

From: Business Management Daily

Subject: Practical HR strategies to boost your career

In The News ...

Most managers still don't understand FMLA basics. Less than half (46%) of managers can name the benefits that the FMLA provides and even fewer (42%) know how long employees can be absent on FMLA leave, according to a test given to 435 managers by ClaimVantage. Nearly three-quarters of these managers said they'd had FMLA training. Find our *Memo to Managers* FMLA training handout on page 6.

COVID law may spark health plan defections. More Americans could qualify to buy health insurance from the Affordable Care Act's state health insurance exchanges, thanks to a provision tucked in the new COVID relief law (*see right*). As a result, millions of workers could decide—if the price is right—to drop their employer-provided health benefits. The law increases subsidies available to buy ACA coverage.

OSHA plans targeted COVID inspections. On March 12, OSHA announced a new "national emphasis program" targeting COVID enforcement inspections at employers that put the largest number of workers at serious risk of infection. The NEP also prioritizes employers that retaliate against workers for complaining about unsafe conditions. Read more about OSHA's plans at www.theHRSpecialist.com/OSHAnep.

In this issue

From the Courts: Pregnancy, wages, COVID	3
HR trends: Benefits, hiring, files.....	5
Memo to Managers: Understanding the FMLA.....	6
Expert Advisor: How to persuade like the FBI.....	7
CDC guidance on vaccinated employees.....	8

HR reacts to mental health/well-being crisis

The past year was one of trauma for your employees. And as home life merged with work life for many people, that pulled mental health into a front-burner workplace issue. Amid the crisis, many proactive organizations stepped up to the challenge.

"If there's one big silver lining of this pandemic, it's that organizations are seeing their workforce more as people and less as employees," says Andrew Hewitt, a senior researcher at Forrester Research. "Many companies have gotten much more comfortable addressing mental health needs in the workplace, offering support services for working parents, and improving access to health services like counselors."

While some employers took big steps on mental health last year, most employers admit their efforts to sup-

port employees fell short, according to a new survey by Willis Towers Watson.

Less than three in 10 employers said their well-being (29%) and caregiving (27%) programs have been helpful to employees in the past year. Employers cite rising stress and burnout as the top well-being challenges connected to the pandemic, generated by an increase in caregiving needs and lack of social connections.

The good news: Nearly two-thirds (62%) of employers said enhancing mental health services and stress

Continued on page 2

Online resource For tips on how to respond to perceived mental health issues at work, plus a list of 43 warning signs to watch for, go to www.theHRSpecialist.com/mentalhealth.

New COVID law affects leave, COBRA, credits

While the \$1,400 stimulus checks grabbed all the national headlines, the new COVID relief law includes several provisions that affect your HR and payroll processes. Some of the key workplace provisions of the American Rescue Plan Act, signed by President Biden on March 11:

Extension of paid sick/family leave tax credits. The Families First Coronavirus Response Act provided certain employees with paid sick leave for COVID reasons. The FFCRA expired on Dec. 31, but employers have been able to take a tax credit if they *voluntarily* offer the leave through March 31. The ARPA extends the tax credit to Sept. 30.

More reasons for emergency FMLA leave. Previously, employees could only take paid emergency FMLA leave

to care for a child whose school was closed or when that caregiver was unavailable for COVID reasons. The law expands possible EFMLA reasons to include all situations that warrant paid sick leave.

New COBRA coverage and payroll tax credit. The law also gives 100% premium subsidy for COBRA continuing health insurance—from April 1 through Sept. 2021—for your terminated employees (and their relatives) who want to remain on your health plan. Employers obtain the subsidy—to be passed along to COBRA enrollees—

Continued on page 2



Labor's wish list: Historic pro-worker legislation actually has a chance to pass this year... *pg. 2*

Mental health

(Cont. from page 1)

management are top priorities over the next six months, compared with just 47% six months ago.

Employers are looking at expanding free or low-cost access to options that address stress, anxiety or sleep issues. Some organizations are providing free or reduced-cost access to therapy and telehealth services. More employers are also expanding caregiver benefits.

Employers also see mental-health benefits from flexible schedules. A recent FlexJobs survey found that workers with flexible work arrangements in 2020 were more likely to say they had the emotional support they needed to manage stress.

