

POLICY MATTERS

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Labor Department Releases Long-Awaited Apprenticeship Proposal. Earlier this week, the Department published a notice of proposed rulemaking ([NPRM](#)) on industry-recognized apprenticeship programs (IRAPs). The NPRM reflects recommendations made in May 2018 by the Task Force on Apprenticeship Expansion, which itself was created by a June 2017 executive order. Under the proposal, trade, industry, and employer groups or associations, educational institutions, state and local government entities, non-profit organizations, unions, or a consortium or partnership of these entities, can become a Standards Recognition Entity (SRE). SREs will set standards for training, structure, and curricula for IRAPs in relevant industries or occupational areas. The SREs would be recognized through the U.S. Department of Labor to ensure that certain requirements are met. Specifically, the Department proposes to ensure that SREs have the capacity and quality-assurance processes and procedures needed to monitor IRAPs, and recognize that IRAPs are high quality (e.g., include paid work, work-based learning, mentorship, education and instruction, industry-recognized credentials, safety and supervision, and equal employment opportunity). Interested parties have [60 days to comment](#).

FLSA Gets Some Love on the Hill. Earlier this week, the FLSA celebrated its 81st birthday. Rather than throwing a blowout party, Congress appears to have celebrated this milestone event by suggesting ways for the FLSA to change. In the past week or so, bills have been introduced to "clarify the definition of employee as it relates to direct sellers" ([H.R. 3522](#)); prohibit states and municipalities from adopting higher wage rates ([H.R. 3515](#)); provide that over-the-road bus drivers are covered under the maximum hours requirements ([H.R. 3485](#)); and provide that sex includes sexual orientation and gender identity ([H.R. 3468](#)).

Federal Law Preempts New York's Arbitration Limitations. In 2018, New York passed significant reforms to its sexual harassment laws. Key among the changes was a prohibition on employers' use of agreements requiring pre-dispute arbitration of sexual harassment claims (and rendering existing language null and void). A recent decision out of the Southern District of New York held that such a prohibition is preempted by the Federal Arbitration Act. For more, see Seyfarth's [One Minute Memo](#).

New York Anti-Discrimination and Anti-Harassment Update. As we noted in last week's issue, the New York State Legislature passed yet another a sweeping amendment to the state's anti-discrimination and anti-harassment laws. For a comprehensive analysis, see Seyfarth's [Management Alert](#).

Policy Matters will be off next week as we celebrate our Nation's independence. Have a happy and safe Fourth of July!

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