

No Matter Who Becomes President, Expect More Change In National Labor And Employment Policy

October 12, 2016 | [Employment Lessons, Labor And Employment](#)



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No matter who occupies the White House in January, the theme of national labor and employment policy is likely to be *change*. President Obama has illustrated the powerful influence of the executive on labor and employment policy *without* the input of Congress. The Obama Administration has raised the minimum wage to \$10.10 and granted paid sick leave to approximately 1.5 million employees working under federal contracts. Under President Obama, the DOL changed the salary threshold for finding an employee exempt, the EEOC demanded detailed pay information on the annual EEO-1 report, and the NLRB has expand its reach by focusing its efforts on non-unionized workplaces and joint-employer relationships. In sum, over the last eight years, we have endured aggressive change. What can we expect from the next president? If elected, Hillary Clinton's bold support of unions will be reinforced. She has said, "I've always believed that when unions are strong, families are strong and America is strong. That is not a slogan for me. That is a statement of fact." In all likelihood, a Clinton White House will deepen its commitment to employee-friendly executive action, and attempt to persuade Congress to make permanent the policies that began (and some that have been implemented) during the Obama era. Under a Trump Administration, we could expect a significant roll-back of the Obama initiatives. With Trump's lack of political experience, it's hard to predict how his intentions would be fulfilled, but back in January, he had this to say: "The one good thing about executive orders, the new president, if he comes in--boom, first day, first hour, first minute, you can rescind that." Combined with Trump's recent criticism of over-regulating businesses, and we could expect a roll-back on some of the policy changes of the Obama administrations in the labor and employment arena. Whether the past trend of significant change is cemented in policy, or whether it will reverse course and undo the changes of the past eight years will be decided within weeks. In addition, the next president will appoint a number of federal judges—including at least one on the Supreme Court—and a new NLRB General Counsel very early in the term. Those positions in particular will be highly important to national labor policy. Keeping abreast of these inevitable changes ahead is imperative for employers as the next president moves to Pennsylvania Avenue. Stay tuned for updates.

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