

From: Business Management Daily

Subject: Practical HR strategies to boost your career

## In The News ...

### Congress OKs paid leave in response to outbreak

Emergency legislation signed into law by President Trump last month aims to help employees recoup income lost when the coronavirus outbreak causes them to miss work. Key points:

**Paid emergency sick leave.** Many employers will have to provide 80 hours of paid sick-leave benefits for various reasons, including if workers are sick with COVID-19, are in quarantine, are caring for a sick relative or if their child's school or daycare is closed. Paid sick-leave benefits are capped at \$511 per day for a worker's own care and \$200 a day if the worker is caring for a relative.

**Paid family leave.** The bill will temporarily provide workers with two-thirds of their wages for up to 12 weeks of qualifying family and medical leave when employees can't work (or telework) because their minor child's school or daycare is closed due to a public health emergency. To be eligible for this paid FMLA leave, workers must have been on the payroll for at least 30 days.

The law applies only to employers with fewer than 500 workers.

The good news: Employers will be eligible to recoup those costs through refundable tax credits. Both provisions expire at the end of 2020 (but may be extended).

**Online resource** For more details on the bill, read our analysis at [www.theHRSpecialist.com/corona](http://www.theHRSpecialist.com/corona).

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## Coronavirus & the workplace: 10 key Q&As

For employers, the worldwide coronavirus pandemic has triggered a bewildering array of legal questions surrounding employee pay, leave, benefits, remote work, medical privacy and more. The federal government has tried to keep up with guidance on these topics. Here are some of the important Q&As to be aware of:

### Pay and leave issues

#### 1. Can we mandate telework?

Yes, the U.S. Department of Labor confirms that employers can either encourage or even require telework as an infection-control or prevention strategy. The DOL also notes that telework can be used as a reasonable accommodation under the ADA.

However, a different federal law clearly states that employers cannot make telework decisions based on



#### Outbreak advice:

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protected characteristics, such as gender, race, age or national origin.

#### 2. How do we pay teleworkers?

The Fair Labor Standards Act says employers generally have to pay hourly employees only for the time they actually work, whether at home or at the employer's office. Thus, if your business is closed temporarily during this crisis, you're not required to pay nonexempt employees for time they do not work, even if they were scheduled during those hours.

If your hourly employees are working from home, make sure to continue

*Continued on page 2*

## Coronavirus leave: Start keeping HR records

The paid leave provisions of the Families First Coronavirus Response Act (*see left*) allow employees to continue to be paid even if they cannot work or must stay home to watch their out-of-school children.

The government has not yet specified exactly how employers will be reimbursed for the associated leave expenses. (Of course, you must pay employees who perform work from home.) However, it is safe to say that Uncle Sam will require detailed records of which employees took leave and how much they were paid.

The U.S. Department of Labor and other government agencies are expected to eventually produce forms for reporting all those details.

In the meantime, you should start your own coronavirus recordkeeping system to capture all information you may need to report. Set up a system to record all of the following—if applicable—on each employee:

- Regular rate of pay
- Date of any employer-issued facility closing or directive telling employees not to come to work
- Dates employee began and ended COVID-19-related sick leave
- Dates of school closings causing staff to stay home with children
- Dates employee began and ended COVID-19-related FMLA leave
- Amounts paid to employees during COVID-19-related leave.

# Coronavirus Q&A

(Cont. from page 1)

to track their hours worked. The DOL says employers “would still be required to maintain an accurate record of hours worked for all employees, including those participating in telework.”

Also, salaried exempt employees generally must receive their full salary in any week in which they perform any work (subject to certain very limited exceptions) whether they perform the work at home or the office.

### 3. Office closure: Can we require employees to use leave?

Employers may require exempt staff to take vacation or paid time off (PTO) in the case of an office closure due to the coronavirus (whether for a full- or partial-day absence) as long as the exempt employee receives his or her full guaranteed weekly salary.