Online resource For a calculator to quantify the benefits of a virtual mental health program, see www.tinyurl.com/MHealthCalc.

COVID relief law

(Cont. from page 1)

through a payroll tax credit against employers' quarterly taxes.

Extension of the employee retention credit. The credit, which was approved in a previous COVID law, encourages businesses to retain their employees by allowing eligible employers to claim a credit for paying qualifying wages to employees. The ERC was set to expire in June, but the new COVID law extends the credit to Dec. 31. The law continues the ERC rate of credit at 70% for this extended period.

Dependent care assistance plans. One way to encourage working parents back into the office is to make dependent care assistance benefits more generous. This new law increases the maximum amount—from \$5,000 to \$10,500—that may be excluded from an employee's income under a Section 129 dependent care assistance plan.

Online resource For more details on the employment provisions of the ARPA, go to www.tinyurl.com/covidlaw21.

Historic pro-worker legislation may actually have a chance at passage this year

After finishing COVID-relief legislation, Congress is turning its attention to a series of far-reaching, pro-employee pieces of legislation. And, unlike other years, these have a chance at passage. However, unless Democrats eliminate the filibuster, they'll need some Republican support to pass. Key bills in play:

1. Pregnant Workers Fairness Act: would require employers with 15 or more employees to grant reasonable accommodations to pregnant workers, such as bathroom breaks and modified duties. Current law requires you only to not discriminate against pregnant workers or applicants.

2. The Paycheck Fairness Act: would place a high bar in front of employers trying to justify differentials in wages between women and men. Under current law (the Equal Pay Act) jobs are considered equal if they require the same skill, effort and responsibility in similar conditions. But employers can pay women differently if they can point to any factor other than sex (experience, education, etc.).

Under the PFA, employers would have to show the factor is not based on prior (and possibly biased) salary

at other jobs and there is a business necessity for the pay differential. Plus, employers would have to place a dollar value on each business necessity.

3. The Protecting the Right to Organize (PRO) Act: would be the most significant overhaul of labor law in decades. It would:

- Classify more workers as employees rather than independent contractors.
- Preempt right-to-work laws, which let workers in 27 states opt out of paying union dues even if they gain union benefits.
- Let unions use "quickie" organizing elections with smaller bargaining units, which will more often result in pro-union votes.

4. Equality Act: would set a national standard to prohibit sexual orientation discrimination in the workplace. A key Supreme Court case last year affirmed that Title VII makes it illegal for employers to discriminate on the basis of sexual orientation or gender identity. (*Bostock v. Clayton County*) This bill would formally extend those protections to other realms such as health care and financial services.

States shift mask enforcement to employers

Encouraged by falling coronavirus case counts and deaths, several states have begun lifting mask mandates even as health officials warn it may be too soon. Employers in Louisiana, Michigan, Mississippi and Texas can no longer rely on state law to enforce mask mandates among employees and customers. More states are likely to join in.

Employers are free to enforce their own mask rules. However, without government backing, conflicts are sure to emerge. Public-facing employees have expressed fears they must now enforce masking rules alone.

A just-announced OSHA "national emphasis program" highlights masks as a key coronavirus and COVID safety measure (see page 1). OSHA has put on hold plans to issue emergency temporary standards on COVID safety at work. CDC guidance urges employers to post signs requiring face coverings and politely ask customers to wear masks.

Most employers aren't expected to drop mask rules anytime soon. Other mask-compliance strategies that work:

- Training workers to de-escalate customer conflicts over masks.
- Preparing managers to intervene if necessary.
- Having employees lead by example by wearing masks at work.





Tell staff: Pregnancy accommodation is brief

Your company must reasonably accommodate pregnant employees who have temporary medical restrictions, including offering light-duty assignments or schedule changes. But it's important to make it clear to pregnant workers that the accommodation is *truly temporary*.

That's because if the worker takes FMLA leave, she's entitled to return to her old job. Without clear records that the employer means the accommodation to be temporary, the worker may later argue she was denied reinstatement



to the last position she held.

Recent case: Jennifer worked a night shift. When she became pregnant, she asked to work the day shift to attend prenatal appointments.

