

POLICY MATTERS

PRESENTED BY SEYFARTH'S GOVERNMENT RELATIONS AND POLICY GROUP

June 6, 2019

House Hearing on Overtime Rule. The seemingly never-ending saga of the Department of Labor's regulatory efforts to increase the salary threshold gets another chapter next week when a subcommittee of the House Committee on Education and Labor holds a [hearing](#) titled "Restoring the Value of Work: Evaluating DOL's Efforts to Undermine Strong Overtime Protections." Witnesses have not yet been announced for the June 12 hearing.

Regular Rate Comment Period Ends Soon. The second of the U.S. Department of Labor Wage & Hour Division's spring rulemakings ends next week (the first—the subject of the hearing referenced above—addresses the exempt status salary level and the third joint employment). This rulemaking focuses on revisions that address the manner and method by which the overtime rate of pay is calculated under the FLSA. Interested parties may provide comments by June 12 at [regulations.gov](https://www.regulations.gov). Seyfarth's Wage & Hour Litigation Practice Group will be submitting comments; please reach out to a member of that team with any questions or ideas.

D.C. Begins Process to Legalize Sale of Marijuana. In Washington, D.C., you can possess recreational marijuana, but you cannot legally buy it or sell it. D.C.'s mayor has introduced a bill that would change that anomaly. And the City Council has announced hearings. For more on this development – and an explanation of the odd way in which D.C.'s laws become laws – see [Seyfarth's Blunt Truth blog](#).

Immigration—the Intractable Debate Continues. On June 4, the House passed HR 6, the American Dream and Promise Act of 2019, 237-187 with 7 Republicans in support. The Act, prompted by the Administration's attempted rescission of the DACA (Deferred Action for Childhood Arrivals) program and threatened termination of the various TPS (Temporary Protected Status) programs, would create permanent protections for an estimated 2.5 million people. Ongoing negotiations to create a more bipartisan legislative effort obviously failed. The Act was strongly supported by the business community. Senate consideration is unlikely.

POWADA. As earlier reported, the Protecting Older Workers Against Discrimination Act (H.R. 1230) will soon be headed to markup in the House Education and Labor Committee and then to the House floor. The bill, in a nutshell, would reverse the Supreme Court's Gross decision which found that "mixed motive" cases cannot be brought under the Age Discrimination in Employment Act, and would apply the framework now used under Title VII, as amended by the Civil Rights Act of 1991, to allow mixed motive cases. However, if an employer could show that it would have made the same decision even absent the discriminatory age-related motive, damages would be limited to injunctive relief and attorney's fees. Notably, the bill ranges much further than this fix, also amending the retaliation provisions of Title VII and the ADEA and further amends the Americans With Disabilities Act and the Rehabilitation Act. Seyfarth counsel Larry Lorber prepared a statement for the record, which we include [here for your information](#).

By: [Randy Johnson](#) and [Alex Passantino](#)

Randy Johnson is a Partner in Seyfarth Shaw's Washington, DC office and chairs the firm's [Government Relations and Policy Practice Group](#) (GRPG). Alex Passantino is a Partner in Seyfarth Shaw's Washington, DC office and Co-Chair of the firm's Wage and Hour Litigation Practice Group.

www.seyfarth.com



Attorney Advertising. This is a periodical publication of Seyfarth Shaw LLP and should not be construed as legal advice or a legal opinion on any specific facts or circumstances. The contents are intended for general information purposes only, and you are urged to consult a lawyer concerning your own situation and any specific legal questions you may have. Any tax information or written tax advice contained herein (including any attachments) is not intended to be and cannot be used by any taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayer. (The foregoing legend has been affixed pursuant to U.S. Treasury Regulations governing tax practice.)

Seyfarth Shaw LLP | Policy Matters | June 6, 2019

©2019 Seyfarth Shaw LLP. All rights reserved. "Seyfarth Shaw" refers to Seyfarth Shaw LLP (an Illinois limited liability partnership). Prior results do not guarantee a similar outcome.