

# Mike's Plan to Protect American Workers

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Workers are the backbone of our economy. Yet too many are struggling to make ends meet. Workers' [purchasing power has barely changed](#) in the past 40 years,<sup>1</sup> and only [19%](#) of employees are entitled to paid family leave.<sup>2</sup> Many American workers [can't afford unpaid time off](#),<sup>3</sup> and more than [30 million](#) don't receive paid sick days, [including](#) about 70% of employees in the lowest-wage jobs.<sup>4</sup> [Income inequality](#) has [grown](#) over several decades,<sup>5</sup> and [it is more challenging to get out of poverty](#).<sup>6</sup> Gender discrimination remains a serious problem in the workplace, with women making [roughly 85%](#) what men do.<sup>7</sup>

At the same time, one of our most powerful protections for workers — the union — is under attack. [Union membership](#) has [declined precipitously](#),<sup>8</sup> and [27 states have enacted "right-to-work" laws](#), which undermine organizing efforts.<sup>9</sup> [Collective bargaining](#) has been an important mechanism for millions of American workers to win hard-fought rights, wages and benefits.<sup>10</sup> Workers in the "gig economy" are being exploited, and President Trump has [consistently belittled](#) and [undermined federal employees](#) who serve our country every day.<sup>11</sup>

**Mike Bloomberg will protect the American workforce of the 21st century, guaranteeing all Americans a living wage, a voice in the workplace and the mobility and opportunity needed to build a fulfilling career.** He will ensure that every American earns at least \$15 per hour and has access to paid family and sick leave. Mike will remove barriers to union membership and significantly increase the number of union workers. He will expand benefits and protections to cover all Americans, including domestic and farm workers and those in the gig economy. And he will shield retirement benefits and pensions to honor the contributions of hard-working Americans.

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## 1. Raise the foundation for working conditions nationwide.

Many Americans are struggling to get by, working for inadequate wages and benefits. Too many people are living in debt and unable to save — with [78% of workers reporting](#) that they are living paycheck to

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<sup>1</sup> Pew Research Center, [For most U.S. workers, real wages have barely budged in decades](#), August 2018

<sup>2</sup> U.S. Department of Labor and U.S. Bureau of Labor Statistics, [National Compensation Survey: Employee Benefits in the United States, March 2019](#), September 2019

<sup>3</sup> U.S. Department of Labor, [Family and Medical Leave in 2012: Technical Report](#), April 2014

<sup>4</sup> Center for American Progress, [The Uneven Expansion of Access to Paid Sick Days](#), August 2018; Bureau of Labor Statistics, [Employee Benefits in the United States — March 2019](#), September 2019

<sup>5</sup> The Guardian, [Inequality: is it rising, and can we reverse it?](#), September 2019; World Bank FRED Economic Data, [GINI Index for the United States](#), 2018

<sup>6</sup> Washington Center for Equitable Growth, [The decline in lifetime earnings mobility in the U.S.: Evidence from survey-linked administrative data](#), September 2016

<sup>7</sup> Pew Research Center, [The narrowing, but persistent, gender gap in pay](#), March 2019

<sup>8</sup> U.S. Bureau of Labor Statistics, [Union Members — 2019](#), January 2020; Pew Research Center, [Most Americans view unions favorably, though few workers belong to one](#), August 2018

<sup>9</sup> National Conference of State Legislatures, [Right-To-Work Resources](#), accessed February 2020

<sup>10</sup> Cornell University ILR School, [An Overview of Collective Bargaining in the United States](#), 2014

<sup>11</sup> Government Executive, [Trump Bashes Career Federal Employees as Impeachment Hearings Heat Up](#), November 2019; Politico, [Trump's Been President for 3 Years. Government Morale Has Dropped for Two of Them](#), December 2019

paycheck.<sup>12</sup> Only [19% of civilian workers are entitled to paid family leave](#)<sup>13</sup> and more than [30 million](#) American workers do not receive paid sick days, including about [70% of employees in the lowest-wage jobs](#).<sup>14</sup> As president, Mike will take action to extend these basic protections nationwide.

