



Monthly Newsletter

BV-SHRM

October 2021
Chapter No. 0330

2021 Board Members

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Lauren Pearce, PHR,
SHRM-CP

October 7th Luncheon

Speaker: Stephen Quezada, Grey Reed Attorneys
Topic: Managing Social Justice Issues in the Workplace
Location: Embassy Suites

Job Openings

12th Man Foundation is seeking a Manager of Human Resources!

The Manager of Human Resources primary focus is on the continued improvement in the composition, cohesiveness, and performance of the 12th Man Foundation staff.

The Division of Student Affairs at Texas A&M is looking for a Coordinator of Residential Respect and Community Education!

This role will coordinate training and development efforts across the department in DEIA related topics and areas. This position will work collaboratively with internal and external stakeholders to coordinate and support student and staff training and development related to these areas.

Messina Hof is searching for a Recruiter!

This position will be responsible for all aspects of recruiting to include screening, interviewing, referencing, advertising, and publicizing all positions throughout the Company. It will also assist with general human resources support.

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2021 Directors

Certification (Co-Director)

Katherine Kleeman

Certification (Co-Director)

Melissa Green

College Relations

Stacy Medina

Diversity

Jovannie Lagman, PHR

Government Affairs

Michelle Reyes

SHRM Foundation

Thom Holt

Workforce Readiness

Randy Goodson



Volunteer Opportunities

Mock Interviews - Mock Interviews are held with the program participants and an HR professional to help model a real-world interview and prepare folks as they take the next step towards finding employment in their desired career field. As mock interviewers, you will be provided with a profile of your interviewee, a list of standard interview questions, and a scoring rubric which will be used to guide feedback you provide to the interviewee. To sign up for mock interviews, email Together We Grow's Program Manager, Alaina Jalufka, at alainaj@bvfb.org. Mock interviews will be held on the following dates with both remote and in-person options available. There will be up to 4 spots available on each day.

Tuesday, November 2nd - 10:00 am - 11:15 am

Tuesday, November 2nd - 11:15 am - 12:30 pm

Wednesday, November 3rd - 12:30 pm - 1:45 pm

Wednesday, November 3rd - 1:45 pm - 3:00 pm

Remote Resume Reviews - During the 5 week class, we train participants on how to write a resume based on their previous employment history and what their future career goals entail. We coach them through the process, but we encourage ownership of the process as it is difficult to feel confident in an interview when the words are not your own, when it doesn't feel authentic. Feedback from industry and human resource professionals will provide program participants with the tools they need to write a resume that will get them noticed but also provide them with the confidence they need as they submit job applications. To sign up to be on the list to receive resumes to review remotely, email Together We Grow's Program Manager, Alaina Jalufka, at alainaj@bvfb.org.

Guest Speaker - During the 5 week class, we facilitate training and development around a variety of topics that support program participants' goals of beginning their careers while also having tools to be successful once in the workplace. We are looking for a guest subject matter expert to speak on Employee Rights and Responsibilities in the Workplace (e.g., privacy, fair compensation, safe workplaces, permissions for background checks/drug screens, etc.). The time slot that we have available include:

Tuesday, October 26th - 1:00 pm - 3:00 pm

HR Guides - Assist Together We Grow staff with answering HR related questions as they guide program participants along their career journey. Program participants often have complex backgrounds with long gaps in employment histories, varying backgrounds, different levels of educational attainment, etc. More often than not, there is an intersection of several of these complicating factors towards obtaining employment that will support economic mobility, household stability, food security. There are times when TWG staff could turn to the support of an HR professional for guidance on how to coach a client appropriately through a career decision based on their background.

2021 Committee Chairs

Communications

Jaiden Johnson, SHRM-CP

Re-Certification (CEU)

Michelle Merritt, PHR, SHRM-CP

Sponsor

Robin Hartley, SHRM-CP

Website & Hospitality

Janice Quast

Business Seminar

Jessica Lennerton

Project Committees

HRSW Ambassadors

Darla Guerra, PHR
Kelley Ervin

TX-SHRM District 3

Director

Mayela Macia

Plan Ahead - Important Dates

October 11th: Columbus Day and Indigenous People's Day

October 15: Individual tax return deadline for those that filed an extension

November 1: Deadline to file Form 941

November 11th: Veterans Day

November 25th: Thanksgiving Day

INCLUSION 2021

AUSTIN, TX & VIRTUAL | OCTOBER 25-27

SHRM Inclusion Conference, Oct 25-27

More than a traditional conference, INCLUSION 2021 is a can't miss experience where you will be empowered and energized to create a world of work that truly works for all.

