

# POLICY MATTERS

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**NLRB to Publish Joint-Employer NPRM Tomorrow.** The National Labor Relations Board (NLRB) [announced earlier today](#) that it will publish its long awaited [proposed rulemaking](#) on the joint-employer standard tomorrow. The rule proposes that the Board will only find that a business jointly employs another company's workers if it "[possesses and exercises substantial, direct and immediate control](#)" over said workers. This rule would overturn the previously established standard where a company could be deemed a joint-employer even if it only had "indirect" control over another company's workers.

See Seyfarth's recently published [Management Alert](#) for more information on the proposed rule.

**DOL's Wage and Hour Kicks Off "Overtime" Listening Sessions.** Last Friday, the Department of Labor's Wage and Hour division (WHD) kicked off its [planned "listening sessions"](#) regarding Part 541 of the white collar exemption regulations in Atlanta, GA. 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 Overtime proposal.

Following the first listening session in Atlanta, Seyfarth hosted a webinar on the long-running saga of the Part 541 rulemaking, highlighting what was covered in Atlanta and what to expect from the remaining listening sessions. An archived recording of the presentation can be viewed [here](#).

**Outside Groups Applying Pressure on Kavanaugh Vote.** Following last week's [contentious confirmation hearings](#), outside groups are continuing to increase the pressure on possible swing votes ahead of Judge Brett Kavanaugh's confirmation vote. Gaining the most attention, several local Maine groups have started an [online fundraising campaign](#) that has raised more than \$1.2 million. The groups are threatening to donate the money to a Democrat challenging Sen. Collins in 2020 unless she votes no on Kavanaugh. Sen. Collins [responded to the fundraising campaign](#), "Attempts at bribery or extortion will not influence my vote at all." The confirmation vote for Judge Kavanaugh is expected to take place on September 20.

## **Midterm Election News:**

- Today marks the final day of primaries before the midterm elections, with New York holding its *state* primary contests. The most high profile race is between Gov. Andrew Cuomo (D) and his democratic challenger to the left, Cynthia Nixon. A [Siena College poll](#) released last week showed Governor Cuomo with an astounding 41-point lead over Nixon. However, with insurgent challengers successfully knocking off several Democratic incumbents this cycle, Cuomo isn't taking any chances and continues to spend on airtime.

- Newly released [polling from Fox News](#) shows exceptionally tight Senate races in several states. In Arizona, Democratic Rep. Kyrsten Sinema leads Republican Rep. Martha McSally, 47 - 44. Republican candidate Mike Braun leads Indiana's Democratic Sen. Joe Donnelly, 45 - 43. In Missouri, Democratic Sen. Claire McCaskill leads Republican candidate Josh Hawley, 44 - 41. In North Dakota, Republican Rep. Kevin Cramer leads Democratic Sen. Heidi Heitkamp, 48 - 44. And, in Tennessee, Republican Rep. Marsha Blackburn leads former Democratic Gov. Phil Bredesen 47 - 44.

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