

From: Business Management Daily

Subject: Practical HR strategies to boost your career

In The News ...

Executive order creates payroll tax confusion.

Talk to your tax advisor before changing your payroll withholding procedures to follow the president's executive order that allows employers to suspend the employee portion of Social Security taxes from Sept. 1 to Dec. 31. The order lets employers delay payroll taxes, but it doesn't create a tax holiday. That means workers will eventually have to pay the tax unless Congress votes to erase the debt.

The order does not *require* employers to stop withholding, and many say they will continue withholding to avoid the accounting mess and prevent workers from facing a big year-end tax hit. For more, go to www.theHRSpecialist.com/payrollpause.

More companies are creating diversity & inclusion positions

after the nationwide racial justice protests this year. According to Glassdoor, job openings for diversity, equity and inclusion (DE&I) roles spiked by 55% this summer as more companies back up their diversity promises with action.

Domestic violence on the rise: How to respond?

Joblessness, stress and close quarters during the pandemic have led to higher incidences and severity of domestic violence. For tips on best practices to assist victimized workers and understand your legal obligations, go to www.theHRSpecialist.com/domestic.

In this issue

In partisan times, enforce policies evenly	2
From the Court: COVID cases, FMLA, 'it' factor	3
What has HR learned from COVID-19?	5
Memo to Managers: How to handle grieving staff.....	6
Expert Advisor: Should you test for COVID?.....	7

Face masks: The best policy & how to enforce it

Sure, those face masks help prevent the spread of coronavirus. But employment lawyers say there's another good reason to mandate them in the workplace for staff and customers—masks will reduce the spread of legal trouble, too.

Masks can cut the potential for spikes in workers' comp claims and lawsuits from customers who claim they were infected in your workplace. The past few months have seen more employers require masks, even if local laws don't require it.

Managers, not staff, should enforce. Mask mandates, however, have triggered conflicts that

turned violent in some cases. Walmart greeters were berated by maskless customers who were refused entry. At a Trader Joe's in New York, an employee was beaten after asking two customers to wear a mask. And a 17-year-old amusement park worker in Pennsylvania was assaulted and hospitalized after reminding two visitors about the mask policy.

In all these cases, low-wage

Continued on page 2



Mask rules: Sample notice to staff

If you provide face masks to employees and require masks in the workplace, the Seyfarth Shaw law firm has a sample Notice to Employees that includes a bulleted list of mask do's and don'ts. Download it at www.tinyurl.com/MaskRules.

DOL issues 'easier to understand' FMLA forms

It's time again to update those notification and certification forms that you use to comply with the federal FMLA. The U.S. Department of Labor has updated its set of nine official model forms.

The new forms don't change the substance of the questions in the old forms, but they do aim to make it easier for employers to manage their FMLA leave programs and collect the necessary information to approve or deny leave requests.

Key changes: The new versions provide more "check the box" options for health care providers and limit the amount of space available for doctors to describe medical issues related to an FMLA condition.

The forms also feature a blank field that requests a specific date by which the forms must be completed

and returned by the employee.

They also include a quick description of the serious health conditions that qualify for FMLA leave, which could help doctors make determinations.

Note: Employers can use their own homemade forms to administer the FMLA; they don't need to use these DOL model versions. But most legal experts say the DOL versions are your best option.

More changes to come? Along with these new forms, the DOL also is seeking employer input on the FMLA for potential regulatory changes. It's

Continued on page 2



NEW FORMS Learn more about the new FMLA notice and certification forms (and download updated PDFs) at www.theHRSpecialist.com/FMLAnew.

Face mask policy

(Cont. from page 1)

employees were put in charge of enforcing local, state or corporate mandates. That's neither fair nor safe.

"Do not ask or expect a nonmanagement employee to handle removal of a noncompliant visitor or customer," says the Fisher Phillips law firm.

Instead, employers should deploy trained personnel to enforce mask mandates, ideally security but at least someone at a management level. Train other employees not to engage mask violators, but instead summon a designated responder.

