

## Beltway Buzz, August 18, 2017

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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.

**EEO-1 News . . . Maybe.** Rumors are rampant that the White House's Office of Management and Budget (OMB) may soon take action on the Equal Employment Opportunity Commission's (EEOC) changes to its EEO-1 form, which will require employers to report employee compensation and hours worked information beginning in 2018. Employers have asked OMB to [review](#) or rescind the previously-approved changes to the EEO-1 form, and OMB has the power to do so pursuant to the Paperwork Reduction Act. What action OMB might take is unclear at this time. Also, given the way rumors circulate in D.C., readers are advised to take this information with a healthy dose of salt.

**We're From the Government, and We're Here to Help.** On Wednesday, the Office of Federal Contract Compliance Programs (OFCCP) [announced](#) that it will be holding three compliance assistance town halls in order to "learn more about the experiences of federal contractors when implementing and managing their nondiscrimination and equal employment opportunity requirements, and how [OFCCP] can help." The town halls will take place in Washington, D.C., Chicago, and San Francisco during the month of September. It is no secret that federal contractors are looking for a more cooperative-based approach to compliance from OFCCP: the D.C. town hall "sold out" in less than 24 hours!

**We Hate to Say, "I Told You So," But . . .** In perhaps the least surprising news of the week, the Occupational Safety and Health Administration's (OSHA) electronic portal, which employers can use to file injury and illness reports, has been [shut down](#) due to what is being reported as a "potential compromise" of a user company's electronic data. Ruh-roh. As we've previously reported on the *Buzz*, while filing on this portal is voluntary for now, it will likely become a mandatory requirement on December 1 of this year. Moreover, the administration has notified the regulated community that it intends to take a new look at the 2016 rule, perhaps as early as October of this year. We are sure that this latest glitch will be a factor in its analysis. Business groups presciently warned OSHA that the rule could result in the release of confidential business information and personally identifiable information.

**Insurance Subsidies to Continue for Now.** Health insurers are likely breathing a (temporary) sigh of relief because the administration announced this week that it would make cost-sharing reduction (CSR) payments for the month of August. These CSRs are intended to reimburse insurance companies for expenses they incur for subsidizing out-of-pocket costs of low-income enrollees. The day before the administration made this announcement, the Congressional Budget Office (CBO) issued a [report](#) warning that health insurance premiums could increase as much as 20 percent if the CSRs are discontinued in 2018. In the past, the *Buzz* has reported that President Trump has repeatedly threatened to end the subsidies as a way to encourage Congress to act on comprehensive repeal-and-replace legislation. It is unclear whether the CBO's recent prediction of skyrocketing premiums in the absence of CSRs forced President Trump's hand, but it is something for which certain members of the business and health care communities have been [pushing](#). Of course, these CSR payments are for August only, and the administration will need to revisit this issue again in September.

**Supreme Court Arbitration Case.** Last week, we reported that briefs are being filed in the upcoming Supreme Court case dealing with class action waivers in arbitration agreements. Well, this week, 10 labor unions, the National Employment Law Project, and the National Employment Lawyers Association all joined together in filing an amicus brief with the Court. It is no surprise that these groups oppose these agreements and argue “that a workplace policy that strips employees of their right to pursue legal challenges to workplace conditions in concert—i.e., on any joint or other group basis that the workers would otherwise be permitted to pursue—is void and unenforceable under federal labor law.”

**Persuader—Initial Wrap-Up.** Regular readers of the *Buzz* are no doubt aware that August 11 was the deadline for filing comments on the Department of Labor's (DOL) proposal to rescind its 2016 “persuader” rulemaking. [Jeffrey C. Londa](#), [Christopher C. Murray](#), and Harold P. Coxson have a [great write-up](#) of where we've been and where we might be heading on the entire matter. Also be sure to check out their helpful collection of links to particular comments filed.

**Vacation, All I Ever Wanted? No, Thanks.** At the *Buzz*, summer vacation means time with family, often at the beach (or lake), and the activities you'd probably expect: swimming, fishing, cookouts, ice cream, and the like. But Congressman Francis Rooney (R-FL) has his own vision of the idyllic summer getaway: [hunting for pythons in the Everglades](#). Of course, Rooney is a member of the House Committee on Education and the Workforce, and we're hopeful that he can wrangle support for the joint-employer legislation (Save Local Business Act) as well as he wrangles snakes.

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