

From: Business Management Daily

Subject: Practical HR strategies to boost your career

In The News ...

Flu season and COVID: Know the rules on leave and pay. A regular flu season is bad enough. But when you pair it with the ongoing complexity of COVID-19, employers are left with lots of questions about when to pay employees (both exempt and nonexempt) during illness-related absences and when to offer paid or unpaid leave.

Online resource For advice on how to legally compensate employees and provide leave for flu- and COVID-related illnesses, read our new article, *Flu IQ: Know who—and how—to pay during the upcoming flu season*, at www.theHRSpecialist.com/FluLeave.

Will paid-leave law be extended beyond Dec. 31? While agreement is hard to find in Washington these days, it's likely Congress will extend the Families First Coronavirus Response Act (FFCRA). The law, which requires certain employers to give workers paid sick leave or expanded FMLA for specific COVID reasons, is set to expire on Dec. 31.

Extension is possible because COVID case are spiking nationwide and the FFCRA gained strong bipartisan support when it was originally passed. The so-called HEROES Act that passed the House this fall would extend the FFCRA to the end of 2021. The Senate has yet to act. More momentum: A new study in the *Health Affairs Journal* says the availability of FFCRA leave has helped to reduce the virus' spread. President-elect Biden is pushing for the extension.

In this issue

From the Courts: RIFs, pregnancy, hiring.....	3
Washington Report: W-2s, EEOC, fringes, OSHA	4
COVID: Violations, operations, absentees	5
Memo to Managers: The 'blahs' or burned out?	6
Expert Advisor: Improve productivity: 5 tips	7

President Biden: 7 important changes for HR

When President-elect Joe Biden is sworn in on Jan. 20, employers can expect a return to the generally pro-employee regulatory agenda of the Obama administration, updated to reflect the realities of a business environment shaped by the pandemic.

Biden, however, may not be able to run his entire campaign playbook once he takes office. Unless the Democrats win both Senate run-off elections in Georgia next month, Biden would face a divided Congress, thus limiting his agenda.

If the Democrats fail to gain the Senate, look for Biden to pursue his initiatives mostly through regulatory actions and executive orders.

“Biden would still have the entire executive branch to implement many of his desired policy changes. This is



“I’m going to be the strongest labor president you have ever had.”
— President-elect Biden during the campaign

where most of the policy bread gets buttered these days anyway,” said James Plunkett, Ogletree Deakins’ senior government relations counsel.

Look for Biden to start by picking low-hanging fruit by revoking many of Trump’s executive orders, including some relating to the workplace and immigration. Then, be prepared for initiatives on these HR issues:

1. Coronavirus response The Biden administration will immediately

Continued on page 2

2021 crystal ball: HR trends to prepare for

While there’s light on the COVID horizon, uncertainty won’t be tossed out with the 2020 calendar. In the coming year, HR departments will need to continue to adapt to changing health, economic and social conditions. Here are seven key trends to prepare for:

1. The CHRO will be an even more strategic and in-demand role. This year, HR cemented its position at the right hand of the CEO. That won’t change in 2021. Companies will need to reinvent their operating models, working cultures and policies—and totally rethink the employee experience. HR leaders will continue to be at the center of these changes as they support the C-suite and employees.

2. “Digital dexterity” is the top skill for new hires. With a more long-term remote or hybrid workforce, employers will put new evaluation processes in place to make sure new hires bring the right skill set.

“Employees will need to become familiar with—and perform their jobs using—new tech apps, platforms and tools,” says Naveen Bhateja, chief people officer at Medidata Solutions. “Technological acumen and motivation to learn will be the competencies for every hire, not just in the IT dept.”

3. Rethink your productivity and performance measures. Without regular face time or transparency into an employee’s day-to-day

Continued on page 2

2021 crystal ball

(Cont. from page 1)

work, new standards around productivity will arise. For example, says Bhateja, a company may need to start measuring the cost per remote employee to ensure their people investments are aligned to the business strategy.

4. Mental health is no longer just a benefit. All employees went through emotional challenges this year. HR needed to do more than point to the EAP.

“We’re seeing a shift in how employers view mental health in the workplace,” says Julie Gurican, senior director of people at BenchPrep. “It is no longer a binary category where you either have a mental illness or you don’t ... HR leaders will need to continue to lean in on normalizing mental health in the workforce and ensure employees know ‘it’s ok’ to ‘not always be ok’ at work.”

5. The physical workspace is not dead. Millions went remote in 2020—and many will stay. But Gurican predicts that after 12–24 months of being in home offices, the shift back to the physical work office may be another trend. HR leaders will need to plan ahead to assess the gains and losses of remote work, weighing what employees really want with what the business really needs.

