COVID-19 Grips Federal Policymakers. Like the rest of the country, lawmakers and regulators spent much of this week grappling with the effects of the COVID-19 virus. Below is a quick rundown of the various responses from federal officials.

- **Families First Coronavirus Response Act.** On March 18, 2020, President Donald Trump signed the Families First Coronavirus Response Act into law. The law, among other things, requires certain employers to provide paid leave to their employees. We have all the details [here.](#)

- **NLRB Shuts Down Union Elections.** On March 19, 2020, the National Labor Relations Board (NLRB) [announced](#) that it will suspend “all representation elections, including mail ballot elections, for the next two weeks effective immediately, through and including April 3, 2020.”

- **EEOC Issues Guidance.** The Equal Employment Opportunity Commission (EEOC) issued updated [guidance](#) regarding taking the body temperature of...
employees and applicants in the current environment under the Americans with Disabilities Act.

- **OFCCP Exemptions.** This week, the Office of Federal Contract Compliance Programs (OFCCP) announced that it will be waiving certain affirmative action requirements for federal contractors from March 17, 2020, to June 17, 2020 (and possibly beyond).

- **SCOTUS Extensions.** On March 19, 2020, the Supreme Court of the United States issued an order allowing certain extensions relating to writs of certiorari.

**Joint-Employer Rule in Effect.** On March 16, 2020, the U.S. Department of Labor’s joint-employer rule under the Fair Labor Standards Act went into effect. Recall that a legal challenge to the regulation has been filed by multiple state attorneys general. So far, that challenge has not derailed implementation of the regulation.

**OMB Administrative Enforcement Deadline.** Comments were due on March 16, 2020, in response to the Office of Management and Budget’s (OMB) request for information seeking “input on regulatory reforms that will better safeguard due process in the regulatory enforcement and adjudication settings.”

**Cold War Relic Invoked to Fight New Battle.** On March 18, 2020, President Trump issued an executive order invoking the Defense Production Act of 1950 (DPA). Through the order and the act, the president granted Secretary of Health and Human Services Alex Azar II “the authority . . . to determine . . . the proper nationwide priorities and allocation of all health and medical resources, including controlling the distribution of such materials (including applicable services) in the civilian market, for responding to the spread of COVID-19 within the United States.”

The DPA, which is based on the War Powers Act of 1941, was originally signed by President Harry S. Truman to resolve concerns relating to supply and production in the midst of the Korean War. The DPA grants the federal government the power to direct private-sector companies to meet the needs of the national defense. Over the years, Congress has amended the DPA to address situations beyond military preparedness, such as responding to natural disasters, terrorist attacks, and other emergencies. Clearly, the COVID-19 situation rises to such a level. Let’s hope the DPA works.


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