

Beltway Buzz, September 23, 2022

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SHA Broadens Criteria for “Severe Violators.” On September 15, 2022, the Occupational Safety and Health Administration (OSHA) [announced](#) updates to its Severe Violator Enforcement Program (SVEP) to “broaden the program’s scope with the possibility that additional industries will fall within its parameters.” According to OSHA’s announcement, the SVEP focuses “enforcement and inspection resources on employers who either willfully or repeatedly violate federal health and safety laws or demonstrate a refusal to correct previous violations.” OSHA also maintains a public inspection list of employers that are included in the program. The expanded SVEP criteria now includes violations of *all* OSHA hazards and standards. (The previous criteria were limited to incidents involving fatalities, multiple hospitalizations, etc.) According to a [blog post](#) by Assistant Secretary of Labor Douglas L. Parker, “Employers will be placed in the program if OSHA finds at least two willful or repeated violations or issues failure-to-abate notices based on the presence of high gravity serious violations.” The [changes](#) are effective immediately.

FTC Outlines Gig Work Enforcement. The *Buzz* [previously discussed](#) the July 19, 2022, memorandum of understanding (MOU) between the National Labor Relations Board (NLRB) and the Federal Trade Commission (FTC). Following on the MOU, on September 15, 2022, the FTC issued its “Policy Statement on Enforcement Related to Gig Work.” According to the statement, “The Commission will use the full portfolio of laws it enforces to prevent unfair, deceptive, anticompetitive, and otherwise unlawful practices affecting gig workers.” The statement outlines particular ways that the FTC could enforce its laws and regulations relating to gig work, such as by combating “deceptive earnings claims and opaque compensation criteria,” scrutinizing noncompete agreements, and ensuring that algorithmic tools are used lawfully.

Vote on Administration Nominees Postponed. The U.S. Senate Committee on Health, Education, Labor and Pensions was scheduled to vote this week on the nominations of Karla Gilbride to be general counsel of the U.S. Equal Employment Opportunity Commission (EEOC) and Jessica Looman to be administrator of the U.S. Department of Labor’s Wage and Hour Division. That vote has been rescheduled for next week. The delayed vote is an example of the challenge the Biden administration has in moving its nominees through an evenly divided Senate.

EEOC Holds Meeting on Enforcement Priorities. On September 22, 2022, the EEOC held a public meeting on “Shaping the EEOC’s Strategic Enforcement Priorities.” The meeting was the third in a series of sessions designed to gather feedback from stakeholders to inform the EEOC’s Strategic

Enforcement Plan (SEP) for fiscal years 2022–2026. According to an agency announcement, “The SEP will set forth long term priorities for the federal civil rights agency.”

Congress Wants Report on Immigrant Employment Opportunities. The *Buzz* hopes you all find someone who loves you as much as the U.S. Congress loves reports and studies. This week, Congress passed the [Bridging the Gap for New Americans Act](#) (S. 3157), which would require the secretary of labor to “conduct a study of the factors affecting employment opportunities in the United States for applicable immigrants and refugees who have professional credentials that were obtained in a country other than the United States.” The legislation would require the secretary of labor to complete a report within eighteen months that also includes “policy recommendations for better enabling applicable immigrants and refugees who have professional experience and qualifications obtained outside of the United States to obtain skill-appropriate employment in the United States.” President Joe Biden is expected to sign the bill.

Happy Birthday, Belatedly, Peace Corps. This week, the U.S. House of Representatives voted to reauthorize the Peace Corps through 2024, sending the bill to the Senate. The international assistance organization was first proposed in 1960 by then-president John F. Kennedy during an impromptu campaign speech. Kennedy viewed the Peace Corps as a way to promote American values abroad during the Cold War. Just months into his presidency, Kennedy signed an [executive order](#) establishing the Peace Corps within the U.S. Department of State “for the training and service abroad of men and women of the United States in new programs of assistance to nations and areas of the world.” Congress approved the legislation that formally authorized the Peace Corps on September 22, 1961.

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