2021 Labor & Employment Law Updates Impacting Trucking

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The Biden L&E Agenda

His Pre-Election Promise…

- Check the abuse of corporate power over labor and hold corporate executives personally accountable for violations of labor laws;
- Encourage and incentivize unionization and collective bargaining; and
- Ensure that workers are treated with dignity and receive the pay, benefits, and workplace protections they deserve.

Changing of the Guard

- **Nominated:** Marty Walsh, Secretary of Labor. Former head of the Boston Building and Construction Trades Council and Local Union President as Secretary of Labor. A union member with strong support from the AFL-CIO and its affiliated unions. He was confirmed.
- **Nominated:** Doug Parker, Asst. Secretary to Head up OSHA. Currently the Chief of the State of CA's OSHA.
- **Nominated:** Julie Su, USDOL's Deputy Secretary. Current CA Labor Secretary. Heralded by progressives as an "ardent worker advocate" and "innovative wage enforcer." Confirmation hearing: 3/16/21.
- **Appointed:** Jim Frederick, acting administrator and Deputy Asst. Secretary for OSHA. Formerly with the USW from 1994-2019. OSHA hasn't had a permanent, Senate-confirmed assistant labor secretary since the end of the Obama administration in January 2017.
- **Appointed:** Pronita Gupta, White House labor advisor (labor assistant on the Domestic Policy Council). Former deputy director of the DOL Women's Bureau under the Obama administration. She is expected to advocate for permanent paid family leave.
- **Appointed:** Seth Harris, White House labor advisor (deputy assistant to the president on labor and economy). Former deputy and acting labor secretary during the Obama administration. He counseled the labor secretary for most of the Clinton presidency. Will be responsible for coordinating labor issues across all other White House divisions that touch on labor.
- **Appointed:** Charlotte Burrows, EEOC Chair. Former Associate Deputy Attorney General at the DOJ, where she worked on employment litigation, voting rights, combating racial profiling, and implementing the Violence Against Women Act, which was first co-sponsored in Congress in 1994 by then-Sen. Biden.
- **Terminated:** EEOC GC, Sharon Gustafson earlier this month, after she refused to resign. She had 2 years remaining on her 4-year term.

Immediate Change to NLRB

- On Inauguration Day, Pres. Biden fired NLRB General Counsel – Peter Robb, whose term was not set to expire until this November. This was unprecedented. Game on!
- But, that's not all… Biden appointed Peter Sung Ohr (Region 13's Director) as the Acting GC for the NLRB. Ohr immediately **rescinded 10 prior GC Memos under Robb**, -- while delivering the following message: *LABOR LAW IS TO ENCOURAGE COLLECTIVE BARGAINING* – and more memoranda "setting forth additional new policies" are on their way.

Immediate Change to NLRB (Cont'd)

- Reversed position on neutrality agreements.
- Reversed position on presumptively valid employee handbook rules.
- Reversed how Regions should handle investigations that involve securing testimony of former supervisors and former agents, and how audit recordings should be dealt with.
- Reversed position on requirement that Region stop opposing intervention in election by employees who have filed a petition to decertify the union or disaffection petition that employer unlawfully relied upon to withdraw recognition from union.

More Anticipated Change to the NLRB

- Pres. Biden's platform specifically indicated that he would seek to reinstate *Specialty Healthcare,* a ruling that was overruled in 2017.
- In *Specialty Healthcare*, the Obama NLRB endorsed the concept of "micro-units" when evaluating potential negotiating units to make it easier for unions to organize parts of a workforce.
- Additionally, a Biden Board could also target *The Boeing Company* decision, which overturned a decision that held neutral rules were unlawful if an employee could reasonably construe them to interfere with protected rights.

More Anticipated Change to the NLRB

- Biden has an existing opportunity to nominate a new Democratic member to the five-member Board, which decides labor-related cases by majority vote. The Board currently has four members—three Republicans and one Democrat.
- With one seat already open and the term for Emanuel (Republican) ending in August 2021, a Democratic majority is on its way.
- **Nominated:** Jennifer Abruzzo to serve as the new NLRB's GC. She was NLRB Deputy General Counsel under the Obama Administration and then Acting GC before former GC Robb was confirmed by the Senate. Since then, she has been Special Counsel for Strategic Initiatives for the Communications Workers of America (CWA).

Union Friendly PRO-Act Advances in Congress

- The PRO (Protecting the Right to Organize) Act passed the U.S. House 225-206, and now heads to the Senate.

