

From: Business Management Daily

Subject: Practical HR strategies to boost your career

## In The News ...

**Which safety measures do employees really want?** A Harris Poll says these are the top five safety measures (in order) that U.S. workers say would be critical to help them feel safe in their workplace: social distancing measures, cleaning protocols, COVID-19 testing offered to employees, masks required and temperature screening. Seven percent of respondents said nothing will make them feel safe during the pandemic.

**Half of employees say HR is not trustworthy** and another 69% don't believe HR takes the side of the employee, according to a new survey of 1,000 U.S. workers by career site Zety. Also, more than a third (37%) said they wouldn't report being sexually harassed at work to HR and 43% wouldn't report discrimination. The main reasons: fear of retaliation and belief that their complaint wouldn't be treated fairly.

**FBI warns of spike in online job scams.** As millions of people flock to online job boards, they're becoming targets of cybercriminals. The FBI says it's seen a 20% spike in such complaints this year, with losses exceeding \$3,000 per victim. In some cases, fraudsters pose as legitimate employers, conduct interviews and "hire" the victim online. After that, they request the person's personal and financial data. Find an FBI tip sheet at [www.tinyurl.com/JobHuntScams](http://www.tinyurl.com/JobHuntScams).

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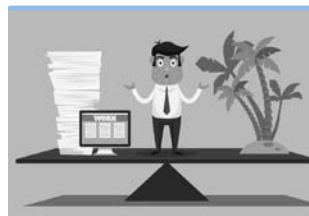
## All that PTO ... and nowhere to go

*How HR can prepare for the upcoming leave-payout crunch*

For many employees, the pandemic has disrupted or eliminated summer vacation plans. And employees just returning to the workplace may be reluctant to schedule time off, either because they have too much work or because they don't want to be seen as dispensable.

If your organization has a use-it-or-lose-it policy, all of that unused vacation time could spark major HR and payroll trouble down the road.

One main reason: Some employees are probably sitting on huge pots of accrued time off. That could translate into staffing shortages at the end of



If you have a use-it-or-lose-it policy, all of that unused vacation time could spark major HR and payroll trouble down the road.

the year as employees rush to use their leave instead of losing it.

But it's not just a staffing issue. Consider the money. Your organization could take a huge financial hit if it has to pay out the value of a large group of employees' accrued time off upon termination or if you cash out unused leave at the end of the year.

*Continued on page 2*

## Employee tests positive? How to notify staff

Millions of Americans have tested positive for the coronavirus, so odds are that one or more of your employees will test positive in the coming months. There is a smart (and legal) way to communicate this news to your employees.

**The wrong way:** When a member of the WWE wrestling production crew got the virus, the infected employee's name was disclosed on social media even before the rest of the WWE staff found out.

Employees deserve to hear this news from you, not via a tweet or rumors or the local media. But make sure to handle it legally.

The ADA's confidentiality rules apply to these types of communications, and the employee's positive test is still considered a confidential medical record. That means you can't divulge the identity of the person who

### FREE Sample letter to employees

To download a sample message you can use to notify your employees when a co-worker tests positive for the coronavirus, go to [www.theHRSpecialist.com/COVIDletter](http://www.theHRSpecialist.com/COVIDletter).

tests positive.

You should, however, use that letter or email to communicate to employees that they may have come in contact with someone who tested positive and they should be diligent about monitoring their own health for possible symptoms. Also, it's wise to go beyond this alert to make employees feel safer.

As attorney Jon Hyman, author of the *Coronavirus Law Blog*, suggests, "You can flip the story around into one focused on everything you are doing to protect the health and safety

*Continued on page 2*

## The coming PTO crunch

(Cont. from page 1)

**The best solution:** Require employees to take time off. One of the negative aspects about working from home is you can always work. But that risks burnout. Remind staff that taking time off this year is essential.

You have options. You can encourage employees to take long weekends or work partial days. Urge them to take mental health days. Work with employees to develop personal PTO plans that help them use accrued leave while ensuring adequate staffing.

