

Urgent Update Re DOL's Persuader Rule

Amundsen Davis Labor & Employment Alert
June 24, 2016

On July 1 (one week from today), the U.S. Department of Labor's Persuader Rule goes into effect. The rule requires employers and labor consultants (including attorneys) to publicly report all actions, conduct, or communications that have a direct or indirect objective to persuade employees regarding their rights to collective bargaining, to obtain certain information concerning employee activities, or to persuade employees as to their rights to join or not join a union – which can include mere advice and counsel from attorneys (e.g., supervisor training, handbook drafting, work rules, etc.). The USDOL has recently indicated that indirect persuader and consulting service agreements entered into before July 1, 2016 will be exempt from the new rule – even if the services are rendered at a later time. Accordingly, we strongly encourage employers who currently receive indirect persuasion or labor advice (or who may need it in the future), to contact their outside attorneys before June 30th.

Although we cannot predict future enforcement initiatives by the DOL, at this time, we believe that this type of pre-July 1, 2016 Agreement can only help.

If you have any questions or concerns regarding this rule, please do not hesitate to contact your primary Amundsen Davis attorney.

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