



**What's Up with Trump
and
How to Talk to Your Rep**

**ENOCH
TARVER**



What will we learn today?

- Recent changes in the law and what is on the horizon?
- SHRM current legislative initiatives—what do we want and how can I help?
- Elected Officials—who are these people and how do we communicate with them?
- A-Team—what is it and how can I get some?



Washington Workplace Policy Trends

- Increased reliance on companies to address societal challenges
 - Mandates
 - Partnerships
 - Corporate Social Responsibility
 - Leadership

- My thanks to Chatrane Birbal, Senior Advisor of Government Relations for allowing me to blatantly plagiarize her presentation.



Washington Workplace Policy Trends

- **Fracturing of federalism is accelerating**
 - Pushing the responsibilities to the state and local governments.
 - Some retrenching at the state level when local governments not aligned with the party controlling the state.



Washington Workplace Policy Trends

- **Legislative gridlock leads to increased power of the executive and judicial branches**
 - Weakening of stare decisis
 - Inconsistent interpretations
 - Balkanization of some federal agencies



2018 Public Policy Agenda

■ Budget

- \$1.3 Trillion federal budget passed on March 23, President Trump signed. Funding is \$143 Billion above 2017.
- Included extension for four immigration related bills until Sept. 30, 2018:
 - E-verify
 - Conrad 30 waiver program
 - EB5 infrastructure
 - Special immigrant non-minister religious worker program
- Legislation did not include a fix for Browning Ferris decision or an expansion of HSA's
- Earlier Congress suspended the debt ceiling limit until March 2019



2018 Public Policy Agenda

■ Talent development

- June 2017 White House announced a new effort on apprenticeships including
 - Credential-based hiring
 - Hiring of formerly incarcerated, individuals with disabilities and veterans
- New SHRM President, Johnny C. Taylor, Jr. named to President's Board of Advisors on Historically Black Colleges and Universities.
- Taylor was also named to the Advisory Board of the Second Chance, Safe Streets initiative.
- SHRM will be actively involved in these efforts to develop new talent pipelines.



2018 Public Policy Agenda

■ Talent Development

- Employer Participation in Student Loan Assistance Act (H.R. 795)
 - Bipartisan legislation introduced in the House
 - Expands IRC Section 127 to include student loan repayment
- Expansion of Section 127 Limit (S.2007/H.R. 4135)
 - Bipartisan legislation introduced in both House and Senate
 - Expands IRC Section 127 to \$11,500 per calendar year and indexes for inflation
- SHRM is the Chair of Coalition to Preserve Employer-Provided Educational Assistance and supports both bills.



Civil Rights Issues

- Janet Dhillon and Daniel Gade nominated to EEOC Commission.
- EEOC pending issues:
 - Final Enforcement Guidance on Unlawful Harassment
 - Revised Final Wellness Rules under ADA and GINA
 - Review of EEO-1 Compensation Data Collection Rule
 - Coordinate with NLRB for consistent interpretations of NLRA, Title VII and other civil rights laws



Civil Rights Issues

- **#MeToo movement**
- **SHRM is:**
 - Providing dedicated webpage and educational programs
 - Educating Members of Congress on issue
 - Testifying before the California legislature
 - Delivering training to state legislators through NCSL
 - Released public policy statement of Compensation Equity

Civil Rights Issues

- **Ending Forced Arbitration of Sexual Harassment Act of 2017 (H.R. 4734, S 2203)**
 - Bipartisan legislation introduced in both chambers. Lindsey Graham is a co-sponsor.
 - Prohibits the use of arbitration agreements in sex discrimination disputes.
 - Unclear how the bill interacts with arbitration agreement in collective bargaining agreements.



Paid Leave Issues

- Approximately 40 jurisdictions mandating some form of paid sick leave now—states, counties and municipalities
- Four states and the District of Columbia now offer some form of mandated paid family leave, funded through payroll taxes.
- Predictable scheduling proposals are also gaining traction in some states.



Paid Leave Issues

- Bills to mandate paid leave have been introduced in this Congress, but are unlikely to pass: Healthy Families Act (S. 636 and H.R. 1516), Family Act (S. 297 & H.R. 947)
- However, proposals to address paternity leave are high on Trump Administration agenda



Paid Leave Issues

- **Workflex in the 21st Century Act of 2017 (H.R. 4219)**
 - Representatives Mimi Walters (R-CA), Elise Stefanik (R-NY) and Cathy McMorris-Rodgers (R-WA) introduced SHRM-developed legislation that expands paid leave and workplace flexibility opportunities for all employees.



Paid Leave Issues

■ Workflex cont.

- Opt-in system
- Employers that choose to participate by offering a minimum threshold of paid leave and a flexible work option will gain ERISA preemption of the patchwork of state and local laws.
- Satisfies federal contractor requirements
- Congressional action still anticipated this year.



Labor and Employment Issues

- Trump DOL working on rescinding several Obama Administration rules:
 - Final Persuader Rule
 - Joint Employment/Independent Contractor Administrative Interpretation
- DOL Payroll Audit Independent Determination (PAID) program



Labor and Employment Issues

- John F. Ring confirmed to NLRB on April 11, creating Republican majority on the board.
- NLRB overturned *Specialty Health Care* (micro bargaining units) and *Lutheran Heritage* (neutral handbooks) in December.
- *Browning-Ferris* (joint employer) still in place due to a potential conflict of interest with NLRB member William Emanuel.
- NLRB released Request for Information on union election procedures. SHRM filed comments on April 18.