- If passed, the PRO Act would overhaul the National Labor Relations Act and make it easier for unions to organize more employees, remove most restrictions on union strikes and other union pressure tactics, weaken employers' ability to resist unionization or even educate workers on their rights to "Vote No," and provide massive fines and penalties on employers who violate the law.

- While the bill's wholesale passage in the Senate may be unlikely (unless Democrats move to eliminate the filibuster), many of its terms likely will find their way into other pieces of legislation. IF any one part of the PRO Act becomes law, it's an entirely new ballgame for labor unions, employees and employers in the United States.

Union Friendly PRO-Act Advances in Congress

- Among the more critical provisions of the legislation are the following:
  - **Organizing / Elections**
    - Expands which workers unions can organize (to include many who currently are considered **independent contractors** and supervisors).
    - Erodes the secrecy of employee ballots and increases risk of fraudulent elections by giving the union the sole determination over the manner the election is to be conducted (mail ballot, electronic, off-site or on-site elections).
    - Allows unions who lose elections, if they allege an unfair labor practice by the employer that affected the election, to resort to an after-election card check to win representation rights.

Union Friendly PRO-Act Advances in Congress

- **Collective Bargaining**
  - Bans all state right-to-work laws.
  - Provides for “interest arbitration” if the employer and union cannot quickly agree to terms of an initial collective bargaining agreement—meaning a slate of arbitrators would decide wages, benefits and other contract terms.
  - Allows “hot cargo” agreements, where unions can demand that employers do not do business with other, non-union companies.
  - Bans employers’ ability to withdraw recognition from a union, even upon evidence that all employees want the union out.

Union Friendly PRO-Act Advances in Congress

- **Strikes / Picketing / Construction Sites**
  - Allows "secondary" strikes and boycotts, meaning the union can strike against employers/companies that it does not have a dispute with, in order to force them to stop doing business with non-union companies (this would allow ANY and ALL picketing at construction sites, without regard to reserved gates, effectively allowing unions to halt construction).
  - Allows partial strikes, intermittent strikes, and slow-down strikes.
  - Allows strikes in jurisdictional disputes between rival unions.
  - Removes all time limits on picketing for recognition.
  - Bans employers' ability to lockout employees, unless they go on strike first.

Union Friendly PRO-Act Advances in Congress

- **Damages / Fines**
  - Civil fines up to $50,000 for any unfair labor practice (doubled for repeat offenders).
  - Requires employers to re-hire employees, pending resolution, if union alleges discharge was unlawful.
  - In discharge cases, in addition to back pay, would allow for front pay, liquidated damages (2x amount of back pay), consequential and punitive damages.
  - $10,000 daily fine for non-compliance with an NLRB order.
  - PERSONAL liability for company directors and officers.
  - Provides employees with the right to sue employers in court, even if the NLRB dismissed their charge.

OSHA's Latest COVID-19 Guidance Based on Biden's Executive Order

In response to an Executive Order signed by President Biden, OSHA recently issued updated COVID-19 guidance recommending that all employers adopt a formal COVID-19 prevention plan, incorporating the following activities and elements:

- Assign a COVID-19 workplace coordinator;
- Identify potential COVID-19 hazards in the workplace;
- Adopt policies for sending employees home, physical distancing and improving ventilation;
- Protect at-risk workers;
- Communicate policies in a language that workers understand;
- Provide education and training on office policies, basic facts about the disease, and the employer's prevention program;

OSHA's Latest COVID-19 Guidance Based on Biden's Executive Order

- Adopt non-punitive absence policies;
- Allow for remote work;
- Isolate anyone who exhibits symptoms;
- Perform enhanced cleaning and disinfection, particularly after a confirmed infection;
- Provide guidance on testing;
- Document and report infections and deaths;
- Protect anyone who raises concerns about workplace safety – even where such concerns are raised in public forums, such as social media;
- Provide COVID-19 vaccine at no cost to all eligible employees; **and**
- Require face coverings or physical distancing, even for those who are vaccinated.

OSHA's Latest COVID-19 Guidance Based on Biden's Executive Order

- Also note that the updated guidance advises employers to continue to require all employees — **even those who have been vaccinated** — to comply with all control measures, including the wearing of masks and social distancing, stating "there is no evidence that COVID-19 vaccines prevent transmission of the virus from person-to-person."

- While OSHA rightfully acknowledges that these recommendations do not create new legal standards or regulations, employers should comply with them nonetheless, with the expectation that OSHA will enforce these recommendations by way of the OSHA General Duty Clause or some other, existing standard.

