

National Legislative Update Dec. 2012

FMI Members Raise Concerns with Health Care Law's Full-Time/Part-Time Requirements to Senate, House Committee Staff:

A group of FMI Government Relations Committee members met with staff of the Senate Finance Committee and House Way & Means Committee to express concerns with the Affordable Care Act's (ACA) restrictions on health coverage offered to part-time employees; the law's definition of full-time employees as those who average 30 hours per week and complications that the ACA's requirements impose on current Collective Bargaining Agreements (CBAs). The Senate Finance Majority (Democratic) staff noted ACA's intent to provide quality, comprehensive coverage to individuals and expressed concern that partial coverage from a part-time employee plan may cause an individual to avoid more comprehensive coverage offered through a federal or state health exchange. The Senate staff also questioned whether CBA complications could simply be addressed in future or reopened union negotiations; but the staff also expressed openness to allowing a transition period until a current CBA expires.

FDA Issues Final Rules Increasing Allowed Radiation Doses in Food:

On November 30, the Food and Drug Administration (FDA) published two final rules increasing the maximum dose of ionizing radiation permitted in the treatment of refrigerated and frozen poultry products and permitting ionizing radiation in unrefrigerated meat products. The rules also clarify the poultry products covered by FDA's radiation regulations and remove the limitations prohibiting the exclusion of oxygen in the packaging used for irradiated poultry. FDA published two separate rules - one for poultry and one for meat. The rules were issued in response to 1999 petitions by the U.S. Department of Agriculture's Food Safety and Inspection Service (FSIS) and are slated to take effect upon publication.

Support Continues for House, Senate Bills to Clarify Menu Labeling Regulations

Both H.R. 6174 and S. 3574, the *Common Sense Nutrition Disclosure Act*, continue to gain support. H.R. 6174, introduced by Rep. John Carter (R-TX) now has 44 bipartisan co-sponsors. Recent additions to H.R. 6174 are Reps. Tim Griffin (R-AR), Brett Guthrie (R-KY), Bob Gibbs (R-OH), Mike McIntyre (D-NC), and Erik Paulsen (R-MN). Sen. Susan Collins (R-ME) joined to co-sponsor S. 3574, now totaling 10 co-sponsors in addition to Sen. Blunt (R-MO) who introduced the bill. A joint industry letter including 180+ organizations in support of H.R. 6174 and S. 3574 was sent to all House and Senate offices. Urge your congressman about co-sponsoring H.R. 6174 or S. 3574, which would exclude grocery stores from the restaurant menu labeling law unless the majority of their operations are devoted to "restaurant-type" food.

Impact of the 2012 Elections on Labor:

With President Obama winning a second term of office over former Governor Mitt Romney and with a divided Congress left intact, the November elections translate into status quo or gridlock, especially on legislative labor initiatives. Democrats remain in the majority, picking up two seats in the Senate. Democrats will now hold 53 seats to the Republicans 45. The two Independents will caucus with the Democrats. Meanwhile, Republicans maintained their House majority at 234 to 201 despite losing eight seats. No major labor legislation is expected to be enacted into law in the next Congress, either favorable to labor unions or private sector employers, but the White House is expected to pursue an

aggressive regulatory agenda and enforcement posture in 2013 similar to what employers have seen over the past four years.

The National Labor Relations Board (NLRB) will likely continue its scrutiny over employee handbooks that have at-will employment clauses and employer policies relating to employee use of social media. The Board may also attempt through rulemaking to implement various concepts from the Employee Free Choice Act (EFCA), including issuing a rule that would require employers to provide a union with sensitive employee information, such as workers' phone numbers and e-mail addresses during an organizing campaign.