

Legal Guide to Human Resources 2026 Highlights

Chapter 1

- Expanded protections for military service members under the Uniformed Services Employment and Reemployment Rights Act (USERRA).
- Recent rulings by Third, Fifth, Sixth and Ninth Circuit Courts of Appeal on NLRB's expansion of remedies for employer unfair labor practices.
- Fourth Circuit ruling on allegation that an employer violated the American with Disabilities Act (ADA) by terminating an employee for smoking medically recommended marijuana at work.
- President Trump's recent action to reclassify marijuana from a Schedule I to a Schedule III controlled substance.
- New York law establishing specific standards for the validity and enforcement of severance agreements.
- Newly enacted Artificial Intelligence laws in California, Colorado, and Illinois.
- Recent state laws regulating use of training repayment ("stay or pay") agreements.
- Newly enacted laws prohibiting non-compete agreements.

Chapter 12

- D.C. Circuit Court ruling on whether Congress can restrict the President's authority to remove members of the NLRB.
- Legislation in California and New York empowering state labor relations agencies to assert jurisdiction in cases over which the NLRB has authority.
- Fourth Circuit's on excluding "managerial employees" from coverage under the NLRA.
- First Circuit's decision on supervisory employee exemption under the NLRA.
- NLRB General Counsel's revised Outline of Law and Procedure in Representation Cases, and updated Manual for Representation Proceedings.

- NLRB's decision on whether students enrolled in a graduate education program were statutory employees.
- NLRB's decision on whether an employer violates the NLRA by requiring employees to attend meetings at which the employer expresses its views on unionization.

Chapter 16

- U.S. Supreme Court's ruling on appropriate evidentiary standard for employers to establish that an employee is exempt from the minimum wage and overtime provisions of the FLSA.
- Third Circuit's decision on claim that workers were improperly denied compensation for time spent changing into and out of their uniforms.
- Seventh Circuit's decision on employer's evidentiary burden in defending wage and hour claims.
- Sixth Circuit's ruling on whether "supply and demand" market forces constitute a valid defense to pay disparity claims under the Equal Pay Act.
- Department of the Treasury/Internal Revenue Service guidance on deductions for tips and overtime compensation for tax years 2025 through 2028.
- Department of Labor's Field Assistance Bulletin on awarding liquidated damages in pre-litigation FLSA settlements.
- Department of Labor's opinion letter on when two or more separate employers may be held liable as "joint employers" under the FLSA.
- Rulings by the Fourth and Eleventh Circuits on misclassifying workers as independent contractors.
- Federal and state court rulings on compensability of time spent booting up and shutting down computers.