



Winona, Minnesota

Winona Area SHRM Newsletter

June 2016



President's Notes

by Ashley Zweep

I hope everyone had a great Memorial Day weekend! Thank you to those who were able to attend the Kick Off meeting in May at Green Mill. We enjoyed great conversation, pizza and discussion on what the hot topics are. The results from the survey asking which topics are you most interested in hearing about were; retention, FMLA, FLSA, HR metrics – Audits & checks, and job descriptions were the top 5 topics. With that being said the Board of Directors are working hard at scheduling speakers to present on these topics and creating more discussion at our future monthly meetings.

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Join us August 18th from 4:30 – 6:00pm at Elmaro Vineyard in Trempealeau to enjoy two very hot topics; **FLSA rules and FMLA issues commonly griped about by employers** presented by James Sherman from Wessels Sherman. Please RSVP by [clicking here](#). Following the presentation please enjoy (another) glass of wine on Elmaro's large patio.



Winona Area SHRM's Mission, Vision & Values

Mission – (Why we exist)

The Winona SHRM Chapter is a professional organization that exists to:

- Build and sustain partnerships with human resource and business professionals, to address challenges that influence the effectiveness and sustainability of our organizations and communities.
- Provide a community for human resource and business professionals to share expertise and create innovative solutions on people management issues.
- Proactively provide education and research to human resource and business professionals to enhance our organizations and communities.
- Advance the HR profession through outreach, mentorship, and advocacy.

Vision – (What we want to be)

To be the leading resource on people management skills.

Values – (What we stand for)

- Strategic – in our thinking and planning
- Honorable – to our members, our organizations, and our communities
- Respectful – to the SHRM bylaws and legislative guidelines
- Mentorship – guidance and partnering with HR professionals

People, It's our business!

September 13, 2016 Meeting at 11:30 am – 1:00 pm

Topic: Legislative Update Hosted by a National SHRM Senior Advisor

Chatrane Birbal, SHRM's Senior Advisor of Government Relations, will be providing a 60-minute Washington Outlook webinar. The 114th Congress and the Obama Administration have propelled important HR public policy issues to the forefront of activity in Washington. Many issues of importance to the HR profession are at the forefront of consideration of Congress and by the federal agencies. Key issues include updates to the Affordable Care Act, changes to the collective bargaining process, new workplace flexibility options, and proposed changes to the Fair Labor Standards Act overtime regulations. This presentation will focus on the HR legislative issues expected to be considered, as well as provide an up-to-date discussion on current federal regulatory activity.

Legislative Update

by Beth Ede

Regulatory Update

DOL Releases Final Rule on FLSA Overtime Rules

On May 18, 2016, the U.S. Dept. of Labor (DOL) announced the final rule regarding overtime wage payment qualifications for the "white collar exemptions" under the Fair Labor Standards Act (FLSA).

The final rule, which becomes effective on December 1, 2016, increased the salary an employee must be paid in order to qualify for an exemption from the FLSA white collar exemption rules. The required salary level is increased from \$23,660 to \$47,476 annually – which represents the 40th percentile of wages earned by workers in the lowest-wage census region in the U.S. (currently the South) for a full-year worker.

The final rule also increases the salary level for highly compensated individuals from \$100,000 to \$134,004 annually – which represents the 90th percentile of wages earned by full-time workers across the entire United States.

These salary thresholds will be updated every 3 years to maintain the salary level at their corresponding 40th or 90th percentiles – with the first automatic rate updates by January 1,

2020. The DOL will release the updates a minimum of 150 days before the effective date.

For the first time, the DOL is changing the regulations to allow nondiscretionary bonuses and incentive payments (including commissions) to satisfy up to 10% of the standard salary test requirement. To use the nondiscretionary bonuses and incentive payments (including commissions) toward a portion (up to 10%) of the standard salary level test, such payments must be paid by the employer on a quarterly (or more frequent) basis.

Actions Steps Employers Should Take

- ✓ Become familiar with the new rule and if you haven't done so already, identify which employees/job classifications will be affected by the salary level changes
- ✓ Determine how you will meet the new salary level thresholds – will you increase the salary of exempt employees or reclassify from exempt to non-exempt and begin payment for overtime hours?
- ✓ Communicate any work schedule changes to affected employees before the December 1, 2016 effective date in order to manage overtime hours worked

- ✓ Train impacted employees and their supervisors on new timekeeping requirements
- ✓ Determine if you can utilize nondiscretionary bonuses and/or incentive payments (including commissions) to satisfy up to 10% of the standard salary test requirement

Employers in *non-profit, higher education,* and/or *state & local government* should review the fact sheet on the final rules for your applicable organization – found in the URL below.

The DOL Wage and Hour Division has a webpage containing links to valuable resource materials:

<https://www.dol.gov/whd/overtime/final2016/>



Transgender Bathroom Access

The Equal Employment Opportunity Commission (EEOC) recently released a **Fact Sheet** to help guide employers with questions on bathroom usage by its transgender employees and how the rights of transgender employees must be handled.

This is a hot topic, but ignited even more spark since President Obama issued a directive from the Education and Justice Departments instructing public schools to allow transgender students to use the bathroom that matches their gender identity.

Wisconsin is among a handful of states who have filed a lawsuit against the Obama administration over the bathroom guidance.

Stay tuned.....there will be more to come that will probably impact our workplace practices as well.

New FMLA Resources Released

The DOL released new resources to assist with Family and Medical Leave Act (FMLA) compliance. The new resources include an **Employers Guide** and a new **FMLA poster**. Note that you can use the new poster or may continue to post the February 2013 version and remain in compliance.

Current Form I-9 (Employment Eligibility Verification) Remains Effective

Until further notice, employers should continue using the current Form I-9, Employment Verification Eligibility Verification. The current version of the form continues to be effective even after the Office of Management and Budget control number expiration date of March 31, 2016, has passed. The USCIS will provide updated information about the new version of Form I-9 when it becomes available.

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