"The manager should inform your visitor that they will be asked to leave if they continue to refuse to comply," Fisher Phillips counseled. "If the guest does not cooperate, your manager should escort the individual to the exit If the situation escalates, your manager should know to call on your own security personnel or local authorities in the same manner you would handle a trespassing situation."

Also, clearly post face-mask requirements outside your premises so customers aren't surprised when entering.

New legislation. Some states are stepping up to support employers against anti-mask violence. Illinois, for example, just passed a law that says customers who attack an employee in response to face mask-enforcement will face an "aggravated battery" charge and two to five years in prison. Look for more states to follow.

New FMLA forms

(Cont. from page 1)

asking for employers to submit their comments on issues such as:

- The definition of a serious health condition and a chronic condition, including whether current definitions are adequately inclusive.
- Managing intermittent leave and reduced-schedule leave.
- Whether employers and employees understand their FMLA rights and obligations.

Employers can submit comments to the Federal Register until Sept. 15 at www.tinyurl.com/FMLAform-comments.

In bitter partisan times, it's wise to enforce your company policies neutrally

Joe Biden T-shirts in client Zoom meetings ... MAGA hats on the warehouse floor ...

With a polarizing election looming, some of your employees will want to share their opinions in any way possible.

One flash point to beware: your company dress code and how it bumps up against laws relating to freedom of expression, retaliation and more.

Some employees erroneously believe they have a First Amendment right to say (or wear) any political messages at work. But the Constitution only prohibits the government from restricting free speech, not private employers.

That doesn't mean you should (or can) put a gag order on any type of employee political discourse. Instead, it's wise to draft a policy that minimizes distractions and maintains order but allows some free speech.

Recent case 1: Whole Foods' policy prohibits employees from wearing anything bearing slogans or messages

that aren't company related. When employees started wearing face masks, some managers allowed mask messages with everything from pro-gay rights to cartoon characters. But the company refused to allow "Black Lives Matter" masks. Now Whole Foods is facing a class-action race bias lawsuit. (*Frith v. Whole Foods*)

The message: Giving leeway to some workers but not others is practically asking for a lawsuit.

Recent case 2: A waitress at an Ohio restaurant sued her employer, alleging that she was fired for refusing her boss's demand that she wear a "Trump: Keep America Great 2020" face mask while waiting tables.

The message: Never force employees to promote or vote for a specific candidate. Almost every state forbids employers from using threats to influence staff votes and political activity.

Online resource For six tips on drafting a policy on employee political expression, go to www.theHRSpecialist.com/political.



Pandemic makes dent in salary-increase plans

Even in the midst of economic uncertainties driven by the coronavirus, most organizations are sticking with plans to increase their salary budgets for the rest of 2020, according to a WorldatWork annual survey that polls 4,700 employers. Some raises, however, won't be as big as originally planned.

Most organizations say they plan to maintain the salary increase budgets they originally planned—for now.

"Over the past two years, with low unemployment rates and increased competition for talent, we saw a bigger jump in salary increase budgets," said WorldatWork director Sue Holloway.

"Now, the sudden jolt of the pandemic has driven a higher percentage of organizations indicating a zero

salary increase budget for 2020. More than 70% of companies are still giving increases in the 3% to 4% range, but we recognize the impact of the pandemic will lag," Holloway said.

Among other key survey findings:

- The national total salary budget increase average fell this year, dropping to 2.9%. That's down from the 3.3% increases projected before the pandemic struck.
- Expect 2021 increases closer to 2.9% than 3.3%.
- Average merit increase budgets for 2020 were reported at 2.6%, a 0.3 percentage point drop from 2019.
- Average performance-based pay increases for 2020 are expected to fall to 2.5% for middle performers and 3.6% for high performers.



