

May 14, 2021

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## HRMORNING

### Keep Up To Date with the Latest HR News

With **HRMorning** arriving in your inbox, you will never miss critical stories on labor laws, benefits, retention and onboarding strategies.

**HRMorning**, part of the SuccessFuel Network, provides the latest HR and benefits and employment law news for HR professionals in the trenches of small-to-medium-sized businesses. Rather than simply regurgitating the day's headlines, **HRMorning** delivers actionable insights, helping HR execs understand what HR trends mean to their business.

## Employees want to handle healthcare needs online

### ■ *Digital tools will keep them engaged, healthy*

**B**enefit pros have enjoyed increased efficiency and employee engagement by digitizing everything from communications to hiring over the last year.

If it's not already, your benefits program should be next on your list of digital overhauls.

Alongside the growing popularity of telehealth, digital-friendly benefits programs have made navigating health care a lot easier for remote employees. Instead of asking questions and searching through paperwork, they can simply check their benefits app or patient portal.

As Benefit pros strategize how to manage hybrid workplaces in 2021, digital-first benefits programs should be a priority for greater employee engagement and well-being.

### Health care has finally gone digital

The use of telehealth services has skyrocketed during the pandemic as people seek ways to receive care without risking exposure to the virus.

This means employees are getting used to handling their healthcare needs online. For medical counseling programs like chronic care

*(Please turn to Online ... Page 2)*

## EQUALITY

### Addressing LGBTQ+ questions in the workplace

**S**ome major hurdles have been overcome in the past year when it comes to protecting the LGBTQ+ community in the workplace thanks to *Bostock v. Clayton County*.

While this landmark case held that Title VII of the Civil Rights Act of 1964 protects employees against discrimination because they're gay or transgender, Title VII only covers employers with 15 employees or more.

#### Surfacing questions

Obviously there's still work to be done, and part of that is addressing questions that have cropped up since *Bostock*, such as:

- **Use of pronouns:** A person should

use whatever pronoun they're comfortable with for nameplates, email signatures, etc.

- **Use of restrooms/locker rooms:** This issue crops up when someone is transitioning. They should use whatever room their gender presentation is consistent with. If other people are uncomfortable, they can leave in a respectful way.
- **Religious objection:** Not wanting to work with someone of the LGBTQ+ community is unacceptable and is the same as not wanting to work with someone of a different nationality and shouldn't be tolerated.

Info: [bit.ly/LGBTQ626](https://bit.ly/LGBTQ626)

## Online ...

(continued from Page 1)

management and therapy, telehealth has been a smooth transition for many. And because the U.S. Department of Health and Human Services relaxed HIPAA regs, medical professionals have been able to scale their online services more quickly.

As virtual care models become more common, patient portals, electronic health records and other digital tools are gaining momentum. The use of non-clinical online health services soared during the pandemic, too: usage of mental health apps, like Calm, leapt 29% from January to April of 2020.

In short, the pandemic has pushed much of the average employee's healthcare infrastructure online. And for many, that's a welcome change to accessible, on-demand support.

Now that employees are getting comfortable using online medical services, it's only natural that benefits programs follow suit.

If an employee is already on their computer for a telehealth appointment, they can open a new tab to check their insurer's portal for their copay. Or, if they're on the hunt for a new in-network provider, they can search within their benefits app.

A digital-first benefits program is an excellent complement to online health services. It makes it a lot simpler for employees to find, receive and pay for care when their benefit summaries are easy to access at any time.

### Apps make benefits clear, engaging

Digital benefits programs aren't just more convenient. They can make company benefits more engaging than a set of documents reviewed annually.

Plus, they give insurers and firms the opportunity to create more touchpoints with employees. Apps and portals provide a brand experience for employees to interact with at any time.

Plus, operating online isn't just appealing to employees of all ages – it's par for the course for Gen Z and Millennials. For young talent joining the workforce for the first time with no access to in-person benefits help, a digital program can make the onboarding process a lot smoother.

Benefit pros can take digital-first benefits a step further by finding programs that offer connected devices that enable employees to be rewarded for healthy behaviors.

