### Possible Labor & Employment Policy under Trump’s Second Term

#### Implementation of:
- NLRB rulemaking on restricted use of **employer property**
- Completion of EEOC’s ADA/GINA **wellness programs** rules
- EEOC clarification of application of **joint employer** standard
- DOL IRAP Rulemaking
- Finalization of DOL rulemaking on **Independent contractor** status
- Continuation of DOL **paid leave** rulemaking
- Reversal of Obama NLRB **representation case procedures** rule

#### Full Republican Congress
- Work with the admin to:
  - **Streamline** regulations and legislation
  - Establish national **paid family leave** program
- Preservation of **Independent Contractor** status
  - Development of portable benefits system
- Continuation of efforts to expand **workforce development** programs, reauthorize **WIOA**

#### Split Congress: GOP Senate, Dem House
- Gridlock likely on most issues
- Potential compromises on:
  - **Infrastructure** package
  - **Workforce development** issues (e.g., reauthorize **WIOA**)
  - **Paid leave** program
- House passage of workforce bills to force Trump and Senate action (see next box for full list)

#### Full Democratic Congress
- Gridlock with administration with potential compromises on an **infrastructure** package, **workforce development** issues (e.g., reauthorize **WIOA**), and **paid leave** program
- Expansion of **oversight** efforts
- Passage of workforce bills, forcing Trump vetoes:
  - Efforts to increase **union density**, including via passage of **PRO Act** and codification of Obama **representation case procedures** rule
  - Implementation of **BFI joint-employer** standard across federal labor & employment laws
  - Codification of “**ABC**” test nationwide and heightened efforts against **misclassification**
  - $15/hr federal **minimum wage**
  - Implementation of Obama **overtime** rule
  - **Predictive scheduling** legislation
  - **Gender-based pay bills** to address wage gap (e.g. Paycheck Fairness Act)
  - Prohibition of **mandatory arbitration** and **nondisclosure agreements**
  - Codification of **EEOC pay data collection**
  - Increased funding specifically for **agency enforcement** efforts
  - “**Ban the box**” policy, **salary history bans**
  - Expansion of federal contractors’ obligations (e.g. affirmative action, **prevailing wage**, Obama Fair Pay and Safe Workplace EO)
### Possible Labor & Employment Policy Initiatives under Biden’s First Term

#### Administration

- **Reversal of all Trump Executive Actions and regulatory activity on labor and employment (e.g., IRAP, joint employer regulations, NLRB decisions)**
- **Efforts to Restore Obama-Era Policies:**
  - NLRB’s **BFI joint-employer** standard and **representation case procedures** rule
  - DOL **Overtime Rule**
  - EEOC **pay data collection**
  - OSHA **Injury/illness reporting** rule

- **Implementation of Organized Labor Policy Priorities:**
  - “**ABC** Test” nationwide
  - Increase **investigators** at enforcement agencies
  - Expanded **federal contractor obligations** (e.g., affirmative action, **prevailing wage**, Obama **Fair Pay and Safe Workplace EO**)
  - Expansion of **Registered Apprenticeship Program**

#### Full Republican Congress

- **Potential opportunity for compromise on a variety of issues:**
  - **Infrastructure**
  - **workforce development** programs (e.g., reauthorize WIOA)
  - **Republican focus on oversight** of admin.
  - Passage of business-minded workforce bills, which will be subject to Sen filibuster or veto:
    - Protections for **Independent Contractor** status
    - Codification of traditional **joint-employer** standard
    - Establishment of voluntary **paid leave** program

#### Full Democratic Congress

- **Eliminate or substantially reduce power of Sen. filibuster**
- **Efforts to increase union density**, including passage of **PRO Act** and codification of Obama **representation case procedures** rule
- Codification of **BFI joint-employer** standard
- Codification of “**ABC** test” nationwide and heightened efforts against **misclassification**
- **$15/hr federal minimum wage**
- Codification of Obama-era **overtime** rule
- Efforts to establish **predictive scheduling**
- **Gender-based pay bills** to address wage gap (e.g. Paycheck Fairness Act)
- Prohibition of **mandatory arbitration** and **nondisclosure agreements**
- “**Ban the box**” policy, salary history bans
- National directive on **paid leave**
- Expansion of **federal contractors’ obligations** (e.g. affirmative action, **prevailing wage**, Obama **Fair Pay and Safe Workplace EO**)
- Expansion of **Registered Apprenticeship Program**, prohibition on federal funds to IRAP-like programs; reauthorize WIOA

#### Split Congress: GOP Senate, Dem House

- Gridlock likely with potential opportunity for compromise on:
  - **Infrastructure**
  - **workforce development** (e.g., reauthorize WIOA)
  - **paid leave**
  - Senate **oversight** of admin.
  - House passage of workforce bills to force Senate action (see next box for full list)