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Labor + Employment Workforce Watch – September 2025

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Labor + Employment Workforce Watch is a guide to the employment law developments most likely to impact your business. The Troutman Pepper Locke Labor + Employment Team represents employers in the most sensitive workplace matters, enabling our clients to concentrate on their core business operations. Our team is adept at handling and managing labor and employment issues on national, international, and local levels. Recognized as a leading law firm by *Chambers USA*, our attorneys provide comprehensive advice on every type of employment issue a company may encounter, at every stage of the employment life cycle.

In This Issue:

DEVELOPMENTS IN AI AND WHAT EMPLOYERS SHOULD KNOW

By Tracey E. Diamond and Akilah F. Craig

As employers continue to grasp the benefits, uses, challenges, and risks of using artificial intelligence (AI) in the workplace, they should take note of new laws in Colorado, Illinois, and Texas that will go into effect in early 2026. This article focuses on the employment law provisions and implications of each of these laws.

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Navigating OSHA's Recent Updates: What Employers Need to Know

By Gregory S. Narsh and Moses M. Tincher

As businesses strive to maintain safe and compliant workplaces, staying informed about the latest updates from the Occupational Safety and Health Administration (OSHA) is crucial. Recent changes, effective from 2024 through 2025, carry significant implications for employers across various industries. Below are key updates that employers should consider and their potential impact on business operations.

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Supreme Court Denies Retiree's ADA Claim for Postemployment Benefits

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By Richard D. Glovsky and Owen J. Peters

In a June 20, 2025, opinion, the U.S. Supreme Court affirmed the U.S. Court of Appeals for the Eleventh Circuit's decision that a retiree could not successfully assert a discrimination claim under the Americans with Disabilities Act (ADA) due to her former employer's change to its postemployment benefits policy. The decision is most noteworthy, not for its relatively narrow ruling, but more for the future insights it provides to employers. In other words, the Supreme Court's decision does not foreclose the possibility that retirees who compose more precise pleadings, could properly bring discrimination claims under the ADA against their former employers.

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THE VIEW FROM LONDON: "NEW DEAL FOR WORKING PEOPLE" (PART 1 OF 2)

By Nick Elwell-Sutton

Since its election in July 2024, the left-leaning UK government has taken steps toward implementing its flagship "New Deal for Working People" billed as the biggest strengthening of employment rights in a generation.

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***LEEPER V. SHIPT*: WILL CALIFORNIA HAMPER ARBITRATION IN PAGA EMPLOYMENT LAWSUITS?**

By Nina Huerta and David Rutan

In *Leeper v. Shipt*, the California Supreme Court will revisit the ongoing question of whether, and to what extent, employees can pursue litigation in court for violation of the California Private Attorneys General Act (PAGA), Labor Code § 2698, et seq. despite signing valid and binding arbitration agreements.

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THE ONE BIG BEAUTIFUL BILL: HOW WILL IT IMPACT YOUR EMPLOYEES?

By Lori A. Basilico and Jina Davidovich

The One Big Beautiful Bill Act (OBBB) was signed into law on July 4, 2025. With far-ranging impacts on taxation and spending, the OBBB will have significant effects on many benefit and compensation plans. Below is a high-level summary of the OBBB's provisions that impact executive compensation and employee benefit programs. These provisions take effect in taxable years beginning after December 31, 2025, unless otherwise noted:

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THE SECRET FORMULA: HOW GENERATIVE AI COULD CHANGE REVERSE ENGINEERING FOREVER

By Evan Gibbs and Grace M. Goodheart

As generative artificial intelligence (AI) programs become more commonplace and more powerful, they in turn become more useful — and present more risks. But what can a company do if a generative AI program recreates its most closely guarded trade secret?

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FTC Stakes Out Its Position on Worker Noncompetes

By Daniel N. Anziska, Barbara T. Sicalides, and Andrew Reed

Three nearly simultaneous actions of the Federal Trade Commission (FTC) confirmed its intentions with respect to employee noncompetes. In the first two related actions, the FTC indicated it will not defend its 2024 rule banning virtually all worker noncompetes and will instead focus on efforts to rein in the use of "unfair and anticompetitive" noncompetes. The FTC's third action notified the public of its intent to accomplish its goals, at least in part, through a wide-ranging request for the public to identify employers using noncompetes, followed by targeted enforcement actions.

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- FTC Takes Aim at Noncompete Agreements in the Health Care Sector
- Florida's CHOICE Act Expected to Expand Employer-Friendly Non-Compete Laws on ?July 1?
- Supreme Court Strikes Down Sixth Circuit Rule Heightening Discrimination Standard for Members of Majority Groups

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