

POLICY MATTERS

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March 15, 2018

Potential DACA Deal in Omnibus Bill. Several reports have indicated that the White House is open to a [possible DACA deal](#) being included in next week's Omnibus bill. While there is said to be no official proposal, a three-year extension of DACA is rumored to be offered in exchange for three years of border wall funding. The White House has publicly denied this, stating that the administration opposes a "three for three" swap. Further, many [House Republicans balked](#) at the notion of this deal being included in a "must pass" spending bill. While a DACA fix seems unlikely to be included in the Omnibus, this issue will clearly remain at the forefront.

As a reminder, the current CR [funds the government through March 23](#).

Secretary Acosta Questioned on State Minimum Wage Enforcement. At a Senate Commerce Committee hearing on Wednesday, Senator Peters (D-MI) questioned Labor Secretary Alex Acosta on a [recent Politico report](#) that claimed state minimum wage laws were not being properly enforced, leading to billions of dollars in lost wages. [Secretary Acosta assured the Senator](#) that the Department strongly supported the enforcement of minimum wage laws (even though the Department has no authority to enforce state laws) and took the opportunity to publicize DOL's newly launched [Payroll Audit Independent Determination](#) (PAID) program. The new initiative will provide employers the opportunity to make good on back pay and avoid litigation.

See Seyfarth's [Wage & Hour Litigation Blog](#) for more information on the PAID Program.

Your One-Stop NLRB Shop:

Nominee Ring Approved by Senate HELP Committee. After having three confirmation hearings scheduled and then subsequently delayed, the fourth time around was the charm for NLRB nominee John Ring. On Wednesday, Ring was [voted out of the Senate HELP Committee](#) along a party line vote of 12 - 11, with Senators Sanders (I-VT), Warren (D-MA), and Baldwin (D-WI) asking to go on the record in opposition.

As previously noted, Ring's appointment to the NLRB would reestablish the Board's 3 - 2 Republican majority. His confirmation vote before the full Senate has not yet been scheduled.

Public Comment Period Announced for Potential NLRB Field Office Changes. On Wednesday, the Board released a [memo](#) announcing that they will open to public comment proposed changes to its field offices. Signed by NLRB General Counsel Peter Robb, the memo details many of the potential changes the Board is considering. GC Robb's field office plans previously made headlines when Board Chairman Marvin Kaplan stated that any proposed changes [would have to be approved by the Board](#) before being implemented.

“Ambush” Election Rule Comment Period Extended—Again. Lastly, the NLRB announced that it would [again extend the public comment period](#) for the Obama-era “Ambush” election rule. The initial deadline of February 12 was previously extended to March 19, and now it has been extended to April 18.

The controversial rule hastens workplace organizing by limiting employer litigation until after a union election has occurred. Additionally, the rule also ended the minimum 25-day waiting period between the filing of an election petition and having the election take place. The rule currently permits this waiting period to be as little as 10 days.

Seyfarth Monthly Update on State Independent Contractor Policy Movements. *Policy Matters* is introducing a new monthly update on independent contractor state legislative developments. [This month’s update](#) describes new legislative advancements regarding independent contractors from as far north as Alaska down all the way to Louisiana.

NEXT WEEK: March 20 Hearing on DOL’s Proposed Association Health Plan Rule. The Subcommittee on Health, Employment, Labor, and Pensions of the House Committee on Education and the Workforce will hold a [hearing next Tuesday](#) regarding the viability of association health plans in relation to [DOL’s proposed rule](#). The public comment period for the proposed rule closed on March 6.

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Seyfarth Shaw LLP | Policy Matters | March 15, 2018

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