- But… a NEW OSHA Rule is coming (per D.C. insiders)… (mask mandate, social distance rules, time off to obtain vaccine, etc…)

New DOL Guidance: Workers Can Refuse Work and Still Receive Unemployment Benefits

- On February 25, 2021, the U.S. Department of Labor (DOL) released guidance that now extends Pandemic Unemployment Assistance (a type of benefits created and federally funded by the 2020 CARES Act) to cover self-employed individuals, independent contractors, and other workers not covered by traditional UI programs. Specifically, the PUA benefits now extend to 3 categories of workers:
  - **Individuals who refuse to return to work that is unsafe or to accept an offer of new work that is unsafe**;
  - Certain individuals providing services to educational institutions or educational services agencies; and
  - Individuals experiencing a reduction of hours or a temporary or permanent lay-off.
- These changes were expected to take effect in late March, but could take longer to take hold as each state must adopt and administer to this new guidance in order to receive the additional federal COVID-19 specific funding.

New DOL Guidance: Workers Can Refuse Work and Still Receive Unemployment Benefits

- To obtain benefits, the DOL requires individuals to attest under penalty of perjury, that s/he:

  > refused to return to work or accept an offer of work at a worksite that, in either instance, is not in compliance with local, state, or national health and safety standards directly related to COVID-19. **This includes, but is not limited to, those related to facial mask wearing, physical distancing measures, or the provision of personal protective equipment consistent with public health guidelines**.

- This creates an additional "good cause" reason for an employee to refuse work.
- It is not clear how this will work in situations where, for example, an applicant has never set foot on a worksite or an employee who had not been in the workplace since pandemic-related changes were implemented to credibly complete the attestation.
- Any additional requirements will be left up to each state. Many states have previously made clear that a generalized fear of COVID-19 in the workplace is not enough to refuse work and receive UI benefits.

New DOL Guidance: Workers Can Refuse Work and Still Receive Unemployment Benefits

SO WHAT NOW?

- Demonstrate the safety and security of the workplace from a COVID-19 prevention and mitigation perspective.
  - Step 1: **Double-check what you have in place.** Make sure that you have enacted *and enforced* policies and procedures in-line with the most up-to-date guidance from the CDC and other federal, state, and local agencies.
  - Step 2: **Advertise and educate.** Make clear to employees: (a) what steps have been taken to improve health security in the workplace; (b) the fact that the business is vigilantly monitoring CDC and public health guidance and is ready to implement further protections in accordance with that guidance; and (c) that employees should feel free to express their questions and concerns to management regarding COVID-19 safety in the workplace without fear of adverse consequences or retaliation. This can take the form of group trainings, e-mailed announcements, and bulletin board postings for current employees.
- For employees who nonetheless refuse to come back to work because of pandemic-related concerns, make sure that formal, written correspondence is used to communicate with the employee. When appropriate, written communications should be aimed at telling the employee exactly how the business has resolved the employee's concerns. These communications should be drafted with an eye toward an interactive process between the business and employee—in a way that will place the company in the best defensible position.

EEO-1 Pay Data Reporting – Very Likely

- Obama Administration: EEOC announced a revision to the EEO-1 report to add aggregate pay data on pay ranges and total hours worked for employers with 100+ employees, including federal contractors. It was expected that the EEOC and the OFCCP would use the information to detect pay discrimination and trends in occupations and industries.
- Trump Administration: the Component Pay Data Rule was not renewed.
- **Biden Administration: likely return as renewed priority going into 2022.**

The pay data would be based on employees' W-2 earnings:

- For each EEO-1 job category (Executive/Senior Level Officials and Managers, First/Mid-Level Officials and Managers, Professionals, Technicians, Service Workers, etc.), employers would have to include the number of employees by sex, race and ethnicity that fall in certain defined pay bands.
- In determining which pay band is appropriate, employers would use employees' total W-2 earnings for a 12-month period looking backward from a pay period between July 1st and September 30th.
- Total number of hours worked by the employees in each pay band would also be reported.

It is not yet clear what will be considered as a discriminatory pay practice. A major concern is that non-discriminatory factors (such as differences in experience or education) will not be reflected in any statistical analysis because under the EEOC's prior revised EEO-1 form, there was no provision for collecting that information.

