

# Labor Legislation

“Or what has happened in the last 2  
years”

# How This Project Began

- Began by looking for worker friendly legislation that was proposed or became law in the last 2 years.
- Found NONE on the federal level but SOME on various state 's level.
- The liberal states (primarily California and New York) passed laws BECAUSE the federal government rolled back a lot of protection for working men and women.

# What Have The Feds Been Doing?

“President Trump has rolled back protections to ensure that American workers can be safe on the job, receive fair pay and benefits, save for retirement, access high quality training programs, have a voice in their workplace, and not be discriminated against at work” Source: Center for American Progress Action Fund’s American Worker Project.

Let’s look at what has transpired in the last two years!

# 1. 2020 Budget –Bad For Workers

- Budget slashes funds for programs that protect worker's rights and access to services.
- Cuts Department of Labor's budget by 10%.
- Eliminates the Manufacturing Extension Partnership ( a partnership that helps small businesses and manufacturers compete).
- Slashes funding for the Supplemental Nutrition Assistance Program by 33% – a program which helps low wage workers.

## 2. Government Shutdown – Harms federal workers and government contractors.

- December 2018, Trump refused to sign a short term spending bill passed by the Senate for money for “The Wall”
- 800,000 federal workers lost paychecks
- Air traffic Controllers and TSA agents worked without pay.
- The 34 days shutdown delayed \$9.5 billion in compensation, hitting persons of color particularly hard as they make up 228,000 of those furloughed or working without pay.
- 10,000 companies did not get paid and the administration is refusing to support back pay for contractors.
- Administration proposed to freeze federal salaries for 2019.

# 3. Weakening Payday Lending Standards

- On February 6, 2019 the Trump administration proposed revising a Consumer Financial Protection Bureau (CFPB) rule that protects low income customers from Predatory payday lending practices.
  - Rule changes include:
    1. Repeal protections that require lenders consider a clients “ability to pay”.
    2. Allow lenders to charge over 6% of a client’s income as interest.
    3. Eliminated the underwriting requirement (review basic documents).

The average payday loan, which carries a **391** percent annual percentage rate (APR) after interest and fees, threatens to put borrowers into cycles of debt.

# 4. Encouraging firms to classify employees as independent contractors with few rights.

On January 25, 2019, the National Labor Relations Board held that airport Super Shuttle drivers are independent contractors as opposed to employees, thus they do not have the right to collective bargain.

An Obama rule that took into account “economic dependency” to determine if workers should be classified as employees or contractors was overturned.

This new ruling, with a majority of the NLRB appointed by the Trump administration, affects millions of workers who are currently misclassified.

# 5. Loosening wage protection for tipped workers.

On February 15, 2019, the DOL issued formal guidance loosening the Obama-era “80/20” rule. Under that rule, employers could not claim the tip credit for employees who spent more than 20% of their time on nontip-producing activities such as rolling silverware or cleaning tables.

Under new guidance, there is no limit on how much time employees can spend on side work as long as those nontipped duties are considered “core” to a workers tipped position.

Federal law requires tipped workers to receive full minimum wage once their tips are included. This ruling increases the rampant wage theft in the restaurant industry and since tipped workers are more likely to live in poverty, this ruling will further exacerbate their poverty.



## 6. Exempting seasonal workers from federal minimum wage hikes.

On September 25, 2018, the DOL unveiled a final rule that would exempt certain seasonal workers who guide tourists through federal parks from a 2014 federal minimum wage hike.

Obama had ordered federal contractors to pay workers an hourly minimum wage of \$10.10 adjusted for inflation – which would be now \$10.60.

The new rule allows federal contractors who receive permits from the Bureau of Land Management to pay workers \$7.25 per hour.

# 7. Making it easier to buy out employee pensions.

In March 2019, the Treasury Department issued a notice that allows pension plans to buy out current retirees for a one-time lump sum, reversing its 2015 Obama-era guidance that effectively banned the practice.

Advocates worry that the move will harm seniors – who may be tempted by large sums of money – by reducing their retirement security.

Studies (Drexel University) have shown that taking the lump sum often results in people losing a significant portion of their pension value.

# 8. Rolling back child labor laws.

On September 27, 2018 the DOL released a proposal to roll back regulations that prevent 16 and 17 year olds working in nursing homes and hospitals from operating power-driven patient lifts without supervision. Teens who use the lifts are in danger of musculoskeletal injuries, according to a 2011 report from the National Institute for Occupational Safety and Health. Furthermore the Bureau of Labor Statistics found that “nursing homes have the highest injury and illness rate of any industry”.