6. Culture will be harder, but more important. With face-to-face engagement gone, HR leaders will be forced to get creative to maintain a cohesive workplace culture. Technology can help, but leaders need to take concrete steps to focus on their core values and keep people engaged.

7. Professional development is vital. With more time on their hands, people are jumping into online learning at home. Unless you support employees’ need for certifications and enhanced learning, they may take their renewed skills elsewhere.

Biden administration

(Cont. from page 1)

launch a coordinated federal effort to control the pandemic. Expect OSHA, for the first time, to issue binding coronavirus safety rules addressing workplace exposure prevention, testing, isolation and temporary closures. Count on more penalties and fines on employers for COVID violations.

Biden will push for more recovery legislation, including new stimulus and more support for small businesses.

2. Health care Look for Biden to expand coverage under the Affordable Care Act, as long as it withstands its latest Supreme Court challenge, as it is expected to do. Biden has said he would keep the employer mandate and allow employees to receive coverage on an ACA exchange even if their employer offers ACA-compliance coverage. He also favors a public insurance option similar to Medicare. A Republican-controlled Senate could restrict Biden’s expansion plans.

3. Paid leave Even before taking office, Biden is likely to push for extending the paid leave provisions of the Families First Coronavirus Response Act, currently set to expire Dec. 31 (*see page 1*). He also favors giving workers up to 12 weeks of paid family and medical leave to care for their own medical needs and their family’s medical needs, and to care for children during school shutdowns.

4. Wage-and-hour issues While many states have raised their minimum wages, the federal level has been stuck at \$7.25 for more than a decade. Biden is pushing for a nationwide \$15 per hour minimum wage, an idea that could face stiff headwinds

in a divided Congress. Expect Biden’s new Department of Labor to broaden the definition of employee, making it harder to have workers meet the independent-contractor definition.

5. Discrimination/harassment

Expect new regulations enforcing and broadening Title VII prohibitions on discrimination and harassment on the basis of sexual orientation, gender identity and transgender status. The administration also may follow the lead of several states by requiring employers to perform a minimum level of anti-harassment training.

Expect Biden to push for passage of the Paycheck Fairness Act, designed to help close the gender pay gap.

6. Labor relations “I’m going to be the strongest labor president you have ever had,” Biden promised during the campaign. He supports the Protecting the Right to Organize (PRO) Act, which would gut state right-to-work laws and make it easier to organize workplaces by restricting employer efforts to counter union elections. The bill will likely fail if Republicans keep control of the Senate.

The new National Labor Relations Board will likely roll back current pro-employer NLRB policies and return to policies that favor employees and organized labor. That includes reversing recent Board decisions relating to employee discipline, employer property rights and bargaining units.

7. Immigration Biden is expected to reverse many of President Trump’s controversial executive orders affecting immigration. He wants to increase the number of available employment-based visas and provide a path to legalization for 12 million undocumented people in the country.

Employment law: The state of the states

While a divided Congress led to legislative gridlock on employment issues during the Trump administration, states picked up the slack. During the past four years, states and major cities enacted more than 1,000 new labor and employment laws on topics like paid leave, background checks and wage-and-hour laws, according to an analysis by the Littler law firm.

“The patchwork of state and local laws has been particularly challenging given the way COVID-19 has fundamentally changed the workplace,” said the Littler report. “[The remote work trend] brings a host of employment complications, such as determining which laws apply to which employees.”

Advice: Monitor action at the local level, as state legislative sessions typically occur in the first few months of the year.





Recalling RIF'ed workers? Beware bias risks

If you're welcoming back workers laid off during the pandemic, make sure your managers know to avoid triggering discrimination lawsuits. It could happen if your rehires or new hires don't represent the same protected classes as the people who were laid off.



Biggest risk: age discrimination. Because older workers are more vulnerable to COVID risks, some employers are hesitant to bring them back from furlough or reinstate them to jobs with lots of human interaction.

But such actions are discriminatory, the EEOC says, "even if the employer

acted for benevolent reasons such as protecting the employee due to higher risk of severe illness from COVID-19." The same is true for unequal treatment of people with diabetes or other risks.

Recent case: The EEOC sued a university, saying it illegally fired an older HR generalist during a RIF and then later hired a much younger replacement. (*EEOC v. Ohio State*, SD OH)

Advice: Consider reaching out to everyone you terminated to see if they're available and interested in coming back. That goes a long way toward eliminating job-bias claims.