For example, many health and life insurers now offer connected Apple Watches to promote daily walking habits that offset health risks and lower insurance rates. Dental insurers have even picked up on the trend by giving policyholders electric toothbrushes and rewarding good brushing behavior with lower premiums at policy renewal.

Connected devices create yet another insurer and employer touchpoint for employees, and they encourage behaviors that are beneficial to employees' long-term health.

They also show that you're actively invested in their health and wellbeing.

## SHARPEN YOUR BENEFITS JUDGMENT

*This feature provides a framework for decision making that helps keep you and your company out of trouble. It describes a recent legal conflict and lets you judge the outcome.*

### ■ Religious accommodation: Company takes back job offer

"Vivian, glad I got ahold of you," said Benefits Manager Betty Murphy. "We wanted to offer you an assistant-manager position."

"That's great," said Vivian. "When do I start?"

"As soon as possible," said Betty. "We can get the ball rolling and do all the paperwork online."

"Sounds good," said Vivian. "But, umm, I was so nervous during our video interview I forgot to tell you I can't work from Sundown Friday to Sundown Saturday due to religious reasons."

### Hardship for company?

"But our company is open all day, every day," said Betty. "And you'd be required to work some weekends. If you don't, the other assistant managers on the rotating shift schedule would have to cover them making them work more weekends."

"I'm sorry," said Vivian. "I can't. My religion doesn't allow it."

"I'll have to discuss this with our execs and get back to you," said Betty.

The company decided Vivian asked for too much and invited her to apply for an hourly management position, which paid less but wasn't subject to the rotating schedule.

Vivian declined the offer. The Equal Employment Opportunity Commission (EEOC) sued, accusing the company of violating Title VII by not doing enough to accommodate Vivian's request. A lower court ruled in favor of the company and the EEOC filed an appeal.

Did Betty's company prevail?

■ *Make your decision, then please turn to Page 6 for the court's ruling.*

HRMORNING'S  
What's New in **BENEFITS & COMPENSATION**

EDITOR: RENEE COCCHI

rcocchi@HRMorning.com

EDITORS: BRIAN BINGAMAN  
MICHELE MCGOVERN  
RACHEL MUCHA

PRODUCTION EDITOR: JEN ERB

EDITORIAL DIRECTOR: CURT BROWN

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## Restaurants, auto dealership and sheriff department land in hot seat

*This regular feature highlights recent case settlements, court awards and fines against companies. It serves as a reminder to keep benefits policies in order.*

### **Maggiano didn't pay during pre-shift meetings**

**What happened:** Pre-shift meetings are held at restaurants for many reasons, and they all lead to a profit for the employer. Therefore, workers should be paid for their time. But Maggiano's Little Italy in Philadelphia didn't do that.

**What people did:** Maggiano's required dining room servers to attend 15- to 30-minute meetings before their shifts started. A DOL investigation, found that by failing to pay staff for the meeting time, when staff worked more than 40 hours a week it triggered overtime violations.

**Result:** The DOL recovered \$116,308 for 82 workers and assessed a \$68,060 civil money penalty.

**Info:** [bit.ly/Restuarant626](http://bit.ly/Restuarant626)

### **Restaurant owners coerced staff to give them money**

**What happened:** After being forced to pay \$137,465 in back wages and liquidated damages to its workers for FLSA minimum wage and overtime violations, two Connecticut restaurant owners used threats of retaliation to coerce staff into giving them the money.

**What people did:** The violators were Christopher Delmonico, owner of the former Chubby's in Bridgeport and the co-owner of The Ole Dog Tavern (formerly Lazy Dog Tavern) in Stratford, and Niall O'Neill, co-owner of The Ole Dog Tavern. These restaurateurs:

- drove two workers to a bank to cash their checks and demanded payment in the parking lot
- threatened one with blacklisting
- fired another worker and disparaged

him to future employers, and

- threatened to report employees to immigration and law enforcement if they failed to give up the money.

**Result:** The DOL has obtained a consent preliminary injunction preventing the two men from retaliating against their staff.

**Info:** [bit.ly/Coerced626](http://bit.ly/Coerced626)

### **Leading auto dealership didn't pay minimum wage**

**What happened:** Zeigler Auto Group, in 13 Michigan, Indiana and Illinois locations, failed to assure sales consultants' commissions covered federal minimum wage for all the hours worked each month.

