



CUT AND PASTE POST MARCH, 2020

The Coronavirus Challenge

The Centers for Disease Control (CDC) has issued *Interim Guidance for Businesses and Employers to Plan and Respond to Coronavirus Disease*. In it, the CDC recommends that employers:

- Actively encourage sick employees to stay home;
- Separate employees who appear to have acute respiratory illness symptoms (i.e. cough, shortness of breath) from other employees, whether they come to work ill, or become ill during the day. These employees should then be sent home;
- Emphasize respiratory etiquette and hand hygiene by all employees; and
- Perform routine environmental cleaning

The *Guidance* also includes steps employees who travel should take, before they travel.

For more information, go to the CDC's [Coronavirus webpage](#).

U.S. Supreme Court to Decide on Affordable Care Act

The Supreme Court has agreed to hear a challenge to the Affordable Care Act; this time at the request of Democratic-controlled states.

This is the third major challenge to the ACA:

- In 2012, the Supreme Court upheld the mandate that most Americans obtain insurance or pay a penalty, saying it fell under Congress's taxing power. Chief Justice John G. Roberts Jr. joined the court's liberals in the 5-to-4 decision.
- In 2015, the same five justices, who are all still on the court, were joined by Justice Anthony M. Kennedy, who is now retired, in upholding the law against a challenge involving tax subsidies.

The latest challenge began when congressional Republicans removed the penalty for an individual who does not buy health insurance. State level Republican attorneys general argued that, by reducing the penalty to zero, Congress had removed the essential element that made the law constitutional. Based on this, they argued the entire ACA must fall. A district judge in Texas agreed.

An appeal was filed in the 5th Circuit, where two judges agreed that the mandate was void, but sent the case back to the district court to decide what other parts of the ACA, if any, could remain. In January, California Attorney General Xavier Becerra urged the U.S. Supreme Court to bypass the appeals court and to put the case on a fast track so a ruling would be issued by summer. The Court denied the request to hear and decide the case quickly, but

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agreed to review it later this year. The appeal is [California v. Texas](#). It has been consolidated with [Texas v. California](#).

Professional Pointer: The Court's review will come in the term that begins in October 2020. Until the Supreme Court decides, the current law remains in effect. We will keep you updated!

Federal Legislative Update

Here's the latest news about pending federal legislation. Only those bills with a 10% or greater prognosis of being enacted are being provided.

[H.R. 5712: Nationwide Right to Unionize Act](#)

The Nationwide Right to Unionize Act would repeal the 1947 Taft-Hartley law which created right-to-work states, by mandating that all states allow compulsory union membership for workers.

Sponsor: Rep. Brad Sherman, D-California

Status Introduced January 29, 2020.

Prognosis: 35% chance of being enacted.

See also: [S. 3255, Nationwide Right To Unionize Act](#)

[H.R. 2474: Protecting the Right to Organize Act of 2019](#)

To amend the National Labor Relations Act, the Labor Management Relations Act, 1947, and the Labor-Management Reporting and Disclosure Act of 1959, and for other purposes.

Sponsor: Rep. Robert "Bobby" Scott, D-Virginia

Initial Prognosis: 34% chance of being enacted

Status update since January, 2020: Passed by House 2/6/20. Senate is next. Prognosis is now 28%

[S. 3188: Advanced Manufacturing Jobs in America Act](#)

A bill to amend the Workforce Innovation and Opportunity Act to establish demonstration and pilot projects to facilitate education and training programs in the field of advanced manufacturing.

Sponsor: Senator Jackie Rosen, D-Nevada

Status: Introduced 1/14/2020

Prognosis: 29% chance of being enacted

See also: [H.R. 5604: Advanced Manufacturing Jobs in America Act](#)

[H.R. 5656: Working Families Flexibility Act of 2020](#)

To amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector.

Sponsor: Rep. Martha Roby, R-Alabama

Status: Introduced 1/17/2020

Prognosis: 24% chance of being enacted

[H.R. 1230: Protecting Older Workers Against Discrimination Act](#)

To amend the Age Discrimination in Employment Act of 1967 and other laws to clarify appropriate standards for Federal employment discrimination and retaliation claims, and for other purposes.

Sponsor: Rep. Robert "Bobby" Scott, D-Virginia

Status: Introduced 2/14/2019. Passed House on 1/16/2020.

Prognosis: 13% chance of being enacted