Gain the latest strategies and fresh insights you need to face your own biases, address inequalities and shift exclusive workplace habits. These learned practices will help boost employee satisfaction and bottom-line business outcomes.

Learn more at conferences.shrm.org/inclusion

Attention Employers and Job Seekers! Hiring **Red**, **White**, and **YOU!**

Presented by Workforce Solutions Brazos Valley

Date: November 4, 2021

Time: 10:00AM - 2:00PM

Location: The Brazos Center - 3232 Briarcrest Dr

Join the Texas Workforce Commission, Workforce Solutions, and Texas Medical Center for the 10th Annual Hiring Red White, & You Statewide Hiring Fair.

This Job Fair will be open to transitioning service members, military spouses, National Guard, Reserve, veterans and their family members.

BV SHRM Legislative Update – Q3 2021

Quarterly legislative updates are provided to alert members to new and emerging developments in the law with the understanding that they are not legal opinion or professional advice on specific facts or matters. For answers to your specific questions, please consult with counsel.

SHRM Legislative Update

The federal fiscal year ended September 30, 2021, and Congress passed a Continuing Resolution (CR) the same day that provided funding for the government through December 3. CR's are extensions of funding that maintain the status quo with few changes to spending or federal policy. If Congress had failed to pass this temporary spending bill, federal agencies would have ceased all non-essential activities, with the halt likely resulting in the furlough of government employees, such as the 850,000 staff furloughed during the last government shutdown.

The spending bill was not the only topic on Congress' to-do list. The Federal government was also expected to reach the debt ceiling on October 17. The debt ceiling is the cap on the amount of money that the government can borrow to fulfill its financial obligations. On October 12, the House passed a bill to raise the debt limit by \$480 billion, keeping the government solvent into early December. Failing to increase the debt limit could have caused catastrophic economic consequences. The US government would have lost its ability to borrow additional money and would have ceased payments on existing obligations, triggering a default.

Also under consideration is the bipartisan Infrastructure bill. The Infrastructure Investment and Jobs Act passed the Senate by a bipartisan vote of 63-30 on August 10, but it awaits consideration in the House. If the bill becomes a law, there are several provisions that could impact the workplace, such as an [early end of the pandemic-related Employee Retention Tax Credit \(ERTC\)](#). The ERTC was created in March 2020 to encourage businesses to keep employees on payroll. The Senate passed infrastructure bill would end the tax credit on October 1, rather than December 31. The bill would also create and expand industry-specific workforce development grant programs and require the creation of industry specific advisory boards. Please read this [SHRM summary](#) for information on these and other workplace provisions in the bill.

Finally, the House of Representatives is considering the proposed budget reconciliation package, also known as the Build Back Better Act, which is a large legislative package reflecting many of President Biden's domestic policy priorities. While the fate of the bill is unknown, [House committees are advancing provisions](#) that could impact the workplace such as a federal paid family and medical leave benefit. Additional provisions have been advanced related to immigration, employer provided healthcare, and the enforcement authority of the Department of Labor (DOL) and the National Labor Relations Board (NLRB).

Vaccine Executive Orders and Mandates

On September 9, President Biden [announced](#) a series of proposals, called the Path Out of the Pandemic, to combat COVID-19. These proposals included Executive Order (EO) 14042, which requires all federal contractors to be vaccinated, as well as a separate and different mandate that private sector employers with 100 workers or more must require COVID-19 vaccinations or a weekly negative test result before coming to work.

- [EO 14042](#) - This EO for federal contractors is considered a hard vaccine mandate because it does not allow for a testing option. The only exceptions are approved medical or religious exemptions. Testing may be part of an accommodation offered by an employer for those that cannot be vaccinated and cannot work from home. The definition of covered contracts, employees, and workplaces is very broad. The EO applies to new contracts, extensions, or renewals after **October 15**, and the vaccination deadline for covered employees is **December 8**.
- [Mandate for Private Employers](#) – President Biden's plan instructs the Department of Labor's Occupational Safety and Health Administration (OSHA) to issue an emergency temporary standard (ETS) for implementation. An ETS is different than traditional OSHA regulation, which typically requires a period for

BV SHRM Legislative Update – Q3 2021

notice and comment. An ETA allows OSHA to bypass this period if employees are being exposed to grave danger from toxic or harmful substances/agents or from new hazards (such as COVID-19), and an ETS is therefore considered necessary to protect employees. There are many unanswered questions while the ETS is being developed; however, based on recent DOL and OSHA press conferences, the following details are expected. Please refer to SHRM's [assembled resources](#) for additional help in preparing for implementation.

