

POLICY MATTERS

PRESENTED BY SEYFARTH'S GOVERNMENT RELATIONS AND POLICY GROUP

December 21, 2018

STILL Waiting for that Budget. We delayed this week's issue in the hope that we would finally be able to report on a budget deal. Or a continuing resolution. Or a labor agency confirmation deal. But, with federal funding for a large chunk of the government set to expire at midnight Eastern time, there are no deals in sight. As of this writing, it looks like we're headed for a partial government shutdown.

STILL No Labor Agency Confirmations. Along with the stalemate on the budget, it looks like the labor agency nominations will continue to sit. Republican Sen. Mike Lee has expressed his opposition to current EEOC Commissioner Chai Feldblum's renomination. Much of the business community has expressed strong opposition to the nomination of Mark Pearce to the NLRB. And Democratic Sen. Patty Murray has expressed opposition to any labor-related nomination package that doesn't include Feldblum and Pearce. Regardless, it doesn't appear that any package will include Daniel Gade, who was nominated for an EEOC Commissioner slot, but who [withdrew his nomination](#) this week.

EEOC Without a Quorum? Unlike DOL, the EEOC would be part of the impending government shutdown. When they return to work, however, the Commission itself will lack a quorum (barring any confirmations of the individuals above), with only Acting Chair Victoria Lipnic and Commissioner Charlotte Burrows left to take action.

New Opinion Letters. Meanwhile, the DOL's Wage & Hour Division continues to issue opinion letters. The most recent letters address the [determination](#) of minimum wage and overtime compliance for employees with varying average hourly rates and the [application of the ministerial exception](#) to members of a religious commune.

NLRB Joint Employer Rulemaking Gets Another Extension for Comments. Back in September, the NLRB proposed a rule regarding the joint employer standard. Since then, the Board has twice extended the comment period. With the [most recent extension](#), comments are now due on or before January 14, 2019.

With that, we complete the final issue of Policy Matters for 2018. Thank you to all of our readers! We wish you a happy holiday season and wonderful New Year! See you in 2019!

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

Attorney Advertising. This One Minute Memo 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 | December 21, 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.