

CUT AND PASTE POST FEBRUARY, 2019

“Onionhead” is a Religion

Last April, a unanimous New York federal jury found that United Health Programs of America, Inc., and its parent company, Cost Containment Group, Inc. ("CCG"), violated federal law by coercing 10 employees to engage in religious practices at work.

According to the EEOC, CCG employees were forced to engage in a variety of religious practices at work, including prayer, religious workshops, and spiritual cleansing rituals. These practices were part of a belief system called "Harnessing Happiness" or "Onionhead," created by the aunt of CCG's CEO's. The judge previously ruled such practices constituted a religion, for purposes of Title VII. The aunt, employed by CCG as a consultant and fully supported by CCG's upper management, spent substantial time in the company's offices from 2007, implemented the religious activities at the workplace and had a role in employee hiring and firing. Nine victims said the religiously-infused atmosphere created a hostile work environment for them, and the jury unanimously agreed. The jury also found Faith Pabon was fired for opposing these practices.

The jury awarded \$5.1 million in compensatory and punitive damages to the 10 individuals for whom EEOC was seeking relief. The EEOC was also going to seek injunctive relief against CCG to prevent future violations of federal law.

I know this is kind of an old case, but I thought it was just plain bizarre! More information is available [here](#).

Professional Pointer: Even though “Onionhead” is not an organized religion,, this case reminds us that it’s important for non-secular employers to not push their beliefs on employees, no matter how ‘unreligious’ those religious beliefs may be.

SPHR Business Credit Resources

I have been looking for free business credits to fill my required 15 HRCI SPHR business credits. If you’re in the same boat, here are a couple links to places that can help you find webinars that might meet your needs. Keep in mind webinars must be at least 45 minutes in length (30 minutes of content; 15 minutes of Q&A) and must be business related in order to qualify for 1 HRCI business credit. Check the [HRCI Business Credits Guide](#) for more information.



















<https://recert.hrci.org/public/ActivitySearch>
<https://business.verizon.com/webinar>

Inside













- “Onionhead” is a Religion
- SPHR Business Credit Resources
- Montana Legislative Update
- White Collar Rule/OMB Update

Montana Legislative Session

Here are the bills of general HR interest currently under consideration in Helena, with their status as of 2/5/19. (Click on the .pdf icon or link to be taken to the bill). An * in the Status column indicates the Bill is probably dead.

Bill Type - Number	Primary Sponsor	Status	Status Date	Short Title
HB 16 	Dave Fern (D) HD 5	(H) Scheduled for 2nd Reading	02/05/2019	Establish affordable housing loan program
HB 67 	Thomas Winter (D) HD 96	(S) Hearing -- (S) Business, Labor, and Economic Affairs	02/05/2019; 9:00 AM, Rm 422	Revise unemployment insurance benefits for members of the military
HB 171 	David Bedey (R) HD 86	(H) Hearing -- (H) Education	01/21/2019; 3:00 PM, Rm 137	Create career and technical education and workforce development commission
HB 208 	Moffie Funk (D) HD 82	(H) Hearing -- (H) Business and Labor	02/11/2019; 10:00 AM, Rm 172	Establishing family medical leave insurance
HB 214 	Vince Ricci (R) HD 55	(H) Committee Report--Bill Passed as Amended -- (H) Business and Labor	02/01/2019	Revise laws relating to the State Fund
HB 216 	Kimberly Dudik (D) HD 94	(H) Tabled in Committee* -- (H) Taxation	02/01/2019	Revise tax laws related to student loan reimbursements by employers
HB 295 	Fred Anderson (R) HD 20	(H) Hearing -- (H) Education	02/01/2019; 3:00 PM, Rm 137	Create grant program to encourage work-based learning
HB 313 	Andrea Olsen (D) HD 100	(H) Hearing -- (H) Business and Labor	02/08/2019; 8:30 AM, Rm 172	Allow worker to choose treating physician in workers' compensation cases
HB 323 	Brad Tschida (R) HD 97	(H) Hearing -- (H) Business and Labor	02/05/2019; 8:30 AM, Rm 172	Provide for free association for non-union public employees
HB 345 	Mary Ann Dunwell (D) HD 84	(H) Hearing -- (H) Business and Labor	02/06/2019; 8:30 AM, Rm 172	Provide a stepped increase in minimum wage to a living wage
HJ 6 	Kimberly Dudik (D) HD 94	(H) Scheduled for 3rd Reading	02/05/2019	Study resolution on post incarceration employment opportunities
SB 18 	Margaret (Margie) MacDonald (D) SD 26	(S) Hearing -- (S) Taxation	01/23/2019; 8:00 AM, Rm 405	Establish workforce housing tax credits
SB 23 	Keith Regier (R) SD 3	(H) Referred to Committee -- (H) Judiciary	02/05/2019	Require accommodations to employer-mandated vaccinations to be uniformly offered
SB 29 	Fred Thomas (R) SD 44	(S) Transmitted to House	01/29/2019	Require workers' comp for all volunteer firefighters
SB 54 	Fred Thomas (R) SD 44	(H) Hearing -- (H) Business and Labor	02/05/2019; 8:30 AM, Rm 172	Revise laws governing multiple employer welfare arrangements
SB 78 	Mary McNally (D) SD 24	(S) Referred to Committee -- (S) Business, Labor, and Economic Affairs	12/21/2018	Require workers' comp insurers to provide notice to worker of claim closure
SB 122 	Sue Malek (D) SD 46	(S) Tabled in Committee* -- (S) Public Health, Welfare and Safety	01/30/2019	Revise clean indoor air act to include vaping
SB 168 	Brian Hoven (R) SD 13	(S) Hearing -- (S) Business, Labor, and Economic Affairs	01/31/2019; 8:30 AM, Rm 422	Restrict certain initial employment applications regarding criminal history

