



Chapter Activity

What Are the Key Compliance Issues Facing HR and Institutions in 2017, and What Can We Do Next?

Facilitator Guide

Materials Needed

- Conference room or dedicated space for group participation
- Computer with speakers and access to the internet
- Note-taking materials (i.e. notepads, flipcharts)
- Projector and projector screen
- (optional) “A New Administration and a New Congress: What to Expect in 2017 and Beyond” webinar access: <http://www.cupahr.org/events/webinar-20170125.aspx>
- Print:
 - For Facilitator(s) – Event Activity and Resource List
 - For Facilitator – Printed PDF of webinar presentation on the same site as above
 - For Attendees – Appendix

Sample Chapter Activity Agenda

Noon	Welcome and Introductions
12:10 p.m.	Brief Business Updates
12:15 p.m.	Activity Introduction
12:25 p.m.	Group Discussion
12:45 p.m.	Group Report-Outs
1:15 p.m.	Thank You/Activity Ends

Total Activity Running Time: 75-90 minutes

**If you want to use the January 25 webinar recording during any part of the activity, be sure to add time to the agenda (the webinar total running time is 75 minutes).*



Event Activity

I. Share the Following Introduction (10 minutes)

We face some key compliance issues in 2017. For example, workforce planning; social media and cyber breaches; and the evolving workforce. What are the implications of a new administration in Washington, D.C.? With federal, state and local laws and agency actions currently in flux, we will need to be ready to make immediate changes to institution communications, policies and practices. To minimize the risk of liability and ensure a productive and legally compliant workforce, it will be of utmost importance to be proactive in making revisions to our policies, practices and procedures, when and if needed. What should we be prepared for and be prepared to do?

It's difficult to anticipate what specific actions will be taken by the Trump administration and the Republicans assuming control of both chambers of Congress. Because of this uncertainty, we are left wondering what will happen to the employee initiatives that began during both Obama administrations. What is certain is that we will all need to keep a close eye on Supreme Court, NLRB, EEOC and DOL initiatives and issues such as the overtime rule, Affordable Care Act, discrimination, equal pay, leave and immigration, to name a few. During CUPA-HR's January 25 webinar, several issues were discussed as ongoing challenges for higher ed HR. The CUPA-HR government relations team reviewed upcoming policies and how they will impact campus communities and employers across the country in the months and years to come. At the time of the webinar, here were the key issues they addressed:

With regard to the Equal Employment Opportunity Commission (EEOC), here are what we anticipate as ongoing issues for higher ed HR:

- ADA
- Background checks
- Unlawful harassment; and
- Possible IPEDs changes

And other issues in play in 2017:

- Budget reconciliation
- Healthcare reform and the fate of the ACA
- Tax reform
- FLSA overtime changes
- Joint employer standard
- Blacklisting
- Pay equity and paid leave
- Immigration reform

The webinar left us wondering, what could we be doing immediately or in the near future to update our policies, practices and communications?



Learning Objectives:

For this activity, the learning objectives are not intended to address every aspect for planning and responding to all compliance issues we face, such as the ones addressed in January 2017. What this activity is intended to do is

- Make certain the compliance issues that are discussed are ones we can begin to address, and to allow everyone to share their thoughts, experiences and ideas surrounding the issues;
- Assist in preparing the decision-making process and determining how to facilitate the development of plans for certain compliance situations; and
- Start or continue the conversation in building out action planning and protocols; and building a network to reach out to (further) discuss decision-making and action-planning steps.

[SUGGESTION: Meeting leader who did the Introduction will continue on with the Activity or turn the floor over to another leader to lead the activity.]

Let's begin.

II. Start the Activity (25 minutes)

In terms of **workforce planning**, a number of 21st century workforce trends have had a tremendous impact on employee recruiting, hiring and retention. And we are challenged with developing new ways of working with regard to, for example:

- performance management practices;
- telecommuting, the on-demand *gig-economy, and alternative work arrangements; and
- changing work demographics.

Some of our continual challenges are to find and retain high-quality employees. Based on this, we need to assume an active role investing in talent and attempting to align HR objectives with business objectives while following trends in technology, industry and diversity. And on the other hand, we face challenges to make appropriate changes to HR policy, including the employee handbook and communications. For our discussions today, let's discuss a few of the 2017 issues facing us and the implications they have on our work.

gig economy - A **gig economy is an environment in which temporary positions are common and organizations contract with independent workers for short-term engagements.*

Table Discussion: "Are We Prepared?"



[Activity Leader asks each table to select 1 – a scribe, 2 – a timekeeper and 3 – someone to report out to the larger group their responses. Activity Leader provides 20 minutes for discussion and will ask them to come back together as a large group to share responses (flip-chart paper to be collected at the end to develop a summary document of the responses).]

