

# POLICY MATTERS

PRESENTED BY SEYFARTH'S GOVERNMENT RELATIONS AND POLICY GROUP

*November 15, 2018*

Much of the attention in D.C. this week has been focused on leadership races for next year's Congress. Chatter continues about plans for the lame duck session and the House's plans for 2019 and beyond. Issues as varied as criminal justice reform, immigration, tax extenders, minimum wage, mandatory arbitration, and paid sick leave have been mentioned as potential areas for activity . . . or as dead on arrival. Exactly how the labor and employment policy landscape shakes out remains to be seen, and we'll have more on those developments in the coming weeks. In the meantime, here's what else we've been watching:

**Crane Operator Certification Requirements Go Into Effect.** OSHA issued a [final rule](#) under which employers are required to train operators as needed to perform assigned crane activities, evaluate them, and document successful completion of the evaluations. The rule also requires crane operators to be certified or licensed, and to receive ongoing training as necessary to operate new equipment. With the exception of the evaluation and documentation requirements, the rule takes effect December 9. The evaluation and documentation requirements will become effective on February 7, 2019.

**Speaking of Safety and Health Agencies . . .** As was expected, the California Office of Administrative Law approved Cal/OSHA's emergency regulation for the electronic submission of CY 2017 Form 300A on Occupational Injuries and Illnesses. Covered employers will be required to submit their Forms to Federal OSHA by December 31, 2018. For more information, see the Workplace Safety and Environmental Law Alert Blog [here](#).

**More on \*That\* Opinion Letter.** As we reported last week, the Wage & Hour Division issued new opinion letters on a variety of topics. One of those letters has drawn a significant amount of attention: the [letter withdrawing WHD's previous 20% tip credit rule](#) and making clear that "no limit is placed on the amount of [related but non-tipped] duties that may be performed," so long as they are performed "contemporaneously with the duties involving direct service or for a reasonable time immediately before or after" direct service. For more on the letter, check out the Wage & Hour Litigation [Blog](#).

**Administration Keeps Focus on Apprenticeships.** President Trump issued a [proclamation](#) and Secretary Acosta kicked off National Apprenticeship Week with this year's theme: Apprenticeships: Creating Tomorrow. The week celebrates the impact apprenticeship programs have in helping Americans learn skills for jobs in growing industries.

We at Policy Matters wish you all a safe and Happy Thanksgiving!!! We'll be back on November 29 with the next issue.

By: [Randy Johnson](#) and [Alex Passantino](#)

Randy Johnson is a Partner in Seyfarth Shaw's Washington, DC office and chairs the firm's [Government Relations and Policy Practice Group](#) (GRPG). Alex is a Partner in Seyfarth Shaw's Washington, DC office and Co-Chair of the firm's Wage and Hour Litigation Practice Group.

[www.seyfarth.com](http://www.seyfarth.com)

Attorney Advertising. This is a periodical publication of Seyfarth Shaw LLP and should not be construed as legal advice or a legal opinion on any specific facts or circumstances. The contents are intended for general information purposes only, and you are urged to consult a lawyer concerning your own situation and any specific legal questions you may have. Any tax information or written tax advice contained herein (including any attachments) is not intended to be and cannot be used by any taxpayer for the purpose of avoiding tax penalties that may be imposed on the taxpayer. (The foregoing legend has been affixed pursuant to U.S. Treasury Regulations governing tax practice.)

Seyfarth Shaw LLP | Policy Matters | November 15, 2018

©2018 Seyfarth Shaw LLP. All rights reserved. "Seyfarth Shaw" refers to Seyfarth Shaw LLP (an Illinois limited liability partnership). Prior results do not guarantee a similar outcome.