- **Raise the minimum wage to \$15 per hour and index it to inflation.** As president, Mike will sign the [Raise the Wage Act](#),<sup>15</sup> legislation that will increase [take-home pay for millions of workers](#), and ensure that all employees are adequately compensated for time on the job.<sup>16</sup>
- **Require employers to give 12 weeks of paid family leave.** Mike will work with Congress to pass legislation providing paid family leave, allowing the U.S. to join its peer nations in [offering paid parental leave](#).<sup>17</sup> And he will extend job protection during leave to workplaces with fewer than 50 employees, which are currently [excluded from federal law](#).<sup>18</sup>
- **Ensure all employees have access to seven days of paid sick leave.** Americans without [paid sick days](#)<sup>19</sup> are far more likely [to take a sick child or family member to the emergency room](#).<sup>20</sup> Mike will sign the [Healthy Families Act](#),<sup>21</sup> require all companies to give seven days of sick leave and insist that larger companies pay their employees during leave. Mike will also press Congress to guarantee pay for workers at smaller firms and those who work part-time by establishing a fund with mandatory employer contributions.
- **Require that all workers who deserve overtime pay receive it.** President Obama's Department of Labor (DOL) modernized overtime protections, raising the wage threshold under which workers must receive overtime pay — making it fit with historical precedent and the reality of today's wages. Trump abandoned that effort and instead put in place a [weaker rule](#),<sup>22</sup> leaving behind [millions of workers](#)<sup>23</sup> who should have been covered. Mike will restore the Obama rule and extend it further for up-to-date wage levels.
- **Expand funding to help families pay for child care.** Mike will make sure that families have access to quality affordable child care.
- **Enhance the Earned Income Tax Credit and study expanding it to cover family caregiving and other forms of unpaid or ineligible employment.** [Mike will address affordability](#) and create economic opportunity for all Americans.<sup>24</sup>

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<sup>12</sup> CareerBuilder, [Living Paycheck to Paycheck is a Way of Life for Majority of U.S. Workers](#), August 2017

<sup>13</sup> U.S. Department of Labor and U.S. Bureau of Labor Statistics, [National Compensation Survey: Employee Benefits in the United States, March 2019](#), September 2019

<sup>14</sup> Center for American Progress, [The Uneven Expansion of Access to Paid Sick Days](#), August 2018; Bureau of Labor Statistics, [Employee Benefits in the United States — March 2019](#), September 2019

<sup>15</sup> Congress.gov, [H.R.582 - Raise the Wage Act](#), accessed February 2020

<sup>16</sup> Congressional Budget Office, [The Effects on Employment and Family Income of Increasing the Federal Minimum Wage](#), July 2019

<sup>17</sup> Pew Research Center, [Among 41 countries, only U.S. lacks paid parental leave](#), December 2019

<sup>18</sup> U.S. Department of Labor, [Fact Sheet #28: The Family and Medical Leave Act](#), 2012

<sup>19</sup> Center for American Progress, [Fact Sheet: Paid Sick Days](#), August 2012

<sup>20</sup> National Opinion Research Center at the University of Chicago, [Paid Sick Days: Attitudes and Experiences](#), June 2010

<sup>21</sup> Congress.gov, [S.840 - Healthy Families Act](#), accessed February 2020

<sup>22</sup> New York Times, [Overtime Pay Eligibility Is Widened in New Federal Rule](#), September 2019

<sup>23</sup> Vox, [Obama expanded overtime pay to 4 million workers. Now Trump is scaling that back.](#), March 2019

<sup>24</sup> Mike Bloomberg 2020, [Housing and Earned Income Tax Credit Proposals](#), accessed February 2020

- **Ensure employees have consistent and flexible work schedules.** A lack of flexible scheduling makes it difficult for workers to manage their lives. And yet [about half of low-wage hourly workers](#) have little or no say over their schedules,<sup>25</sup> and [working hours in retail and food service](#) fluctuate wildly.<sup>26</sup> As president, Mike will give workers more security and greater control over their lives by signing the [Schedules That Work Act](#)<sup>27</sup> — which requires employers to provide schedules in advance, compensate employees for disruptive scheduling and accommodate shift change requests due to health, child care and job training.
- **Block unfair restrictions on workers' mobility and the right to sue.** Companies often use contractual restrictions to limit workers' ability to seek [higher pay](#)<sup>28</sup> and stand up for their rights in court. Mike will empower workers to switch jobs and prevent employers from impeding competition in the labor market by:
  - **Eliminating no-poaching agreements.** These contract provisions bar workers from taking new jobs at other franchises within the same company, unfairly blocking them from [growing their paychecks](#).<sup>29</sup>
  - **Eliminating non-compete clauses** for low-wage and middle-wage earners. These provisions prevent workers from taking new jobs in the same sector, impeding their growth and ability to get a pay raise.
  - **Banning employers from using mandatory arbitration clauses** and from blocking employee class-action lawsuits. Some [60 million](#) workers are bound by mandatory arbitration, blocking them from suing employers who violate their rights.<sup>30</sup>
- **Prevent gender discrimination.** Gender discrimination remains a stain on the American workplace, where women are paid roughly [85% as much as men](#).<sup>31</sup> Many employers [refuse to accommodate pregnant employees](#) and new parents,<sup>32</sup> and sexual-harassment protections don't currently extend to [domestic workers](#)<sup>33</sup> or [small businesses](#).<sup>34</sup> Mike will create new protections for American women.
  - Sign the [Paycheck Fairness Act](#),<sup>35</sup> which: **bans employers from using a prospective employee's previous salary to set wages**, a practice that can exacerbate the gender pay gap; **requires companies to prove that any pay gaps exist for legitimate reasons** and **prohibits retaliation against workers who disclose or discuss wages** in the workplace.
  - Advocate for a new Securities and Exchange Commission rule **requiring public companies to publish information on gender pay disparities** and to provide explanations for pay disparities between men and women.

