

From: Business Management Daily

Subject: Practical HR strategies to boost your career

Workers want to stay remote or they'll look elsewhere

With COVID vaccinations moving quickly, more companies are calling workers back into the office. But many employees don't want to return to the M-F, 9-5 office grind.

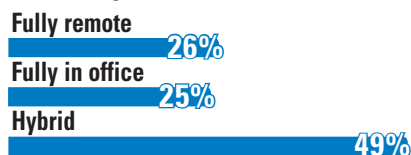
A new study by staffing firm Robert Half shows that 34% of professionals currently working from home due to the pandemic would look for a new job if required to go back into the office full time.

Most workers, however, don't want to be *fully* remote. Nearly half of all employees surveyed (49%) said they would prefer a hybrid work arrangement in which they could divide their working time between the office and some other location, such as home.

A big question for HR over the next year is redefining and communicating the purpose of the office. Is it simply a place where people go to do their work? Or will it be used for more specific functions, like team meetings, collaboration and social gatherings?

A separate survey by Gartner Research found that 45% of HR leaders expect their workplace to reopen in the third quarter this year, while 24% are planning to reopen in the fourth quarter.

Where do employees prefer to work?



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Know what you can/can't ask about vaccines

The EEOC says employers *can* legally ask workers about their COVID vaccination status—and require proof—without sparking liability under federal employment laws like the ADA or Genetic Information Nondiscrimination Act (GINA). But you need to be careful with any follow-up questions.

Only 8% of HR professionals say that their organizations (mostly large global companies) will require their employees to show proof of COVID vaccination, according to a new Gartner Research survey. Another 36% of HR leaders plan to have employees self-report their vac-



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cine status, but will not require proof of the shot.

If you do ask about vaccination status, be cautious with follow-up questions like, “*Did you have side effects?*” or “*Why haven't you been vaccinated yet?*” Those questions aren't specifically illegal. But they are more likely to elicit information about an employee's disability and, thus, may violate the ADA's limits on medical inquiries of employees.

If you ask any such questions, you must be able to show that the need

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Should you remove 'he' & 'she' from handbook?

As more employers take steps to make nonbinary individuals feel more comfortable in the workplace, some organizations are working to create gender-neutral employee policies and handbooks. To do so, they're deleting gender-specific pronouns like “his” and “her” in favor of “their” and “them.”

About 3% of people between the ages of 18 and 35 identify as nonbinary and, thus, do not identify as a male or female, according to a Harris Poll. This could include someone who is transgender, gender fluid or between genders.

Many employers are navigating these new social norms with changes to dress codes, bathroom policies, job applications and workplace rules. Some employers are including those

pronoun preferences on email signatures and name badges.

Retirement company TIAA teaches workers to introduce themselves to clients with their preferred pronouns. At IBM, employees list their preferred pronoun in the company's employee directory.

The country's largest employment law firm, Littler, has eliminated gender-based pronouns from its HR documents, including handbooks. Employees can choose to identify as male, female or nonbinary in the firm's internal HR system. The goal: making everyone feel included in the workplace.

More employers are making that change in their company handbook, removing “he” and “she”

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Asking about vaccines

(Cont. from page 1)

for such information is “job-related and consistent with business necessity.” That can be a high bar, so it may be best to avoid such questions in the first place.

Also, if you require workers to show proof of COVID vaccination, the EEOC suggests that you also “warn the employee not to provide any medical information as part of the proof in order to avoid implicating the ADA.”

Important: Treat any information that you collect on employee vaccinations as protected health records or medical records, which are subject to state and local confidentiality requirements.

Final tip: If you are not mandating the vaccine, while you’re within your legal rights to ask about vaccination status, why would you? It may not be worth the privacy liability risks.

Pronouns in handbooks

(Cont. from page 1)

references and using plural examples when discussing employee policies. Another option: Define “employee” early in the handbook to include workers who are male, female or nonbinary. Then the handbook could use “employee” throughout, knowing that the definition has been established.

In certain states and cities, employers *must* do these things. In California and New York City, for example, employers must refer to workers by their preferred pronoun. To refer to them by another pronoun could be deemed harassment.

