

POLICY MATTERS

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President's Budget Cuts DOL By 10%. Every year, the President of the United States submits a budget to the U.S. Congress. And just about every year, Members of Congress use the President's budget as a doorstep or kindling. Particularly with this divided Congress, there is virtually no chance that the President's FY2020 budget will become "the" budget. Nevertheless, at DOL, the President's [budget](#) makes significant cuts to some "ineffective" job training programs, while effectively maintaining or even increasing enforcement resources at the Wage & Hour Division, OFCCP, OLMS, and OSHA. Significant increases in premiums under the multi-employer pension program were proposed. The budget also includes a \$160 million investment in apprenticeships, one of the President's key issues.

Equality Act Introduced. On March 13, a record 240 Members of Congress [introduced](#) the Equality Act, which would expand Title VII and other civil rights laws by adding sexual orientation and gender identity as protected classes. The bill would apply to employment, places of public accommodation, public facilities, housing, and public education. The bill has [broad support in the business community](#). With regard to employment, the Equality Act supplants the Employee Non-Discrimination Act (ENDA) which has been under consideration by the Congress since at least 1994, passing the Senate in 2013. Four currently serving Republican Senators--Collins, Murkowski, Portman, and Toomey--voted in favor of the bill. Passage in the House is a certainty, but the bill's fate in the Senate, where we expect the Senate Judiciary Committee will take the lead, is uncertain.

Part 541 Proposal Announced. Shortly after last week's Policy Matters, the Department of Labor [announced](#) its [proposed rule](#) regarding the salary threshold required for the white collar exemptions. DOL has proposed a new minimum threshold of \$35,308 (\$679/week). Up to 10% of the salary may be made up of nondiscretionary bonuses, with an annual "true-up" to ensure the \$35,308 level is met. The standard for the highly compensated employee exemption would rise to \$147,414. No regional difference or automatic updates have been proposed. For more information, see our [Client Alert](#).

BLS Commissioner Beach Confirmed. The first Labor-related nominee of the new Congress has been confirmed by the U.S. Senate. William Beach was confirmed 55-44 to serve as Commissioner of Labor Statistics for a term of four years. There is no indication as to when the remaining nominees to DOL and the EEOC will be brought up for a vote. As we have reported previously, however, there has been a Republican effort to reduce the limit on the debate on sub-Cabinet and district court nominees from the current 30 hours to two hours, which would expedite the confirmation process. It is now being [reported](#) that Majority Leader McConnell may be prepared to bring that option up for a vote.

Senators Request GAO Review of Non-Compete Agreements. A bipartisan group of U.S. Senators requested the Government Accountability Office (GAO) to investigate the use of non-compete agreements, citing concerns about their negative impact on both workers and the national economy. For more information, see Seyfarth's [Trade Secrets blog](#).

States File Suit on Electronic Reporting Rule. It seems like we've gotten to the point where a lawsuit filed to enjoin implementation of a final rule has become part of the regulatory process. The latest suit in that trend was filed by six states against the Occupational Safety and Health Administration, claiming that the agency did not provide sufficient justification to rollback the electronic reporting rule for large employers. For more information, see Seyfarth's [Workplace Safety and Environmental Law Alert blog](#).

E-Verify. With introduction by Senator Grassley of his mandatory e-verify bill, S. 556, the possibility of employers being required to use the system is again on the horizon. Indeed, in the past, the employer community has supported mandatory e-verify, provided certain conditions were met. In the meantime, developments at USCIS remain fluid. Learn about recent developments in the e-verify area by joining us for a [timely webinar](#) on the topic.

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