**What people did:** The DOL found that the dealership also wrongly classified some salaried employees as exempt from overtime requirements. Then they failed to pay them overtime despite their duties not qualifying for exemption.

**Result:** A total of \$85,111 will be shared by 214 employees.

**Info:** [bit.ly/CarDealership626](http://bit.ly/CarDealership626)

### **Sheriff's department violated overtime laws?**

**What happened:** You would think a Sheriff's department would know the DOL's overtime laws, but that wasn't the case in Sneedville, TN.

**What people did:** While the FLSA allows law enforcement employers to pay overtime or provide compensatory time based on work periods other than the standard 40 hour workweek, the Hancock County Sheriff's Department chose not to claim that exemption. Violations occurred when payroll processing errors resulted in the employer's failure to track when workers exceeded 40 hours.

**Result:** Sixty-five workers will split \$47,252 in back wages.

**Info:** [bit.ly/Sheriff626](http://bit.ly/Sheriff626)

### **Asking if staff got vaccinated (without violating the ADA)**

With COVID-19 vaccine distribution ramping up and becoming available to all adults, a lot of employers will be eager to bring their staff back to work.

To ensure the safest workplace possible, many employers might be tempted to ask their staff members if they're vaccinated – but aren't sure if that's legal. Would it violate the Americans with Disabilities Act (ADA)? Or maybe the Genetic Information Nondiscrimination Act (GINA)?

### **Careful with follow-ups**

In short, the answer is yes: Employers may ask their employees if they've been vaccinated against COVID-19 without violating any laws, according to the EEOC and employment law attorney Christine Hawes of the firm Crowell & Morning.

This is because when employers ask for proof of vaccination, they aren't asking for employees to disclose medical conditions (which would violate the ADA). This question also doesn't involve the disclosure of genetic information, which is prohibited by GINA.

It's important to remember though that the vaccination questions should stop there.

Questions like, "Why aren't you vaccinated?", "How did it go?" and "Did you experience any side effects?" can trigger ADA issues – so it's best to just avoid them.

This doesn't mean follow-up questions are completely banned, but there have to be legitimate reasons for asking them. Ask yourself why the information would be necessary for you to learn, and be mindful of any ADA or GINA violations before asking.

It's important to note that proving this information is a business necessity can be a high bar to clear, and avoiding these questions is still the best strategy.

**Cite:** [bit.ly/vaxquestions626](http://bit.ly/vaxquestions626)

# High-cost specialty drugs: How to keep costs down for firm, employees

Do you know what the current factors are that affect specialty pharmaceutical trends?

It's important knowledge to have since it can help your company develop a plan for what benefit they'll offer as new drugs get FDA approval.

"We see in the market that 1% to 2% of prescriptions are for specialty drugs, yet this often accounts for greater than 50% of pharmacy spending," said Katie Asch, senior director, U.S. consulting pharmacy practice lead, Willis Towers Watson. "It is imperative to design a benefit that provides judicious access to these important treatments."

Specialty drugs are used to treat complex conditions. They're pricey because they cost more to develop, produce and administer, and often require special handling.

## Financial and clinical management

There are ways you can manage specialty drugs: financially and clinically.

Some of the things that fall into financial management include:

- discounts negotiated by firms for individual payers or groups of payers in a purchasing coalition
- preferred drug lists that include the best value meds and remove comparable higher-cost ones
- maximizing copay coupons from manufacturers to cover drug costs
- spreading the risk of high-cost therapies across many payers, and
- designing a plan that only allows member's actual out-of-pocket cost to apply toward deductible and out-of-pocket maximum accumulations.

As for clinical management, some things that fall under it include:

- making sure employees receive rare disease or cancer treatment from a center of excellence
- utilization management (prior authorization, quantity limits and step therapy criteria), and
- specialized care/case management for rare and specialty conditions

For more info on this complex topic, go to [bit.ly/SpecialtyDrugs626](http://bit.ly/SpecialtyDrugs626)

## 2 ways to boost clarity and productivity

So much is lost in poor communication.

When leaders deliver unclear or misfired information, people lose time, work lacks quality and processes get muddled.