Final tip: Whether you change your handbook or not, you must take steps to prevent (and respond to) any harassment or discrimination against nonbinary employees. Respond quickly if co-workers mock or harass workers who choose to use the “they” pronoun.

Vaccines & employees: Know your state’s law on mandating COVID shots, requiring leave

As COVID vaccines get into more arms nationwide, employers are facing several legal questions regarding privacy, employee leave and more. While the federal government has offered general guidance for employers, many state legislatures are drawing clearer lines. Two key issues:

Bias against vaccine refusers

The EEOC has said that employers *can* legally require workers to get the vaccine, unless the person has a religious or medical reason for refusing. However, 29 states are considering bills to ban discrimination against people who choose not to receive COVID vaccine shots. (Find links to pending bills at [theHRSpecialist.com/state-vaccine-bills](https://www.theHRSpecialist.com/state-vaccine-bills)).

Various state bills address the issue from different angles, including:

- **Allowing only medical facilities** to set vaccine mandates on staff.
- **Extending religious exemptions** from employer-mandated vaccinations to all who object on broad philosophical or political grounds.
- **Prohibiting mandating vaccines that don’t have full FDA approval.** Current vaccines have “emergency use” authorization from the FDA.
- **Enacting broad anti-bias prohibitions.** Some states—such as Alabama and Arizona—want to forbid employers from mandating any kind of vaccine. A few states plan to outlaw discrimination against unvaccinated customers.

Paid leave to get vaccine

More states are setting rules on when employees should be paid or given leave for vaccination sessions.

For example, California and Illinois issued guidance that says employers that require workers to be vaccinated against COVID must pay them for the time it takes to get their shots.

New York’s new law requires every employer in the state to provide



While the federal government has offered general guidance for employers, many state legislatures are drawing clearer lines.

employees up to four hours paid leave for each COVID vaccine dose they receive. The law specifies that the paid leave is in addition to any other paid leave the employee may have.

Federal law has addressed paid leave for COVID vaccines in fits and starts. The most recent COVID relief law in Congress allowed employers to voluntarily provide paid time off so employees could get shots and recover from side effects.

Advice: Even if your state hasn’t set a standard yet, be prepared to pay employees for time they spend getting vaccinated. Other states are likely to issue their own mandates.

Also, consider that existing state or local paid leave laws automatically cover time off to vaccinate. For example, if you are required to grant paid time off for doctors’ appointments, time to get vaccinated in a medical office would also be covered.

Offering shots at work: Key issues to consider

While not directly encouraging employers to set up vaccination clinics, the CDC published advice for companies wanting to do it.

The best candidates for on-site clinics: Employers with a large number of workers with predictable schedules and enough space for a pop-up clinic. Smaller employers are encouraged to direct their workers to off-site clinics.

Online resources Read the CDC guidance at [tinyurl.com/CDConsite](https://www.tinyurl.com/CDConsite). For a discussion of issues to consider before setting up an on-site clinic, go to www.theHRSpecialist.com/VacOnsite.



Return-to-work: Bosses shouldn't play doctor

When an employee returns after a long illness or injury, managers shouldn't make their own arbitrary decisions about whether the person can still handle the job.

Instead, they should make the call based on medical certifications, and they should certainly never terminate without talking to HR.

By regarding an employee as disabled, you automatically make them eligible for job protections under the ADA.

Recent case: Michael returned to work about a month after spending 17 days in the hospital on a respirator. He told his boss he was cleared to work, but the boss refused to reinstate him, saying Michael was "a liability" who might get injured at work.

The EEOC sued on Michael's behalf and settled the case for \$85,000. The company must also train its supervisors against assuming employees recovering from serious health conditions are disabled. (*EEOC v. Pirtek*, MD FL)

Firing after FMLA: How soon is 'too soon'?

When it comes to the FMLA, courts will always pull out their calendars to see how closely the employee's protected activity (requesting or taking FMLA leave) coincides with the adverse action (discipline, termination, etc.). The smaller the time, the bigger your risk of losing an FMLA-retaliation lawsuit.



That's why you should always have rock-solid, documented, business-based reasons for terminating or disciplining workers on FMLA leave or just returning from it. Be able to show you would have taken the same action if the person had not used FMLA leave.

