

## HR FLORIDA LEGISLATIVE CONFERENCE March 27-28, 2019

SHRM chapter representatives across the state met together with employment law attorneys last month to discuss proposed HR legislation and the effects it would have on local employers and employees. We then met with legislators to provide our perspectives and encourage them to vote in support of our employers.

Doug Mullins, Dana Mullins, and Sharon Williams met with Reps. Jayer Williamson, Mel Ponder, and Alex Andrade. Detailed information was left for Senators Broxson and Gainer who were not available for meetings.

We are continuing to see refinement of legislation being proposed regarding the following but there is no movement in the process at this time:

***Background screenings and criminal history*** – Disallowing inquiry regarding criminal background/history on the employment application and in the initial interview.  
**HR FLORIDA'S POSITION:** HR Florida encourages the consideration of candidates with criminal backgrounds but does not agree with providing additional penalties against employers when substantial remedies are already provided by law.

***Family Leave*** – The Senate proposed legislation to provide employees, including part time employees, up to 6 months of PAID leave for birth or adoption of a child. Even employers with as small as 15 employees would be required to comply.  
**HR FLORIDA'S POSITION:** Opposes

In addition, Legislators continue to seek to add “sexual orientation” and “gender identity” as protected status.

### **Issues Specifically Discussed with Legislators:**

***E-Verify (SB 164 & HB 89)*** – Proposed legislation to require all employers to use E-Verify and discontinue I-9 process.

**HR FLORIDA'S POSITION:** Legislation provides for additional causes of action against employers that goes beyond the hiring of unauthorized aliens. It also allows for additional complaints against employers and is duplicative of US Code already in-force.

**STATUS:** *Information received from Rep. Ponder...No details but understand there was a “backroom deal” and there would be no E-Verify requirement at this time.*

***Sexual Misconduct Reporting in Health Care (SB 776 & HB 665)*** – Proposal sought to require anyone working at a health care facility, employees, contractors, volunteers, interns, etc. to report actual or suspected sexual misconduct of a patient to a variety of entities including the Department of Children and Families and law enforcement.

**HR FLORIDA'S POSITION:** This legislation would duplicate reporting requirements already in place, requiring the facility to report to appropriate authorities and places an undue burden on volunteers and students who should appropriately report to the employer. These individuals would be responsible for getting training and would be subject to cause of action for not reporting with no opportunity for the employer to respond.

**STATUS:** Legislation was heard before a couple of committees but has not made it to the floor for a vote.

**Vaping (SPB 7012 & HB 7027)** – Mirror rules on indoor workplace smoking (w/ few exceptions).

**HR FLORIDA'S POSITION:** Supports

**STATUS:** Senate Passed / Added to the House Special Order Calendar for 4/10/19

**Unemployment Compensation (SB 990 & HB 563)** – Allows victims of domestic violence to receive unemployment compensation without charging the employer in certain circumstances.

**HR FLORIDA'S POSITION:** Supports

**STATUS:** May pass...continuing through House and Senate committees.

## **WASHINGTON OUTLOOK**

Information provided by Bob Carragher, Senior State Affairs Advisor/SHRM

The following HR concerns are expected to be the focus for 2019:

**Healthcare** – Obamacare ruled unconstitutional by one court and will probably proceed to the Supreme Court. Nancy Pelosi is the only congressman left who originally signed the healthcare bill 9 years ago.

**Sexual Harassment** – 94% of employers believe employees know what to do in cases of harassment; however, only 22% of employees say they are aware of their workplace policy.

**Workforce Development** – Promote hiring of formerly incarcerated. Provides a great talent pool and decreases likelihood of return to prison.

**“Employer Participation in Repayment Act”** – \$1.5 trillion in student debt – 1 in 3 adults. Encourage employers to provide this benefit to help employees to repay debt. Currently, many employers pay tuition for employees to get training/education but nothing offered to those who have the training and now have debt.

**Paid Family Leave** – Ivanka Trump involved in getting employers to invest in working families. 11 states, DC, and other localities require paid sick leave.

***Family & Medical Leave Insurance Act (FAMILY Act)*** – Would provide 12 weeks of paid leave at 66% of salary but provides no job protection.

***FLSA Exempt Status Regulation*** – Considering minimum of \$35,308 annual for salaried positions. Highly compensated employee threshold of \$147,414. There would be no automatic increases to these rates.

***Fairness for High-Skilled Immigrants Act*** – Due to workforce shortage there is bi-partisan support for first-come first-served and not limiting the number of green cards issued per country.

***Legal Workforce Act*** – Would repeal the I9 system and adopt E-Verify for all employers. SHRM supports this move but is concerned about ability to prove employee's identity. Currently, only 10% of employers use E-Verify.

***Paycheck Fairness Act*** – This act would penalize companies for disparity. SHRM opposes the current act as it does not allow for legitimate consideration employers to in determining compensation benefits, including professional experience, shift differential, geographic location, etc.

There is good bi-partisan focus on the following issues:

Use of credit checks in the hiring process

Ban the box

Legalizing marijuana

Veterans' preference

Restricting access to social media passwords

Additional information available: [HR Policy Action Center - Advocacy.SHRM.org](http://HRPolicyActionCenter.org)

We will continue to meet with our legislators at home during the time these bills are being drafted, offering assistance as a resource to provide appropriate legislation that is fair to workers and does not adversely impact businesses. All HR professionals should contact their local legislators to advise them regarding the effects proposed bills would have on their organizations.