To communicate with clarity and help your benefits people remain productive:

- **Make work visible.** Use physical or virtual task boards such as a large, easily seen white board or your company communication app. Add cards for each task. Specify who handles each one and the status to eliminate wasteful checks and bottlenecks.
- **Align responsibility with authority.** Train employees, and trust they have the knowledge to make low-risk decisions with their work. Ask them to get advice or approvals in higher-risk situations.

Source: [bit.ly/Productivity626](http://bit.ly/Productivity626)

## Virtual meetings are most effective communication tool

Don't ditch virtual meetings when employees come back to the office.

In fact, when it comes to fair and effective communication tools, meetings on Zoom, Skype or Microsoft Teams are the best bet.

Before the pandemic, people who worked remotely – and mostly women – felt marginalized. Few leaders asked for their opinions and insight when they were out of sight.

Virtual meetings leveled the playing field, opened up more diverse communications and built a stronger work and social community, a USC study found.

So continue to host virtual meetings if just one employee or colleague can't attend in person.

Source: [bit.ly/VirtualMeetings626](http://bit.ly/VirtualMeetings626)

## Employee engagement

### Which engagement drivers does your company excel at?



Source: QualtricsXM's 2020 global employee experience trends, [bit.ly/Engagement626](http://bit.ly/Engagement626)

Employees with four-plus-years tenure actually put confidence in leadership as their top driver. People with less than two years agree with the above chart.

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# WHAT WORKED FOR OTHER COMPANIES

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**O**ur readers come from a broad range of companies, both large and small. In this regular section, three of them share success stories you can adapt to fit your needs.

## 1 **Burnout: A little time off can go a long way**

In the age of COVID-19, a lot of people are struggling both at home and at work.

I've had employees express that they're overwhelmed with having to handle their home responsibilities all day, as well as get their work done.

It's a natural problem everyone is dealing with. But it suddenly became a serious concern when, out of the blue, one of my employees told me she was so stressed out she wanted to quit.

I was shocked when instead of

asking for a workload adjustment or time off, this employee was so burned out she wanted to throw in the towel.

It forced me to realize burnout is a huge problem – and worse, employees weren't letting me know until they reached their breaking point.

### Reconsider for one week

I sat down with the employee and discussed everything that led up to her wanting to leave. It was clear she was overwhelmed and at the end of her rope.

I told her I understood and insisted she take a week off before quitting,

just to be sure. Reluctantly, she agreed – and when she returned, she decided to stay after all.

This employee had been going full speed for far too long and felt like there was no other option. But a solid week to relax showed her that things weren't as dire as she thought. She came back refreshed.

Now, when an employee comes to me with any burnout concerns, I insist on a week off first. It almost always does the trick.

*(Frances Nelson, HR manager, Justin Brands Inc., Fort Worth, TX)*

**REAL  
PROBLEMS  
REAL  
SOLUTIONS**

## 2 **Helped working parents with on-site classrooms**

Like most companies these days, we had employees with serious work-life challenges.

The biggest: How could they work while attending to children who had to learn from home?

This was a group of employees we needed on-site. They couldn't get their work done remotely. At the same time, many needed to be home because their kids were there.

It was a dilemma and a struggle all

around. But we created a unique benefit to make it work for us.

### Oversight, instruction included

We converted two conference rooms into on-site classrooms.

We socially distanced desks and invited employees to bring their remote learners to the "school" while they worked.

We hired a teacher to keep an eye on the students and help with their needs. As you can imagine, the kids varied in age and attended

different school programs so their needs ran the gamut.

We even brought in a fitness instructor to help them stay physically healthy.

All the while, employees could do their jobs with peace of mind.

It's turned into a great benefit that we hope to offer as long as employees need it.

*(Chris Hackett, CEO, i2M, Wilkes-Barre, PA, shared his success in The Scranton Times)*

## 3 **Time to rebuild trust in the workplace**

With so much time away from the workplace, colleagues and teamwork, we felt like people grew apart.

That could be dangerous in a collaborative workforce. If employees had lost trust and respect for each other, we'd fall apart. After all, it was a year when no one knew who or what to trust for the right info.

