CUPA-HR Webinar

Presenters

Josh Ulman  

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Agenda

1. Latest Developments on next COVID-19 Legislation
2. Regulatory Updates from CDC, EEOC, DOL
3. OSHA Requirements and Emergency Temporary Standard
4. Immigration and COVID-19
5. Title IX Updates
1. What’s expected to be included:
   - **Unemployment Insurance Extensions**
     - Broader support from both parties now
     - D’s looking to extend $600, R’s looking to lower amt
   - **Funding for states**
     - D’s looking for close to $1 trillion for state funding, R’s want lower amount
   - **Liability limits and protections**
     - R’s looking for greater liability protections for businesses, schools and higher ed
Regulatory Updates on Reopening

1. **CDC**
   - General resources for Colleges and Universities
   - Most recent updates from the end of May (for higher ed specific guidance)

2. **EEOC**
   - What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws
   - Info on employer and employee rights to ask about/tell about health-related info surrounding COVID-19

3. **DOL**
   - WHD releases additional FAQs on FLSA, FMLA, and FFCRA
   - Nothing higher ed specific but useful info for employers
DOL Seeks Feedback on Leave

• **DOL’s Women’s Bureau**
  - 7/16 RFI “about the need for, benefits of, and specific strategies to implement paid leave.”

• **DOL’s Wage and Hour Division**
  - 7/17 RFI “regarding the regulations implementing the Family and Medical Leave Act of 1993 (FMLA or the Act).”

• Comments Due 9/14 and 9/15
1. OSHA has continuously released guidance and resources for employers throughout the COVID crisis

2. House Dems calling for OSHA to create an ETS for infectious disease/COVID-19
   - Republicans argue that an ETS may be too rigid at the present time
   - VA Issue first state standard with limited safe harbor for compliance with CDC guidance
Poll Question

Would your institution benefit from an Emergency Temporary Standard from OSHA?

- Yes
- No
- Unsure
Immigration – ICE Directive on International Students

- Issued July 6
- Prohibited students from remaining in the U.S. if their school operated entirely online
- Harvard/MIT lawsuit → CUPA joined ACE and 69 other associations to file an amicus brief
- Guidance withdrawn on July 14
- FAQ Issued July 15
  - Directs initial students who have not yet arrived in the U.S. to remain in their home country
Immigration – Presidential Proclamation
SUSPENDING ENTRY OF IMMIGRANTS/NONIMMIGRANTS

• June 22, 2020 Proclamation
  • Continued April 22 proclamation suspending entry of certain immigrants into US.
  • And suspended entry of new H-1B, H-2B, L-1 and certain J-1 nonimmigrants and their spouses/dependents
    - Provided the foreign national was outside the US on June 24th
    - Did not possess a valid visa in one of the categories that is now suspended on which they are seeking entry
    - Did not possess an advance parole document or other valid U.S. travel document as of June 24

• Lawsuits Filed Against Proclamation
  - AILA Filed Suit on July 17
  - US Chamber and other business groups filed suit on July 21
Immigration – Supreme Court DACA Ruling

- SCOTUS Rejects Trump Administration’s Efforts to End DACA
  - June 18th ruled that the government failed to provide adequate justification for its efforts to end the program and remanded case for further consideration.
  - Emphasized that the court is not deciding whether DACA or its rescission are “sound policies.”
    - DHS Sec. Wolf said admin. is now considering other ways to end the program
Immigration – COVID-19 Related Guidance

• ICE Further Extends Interim COVID-19 Procedures for Form I-9 Compliance
  - Extended again on July 18 and set to expire August 19

• USCIS Extends Flexibility for Responding to Agency Requests
  - Further extending its 60-day deadline extension policy for responses to agency actions to September 11, 2020
Title IX Update

CUPA-HR joined an amicus brief in support of a motion to delay the effective date of the Department of Education’s new regulations on Title IX arguing that the rule sets an unreasonable implementation deadline of less than three months and during a pandemic.
Poll Question

Is your Institution worried about the August 14 deadline for the new Title IX regulations?

○ Yes
○ No
○ Unsure
Submit questions to our presenters using the Q&A button.
Thank You


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