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New Orleans
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2026 Workplace Revolution

What's New, What's Next, & What To Do!

Presented by:

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The Very Fine Print

These materials have been prepared by the lawyers of Ogletree Deakins to inform our clients of important information in these areas of law. They are not, of course, intended as specific legal advice, but rather are offered to alert our clients to important developments and potential problems that may affect their business operations. When clients are faced with actual or potential business problems relating to these areas, they are encouraged to seek specific legal counsel by contacting the lawyers in our firm with whom they normally work.

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Burton Garland is a Shareholder in Ogletree Deakins' St. Louis Office and has been practicing law for 30 years. As a management-side labor and employment lawyer, Mr. Garland:



Provides advice, counseling, and training, on myriad labor & employment law topics and is a nationally recognized speaker on such topics;



Represents clients before federal and state agencies and courts under Title VII, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Family and Medical Leave Act, Fair Labor Standards Act, the Federal False Claims Act, and the various state counterparts to these federal laws;



Has extensive experience litigating high stakes matters involving restrictive covenants (non-compete, non-solicit and confidentiality agreements); misappropriation of trade secrets; retaliation; tortious interference; unfair competition; and related claims;



Provides advice and counseling on union avoidance and campaigns, elections, objections to elections, R-Case strategy and litigation, collective bargaining, strikes and injunctions, arbitration, and unfair labor practice charges before the National Labor Relations Board.



BURTON D. GARLAND, JR. 2026
RECOGNIZED BY
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Burton D. Garland, Jr.
10 YEARS

2026 Workplace Revolution Agenda



1. The Executive Branch
2. Congress
3. The 'Big 3' L&E Administrative Agencies (NLRB, EEOC, & DOL)
4. SCOTUS
5. Other Important Federal Updates



The Executive Branch – Trump 2026





Woah,
We're *Not*
Halfway
There

... woah, livin' on a prayer



Trump Management Plan Shrinks Government, Curbs “Woke” Programs (12/8/25)



Trump’s administration said it will direct agencies to cut jobs, close offices, and use artificial intelligence to make the government more efficient



Office of Management and Budget posted the plan



It also focuses on ending DEI programs, increasing recruitment of border and immigration agents and placing political appointees in charge of grant-making



If necessary, tweak your DEI plan to ensure that it does not discriminate and join us at upcoming DEI program



On February 6, 2026, the 4th Circuit Court of Appeals upheld Trump’s Executive Order terminating federal government DEI programs



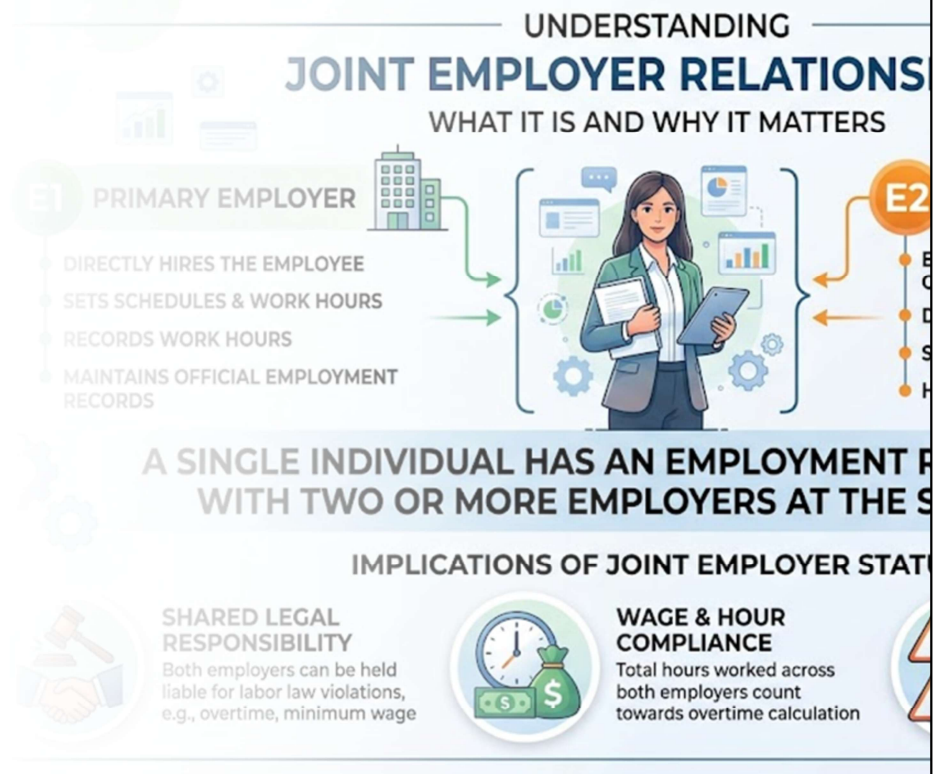


White House Reviews Labor Department Independent Contractor Rule (1/8/26)

- Department of Labor sent a proposed rule on independent contractor classification to the White House, taking the first step toward replacing the Biden-era rule
- Stay tuned if you use independent contractors
- It will be easier to lawfully classify workers as ICs 😊

White House Considers DOL's Proposed Joint Employer Standard (3/20/26)

The proposed rule would require that in order to be considered a joint employer, the company would have to exert "actual" control over another company's workers in order to be held liable for them



