

POLICY MATTERS

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August 16, 2018

Senate Returns to Work. On Wednesday, the Senate [returned from its nearly two-week recess](#) to resume its rare August work period. The chamber has two more federal appeals court judges teed up for confirmation and could also consider a third spending package this week. These come on top of a [record-breaking string of confirmations](#), as there have been 24 appellate judges confirmed by the Senate since President Trump was sworn in, the highest number for a president's first two years in office. There are currently 13 remaining vacancies on the U.S. Court of Appeals.

Kavanaugh Confirmation Hearing Scheduled; Individual Senate Meetings Continue. The Senate Judiciary Committee announced last Friday that it will begin holding [confirmation hearings](#) for Supreme Court nominee Brett Kavanaugh on September 4. That scheduling lines up with Senate Majority Leader Mitch McConnell's (R-KY) goal of getting Kavanaugh seated on the court by the time its term begins in early October. Yesterday, Kavanaugh [met with Sens. Heidi Heitkamp \(D-ND\) and Joe Donnelly \(D-IN\)](#), two red-state Democrats that are up for re-election in November. More Senate Democrats have [meetings scheduled with Kavanaugh](#) in the coming weeks.

Right-to-Work Law Overturned in Missouri. In Missouri's primary elections last week, a proposed right-to-work law was soundly [overturned in a referendum](#), 67 percent to 33 percent. The measure was signed into law last year, but labor groups [blocked its enactment](#) through a petition drive that placed the measure on a statewide ballot. The law would have ensured that private sector workers no longer had to join a union or pay a fee if their workplace was unionized. An outside group with ties to organized labor [outspent](#) supporters of the law by nearly 5 to 1 on advertising and other outreach efforts.

OFCCP Issues Two New Enforcement Directives. The Office of Federal Contract Compliance Programs (OFCCP) began this month by [issuing two new enforcement directives](#). The first, [Directive 2018-03](#), clarifies the OFCCP's enforcement of religious non-discrimination in light of recent court decisions and executive orders. The second, [Directive 2018-04](#), creates focused reviews for Executive Order 11246 ("EO 11246"), Section 503 of the Rehabilitation Act ("Section 503"), and the Vietnam Era Veterans' Readjustment Assistance Act ("VEVRAA"). These two directives come just a week after the OFCCP released its much anticipated [publication](#) outlining what federal contractors can expect from the agency.

See Seyfarth's recently published [client alert](#) for more information on the new guidance.

ICYMI: Seyfarth Hosts Labor and Employment Legislative Briefing. On Monday, August 6, Seyfarth Shaw's Government Relations and Policy Group held a policy briefing at our DC headquarters: *The Labor and Employment Legislative Agenda as We Head into the Elections: What You Need To Know*. The briefing featured the two top labor and employment policy directors from the majority staffs of the Senate HELP and House Education and the Workforce Committees. The panel discussed a wide variety of issues that could be addressed by both chambers come September, including paid leave, joint employer, and multiemployer pension funding reform.

If you would like additional information about this policy briefing, please contact Randy Johnson at rkjohnson@seyfarth.com or Walt Mullan at wmullan@seyfarth.com.

Midterm Election News:

- A week after the election, Kansas Governor Jeff Colyer [conceded yesterday to Trump-backed Secretary of State Kris Kobach](#) in the Republican primary race for governor. Despite trailing Kobach by a mere 345 votes out of 313,000 cast, Colyer said he would not challenge the results or ask for a recount. Democrats say the extended drama surrounding the election [gave them a head start](#) on fundraising and organizing for their nominee going into the general election. Kobach will face Democrat State Sen. Laura Kelly and independent candidate Greg Orman.
- The special election for the 12th district of Ohio has [still not been called](#), more than two weeks after ballots were cast. However, Republican Troy Balderson's slim lead over Democrat Danny O'Connor is expected to survive the tabulation of some 3,000 remaining votes. Balderson and O'Connor will go up against one another for round two in the November general election.
- Rep. Chris Collins (R-NY) was arrested on August 8 and charged with [participating in an insider-trading scheme](#) to sell shares of an Australian biotechnology company before the public disclosure of a failed drug trial. Collins was a member of the company's board and one of its largest shareholders. According to the indictment, he passed confidential results of a multiple sclerosis drug trial to his son so he could trade on the tip. After initially vowing to [stay in his reelection race](#), Collins has since [suspended his campaign](#) and plans to finish out the remaining few months of his term to ensure his district maintains its vote in the House. His seat was previously considered a safe bet for Republicans to defend in November.

August Recess. *Policy Matters will be off for next week, August 23.* Look for our next weekly download on August 30 before the House returns to session in September.

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