Withdrawal of USDOL Joint Employer and Independent Contractor Rules

- **On March 11, 2021, the DOL issued Notices of Proposed Rulemaking to withdraw (1) the Joint Employer Final Rule; and (2) the Independent Contractor Final Rule published during the Trump administration.**
- DOL's proposed withdrawals of these Final Rules are open for public comment until April 12, 2021.
- It is likely that after this comment period, the DOL will either issue a new Final Rule with revised standards or will simply withdraw the current Rules, resulting in a return to the standards existing before those Rules were in effect.

Review: DOL Joint Employer Rule (Trump)

- In early 2020, the Trump administration rejected the Obama administration's "economic realities" standard for joint employer status.
- The 2020 rule focused on 4 factors of control to determine whether a joint employer relationship existed under the FLSA, looking at whether the indirect employer: (1) hires or fires the employee; (2) supervises and controls the employee's work schedule or conditions of employment to a substantial degree; (3) determines the employee's rate and method of payment; and (4) maintains the employee's employment records.
- The Final Rule emphasized that ACTUAL control, rather than mere "reservation" of control was required to establish a joint employer relationship.
- 18 state Attorney Generals filed suit in federal court in NY to have the Rule vacated.
- **In *New York v. Scalia* (S.D.N.Y. 9/8/20), the District Court struck down major portions of the rule, holding that the DOL's final rule was contrary to the law (the FLSA) and arbitrary and capricious.**

Refresher: Vertical Joint Employment

- The economic realities factors considered by the Obama administration DOL:
  - Does the other employer **direct, control, or supervise (even indirectly)** the work?
  - Does the other employer have **the power (even indirectly) to hire or fire the employee, change employment conditions, or determine the rate and method of pay**?
  - Is the relationship between the employee and the other employer **permanent or long-standing**?
  - Is the employee's work **integral to the other employer's business**?
  - Is the **work performed on the other employer's premises**?
  - Does the indirect employer **perform functions typically performed by direct employers**, such as handling payroll, providing workers' compensation insurance, tools, or equipment, or in agriculture, providing housing or transportation?
  - Does the employee perform **repetitive work or work requiring little skill**?
- The Obama DOL rule also identified industries where it believed vertical joint employment to be common: "agriculture, construction, hotels, warehouse and logistics," as well as other industries that regularly use staffing agencies or subcontractors.

Refresher: Horizontal Joint Employment

- The Obama administration DOL considered the following factors in these types of business relationships:
  - Who **owns or operates** the possible joint employers?
  - Do they have any **agreements between the employers**?
  - Do the two employers **share control over operations**?
  - Do the employers share or have **overlapping officers, directors, executives, or managers**?
  - Does **one employer supervise the work of the other**?
  - Do the employers **share supervisory authority** over the employee?
  - Are their **operations co-mingled**?
  - Do they **share clients or customers**?
- The Obama DOL stressed that it is not necessary for all, or even most, of these factors to exist in order to find joint employment status between two or more related employers. **This was broadly construed by the courts and government agencies over the years.**

Will the DOL Issue a New Joint Employer Rule (Biden)?

- On February 23, 2021, the DOL submitted a proposed rule on joint employer status to the White House for its review.
- This was followed by the March 11th withdrawal of the Trump final rule. We now wait for the comment period to expire.
- Worker advocates have called on the DOL to restore the Obama administration's emphasis that the FLSA should be construed as broadly as possible.
- **Employers must look at the extent of direction and control over the individual(s) performing services in exchange for pay. RESERVING ANY CONTROL --- IS GOING TO BE A MAJOR PROBLEM FOR EMPLOYERS.**

NLRB Focus on Joint Employers

- In February 2020, the Trump NLRB released its own final rule regarding joint employer status that restored the joint-employer standard that an entity must possess "substantial direct and immediate control" over another's employees to be considered a joint employer. Much like the Trump DOL's joint employer rule, a showing of actual control was necessary. Reservation of control, or sporadic exercise of control, was not enough.
- A Biden NLRB will likely try to reinstate the *Browning-Ferris Industries* decision that expanded the joint employer standard by holding that an employer's status as a joint employer is **dependent on the employer's right to control employees, either directly or indirectly**.

NLRB Focus on Joint Employers

- Under *Browning Ferris* standards, two or more entities will be deemed joint employers of a single workforce under the Act when:
  - (1) they are both employers within the meaning of the common law; and
  - (2) they directly **or indirectly** (e.g., reservation of authority) share or codetermine e**ssential terms and conditions of employment**.
    - e.g., setting and policing employee work schedules; tracking wage reviews; acceptance or rejection of employment applications through company systems; retention of right to approve and evaluate employees; requiring the company and its employees to follow safety rules; disciplining or recommending discipline; and making recommendations during the collective bargaining process.
- **The impact:** Two separate and distinct legal entities may be embroiled with one another's alleged unfair labor practices, union organizing drives, strike activities and picketing disputes as well as mandatory bargaining obligations.

