#  **Montana State Council**

**Affiliate of the Society for Human Resource Management**



***LEGISLATIVE UPDATE***

 ***NOVEMBER UPDATE***



Grover Wallace – Montana State Legislative Director

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| **Worker Compensation Grew More Than Expected In Third Quarter**Compensation for U.S. workers rose again in the third quarter of the year and at a faster pace than expected, indicating employers remain competitive with pay.Workers were paid 1.1 percent more in the third quarter than the second quarter, according to the [Employment Cost Index (ECI)](https://www.bls.gov/news.release/eci.nr0.htm), released Oct. 31 by the Bureau of Labor Statistics (BLS). That's slightly higher from the 1 percent climb seen in the second quarter—and higher than the 1 percent that analysts forecasted. Wages and salaries increased 1.2 percent and benefit costs increased 0.9 percent from June 2023.Year-over-year, compensation costs in the U.S. for private sector workers—including pay and benefits—rose 4.3 percent. Comparatively, the second quarter index, [released in late July](https://www.shrm.org/resourcesandtools/hr-topics/compensation/pages/employment-cost-index-q2-2023.aspx), found that wage growth grew 4.5 percent year-over-year.**SHRM Article Link**: **Worker Compensation Grew More Than Expected In Third Quarter** |
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**Tips for Properly Filing an EEO-1 Report**The U.S. Equal Employment Opportunity Commission (EEOC) recently released an updated [instructional booklet](https://www.eeocdata.org/pdfs/2022_EEO_1_Component_1_Instruction_Booklet.pdf) to help employers properly fill out their 2022 demographic data on the EEO-1 form.Private employers with 100 or more employees and federal contractors with 50 or more employees must submit annual [EEO-1 reports](https://www.shrm.org/resourcesandtools/legal-and-compliance/employment-law/pages/eeoc-filing-deadline.aspx) through the EEOC's [online filing system](https://www.eeocdata.org/eeo1). State and local governments and public school systems are exempt.Companies can start submitting their demographic data on the EEO-1 form on Oct. 31, and submissions are due by Dec. 5. After Dec. 5, the EEOC will send a "failure to file" notice, instructing employers to submit their data no later than Jan. 9, 2024, if they haven't done so already. After Jan. 9, no more reports will be accepted, and employers will be considered noncompliant if they haven't submitted their data already, Essary said.Employers should pick a pay period between Oct. 1, 2022, and Dec. 31, 2022, to use to provide a snapshot of their employee demographics. **SHRM Article Link**:[**Tips for Properly Filing an EEO-1 Report**](https://c.shrm.org/dc/Bblvn7lUvEnneGOj_JteneCDp1d1W3hLOkHWrzYE5zV_EKcGL5slHTDZfXGJMssxal0jo7ej9EM2NlEf1Sh60h6FR8SIbCrtPi0SyXFEGhFnJIccjsn2nWpC2b6XHuJGt5Shan-zgeF5BsGjY06SU0xbSFkIlbyh0oCsF7W600UcBlVDhHrPydwHEI1BZJ_MCPwWbS4xq2ZPnhplKUSgxn7pnIF1yJSXBiEeCb3sBFtMDnVZ6iuqO7tPtCBPJctcnh54CWIz2P6gz5x0IVD7V5vEOpND4x0BfgVF4iqcB9RVUN0gBSSVZZ5Jk1D2FWyqIrREL9KCoCxqRtzdUnd2AHH4esJaasth0oQvIKdIvHGJoODZC0LpDo1uNek-soWp6y_uIKwQ9XT4O0UqAMAOQYSuBmiXH38eNjwUoOMEEXw%3D/ODIzLVRXUy05ODQAAAGO7QVm0EBLfIMVF8C7iw-ljF0PdEUqcJd28UXd1PDkrN-yFoWZFNaWypdsVYBEFXdF7Wold24%3D)

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| **NLRB Issues Anticipated Final Rule onJoint Employer Status** |
| The highly anticipated final rule “[Standard for Determining Joint Employer Status](https://c.shrm.org/ODIzLVRXUy05ODQAAAGPJeqQExYceEkyCxNzZObzy3Vs9FNNvY3-SbSYb1Sts4iE9f6RgW0rc6aAo-RbqZFWCVhS7vU%3D)” from the National Labor Relations Board (NLRB) was officially published Oct. 27.The rule rescinds the NLRB’s 2020 rule, which required that, in order to prove a joint employer relationship, a person alleging an employer/employee relationship would have to show proof of “direct and immediate control” being exercised over the “essential terms and conditions” of that person’s employment.Now, under the new rule, a joint employer relationship can be established if “the employer **possesses** the authority to control (whether directly, indirectly or both) ***or*exercises** the power to control (whether directly, indirectly or both) one or more of the employees’ essential terms and conditions of employment, regardless of whether the employer exercises such control or the manner in which such control is exercised (emphasis added).” The rule separates “essential terms and conditions” into seven categories: 1) wages, benefits and other compensation; 2) hours of work and scheduling; 3) the assignment of duties to be performed; 4) the supervision of the performance of duties; 5) work rules and directions governing the manner, means and methods of the performance of duties and the grounds for discipline; 6) the tenure of employment, including hiring and discharge; and 7) working conditions related to the safety and health of employees. |

