

POLICY MATTERS

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Happy (Federal Fiscal) New Year! While most eyes have been on the Senate's battles over the confirmation of Judge Brett Kavanaugh to the Supreme Court, labor and employment issues continue to swirl in in D.C. and around the country.

Show Me the Money. With the new fiscal year comes a new federal budget. And this year, for the first time in a long time, the Department of Labor [enters the fiscal year](#) with a full-year [budget](#). Although the Trump Administration [proposed significant changes](#) to the budgets of the various labor agencies, the final Congressional budget effectively continues last year's appropriation or provides small increases: OSHA is up \$5 million to \$557,787,000; WHD is up \$1.5 million to \$229,000,000; OFCCP stays put at \$103 million; and the NLRB stays at \$274,000,000. Notably absent from the appropriations legislation are significant policy riders, with the only such limitation a prohibition on the NLRB's use of funds to issue electronic voting regulations.

Joint Employment Back in the Limelight. More than 80 members of Congress pressed Secretary of Labor Alexander Acosta to begin rulemaking on joint employment under the Fair Labor Standards Act. The request notes that the "FLSA's joint employment requirements need to be modernized and harmonized to limit needless litigation against small businesses," and comes on the heels of a leaked DOL document indicating that the Department was developing sub-regulatory guidance on the issue. Secretary Acosta later declared the leaked document "not ready for prime time." Politico has more [here](#).

That's a Lot of Trees. In his last turn as Governor, California legislators sent Governor Jerry Brown 1,217 bills to consider in his final bill-signing period as Governor. He signed 1,016 and vetoed 201. Seyfarth's California Peculiarities Blog has the [details](#). Notably, though, Governor Brown vetoed the State's latest effort to [outlaw mandatory arbitration agreements](#).

For more information, join some California members of [Seyfarth's Government Relations Practice Group](#) at their [webinar](#) (October 10).

Up, Up, and Away. The EEOC made its usual end-of-fiscal-year push to file cases around the country. Filings are up more than ever, with sex discrimination filings and complaints of sexual harassment [eclipsing previous years](#).

Overtime Listening Sessions Completed . . . Or Not. Last week in Providence, RI, the U.S. Department of Labor's Wage & Hour Division held the last of its scheduled public listening sessions on the FLSA's white collar exemption. Then it promptly [announced](#) another session to be held later this month in Washington, DC. To date, the sessions have focused on finding the proper minimum salary required for the exemption. Not surprisingly, commenters have expressed a wide variety of opinions on that level. Also front-and-center have been comments pleading with the Department to provide sufficient lead time for implementation of any new salary level -- 9-to-12 months, for example. The Department appears intent on keeping its January 2019 target for publication of a new proposal.

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