Insights, News & Events

EMPLOYER CHECKLIST FOR SEPTEMBER 2026

Insights
Sep 1, 2026

Employer Checklist for September 2026

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

Track the rise of democratic socialism as Election nears. A growing wave of democratic socialist cand and elected officials across the country could lead t changes in the workplace, impacting issues from he to labor unions to wage and hour law. We covered w employers need to know heading into election seas beyond.

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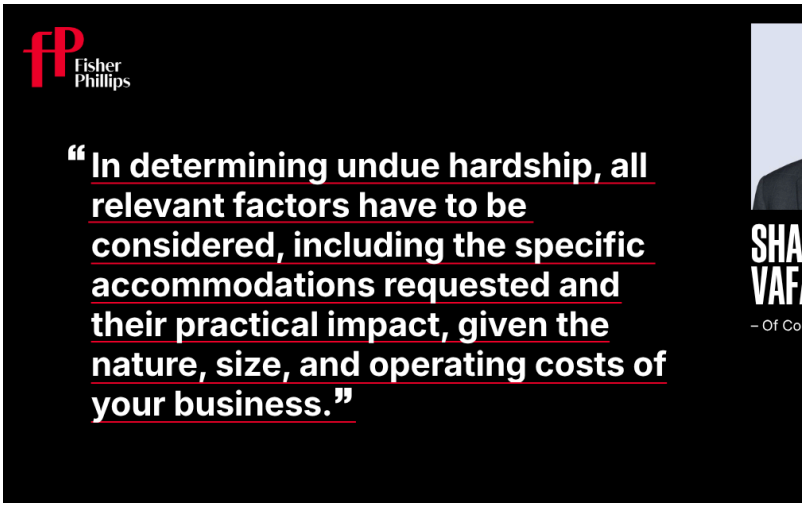
_____ **Peruse FP's predictions on NLRB policies that coul overturned.** Now that the National Labor Relations B finally has enough Senate-confirmed members (Jar was sworn in on August 17) to overturn precedent fo first time in years, we'll soon see a shift that will tou every part of the labor law landscape. Check out pr on 10 key rules and decisions most likely to change three leaders of Fisher Phillips' Labor Relations Prac Group.

_____ **Understand the evolving parameters around religio accommodations.** Many employers have seen an up religious accommodation requests over the past thr following a Supreme Court decision making it harde employers to deny them. Employers have wrestled w applying the new standard as dozens of courts have in on their actions and the EEOC has prioritized prot workers from religious bias and harassment. We co everything you need to know to help stay compliant



_____ **Identify whether immigrant visa pause impacts any employees or candidates.** Last month, the State De paused all immigrant visa appointments at US embas consulates worldwide, with no announced date for w normal scheduling will resume. Here's what this mea your workforce planning.

_____ **Consider submitting a public comment on DHS's n proposed H-1B fee.** The Department of Homeland S published a proposed regulation last week that wou a massive new fee on H-1B cap-subject petitions – $ to be exact – reviving what a federal court struck do

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Service Focus

Counseling and Advice

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earlier this year but pursuing it through an entirely c
legal route. Here are five action steps you should cc
taking now, including publicly commenting by **Septe
24**.

_____ **Check out results from our FP Flash Survey on can
testing.** Employers appear to be less hesitant to tes
applicants for cannabis compared to two years ago
according to our latest FP Flash Survey. To learn mc
out our key findings and practical tips for shaping y
policy.

_____ **Catch up on how courts are addressing AI use in lit**
More courts are confronting modern issues related
confidentiality, work product, and privilege as an inc
number of litigants and law firms are using artificial
intelligence for assistance with lawsuits. Check out
practical takeaways from some of the earliest court
decisions to address these AI issues.

_____ **Check in on these industry- and business-specific**

- **Agricultural H-2A employers** must be aware of a
court order last week that leaves adverse effect w
rates up in the air once again.

- **Consumer-facing businesses** that use "surveillar
pricing must be aware of the Federal Trade Comm
newly-proposed enforcement policy statement, w
would require businesses to disclose when it uses
personalized pricing based on consumers' persor
The agency is inviting public comments through
September 18 – learn more about the proposal he

- **Domestic companies that ship hazardous materi**
be happy to learn about 17 new final rules publish
Department of Transportation's Pipeline and Haza
Materials Safety Administration last month as par
broader deregulatory push to modernize supply c
reduce administrative burdens for domestic shipp
carriers.

- **Entertainment businesses** can check out our tips
managing NDA breaches when a member of a prc
leaks key details about an upcoming film, game re
album, talent decision, or other major production.

