

From: Business Management Daily

Subject: Practical HR strategies to boost your career

In The News ...

Raises are returning to pre-pandemic levels. U.S. employers expect to pay out average salary increases of 3% for execs and professionals in 2022, an increase from 2.7% this year, says a new Willis Towers Watson survey. And while 8% of companies didn't give raises this year, that's expected to drop to 3% in 2022. Employers are also continuing to recognize high performers with significantly larger raises.

Welcoming back employees? Establish a plan. If your organization is still going ahead with plans to reopen your workplace to employees this fall, go beyond setting policies on vaccines, masks and distancing. Have a plan to address returning employees' anxiety and prevent potential COVID-related conflicts. Hold a pre-return staff meeting to discuss expectations and answer questions. For a guide to reopening, go to www.theHRSpecialist.com/WelcomeBack.

Are remote workers easier to replace? A full 67% of supervisors of remote employees surveyed by the Society for Human Resource Management say they consider remote workers to be more replaceable than on-site workers. Sixty-two percent of those managers also believe full-time remote work is detrimental to employees' career objectives, and 72% say they wish all their subordinates worked on site.

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Mandate vaccinations? 7 key questions to ask

The dramatic spike in COVID cases this summer—fueled by the powerful Delta variant—is leading more employers to rethink their hesitancy about vaccine mandates.



Even if you allow religious or disability exceptions to your mandate, you can still demand continued masking, regular COVID tests, remote work or even unpaid leave.

Last May, only 4% of employers said they were mandating or considering mandating their workers be vaccinated as a condition of employment, according to a Fisher Philips law firm survey. But an updated survey in early August showed that number is up to 15%. And the FDA's full approval of the Pfizer vaccine on Aug. 23 is expected to spur even more employer mandates.

Industries most likely to impose mandates: healthcare (42%), hospitality (29%), education (24%) and nonprofits (22%). Those least likely: automotive (9%), manufacturing (8%), staffing (7%) and finance/insurance (5%).

Several large employers are leading the way—including the largest. The federal government ordered all employees (and staff of federal contractors) to either provide proof of vaccination or submit to regular COVID testing. Facebook, Google, Tyson Foods and Walmart soon followed.

In addition, some states and cities are mandating shots for their workers. Other states have specifically blocked employer mandates or are considering laws that protect job bias against the unvaccinated. (For a list of pending vax bills, see www.theHRSpecialist.com/StateVaxLaws.)

Continued on page 2

New focus on benefits: 5 open enrollment tips

Dramatic shifts in the way your employees live and work—from COVID to telework—have changed what people want (and expect) from benefits plans. And that has forced employers to quickly adapt their benefit offerings.

A full 42% of adults say the pandemic will have an impact on their selections during the 2021 open enrollment, according to a survey of 1,000 full-time workers by Haven Life. The good news: Two-thirds of respondents felt that their employers offered enough employee benefits to meet their needs.

To make open enrollment-run smoother this year, follow these tips:

1. Urge employees to reassess their benefits needs. In the past, most

employees just chose the same benefits plan each year. But the pandemic changed many employees' situations and benefit needs. Encourage workers to invest more time researching the right coverage. And see if benefits providers offer tools to help employees determine their current needs instead of repeating the same elections.

2. Solidify plans for remote enrollment. Work with benefits providers to ensure online enrollment goes smoothly. Benefits websites are notoriously difficult to use. Make sure plenty of customer service reps will be available to help employees as they sign up.

3. Promote health benefits literacy. Eliminate some employee

Continued on page 2

To mandate or not?

(Cont. from page 1)

If you're thinking about mandating the shot, here are the biggest questions you need to be thinking about, according to attorney Jon Hyman:

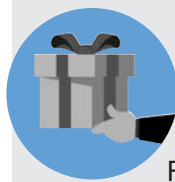
1. How will you accommodate employee disabilities, religious beliefs and pregnancies (or desires to become pregnant)? The EEOC is clear that you must allow these exceptions. But you can continue to require continued masking, daily negative COVID tests, remote work or even unpaid leave.

2. How will you track vaccination status? Will you collect copies of vaccine cards, accept a digital passport or simply take employees at their word that they are vaccinated?

