



January 2018 - HR Express

Upcoming Events

The Employee Experience: Pre-boarding and Onboarding

February 13, 2018 at 7:30 am

February Brown Bag

February 21, 2018 at 11:30 am

Employment Law Review

March 13, 2018 at 7:30 am

[See All Events](#)

Coming Soon

Don't miss out on the great programs LSHRM has to offer this year!! Pre-register for the rest of the breakfast programs and get a discount.

Pre-registration will include the following events:

February 13th – Pre-boarding and OnBoarding

March 13th – Employment Law Review

May 15th – Non-Profit Fair (2-hour event)

June 12th – Diversity (2-hour event)

July 10th – Workforce Readiness (2-hour event)

October 9th – Retention Strategies

November 13th – Performance Management

December 11th – Retirement Planning

Watch your inbox for Discount code!

Study Group 2018

Thinking about taking the SHRM-CP/SHRM-SCP or PHR/SPHR exam? Certification shows that the holder has demonstrated mastery of the HR body of knowledge and, through recertification, has accepted the challenge to stay informed of new developments in the HR field.



Don't miss your chance to register for the LSHRM Study Group, a 10-week facilitated program to assist LSHRM members with exam preparation.

Study Group Coordinators: **Michele Stauffer and Katie Baldonieri**

Location: **Farm & Home Center Multipurpose Room (1383 Arcadia Road, Lancaster)**

Meeting Days and Times: **Tuesdays, 6:00 – 9:00 PM (with one exception: Thursday, April 12th)**

Meeting Dates: **February 13, 2018 through April 17, 2018**

Eligible to Participate: **LSHRM Members (Non-members will need to become an LSHRM member first in order to register for Study Group.)**

If interested, please complete the Study Group 2018 Registration Form located on the homepage of LSHRM's website www.lancastershrm.org.

Questions? Contact Michele Stauffer at mstauffer@shanks.com.

Your copy should address 3 key questions: Who am I writing for? (Audience) Why should they care? (Benefit) What do I want them to do here? (Call-to-Action)

Create a great offer by adding words like "free" "personalized" "complimentary" or "customized." A sense of urgency often helps readers take an action, so think about inserting phrases like "for a limited time only" or "only 7 remaining!"

SaveThe Date!

Spring Professional Development Conference

April 20, 2018, 7:30 a.m. – 4:00 p.m.

IU13 Conference Center
1020 New Holland Avenue
Lancaster, PA 17601

Non-profit Fair

May 15, 2018, 7:30 a.m. to 10:00 a.m.

Farm & Home Center
1383 Arcadia Road
Lancaster, PA 17601

Have You Renewed for 2018?

Dues for 2018 are unchanged at:

- \$50 for Professional members
- \$75 for General members
- \$10 for Student members

Early renewals were entered into a drawing for an Amazon Gift Card, which was conducted at the November and December meetings. Congratulations to Jennifer Good and Angie Papvasilion, the winners of the gift card drawings.

Renew on our [website today](#) to stay current on the latest trends in your profession with in-depth educational programs and networking opportunities with other HR professionals in Lancaster County.

Sponsorship Opportunities Available

Looking to develop new business leads and market your services to HR Professionals?

The LSHRM Sponsorship Program provides multiple opportunities to market your

business to LSHRM members, develop new contacts and support the organization in its mission. Sponsorship benefits include: company recognition at various events, on the LSHRM website and in event advertisements; a booth at multiple LSHRM events including breakfast programs, conferences and networking mixers; and “air time” to address LSHRM members direct at events. Learn more about our sponsorship opportunities [here](#).

Eight Legal Trends In The Workplace for 2018

Legal protections for employees are likely to expand at the state level in 2018 but shrink under federal law in the coming year. At the federal level, expect a more employer-friendly Department of Labor (DOL), a new proposed overtime rule and greater deference by the National Labor Relations Board (NLRB) to employee handbook policies. But retaliation claims will continue to be prevalent, and harassment claims in particular may be poised to rise. At the state level, more sexual harassment training laws and pay equity legislation may be passed, as well as laws legalizing marijuana use and requiring paid leave.

More Employer-Friendly DOL

The DOL is likely to shift how it approaches enforcement, most likely returning to more traditional, pre-Obama administration practices. This is likely to benefit employers in their relationships with staffing firms, and with regard to their handbook policies, as well as enforcement.

Employers should expect the DOL to:

- Not seek liquidated damages unless a matter goes to court.
- Abandon exotic theories of the employment relationship, such as going after franchisees or other relationships not normally viewed as employment.
- Not seek a third year of back pay for willful violations unless an employer clearly has acted with bad intent.
- Listen to employers willing to confess a violation as part of a supervised back-pay settlement.