<sup>25</sup> Labor & Employment Law Forum, [Flexible Workplace Solutions for Low-Wage Hourly Workers: A Framework for a National Conversation](#), January 2013

<sup>26</sup> University of Chicago, [Precarious Work Schedules among Early-Career Employees in the US: A National Snapshot](#), August 2014

<sup>27</sup> Congress.gov, [S.1386 - Schedules That Work Act](#), accessed February 2020

<sup>28</sup> SSRN, [Low-Wage Workers and the Enforceability of Non-Compete Agreements](#), December 2019

<sup>29</sup> Institute of Labor Economics, [Theory and Evidence on Employer Collusion in the Franchise Sector](#), July 2018

<sup>30</sup> Economic Policy Institute, [The growing use of mandatory arbitration](#), April 2018

<sup>31</sup> Pew Research Center, [The narrowing, but persistent, gender gap in pay](#), March 2019

<sup>32</sup> A Better Balance, [Long Overdue – It Is Time for the Federal Pregnant Workers Fairness Act](#), May 2019

<sup>33</sup> Vox, [Housekeepers and nannies have no protection from sexual harassment under federal law](#), April 2018

<sup>34</sup> Equal Employment Opportunity Commission, [Small Business Requirements](#), accessed February 2020

<sup>35</sup> Congress.gov, [H.R.7 - Paycheck Fairness Act](#), accessed February 2020

- Sign the [Pregnant Workers Fairness Act](#),<sup>36</sup> **clarifying that employers must make accommodations for pregnant workers** and may not retaliate against them.
  - **Protect workplace safety.** [More than 5,200](#) workers were killed on the job in 2018.<sup>37</sup> And yet enforcement at the Occupational Safety and Health Administration (OSHA) [has dropped](#) under Trump, even though workplace visits *after* a death or catastrophe were the highest they had been in a decade in fiscal year 2018.<sup>38</sup> Mike will make the workplace safer for Americans and ensure OSHA has the resources it needs, including increasing funding for OSHA inspectors. And he will reinstate Obama-era protections, including a [reporting rule](#) that creates transparency for workplace injuries.<sup>39</sup>
  - **Expand the National Labor Relations Board (NLRB)’s power to enforce labor laws and enable workers to protect their rights in court.** Mike supports the [Protect the Right to Organize \(PRO\) Act](#)<sup>40</sup> and its provisions that ensure workers are protected against labor violations. He will:
    - **Allow the NLRB to fine employers if they fire workers for unionizing.** The NLRB can’t [penalize companies if they fire an employee for unionizing](#), but rather can only award back pay.<sup>41</sup> Mike will make sure that the NLRB can fine employers when they mistreat workers — and award punitive damages.
    - **Require the NLRB to seek reinstatement for certain employees while their cases are pending.** Workers should not have to wait for a paycheck until these cases are resolved.
    - **Enable employees to sue employers who violate labor law.** Employees should be able to sue employers directly for unfair labor practices and shouldn’t be required to rely exclusively on the NLRB to take up their cases.
    - **Allow the NLRB to hold executives accountable for union interference if they participate in or know of violations.** This will make corporate leadership directly responsible for unlawful behavior.
2. **Protect and expand Americans’ power to bargain in the workplace.** Workers’ organizations and collective bargaining have been essential mechanisms for millions of workers to win hard-fought rights, wages and benefits.<sup>42</sup> As president, Mike will promote democracy in the workplace, ensuring employees can form unions and bargain freely and empowering vulnerable populations to advocate in their workplaces.
- A) Defend the process for forming and joining unions.** America’s unions are under attack. [Twenty-seven states](#)<sup>43</sup> have “right to work” laws, which hurt unions’ ability to collect dues and ultimately damage their bargaining power. In many workplaces, employees are not protected when employers fight

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<sup>36</sup> Congress.gov, [H.R.2694 - Pregnant Workers Fairness Act](#), accessed February 2020

<sup>37</sup> U.S. Bureau of Labor Statistics, [Census of Fatal Occupational Injuries Summary, 2018](#), December 2019

<sup>38</sup> National Employment Law Project, [Workplace Safety Enforcement Continues to Decline in Trump Administration](#), March 2019

<sup>39</sup> The National Law Review, [OSHA Removes Key Provisions of Obama-Era Electronic Reporting Rule](#), February 2019

<sup>40</sup> Congress.gov, [H.R.2474 - Protecting the Right to Organize Act of 2019](#), accessed February 2020

<sup>41</sup> Economic Policy Institute, [Unlawful](#), December 2019

<sup>42</sup> Cornell University ILR School, [An Overview of Collective Bargaining in the United States](#), 2014

<sup>43</sup> National Conference of State Legislatures, [Right-To-Work Resources](#), accessed February 2020

unionization. Mike will ensure that anti-labor legislators don't cripple unions and that workers have a strong voice, free from harassment.