Department of Justice Erases Disparate Impact Liability From Title VI Enforcement Regulations (12/10/25)





Trump Signs AI Executive Order Targeting State AI laws (12/11/25)

- Directs the federal government to file lawsuits and cut funding for states that regulate AI
- Directs the Attorney General to establish an AI Litigation Task Force whose “sole responsibility” is to challenge state AI laws inconsistent with the EO
- As of the issuance of the EO, states identified as being in the target zone are Colorado, California, New York City, Texas, Illinois, and Virginia
- No action necessary—just make sure you double check your AI creations for accuracy

AI DETOUR



How Artificial Intelligence is Reshaping Labor & Employment Law

AI in a Nutshell



Traditional AI: Scope of operations limited. Model uses *data analysis* to *identify patterns, make predictions, and perform specific tasks*. Commonly used in spam filtering, voice assistants, recommendation systems.



Generative AI: Creates *original data based on human input and data analysis*. Can operate as a creative assistant. Employed in content creation like writing, music composition, and image generation.

Recruiting, Interviewing, and/or Hiring

- Resume Screening
- Candidate Sourcing
- Chatbots and Virtual Assistants
- Candidate Matching
- Diversity and Inclusion
- Video Interview Analysis
- Predictive Analytics
- Skill Assessment
- Interview Scheduling
- Onboarding Support



Automated Time Tracking

Workforce Analytics

Activity and Application Monitoring

Screen Capture and Screenshots

Productivity Dashboards

Automated Report Generation

Idle Time Detection

Email and Communication Analysis

Task Prioritization

Customized Recommendations

Training

Performance/Productivity Management and Training



AI technology is advancing faster than the development of regulatory frameworks to govern its use.

Algorithmic Bias

Training Bias – Occurs when AI systems are trained using historical data that may contain inherent biases, leading to skewed outcomes.

Programming Bias – Intentional or Unintentional

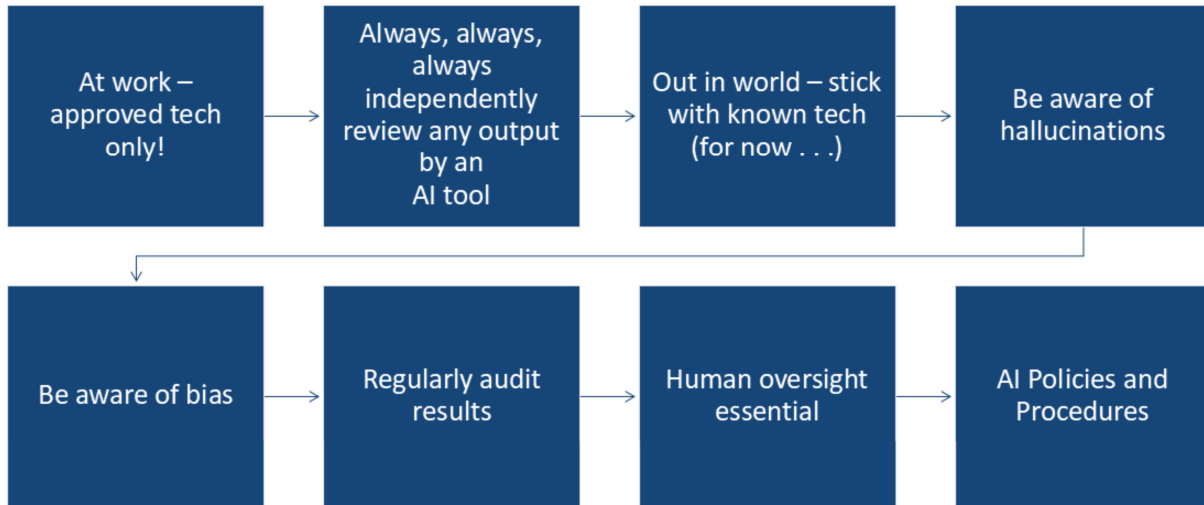
Confidentiality and Security

Ensuring the protection and privacy of sensitive information belonging to applicants and employees.

Risks of AI in the Workplace



HR AI Best Practices



119th Congress (2025-2027)



2026 Partial Government Shutdown: Congress on Recess... TSA Still on Duty 😊💧



Impact on the Private Sector?

Contractor/subcontractor disruption

Regulatory and permitting delays

Access to federal funding, grants, loans

Potential stall in court and administrative proceedings and future backlog

Macroeconomic and demand-side effects

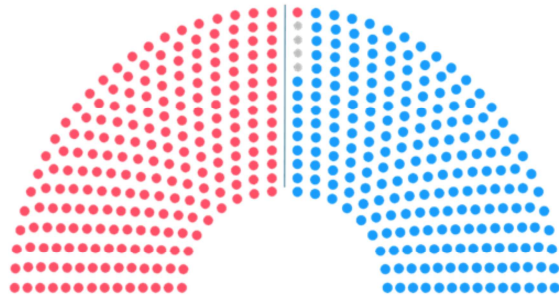
Labor market and hiring dynamics

Indirect, ripple effect in supply chains

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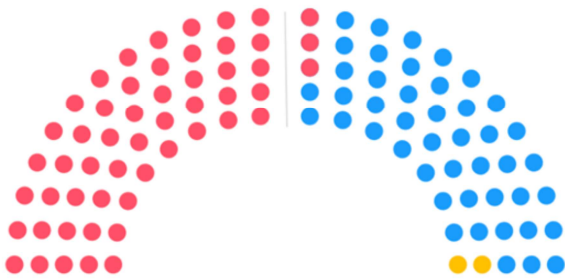
Congressional Balance Of Power