Now's the perfect time to look closely at your leave plan. Choices:

- **Roll over.** Allow employees to roll over their unused time into next year. *Downside:* Employees could build up a giant bank of time off.
- **Set caps.** You can cap the amount of time you let employees roll over. Excess time can be cashed out or forfeited. (Whether accrued time can be forfeited depends on state law. Find a state-by-state chart on vacation payout laws at [www.theHRSpecialist.com/finalpay](http://www.theHRSpecialist.com/finalpay).)
- **Forfeit leftover leave.** Provided state law allows, you can require leave not used by the end of the year to be forfeited. But this may not be the best employee-relations move, especially these days.

## Employee tests positive?

(Cont. from page 1)

of your employees.”

Hyman suggests that when you learn of a positive test, send an email right away to staff that:

- Notifies employees of the positive test
- Explains that the law doesn't allow the release of the employee's name
- Reminds employees to stay home (or leave the workplace) if they feel sick
- Reassures employees that you're doing everything possible to keep them safe
- Identifies all the steps you're continuing to take to prevent infections.

For a sample positive-test notification letter, see the box on page 1.

## The next COVID crisis is lack of care for employees' kids: 3 possible options

If your organization is working to bring more employees back to your workplace, you're likely hearing from some who can't return because their child's school is still closed or they can't find day care.

Already, lack of childcare forced 13% of U.S. parents to quit their jobs this spring, according to a Northeastern University study.

Many childcare centers will be forced to close this year, and those remaining open often require smaller capacities. KinderCare, for example, now allows only 10 children per room, down from 24. And they often have long waiting lists.

To overcome the closed schools and lack of childcare openings, employers will have to use a multi-pronged approach, including:

**Continuing telework.** CDC guidance still recommends that employers in states with significant COVID spread allow telework when possible. If possible, allow your current telecommuters to continue.

**Warning:** Review how successful your telework program has been to date. However, do *not* mention childcare responsibilities as a negative factor in that individualized performance

evaluation as a teleworker. Doing so may spur a lawsuit over familial responsibilities and sex bias. Instead, focus on results based on objective measures. Also, make allowances for any FMLA leave taken during the evaluation period.

**Recalling furloughed workers.** Some jobs must be performed while physi-

cally present. If you furloughed workers during shutdown orders because the company was deemed nonessential, you may be recalling them or seeking new employees.

**Warning:** Do not ask applicants or recalled workers about their childcare plans or school closings. Doing so opens your organization up to a sex discrimination lawsuit. Instead, simply ask if the person can work during the hours requested. If the person brings up the issue, you can discuss possible solutions like part-time or flex work.

**Providing childcare and educational support.** About a quarter of early childhood education workers lost their jobs this year. Consider setting up your own childcare and virtual education support centers (or partnering with other local firms) for employees with childcare needs. While it may be costly, it may be your best option.



### Demanding that remote staff have childcare? Expect a backlash

A San Diego company faced public scorn and a lawsuit last month after it fired an insurance broker because her young children were making noise in the background of her teleconference calls.

Like many working parents during the pandemic, she was unable to find childcare for her two young kids. She completed all her tasks and clients never complained. The only complaints came from her male boss.

Such a lack of employer compassion will drain morale and spike turnover. Also, it's illegal to fire a woman based on parental responsibilities if you don't hold similarly situated male staff to the same standard.

**Another example:** Florida State University told work-from-home employees that if they didn't find care for their children by August 7, their permission to work remotely would be revoked. When the memo leaked, the backlash was quick. Florida State eventually dropped the rule, saying employees should coordinate with their managers on a schedule that best meets their parental responsibilities.

**Advice:** A flexible approach is the better one. Review the local childcare and school-opening plans and adjust your plans accordingly. For example, if schools operate on a three-days-at-school, two-days-home schedule, employers may want to set a similar schedule for parent employees.



# 'Liar, Loser': Mud throwing is a legal risk

"Nut job" ... "Stupid" ... "Total loser"

Insults have somehow become common in our political discourse and will likely heat up this fall. But what happens if your managers mimic that same kind of venom with their employees?

On-the-job insults gone unchecked can generate claims of harassment, discrimination and emotional distress.

**Advice:** Don't tolerate coarse language and verbal attacks. Teach managers that respectful speech is expected and disrespectful speech will be pun-



ished. If incidents do occur, investigate, hand out progressive discipline and fire for extreme comments.

