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Rich Meneghello (00:00)

Welcome to The FP 5: Five Things for Your 9-to-5. We help employers make sense of the fast-moving world of workplace law and compliance by breaking topics down into five parts. I'm Rich Meneghello.

Becca Rainey (00:12)

I'm Becca Rainey.

Lisa Nagele-Piazza (00:13)

And I'm Lisa Nagele-Piazza.

Rich Meneghello (00:18)

Well, we are officially in election season. Now that the leaves are falling and the air is getting crisp, we definitely feel like we are in the prime of election season. The midterms are coming up in early November, and control of Congress is on the ballot along with governors and state legislatures and plenty of ballot initiatives around the country.

Becca Rainey (00:44)

And normally on this show, we tell you about a workplace law after someone passes it. Today we're gonna go a bit upstream.

Lisa Nagele-Piazza (00:52)

Yeah, election day could tell us quite a bit about where workplace policy is headed next, but maybe not in the places employers would expect.

Rich Meneghello (01:00)

Yeah, exactly. So today we're doing something a little different. The three of us are going to break down the five things employers should be watching in the 2026 midterms. So one of the three of us typically will interview an attorney in the firm who's a thought leader in a certain area. But today, we're going to talk amongst ourselves. So we did this on our very first pilot episode, if you go back way back into March 2026 when we launched the FP 5, the three of us talked about what people can expect from the podcast. And then we also were in person together at the firm's AI conference this summer, where the three of us recorded a live podcast on artificial intelligence and hiring. But I think this is the first time the three of us are talking about a substantive topic aside from the AI conference. Is that right?

Becca Rainey (01:49)

Yeah, we also did that state law rundown too, right?

Lisa Nagele-Piazza (01:52)

Okay, so it's not our first rodeo. It's amazing how much you forget over the course of six months.

Rich Meneghello (02:00)

If our producer Evan Banks leaves this segment in, it's really just to demonstrate that anyone can make mistakes. Or maybe he'll take mercy on me and edit this out so I can continue to look smart to all of our audience members out there.

Lisa Nagele-Piazza (02:16)

Well, I've got my pumpkin spice latte ready.

Rich Meneghello (02:19)

Becca, what's your fall drink that you're hitting right now?

Becca Rainey (02:22)

Well it's always going to be a cold brew with an extra shot of espresso with French vanilla syrup in it. That's my go-to. It doesn't change, just stays that way year round.

Rich Meneghello (02:33)

You don't switch up for the seasons.

Becca Rainey (02:35)

No. Nope, at least not in the past two years.

Lisa Nagele-Piazza (02:40)

I'm usually like a black coffee drinker, but you know, I can't help a drink that tastes like pumpkin pie.

Rich Meneghello (02:46)

You all know that I'm a tea drinker, not coffee, so all day long usually I drink tea. But I have been switching and hitting some matcha lattes lately. And last week I was tempted by a banana bread matcha latte, which tasted like I was drinking banana bread, which was really good.

Lisa Nagele-Piazza (03:02)

I'm not mad at that.

Rich Meneghello (03:09)

Well, enough about our drink preferences. Let's dive in and talk about the five things that employers need to know heading into the midterms.

Becca, the first thing, these midterms are likely to change the political landscape out there. Let's start with the "if you've been living under a rock" portion of their program. What is at stake here when it comes to this election and all the things that employers need to know about?

Becca Rainey (03:37)

Well, as always, every election is extremely important. But this year we're about to see potentially a shakeup in Congress. There's 35 Senate seats up and all 435 House seats up for reelection this fall. And currently there's a huge number of toss up races in both chambers. So again, major caveat with any predictions we make here, we don't have a crystal ball, even though we wish we did. So anything could really happen.

Rich Meneghello (04:10)

Becca, if we had a crystal ball, I would not be using it on forecasting midterm elections, I'll tell you that.

Becca Rainey (04:17)

No, me either, me either. You know, just for context, where we currently are is the Senate has fifty-three Republicans and 47 Democrats and independents. And the House currently has 218 Republicans, 214 Democrats, one independent, and two vacancies. So that's a lot of numbers, but to put it simply, the GOP really has a razor-thin majority in both chambers right now.

