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Background: Workplace violence is a major concern for organizations, especially in the wake of recent gun-related incidents. According to the Bureau of Labor Statistics, the majority of homicides committed in U.S. workplaces are the result of shootings. Homicides involving firearms are one of the top five causes of occupational deaths in the United States and the leading cause of workplace deaths for women.

The Occupational Safety and Health Act requires employers to provide a workplace “free from recognized hazards that are causing or are likely to cause death or serious physical harm.” In a 2006 SHRM survey of HR professionals, 98 percent of respondents stated employers should be allowed to determine their own worksite policies regarding whether to allow weapons on workplace property.

Issue: SHRM believes that employers must retain the freedom and responsibility to assess the safety needs of their organizations and to establish appropriate policies. This is paramount to the overall success, sustainability and safety of the workforce.

Outlook: To date, nearly two-dozen states have enacted laws that restrict an employer’s right to enforce a blanket no-weapons policy on company property. Other states (particularly in the Midwest and South) are expected to consider similar legislation in future sessions.

SHRM Position: SHRM opposes any restrictions on the right of individual employers to determine their own worksite policies regarding weapons on company property (including parking lots). SHRM’s position in no way involves the broader issues of gun control or gun ownership.

Talking Points

• SHRM supports providing employers the flexibility and responsibility to decide which policies are most appropriate for their facilities to ensure a safe workplace for employees.

• SHRM believes its position on this issue is supported by the 1917 Supreme Court decision Buchanan v. Warley. In that case, the court decided that owners of private property have property and liberty rights that are protected from improper state action by the due process guarantees of the Fifth and 14th Amendments to the U.S. Constitution.
**Background:** HR professionals ensure that new hires possess the talent, work ethic and character needed for the organization’s success. Background investigations, including reference checks, credential or educational certification checks, criminal history checks, credit checks and drug tests, can play a pivotal role in the hiring process.

The Fair Credit Reporting Act of 1970 (FCRA) governs the use of consumer reports and has explicit protections for consumers. Further, Title VII of the Civil Rights Act of 1964 bars employment decisions based on policies or tests, such as credit or criminal background checks, that have a “disparate impact” on protected groups.

**Issue:** The Equal Employment Opportunity Commission (EEOC) in April 2012 issued updated guidance on the use of criminal background checks in employment. Key provisions of that guidance include:

- **Individualized Assessment:** The guidance recommends that employers conduct an individualized assessment when it informs an employee or applicant that he or she is being screened out due to a criminal record by providing the individual with the opportunity to respond and by considering extenuating circumstances before making a final decision.

- **“Ban the Box”**: Although the guidance does not prohibit employers from including a question about criminal convictions on the employment application, it does recommend that employers refrain from including this on the application and advises that employers ask only applicants who are applying to positions where criminal history may be relevant, limiting those questions to convictions that have a nexus to job duties.

Congress, federal agencies and state legislatures have considered proposals to restrict or prohibit certain background investigations. Ten states currently limit employers’ use of credit information in employment: California, Colorado, Connecticut, Hawaii, Illinois, Maryland, Nevada, Oregon, Vermont and Washington. Additionally, ten states prohibit employers from including a question about criminal convictions on the job application: California, Colorado, Connecticut, Hawaii, Massachusetts, Maryland, Minnesota, New Jersey, New Mexico and Rhode Island. Illinois bans the practice through state regulation.
Outlook: The Employment for All Act (S. 1837 and H.R. 645) would ban the use of credit reports in the employment process, but these bills are unlikely to be enacted into law in the 113th Congress. The EEOC, however, may publish guidance on the use of credit information and is likely to review issues on the use of social media in the employment process. In addition, several state legislatures may consider new restrictions on employers’ use of both criminal and credit checks in employment.

SHRM Position: SHRM and its members have a long tradition of promoting equal employment opportunity practices for all individuals. Employment decisions should be made on the basis of qualifications—education, training, professional experience, demonstrated competence—not on factors with no bearing on the ability to perform job-related duties.