**Example:** Robert's boss refused to let him leave meetings to get insulin for his diabetes, telling him to "stop being a pussy." He also called Robert (age 50) "Alzheimer's Bob," and eventually fired him. Robert sued for disability and age bias. He settled out of court. (*Lambert v. Xpress Global*, WD PA)

**Final note:** What speech to discipline? Think how the words would look on a big poster in front of a jury.

## Beware misclassifying COVID teleworkers

The COVID-inspired migration to remote work has triggered some wage-and-hour compliance problems. One big trap: You could run into exempt/nonexempt misclassification trouble with your supervisors who are now working at home.

The Fair Labor Standards Act recognizes that exempt employees must work as long as necessary to get the job done, without earning overtime pay.

But in today's remote environment, it's possible that exempt employees' job duties have changed considerably.

For example, a manager classified as exempt under the executive exemption must "customarily and regularly

direct the work of at least two or more other full-time employees or their equivalent." However, that manager working at home may no longer be directly supervising others. That means she might be misclassified.

**Advice:** Consult your attorney if you have any doubts about employee classifications. The FLSA does have an emergency exception that allows temporary changes. But after months of telework, is that still an emergency?

**Online resource** For a free report on the federal exemption and overtime rules (updated last year) go to [www.thehrspecialist.com/OT2019rule](http://www.thehrspecialist.com/OT2019rule).

## Employers can opt out of contraception rules



The U.S. Supreme Court ruled in July that employers can legally cite "religious or moral" objections to opt out of the Affordable

Care Act's requirement to provide contraceptive care to employees.

The ACA requires employer-provided insurance plans to cover birth-control services at no cost to employees. A previous Supreme Court ruling in 2014 (*Burwell v. Hobby Lobby*) allowed closely held private

employers to opt out of this mandate for religious or moral reasons.

In 2018, new rules from the Trump administration greatly expanded the list of employers that can claim religious objections to contraceptive coverage to include all employers in general.

This new Supreme Court ruling addressed whether the Trump administration's were permitted under the law. The court said yes, opening the contraceptive opt-out to all employer plans. (*Little Sisters of the Poor v. Pennsylvania*)

## Fevered worker sent home; must you pay for the day?

One of the CDC's main workplace suggestions during the pandemic is that employers should take employees' temperatures each day and send home anyone who has a fever (100.4 degrees and above). But if you send hourly workers home right after they arrive, must you pay for that day's work? Depending on where the business is located, you may have to pay.

The issue is "Reporting Time Pay (RTP)." Eight states and Washington, D.C. require employers to pay employees who report for their regularly scheduled shift, but do not end up working it. Each of these states has its own unique RTP law:

**California:** Employees are entitled to be paid for half of their shift if they show up for work. California employers must pay for at least two hours, but no more than four. There are exceptions and it's still unsure whether COVID fits any of them. But a state labor board has said that employers who send feverish workers home must pay them.

**Connecticut:** The state's RTP law only applies to retail and hospital-ity industry employees. Generally, retail workers must be paid for four hours of work. Hospitality workers must be paid for two hours of work. State law also requires employers to compensate employees for time spent screening for COVID.

**Massachusetts and Rhode Island:** Both states guarantee a minimum of three hours pay for workers sent home.

**New Hampshire:** The state requires at least two hours of pay.

**New York:** State law requires four hours RTP for all workers other than those in the hospitality industry. RTP for New York hospitality workers varies depending on the hours scheduled.

**New Jersey:** Workers sent home get at least one hour of pay.

**Oregon:** The state's RTP law only applies to minors.

**Advice:** If you send any workers home for COVID-related reasons, document the observed symptoms and all pertinent details. These laws are complicated and have exceptions, so consult with counsel.





## New visa restrictions block foreign workers

The Trump administration announced last month that it will prohibit foreign nationals from entering the United States using H-1B, H-2B, J and L visas, saying the move is to “protect unemployed Americans from the threat of competition for scarce jobs.” The suspensions will last at least until Dec. 31, 2020, but may be extended. The restrictions do not apply to visa holders who are already in this country. If you employ foreign nationals on these visas, consult an immigration attorney to discuss your best path forward.