3. Will you advise employees that the choice to get vaccinated remains theirs (just as the choice to keep them employed remains yours)? You should, as long as your employees also understand the consequences of exercising their choice not to get the shot.

4. How will you educate your employees about the vaccines? The CDC provides a great toolkit for employers about vaccine safety.

5. Are employees receiving paid leave for time spent getting the vaccine and any side effects? If you've opted into the FFCRA for this year, this is mandatory paid leave, at least



Employer incentives increase the odds of a shot

Workers are more likely to have gotten the COVID vaccine if their employer encouraged it or provided sick leave to get the shots and recover from side effects, according to a new Kaiser Family Foundation Vaccine Monitor report.

About three-quarters of workers whose employers encouraged getting the vaccine (73%) or offered paid time off to do so (75%) say they have gotten at least one shot. At the time of the survey, that was much more than those who work for employers that didn't encourage vaccinations (41%) or offer paid time off (51%).

Offering a small token of appreciation such as a gift card is fine. Just be sure you also offer the same rewards to employees who cannot be vaccinated because of disability or religious or moral objections. It's risky to offer a sizeable gift. The EEOC says incentives should not be "so substantial as to be coercive."

Bottom line: Consult your attorney before implementing any kind of vaccination incentive program. In addition, remember that any cash incentive is considered taxable income by the IRS.

until that extension expires at the end of September. Still, most employers are providing this leave anyway.

6. Can employees claim workers' comp from any resulting vaccine side effects? This is an open and unsettled issue. However, according to Hyman, employees have a good argument that side effects from an employer-mandated vaccine are work-related injuries for which an employee can claim and collect workers' comp.

7. Are you prepared to lose employees? With a certain percent of your staff being vaccine hesitant or flat-out anti-vax, some will make the decision to quit instead of accepting the job. On the flip side, a mandate could be a recruiting tool (*see page 8*).

Address employee anxiety

As you consider mandates, also rethink employee return-to-work plans and take steps to address employees' renewed COVID anxiety. Some tips:

Keep workers informed. Remind employees that your organization is following the latest guidance.

Review safety rules, updating them if needed. Check with your local health department and state labor department for the latest COVID safety rules. See what local competitors are doing.

Address front-line protocols. Just as you don't expect cashiers to confront shoplifters, don't expect them to enforce mask rules. Let them know how to handle noncompliant visitors.

New focus on benefits

(Cont. from page 1)

questions by making sure they know the lingo. What's the difference between a co-pay and coinsurance? What's balance billing? Highlight the glossary of health benefit terms each benefits summary includes.

4. Open your communications toolbox. In addition to mailing information packets to employees, use email, social media and easy-to-use web-based calculators and tools. Make sure all communication includes a reply email address so employees can get answers to questions.

5. Provide plenty of time to enroll. Employees are making important decisions, especially this year. Tell them to take the time to review all that information. Suggest having family conversations about benefits choices. Expect an increase in emails after employees and their spouses have a weekend to dig through the material.

Training: Sept. 23 Our *Employee Benefits Update* webinar on Sept. 23 will explain what's new in benefits and how to revise your plan for the current trends. Learn more at www.theHRSpecialist.com/Sept23.

Managing religious exceptions to the vaccine

As more organizations roll out vaccine mandates, HR departments will be forced to deal with employees claiming a legal exception. The EEOC says employers must offer accommodations to employees who will not get the COVID vaccine for disability-related reasons or due to "sincerely held" religious beliefs.

Very few religions specifically reject vaccinations. But the EEOC doesn't limit its definition of religious beliefs to those espoused by an actual religion. The EEOC definition includes "moral or ethical beliefs" held within religious views. That means almost any employee can claim a religious exception as long as they state that vaccinations are against their religious beliefs.

"Presume a religious belief to be 'sincerely held' and be cautious when requesting further verification," says attorney Doreen Martin of Venable LLP in New York. "Avoid a fishing expedition to reduce the chances of discrimination."

However, for safety reasons, you can still require these non-vaxers to continue masking in the workplace, work remotely or change shifts to minimize contact with others.



Can HR be fired for investigating harassment?

