



2016 Spotlight: 4 Key Changes to HR Laws

As business leaders, you need to be aware of all the factors that could impact your business growth and success. As HR Consultants, one factor we look at is what's on the horizon in the HR compliance world. Our goal is to help our clients understand what the potential changes might be, how their business might be effected and advise them on any actions they may need to take. This paper outlines four key changes we are watching closely.

❑ Changes to The Fair Labor Standards Act

This will be the first update to federal wage law since 2004 and it is bound to create some chaos and confusion regarding overtime pay.

The Final Rule, expected to be enacted very soon, is that workers earning less than \$54,000 a year or \$970 a week, must be paid overtime for hours worked over 40. This figure is based on the 40th percentile of all full-time salaried workers nationwide.

For employers, the headache is what exactly constitutes overtime? For example, the simple act of checking work related email can be considered overtime. Also, for employers who offer flexible work schedules, a mainstay of the technology industry, keeping track of overtime will become tricky. We will be following this one very closely indeed and will keep you informed.

❑ Pregnant Workers Fairness Act

The Equal Employment Opportunity Commission (EEOC) is commencing its biggest campaigning ever for the rights of pregnant workers. In 2016, the agency seems destined to receive laws upon which to base its enforcement activities. This law will come in the form of The Pregnant Workers Fairness Act (PWFA), which is already before congress. The core elements of the law will be mandated accommodations from the realities which arise from pregnancy, childbirth and associated medical conditions. The ultimate goal is to ensure that employees are no longer put in a position where they have to choose between pregnancy and a job.



Don't Upset OSHA

The Occupational Safety and Health Administration (OSHA) oversee issues of workplace safety and worker health. Its favored enforcement tool is subjecting violators to fines.

As of August 1, 2016, the agency will be able to raise its fines by up to 80%. This follows the signing of a bipartisan bill by President Obama on November 22, 2015.

Growing Support for Ban the Box

The ban the box reference is the essence of the Fair Chance Act. Currently adopted by over 20 states, it makes it illegal for most employers to ask about the criminal record of job applicants before making a job offer. This includes ads, applications and interview questions which may judge the applicant on his or her qualifications.

If, after a job offer, an employer wants to revoke the offer based on the existence of a criminal record, the employers must explain why via the Fair Chance Notice Form; provide a copy of any background check that was conducted by the employer or a third party vendor; and give the applicant three days to respond. Employers must also provide the applicant with a copy of the criminal information that the employer relied on.

People in the know see this as a priority for both the Democrats and the Republicans and anticipate this act to be adopted nationwide. The bill was introduced on September 8, 2015 by senators Booker and Johnson and is receiving overwhelming support.

Other Considerations

Employment related discrimination based on religion seems to be another area where new laws might emerge. Also, both OSHA and the National Labor Relations Board (NLRB) are working on new guidelines relating to workplace violence and LGBT workers.

The bottom line is that 2016 is shaping up as a busy year for HR professionals. At QMS, we suggest a simple strategy:

- Understand the essence of each law and how it might impact your business
- Seek out experts to help you understand it
- Take action to ensure that your internal policies are in compliance

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