Her boss agreed. After the birth and FMLA leave, she was returned to the night shift. She sued, saying the company refused to return her to the same daytime position. The court tossed out her lawsuit, noting that the employer had never promised the shift change was permanent. (*Rasmusson v. Ozinga*, ED WI)

Fail to pay correct wages? Liability may triple

If the only penalty for failing to pay your employees was simply to pay back the unpaid wages, shady employers would have little incentive to comply with the law. That's why the wage statutes in many states enforce compliance by doubling or even tripling liability for the unpaid wages.

Recent case: A sales rep in Massachusetts clinched a large deal, yet was only paid a portion of the commission (\$25k) and was fired after complaining about it. She sued for the remainder and for retaliation. She won.

As damages, the court tripled her

\$25k payment but refused to triple the larger commission amount she would have received a year later if she hadn't been fired. The state supreme court said that is wrong and agreed to triple the damages on the full \$300k in lost commission. (*Parker v. EnerNOC*)

State chart Some states require you to pay penalty wages to current and terminating employees; others limit them to terminating employees. You can find a chart that summarizes all states' penalty wage provisions at www.theHRSpecialist.com/statepenalty.

COVID liability waivers may have little value

Fearing liability, some organizations are asking (or requiring) staff to sign away the right to bring COVID-related claims if they catch the virus at work. But it may not work—or may be more trouble than it's worth. Why?

State laws. Some states won't honor liability waivers. For example, New York courts have said employers cannot limit future negligence by contract.

Workers' comp laws. Waivers can't limit workers' compensation claims. If people are infected at work and can prove it, no agreement bars a claim.

Family members. Recent lawsuits claim workers brought COVID home and infected family members. An employee waiver has no impact.

OSHA. Employees cannot waive the right to file a complaint with OSHA or another safety agency. Waivers do not prevent agencies from pursuing cases.

Liability-limitation laws. Some states already passed laws protecting employers from COVID liability if they follow reasonable safety standards.

Advice: The best legal defense is proof you've taken safety seriously.

Job-bias claims hit 20-year low; poised to rebound?



With many workplaces emptied out in 2020, the EEOC received fewer discrimination and harassment claims from U.S. employees.

But the decline in worker claims to 67,448—a 20-year low and a decrease of 26% since 2016—is part of an ongoing trend during the Trump administration.

Retaliation remained the most frequently cited claim, accounting for a staggering 55% of all charges filed. While most categories of claims declined (race, sex, religion, etc.), the EEOC saw a small uptick in disability discrimination complaints.

Why the overall decline? The EEOC was less receptive to employee complaints during the Trump years, and the agency didn't do as much outreach to encourage worker discrimination claims. Also, more employees may be filing their bias complaints with state agencies, rather than the federal EEOC.

Outlook: Most EEOC watchers predict job discrimination and harassment claims will bottom out and begin to rise again in 2021. One main reason: The COVID pandemic is triggering new bias claims by laid-off workers and remote employees. And, as more people return to workplaces in mid-2021, cases are likely to rise. Plus, workers have a more receptive ear in Washington.

Most popular complaints

The number of charges filed with the EEOC in 2020, and the percent change from 2019.

Retaliation	37,632	▼3.8%
Disability	24,324	▲0.1%
Race	22,064	▼8.0%
Sex	21,298	▼9.1%
Age	14,183	▼8.7%
National origin	6,377	▼9.0%
Color	3,562	▲4.3%
Religion	2,404	▼11.8%

Note: Employees' claims often include more than one type of charge.



COVID concerns: Eligible for unemployment?

The U.S. Department of Labor issued guidance to state unemployment insurance agencies that expands the number of instances in which workers may be eligible for pandemic-related unemployment benefits. This includes unemployed workers “who refuse to return to work that is unsafe or to accept an offer of new work that is unsafe” because it isn’t in compliance with COVID safety standards. Note: Benefits paid because of the new guidance will not affect an employer’s experience rating. Learn more at www.tinyurl.com/UIcovid.

NLRB OKs right to discuss unions, wear logos

The National Labor Relations Board ruled that a BMW manufacturing plant violated employees’ labor-law rights by banning employees’ conversations about the union during work time while allowing conversations about other nonwork subjects. The NLRB said BMW can, however, set rules prohibiting workers from publicly disparaging the company. In a separate ruling, the NLRB said employers cannot impose broad bans on employees wear-

ing union insignia or logos at work except under “special circumstances.” Both cases reinforced existing rulings.

