

JANUARY 11, 2021 | LABOR & EMPLOYMENT INTERSECTIONS

President-Elect Biden Announces Boston Mayor Marty Walsh as his Choice for Secretary of Labor

By: [Kara M. Maciel](#), [Eric J. Conn](#), and [Beeta B. Lashkari](#)



On January 7, 2021, President-elect Joe Biden announced his much-awaited choice for nominee to serve as Secretary of Labor, selecting [Boston Mayor Marty Walsh](#). Mayor Walsh made his mark as a labor leader, ultimately heading the Building and Construction Trades Council from 2011 to 2013. Mr. Walsh was also a full-time legislator, serving in the Massachusetts state legislature for some 17 years before being elected mayor in 2014.

If confirmed, it is expected that Mayor Walsh's close personal friendship with President-elect Biden will elevate the importance of the Labor Department in President Biden's cabinet, allowing a Secretary Walsh significant influence in the Administration.

Mayor Walsh's strong ties to organized labor and his selection follows through on President-elect Biden's campaign promise to give unions a stronger voice in labor policy in his Administration. Mayor Walsh has a reputation as a "pragmatic dealmaker," and he is respected in Massachusetts by both business and labor for his reasonable approach to solving labor and employment issues facing the state.

Of the many issues likely to be tackled by the Labor Department over the next few years, one of the first and most impactful will be the likely issuance of a federal COVID-19 Emergency Temporary Standard by OSHA.

President-elect Biden has pledged to have OSHA quickly address this issue. If a federal ETS is promulgated, it would replace the current Administration's approach, which has relied heavily on CDC and agency guidance, as well as existing OSHA standards, like the respiratory protection standard and recordkeeping rules, to issue citations. With respect to COVID-19, under Mayor Walsh's leadership, the City of Boston implemented a broad array of sector-specific workplace instructions for businesses designed to limit the spread of the virus, including requirements for face coverings, social distancing, building capacity limits, staggered work shifts, and worksite ventilation improvements.

As Labor secretary, Mr. Walsh would be responsible not just for worker protection standards, but also for renewed paid family-leave benefits and expanded access to unemployment insurance, among myriad other responsibilities. Likewise, it is expected that DOL under a Biden Administration would rescind a just-finalized

regulation issued over the appropriate test for classifying whether workers are independent contractors or employees.

Republicans like House Education and Labor Committee Ranking Member Rep. Virginia Foxx (R-NC) are already pushing back on President-elect Biden's selection, warning that Mr. Walsh's labor background signals that he will try to impose "punitive one-size-fits-all regulations" on employers. Nonetheless, based on his track record, it is expected that Mr. Walsh may make efforts to force compromise between business and labor rather than taking a more ideological, anti-business approach that would likely have been followed had President-elect Biden nominated Senator Bernie Sanders as Labor Secretary, who is said to have wanted the post.

While his selection awaits the Senate confirmation process, Mr. Walsh could be confirmed by a simple majority vote that would not require backing from a single Republican senator.

Conn Maciel Carey LLP

[Disclaimer](#)

Attorney Advertising