- **Strengthen union protections:**

- **Ban “right to work” laws for private-sector unions.** These state laws deplete union coffers and hurt their ability to represent workers--and indeed wages are [lower in these states](#).<sup>44</sup>
- **Guarantee public-sector employees the right to unionize and bargain collectively.** [Twenty states](#)<sup>45</sup> bar their public workers from bargaining collectively for wages and benefits. Mike supports the [Public Sector Freedom to Negotiate Act](#),<sup>46</sup> which would guarantee public workers in all states the right to unionize.
- **Ensure public-sector unions have maximum flexibility to collect revenue.** The Supreme Court [ruled in Janus](#)<sup>47</sup> that public-sector unions can't [require non-members to pay dues](#),<sup>48</sup> severely restricting their ability to raise money. Mike will fight to ensure these unions retain their ability to bargain forcefully — and can still generate revenue, for example by ensuring that unions are able to access and communicate with public sector employees.
- **Protect unions' hard-fought health-care policies.** Mike will ensure [all Americans have access to affordable, quality care](#).<sup>49</sup> He will preserve access to union-negotiated plans.

- **Protect the organizing process.** Workers hoping to unionize must follow a byzantine election process and may face pressure from employers looking to avoid a unionized workplace. Mike will make sure the election process is simple, fair and free from undue influence.

- **Enable workers to form a union through majority vote.** Mike supports “card check,” the democratic principle that allows employees to unionize with the approval of a majority — and avoids the complex election process that can kill unions before they form.
- **Establish a scheduled process for initial contracts.** After employees win an election to establish a union, employers often try to run out the clock on making an initial contract. Indeed, a study published in 2008 found that [44%](#)<sup>50</sup> of newly-formed unions failed to get a first contract. Mike will implement the fair schedule included in the PRO Act: An employer will have to come to the table within 10 days after a successful election, mediation will be available after 90 days and binding arbitration may follow 30 days later.
- **Ban “captive meetings.”** Employers should not be able to force workers to [attend meetings](#)<sup>51</sup> intended to persuade them to vote [against unionization](#).<sup>52</sup>

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<sup>44</sup> Economic Policy Institute, [New Study Confirms that Right-To-Work Laws Are Associated with Significantly Lower Wages](#), April 2015

<sup>45</sup> Committee on Education & Labor, [Public Service Freedom to Negotiate Act](#), June 2019

<sup>46</sup> Congress.gov, S.1970 - Public Service Freedom to Negotiate Act of 2019, accessed February 2020

<sup>47</sup> Supreme Court, [Janus v. American Federation of State County, and Municipal Employees, Council 31, et Al.](#), June 2018

<sup>48</sup> Manhattan Institute, [Public-Sector Unions After Janus: An Update](#), February 2019

<sup>49</sup> Mike Bloomberg 2020, [Health Coverage](#), accessed February 2020

<sup>50</sup> MIT Sloan School of Management, [Sequential Failures in Workers' Right to Organize](#), March 2008

<sup>51</sup> SSRN, [Captive Audience Meetings: The Right Not to Attend](#), March 2018

<sup>52</sup> Economic Policy Institute, [How today's unions help working people](#), August 2017



- **Crack down on third-party “persuaders.”** Employers who hire third-party consultants to [influence workers](#) against unionization<sup>53</sup> should be required to be transparent and disclose information about those contracts.
- **Extend bargaining rights.** Under the NLRA, bargaining rights don’t apply to managers and supervisors, and courts have found that many [low-wage and lower-level workers](#)<sup>54</sup> fall outside federal labor protections. Mike believes workers like charge nurses should have the right to negotiate for their wages and working conditions, and supports re-defining “supervisor” to apply only to those who spend a majority of their time on supervision.

**B) Protect bargaining rights and grow new models to promote worker rights.** Mike will act to protect workers in the course of labor negotiations, will support [specialized courts](#)<sup>55</sup> to resolve disputes and will spur bargaining on a sector-wide basis in certain industries where it can overcome long-standing barriers to unionization.

