

POLICY MATTERS

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December 13, 2018

Still Waiting for that Budget. With just over a week to go on the current continuing resolution, we once again find ourselves waiting to see whether (when, really) the government will be funded. In a well-publicized meeting earlier this week, President Trump told Minority Leaders Pelosi and Schumer that he would refuse to sign a budget bill that did not contain the requested \$5 billion for a border wall. It is doubtful that an appropriations package containing that funding would get through the Senate . . . and it's questionable whether it could even be passed by the House. And so we wait to see who will flinch to avoid a government shutdown.

Well . . . Not the *Whole* Government. Sometimes lost in the discussions of the government shutdown brinksmanship is that, this time, things are a bit different. Five of the 12 appropriations bills already have been passed, including the Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act of 2019. That means that even if we have a "government shutdown," the Wage & Hour Division, OFCCP, OSHA, MSHA, and the NLRB will keep right on going. The EEOC, however, is part of the Commerce, Justice, Science, and Related Agencies appropriation, which has not yet been signed into law. Thus, at this point, the EEOC would be part of a government shutdown, should that occur.

Workforce to Become Labor Again. As should come as no surprise to Hill watchers, it has been all but officially confirmed that the Democratic takeover of the House will mean that the House Committee on Education & the Workforce will be re-re-re-named the Committee on Education & Labor. The switch has taken place with each change of party control in the House since 1995. Although no official statement was made, Speaker-designate Pelosi [announced](#) that Virginia's Bobby Scott would be the recommendation for Chair of the "Education & Labor " committee.

Congress About to Enact #MeToo Legislation--For Congress. After months of negotiations, the House and Senate [reportedly](#) have reached a deal to change Congressional sexual harassment policies. Perhaps the most significant--and surely the most publicized--aspect of the deal is the requirement that Senators and Members of Congress will need to reimburse the Treasury for settlements and awards for their own conduct (as opposed to now, when taxpayers foot the bill). Specific language is forthcoming, but all involved expect the new rules to take effect prior to the end of the year.

Where Are Those Rules? In the Fall 2018 Regulatory Agenda, DOL identified target dates for publication of proposed and final rules addressing a wide variety of topics. Among those with target dates in 2018 that have not yet been published are proposed rules on joint employment under the FLSA, regular and basic rates under the FLSA, tip regulations, apprenticeship program registration, H-2A labor certification, the OFCCP-related religious-organization exemption, and several OLMS initiatives, as well as a number of final rules from OSHA, MSHA, and EBSA. Looks like 2019 is shaping up to be quite a year on the regulatory front. And with the House undoubtedly undertaking its oversight function with zeal--reviewing just about everything done by the agencies--expect the regulatory process to move even more slowly next year!

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Seyfarth Shaw LLP | Policy Matters | December 13, 2018

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