However, there is a compelling public interest in enabling our nation’s employers to make the best hiring decisions. Employers’ ability to conduct background checks for employment purposes helps keep the workplace free of physical, financial, economic and personal identity threats to employees and the general public. The FCRA already protects consumers by requiring companies to get written permission from job candidates before conducting a background check. In addition, employers are barred by Title VII from using background checks to screen out job applicants based on protected characteristics such as race, ethnicity or gender.

Talking Points

• SHRM supports preserving employers’ ability to conduct background checks for employment purposes. They serve as an important means to promote a safe and secure work environment for employees and the general public.

• SHRM believes public policy should facilitate the flow of accurate, truthful and relevant information about job candidates.

• SHRM is supportive of protections for employees and job applicants that are found in the Fair Credit Reporting Act of 1970 and the Civil Rights Act of 1964.
Background: The Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964 prohibit gender-based wage discrimination in the workplace. Depending on performance and seniority, jobs that have the same functions and similar working conditions and that require substantially the same skills must be compensated equally.

Issue: According to the Bureau of Labor Statistics, in 2013 women who were full-time wage and salary workers had median usual weekly earnings of $713, about 82 percent of median earnings for full-time wage and salary male workers ($869). The question is whether this wage disparity between women and men is attributable to discrimination, legitimate pay practices or other workplace dynamics. Equal pay advocates want a “comparable worth” pay system to correct gender-based pay differences. Congress rejected this concept during the original Equal Pay Act debate because it would mandate the same pay for different jobs.

Outlook: As the President highlighted in his State of the Union address, wages will be an important focus of the public policy debate in the coming months. The administration and certain members of Congress have discussed raising the minimum wage up to $10.10 an hour and taking steps to address the wage gap. The main piece of legislation on compensation equity, the Paycheck Fairness Act (PFA), failed to pass in both chambers of Congress. Most recently introduced in the first session
of the 113th Congress in 2013, the PFA (S. 84 and H.R. 377) would require employers to base employee pay differentials only on seniority, merit and production. The PFA would also shift the burden of proof to the employer in discrimination claims. The PFA faces an uphill battle in Congress. In the meantime, the National Equal Pay Task Force, made up of several federal agencies, has looked at coordinated enforcement and rulemaking efforts as a way to address the pay gap.

**SHRM Position:** SHRM has a proud record of working to end gender discrimination in the workplace. Any misconduct against an employee should be promptly and fully corrected. However, we oppose the requirements outlined in the Paycheck Fairness Act because the legislation would outlaw the consideration of many legitimate pay factors such as an employee’s level of education and training, professional experience and salary history.

**Talking Points**

- Throughout its history, SHRM has worked to end workplace discrimination based on gender. We vigorously support equal pay for equal work, and believe that any misconduct against an employee should be promptly and fully rectified.

- SHRM opposes the requirements contained in the Paycheck Fairness Act that would make it extremely difficult for employers to use a “factors other than sex” affirmative defense for claims brought under the Equal Pay Act.

- SHRM also opposes the PFA’s provisions that would prohibit employers from taking into consideration professional experience, skills, industry specific qualifications and other legitimate factors in making employee compensation decisions.

- SHRM believes that any kind of compensation data collection developed by the federal agencies must protect employers’ highly sensitive and proprietary information from inappropriate disclosure.
**Background:** In an increasingly global and interconnected world, there are few factors that play as fundamental of a role in positioning the United States to compete globally as access to the best and brightest talent. Whether transporting goods, delivering services, developing new technologies or performing cutting-edge research, an organization’s success will be based on the quality of its human capital and the way it manages its talent pipeline.

**Issue:** Organizations of every shape, size and industry continue to confront challenges in finding the right employees with the right skills to fill specific positions. Although there is no single solution for addressing the skill shortage, employment-based immigration is a central piece of our country’s larger workforce policy, and intelligent modernization of the U.S. immigration system is critical to ensuring a competitive American workforce.