Balance of Power in the House



Bloomberg Government

Balance of Power in the Senate



who caucus with Democrats

**2026
MIDTERM
ELECTIONS**

November 3, 2026 | The Battle for Congress Begins

All 435 House Seats	All House Seats 35 Senate Seats (+ 2 Special Elections)	Control of Congress will shape Labor & Employment Law for the next two years
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Your Vote. Your Workplace. Your Future.



Signed Into Law July 4, 2025

One Big Beautiful Bill (OB BB or OB3) Act

Sweeping Labor Law Overhaul Package Introduced by Senator Cassidy (R-LA) (11/10/25)

Would require the NLRB to be bound to court precedent, ending partisan flip-flopping and limiting its autonomy

Would require secret ballot elections, eliminating card check elections

Would require two-thirds of workplace support to hold an election, compared to current 30%

Union decert petitions would not be allowed until after a first labor contract is reached—
This is wrong!!!

Would require parties bringing unfair labor practice charges to present evidence of wrongdoing at the outset

Would require unions to inform members of political spending

Save Local Business Act (H.R. 4366)



Purpose: To amend the National Labor Relations Act (NLRA) and Fair Labor Standards Act (FLSA) to redefine "joint employer," protecting franchise models from being automatically considered jointly responsible for employees.



Support & Opposition: Supported by business groups (e.g., franchisees) for creating certainty, but opposed by unions like the AFL-CIO, which argues it weakens minimum wage and overtime enforcement.



Passed House on January 13, 2026

Democrats Want to Supercharge Employer Penalties (12/15/25)

- Congressional Labor Caucus introduced the Labor Enforcement to Securely Protect Workers Act
 - It would significantly increase monetary fines for violations of child labor, wage and hour, and health and safety
 - Would also introduce new penalties for violations of the National Labor Relations Act—Fines would reach **\$50,000** for every unfair labor practice that includes discriminating against a worker for their union position or opinions, firing an employee over their organizing activities, permanently replacing striking workers, or any other violation that results in discharge or “serious economic harm” to an employees
 - **The Democrats wish list!!!!**



KEY AGENCIES



**National Labor
Relations Board
(NLRB)**



**Equal Employment
Opportunity
Commission (EEOC)**



**Department of
Labor (DOL)**

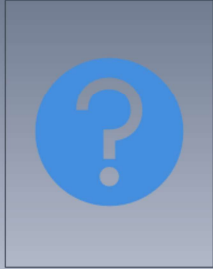


The NLRB

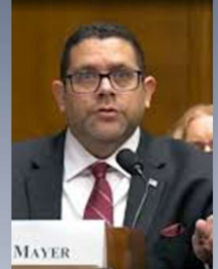
National Labor Relations Board



David Prouty
(August 27, 2026)



James Murphy
(December 16, 2027)



Scott Mayer
(December 16, 2029)

What Can We Expect From The NLRB in 2026?

Get rid of *CEMEX* decision (one ULP you got a union)

Do away with restrictions on employer speech and campaign conduct

Reverse decisions outlawing employee handbook provisions

Reverse decisions greatly expanding protected activity (e.g., advocacy on behalf of non-employees)

Reverse decisions outlawing confidentiality and non-disparagement provisions in severance documents

BTW: You should train your supervisors on TIPS before being faced with union organizing (No Threats, No Interrogation, No Promises, and Spying)

Is the National Labor Relations Board Constitutional???

- There are several challenges pending in lower courts, but the Supreme Court might decide on the constitutionality of the NLRB this year
- 5th Circuit (Texas, Louisiana, Mississippi) NO
- 9th Circuit (California) Yes



NLRB Majority Will Wait to Review Biden-era Ruling On Remedies (1/29/26)



Republican NLRB members James Murphy and Scott Mayer said in a ruling that there's "no need at this time" to weigh in on the legality of the 2021 decision in Thryv, Inc., which requires employers to pay for the downstream economic harms stemming from their labor law violations



They will not act until a third Republican is appointed to NLRB by Trump



The Third, Fifth, and Sixth Circuits have rejected the Board's position on this issue

NLRB Issues Final Joint-Employer Rule (2/26/26)

Under the rule: an employer may be considered a joint employer of another employer's employees only if the two employers "share or codetermine the employees' essential terms and conditions of employment"

Establishing joint employer status requires demonstrating that an entity possesses and exercises "substantial direct and immediate control" over one or more essential terms of conditions of employment such that it "meaningfully affects matters relating to the employment relationship".

