

The HR Professional's Role in Government Relations: Preparing for the Legislative Session

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Overview

- The Role of HR in Government Relations
 - Preparing for the Legislative Session
 - Performing Impact Analysis
 - Preparing Your Campus for Change
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Government Relations

Educational Process

- Educate campus administrators and stakeholders about the governmental process;
- Educate government officials about issues important to higher education; and
- Educate legislators, campus administrators and the public about the potential impact of legislation.



HR and GR Partnership



What HR Brings to the Table

- Offer employment law and benefits expertise
- Provide real world examples of potential impacts
- Provide communications support to campus stakeholders
- Act as an information source for GR strategic planning

Preparing for the Legislative Session

What do you do?

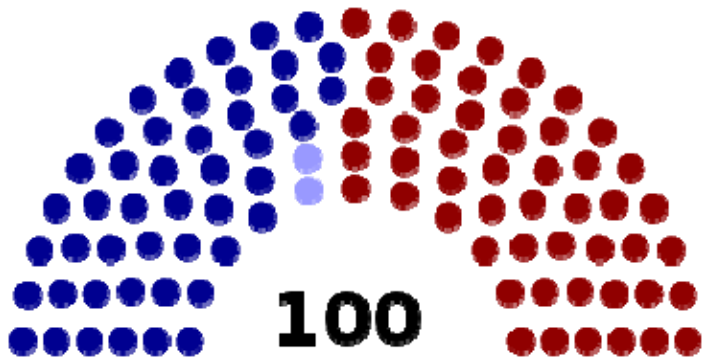
- UT System Government Relations presents annually at the UT Benefits and HR Conference
- Attend Texas Tribune Events; monthly 1:1 interviews with Texas legislators from across the state
- Attend legislative update webinars (CUPA-HR, SHRM, Gallagher Consulting, etc.)
- Subscribe to government agency email lists and consulting firms' legislative updates (DOL, DOJ, Aon-Hewitt's Washington Update, etc.)

A graphic for the 115th Congress featuring the U.S. Capitol dome on the right. Two decorative banners with red stars on a blue and red background curve across the top and middle of the image. The text "115th CONGRESS" is centered in a dark red serif font.

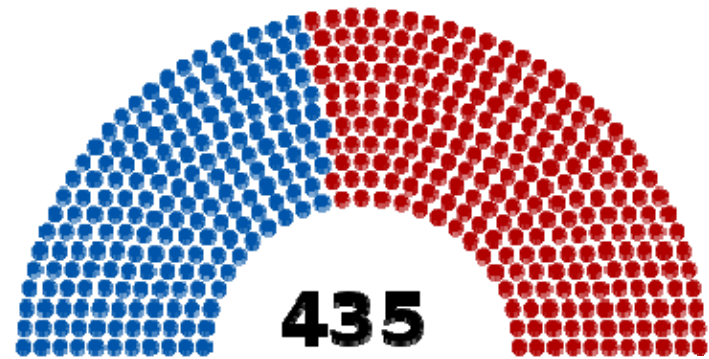
115th CONGRESS

Federal Overview

The New Congress



Republicans maintained a 52-48 majority in the Senate, losing two seats.



Republicans retained a 240-193 majority in the House, losing six seats.

115th Congressional Leadership

SENATE

Senate President, Mike Pence

Majority Leader, Mitch McConnell

Majority Whip, John Cornyn

Minority Leader, Chuck Schumer

Minority Whip, Dick Durbin

HOUSE

Speaker, Paul Ryan

Majority Leader, Kevin McCarthy

Republican Whip, Steve Scalise

Minority Leader, Nancy Pelosi

Democratic Whip, Steny Hoyer

Trump Administration



45th President of the United States, Donald J. Trump

Key Agencies for HR to Monitor

Department of Labor

- Wage & Hour Administrator
- OSHA Administrator

National Labor Relations Board

Equal Employment Opportunity Commission

Department of Health & Human Services

- Centers for Medicaid and Medicare Services
- Office for Civil Rights

Crystal Ball of Labor Issues

DOL Overtime Rule

Beginning December 1st 2016, the overtime rule would have required organizations to pay overtime for employees making up to \$47,476 per year. On November 22nd 2016, a U.S. District Court temporarily blocked the overtime rule.

The courts, President Trump or Congress will likely reverse or revise this rule.

NLRB Representation Cases

In April 2015, NLRB eased the rules to unionize. There has been nation-wide activity involving graduate students, student athletes and adjuncts.