**Outlook:** President Obama has indicated that immigration reform is one of his top legislative priorities this congressional term. House Republicans also recently released their standards for immigration reform, and in June 2013 the Senate passed its immigration reform bill, the Border Security, Economic Opportunity, and Immigration Modernization Act (S. 744). Unlike the Senate’s passage of one comprehensive immigration reform bill, the House is expected to take a step-by-step approach later this spring and early summer. Any significant reform is likely to address employer access to visas and the federal employment eligibility verification system (E-Verify).
**SHRM Position:** SHRM and its strategic affiliate, the Council for Global Immigration, support building a 21st century U.S. workforce that can compete in an increasingly complex and interconnected world. Our immigration system must support American employers in their efforts to manage, recruit, hire and transfer global employees.

SHRM and the Council specifically support 1) providing access to world talent: America’s employment-based green card and nonimmigrant systems require changes to allow more highly educated and skilled foreign-born professionals to contribute to America’s global competitiveness, economic growth and U.S.-based job creation and 2) creating a Trusted Employer program to improve the efficiency of work-related visa applications: Such a program would allow employers with solid immigration law compliance records to streamline their administrative interaction with government agencies, saving resources for companies and the government. SHRM and the Council work with the Compete America coalition in our efforts to achieve increased access to foreign-born talent.

**Talking Points**

- SHRM and the Council believe that foreign talent complements the U.S. workforce and that U.S. employers competing in a global market will always need to utilize the best professionals worldwide while investing in and growing the domestic pipeline.

- Employers recognize the importance of family unity and support policies that provide spouses, permanent partners and children of foreign professionals with visas and work authorization.
Background: The Immigration and Nationality Act makes it unlawful for an employer to knowingly hire or continue to employ someone who is not authorized to work in the United States. Federal law requires employers to examine numerous documents presented by new hires to verify identity and work eligibility, and to attest to that examination on Form I-9.

As of 2009, certain federal contractors must use the eligibility verification system known as E-Verify for employees hired during a contract and employees assigned to that contract. Other employers may be required by state or local law to use E-Verify. Even if an employer chooses to use this online verification system, it must still complete Form I-9 for every newly hired employee. The E-Verify program is extended through September 30, 2015.

Issue: E-Verify, which relies on the Social Security Administration and Department of Homeland Security databases to confirm work authorization, lacks sufficient security features to protect employers from persons using fraudulent identities to work. E-Verify continues to rely on paper documentation that is susceptible to theft, forgery and alteration, and cannot be verified for authenticity.

Outlook: Immigration reform is a top priority for the Obama administration and Congress. Giving employers a reliable way to verify that their employees are eligible to work in the United States is central to reform. The goal is to create a reliable, entirely electronic employment eligibility verification system operated by the federal government that prevents identity theft and provides employers with certainty that new employees are authorized to work. Nearly two dozen states require either E-Verify or a specified alternative for some or all employers.

Should congressional efforts to enact immigration reform fail, states and localities will likely seek individual mandates for the use of E-Verify.
**SHRM Position:** SHRM and the Council for Global Immigration support policies that provide employers with effective tools to ensure they are hiring a legal workforce, and that eliminate the redundancies existing in the system today in favor of an effective and user-friendly mandatory system that builds on the successes of E-Verify. Both organizations believe congressional reforms should pre-empt the patchwork of state laws with one reliable and secure federal employment verification system, create an integrated electronic verification system that incorporates the E-Verify system with an attestation system and eliminates the duplicative Form I-9, use state-of-the-art technology to accurately authenticate a job applicant’s identity, such as knowledge-based authentication, to protect against identity theft, ensure a safe harbor from liability for good-faith program users, and require employment verification only for new hires. SHRM and the Council lead an employer coalition aimed at achieving our employment verification goals.