Accommodate pregnancy-related restrictions

Some employers mistakenly believe that because pregnancy (and related complications) are temporary conditions, pregnant workers don't qualify for reasonable accommodations under the ADA. Not true!

Especially if an employer provides temporary reassignments to other workers for any reason, they must provide the same reasonable accommodations to pregnant workers.

Recent case: An apartment property manager in Alabama told her

boss that her pregnancy complications put her at high risk of going into premature labor. She gave him a doctor's note that detailed work that she could and couldn't do in the next couple of months. Days later, she was fired.

The EEOC sued on her behalf, saying the company has an ADA obligation to look for accommodations for workers with pregnancy-related restrictions. The employer settled the case, paying the employee \$42,000 in back pay. (*EEOC v. Multi-South*, MD AL)

Growing legal risk: Failing to post job openings

Failing to post job announcements where employees see them could trigger an expensive lawsuit.

And with more employees working remotely, there are fewer chances to spot a promotion opportunity listed on a break room bulletin board or learn about openings during casual co-worker chats.

To avoid legal trouble, widely advertise openings internally, sending job announcement emails to all staff along with application deadlines.



Recent case: The EEOC sued the Dillard's department store chain, alleging the company failed to promote black employees, in part because they rarely learned about possible promotions to management positions. That's because Dillard's never posted job openings in its retail locations.

Dillard's agreed to settle the litigation for \$900,000 and post vacancies for management jobs as they occur. (*EEOC v. Dillard's Department Stores*, E.D. Ark.)

Although our annual HR Specialist Summit was a virtual event this year, it still provided plenty of first-class insights. Here are a few key words of wisdom:



Online harassment

"These new casual at-home working environments are leading to more casual behaviors by employees. You can't have that. Your EEO and code of conduct policies still apply and you need to make that clear to all your employees." – attorney *Monique Doucette, Ogletree Deakin*



Engagement

"Our world changed with COVID, but what didn't change is that we still need to create engaging workplaces for employees—and that all starts with relationships." – *Jay Forte, CEO coach*



Identifying employees who test positive

"A big question we get is 'If an employee tests positive, are we allowed to identify this person to the rest of the staff?' Generally no, you have to keep employees' medical information confidential ... If that employee gives you permission, you can identify them publicly. But you should document that because employees may change their minds." – attorney *Carrie Hoffman, Foley & Lardner*



Diversity

"We're used to the visual aspects of diversity—race, age, disability, etc. But organizations also need to couple that with the invisible traits that make up diversity, like beliefs, values, family status and education. Diversity encompasses all these things." – *Jeremy York, president of InvigorateHR*



Lame-duck administration

"What you'll be seeing is a flurry of regulatory activity in the final months of the Trump administration trying to get their foot in the door as a placeholder until the Biden administration can come in and undo these things, which could take months or years." – attorney *Mark Neuberger, Foley & Lardner*



W-2 reporting: Some good news and bad news from the IRS

When filing your 2020 W-2 forms, the IRS says the e-filing threshold will stay at 250, meaning organizations filing 250 or more W-2s must file electronically. *The bad news:* W-2 filing will be complicated this time around because employers must report the amount of employees' pandemic-related family/sick leave wages in Box 14 or on a separate statement. Learn more about your new W-2 reporting duties at www.theHRSpecialist.com/W2covid.

EEOC aims to simplify complaint mediation

For the first time since 1977, the EEOC is proposing changes to the way employers can mediate employees' claims before they go to court. If finalized, the new process should reduce the number of harassment or discrimination complaints to the EEOC that turn into lawsuits.

Currently, the EEOC can't file a lawsuit against a company until it has engaged in a conciliation process to solve the dispute out of court. Employers have long complained that this process is too informal and lacks

transparency. The new proposal would spell out information the EEOC would have to give employers during conciliation. Learn more at www.tinyurl.com/EEOC-conciliation-rule-2020.

Fringe benefit limits mostly unchanged in '21

As the pandemic rages, the IRS has decided to maintain the status quo on key fringe benefits limits for 2021. Employees will again be able to contribute up to \$19,500 to their 401(k) or 403(b) retirement accounts in 2021. Employees age 50 and older can contribute an additional \$6,500. The amount employers can exclude from employees' income for qualified transportation fringe benefits—to pay for parking and public transit—remains \$270 per month. And the amount employees can salt away in their health flexible spending accounts remains \$2,750.

OSHA issues new COVID ventilation guide for U.S. workplaces

Effective ventilation is just one tool in your organization's effort to mitigate coronavirus in your workplace. OSHA just released a tip sheet to help employers optimize building ventilation to reduce the risk of exposure to workers. Find it at www.osha.gov/Publications/OSHA4103.pdf.