Also, realize that even if you win, the "victory" may still cost you thousands in legal fees and lost time.

Recent case: After Thelma returned from her third medical FMLA leave in three years, she was told that a new employee filled her position. She was given another equivalent job.

But over the next five months, she was written up for performance issues and then fired. She sued, claiming the FMLA leave was the real reason. The court tossed out her claim, saying "five months is too long a period to suggest a causal link between her leave and termination ... (and she) provides little else to bolster an inference of causation." (*Strong v. Quest*, N.D. Ill)

Prepare for surge of COVID tag-along claims

Here's another reason to not let up on your COVID safety rules in the workplace: Experts are warning that workers filing lawsuits against employers this year will often tack on COVID-related retaliation and whistleblowers complaints. In other words, employees will sue for discrimination *and* safety-related retaliation.

Advice: Make sure you have a written COVID safety policy and strictly enforce it. Also, the policy should include an anti-retaliation promise.

Recent case: Bryce, a general manager of a New York ice cream shop,

filed a sexual harassment lawsuit. He also added to his case another claim of retaliation, saying his firing was also due to speaking up about unsafe COVID protocols at the company.

Bryce claimed the CEO insisted that the store re-open, even though an employee had tested positive for COVID and several workers were in close contact with him. The CEO allegedly told workers "there might be consequences" for not showing up to work, even though they were supposed to be in quarantine. (*Motteram v. Schmitt Industries*, ED NY)

Recruit broadly to ensure a diverse applicant pool

Patricia, age 60, sued for age bias, saying the employer recruited only in two narrow venues: at the local college and at a nearby Peace Corps office. Thus, 90% of applicants were under age 40. The court said the limited recruiting was enough to send this to trial. (*Barnes v. Saul*, 9th Cir.)

The lesson: Make sure your recruiting efforts reach an applicant pool that mirrors the local population. Periodically review the demographics of applicants. If any group is over- or under-represented, review your recruiting to identify hidden biases.

Unrequited love from a customer? Act fast to stop it

A bank teller repeatedly rejected a customer who asked for dates and brought her love letters. Her boss suggested she transfer to another branch (which offered fewer hours). She quit and sued for harassment. The court OK'd a trial because the bank punished her with a lower-paying transfer offer instead of fixing the issue. (*Christian v. Umpqua*, 9th Cir.)

The lesson: As much as you don't want to alienate customers, the law says you must intercede if they harass your employees.

Is it legal to pay a worker with 91,000 pennies?

When Andreas quit his job at a Georgia auto body shop, the annoyed owner delivered his final \$915 of wages due in a very unique way ... 91,500 greasy pennies dumped in a pile on Andreas' driveway.

Is that legal? A U.S. Department of Labor spokesman, quoted in *The New York Times*, said, "There is nothing in the regulations that dictates in what currency the employee must be paid."

It may have been legal, but the action triggered lots of bad press. Remind managers to avoid retaliating against workers on their way out.





ICE extends remote I-9 reviews until June 1

If you're still operating remotely, you can continue to inspect new hires' I-9 work authorization documents remotely through May 31, 2021. This relaxed policy was launched last spring and has been extended every few months. In addition, workers hired after April 1, 2021, who work exclusively remotely due to COVID-19 will be exempt from I-9 document physical inspection requirements until they undertake nonremote work on a regular basis. Learn more at www.tinyurl.com/I9-extended-05-31-21.

EEO-1 data collection begins for 2019, 2020

The window for reporting both 2019 and 2020 EEO-1 data opens on April 26. The EEOC suspended the annual data collection last May as the pandemic forced employer and government office lockdowns. Employers with 100 or more employees and most federal contractors must submit the report each year detailing the race, ethnicity and gender of employees, sorted by job cat-

egory. Employers would have reported 2019 data last year. Now they must report data for 2019 and 2020 by July 19. Learn more at tinyurl.com/EEO-1-resumes.

Infrastructure plan seeks fines, enforcement

In addition to money for roads and bridges, the \$2.3 trillion infrastructure plan unveiled by President Biden last month calls for "increased penalties when employers violate workplace safety and health rules" and "funding to strengthen the capacity of our labor enforcement agencies to protect against discrimination, protect wages ... and promote union organizing." Specifics will be detailed once the bill is formalized sometime this spring.

