

2017 GSHRM Governmental Affairs Committee Report
Legislative Hot Topics
(Prepared as of April 30, 2017 by Wyche, P.A.)

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If you have any questions, suggestions, or corrections, please feel free to contact one of the above committee members. We look forward to hearing from you.
If you would like to join our committee, please contact the committee chair.

FEDERAL REGULATORY AND OTHER ACTION

Hiring

Action	Responsible Agency
<p>USCIS Reveals Glitch in Initial Revised Form I-9</p> <p>U.S. Citizenship and Immigration Services announced that the revised Form I-9 initially published on November 14, 2016 contained a glitch that transposed numbers in the Social Security Number field when employees completed and printed the form using a computer. USCIS repaired and reposted the form on November 17, 2016. Employers using a Form I-9 that contains the glitch should download the corrected form. The agency’s announcement contains further guidance on how employers should correct forms printed from the initial version.</p>	<p>U.S. Citizenship and Immigration Services</p>

Immigration

Action	Responsible Agency
<p>Agencies Increase Efforts to Detect H-1B Visa Fraud</p> <p>U.S. Citizenship and Immigration Services has announced measures -- including a more targeted approach to site visits -- to deter and detect H-1B visa fraud. The U.S. Department of Justice also cautioned employers petitioning for H-1B visas not to discriminate against U.S. workers. The H-1B visa program allows U.S. employers to temporarily employ foreign workers in specialty occupations, such as science and information technology.</p>	<p>U.S. Citizenship and Immigration Services</p> <p>Department of Justice</p>
<p>Executive Order Seeks to Promote Proper Functioning of H-1B Visa Program</p> <p>President Trump signed an Executive Order, “Buy American and Hire American,” to create higher wages and employment rates for workers in the United States and to protect their economic interests through the prevention of fraud or abuse of the immigration system. Under the Executive Order, federal agencies are to “suggest reforms to help ensure that H-1B Visas are awarded to the most-skilled or highest-paid petition beneficiaries.”</p>	<p>Office of the President</p>

Safety and Health

Action	Responsible Agency
<p>Congressional Resolution Rescinds OSHA's Volks Rule</p> <p>President Trump signed a congressional resolution invalidating a recordkeeping rule regarding workplace injuries and illnesses. Federal law requires employers to maintain records related to workplace injuries and illnesses for five years and permits the Occupational Safety and Health Administration to cite employers for violations of that requirement within a six-month time period. OSHA issued a rule, "Clarification of Employer's Continuing Obligation to Make and Maintain Accurate Records of Each Recordable Injury and Illness" (often referred to as the Volks rule), which extended the six-month window by permitting OSHA to cite employers for violations that were up to five years old. The rule was to take effect in January 2017. The Congressional Resolution invalidates the Volks rule, restoring the six-month statute of limitations. Employers are still required to maintain records for five years as required by federal law.</p>	<p>Office of the President</p>

NEW SOUTH CAROLINA LEGISLATION

Legislation
<p>Senate Bill 218, Employee Benefits</p> <p>Senate Bill 218 provides that a political subdivision of the state may not require employers to "establish, mandate, or otherwise require an employee benefit." "Employee benefits" include any health benefits, disability benefits, death benefits, group accidental death and dismemberment benefits, paid days off for holidays, paid sick leave, paid vacation leave, paid personal necessity leave, retirement benefits, and profit-sharing benefits. The bill was signed into law by Governor McMaster and became effective on April 5, 2017 (Act No. 3).</p>

This information was prepared for you by Wyche, P.A. Wyche is a full-service law firm which has practiced law and served the Greenville community for more than 90 years. In that time, Wyche has participated in landmark litigation, served as counsel on cutting-edge transactions, and provided community leadership that has helped shape and drive our region's growth and success. With offices in Greenville and Columbia, Wyche is the South Carolina member of Lex Mundi, the world's leading association of independent law firms. Visit www.wyche.com to learn more.