HR professionals may worry that pushing too hard to investigate discrimination or harassment complaints—especially claims against high-ranking execs—could cost them their jobs. After all, conducting HR business isn't technically considered "protected" activity under federal employment laws.

However, a recent federal court decision is good news. It confirms that firing an HR professional for pursuing an employee's discrimination claim *does* count as unlawful retaliation under Title VII.

The message: You don't need to wear kid gloves when investigating. As

this case shows, you'd have a standing to sue for retaliation if fired.

Recent case: Soon after Makini, an HR director, recommended terminating an employee for financial misdeeds, she was fired. She sued, alleging she was fired for engaging in legally protected activity. Her employer argued that investigating complaints is part of her job, not protected activity.

A federal court sided with Makini, saying that she had supported employees in resolving discrimination complaints, which is an activity protected by Title VII. (*Jackson v. Genesee County Road Commission*, 6th Cir.)

Poor time records? Court will believe workers

Sloppy or incomplete payroll records will doom you in any disputes over employees' pay. If your organization fails to show detailed records or policies—especially about disputed off-the-clock work—the court will use your employees' estimates of their work hours to determine your liability.

Recent case: A group of 53 construction workers in Texas sued for unpaid wages. They were told to show up 15–30 minutes before their shifts, but weren't paid for that time. Also, they weren't paid for post-shift traveling back to the company's premises.

The court sided with the employees,

granting them \$246,000 in back pay and damages. Noting the lack of payroll records, the court cited a U.S. Supreme Court ruling that says if an employer does not keep accurate time records, the employees' testimony regarding the number of hours worked can provide an inference of correctness. (*U.S. DOL v. Five Star Automatic*, 5th Cir.)

Final tips: Set strict policies that require nonexempt staff to record all hours worked and verify the hours each pay period. Train employees on this policy. Also, audit your payroll systems to make sure you know how hourly workers actually work.

'Long COVID' could be an ADA disability

Long COVID—the lingering, often debilitating effects of COVID-19—can be considered a legally protected disability under the ADA, according to new Department of Justice guidance.

So-called "long haulers" suffer fatigue, brain fog, headaches and other symptoms that can last months.

Long COVID can be a disability under the ADA if it substantially limits one of an individual's major life activities, such as working. The limitations

don't need to be severe, permanent or long-term. Individual assessments are necessary to see if it rises to this level.

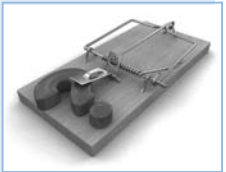
Advice: If you believe an employee has long COVID symptoms and may be disabled, use the ADA's interactive process to identify possible accommodations. Those may include working remotely, adjusting work schedules or taking leave when symptoms flare up.

Online resource Read the new guidance at www.ada.gov/long_covid_joint_guidance.pdf.

Warn interviewers: Don't ask loaded questions

Soon after Glenn, 64, applied for a supply-chain job, he got an email from the company asking the year he graduated from college. That same day, he received a rejection note. He sued for age bias and won. The court noted the graduation date request and the fact that the company hired very few older applicants. (*EEOC v. RockAuto, WD WI*)

The lesson: Train hiring managers to avoid asking intrusive, irrelevant and potentially illegal questions during job interviews. Courts may conclude they are smoking-gun evidence of discrimination.



The cost of denying pregnancy leave: \$146,000

A pregnant employee asked about maternity and FMLA leave but was told she could only take 30 days off. She had complications and her doctor recommended 30 more days. The company refused and fired her. She sued, noting the company often granted beyond 30 days to employees dealing with other medical issues. The company settled for \$146,000. (*EEOC v. Addiction Centers, ND TX*)

The lesson: Ensure your leave policies treat pregnancy like any other medical condition. Pregnant workers may be eligible for leave under the FMLA, ADA, Pregnancy Discrimination Act and state/local laws.

Nike's lesson on paying for security checks: Just do it

Nike recently agreed to settle a class-action lawsuit by paying a total of \$8.25 million to 16,000 retail-store employees in California who should have been paid for their time spent in pre- and post-work security checks. The pay mistake was made daily from 2010 to 2019.