Be alert to tax-season scam involving W-2s

If your CEO appears to send you an email requesting a roster of employees and their Social Security numbers, don’t click “send” so quickly! The IRS says this is an increasingly common phishing scheme in which con artists pretend to be HR or payroll employees to harvest employees’ identifying data, use it to file fraudulent tax returns and then pocket the refunds. *Advice:* If you get such a request from a senior executive, confirm the request before following through.

Review emergency plan after new DHS alert

The U.S. Department of Homeland Security issued a new advisory bulletin saying the greatest terrorist threat facing the country is from “domestic violent extremists.” DHS hasn’t said workplaces are uniquely at risk, but employers should prepare for politically motivated anger that could spark violence at work. For tips to make sure your violence-prevention plan complies with OSHA safety guidance (plus other crisis-planning advice), go to www.theHRSpecialist.com/emergencyplan.

HR Q&A

What’s the best strategy for disciplining a remote employee?

Q. What is the recommendation for writing up an employee when they work in the field and rarely visit the office? Is it a call, a Zoom or an email—or a combination of these? — *Quintila, California*

A. This has become an increasingly common problem during the pandemic. If you can, use video conferencing for regular meetings with workers as well as for delivering less welcome news, such as performance critiques.

Video will make it easier to communicate and to eliminate misunderstandings because you have a better chance of recognizing looks of confusion or disagreement.



If a Zoom call is unavailable and meeting in person isn’t an option, then a phone call is your next best option. As with any meeting, advance planning on

what you wish to communicate is vital so you can clearly express your concerns and leave room for feedback.

Take notes of what to cover before launching into the meeting/call. Ask for the employee’s input on the discipline and allow some silence so the employee can respond thoughtfully.

Also, always follow up a coaching or disciplinary meet-

ing with an email or other written communication. The write-up serves to document that the communication occurred, even if the conversation was meant only as coaching. Some people understand written communication better than verbal conversations, so following up in writing helps reinforce the message you sent. A written record also helps if the employee moves to another manager who is unfamiliar with the person’s performance, or when a dispute arises and you want to demonstrate your efforts to communicate.

Must we pay worker for filling out new-hire paperwork, even if it’s before start date?

Q. Should employees be paid for the time they spend filling out new-hire paperwork, even if it is before their official start date? — *Geri, Idaho*

A. Yes. The Fair Labor Standards Act (FLSA) requires employers to pay for any time that an individual is “suffered or permitted to work.” Time spent completing paperwork that is necessary to the hire qualifies as compensable work time, as is time spent in orientation and training programs. For more details on what counts as compensable time, see *DOL Fact Sheet #22, Hours Worked Under the FLSA*, at www.dol.gov/whd/regs/compliance/whdfs22.pdf.

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

Workers want more security, lower costs

Roughly half of U.S. employees say they want more help from their employers to save for retirement, balance their work and life issues and get the most value from their employee benefits, according to new research from the Willis Towers Watson consulting firm.

“The pandemic and its economic impact have strengthened Americans’ desire for greater financial security as well as flexibility, and many are looking to their employers for help,” says Towers’ senior economist Steve Nyce.



However, rising benefits costs are squeezing employees’ household budgets. They want more help from their employers.

According to the survey of nearly 5,000 U.S. employees, 37% of respondents cited reducing benefit costs as their top benefits priority for 2021, followed by receiving greater benefits security from their employer (26%). Roughly two in 10 employees identified receiving more benefit choices (19%) and having more flexibility in where, when and how often they work (18%) as top priorities.

Over half (53%) of the respondents identified saving for retirement as the area in which they would most like help from their employers.

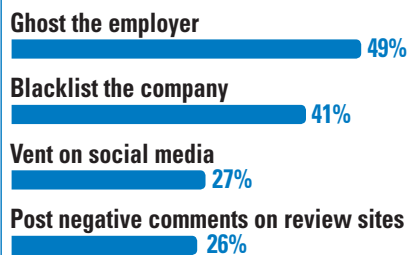
Asked what would best meet their needs to save for retirement, 53% cited a guaranteed retirement benefit. And 42% said receiving more generous retirement benefits in exchange for other benefits and less pay would help meet their needs. Twenty-nine percent said access to other savings and investment products would help meet their retirement needs.