**Talking Points**

- **SHRM and the Council share the goal of a legal workforce, which must be a key element of any effective immigration policy.**

- **SHRM and the Council support a reliable, entirely electronic employment eligibility verification system operated by the federal government that provides employers with certainty that new employees are authorized to work.**

- **SHRM and the Council believe the federal government must develop a more efficient approach to employment verification that strengthens E-Verify.**

- **SHRM and the Council urge Congress to improve E-Verify to include an electronic verification system that will eliminate virtually all unauthorized employment, provide security for employers, eliminate the current I-9 paper-based system, protect the identity and personal information of legal workers through identity authentication tools, and prevent employment discrimination based on national origin.**
Background: Under the Patient Protection and Affordable Care Act (PPACA), individuals and employers face new rules and responsibilities in terms of health care delivery. Although the mandate requiring individuals to buy health insurance went into effect January 1, 2014, the mandate for employers to provide health care coverage has been delayed twice. As of February 2014, employers with 50-99 employees will report on workers and coverage in 2015 but have until 2016 before any employer responsibility payments could apply. Employers with 100 or more employees must meet the standards in 2015, but the percentage of employees covered has been phased in. Instead of being required to offer coverage to 95 percent of full-time workers in 2015, employers with 100 or more employees can avoid a fine by offering insurance to 70 percent for the first year. Executive agencies continue to promulgate regulations and guidance to implement many of the PPACA’s provisions that address employer requirements.

Issue: Although the PPACA purports to lower health care costs for Americans, health care costs continue to rise for employers and employees alike. Furthermore, employer-sponsored health care plans are encountering difficulties when implementing the PPACA. In addition, SHRM believes the PPACA has inadequate cost containment measures, namely medical liability reform, and other restrictions on employer-sponsored plans that limit employer plan design and are altering workplace staffing models.

Outlook: Congress continues to examine how organizations are implementing the PPACA requirements. Some employers have opted to eliminate health care coverage for part-time employees, while others have reengineered staffing models to reduce employee hours below the 30-hour threshold that triggers the coverage requirements. S. 1188, 40 Hours is Full-Time Act of 2013 and H.R. 2575, Save American Workers Act of 2013, would define a full-time employee as one who averages 40 hours of service a week for purposes of the PPACA employer mandate. While there is bipartisan support for this approach, enactment seems unlikely. While congressional debate on needed improvements to the law continues, implementing regulations and guidance from federal agencies will continue throughout 2014. It is expected that final rules regarding the 90-day waiting period, pay-or-play provisions, minimum essential coverage
and employer reporting requirements will be issued. The Department of Health and Human Services is also expected to issue proposed regulations regarding nondiscrimination provisions of the Patient Protection and Affordable Care Act.

**SHRM Position:** SHRM remains supportive of reform that lowers health care costs and improves access to high-quality and affordable coverage, and believes such reform should:

- Strengthen and improve the employer-based health care system.
- Encourage increased use of prevention, promotion and wellness programs.
- Solidify the Employee Retirement Income Security Act to provide a national, uniform framework for health care benefits.
- Reduce health care costs by improving quality and transparency.
- Ensure that tax policy contributes to lower costs and greater access.
- Reform the medical liability laws as a component of cost containment.
- Soften the employer mandate by ensuring that the employee coverage requirement definition is consistent with the Fair Labor Standards Act.

**Talking Points**

- SHRM supports the provisions in the PPACA that improve the quality of care, promote transparency of and access to health information, and reform the current payment system.
- SHRM continues to advocate for public policy solutions that lower costs, strengthen the employer-based system, improves the quality of care, and offers access and affordable coverage to all Americans.
- SHRM believes that medical liability lawsuits contribute to rising health care costs with “defensive” medical practices and increased liability insurance costs. SHRM supports meaningful reform of the medical liability system as an important component of cost containment.
- SHRM supports efforts to define a full-time employee as one who averages 40 hours of service per week.
Background: Private-sector unionization rates continue to decline. According to the Bureau of Labor Statistics, the overall workforce union membership rate was 11.3 percent in 2013, down from 20.1 percent in 1983. The National Labor Relations Act of 1935 (NLRA) states that a union can be certified as the exclusive collective bargaining agent for an organization’s employees in one of two ways:

- A secret-ballot election, or;
- Under limited circumstances, a “card check” process in which a majority of employees in a specific work unit sign a card authorizing a union to represent their collective interests.