## Donating employee leave to COVID charity: Is that considered taxable wages?

During this pandemic, employees at some organizations have been donating the value of their unused vacation

(or other accrued time off) to a tax-exempt coronavirus-related charity. The IRS has now said that the amount of time donated won't be taxable wages as long as the donation is made before Jan. 1, 2021 and it's made to a charity for the relief of COVID-19 victims.

**Note:** Employees can't take charitable deductions on their 2020 Forms 1040. The company can deduct these amounts as salary expenses or charitable donations, but not both. (*IRS Notice 2020-46*)

## DOL rule to address contractor issues

The U.S. Department of Labor's agenda for the rest of 2020 includes new rules for determining which workers qualify for independent contractor status.

Other regulatory plans from the EEOC: new rules for defining the interplay of employer sponsored wellness programs with the ADA, plus guidance on how joint-employer status affect compliance with antidiscrimination laws.

## HR Q&A

### Must we provide face masks for employees?

**Q. Is it the responsibility of the employer to furnish masks to employees returning to work?**

— *Denise, District of Columbia*

**A.** That will depend on whether masks are mandatory in your jurisdiction and whether local law requires employers to pay for the costs of tools used in the work or other business expenses.

In many states and in Washington, D.C., the employer must pay for the cost of “tools” that the employee needs in order to perform the job. And if local officials mandate the use of masks for workers for coronavirus safety, you should be prepared to provide them for workers. You can probably also allow employees to wear their own masks if you believe those masks meet the required standards.

**Online resource** For a state-by-state chart of face mask requirements (as of mid-July) compiled by the Burr & Forman law firm, go to [www.tinyurl.com/StateMask](http://www.tinyurl.com/StateMask).

### Can a recalled worker legally stay away from office due to his coronavirus anxiety?

**Q. An employee has been on furlough since mid-March. He was asked to return to work and refused, claiming he is experiencing anxiety related to catching the coronavirus. He requested leave under the FMLA and state law. Does he qualify if he is currently on furlough?** — *Cecilia, California*

**A.** Generally speaking, no. Employees must be actively employed in order to be eligible for leave benefits.



However, you have recalled him. So if he qualifies for FMLA or state leave (i.e., he has the required tenure and can provide medical certification) then you should designate his continued absence as FMLA/state leave, so you can begin tracking that use.

**Key point:** Many employees are anxious about returning to work, but unless the anxiety qualifies as a “serious health condition,” they will not be able to claim FMLA entitlement solely for that reason. Moreover, workers who are recalled but decline to return likely will not qualify for continued unemployment compensation benefits. Check with your attorney before making the decision.

### Can we terminate a person on workers' comp?

**Q. We have an employee out on workers' compensation. Can he be terminated as part of a layoff or furlough?**

**A.** It depends on the state where the employee works. In most states, an employer can lay off or furlough an employee on workers' comp, as long as the company would have taken that same action anyway (meaning, for a reason other than workers' compensation). So, if you are laying off or furloughing an entire department or location, that employee is not entitled to any better treatment than had he been at work.

Check your state law to confirm any nuances, or to confirm if the employee would be entitled to preferential treatment when it comes to calling employees back or rehiring them.

*Do you have a question? If so, you can email it to The HR Specialist at [HRSEditor@BusinessManagementDaily.com](mailto:HRSEditor@BusinessManagementDaily.com).*

## When restarting your operations, avoid these 3 important HR mistakes

Your company's leaders may be eager to fully reopen the workplace, but don't overlook crucial organizational issues that could spark employment-law trouble. Attorney Dan Kaplan, leader of the coronavirus task force at Foley & Lardner, suggests HR look out for these less-obvious errors:

### 1 Failing to designate leaders.

It's not enough to make a list of safety protocols for the coming months. They will be quickly forgotten unless people are assigned to make sure things get done properly—and make adjustments when stumbles occur. Consider a task force with these roles:

- **Team leader:** ensures the reopening plan is being executed.
- **Logistics coordinator:** directs flow of staff and customers in facility.
- **Structural inspector:** maintains safety measures of the physical spaces.
- **Disinfection and materials supervisor:** monitors the cleaning of common areas; keeps supplies in stock.
- **Task force liaison:** solicits feedback from stakeholders.
- **Training administrator:** follows regulatory guidance; helps train staff.

Task force members must remain flexible. The virus has no regard for rules. You need a contingency plan to shut down again if conditions dictate.