But given what's going on based on polling and, you know, what forecasters, pollsters have been making, it seems like things could potentially change this fall.

Rich Meneghello (04:55)

Now I know you're cautious about making predictions. I might push you a little bit later, but generally, big picture perspective, again, from a "those living under a rock" perspective, what's the general trend that happens in midterm elections two years after a presidential election?

Becca Rainey (05:12)

Historically, midterms are always a little rocky for incumbent presidents. It's kind of a, almost report card or reflection as to how people feel about the first half of their term. You know, the House History Office has noted that since the modern party system began, more than three-quarters of the House majority changes have occurred during midterm elections, so ...

Rich Meneghello (05:37)

Wow, that's crazy. I didn't know that.

Becca Rainey (05:39)

Yeah, very important to keep in mind that, you know, we're expecting some change here, but overall the president will still be in office and he ultimately has veto power. So unless we see a major sweep, a veto-proof majority from, you know, the Democrats, I don't expect to see many changes in the direction of where Congress is going.

You know, pollsters like 270 to Win and the Cook Political Report predict that Democrats may take small majorities in both chambers. But as I mentioned, there's a significant number of toss-up seats that are gonna make this really muddy. That's 7 toss-up seats in the Senate and 22 toss-ups in the House. So overall, again, it does appear that regardless of the party in power in either chamber, there's still gonna be a tight majority. And that means we will continue to see this gridlock that we've become very used to over the past several years.

Rich Meneghello (06:37)

Yeah, several years, several decades, I think quite honestly.

So when employers hear all that, what do you think if you're advising an employer about what they should be paying attention to, what should they care about? Is it the House? Is it the Senate? Is it all the governor's seats that are up? State legislatures, all the above, what should employers be looking at?

Becca Rainey (06:58)

I definitely think that employers will feel the most direct changes in state and local government elections, which we will get into here shortly. I believe 26 states have both Senate and gubernatorial elections this year. And it's also important to keep in mind that with state elections, you can also see ballot initiatives, which can lead to very quick changes in laws where, you know, citizens will submit certain petitions for laws they want changed, and then at times sometimes it'll go into effect. Other times it will direct the state to implement legislation to effectuate that change. So you could expect to see again, you know, more immediate and more quick policy changes or compliance issues popping up at the state and local level. So something that we say frequently on this podcast is always know what jurisdiction you're operating in because you know, it's going to vary depending on where you're working.

Rich Meneghello (08:00)

Totally. Okay, before we wrap up thing one, Becca, I am gonna put you on the spot now. Give me your predictions on the House and the Senate.

Becca Rainey (08:09)

Well, I don't think anyone should take this with weight. It's funny, it is very funny now to look at, you know, all of the political forecasting websites because they now include a line for prediction markets like Kalshi.

Rich Meneghello (08:24)

Right.

Becca Rainey (08:26)

Which I think is ridiculous. So no one go on there and make bets based on what I'm saying, please.

Rich Meneghello (08:31)

Good disclaimer. Good disclaimer.

Becca Rainey (08:33)

I do think we'll see the House flip, but I don't expect the Senate to flip. And again, I do think, you know, it's gonna be more of this partisan gridlock where it feels like nothing is getting done and even just getting the budget done is a struggle. But, you know, there's again more elections coming in two years as well. Where I think with more seats up for reelection, you may start to see some actual changes.

Rich Meneghello (09:05)

Okay. Lisa, what about you? Prediction, House and Senate.

Lisa Nagele-Piazza (09:09)

Actually, my prediction is the same as Becca's, so I really do think that we're gonna see a Democratic majority in the House and the Senate stay Republican.

Rich Meneghello (09:19)

Hm, okay. I was going to say the same thing.

Lisa Nagele-Piazza (09:23)

Change it up, Rich.

Becca Rainey (09:24)

You're not just saying that, are you?

