



NEWSLETTER

DECEMBER 2016 ISSUE

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President's Address

Well, it's already December! Here is hoping everyone had a wonderful 2016!!

It has been a very happy experience to have been President of NUHRA this past year and a half. I cannot thank the NUHRA Board enough for being the best group of people to work with and for all their effort to help NUHRA be the great Chapter it is.

We have had a great year with speakers who have been informative and entertaining. I hope everyone has enjoyed the meetings this year. 2017 is looking to be even better!

I am happy to turn over the role of NUHRA President to Alison Evans. The NUHRA Board for 2017 is going to do great things for the membership and I look forward to see what all they bring to the membership!

Hope you all have a safe and happy holiday season!!!



Veronica Akers
NUHRA President (one last time)

2016 Board Members

- President | Veronica Akers
- President Elect | Alison Evans
- Secretary | Ronda Bateman
- Treasurer | Darrel May
- VP Membership | Steven Maughan
- Communications | Trisha Clark
- Programs | Shauna Greer
- Certification | Kevin Smith
- Hospitality | Ashley Wendt
- Workforce Readiness | Tia Larsen
- Diversity | Christina London
- Legislative Representative | Jesse Oakeson
- Public Relations | Kathy Hammerle
- Foundation Liaison | Stacey Comeau
- Student Liaison | Pat Wheeler
- Student President | Curtis Waite
- Golf Committee Chair | Shawn Choate
- Past President | Crista Sanchez

AFFILIATE OF



SOCIETY FOR HUMAN
RESOURCE MANAGEMENT



Upcoming Events

December Luncheon

December 15th @ 11:30 a.m.

Davis Hospital & Medical Center
1600 W Antelope Dr., Layton

Presenter | Roger Knecht w/ Universal Accounting
Developing Your Team for Success w/
the Tools To Do So Confidently

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January Luncheon

January 19th @ 11:30 a.m.

Davis Hospital & Medical Center
1600 W Antelope Dr., Layton

Presenter | Curt Howes
Developing a Strategic Focused Culture &
Performance System

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February Luncheon

January 16th @ 11:30 a.m.

Davis Hospital & Medical Center
1600 Antelope Dr., Layton

Presenter | Mike Barrett w/ the Utah Labor Commission
Employment Discrimination & Legal Updates

For more information on upcoming events visit

www.nuhra.org



The Overtime Rule Has Been Blocked Now What?

By: Lisa Nagele-Paizza, SHRM-SCP, J.D.

A federal judge in Texas has blocked the Department of Labor's (DOL's) new federal overtime rule, which would have raised the Fair Labor Standards Act's (FLSA's) salary threshold for exemption from overtime pay from \$23,660 to \$47,476.

Judge Amos Mazzant of the U.S. District Court for the Eastern District of Texas granted a preliminary injunction on Nov. 22 in a lawsuit challenging the DOL's authority to raise the salary threshold. For now, businesses and employees are in a holding pattern.

"A preliminary injunction preserves the status quo while the court determines the department's authority to make the final rule as well as the final rule's validity," Mazzant said.

What does this mean for employers? Here are some questions HR professionals may be grappling with in the aftermath.

Does my company still have to do anything by the Dec. 1 deadline?

The short answer is no. For now, the overtime rule will not take effect as planned on Dec. 1, so employers may continue to follow the existing overtime regulations.

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OT Rule Blocked cont.

Is this a final decision that permanently puts an end to the rule?

No. The overtime rule could still be implemented later down the road.

A preliminary injunction isn't permanent, as it simply preserves the existing overtime rule—which was last updated in 2004—until the court has a chance to review the merits of the case objecting to the revisions to the regulation.

However, the revised regulation may face an uphill battle: The judge wouldn't have granted the preliminary injunction unless, among other things, he thought the challenge had a substantial likelihood of succeeding.

Can the Labor Department challenge the decision?

Yes. The department said in a statement that it is currently considering all of its legal options.

The "overtime rule is the result of a comprehensive, inclusive rulemaking process, and we remain confident in the legality of all aspects of the rule," the DOL said.

Does this ruling apply to all employers nationwide?

Yes. Because the overtime rule would apply to all states, the judge decided to apply the injunction nationwide.

"A nationwide injunction protects both employees and employers from being subject to different [executive, administrative and professional] exemptions based on location," he said.



