



HR & Government Relations: Partnering on Public Policy

By Barbara Carroll and David Trainor with Kimrey Rhinehardt

If you are the chief HR officer for your institution, and if your organization has a chief government relations or federal affairs officer, that person should be your new best friend. Here's why.

American higher education has a complex relationship with federal and state government. On one hand, colleges and universities derive significant benefits from federal support in such forms as financial aid programs for students and research funding from entities like the National Science Foundation and the National Institutes for Health. Public institutions receive appropriations from their state to help keep the cost of college as affordable as possible for that state's citizens. In fact, historical support of American higher education by government has led to a higher education system that has long been the envy of, and model for, the rest of the world.

On the other hand, colleges and universities are also subject to ever-increasing scrutiny and compliance imposed by government, ranging from the massive accreditation reviews necessary to participate in federal financial aid programs, to compliance with federal export control requirements that limit the transfer of intellectual property to foreign countries, to the Office of Management and Budget's Circular A-21, which dictates cost principles for educational institutions.

As a result, federal laws and regulations have significant impact on higher education's ability to efficiently and effectively focus on its core mission of creating and disseminating knowledge. The more time, energy and resources an institution must devote to compliance mandates, the less time, energy and resources that institution can spend on its core mission. Finding the optimal balance is the perpetual challenge. And nowhere

is that more apparent than with employment law and regulation. Colleges and universities are employers — sometimes even the largest employer in their city or region. The very essence of higher education is its human capital: it is a knowledge-based, and thus human-driven, enterprise. Up to 70 percent of a typical institution's annual budget may be devoted to human resources in the form of salaries and benefits. Everything from payroll tax requirements to wage and hour regulations to immigration policies significantly impact colleges and universities.

Yet higher ed has been slow to fundamentally understand itself as “employer,” and thus slow to understand the extent to which it needs to be proactive in influencing public policy that impacts employers and employees. Historically, higher education has found itself in reactive mode to such public policy, implementing well-intended but administratively burdensome employment policy after it is mandated. More often than not, emerging employment policy is not on higher ed's radar until it's a “done deal.”

But that needs to change. Higher ed needs to own its status not only as educator of tomorrow's society and workforce, but as a significant employer of tomorrow's — and today's — workforce.

You Know. They Don't. Your Job? Educate.

Campus HR leaders know how much work they must do behind the scenes to keep their institutions compliant with a daunting array of employment-related public policy mandates. Without a doubt, higher ed HR professionals spend more and more of their time each year dealing with compliance issues, with no end in sight. But most other campus leaders frankly don't know what you know. Your chancellor, provost and CFO rely on you to know all that “HR stuff” for them. But they can no longer successfully run an institution without fully understanding the public policy factors — including employment laws and regulations — that impact their ability to do so.

We are in an environment of increased scrutiny of the cost and “value proposition” of higher ed, and there is a broad sense that the historical trend of tuition increases is unsustainable. American higher education has entered a new era. Candidates for federal and state political offices have plans to control the cost of higher education and to assist Americans with going to college. Such plans focus

considerably more attention on cost containment than on increasing federal or state financial assistance to colleges and universities or students themselves.

In the human resources realm of higher education, there is new, increasingly onerous regulatory attention paid to our operations. There was a time in the not too distant past, for example, when courts and regulatory agencies deferred to universities on decisions related to faculty promotion and tenure; now even those sacred areas are coming under scrutiny. Agencies such as the Equal Employment Opportunity Commission, the Internal Revenue Service, the Occupational Safety and Health Administration, the Department of Labor, the Office of Federal Contract Compliance Programs, the Office for Civil Rights, the National Labor Relations Board and the Department of Education have been increasingly engaged and interested in our work.

To this end, your mission, should you choose to accept it, is to ensure that your institution's senior leaders are well aware of emerging public policy in the employment arena that will ultimately affect their ability to successfully manage the institution. And the best place to start may be with your campus's federal affairs or government relations officer.

To the extent that colleges and universities have federal affairs officers or government relations liaisons, those individuals have historically been hired to focus on the core academic, student and research interests and priorities of their institutions, helping to influence public policy and support research funding for their organizations. They typically have not been called upon to help inform and influence employment policy.

However, you and your federal affairs colleagues have the same interests at heart — those of your institution's wellbeing. You both want your campus's students, faculty, staff and leadership to thrive. And that only happens when an institution fully understands the looming challenges before it, including those in the employment public policy arena.

How to Engage Your Government Relations Counterpart

The more time you can invest with your federal affairs/government relations counterparts, the more they'll come to understand the issues that affect not only your school's HR policy, but also the institution itself as an employer. So how can you cultivate a solid working relationship with your institution's government relations folks?

- Set up an informal, get-to-know-one-another, face-to-face meeting (or at least get some quality time on the phone with them).
- Give them this article and explain why you want to partner with them on ongoing federal employment policy issues.
- Share with them CUPA-HR's latest Washington Update and Legal Watch columns (always available at www.cupahr.org/advocacy/legislation.aspx) and talk with them through the topics and how each could impact your institution. What are they hearing on these topics from their counterparts at peer institutions? If nothing, should they be raising the issue?
- Find out who their contacts are in the federal arena — legislators, congressional staff, lobbyists, regulatory agency staff, policy influencers — and who among those individuals might need to be informed and who might be able to help champion the interests of your organization.
- Work with them to identify a policy position for the institution, and partner with them to help inform your institution's senior leaders.
- Learn more about your institution's policy on engaging with federal officials. It's important to understand the rules and requirements associated with advocacy to ensure that everyone is operating within appropriate parameters on lobbying, ethics and other restrictions and that you're not inadvertently working at cross purposes with others in your organization. Advocacy needs to be done strategically — and done right.
- Repeat all the suggestions above on a regular basis.

