

What the 2020 Election Results Mean for New York Employers:

More Regulation on the Way

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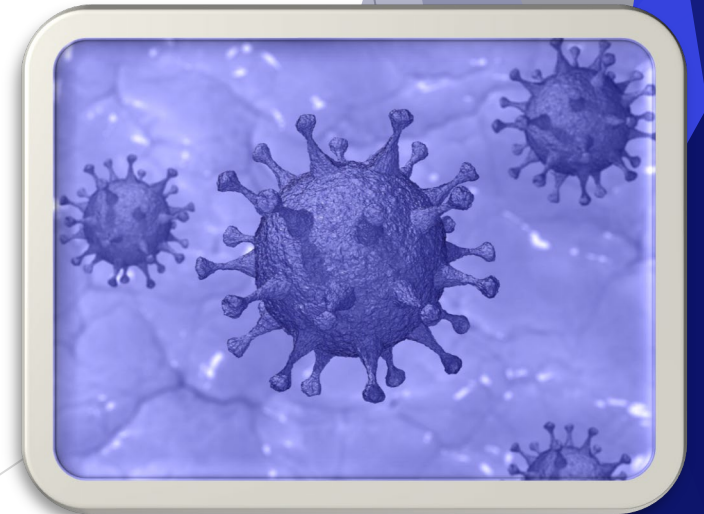


Overview

- ▶ Continuing COVID Crisis
- ▶ New Administration in Washington
- ▶ More of the same in Albany?

COVID-19

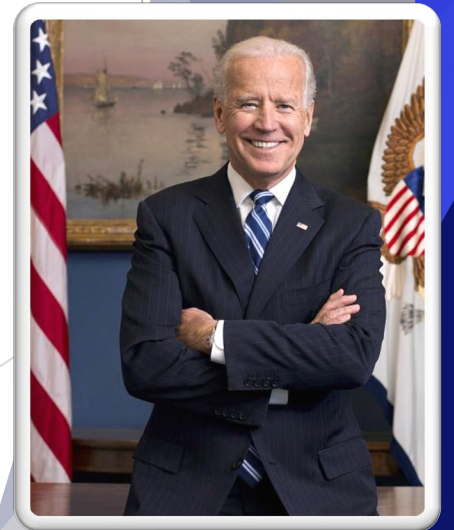
- ▶ It's not over
- ▶ More laws and regulations on the way
- ▶ Vaccination
- ▶ Economic recovery





President Biden

- ▶ As a Democrat, expected to be pro-labor
- ▶ Relative moderate on economic issues
- ▶ Already demonstrating he will shift labor policies quickly
- ▶ Executive orders afford limited authority over most employers



U.S. Department of Labor

- ▶ Marty Walsh nominated as Secretary of Labor
- ▶ Mayor of Boston, Mass., previously local Laborers' Union president
- ▶ Recent regulations expected to be rolled back ASAP



National Labor Relations Board

- ▶ Pres. Biden immediately fired NLRB General Counsel Peter Robb
- ▶ Breaks with tradition of letting GC finish term
- ▶ Expedites more aggressive prosecution of unfair labor practices
- ▶ Board itself likely to retain Republican majority until August



Expected NLRB Policy Shifts

- ▶ Return to Obama-era rulings
- ▶ More expansive joint employer standards
- ▶ Faster union elections
- ▶ Greater scrutiny of workplace policies

Senate

- ▶ 50/50 split with Vice President Harris holding tie-breaking vote
- ▶ Moderate Democrats won't necessarily support party on all issues
- ▶ Filibuster



Policy Issues

- ▶ Enhance oversight of workplace COVID-19 safety measures
- ▶ Provide paid leave
- ▶ Increase minimum wage
- ▶ Facilitate unionization



PRO Act

- ▶ Multifaceted legislation aimed to protect workers and unions
- ▶ Gives more workers right to unionize
- ▶ Restricts employers' ability to resist unionization
- ▶ Imposes new penalties on employers



New York

- ▶ Larger Democratic majority in Legislature
- ▶ Potential to override Governor vetoes
- ▶ Continuing trend of more employee protections and employer regulation
- ▶ New York City Council at the forefront of worker rights legislation

Recent Developments

- ▶ Paid Sick Leave law in place statewide
- ▶ Broadest anti-harassment laws in the country
- ▶ Unemployment system stretched to limit
- ▶ State budget depends on uncertain federal support



Budget Legislation

- ▶ Add “citizenship and immigration status” as protected categories
- ▶ Expand partial unemployment eligibility
- ▶ Paid leave for COVID-19 vaccination
- ▶ Tax credits for hiring displaced workers

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Questions?



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