Review: DOL Independent Contractor Rule (Trump)

- **January 6, 2021:** Trump DOL announced a final rule to define whether workers are employees or independent contractors.
- The rule defined independent contractors for the first time ever under the Fair Labor Standards Act (FLSA).
- Under the now withdrawn rule, individuals are considered employees if they are economically dependent on the employer, and independent contractors if they are in business for themselves and not economically dependent on someone else's business.
- **On March 11, 2021:** The DOL announced that it is withdrawing the Trump Independent Contractor rule (as it did with Joint Employer Rule). As of now, the Biden administration is not proposing an immediate substitute.

Refresher: DOL Independent Contractor (Obama)

- Under the previous standard (Obama DOL), most workers were considered employees under the FLSA, rather than independent contractors.
- The definition of a worker as an employee or independent contractor was shaped largely by earlier court decisions regarding “economic realities” tests (whether the worker is dependent upon the business to which they render service) – minimizing the element of control held by the contracting party.

Will the DOL Issue a New Independent Contractor Rule (Biden)?

- Pres. Biden has made clear that he supports an "ABC" test similar to California's independent contractor rule. It is expected that his administration will push for the ABC test as the standard for all federal labor, employment, and tax laws.
- With some exceptions, California requires all three of the following factors to be met for a worker to be properly classified as an independent contractor:
  - The worker is **free from the control and direction** of the hiring entity in connection with the performance of the work;
  - The worker performs tasks that are **outside the usual course of the hiring entity's business**; and
  - The worker is customarily engaged in an **independently established trade**, occupation or business of the same nature as the work performed for the hiring entity.

Impact: Making the ABC test federal law would make far fewer American workers bona fide independent contractors – thereby increasing the scope of individuals subject to employment regulations and laws.

The American Rescue Plan Act of 2021: What's in it for Employers?

- Almost one year after the enactment of the Coronavirus Aid, Relief, and Economic Security Act ("CARES Act"), and with the second extension of pandemic unemployment assistance about to expire, the American Rescue Plan Act of 2021 (the "Act") was signed into law by President Biden on Thursday, March 11, 2021.
- The estimated cost of the Act is $1.9 Trillion, with $1,400 Recovery Rebate checks for each qualifying individual, the extension of supplemental unemployment benefits through September 6, 2021.
- Several provisions of the Act are potentially available for employers of various sizes across all industries. Some key non-industry specific provisions are set forth below.

The American Rescue Plan Act of 2021: What's in it for Employers?

- **Premium Assistance for COBRA Continuation Coverage for Individuals and Their Families**
  - The amount of premiums covered for individuals is set at 100%. It generally applies to premiums due related to coverage periods from April 1, 2021 through September 30, 2021. The 100% premium subsidy will be reimbursed to employers through their quarterly payroll tax returns.
- **Extension of Employee Retention Credit**
  - The Employee Retention Credit was recently extended and amended as part of the Consolidated Appropriations Act of 2021 (enacted during the last week of December 2020). The Act further extends the availability of the credit for wages paid through December 31, 2021.

The American Rescue Plan Act of 2021: What's in it for Employers?

- **Extension of Tax Credits ONLY for Paid Leave under the FFCRA**
  - In the last round of stimulus legislation, the tax credit for paid leave under the ***Families First Coronavirus and Response Act ("FFCRA")*** was extended through March 30, 2021 – on a voluntary basis by employers covered by the FFRCA. The American Rescue Plan extends the availability of the tax credits for paid sick or family leave through September 30, 2021, and the maximum amount of tax credits that an employer can claim for each employee reset on April 1, 2021. This reset allows an employee who exhausted the maximum leave through March 31, 2021 to be able to utilize additional FFCRA leave on April 1, 2021 through September 30, 2021, provided the employer continues to voluntarily allow the use of FFRCA leave. In addition, two new permitted reasons for paid sick leave are added where: (1) an "…employee is seeking or awaiting the results of a diagnostic test, for, or a medical diagnosis of, COVID-19 and such employee has been exposed to COVID-19 or the employee's employer has requested such test or diagnosis;" and (2) "the employee is obtaining immunization related to COVID-19 or recovery from any injury, disability, illness, or condition related to such immunization…"

The American Rescue Plan Act of 2021: What's in it for Employers?