Health FSAs can now reimburse for PPE

Health flexible spending accounts can reimburse employees who buy their own personal protective equipment—masks, gloves, hand sanitizer and sanitizing wipes—to stem the spread of COVID. FSAs that wouldn't normally reimburse employees for these items may amend their plans retroactively to cover any period beginning Jan. 1, 2020. For details, go to www.irs.gov/pub/irs-drop/a-21-07.pdf.

HR Q&A

How to spot (and fix) gender pay disparity?

Q. How can someone prove they are being paid less because they are a woman? What would the steps be to get an increase in pay for a woman in order to more closely match a male co-worker? — Dawn, Oklahoma

A. The federal Equal Pay Act requires you to pay employees equal pay for equivalent work. Plus, many state laws simply require equal pay for "comparable work." (See state law chart at www.theHRSpecialist.com/equalpay.)

Proving that two people are performing comparable work can be challenging, since people disagree on whether particular job duties require comparable skill, effort and responsibility. Since you work in HR, I will assume you are interested in ensuring that your employer is fully compliant with this law.

If you conduct a self-audit, you may find that salaries are not equitably distributed. The results of your audit may not be protected as confidential, however, and may be discoverable in equal-pay litigation. For that reason, consider hiring a lawyer to run the assessment.

The attorney will gather information on job descriptions, wage rates, tenure, etc. He or she can then advise whether your pay practices show any statistically significant differences based on gender (or race, etc.) among comparable job sets. If so, you can then move to fix those disparities.



Must we have a smoking section on site?

Q. Our smoking area is outside our building, but the smoke seems to be drifting into the ventilation system. An employee who is super-sensitive to smells has complained. Can we move smokers to their vehicles? Do we even need to provide a place for smokers onsite? — Paula, Nebraska

A. Federal law does not regulate smoking in private workplaces. Most states, however, have passed laws to ban smoking at work in one way or another, typically to prohibit smoking *indoors* at places of employment. In those states, employers must often take appropriate steps to ensure compliance with the law, such as posting signs, removing ashtrays and notifying employees of the law.

But there is no requirement that you provide a smoking room or nonsmoking break room. So, you could move the sensitive worker to a new office, move the smoking area farther from your building or eliminate the smoking area altogether.

Note that many state laws protect workers who exercise their rights (that is, complaining of an employer's failure to ensure compliance) against retaliation.

Online resource For a description of each state's smoking laws and employees' rights in the workplace, go to www.workplacefairness.org/state-smoking-rights-workplace.

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

3 ways that COVID changed work forever

The future of work came earlier than expected. Forced by the pandemic into making radical changes, employers are now figuring which disruptions they will keep—and improve upon.

1. The remote-work genie isn't going back in the bottle.

Flexible schedules and remote work will continue to expand. Employees have gotten used to it and they'll demand it. Those new WFHers won't take kindly to being pulled back into a M-F, 9-5 office existence.

Many employers will be more than happy to continue the trend. Research shows that most companies say productivity held steady or actually improved during the pandemic. Plus, a more remote workforce can shrink overhead costs.

2. Technology burrows into your workflow.

Videoconferencing, project management platforms, chat channels and document sharing allowed many companies to survive the pandemic. Those tools are now in the bloodstream and here to stay.

Expect this tech connection trend to accelerate. In a recent SHRM survey, employers say the top three technologies they'll invest in most in 2021 are remote collaboration tools (34%), automation tools, such as self-service portals (25%) and recruiting/onboarding tools (25%)

3. Securing talent remains a concern.

Unemployment near 6% doesn't mean recruiting and retaining is easy. A third of employees in the SHRM survey say they expect competing for top talent to be a critical challenge post-pandemic. *Reason:* An increase in job seekers doesn't automatically translate into applicants with the skills you need.

Remote work will help, as it allows you to recruit beyond your region. But more employers say they expect to invest in training programs to reskill and upskill employees.



Revising benefits? Have staff acknowledge changes

Many employers are updating their benefit packages in the post-pandemic world. If you're doing so, make sure you collect written or electronic acknowledgements from your employees attesting that they received and read the changes.