If the exempt employee does not have sufficient vacation time or PTO available, the employee must still receive the full guaranteed salary for any week in which he or she performs any work in order to maintain the employee’s exempt status. The exempt employee does not have to be paid for any week in which no work is



performed. Here again, consider any additional pay obligations imposed by state law.

### 4. Can we require tasks outside the job description?

With more employees telecommuting and working new shifts, people will be taking on different roles in this new environment. The DOL says, yes, employees can be required to perform tasks that aren’t specified in their job descriptions.

Be aware, however, that federal or state child labor laws may set limits on the type of hazardous duties that teens can perform. Also, if you have a union contract, you may need to consult the bargaining rep if you are making changes to duties.

### 5. Must we reimburse employees for telework expenses?

If you require an employee to work remotely who is not normally set up to do so, you need to reimburse the employee for any *additional* phone, internet or other related expenses.

## Medical, health and ADA issues

### 6. Can we send workers home if they appear sick?

Yes. The CDC says employees who become ill with flu-like symptoms at work during a pandemic should leave the workplace and can be required to.

You can even send home employees who are *not* showing symptoms if they have been in close contact with a worker who has tested positive or a family member at home has the virus.

### 7. Can employees refuse to come to work due to a fear of becoming infected with COVID-19?

Potentially. Federal OSHA law says employees can refuse a work assignment that involves “a risk of death or physical harm” if certain conditions exist. While a general fear of contracting COVID-19 is not likely to justify a work refusal in most cases, employers should review the facts and talk with an attorney before disciplining such workers.

Also, even if the refusal is deemed justified, the OSHA law doesn’t require you to pay for time the person isn’t at work due to the refusal.

## ONLINE PORTAL

### Coronavirus and the workplace

Because the coronavirus affects your workplace in so many legal and practical ways, we’ve created a portal page on our HR Specialist website that brings together all of our advice on the topic along with pertinent guidance and reference sources from the Department of Labor, EEOC, OSHA and other government agencies.

You can find the portal page at [www.theHRSpecialist.com/corona](http://www.theHRSpecialist.com/corona).

### 8. Can we take employees’ temperatures?

Generally, measuring an employee’s body temperature is considered a medical exam, and the ADA strictly limits when you can request or perform a medical exam. But the EEOC says that when a pandemic “becomes more severe than the seasonal flu ... or becomes widespread in the community as assessed by the CDC” (as in the current case) employers can choose to measure body temperature without running afoul of the ADA. However, be aware that some people with the coronavirus do not have a fever.

### 9. Can we disclose an employees’ actual or probable COVID-19 diagnosis to other employees?

Yes, according to the CDC, employers should inform their employees of their potential workplace exposure. But, to comply with the ADA, that notification must be done *without* revealing the infected person’s name (unless otherwise directed by the CDC or state authority). You can also communicate to appropriate vendors, customers and others who may have come in contact with that worker.

### 10. Could COVID-19 be covered by workers’ compensation?

Workers’ comp claims are based on state law, so check with your state agency or attorney. Generally, however, state laws require employees to prove they contracted the illness in the course and scope of employment. Some states specifically exclude from coverage contagious diseases resulting from exposure to fellow employees or from a hazard to which a person would have been equally exposed outside the workplace.

### Do OSHA’s safety rules apply to employee’s home office?

The good news: OSHA issued a directive in 2000 saying the agency will NOT conduct inspections of employees’ home offices, will not hold employers liable for employees’ home offices, and doesn’t expect employers to inspect employees’ home offices.

However, OSHA’s General Duty clause does require you to provide a workplace free from recognized hazards. One option: Perform a virtual site check to look for potential hazards.

Workers’ comp may be applicable to injuries at home during work time, so try to identify with remote staff what is work time and off-duty time.

Finally, if you’re required to keep injury and illness records, you must do so for home-based staff, too.