HR Q&A

How do we keep doctors' notes confidential?

Q. At our company, employees' doctor notes are forwarded to our HR team. Sometimes medical certifications are given to managers to submit to HR. Are we maintaining enough confidentiality?

A. A better practice would be to summarize the restrictions that are contained in the doctor's note, rather than send the actual note with medical information. Employers should also refrain from sharing information that contains the employee's medical diagnosis or symptoms with the management team. Such information should only ever be disseminated on a legitimate need-to-know basis. That may be one manager but not the entire management team.

After bankruptcy, do employees get paid first?

Q. If a company files for bankruptcy, can it refuse to pay employees for work they've already performed and cite the bankruptcy court for not allowing them to?

A. Technically, yes. Once a company files for bankruptcy, the creditors get in line to see who will get paid from the assets. Employees typically have a better claim for unpaid wages than do other unsecured creditors. But that doesn't mean they are always first to get paid. Once the employer has filed for bankruptcy, it may not pay any debt unless and until the bankruptcy court approves the distribution.



COVID self-isolations: Can we ask for proof?

Q. We are a small company (35 employees) and every job is crucial. Can an employee simply state, "I think I have COVID and will be self-isolating?" Can we require test results before they're out for 14 days?

A. This situation is tough. The laws and guidance encourage workers who may have been exposed to self-quarantine for 14 days. Workers who actually have COVID should stay home for 10 days after the diagnosis, and they should not return to work until they have been fever-free for 24 hours and other symptoms improve. Even if they have no symptoms, they should not be permitted to return for 10 days.

So if someone announces they've been infected or exposed, you can ask them to provide the results of any test or recommendation from a health care provider to self-quarantine. You probably should not insist on receiving written notes, however, because health care providers may not be able to timely provide notes. You can ask employees to work from home if they're well enough.

Do you have a question? If so, you can email it to The HR Specialist at HRSEditor@BusinessManagementDaily.com.

DOL and OSHA citing more COVID violators

In addition to employee lawsuits, employers also need to increasingly worry about COVID-related enforcement actions from government agencies:

LEAVE LAWS. The U.S. Department of Labor continues to cite employers for violating the leave provisions of the Families First Coronavirus Response Act. Examples:



- **Quarantine ordered:** After a Montana worker was ordered to quarantine by his doctor, he was denied his allowable FFCRA paid leave by his employer. The DOL ordered the employer to pay \$1,600 in back wages.
- **Day care center closed:** When an employee needed time off because her child's day care center closed due to the pandemic, her employer denied emergency paid FMLA leave. That cost the company \$1,153 in back wages (and a PR black eye).
- **Positive coronavirus test followed by self-quarantine:** A Florida landscaping firm was ordered to pay \$1,200 in back wages after wrongly denying emergency paid sick leave to an employee who self-quarantined after receiving a coronavirus diagnosis.

SAFETY. Since March, OSHA has fined and sanctioned 85 companies for COVID-related safety and health violations, costing employers more than \$2 million. Many of the violations fall under the "General Duty Clause." The violations that have drawn the most attention from OSHA:

- Failure to report an injury or fatality.
- Failure to implement a written respiratory protection program.
- Failure to train on the use of personal protective equipment.

Online resource Learn more about OSHA's COVID safety standards at www.tinyurl.com/OSHA-covid-standards.

COVID led 90% of firms to transform their business



Most businesses are finding bright spots amid the gloom of the pandemic, new research from

staffing firm Robert Half shows.

In a survey of more than 2,800 senior managers, nine in 10 respondents said their organization has improved operations or pursued new opportunities as a result of COVID-19. Nearly four in 10 businesses prioritized digital initiatives.

"The pandemic has accelerated the need for companies to embrace innovation and emerging technologies in order to enhance service offerings and keep afloat," said Jeff Weber, executive director of Robert Half Technology.

Here are the actions respondents say they've taken since the pandemic began (*multiple responses were permitted*):

Moved forward with digital transformation	39%
Increased focus on data analytics	37%
Redesigned job roles	36%
Implemented or improved e-commerce functionality	34%
Enhanced an existing service	32%
Adopted a new business model	30%
Launched a new product line or service	27%

"Almost overnight, organizations became much more agile and efficient," added Paul McDonald, senior executive director at Robert Half. "For leaders, open and frequent communication has been key for keeping dispersed staff informed, engaged and striving toward the same goals."

More than one-third of respondents said innovation was aided by more frequent communication from leaders and better collaboration within and across teams.