NLRB Staff Exodus Hinders Board From Digging Out of Backlog (2/10/26)

- NLRB lost more than 150 employees in last year
- Huge delays in getting NLRB decisions
- May be several years to get a final decision from the NLRB
- Just 2 of NLRB's 26 Regional offices have sufficient staffing to handle cases (Brooklyn and Pittsburgh)



NLRB Stats Indicate Workers Filed the Fewest Union Election Petitions in 2025 since 2022



2100 Petitions

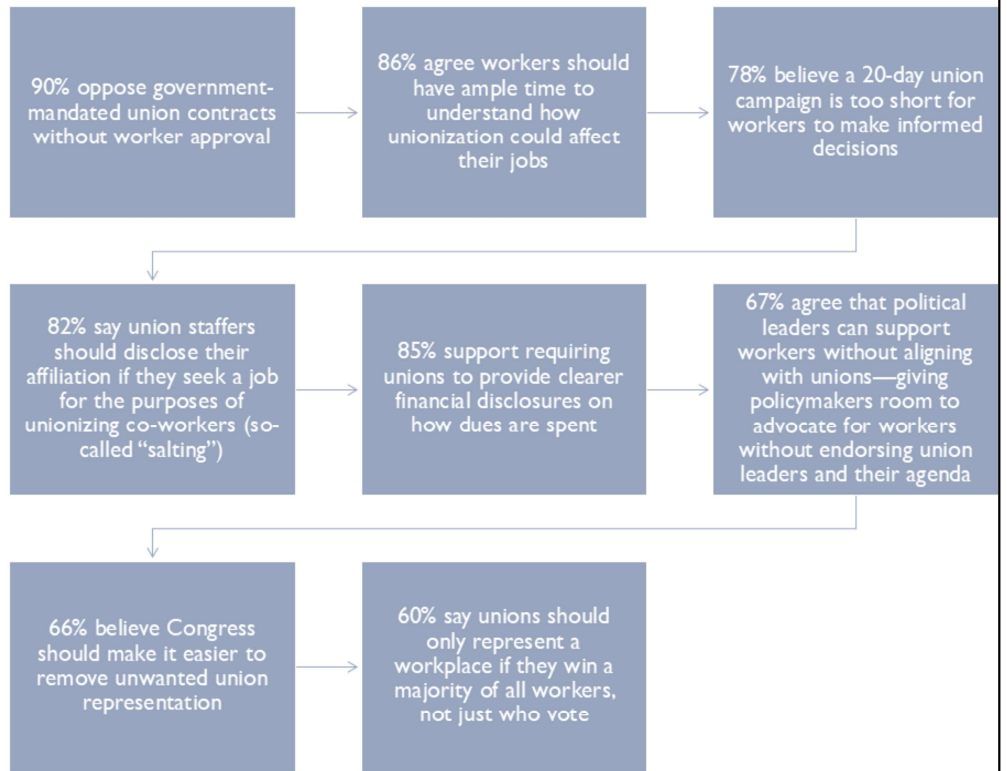


Unions Won 81.9% of elections



Employer petitions for decert elections: 237

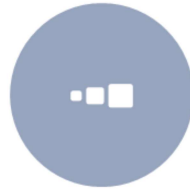
**What
American
Voters Really
Think About
Unions (Poll
Conducted by
US Chamber
of Commerce)
(9/25)**



Bureau of Labor Statistics Union Data Issued (2/18/26)



14.7 million workers
(**10%**) belonged to a
Union in 2025 (Note: in
initial year of this report,
1983, union membership
was **20.1%** with 17.7
million members)



2025: Private sector
workers belonging to a
union: **5.9%**



2025: Public sector
workers belonging to a
union: **32.9%**



2025: Construction
workers belonging to a
union: **11.1%**

**Bureau of Labor Statistics Data on
Major Work Stoppages in 2025
(2/20/26)**



30 major work stoppages (involving
1,000 or more workers) began in 2025



Nevada Sex Workers Trying to Unionize (2/12/26)

- Union rep: "Every legal job deserves to be treated with respect and dignity and if they wish to unionize they should be respected"

SEIU Union Stands With Iran's Mullahs (3/23/26)

Service Employees International Union (SEIU), one of the nation's largest unions, released a statement condemning any military action against Iran.

It attacked Trump, implying that he's a "would be dictator"

It also said it "stands with workers in Iran" when those same workers can't legally form unions in Iran

NLRB - Action Items



Recognize that the NLRB pendulum does not always swing swiftly



Craft policies and agreements to protect specific interests



Advise your internal clients not to overreact to perceived workplace misconduct



THE EEOC

State of the EEOC



Restored a quorum in late 2025 (3 of 5 commissioners)



Now have ability to revise existing or issue new regulations, policy directives, or guidance



Dramatic shift away from Biden EEOC Priorities



Chair Andrea Lucas' Priorities

January 21, 2025 Press Release from Chair Andrea Lucas

1

"Rooting out unlawful DEI-motivated race and sex discrimination"

2

"Protecting American workers from anti-American national origin discrimination"

3

"Defending the biological and binary reality of sex and related rights, including women's rights to single-sex spaces at work"

4

"Protecting workers from religious bias and harassment, including antisemitism"

5

"Remedying other areas of recent under-enforcement"

**“Rooting out
unlawful DEI-
motivated race and
sex discrimination”**

“Unlawful DEI” – What Does This Mean?