Labor and Employment Issues

■ Status of Overtime Rule

- U.S District Court for Eastern District of Texas upheld DOL's authority to set a salary threshold, but ruled DOL exceeded its authority by setting salary level so high.
- DOL published a 60-day RFI comment period on July 26, 2017.
- New Notice of Proposed Rulemaking expected in October, 2018. Key issues to watch for:
 - Salary threshold increase
 - Regional threshold
 - Automatic increases



Immigration Reform

- President Trump has promised to focus on border security, protecting American workers and interior enforcement:
 - Buy American and Hire American Executive Order
 - Regulations in works on practical training and H1B's
 - Proposed 400% increase in I-9 audits
 - Deployment of National Guard to border

Immigration Reform

- **Legal Workforce Act (H.R. 3711)**
 - Focused on worksite enforcement
 - Would repeal paper I-9 system and require participation in electronic verification system.
 - Implementation staggered by size and type of workforce
 - Creates at least two new identity authentication pilot programs to address identity theft and use of fraudulent documents.
 - Creates federal preemption of state laws concerning employer fines and verification requirements
 - House Judiciary Committee approved the measure 20 to 10 on October 25, 2017.



Immigration Reform

- **Immigration Innovation Act (S. 2344)**
 - Market based H-1B cap that responds to demand
 - Prioritization in place of lottery
 - Cap exemption for advanced degrees sponsored for green card
 - Education and training for U.S. employees
 - Modernized the employment-based Green Cards by creating a pool of green cards that function as an alternative to H-1B to retain student talent. Recaptures unused visas to address backlogs, eliminate per county limits and creates advanced STEM degree cap exemptions.
 - Mandates implementation of a voluntary Trusted Employer program within six months of enactment for employers that choose to participate.

Federal Elected Officials

- **Senators**

- Elected statewide every 6 years
- Two per state for a total of 100

- **Representatives**

- Elected by district every 2 years
- 535 total members, 14 from Georgia



Federal Elected Officials

- When do they meet?
 - Senate: [SHRM State Conference\Senate Schedule.pdf](#)
 - House of Representatives: [SHRM State Conference\House Schedule.pdf](#)



Federal Elected Officials

- **How to talk to a Member of Congress**
 - **First, don't insist on talking to the Member**
 - **Members have staff both in DC and at home**
 - **Get to know those people and your job gets much easier**
 - **Staff members are assigned to big policy areas such as labor and employment**
 - **This is particularly true for Senators, who have much larger staffs and generally more senior staff members.**
 - **Find out who is in charge of your issue and get to know that person. They are much more accessible than the member.**



Federal Elected Officials

- **How to talk to a Member of Congress**
 - **Second, get your point across, particularly when talking to the Member but also to the staff.**
 - **Be brief and to the point (15-30 min)**
 - **If the issue is a particular bill, give the bill number and subject**
 - **Personalize the issue—how will this bill affect your family, friends, community, business or job?**
 - **Prepare a one-page leave-behind with key information**



Federal Elected Officials

- **How to talk to a Member of Congress**
 - **KISS—Keep It Simple S_____**
 - **Create a hook the Member can remember. Avoid technical jargon, acronyms and business speak. Say it is as few words as possible.**
 - **Make sure the Member knows you are a constituent or that you represent constituents.**
 - **E.g. I am the HR manager for the local John Deere plant in your district. Did you know we have 1,000 employees?**



State Elected Officials

- **56 State Senators**
 - Elected by district for 2-year terms
 - All seats up for election every 2 years

- **180 Representatives in the House**
 - Elected by district for 2-year terms
 - All seats up for election every 2 years



State Elected Officials

- Legislature convenes on the second Monday in January each year.
- May not meet in regular session for more than 40 days in any year.
- Session generally runs to March 31 including adjournments.
- Do not have legislative staff like federal officials.



What Can They Do For You?

- **Constituent services are an important part of the job for both federal and state elected representatives.**
 - One Congressional staffer described it as the customer service department for the federal government.



What Can They Do For You?

- Department of Veterans Affairs
- Internal Revenue Service
- Department of Labor
- Medicare
- Postal Service
- Passport Service
- U.S. Citizenship and Immigration Services
- Social Security Administration
- State Department - Visas
- And other federal agencies...



What Can They Do For You?

- Same for State Legislators, except they generally have to do it themselves
 - DMV
 - Insurance Commissioner
 - Secretary of State
 - Department of Revenue
 - Georgia Department of Labor
 - Georgia Environmental Protection Division



Who to Talk To?

- How can you find out who represents you?
 - Call on the A-team!
 - <http://www.advocacy.shrm.org/home?1>



SHRM Hill Opportunities

- Legal and Legislative Conference
 - <https://www.shrm.org/mlp/Pages/2018Leg.aspx>
 - Advocacy Hill Day on Wednesday
 - Hundreds of people going to the Hill to discuss a specific issue
 - May meet with your members or others



SHRM Hill Opportunities

- **DC Fly-In**
 - Typically in September
 - Limited to members of Georgia delegation
 - Frequently get to meet with Members, particularly on the House side.
 - Smaller group of a dozen or so, get very connected with SHRM national legislative staff.



Getting Them To Your Meeting

- Get to know the local staff for national members—invite them to your meetings.
- Know when their recess times are and when they are likely to be in the district.
- There is power in numbers. How many constituents does your SHRM group represent? Not just the members, but the employees represented by each member.



Take Away

- **Members are just people too**
 - very busy people with feet in two worlds
 - remember that when you talk to them or their staff
- **SHRM is here to help**
 - A-Team
 - SHRM crafted legislation
 - SHRM professional staff



Questions?

**PowerPoint can be downloaded at
www.enochtarver.com**

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