- **Prevent companies from blocking direct bargaining with headquarters.** Mike will sign legislation to ensure workers can bargain effectively with the entity that actually controls their wages and conditions — ensuring that employers [cannot](#) shield themselves from accountability by requiring workers to negotiate with individual franchises rather than corporate headquarters.<sup>56</sup>
- **Protect workers’ ability to strike.** Employees’ ability to withhold their work is a core source of their bargaining power, highly effective at resolving labor disputes and [generally protected by the National Labor Relations Act](#) (NLRA).<sup>57</sup> [But courts have narrowed the reach of the NLRA](#) in this area, with damaging consequences.<sup>58</sup>
  - Mike supports provisions of the PRO Act that will unequivocally **protect “intermittent strikes,”** enabling workers to go on strike briefly or repeatedly — which is far less of a financial burden for employees than an extended strike.
  - Mike also supports provisions that will **bar employers from hiring permanent replacement workers**, a tactic that threatens the livelihood of employees by effectively firing them.
- **Intervene quickly in employer lockouts, require bargaining on relocations and closings.**
  - Employer lockouts prevent employees from coming to work until they accept management terms. Mike will **direct the NLRB to intervene quickly** in these situations, to [determine](#) whether employers are acting illegally<sup>59</sup> and to encourage arbitration to resolve impasses.
  - The NLRB has [determined](#) which subjects (for example, wages and layoffs) are required by law to be discussed in collective bargaining discussions and which are not. Mike will seek to **expand the range of mandatory bargaining subjects to include major**

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<sup>53</sup> Economic Policy Institute, [By rescinding the persuader rule, Trump is once again siding with corporate interest over working people](#), June 2017

<sup>54</sup> Federation of American Scientists, [The Definition of “Supervisor” Under the National Labor Relations Act](#), July 2012

<sup>55</sup> The Clean Slate Agenda, Summary Report, January 2020

<sup>56</sup> The New York Times, McDonald’s Notches Big Victory in Labor Board Ruling, December 2019

<sup>57</sup> National Labor Relations Board, [NLRA and the Right to Strike](#), accessed February 2020

<sup>58</sup> Emory Law Journal, [The NLRB: What Went Wrong and Should We Try to Fix It?](#), accessed February 2020

<sup>59</sup> The Century Foundation, [Is It Time for the Courts to End Labor Lockouts?](#), June 2016

**decisions on relocations and closings**, so that workers can weigh in on these fundamental changes.

- **Create specialized labor courts.** Mike will look to establish a system of dedicated labor courts, on the model of federal bankruptcy courts and [local drug courts that have been successful in New York](#).<sup>60</sup> Labor judges would develop issue expertise that would enable them to reach deeper into the nuance of cases and to reach more consistent results. Rather than depend on a patchwork of courts with general jurisdiction, labor litigants could rely on judges qualified to resolve subtle workplace disputes efficiently.
- **Spur sectoral bargaining.** The current norm of bargaining on an employer-by-employer basis [leaves many workers unprotected](#).<sup>61</sup> Fearing a competitive disadvantage, employers fight unionization and use the system of franchising and contracting to dilute worker power. “Sectoral bargaining” can help break that pattern, allowing workers to negotiate their wages and work conditions at an industry- or sector-wide level. Mike will spur this modernized form of bargaining in those sectors, such as fast food and retail, where workers are highly organized but face barriers to unionization. He will give employers a reasonable period of time to reach an agreement with their workers on defined issues and will help determine bargaining units and representation rules. He believes the NLRB should ultimately be empowered to direct mediation or arbitration if there is an impasse.

**C) Empower vulnerable communities of workers to organize.** Some of the most vulnerable workers are excluded from basic protections, including in sectors like [agriculture](#)<sup>62</sup> and [domestic work](#)<sup>63</sup> that have high populations of workers of color. Jurisdictions like [Seattle](#)<sup>64</sup> and [New York](#)<sup>65</sup> have led in this area, raising the floor with wage and standards boards for some workers. Mike will make sure that all communities receive fair wages and that workforce protections extend to workers of color.

- **Expand farmworker and domestic worker protections.** Mike supports the [Fairness for Farm Workers Act](#)<sup>66</sup> and the [Domestic Workers Bill of Rights Act](#),<sup>67</sup> legislation that will include these workers in minimum wage, overtime and other fundamental labor rights, and will protect them from workplace harassment. Mike will rely on the new domestic workers wages and standards board to recommend industry standards and enforce them where necessary — and will consider using that model in other sectors where employees have unacceptably low standards or barriers to collective action.
- **Improve federal minimum standards for home care workers.** Mike will work with states to help home care workers exercise bargaining rights — and will ensure that home care workers

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<sup>60</sup> Rockefeller Institute of Government, [An Analysis of Drug Treatment Courts in New York State](#), May 2018

<sup>61</sup> Harvard Law School, [Clean Slate for Worker Power: Building a Just Economy and Democracy](#), January 2020

<sup>62</sup> National Farm Worker Ministry, [US Labor Law for Farm Workers](#), accessed February 2020

<sup>63</sup> Center for American Progress, [Domestic Workers Lack Protections](#), June 2011

<sup>64</sup> Center for American Progress, [A How-To Guide for State and Local Workers’ Boards](#), December 2019

<sup>65</sup> New York State Department of Labor, [Fast Food Wage Board](#), accessed February 2020

<sup>66</sup> Congress.gov, [H.R.1080 - Fairness for Farm Workers Act](#), accessed February 2020

<sup>67</sup> Congress.gov, [S.2112 - Domestic Workers Bill of Rights Act](#), accessed February 2020

can pay union dues automatically from their Medicaid-funded paychecks, reversing a Trump [rule](#)<sup>68</sup> that blocks them from doing so.