### 2 Making overly individualized health assessments.

Beware of going too far in your zeal to protect vulnerable workers from infection. For example, it's illegal to bar older workers from the workplace just because of their age. Resist offering unilateral disability accommodations. The process must be interactive with each worker.

Avoid medical inquiries that violate the ADA. You may test employees to see if they currently have the virus.

However, testing for coronavirus antibodies is considered an inappropriate medical inquiry under the ADA.

You can take employees' temperatures to allow them into the workplace. But it is a violation to inquire about potential sources of a high temperature.

### 3 Failing to disclose what your employees can expect.

Inform workers of the steps you're taking to keep them safe, but remind them there are no guarantees in a pandemic. Post your reopening plan online and invite staff to voice their concerns.

Do not require employees to sign waivers that would hold your company harmless if the employee contracts COVID-19. Those documents are not enforceable.

**Training** For tips on managing these risks, attend Dan Kaplan's "Open for Business" webinar on Aug. 14. Go to [www.theHRSpecialist.com/events](http://www.theHRSpecialist.com/events).

## Encourage FFCRA leave; it will be reimbursed

In the coming months, some employees and their family may get sick from coronavirus. In many cases, they are entitled to paid sick leave, and it won't cost you a penny to provide it.

**Advice:** Notify employees about the leave and encourage eligible employees to take it so they don't contaminate the workplace. The Families First Coronavirus Relief Act grants emergency paid sick leave for employees affected by COVID-19. Yet fewer than one in five eligible workers have taken the leave or plan to (*see chart below*). And more than half (53%) either don't think they qualify or don't know the benefits exist.

The FFCRA covers most employers with fewer than 500 employees. It provides up to 80 hours of emergency paid sick leave to employees needing time off to undergo virus testing, who are ill with the virus or have been told to self-isolate. It's also available if family members have been told to isolate.

The law provides up to 12 weeks of paid emergency leave to staff who must stay home because their child's school or daycare is closed due to the virus. Employers are reimbursed for paid leave costs through tax credits.

To encourage the leave, remind employees via email and display the government FFCRA poster (*see [tinyurl.com/DOL-FFCRA-leave-poster](http://tinyurl.com/DOL-FFCRA-leave-poster)*).

Also, offer the leave on an intermittent basis for employees who share childcare with another household member and take turns teleworking. Intermittent leave isn't required, but is allowed.

### Why people take FFCRA paid leave

By late June, 19% of employees had taken (or planned to take) FFCRA paid leave. Here are their reasons (respondents could choose more than one):

#### Their own illness/isolation

9%

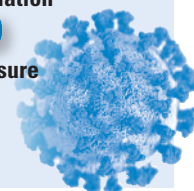
#### Family member's illness/isolation

8%

#### Childcare due to school closure

7%

Source: National Partnership for Women & Families survey



## Use open enrollment to clarify health changes

The pandemic has led to important changes for employer health plans. And this fall's open enrollment season is the perfect time to make sure employees understand what's new.

Since March, federal agencies have mandated insurance coverage for COVID-19 testing and expanded telemedicine services. Timelines have been extended for providing ERISA-required documents, includ-

ing summary plan descriptions and notifications. Enrollment and election deadlines have changed, too.

Employers must inform employees of such major plan changes in a "summary of material modifications."

**Best move:** Package all these details into one statement, says the Mercer consulting firm. No format is required.

**Advice:** Consult your broker or carrier for details on new plan changes.

To: \_\_\_\_\_  
From: \_\_\_\_\_

Date: August 2020  
Re: Diversity and inclusion

## Employee relations The critical role all managers play in workplace diversity

Sometimes, the way we view our own behavior differs radically from the way other people view it. For many managers, that disparity surfaces when it comes to diversity in the workplace.

Leaders may not be as successful in promoting a fair and diverse culture as they think, according to a new Accenture survey.

It found that 68% of business leaders surveyed believed that they helped create an empowering work environment for their employees. Yet just 36% of employees said the same.

The reality is, managers play a critical role in ensuring that corporate concepts of diversity and inclusion come to life in a way that all employees can feel, sense and embrace.

Here are a few ways managers can ensure they're promoting workplace diversity and actively working to eliminate possible biases that hinder it.