As pandemic spreads, so do lawsuits: 2 tips

Hundreds of employee coronavirus-related lawsuits are popping up in state and federal courts, with the most common claims involving discrimination, retaliation, worker safety and leave issues. Here are lessons from two new cases:

1. Employee leave. A San Jose manufacturer terminated all 17 of its employees who requested leave provided under the new Families First Coronavirus Response Act. As you can guess, that caught the U.S. Department of Labor's attention. The company settled the DOL case by paying the 17 workers more than \$41,000 and restoring their jobs.

(*Rogar Manufacturing*)

The message: Make sure your execs and managers understand the new FFCRA leave laws, and never retaliate against workers who ask for any legally protected leave.

2. Layoffs. An employee in New Jersey alleged that, in a COVID-related downsizing, his employer targeted African-American employees for termination and furlough. (*D'Anjou v. Performance Food Group*)

The message: Make sure your selection criteria for any layoff or furlough is based on measurable performance metrics that can be illustrated in documentation.

Hiring based on the 'it factor': Is that bias?

Here's a \$215k reminder that it's always best to use objective, quantifiable measures in hiring, rather than relying on subjective factors. Choosing a candidate based on a gut feeling or belief the person has the "it factor" could backfire.

Also, with millions losing their jobs now, your ex-employees won't be shy to sue your organization over perceived age, race or gender discrimination.

Recent case: A Dallas TV station posted a job for a traffic reporter, seeking someone with five years pro-

fessional broadcasting experience.

It came down to two candidates: Tammy, a woman over age 40, who worked for the station for years as a freelance traffic reporter, and a 25-year-old former NFL cheerleader. The ex-cheerleader was hired.

The former freelancer sued. The station's response: The younger candidate had a certain "it factor." The TV station settled for \$215,000. The EEOC says using a subjective "it" factor can be code for age bias based on stereotypes. (*EEOC v. CBS Stations*, ND TX)



Steer clear of basing salary on previous pay

Attorneys who represent employees and applicants are starting to win equal-pay cases they might have lost in previous years. They are claiming that basing a new employee's starting pay on his previous salaries will perpetuate past bias and, therefore, it is a discriminatory act itself.

The federal Equal Pay Act has rarely been successfully used to hold new employers responsible for the effects of past discrimination. However, plaintiff's lawyers are finding more success suing under state law.

Recent case: Several women sued Oracle, alleging it used their past salary histories to set their starting pay. As a result, they argued, women were paid less than men holding comparable jobs. They sued under California's equal pay law.

The court agreed that such a practice would likely violate state law. It certified a class of more than 4,100 women whose pay was lower than similarly situated males. The case now goes to trial. (*Jewett v. Oracle*, Superior Court of California)

Does online doc visit count as 'in-person' for FMLA reasons?

Typically, for a non-inpatient medical issue to qualify as a "serious condition" under the FMLA, employees must receive either in-person treatment by a healthcare provider at least twice in 30 days or in-person treatment at least once that results in a regimen of continuing supervised treatment.

During the pandemic, many doctors' visits have been held online via telehealth programs on patients' computers and smartphones. Do those online visits qualify an employee for FMLA leave? They do.

The DOL recently announced that, until Dec. 31, 2020, employers must count telehealth visits as if they are physical visits for FMLA reasons. To qualify, telehealth visits must include an examination (remotely), an evaluation and treatment. Employers must also accept remote signatures on FMLA forms.

Expect to pay double for wage-and-hour violations

The Fair Labor Standards Act requires employers to track the time hourly employees work, and the law comes with a built-in penalty: Get it wrong and you will owe *twice your underpayment* going back at least two years (three years if you acted willfully).

Recent case: Instead of paying their workers by the hour, a dry-wall company in Phoenix paid them a piece rate per sheet of drywall installed. The DOL investigated and sued, saying hundreds of employees were underpaid and owed overtime.

The result: The company was ordered to pay \$3 million in OT, based on the doubling of underpayments of \$1.5 million. Also, the company will pay \$200,000 in DOL penalties for failing to track employees' hours. (*Scalia v. Stratis Construction*, DC AZ)

Final note: Remember that DOL also offers a program that allows employers to voluntarily self-report such mistakes to avoid the double damages and additional fines. Learn more at www.dol.gov/agencies/whd/paid.