Trust between managers and employees can help everyone get through uncertain times with a higher

level of ease and certainty.

We wanted to help rebuild trust among teams and departments.

### Share what you don't know, too

We encouraged everyone to:

- **Show up authentically.** One way was to give timely responses to colleagues. It shows you listen, even if it's a brief comment on a thread within your communication app or an email that says, "I'm looking into this."
- **Be conscious of where you show up.** Relate to people in the

environment they're working or comfortable in. Some rules that apply on-site – such as social distancing – aren't necessary for virtual meetings. Of course, some virtual rules – such as turn on cameras – aren't necessary elsewhere.

- **Be transparent.** It's just as important to tell others what you don't know or don't have as it is to tell them what you know and have.

*(Jo McRell, Diversity & Inclusion Lead, Facebook, shared this success in an HRMorning.com masterclass)*

## TELECOMMUTING

### Handling post-pandemic remote work

Employees have gotten used to working from home for the past year, but now that the pandemic is rounding the corner, many employers are eager to get their workforce back into the office.

The problem: Your employees don't want to come back.

#### 81% want to stay home

Harvard Business School Online conducted a recent study and found a whopping 81% of employees either don't want to return to the office at all, or only want to return on a part-time basis.

Besides the convenience of staying home, 33% of employees said their overall performance improved while working remotely, and another third reported they can focus better out of the office.

So what does this mean for employers? You might have a decent amount of employees dragging their feet if you ask them to return to work.

A lot of experts say remote work is here to stay, and employers need to be prepared to deal with an uptick in remote work requests.

Depending on the company,

this could fill leaders with dread or enthusiasm. Those on board with remote work could recognize the competitive edge in recruiting it provides, or the opportunity for more diversity.

Those more hesitant about remote work may be tempted to deny employees' remote requests, but there are certain situations where you need to consider them – such as when the ADA comes into play.

#### Accommodation requests

Before the pandemic, many employers assumed remote work wasn't feasible and denied workers' ADA accommodation requests. Now, it's clear many more jobs can be done from home than previously thought.

The Equal Employment Opportunity Commission explained that just because employers have been allowing remote work during the pandemic doesn't mean they're obligated to grant telecommuting requests afterward. However, firms should take these accommodation requests seriously and give them more thought than before.

Employers will need to go through the interactive process and evaluate

## WHAT BENEFITS EXECS SAID

### Top 5 reasons employees quit in 2020

1. Stagnant
2. Poor salary
3. No raise
4. Disliked boss
5. Career change

Source: *CareerAddict*, [bit.ly/Quit626](https://bit.ly/Quit626)

If you aren't 100% invested in helping employees develop professionally, you may want to do that soon or you could lose people to those companies that place a heavy emphasis on it.

*(Each issue of WNB&C contains a current survey to give benefits officers insight into what their peers nationwide are thinking and doing.)*

how well the employee has been performing at home. After doing so, companies may have difficulty justifying a ban on remote work.

It's crucial for employers to evaluate all these requests on a case-by-case basis to avoid any discrimination claims, and to refresh their work from home policies.

Info: [bit.ly/remotework626](https://bit.ly/remotework626)

## SHARPEN YOUR JUDGMENT – THE DECISION

*(See case on Page 2.)*

Yes. The appeals court ruled in favor of the company.

The Equal Employment Opportunity Commission (EEOC) asserted that the company could have given Vivian the job and let her trade shifts with the other managers. But Title VII puts the burden of accommodation on employers and not on other workers, the appeals court explained.

The agency also said the company could have simply assigned Vivian to a schedule that never included Fridays or Saturdays. But that too would put an added burden on other workers instead of the employer, the court reasoned.

Plus, if Vivian became a specialist who was skilled only in some departments, the resulting limitation would place "more than a slight burden" on the company when she went on vacation or took sick leave, the appeals court added.

Nor did Title VII require the company to grant an accommodation that would leave it short-staffed.

The decision for the company was affirmed when the majority of judges leaned heavily on a case where the Supreme Court ruled that "Title VII does not require an employer to offer an 'accommodation' that comes at the expense of other workers."

#### Analysis: There are limits to accommodations

This case presents a classic question: How far must employers go to accommodate the religious beliefs of applicants and employees?

