

*Webinar on*

**Federal Regulatory Update:  
What is going on with the  
Alphabet agencies? (EEOC,  
NLRB, OFCCP, etc.)**

# Learning Objectives

- The Federal Regulatory Process*
- Regulatory and Administrative Law*
- The Supreme Court and the Federal Court System*
- The Equal Employment Opportunity Commission*
- The National Labor Relations Board*
- The Office of Federal Contract Compliance Programs*



A lot has happened, at the federal level, in the past few years.

**PRESENTED BY:**

*Dr. Chartier is the Principal of HRinfo4u, a human resource consulting firm, and a well-known educator and speaker. As a consultant, he works with organizations to improve the effectiveness and efficiency of their human resource functions.*

On-Demand Webinar

Duration : 60 Minutes

Price: \$200

# Webinar Description

Like many people, I did not believe that Donald Trump would win the presidency and I assumed that we would continue to see, at the very least, a continuation of President Obama's progressive and aggressive agenda. What we ended up with, however, is a new administration that is fundamentally different from the previous one. While there continues to be much rhetoric, it is clear that the Trump Administration will impact the business climate and, in particular, the progressive agenda of President Obama. As a result, there are a number of areas that are clearly impacted:

- The Supreme Court
- The NLRB
- The EEOC



## The Supreme Court

The media casts Supreme Court justices as conservative or liberal or moderate, but the truth is that they vote the way they want to vote and there is little or no consistency about it. Each of the past five presidents had the opportunity to appoint two Supreme Court Justices. As with most things that impact our government, Democratic presidents are inclined to appoint more liberal judges while Republican presidents are inclined to appoint more conservative judges.

The President, having already filed two vacancies, may have the opportunity to fill one additional vacancy. If that happens, the Supreme Court will undoubtedly shift to be more conservative.



## The National Labor Relations Board (NLRB)

The Board consists of five members, each appointed for five-year staggered terms with one member's term expiring each year. There are, currently, two vacancies; The NLRB is, probably, the most politicized of all the Independent Agencies and the Board typically vacillate on issues, generally along political lines. Republican Boards will more often defer to employees than to unions and Democratic Boards will more often defer to unions than employees.

The previous administration was clearly pro-union and there are a number of issues that will be addressed by the new Board. These include:

- Social Media use related to concerted activity'
- Handbook policies that are "overly broad;"
- Revised "Excelsior" lists and "ambush" elections;
- Section 7, concerted activity issues.



## The EEOC

As with many Independent Agencies, the EEOC also has five members of the Board. The President has appointed a new chair from the current members and he appointed two additional members to make it a conservative majority, as with the NLRB. While it appears that there will be a conservative majority on the Board, it is unlikely that there will be many changes for the foreseeable future.



A lot has happened, at the federal level, in the past few years. Regulations from several executive departments have been rewritten or reinterpreted and are more complex than ever. The same executive departments have become much more aggressive in dealing with employers than ever before. In fact, agencies like the Department of Labor used to be reasonable and willing to work with employers. Now, they have become unreasonable and seem to be looking to punish employers.

At the same time, judges in various federal districts are pushing the limits of the law and there have been new precedents in many jurisdictions. Although this webinar will only focus on federal laws and regulations, at a number of states and municipalities have decided that they can't wait for Congress to pass legislation and have passed laws that impact areas as diverse as criminal history background checks and paid sick leave. As a consequence, this webinar will include many of these new issues in this including:

