

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



Strategize and stay tuned for federal overtime rule changes. The salary threshold for the “white collar” overtime exemptions was set back to \$35K on November 15 after a [judge struck down a federal rule](#) that dramatically raised the threshold to \$44K in July and was set to boost it to \$59K on January 1. Before deciding how to move forward with your compensation plans, read more (at the link above for all employers and [here](#)

for K-12 independent schools) about what you need to consider in light of the ruling – and watch out for updates, as the U.S. Department of Labor (DOL) has already filed an appeal.

Prepare for major changes from the Trump administration. Now that we know Donald Trump will return to the White House, it's time to prepare for his second term in office. The president-elect has already shocked employers by tapping Chavez-DeRemer to lead the DOL, and here are 10 workplace law developments can you expect under the new administration. Our Post-Election Resource Center for Employers can help you navigate this transition and give you deeper dives into the Trump administration's impact on specific areas, such as tech employers, workplace safety professionals, and immigration enforcement in the workplace.

Review state ballot measure outcomes. Election Day determined more than just who would be the next President and who would be in Congress – Americans also voted on a slew of state ballot measures that aimed to change your workplace. After weeks of ballot counting, California's Proposition 32 failed by a narrow margin – but the state's minimum wage is set to (slightly) increase on January 1 regardless.

Catch up on major labor law developments. The National Labor Relations Board banned "captive audience" meetings in a November 13 ruling that significantly reshapes the legal landscape with yet another gift to unions in the waning days of the Biden administration. Just days earlier, the Board issued another groundbreaking

decision that tightens restrictions on what employers can say to workers about the impact of unionization.

Get ready for January 1 effective dates. With so many new workplace laws about to kick in, you'll need this employer cheat sheet to keep track of it all. Our guide covers the federal and state laws you'll need to start complying with on day one of 2025 – including minimum wage hikes in almost half of U.S. states and paid leave expansions in several states. Bonus points if you read up on new robotext and robocall rules taking effect January 27.

Check out our predictions on SCOTUS cases impacting the workplace. Our attorneys are predicting that the Supreme Court will make it easier for employers to prove they properly classified employees as exempt under federal wage law and harder for plaintiffs to recover attorneys' fees in civil rights actions. We also foresee the Justices ruling in favor of cannabis product makers in a case involving a novel claim by a commercial truck driver who was fired after testing positive for THC during a required periodic drug screen. Follow along as we make more predictions on the cases you'll want to track this term.

Clean up how your business uses artificial intelligence. Before employing AI solutions at your organization, ask your AI vendor these essential questions to sure the AI system doesn't bring you any unanticipated legal liability or disastrous reputational harm. And here are five practical steps you can take to avoid AI bias in your workplace + five steps to avoid the dangers of AI that these school administrators had to learn the hard way.

_____ **Ramp up your consumer privacy compliance efforts.** We unveiled our [new FP U.S. Privacy Hub](#) last month to help businesses [navigate the modern consumer privacy landscape](#). At a public meeting in November, California privacy officials [pushed forward key initiatives that could impact businesses and employers](#).

_____ **Dot your i's and cross your t's in benefits administration.** Whether your benefits open enrollment season just ended or is ending soon, [consider these five legal considerations + employer takeaways](#), [use this guide for the 2025 IRS limits for employee benefit plans](#), and [review these six tips to stay compliant if your health plan includes a tobacco surcharge](#).

_____ **Reflect on your management style.** Could your leadership team be guilty of “glossing” – creating toxic positivity in the workplace by downplaying problems and failing to resolve issues? Here are [five management behaviors to drop and five effective alternatives to help you eliminate this latest workplace fail](#).

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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