Labor organizations view the card check process as an easier, more direct way to secure the approval of a majority of workers in a bargaining unit. However, the National Labor Relations Board’s (NLRB) Fiscal Year 2012 data reveal that unions won 59 percent of all representation elections, and elections were conducted in a median time of 38 days after the filing of the petition.

Issue: Union leaders have argued that current laws and regulations governing union representation favor management and hinder employees’ ability to organize a union. In recent years, the Department of Labor (DOL) and the NLRB have promulgated numerous workplace rules and decisions to make organizing easier. In 2014 the Supreme Court is expected to rule in NLRB v. Noel Canning on whether the 2013 recess appointment of NLRB members was constitutional. If the court rules that the appointments were improper, hundreds of NLRB decisions could be invalidated. A new, full NLRB was confirmed by the Senate in the summer of 2013 and is expected to begin to issue new regulations this year.

Outlook: Efforts to significantly expand or curtail laws governing the NLRA’s organizing rules will not have a serious chance of enactment given the current divided Congress. With the stalemate in Congress, the labor policy playing field has shifted from the legislative to the executive branch as agencies like the NLRB and the DOL have become increasingly active on employee representation issues. These agencies’ actions include:
• “Quick Election” rule: The NLRB published a rule to shorten the time in which employers can respond to representation petitions. A federal court invalidated the NLRB’s Quick Election rule in May 2012. However, the NLRB in February released a new version of the Quick Election regulation for public comment.

• Specialty Healthcare decision: The NLRB paved the way for labor organizations to form “micro-unions” to target smaller bargaining units.

• Banner Health System decision: The NLRB found the employer in violation of the NLRA for asking employees to refrain from discussing ongoing internal investigations.

• “Persuader” proposed rule: The DOL is expected to issue a final rule in early 2014 that would significantly narrow the “advice exemption” under Section 203 of the Labor-Management Reporting and Disclosure Act and would expand employers’ and consultants’ reporting obligations.

**SHRM Position:** SHRM believes in the fundamental right—guaranteed by the NLRA—of every employee to make a private choice about whether or not to join a union.

• SHRM believes these recent NLRB and DOL actions are imbalanced approaches to governing union organizing campaigns.

**Talking Points**

• A secret ballot is the best means of protecting employees from coercion or other pressures in deciding whether to join a labor union.

• SHRM’s viewpoint is that the NLRB Quick Election rule, Specialty Healthcare decision and the proposed DOL persuader rule constitute imbalanced approaches that limit employer free speech during union organizing campaigns.
Background: Although the passage of the Budget Act of 2014 provided some predictability for the federal government and stability to the economy as a whole, the job task of streamlining the tax code, reducing the federal debt, and reforming entitlement programs has not been addressed and will likely have to wait until after the 2014 midterm elections. However, we do expect Congress to begin the process of reforming the tax code this year because it has been touted as a mechanism to not only make the code more equitable, but to position the United States more competitively in the global marketplace. In this context, the tax-deferred status of employee benefits such as retirement and health care plans, as well as transit and education assistance, may come under congressional scrutiny.

Issue: Employer-sponsored and individual retirement plans are key components of our nation’s retirement system. Together with Social Security and individual savings, retirement plans produce significant benefits for America’s working families. Private retirement plans in the United States paid out more than $3.96 trillion in benefits from 2001 through 2010, while public-sector retirement plans distributed $2.82 trillion during the same period, with both playing an essential role in providing retirement income for millions of our nation’s senior citizens. In 2010, there were approximately 655,000 private-sector defined contribution plans covering 73 million participants. The current tax treatment of employer contributions to health care plans enables employers to provide such plans and to subsidize part of the cost their employees pay. According to the 2013 SHRM Employee Benefits Survey, 86 percent of HR professionals surveyed offered a health care benefit. Additionally, 98 percent offered a prescription drug benefit. Americans rely primarily on their employers to provide their health care insurance. The Census Bureau estimated that in 2012, 303.3 million people were insured. Of those, 63.9 percent (198.8 million people) were covered by their employers.