## Planning layoffs? Document financial reasons

If you are considering layoffs in these difficult times due to financial troubles, make sure supervisors have documented those numbers and explained the reasoning to the employee. It's hard for laid-off workers to argue discrimination if it's obvious that fiscal realities forced the job cuts.

**Recent case:** After Koya, a college professor, didn't have his contract renewed, he sued for race discrimina-

tion. The university said it laid off Koya and some other adjunct professors because revenue was down.

The court tossed out the lawsuit, saying the school was able to show proof that the layoff was due to a drop in revenue. Plus, professors of a variety of races were laid off, and Koya had no evidence to counter the school's financial proof. (*Abe v. New York University*, New York Appellate Court)

## Can remote staff sue for hostile environment?

Don't assume that employees who work from home can't launch a hostile work environment claim. Winning a lawsuit doesn't depend solely on proving a pattern of direct hostility. In this high-tech world, unlawful "e-harassment" can occur anywhere at anytime.

**Recent case:** When Kristin wasn't traveling for her job, she worked from her home office. After she was fired, she sued for sex discrimination and a hostile work environment.

Kristin argued that her male boss micromanaged her and often com-

mented about her weight in phone calls and video meetings. She said women in the company were generally treated more poorly, adding to the hostile environment.

The court sided with Kristin, saying employees don't have to be bombarded daily with in-person sexist comments to work in a hostile environment. Environment is more than the time spent directly interacting. It includes less obvious anti-female behavior experienced at a distance too. (*King v. Aramark*, WD NY)

## Failure to accommodate depression: \$75k error

Experts say one effect of the coronavirus outbreak is an increase in depression and mental health problems associated with mounting fears and the isolation of social distancing.

Make sure your supervisors and HR staff are aware of this risk and understand that ADA job protections cover mental as well as physical disabilities.

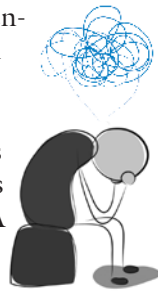
It's typically the employee's duty to make you aware of the disability and the need for assistance. But after they do, it's your job to meet with the worker to identify a reasonable accommodation.

**Recent case:** After an engineer took leave to deal with depression, his

doctor certified him to work. And a fitness-for-duty exam also showed him ready. Rather than bring him back, however, the company gave the engineer a choice: resign or be fired.

He quit and then filed an EEOC complaint saying the company discriminated based on his disability. The EEOC sued on his behalf. Before going to trial, the company agreed to pay the engineer \$75,000 and train supervisors about disability law. (*EEOC v. L-3 Communications*)

**Online resource** Train your staff with our free Memo to Managers article, *Managing a Depressed Employee: What Supervisors Need to Know*, at [www.theHRSpecialist.com/depression](http://www.theHRSpecialist.com/depression).



## Legal Briefs

### Remind managers: Ignore childcare in hiring, firing

The EEOC sued a pawn shop, saying it rejected a female employee for a manager promotion because it assumed that her childcare duties would interfere with the job. The woman had experience and qualifications that were equal to or better than the males selected.

**The lesson:** Remind managers to never assume that women with caregiving responsibilities are less likely to be able to perform their jobs.

### Best defense: Consistent rules, enforced fairly

Joseph, who is Asian, was fired from his city job. When he applied for another city job but didn't get an interview, he sued for national origin bias. The city said Joseph wasn't interviewed because it had a standing policy not to hire applicants who had previously been fired by the city. Joseph couldn't point to any time that the city broke this policy, so his case was dismissed. (*Chhim v. City of Houston*)

**The lesson:** Your best defense to discrimination claims is to prove that you have consistent, fair rules that have been universally applied to everyone.

### Uber example: Bad press can trigger EEOC lawsuit

Uber has agreed to pay \$4.4 million to settle a sexual harassment claim that was initiated by the EEOC after the agency saw widespread media reports about the company's alleged poor treatment of female employees. The settlement emphasizes changing Uber's culture as much as it does compensating harassment victims.