New 'close conduct' rule may spike absenteeism

Coronavirus guidance published by the CDC last month could trigger a fresh wave of absences by employees who must self-quarantine.

Previously, the CDC said "close contact" meant being within 6 feet of an infected person for 15 or more continuous minutes. Now it defines close contact as being "within 6 feet of an infected person for a cumulative total of 15 minutes or more over a 24-hour period (individual exposures added together over a 24-hour period)."

This loosened definition will result in more people meeting the close contact definition and, therefore, having to quarantine for 14 days after an exposure to someone who tested positive.



CENTERS FOR DISEASE CONTROL AND PREVENTION

This isn't just limited to exposures within your workplace. It also applies to employees' activities outside work and to their kids who come in "close contact" with infected people at school.

"This will create an attendance mess for employers, especially as COVID-19 numbers continue to briskly rise," says attorney Jon Hyman, author of the Coronavirus Law Blog. "Now is the time to double-down on the enforcement of physical distancing rules and measures at work. Six feet means six feet at all times."

Other smart steps to take:

- Mark floors so employees understand safe social distancing.
- Stagger shifts so fewer workers come in contact with one another.
- Spread out start and stop times to avoid congestion around doors.
- Arrange break rooms to allow for social distancing.
- Impose occupancy limits on all areas, including restrooms and elevators.

To: _____
 From: _____

Date: December 2020
 Re: Avoiding burnout

Wellness

Just the 'blahs' or are your employees burning out?

The crushing toll of the COVID pandemic has taken a toll on every American, and for many it's showing up in their motivation on the job.

More than one-third of U.S. workers (34%) say they're more burned out on the job today than they were a year ago, according to a Robert Half survey. Women (38%) were more likely than men (30%) to report a rise in burnout.

Burnout can lead to depression and diminished performance. Plus, it's contagious, spreading through the team unless supervisors act early and decisively to head it off.

4 burnout indicators

Be alert for subtle but important shifts in perception and behavior, including:

Lack of motivation. Previously enthusiastic workers lose interest in doing a good job and explain the change with comments like "What's the point?"

Pronounced negativity.

Gripping or cynicism about their situations combined with predictions of more unsatisfying results or low pay raises.

Loss of creativity. Employees who once solved problems on their own now ask for direction, or they show limited interest in offering ideas.

Chronic lateness or absenteeism.

When you see it in previously responsible team members, that's a telltale sign of burnout.

What's the source?

If you suspect burnout, try to understand the cause. Possible sources:

Disappointment. Has the employee been disappointed by the loss of an opportunity for advancement?

Anxiety and uncertainty. Has the pandemic's effect and unease impacted this employee harder? Burned-out employees frequently report exposure to high anxiety with too little time to adjust.

Overwork. Has 2020 brought on new ways to work or a bigger crunch of duties?

Departing co-workers. Layoffs can lead team members to worry about their own stability.

Smother the flames

Your best way to combat burnout depends on the person, the cause and your relationship with the worker. The following approaches can help cool off the situation:

- **Check in, share feelings.** Just listening can help. Even if you don't see the person in the workplace as often, schedule time to check in regularly to see how they're doing and if they need any support. Showing this person that someone cares will help boost motivation and ease some frustration.
- **Restore some certainty.** Teams that burn out from uncertainty can blossom again as variables firm up. You can help by nailing down team assignments, work schedules, guaranteed hours and other things within your control.
- **Establish new challenges, incentives, motivations, and "exciters."** Teams suffering burnout from boredom or lack of direction can be rejuvenated with tougher—rather than easier—assignments. Or offer your team new training, procedures and equipment, and you'll see some of their interest (and eagerness to work) return.



Career checkup: 20-question self-quiz

To see if you—or one of your employees—are edging toward the crispy end of the burnout scale, rate how often each of these burnout symptoms is true. Use a scale of 1 to 5, where **1 = rarely true** and **5 = usually true**. Then total your score.

- ___ 1. I feel tired even when I've gotten adequate sleep.
- ___ 2. I am dissatisfied with my work.
- ___ 3. I am irritable and snap at people.
- ___ 4. I avoid people at work and in my private life.
- ___ 5. I have trouble sleeping because of worrying about work.
- ___ 6. I get sick more often than I used to.
- ___ 7. My attitude about work is "Why bother?"
- ___ 8. I often get into conflicts.
- ___ 9. My job performance is down.
- ___ 10. Communicating with others is a strain.
- ___ 11. I can't concentrate on my work like I once could.
- ___ 12. I am easily bored with my work.
- ___ 13. I work hard but accomplish little.
- ___ 14. I feel frustrated with my work.
- ___ 15. I don't like going to work.
- ___ 16. Social activities are draining.
- ___ 17. I don't have much to look forward to in my work.
- ___ 18. I worry about work during my off hours.
- ___ 19. Feelings about work interfere with my personal life.
- ___ 20. My work seems pointless.

