

Government/Legislative Affairs Committee

Chair: Kenya (Ken) M Harrison

Members: Wendy Forgacs, Sarah Lamar, LaToya Brannen

Date: 4/5/2023

Good day SHRM Savannah,

I recently attended the SHRM Government Affairs: 2023 Q1 Government Affairs webcast and below is summation of the event. **“Success isn't always about greatness. It's about consistency. Consistent hard work leads to success. Greatness will come. - Dwayne Johnson”**

Family Medical Leave Act of 1993 (FMLA)

- The use of an optional insurance-based approach would expand worker access to paid family and medical leave by increasing the availability of risk pooling through a mechanism with which employers are familiar.
- The creation of an insurance market for paid family and medical leave would expand access to such a benefit for independent workers and small employers that lack the ability to self-fund.
- Regulatory consistency would reduce administrative costs and increase the participation of large employers to ensure the market is insulated from adverse selection risk.
- The adoption of an actuarially equivalent standard with appropriate safeguards would allow flexibility in benefit design and allow benefits to be tailored to the preferences of an organization's workers.

Fair Labor Standards Act of 1938 (FLSA)

- Given recent regulatory attention to many of the topics addressed in the FLSA —particularly worker classification and overtime exemptions —SHRM will continue supporting policies that ensure employers are provided consistent guidance on worker classification and overtime calculations.
- SHRM will also continue engaging policymakers on codifying laws that respect a worker's choice concerning their workplace arrangement and advocate that Congress pass legislation that excludes employer payments for child and dependent care from the regular rate.
- SHRM supports legislation that streamlines the FLSA by providing balanced rules, guidance and opportunities for workers to develop critical in-demand skills in the workplace and for employers to develop and establish talent pipelines to remain competitive in our dynamic economy.

Immigration and Nationality Act of 1952 (INA)

- In 1990, the INA was amended to increase the worldwide employment-based immigration cap from 54,000 to 140,000 (where it remains today); introduce the H-1B visa; establish Temporary Protected Status; and initiate the diversity lottery.
- To grow the U.S. economy, employers must be able to recruit the most qualified candidates for open positions.
- Earlier this year, SHRM conducted comprehensive workplace immigration research and received over 2,500 responses. This research will be used to illuminate potential solutions to modernize the U.S. workplace immigration system.

- SHRM supports improving on the INA by removing barriers to recruiting, hiring, transferring and retaining top talent, especially workers educated and trained in the United States.

Regulatory: In 2023, SHRM is focused on ensuring the following labor and employment regulations are clear, consistent, and balanced:

- Federal Trade Commission proposed rule to ban noncompete clauses
- Department of Labor (DOL) proposed rule on overtime/white-collar exemptions
- DOL final rule on independent contractor status
- Department of Homeland Security (DHS) proposed rule on remote document examination for Form I-9 employment eligibility verification
- DHS proposed rule to raise fees on certain employment-based immigration services
- Department of State interim final rule on electronic signatures and transmission of DS-2019 form for J-1 Exchange Visitor (intern and trainee program)
- National Labor Relations Board (NLRB) independent contractor standard
- NLRB final rule on joint-employer standard

Judicial Advocacy: In 2023, SHRM is monitoring two regulations for potential legal action, as well as cases before the U.S. Supreme Court that could impact the workplace:

- FTC proposed rule to ban noncompete clauses
- DOL proposed rule on overtime/white-collar exemptions
- Affirmative action in higher education admissions (Students for Fair Admissions, Inc. v. University of North Carolina and Students for Fair Admissions Inc. v. President & Fellows of Harvard College)
- The legality of the Biden Administration’s Student Loan Relief Plan (Biden v. Nebraska and Department of Education v. Brown)
- Religious accommodations in the workplace (Groff v. DeJoy)
- Overtime for highly compensated daily rate employees (Helix Energy Solutions Group v. Hewitt)

SHRM and its affiliates advance workplace policy in state legislatures and localities across the country — directly advocating in California and New York. SHRM’s focus in 2023 is on:

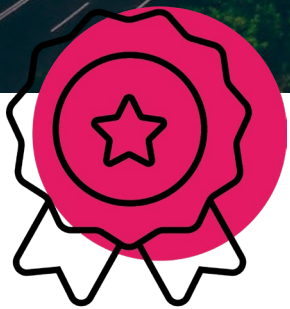
- Artificial Intelligence & Automated Employment Decision Tools: SHRM supports policies that benefit job candidates, employees and employers without stifling workplace innovation.
- Pay transparency: SHRM believes that while pay ranges are an important consideration, other components should be considered.
- Paid leave: SHRM advocates for a voluntary insurance market that would increase worker access to paid leave while reducing risk to employers.
- 4-day (32-hour) workweek: SHRM believes in workplace flexibility that delivers for workers and employers and opposes a one-size-fits-all approach.
- Skills-based hiring: SHRM looks forward to partnering with policymakers to advance skills-based employment practices.
- Interstate mental health compact agreements: SHRM advocates for states to join the Counseling Compact and PSYPACT to expand access through telehealth.

SHRM seeks to be the “go-to” organization for international leaders and businesses on the global workplace and is focused on:

- The SHRM Global Worker Project, which includes research, a human-centered worker playbook and a global convening in Geneva on July 7.
- B20 India, where SHRM co-chairs the B20 Future of Work, Skilling and Mobility Task Force; serves on the B20 African Economic Integration Action Council; was selected as a B20 India Network Partner; and is an original signatory of the B20 One Global Women Empowerment (OGWE).
- Partnerships with international organizations, including the International Organization of Employers; the International Labour Organization; the United States Council for International Business; the World Health Organization; the World Federation of People Management Associations; and the North America Human Resource Management Association.
- Offering products and services to elevate SHRM’s global policy efforts, including the SHRM J-1 Exchange Visitor Program and the SHRM Global Talent Series Webcast.

SHRM Public Policy Priorities

Driving change in the workplace through public policy advocacy.



Workforce
Development



Workplace
Equity



Workplace
Flexibility & Leave



Workplace
Immigration



Workplace
Health Care



Workplace
Governance



Workforce Development

- Untapped Talent Pools (veterans, older workers, individuals with disabilities, formerly incarcerated, opportunity youth)
- Educational Assistance
- Apprenticeships & Job Training
- Artificial Intelligence



Workplace Equity

- Culture
- Compensation Equity
- Gender Equity
- ADA
- Disability Employment
- Pay Transparency



Workplace Flexibility & Leave

- Sick Leave Mandates
- Social Insurance Programs
- Paid Family Leave Framework
- FMLA Improvements
- Tax Credits



Workplace Immigration

- Work Visas (H & J)
- Green Cards
- E-Verify
- Trusted Employer Program
- DACA
- IMAGE Program
- Form I-9 Modernization
- Students (F-1 Visa & OPT)



Workplace Health Care

- Employer-Based System
- Definition of Full-Time
- Mental Health & Wellness
- Telehealth



Workplace Governance

- Labor-Management Relations
- Minimum Wage
- Employee-Employer Relationships
- Workplace Safety
- FLSA Improvements
- Overtime
- Independent Contractor Classification
- Noncompete Agreements