



Kansas State Council of the Society for Human Resource Management (KS-SHRM) 2019 Legislative Position Statements

Background Investigation

HR professionals strive to make the most informed decisions possible when selecting candidates for their organizations. HR professionals are charged with ensuring that each new hire possesses the talent, skills, work ethic and character needed for the organization's success. Background investigations provide relevant information during the employment process, including references, criminal history and credit history screenings. The consequences of hiring decisions are significant, and a poor selection or bad hire can lead to potential employee misconduct, financial loss or an unsafe work environment. The consequences can also include legal liability to customers, negligent hiring lawsuits from other employees, negligent retention lawsuits, vicarious liability lawsuits or other legal claims.

KS-SHRM recognizes there is some public interest in eliminating questions on applications focused on criminal history. However KS-SHRM firmly believes that any such proposal should not unintentionally restrict an employer's ability to conduct a background check. Due to said risks, Kansas SHRM State Council (KS-SHRM) believes that employers should be able to provide, with immunity from liability, and receive information that is accurate, truthful, and relevant about job applicants. As a result, KS-SHRM support preserving employers' ability to conduct criminal and credit background checks as they deem necessary for employment purposes while recognizing and being compliant with the requirements of the Fair Credit Reporting Act and 1064 Civil Rights Act. KS-SHRM does support *voluntary* efforts to Ban the Box on job applications.

Fair Employment Practices

Kansas SHRM State Council (KS-SHRM) is committed to encouraging fair employment practices in the recruiting, hiring, training, compensation, benefits, promotion, transfer, disciplining, and termination of workers. Employment decisions should be made on the basis of one's job qualifications such as education, and experience and demonstrated competence, not on the basis of non-job related characteristics. KS-SHRM believes that employers have a responsibility to create a work environment free from all forms of discrimination including harassment. KS-SHRM opposes proposals that would open doors to further employment litigation, increased punitive damage awards, and create a new right to jury trials. Employers who make employment decisions in a non-discriminatory manner, based on sound business judgment and necessity, should be free from frivolous challenges.

Health Care

Kansas SHRM State Council (KS-SHRM) believes every American citizen should have access to a basic core of health care services. The approach to offering affordable health care may be achieved in different ways and at different levels, as long as Kansans have access to this care. KS-SHRM believes that health care models need to have built-in incentives to balance both quality and cost efficiencies. As part of the efforts to control rising costs, purchasers and individuals must have access to important health information to be informed consumers of health care and take an active role in the purchase of their care. Workers and their families who have access to affordable health care and accurate health information will positively affect businesses by reducing absenteeism and presenteeism, enhance recruitment of quality workers, and help sustain the Kansas economy. KS-SHRM supports the removal of restrictions prohibiting Kansas employers from addressing employee health needs through such means as staff physicians, on sight health care clinics and other practices often deemed the corporate practice of medicine as well as modification to small group laws to allow for the creation of association health plans.

Immigration

Kansas SHRM State Council (KS-SHRM) recognizes the ultimate solution to the Immigration issues lies at the Federal level with the U.S. Congress. Imposition of state law requirements inconsistent with other state laws and with federal law make it impossible for a business or employer to comply with all the requirements at the same time. KS-SHRM supports a workable immigration policy that respects the dignity of the individual and meets the workforce needs of Kansas's economy. KS-SHRM favors the creation of an immigration system that functions efficiently for employers, workers, and government agencies. KS-SHRM opposes legislation that

seeks to transfer the role of verifying immigration status from the government to employers, which would otherwise place the burden of proof on businesses. KS-SHRM opposes legislation that would result in increased costs and burdensome enforcement requirements on employers.

Unemployment Benefits

Kansas SHRM State Council (KS-SHRM) supports the underlying purpose of unemployment benefits to provide limited compensation to individuals who are able, available, and willing to work, but cannot, despite their best efforts, obtain employment. KS-SHRM opposes legislation that expands benefits beyond this core component, provides deference to employees with regard to their qualification for benefits, and permits inconsistent determinations by the Kansas Department of Labor. KS-SHRM supports legislation that takes appropriate steps to distribute the financial burden of the unemployment insurance fund in accordance with proportionate usage of the fund while providing companies with consistency in their applicable rates. KS-SHRM further supports legislation that allows for faster and more efficient handling of unemployment claims.

Workers' Compensation

Kansas SHRM State Council (KS-SHRM) supports the premise that the workers' compensation system should serve as exclusive remedy for workers injured on the job. KS-SHRM is concerned about the increasing medical costs and the number of benefits claims. KS-SHRM believes legislation is crucial to reduce burdensome paperwork for employers, promote efficiencies in returning claimants to work, and to weed out fraud. KS-SHRM supports adoption of the most current AMA guidelines based on current science standards for the determination of injury and financial loss from the the job injuries. KS-SHRM supports proposals to allow for faster more efficient handling of workers' compensation claims. KS-SHRM also supports enforcing the "preexisting condition" regulations adopted in Kansas.

Workplace Flexibility

Kansas SHRM State Council (KS-SHRM) believes that workplace flexibility must meet the needs of both employers and employees. Work place flexibility cannot be resolved with a one-size-fits-all government mandate, but instead should provide for different work environments, industries, and organizational size. As such, all policies must support employees in balancing their work and family obligations and allowing paid leave if available while balancing the needs of an employer for certainty and predictability in work schedules.

KS-SHRM generally opposes any form of government mandate on employee benefits or leave requirements. KS-SHRM believes employers, not the government, are best situated to know the benefits needed by their employees. Accordingly, KS-SHRM does not support any law for paid leave benefits through state insurance funds or otherwise mandated paid leave outside of those benefits set by the employer.

Workplace and Security

Kansas SHRM State Council (KS-SHRM) believes that every employee is entitled to a safe and healthful work environment. KS-SHRM believes that employers have a responsibility to provide a safe workplace and protect employees from threats or acts of violence to the best of their ability. In this regard, KS-SHRM supports policies that give employers additional tools in preventing workplace violence to ensure the safety and security of all employees and of workplace property.

Thus, KS-SHRM supports legislation that gives employers the option of protecting the employers' premises, including parking lots, to minimize the opportunity for violent incidents in the workplace. The early intervention allowed by such legislation may help curb workplace violence before it occurs, thereby making the workplace safer not just for the victim, but for all co-workers.

Close the Skills Gap

Kansas SHRM State Council (KS-SHRM) believes that government has a fundamental obligation to educate its citizens in the basic core curriculum especially at the primary and secondary levels. Kansas will only be competitive globally if education is properly administered and funded. KS-SHRM understands that companies are struggling to hire quality employees and many companies are forced to recruit applicants outside of Kansas. This increases business costs and may eventually cause companies to relocate where an abundance of qualified candidates reside. Beyond the basic educational needs, businesses and government should focus efforts on providing training programs that are demand driven and focused on the employment and skill needs of employers. Tax incentives are an important tool for employers to promote further training, education and skills development. KS SHRM supports efforts to create a comprehensive, centralized clearinghouse for information related to a skilled workforce which streamlines tools and resources for students, parents, educators, employers and policy-makers.

For any questions, please contact:

Tara McKinney, SPHR, SHRM-SCP

KS-SHRM Legislative Director

Phenix (913) 754-2934 tmckinney@phenixlabel.com