Rich Meneghello (09:25)

Just to change, no, I was, but just to change it up. I think you know, I mean, pollsters have been getting things wrong by such large margins lately. And it's a mix of a variety of things, right? Like it's harder to reach people now. How many of you out there listening to this would ever pick up your phone if it was a stranger calling, right? I mean, you send it right, you just deny the call. That's it could be a pollster trying to reach out to you. I they're still trying to find the right mix about voter sentiment and engaging them ahead of time. They're getting some big ones way, way wrong. So, same grain of salt that you said, Becca, but I'll go out on a limb and I'll say that the Democrats will sweep both the House and the Senate. I think it'll be tight. I think it'll be reminiscent of 2020. It might only be like a one seat majority. But yeah, I think there's a good chance the Dems will take both Houses of Congress back.

Becca Rainey (10:20)

I'll get the popcorn ready.

Lisa Nagele-Piazza (10:21)

Yeah.

Becca Rainey (10:29)

All right. Well, thing two. So even if there is a major change in Congress, it may not produce major changes to federal employment laws. So, Rich, here's where I think this gets counterintuitive. Let's say control of one or both chambers changes, as we all just predicted. A lot of employers may think that means there could be changes on the horizon for federal labor and employment law. Why isn't it so simple?

Rich Meneghello (10:56)

Okay, so let's think about what happens here if there is the change that we predict. Let's focus on the House. All three of us think that the Democrats will take back the House. Okay: the main thing first that will happen is whoever is in the leadership gets to control who leads the committees. And in Congress, committee leadership means a ton because it will really end up deciding which bills, which issues get attention from committees. So, hearings and oversight and nominations and again which bills get attention, that will change.

And the big one that we always look at, it's in the Senate, right? So we'll see whether or not the Senate flips. But the Senate HELP Committee: Health, Education, Labor and Pensions, that's what HELP stands for, is especially important to employers because that's where labor and employment bills get decided, and that's where workplace agency nominees get hearings. And currently there's a 12 to 11 Republican majority. There's definitely going to be change in that committee because the top Republican, who is Louisiana Senator Bill Cassidy, he lost his primary re-election bid earlier this year. So we're definitely going to see new leadership in the HELP committee, regardless of which party takes power. And the ranking leader for the Democrats is Independent Senator Bernie Sanders, who caucuses with the Democrats. So if there is the switch that I predict there will be, you would probably see Bernie Sanders leading that committee and steering which issues, which bills, which nominees go up before the committee for decision.

Okay, that's the first step, committees. Second step is: will these bills actually pass? Passage is a totally different question because even if you have a slim majority in the House and, you know, boom, you get a bill passed, some bill that that Democrats really like, gets passed. You then run into the Senate, and the Senate has procedural hurdles that are essentially built into the system. They're baked-in because the Senate is supposed to be the slower, deliberative, more, "Hey, let's hold the horses. Do we really want to pass this sort of thing?" Including the 60-member filibuster, which crops up a lot. And beyond that, then let's say something passes both of those houses, the president has the right to veto it. And it would be really challenging in today's era to ever pull a veto-proof majority in voting for anything where they could overcome that.

Becca Rainey (13:30)

So it sounds like we could have an election where the headlines say there's been this huge political shift, right? You know, a change of power in Congress. But an employer wakes up in January and realizes that the basic federal employment law framework hasn't changed nearly as much, right?

Rich Meneghello (13:45)

Yeah. I mean I think you might see renewed attention on things. You might see committees take up hearings about bills that are getting more attention, but when the rubber meets the road, will that actually change anything for employers? No, not really. So I think that's a really likely outcome.

Becca Rainey (14:00)

And what about federal agencies? So if control of Congress changes, does that suddenly change what employers should expect from the DOL, the EEOC, the NLRB, or the FTC?