### Actively look for signs of bias

Experts at *Harvard Business Review* say that all managers have an opportunity to become anti-bias advocates, simply by keeping an eye out for the subtle ways inequity can creep into the workplace. Watch for these signs:

- Groups of employees or individuals must prove themselves to be “heard” or viewed to be as valuable as other

contributors

- Groups of employees have been asked to change their appearance to conform to company norms, or must adhere to a narrower range of behaviors compared to others to be acknowledged equally or promoted
- Groups in the company compete against one another because of contradicting strategies for self-expression or identity.

Managers play a key role in staying aware of these possible scenarios and being vigilant in eliminating them.

For example, the creation of mentorship programs that promote diversity among people who regularly work side-by-side can be highly effective strategies in ensuring that workplace diversity is part of a company's working culture, according to experts at the University of Pennsylvania.

### Seek out a diverse candidate pool

Managers can work with human resources and recruiting teams to create a diverse pool of candidates for open roles, regardless of race or gender, whenever there is a hiring opportunity.

According to HBR, simply having a more diverse candidate pool greatly

influences whether a company will have a diverse workforce. It cites data indicating that the odds of hiring a non-white candidate are substantially greater when there are at least two minority applicants in the final selection pool.

Managers can also influence diversity by actively removing bias in job descriptions and the hiring process.



Before anyone interviews a candidate, establish and agree upon the shared criteria each interviewer feels would be necessary for the candidate to be “excellent” in the role. Then establish a standard rubric that each interviewer will use to evaluate each applicant.

### Don't ignore elephant in the room

Every manager and employee knows equality is a critical societal issue, especially this year. Instead of ignoring that reality and pretending that events involving race and gender aren't happening in the world, use them as opportunities to foster open, honest and respectful conversations among teams so they can band together in the name of shared improvements.

Establish an ongoing cadence of meetings designed to give everyone on the team an opportunity to speak freely and openly about their experiences and perceptions with diversity in the world at large, and in their personal and professional lives.

Encourage all team members to share, listen and ask questions. That can expose inequalities that some team members may not even notice because it's not part of their personal reality.

Close each meeting by inviting every member of the team to share ideas about how to address and adapt processes and communication styles to create a more harmonious and inclusive environment for everyone.

### Newest workers are the most diverse in history

As of 2018, almost half of Americans age 21 and younger were not Caucasian. Here is the percentage of minorities as each generation hit the working age:

#### Gen Z in 2018

48%

#### Millennials in 2002

39%

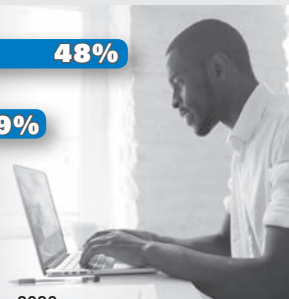
#### Gen X in 1986

30%

#### Boomers in 1968

18%

Source: Pew Research Center, May 2020







# If family member is 'high risk,' must you accommodate?

One of the questions I have received most from clients during this pandemic comes in some form of the following: "An employee [does not want to come into work/wants to work from home/wants a leave of absence] because he or she lives with someone who is at high risk for coronavirus complications. What do we do?"

In other words, must you accommodate an employee for a close family member's age or disability?

According to the EEOC, the answer to both is, "No."

Federal age-discrimination law does not impose upon employers any reasonable accommodation obligations. And while the ADA prohibits discrimination based on "association" with a disabled person, that protection does not require you to accommodate an employee without a disability based on the disability-related needs of a family member.

According to me, however, the answer is, "It depends." It depends on how you have historically treated similar requests by similarly situated employees.

If an employer has a history of

accommodating employees similar to an employee requesting an accommodation for being associated with someone at risk for coronavirus complications, the employer would be open to claim of disparate treatment by denying the employee's accommodation request. So you'll need to review any similar requests by other similarly situated employees.

*If you have a history of accommodating employees in similar situations, you'd have to offer such accommodations in this COVID-19 situation.*

Moreover, remember that the law is a floor, not a ceiling.

As the EEOC points out, "An employer is free to provide such flexibilities if it chooses to do so." Further, during the pandemic, the DOL "encourages employers and employees to collaborate to achieve flexibility and meet mutual needs."

