

POLICY MATTERS

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Happy 2019! As we enter the new year with this brand-new edition of *Policy Matters*, we find ourselves STILL focusing on many of the same issues that we were discussing at the end of 2018, including the lack of a fully-funded government and numerous federal agencies without confirmed leadership. We do, however, have a new Congress and all that that entails. So let's start there . . .

New Congress Means New Labor Committee Leadership. As expected, the House Committee on Education & Labor (nee Workforce) will be chaired by Bobby Scott of Virginia. Virginia Foxx of North Carolina will serve as the Republicans' Ranking Member. Over on the Senate side, Tennessee's Lamar Alexander will continue as Chair, and Democrat Patty Murray of Washington will serve as Ranking Member.

Labor-Related Legislation Introduced . . . Slowly. In the week since the new Congress has been seated, more than 500 bills and resolutions have been introduced. A handful of those bills touch on labor and employment issues, such as studying sexual harassment in STEM professions, reforming certain aspects of visa programs, indexing the minimum wage to the Federal poverty threshold for a family of four, providing unpaid interns with rights under discrimination and harassment laws, and legalizing marijuana for medical purposes. Expect the "real" action in the legislative space to begin in several weeks, once the all-encompassing budget battle stops sucking all of the air out of the room. Bills on topics such as minimum wage, paid leave, and arbitration are sure to get high-profile introductions, complete with press conferences, followed eventually by hearings.

Oversight on the Horizon. The House Education & Labor Committee will be embarking enthusiastically on oversight of DOL, the NLRB and, to a lesser extent, the EEOC. But keep in mind that the Committee also has the authority to put individual companies in its crosshairs for investigations of "apparent" improprieties--ranging from unexplained racial or sexual imbalances in the workforce to actions during union organizing campaigns.

STILL Waiting for that Budget. As was the case at the end of last year, the budget battle does not appear to have an end in sight. After another failed negotiation with Congressional leadership, President Trump heads today to the U.S.-Mexico border, potentially in an effort to support the declaration of a national emergency, upon which the Administration would fund a border barrier without specific Congressional appropriations. It is unclear what the impact of such a declaration would be on ending the budget standoff.

Labor Agency Leadership Still in Limbo. No labor-related agency leadership was confirmed in the waning moments of the last Congress. The Acting Administrator of the Wage & Hour Division left the agency for the private sector. The expiration of EEOC Commissioner Chai Feldblum's appointment leaves the EEOC without a quorum. All of this means that much of the political leadership that was expected to drive the Administration's labor policy is sitting on the sidelines. Due to the new Congress, the President will need to nominate (or re-nominate) individuals to fill a wide range of positions, including the heads of OSHA, ETA, and the Wage & Hour Division; three EEOC commissioners and the General Counsel; and an NLRB member. Once nominated, the individuals will require Senate confirmation, which continues to be elusive, and will certainly not improve so long as the budget fight continues.

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