

POLICY MATTERS

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Kavanaugh Confirmation Hearings Get Underway. Supreme Court nominee Brett Kavanaugh began his [third day of confirmation hearings](#) before the Senate Judiciary Committee this morning. Today marked the second (and final) day of senators' questioning, with Kavanaugh facing a [series of tough questions](#) on topics such as gun regulation, executive power, and abortion rights. The hearings have been marred by a multitude of outbursts and chaotic moments with [143 protestors being arrested](#) over the first two days of the proceedings. The hearings are expected to end tomorrow with about [two dozen outside witnesses scheduled to testify](#), including John Dean, President Richard Nixon's White House counsel.

House Democrats Release "Future of Work" Labor Agenda. On Wednesday, a group of [House Democrats released a report](#) entitled "[The Future of Work, Wages, & Labor](#)," which outlines dozens of labor related legislative proposals. Assembled by Reps. Mark DeSaulnier (D-CA), Mark Pocan (D-WI), Donald Norcross (D-NJ) and Debbie Dingell (D-MI), the report proposes raising the minimum wage, prohibiting mandatory arbitration clauses, guaranteeing workers paid leave, bolstering antitrust enforcement, indexing the overtime salary threshold to inflation, and various other reforms. This report follows a [recent string of legislative proposals](#) released by congressional Democrats aiming to boost employment and wages among workers.

Joint Employer Bill Introduced in the House. When the House returned to work on Tuesday, [Reps. Steve Chabot \(R-OH\) and Henry Cuellar \(D-TX\)](#) formally introduced a bill aimed at shielding employers from certain joint-employment lawsuits. H.R. 6695, the [Trademark Licensing Protection Act of 2018](#), would bar franchisers from being classified as a joint employer if its actions were a result of enforcing trademark protection standards. The [bill would clarify](#) that enforcing current trademark standards "may not be construed as establishing an employment or principal-agent relationship between the owner of the mark and the related company."

TOMORROW: Seyfarth Webinar on Upcoming Wage and Hour Listening Sessions. On August 27, the Department of Labor's Wage and Hour division (WHD) announced [planned "listening sessions"](#) regarding Part 541 of the white collar exemption regulations, otherwise known as the "Overtime Rule." These listening sessions, happening in five different cities across the country, are intended to provide DOL with feedback as to how to best move forward with the new proposal.

Following the first listening session in Atlanta tomorrow, Seyfarth will be hosting a discussion at 3:00pm ET on the long-running saga of the Overtime rulemaking, including what to expect from the remaining listening sessions and what WHD may have planned for a proposed rule.

Midterm Election News:

- Continuing a recent trend of Democratic establishment candidates losing their primary races, Rep. Michael Capuano (D-MA), a 10-term incumbent, was [defeated in Tuesday's primary election](#) by Ayanna Pressley, a member of the Boston City Council. Pressley was the first African-American woman elected to the Boston City Council and is in line to become the first African-American woman to represent Massachusetts in the House of Representatives. There is no Republican challenger in the race.
- [POLITICO reported](#) earlier this week that roughly 100 of the 240 Republican-controlled House seats are currently within Democratic reach, posing the most serious threat to the GOP majority since the party won control in 2010. POLITICO also currently predicts that [Republicans are likely to maintain](#) their Senate majority.
- A new [poll from Quinnipiac University](#) has the Florida Senate race between Gov. Rick Scott (R) and Sen. Bill Nelson (D) in a dead heat at 49-49. This has been the nation's most expensive Senate race with [Scott and Republican groups outspending Nelson and Democrats on TV ads](#) by \$30 million to \$12 million as of mid-August. Additionally, a new [NBC News / Marist poll](#) gives Sen. Joe Donnelly (D-IN) a 6 point lead (49-43) over Republican nominee Mike Braun in the Indiana Senate.

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