Rich Meneghello (14:10)

Well, not really, because again, the leadership is not going to change. In fact, the leadership of most of those agencies has really just been solidified due to court action and nominees being approved by the Senate. So they're just getting started, really. All of those: DOL, EEOC, NLRB especially, and the Federal Trade Commission. So they're firmly controlled by the White House. Leadership has been appointed by the president. So we're going to continue to see the agencies carry out this administration's priorities, even if Congress flips. Congress might have, I mean, they will have more oversight over those committees. So you might see agency heads getting called in front of Congress to answer for some things that are happening, but that's not going to force any change in any substantive way. It's really difficult, truly, to check those agencies by Congress.

So again, you might see some splashy headlines, some really contentious committee hearings with, you know, EEOC chair Andrea Lucas being called in front of a committee to sort of answer about certain things that the administration's doing that Democrats might not be happy about, but it won't really change much at the end of the day.

Becca Rainey (15:26)

Yeah, I think that's right. We've definitely seen administrations in the past just ignore or brush off those various requests from Congress. They do have some oversight power, but again, it's really up to the administration to decide whether they want to answer those questions, or you can be held in contempt of Congress, but we've also seen the lack of teeth that that designation can hold.

Rich Meneghello (15:52)

Despite that, though, Becca, if anyone listening does get a subpoena for Congress, our advice is not to ignore it. How's that?

Becca Rainey (16:00)

That's right. That's right. Again, nothing in this podcast constitutes legal advice, remember.

Rich Meneghello (16:13)

All right, that brings us to our third thing. Lisa, let's get a little more granular and let's talk about state and local elections because I think they may end up producing the most immediate workplace law changes. So, we're all expecting Washington to remain relatively gridlocked, even if things switch from the GOP controlling both houses to the Democrats controlling both. So does that mean that employers should be paying attention more to what's going on at the state and local level?

Lisa Nagele-Piazza (16:42)

Yeah, I think so. And I'm always looking at what's going on at the state and local level because this is where you're going to see faster changes that impact the workplace. You know, governors and state legislatures can move really fast on these workplace issues and they don't have to wait for Washington to do it.

Some of the big states to watch in this particular election would be Arizona, where Governor Katie Hobbs is running for re-election. And she's a Democrat, but Republicans currently hold both legislative chambers by thin margins. So, this is an example of a state where things could really shift. And then you also have Michigan, which has an open governor's race now that Gretchen Whitmer reached her term limit. There's a lot of this going on, but there's there are a ton of states to watch. There will be 39 gubernatorial elections, and employers will want to watch races for both governor and state legislature which together can determine which laws are passed and either approved or vetoed. There are also highly competitive races in Georgia, Wisconsin, Nevada, Kansas, Ohio. So it's a big deal.

And here's why this is important for employers to really keep an eye on the state level changes, because you're gonna see a ton of issues that come up, like the state minimum wage could be increased. You could see paid leave laws pass. And a really popular one right now is pay transparency laws, which include salary disclosures and job ads. There's a ton of things; non competes, AI and hiring and employment decisions, scheduling rules, cannabis protections in the workplace, mass layoff disclosures. I mean, there's just a ton of things that can happen at the state level.

Rich Meneghello (18:29)

And I'm sure a ton of our listeners out there work for organizations that have operations across state lines, multi-states. For them this must just be a nightmare.

Lisa Nagele-Piazza (18:42)

Absolutely. And you know, and it's nothing new. Multi-state employers know that they're gonna deal with a patchwork of laws. But they should be watching the election to see if there are major political changes at the state level because that could impact the priorities of their state government.

And then there's another thing that often flies under the radar, and Becca had mentioned this earlier, it's state ballot initiatives. And this is where voters get to decide on key issues. And they commonly include things like

cannabis legislation, paid sick leave, and minimum wage hikes. There aren't too many state ballot initiatives this year, but I like to go out to Ballotpedia right before election day to see what key issues have made the ballot, because these can really take effect fast. And there's also local initiatives as well. In California, for example, local initiatives are pretty popular.

Rich Meneghello (19:40)

Yeah, okay. Let's do this: Can you pick out an example where the identity of a governor or the composition of the state legislature could make a real practical difference for employers over the next couple of years?

