



*Week of 6-29-20
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Congressional Overview

The House and Senate were both in session this week with each chamber considering defense policy bills. The Senate considered the FY 21 defense authorization bill and the House Armed Services Committee considered its version; many construction provisions are included in both bills concerning change orders, bid listing, prompt payment, etc. The House passed its \$1.5 trillion infrastructure package (INVEST Act), which includes \$494 billion for surface transportation in addition to authorizing funding for broadband, schools and affordable housing.

Congress Extends Paycheck Protection Program

The Senate passed an extension of the Paycheck Protection Program (PPP) on Tuesday, which extends PPP through Aug. 8 for small businesses. The House passed the measure the following day. The PPP was originally set to expire on June 30. The bill extends the \$134.5 billion in funds it has yet to spend. President Trump is expected to sign the bill.

House Passes \$1.5 Trillion Infrastructure Bill

The House passed the INVEST Act, a \$1.5 trillion infrastructure bill, on Wednesday. The bill includes authorizations of \$494 billion on surface transportation projects, more than \$100 billion to upgrade schools in impoverished districts, \$10 billion for childcare facilities, \$100 billion for housing infrastructure and \$100 billion for broadband. Additionally, Rep. Donald Norcross (D-NJ) offered amendments that would incentivize utilization of registered apprenticeship programs, and provide potential participants with access to these programs. The bill now heads to the Senate, where it doesn't appear likely to move forward.

House Extends Proxy Voting and Requires Masks in Hearings and Meetings

House Speaker Nancy Pelosi (D-CA) has extended the provision allowing for proxy voting in the House through Aug. 18. House Majority Whip Jim Clyburn (D-SC) and Rep. Steve Scalise (R-LA) of the Select Subcommittee on the Coronavirus Crisis sent a letter to members stating that any member of a subcommittee at a hearing or meeting will not be recognized if they aren't wearing a mask.

DOL to Issue Guidance on Wage and Hour Laws When Reopening Workplaces

The Department of Labor (DOL) plans to issue new guidance to answer employer questions about how wage-and-hour laws apply when reopening workplaces after Covid-19-related closures, while also bolstering enforcement by hiring new investigators. The Guidance on Returning to Work, calls for a three-phase reopening that allows workers at higher risk of severe illnesses to telework or have other accommodations while conditions are too hazardous for unrestricted business operations.

The new guidance is an addition to industry-specific advice OSHA and the Centers for Disease Control and Prevention already issued. Per [OSHA's Guidance on Returning to Work](#), employers should consider limiting the number of people in the workplace during the first phase in order to maintain strict social-distancing practices, such as staying at least six feet apart. For phase two, employers can ease limitations on the number of people in the workplace, but should continue to enforce social-distancing practices. The third phase would be a return to unrestricted operations. Reopening efforts also can include work-site testing of workers for the coronavirus and temperature checks. OSHA said, however, that if an employer implements a medical screening program, the documents may trigger the agency's medical records rule, which requires records to be held for at least 30 years and kept confidential. The

guidance also reminds employers that they'll need to conduct a hazard assessment to determine whether personal protection equipment, such as gloves and respirators, are needed. If PPE is needed but not available, the work tasks must be discontinued.

NLRB Decision on Employee Discipline Ahead of Collective Bargaining

The National Labor Relations Board has overturned agency precedent in a decision that allows employers to impose serious discipline on an employee ahead of reaching a collective bargaining agreement with a newly formed union. The decision means that management at newly unionized businesses can carry out discipline during the pre-contract phase without having to notify or bargain with the union.

Employers weren't required to reach an agreement with the union before actually taking action under the previous precedent and could impose discipline unilaterally in certain exigent circumstances. The board's decision reinstates a policy "that employers have no statutory obligation to bargain before imposing discretionary discipline that is materially consistent with the employer's established policy or practice."