

# Employment and Labor Highlights from the 2023 State of the Union Address

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## Article

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President Biden recognized a 30-year member of the Ironworkers union during his state of the union address this week, tying his infrastructure and manufacturing goals to his pro-union efforts. The address also included a reference to 500,000 vehicle charging stations to be installed by International Brotherhood of Electrical Workers (IBEW) workers. Those efforts may soon need a new leader as Labor Secretary Marty Walsh is expected to announce his departure from the Biden Administration to head the National Hockey League's Players' Association. Secretary Walsh played a significant role in avoiding a strike in negotiations between railroad companies and unions late last year.

In addition to continuing to advocate for the PRO Act, President Biden emphasized his opposition to non-compete agreements and his support for increased wages, sick pay, and family medical leave. These themes are consistent with the administration's efforts in its first two years. Last month, the Federal Trade Commission proposed a new rule that would ban employment-based non-competes and requiring rescission of existing non-competes currently in place for employees. Last week, on the 30<sup>th</sup> anniversary of the Family and Medical Leave Act, the administration issued a memorandum encouraging the heads of federal agencies to provide access to both paid and unpaid family and medical leave for their employees. And recently, the Department of Labor proposed new regulations defining independent contractor status and also worked on a new proposed overtime rule that has not yet been released for public comment. The federal minimum wage has been \$7.25 since 2009, although many states and local governments have imposed higher minimum wages for employees in their jurisdictions.

The State of the Union address also touted an historically low unemployment rate and forecast the addition of tens of thousands of new jobs to the American economy. The President did not comment on

the challenges reported by many employers in filling open positions, although it seems likely that immigration reform may be part of that solution.

Nexsen Pruet will continue to monitor the legislative and regulatory changes that affect our clients and is prepared to help navigate balancing business interests and compliance obligations.