



Chapter Activity

What Are the Key Compliance Issues Facing HR and Institutions, 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
- Print:
 - For Facilitator(s) – Event Activity and Resource List
 - For Facilitator – Printed PDF of webinar presentation (if using)
 - For Attendees – Appendix
- (optional) Quarterly Washington Update With CUPA-HR's Government Relations Team webinars
 - Access to [CUPA-HR webinars](#)

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: *60-65 minutes

**If you want to use a webinar recording during any part of this activity, be sure to add time to the agenda (ex. the quarterly update webinars total running time are 30 minutes).*

Event Activity

I. Share the Following Introduction (10 minutes)

We are facing several key compliance issues these days, including workforce planning; social media and cyber breaches; and the evolving workforce. With federal, state and local laws and agency actions currently in flux, we need to be ready to make immediate changes to institution communications, policies and practices as new regulations are issued. 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 these changes. What should we be prepared for and be prepared to do?

It's difficult to anticipate when specific actions will be taken in Washington, D.C. What is certain is that we will all need to keep a close eye on Supreme Court, NLRB, EEOC, DOE and DOL initiatives and issues such as the overtime rule, Affordable Care Act, discrimination, Title IX, equal pay, leave and immigration — just to name a few. CUPA-HR's government relations team reviews upcoming policies and how they will impact campus communities and employers across the country. Here are some key issues that have been addressed in recent reports and CUPA-HR's quarterly update webinars:

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

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

Other issues in play include:

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

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 mentioned. 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 plans 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)

Take for example **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:

- performance management practices;
- telecommuting and alternative work arrangements; and
- changing work demographics.

Two continual challenges are finding and retaining 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. On the other hand, we face challenges to make appropriate changes to HR policy, including the employee handbook and communications. For our activity today, let's discuss a few of this year's issues facing us and the implications they have for our work.

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 statements:

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 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 groups, time permitting. 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: Performance Management

- 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. Discussion questions for each table discussion: Succession Planning

Use January 14, 2019, blog post, [Let's Stop Calling It Succession Planning](#)

- Describe the succession planning model you use on your campus. What is good about it? What part of your model needs improvement?
- If we were to change the name of succession planning in higher education, what should we call it? Why?
- What changes would you like to see in succession planning efforts on your campus in 3 years? 5 years? What can you immediately implement now?

III. Discussion questions for each table discussion: Minimum Wage

Eighteen states raised their minimum wages at the outset of January 2018, while two additional states did so in July 2018. And according to the Economic Policy Institute, 5.3 million workers saw their pay rates increase as a result of minimum wage increases that took effect in 2019. Workers in 20 states saw minimum wages rise between Dec. 31 and Jan. 1. Additionally, 23 localities raised rates in 2019. Collectively, those policy decisions will result in an extra \$5.4 billion worth of 2019 pay – a \$90 to \$1,300 average pay bump per year-round employee, depending on state of residence.



On September 26, 2018, the Department of Labor published a [Final Rule](#) in the Federal Register: Minimum Wage for Contractors; Updating Regulations to Reflect Executive Order 13838. On September 4, 2018, the Department of Labor published a Notice in the Federal Register to announce that, beginning January 1, 2019, the Executive Order 13658 minimum wage rate is increased to \$10.60 per hour (83 FR 44906). This Executive Order minimum wage rate generally must be paid to workers performing work on or in connection with covered contracts. Additionally, beginning January 1, 2019, tipped employees performing work on or in connection with covered contracts generally must be paid a minimum cash wage of \$7.40 per hour.

- What suggestions would you recommend including in announcements and communications related to minimum wage changes? [Duke templates](#)
- In what ways are you (or should be) taking an inventory on the affected employees to determine the impact the pay increase is having on the institution's budget?

IV. (optional) Webinar link for future access

If you're using the webinars as to shape the discussion, keep in mind the topics on each webinar may vary.

- [January 24, 2019](#): election recap, minimum wage, pro-union legislation, paid sick and care leaves, legislation on sexual harassment, and timelines of regulatory and congressional agendas.
- [October 17, 2018](#): DOL FLSA overtime rule, unrelated business income tax (UBIT) and immigration.
- [July 18, 2018](#): spring regulatory agenda, National Labor Relations Board (NLRB) updates, and Democrats labor reform legislations (*Janus v. AFSCME*)