COVID now often covered by workers' comp

A majority of states have modified their workers' compensation systems to cover employees unable to work because they have COVID-19. Many state laws now presume employees contracted the virus at work if the person was required to work outside the home during the pandemic. Employers wanting to refute that presumption bear the burden of proving the employee contracted the virus in a way unrelated to work. For more on state laws and COVID-19, go to www.tinyurl.com/WCcovid.

New EEOC advice on workers' use of opioids

The EEOC has issued a new publication to help employers address issues related to employing people who legally use or illegally abuse opioid drugs. It also provides guidance for such employees themselves. The guide also lays out employers' rights and responsibilities, noting the ADA says employers cannot discipline

workers for *prior* drug use and must accommodate a worker's rehab efforts, such as attending counseling. Also, some employees undergoing treatment take drugs such as methadone that may result in positive tests for opioids. Employers cannot discipline workers for legally using those drugs.

Online resource Download the guidance at www.tinyurl.com/opioid-info-employees.

I-9 'virtual verification' extended to Sept. 19

If you've been taking advantage of the loosened rules to remotely review (through video, email, etc.) your new hires' identity and work authorization documents for I-9 purposes, you can continue to do so until at least Sept. 19. The U.S. Immigration and Customs Enforcement (ICE) introduced these remote inspection rules when the pandemic hit and has continued to extend them every 30 days. Normal I-9 rules require you to inspect those documents in person. Read more about the new rules at www.tinyurl.com/I-9sept.

HR Q&A

How do we handle W-4 overwithholding error?

Q. Our payroll department has noticed certain errors when employees complete the 2020 W-4. For example, in Step 4 an employee included additional withholding, leaving him with little money on payday. He asked if Payroll could recover the overwithheld taxes retroactively. Is this possible?

A. Employees' withholding is based on the W-4s they submit. So, no, unfortunately, overwithholding can't be corrected retroactively by employers. Employees can correct their overwithholding by filing another W-4. But it's up to them to fix it, not their employers.

If employee refuses telework, does that nullify her eligibility for emergency FMLA?

Q. An employee wants to take emergency FMLA leave. We told her she can work from home but she refused, saying she can't work at all because she's watching her child while the school is closed. Doesn't this mean she isn't qualified for the leave?

A. Employees generally cannot refuse to take telework when the absence is for school closures if their organization offers the opportunity to do that telework around the child's schedule. Offering alternative hours (i.e. early morning and late night) would be one way to show that the employee could perform telework and, thus, is not eligible for the paid leave.

Here is what the U.S. Department of Labor says on the issue: "If you are unable to perform those teleworking tasks or work the required teleworking hours because you need to care for your child whose school or place of care

is closed, or childcare provider is unavailable, because of COVID-19 related reasons, then you are entitled to take expanded family and medical leave. Of course, to the extent you are able to telework while caring for your child, paid sick leave and expanded family and medical leave is not available."



Employee's COVID test result: Must we take his word on it?

Q. Can we ask employees for a doctor's note or the results after they go for a COVID test, or do we have to take their word?

A. The EEOC has specifically addressed the issue of whether employers can request proof of test results, saying "such inquiries are permitted under the ADA because they would not be disability-related" during a pandemic.

The agency did note that, as a practical matter, health care professionals may be too busy during this pandemic to provide fitness-for-duty documentation for every employee. So the EEOC says "new approaches may be necessary, such as reliance on local clinics to provide a form, a stamp or an e-mail to certify that an individual does not have the pandemic virus."

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

What have we learned from COVID-19? Execs reflect on new operational changes

No company welcomed the pandemic, but the crisis revealed key lessons and opportunities for many workforces. Some examples:

Better prep for emergencies

Most employers admit the past few months have been a huge wake-up call regarding emergency preparedness.

“Sure we pivoted (to remote work) quickly,” says Reuben Yonatan, CEO of GetVoIP. “But we still had some issues regarding how to collaborate efficiently and how to ensure the communication between team members was effective. Going forward, we will come up with an exhaustive WFH (work from home) policy.”