Lisa Nagele-Piazza (19:52)

Yeah, I mean the obvious example is California, which, you know, could potentially be its own country when it comes to workplace laws and regulations. But it's also true in many states that, for example, if Democrats wind up taking control, they might push for initiatives that are generally considered employee-friendly initiatives. So you'll see changes to those issues that I was talking about earlier, like paid sick leave and family leave laws and things like that. Colorado is a great example where you have a democratic governor and legislature that are acting on things that have generally stalled at the federal level, like requiring pay and benefits disclosures and job postings, and then also adopting new AI transparency rules that are going to impact the workplace as well. And I think AI is one of those areas where employers are gonna have to start paying a lot of attention to new laws and regulations at the state level. Yeah, so I think just the key takeaway for employers is that state political control can really directly impact workplace policies, budgets, and HR processes.

Rich Meneghello (21:12)

You're listening to the FP 5. I'm Rich Meneghello, here with my fellow hosts, Lisa Nagele-Piazza and Becca Rainey. We are breaking down five things employers should be watching as we head toward the 2026 midterms.

Becca Rainey (21:24)

And we'll put links in the show notes to some of the Fisher Phillips election resources and workplace policy insights we're talking about today.

Lisa Nagele-Piazza (21:31)

All right, Rich. So this next one has been showing up a lot more in political conversations lately. Our fourth thing for today, democratic socialism is becoming more visible in workplace policy debates.

Rich Meneghello (21:45)

I'm feeling singled out because I live in Portland, Oregon.

Lisa Nagele-Piazza (21:49)

I promise it's not because you're in Portland. But we recently published an insight about the rise of democratic socialism. So before we get into the individual races, what exactly are we talking about here and why should an employer care?

Rich Meneghello (22:05)

Yeah, so the DSA, Democratic Socialists of America, it's not a political party. It's not like the Republicans or the Democrats. It's an advocacy, an electoral organization that supports candidates who generally run as Democrats.

Lisa Nagele-Piazza (22:23)

Okay, so you're not gonna see “democratic socialist” on the ballot.

Rich Meneghello (22:27)

Right. You will not see those words on there. Maybe there's some local elections where people are true socialists or you know running on one of these sort of fringe third parties. But on your main ballots for the main elections, right, you'll see probably Democrat, Republican, maybe independent, but not DSA. We wrote an insight about it, again, it'll be in the show notes. It has over 100,000 members, and we list a lot of seats in Congress, well, not a lot, several seats in Congress that are currently held by DSA-backed or DSA-supported folks, or those whose principles and priorities generally align with DSA principles, even if they are not Democrat socialists themselves. Also, numerous state legislatures out there.

So, you will see more and more of it out there as the years go on, and I do think this is a big trend in the 2026 elections. The kind of proposals backed by candidates who are aligned with DSA are things like very populist messaging, higher minimum wages, paid family leave, worker classification changes to get fewer folks classified as independent contractors and more as employees, easier union organizing, more restrictions on non-competes, shorter work week proposals, expanded enforcement and changes on things like healthcare and taxation. So, many of them are gonna require legislation and they'll definitely face headwinds when it comes to the political, legal, and fiscal reality of these situations. But it's definitely worth tracking and we're starting to see things enter the mainstream discourse that used to be fringe discussions a few years ago.

Lisa Nagele-Piazza (24:14)

So a lot of those things that you just mentioned, like paid family leave, higher minimum wage, those seem like traditional democratic positions. So what makes this different?

Rich Meneghello (24:26)

Yeah, well, I mean I think you're seeing state and local electoral bodies taking up these issues in ways they hadn't in the past because they're starting to rise to the surface a little bit. So state and local governments are really the testing grounds for these principles and priorities. And so our insight definitely recommends tracking state and local elections and modeling the impact of these, what would happen if they gain traction in jurisdictions where you operate? And of course, I think the ones who operate in the places where these things are likely to catch hold know about them already: we're talking about California, Washington state, Massachusetts, New Jersey, New York, Oregon to a certain extent. Those are places where you're going to see the laboratory of DSA proposals start to take effect.