Outlook: Because of their tax-deferred status, employee benefits generate the largest annual loss in revenue to the federal treasury as scored by the Congressional Budget Office. As a result, it is anticipated that
public policy efforts to reform the tax code to help lower the national debt will involve an examination of employer-sponsored fringe benefits including retirement and health care plans. Tax-qualified retirement plans currently hold $19.4 trillion in assets, of which about $11.8 trillion is attributable to employer-provided plans. SHRM chairs the Coalition to Protect Retirement, which comprises the leading professional and trade associations representing retirement plan sponsors, administrators, service providers and related financial institutions. SHRM is working with coalition partners to encourage and support retirement savings for American workers through preservation of tax incentives critical to American workers’ retirement security. For additional information visit www.howamericasaves.com.

**SHRM Position:** SHRM believes that a comprehensive and flexible benefits package is an essential tool in recruiting and retaining talented employees. Every American employee should be given the opportunity to save and plan for retirement and protect his or her family’s health. The government should facilitate and encourage voluntary employer-sponsored retirement plans, individual savings plans and employer-sponsored health care plans.

**Talking Points**

- SHRM believes tax incentives should be used to expand retirement savings. Provisions that encourage savings, such as increased contribution limits and catch-up contributions for older workers, are beneficial.

- Together with Social Security and individual savings, employer-provided retirement plans produce significant retirement benefits for America’s working families.

- According to the SHRM 2013 Employee Benefits research report, 92 percent of respondents offer a defined contribution plan for their employees and 73 percent match their employees’ contributions.
**Background:** Federal laws protect employees from discrimination in the workplace on the basis of race, national origin, sex, religion, disability, pregnancy and age, but not on the basis of sexual orientation or gender identity. However, the Supreme Court has ruled that federal bans on workplace sexual harassment apply when both parties are of the same gender.

**Issue:** In recent years, many employers have adopted policies barring the consideration of sexual orientation or gender identity in employment decisions. According to the Human Rights Campaign, 91 percent of Fortune 500 companies have adopted policies prohibiting discrimination on the basis of sexual orientation and 61 percent on the basis of gender identity. The District of Columbia and 22 states already prohibit such workplace discrimination by law, but there is no similar federal statute. If enacted, the Employment Non-Discrimination Act (ENDA) would prohibit workplace bias based on sexual orientation and gender identity at the federal level.
Outlook: ENDA passed the Senate in November 2013 with bipartisan support. Prospects for enactment may prove difficult, however, because Speaker of the House John Boehner has indicated that the bill will not be considered in that chamber. Although there has been speculation that President Obama would prohibit employment discrimination for federal contractors through an executive order, his failure to address the issue in his 2014 State of the Union address may indicate that it is not among the top administration priorities.

SHRM Position: SHRM believes that employment decisions should be made on the basis of qualifications for a job, not on non-job-related characteristics, including sexual orientation. The Society supports legislation that would ban workplace discrimination based on sexual orientation. SHRM also supports the voluntary right of employers to offer domestic partner benefits to their employees.

Talking Points

• SHRM is committed to encouraging fair and consistent employment practices and believes that employment decisions should be made on the basis of job qualifications such as education, experience and demonstrated competencies, not on non-job-related characteristics, including sexual orientation.

• SHRM supports efforts to ban workplace discrimination based on sexual orientation.
**Background:** Employers and HR professionals continue to confront persistent gaps between the skills of the existing labor pool and the skills sought by employers to fill specific positions. Part of this skills shortage is due to the changing demographics of the workplace and the aging population of skilled workers. There is also research that shows graduating high school and college students lack the necessary basic technological skills and are unprepared for work in a knowledge economy. There are also fewer students pursuing undergraduate and graduate degrees in science, technology, engineering, and mathematics—skills that are necessary for the United States to be globally competitive.