New guidance on reference checking

- Ban the Box
- Contingent Workers
- Continuous reviews

The new threshold for minimum wage

A new I-9 Form

Rehabilitation Act and ADA requirements for website accessibility

Addressing Drug Use at work

The ADA and Employer Leave Policies





# Who Should Attend ?

*Human Resource Specialists*

*Human Resource Managers*

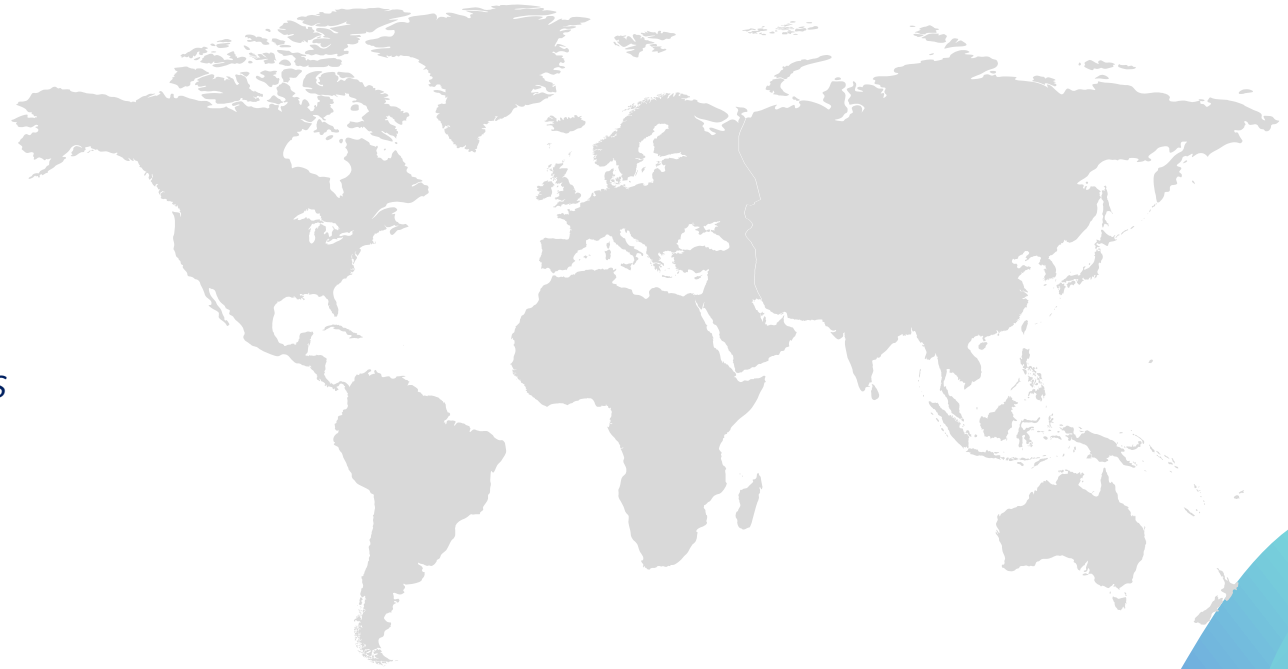
*Directors of Human Resource*

*Business Owners*

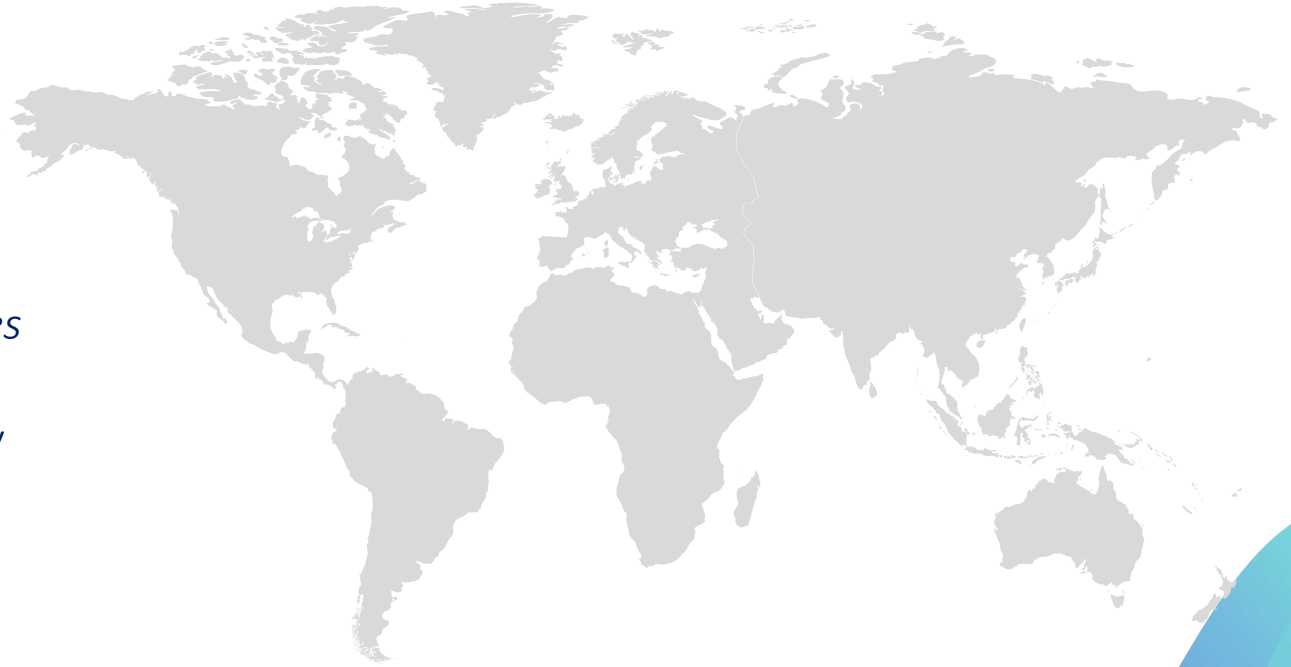


# Why Should Attend ?

*Beyond the media hype and angst that surrounds the Trump Administration, there are fundamental changes occurring at all levels of the federal government. These changes can and will have a lasting impact on the next president's administration (whoever that is). While the obvious areas, like the Supreme Court, are discussed regularly, the more serious impacts, especially for Human Resource practitioners, will be on the federal regulatory agencies and the regulatory process itself. Since regulations have the same impact as legislation, HR needs to be aware of what is happening at the federal level.*



*In addition, for the past few decades, Congress has been unwilling or unable to address any HR related issues with the legislation, leaving these matters to either the regulatory agency or, in many cases, the individual states or even municipalities. These issues create additional philosophical differences across the country, impacting all employers, but especially those with multi-state operations. Finally, the last year of the current Trump administration looks to be an active one, especially in the Department of Labor. What is coming and what will get approved will set the stage for either a second Trump Administration or a new Democrat President*



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