

# **CUPA-HR**

## **Public Policy Statement**

**Approved by the CUPA-HR Board of Directors on July 14, 2006**

### **I. Principles**

**A. In General** – Workforce policy should strive to:

1. Protect employees from exploitation and discrimination and promote fairness in the workplace; provided that, however, policy measures must be narrowly tailored to address a specific and documented problem and designed to minimize compliance and administrative burdens, confusion, unintended consequences and unnecessary interference with an employer's ability to manage its operations.
2. Support and encourage employer efforts to provide benefits that improve employees' health and wellness, retirement security, job flexibility, skills development and work-life balance.
3. Facilitate, rather than impede, employer and employee adjustments to changes in the workplace as a result of technological developments, demographics, globalization, national security needs and other factors.
4. Promote education and immigration policies that ensure the U.S. higher education system remains among the best in the world.
5. Provide clear guidance to employees and employers by:
  - a. ensuring that the laws, regulations and guidance are clearly and narrowly drafted;
  - b. making compliance information publicly available through the Internet and other means; and
  - c. participating in outreach efforts and regular communication by agencies to stakeholders.

**B. Equal Employment Opportunity (EEO)** – Human resource decisions should be based on merit, not factors unrelated to a person's ability to perform his or her job. New workplace laws or regulations, however, necessarily create administrative and compliance burdens and, if not drafted carefully, can be difficult to implement, overly burdensome and fraught with unintended consequences. As a result, CUPA-HR only supports initiatives that are narrowly tailored to remedy documented discrimination in the workplace and carefully drafted to minimize burdens, confusion and unintended consequences.

**C. Unionized Workforce** – Section 7 of the National Labor Relations Act (NLRA) guarantees employees the right to organize and collectively bargain or to refrain

from doing so. CUPA-HR supports policy that preserves Section 7 rights by permitting both unions and employers to inform employees about the possible advantages and disadvantages of union representation, while also limiting unfair interference and coercion.

- D. **Workplace Flexibility** – Public policy should encourage employers who can do so to offer employees workplace flexibility with respect to work hours and work location. Such arrangements can improve work-life balance, reduce lost time do to commuting, and promote employment opportunities for older workers, the disabled and those with obligations outside of work.
- E. **Employer Provided Benefits** – Public policy should support and encourage employer efforts to provide benefits that improve employees’ health and wellness, retirement security, job flexibility, skills development and work-life balance.

## II. Specific Proposals

### A. EEO

#### 1. **Legislation barring discrimination based on genetic make-up and regulating how employers handle employee genetic information.**

While there have been a few isolated instances where employers have discriminated based on genetic make-up or inappropriately required or disclosed employee genetic information, the problem is not widespread. Evidence suggests, however, that individuals are not seeking genetic tests or genetic counseling out of fear of discrimination and public disclosure of information. Based on the latter, CUPA-HR would support a narrowly tailored bill that specifically addresses this problem. It opposes any legislation that would require employers to treat genetic information different than other health care information or treat discrimination based on genetics with greater protection than other classifications protected under existing laws. CUPA-HR also opposes any requirements that would increase danger in the workplace by barring job-related medical inquiries and any requirements to employ people in positions where they pose a threat to themselves or others.

#### 2. **Legislation barring discrimination based on sexual orientation.**

CUPA-HR supports narrowly tailored legislation that prohibits discrimination based on sexual orientation.

#### 3. **EEOC Erie County regulation.** CUPA-HR supports the proposed regulation that would permit employers to offer pre-Medicare-eligible retirees more generous benefits than Medicare-eligible retirees without violating the Age Discrimination in Employment Act

### B. Workplace Flexibility, Wage, Hour & Leave Laws

1. **Family and Medical Leave Act Reform** – CUPA-HR supports regulatory and/or legislative reform that would simplify compliance and reduce the opportunity for abuse, particularly efforts such as: clarifying and narrowing the definition of “serious health condition;” allowing employers to require that intermittent leave be taken in larger increments of time; and allowing employers more latitude to verify the reason for leave.
2. **Leave Mandates** – CUPA-HR opposes additional mandates until FMLA reforms are implemented; at that point, CUPA-HR is open to expansions that are narrowly tailored to avoid problems with fraud and abuse that employers experienced under the FMLA.
3. **Comp Time** – CUPA-HR supports comp time for private employers as it will improve workplace flexibility.
4. **Overtime Exemptions** – CUPA-HR supports regulations and guidance on overtime requirements that clearly define exemptions and maximize employee opportunities for workplace flexibility.

#### C. **Unionized Workforce Issues**

1. **Legislation requiring employers to recognize a union based on signed authorization cards.** CUPA-HR acknowledges the right of employees to organize, but prefers an anonymous vote of employees to determine if unionization is preferred by employees.
2. **Legislation barring employers from voicing opinions about unionization.** CUPA-HR opposes this.

#### D. **Immigration**

1. **Worker Shortage** – CUPA-HR supports access to foreign workers needed to keep U.S. colleges and universities globally competitive.
2. **Employment Verification** – CUPA-HR supports instant verification of employees through a federal database as long as the verification system is reasonably reliable and helps streamline the process while also improving accuracy and security. Any implementation of a federal database system should be implemented over a period of time to provide ample time for employers to comply.

#### E. **Retirement Benefits**

1. CUPA-HR supports tax policy that favors increased contributions to retirement plans, including EGTRRA permanency, and efforts that encourage employees to contribute to retirement plans, including automatic enrollment.

## **F. Health Care**

1. CUPA-HR supports reforms that allow colleges and universities to provide an increased range of health care alternatives, such as Health Savings Accounts.
2. CUPA-HR supports one national standard for welfare plans and ERISA preemption.