



Infographic

Obama-Era Labor Regulations

BEN GITIS | SEPTEMBER 27, 2017

The American Action Forum released an infographic reviewing the status of the Obama Administration's labor regulations. As summarized by AAF's Ben Gitis, not all of the Obama-era union agenda has survived.

In fact, unionization rates have been falling steadily for decades and the majority of union members are now in the public sector. Whether or not Congress is able to unwind the Obama union agenda, this trend is likely to continue.

[Read the entire analysis here.](#)

Obama-Era Labor Regulations

Where Are They Now?

The Obama Administration issued a series of labor market regulations intended to increase worker pay and enhance collective bargaining. Since their introduction, these regulations have faced scrutiny in the courts and in Congress.



Overtime Pay

This rule expands the number of workers entitled to time-and-a-half pay when working beyond 40 hours per week.

The Congressional Budget Office estimates that businesses would, on average, spend over **\$1 billion** annually to simply familiarize themselves with the rule, modify their payroll systems, and manage their workers' hours.

Legal Status



The Department of Labor (DOL) is in the preliminary stages of writing a **new overtime rule** and recently sought public comment.



Joint Employer Standard

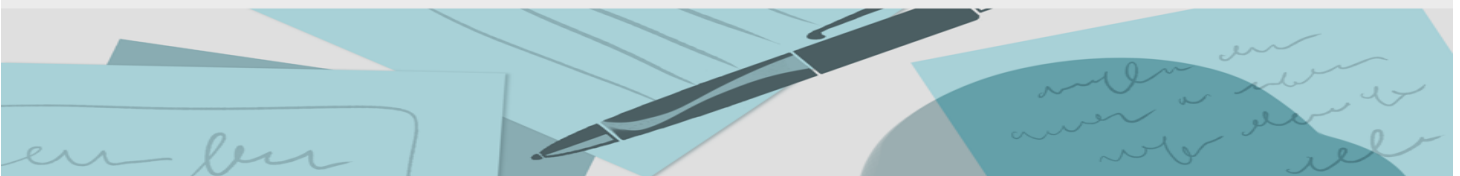
This rule makes it more likely for a firm to be held responsible for the labor practices in a separate independent business.

Franchise corporations may opt to open company-owned stores instead of selling franchise licenses to independent franchisees. This could result in a loss of up to **1.7 million jobs** over 10 years and has already led to a pay decline of **1.2 percent** in hotels.

Legal Status



The courts are reviewing the rule's **legality** while the Trump Administration and Capitol Hill are considering its **reversal**.



Persuader Rule

This rule requires that businesses disclose any outside legal advice they receive when facing a union organizing campaign. The person providing the advice would have to disclose all labor relations advice or services.

Instead of disclosing their relationships, labor lawyers could simply decide to **not provide persuader advice** to any company that is facing a union organizing campaign.

Smaller businesses that do not have in-house lawyers would likely be subject to **more collective bargaining agreements**.

Legal Status



Deemed unlawful and charged with a permanent injunction to block its implementation. The DOL has already taken steps to **remove the rule**.



Representation-Case Procedures Rule

This rule made drastic changes to the union election process giving unions more tools to win elections. In particular, the rule substantially sped up the election process.

An election can occur in as little as **10 days** after the employer receives a copy of the petition. As a result, employers now have less time to make their case and it is easier for unions to win elections.

Legal Status



Faces challenges on Capitol Hill, where members of the House of Representatives have proposed multiple laws to **dismantle it**.