Lisa Nagele-Piazza (25:15)

So it sounds like these aren't policies that are about to become federal law in the immediate future. It sounds more like we're gonna be watching these campaign ideas and see how they're shaping legislative proposals.

Rich Meneghello (25:27)

Yeah, I think by and large that's a great way to put it, yeah.

Lisa Nagele-Piazza (25:30)

So what are a couple of races that you're watching now, Rich, where we might learn something about whether these ideas are becoming more significant for the workplace in particular?

Rich Meneghello (25:39)

Yeah, I would say I'm I think there are three that are like my bellwether three that I'm tracking to sort of see the extent to which we're seeing the winds change across the country. It's the Los Angeles mayor election, it's the Michigan federal Senate election, and California's seventh district in Congress, which includes Sacramento. Those are the three I'm tracking. The LA mayor one, people are watching this one to see whether or not this is like a New York City's Zohran Mamdani 2.0. You have Nithya Raman, who is a Democratic Socialist, dues paying member of the Los Angeles chapter of DSA. She is running against Karen Bass. And Bass won the first round in June, but that's back when Spencer Pratt was in the race. I can't believe a Fisher Phillips podcast included Spencer Pratt's name, but here it is. He got a chunk of it, so where that chunk of voters go, whether they go to Bass or Raman, that will be really interesting to see how much DSA can impact another big city executive race, right? That's number one.

Number two, and I think this is the one that's getting the most airplay on national news, is the Michigan Senate race. Abdul El-Sayed is running against Mike Rogers. And now El-Sayed has said he's not a Democratic socialist, you know, he says it all the time when he's being interviewed and asked about it. He says "I'm a capitalist." And he and he describes why, but certainly his policy proposals are really closely aligned with DSA stuff. Right, you know, as of late September, El-Sayed is really winning most of the polls and has a really good chance. This is one where the Cook Political Report that Becca mentioned earlier rates this as a toss-up. So we'll see. This one will really do two things: one, really help determine the shape of whether DSA principle sort-of policies are being backed by mainstream Americans, number one. And number two, this race will really go a long way in deciding whether the Democrats can recapture the Senate because they essentially need to win this one if they're going to capture the Senate.

And the third one, California. This is interesting. The seventh district in Sacramento, because we don't have a Democrat DSA member running against a Republican, we have, due to quirks in California's law, two Democrats running against each other. We have Mai Vang running against incumbent Doris Matsui. And Vang is sort of the left-wing person running against an establishment person. So it'll really be interesting to see. This is a solidly blue seat, but will it go towards the more DSA-aligned candidate, or will it go towards the traditional middle of the road Democratic candidate?

Those are the three that I'm tracking.

Lisa Nagele-Piazza (28:36)

So when it comes to the rise of Democratic Socialism, what's the key takeaway for employers and what they should be tracking and planning for?

Rich Meneghello (28:43)

I think ultimately pay attention to these races, pay attention to these issues that seem at first sort of way on one side of the political spectrum, start heading more towards the mainstream. I think you're gonna start to see some of these policies we discussed get pushed more towards the center and some mainstream candidates picking them up. And you might even see some Republicans, like Josh Hawley, a senator, who picked up and supported several sort of pro-labor bills that you never would have seen a Republican in the past back, but yet now you're seeing Republicans back because of the sort of the populist nature of one of the tenants of the new Republican Party, I guess. So you know, it's interesting. We're just sort of seeing this slow incremental shift, but it wouldn't

surprise me if some of these start landing in some of the state and local legislatures that will really effectuate some policy changes.

All right, and final thing, Becca, let me ask you about the fact that employers have election season issues to handle before a single vote is counted. So we've talked a lot about what might happen after election day, but employers have some homework before November 3rd, right?

Becca Rainey (29:59)

Absolutely. And it doesn't have anything to do with who is going to be on the ballot, hopefully.

Rich Meneghello (30:04)

Listen, the one thing I hear all the time, and it's probably the most misunderstood of the major laws in this country, is when people say, "I have a First Amendment right to say whatever I want to say." And so some employers out there might think, "Wow, I've got to let people talk about politics at work, talk about these potentially controversial issues, get into arguments because the First Amendment allows them to do it." Why don't you dispel some of the myths when it comes to the First Amendment?