The reason: Say an employee retires based on promises your company made in an old retirement plan. You updated the plan months ago, but the employee says he never got wind of the change. He can sue for breach of contract, and he'll have a good case unless you can prove he was notified and read it.

Five tips on creating and collecting acknowledgements:

1 Paper or digital? You can require acknowledgment either way—on paper or by sending an email that requires some type of electronic recognition.

2 Include the usual four-point disclaimer: The worker remains employed at will; nothing new in the benefits documents creates a contract; the employee can ask questions about the change; nothing in the new terms changes the nature of the employee's relationship with the employer.

3 Be wary of any kind of verbal acknowledgment. Memories fade and managers leave. Even your notes of those oral OKs could be challenged in court. Stick to paper or electronic records.

4 When in doubt, request an acknowledgment. Any benefits change that has financial consequences demands an acknowledgment. Best practice: Request acknowledgments for any change that could haunt you.

5 Retain those acknowledgments for at least three years after an employee leaves. That creates an audit trail to prove employees knew about a new policy and you did everything you could to inform them.

Survey your workers about their post-COVID needs

Coming out of the pandemic, your employees may have different needs and priorities for the workplace and their careers. Now's a good time to take the pulse of your workforce.

Use these tips to draft an employee survey that provides information you can use:

- **Establish an objective.** What information do you need and what will you do with it? Nail down your goals; draft questions with those aims in mind.
- **Target what you can control.** Just as you shouldn't ask for information you won't act on, resist surveying employees about factors that you have no influence over, such as government relations.
- **Keep it short and sweet.** Employees should be able to complete your survey in 15 minutes at most. Once you exceed 10 minutes, employees may be apt to rush through answers without providing you much value.
- **Create baseline questions.** Every survey should include two to three of the same questions that allow you to monitor your progress toward creating a better workplace. Those should focus on employees' overall job satisfaction and career growth.
- **Value their responses.** Employees are taking the time to share their opinions. Thank them. Then, share their responses with them, and explain how you will act on the feedback you collected.



Online resource If you're planning to return more employees to your workplace, survey workers to gauge their concerns and opinions about returning. For a sample 12-question survey, go to www.theHRSpecialist.com/COVIDsurvey.

To: _____
From: _____

Date: May 2021
Re: Managing a hybrid workforce

Remote work Hybrid harmony: How to manage in a new environment

As COVID vaccines bring some sense of normal back to business operations, flexibility is on the minds of employees. Maybe they were forced to work at home or another remote location because of the pandemic, but they've gotten to like the arrangement.

However, even more than working at home full time, recent studies show that employees mostly favor the "hybrid" work model. That involves employees coming into the physical workplace for two to three days a week and then working at home the other days.

For managers, however, the hybrid setup can spark some important scheduling, communication and employee-relations headaches. How can managers improve the harmony of a hybrid workforce and perhaps save their own sanity? Consider these ideas:

1. Stay organized

As basic as it sounds, know each person's location every day. Quick access to whereabouts spares the time and frustration of searching. Create a central schedule available to all on your team so everyone's abreast of their colleagues' whereabouts.

2. Prioritize communication

Always a cornerstone of success, communication takes on even greater significance in hybrid arrangements.

Without systems in place, having differing work environments can trigger a communication breakdown.

One common problem: Employees in the office will relay messages to each other in person but forget to disseminate the message to remote staff.

To avoid such situations, standardize communication procedures. Share information in set ways that ensure timely delivery to all.

For staff meetings, adopt a similar mindset of everyone consistently receiving the same information at the same time regardless of location. At many companies, all employees continue to log on to Zoom for meetings whether at home or in the office.

3. Simplify collaboration

Get all members of the team on the same page, both figuratively and literally. That means everyone should be

following the same goals and have the collaborative tools they need to do their jobs. This can mean things like Slack, Trello, Google docs, and any

other tools that allow your teams to work off of the same information.

Note: These tools are only as useful as the training provided with them. Managers need to be well-versed on com-

pany technology and be able to teach team members the most effective ways to use them.

4. Pay attention to fairness

Resentment builds when employees think one group of workers receives preferential treatment or operates under a different set of rules.

