

## The Midterm Election Results Are In . . . Now What?

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At long last, the national midterm election results are in. Here are a couple of takeaways as we plan for what lies ahead.

- 1) A divided Congress makes it highly unlikely that any significant legislation – either pro-company or pro-employee – will come to pass any time soon. Certain hot-button issues such as an increased federal minimum wage, limits on mandatory arbitration, class action waivers, right-to-work laws, and expedited union elections may make their way through the House. These measures, however, are almost certain to stall in the Senate. There have been preliminary indications of bipartisan support on paid sick leave legislation. We remain skeptical that would become a reality until many more details fall into place.
- 2) There will be a lot of activity as the Senate works confirm appointments and fill key open positions such as OSHA's Assistant Secretary, the DOL's Wage and Hour Administrator, as well as open seats at the EEOC and NLRB. At the same time, we expect the House to exercise additional oversight monitoring these agencies in order to slow down the President's agenda.

So, it's hurry up and wait at the federal level. Prudent employers should use this time to their advantage. Audit your Employee Handbook and train your supervisors to ensure that personnel policies are compliant and that each department is consistently enforcing them. Regularly communicate with your workforce to ensure that everyone is engaged and motivated. If there are lingering employee morale issues that remain unaddressed, take steps to find the root causes and fix them.

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