SEIU and the Child Labor Coalition, through the National Employment Law Project, contends that DOL issued misleading information when it made this proposal.

In addition, several congressional lawmakers sent a letter to the Labor Department’s Inspector General requesting that investigate whether the department followed proper procedures in rescinding child labor rules in nursing homes.

# 9. Proposing an inadequate family leave plan.

Over the past two years, the president's adviser and daughter, Ivanka Trump, has consistently supported inadequate, sham paid leave plans. She published an op-ed on July 11, 2018 calling for a bipartisan paid family leave legislation.

However, but one month later, she teamed up with Sen Marco Rubio to unveil a proposal for paid parental-only leave that was wholly inadequate.

The plan, which Ivanka touted as a "good option", would force workers to cut into their Social Security benefits to fund their paid parental leave. Under this plan, workers must sacrifice their own retirement security to take paid leave for the birth or adoption of a new child. The Urban Institute estimates that each two month paid leave would reduce average lifetime retirement benefits by 3% (12 weeks of paid leave at half their usual pay would cause retirement to be postponed by 25 weeks).

# 10. Attacking federal workers and their unions.

In May 2018, President Trump issues a series of executive orders that roll back protections for federal employees and their unions.

One order, issued May 25, cuts the amount of “official time” workers can use to conduct their union responsibilities – including assisting their coworkers in grievances.

Another executive order requires unions to pay rent for the office space they set up in federal buildings to assist their members.

Administration issued a notice that it would bring back a George W. Bush-era regulation that imposed burdensome financial disclosures on state and regional public sector union offices.

Trump’s executive orders also make it easier to fire federal workers; performance and not seniority, period to improve performance cut to 30 days.

# What Else Have They Been doing?

- Making it harder for workers to communicate through modern and convenient Means.
- Proposing regulations that could weaken radiation protections.
- Opening the door to discrimination against transgender workers.
- Relaxing OSHA's injury and illness reporting standards.
- Erecting barriers for home care workers who want to support their union.
- Undermining the NLRB's ability to protect workplace democracy.
- Forgiving employers who violate wage and hour laws.
- Weakening workplace safety protections for offshore drilling workers.
- Signing a tax bill into law that tilts the tax system further against workers.
- Limiting worker's ability to decide with whom they want to form a union.
- Undermine public sector unions (Janus decision by Supreme Court).
- Denying overtime to millions of working people.

We could go on and on and on!! The Center for American Progress has identified 53 specific instances where this administration has battled AGAINST working people.

# Fortunately, some states have been doing some positive things for the working man/woman.

## CALIFORNIA:

Salary History – Amends statewide salary history ban, adding guidance about the questions an employer may ask during a interview and required them to disclose pay scales.

Workplace Safety – Allows CAL/OSHA to issue citations for record keeping errors by employers.

Sexual Harassment Training – Requires agencies to distribute anti-harassment materials.

Home Care Aide Registry – Authorizes disclosure of home care aide contact information to labor unions upon request.

Non-Disclosure Agreements – Prohibits confidentiality provisions in settlement agreements that would thwart disclosure of information related to claims of sexual harassment and discrimination.

Hotel Worker Protections – raises minimum wage, requires employer to provide panic button, limits mandatory overtime.

## COLORADO:

Benefits: Contraceptive Coverage – Requires health benefit plans to cover multiple months supply of prescription contraceptives.

## CONNECTICUT:

Salary History Inquires – Prohibits an employer from inquiring about an applicant salary history before an offer of employment.

Mandatory IRAs – Requires private sector employers without their own workplace retirement plans to enroll employees in IRAs sponsored by the state.

## DELAWARE:

Sexual Harassment Protections and Training – Requires employer with 50 or more employees to provide sexual harassment training to all new employees within one year of employment and existing employees within one year of the act (1/1/2019).

## HAWAII:

Salary History Restrictions and Wage Transparency – Prohibits employers from inquiring about an applicant salary history.



## MICHIGAN:

Paid Sick and Safe Time – The Earned Sick Time Act requires all private employers with one or more employees to provide paid sick and safe leave.

## NEW YORK:

Discrimination and Harassment – Requires all private NYC employers with 15 or more employees to conduct annual anti-sexual harassment training.

Paid Sick Leave – Requires covered employers to allow eligible employees to accrue one hour of earned paid sick leave for every 30 hours worked up to 40 hours.

## WASHINGTON:

Domestic Worker Ordinance (Seattle) – Extends various protections (minimum wage, rest breaks) to domestic workers in Seattle.