Define and adopt identical practices for all team members, such as meeting each member once a week for priority alignment, coaching and feedback.

Another idea: meet with your entire team (on-site and remote) to discuss team ways of working. The team discussion will reveal potential managerial biases and ways to address them.

Also, monitor who receives plum assignments to judge if the scales tip too far toward on-site staff. Give all workers equal opportunities for learning and development. Avoid the tendency to provide remote workers with corrective feedback but failing to acknowledge their accomplishments.

5. Promote a sense of togetherness

Lastly, remember that teams thrive when people feel connected and united toward common goals. Vary who works with whom to dismantle feelings of "us" and "them." Share good news together to build group pride. Celebrate milestones, birthdays and holidays in ways all can enjoy. Physical arrangements change, but our desire to bond with others endures.



Simple words that deliver big results

Whether you're communicating with workers in your office, on a Zoom call or via email, remember these magic words:

"We." One of the quickest ways to build a sense of teamwork is by using "we" instead of "I" whenever possible.

"Please." Saying this may not seem too important, but neglecting it makes employees feel undervalued.

"Thank you." Most managers don't say this enough. It means more to employees than you think.

"Great work!" Let them know when they have done something right—and what that right thing was. Then watch how quickly they do it right again.

"How can I help?" Willingness to follow the lead of employees empowers them. It lets them retain ownership of the problem while letting the boss know how to assist.

"What do you think?" Asking employees for their views acknowledges their expertise.

"I was wrong." It's hard to admit mistakes. Willingness to do so, however, is essential to any supervisor's credibility.





Your vaccination decisions: 5 key issues to consider

At some point over the next several months, most of your employees will receive one of the COVID-19 vaccines. As their employer, you have numerous issues to consider.

You should absolutely formalize these decisions in a written Vaccination Policy that you provide to each employee, so that everyone is on the same page as to your requirements and expectations. The following are the five key considerations that should be front of mind:

1 Will you require the vaccine, or simply recommend employees get vaccinated? Legally, you *can* require the vaccine and proof of vaccination as a condition of employment. However, you must also allow for reasonable accommodation for employees who cannot get vaccinated because of an underlying legally protected disability, and for employees who refuse to get vaccinated because of a sincerely held religious belief.

Because of these exceptions and the likelihood of other employees

becoming offended by a perceived invasion of medical privacy, a recommendation is preferred over a mandate in most cases.

2 Will you pay nonexempt employees for time spent getting the vaccination? If you mandate the vaccine, time employees spend



Formalize these decisions in a written policy so that everyone is on the same page as to your requirements and expectations.

getting vaccinated is almost certainly compensable working time. If, however, vaccinations are optional, time spent related to the vaccine is almost certainly *not* compensable working time. Either way, you can choose to pay workers for the time.

3 Will you pay employees for time off related to vaccine side effects? Some employees will experience 24 to 48 hours of side effects. Because we do not want employees choosing to skip the vaccine because they cannot afford to miss work, consider paying employees for this missed time.

4 Will you offer any financial incentives for employees who obtain the vaccine? The legality of this practice is murky. First, if you offer a financial incentive, be prepared to offer the same to those who cannot get vaccinated because of a legally protected disability or religion. Second, the EEOC has not offered any guidance as to whether a financial incentive changes the voluntary nature of a vaccination. For these reasons,

don't implement an incentive program without consulting counsel.

5 Will you offer the vaccine on-site? The CDC recently released guidance that permits certain employers to establish temporary sites to vaccinate employees, subject to the ADA's confidentiality and medical examination rules (*see box on page 2*).

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Tax credit reimburses for paid leave to receive vaccine

Small businesses will be eligible to claim a tax credit if they offer paid leave to allow employees to get vaccinated against COVID. The credit, announced by President Biden on April 21, will be paid for using funds set aside in the \$1.9 trillion stimulus law passed in March. Employers with fewer than 500 workers will be able to claim a credit worth up to \$511 per day per employee to provide time off to receive COVID vaccines or to recover from vaccine side effects.

The paid-leave incentive comes as demand for vaccinations is starting to level off. In a recent survey, 37% of Americans said they were not yet convinced they should get vaccinated.

