

NEWSLETTER

Morning Shift

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NLRB ramps up non-compete enforcement

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QUICK FIX

— **The NLRB lays out its plan for targeting companies** with illegal non-compete policies.

— **Warehouse and transportation workers are suffering** more injuries on the job, GAO report finds.

— **Harris and Walz caught off guard** by firefighter union's decision not to endorse.

GOOD MORNING. It's Wednesday, Oct. 9. Welcome back to Morning Shift, your go-to tipsheet on labor and employment-related immigration. Snoopy stans [are at war with](#)

one another over politics; Linus and his blanket remain unscathed. Send feedback, tips and exclusives to nniedzwiadek@politico.com and lukenye@politico.com. Follow us on X at [@NickNiedz](https://twitter.com/NickNiedz) and [@Lawrence_Ukenye](https://twitter.com/Lawrence_Ukenye).

AROUND THE AGENCIES

ABRUZZO SHARPENS NON-COMPETE FOCUS: National Labor Relations Board General Counsel Jennifer Abruzzo sent a memo to staff Monday detailing a plan to impose costs on employers for illegal non-compete clauses and other restrictive policies.

Abruzzo's [17-page framework](#) — which would eventually have to go before the agency's Democrat-controlled board — builds on a previous memo issued in spring 2023 targeting non-competes. Monday's memo signals her intent to have the NLRB seek monetary damages for employees harmed by such practices, rather than just simply get them to rescind the infringing policies.

“Employers have used these provisions as coercive restrictors of employee mobility, which is not a legitimate business interest,” Abruzzo said in a statement.

Abruzzo's memo also goes after policies that require employees to repay training costs or other penalties for leaving, often within a specified period, and comes after the NLRB has [notched settlements](#) in this area.

As always: The NLRB legally cannot fine employers, and Abruzzo's vision will surely face (further) legal challenges that argue that such an expansive use of “make-whole” remedies is merely window dressing to do just that.

OOPSIE: The Occupational Safety and Health Administration issued a revision to its hazard communication standard issued this May after identifying “several errors in the regulatory text and appendices,” [according to a recent regulatory filing](#).

“The agency believes these errors, although minor and primarily typographical in nature, should be addressed expeditiously to avoid confusion or unnecessary costs in the regulated community due to incorporation of errors on labels and [Safety Data Sheets].”

More agency news: “[OPM moves to standardize General Schedule, blue collar locality pay areas](#),” from Government Executive.

Even more: “[Feds are sweating a Trump comeback](#),” from POLITICO's E&E News.

ELECTION 2024

BLINDSIDED: Minnesota Gov. Tim Walz and Vice President Kamala Harris' allies were told by officials at the International Association of Fire Fighters that the ticket had

essentially locked up the union's endorsement, only for the group to announce they would opt [not to back a presidential candidate](#) this cycle, [our Meredith Lee Hill reported](#).

The vice president has coalesced support from many major unions but has leaned into Walz's labor ties to win over rank-and-file union members.

Split screen: IAFF's move not to endorse came after Ohio Sen. [JD Vance](#) was greeted with boos at the union's August convention, while Walz was warmly greeted.

IN THE WORKPLACE

TAKING STOCK: About 4 percent of workers in the transportation and warehousing sector sustained a serious injury in 2022, according to a [Government Accountability Office report](#) released Tuesday.

Serious injuries have been on the rise in recent years as the industry has exploded, due to the preeminence of e-commerce in consumers' daily lives, at a rate that far outpaces all private employers.

"Overexertion and bodily reaction" comprise the largest category of injuries in these workplaces, over things like getting hit with boxes or equipment or slip-and-falls.

GAO made a number of recommendations for OSHA to better ensure compliance with federal regulations, while noting that the agency cannot enforce ergonomic standards that were repealed during the George W. Bush administration.

"The report details the consequences of weak worker protections and years of undercutting OSHA's ability to do its job and protect workers from preventable hazards," Rep. [Bobby Scott](#) (D-Va.) said in a statement. "When workers are hurt on the job, it is bad for business and the economy."

More workplace news: "[Changing Jobs Can Put a \\$300,000 Dent in Retirement Savings](#)," from The Wall Street Journal.

UNIONS

BEHIND THE SCENES: Vice President Kamala Harris stressed her role in shoring up multiemployer pension funds strained by the pandemic during her meeting with Teamsters leaders last month before the union announced they would not endorse a presidential candidate, [HuffPost reported](#).

Critics of the union's president, Sean O'Brien, argue that Harris' role in solving the Teamsters' pension woes should've been enough for her to earn an endorsement, while

expressing frustration that the union looked past Donald Trump's hostility to organized labor.

Context: Harris cast the tiebreaking vote to pass the American Rescue Plan Act, which included billions to bail out pensions, a major ask from the Teamsters at the time.

Interesting wrinkle: A Teamsters spokesperson said the Harris camp failed to guarantee it would "keep Biden antitrust chief Lina Khan atop the Federal Trade Commission."

O'Brien also was on [comedian Theo Von's podcast](#) this week. Von hosted Trump back in August.

More union news: "[Stellantis files more lawsuits against UAW, prompting meeting](#)," from The Detroit News.

IN THE STATES

GIG WARS CONTINUE: The Supreme Court opted not to hear a case brought by rideshare giants Uber and Lyft that sought to stop California from seeking minimum wage back payments to gig workers, [our Alex Nieves reports](#).

How we got here: Both companies argued that the state's effort to obtain back wages was without merit because workers signed arbitration agreements.

The lawsuits were filed before the ride-hailing companies scored wins with voters approving the state's Proposition 22 ballot measure that made it easier for firms to classify workers as independent contractors rather than employees.

More from SCOTUS: "[U.S. Supreme Court raises questions about Alabama's 'Kafkaesque' unemployment system](#)," from AL.com

FIRST IN SHIFT: California's \$20 wage for fast-food workers provided employees with a substantial pay increase without adversely affecting scheduling or their access to benefits, [according to a report released Wednesday](#) from the Harvard Kennedy School and UCSF's Shift Project.

What it says: "In response to wage increases, California fast food employers could have looked to cut costs by reducing fringe benefits such as health or dental insurance, paid sick time, or retirement benefits," the report reads. "We find no evidence of reductions in any of 7 types of fringe benefits in response to the California fast food wage increase."

Why it matters: A cadre of business groups lined up against the pay increase, which took effect in April, arguing that the restaurants would roll back hours for employees and

that customers would have to contend with higher-priced food items.

More state news: “[Ukraine’s artillery is helping boost Scranton’s economy](#),” from The Washington Post.

WHAT WE'RE READING

— “[In America’s Factories, Even the Robots Are Getting Less Work](#),” from The Wall Street Journal.

— “[An Exodus of Agents Left the Secret Service Unprepared for 2024](#),” from The New York Times.

— “[Chick-fil-A Growth in Puerto Rico Aided by Extended Tax Benefit](#),” from Bloomberg Tax

— “[Trump allies threaten Deloitte contracts after employee shares Vance chats](#),” from The Washington Post.

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