

CUT AND PASTE POST JANUARY 2016: A TRIP INSIDE THE BELTWAY

Here's a look at some human resource-related legislation making the rounds in Washington, D.C., along with a few "editorial" comments. Each of these had some sort of recent (within 90 days) action. To track federal legislation with a Bill number or Title, go to <http://thomas.loc.gov/home/LegislativeData.php?n=BillText>.

Bill #	Short Title as Introduced	Official Title as Introduced	Last Major Action
HR 1619	Paycheck Fairness Act	To amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes. *	11/16/2015 - Referred to the Subcommittee on Workforce Protections.
Comment: This bill has some major provisions, including wage reporting to the EEOC, retaliation and training.			
S 2200	Workplace Advancement Act	A bill to amend the Fair Labor Standards Act of 1938 to strengthen equal pay requirements.	11/16/2015 - Referred to House Subcommittee on Workforce Protections.
Comment: This bill would prohibit discharging or retaliating against any employee because the employee inquired about, discussed, or disclosed comparative compensation information for the purpose of determining whether the employer is compensating an employee in a manner that provides equal pay for equal work.			
HR 2034	Intern Protection Act	To provide certain workplace protections to interns relating to discriminatory practices.	11/16/2015 - Referred to House Subcommittee on Workforce Protections.
Among other things, this bill: <ul style="list-style-type: none"> • Prohibits certain employers from refusing to employ, discriminating against, or harassing interns because of the usual range of protected classes, as well as predisposing genetic characteristics, marital status, or status as a victim of domestic violence. • Bars employers from compelling a pregnant intern to take a leave of absence, unless the intern is prevented by such pregnancy from performing internship activities in a reasonable manner. 			
HR 3232	Unpaid Intern Protection Act of 2015	To protect unpaid interns from workplace harassment and discrimination.	11/16/2015 - Referred to House Subcommittee on Workforce Protections.
HR 2654	Pregnant Workers Fairness Act	To eliminate discrimination and promote women's health and economic security by ensuring reasonable workplace accommodations for workers whose ability to perform the functions of a job are limited by pregnancy, childbirth, or a related medical condition.	11/16/2015 - Referred to House Subcommittee on Workforce Protections.
Comment: Among other things, this bill directs the Equal Employment Opportunity Commission to issue regulations to carry out the Act including the identification of reasonable accommodations addressing known limitations related to pregnancy, childbirth, or related medical conditions.			
HR 3979	Amends title 38, United States Code (Veteran's Benefits), to include local government minimum wage requirements in determining the hourly minimum wage applicable for purposes of the work-study allowance under the educational assistance programs administered by the Secretary of Veterans Affairs.		11/5/2015 - Introduced and referred to the House Committee on Veterans' Affairs.

* Be scared, be very scared, whenever you see the words, "... and for other purposes". 😊

Bill #	Short Title as Introduced	Official Title as Introduced	Last Major Action:
HR 2873	Limiting the Ability to Demand Detrimental Employment Restrictions Act (LADDER Act)	To prohibit employers from requiring low-wage employees to enter into covenants not to compete, to require employers to notify potential employees of any requirement to enter into a covenant not to compete, and for other purposes.	11/16/2015 - Referred to House Subcommittee on Workforce Protections.
Comment: The bill defines "low-wage employee" as an employee who earns less than the greater of \$15 per hour or the state or local minimum wage.			
S 2042	Workplace Action for a Growing Economy Act or the WAGE Act	A bill to amend the National Labor Relations Act to strengthen protections for employees wishing to advocate for improved wages, hours, or other terms or conditions of employment and to provide for stronger remedies for interference with these rights, and for other purposes.	9/16/2015 - Read twice and referred to the Committee on Health, Education, Labor, and Pensions.
Comment: Among other things, this bill would require the National Labor Relations Board (NLRB) to award back pay and additional liquidated damages equal to double the back pay, without any reduction, to any employee against whom an employer has discriminated with regard to hiring or because the employee has filed charges or given testimony or if the employer has committed an unfair labor practice resulting in the employee's discharge or other serious economic loss. Something to watch!			
S 2296	Workforce Health Improvement Program Act of 2015	A bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.	11/18/2015 - Read twice and referred to the Committee on Finance.
S 2252	Fair Playing Field Act of 2015	A bill to amend the Internal Revenue Code of 1986 to permit the Secretary of the Treasury to issue prospective guidance clarifying the employment status of individuals for purposes of employment taxes and to prevent retroactive assessments with respect to such clarifications.	11/5/2015 - Read twice and referred to Senate to the Committee on Finance.
Comment: This bill addresses classification of independent contractors and directs the Treasury to issue regulations and other guidance to clarify the proper employment status of workers for employment tax purposes. This may "unmuddy" the waters about the status of independent contractors.			
S 2225	Save Our Small and Seasonal Businesses Act of 2015	A bill to amend the Immigration and Nationality Act to establish an H-2B temporary non-agricultural work visa program and for other purposes.	10/30/2015 - Read twice and referred to the Senate Committee on the Judiciary.
This bill would change the limits on H-2B visa workers by not counting returning workers toward that limitation.			
HR 3682	Reducing Employer Burdens, Unleashing Innovation, and Labor Development Act of 2015.	To increase the competitiveness of American manufacturing by reducing regulatory and other burdens, encouraging greater innovation and investment, and developing a stronger workforce for the twenty-first century, and for other purposes.	11/23/15 - Referred to the Subcommittee on Emerging Threats and Capabilities.
Comment: This Bill begins with "Findings" of reasons that manufacturers' are unable to compete, including but not limited to a lack of qualified employees, high corporate tax rates, environmental laws, excessive federal regulations. This Bill includes a "mash push" of wide-ranging rule changes addressing these Findings, such as the repeal of the Patient Protection and Affordable Care Act, redesign of a health care system, and a prohibition on the use of carbon credits.			



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HAPPY 2016!