



# *Employment and Labor Impacts from 2020 Elections- How Your Business May Be Affected*

November 17, 2020

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# 2020 Election Results

## Senate:

- 48 Democrats; 50 Republicans
  - Georgia (x2)

## House:

- 218 Democrats; 201 Republicans





# Remainder of 2020 - Lame Duck

- Transition begins
- Leadership elections
- Government funding, NDAA
- Stimulus package?



# Stimulus Package (Potential) Details

- Health specific funding (e.g., testing, vaccine development, etc.)
- Money for schools/daycare
- Unemployment insurance
- Extension of FFCRA leave provisions?
- Liability reform? OSHA ETS?

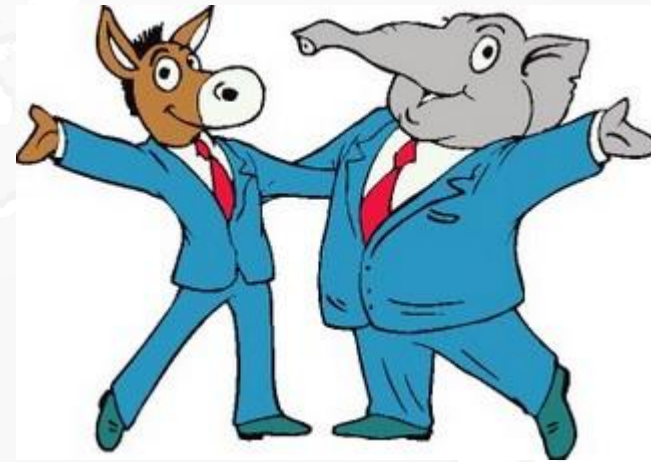




# Remainder of 2020 - Lame Duck

*Any chance of bipartisan agreement on:*

- Pregnant Workers Fairness Act
- Equality Act
- Multiemployer pension fix
- Country cap bill
- ??????



# Remainder of 2020 – Regulatory Arena

- Fall Regulatory Agenda coming soon?
- Accelerated timetable for regulatory actions
- Legal challenges
- Congressional Review Act



# White House 2021





# Executive Actions

- Immigration
  - Rescind Trump EOs
  - Issue EOs on DACA/TPS
- Civil service protections
- No D&I EO
- Blacklisting?
- COVID-19



# Congress 2021



# Congress 2021

- Filibuster?
- Legislation
  - *No*: PRO Act, Worker Flexibility Act, Paycheck Fairness Act, POWADA, etc.
  - *Maybe*: Pension reform? Pregnancy Accommodation? Per Country Bill? Paid leave?
- No Congressional Review Act (probably)
- Nominations (impact of Republican majority)
- 50-50 Senate?

# Congress 2021- Paid Leave

- FFCRA momentum
- Fed employee momentum
- Impact of patchwork paid sick leave, paid family leave



# Department of Labor in 2021





# Department of Labor – OSHA

- A (new) Assistant Secretary of Labor for OSHA
- Workplace safety – OSHA ETS
- Restore complete 2016 injury and illness reg?
- Enforcement
- Regulation by Shaming
- Heat standard
- Workplace violence standard

# Department of Labor – Wage and Hour

- “Repeal and Replace” – joint employer, overtime, independent contractor
- Enforcement
- Compliance – bye-bye Opinion Letters and PAID Program?

# Department of Labor – OFCCP

- Rollback D&I EO initiatives
- Continued focus on enforcement
- *Analogic* and *Oracle* case impact
- Comp data collection tool?

# National Labor Relations Board



Lauren McFerran (D)  
(December 16, 2024)



Chair John Ring (R)  
December 16, 2022



Marvin Kaplan (R)  
August 27, 2025



William Emanuel (R)  
August 27, 2021



Peter Robb, General Counsel (R)  
November 2021

# National Labor Relations Board Priorities

- Republican control through summer 2021
- Reverse:
  - Joint employer, election procedures
  - Employer property rights, independent contractor, employee discipline, fractured bargaining units



# EEOC Commissioner Appointments



# EEOC Priorities

- EEO-1/pay report
- Joint employer/Independent contractor?
- Conciliation
- Wellness
- COVID-19
  - National origin discrimination
  - Employee testing/screening
  - Accommodating employees with high-risk family members
  - Safeguarding against harassment
  - Remote work and the ADA

# U.S. Citizenship and Immigration Services

- Family reunification at border, expand humanitarian relief, protect Dreamers, divert wall funding to improving screening infrastructure at ports of entry
- Expand visas for highly skilled workers and modernize employment-based system to be more flexible to macroeconomic conditions – ***BUT BEWARE***
- Fiscal matters
- Reaffirm H-4 EAD

