

# POLICY MATTERS

PRESENTED BY SEYFARTH'S GOVERNMENT RELATIONS AND POLICY GROUP

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**Paycheck Fairness Act Passes House.** As predicted in last week's newsletter, the Paycheck Fairness Act ([H.R. 7](#)) passed the House on Wednesday. The vote was 242-187, with 7 Republicans voting in support. A variety of amendments were debated, with all Democrat amendments adopted and all Republican amendments defeated. One amendment marginally improved the bill by making clear that the expanded compensation reporting requirements would apply only to employers of 100 or more employees. A Motion to Recommit that would have capped attorney fees at 49 % of the underlying award was defeated, 191-236. Representative Stefanik (R-NY), along with 48 cosponsors, introduced an alternative bill, the Wage Equity Act ([H.R. 1935](#)), which would make narrow changes to the Equal Pay Act--including some limitations on the use of past wage history--but would allow a type of safe harbor from liquidated damages for employers who undertake a voluntary self-audit on pay--setting a useful precedent. As we've noted previously, Seyfarth has been very involved in this legislative process and will remain so as the bill move to the Senate.

**WHD Proposes Rule Amending Regular Rate Requirements.** A week after officially publishing its proposal on the [minimum salary threshold](#) for the white-collar exemptions, the Wage & Hour Division is back in the Federal Register. This week, WHD is [proposing to clarify](#) the requirements surrounding the calculation of the "regular rate of pay," which is the rate on which overtime payments are based. WHD has not significantly revised these provisions in over 50 years, and plans to address the treatment of a number of benefits, perks, and similar payments. Comments to the proposed rule will be due on May 28, 2019.

**Dream Act Reintroduced.** Senators Graham (R-SC) and Durbin (D-IL) reintroduced the Dream Act, [S. 874](#). The text of the bill is not yet available, but Sen. Graham has described a prior version of the bill as "allow[ing] immigrant students who grew up in the United States to earn lawful permanent residence and eventually American citizenship." Among other requirements, to qualify under the prior Dream Act, the individual must have entered the country prior to his or her 18th birthday and have maintained a continuous presence in the U.S. for the four years prior to enactment.

**Bicameral Introduction of Paid Parental Leave Alternative.** Senators Rubio (R-FL) and Romney (R-UT) were joined by Representatives Wagner (R-MO) and Crenshaw (R-TX) in introducing the New Parents Act ([H.R. 1940](#)), which would permit parents of newborn or recently adopted children to draw on their Social Security benefits for up to three months. The benefits would be repaid by either delaying retirement or taking a proportional reduction of retirement benefits. As we discussed in prior editions, paid leave continues to be a hot topic on the Hill, with a wide variety of players seeking bipartisan support for their proposals.

**#MeToo Inspires Legislative Changes Across the Country.** The #MeToo movement has brought a flurry of legislative activity at both the federal and state level. State legislatures, in particular, have been passing--and continue to pass--legislation targeted at workplace sexual harassment. Seyfarth has prepared an [overview](#) of the state level legislative developments, a number of which have been introduced (or are expected to be introduced) at the federal level.

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