How to lose a good job applicant in just 10 days

Despite having access to a deeper talent pool, one-third of senior managers say their organizations are taking more time to hire in today’s coronavirus environment, according to a new survey of 2,100 managers by the Robert Half outplacement firm.

When asked why the hiring process is stretching out, managers commonly said they were scheduling multiple rounds of interviews, conducting more skills testing and keeping applicants busy with online training.

This process of stringing candidates along—or “breadcrumbing”—can hurt your hiring. The survey found that when candidates feel breadcrumbing, they say they will:



Plus, when hiring managers unnecessarily lengthen the hiring process, they do more than alienate potentially good hires. They risk reputational damage, too. A full 62% of professionals said they lose interest in a job if they don’t hear back from the employer within two weeks after an initial interview. That number jumps to 77% if there is no status update within three weeks.

“By stretching out the hiring process, companies waste critical time and resources and may lose out on the best talent,” said Paul McDonald, senior executive director at Robert Half. “Employers who are transparent with candidates and move efficiently through the process will create a positive experience for potential hires and gain a recruiting edge.”

Where does breadcrumbing happen the most? San Diego, followed by Boston and Dallas. Cities hiring just as quickly as pre-pandemic: Cincinnati, New York and Washington, D.C.

The 4 files you need to keep on every employee

The pandemic has thrown many of your HR processes out of whack. But a court or government agency may not be swayed by that excuse if you make major mistakes on your personnel paperwork.

Especially these days, too many HR files consist of fat folders, organized one per employee, with the most recent documentation at the front and every other piece of paper relating to that employee from Day One behind it.

If that sounds like your practice, it’s time to set up a new employee record-keeping system. Federal and state laws require keeping separate files for a variety of employee records.

You need to create four separate sets of records for each employee:

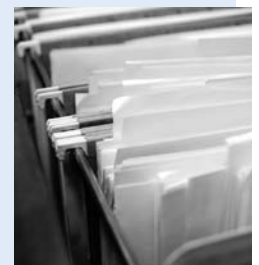
1 A personnel file that includes basic information: name, address, phone, emergency contacts, Social Security number and anything else specific to the employee, including discipline records.

2 A payroll file containing salary information, benefits, pay rate changes and other documentation that affects the employee’s paycheck.

3 A medical file. HIPAA requires employee medical data be maintained and kept confidentially. Information about health insurance, life insurance, medical leave or other documents about private medical information goes in this file.

4 An I-9 form file. You must have an I-9 on file for every employee you hire. It verifies the employee is authorized to work in the United States. I-9 files must be kept separate from all other confidential employee files.

Who can access the file? No federal law gives employees the right to inspect their own personnel files, but many states do give such rights. For a list of 50 state laws, go to www.theHRSpecialist.com/personnel50.



To: _____
From: _____

Date: April 2021
Re: The Family and Medical Leave Act

Employee leave

What managers need to know about the FMLA

When one of your employees requests time off because of a health condition or to care for a family member's health problem, managers need to know whether that leave may qualify under the Family and Medical Leave Act (FMLA).

The law allows qualified employees to take up to 12 weeks of unpaid leave each year for the birth or adoption of a child, to care for their own "serious" health condition or to care for an immediate family member who has a serious condition.

Employees don't specifically need to say they "need FMLA leave." It's the duty of the organization (and the manager) to identify leave requests that may qualify as job-protected FMLA leave. If you suspect a leave request may qualify, notify HR right away.

Here are more specifics on the law:

Which employees are eligible?

To be eligible for unpaid leave, employees must have worked for the organization for at least 12 months and logged at least 1,250 hours of service in those 12 months (slightly more than 24 hours per week).

How much leave is allowed?

The FMLA says eligible employees can take up to 12 weeks of unpaid, job-protected leave during a 12-month period. The law refers to unpaid leave; it doesn't require paid leave.

Eligible leave doesn't have to come in one-week or even one-day chunks. The law allows some employees to take "intermittent" FMLA leave, which can be for several hours or less.

What's an 'illegal' manager action?

You cannot prohibit eligible employees from taking FMLA leave. Nor are you allowed to consider a person's previous FMLA leave as a negative factor in any employment action, such

as hiring, firing, promotion or discipline. Never voice complaints about a person's medical leave (*see box below*).