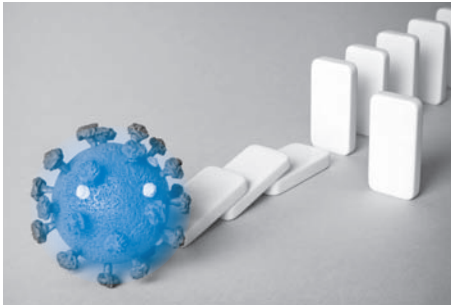
Echoing this sentiment, Liam Flynn, founder of Music Grotto, states, “Our work from home policies will be improved, we will make sure everyone is on board with storing everything in the Cloud. And we will make full use of project management tools and communication channels.”

No 9-to-5: Remote staff are working in time ‘windows’

For many workers, flexible schedules have gone from perk to necessity during the pandemic. And a new study shows that a large number of at-home workers are choosing to break their workdays into two or more discrete blocks, rather than plowing straight through a standard eight-hour shift.

A survey by the Robert Half staffing firm found that 79% of remote professionals said their jobs allow for “windowed work”—the ability to break up their day into distinct chunks of business and personal time. Of those, 73% report the arrangement leads to greater productivity, especially among working parents.

Tips: “Windowed workers” should identify their power hours when they reach peak productivity and carve out time for work. Also, they should share their online schedule so colleagues know when to meet and collaborate.



Expanded hiring pool

Many execs never considered remote work possible for their staffs, until now.

“It became apparent that working from home was something we could do and even thrive doing,” said David Vranicar, founder of FBS Security. “It has expanded our hiring pool and allowed us to create positions that weren’t feasible in the past.”

The end of the office?

Dusan Goljic, co-founder of DealsOnHealth, has been so impressed with his company’s remote results, he’s considering eliminating the office space or at least adopting new procedures. He says productivity has risen 25% since going remote, likely due to a lack of office distractions and more energy due to no commute.

To keep remote staff on track, the company began tracking tasks using Asana (a project management software) and having team meetings once a week.

“It turns out we gave more structure to employees in the crisis than when things were ‘normal,’” he said.

Flex hours & meeting block

Malte Scholz, CEO of Airfocus, said, “When the pandemic started, our families were now home, too. None of us could do a standard 9–5 work day, no matter how hard we tried.”

Airfocus decided to experiment with flexible working hours. Staff could work any time they wanted, as long as they were available for calls from 3 to 5 p.m. Productivity soared, and Scholz says the company will stick to this schedule even after the pandemic.

Returning to the workplace? Answer these 8 questions

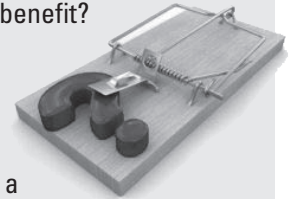
Before allowing an influx of employees back into the office, explore solutions to these dilemmas:

1. Whose distancing guidelines are you following? Be ready to tell staff which trusted source you’re getting the best guidance from. State authorities? The CDC? Your own decisions? The use of masks is an especially sensitive issue (see page 1).

2. Where will they sit? Is there really enough room for everyone to return safely? If some keep telecommuting because space is too tight, could that be seen as an unfair benefit?

3. What about cleaning?

Constant cleaning can become a tedious and exhausting process. Do you have staff willing to do it if necessary? Make sure you have access to all the proper supplies.



4. Should you stagger hours? One solution for spacing problems might be to alter work hours. But check to make sure protected categories of workers aren’t harmed more frequently by this change.

5. Can the breakroom handle it? Make sure this flashpoint of contact is cleaned often or, as some have done, close your breakroom or lunchroom until further notice.

6. What will meetings look like? Remove chairs to enforce distancing. If videoconferencing has been working, keep zooming.

7. Time for vacations? Many people are postponing or skipping vacations, which may lead to a glut of year-end vacation requests, especially if you have use-it-or-lose-it policies. Consider mandating that workers use some vacation time in September and October.