Scoring:

Below 45: You're doing well

45–65: You're OK, but take preventative action

65–85: You're a candidate for burnout

85–100: You're burning out



Improve productivity in and out of the office: 5 tips

2020 has thrown us some extreme curveballs. Many people are left feeling isolated, frustrated, or a bit overwhelmed. It's more important than ever to create an environment that engenders engagement and improves productivity for all of your staff. Here are five tips for HR and management:

1. Demonstrate transparency

With all of the stress factors we've lived through this year, it's important for leadership to develop and maintain open lines of communication. Be open about the state of the business or current initiatives. When workers are included, it's easier to build trust.

Schedule frequent check-ins with employees. If they're working remotely, keep in mind that working in isolation can be problematic for some employees. Get ahead of this by scheduling time where everyone can let their hair down for a brief call. For some employees, that feeling is vital for staying engaged and productive.

2. Encourage and incentivize growth

Employees may be experiencing a lot of additional stress outside the office. Be conscious about this,

and take a proactive approach on policies to help them cope more effectively while they support your business.

- Set a timeline for when goals should be met. That can be daily, weekly or monthly, depending on what makes the most sense.
- Incentivize these goals with tangible rewards, like good old-fashioned cash.
- Provide upskilling or training in areas where you uncovered gaps in employee knowledge. You will help your business thrive and employees will thank you for helping them gain valuable new skills.

3. Pay it forward

Cash rewards and bonuses are the most concrete ways to say thanks and show appreciation to employees, especially during times of economic uncertainty. Even if large bonuses aren't an option right now, a smaller gesture like gift cards can go a long way toward improving engagement and camaraderie.

4. Celebrate employees' milestones

With many organizations tightening their belts, you can't afford to lose your most loyal (and experienced) team members. Look to develop programs that celebrate major tenure milestones to show appreciation for your employees' dedication, and lean on them to share insights with others about what made them so successful at your company.



5. Provide supportive programs

At the end of the day, we're all human. So ensure you're providing tools to help your employees succeed throughout the pandemic. Everyone's situation may be different outside of working hours, but that doesn't mean their minds are always on work during their shift. Partner with a provider to help you provide employee assistance programs.

Greg Dyer is President of Commercial Staffing at Randstad USA (randstadusa.com).

The most powerful companies have their own training newsletters. Now you do too.

The HR Specialist can now be branded, and even customized, for your organization.

Paul Legrady (703) 905-4516
plegrady@businessmanagementdaily.com



STAFF

Editorial Director: Patrick DiDomenico,
(703) 905-4583, pdidomenico@
BusinessManagementDaily.com

Contributing Editors:
Anniken Davenport, Esq.,
Rob Lentz, John Wilcox,
Cal Butera

Publisher: Phillip Ash

Associate Publisher: Adam Goldstein

Customer Service: customer@
BusinessManagementDaily.com,
(800) 543-2055

Volume 18, Number 12

Printed in the United States.

The HR Specialist (ISSN 1545-360X) is published monthly by Business Management Daily, 7600A Leesburg Pike, West Building, Suite 300, Falls Church, VA 22043-2004, (800) 543-2055, www.theHRSpecialist.com. Annual subscription price: \$299.

© 2020, Business Management Daily, a division of Capitol Information Group, Inc. All rights reserved. Duplication in any form, including photocopying or electronic reproduction, without permission is strictly prohibited and is subject to legal action.

For permission to photocopy or use material electronically from *The HR Specialist*, please visit www.copyright.com or contact the Copyright Clearance Center Inc., 222 Rosewood Dr., Danvers, MA 01923, (978) 750-8400. Fax: (978) 646-8600.

This publication is designed to provide accurate and authoritative information regarding the subject matter covered. It is sold with the understanding that the publisher is not engaged in rendering legal service. If you require legal advice, please seek the services of an attorney.

Does your EPLI policy cover COVID lawsuits?

If your organization carries an employment practices liability insurance policy, now is the time to find out if it covers many COVID-related lawsuits—and whether you need to make any coverage changes. Your EPLI coverage could come into play for cases under the FMLA, ADA and Civil Rights Act. But if an employee claims he contracted COVID because your company failed to take preventative actions (mask wearing, PPE, etc) and OSHA says you're in violation of a safety standard, both EPLI and workers' comp insurers could argue they are not liable to pay damages.