Advice: Check on state law (and with your attorney) before denying payment for any activities employees do before or after work.



After Delta, OSHA updates COVID guidance

With the rise of the Delta variant, OSHA has updated its COVID guidance to jibe with the CDC's advice. OSHA is now urging employers to:

- Require everyone (even the vaccinated) to wear masks in indoor settings in areas of high transmission
- Consider adopting policies requiring employees to get vaccinated or undergo regular testing

Read OSHA's latest COVID-related safety guidance at www.osha.gov/coronavirus/safework.

DOL considers raising OT threshold again

The U.S. Department of Labor has confirmed it is reviewing the overtime requirements for workers classified as executive, administrative and professional employees under the Fair Labor Standards Act. The DOL last updated the OT threshold for exempt workers in 2019, raising it to \$35,568 per year. Before that, it was \$23,660. Exempt employees who earn less than the

threshold are entitled to overtime pay if they work more than 40 hours in a week. The Obama administration had previously proposed raising the level as high as \$47,000.

Infrastructure bill avoids labor-law changes

The massive infrastructure bill moving through Congress would provide \$1.2 trillion for roads, utilities and broadband. But it didn't include several big workplace-law changes that Democrats were hoping to include. Left out of the final bill: the PRO Act that would make union organizing much easier, measures calling for employer paid leave, funding care for children of working parents and reforming the unemployment insurance system.

Prepare now: Payroll e-filing coming in 2022

If your organization isn't already required to e-file for payroll information returns (1099s, W-2s, 1095s, etc.) with the IRS and Social Security Administration, proposed regulations issued last month mean you will need to e-file within the next two years. The mandatory e-filing threshold will drop to 100 or more returns (from 250 or more) for returns filed in 2022. The threshold will drop again to 10 or more returns for returns filed in 2023.

HR Q&A

Can we require employees to sign a document attesting to vaccination? Can we fire if they don't?

Q. We are requiring employees to complete an attestation form regarding their COVID vaccination status. If an employee doesn't complete it, can we terminate the person or prevent him from coming to work until he fills it out? Are we violating any laws (HIPPA, ADA, PHI) by requiring the employee to respond to the request? — *Anonymous, Hawaii*



A. The ADA and many similar state laws limit employers from asking employees for medical information unless the question is both job-related and consistent with business necessity. The EEOC has said employers *can* legally ask employees whether they have a fever, are experiencing COVID symptoms or have tested positive because employers need this information to meet their obligations to provide a safe workplace.

The EEOC has also said employee vaccination status is not an unlawful medical inquiry, and that employers can ask employees for this information. Thus, employees who refuse to disclose their status (or sign an attestation) can be treated as unvaccinated and may be excluded from the workplace.

Simply put, a person's vaccination status is not pro-

tected as personal health information (PHI) in the workplace. The United States has a long history of putting public health above individual choice.

The bottom line: Questions about employee COVID vaccination status are not requests for medical information. You are not prohibited from demanding to know employees' vaccination status during a pandemic when there is a definitive business need for that information.

How to handle long name on a W-2 form?

Q. An employee has a hyphenated name that's too long for our payroll system and W-2s. Can we abbreviate? Can we use just one of the hyphenated names?

A. For paper W-2s, you can enter the employee's first and middle initials and then their complete last name. If you file electronically, enter the full 20 characters; don't abbreviate.

How to handle different names on I-9 docs?

Q. An employee's I-9 documents show different last names on each document. He says his mother changed their family name multiple times to avoid political difficulties. What should we do?

A. Section 1 of the I-9 has a field for other last names. In general, to avoid charges of discrimination, when completing Section 2, you must determine whether the documents presented are reasonable on their face—in other words, they describe the employee.

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

Added complexity of remote workforce has more employers moving to HRIS systems

Your HR duties have grown more complex in recent years, and the spike in remote employees is only adding to that stress. That's why more HR departments of all sizes are turning to human resource information system (HRIS) software to streamline their growing list of tasks.

HRIS systems have evolved rapidly in the past decade, developing into an all-encompassing workforce tool.

They aim to seamlessly manage your backend people-related admin tasks.



Newer cloud-based systems aimed at smaller businesses allow organizations to pay for HRIS service on a per-employee basis, with no setup fees.