**The lesson:** This case serves as a warning that media accounts of bad behavior can launch EEOC or state agency investigations, even without an employee complaint.



## Reminder: Start using new I-9 form by May 1

Employers must begin using the new version of the I-9 form to verify each new hire's work eligibility by May 1. The revised version carries a date of "10/21/2019" in the lower left and an expiration date of Oct. 31, 2022 in the upper right. You can still use the old I-9 form (with 07/17/2017 in the lower left) up until April 30.

**Online resource** Access the new I-9 at [www.uscis.gov/i-9](http://www.uscis.gov/i-9). To learn about the changes to this version, read the LawLogix blog at [www.tinyurl.com/I-9changes](http://www.tinyurl.com/I-9changes).

## You can expand COVID-19 coverage with HSA

Good news for employers that offer high-deductible health insurance plans with tax-sheltered Health Savings Accounts: The IRS has announced that such plans can now cover the cost of testing for (and treatment of) coronavirus before plan deductibles have been met. And a bill pending in Congress may require all health plans to cover coronavirus testing without co-pays. Learn more at our coronavirus news page, [www.theHRSpecialist.com/corona](http://www.theHRSpecialist.com/corona).

## Start making DACA contingency plans now

The U.S. Supreme Court is poised to soon decide the fate of the Deferred Action on Childhood Arrivals program. If any of your employees have DACA-covered work permits, this decision will affect your organization. The court is deciding whether to uphold the Obama-era

order that promised that people brought into the United States as undocumented children would not be deported if they arrived under age 16, were under age 31 on June 15, 2012 and have remained in this country continually since June 15, 2007. DACA recipients are eligible for work permits.

**Advice:** Know who holds a DACA permit and check their dates (remind employees to renew them). Talk to permit holders now so they know what to expect if you have to terminate them when the decision hits. Learn more at [www.theHRSpecialist.com/Supreme-Court-DACA](http://www.theHRSpecialist.com/Supreme-Court-DACA).

## Virus impact: NLRB suspends union elections

Due to the COVID-19 pandemic, the National Labor Relations Board announced on March 19 that it has temporarily suspended all union representation elections (including mail ballot elections) until at least April 3. An NLRB statement said that the board would extend the suspension if necessary.

## Litigation generates just 10% of EEOC penalties

The EEOC is the federal agency that oversees federal anti-discrimination laws, so you'd expect the agency would win financial victories for American workers by battling it out in court. But as a new EEOC annual report shows, only 10% of the \$386 million paid last year to private-sector victims of discrimination and harassment resulted from litigation. A whopping 90% came from the EEOC's settlement, conciliation and mediation programs.

## HR Q&A

### Can we lay off employee on workers' comp?

**Q.** I have an employee that is currently on workers' compensation leave. He has just been released to light duty. Our business, however, has slowed and we don't have work for him. We have recently laid off others because of the slowdown. Can we terminate him even though he is on workers' comp? — *D., Arizona*

**A.** Yes, you can typically terminate employees even if they are receiving workers' compensation benefits, as long as you are not doing so *because* they filed a workers' comp claim. The lack of work would be a legitimate reason to reduce head count, and it sounds as though you had to let other workers go.

Understand that the termination of his employment typically will not affect your ability to pay his medical benefits for so long as he needs those per the workers' comp laws. And he may continue to receive some benefits for any reduced work capacity since his earning power is presumably reduced by his current work restrictions.

**Online resource** For tips on cutting your workers' comp costs, see [www.theHRSpecialist.com/workerscomp](http://www.theHRSpecialist.com/workerscomp).



