



# Questions and Answers From the Discussion in CUPA-HR Connect

## Quarterly Washington Update Webinar | January 24, 2019

*Responses to these questions were provided by CUPA-HR's government relations team — Josh Ulman, Christi Layman and Basil Thomson — during the live discussion following the webinar.*

### **How do you envision HR working with general counsel this year?**

We suspect general counsel and HR will be working closely this year on implementing changes to the Title IX rules. Many HR departments have Title IX compliance responsibilities. Even where HR does not have such responsibility, there will be instances where a Title IX investigation involves a campus employee.

### **When will committee memberships be finalized?**

Committee memberships for the House Education and Labor Committee have been finalized, and can be found [here](#) and [here](#). Senate HELP Committee, members can be found [here](#). We are still awaiting subcommittee assignments and are hopeful those will be worked out by the end of the month or early February.

### **How many new members will serve on the House Education and Labor Committee?**

Fourteen new Democratic members and 10 new Republican members.

### **How should HR be working with government relations teams on campus, and what subjects should we be covering/talking about?**

You should do your best to get to know the government relations people on your campus. Schedule a lunch or coffee, explain what you do, and learn more about what they do. There are two key areas where HR and government relations really intersect — where government policy or proposed policy in the HR area will cost institutions a significant sum of money or will impact how the college or university delivers its product. The last administration's overtime changes, for example, would have done both — increasing payroll costs and impacting how certain employees on campus could deliver services to students.



### **Can the Equal Employment Opportunity Commission operate without a quorum?**

The EEOC can operate without a quorum, to an extent. They just can't issue regulations or guidance that would require a vote from the commission. Day-to-day operations can continue at this time.

### **Will we be able to comment on the UBIT parking fringe benefit proposal?**

Yes, the IRS is planning to issue a proposed rule with greater detail than the interim guidance it released, which will go through the normal notice-and-comment period where we will have time to weigh in on the proposal. Unfortunately, we don't know how soon they will issue that proposed rule.

### **What would you consider the top issues that would be of interest to the higher ed community or higher ed HR community?**

The top issues for the upcoming year will be possible changes to the minimum wage; possible immigration changes; changes to the overtime regulations; changes to the Title IX rules; and possible legislation on leave.

### **How soon will we have more specifics on the proposed overtime rule from the Office of Management and Budget? How long until we will need to comply?**

OMB has 90 days to conduct its review (if the agency whose rule is under review asks for an extension, the OMB director has the authority to grant an additional 30 days). In most cases, review takes 30 to 60 days. If this timetable holds true, it is possible that DOL will publish a proposed rule sometime in February or March. We will not have any more specifics on the proposal until OMB returns the rule to DOL and DOL publishes the notice of proposed rulemaking.

In terms of an anticipated compliance deadline, it is likely that once DOL publishes its proposal, it will give the public 60 to 90 days to comment. Once the comment period ends, DOL must review every comment and address the substantive ones before issuing a final regulation. Making an educated guess, we may see a final rule issued in late 2019 or early 2020, with an effective date of spring/summer 2020.