Proposed Overtime Rule

The DOL predicted in its fall regulatory guidance, published Dec. 14, 2017, that it will issue a proposed overtime rule by October 2018. The DOL is expected to raise the salary threshold for white-collar exemptions but not as high as the Obama administration had.

The Society for Human Resource Management (SHRM) has recommended that the DOL raise the salary threshold from \$23,660 to nearly \$32,000 annually. The Obama administration overtime rule, a regulation that has been halted while the Trump administration develops its new overtime rule, would have doubled the salary threshold. SHRM, along with many other pro-business organizations, opposed this doubling as “too much, too fast.” It will be interesting to see where the DOL lands, and whether they address the duties tests in the new proposed rule.

Greater Deference to Handbook Policies

Changes are afoot at the NLRB as well. The Obama NLRB struck down a number of handbook policies, applying *Lutheran Heritage Village-Livonia*, 343 NLRB 646 (2004). Under *Lutheran*, the board set out a test for when the rule of any employer—unionized or not—will violate the National Labor Relations Act (NLRA). This rule included examination of whether employees would reasonably construe the rule's language to prohibit protected, concerted activity. The rule has been applied to strike down social media and confidentiality policies under the Obama board.

But *Lutheran* was overturned Dec. 14, after Republicans assumed control of the board. Now that it has been overruled, employers should expect to receive more latitude with policies that are neutral on their face, such as confidentiality policies.

Continued High Number of Retaliation Claims

Retaliation claims are likely to remain prevalent. The number of retaliation claims has nearly tripled since 1997, and retaliation now is the most frequently filed charge with the Equal Employment Opportunity Commission. Even if a discrimination or harassment claim fails, a retaliation claim may prevail. All that is needed to win such a claim is to show

protected activity, an adverse employment action and a causal connection between the two. Training is key so that managers and supervisors understand how “not to retaliate” against an employee who has made a complaint.

Sexual Harassment Training

The end of 2017 marked both an unprecedented making of and recognition of sexual harassment in the workplace claims.

As a result, employers should take a look at their sexual harassment policies, complaint and investigation procedures, and training programs. The impact from what’s happening in Hollywood and in politics will trickle down, and we may see new harassment laws and more training mandates at the state level.

Currently, California and Connecticut require businesses with 50 or more employees to provide sexual harassment training to supervisors. Businesses with 15 or more employees in Maine must provide training to all workers at the start of their employment. In other states, such as Massachusetts, Rhode Island and Vermont, employers are encouraged—but not required—to provide training.

I expect more state and local governments to adopt mandatory training programs that will require in-person, annual training for all employees. Beyond these requirements, cultural shifts in what constitutes acceptable behavior in the workplace may finally begin to occur.

Pay Equity Laws

Many states and cities have banned salary history questions during the interview process. Aimed at combating wage disparities based on gender, these laws generally prohibit employers from asking job applicants about their prior or current compensation and relying on salary history to set pay levels.

California, Delaware, Massachusetts, Oregon, New York City, Philadelphia, Puerto Rico and San Francisco have passed such laws (though Philadelphia’s ordinance has been put on hold pending the outcome of a lawsuit challenging the ban).

Some of those laws took effect in 2017 and others will take effect in 2018. More states—such as Idaho, Maryland, New York, Rhode Island, Texas and Virginia—are considering similar legislation.

Marijuana Laws and Drug Testing Policies

Multistate employers will likely face more state and local regulatory efforts in 2018 regarding marijuana use.

Furthermore, a tight labor market combined with the increasing number of jurisdictions that recognize medical or recreational marijuana are causing employers to rethink drug testing practices that have been in place for decades.

Here in Pennsylvania, medical marijuana will be available as soon as May, 2018. Now is the time to revisit policies and make decisions on how employers will treat registered medical marijuana users. The Pennsylvania statute prohibits discriminating against registered users based upon their use, per se, but also does not require employers to allow employees to use marijuana, which remains an illegal controlled substance from a federal law perspective, in the workplace.

Paid Family Leave

California, New Jersey and Rhode Island currently offer paid family leave, and New York will join the list in 2018. Washington state and Washington, D.C., have also passed such laws, but they won’t take effect until later.

Paid family leave in New York will be a big change for employers. The program will be phased in over the next few years. Employers need to understand the calculations and other mechanisms of the law and how new requirements compare to current employer offerings.

Although only a handful of states offer paid family leave, others are expected to follow.

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