- Tables on the right side of the room, you will discuss and jot down high-level notes on the flip-chart paper [have someone pass out the flip-chart paper] for the following statements:

In what ways are you and your team staying current on performance management practices? What compliance challenges are you facing/could you face?

- Tables in the middle of the room, you will discuss and jot down high-level notes on the flip-chart paper for the following statement:

In what ways are you and your team prepared to recruit, attain and maintain top talent by providing work arrangements such as telecommuting and alternative work arrangements? What compliance challenges are you facing/could you face?

- And for the tables on the left side of the room, you will discuss and jot down high-level notes on the flip-chart paper for the following statements:

In what ways are you recruiting to reflect the changing work demographics? What compliance challenges are you facing/could you face?

[Time permitting, here are some other prompting questions to address during the table discussions:]

- What obstacles can we identify now?
 - After our discussion, are we prepared to share with the rest of the group the steps needed to resolve now?
- Do we feel confident we could prepare a timeline for implementing action(s)?
 - After our discussion, can we share some suggestions as to what the timeline should include and the time it will take to resolve (ex. each action will take X amount of time and the entire time to complete will take Y amount of time)?

III. Report Outs, “Are We Ready to Respond?” (30 minutes)

[Report out from some or most (time permitting) groups. Activity Leader may want to capture answers from each topic — use flip-chart paper, have a computer connected to a projector and capture the answers in a document, for example.]

IV. Close the Activity (5-10 minutes)



[Activity Leader summarizes activity by reiterating some of the comments during the report out, and thanks the attendees for their contributions to the activity, especially knowing suggestions were shared in order to take them back to campus to implement. Activity Leader turns the floor over to someone else to close out the meeting OR lets the attendees know the next steps (ex. possible break before doing another activity)]



College and University Professional Association for Human Resources

APPENDIX

Resource List

I. Discussion questions for each table discussion

- In what ways are you and your team staying current on performance management practices? What compliance challenges are you facing/could you face?
- In what ways are you and your team prepared to recruit, attain and maintain top talent by providing work arrangements such as telecommuting and alternative work arrangements? What compliance challenges are you facing/could you face?
- In what ways are you recruiting to reflect the changing work demographics? What compliance challenges are you facing/could you face?

Some other prompting questions to address during the table discussions:

- What obstacles can we identify now?
 - After our discussion, are we prepared to share with the rest of the group the steps needed to resolve now?
- Do we feel confident we could prepare a timeline for implementing action(s)?
 - After our discussion, can we share some suggestions as to what the timeline should include and the time it will take to resolve (ex. each action will take X amount of time and the entire time to complete will take Y amount of time)?

II. Webinar link for future access (if using the webinar as part of the activity)

<http://www.cupahr.org/events/webinar-20170125.aspx>

Asked and Answered: Questions on Immigration Reform, the ACA, Paid Leave and More Under the New Administration (Webinar Follow-Up Q&A) —

<http://blog.cupahr.org/2017/02/asked-answered-questions-immigration-reform-aca-paid-leave-new-administration/>

III. "A New Administration and a New Congress: What to Expect in 2017 and Beyond" (webinar slide) — Republican's 4-Step Plan to Repeal the Affordable Care Act (ACA)

Republican's 4-Step Plan to Repeal the Affordable Care Act (ACA)

Step 1: Circumvent the filibuster

- The Senate passed a budget resolution with language instructing 4 committees with jurisdiction over health care policy (House Ways & Means, House Energy & Commerce, Senate Finance, and Senate HELP) to draft legislation that cuts the deficit
- Such legislation can be passed with a simple majority, preventing a Democratic filibuster

Step 2: Refine contents of reconciliation bill

- Given reconciliation rules, any bill dismantling the ACA would likely not touch provisions that do not directly impact federal spending levels, such as pre-existing coverage protection
- Instead, it would focus on things such as eliminating the individual mandate penalty and cutting subsidies for insurers on the public marketplaces

Step 3: Trump's executive orders

- Shortly after assuming office, on January 20 President-elect Trump issued an executive order on health care.
- It attempts to stabilize the health insurance markets and orders agencies to "ease the burden of Obamacare"

Step 4: Find a replacement

- While there is no consensus on a comprehensive replacement plan, it is likely that any such replacement would encourage greater use of health savings accounts (HSAs) and make it easier for companies to sell insurance across state lines
- It is also likely that some form of subsidy or tax credit will be included to help lower the cost of premiums

Sources: Robert Pear, "Republicans' 4-Step Plan to Repeal the Affordable Care Act," *The New York Times*, January 4, 2017.

IV. "A New Administration and a New Congress: What to Expect in 2017 and Beyond" (webinar slide) — What is Higher Ed Doing about the 2016 FLSA Overtime Rule (Injunction)?

