

POLICY MATTERS

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The House and Senate are adjourned this week for their State/District work periods.

Acosta to Testify Before House Ed and Labor. The House Committee on Education and Labor has set a time for their questioning of Labor Secretary Alex Acosta. On May 1, 2019, the Secretary will be the sole witness at a [hearing](#) titled "Examining the Policies and Priorities of the U.S. Department of Labor." This is the first opportunity the new leadership of the House committee of jurisdiction will have to question Secretary Acosta on issues ranging from enforcement priorities to apprenticeships to tipped employees and the rest of DOL's regulatory agenda.

Supreme Court Agrees to Hear Title VII Protects Sexual Orientation and Gender Identity . . . Earlier this week, the Supreme Court granted review to a trio of Title VII cases raising the issue of whether Title VII prohibits discrimination on the basis of sexual orientation and gender identity. See Seyfarth's [Employment Law Lookout blog](#) for more.

. . . And Requires Express Agreement for Class Arbitration. The Supreme Court also ruled that class arbitration "fundamentally" changes the nature of the "traditional individualized arbitration" envisioned by the Federal Arbitration Act and, thus, requires an express agreement of the parties. For more on the decision, check out the [Wage & Hour Litigation blog](#).

More #MeToo. The Illinois Senate unanimously passed the [Workplace Transparency Act](#). This all-encompassing sexual harassment bill hits all of the big ticket workplace sexual harassment hot topics, including imposing sexual harassment training and extensive reporting requirements; banning non-disclosure agreements, arbitration clauses, and non-disparagement clauses; and establishing hefty penalties for non-compliance. Follow the [Employment Law Lookout blog](#) for more.

EEO-1 Form. In this ongoing saga, Judge Tanya Chutkan, with the U.S. District Court for D.C., held a hearing this morning on implementation of the new EEO-1 Form, Component 2. Cutting to the chase, she stated that 1) EEOC must take all necessary steps to collect 2017 and 2018 Component 2 data by September 30, 2018 **OR** notify the Court and Plaintiffs by May 3, 2019, that instead of collecting 2017 data (the agency must still collect 2018 data by September 30), it intends to collect Component 2 data for 2019 in the 2020 reporting period; and that 2) the expiration date of the Component 2 collection authorization number under the Paperwork Reduction Act originally granted by OMB of September 30, 2018 would be tolled, i.e. extended for the period of OMB's stay (553 days) until April 5, 2021. As previously reported, Seyfarth filed two amicus briefs in this case on behalf of the business community and will be holding a webinar on Monday, April 29, 2019 at 12:00 p.m. CT to provide an update as to status and detailed compliance guidance. Stay tuned for further information on that webinar, or [click here](#) to pre-register.

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