An Example From Iowa State

Not long after David Trainor first arrived at Iowa State University (ISU) as its new chief HR officer, his involvement with CUPA-HR and its public policy committee made him aware of some innocuous-looking proposed language from the United States Department of Agriculture (USDA) that could have significantly impacted ISU's College of Agriculture — and in fact could have set sweeping precedents with implications far beyond just ISU.

Upon learning of the proposed rule, Trainor reached out to his dean and his government relations colleague

in Washington to explain how this legislation might impact the university. "We all agreed that the proposed rule would have a detrimental impact on ISU," says Trainor. "Working together with CUPA-HR and HR colleagues and government affairs representatives from other universities, we were able to convince USDA to not implement the proposed language."

As a result, HR at ISU came to be seen as a strategic partner with the College of Agriculture and with the university's government relations staff, working together to ensure that the best interests of the university were proactively and compellingly expressed to an important and powerful federal agency. They all worked together for the desired result and learned more about how one another's roles can positively impact the university. "This happy ending would not have been possible without proactive attention being paid to these issues by both HR and government relations folks," says Trainor.

On the Horizon: The Affordable Care Act

Of significant current concern to chief HR officers is the looming impact of the Patient Protection and Affordable Care Act. Since President Obama signed this landmark legislation in March 2010, preliminary changes — such as extending employer-sponsored health coverage for dependents up to age 26 and elimination of preexisting condition requirements — have already been implemented and have already had some financial impact on institutions as employers.

However, the far greater impacts are yet to come, in 2013, 2014 and beyond, including mandates for covering employees who work at least 30 hours per week for at least three months. Has higher education sufficiently planned and budgeted to cover potentially many more employees and dependents on their employer-sponsored plans? Probably not. And recent interpretive rules proposed by the IRS on what constitutes "30 hours" of work don't contemplate how that might look for higher-ed specific positions like adjunct faculty who teach a course or two per semester.

CUPA-HR has reached out to other higher ed professional associations including the American Council on Education and the National Association of College and University Business Officers to raise their awareness and to begin trying to influence the rulemaking activity, but all CHROs should be educating their own chancellors, CFOs and federal affairs colleagues on the potential impact of the Affordable Care Act on higher education's bottom line.

My Institution Doesn't Have a Government Relations Person! What Can I Do?

Many institutions, especially smaller ones, don't have a government relations staff member. And often that means you, as your institution's HR person, get to add one more skill to your jack-of-all-trades portfolio — federal affairs! Use CUPA-HR's resources to stay abreast of what's brewing in D.C. and in the courts, then share this knowledge with your chancellor or other applicable senior leader to help make sure he or she knows what's percolating and can use his or her own leadership networks to influence public policy.

You can also collaborate with other institutions. If your institution is part of a regional consortium or other group of affiliated institutions, use that alliance to share information and raise awareness of emerging HR public policy issues and to leverage the shared influence of the group's members. Alone you may not feel you have much voice to influence policy, but there is strength in numbers.

Be In the Know

Beyond reaching out to our own government relations colleagues, we as HR leaders should also make an intentional effort to learn about the other public policy priorities and imperatives of our institutions. If we are to be of the most effective service to our college or university, our understanding of all aspects of university operations is important. Government relations staff have information

and an appreciation for those areas. Our partnership with them can be a mutually beneficial and exciting learning experience. In addition, knowing about the other priorities will assist us in determining what importance we place on the issues about which we wish to advocate.

If we are engaged, ask questions, do our research on the issues and participate in the democratic process in a new and different way, we can make a difference for our colleges and universities. In order to best serve our faculty, staff and students, we must become more interested in and intentional about our efforts to understand how government action and inaction affect us. Our credibility, success, profession and institutions might depend on it. 

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CUPA-HR As Advocate

In this ever-changing and increasingly challenging environment, HR professionals need to ensure they are informed about how legislative and regulatory actions will impact their institutions. In addition to the useful Public Policy section of the CUPA-HR website (www.cupahr.org/advocacy), which highlights emerging issues in employment law, regulations and court rulings, CUPA-HR has long engaged in efforts to positively influence the legislative and regulatory process. CUPA-HR government relations staff often work with HR and federal relations representatives from other professional associations such as the Society for Human Resource Management, the American Council on Education, the American Association of Universities, APLU (the association of land-grant public universities) the American Association of State Colleges and Universities, the National Association of College and University Business Officers, and even the United States Chamber of Commerce to inform emerging legislation and administrative regulations. In addition, CUPA-HR President and CEO Andy Brantley spends considerable effort both directly representing higher ed HR's interests in Washington and building coalitions with other professional organizations to ensure CUPA-HR's voice is heard, respected and relied upon by decision makers.