



POLICY MATTERS

PRESENTED BY SEYFARTH'S GOVERNMENT RELATIONS AND POLICY GROUP

March 29, 2018

Omnibus Wrap-Up. Late last week, the Senate passed the \$1.3T omnibus bill (65 - 32), which was then sent to President Trump's desk. After threatening [to veto the bill](#) due to a lack of full border wall funding and a DACA fix, the president eventually acquiesced and signed the legislation. The omnibus funds the government through September.

Votes Set for Pizzella and Ring. On March 22, Senate Majority Leader Mitch McConnell (R-KY) [filed cloture on nominees](#) Pat Pizzella to be DOL deputy secretary of labor and John Ring to join the National Labor Relations Board. The votes are expected to be held during the week of April 9 when Congress returns from recess. Both nominees are likely to be confirmed with strong support from Senate Republicans.

Despite movement on Pizzella and Ring, it is notable that the nominees to lead the Wage and Hour Division (Cheryl Stanton) and Occupational Safety and Health Administration (Scott Mugno) still haven't been scheduled for a vote on the floor. Additionally, the Senate will now have to deal with nominations for Secretary of State, Secretary of Veterans Affairs, and CIA Director, along with a host of other sub-cabinet nominations.

PAID Program to Launch Next Week. DOL's "new" [Payroll Audit Independent Determination](#) (PAID) program will launch next Tuesday, April 3, and aims to provide employers the opportunity to make good on back pay and avoid litigation. Earlier this month, Labor Secretary Alex Acosta announced that DOL would once again be supervising employer efforts to come into compliance after finding a wage-and-hour error or a questionable practice. Similar to Wage & Hour Division policy in the Bush Administration, the new program will permit an employer to resolve FLSA issues after conducting a self-audit of its payroll and/or timekeeping practices. Secretary Acosta stated the program "will help ensure employees receive back wages they are owed, faster."

See Seyfarth's [Wage & Hour Litigation Blog](#) for more information on the PAID Program.

ADA Drive-By Lawsuit Bill Blocked in the Senate. In a [letter to Majority Leader Mitch McConnell](#), 43 Senate Democrats vowed to filibuster [H.R. 620](#), the ADA Education and Reform Act of 2017, if the bill came to the Senate floor for a vote. Sponsored by Rep. Ted Poe (R-TX), the bill seeks to limit "drive-by" lawsuits that are brought against businesses by serial plaintiffs in search of quick settlements from businesses. The bill would require plaintiffs to first deliver a written notice to a business detailing the illegal barrier to access. After written notice is received, that business would then have 60 days to come up with a plan to address the complaints and an additional 120 days to make "substantial progress" in removing the barrier.

However, Senate Democrats argued that the bill would "weaken federal protections for an entire class of Americans" and stated that the legislation was "discriminatory." Seyfarth's [Minh Vu](#) has been following legislative activity on the bill and provides a more in-depth look at the bill's provisions [here](#).

Spring Recess. Congress is out of session this week and next for Easter break. When they return on April 9, there could be some movement on the Senate considering legislation on harassment which has already passed the House. Consideration of some of the paid leave bills circulating in Congress could happen as well. However, believe it or not, the 2019 budget will begin its tortuous path beginning in May. With the midterm elections only seven months away, expect plenty of recesses and little action.

Due to the recess, *Policy Matters will be off next week, April 5.* Look for our next weekly download on April 12.

By: [Randy Johnson](#) and [Walt Mullan](#)

Randy Johnson is a Partner in Seyfarth Shaw's Washington, DC office and chairs the firm's [Government Relations and Policy Practice Group](#) (GRPG). Walt Mullan is the Senior Manager of Government Affairs and Policy for the GRPG.

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 | March 29, 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.