

## What to Expect in Labor Relations in 2017...



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## Topics:

- Affordable Care Act –
  - Repeal? Replace? Repair?
  
- Wage & Hour Rules –
  - Overtime? Paid Leave? Minimum Wage? Persuader Rule?
  
- Other Areas to Watch
  - National Labor Relations Board (NLRB)
  - EEOC and Affirmative Action
  
- The Trump Administration

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## Affordable Care Act (aka – ObamaCare)

**HAS NOT BEEN REPEALED**



## President Trump's Executive Order

Should be viewed as more of a “Mission Statement”

The Executive Order put a freeze on NEW regulations

Only Congress can repeal the ACA

## Will the ACA be repealed?



- Reporting requirements remain in place.
- The reporting requirements are clearly the most costly and burdensome requirement of the law.

If you have 50 or more FTE's you are required to report to both your employees and the IRS on Forms 1094-C and 1095-C that you offered *affordable* coverage to *substantially* all of your full-time employees in each month of 2016.



## Deadlines....

- March 2, 2017 for providing Form 1095-C to your employees.
- February 28, 2017 for paper filing of Form 1094-C with the IRS.
- March 31, 2017 for electronic filing of Form 1094-C with the IRS



## Status...

- Dr. Tom Price has been confirmed as Secretary of Health and Human Services.
- Dr. Price and President Trump have each advocated expanded use of health savings accounts.
- You should anticipate significant changes to the law as it exists today.
  
- **HOWEVER**, employers should not make sweeping changes or throw out their compliance plans yet...

## Will the new Overtime Rule survive?



## Status...

- Was to have taken effect on December 1, 2016.
- The 5<sup>th</sup> Circuit (Texas) granted a temporary injunction.
- It remains to be seen if the rule change will survive.
- Trump has stated a belief that there should be an exemption for small business.

## Status...

President Trump's nominee to head the Department of Labor, Andrew Puzder is set for a confirmation vote this week.

His confirmation is far from assured.

Puzder is the CEO of the parent company of Hardee's & Carl's Jr. Many hail his nomination as ideal – he is intimately familiar with what it takes to run a business. He faces fierce union criticism stemming from actions taken during his tenure as CEO – as well challenges from Senate Democrats on his personal beliefs.

## Will there be changes in “Paid Leave”?



## Status...

- Candidate Trump expressed a willingness to mandate six (6) weeks of Paid Maternity Leave.
- This is an issue of importance to Ivanka Trump
- As a business leader, Mr. Trump never hesitated to hire and promote women in the workplace.
- Paid Maternity Leave is the norm in most industrialized nations.

Will there be an increase in minimum wage?



## Status...

- Candidate Trump expressed a willingness to increase the national minimum wage to something close to \$10.00/hour.
- However – he has also recognized cost of living concerns from region to region and could leave this up to the states.
- It will be interesting to watch whether the Puzder nomination is confirmed and how the Department of Labor responds under his leadership. He is a vocal supporter of Trump's economic policies.



## Will the Persuader Rule survive?





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Pending Rule at the Department of Labor – would require employers and their labor relations consultants (including your attorneys) to file detailed reports with the DOL about “any activities that are intended *directly or indirectly* persuade employees concerning their rights to organize and collectively bargain.”

## Status...

- The U.S. District Court for the Northern District of Texas issued a nationwide permanent injunction on November 16, 2016 effectively blocking enforcement.
- This rule will likely be blocked by a Trump Department of Labor.

## Other Areas to Watch...

- Equal Employment Opportunity Commission & Affirmative Action
  - Candidate Trump made no significant remarks about either of these agencies.
  - You can expect changes to both however based on the business philosophy of the Trump administration
  - Budgetary challenges will likely be the most pressing issue for both in the immediate future.

## The Trump Administration...

- Secretary of State – Rex Tillerson
  - Former CEO of EXXON-Mobile
  
- Secretary of Treasury – Steven Mnuchin
  - Former Goldman Sachs Banker
  
- Environmental Protection Agency – Scott Pruitt
  - Former Attorney General of Oklahoma



The Trump Administration...

Certain to bring a “Pro-employer” agenda...

The extent of that agenda however...



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