EEOC ADA and Background Check Cases

July 25th 2015, the University of Michigan settles with the DOJ for \$215K on an ADA case involving reassignments and transfers.

President Trump can nominate new members to the NLRB and EEOC providing a change from the current direction.

Crystal Ball of Health Issues

FDA and Drug Pricing Regulation

Bi-partisan support for pricing regulation.

Medicare negotiations and easing importation regulations are likely in play.

Affordable Care Act

On January 20th, Trump issued an Executive Order directing the Department of HHS “to the maximum extent permitted by law” to ease the fiscal burden on any State, individual, families, health care providers, health care insurers, makers of medical devices, products or medications.

The Congressional Budget Office has acknowledged that waiving the individual mandate could be devastating to the market. Would President Trump want to destroy the individual market through Executive Action? Does the EO buy time for Congress to develop a replacement plan?

- Consumer plans – HRAs/HSAs, insurance across state lines, state block grants per capita,

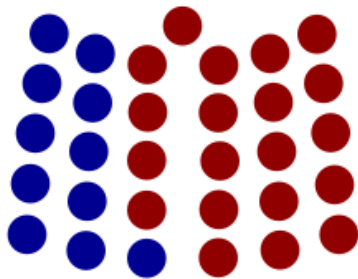


State Overview

85th Legislative Session

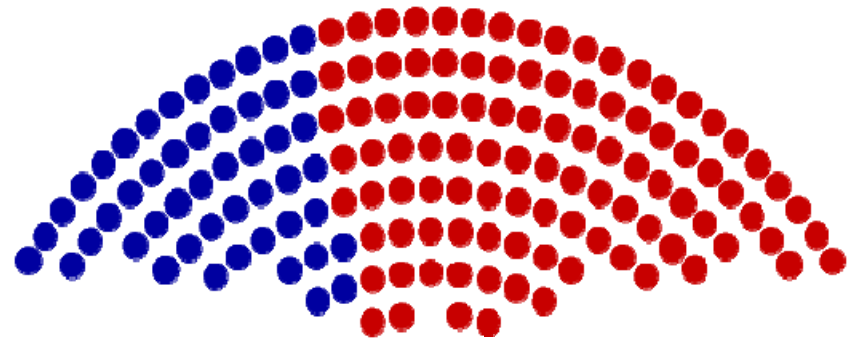
Texas Legislature

TEXAS SENATE



Republican majority; 20-11

TEXAS HOUSE



Republican majority; 95-55

85th Legislative Leadership

SENATE

**Lt. Governor/President of the Senate,
Dan Patrick**

President Pro Tempore, Kel Seliger

*TX Senate does not have majority or
minority leaders.*

HOUSE

Speaker, Joe Straus

Speaker Pro Tempore, Dennis Bonnen

**Democratic Caucus Chair, Yvonne
Davis***

*TX House does not formerly recognize
minority leaders.*

Legislative Themes

Fiscal responsibility. SB 1 is a budget reduction of “special items” to institutions of higher education. If approved, the budget stands to remove \$800 million from existing funds.

The House and Senate budgets are starting off 8 billion apart. House budget provides more toward education and healthcare.

Efficiency. House Speaker Straus is calling for the Government Effectiveness and Efficiency Report (GEER) to be released; however, Lt. Gov. Patrick advised the staff to do the exact opposite.

“The sky really is going to fall if you pass this bill.”

***— Texas A&M University System
Chancellor John Sharp***

Abbott Administration



48th Governor, Greg Abbott

State of the State Address is set for Tuesday, January 31st, 2017

Texas Higher Education Coordinating Board – 3 terms are expiring in 2017

Governor appoints Board of Regents to public institutions of higher education in Texas

- 3 new regents appointed for Texas Tech System and Texas A&M System on January 23rd
- 4 are expiring in 2017 for UT System, Texas State System, and UNT System
- 3 are expiring in 2017 for University of Houston System



Preparing an Impact Analysis

Impact Analysis Process Flow

Proposed bills are assigned to each institution for review.

A central administrator from each institution delegates the proposed bill to a subject matter expert (SME) for analysis. HR is considered the SME for all legislation involving matters of employment, benefits and leave.

The SME may assign additional reviewers as needed.

After the impact analysis is complete, a recommendation is made to continue or discontinue monitoring the bill.

SME impact analysis are reviewed by System leadership and Government Relations to summarize comments and prioritize the bill.

