

## Beltway Buzz, February 21, 2020

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By [James J. Plunkett](#)

The Beltway Buzz is a weekly update summarizing labor and employment news from inside the Beltway and clarifying how what's happening in Washington, D.C. could impact your business.



**EEOC Clarifies EEO-1 Requirements.** The Equal Employment Opportunity Commission (EEOC) [confirmed](#) that it is still waiting for approval by the Office of Management and Budget to collect 2019 EEO-1 data and that the survey is therefore not yet available.

**PRO Act Fallout.** The [Protecting the Right to Organize Act of 2019 \(PRO Act\)](#) may be stalled in the U.S. Senate, but repercussions of the bill's recent passage in the U.S. House of Representatives are still being felt both inside and outside the Beltway. Indeed, this week we received further indication of how significant the bill is to labor unions. At least one outlet has reported on a letter by the Communications Workers of America urging the Democratic Congressional Campaign Committee to deny services and resources to the seven

Democrats who voted against the PRO Act. The letter claims that these members of Congress “must be denied the support of the Democratic Party for refusing to stand with working Americans.” Actions like this are why the *Buzz* has emphasized over the last several months that the PRO Act represents a new stake in the ground for proponents of labor reform.

**NLRB, EEOC Noms on the Way?** President Donald Trump is rumored, according to at least one media outlet, to be preparing nomination packages to ensure that the National Labor Relations Board (NLRB) and the EEOC don’t lose their respective operating quorums this summer.

- At the NLRB, Member Marvin E. Kaplan’s term expires in August 2020, which would leave the Board with Chair John F. Ring and Member William J. Emanuel, which is one member short of a quorum. The White House will purportedly renominate Kaplan, as well as former Board member Lauren McFerran, which would bring the Board to a functioning, 3-to-1 Republican majority.
- At the EEOC, Commissioner Victoria A. Lipnic’s term is set to expire in July 2020, whereupon the Commission would be left with Chair Janet Dhillon and Commissioner Charlotte A. Burrows. Because Lipnic recently stated she will not pursue a third term, the White House will nominate current Wage and Hour Division Deputy Administrator Keith E. Sonderling (nominated to the Commission last year) and management-side employment law attorney Andrea Lucas to join Dhillon as the Republicans on the Commission. Sonderling and Lucas supposedly will be packaged with UCLA School of Law professor Jocelyn Samuels, who would fill the vacant Democrat seat. If the Sonderling–Lucas–Samuels package is approved, all five seats at the Commission will be filled.

There is no news on timing of the announcement of the nominees. Additionally, the Senate still needs to confirm the nominees—which can be a lengthy process.

**Union Transparency Rule Moves Forward.** The public comment docket closed this week on a proposed U.S. Department of Labor (DOL) rule intended to [increase internal union financial transparency](#). Specifically, the proposed rule would extend the requirements of the Labor-Management Reporting and Disclosure Act of 1959 (e.g., the filing of LM-2 reports) to intermediate labor unions that are wholly composed of public-sector organizations but subordinate to national or international labor organizations. The DOL’s Office of Labor-Management Standards contends that the complex set of relationships between local unions, national unions, and various affiliates should require the filing of financial disclosures by all unions that receive a portion of workers’ union dues or fees. A similar rule was promulgated under the George W. Bush DOL, but it was subsequently rescinded by the Obama DOL.

**Eddie Vedder Vs. Ticket Hoarding.** Seattle grunge pioneers Pearl Jam have reportedly once again dipped their guitar picks into D.C. policy waters, expressing their thoughts on pending legislation aimed at regulating the secondary concert ticket market. In 1994, members of the band read the Riot Act when they testified before Congress regarding concert ticket fees and surcharges. This time around, in a [letter](#) sent to Congress, band members identified themselves as Dissident(s) of the [Better Oversight of Secondary Sales and Accountability in Concert Ticketing Act of 2019 \(BOSS Act\)](#). The letter argues that although the legislation is

intended to curb the high costs and ticket hoarding associated with the secondary market, it may have the opposite effect and negatively impact concertgoers. As far as the BOSS Act goes, it should come as no surprise that its main cosponsors—U.S. Representatives Bill Pascrell Jr. and Frank Pallone Jr.—are from New Jersey, home of the actual “Boss,” Bruce Springsteen, who has had his own issues with tickets being resold on the secondary market.

## AUTHOR



**James J. Plunkett**

Shareholder, Washington

## TOPICS

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