- [EO 14173](#) – “dangerous, demeaning, and immoral race- and sex-based preferences under the guise of so-called” DEI
- Merit-based qualifications
- Technical assistance/FAQs
- Non-traditional outreach to workers (hotline)
- Public investigations with demand letters
- Commissioner’s charges (leaked)
- Subpoena enforcement and other enhanced approaches
- Anticipate further changes now that the EEOC has a quorum

**“Protecting American
workers from anti-
American national
origin discrimination”**

Defining National Origin

Denial of equal employment opportunity because of:

- Individual's (or their ancestor's) place of origin (including the U.S.)
- Has the physical, cultural, or linguistic characteristics of a national origin group

"[W]hether an individual (or her ancestors) is from China, Russia, or Nigeria, or belongs to an ethnic group, such as Hispanic or Arab, she is entitled to be free from employment discrimination on that basis."

Actual or perceived

Can occur within same national origin group

Does not refer to citizenship status, but...

EEOC Releases Technical Assistance Document: “Discrimination Against American Workers Is Against the Law” (11/20/25)

Title VII protects all workers from national origin discrimination, and that includes **American Workers**

For example, preferences tied to H1-B status, can constitute unlawful national origin discrimination when they result in disfavored treatment of American workers

On November 24, 2025, EEOC also formed partnership with U.S. Department of Labor (DOL) under **Project Firewall**, to intensify enforcement against employers engaging in unlawful national origin hiring practices that disadvantage American Workers



“National origin discrimination includes discrimination against American workers in favor of foreign workers.”



“The EEOC is putting employers and other covered entities on notice: if you are part of the pipeline contributing to our immigration crisis or abusing our legal immigration system via illegal preferences against American workers, you must stop . . .



The EEOC is here to protect all workers from unlawful national origin discrimination, including American workers.”

Employer Excuses for “Anti-American Bias” as Articulated by the EEOC

Lower cost labor

- Payment under the table to “illegal aliens”
- Exploiting rules around certain visa-holder wage requirements

Workforce perceived as more easily exploited

- Group's lack of knowledge, access, or use of wage and hour protections, anti-discrimination protections, and other legal protections

Customer or client preference

Biased perceptions that foreign workers are more productive or have a better work ethic than American workers

National Origin – Action Items

1

Coordinate business immigration and employment law compliance

2

Ensure managers understand that customer preference and race/national origin preference cannot justify decision-making

3

Revisit referral policies and workforce composition for lower-skilled positions

4

Monitor risk with privileged workforce analytics

Chair Andrea Lucas' Priorities
January 21, 2025 Press Release from Chair Andrea Lucas

“Defending the biological
and binary reality of sex
and related rights,
including women’s rights
to single-sex spaces at
work”

“Gender Ideology” (Gender Identity)

EO 14168 – “It is the policy of the United States to recognize two sexes, male and female.”



Delayed or no enforcement of LGBTQ+ issues

Charge processing changes

Withdrawal from
transgender litigation

Removal of LGBTQ+
materials from eeoc.gov

Reduced/no funding to
state enforcement agencies



Focused on single sex facilities, pronouns, and health care

Gender Identity – Action Items



Attorney-client privileged review and (re)assessment



Distinguish lawful protections under ALL anti-discrimination laws



Double down on EEO approach and consistent enforcement of workplace behaviors



Carefully track ALL legal developments impacting your organization/industry



Prepare for heightened enforcement and actions from all angles, including explosion of private litigation under applicable state/local law

Chair Andrea Lucas' Priorities
January 21, 2025 Press Release from Chair Andrea Lucas

“Protecting workers
from religious bias and
harassment, including
antisemitism”

“Anti-Christian/Antisemitism” (Religious Discrimination)



Title VII prohibits discrimination on the basis of sincerely-held religious beliefs and requires reasonable accommodation unless there is an undue hardship



Protects those who belong to traditional, organized religions (e.g., Buddhism, Christianity, Hinduism, Islam, Judaism) **and** those who hold other sincerely held religious, ethical, or moral beliefs



Remember standard for accommodation recently clarified in Supreme Court’s decision in *Groff v. DeJoy*

Religious (or Political) Accommodations (or Objections)

- Refusals to use preferred pronouns in the workplace
- Objections to DEI initiatives
- Challenging Pride Month celebrations
- Protesting support for abortion services and reproductive rights
- Refusing to work on claimed Sabbath



Religious Discrimination – Action Items



Revisit or develop company policy on religious accommodations



Train managers and supervisors on company policies and how to handle requests for accommodation



Realize that allowing exceptions for other employees may necessitate accommodations based on religious grounds

“Remedying other
areas of recent
under-
enforcement”

OTHER EEOC TRENDS:

Decrease in the number of EEOC suits filed (93 last year—lowest number in years).

Looking for systemic discrimination but not disparate impact.

Gender identity issues . . . Harassment guidance on gender identity **WITHDRAWN**.

Company's use of DEI programs leveraged against them for other demands—especially federal contractors. (Law firms targeted).

Increase seen in disability accommodation discrimination suits stemming from new WFW demands. No one wants to come in!