Impact Analysis Questions

1. Should the UT System monitor this bill?
2. Priority Recommendation (High, Moderate, Low)
3. How will legislation, as written, impact the UT System or UT institution? (No Impact, Direct Impact, In-direct Impact)
4. Are additional costs expected with the implementation of this legislation?
5. Please describe any recommended changes to the bill you believe would better enable UT System to pursue its mission.
6. Does the bill require any rule making or grant new rule making authority?
7. Does the bill require any new or additional reporting?
8. Do you have any additional subject matter experts that need to review the bill?
9. Are you aware of any previous legislative attempts with this bill?
10. Are you aware of any media coverage or special interest by professional organizations?

Sample Impact Analysis 84th Session

HB 437

Relating to health
benefit plan coverage
for reemployed
veterans.

John Raney, District 14

1. **Yes, Continue Monitoring.**
2. **Low Impact.**
3. **Direct Impact.** The impact of this bill both administratively and financially, if passed, is low for UT Austin. Currently, UT Austin uses institutional funds to cover subscriber premium costs during the initial 90 day waiting period to maintain a competitive benefits package. Hence, a veteran reemployed in a benefits eligible position at UT Austin already receives employer provided insurance from their first day of reemployment.
4. **No additional costs.** If passed, this legislation may benefit UT Austin if state premium sharing would be eligible for this population beginning from day one of reemployment. Currently, UT Austin uses institutional funds without state premium sharing to cover reemployed individuals during their first 90 day waiting period.
5. **No additional changes are recommended.**

Sample Impact Analysis – What’s Your Impact?

HB proposed that will require reporting any Emergency Leave greater than 32 hours in a fiscal year to the Comptroller’s Office, including name, job title and reason for leave.

In addition, authorizes the Comptroller to create a tracking system and require state agencies to report all leave under Chap. 661 to the Comptroller.

In June of last year, it was discovered that Attorney General Ken Paxton, Sid Miller and other state agency leaders, including TRS, were authorizing Emergency Leave as a severance/exit package.

*Per the Austin Chronicle, "Chair **Jane Nelson** pledging to crack down on abuses next legislative session...House Speaker **Joe Straus** sent a letter... instructing him to add fixing emergency leave to the list of interim charges."*



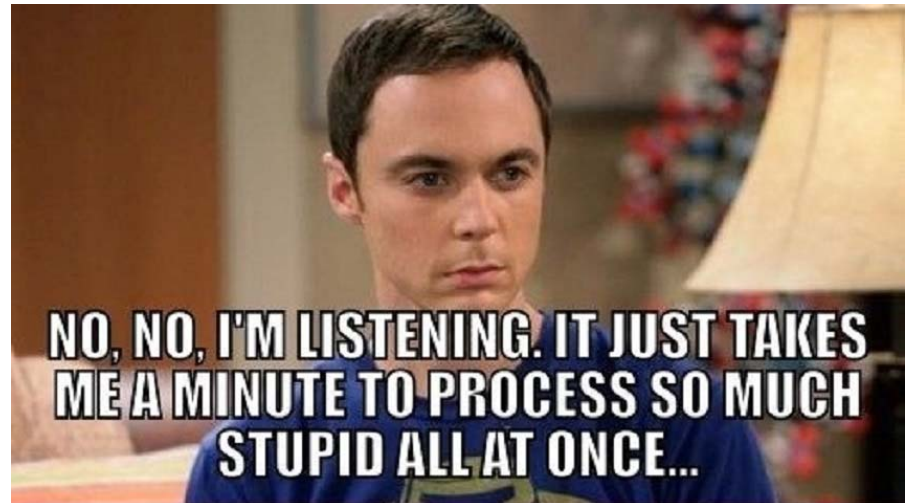
Importance of Neutrality

Impact Analysis does NOT reflect your political affiliation or personal feelings toward a proposed bill.

As an HR professional,

- Identify duplications or inconsistencies in the proposed bill with existing laws or administrative policies;
- Suggest remedies for any identified duplications or inconsistencies; and
- Document the administrative burden required to implement the proposed law, including the financial impact.

Depending on your role within your organization, evaluate your social media presence. Is it public? Are you neutral?





Preparing Your Campus for Change

Begin Now!

As proposed bills are coming through the IA system, briefly discuss the bill's implications with key stakeholders and central processing offices so they're not caught off guard should the bill pass.

Rally your IT professionals. Get proposed bills on their radar before they pass. When bills pass, they often have a September 1st effective date. Programming new business rules and creating new reports are frequently needed for effective implementation.

After the session ends, read the Government Relations summary of passed bills and create project teams responsible for their implementation.

Involve your communications team

- Internal communications for central processing offices, colleges and business units, and end users
- External communications for changes involving a community impact



Thank you!

Questions

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