

Employer Checklist for February 2026

Insights

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Here are the top 10 workplace compliance items you should tackle in February 2026, based on the latest labor and employment law updates:



Learn the realities of the “No Tax on Overtime” rules. Many misconceptions surround the new federal income tax deduction related to overtime compensation. Ahead of the Feb. 2 Form W-2 deadlines, we dispelled the biggest “No Tax on Overtime” myths and covered the top employer takeaways. We also created guides specifically for auto dealerships and California employers due to unique compliance challenges they may face under the new tax rules.

Prepare for workforce disruptions if you rely on global talent. The Trump administration just paused immigrant visa processing for people from 75 countries,

beginning Jan. 21. We answered employers' top questions and crafted four practical action steps you can take now to address the situation.

H-1B Cap Season Reminder. While the “processing freeze” described above does **not** apply to H-1B visas, the 2027 H-1B cap season is right around the corner. Now is the time to make final preparations for your submissions and fine-tune your annual immigration strategy for the new wage-weighted selection system.

Keep on keeping on with anti-discrimination compliance. While the EEOC just scrapped Biden-era guidance on transgender rights in the workplace, not much has changed for employers from a practical perspective. Here's what employers must know about evolving guidance and best practices for creating a compliant and inclusive workplace.

Update your HIPAA privacy notice before the deadline. If your business is required to maintain a Notice of Privacy Practices, you must update it by **Feb. 16** to address confidentiality rules for substance use disorder treatment records. Here are our key points for group health plan sponsors and covered entities.

ACA Reporting Reminder. Employers that are subject to reporting requirements under the Affordable Care Act must ensure that they timely file the applicable IRS forms and furnish them to employees. Here are the key impending deadlines (subject to any applicable extensions) for forms required for calendar year 2025:

- Employers must file **Forms 1094-C/1095-C** (applicable large employers) and **Forms 1094-B/1095-B** (certain non-ALEs that sponsor self-insured group health plans) by **March 2** (if filing on paper) or **March 31** (if filing electronically).
- Employers must furnish copies of **Form 1095-C** (ALEs) and **Form 1095-B** (certain non-ALEs that sponsor self-insured group health plans) to each full-time employee by **March 2**. To learn about the criteria for using alternative manners of furnishing statements, check out our prior insight and the 2025 IRS Instructions for these forms.

Check if 2026's extra pay period impacts your payroll practices. If you pay biweekly and your first 2026 payday was Friday, January 2, you will be issuing 27 – instead of the usual 26 – paychecks this year. If you haven't already planned for this anomaly, learn

how to avoid compliance mistakes and make any necessary adjustments.

Heed our WARNings on workforce reduction notice rules. As mass layoffs and closures trend upward across several industries, employers should get familiar with their obligations under the Worker Adjustment and Retraining Notification (WARN) Act – which may be more complicated than you think.



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Partner

“Determining the size of your workforce for purposes of WARN Act eligibility and compliance is even more complicated with remote work arrangements becoming more commonplace in certain industries. **Under the law, employers are required to notify impacted employees at a single “site of employment.”** But what does that mean and who is included?”



Weather winter workplace woes (try saying that 5x fast). When snow or ice disrupts your operations, remember these best pay and safety practices. And at the peak of an especially bad flu season, follow these practical tips on managing absenteeism, protecting employee health, and more.

Sip something warm and catch up on DOL updates. The US Department of Labor recently released six new opinion letters offering guidance on issues related to federal minimum wage and family leave laws – here's a peek at how the agency views specific workplace scenarios. We also covered two important workplace safety developments that unfolded mid-January.

OSHA Form 300A Reminder. Employers must post their annual Form 300A (Summary of Work-Related Injuries and Illnesses) **from Feb. 1 to April 30** and the deadline to submit calendar year 2025 injury and illness data is **March 2**. For more details, check out the “Recordkeeping” section of our OSHA FAQs, plus any applicable OSHA materials for the most up-to-date information.

Beware of new AI-related litigation risks. A class action lawsuit filed on Jan. 20 in a California state court could have [significant implications for employers that use artificial intelligence to screen job candidates](#), and AI meeting tools are the latest target of class actions under the Illinois Biometric Information Privacy Act (BIPA). We covered [six steps to prevent BIPA litigation](#) for businesses in Illinois or with employees in the state.

Check whether any of these state or local updates impact your organization:

- **California employers** [must provide employees with an immigration rights notice](#) by **February 1** (and give employees an opportunity to designate an emergency contact by **March 30** or upon hire after that date). The Golden State also just released preliminary guidance for the 2025 pay data reporting cycle (**pay data reports due May 13, 2026**) – here's [your five-step action plan](#).

One-Year Lookback on California Wildfires. One year after devastating wildfires disrupted large swaths of Southern California, the state's business community is firmly in recovery mode. [Here's what employers must know](#) as they reopen, rehire, or expand operations in the state – and prepare for future wildfire seasons and other climate-driven events.

- **New Jersey** just [majorly expanded the state's Family Leave Act](#), and the updated rules take effect **July 17**.
- **New York City's** [expanded safe and sick leave requirements](#) kick in **Feb. 22**.
- The **Texas** attorney general issued a sweeping 74-page Opinion on **Jan. 19** that calls into question the legality of many Diversity, Equity, and Inclusion initiatives across the state in both public and private sectors. We covered the [potential impact on employers and practical tips to reduce your litigation risk](#). Plus, here's our [action plan for K-12 private schools](#).

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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