Recent SHRM research reveals that in the last 12 months, 50 percent of organizations reported recruiting difficulty for full-time regular positions. Certain positions are identified as more difficult to fill than others including high-skill jobs such as engineers, doctors, nurses and computer programmers, as well as middle-skill jobs that require education and training beyond high school but less than a four-year degree. These positions include heating and air conditioning specialists, welders, environmental engineering technicians and dental hygienists.

At the same time, there are pools of workers that might serve as a source of skilled employees—military veterans and individuals with disabilities. According to the Bureau of Labor Statistics, the unemployment rate among veterans in January 2014 was 7.9 percent (post-Sept. 11 conflicts). The unemployment rate among people with disabilities was 13.3 percent. In addition, there are more than 4 million Americans who are long-term unemployed (unemployed for six months or longer) whose skills should also be considered as a possible source of talent in the hiring process.

**Issue:** High- and middle-skilled workers are in demand in many industries, but supply in particular geographic and industry-specific areas is low. Employers consequently are unable to fill key jobs. Although there are ongoing policy initiatives to address both the middle- and high-skill shortage issues, other avenues will be necessary in the short term for employers to meet their needs for skilled employees. In addition, while the long-term unemployed, veterans and people with disabilities are a potential source of skilled labor, these groups might need assistance transitioning to the workforce, and employers will need help in locating, recruiting and hiring them.
Outlook: During his State of the Union address, President Obama underscored the continued focus on the employment of certain groups, including veterans and individuals with disabilities as well as on the long-term unemployed. Since passing the Veterans Opportunity to Work Act, which included tax credits for hiring veterans and other job readiness provisions, Congress may continue to seek ways to increase employment among returning military veterans. The White House recently announced an initiative called “Opportunity for All,” a voluntary partnership with the private sector to address the issue of the long-term unemployed. SHRM is a part of this effort and has convened a working group of our special expertise panel members to work on the issue and to provide input to the White House on the effort. To learn more about SHRM’s work in this area visit www.shrm.org/workforcereadiness.

SHRM Position: SHRM believes that the government and employers both play a role in providing training to employees to help them become more productive and gain the necessary skills to help qualify for better high- and middle-skill jobs. SHRM believes that such training should be encouraged as sound investment through incentives rather than mandates.

Talking Points

• SHRM believes that the government and employers both play a role in providing training to employees to help them become more productive and become qualified for better high- and middle-skill jobs.

• SHRM supports tax incentives provided to employers in return for hiring and/or training and developing targeted workers. Such tax credits lower the cost of hiring and/or training eligible workers, expand the eligible candidate pool and diversify the labor market.

• SHRM believes more should be done to make it easier for veterans to obtain professional certifications and to strengthen services for transitioning veterans to prepare them for jobs in the civilian world.

• SHRM develops resources and tools to help HR professionals in their hiring and retention efforts to ensure they are encompassing skilled workers wherever they might be found, including within the communities of veterans, individuals with disabilities, and the long-term unemployed.
**Background:** Workplace flexibility is an important business strategy that helps organizations respond to demographic, economic and technological changes in the workplace. HR professionals tailor flexibility practices such as telecommuting, job shares, compressed workweeks and part-time work to help employees navigate their work and personal responsibilities, which improves retention, enhances employee engagement, reduces turnover costs and increases productivity.

**Issue:** The Family and Medical Leave Act of 1993 (FMLA) and the Fair Labor Standards Act of 1938 (FLSA) are cornerstones of employment law. Employers, however, continue to encounter challenges in designing workplace flexibility policies that do not conflict with these and other federal and state laws. Existing statutes may prevent or discourage employers from adopting flexible scheduling, telecommuting or compressed workweeks. In addition, many employers believe the FMLA and its implementing regulations are not responsive to the evolving needs and lifestyles of today’s workforce.

In 2012, Connecticut became the first state to adopt a state-wide sick leave law, joining several other localities. This year, Rhode Island became the third state with a paid family leave insurance program, joining California and New Jersey.

