

## **U.S. DEPARTMENT OF LABOR**

### **Fall 2024 Statement of Regulatory Priorities**

#### **Introduction**

The Department's Fall 2024 Regulatory Agenda represents Acting Secretary Julie Su's vision for the Department centered around increasing equity and access to good jobs. These rules will advance the Department's mission to foster, promote, and develop the welfare of the wage earners, job seekers, and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related benefits and rights. Under Acting Secretary Su's leadership, the Department's rulemaking is focused on creating good jobs; protecting workers' rights, wages, and health and safety on the job; and empowering workers and strengthening their voices.

Since the start of the Biden-Harris Administration, the Department of Labor has pursued rulemaking to advance the Administration's priorities, while at the same time reflecting lessons learned from public input on regulations. To create and sustain good jobs, the Department has focused rulemaking on worker health and safety, fair wages, and supporting unions and workers who are organizing unions. The Department is advancing equity and supporting marginalized communities through rulemaking that bolsters protections for workers from discrimination. To tackle extreme heat, the Department is pursuing a rulemaking on heat illness prevention in the workplace. Under the Administration's priority to improve service delivery, customer experience and reduce

administrative burdens, the Department continues to regulate employer-provided retirement security and health care. These include the following rulemakings:

- We issued a Final Rule to improve protections for temporary and seasonal farmworkers employed under the H-2A program. The Final Rule makes several changes to H-2A program regulations to bolster the Department's efforts to prevent adverse effects on workers in the U.S. and ensure that H-2A workers are employed only when there are not sufficient able, willing, and qualified workers available to perform the relevant work.
- We issued a Final Rule to protect retirement investors by requiring trusted advisers to adhere to high standards of care and loyalty when they make investment recommendations, to not misrepresent or overcharge, and to mitigate their conflicts of interest. The Final Rule may prevent retirement savers from losing as much as \$5 billion per year.
- We issued a Final Rule to restore and expand overtime protections for millions of the nation's lower-paid salaried workers by increasing the salary thresholds required to exempt a salaried bona fide executive, administrative or professional employee from federal overtime pay requirements.

- We issued a Final Rule to amend the existing standards to better protect metal and nonmetal and coal miners against occupational exposure to respirable crystalline silica, a carcinogenic hazard, and to improve respiratory protection for all airborne hazards. The Final Rule is estimated to prevent over 1,000 deaths and avoid over 3,700 lifetime illnesses, such as silicosis, lung cancer, chronic bronchitis and kidney disease, in the first 60 years.
- We issued a Final Rule to provide guidance that would help employers and workers determine whether a worker is an employee or an independent contractor under the Fair Labor Standards Act. The Final Rule helps combat employee misclassification that leads to workers being denied their rights and protections under federal labor standards.
- Along with the Departments of Treasury and Health and Human Services (the Departments), we issued Final Rules to better ensure that people seeking coverage for mental health and substance use disorder care can access treatment as easily as people seeking coverage for medical or surgical treatments. The Final Rules aim to fully protect the rights of people seeking mental health and substance use disorder benefits, under the Mental Health Parity and Addiction Equity Act, and to provide clear guidance to plans and issuers on how to comply with the law's requirements.

- We issued a proposed rule to protect employees in both outdoor and indoor workplaces from the hazards of extreme heat. The rule proposes a new standard to clearly define employer obligations and the control measures necessary to effectively protect workers from occupational heat hazards. The public is invited to submit comments on the rule until January 14, 2025.
- We issued a proposed rule to protect the safety and health of firefighters and emergency responders by ensuring they have up-to-date protections from the many hazards they face while on the job. The proposed rule would ensure that emergency responders get the training and equipment they need to do dangerous jobs. It would also ensure that their organizations develop the right policies and procedures to operate safely at emergency events. In an effort to gather greater public input on the proposed rule, we extended the comment period to a total of 168 days and held an informal public hearing in November 2024.
- We issued a proposed rule to phase out the Department's issuance of certificates allowing employers to pay workers with disabilities at wage rates below the federal minimum wage. If finalized, the Department believes this proposal would increase wages, improving the economic self-sufficiency of workers with disabilities. Along with the broader shifts in opportunities for workers with disabilities, this proposal could lead to an increase in the overall labor force participation rate for persons with disabilities.