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| **SHRM Article Link**:“[Standard for Determining Joint Employer Status](https://c.shrm.org/ODIzLVRXUy05ODQAAAGPJeqQExYceEkyCxNzZObzy3Vs9FNNvY3-SbSYb1Sts4iE9f6RgW0rc6aAo-RbqZFWCVhS7vU%3D) |

***UPCOMING CALENDAR EVENTS:*****WEBCASTS/CONFERENCE SESSIONS*****DEI Conference – Helena SHRM Chapter***

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**On Wednesday, November 8th at 4 p.m. ET, SHRM** Government Affairs will host its VLBM 2023 Congressional Advocacy Bootcamp. [**Ensuring Equal Employment Opportunity in Promotions: Former Agency Leader Speaks**](https://c.shrm.org/n/ODIzLVRXUy05ODQAAAGO4mFR8O1hI9uwVL3fVgOzywJml5t7tJqxX1e7U_QuzyetLMDYf6DWfnUSBygz9vsZSYpaIcs%3D)**Nov. 7, noon ET / 9 a.m. PT**Join this webcast for an engaging discussion on best practices for employers to help ensure all employees have an equal chance at promotions.**November 16th Capitol Hill sessions – MT SHRM participants:**7:00AM - Bus leaves from the front of the Marriott Hotel to Capitol Hill.9:00 am – 9:30 am – **William Parsons** – Legislative Assistant to Senator Steve Daines10:30am – 11:00 am -**Wise Graham** – Senior Legislative Assistant to Rep. Matt Rosendale11:30am – 12:00 - **Veronica Chase** – Legislative Assistant to Senator Jon Tester**November 15th Capitol Hill, MT Legislative coffee session, 8:15am – Location forthcoming.** We have been invited by all of our Legislators to attend if we are able.**OTHER KEY DEADLINES:**

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| [Employers Must Begin Using the New Version of Form I-9](https://c.shrm.org/dc/Bblvn7lUvEnneGOj_JteneCDp1d1W3hLOkHWrzYE5zXllVMSLFAOgn4sKCNn3t9L-xuuzaCl7tKfR45kAIxFe5fQDF4cxubMH9HOVS_KflY6F4FZsvcfpPOp6YO0qYflUmYIeLskJLQUHY7gOBcIk6kOfbEdH5CF5HUOz5JeeNyIBoXZJfJ3bAgLZ7pCMW2ShlRLO3utFmMrrA3EAeayncjKnTG74Z1_s86dmPegwHNejy2rXkDZANa4Ur_kKbSjYSlII5knmWg2Rwwg-34gm1qL3BqgD_Y920Sycq0SStCBSzeZ1C6tr7RJRn3l_MChHnkQ0THHB0a5qa-h-nNDQg4YUbiKmF-397ZJexhuXAEvpr6pS8hH2jMPbbtyJnV2CuLOFOs7-qPp3g_e6mWG3rZYkOcRL8m1tiUqPQkQjAQ%3D/ODIzLVRXUy05ODQAAAGO7QVm0EBLfIMVF8C7iw-ljF0PdEUqcJd28UXd1PDkrN-yFoWZFNaWypdsVYBEFXdF7Wold24%3D)The new version of Form I-9 was released by U.S. Citizenship and Immigration Services on Aug. 1. Employers can use the previous version of the form through Oct. 31, 2023. After that, all employers must use the revised Form I-9. |

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[The Women in Leadership Institute (Through Nov. 16)](https://c.shrm.org/dc/FjeahnE8jtKIxOKO4nDu54bVsQepME5GTNZIcH4v0g2x7QJgKODfv2ALkr_4s6Yw1Hh_X61tVSl5UeT912ar3KKMOEkvqdUVjM2gNGbG9HtxjpnPmAQ04pJMhpmxNJ4wWPLC7_jhSttScvwhRC7DO7ix412x46W-ua37J_DcgxXt2AJX8sPOjwOO1xmh9kvL6pIhUKGxyjmAtFKaNVf7ZkTmUW6rlNbUSZ1xosyXL_iwicIBykSvOAuNM1YfIIhyp_B1eKRNGsPam2UiGpc9Gg%3D%3D/ODIzLVRXUy05ODQAAAGOJDOvQ8Fnowp-rN2Q5a1TI-pckw-J1hfWKruIQRBB3FLfn49htrCqBNk1HNLJZLCSui9WDPY%3D)**Nov. 13th** - The Women in Leadership Institute, which will be held in Orlando, Fla., and virtually, is a four-day learning conference equipping women leaders with actionable strategies to overcome the hurdles they often face in the workplace. Presented by SHRM, this immersive leadership opportunity accelerates the advancement of women across all levels, industries and roles, while providing career-changing networking opportunities. |
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***THANK YOU***