After FMLA leave is over, employees must be able to return to the same or an equivalent position with equal pay, benefits and perks. The new position must involve the same or substantially similar duties, responsibilities and authority. Employees on FMLA leave continue to earn health benefits.

What reasons qualify for leave?

Qualified employees are allowed to take FMLA leave for any of these reasons:

Birth or adoption: to care for the employee's child after birth, adoption or foster care. (Both women and men can take FMLA leave for this reason.)

Family illness: to care for the employee's spouse, child or parent (not extended family) who has a "serious" health condition.

Own illness: for the employee's own "serious" condition that makes him or her unable to perform the job.

Military families can use FMLA for various reasons, including before and after an overseas deployment.

What is considered a 'serious' health condition?

That's a tricky one. Basically, the law defines a "serious condition" as one that requires in-patient hospital care or causes a three-day incapacity with continuing treatment by a doctor.

That can include everything from heart attacks to back injuries to injuries resulting from accidents. Pregnancy, morning sickness and prenatal care also qualify. Employers also have the right to demand medical certification from a doctor to decide if a condition qualifies.

Advice: Managers should bring the issue to HR's attention whenever they suspect an ailment might qualify.

Must employees notify you?

If employees can foresee their need for FMLA leave—say in a pregnancy—they must give you at least 30 days' advance notice. When FMLA leave is not foreseeable, they need to inform you as soon as it's practical, which usually means one or two business days.

Remember, employees don't need to mention FMLA as long as they provide enough information to decide that the leave qualifies. In short, the burden is on employers to recognize that leave may qualify.

Case study Never complain about medical absences

When employees tell you they need to take leave to care for a serious medical issue (or to care for a close relative with a serious condition), it's important to avoid any critical or disparaging comments. Also, never ever punish a worker in any way for taking such leave. That's because FMLA leave is a legal entitlement no matter how inconvenient it may be for an organization. And a supervisor's negative comments (or adverse actions) could be enough evidence to support an employee's FMLA retaliation lawsuit in court.

Your best response: "Let me know how I can help you" and then forward the request to HR.

Case in point: Justin took FMLA leave to care for a digestive problem. Around the same time, he was rejected for two promotions. His boss made comments about Justin's absences, saying he seems to "miss a lot of work." Then Justin was fired, supposedly for performance problems. He sued alleging FMLA interference and won. The court cited the supervisor's comments and rejection of his promotion so soon after taking leave. (*Coleman v. Amerihealth*)



The power of persuasion: 9 tricks from the FBI

Contrary to what many people believe, FBI agents use persuasion to get the job done in the majority of cases—not brute strength. Here are 10 tricks of the FBI trade that will help you to get people to lean toward your way of thinking when it matters most:

1 Leave a strong first impression.

There is a reason FBI agents wear suits and work out every day. They portray the image of someone who is both professional and capable of handling themselves in every situation. Most people make snap decisions within the first few seconds of meeting you. Pay attention to your appearance, posture, voice and mannerisms.

2 Greet people by name. Research shows that people feel validated when they are referred to by their name. Personalize your interactions with others by using their names.

3 Limit your speech. To be most effective, talk no longer than 30 seconds at a time in a given conversation. Research says the human brain can really only hold on to four things at a time. If you

go on and on for five or 10 minutes trying to argue a point, the person will only remember a very small part.

4 Mirror their behavior. Observe a person’s body posture and then subtly let your body reflect their position. It’s an effective way to build rapport and increase a person’s comfort level.



To be most effective, talk no longer than 30 seconds at a time in a given conversation. Research says the human brain can really only hold on to four things at a time.

5 Paraphrase and repeat back.

Show others that you truly understand how they feel—even if you disagree with them. FBI agents use this to help them get confessions, but you can use this same trick because people are more likely to listen to what you have to say once you show them that you care about them.

6 Smile, always. There isn’t a more powerful persuasion tool in the world, or one more disarming, than a genuine smile.

7 Resist the temptation to correct people when they are wrong.

Telling someone they are wrong is usually unnecessary and is a catastrophic move if you want to persuade someone to do something for you. It is perceived as an attack on their ego. This doesn’t mean you let people off the hook.

Instead, explain the common ground that you share with them, and use that as a starting point to explain your position.

8 Say please and thank you, and treat people with respect. By simply adding “please” and “thank you” when making

a request, compliance is much easier to achieve.