### Virus forced closing: Must we pay new hire?

**Q.** A new employee (with a contract) was scheduled to start March 16. But the coronavirus forced our school to close before school started on that same day (March 16). She never came to the school. Other employees will now be working from home and getting paid. Do we have to pay this employee as well because she signed a contract? — *M., New Jersey*

**A.** The contract start date isn't the same as being on the payroll. So if the employee is scheduled to start work but can't, she's not on the payroll. If she's not on the payroll, you have no obligation to pay. Even if she was on the payroll, if the employee is exempt but didn't start work on that day, you don't have to pay because she hadn't done any work for the week. If the employee is nonexempt, you don't have to pay because the employee hasn't performed any work.

**Key point:** If the employee is working from home (like other employees) you must, of course, pay her.

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

# Tough times = stressed-out employees: Here are 9 tips to ease their pain

A spreading virus ... social isolation ... looming layoffs. These are trying times to be a U.S. worker, and many are not handling it well. Here are steps for HR and supervisors to help calm employees' minds and keep them focused (as much as possible) on their work tasks:

**1. Watch your words.** Don't ignore symptoms of anxiety, illness or drug and alcohol abuse that affect performance. Do approach the subject carefully. Managers can offer help for problems that occur at work, but can't broach issues that occur away from the business or may be disabilities.

*Best bet:* Acknowledge that employees may be struggling and remind them of your confidential employee assistance program (EAP).

**2. Check your priorities.** If your team is spread out or leaner than before, everyone is working harder.

Rebalance assignments to prevent overwork and focus team members on the most critical projects. Postpone tasks that aren't top priority until you're able to bring in more help.

**3. Be aware of depression.** Employees who take disability leave because of depression have 44% more lost time than those who take it for other reasons, according to the Integrated Benefits Institute.

*Advice:* Pump up communication about your EAP so all employees know how to get help for depression. (*Find more tips and a Memo to Managers training article on page 3.*)

**4. Monitor the rumor mill.** More than half (54%) of U.S. professionals believe the coronavirus fallout will result in layoffs at their company, according to a mid-March survey of 17,000 professionals by Fishbowl. Are those fears based on gossip? Without real information, perception is reality. Address employees with regular town hall meetings (in-person and virtual)



In a mid-March survey, 54% of U.S. workers believed the coronavirus fallout would result in layoffs at their companies. Address concerns and snuff out rumors with regular staff updates (virtual or in-person).

to keep staff informed.

**5. Offer financial advice.** Money troubles are very real for U.S. families, even if employees retain their jobs. Plus, financially unhealthy employees are more likely to smoke, eat unhealthy food, be overweight and skip exercise—leading to higher health costs.

*Advice:* Ask your 401(k) provider to provide counseling or assistance.

**6. Don't shrug off 'thank you' and 'good job.'** Your company's ability to reward employees with big raises or bonuses may be hampered for a while. Reward good work with small gifts, public recognition and personal thank-yous from execs. Make sure managers frequently remind their employees that they are valued despite your organization's troubles.

**7. Rearrange the furniture.** If your company does suffer layoffs, an empty cubicle is a daily reminder that someone has lost a job. Reconfigure the space or reassign the cubicles so all seats are filled.

**8. Teach coping skills.** Effectively coping with stress is a skill. While some people are naturals at it, most need training. Arrange for a brown-bag lunch or video chat with a counselor or social worker who can teach staff how to deal with today's stresses like isolation, uncertainty, money woes and work/life demands.

**9. Hold younger workers' hands.** Researchers say employees older than 50 feel more insecure about their jobs than those in their 20s. But a separate report says older workers are more likely to remain productive through difficult times. That's because older employees have lived through economic ups and downs.

## Ensure tech security for your remote staff

In the office, employees are typically protected by layers of cybersecurity measures. But once an employee works remotely, those safeguards decline unless you take steps to ensure the same level of security.

In response to the work-at-home surge triggered by the virus outbreak, the Department of Homeland Security has provided several tips:

**Wireless safety.** Best practices involve avoiding public Wi-Fi when possible. It's best to tap into a hotspot or encrypted web connection when possible. A hotspot will prevent other people on the same Wi-Fi connection from gaining access to the user's information.