While Title VII obligates employers to accommodate the religious beliefs of applicants and employees, there are limits, such as leaving the company short-staffed and placing the burden on workers and not the company.

Cite: *EEOC v. Walmart Stores East, L.P., No. 20-1419, 2021 WL 1202427 (7th Cir. 3/31/21)*. Dramatized for effect.

## Supported our people by making mental health a value-driven benefit

### ■ Carrier change increased employee satisfaction

Even though we'd been one of *Fortune's* "100 Best Companies to Work For" 22+ years, our employee assistance program's (EAP) mental health benefits weren't keeping up with the rest of our best-in-class benefits package.

Employees were struggling to find in-network providers and scheduling appointments was time consuming.

It was also hard to tell how much of our workforce was utilizing this benefit or how effective the care was. For all we knew, someone could attend five sessions and get absolutely no benefit.

Because this could negatively impact our reputation as a top-notch employer, something had to change.

#### What do we need?

Data on how our workforce engages with their benefits is important to us. We needed a carrier that can measure the different types of services being utilized, track the outcomes and make the information available to us.

For example, are calls being made to the EAP center without

**Our new carrier helped us build a culture of support for employee mental health.**

follow-through scheduling for a counseling session? Are employees getting matched with providers

experienced in treating their needs?

We looked at benefits programs our competitors are offering and realized we needed a comprehensive employee mental health program.

After a thorough search process, we found a carrier committed to accessible mental health support for our employees and their dependents.

#### New partnership

Benefits got to work ensuring our people were aware of their new mental health benefit and how to use it.

Employee engagement and satisfaction increased as a result.

Anyone looking for care is introduced to an intuitive online platform that recommends nearby providers in minutes.

They can choose to meet virtually or in person and tap into digital tools for building new skills. Most appointments happen within a week of the initial call and our employees love it.

The carrier we chose also gives us the necessary transparency for evaluating their program's effectiveness. Some key metrics:

- 99% of employees searching for mental health care get successfully matched with a provider
- 11% of employees get matched with a provider within 24 hours of searching, and
- 88% of those in care are experiencing clinical improvement or recovery.

Our new carrier not only removed barriers to care with de-stigmatization campaigns, they helped us build a culture of awareness and support for employee mental health.

*(Deborah Olson, principal benefits manager, Genetech, San Francisco)*

#### Case Study:

**WHAT WORKED, WHAT DIDN'T**

### TEST YOUR KNOWLEDGE

#### ■ Avoid violations: The dos and don'ts of remote work policies

COVID-19 has many firms tasking their HR/Benefits pros to adopt or update their remote work policies to align with new work realities.

Just make sure your telework policy is applicable to all employees, including those with disabilities. Test your knowledge and decide whether the following statements are *True* or *False*. Then check your responses against the answers below.

1. Under federal law, employers are required to offer some kind of telework to all employees.
2. Telework may be required as a reasonable accommodation under the Americans with Disabilities Act (ADA) and other federal and state disability nondiscrimination laws.
3. If the policy states new employees must work one year before being allowed to work offsite, employees with disabilities must be held to the same requirement.

### ANSWERS

1. **False.** Employers aren't required to offer telework programs. But if they do, they must offer it to those with disabilities, too.
2. **True.** Not only does the ADA consider a "reasonable accommodation" to be any modification that enables a qualified person with a disability to perform essential job functions, the term also encompasses changes that ensure they have the same rights and privileges as those without disabilities.
3. **False.** If this rule exists and a new employee needs to work remotely because of a disability and the job can be done that way, the ADA will likely make the firm break the rule. That could require alterations to other policies too, like those related to equipment and supplies, training, etc.
- Info: [bit.ly/TeleworkADA626](http://bit.ly/TeleworkADA626)

## Help workforce newbies understand benefits

Every spring a new crop of greenhorns – college graduates – enter the workforce. And you can bet they know very little about selecting benefits – they’ve never done it before.

