

*ILR Review*: CALL FOR PAPERS

*Conference and Special Issue on*

**Federalism in US Work Regulation**

The *Industrial and Labor Relations Review* is calling for papers for a conference and subsequent special issue devoted to the emergence (or reemergence) of Federalism in US work regulation. Janice Fine (jrfine@smlr.rutgers.edu) and Michael Piore (mpiore@mit.edu) will be guest editors of the special issue.

Scholars interested in participating should submit an abstract to the Journal by **June 1, 2018**. The abstract should be about three pages long and contain a description of the problem addressed and the argument that will be advanced, as well as the methodology and sources of data to be used. If possible, the nature of the arguments and findings should be previewed.

Authors whose abstracts are accepted will be invited to a conference jointly sponsored by the ILR School at Cornell and the Rutgers School of Management and Labor Relations during the fall of 2018. Conference expenses will be partially subsidized. Papers presented at this conference should be suitable for immediate submission to external reviewers. Based on the reviewers' recommendations, discussions at the conference, and fit with the issue, a subset of authors will be asked to submit their papers to the *ILR Review* with the expectation that their papers will be published in a special issue if they pass the external review process. Papers that reviewers deem of good quality but are not selected for the special issue will be considered for publication in a regular issue of the journal.

***Overview and Submission Procedures***

The symposium is in response to a sharp increase in labor regulation at lower levels of government. Over the course of the past 10 years, 33 states and 16 cities and counties have adopted minimum wage laws higher than the federal level; 5 states, 23 cities, and 1 county have enacted paid sick leave laws; 6 states have passed domestic workers bills of rights; and 100 cities and counties have "banned the box," removing conviction history questions on job applications. Efforts are also underway to create local policies to tackle unfair scheduling practices and to expand paid family leave. In addition, there is a longer tradition of decentralization and federalism in health and safety regulation, of particular interest because it predates the pressures that are producing federalism today. Washington State has mandated health and safety committees since 1943. In recent years, these issues have also arisen in other domains, in particular immigration policy, as state and local officials have begun to pursue policies distinct from those of the federal government, either to moderate the impact of aggressive enforcement or to amplify it.

These developments represent a reversal of patterns established in the 1930s, when labor and work regulation began to be driven by the federal government. But they also reflect a much broader approach in regulatory policy and have parallels in a variety of other policy domains including federal health insurance, environmental regulation, income support programs, and social services. Decentralization of authority, as well as responsibility, has been advocated by

conservatives opposed to government regulation in general. But it has also been supported by liberals and progressives, as substantive federal policy has been blocked in recent years by political impasse and the ideological turn against regulation, trends that are accelerating under the Trump administration and the Republican congress.

While action on *policy* has shifted from the federal to the state and local levels, with the exception of a few cities that have been establishing offices of labor standards enforcement, there has been relatively little innovation in the area of enforcement strategy by state agencies. Paradoxically, at the federal level, while standards themselves have atrophied, there have been important developments in enforcement strategy. At the US Department of Labor, *strategic enforcement*, which targets highly non-compliant industries and takes advantage of industry-specific dynamics and structures to affect networks of interconnected employers, became a significant programmatic focus during the Obama administration.

These developments raise a number of topics about the nature of the system that appears to be emerging, its impact, and its operation. Topics include:

1. The diffusion of substantive standards, enforcement strategies, and administrative structures across jurisdictions;
2. The variation in administrative procedures across jurisdictions and its impact on prevailing working conditions and upon economic conditions;
3. Coordination across state and local jurisdictions and between lower level jurisdictions and federal agencies;
4. The variation in practice across different types of labor standards and the relationship between practices and procedures for the promulgation of labor standards and other standards and practices in other regulatory domains (e.g., building codes, environmental standards, consumer products, and so forth);
5. Comparison of local regimes across different standards;
6. Emergent conflicts between immigration and labor regulation and enforcement regimes;
7. The relationship between government standards, union organization, and collective bargaining as well as other types of worker organizations;
8. Whether shifts in enforcement authority affect business strategy or compliance;
9. What kinds of additional tools are available at the local level (e.g., bonding, restaurant licensing, building permits, and so forth); and
10. Whether and how the total funding for enforcement activity is affected by decentralization of power and authority, for example, whether the federal enforcement budget is reduced or state and local budgets expand as authority shifts to lower government jurisdiction.

The symposium also aims to link these emergent themes to earlier research traditions. One tradition in legal scholarship is about conflicts of law. The other is in industrial relations scholarship about the appropriate level of collective bargaining given conflicts between labor and management, between labor and the state, and within the labor movement itself.

We encourage submissions from all social science disciplines—anthropology, economics, history, industrial relations, law, sociology, and political science. We particularly encourage perspectives that recognize the different cultures of government agencies and seek to understand their impact on labor standards.

Although the focus of the conference and special issue will be on contemporary US regimes, we strongly encourage papers that draw on historical experience and/or the experience in other countries to provide insights into the implications of US developments and their likely evolution. We are also open to proposals that focus on regulatory federalism in other policy domains.

Prospective contributors are encouraged to consult the guest editors regarding preliminary proposals or ideas for papers. To submit an abstract for consideration for the conference, please attach your abstract to an e-mail and send it to the *ILR Review* office at [ilrr@cornell.edu](mailto:ilrr@cornell.edu). In the subject line of the e-mail, please write Special Issue: Federalism in US Work Regulation.