**Firewalls.** Make sure that all computers or mobile devices that will have access to your data and networks have an up-to-date firewall.

**Virtual private network (VPN).** When possible use a VPN, which provides a direct connection to the company's normal computer applications (email, intranet pages, servers) as if the employee was directly connected to the corporate network. IT should verify that your company's current VPN is updated and can handle the excess bandwidth.

**Encryption.** Depending on the age of your remote desktop application, you may not have the most up-to-date encryption software services.

**Partial network access.** Consider whether all employees need full remote desktop access or whether certain employees' access can be confined to specific portions of the network. Any reduction in remote access will reduce the risk of unauthorized intrusion.

**Passwords.** Employ strong passwords throughout your remote desktop network and consider additional, different password requirements for areas with sensitive information.

**Phishing scams.** Also, beware of scammers sending emails that appear to be legitimate coronavirus news but carry attachments or links that will download malicious software.



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

Date: April 2020  
Re: Managing from a distance

## COVID-19

# Remote control: 6 steps for managing telecommuters

As the coronavirus outbreak puts the remote-work trend into hyperspeed, millions of managers across America got their first taste of supervising their employees from a distance.

It's important for supervisors to know that managing remote employees requires different skills and strategies than face-to-face supervision. Here are some tactics to help make it easier to keep telecommuters productive in a stressful environment:

### 1 Instill a sense of purpose

People tend to perform better when they know their work matters and that others depend on their efforts. Be sure teleworkers realize the value of what they do, especially under difficult circumstances. Explain how their work fits into larger goals.

It's best to provide regular updates on projects. As much as possible, find ways for remote co-workers to support each other by sharing their own success stories.

### 2 Open lines of communication

Technology offers plenty of ways to keep in touch. Figure out which work best for you and your team,

and use them.

Besides including teleworkers in formal back-and-forth, such as brainstorming sessions or collaborative editing of shared documents, look for ways to replicate the “watercooler” conversations that build bonds.

Tech tools such as Slack, Basecamp, Google Hangouts and Zoom allow virtual workers to interact and work with one another in ways that come close to replicating face-to-face interaction.

### 3 Establish a clarity of deliverables

Does the employee know exactly what needs to be delivered when, what is owed and how often? How will ongoing work be made physically visible like it used to be, and on what schedule? Develop metrics that can apply to remote work.

### 4 Provide individual attention

Managers can help staff stay on task and feel more confident about their performance by offering regular



Besides including remote employees in video meetings and shared documents, look for tech-based ways to replicate the “watercooler” conversations that build bonds.

feedback. Daily or weekly personal check-ins, even when there are no updates to discuss, convey a sense that management is consistently interested in what workers are doing.

Such one-on-ones also give teleworkers a forum to ask questions or present concerns without feeling that they're “bothering” the manager.

Take time during these sessions for personal interaction. Ask about spouses, kids, hobbies and passions. Especially during difficult times, remote workers will appreciate the sense of connection to the company.

### 5 Recognize accomplishments

Regardless of location, all employees thrive on recognition of a job well done. A kind email, a group shout-out or a surprise gift certificate for reaching a goal or exceeding a benchmark can motivate remote workers to achieve even more. Also, saying “thank you” as often as possible goes a long way.

### 6 Don't fear connecting too often

At least until you know the worker has gotten into a rhythm you're both happy with, don't worry about reaching out often. Get a visual of their remote workspace so they feel like you've been there. Make it clear that you need to be able to check in as often and as easily as before. “Pop in” remotely until you sense a real two-way street has been established.

## ... But understand the legal risks

Managers need to be aware that when employees work remotely, they open the organization to a unique set of liability concerns, including off-the-clock work, payroll recordkeeping, accommodations for medical disabilities, workers' comp liability, privacy concerns and security issues.

As much as possible, still apply company rules to employees who work remotely. Don't let employees take advantage of the distance and begin to ignore the rules everyone else has to follow. Insist on accountability, and hand down discipline to employees who don't comply.