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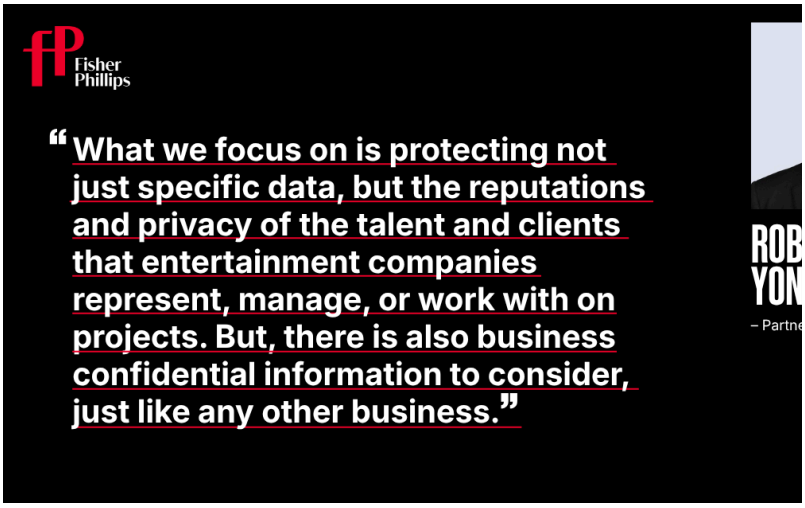

- **Federal contractors** have likely heard that the OF issued final rules that upend decades-old affirma action and reporting requirements – here are all th you need to know.

- **Hospitals and nursing homes in New York** will ha **months** to establish a workplace violence preven program once a new state law takes effect **Septe** (and additional requirements will kick in for gener hospitals starting **January 1**). Plus, **healthcare em in Illinois** should consider these practical steps fo compliance as state class actions surge.

- **Multinational employers** must be aware of growi equity and transparency obligations as more cou out robust requirements. Separately, if your comp starting or expanding US operations, check out o selection tips to help you choose the right locatio business.

- **Professional employer organizations** that offer F support to clients as part of their overall service n improve compliance by taking these ten steps.

- **Safety professionals** can find five action steps to following a federal appeals ruling that denied indu challenges to a 2024 EPA rule designating PFOA a – two widely known PFAS chemicals – as hazardo substances under the Comprehensive Environme Response, Compensation, and Liability Act, know Superfund.

- **Warehousing and distribution center employers** to emphasize safety compliance at their workplac

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following OSHA's renewed focus on these industr least the next five years.

- **Schools and sports organizations** should take no recent coverage on how to: get your concussion p ready; develop clear governance regarding weara athlete biometric data; and answer the FBI's call t protect student-athletes from sexual exploitation

Keep up with other state and local workplace law developments:

- **California** lawmakers just adjourned and sent a flu workplace-related bills to Governor Newsom, who either sign or veto each by **September 30** – his la around before his final term concludes in January addition:
  - state officials just announced significant chang proposed PAGA regulations, which could be fin later this year;
  - the California Court of Appeal is poised to rule i groundbreaking privacy case; and
  - the state's privacy regulator just announced groundbreaking data broker fines.
- **Colorado** lawmakers enacted a heap of workplac this year, which will kick in starting in 2027 (and a already in effect). In addition, state regulators just a proposed rulebook for AI-assisted hiring and employment decisions. Plus, Colorado employers facing increased exposure to gender discriminati – here's a six-step action plan to reduce your risk.
- **Florida** local governments will soon be banned fro their purchasing or contracting power to control t or employment benefits of entities they do busine (these changes, which stem from 2024's HB 433, contracts entered into after **September 29**). Plus:
  - A Florida federal court just permitted another di wiretapping claim to proceed – here's what ever business with a website needs to know.
  - A state appeals court recently shut down a para off-duty medical marijuana accommodation cla

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what this win means for Florida employers.

- **Illinois** recently enacted two employment laws tha kick in on **January 1, 2027**: one will provide new menopause-related workplace protections, and th will require certain employers to pay employees t regular wages for time spent on jury service.

- **Massachusetts** employers now must notify empl within 48 hours after receiving an ICE Notice of In concerning I-9 forms or other employment recorc result of the PROTECT Act, which was signed into **August 5** with immediate effect.

- **Oregon** public schools (including K-12 and higher education) must, starting **September 30**, adopt p responding when federal immigration authorities school property or campus. See HB 4079 for the details.

- A **Texas** candidate for state attorney general just a plan that could reshape how the state regulates of AI in the workplace.

Press play on our latest FP 5 podcast episodes. Las we broke down what employers need to know abou EEOC's new direction, discussed how people are re feeling about AI at work, answered why you can't al the worker who went rogue, and explained how digi wiretapping lawsuits are reshaping online privacy a

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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