

# Winona Area SHRM Monthly Newsletter

May 2014

## Presidents Notes By: Elizabeth Ruff

Hopefully all of this rain will bring beautiful May flowers. I know that I am ready for the sun and warm weather!

We had a very successful Leadership & Development Conference on April 8<sup>th</sup>. Tracy Butz & Tom Thibodeau both delivered excellent presentations that were entertaining and engaging for all members of the audience. I'd like to extend a sincere thank you to the Winona Area SHRM Conference Committee for their commitment to ensuring the conference was a success. Members of this year's committee included: Cheri Gabbert, Deb McClellan, Lori O'Brien, Rhonda Spece & Karissa

Wirt. We are always looking for additional volunteers for the committee, the first meeting to start planning for the 2015 conference will be held in September. If interested in joining the Winona Area SHRM Conference Committee, please contact me.

Our next monthly luncheon is scheduled for Tuesday, May 13<sup>th</sup>. Krystal Mitchell, J.D. - Human Resources Consultant will be educating us on Family Medical Leave (FMLA) guidelines and updated compliance information. Please register online beforehand and feel free to invite others who may be interested in learning more about FMLA Compliance.

Have you considered becoming a Board or Committee member? Involvement in Winona Area SHRM can provide you with the opportunity to get to know your fellow HR professionals on a deeper level and further develop your HR skills. If you or someone you know is interested in a role on the Board or on one of our committees, please reach out to me via email or phone so we can discuss further! Elections for open positions will take place this fall.

I look forward to seeing you all on May 13<sup>th</sup>!

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### Upcoming Events

- May 13:  
FMLA Compliance



## Monthly Meeting Information

### FMLA

### Compliance

Presented by: Krysta Mitchell, J.D. ~ Human Resources Consultant

Tuesday | May 13

11:30—Noon | Networking and Lunch  
Noon—1:00 | FMLA Compliance

Winona Area Chamber of Commerce | 902 E 2nd | Suite 120 | Winona

Pending approval for 1 HRCI re-certification credit hour

Lunch: Pizza from Pizza Hut  
Cost: \$10 for members | \$15 for Guests  
You can now pay online ahead of time!

[Click here](#) to register today!

## Legislative Update By: Beth Ede

### National Labor Relations Board

#### ***“Ambush” Election Proposal – Winona Area SHRM Signs onto Opposition***

In early April, SHRM submitted comments to the National Labor Relations Board (NLRB) in response to its proposed rule to change union election procedures. The proposed rule was virtually identical to the version proposed in 2011 by the NLRB.

SHRM’s comment letter, filed in conjunction with the HR Policy Association, was co-signed by 96 SHRM affiliate groups – including our very own Winona Area SHRM chapter. In addition 4,500 SHRM members registered their individual comments with the NLRB through the government’s online rulemaking website.

Key provisions of the NLRB proposed rule include:

#### *Shortened time frame between the filing of an NLRB representation case petition and the election*

Currently, the average time between filing and an election is 38 days. The proposed rule would permit an election to be held in a period as short as 9 or 10 days. Unions are able to prepare their entire unionization campaign before making it public. A shortened time frame prior to the election leaves employers with little time to help educate employees about the pros and cons of unionization.

#### *Failure to establish a record supporting new election rules*

The NLRB has not made the case that the rule is necessary. Under cur-

rent procedural rules, the NLRB consistently meets or exceeds its own internal timeline goals for case processing. An extremely small percentage of any delays with respect to elections would be impacted by the proposed rule.

#### *Detrimental changes to the Board election proceedings*

The proposed rule restricts the time for submission of evidence and provides wide and undefined discretion to Board hearing officers. These proposed changes violate the due process rights of the parties involved;

#### *Changes to voter list rules infringe on employee privacy rights*

The proposed rule mandates that employers turn over private employee information including employee telephone numbers and e-mail addresses.