Most HRIS systems deal with tracking time and labor management (including PTO and attendance), payroll/taxes, benefits administration (and selections), employee demographic information, applicant tracking, onboarding, performance management and more.

The great benefit of having a central repository for all these employee tasks is that everything is automated, in one place and just a few clicks away. HRIS tools can also help with HR compliance and deliver a faster and easier user experience for employees.

All of this comes at a price. But newer cloud-based systems aimed at smaller businesses allow organizations to pay by employee (or contractor) with no setup fees. Typical prices range anywhere from \$1 to \$15 per month per employee, depending on the features offered. Bigger enterprise systems may cost larger companies thousands or even millions to implement. *One key point:* Make sure any HRIS contract specifies the amount of training and support you'll get.

Top rated HRIS solutions

Dozens of capable HRIS tools are on the market. Using user reviews from hundreds of HR professionals, two independent software research firms (G2 and Software Advice) have cited

these as some of the best HRIS products in 2021 (*listed in alpha order*):

ADP Workforce Now. This all-in-one, cloud-based platform bundles the typical HR processes, including payroll, benefits admin, compliance and talent management. A self-service mobile app lets employees enroll in benefits and access timesheets, W-2 forms and other payroll data.

BambooHR. This cloud-based tool is designed for small and mid-sized businesses and includes benefits, payroll, an applicant tracking system (ATS) and various employee engagement tools. Lots of customization is available to users, including role-based access to build custom user groups.

Paycom. This built-out HR solution offers all the typical HR functions, plus a mobile app that's easy to navigate. Support options are not as robust as some other competitors.

Paycor. Another cloud-based suite for small and midsized companies, Paycor offers basic HRIS features, plus tools like a learning management system that provides virtual or classroom training. Its analytics platform lets you create data visuals to show HR, payroll and time trends in one report.

Workday HCM. The Human Capital Management tool is a cloud-based system that aims to evolve with the needs of the organization. It offers a solid list of features and includes a user-friendly interface.

Zenefits. Another cloud-based platform aimed at smaller and midsized companies, Zenefits offers all the typical core HR functions, plus features like an employee wellness program. An extra service lets you tap into a team of HR and payroll experts for questions.

3 big trends affecting HRIS software in 2021

As HRIS tools continue to add new features to compete, organizations' expectations of HRIS software continue to grow. Here are three noticeable HRIS trends in 2021, according to a report by *CIO Insight*.

Adding AI to hiring capabilities.

Artificial intelligence is automating many repetitive HR tasks, including helping to keep the hiring pipeline flowing efficiently.

Example: New AI tools can merge text from candidate résumés into applications and background check submissions, thus reducing repetitive data entry. Automated checklists and chatbots help employees get quick answers on benefits or company policies without having to contact HR.

More user-friendly dashboards.

Rather than reading an employee handbook or sitting in an onboarding session, more new hires are having their onboarding run and tracked through the actual HRIS system. Simple, mobile-friendly online dashboards make this navigation easier for new hires.

In this remote-centric world, dashboards are also focusing more features on employee engagement, such as the ability to track your co-workers' birthdays, "workaversaries" and accomplishments.

Automated compliance tools.

Every stage of employment requires lots of legally mandated documentation. But keeping up with changing regulations (and company growth) can overwhelm an HR department. Many HRIS systems are now automating these compliance features.

Example: You can schedule compliance procedures, sending alerts to appropriate managers prior to documentation or decision deadlines. Also, you can automate reminders for workers to update their benefits data or other info. Plus, new self-service tools provide compliance training, FAQs and a knowledge platform for compliance questions.

To: _____
From: _____

Date: September 2021
Re: Performance reviews

Feedback Keep unintended bias out of your performance reviews

When drafting performance reviews, every manager aims to be fair and consistent. But research shows that, too often, a concept known as “rater bias” can subtly—and inadvertently—influence a manager’s ratings.

This can result in either artificially low or artificially high ratings of employees. Both can discourage employees, hurt morale ... and trigger legal liability.

