



Monthly Strategies

HR Strategies, LLC

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Legislative Updates

Maryland Organ Donor Leave: Maryland HB 1284 requires most private employers in Maryland to provide unpaid leave for employees serving as organ or bone marrow donors.

Under the Organ Donation Leave Law, employers with at least 15 employees working anywhere in Maryland are required to provide eligible employees with up to 60 business days of unpaid leave (in any 12-month period) to serve as an organ donor and up to 30 business days of unpaid leave (in any 12-month period) to serve as a bone marrow donor. An eligible employee must have worked for the employer for at least 12 months and at least 1,250 hours during the previous 12 months.

To receive organ donation leave, the employee must provide a written physician verification to the employer stating that (a) the employee is an organ donor or a bone marrow donor, and (b) there is a medical necessity for the donation of the organ or bone marrow.

New York Expands Pay Equity Law (10/8/19):

During the 2019 legislative session, New York lawmakers expanded equal pay protections to employees of all classes and characteristics covered by the state's anti-discrimination law. This means that in addition to a sex-based equal-pay lawsuit, pay discrimination claims can be based on age, race, creed, color, national origin, sexual orientation, gender identity or expression, disability, and other recognized classes. The new laws also lower the legal standard for employees to prove pay discrimination. Previously, employers were required to ensure equal pay for equal work. Now New York employers must ensure equal pay for "substantially similar work."

Time is Running Out to Meet Training Requirements

The new Delaware law specifically addresses the prohibition against sexual harassment under the Delaware Discrimination in Employment Act (DDEA), sets an affirmative defense for employers, imposes mandatory notice distribution on employers with at least four employees within the state, and provides anti-sexual harassment training requirements for employers with at least 50 employees in the state. The new law became effective on January 1, 2019.

What should employers do?

- Delaware employers should review their policies to ensure their sexual harassment prevention policies are consistent with the new law.
- Employers must be distributing the Department of Labor's Notice to each new employee and have distributed the notice to all employee by **July 1, 2019**. A copy of the Information Sheet is available on www.hrstrategies.org.

This is a great time for employers to update their training programs to meet the new Delaware law's interactive training requirements and to schedule training to ensure they are meeting the law's training compliance dates. HR Strategies, LLC is available to assist in customizing and presenting interactive training programs consistent with Delaware's training requirements. Since the new regulation became effective, we have trained over 3000 employees and managers in harassment prevention. We further are able to review and update workplace policies, including an employer's sexual harassment prevention policy.

Mandatory Sexual Harassment Training Required:

Employers with at least 50 employees in Delaware must provide "interactive training and education to employees regarding the prevention of sexual harassment." Training must be completed by 12/31/19 and include all of the following elements:

1. The illegality of sexual harassment;
2. The definition of sexual harassment using examples;
3. The legal remedies and complaint process available to the employee;
4. Directions on how to contact the Department of Labor; and the EEOC
5. The legal prohibition against retaliation.

In addition, the interactive training for the supervisors must further include the specific responsibilities of a supervisor regarding the prevention and correction of sexual harassment; and the legal prohibition against retaliation.

New Training Option

HR Strategies, LLC is now offering the option of state specific online interactive Anti-harassment Prevention training. We provide the mandated training requirements and options for the following states:

California, Connecticut, Delaware, Maine and New York. This new service will provide your organization with ten individual training sessions to be used within twelve months. This new training feature can be used for new hires that did not attend your organization's group training session, or for a newly hired or promoted supervisor that that did not complete your company's manager training. The ten sessions can be used in any combination of manager or employee training to suit your needs.

In addition to providing you with the flexibility to assign the mandated training to your employees or supervisors, you will receive access to run reports for your organization. This will provide you with the ability to determine how long an individual took to complete the training session, how well they scored on their test, and print out their certificate for your training records.

Feel free to contact us with any questions you may have or for pricing on the ten session program.



HR Award Finalist

Tricia was nominated for and is a finalist in this year's HR Awards in the HR Innovator Category.

This award is a partnership between Delaware Business Times and

Delaware SHRM. She is truly honored to be nominated among the amazing talent in the Human Resources profession and humbled by the recognition of her innovative solutions and contributions to the clients of HR Strategies, LLC and the HR community.

Salary Threshold Change

By Allen Smith

In response to businesses' concern that its proposed overtime rule's salary threshold for highly compensated employees was too high, the U.S. Department of Labor (DOL) raised it less steeply in the final rule that was announced earlier this week. The DOL increased the exemption threshold for highly compensated employees from \$100,000 a year to \$107,432 rather than to \$147,414, as originally proposed. The change takes effect Jan. 1, 2020.

The highly compensated employee test allows high earners to be exempt from overtime pay even if they don't meet all the duties of the white-collar exemptions.

The final rule bases the highly compensated employee threshold on the 80th percentile, rather than the 90th percentile, of all full-time salaried workers' earnings nationwide. To have increased it to \$147,414 would have resulted in "significant administrative burdens and compliance costs, including costs associated with reassessing the exempt status of many highly paid white-collar workers under the standard duties test," the DOL stated in the preamble to the final rule.

"Yet, while employers would incur these burdens and costs, the vast majority of currently exempt highly compensated employees would remain exempt under the standard test," the DOL added. "In short, the department would be imposing significant administrative costs on employers for a limited effect."

Nonetheless, the DOL agreed that the proposed level was so high that it would have excluded employees who should be exempt under the highly compensated employee provision, particularly those in lower-wage regions and industries.

The DOL disagreed with commenters who opposed any increase in the highly compensated employee threshold. It estimated that the change to the highly compensated employee test would affect roughly 101,800 individuals.

The change to the standard salary level, which the DOL increased from \$23,660 per year to \$35,568, will make approximately 1.3 million workers eligible for overtime pay.

Talent Acquisition Support

If your organization has job openings and needs assistance in filling those open positions, contact HR Strategies' staff for support. We can focus on your recruiting needs so that you can focus on your business needs.

Contact HR Strategies staff at 302.376.8595 or info@hrstrategies.org if you would like support or would like to learn more about the items in this newsletter. Please contact us if you would like to be removed from our Monthly Strategies mailing list or if you would like for us to add someone to our mailing list.