

No Predictions this Year!

16. December 2010 By Steve Palazzolo

Well, it is the end of the year which is of course traditionally a time of year when one looks back on the accomplishments of the previous year and forward with anticipation to the year to come. Of course one of the advantages of writing a blog is that I get to do that in writing. So I thought I would take this opportunity to reflect on my past brilliance and maybe make a prediction or two about the year to come. (What is really going on here is the marketing department wants me to write something before the end of the year and this was all I could come up with).

Two years ago, when President Obama was elected, and the House of Representatives and the Senate were controlled by the Democrats, we (by we I mean employment lawyers) were convinced that a major shift in labor and employment law akin to what happened during the New Deal was about to take place. And it did start out that way. The first bill President Obama signed into law was an employment related bill; the Lilly Ledbetter Fair Pay Act. So of course, like everyone else who does what I do for a living, I thought, “Here we go!”

Man was I wrong. Now don’t get me wrong. Congress tried, they really did. They introduced a bunch of bills, bills to amend the WARN Act, bills to amend the ADEA and overturn Supreme Court decisions, bills to amend Title VII to include sexual orientation and of course the Employee Free Choice Act, a bill that I maintain may have the most misleading name in history. And guess what? Nothing came of it all. Now I’m not saying that is a bad thing, I’m just saying.

So what is going to happen next year. I honestly don’t know. But I can tell you this—I won’t even try to predict what Congress might do. I’ll stick to the courts and administrative agencies. For example, there is a lot of focus on so called “wage theft” and you can plan on the DOL to focus a lot of its effort on this issue. You can read about the issues [here](#) and [here](#). You can also plan on the NLRB to become more aggressive in overturning some of the Bush-era Board Decisions. You can read about what the Board is doing [here](#). And finally, the Supreme Court has heard a couple of cases this term that will have broad application on such things as when is a complaint filed under the FLSA and how broad are the retaliation protections of Title VII.

And if you really want to know what the Congress is going to do, you can sit in on our Webinar on Friday the 7th of January. The webinar will explore what the changes mean for HR professionals. Join us as attorneys from the Labor and Employment and Government Relations groups discuss possible legislation that may affect the workplace and how agencies such as the EEOC, NLRB and the Michigan Department of Civil Rights may approach workplace issues. You can register [here](#).

Hope your holidays are happy and your new year is blessed.

Steve