The 2024 Regulatory Plan highlights the Labor Department's most noteworthy and significant rulemaking efforts, with each addressing the top priorities of its regulatory agencies: Employee Benefits Security Administration (EBSA), Employment and Training Administration (ETA), Mine Safety and Health Administration (MSHA), Office of Federal Contract Compliance Programs (OFCCP), Occupational Safety and Health Administration (OSHA), Office of Workers' Compensation Programs (OWCP), and Wage and Hour Division (WHD). These regulatory priorities exemplify the Acting Secretary's vision to center workers in the economy; protect workers' rights, wages and safety on the job; and promote equity, job quality, and pathways to good jobs for all workers, especially those who have historically been left behind.

The Department's regulatory priorities also reflect our robust engagement process with stakeholders and our strong culture of evidence-based decision-making. Through regular stakeholder meetings, public hearings, Small Business Advocacy Review Panels, and public comments on proposed regulations, the Department engages with diverse stakeholders to seek input on our regulatory agenda overall or feedback on proposed rules. We intentionally seek input from members of the public who have not typically participated in the regulatory process, including workers with disabilities, union members, small businesses, low-paid workers, and immigrant workers, both as a Department and in cooperation with federal partners like the SBA Office of Advocacy. Among the specific rules described below, we include further details on previous stakeholder engagement and future opportunities for stakeholder engagement.

## **Creating Good Jobs and Promoting Equity in Opportunity for All Workers**

The Department's regulatory priorities reflect the Acting Secretary's focus on creating good jobs free from discrimination and harassment, especially for those who have historically been left behind, and growing the workforce that brings in all of America, with a focus on expanding opportunities for women, people of color, and other underserved workers.

## **Protecting Workers' Rights, Wages, and Health and Safety on the Job**

The Department's regulatory priorities reflect the Acting Secretary's focus on protecting workers' rights, wages and safety on the job and fighting discrimination in the workplace. This means leveling the playing field for America's workers by ensuring all workers get the wages they've earned, especially those in low-paid and historically underserved communities.

Under this priority, the Department is also focusing on safeguarding workers' hard-earned benefits and pensions and ensuring access to health benefits, including mental health and substance use disorder benefits.

- EBSA is proposing regulations to provide acceptable standards and procedures to protect plan participants and ensure adequate consideration in Employee Stock Ownership Plans (ESOPs). To inform this regulation, the Department met with a range of stakeholders, including ESOP sponsors, appraisers, labor organizations, and academics.

The Department's health and safety regulatory proposals are aimed at eliminating preventable workplace injuries, illnesses, and fatalities. Workplace safety also protects workers' economic security, ensuring that illness and injury do not force families into poverty. Our efforts will prevent workers from having to choose between their lives and their livelihoods.

- OSHA will propose an Infectious Diseases rulemaking to protect employees in healthcare and other high-risk environments from exposure to and transmission of persistent and new infectious diseases.
- OSHA is continuing to review the robust public feedback received on its proposed rule to update standards for emergency response and preparedness to reflect the full range of hazards or concerns currently facing emergency responders and other workers providing skilled support and the major changes in performance specifications for protective clothing and equipment. OSHA twice extended the public comment deadline on the NPRM, and the agency convened a multi-day public hearing beginning on November 12, 2024.

### **Empowering Workers and Strengthening Their Voices**

The Department's regulatory priorities reflect the Acting Secretary's focus on empowering workers and promoting their ability to exercise their rights at work. This means protecting workers' right to organize and form a union and ensuring the creation of good

jobs by upholding strong labor and equity standards across every aspect of hiring and employment.