- **Expand protections for undocumented workers.** Undocumented people who are victims of workplace violations should be able to exercise their rights, make reports without fear of immigration consequences and help authorities enforce the law. Mike will take action to make sure that these workers are not exploited in the workplace.
  - **Ensure these workers are afforded labor protections, including the ability to join unions and receive remedies after a violation.** After a 2002 Supreme Court decision, the NLRB will not award [back pay](#)<sup>69</sup> to undocumented workers. Mike will enact new protections to ensure undocumented workers can be made whole, just like other employees.
  - Mike will also sign new protections into law to **protect those who are denied benefits, threatened or retaliated against on the basis of their immigration status.**
- **Ensure that coal miners are protected.** Coal workers are often denied critical labor protections. For example, Kentucky has [limited the ability to pursue black-lung compensation](#).<sup>70</sup> And workers' pensions, insurance and severance may be threatened after bankruptcies. Mike will protect coal workers, making sure they get the benefits they were promised and that they have priority access to new jobs in the clean-energy economy.
  - **Hold firms accountable for their obligations to coal workers.** If necessary, redirect federal funds to protect coal workers' benefits, including severance payments.
  - **Expand Trade Adjustment Assistance to coal workers.**

**3. Foster a skilled and innovative 21st-century workforce.** As the American economy evolves, the nature of work is changing, too. Yet federal policy has been slow to respond. Mike will help lead the way — with proactive federal solutions to protect workers who are struggling in the “gig economy,” being displaced by automation or adjusting to new technologies in the workplace.

- **Ensure deserving “gig economy” workers receive full employee benefits.** Under the Fair Labor Standards Act (FLSA), workers are generally [classified as either](#)<sup>71</sup> employees (who are entitled to certain benefits) or independent contractors (who are not). But [many workers](#)<sup>72</sup> — particularly in the “gig economy” — are mis-labeled as independent contractors even though their work is at the core of their employer's business.
  - As president, Mike will **prevent employers from using independent contractor rules to exploit workers.** He will enact a new federal standard for “employee” on the model of California's “ABC” test, will make misclassification a substantive violation of the FLSA and the NLRA, and will use the whole federal toolbox to ensure that contractors can bargain fairly for their wages and work conditions.

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<sup>68</sup> Pew, [States Confront Trump Home Care Worker Rule](#), May 2019

<sup>69</sup> National Labor Relations Board, [Board holds that Supreme Court decision forecloses backpay remedy for undocumented immigrant workers](#), August 2011

<sup>70</sup> NPR, [Kentucky Lawmakers Limit Black Lung Claims Reviews Despite Epidemic](#), March 2018

<sup>71</sup> Department of Labor, [Employment Relationship Under the Fair Labor Standards Act \(FLSA\)](#), revised July 2008

<sup>72</sup> Economic Policy Institute, [\(In\)dependent Contractor Misclassification](#), June 2015



- **Create portable benefits.** Many workers are now turning to [non-traditional forms of employment](#) — including temping, subcontracting and freelancing.<sup>73</sup> Because such arrangements are less stable, jobs-based benefits make less sense, and these workers have less long-term security.
  - Mike will direct the DOL to **propose a pilot of “[shared security accounts](#),”**<sup>74</sup> **funded by automatic payroll deductions, which would allow workers to accrue and access benefits even as they switch employers.** This would give workers greater long-term security, level the playing field between different occupations and make it easier to switch jobs or start a company, stimulating dynamism across the economy.
- **Help displaced workers build their careers.** As automation accelerates, many workers may find that their jobs have been displaced or their skills have become obsolete. One recent study found that up to 25% of American jobs are at “[high risk](#)”<sup>75</sup> of displacement. The federal government must do more to retrain these workers and help them transition to new careers, while also building a workforce better suited to the challenges of the modern economy.
  - **Extend Trade Adjustment Assistance.** Mike will increase federal adjustment funds currently used for workers displaced by trade — extending them to workers displaced by automation, artificial intelligence (AI) and other economic upheaval.
  - **Expand the worker-training tax credit, and extend it to employees entering new trades.** Mike will provide companies an incentive to retrain their own staff, helping to build a more skilled workforce overall.
  - **Set a goal of enrolling one million students each year in apprenticeship and quality-credential programs.** Apprentices will get pay and academic credit for on-the-job and classroom learning, and will develop employer-valued skills. Mike will use the successful model of unions across the country and ensure that unions play a key role in administering these programs. *Read more in Mike’s [All-In Economy](#) plan.*<sup>76</sup>
  - **Pilot tax-advantaged “career security accounts”** to help workers complete training programs and pay for lifelong learning that can be critical to career adjustments.
  - **Modify the [Worker Adjustment and Retraining Notification \(WARN\) Act](#)**<sup>77</sup> to issue notices 90 days before plant closings or mass layoffs.
- **Create a data-driven workforce-development project** at the DOL and National Economic Council to help analyze job quality in the changing economy. This project will track displacement of workers, target skills programs and economic development to high-growth and high-job quality sectors, and identify and expose areas with low mobility and low equity.
- **Respond to new tech in the workplace.** As the modern workplace incorporates more technology, the balance of power between workers and management has shifted. AI now makes [hiring and promotion](#)<sup>78</sup> decisions, while algorithms set schedules and otherwise keep tabs on workers. Yet federal labor law has in some cases [failed](#) to keep up with these developments.<sup>79</sup>