5 more states legalize marijuana usage

In all five states that marijuana legalization was on the ballot last month—Arizona, Montana, Mississippi, New Jersey and South Dakota—it won, adding to the patchwork of laws that employers must follow. Although marijuana is still illegal under federal law, 35 states now allow medical use and 15 of those also allow recreational use. For a map of state laws, visit www.norml.org/laws. For advice on setting policies and practices, see our special report, *Drugs at Work: What Employers Need to Know About Testing, Policies and Legal Issues*, at www.theHRSpecialist.com/drugsatwork.

Blame COVID: Women dropping out of workforce

The pandemic crisis has caused women to leave the workforce at more than twice the rate of men, says the U.S. Bureau of Labor Statistics. That's partly because childcare duties still fall largely to women. Advice: Survey female employees to identify stressors that may force them to resign. Ask about obvious challenges such as finding childcare. Do they need help managing their kids' remote schoolwork? Would scheduling flexibility ease caregiving anxiety? Find out if employees' work-from-home technology is adequate.

Instead of 'Suggestions,' try a 'Questions' box

If your organization put out a "Suggestions" box (either physical or digital) that's just gathering dust, consider replacing it with a "Questions" box. Some employees

Upcoming webinars for HR

Dec. 3:	Managing Your E-Records
Dec. 4:	HR Investigation Workshop
Dec. 10:	The First 90 Days: Successful Onboarding
Dec. 11:	Coaching Skills for Managers & Supervisors
Dec. 16:	When an Employee Tests Positive for COVID
Dec. 17:	Managing FMLA, FFCRA and Paid Leave
Dec. 18:	Employee Classification Workshop

To register or learn more, go to www.theHRSpecialist.com/events

Virtual health care: A 2020 trend that's here to stay

Employee use of virtual health care has surged during the pandemic, with most employees giving the level of care high marks, according to a new Willis Towers Watson survey of 5,000 U.S. employees.

Almost half of respondents (47%) said they've used virtual care services in 2020—about three times more than last year (17%). A surprisingly high 79% of employees say they regard virtual care as equally as good, and 25% actually rate it better. Eight in 10 employees (78%) would consider using virtual care in the future.

Other findings from the company's 2020 Global Benefits Attitudes survey:

- 44% have deferred medical care during the pandemic, with 30% either cancelling or postponing a treatment or appointment.
- 29% who deferred care said their health suffered as a result.
- 26% said they will increase their health care use when the pandemic ends.



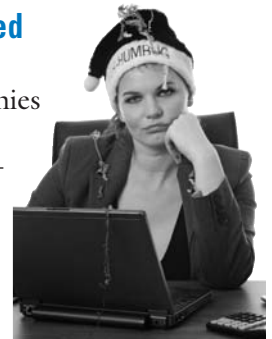
have questions that they hesitate to ask at staff meetings because they may feel it's stupid or edgy. The "Questions" box will allow such queries to reach management anonymously and may spark interesting insights.

How to raise employee engagement by 300%

When goals and accountability are clearly communicated to employees, they are 2.8 times more likely to be highly engaged in their jobs, according to a Quantum Workplace review of 1.2 million employee engagement surveys at 12,000 companies. Other highlights: When employees believe they'll be recognized by their employers, they are 2.7 times more likely to be highly engaged. When they believe their immediate supervisor directly cares about their development, they are 3.1 times more likely to be highly engaged.

Party pooper: COVID has curtailed most holiday party plans

One year after nearly 76% of companies planned to hold holiday parties, just 23% are planning a year-end celebration this year, and 74% of those will be virtual events, according to a new Challenger, Gray & Christmas survey. Of the few companies that will hold in-person events, 67% will limit the number of attendees, and 33% will take temperatures and hold the event outside. Only 1.3% said they will hold gatherings in person without any precautions. Instead of parties, other companies are recognizing staff this year with high-end gifts (AirPods, etc.) and entertainment experiences, like wine-of-the-month clubs.



Is there anything more dangerous than crossing the IRS?

