M The Murphy Brief
NOVEMBER 2026 EDITION
NEW DEVELOPMENTS. DEADLINES PEOPLE MISS. PRACTICAL TIPS.

What changed. What's due. What one case teaches.

New rules are in effect, one October case shows how a complaint can fail, and November's clocks — voting, year-end records, filing deadlines — are already running. One page catches all of it. **— Marjorie A. Murphy**

1 New developments — what's new

AI in hiring is now regulated

Since Jan. 1, Texas law (HB 149) bars developing or using an AI system to intentionally discriminate by protected class. Intent is required; disparate impact alone is not enough.

Healthcare noncompetes are tighter

For physicians, dentists, nurses and physician assistants, agreements signed or renewed after Sept. 1, 2025 are capped at 12 months — and a physician fired without good cause is released (SB 1318).

The overtime salary floor is $684 a week

Texas follows federal overtime rules. A salaried employee paid under $35,568 a year is owed overtime, whatever the job title says.*

**The $684 figure is the salary test — a few roles are excepted from it (teachers, doctors, and practicing lawyers among them), and other specific exemptions can apply. Paid less than that, with no exception in play, overtime is owed.*

2 Deadlines people miss — the two-clock trap

Discrimination: two clocks, one safe date

180	300
DAYS — TEXAS	DAYS — EEOC IN TEXAS

File by day 180 and you preserve both paths. Wait for the longer federal clock and the state claim may already be gone. If the EEOC issues a right-to-sue notice, you then have **90 days** to sue.

Closing this month: a firing, a harassment incident or a missed paycheck between **May 5 and Jun. 3, 2026** hits day 180 in Nov. For events between **Jan. 5 and Feb. 3, 2026**, the 300-day EEOC window closes.

3 A case to learn from — the complaint that wasn't protected

SHE COMPLAINED TO HR. BUT HER COMPLAINTS WEREN'T LEGALLY PROTECTED.

Ivana Sanders complained to HR about workplace harassment. She alleged that a manager even told her to stop complaining if she wanted his approval for a promotion.

But the Fifth Circuit rejected her retaliation claim. **Why? She never identified race, sex, age, disability, or another protected characteristic in the complaints at issue.** She complained about bullying and toxic behavior, not unlawful discrimination.

THE LESSON: Complaining to HR doesn't automatically protect you from retaliation. If you believe you're being mistreated because of a protected characteristic, say so and explain why. Otherwise, your complaint may not qualify as protected activity under federal discrimination law.

Sanders v. Richardson (5th Cir., Oct. 8, 2026; unpublished).

4 Your November checklist — three moves, in order

1. Vote — in writing

Early voting runs **Oct. 19–30**. Election Day is **Tuesday, Nov. 3, 2026**, polls **7 a.m.–7 p.m.**

Texas law provides paid time off to vote unless you have 2 consecutive hours outside work while polls are open.

2. Save your year-end record

Save these to a personal place, lawfully — **do not** take confidential or trade-secret material:

- Final pay stub & PTO balance (before any Dec. 31 use-it-or-lose-it date)
- Performance reviews
- Bonus / commission plan; open-enrollment elections

3. If severance lands

Write the date you received it on the first page. Calendar the deadline on that same day.

Do not sign the same day — not under holiday pressure, not without reading what you give up.

Free whenever you need them: the Employment Claim Checker and the First 7 Days After Termination checklist.

Offered a severance agreement? *Before You Sign* severance toolkit ($197) will be available in Nov. — and you can book the $500 Attorney Severance Review online now.

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General information only — not legal advice; reading this creates no attorney-client relationship. Deadlines depend on your facts and can be shorter — if one may be approaching, talk to an employment lawyer promptly.