

## **HALL BOOTH SMITH “THE LEGAL INTERSECTION” 2017 EARLY UPDATE:**

***More Labor Pains; Want a Job with Trump?; New ISP Regulations; Georgia General Assembly to Start with a Twist; Think Before You Wire***

### **Plenty of New Regulations...Future Unknown**

On January 1, 2017, a new Department of Labor (DOL) rule went into effect requiring many federal contractors to provide their employees with up to 56 hours of paid sick leave per year. Employers who contract with the federal government should take steps to ensure that their current leave plans meet the new rule’s requirements or be prepared to issue new plans compliant with the rule.

The rule allows for contractors to use existing sick time, vacation time, or other paid-time off policies to satisfy the Rule’s requirements. However, there are some requirements which will be at odds with many current employer policies. One such requirement is that employees must be able to carry over any unused paid sick time into the following year, subject to a few exceptions. Another such requirement is that contractor may only require certification of an employee’s illness or injury if the employee’s sick leave lasts three or more consecutive full workdays. Further, contractors must allow employees 30 days from the first full workday missed to obtain certification of the illness or injury. Finally, the rule mandates that employees be allowed to use paid sick leave in increments of one hour, rather than half or whole workdays.

Whether these and other new regulations stand will be in the hands of the new Trump administration. That includes the controversial rule, currently in limbo as a result of a federal court ruling, that blocked implementation of new overtime regulations that were to go into effect late last year.

President-elect Donald Trump’s selection of Andrew Puzder as the next Secretary of Labor may signal a turning point for labor and employment. Puzder has been highly critical of the Obama administrations various labor-related regulations. One of his first targets might be the overtime issue.

The new overtime rules, issued in May, set a new salary threshold — \$47,476 per year — under which white-collar workers (regardless of their executive, administrative, or professional duties) must be classified as “non-exempt” from the overtime laws, making them eligible for overtime pay.

But as National Law Review notes: “The Chief Executive Officer of CKE Restaurants, Mr. Puzder has been critical of many of the Obama administration’s labor initiatives. Under complex procedural rules, repeal of the overtime rule could possibly be accomplished through use of the

Congressional Review Act (CRA). CRA is a 1996 law that allows Congress to repeal new ‘major rules’ through an expedited resolution of disapproval as long as those regulations were issued within sixty *legislative* days in the House or *session* days in the Senate of the start of the new administration.”

Don Benson heads up the HBS Employment Practice. Visit Don’s bio and links to his latest blogs on employment/labor related issues:

<http://www.hallboothsmith.com/component/attorney/attorney?biotype=Employment&cityid=1&attid=277&itemid=247>

### **Want to Serve on the “Trump Train”?**

A significant number of “non-career” positions in the new Trump administration will be filled over time this year. That includes appointed federal positions in Georgia and the Southeast. HBS Governmental Affairs Chairman Matt Towery is a liaison to Trump Chair Rayna Casey, who is assessing and forwarding resumes to the new Trump administration. To learn about the process, or to begin the process, forward an applicant’s name, resume, and contact information to [mtowery@hallboothsmith.com](mailto:mtowery@hallboothsmith.com).

### **New Privacy Rules for ISPs**

The Federal Communications Commission (FCC) has adopted privacy rules that will require Internet service providers, including Verizon, Comcast and AT&T, to obtain consent from consumers before they can share web-browsing data and other private information with advertisers and third parties.

The new requirement includes information concerning websites visited, mobile location information, apps used and other sensitive details collected from computers and smartphones. The rules separate the use and sharing of information into three categories and include clear guidance for both ISPs and customers about transparency.

Here are the new rules:

Under the regulations ISPs are required to obtain affirmative “opt-in” consent from consumers to use and share sensitive information. Those categories range from Social Security numbers to browsing histories. But, ISPs would be allowed to use and share non-sensitive information unless a customer “opts-out.” For example, email address or service tier information would be considered non-sensitive as well as the use and sharing of that information.

The FCC’s new rules will apply to fixed and mobile broadband providers and will not affect the privacy practices of websites such as Facebook and Twitter.

The FCC won't ban "pay-for-privacy." That's where ISPs charge customers extra when they don't share information. But there will be a requirement of full disclosure that such "paid privacy protection" may no longer be needed.

Learn more about the HBS Data Privacy and Security Practice:

<http://www.hallboothsmith.com/practice-areas/data-privacy-and-security>

### **New Georgia Legislative Session Gavels In, With a Potential Twist**

The Georgia General Assembly will begin its new session the second week of this month. But even before the session starts, anyone with an interest in proposed legislation should take note of a crucial procedural change that could impact new proposed legislation.

From the Atlanta Journal-Constitution: "A bipartisan panel of Senate leaders signaled Thursday that they would move crossover day – the final day for a bill to move from one chamber to the other – up from the 30<sup>th</sup> day of the legislative session to as early as the 25<sup>th</sup> day.

And the Senate seems poised to weaken a rule that requires conference committee reports – House-Senate legislative compromises – to be printed and delivered to senators at least two hours before they vote on them." HBS is now hearing a compromise is in the works that would move crossover day to the 27<sup>th</sup> official day of the legislative session.

Regardless, any move to inch up crossover day means that a new piece of legislation must move swiftly through the House or Senate in order to be considered by the other chamber for a real chance to become law this year.

Brad Carver heads up our Georgia lobbying efforts under the Gold Dome. To learn more about Brad's practice visit:

<http://www.hallboothsmith.com/component/attorney/attorney?attid=302&Itemid=247>

### **The "Devil is in the Detail"**

One proposed bill to be considered by the Georgia General Assembly seemingly has little impact on most Georgians. State Rep. Jeff Jones, R-Brunswick, has announced introduction of legislation designed to tax wire transfers to locations outside of the state.

His two main points: The legislation is not aimed at the Hispanic immigrant community. And though he slipped in his own remarks, he prefers the term "fee" over "tax."

The bill would create a \$10 fee on cash-o-grams of \$499 and under, and a 2 percent tax on those \$500 and over. Those who pay the tax could seek reimbursement each year when they file their state income tax.

Businesses and corporations would be exempted. However, the “devil” truly is in detail. Many high-net worth individuals use wire transfers to quickly move funds into and out of investments. Whether those transfers will qualify as exempt under the “business” exception to the proposed legislation remains to be seen. Transactions between individuals, if one of the parties is located out of state, are subject to the fee. We will update readers on changes or modifications to the legislation.

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