

# IMPORTANT UPDATE ON LABOR RULES AND REGULATIONS

On September 28 ABC is hosting a Labor Rules and Regulation Update seminar, which will include USDOL's controversial expansion of the definition of joint employer. The enforcement and impact is currently in flux but it is anticipated that it may be a game changer relative to selection and relationships with subcontractors. It will close the case on some already on going issues (i.e. the use of independent contractors) and create the need for clearly defined relationships/responsibilities on subcontractor forms, contracts and in practice. The Department of Labor's Wage & Hour Division (WHD) has issued an Administrator's Interpretation (AI)<sup>1</sup> establishing new standards for determining joint employment. The WHD will likely use the AI as justification for charging a greater number of employers with violations of these statutes on the grounds they are joint employers with the offending entity. Whether an employer is deemed a joint employer has significant repercussions for liability purposes, particularly with respect to wage and hour law. As noted in the AI:

When two or more employers jointly employ an employee, the employee's hours worked for all of the joint employers during the workweek are aggregated and considered as one employment, including for purposes of calculating whether overtime pay is due.

Where joint employment exists, one employer may also be larger and more established, with a greater ability to implement policy or systemic changes to ensure compliance. Thus, WHD may consider joint employment to achieve statutory coverage, financial recovery, and future compliance, and to hold all responsible parties accountable for their legal obligations.

The September 28 Seminar will cover:

- Best Practices" to retain your employees, whether competing with union or merit shop competitors.
- An update and how to deal with current union activity/campaigns.
- Joint Employer Liability decision, impact and how to prepare.
- The Miller vs Anderson decision, (combined unit organizing), what to look for, how to prepare.

Additional topics for discussion:

- The pending Persuader Rule, what it will mean and current status
- Ambush Elections – be prepared before you receive the Petition for an Election

For more information or to register [click here](#).