Becca Rainey (30:32)

Right, right. So, you know, if someone comes to your HR department and says, "I have a First Amendment right to talk politics at work," that's actually false for most workers. The First Amendment generally doesn't extend to private workspaces. And if you go back to the actual text, it starts out saying, "*Congress* shall make no law abridging the freedom of speech or press." It's very explicit that that refers to the government and not your employer. So the First Amendment restricts the government from acting against your free speech, rather than the ordinary private employer.

But it gets a little tricky because employers still need to think about employee rights under the National Labor Relations Act, which protects employees' speech when it comes to talking about your working conditions and improving your conditions at work. So political discussions can cross into protected workplace activity when employees are connecting political issues to wages, schedules, job security, or other working conditions. But that's very specific and distinct from people just talking openly about who they support, "X candidate sucks," you know, that kind of thing can just create a lot of distractions ...

Lisa Nagele-Piazza (31:57)

I want to get that on a t shirt: "X Candidate Sucks."

Rich Meneghello (32:01)

I also like the fact that almost everybody listening, the minute you said that, thought of their own "X candidate" in their head.

Becca Rainey (32:07)

Right, right.

Rich Meneghello (32:09)

And let me make sure I understand, Becca, we're talking about private employees here. The First Amendment rules might apply if you're a public employee.

Becca Rainey (32:17)

That's right. If you work for federal, state, or local government, definitely consult with counsel because there have been rulings that have raised questions about First Amendment rights in those specific workplaces.

Rich Meneghello (32:30)

Well, okay, so then Becca, then there's election day itself. I think there's this misconception as well that employers have to give people time off to vote. Tell us about that.

Becca Rainey (32:41)

Yeah, that's a really great question. There's actually no general federal requirement that private employers provide voting leave. However, as I've already said in this episode, and as we like to say, it's so important that you know what jurisdictions you're technically operating in and what local and state rules you're subject to, because there are several state rules that vary significantly.

At least 28 states and the District of Columbia have certain voting leave laws that again vary on whether the leave is paid, how much time off employees get to go vote, whether they need to give a certain amount of notice to the employer before taking that leave, as well as just employers making sure employees know that the benefit is available. So as we always say, multi-state employers, definitely review your local requirements so that you know that you are in compliance with state law, as opposed to relying on a single nationwide policy.

Rich Meneghello (33:41)

Gotcha. Makes sense.

Well, that's our five, but for this particular episode, the story doesn't end there.

Becca Rainey (33:48)

We're planning to come right back after election day and talk about what actually happened and what the results mean for employers.

Lisa Nagele-Piazza (33:54)

Yeah, we'll be recording actually on November 4th with co-chair of Fisher Phillips Government Relations Practice Group, Dave Dorey. And of course, we'll identify what employers should be watching next.

Rich Meneghello (34:05)

And this is gonna be, I think, our first ever emergency FP 5 podcast, right? An emergency pod.

Lisa Nagele-Piazza (34:11)

Emergency pod.

Becca Rainey (34:12)

A breaking news pod.

Rich Meneghello (34:13)

So that means for those of you listening out there, make sure you're subscribed to the FP 5. I was talking to somebody in the firm and was telling them about this, and they said, you gotta make sure to say “Smash that like button and subscribe,” and I told them I would do it. So this one's for you, Kieran.

Make sure you do that so you don't miss that episode. And again, we'll have links in today's show notes to the insights we've been discussing. Lisa, Becca, thanks so much for taking the time for us to get together again.

Lisa Nagele-Piazza (34:39)

Yeah, absolutely. Thank you, Rich.

Becca Rainey (34:41)

Happy to be here.

Rich Meneghello (34:44)

And as always, everyone, thank you for listening to the FP 5. For other insights from Fisher Phillips, go ahead and visit fisherphillips.com. We'll see you next week.

Becca Rainey (34:55)

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