EEOC Chair Invites White Men to File Job Discrimination Charges (12/18/25)



Chair Lucas published a video encouraging white men who believe they have faced discrimination at work to file charges with EEOC



EEOC is investigating Nike Inc.'s practices in light of alleged discrimination against white workers

EEOC to Close Workers' Disparate Impact Job Charges (9/19/25)



EEOC memo indicates that EEOC plans to administratively close all pending charges based solely on unintentional discrimination claims, with limited exceptions



On November 25, 2025, D.C. Judge dismissed a lawsuit challenging the EEOC's decision to stop enforcing disparate impact charges

EEOC Votes to Revoke Transgender Employee Guidance (1/22/26)



A Texas federal judge in May 2025 had already struck portions of the anti-harassment guidance dealing with transgender employees, which also included protections for workers using bathrooms and facilities that align with their gender identity

EEOC Votes to Retract Comprehensive Harassment Guidelines Issued During Biden Administration (1/22/26)



Chair Lucas has long opposed the guidance as overbroad and endangering women by directing employers to let people use workplace facilities (bathrooms) that correspond with their gender identity, and other overbroad protections for LGBTQ+ workers (e.g., dress and pronoun accommodations)

EEOC Now Requires Commissioner Approval To File Lawsuit, Revoking Authority of General Counsel and Regional Attorneys to Do So (2/5/26)

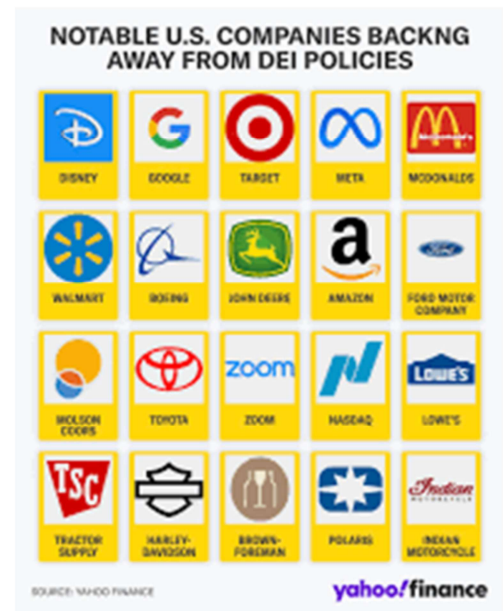
This is a clear indication that the agency is going to be led from the top down

You don't want to get involved in an EEOC filed lawsuit. It will cost you a large sum of money win or lose or settle

Who gets you in trouble with the EEOC? Untrained Supervisors.

EEOC Chair Warns Fortune 500 Leaders of DEI Programs Risks (2/26/26)

“I urge Corporate America to reject identity politics as its solution to society’s ills. The only lawful way to stop discrimination on the basis of race or sex, is to stop discriminating on the basis of race or sex”



Trump 2.0 EEOC Enforcement – Action Items



Educate

Educate leadership on shifting civil rights enforcement priorities



Determine

Determine specific risk tolerance



Collect & Analyze

Collect and analyze workforce data under privilege



Consider

Consider Title VII barrier analysis



Conduct

Conduct privileged review of policies, practices, procedures to ensure compliance with all anti-discrimination laws



The DOL

Wage and Hour

Compliance

- Payroll Audit Independent Determination (PAID) program
- Liquidated damages

Regulatory agenda

- Independent contractor
- Joint employer
- Overtime?



**DOL Ends Transgender
Workforce Training
Shields (1/7/26)**

DOL is rescinding guidance that extended anti-discrimination protections to transgender participants in the agency's workforce development programs

DOL Launches Free AI Literacy Course for Workers (3/24/26)

- The course will help American workers learn the basics of AI
- Part of Trump's AI Action Plan "Make America AI-Ready"
- The course can be completed in just 10 minutes per day over 7 days
- Accessible via text messaging

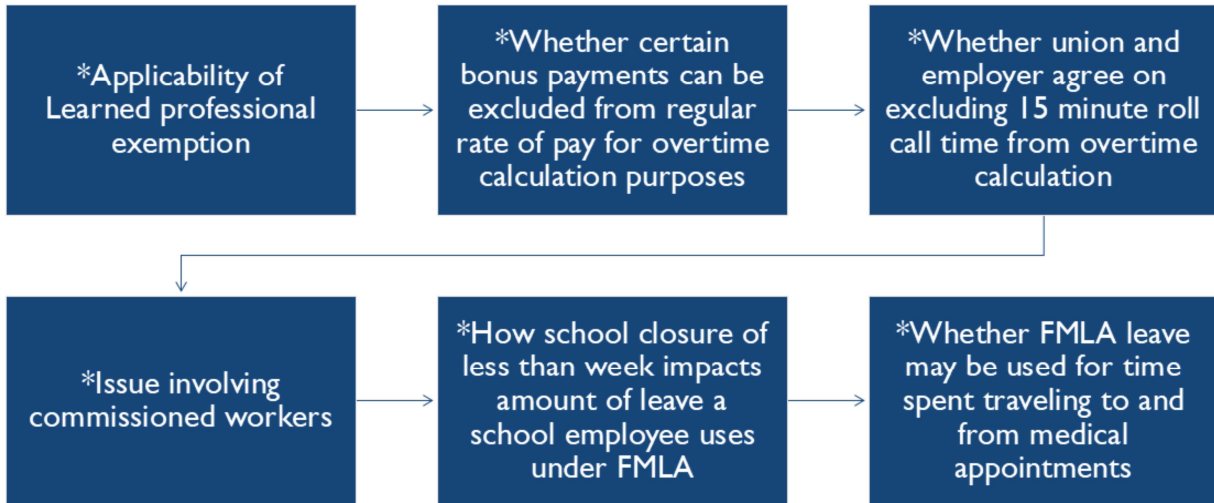




WAGE AND HOUR DIVISION

Wage and Hour Division Developments

WHD Issues 6 New Opinion Letters (1/5/26)





DOL Sets \$13.65 Minimum Wage for Federal Contractors (2/6/26)

Biden-era minimum wage for federal contractors was \$15, President Trump cancelled that

DOL Unveils Independent Contractor Rule Replacement Proposed Rule (2/26/26)

States that ICs are not employees under the FLSA

States that economic dependence in the ultimate inquiry: is the individual economically dependent on the employer for work?