9 Flattery works. It must be sincere for it to be persuasive. If you flatter someone who has high self-esteem, they will like you more because you validated how they feel about themselves.

A former counterintelligence FBI agent, LaRae Quy is a speaker and author of Secrets of a Strong Mind: How to Build Inner Strength to Overcome Life’s Obstacles (www.LaRaeQuy.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 19, Number 4

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.

© 2021, 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.

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



Know when to reimburse WFHers for expenses

As the pandemic drags into its second year, more work-from-home employees are complaining (and suing) over not getting reimbursed for their work-related expenses. Recently, a California tech company, Anyone Home, was hit with a class-action lawsuit from its employees who said they weren't reimbursed properly for home internet, phone, computer, utility, furniture and insurance costs. Advice: State law often governs which expenses you must reimburse. Illinois law, for example, requires you pay all "necessary expenditures." For five tips on managing expense reimbursements, go to www.theHRSpecialist.com/reimburse.

Should you offer COVID shots at work?

In new guidelines issued on March 16, the CDC said employers should consider setting up an on-site vaccination program if they have a large number of workers with predictable schedules and enough space for a pop-up clinic (while still allowing for social distancing). Read more guidance at www.tinyurl.com/CDConsite. Smaller employers are encouraged to direct their workers to off-site clinics. For sample break room posters, emails and other tools to encourage your workers to get vaccinated, go to www.cdc.gov/coronavirus/2019-ncov/communication.

What causes conflict between remote employees?

The top cause of conflict among remote employees stems from "lack of transparency or honesty about something important," followed by "clash of values" and "false accusations," according to a survey of 1,000 U.S. remote employees by MyPerfectResume. Most remote workers (65%) said they experienced conflict with their co-workers specifically, followed by their bosses (19%), external man-

CDC issues new guidance on vaccinated staff

New guidelines from the CDC say that fully vaccinated people can safely visit other vaccinated people without mask or distancing precautions. But the guidance doesn't yet translate into many workplaces.

That's because the CDC is still recommending that, unless everyone entering your workplace is fully vaccinated, masks and distancing should remain the norm for a little while longer. The CDC says also vaccinated people should continue to take mask/distancing precautions when in public.

The good news for employers: If one of your employees tests positive for COVID, co-workers who are fully vaccinated will no longer have to quarantine, even if they were in close contact with the person. That should help cut down on absences.

As of March 18, 12% of Americans have been fully vaccinated.

Read the CDC guidance at www.tinyurl.com/CDCMarch8.



agers (11%) and employees at other companies (5%). For eight tips on managing workplace conflicts, go to www.theHRSpecialist.com/conflict.

Two good questions to ask in stay interviews

"Stay interviews" can help improve employee retention. Two questions to ask during those regular check-in chats: (1) "What do you look forward to when coming to work?" This tells you what really motivates the employee, and what you can use for long-term engagement. (2) "What makes you want to stay here?" You may find the person craves a higher job or likes an unexpected aspect of the position. Your simple willingness to listen will go a long way in earning the employee's trust.

Put polished résumés in perspective

Even experienced HR pros can, at times, get distracted by style over substance. If you still receive handmade résumés, keep in mind that these slick productions submitted by job seekers can often reflect the talents of résumé services, not job candidates. Those packages are designed to catch your eye. But when it comes to deciding whom to interview, put more stock in the content than the snazziness of the document.

Get more ideas during important meetings

If you want to gather as many opinions as possible during important decision-making meetings, try this technique, from Careerbuilder.com: Meet individually with each person beforehand. Ask for input on the subject you want to explore. Then open the meeting with a presentation based on the ideas you collected, using that as a springboard to the main discussion.

Upcoming webinars for HR

- April 1: **The COVID Vaccine: Legal & Practical Solutions for HR**
- April 2: **FMLA Compliance Clarity: Managing Leave in a Changing Workforce**
- April 7: **Independent Contractor vs. Employee: How to Classify with Confidence**
- April 9: **Hacking HR: How to Navigate Your HR Technology Decisions in 2021**
- April 14: **Keeping up With Your Handbook: A Hands-on Workshop for Making Essential Changes**
- April 22: **Learning the Law: HR Fundamentals for Managers**
- April 23: **Documenting Employee Performance: Strategies & 101 Sample Write-ups**

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

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.