Timed in coordination with the NLRB’s rulemaking process, two bills were introduced to counteract the NLRB’s proposed rulemaking to change union election procedures. Both bills, the Workforce Democracy and Fairness Act (H.R. 4320) and the Employee Privacy Protection Act (H.R. 4321) are scheduled to see action in the House later this spring.

### **Pay Equity**

#### ***President Obama Issues Executive***

### ***Orders Dealing with Pay***

As we all awaited to see the outcome of the Paycheck Fairness Act (S. 2199), a bill strongly opposed by SHRM in its current form, President Obama issued two orders related to equal pay. The first, a memorandum titled “Advancing Pay Equality Through Compensation Data Collection”, directs the Dept. of Labor (DOL) to propose, within 120 days, a rule requiring federal contractors and subcontractors to submit to DOL summary data on the compensation paid to employees, including information by race and sex.

The second, an executive order, prohibits a federal contractor from discriminating against or discharging an employee or applicant who has “inquired about, discussed, or disclosed the compensation of the employee or applicant or another employee or applicant.”

This executive order directs the DOL to propose regulations to implement these requirements within 160 days. The order was effective immediately and will apply to contracts entered into on/ after the effective date of the DOL rule.

### **Health Care Reform**

#### ***Full-Time Employee Definition Being Challenged***

The House recently passed the Save American Workers Act (H.R. 2575). The bill would amend the Internal Revenue Code to redefine the term “full-time employee” as an employee who is

employed on average at least 40 hours per week.

When Congress enacted the Patient Protection and Affordable Care Act (PPACA) in 2010, the law defined a full-time employee as one that worked at least 30 hours per week in the context of the mandate in the law requiring employers of 50 or more full-time and full-time equivalent employees to provide health coverage to full-time employee or pay a penalty.

If enacted into law, the revised definition, as currently drafted in H.R. 2575, would be effective on January 1, 2015. SHRM supports this legislation and sent a letter to all members of the House of Representatives encouraging their support of the proposed bill.

## Minnesota

### **Law Changes for Minnesota Employers**

Minnesota recently passed two separate changes to state law. First, the state adopted tax-favored treatment of employer-provided educational, adoption, and transit assistance benefits. They did this by aligning Minnesota tax law with current Federal guidelines. Second, the state announced new Minnesota minimum wages beginning in this August and continuing through August 2016.

### **Minnesota Tax Law Change**

On March 21, 2014, Governor Dayton signed a bill that recognized the Ameri-

can Taxpayer Relief Act (ATRA) and conformed Minnesota tax law to federal law and the favorable tax treatment of the following employer-provided benefits that comply with specific tax code definitions:

Education Assistance – permanent exclusion of up to \$5,250 per year in employer-provided educational benefits under IRC §127

Adoption Assistance – permanent exclusion of up to the amount of employer-provided adoption assistance benefits permitted by IRC §137

Transit Assistance – exclusion of set dollar amount per month in employer-provided transit benefits

If your organization offers any of these employer-sponsored employee benefits, you should review the [MNDOR bulletin](#) on the subject.

### **Minnesota Minimum Wage Law Change**

On April 14, 2014, Governor Dayton signed into law the largest minimum wage increase in Minnesota history. The law will increase Minnesota minimum wage more than \$3.00 in the next couple of years. The impact to your organization will depend on whether your organiza-

tion is considered “large” or “small” – based on gross sales and whether any other exemptions or special rules apply.

It’s important to remember that a significant amount of Minnesota employers are also covered by the Fair Labor Standards Act (FLSA), which addresses federal minimum wage requirements. For employers covered by both Minnesota law and the FLSA, adherence to the law that provides the greater employee benefit or protection is required.

Minnesota employers are encouraged to become familiar with the upcoming law changes as well as the potential impact to their organization beginning as soon as August 2014. Changes to the Minnesota minimum wage can be found in [HF 2091](#).



May 2014

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We're on the web!  
winona.shrm.org

People, It's our Business!



### **SHRM Links**

#### **National SHRM website**

[www.shrm.org](http://www.shrm.org)

#### **MN State SHRM website**

[www.mnshrm.com](http://www.mnshrm.com)

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