The next page lists Unintroduced Bills that have gone to, or are ready to go, the Bill Requester and so it's likely they will be introduced this session.

LC No.	Request Date	Requestor	Status	Status Date	Short Title
LC0521  	10/09/2018	Terry Gauthier (R) SD 40	(C) Draft Ready for Delivery	02/05/2019	Establish the small business retirement program
LC0525  	10/10/2018	Keith Regier (R) SD 3	(C) Draft Ready for Delivery	01/08/2019	Creating the Montana workers' compensation modernization act
LC1027  	11/07/2018	Ryan Lynch (D) HD 76	(C) Draft Ready for Delivery	01/28/2019	Exempt certain students from minimum wage and overtime compensation requirements
LC1521  	11/23/2018	Kim Abbott (D) HD 83	(C) Draft Ready for Delivery	01/28/2019	Generally revise the Montana human rights act
LC1527  	11/23/2018	Steve Hinebauch (R) SD 18	(C) Draft Ready for Delivery	01/31/2019	Revise zone pay and dispatch cities for prevailing wages
LC2401  	12/05/2018	Jade Bahr (D) HD 50	(C) Draft Ready for Delivery	01/31/2019	Involve certain state agencies in disability integrated employment programs

Pointers: Sending comments to our elected legislators is really easy using this [link](#). I usually comment to the Committee hearing the Bill. (Make sure you do this right after the Hearing because they are pretty quick to take executive action and either kill the bill, or transmit it to the next chamber.) If you know a legislator and s/he is on the Committee, or if the Bill is on the way to the House or Senate Chamber, it doesn't hurt to send a message that person as well. *Your opinion counts, so make sure you weigh in on issues that are important to you!*

White Collar Rule/OMB Update

On January 16, 2019, the U.S. Department of Labor (DOL) sent the proposed changes to the White Collar Rule to the rule to the Office of Management and Budget (OMB) for review. Once that is completed, the Rule will likely be published. Here's a list of current DOL rule change proposals awaiting this review. Note that several are from OSHA:

AGENCY: DOL-WHD	RIN: 1235-AA20	Status: Pending Review
TITLE: Defining and Delimiting the Exemptions for Executive, Administrative, Professional, Outside Sales and Computer Employees		
STAGE: Proposed Rule	ECONOMICALLY SIGNIFICANT: Yes	
RECEIVED DATE: 01/16/2019	LEGAL DEADLINE: None	
AGENCY: DOL-WHD	RIN: 1235-AA24	Status: Pending Review
TITLE: Regular and Basic Rates Under the Fair Labor Standards Act		
STAGE: Proposed Rule	ECONOMICALLY SIGNIFICANT: No	
RECEIVED DATE: 01/23/2019	LEGAL DEADLINE: None	

AGENCY: DOL-ETA	RIN: 1205-AB87	Status: Pending Review
TITLE: Wagner-Peyser Act		
STAGE: Proposed Rule	ECONOMICALLY SIGNIFICANT: No	
RECEIVED DATE: 11/19/2018	LEGAL DEADLINE: None	
AGENCY: DOL-OSHA		
RIN: 1218-AC67		
Status: Pending Review		
TITLE: Standards Improvement Project IV		
STAGE: Final Rule	ECONOMICALLY SIGNIFICANT: No	
RECEIVED DATE: 08/28/2018	LEGAL DEADLINE: None	
AGENCY: DOL-OSHA		
RIN: 1218-AC99		
Status: Pending Review		
TITLE: Powered Industrial Trucks		
STAGE: Prerule	ECONOMICALLY SIGNIFICANT: No	
RECEIVED DATE: 10/11/2018	LEGAL DEADLINE: None	
AGENCY: DOL-OSHA		
RIN: 1218-AD00		
Status: Pending Review		
TITLE: Lock-Out/Tag-Out Update		
STAGE: Prerule	ECONOMICALLY SIGNIFICANT: No	
RECEIVED DATE: 10/24/2018	LEGAL DEADLINE: None	