Overview of Proposed ETS

- All employers with 100 or more employees will have to require workers:
 - Are vaccinated; or
 - Undergo weekly COVID-19 testing
- Employers have option to require vaccinations with no testing option
 - except for accommodations
- Employers / employees covered
 - "100 or more employees" will be counted company-wide, not by worksite
 - Will likely include seasonal employees (employer should count peak employment during prior year)
 - The ETS will not apply to employees who never come in to work (i.e., fully remote)
 - Will apply to employees who come into work (even once) or who work outside the office with others
- Proof of vaccination will likely be met with attestation
- Employers will have to provide paid time off for vaccination

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[Leaders in some states are pushing back](#) on vaccine mandates, including Texas Governor, Greg Abbott. On October 11, Governor Abbott issued executive order GA-40 banning vaccine mandates in the state, broadly covering all entities including private employers. The order's language allows individuals to refuse vaccination on the grounds of personal conscience and expands the basis for medical exemption to include prior recovery from COVID-19. Non-compliant entities may be fined up to \$1,000 per offense. The immediate impact to businesses that have already implemented vaccine mandates is unclear. It is possible that OSHA regulations will pre-empt this order, but Texas businesses that employ fewer than 100 employees would still be subject to GA-40.

Texas Legislative Updates

On September 1, [two major sexual-harassment laws](#) took effect in Texas.

- [SB 45](#) expands liability for sexual harassment to businesses that employ one or more employees (from 15 previously) and expands liability to individual managers. The law also states that an employer will be liable for sexual harassment if the employer or the employer's agents or supervisors knew or should have known about the conduct and failed to take immediate and appropriate action.
- [HB 21](#) extends the statute of limitations for sexual-harassment claims to 300 days (limited to 180 days previously).

In the Texas Supreme Court, [two key pro-arbitration decisions were issued](#) that may give Texas employers stronger legal grounds to enforce their arbitration agreements. Arbitration agreements are intended to expedite legal processes while minimizing costs, but disputes over enforceability can result in expensive litigation.

Additional Texas legislative updates for employers, such as the [Firearm Carry Act of 2021](#), can be found [here](#).

SHRM Advocacy Wins

On September 9, more than 3,000 SHRM members called on Congress to act on legislation such as the Commonsense Reporting Act, which would streamline and modernize IRS reporting requirements for employers. The bipartisan [Commonsense Reporting Act of 2021 \(H.R. 5318\)](#) was re-introduced in the House of Representatives

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on September 21.

Additionally, due to SHRM’s advocacy to modernize the I-9 form, the Department of Homeland Security (DHS) and U.S. Immigration and Customs Enforcement (ICE) [announced](#) the extension of I-9 requirement flexibility until December 31, 2021. SHRM will continue to advocate for a permanent policy to permit virtual I-9 inspection.

5th Circuit Court Report

- [Employers May Require an Unpaid Meal Period During Travel Time](#): For Nonexempt, hourly employees, so long as certain conditions are met.
- [Worker Who Rejected Accommodation Loses ADA Claim](#): Microsoft employee, who ascribed performance complaints to autism, rejected proposed accommodations and could not later establish a claim.

In Case You Missed It

- [New Guidance on HIPAA and Vaccinations](#): On **September 30**, the U.S. Department of Health and Human Services' Office for Civil Rights issued guidance to help the public understand when Health Insurance Portability and Accountability Act (HIPAA) privacy rules apply to the COVID-19 vaccine.

Plan Ahead

DEC 8	Deadline for Contractor Employee Vaccinations : Employees of federal contractors and subcontractors must be fully vaccinated against COVID-19 by December 8.
JAN 1	Minimum Wage Increases on Federal Contracts : Depending on the status of the contract, minimum wage for workers on federal contracts will rise on January 1 or January 30.

Helpful Resources

- For the latest on handling COVID-19 in the workplace, visit SHRM’s [Coronavirus and COVID-19](#) site.
- [Subscribe to SHRM’s HR Policy Briefing](#), a bi-monthly newsletter on workplace laws and regulations.
- Join the Advocacy Team by clicking [here](#).
- Click [here](#) for a 5-step decision-making tree on prioritizing public policy engagement.
- Checkout SHRM’s new [State Legislative Tracker](#) to receive real-time information about legislation affecting the world of work in your state.
- For a full list of state law reminders and developments, click [here](#).
- Click [here](#) for the 2021 SHRM Advocacy Congressional Calendar.