CUPA-HR Webinar

Presenters

Basil Thomson
Government Relations Team, CUPA-HR

Bailey Graves
Government Relations Team, CUPA-HR
Agenda

1. CDC Guidance for IHEs
2. EEOC Guidance on Vaccines
3. OSHA ETS and General Industry Guidance
4. Federal Contractor Minimum Wage
5. Immigration Update
6. Title IX Update
7. Changes to College Athletics
8. PRO Act
9. Bident Administration Personnel
CDC Guidance for Institutions of Higher Education

1. Issued June 4

2. Includes 4 Major Sections
   a) Offer and Promote Vaccination
   b) Guidance for IHEs where everyone is vaccinated
   c) Guidance for IHEs where not everyone is vaccinated
   d) General Considerations for all IHEs
EEOC Guidance on Vaccines

1. Updated May 28
   a) Employers may require all employees be vaccinated, subject to reasonable accommodation provisions of Title VII, ADA and other EEO considerations
   b) Employers may offer an incentive to employees to voluntarily provide documentation or other confirmation of a vaccination received in the community
   c) If employer or employer’s agent administers the vaccine, the incentive rules are more restrictive and the incentive may not be “so substantial as to be coercive”
OSHA ETS and General Industry Guidance

1. ETS and Guidance issued June 10
   - ETS only for healthcare industry

2. Guidance revised to be consistent with CDC guidance
   a) Grant leave for vaccination
   b) Instruct infected or exposed unvaccinated employee to stay home
   c) Implement distancing and masking for unvaccinated employees
   d) Provide training and implement protections against retaliation
   e) Ventilation, cleaning, recording and reporting infections and fatalities
Federal Contractor Minimum Wage

1. NPRM expected in July
   - Issued in Spring Regulatory Agenda

2. Executive Order on Increasing the Minimum Wage for Federal Contractors
   - Issued April 27
Immigration Update

1. Deferred Action for Childhood Arrivals (DACA)
   a) Jul 16 Federal Judge issues Permanent Injunction
   b) Congressional Action
   c) Administrative Action

2. Prevailing Wage Rules Temporary and Permanent Employment
   a) Comments submitted in Response to RFI in June
   b) DOL Vacated Trump Rule
   c) NPRM Targeted for November 2021

3. Duration of Status
   - Formally Withdrawn on July 6

4. Form I-9 Compliance Flexibility Extended
   - Extended Until August 31
Title IX

1. ED Office of Civil Rights Review Plan
   • Public Hearing to be held June 7 – 11
     o Comments submitted June 10

2. EEOC and OCR Guidance on Sexual Orientation and Gender Identity Discrimination
   • Issued June 15 and 16
Changes to College Athletics

1. SCOTUS Decision for *NCAA v. Alston*
   a) Issued June 21
   b) Ruling focuses on education-related benefits; does not touch on other compensation rules mandated by the NCAA (like NIL compensation)

2. NCAA Adopts Interim NIL Policy
   a) Policy issued June 30
   b) Issued before July 1 deadline when multiple states would begin enforcement of their own NIL laws
PRO Act Update

1. Passed the House in March
   - Provisions that alter federal labor laws, including joint employer liability, ABC test, representation elections, secondary boycotts, and more

2. Senate HELP Hearing on Bill on July 21
Biden Administration Personnel

1. Julie Su confirmed as DOL Deputy Secretary
   - Confirmed on July 13 by a vote of 50-47 (3 R’s didn’t vote)

2. Seema Nanda Confirmed as DOL Solicitor
   - Confirmed on July 14 by a vote of 53-46

3. Jocelyn Samuels Confirmed to EEOC
   - Confirmed on July 14 by a vote of 52-47

4. David Weil to lead DOL’s Wage and Hour Division
   - Nomination hearing July 15; Senate HELP vote on July 21

5. Gwynne Wilcox and David Prouty to National Labor Relations Board (NLRB)
   - Nomination hearing July 15; Senate HELP vote on July 21
Submit questions to our presenters using the Chat.
Thank You