



The Election Results Are In: Now What?

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President-elect Donald J. Trump successfully campaigned using a simple pledge to, "Make America Great Again!" In January, the Trump administration and a Republican-majority Congress will begin work on what could be sweeping economic changes targeted toward trade, commerce, tax, energy and regulatory reform. The area of labor and employment is likewise poised for a potential total makeover.

Management has reason to be optimistic that, after 8 years of aggressive pro-employee regulations and legislation, the federal government will slow its increasing presence as an enforcer in the workplace. Prudent employers, however, must be mindful that change does not occur overnight, and compliance with existing labor and employment laws remains the centerpiece of an effective positive employee relations program. It is difficult to predict whether the Trump administration will prioritize workplace reform over other national agenda items. Here's a short preview of what employers may expect in the coming years.

Look for changes at the National Labor Relations Board. Upcoming NLRB appointments for 2 vacant Board seats will swing the balance to Republicans, and that will allow the Labor Board to revisit a long list of pro-union initiatives that took place under the Obama Board. These include applicable legal standards related to joint employers, temporary or contingent employees, class action waivers, appropriate bargaining units, and expedited representation election rules. We recognize that such change is slow to occur at the Labor Board and it may be some time before any such reversals take place. This is especially true in light of the fact that the current NLRB General Counsel's term does not expire until November 4, 2017. Careful employers will continue to monitor issues such as workplace morale, effective communication, and competitive pay and benefits to minimize creating an atmosphere vulnerable to a union organizing attempt.

Immigration is another area likely to change under the Trump administration. We may well see an increased emphasis on the E-Verify program, as well as changes to the temporary work visa programs (such as H1-Bs) that allow employers to recruit highly skilled foreign employees. We recommend that employers continue to audit their internal practices to ensure compliance in this area. It remains to be seen how the Trump administration will address the recent change in overtime pay regulations. This change is currently slated for December 1, 2016, and absent an extraordinary change between now and then, employers should be prepared to comply with the new wage and hour rules related to overtime exemptions.

In order to make America the "best place in the world to get a job," Trump has pledged to create 25 million jobs over the next 10 years. It will be interesting to see how quickly our new president moves

to enact regulatory reforms designed to achieve that goal. For many employers, change cannot occur soon enough. We are available to assist during this time of transition, especially to ensure that workplace policies comply with existing employment laws and regulations.

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