

*The Legislative Update*  
Jeff Devine, Legislative Chair  
May 17, 2017

**HR LEGISLATIVE NEWS FROM AROUND THE WEB....**

**HSA Updates**.....If you'd like to get a jump on next year's planning, the IRS just released the 2018 HSA contribution limits and HDHP required deductibles and out-of-pocket limits.

The IRS limits are based on cost-of-living adjustments.

**HSA limits**

*Single.* The maximum an individual with self-only coverage in an HDHP can contribute to an HSA increases to \$3,450 (up \$50).

*Family.* The max HSA contribution for an individual with family coverage jumps to \$6,900 (up \$150).

**HDHP Limits**

*Single.* The minimum deductible for self-only HDHP coverage will remain at \$1,350 (up \$50).

*Family.* The minimum deductible for family HDHP coverage stays at \$2,700 (up \$100).

**Out-of-pocket max**

*Single.* The maximum amount an HDHP participant can pay out of pocket for self-only coverage (including deductibles, co-pays and co-insurance – but not premiums) remains \$6,650 (up \$100).

*Family.* The max out-of-pocket cost an HDHP participant with a family plan can pay will jump to \$13,300 (up \$100).

***Paid Parental Leave***.....Much has been written about how generous paid parental leave will soon become a standard benefit at most companies. But how many firms are really offering it and how generous is the perk?

That's the question WorldatWork attempted to answer in a comprehensive and first-of-its-kind study — titled the Survey of Paid Parental Leave in the United States.

We say first-of-its-kind because the study narrowly defines paid parental leave as a separate entity from other paid leave programs and purposely omits other leave programs such as short-term disability, paid sick time, government-funded disability or insurance payments as well as any programs that supplement partial pay.

Commenting on the need for such a specific study, WorldatWork senior practice leader Lenny Sanicola said:

“Paid parental leave is an emerging benefit. There are numerous splashy headlines in the news about paid leave, but these headlines can be misleading. This survey uses a strict definition so that we can really dig

into what is being offered as true paid parental leave that goes above and beyond existing paid leave programs.”

So what exactly did WorldatWork discover?

Overall, more than a third (38%) of employers offer a defined paid parental leave benefit for new-parent employees to recover from the birth of a child and/or to care for or bond with a new child.

For those employers, that leave is separate from all other paid leave and employees don't need to use or exhaust other paid time off or earning to take advantage of the benefit.

When it comes to the amount of paid parental leave offered by employers, the average eligible full-time new-parent gets 4.1 weeks.

Of the 38% of employers that currently offer paid parental leave benefits, the study also found:

- 80% offer employees their full/normal pay during the leave
- 78% offer paid parental leave to all employees (22% offer it to only some workers)
- 58% give the same amount of paid parental leave to all new-parent employees, and
- 85% don't distinguish the amount of paid parental leave between primary or secondary caregivers.

Many of these organizations were also subject to laws that mandate paid leave but tend to go above what's required by law. Specifically:

64% are subject to at least one state/local paid parental leave requirement, and

88% offer more or expanded paid parental leave than what's required by law (longer duration, larger percentage of normal pay rate, broader set of new-parent circumstances, etc.).

***EEOC and Workplace Harassment***....Workplace harassment is virtually an epidemic these days — the EEOC says a third of the nearly 100,000 charges it receives annually now include a harassment allegation. But the agency's taking steps to help both workers and managers handle the problem.

Part of the problem is employees have become more sensitive to harassing behavior.

What the agency wants now:

The other part of the equation is managers and rank-and-file workers are unsure what their role is in stopping harassment. So both groups think the responsibility falls on the employer.

But the reality is it falls on everyone, regardless of position, and the EEOC has outlined how you should make that clear to prevent harassment.

Which of these do you have?

The new guidance comes on the heels of a 95-page report assembled by a task force to find the best ways to prevent harassment in the workplace.

It was comprised of representatives from academia and the social sciences, legal practices, employer and employee advocacy groups, and unions.

The result: A wealth of strong guidance – most notably, four checklists the EEOC urges employers to use to stymie harassment.

The checklists of what employers should have in place are long, but here are the keys:

#### 1. Leadership & accountability

- A prevention effort that is supported (with resources) at the highest levels of the organization.
- Time that's allocated by leadership for a harassment prevention effort.
- A harassment prevention policy that's easy to understand (The EEOC noted its policy was 30 pages long. It's now working on a five-page policy that satisfies these checklists).

The EEOC says you're making a solid effort if you conduct:

- Surveys to assess whether your employees have felt harassed.
- "Bystander intervention" training (It empowers co-workers to intervene when they witness harassment).
- "Civility" training (To promote acceptable conduct rather than just focusing on "what not to do").

#### 2. Anti-harassment policy

- A clear description of prohibited conduct, with examples.
- A clear description of your reporting system and the multiple avenues to report harassment.
- Statements that individual names will be kept confidential to the extent possible.
- Assurances that those who report misconduct, or act as witnesses to it, will be protected from retaliation.

#### 3. Reporting & investigations

- Managers who take reports of harassment seriously.
- An environment in which people feel safe reporting behavior.
- Well-trained investigators, who document all the steps they take.
- Procedures (like follow-ups) to determine if individuals who report harassment experience retaliation.
- Systems to ensure alleged harassers are not presumed guilty until it's determined harassment occurred.
- Communication of the findings of the investigation to all parties – and, if appropriate, pending discipline.

#### 4. Compliance training

- Regularly repeated training.
- Training provided to all employees at every level of the organization.
- Qualified, live & interactive trainers.

Examples of harassment tailored to your organization and employees.

- Simple terms that describe your reporting process.
- Clear explanations of the consequences of harassment.
- Instructions on how managers can report harassment up the ladder.