But you can make their first time easier for them by:

- giving them a sheet of terms they may not understand along with their jargon-free definitions
- providing them a link to a website where they can check if their doctors are in-network
- explaining in plain English why a high deductible health plan may be beneficial to them – lower monthly premiums
- detailing the benefits of getting vision and dental coverage, even if they feel they don’t need them, and
- offering simple scenarios for what services are covered and how much of the costs are covered for “other” services, such as mental health, physical therapy, chiropractic, etc.

Info: [bit.ly/Newsbies626](http://bit.ly/Newsbies626)

## Does asymptomatic worker quality for FMLA?

FMLA leave requests for COVID-19 should be analyzed long and hard, case in point:

In *Payne v. Woods Services Medical Practice Group*, an employee tested positive for COVID-19, was asymptomatic and ordered by his doctor to quarantine. He was fired six days into his quarantine. He filed an FMLA suit and his company tried to get the case dismissed. The court refused, saying “he adequately plead his claims of interference and retaliation under the FMLA.”

If an employee tests positive for COVID-19 – symptoms or not – you should consider it a possible FMLA leave, says Jeff Nowak, a shareholder at Littler Mendelson P.C., an employment and labor law practice.

To protect your firm, Nowak suggests taking two steps:

- Send the Notice of Eligibility and

medical certification to the worker’s healthcare provider to be completed.

- If advising the need for leave from work for quarantining, this along with CDC Guidance (quarantine period) provide the necessary basis to designate FMLA leave.

Info: [bit.ly/FMLA626](http://bit.ly/FMLA626); [bit.ly/PayneWoods626](http://bit.ly/PayneWoods626)

## Fundamentals of strong documentation in HR

As a HR/Benefits pro you see it all from performance issues to harassment to improper relationships. And in all these cases, documentation needs to be iron clad in case it needs to be referenced in a legal matter.

Ingrain these three principles:

1. Accuracy. Memories aren’t always reliable, so record things right after they occur for a correct account.
2. Believability. Details and specifics increase your credibility. Focus on facts, not vague opinions.
3. Agreement. If possible, ask the other party to provide a summary of their side. Compare yours and theirs. If they don’t agree, see if you can get other witnesses to testify.

Info: [businessmanagementdaily.com](http://businessmanagementdaily.com)

## Should you rehire former employees? Study says ...

In almost all situations, it would be easier to rehire a former employee than a brand new one. After all, the boomerang employee knows the place, job and expectations.

But should you?

Probably not, say Harvard Business School researchers. Whether the employee left the first time for negative (fired), neutral (personal) or positive (continue education) reasons, they likely won’t work out a second time. Researchers found boomerang employees will perform at the same level and are likely to leave again.

On the other hand, new or internal hires tend to get better at the job.

Info: [bit.ly/Rehire626](http://bit.ly/Rehire626)

## HOT WEBSITES

### ■ What does 2021 hold for HR?

Will life return to some semblance of normalcy in 2021? Find out what trends will define HR’s path over the next year and which practices will have the biggest impact. Download McLeans & Company’s free report.

Click: [bit.ly/HRTrends626](http://bit.ly/HRTrends626)

### ■ Building a powerful HSA

Employer matching is one of the most incentivizing HSA design features for employees. But it’s often overlooked. Find out why. Download this free whitepaper.

Click: [bit.ly/HSA626](http://bit.ly/HSA626)

### ■ Retirement account security

You may want to pass these online security tips along to employees to keep their retirement accounts safe from hackers.

Click: [bit.ly/RetirementAct626](http://bit.ly/RetirementAct626)

If you have a benefits-related question, email it to Renee Cocchi at: [rcocchi@HRMorning.com](mailto:rcocchi@HRMorning.com)

## LIGHTER SIDE

### ■ Can humor be the key to your company’s success

This past year’s been hard for companies and their employees.

Going forward, the key to get people feeling engaged again and the business back on track could be, simply, a little humor.

Some proof, from Yahoo! Finance:

- Leaders with a sense of humor are seen as 27% more motivating.
- A lighthearted line at the end of a sales pitch can boost customers’ willingness to pay by 18%.
- Workplaces that ingrained humor in their culture said employees were 16% more likely to stay.

So, don’t be afraid to crack a joke or lighten up your meetings! It could pay off – literally.

Info: [bit.ly/Humor626](http://bit.ly/Humor626)