*Recent lawsuit example:* An engineer in Florida who worked from home failed to turn in required time sheets and took leave without permission. Eventually, she was terminated but then sued for race discrimination. The court tossed out her lawsuit, saying there was no evidence of discrimination and companies have the right to hold employees to the same obligations as in-house staff. (*Bean v. Qualis*, ND FL)



## 4 ways to make your virtual meetings more engaging

While meetings are still meetings, and people are still people, virtual meetings are different.

One of the biggest challenges with virtual meetings is keeping people engaged and participating. Having led many virtual meetings, I've found four things that can help:

### 1 Determine and communicate the purpose.

There are many purposes for meetings. Some are simple one-way information exchanges. If that is your purpose, lower your expectation of participation and consider two things:

- Is a meeting the best way to share this information? Consider a video (or send a PowerPoint file) for people to review on their time, with a shorter scheduled follow-up meeting to handle clarifications.
- If a meeting is the best choice, let people know what to expect—at least they will know that it is one-way information flow.

### 2 Distribute an agenda before.

This helps people know when during the meeting they need to be prepared to participate. Avoid these mistakes:

- Describing topics but not the desired outcome or goal.
- Failing to describe when people

are expected to participate.

- Trying to pack too much into the meeting. With groups larger than 4–5 people, it will likely take longer remotely than face to face, so limit your agenda.

### 3 Design the meeting flow for participation.

Let employees know you expect participation and take these steps:

- **Ask specifically for input from people or sites.** In a face-to-face meeting, you might not call individuals out.

They can see who is ready to talk, so fewer interruptions occur. But in a remote setting, asking “Angie, what do you think?” gives Angie space, permission and sets an expectation that she share.

- **Facilitate more strongly.** Because people can't see each other, someone needs to moderate the discussion a bit heavier than might be needed in a face-to-face meeting. *Example:* When two people speak up at once, intervene and ask one person to continue, then ask the other person to respond. This makes people feel safe and

heard—and improves the chances they will speak up the next time.

### 4 Reduce the use of mute on phone-based meetings.

You've experienced it—people are talking but are still on mute and their comments weren't heard. Or someone asks a co-worker something and there's a long pause before he responds.

The big elephant in the virtual meeting room is multi-tasking. And

one of the ways people try to hide their keyboard clicks (and other noises) is by muting their phones.

While mute is fine if there is lots of background noise, the bigger question

is, how can people really engage in the topic at hand if they are in a noisy place? Expect people to participate from a place where they can concentrate, and not use mute unless absolutely necessary for the success of the call.



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Volume 18, 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](http://www.theHRSpecialist.com). Annual subscription price: \$299.

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# Gone remote? DHS now allows 'virtual verification' of I-9 forms

If your organization has gone completely remote during this health emergency, here is some good news: You temporarily won't be required to review new hires' identity and employment eligibility documents in-person with the new employees.

You can instead review those Section 2 documents via video conference, fax or email, the Department of Homeland Security announced on March 20. The DHS suggests you write "COVID-19" as the reason for the physical-inspection delay in the Additional Information field in Section 2. This new rules last 60 days but may be extended.

This option is only available for employers that have gone all-remote. The physical-review requirement won't be excused if any of your employees are still physically present at a work location. But if new employees are subject to coronavirus quarantine or lockdowns, DHS says it will evaluate this on a case-by-case basis.

Once your company resumes normal operations, you'll have three days to conduct in-person verification of the new hires' documents. After that, you should write "documents physically examined" (and the date) in the Additional Information field.

## New flexibility on "authorized reps."

More good news: If you can't (or don't want to) use this new remote-review option, be aware that DHS also relaxed the rules on who can serve as an "authorized representative" to act on your behalf in reviewing documents in-person with the new hire.

In the past, employers have typically relied on notaries, accountants or attorneys. But in this coronavirus environment, the USCIS will consider "any person" to serve this document-review role—even a family member. (Make sure your authorized person understands the legal obligations.)