8. Who will enforce your policies? Designate a person to explain and lead enforcement of new safety policies, including masks (a manager, not frontline staff).

To: _____
 From: _____

Date: September 2020
 Re: Managing employees through grief

Communication

How to manage grieving staff: Compassion, not silence

The coronavirus pandemic has pushed fear, anxiety and worry to the forefront of your employees' minds. And, in some cases, employees are experiencing the death of a family member or close friend.

It's tempting for supervisors to take a hands-off approach to the employee's grief. Maybe the manager feels uncomfortable, wants to avoid inadvertent insensitivity ... or just doesn't know what to say.

However, silently waiting for the employee's emotional recovery and viewing grief as a "problem to be solved" isn't the right strategy. Silence will only lead to damaged morale, reduced productivity and employees feeling that their managers don't care about them as people.

In fact, according to a 2019 study by the Grief Recovery Institute, 85% of workers said grief hurt their productivity and decision-making abilities at work. And a new WebMD study said that 57% of Americans have grieved the loss of someone within the past three years.

Supervisors need to understand that grief is a mental health issue that must be gently confronted. Take the following steps to sensitively manage grieving employees and their impact on co-workers.

After learning of the loss

It's perfectly OK for managers to embrace their own discomfort and say something like, "I have no idea what to say to you and I'm really sorry this happened to you." Simply acknowledging the loss with genuine sympathy and support is what matters, not the specific words.

Don't discuss job responsibilities; it can be perceived as insensitive and increase emotional distress.

Gently ask the employee: "What can I do to help you?" and "What would you like me to tell co-workers?"

This initial step can be a lifeline

for employees dealing with the emotional and physical effects of grief, and it opens an opportunity for the employee to take the lead in asking what they need.

It's also important for managers to understand the organization's bereavement leave policy and communicate it

to the employee. If necessary, suggest the employee talk to the HR department or fill out any appropriate forms.

Note: The federal Family and Medical Leave Act (FMLA) allows eligible employees to take job-protected leave to care for a seriously ill spouse, parent or child. FMLA leave does not cover leave for time spent in bereavement or wrapping up the affairs of someone who dies. Again, check with HR about the company policy.

During bereavement leave

Serve as a liaison between grieving employees and co-workers. Periodically ask, "What would you like me to tell co-workers who are concerned about you?"

Coordinate requests, such as having people send flowers or contribute to a charitable foundation. Managers should send their own sympathy card or note, separate from the staff.

Instead of flowers, supervisors sometimes send books on how to deal with grief. Good titles: *The Healing Journey Through Grief* (Rich); *The Grief Recovery Handbook* (James, Friedman); and *Healing Grief at Work* (Wolfelt).

Upon returning to work

Meet with the employee. Ask whether there is anything the person wants to discuss about the recent experience or returning to work. Expect to do more listening than talking. Patience, compassion and availability are helpful qualities to demonstrate.

The 5 stages of grief

1. **Denial.** "This can't be happening to me."
2. **Anger.** "Why is this happening? Who is to blame?"
3. **Bargaining.** "Make this not happen, and in return I will _____."
4. **Depression.** "I'm too sad to do anything."
5. **Acceptance.** "I'm at peace with what happened."

Source: *On Death and Dying*, Elizabeth Kubler-Ross.



Offer reminders about company programs available to support employees after a loss.

Remember that the grieving process is different for everyone. Employees can carry emotional pain that lasts for several weeks or months, and they'll experience some or all of the typical stages of grief (*see box above*). It's the manager's job to create an accepting environment where grief is normal but work still gets done.

During the ensuing weeks

Meet with the employee periodically. Watch for drastic behavior changes and displays of grief. For example, it's natural for grieving employees to talk about deceased loved ones and post pictures, especially during holidays and anniversaries.

But suppose an employee talks very frequently about the loss to the point of distraction. Your approach? Avoid insensitivity. Don't tell the employee to talk less about the deceased or remove memorabilia from the desk.