Interest in and discussion around work and family issues, including workplace flexibility and paid leave, continues to grow among employee and family advocates, media influencers and public policy decision makers.

**Outlook:** There are several paid leave bills pending in Congress, but advocates are focused on two in particular. H.R. 1286 and S. 631, the Healthy Families Act (HFA), would require nearly all employers to provide employees with up to 56 hours of paid sick time in a calendar year. S. 1810 and H.R. 3712, the Family and Medical Leave Insurance Act, would provide partial wage replacement funded through a .4 percent employer and employee payroll tax for eligible leaves under the FMLA.
With Republicans in control of the House of Representatives, it is unlikely either of these bills will advance. It is expected, however, that these issues will take center stage in 2014 at the White House Summit on Working Families. In addition, several states and localities are likely to consider paid leave mandates in 2014.

**SHRM Position:** SHRM believes that the United States must have a 21st century workplace flexibility policy that meets the needs of both employers and employees. Rather than a one-size-fits-all government mandate found in the HFA, policy proposals should accommodate varying work environments, employee representation, industries and organizational size.

SHRM has partnered with the Families and Work Institute to educate employers about the business benefits of workplace flexibility and to encourage the voluntary adoption of flexible workplace strategies through a joint initiative known as *When Work Works*. The Sloan Award for Workplace Effectiveness and Flexibility, which recognizes model employers of all types and sizes for their innovative and effective workplace practices, is offered through this program.

**Talking Points**

- SHRM supports efforts to assist employees in meeting the dual demands of work and personal needs, and it believes that employers should be encouraged to voluntarily offer paid leave to their employees. Mandated leave requirements limit an employer’s flexibility in designing generous and innovative leave programs for employees.

- SHRM is calling for new dialogue and debate on a workplace flexibility policy for the 21st century. HR professionals have decades of experience in designing and implementing leave benefits and programs that work for both employers and employees. We are eager to share this expertise with policymakers.
Are you interested in becoming an Advocacy Captain for the SHRM Advocacy Team? Here’s a brief “job description.”

Advocacy Captains will recruit and coordinate fellow SHRM members to participate in advocacy efforts, coordinate and attend meetings with local elected officials, and reach out to like-minded community organizations to educate them about SHRM and its public policy priorities. You must be a SHRM member in good standing and a practicing (or former) HR professional. HR certification is highly desirable.

What is the SHRM Advocacy Team?

The SHRM Advocacy Team (A-Team) is a critical part of the Society’s enhanced member advocacy initiative, working to advance the interests of the HR profession in Washington, D.C. and state legislatures. Made up of SHRM Advocates in key legislative districts, the A-Team works to advance the HR perspective on workplace issues by leveraging the reach and knowledge of SHRM members through grassroots advocacy.

“The A-Team isn’t about being political. It’s about educating and informing our elected officials and making sure that our voice is heard on vital workplace issues.”

Phyllis Hartman, SPHR, Pittsburgh, PA

What is its purpose and why is it important?

When Congress or state legislatures are developing workplace policy, HR’s voice needs to be heard. As advocates for the HR community, SHRM members understand and can communicate how public policy issues may affect employees and employers. By working together, we can help advance effective workplace public policy and strive to move our profession forward.
How can I get involved?

You can enroll in the program by nominating yourself as an HR Advocate. If you are interested in leading other SHRM Advocates within your congressional district, you can also nominate yourself to serve as an “Advocacy Captain.” There are benefits to both. What are the direct benefits of being an HR Advocate or an Advocacy Captain? A-Team members will be invited to participate in special events and receptions during select SHRM meetings and conferences, may earn continuing education/certification credits, and can have a direct impact on workplace policies at both the federal and state levels.

“It’s important for HR professionals to have a dialogue with their elected officials.”
Mitzi Root, PHR, Louisville, KY

LEND YOUR VOICE TO DRIVING HR FORWARD!

We invite you to join the SHRM Advocacy Team and raise your voice in support of the HR profession.

Interested in serving as an Advocacy Captain? Let us know!

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