DHS says remote employers can temporarily review I-9 documents via videoconference. It also provided new flexibility on who is an "authorized representative" to review documents off-site.

**Another option:** Consider using electronic I-9 systems that provide access to a network of remote I-9 completion centers across the country.

**How it works:** You invite newly hired remote workers to login to an electronic I-9 system, complete Section 1 at home, and then schedule an appointment at a local office that has employees trained in I-9 compliance.

**Final note:** Check your state law. Some states restrict who can serve as your authorized representative, while some states may be offering flexibility these days.

**Online resource** For a deeper analysis of your I-9 and E-Verify obligations in this environment, see the LawLogix blog at [www.lawlogix.com/blog](http://www.lawlogix.com/blog).

## FYI

### Study: Virus impact often depends on salary level

Highly paid employees feel the effects of the coronavirus crisis in very different ways than low-wage workers, according to a new Harris Poll conducted in mid-March. Americans whose household incomes exceed \$100,000 per year are three times more likely to be working from home now than those making \$50,000 or less. Of the wealthiest workers, 23% said their employers had mandated telecommuting, compared to 13% of those with household incomes below \$50,000.

### Outbreak renews focus on the compact workweek

Even before coronavirus hit the United States, shorter workweeks were trending as an employee-relations perk. But with mandated social distancing, the idea has gained

new urgency. Now a four-day workweek could become an important shift-management strategy that helps employees minimize exposure to one another, especially if combined with a telecommuting component.

Compact weeks come in different forms: a 40-hour week over four days (10-hour segments) or simply cutting hours to 32 per week (four shifts of eight hours) with no reduction in pay or benefits. Microsoft Japan says it saw a 40% rise in productivity when it shifted to a compact workweek. The company said that positioned it for better performance with fewer workers once the virus hit.

Before launching a compact week, decide which jobs are most compatible with a reduced workweek. Try a test run to see if productivity falls, stays the same or rises.

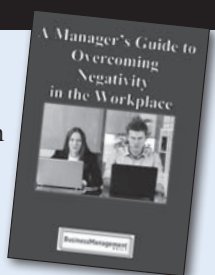
### Most firms will pay hourly workers who test positive

A majority of larger employers say they will continue to pay hourly workers who test positive for the coronavirus (72%) or whose workplace experienced a related temporary closure (54%), according to a survey during the week of March 16 by consulting firm Willis Towers Watson. Only about a third of employers (36%) say they'll continue paying hourly workers when they stay home because they don't have childcare. Most firms will continue to pay for an average of 14 days. Note that a new federal law requires paid leave in some of these cases (*see page 1*).

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# *Payroll Compliance Handbook*

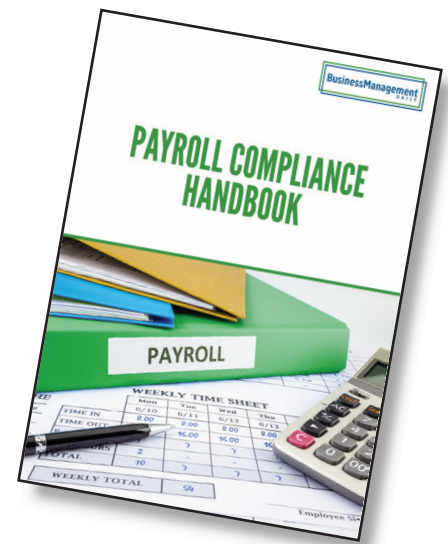
Once upon a time, payroll used to be easy: the employee's gross pay minus federal, state and local taxes. Then along came health premium and 401(k) deductions. Still simple, but...

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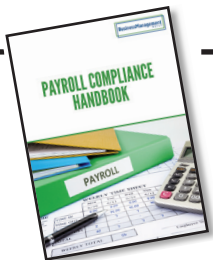
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