Employees often use performance reviews as ammunition in lawsuits claiming job discrimination based on some “protected” characteristic (race, sex, age, religion or disability status). Courts will pounce on any inconsistent or unrealistic ratings they see in reviews.

Here are the six most common types of bias to be aware of when drafting reviews or other types of feedback:

1. Recency bias Research shows that managers’ reviews typically put more weight on performance and behavior that occurred most recently. To avoid this type of bias, institute a simple recording system to document employees’ performance and behaviors—both good and bad. This doesn’t need to be sophisticated. Simple notes in a folder or regular emails into an Outlook folder will do (*see box at right*).

2. Leniency and strictness bias Some managers offer exceptionally high ratings across the board, even for marginal employees. Maybe they want to avoid confrontations. On the flip side, some managers are excessively strict, refusing to hand out great reviews, even to great employees. Both do a disservice to the employee and open the organization to legal trouble.

Periodically review evaluation guidelines. Ask yourself if you have preconceived notions about handing out the highest and lowest scores. Ask HR or other manager to review your ratings.

3. The ‘halo effect’ This occurs when a manager rates an employee’s performance in several areas based on his or her performance in one area.

For example, someone who contributes excellent ideas but performs poorly or average in other duties may receive a good overall evaluation. Or a cocky high performer may receive lower than deserved ratings in several areas because of his attitude.



Don’t generalize based on performance in one area.

4. Central tendency bias This involves managers who tend to rate employees in the middle of evaluation scales—never on either end of the “great” to “poor” scale.

Evaluations work best when managers use all ratings levels to portray strengths and weaknesses. Remember that most employees perform better in some areas than others. And most departments have poor, average and excellent performers.

5. Compare/contrast bias Don’t base evaluations on comparisons with co-workers. When you’ve got a star performer, it’s common to want to compare every other player to that person. But it’s not fair. Instead, rate each person’s performance individually according to the organization’s predetermined performance criteria.

6. Length of employment bias Studies also show that some managers dish out reviews due, in part, to the employees’ length of employment. The longer the tenure, the better the review. Don’t assume that experience automatically equals good performance. Evaluate senior employees as objectively as new hires.

The bottom line: It’s natural for managers to have different personal feelings about each employee—and

Performance logs:

What to include & leave out

It happens to every manager: You sit down to prepare a staff member’s review and realize you can remember only what the person has done the past few weeks. Or you allow only a single incident (good or bad) to color your assessment. That’s why it’s best to institute a system to document performance throughout the year. The easiest way: Keep a performance log for each employee—on paper or electronically—that you set a reminder to update regularly.

What to include ...

- ✓ Project assignments and deadlines met or not met
- ✓ Your assessment of work quality (observations, not assumptions)
- ✓ Instances of tardiness, work absences or extended breaks
- ✓ Disciplinary discussions and actions taken
- ✓ Both positive and negative work and behaviors
- ✓ Dates on each entry, to identify patterns

... And what to leave out

- ✗ Rumors or speculation about the employee’s personal life
- ✗ Theories about the employee’s behavior or work quality
- ✗ Biased language, including references to an employee’s age, sex, race, disability, marital status, religion or medical history
- ✗ Unsubstantiated complaints against the employee

have preconceived notions about their performance. But your goal is to separate those personal views about employees from their actual performance, and to offer the most objective and consistent feedback possible.



For good employee relations, ask 'What would Ted Lasso do?'

First, there was my Golden Rule of Employee Relations: Treat your employees as you would want to be treated (or as you would want your wife, kids, parents, etc., to be treated).

Next there was my Platinum Rule of Employee Relations: Treat your employees as they would want to be treated.

Today, I'm going to sum all of this up in one tidy four-word question: What Would Ted Do?

The "Ted" in question is Ted Lasso, the titular coach in the hit AppleTV+ show. For the uninitiated, *Ted Lasso* is the story of an American college football coach hired to manage an English Premier League football club, despite not knowing the first thing about soccer.

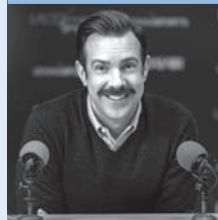
Without rival, *Ted Lasso* is my favorite television show ever. Funny, beautifully sweet, often tear-inducing, relentlessly positive and unwaveringly optimistic. *Ted Lasso* is everything we need right now to help right the askew ships of our collective psyche.

