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

Insights
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Here are the top ten items you should tackle in October 2025, based on the latest workplace law developments and upcoming critical compliance dates:

_____ **Learn what you can – and can't – do about employee speech.** As employee expression spills into every corner of the modern workplace, employers are trying to figure out the best way to respond to off-duty social media rants, political debates in the workplace, dress code disputes, and other types of activity. Here's our employer guide to navigating employee speech in various scenarios.

_____ **Assess how the government shutdown impacts your operations.** The federal government officially shut down on October 1 after Congress failed to reach a spending

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agreement by the deadline. How will the shutdown impact employers? Here are our answers to your top questions.

_____ **Plan for big changes to the H-1B and other visa programs.** The Trump administration upended immigration and workforce strategies for many tech employers and other businesses by announcing on September 19 that it will charge a $100K entry fee for each new H-1B visa application. A few days later, the administration proposed a new H-1B selection process based on wages. Earlier in September, the Department of State announced that all US visa holders would be subject to continuous visa vetting, as well as tighter rules for visa applicant interviews. Each FP insight linked here includes practical steps you can take now.

_____ **Gear up for open enrollment season.** It's that time of year again – employees will soon revisit their benefit choices for the upcoming plan year, and the spotlight will be on employer-sponsored health and welfare plans. Are your plans compliant? Review our compliance tips, plus some new "Big Beautiful Bill" rules to consider.

_____ **Reexamine your noncompetes as the FTC ramps up enforcement.** The Federal Trade Commission made a series of aggressive moves last month signaling a new era of noncompete oversight, including announcing the first enforcement action of its new Joint Labor Task Force. Here are five steps for employers to stay compliant.

> **Note for healthcare industry:** The FTC announced on September 10 that it issued warning letters to several large healthcare employers and staffing firms, urging them to review their noncompete agreements and other restrictive covenants to ensure they are legally sound and don't infringe on workers' rights. Here's what you need to know about this latest threat and how to avoid legal complications.

_____ **Check out key proposals on DOL's latest agenda.** The US Department of Labor's current proposals prioritize actions related to joint employer determinations, independent contractor classification, minimum wage and overtime exemptions, workplace safety, and more. Check out our employer guide to learn more.

_____ **Prioritize privacy and cyber compliance**. After a multistate privacy investigative sweep kicked off on September 9, businesses should make compliance with Global Privacy Control signals a top priority. Consider following our immediate action plan. In addition:

- **All businesses that offer subscription-based offerings** should take note of the FTC's recent $7.5M settlement based on unlawful cancellation practices.

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- **All businesses that collect information from Californians** should be on high alert after the California Consumer Privacy Agency's September 30 announcement about its largest fine yet and first-ever enforcement action involving job applicants. Here's our summary and six-step action plan.
- **Federal contractors that perform work for the Department of Defense** will need to comply with new Cybersecurity Maturity Model Certification program requirements starting November 10. Check out our key takeaways and compliance game plan for governmental contractors.

_____ **Get familiar with military-related work leave requirements.** The deployment of National Guard and other military personnel is at its highest rate in almost 20 years, making it likely that one or more of your employees will need time away from work for military service – and have federal workplace rights related to that leave. Here's an overview of employer obligations under USERRA.

_____ **Make payroll adjustments for new "no tax on tips" rules.** The Treasury Department issued a proposed rule on September 22 that confirms the occupations that qualify for the new federal income tax deduction for qualified tips, which is available from TY 2025 to TY 2028. Here are the jobs covered by the new "no tax on tips" law, plus what employers should do next.

_____ **Catch up on state and local workplace law developments.** A heap of new workplace laws kicks in this month in various states across the country, including new pay transparency rules, paid sick leave requirements, and more. Here's your employer cheat sheet to the laws taking effect in October 2025. In addition:

- **California** state lawmakers recently passed more than a dozen workplace bills, and Gov. Gavin Newsom must sign or veto each one by October 12. Newsom already signed AB 288 into law, which will significantly expand the state's labor protections in the private sector.
- The **Colorado** Supreme Court just halved the timeframe for plaintiffs to bring Minimum Wage Act claims in a September 15 decision.
- A **Florida** appeals court recently struck down the state's open carry ban as unconstitutional. Here's what it means for employers.
- **Illinois** will soon require fully insured health policies to expand dependent coverage to qualifying parents and stepparents.
- **Maine** employers subject to the state's new "show-up pay" law, which took effect on September 24, must provide a minimum payment to employees called in for shifts that are cancelled or reduced. Learn more here.

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- **Massachusetts** nonprofit universities and hospitals just received significant relief from costly wage lawsuits, thanks to a recent federal court ruling.
- **Pennsylvania's Allegheny County** is ramping up enforcement of local workplace laws and expanding organizing rights across the region.
- The **New York City Council** just passed a bill that, if signed by Mayor Eric Adams, would further expand the city's safe and sick leave requirements.
- **New York** enacted a law on September 5 that majorly boosted the state's labor power – and sparked the National Labor Relations Board to sue the Empire State. Here's what employers and labor practitioners need to know.
- **Texas** business courts now have the power to resolve trade secret cases, thanks to a new state law that took effect September 1.
- The **Washington** Supreme Court just made it easier for plaintiffs to bring costly lawsuits against employers for violations of the state's technical job posting requirements. Here are three steps that can reduce your risk.

Conclusion

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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