



POLICY MATTERS

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More Labor & Employment House Hearings Scheduled. The House Education & Labor Committee is keeping its foot on the hearing pedal. Next week, it has three hearings scheduled, two of which address labor issues. The [first](#), on Tuesday, March 26, is on "Protecting Workers' Right to Organize: The Need for Labor Law Reform." The [second](#), on March 27, is on "Innovations in Expanding Registered Apprenticeship Programs." We'll report on the hearings in next week's edition.

President's Proposed Budget Cuts NLRB and EEOC. Earlier this week, the White House released an [appendix](#) containing (among other things) the proposed budgets for the National Labor Relations Board and the Equal Employment Opportunity Commission. Under the proposal, the NLRB's funding would be cut by 12 percent, and the [EEOC](#) would be cut by six percent. Congress, of course, will ultimately pass (or not pass) the FY2020 budget for the entire federal government.

WHD Issues New Opinion Letters. Last week, the Department of Labor's Wage & Hour Division issued three new opinion letters. WHD addressed the obligation to [designate FMLA-qualifying leave](#) and a prohibition on expanding FMLA leave, wage and recordkeeping requirements for [residential janitors](#), and the [compensability of time](#) spent participating in employer-sponsored community service events. WHD is committed to answering opinion letters, which continue to be an excellent vehicle for employers to obtain clarity on a variety of questionable practices under the FLSA and FMLA.

Cities and States Keep Getting in on the Action. With relative federal inactivity on the labor and employment legislative front, states—and even cities—have been identifying opportunities to jump in. The Maryland legislature recently passed—with veto-proof majorities—a bill that would increase the state's hourly minimum wage to \$15 (up from the current \$10.10). The City of Cincinnati passed a [salary history ban](#) ordinance, which would also require that employers provide some job applicants the "pay scale" associated with the job for which they are applying. And the Washington (state) Senate passed a bill that would partially ban non-compete agreements. For a comprehensive look at the Washington bill, part of an increasing trend of non-compete bans, [see Seyfarth's Trading Secrets blog](#).

New EEO-1 Form Back? Although thought dead by most, the U.S. District Court for D.C., issued a ruling March 4 reinstating the revised EEO-1 Report which had been stayed by the Office of Management and Budget. Nevertheless, on Feb. 1, the EEOC opened its portal tentatively indicating that submissions under the old EEO-1 form would be acceptable, subject to further review. In response, the National Women's Law Center filed a request with the Court to discuss whether EEOC was in compliance with the Court's order. EEOC has until April 3 to respond. Seyfarth held a [webinar](#) on Monday, March 18, to bring employers up to speed on compliance with the new EEO-1 form and [issued an alert](#) summarizing the situation. It should be emphasized that given the tenor of the proceedings and the Court's opinion, we believe that employers **should begin preparations to comply with the new form**.

Paycheck Fairness Act. The House is now expected to take up the Paycheck Fairness Act this following Wednesday. The Act would radically restructure the Equal Pay Act to make it virtually impossible for employers to defend legitimate pay differentials and adds unlimited punitive and compensatory damages to the existing remedies under the Act--even without a showing of intent. Multiple amendments have been filed with the House Rules Committee, but as of today, we do not know which will be made in order. As previously noted, Seyfarth [testified](#) on the legislation and will continue to be closely involved as this misguided legislation progresses.

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