The following Ted-isms sum up the philosophy of Ted Lasso:

- "You know what the happiest animal on Earth is? It's a

goldfish. You know why? Got a 10-second memory. Be a goldfish, Sam."

- "Be curious, not judgmental."
- "For me, success is not about wins and losses. It's about helping the young fellas be the best versions of themselves on and off the field."



The hit TV show offers plenty of lessons for handling difficult workplace situations and critical personal decisions.

- "I want you to know, I value each of your opinions, even when you're wrong."
- "I believe in hope. I believe in 'Believe.'"
- "Hey, doing the right thing is never the wrong thing."

The Tao of Ted

How does the Tao of Ted translate to your workplace? Or better yet, what does your workplace look like when you ask "What would Ted do?"

- You communicate with your employees before decisions are made, such as accommodations, discipline, etc.

- You investigate all complaints and get to the bottom of the issue before you reach a reasoned conclusion.
- You have a short memory for employees' (forgivable) mistakes and give them the opportunity to better themselves.
- You treat everyone with respect and dignity, no matter their race, creed, sex, gender, religion, disability, age or other characteristics.
- You take stands for what matters, even if it hurts the bottom line, such as firing the sexual harasser even though he's your top performer.
- You listen more than you talk.
- You trust your employees to be(come) the best versions of themselves.

Let's all try to be more like Ted by asking "What would Ted do?" when we are faced with a difficult situation or critical decision. The world would be a much better place for it.

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Use your vaccine requirement as a recruiting tool

As more employers require COVID vaccines for employees (*see page 1*), the common fear is that this could drive away some current and potential workers. But several employers instead are using vax status as a recruiting tool, heavily promoting that they only hire vaccinated workers. A recent university study found that 64% of Americans believe the government should mandate shots for eligible citizens. That means many of your potential job candidates may actually prefer working for a fully vaxxed organization.

COVID's impact is unlikely to affect 2022 health insurance costs

After a tumultuous couple of years, health insurers are expecting a return to normal in 2022. A Kaiser Family Foundation study found that most insurers aren't building any additional COVID-related costs into their 2022 rates. Of 75 insurers analyzed, only 16 predict that COVID will have an impact in 2022, generally pushing rates up by less than one percentage point.

Who is more likely to ask for a raise: Male or female employees?

A new survey of 1,000 Americans by LiveCareer found that 45% of men actively requested their most recent pay raise, while only 37% of women made the request to get that raise. And a Carnegie Mellon University study says men ask for raises four times more often than women. When the LiveCareer survey asked whether people have ever left a job due to not getting a raise, 44% of men said "yes," while only 36% of women said "yes."

Was this the hardest year for HR professionals? 91% say 'yes'

A full 91% of HR executives reported that 2021 was their hardest at work to date, according to a survey by Verizon Media. Nearly half (49%) say they've reached out in some way for help. The survey also found that a large majority of managers (87%) agree that employees' mental health is the top impact of the past year on their workforce. Yet only a quarter of managers say they feel equipped to handle the mental health needs of their teams.

The new NLRB: Starting in September, labor rulings will take a pro-employee turn



At the end of August, Democrats regained a majority on the National Labor Relations Board after four years. And the NLRB's new general counsel, Jennifer Abruzzo, wasted no time signaling the board's plan to reverse many of the NLRB's pro-employer decisions from the Trump era—including many that affect nonunion employees.

Abruzzo published a memo saying the NLRB will likely issue several rulings in the coming year that tilt the labor/management scale more toward the employee/union side. Among the issues:

Handbook rules: The NLRB could overturn its landmark *Boeing* decision, which gave employers broad latitude to prohibit some employee activities, even though the policies might limit employees' National Labor Relations Act rights.

Employee use of company email: A 2019 ruling (*Caesars*) said employees could be barred from using company email for union purposes. That may be overturned.

Union organizing on company property: The board could revisit its 2019 *Kroger* decision, which said employers can block union reps from coming onto company property.

Other issues in the NLRB's sights: confidentiality agreements, worker classification and employee discipline.



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