Economic reality factors (2 main):

- Nature and degree of control over the work
- The individual's opportunity for profit or loss
- Other factors:
 - Amount of skill required for the work
 - Degree of permanence of the working relationship between individual and potential employer
 - Whether the work is part of an integrated unit of production
 - Any other factors that might be relevant in determining whether an individual is an employee or IC
- Several examples are also provided in the proposed rule



**Occupational Safety
and Health Administration**

U.S. Department of Labor

OSHA in the Trump Administration: Policies

Heat illness rule

Walkaround rule

Penalty reductions

Workplace violence standard

New process: Interpretation letters

OSHA Proposes Loosening Workplace Safety Regulations (9/4/25)



- “OSHA Standards Improvement Project 2025”: Trump OSHA plans to revise more than 40 workplace safety rules by either narrowing or removing provisions deemed as slowing technological and economic developments

OSHA Lost Scores of Inspectors Under Trump 2.0 (2/23/26)



OSHA lost more than 180 federal safety inspectors from fiscal year September 2024 to September 2025



OIG Report: "As we have reported since 2022, a lack of available inspectors can lead to fewer inspections, diminished enforcement in high-risk industries and, ultimately, greater risk of fatalities, injuries, or compromised health for workers."



Head of OSHA, David Keeling: "Workplace safety is a national health crisis and we need to approach it like that"



**OSHA Issues New
Optional “OSHA
Cares” Poster
(2/26/26)-Available
On OSHA
Website**

OSHA CARES

As an employee, you have the right to:

- A safe workplace
- Speak up about safety and health concerns without retaliation
- Report an injury or illness
- Training in a manner you understand
- Be provided required safety equipment
- Request an OSHA inspection and speak with the inspector
- File a complaint with OSHA about workplace hazards
- Free safety and compliance assistance from OSHA at any time

**THAT YOU
GO HOME SAFE**

Call us at 800-321-OSHA
or visit [OSHA.gov/workers](https://www.osha.gov/workers)



OSHA Unveils New Voluntary Compliance Program (3/16/26)

- Safety Champions Program
- Among other elements, the Program recommends
 - Setting a clear vision from leadership
 - Prioritizing worker feedback
 - Identifying new hazards as they come up
 - Providing adequate training
- Labor Secretary Lori Chavez-DeRemer: "By providing employers with these resources, we are putting American workers first and keeping them healthy and safe on the job"





The Courts

Shifting Legal Landscape

Groff v. DeJoy (2023)

- Heightened undue burden standard in religious accommodation cases.

Students for Fair Admissions v. Harvard/UNC (2023)

- Race-conscious admissions policies at Harvard and UNC violated the Equal Protection Clause of the 15th Amendment and Title VI. Could have impact on similar employment policies.

Muldrow v. City of St. Louis, Missouri (2024)

- When challenging a job transfer when alleging unlawful employment discrimination under Title VII, employee must show transfer caused identifiable harm, but that harm does not have to be significant.

Loper Bring Enterprises v. Raimondo (2024)

- Upended 40-year old doctrine where federal courts gave deference to administrative agencies' reasonable interpretations of federal statutes and stands to have significant implications for federal agencies' rulemaking and enforcement of federal labor and employment laws.

Ames v. Ohio Dept. of Human Services (2025)

- Employees part of a majority group do not have a higher evidentiary standard to prove workplace discrimination.

Important Missouri



State Law Developments

The Latest On Missouri Paid Sick Time & MMWL



Proposition A, which Missouri [voters passed via a ballot measure](#) on November 5, 2024, raises the state's minimum wage as of January 1, 2025, and requires employers to provide earned paid sick time (PST) as of May 1, 2025. HB-567 repeals the paid sick time statute and amends the minimum wage statute to eliminate the cost-of-living increase built into future years.



On July 10, 2025, Missouri Governor Mike Kehoe signed HB-567 into law, which repeals the paid sick time statute effective August 28, 2025.



The Missouri paid sick time statute requires Missouri employers to provide earned paid sick time from **May 1, 2025, to August 27, 2025.**



A [ballot initiative](#) has been filed that would provide a similar paid sick time benefit to Missouri employees with a few key changes such as allowing an employer to avoid the carryover mandate by frontloading the required PST at the beginning of the year.

Weed At Work



The most recent Missouri marijuana law updates as of August 2025 relate primarily to:

Regulatory
enforcement

Microbusiness
licensing

The near-
completion of
automatic
expungements

Alcohol Sales



"American Beer Act": Signed into law in July 2025, this legislation cut the Missouri excise tax on U.S.-made malt liquor by 67%, a move expected to greatly benefit breweries like Anheuser-Busch.