- **Optional Expansion of Limits under Dependent Care Flexible Spending Account Plans**
  - Employers that offer dependent care flexible spending account plans may increase the maximum deferrals under the plan to slightly more than double the normal deferral limit. This is for the 2021 plan year only. This translates to a maximum deferral for a married couple in the amount of $10,500 and $5,250 for an individual.

Effective March 23, 2021… IL Limits Criminal Convictions

- SB1480 amends the Illinois Human Rights Act.
  - Provides that it is a civil rights violation under the IHRA for any employer to use a conviction record as a basis to refuse to hire, to segregate, or to act with respect to recruitment, hiring, promotion, renewal of employment, selection for training or apprenticeship, discharge, discipline, tenure or terms, privileges or conditions of employment.
  - Unless otherwise authorized by law, an employer may only consider an individual's criminal conviction history if there is a substantial relationship between the criminal history and the position sought or held, or if the employer can show that the individual's employment raises an unreasonable risk to property or to the safety or welfare of specific individuals or the general public. Creates new requirements concerning use of conviction records.
  - IDHR will investigate and enforce.

Illinois Criminal Convictions & the FMCSR

- Of course, commercial transportation companies already know that the Federal Motor Carrier Safety Administration (FMCSA) requires that the Transportation Industry conducts criminal background checks and obtains driving abstracts/conviction records to qualify drivers during the hiring and retention process. In fact, the Federal Motor Carrier Safety Administration Regulations (FMCSR) set forth rules and regulations for employment applications involving applicants applying to drive commercial motor vehicles. (*See* 49 C.F.R. § 391.21). Section 391.21 has been adopted in most states (for example, Illinois law recognizes Section 391.21 pursuant to Title 92 of the Illinois Administrative Code). The consideration of specific offenses outlined in the FMCSR concerning the disqualification of drivers (49 C.F.R. § 383.37 and § 383.51) likely qualifies as "otherwise authorized by law" and therefore is not prohibited by the statute.
- While qualifying a driver for employment is specifically authorized by the FMCSR, if the use of criminal background history is outside the scope of the FMCSR, then the particular conviction must have a "substantial relationship" to the position or present an "unreasonable risk" as envisioned by the IHRA.

Changes to the IL Business Corporation Act & IL Equal Pay Act

- SB1480 also amends the Business Corporation Act and Equal Pay Act.
  - Corporations required to file an Employer Information Report EEO-1 with the EEOC must ANNUALLY submit to the State of IL information that is substantially similar to the employment data they report under Section D of the EEO-1 report --- in a format to be approved by the IL Secretary of State. January 1, 2023 and on…
  - Also, employers with 100+ employees must certify equal pay compliance and register such certification with the State. Employers who fail to comply or provide false information will be subject to serious liability and fines. By March 23, 2024.
  - IDOL will investigate and enforce.

Certified Transcript of Payroll – IL PREVAILING WAGE UPDATE

- **Certified Transcript of Payroll Portal**
  - Pursuant to PA 100-1177 and 820 ILCS 130/5.1, the Illinois Department of Labor is charged with developing and maintaining an online portal for prevailing wage construction contractors to file their certified payrolls with the department.
  - You may access the portal here: Certified Transcript of Payroll Portal
  - Please check IDOL's website for any updates.
  - May 6, 2020 Update – When you submit your certified payroll, you will now receive a .pdf copy of your submission with the email certification from IDOL.
  - August 18, 2020 Update – The option to import your payrolls is now available. Proceed to the portal to review the template.
  - **September 1, 2020 – All work performed on new and existing projects must be submitted to IDOL through the certified transcript of payroll portal.**

What To Do Today for What's Coming Tomorrow…

1. Review Union-Free preference statements & assess vulnerabilities to Union organizing. Know the ABC's!
2. Conduct Employment Practices Audits (i.e. wage & hour/pay practices – including Rounding Rules, Automatic Deductions for Breaks, Start and End Times, Expense Reimbursements).
3. Revise Handbooks/Policies (i.e., NLRA Disclaimers from Obama era, Social Media Policies, Personal Use of Equipment, Solicitation/Distribution Rules).
4. Audit/review and address pay disparity amongst job titles/classifications.
5. Review joint employer relationships/issues. Review and update 3rd party contracts.
6. Review independent contractor relationships (use bona fide Corp's and LLC's, and review/update IC contracts).
7. Review/update COVID-19 Plan.

QUESTIONS?
Thank You!

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