Payroll Compliance Handbook

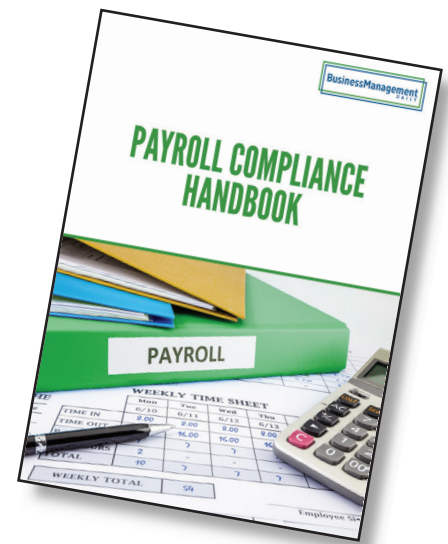
Once upon a time, payroll used to be easy: the employee's gross pay minus federal, state and local taxes. Then along came health premium and 401(k) deductions. Still simple, but...

Today, payroll managers deal with direct deposit, health spending accounts, vehicle allowances, phone expenses, earned income credits, garnishments and more. Payroll is now a confusing and time-consuming task prone to error.

Don't let a simple mistake unleash the full and frightening power of the IRS and wipe out your business... and you personally.

With our newly updated *Payroll Compliance Handbook*, you'll quickly and easily find answers to all of your nagging payroll questions. This handy reference is written in plain English - no legal gobbledygook here - so you can quickly understand what you need to do to stay in compliance, improve efficiencies and avoid costly payroll errors.

Each chapter focuses on a specific aspect of payroll management and compliance... and every issue of payroll compliance you need to know is addressed.



Navigate easily to topics including:

- Complicated tax calculations
- Exempt classification
- Fringe benefit deductibility
- Independent contractor status
- Paying for on-call time
- Business expense reimbursement
- Saving on unemployment taxes
- Payroll record-keeping
- Handling the IRS without stress
- Everything you need to know about W-4 forms
- And dozens more critical topics!

Over, please

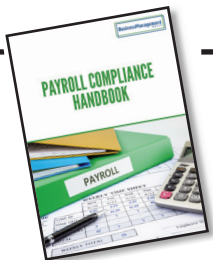
We've Made Payroll Easy Again!

You will not find a more comprehensive payroll resource than the **Payroll Compliance Handbook**. The author, Alice Gilman, Esq., is our resident expert in payroll and tax compliance. Over the past 30 years, she's written and edited several leading payroll publications, including Business Management Daily's *Payroll Legal Alert*, the Research Institute of America's *Payroll Guide*, the American Payroll Association's *Basic Guide to Payroll* and the *Payroll Manager's Letter*.

The **Payroll Compliance Handbook** answers questions like:

- **Are your employees exempt or non-exempt?** A handy checklist makes it easy to determine
- **Must you pay an employee for attending a training program?** The answer may be no if these four conditions are met
- **How can you avoid the most common FLSA violation?** Simply follow our chart or be at risk for a hefty fine
- **A woman has less experience and education than a man in a similar role. Can you pay her less?** Plus, how to establish an equal pay merit system that works
- **Fringe benefits: taxable or non-taxable?** How to reward fringe benefits to employees without crossing swords with the IRS
- **W-2s, W-3s, 1099s and more: What errors will land you in the IRS hot seat?** We'll tell you how to avoid them
- **What's the law in your state?** Check out the appendixes for the requirements in your state.

To stay ahead of the IRS, you need the bulletproof strategies found only in the **Payroll Compliance Handbook**. Get your copy now!



SPECIAL REPORT ORDER COUPON

YES! I want to make my payroll practices easy again.

Please send me ___ copy(ies) of the *Payroll Compliance Handbook* at the low rate of \$127 per copy, plus shipping and handling.

Payment options:

- Check enclosed. (Payable to: *Business Management Daily*)
- Please charge my credit card:
- Visa MasterCard AmEx Discover

Card # _____ Exp. Date _____

Signature _____

Name _____
(please print)

Company _____

Address _____

City _____ State _____ ZIP _____

Daytime Phone () _____ Fax () _____

Email _____

(We will never sell your email to other companies.)

PLEASE DETACH AND MAIL TO: Business Management Daily, P.O. Box 9070, McLean, VA 22102-0070.

Please allow 3 weeks for delivery.

**PRICE PER COPY:
\$127**

Number of copies	\$
Add \$6 S&H per copy	\$
VA residents: Add 5% sales tax	\$
TOTAL ORDER	\$

Payable in U.S. dollars

BPCH

**SPECIAL OFFER
YI1788**

4 Easy Ways to Order

WEB:
www.BMD.biz/PayComp2

CALL:
(800) 543-2055
8:30am – 6pm ET

FAX:
(703) 905-8040

MAIL:
Use the order coupon below and enclosed postage-paid envelope

**100%
MONEY-BACK
GUARANTEE!**

If you are not completely satisfied with *Payroll Compliance Handbook*, just return it within 30 days of receipt and your money will be refunded in full.