<sup>73</sup> Federal Reserve, [Report on the Economic Well-Being of U.S. Households in 2018](#), May 2019

<sup>74</sup> Democracy Journal, [Shared Security, Shared Growth](#), Summer 2015

<sup>75</sup> Brookings, [Automation and Artificial Intelligence: How machines are affecting people and places](#), January 2019

<sup>76</sup> Mike Bloomberg 2020, [All-In Economy](#), accessed February 2020

<sup>77</sup> U.S. Department of Labor, [Plant Closings and Layoffs](#), accessed February 2020

<sup>78</sup> Harvard Business Review, [Case Study: Should an Algorithm Tell You Who to Promote?](#), May-June 2018

<sup>79</sup> SSRN, [Future Work](#), February 2019

- **Encourage the Equal Employment Opportunity Commission to revise its hiring guidelines** to address dilemmas posed by AI.
- **Direct OSHA to publish guidance** about emerging workplace technologies.
- **Fully fund the DOL** to ensure it can fulfill its essential mission and enforce labor laws.

**4. Protect Americans' pensions and retirement savings.** More than a million Americans [are at risk of losing their pensions](#)<sup>80</sup> due to insolvency risks, with multiemployer plans in particular peril. Mike will ensure that these plans remain solvent and that Americans do not lose their retirement security.

- **Pass the [Butch Lewis Act](#).**<sup>81</sup> Mike will ensure funds are solvent by providing loans to at-risk multiemployer plans. His administration will also evaluate options for stabilizing long-term pension benefits.
- **Raise the maximum coverage for multiemployer benefits to at least \$25,000.** When the Pension Benefit Guaranty Corporation (PBGC) takes over insolvent plans, it pays significantly reduced benefits. For multiemployer plans, the maximum benefit is [\\$12,870 per year](#).<sup>82</sup> For single-employer plans, it is [\\$67,295](#).<sup>83</sup> Mike will make sure that workers with multiemployer pensions are protected.
- **Protect access to Social Security access.** Current law prohibits some public-sector employees from taking full advantage of pensions and Social Security. Mike will make sure that workers who pay into Social Security receive their deserved benefits.
  - **Remove the Government Pension Offset.** The Government Pension Offset reduces Social Security payments by [up to two-thirds of a worker's pension](#).<sup>84</sup> Mike will enable hard-working teachers, firefighters and police officers to take full advantage of Social Security.
  - **Modify the Windfall Elimination Provision.** The [Windfall Elimination Provision](#)<sup>85</sup> reduces payments for employees who don't pay into Social Security. Yet those who [paid in](#)<sup>86</sup> through other jobs still can lose benefits. Mike will ensure that Social Security benefits are available to public-sector workers who have paid into the system.
  - **Oppose efforts to weaken or eliminate pensions for public-sector employees.**

**5. Take the lead federally.** The federal workforce is vast and roughly [one in five](#)<sup>87</sup> American employees works for a business that has a federal contract. As president, Mike will prioritize the wages, conditions and morale of his employees and will make the federal government a model place to work. And he will use the vast federal contracting power to raise national labor standards.

- **Prioritize rewarding contracts to applicants with strong benefits for workers and a clean record on labor violations.** Mike will use the federal contracting process to help workers and

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<sup>80</sup> Brookings, [The politics of pensions in America](#), May 2018

<sup>81</sup> Congress.gov, [S.2254 - Butch Lewis Act of 2019](#), accessed February 2020

<sup>82</sup> Congressional Research Service, [Pension Benefit Guaranty Corporation \(PBGC\): A Primer](#), March 2019

<sup>83</sup> PBGC, [Your Guaranteed Pension: Single-Employer Plans](#), accessed February 2020

<sup>84</sup> Social Security Administration, [Government Pension Offset](#), accessed February 2020

<sup>85</sup> Social Security Administration, [Windfall Elimination Provision](#), accessed February 2020

<sup>86</sup> Forbes, [Why Social Security WEP Or GPO Could Ruin Your Retirement](#), September 2018

<sup>87</sup> As of 2014, there were 28 million workers employed by companies with federal contracts. Obama White House, [FACT SHEET: Fair Pay and Safe Workplaces Executive Order](#), July 2014. There are about 157 million workers in the American economy. Pew Research Center, [10 facts about American workers](#), August 2019.

to model best practices for employers. The government will assign a plus factor for contract applicants who pay at least \$15 per hour and offer 12 weeks of paid family leave. Mike will model his approach on [President Obama's](#)<sup>88</sup> — requiring transparency among applicants and ensuring that employers with a strong record on wages, safety, collective bargaining and civil rights have priority in receiving taxpayer-funded contracts.