2026 World Cup Provisions: A law passed in March 2025 (SB 821) permits liquor-licensed businesses to sell alcohol 24 hours a day from June 11 to July 19, 2026, to accommodate the FIFA World Cup, but allows political subdivisions to exempt themselves.

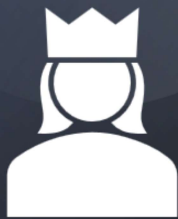


Hands Free Driving



- Missouri's Hands Free Law requires drivers to use hands-free phone use and prohibits handheld use for texting, calling, and other data use while driving. Enforcement of the law began on January 1, 2025, following a period of warnings. Fines range from \$150 for a first offense to \$500 for a third offense, with higher penalties possible for violations causing crashes

The CROWN Act (Applies in educational settings only ... for now)



- ✓ The Missouri CROWN Act was signed into law on July 9, 2025, and prohibits discrimination based on natural hair texture and protective styles in elementary and secondary educational institutions within the state.
- ✓ The act, which creates the "Missouri Creating a Respectful and Open World for Natural Hair (CROWN) Act," aims to protect students and ensure they can embrace styles like braids, locks, and twists without fear of unfair treatment or bias in schools.



AI in MO



- AI Non-Sentience and Responsibility Act (HB 1462)
- Effective August 28, 2025, this act provides a framework for legal liability concerning AI systems by clarifying that they are not sentient beings. Key provisions include:
- No legal personhood: An AI cannot be a "person" under state law and cannot be granted consciousness or legal personhood.
- Liability rests with humans: Legal responsibility for the actions of an AI system falls on human owners, developers, and manufacturers. Human actors can have their corporate veils pierced in cases of intentional evasion of responsibility.
- Prohibition on personal and corporate roles: An AI cannot be a spouse or domestic partner; nor can it hold corporate positions like officer or director.
- No property ownership: AI systems cannot own property. Any assets associated with an AI are attributed to the responsible human or organization.
- Safety and risk assessment: Developers and owners are required to prioritize safety, conduct risk assessments, and report severe AI-related incidents.

2026 Workplace Revolution

Homework & Action Items



Things to Do Now to Be Prepared Moving Forward

Your Homework for 2026!!!



Stay Informed and Educated

Attend presentations on employment law updates—like this one!

Make sure your HR and legal team join SHRM (Society for Human Resource Management)

Subscribe to legal journals, newsletters, and updates (Ogletree Provides Weekly Blogs on employment law developments and Beltway Buzz on Employment Law Developments in D.C.—If interested in subscribing give me a business card or send me an email—(burton.garland@ogletree.com))



Policy Review and Updates

Conduct an annual review of all employment policies and employee handbooks to ensure compliance with current laws

Work with legal counsel to update policies as needed

Ensure the employee handbook is up to date and distributed to all employees



Training and Development

Provide regular training for managers and employees on anti-discrimination, harassment, and other compliance related topics

Train managers on how to handle employee relations issues and legal compliance and to contact HR for assistance

Train your management team on how to deal with Union activity and to **immediately** report any activity, and TIPS training (No **Threats**, No **Interrogation**, No **Promises**, and No **Spying**)

Homework, continued



Documentation and Record Keeping

Maintain accurate and up-to-date records of all employee interactions, performance reviews, and disciplinary actions. **Remember, if you didn't document it, it didn't happen**

Ensure that all employee records are kept confidential



Employee Relations

Foster an open door policy to encourage employee to voice concerns before they escalate

Implement a clear process for resolving workplace conflicts and grievances



Hiring and Onboarding

Ensure hiring practices are free from discrimination and bias

Conduct thorough background checks in compliance with legal standards

Homework, continued



Performance Management

Set clear performance expectations and provide regular feedback

Keep detailed records of performance reviews and any disciplinary actions

Ensure that all performance management practices are fair and consistent



Wage and Hour Compliance

Ensure compliance with minimum wage laws, overtime regulations, and equal pay standards—consider having an audit of your pay practices

Implement accurate timekeeping systems to track hours worked



Health and Safety

Maintain a safe working environment in compliance with OSHA and state laws

Update health and safety policies, regularly

Homework, Continued



Remote Work Policies

Develop clear policies for remote work if you allow it, including expectations, communication, and data security

Ensure remote work policies comply with all relevant labor laws, federal and state



Technology and Data Privacy

Implement robust data protection measures to safeguard employee information

Provide regular training on cybersecurity best practices



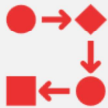
Employee Benefits and Compensation

Regularly review and update employee benefits to remain competitive and compliant

Ensure transparency in compensation practices and communicate any changes clearly to employees

Do not have a policy that prohibits employee from discussing their compensation with other employees

Homework, Continued (THE END)



Exit Procedures

Conduct exit interviews to gather feedback and identify potential areas for improvement---usually limited to employee who are quitting, not those who are terminated

Ensure that your separation agreements are legally compliant and protect the company's interests, including making management aware of current NLRB decisions still in effect that ban certain language such as non-disparagement clause



Regular Audits

Conduct regular internal audits of HR practices to identify and address potential compliance issues

Consider periodic external audits by legal professionals to ensure compliance

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FINAL THOUGHTS

Thank You



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