Instead, suggest that the employee meet with HR to discuss ways to obtain support for dealing with grief. Also remind co-workers to be patient with employees who have a particularly tough time handling grief.

Final tip: Whatever you do to recognize an employee's loss, do the same for all of your staff. It's important to avoid any appearance of favoritism or discrimination in this especially difficult time.



Should employers be testing employees for COVID-19?

Taken by panic and an abundance of caution, many organizations are considering requiring all employees to present negative COVID-19 tests as a condition to reporting to work.

Legally, the EEOC says you can require this testing. Practically, however, it presents some huge hurdles.

1. Tests are not a reliable indicator of whether an employee is bringing COVID-19 into the workplace because they only measure a small slice of time.

Unless you are going to test every employee every day (which is not feasible or practical), a negative test only establishes that an employee does not actively have the COVID-19 virus within their system at the time the test was administered. Indeed, the CDC is not even recommending testing for COVID-positive employees any longer.

2. Tests might be flawed. Indeed, a team from John Hopkins Medicine concluded that

COVID-19 tests have a false negative rate of at least 20% if used too early after infection. If one in five employees who tests negative for COVID-19 is carrying the virus, why test at all?

3. Tests are expensive and not available in a large enough quantity.

Testing every employee every

to be tested (as per the ADA, the FFCRA, the CARES Act, and various state laws).

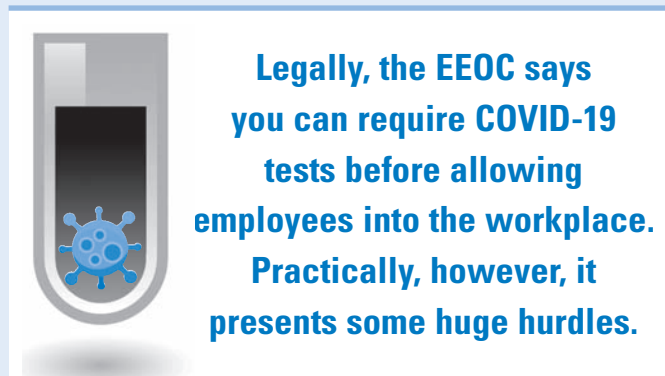
Also keep in mind that an employee's time spent getting tested, including travel time, is almost certainly considered compensable "working time" for your nonexempt employees.

What should an employer do instead of testing employees?

All employers should require employees to self-monitor for COVID-19 symptoms and, upon the presentation of any such symptoms, report to the employer and isolate per CDC guidelines.

The employer should also contact its local department of health, do contact tracing and quarantine those who were in close contact as needed. That is the best you can hope to do to help stop this virus from spreading in your workplace.

Jon Hyman is a partner at Meyers Roman in Cleveland and one of America's top writers and speakers on employment-law topics. You can read his popular blog at www.coronavirusslawblog.com.



day will cost an employer a small fortune, while at the same time unnecessarily using testing resources that could be put to better use (i.e., for those who have COVID-19 symptoms).

Keep in mind that the cost of testing is almost certainly on your dime if you require an employee

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



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 18, Number 9

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.

© 2020, 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.

Black and white HR pros differ on views of race

While nearly half (49%) of black HR professionals say they believe that discrimination based on race or ethnicity exists in their workplace, only 13% of white HR professionals say the same, according to a new Society for Human Resource Management survey. Also, about one-third of HR professionals (32%) say they feel unsafe voicing their opinions about racial justice issues in the workplace. Again, race plays a difference in these numbers. Nearly half (47%) of black HR professionals report feeling unsafe sharing their perspective, while only 28% of white HR pros feel unsafe.

Google extends WFH a full year; is your HR ready?

With Google announcing it will let its 200,000 employees continue to work from home until at least July 2021, look for other companies to also set long-term plans. *Advice:* Be prepared for questions about your HR department's readiness to support such a move. Start by making plans to formalize work-from-home arrangements. Download our free sample telecommuting agreement at www.theHRSpecialist.com/telecommuting-agreement.