Indeed, there are many good business reasons why an employer might choose to grant this accommodation.

1. It will build solid employee relations and help you to retain a quality employee.
2. Granting the accommodation will create goodwill and strengthen the employee's loyalty to your company.
3. You will avoid the potential for negative social media or other bad press if you deny the request (or, worse, fire the employee).

For these reasons, I generally favor granting the accommodation. Unless there is a legitimate and overriding business reason to deny an accommodation request to an employee who, during the COVID-19 pandemic, seeks remote work or a leave of absence because he or she does not want to endanger a high-risk family member, grant the request.

It is the right thing to do and, depending on the circumstances, it might even be the legal thing to do.

*Jon Hyman is a partner at Meyers Roman in Cleveland and one of America's top writers and speakers on employment-law topics. You can read his popular blog at [www.coronavirustlam.blog](http://www.coronavirustlam.blog).*

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# Promote your safety efforts to urge staff to return to workplace

As more organizations reopen their workplaces to more employees, some of those workers won't be compelled to return. You may need to do a bit of a sales job to get them to come back.

Among HR leaders surveyed by the Gartner consulting firm, 44% are planning a period of voluntary return to the workplace in which employees can continue working from home if they want.

To persuade employees to choose to work on-site again, Gartner says employers should approach reopening with these three considerations in mind:

**1. Have a plan for opening ... and re-closing.** In addition to a plan for opening the workplaces, organizations must have a plan for re-exiting as well, in case coronavirus

infections rebound in their region. Senior leaders must determine triggers for closing the workplace again and communicate this to their workforce.

**2. Employees need to feel safe.** It isn't enough to establish safety measures. Employee perception is key. HR must be transparent and specific about the efforts being undertaken so employees understand the safety measures being enacted on their behalf.

**3. Employees are powerful stakeholders in return-to-work decisions.**

HR should gather data to assess employee sentiment and comfort about returning to the workplace.

Continue monitoring to take the pulse of employees once they do return. If employees are unwilling or unable to return to the workplace, companies should not force them.

If employees start to feel unsafe, Gartner advises, that should trigger plans to again exit the workplace.



## FYI

### Are laws limiting your COVID liability on the way?

Republican leaders in Congress are saying that any new aid/stimulus legislation must also include a provision that limits an organization's liability if customers or employees contract COVID-19 through normal interactions with the business. Several states (including Massachusetts, North Carolina, Iowa and Louisiana) have passed laws limiting coronavirus liability for employers. *Tip:* Don't count on these laws—you'll still need to show that you followed coronavirus-related local and state safety guidelines.

## Upcoming webinars for HR

August 6: **Your HR Documents on Trial**

August 7: **Employee Monitoring**

August 11: **I-9 & E-Verify Workshop**

August 13: **Employment Law & COVID Summit**

August 14: **Navigating Legal & Safety Obligations**

August 19: **HR Investigations**

August 20: **The Employee Leave Workshop**

August 27: **Race, Politics & Social Media: Managing Our Differences**

To register or learn more, go to [www.theHRSpecialist.com/events](http://www.theHRSpecialist.com/events)

### Got Zoom fatigue? 3 solutions to calm your brain

All those socially distanced videoconference meetings have caused serious Zoom fatigue for some. Daron Robertson, CEO of Bhive remote tech firm, says it leads to exhaustion because "with no direct eye contact your brain is working overtime to interpret others." Three solutions: Get away from all screens as often as possible, use meditation and yoga to ease your brain and find alternative ways to stay connected (maybe an old-fashioned conference call).

### Pandemic has Americans second-guessing careers

More than half of office professionals (57%) say they've experienced a shift in their feeling toward work during the pandemic, says a new Robert Half survey that says "purpose is at the forefront of everyone's mind now." One-third want to pursue a more meaningful or fulfilling position and 60% are more motivated to be employed by an organization that values its staff during unpredictable times.

### Single women worry most about retirement security

A full 76% of married women say they're very or somewhat confident they'll have enough money to live comfortably in their retirement years, a much higher percentage than divorced women (43%) and never-married women (51%), says a new Employee Benefit Research Institute survey. EBRI suggests employers target retirement planning programs toward female employees, particularly younger ones.



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.

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