

How Will a Trump Presidency Affect Your Workplace?

In the last week, we have received numerous questions about what President-Elect Trump's win means for employers. While it is difficult to say at this early stage, two things are pretty clear and require employers to take action.

Overtime Rules:

Changes to overtime regulations under the Fair Labor Standards Act (FLSA) are due to go into effect on December 1, 2016. For more information about the changes, check our prior article [here](#) or view our webinar [here](#). As you know, last summer the Department of Labor (DOL) changed the regulations that define who is exempt from the FLSA's requirement that employees who work more than 40 hours in any work week be paid 1 ½ times their regular rate of pay for all hours worked over 40. The changes more than double the salary minimum that employees must be paid to possibly be exempt so that employees making less than \$47,476 will suddenly become eligible for overtime pay, regardless of their duties. These employees will go from being exempt to non-exempt, which means they will need to be paid on an hourly basis and will need to track their work hours. The changes also included automatic increases every three years.

While some expect that President-Elect Trump's DOL may walk back the automatic increases, the election will not stop the changes going into effect December 1. Absent Court intervention (which is very unlikely) or Congressional action before December 1 (even more unlikely), those changes will go into effect and employers must still prepare for them.

Could a Trump administration "walk back" the changes after he takes office in January? Possibly, but again it's not likely and certainly not anytime soon. The federal government moves very slowly. It took years for President Obama's administration to implement the changes and it would take the new administration months, if not years, to change regulations again.

Increased Number of Discrimination and Harassment Claims

Since the election, there have been news reports of increased tension and of harassment of minorities in schools and workplaces. Therefore, we think that employers should be on the lookout for incidents of harassment of minorities. Groups such as the Urban League, American Civil Liberties Union (ACLU), National Association for the Advancement of Colored People (NAACP) and many other organizations have made it clear that they are closely monitoring the situation. No doubt the Equal Employment Opportunity Commission (EEOC) and state and local commissions are also closely watching and will be ready to take cases on behalf of employees who claim to have been harassed or discriminated against. While the EEOC will have new leadership under a Trump administration, its mission is the same and any changes in how the agency approaches cases will be slow to come. In the short term, employers are cautioned to be on the lookout for potential problems. If you receive complaints of harassment or discrimination, take them seriously and act quickly.

It is also likely we will see a much different National Labor Relations Board (NLRB) and the rollback of many of President Obama's Executive Orders, but we will have to see. We will keep you posted. As always, if we can provide any information or assistance, we are here to help.