#) from prosecuting unfair labor practice complaints as courts debate the agency's constitutional power. Additionally, the NLRB's Acting General Counsel recently [issued two policy memos](#) reshaping how you can handle union-related risks in salting and deferral cases.

_____ **Celebrate another key privacy win in California.** Website operators secured another win in the protracted battle over third-party website cookies on August 1 when a California state court held that these common tech features were not "trap and trace" devices and therefore a business did not violate CIPA for having them. [Click here](#) for three important steps your business can take to avoid or defend against these lawsuits.

_____ **Lock down employment law compliance.** We put together this guide for Tech Startups to walk through a non-exhaustive list of employment law best practices to implement *before* you begin to position your company for a streamlined acquisition. [This resource](#) has great reminders for all employers whether you're a startup or established business.

_____ **Check compliance with new state laws.** It's always important to track activity at the state and local level that will impact your operations. For example:

- By September 1, covered employers had to register for **Nevada's Employee Savings Trust (NEST) Program** or certify an exemption.
- A host of laws take effect in **Texas** on September 1.
- Two laws in Oregon will change employer obligations regarding applicants and new hires at the end of the month.

Track additional state law developments. Recent major moves by state officials and lawmakers include the following:

- **Colorado** lawmakers couldn't reach a compromise to refine the nation's first statewide AI antidiscrimination law and instead agreed on August 26 to delay the law's implementation.
- **California** officials recently announced that the statewide minimum wage will increase for all employers to \$16.90 on January 1, 2026, as required by the state's annual inflation-based adjustment process.
- **Illinois** lawmakers just made two critical changes to the way the state's civil rights agency administers its key anti-bias law. The changes take effect in January 2026.
- At the local level, the **Portland, Maine**, City Council voted on August 25 to send a citizen initiative seeking increases in the city's minimum wage to voters for a decision in the upcoming November election.

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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