IRS sets new rules on reporting COVID leave

If your employees have taken leave under the new Families First Coronavirus Response Act this year, the IRS has released new guidance explaining how to report that information to your employees. You must separate those leave payments and report them on Form W-2 in the "Other" Box 14. Separating the information gives the IRS a way to check the figures against tax credits claimed by the company for that leave. Employers whose numbers don't match face fines and penalties.

Online resource For details on this reporting and model language you can use to notify staff, go to www.theHRSpecialist.com/W2covid.

HR Specialist Summit

A Virtual Conference for ALL Your HR Needs

October 21-22

- 8 first-class HR education sessions (1-5 p.m. ET)
- Compliance & Strategic tracks
- HRCI and SHRM credits
- FREE bonus gifts worth over \$735
- Online, from the comfort of your office/home
- Satisfaction guaranteed or your money back!



"Best conference I've attended!"
— Barbara Wiswall

VIRTUAL EVENT—REAL VALUE!

Register Today: HRS-Summit.com or (800) 543-2055

Pandemic impact: Longer days, more meetings

It's not your imagination: Employees are working longer every day (48 minutes on average) and attending more meetings since the pandemic began in March, according to a new survey by the Harvard Business School and New York University.

Most of the time increase was attributable to employees sending more emails after and before the usual times of the workday. (Note: Employers need to be aware of the potential for legal trouble for unpaid off-the-clock work.)

In addition, the number of meetings employees attended rose 13%. And more of us are participating (virtually, in many cases) in those meetings, with per-meeting attendance up by 2.1 people. The silver lining: Remote meetings tend to be 20% shorter than face-to-face gatherings. Read the full report at www.nber.org/papers/w27612.pdf.



Employees dispersed, but competition still hot

Even as many office professionals are working remotely, more than a quarter (28%) of them said the level of completion among employees at their company is higher than a year ago, says a new Robert Half survey. Younger professionals and men are most likely to say workplace rivalries have increased in the past year. *Tip:* Watch for negative behavior—such as failing to communicate and taking credit for others' work—that are signs competition has gotten out of hand.

Delivering bad news? Use this 3-step approach

A *Harvard Business Review* report suggests employers announce companywide bad news with these steps: (1) Don't sugarcoat it; employees will lose trust if they think you're dodging the truth; (2) Tell them what they can do; employees want firm direction when things are falling apart; (3) Bring your workforce together and ask for their ideas and support; they'll feel better if they have something to contribute.

Remind bosses: Be careful reacting to staff complaints

In particular, managers should refrain from responding to employee complaints of working conditions by saying something like, "If you don't like it here, why don't you quit?" This can be taken as a "constructive discharge"—when management is seen as forcing an employee to quit instead of discharging him or her outright. Managers should always take complaints about workplace conditions seriously, and never issue ultimatums that might make an employee feel compelled to quit.

Is there anything more dangerous than crossing the IRS?

Payroll Compliance Handbook

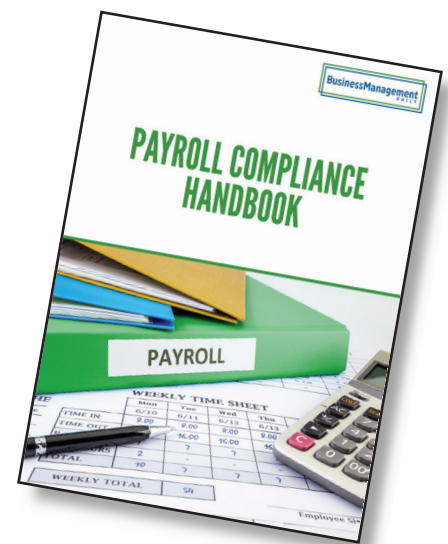
Once upon a time, payroll used to be easy: the employee's gross pay minus federal, state and local taxes. Then along came health premium and 401(k) deductions. Still simple, but...

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.