What should I do if my company has already either raised exempt employees' salaries to meet the new threshold or reclassified employees to nonexempt status?

Employers will likely want to leave decisions in place if they have already provided salary increases to employees in order to maintain their exempt status, said Alfred Robinson Jr., an attorney with Ogletree Deakins in Washington, D.C., and a former acting administrator of the DOL's Wage and Hour Division. It would be difficult to take that back. If there are exempt employees who were going to be reclassified to nonexempt, but haven't been reclassified yet, Robinson said employers may want to postpone those decisions and give the litigation a chance to play out.

"This should be a welcome sign for employers, even if they've already made changes," Robinson said. "They can at least hold off on further changes."

Employers shouldn't assume, however, that the overtime rule will be permanently barred. They should still have a plan to move forward if necessary in the future.



Current Form I-9 Valid Until Jan. 21, 2017

By: Roy Maurer via shrm.org

The newest version of the Form I-9 is now available, U.S. Citizenship and Immigration Services (USCIS) announced.

Employers may continue using the current version of Form I-9 with a revision date of 03/08/2013 until Jan. 21, 2017. After Jan. 21, all previous versions of the Form I-9 will be invalid.

The White House Office of Management and Budget approved the latest revisions to the Form I-9 on Aug. 25, 2016, clearing the way for the form to be released.

"Ever since the current version of the I-9 expired on March 31, 2016, employers have been anxiously awaiting the release of the new form, which will now include some 'smart' error-checking features," said John Fay, vice president and general counsel at LawLogix, a Phoenix-based software company specializing in cloud-based immigration and compliance services. "The newly revised I-9 also features several new structural changes and instructions which will be important for all employers to know and learn."

The new Form I-9 will have an expiration date of Aug. 31, 2019.

Fay said that the Jan. 21 extension to transfer to the new form is "great news for employers, many of whom struggle to stay up-to-date with the latest I-9 changes and requirements."

In 2013, USCIS provided employers with only two months to start using the current version of the form, "hardly enough time for HR to update all of the policy documents, training materials, and procedures which go along with the I-9," Fay said.

Changes to the Form I-9

The new form is designed to address "frequent points of confusion that arise for both employees and employers," Fay said. The proposed changes specifically aim to help employers reduce technical errors for which they may be fined, and include:

- Validations on certain fields to ensure information is entered correctly. The form will validate the correct number of digits for a Social Security number or an expiration date on an identity document, for example.
- Drop-down lists and calendars.
- Embedded instructions for completing each field.

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I-9 cont.

- Buttons that will allow users to access the instructions electronically, print the form and clear the form to start over.
- Additional spaces to enter multiple preparers and translators. If the employee does not use a preparer or translator to assist in completing section 1, he or she must indicate so on a new check box labeled, "I did not use a preparer or translator."
- The requirement that workers provide only other last names used in Section 1, rather than all other names used. This is to avoid possible discrimination issues and to protect the privacy of transgender and other individuals who have changed their first names, Fay said.
- The removal of the requirement that immigrants authorized to work provide both their Form I-94 number and foreign passport information in Section 1.
- A new "Citizenship/Immigration Status" field at the top of section 2.
- A dedicated area to enter additional information that employers are currently required to notate in the margins of the form, such as Temporary Protected Status and Optional Practical Training extensions.
- A quick-response matrix barcode, or QR code, that generates once the form is printed that can be used to streamline enforcement audits.
- Separate instructions from the form. Employers are still required to present the instructions to the employee completing the form, however.

"It's important to remember that this new smart I-9 form is not an electronic I-9 as defined in the regulations," Fay said. "Employers filling out the new form I-9 using Adobe Reader will still need to print the form, obtain handwritten signatures, store in a safe place, monitor reverifications and updates with a calendaring system, and retype information into E-Verify as required."

HANDLE WITH CARE...

This is a **NEW** segment for the
2017 NUHRA Newsletter

We're asking YOU, NUHRA members, to send in stories of workplace issues that you've encountered and how you resolved them.

It can be anything from benefit or employee relation issues to policy changes or recruitment strategies.

Real world problems and real world solutions, from people you actually know!

Each month we'll feature one of the submissions in the newsletter.

Email Trisha Clark at
tdsc25@gmail.com

with your submissions

Subject Line – Handle With Care NUHRA

