



Workplace Law Update: 10 Essential Items on Your August 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 July and a checklist of the essential items you should consider addressing in August and beyond.

_____ **Get Ready for the First-Ever National Heat Safety Rule.** OSHA proposed regulations on July 2 that could soon require you to implement robust measures to safeguard your employees from extreme heat both indoors and outdoors. The proposal still needs to wind its way through a months-long administrative process and could even be derailed by new standards set by the Supreme Court that take aim at agency overreach, so you'll want to follow the process closely. [Here are the 10 steps you should consider taking to prepare for the new rule.](#)

_____ **Prepare for the Impact of Latest SCOTUS Decisions.** The Supreme Court issued several momentous decisions this term that will have a lasting impact on employer practices. The Justices continued to shape the workplace law landscape by ruling on an array of issues involving federal agency power, labor relations, arbitration, and employment discrimination. [Here's a quick summary of eight SCOTUS decisions from the 2023-2024 term that impact the workplace, as well as a look ahead to what employers can expect during the next term – which starts on October 7.](#)

_____ **Check Out Our Post-*Chevron* Employers' Resource Center.** The Supreme Court's landmark decision overturning *Chevron* deference gives employers a powerful tool to fight back against regulatory overreach and will have a broad impact on just about every area of workplace law. [This FP Resource Center collects our attorneys' thought leadership on the groundbreaking ruling and provides employers with guidance on how to adjust to this new era.](#)

_____ **Track Lawsuits Challenging Non-Compete Ban.** The FTC recently finalized a rule that

will soon ban most non-competes nationwide. As the September 4 effective date approaches, you'll want to track the lawsuits seeking to block the rule. These suits have caused employers a bit of confusion:

- While [a Texas court temporarily blocked enforcement](#), the July 3 ruling applies only to the five entities in the suit, which means nothing has changed quite yet for the rest of employers around the country.
- In a conflicting opinion on July 23 in a separate lawsuit, [a Pennsylvania court refused to temporarily block the rule against anyone at all](#), rejecting the employer's argument that it's an improper exercise of the FTC's authority.
- But there's still a chance that the Texas court – or a Florida court in yet another challenge to the rule – could halt enforcement before the effective date. The Texas court has promised a final ruling by August 30, and the Florida decision could come down any day this month, so stay tuned.

In the meantime, you'll want to prepare for the rule to take effect as planned. [Click here for a series of frequently asked questions about all aspects of the rule.](#)

Stay Ahead of the AI Curve After Latest Deepfake Scam. A prominent cybersecurity training company just fell victim to an increasingly common scam when it hired a remote worker who turned out to be a North Korean cybercriminal that used AI deepfake tools to fake his identity and infiltrate the organization. [Here are the 10 things you can do to ensure you don't fall for the same scam.](#)

Ensure Compliance with California's New Indoor Heat Illness Rule. In a surprise move, California's new heat illness standard for indoor work areas took effect on July 23 (it was expected to take effect on August 1). The new rule applies to all indoor work areas where the temperature reaches 82 degrees. This presents numerous challenges for California employers, particularly for warehouses, distribution centers, restaurants, and manufacturing plants where indoor temperature cannot be readily controlled. [Here's what you need to know about the new rule and the steps you should take to comply.](#)

Don't Let Your Guard Down Even After Labor Board Dropped Joint Employer Rule. The controversial joint employer rule that would have made it far easier for workers to be considered employees of more than one entity is dead once and for all, since the NLRB dropped its appeal on July 19. But you can now expect the Board to turn up the pressure through aggressive investigations, unfair labor practice charges, enforcement actions, and through exercise of its traditional decision-making authority in an attempt to reshape this area of law without formal rulemaking. [Here's what you should do to](#)

prepare for these turbulent times ahead.

_____ **Monitor Your USCIS Account for New H-1B Selections in Second Lottery.** Federal immigration officials just announced on July 30 that they are gearing up to conduct a second round of H-1B selections to ensure all slots for the FY 2025 cap are filled. If you receive new selections, you will be notified and given the greenlight to proceed with H-1B sponsorship for candidates not chosen in the first lottery. [Here are the top four things you need to know and what you should do now.](#)

_____ **Keep Up with New Trends on Pay Transparency and Pay Data Reporting.** Here are the most recent developments to track on this hot topic:

- Governor Healey signed a sweeping bill into effect on July 31, making Massachusetts the 11th state to mandate pay transparency by requiring employers to disclose salary ranges. [You can read more here about the new law.](#)
- Additionally, a bill proposed on July 18 in the New York City Council would amplify pay equity and transparency efforts by requiring employers with 25 or more employees who work within the five boroughs to comply with stringent pay and demographic data reporting rules. [Here's what employers need to know about the proposal.](#)
- Moreover, the federal government announced on July 5 that it wants large employers nationwide to share employee pay data again. The federal proposal faces significant obstacles, but it's a good idea to track this development. [Click here for five pointers to keep in mind as you stay tuned for updates.](#)

_____ **Stay Compliant with the California Consumer Privacy Act (CCPA).** A July 16 board meeting of state officials revealed that the California agency responsible for overseeing the state's landmark consumer privacy law received over 2,000 complaints for alleged violations in the past year alone – and provided a glimpse into what its enforcement priorities will be in the year ahead. [Here is what businesses need to know to avoid getting caught in the enforcement crosshairs – and three steps you can take to put yourself in the best position.](#)

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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