- **Insist that federal contractors pay a prevailing wage and that the government buys American.** Mike will protect the Davis-Bacon Act and Service Contract Act against repeal and make sure they are fully enforced: Prevailing wage requirements ensure that employers cannot undermine local wage standards, and have been shown to [combat](#)<sup>89</sup> poverty and inequality. And Mike will ensure that contractors abide by [the Buy American Act](#),<sup>90</sup> purchasing domestic goods when they spend federal dollars. Mike will also use project labor or community workforce agreements when appropriate, particularly for large-scale and complex construction projects.
- **Restore honor to the federal workforce.** Trump has consistently degraded federal workers, leading to a [decline](#)<sup>91</sup> in morale. And he has hurt his employees financially, [freezing pay](#)<sup>92</sup> unnecessarily and [repeatedly](#)<sup>93</sup> proposing to cut pay, health care and retirement benefits. Mike will protect and honor the federal workforce by:
  - **Ensuring federal workers are paid during shutdowns** and aren't forced into financial [hardship](#).<sup>94</sup>
  - **Increasing pay across the government**, making the federal job market more competitive with the private sector.
  - **Reversing the [Trump-era shifting of retirement costs onto employees](#)**,<sup>95</sup> and **protecting retirement benefits for all employees;**
  - **Opposing efforts to reduce health-care benefits and raise premiums;**
  - **Preventing federal jobs from being outsourced by maintaining the moratorium on [Circular A-76](#)**.<sup>96</sup>
- **Create a national initiative enabling federal workers to rotate through the government and spend time in the private sector.** Mike believes government employees should have opportunities to build their careers through exposure to diverse workplaces. He will expand the [President's Management Council Interagency Rotation Program](#),<sup>97</sup> encouraging his leadership team to provide opportunities for employees to rotate between departments. Mike will encourage public employees to get experience [in the private sector](#)<sup>98</sup> as well, and will allow returning employees to come back at the appropriate grade and pay scale for their work and

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<sup>88</sup> Ibid

<sup>89</sup> Center for American Progress Action Fund, [Service Contract Act and Davis-Bacon Act Under Attack](#), June 2017

<sup>90</sup> U.S. Government Accountability Office, [The Buy American Act](#), April 1978

<sup>91</sup> Politico, [Trump's Been President for 3 Years. Government Morale Has Dropped for Two of Them](#), December 2019

<sup>92</sup> New York Times, [Trump Issues Order Freezing Federal Workers' Pay in 2019](#), December 2018

<sup>93</sup> Federal News Network, [Familiar cuts to federal pay, retirement, health benefits included in Trump's proposed 2020 budget](#), March 2019

<sup>94</sup> Money, [TSA Employees Forced to Work Without Pay During the Shutdown Are Delaying Car Payments and Struggling to Make Ends Meet](#), January 2019

<sup>95</sup> Washington Post, [Federal employee retirement benefits would be cut under Trump's budget](#), February 2020

<sup>96</sup> Government Executive, [House Rejects Outsourcing of Federal Jobs in Vote to Block Revival of Circular A-76](#), July 2017

<sup>97</sup> U.S. Office of Personnel Management, [Training and Development: Leadership Development — President's Management Council Interagency Rotation Program](#), accessed February 2020

<sup>98</sup> [Office of the Secretary of Defense for Acquisitions and Sustainment \(A&S\)](#), accessed February 2020

skill level. And when hiring for executive positions, he will create a plus factor for diverse career experience.

- **Ensure the government keeps workers' interests in mind when considering the effect of mergers and acquisitions and setting antitrust policy.** Mike will require the Department of Justice to subject mergers and acquisitions to greater scrutiny if they have negative effects on workers' wages or work conditions.
- **Enable states and cities to add new labor protections by removing preemption obstacles.** Federal courts [have held](#)<sup>99</sup> that the NLRA prevents state and local actors from regulating the workplace across many dimensions, such as protecting striking workers and requiring arbitration to resolve a stalemate. Mike supports lifting these preemption barriers by updating the law — and allowing local action that can provide workers with newfound protections, benefits and mobility.

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<sup>99</sup> The American Prospect, [The Way Forward for Labor Is Through the States](#), September 2017