

Who are the Incentive Federation's members?

The Incentive Federation is the only organization whose membership and leadership includes all the industry's national trade associations, as well as individual industry companies. It is under The Incentive Federation umbrella that the collective interests of the Incentive Marketing Association (IMA), the Promotional Products Association International (PPAI), The Incentive Research Foundation (IRF), and the Society for Incentive Travel Excellence (SITE) are advanced.

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PRO Act Threatens Independent Contractors Things to Know and Think About

U.S. Senate Now Considers New Federal Legislation That Threatens Independent Contractor Status of Thousands

As reported in the March 2021 IFI Bulletin legislation was introduced in Congress that would effectively ban independent contractor classifications under federal labor law. PPAI, IMA and IMRA are concerned as many promotional products salespeople and IMRA reps would be adversely affected by the law.

The bill was passed by the House of Representatives on March 9, 2021 and has been forwarded to the Senate for consideration. The legislation has been referred to the Senate's Committee on Health, Education, Labor and Pensions. The committee is chaired by Patty Murray (D) from WA. The ranking minority member is Richard Burr ® from NC. The full committee membership can be obtained at www.senate.gov.

The Protecting the Right to Organize (PRO) Act, H.R. 842, amends the National Labor Relations Act to establish a new definition of employees which expressly eliminates independent contractors in the U.S. The new legislation makes a broad presumption that all workers in the U.S. are employees unless each element of a newly established "ABC" test can be demonstrated. PPAI and IMA are opposed to the PRO Act because, if signed into law, it would significantly change how thousands of promotional products companies and incentive reps interact with each other, and it will eliminate jobs in the industry. Specifically, the PRO Act would abolish independent contractor agreements, enforce government control over private employment contracts and significantly broaden risk exposure to joint employer liability.

The legislation also sets new criteria for determining occupational status as an independent contractor instead of an employee. The proposed new criteria entail a three-pronged test for which each of the requirements must be proven if an independent contractor wants to retain his or her status under federal labor law.

There is a long-standing debate about whether individuals who provide services to a business are employees or independent contractors. That debate saw a resurgence in 2019, when California's governor signed Assembly Bill 5 into law. The legislation, which was revisited in 2020, effectively bans companies from classifying most workers in California as independent contractors. The law also outlines some exceptions to the employment standard and establishes a three-pronged test for determining independent contractor status in California.

A. The first element of the employment test requires the worker to be free from the control of the hiring organization. This

condition must exist in the text of the contract as well as in the practice of the contractor's work.

- B. The second element of the test requires the work being performed to be outside the normal course of business for the hiring organization. This perhaps the most challenging of the new "test."
- C. The third element of the test is a requirement for the contractor to be involved in an occupation or trade that is independently established and the same type of work that is being performed for the hiring entity. This test makes the presumption that a worker is an employee unless all the elements are demonstrated by the hiring organization.

Soon after California's Assembly Bill 5 was passed into law, the U.S. House of Representatives passed a similar measure. The Protecting the Right to Organize (PRO) Act amends the National Labor Relations Act to establish a new federal definition of the term "employee" which expressly eliminates independent contractors in the U.S. The new legislation makes a broad presumption that all workers in the U.S. are employees unless each element of a newly established "ABC" test can be demonstrated.

The relevant state legislation and the PRO Act changed the nature of the discussions concerning labor classifications and independent contractors. Before last year, these conversations involved classifications pursuant to tax legislation. Because of the new legislation that was introduced, the conversations about employment categories shifted to discussions about proposed modifications to existing labor laws. More than ten different standards define the term "employee" among the states and the federal government.

The IFI, PPAI, and the IMA are all working to inform their members about the pending legislation and to encourage members to oppose the bill by emailing their elected representatives. PPAI has an efficient tool that provides an easy way to send an email to representatives. Please use and share the link to PPAI's Action Alerts for an easy way to voice your opposition to the legislation:
<https://advocacy.bgov.com/v2form.html?uuid=1007fd02-0e7f-4b5b-a6f9-bcc0a0439e75&cs-preview=true>. You can customize your message.

Things to Know and Think About

RPI Webinar: Motivation Currency – April 28, 2021 1:00 pm ET

Presented by Sumit Khandelwal, Chief Executive Officer, Xoxoday

Motivation can have a great deal of impact on human behaviour and what actions we take. That is the reason, business leaders are constantly looking for ways to motivate people and influence their actions - be it their employees, partners, customers, distributors, or their gig workforce - while driving better business outcomes. So what drives human behaviour? What are the factors that compel people to take actions? While in some cases there are external factors like money, status, fame, and power that influences human actions; there are times when internal factors like the sense of individuality, purpose in life and the sheer joy and fulfillment of doing something drives people. Understanding what motivates people is becoming an increasingly important part of all businesses. Only knowing what motivates people can help organizations design and drive engagement plans that can truly tap into their "Motivation Currency".

To register, click [here](#).

SITE NITE ALL NITE – April 28-29, 2021 Starting at 7am New York | 12pm London | 6pm Bangkok and running for 12 hours.

It's all about **extraordinary** – extraordinary people, extraordinary places and extraordinary stories.

This is an event you can attend in your own time zone, connecting with SITE's vibrant community all around the world while learning in snack-sized moments and discovering the wonderful places where our members work and play.

Thanks to the extraordinary generosity of our SITE members and friends, a raffle will be held with all

proceeds supporting the vital work of SITE Foundation in research, education and advocacy.

In lieu of registration fee, please show your support for this important work by purchasing tickets here. If you're not in, you can't win!

To register, click [here](#).

NorthStar Meetings: Women in Leadership Meetings + Incentive – May 17 – 19, 2021 Miami, FL

WILMI (Women in Leadership Meetings + Incentives) is an exclusive conference for executive-level women in the industry – by women, for women. At WILMI, leading female meetings and incentives buyers and suppliers will join together to network, engage in dialogue on present and future challenges and opportunities, and plan and do business together.

For more information, click [here](#).

PPAI: SPARK 2021 Direct-2-You (Virtual Event) – May 20, 2021 Noon – 5:00 PM

SPARK is a year-round program for young professionals in the promotional products industry. Attendees have typically been between the ages of 19-36 years old with industry experience ranging from 1 week to 6+ years. Conversations take place throughout the year through educational sessions and networking events. SPARK combines actionable takeaways and professional development opportunities to help further careers while engaging industry peers.

For more information, click [here](#)

Robin Report

Some of you are familiar with the **Robin Report**, a newsletter that includes a lot of articles related to retail, brands, and consumer behavior. Given the relationship between retail and special markets, you may find the articles below thought provoking or at least interesting.

[Fulfillment: Retail's New Loyalty Factor](#)

[Five Macrotrends That Will Drive Traditional Retail's Big Comeback](#)

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If you have questions, advice for the Board, or want to raise issues for the Board to think about, please contact Steve Slagle at steves3309@gmail.com or 864-710-6739.