DOL clarifies COBRA subsidy; issues model notice

The recent COVID relief law creates a 100% COBRA subsidy to pay for continuing health coverage for employees who lost their jobs (or hours) in recent months. The Department of Labor just issued new guidance to help employers understand how it works—and their responsibilities. For tips on your obligations and a link to the DOL's new model notice, go to www.theHRSpecialist.com/COBRAsubsidy.

Report: Half of quits might have been preventable

Fifty-two percent of employees who voluntarily quit their jobs say that their manager or organization could have done something to convince them to stay, according to a Gallup poll.

The lesson: By the time employees quit, it's likely too late to change their minds. Make sure managers take every opportunity to check in with employees about their likes/dislikes/wants/needs. Use regular "stay interviews" to take employees' temperature and improve retention. Even when employees quit, use formal exit interviews to reveal blind spots that lead to turnover.

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LEAP 2021 Words of wisdom from the 2021 LEAP conference

Our annual Labor & Employment Law Advanced Practices (LEAP) Symposium went virtual this year, but we will be back in Las Vegas next spring (March 16–18)! Here are some nuggets of employment-law wisdom from this year's event:

Documentation "Overwhelmingly, if a jury believes a company is sloppy with their documentation, they'll likely side with the employee. This is one of the biggest problems at trial for employers."

— Dan Gallipeau, *Dispute Dynamics*

Diversity & inclusion "When thinking of diversity and inclusion goals, make sure they are aspirational goals that are tied to a gap you're seeing that's based on data, and that they're not perceived as an unlawful quota."

— Kimya Johnson, *Ogletree Deakins, Philadelphia*



Return to work "In the end, if your company is taking all the COVID precautions but an employee doesn't want to return to the office simply because he doesn't feel comfortable, you typically don't have to employ that person anymore."

— Jennifer Trulock, *Baker Botts, Dallas*

Engagement "The best engagement doesn't depend on wages and benefits. It depends on whether employees feel they're being respected by and can trust their supervisors ... So any training you do of your supervisors is money well spent."

— George Yund, *Frost Brown Todd, Cincinnati*

Digital evidence "It's important for HR to explain to managers that all of their emails and texts can become evidence at trial. Tell them to avoid all texting with their employees if possible."

— Amanda Jones, *Cades Shutte, Honolulu*

Lawsuit trends "As courts reopen and the litigation industry gets cranked up again, we're going to see more claims against employers."

— Fred Plevin, *Paul Plevin, San Diego*



Marijuana "There's no law in the country that allows your employees to come to work impaired under medical or recreational marijuana."

— Mark Neuberger, *Foley Lardner*

Basic training "Every employer should constantly remind their employees to follow the same rules they learned on the first day of kindergarten: Keep your hands to yourself, use nice words and when someone else doesn't obey these rules, tell the teacher."

— Debbie Adams, *Frost Brown Todd, Cincinnati*

Is there anything more dangerous than crossing the IRS?

Payroll Compliance Handbook

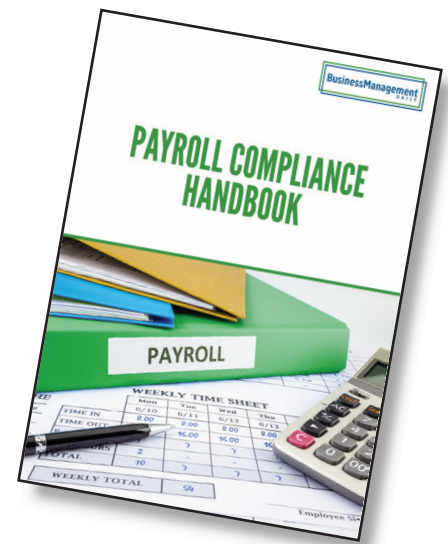
Once upon a time, payroll used to be easy: the employee's gross pay minus federal, state and local taxes. Then along came health premium and 401(k) deductions. Still simple, but...

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.



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- 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

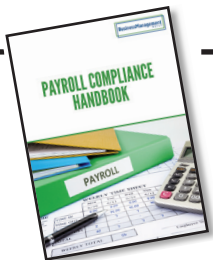
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The **Payroll Compliance Handbook** answers questions like:

- **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.

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