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HRMORNING

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HRMorning, part of the *SuccessFuel* Network, provides the latest HR 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.

Hybrid workforce? 6 effective training strategies for success

■ Different – but not difficult

Most HR pros face a new dilemma: How can I train a hybrid workforce? It'll be different, but not necessarily difficult, experts agree.

Good training has always been essential to a great workforce. Now that COVID-19 upended workplaces, HR pros will need to find creative ways to train and reskill employees.

Invested in careers

Most HR pros have employees working in new ways – remote, on-site or hybrid. So your training will need a new look and feel. And when you offer training that fits where employees are now, you prove you're invested

in their careers, which motivates and engages them.

“Training and reskilling will be critical to overall business success in the post-COVID world,” says Balraj Kalsi, general manager of Online Skills Learning at Cengage. “When employees are able to access the skills they want and feel supported in whatever career trajectory they choose, they are more engaged and loyal to the employer.”

Here are six strategies for training your new workforce.

1. Partner with community colleges. If you've never done it before, now's

(Please see Hybrid ... on Page 2)

Updated CDC guidance on return to work

■ Critical to have good ventilation, air filtration

The CDC recently updated its guidance on returning to the workplace, revealing that many common safety protocols might not be doing too much good.

Here's what to focus on, and what you can probably skip.

Surface transmission low

Scientists have agreed the biggest culprit to COVID-19 spread is airborne transmission. This means it's crucial for your workplace to have good ventilation and air filtration. Ask

yourself how often the air is changing in your space, and see what you can do to better circulate fresh air.

One precaution employers are spending too much time on? Sanitizing surfaces, the CDC says. Scientists have determined the risk of transmission by touching infected surfaces is very low.

Plastic dividers are also of “questionable benefit.” A study showed COVID-19 can actually build up on these surfaces over time if they aren't regularly cleaned.

Click: bit.ly/CDC581

Hybrid ...

(continued from Page 1)

the time to consider partnering with community colleges to train a hybrid workforce.

“Academic partnerships also put the employee in control of their continued learning experience, providing the opportunity to choose how they upskill or explore new interests,” says Kalsi.

Working with community colleges allow businesses to provide flexibility and learning opportunities. Here’s how to make it happen:

- Identify skills or labor gaps in your workforce
- Reach out to local institutions and figure out how to approach coursework
- Create a two-way street by setting up externships for the college’s traditional students, and
- Set goals and create metrics to measure your success.

What's Working in HUMAN RESOURCES

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2. **Stick to one training mode.** Think about the group that needs the training, and use the method that will work best for them.

For instance, decide if everyone will be learning at the same time (synchronous) or individually at their own pace (asynchronous).

Synchronous training is best when the training covers info the team needs to operate as one, and when employees can benefit from hearing co-workers’ questions.

3. **Create more on-demand training.** When people are scattered and working from home, it’s harder to schedule a training session that works for everyone. This is why it’s so beneficial to allow employees to view the training at their convenience.

Once you have trainers record their content, remind employees it exists with weekly emails. Have managers mention it as well.

4. **Get more interactive.** When training a hybrid workforce, it’s tough to get everyone together. You’ll want to reserve those full-on, in-person events for critical team training.

Beyond that, make your other training as interactive as possible. Employees are more likely to actively participate when everyone is on a Zoom call, instead of an online training module.

5. **Look for pain points.** Your training won’t run perfectly smoothly, and you can’t always count on employees to speak up when something’s not working.

Encourage employees to use Zoom’s chat function if they’re experiencing difficulties, and build feedback loops into your system, such as a post-session survey that goes out to everyone.

6. **Set goals, measure results.** It’s always important to set goals for performance and knowledge gained. Ask front-line managers what they want their employees to take from the training, and ask your people what they hope to gain from the session as well.

Info: bit.ly/training581

Sharpen your 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.

■ Pregnant worker put on leave: Discrimination?

HR manager Lynn Rondo was taking a walk around the office building, taking advantage of the warm weather, when she saw company attorney Eric Bressler doing the same thing.

“Hey, Eric,” she said. “I see you managed to get outside, too.”

“I needed to clear my head,” he replied with a weak smile. “Lila Garrity is suing us for discrimination.”

Placed on temporary leave

Lynn’s face fell. “Are you joking? We went out of our way to accommodate Lila!”

“Remind me of everything you did,” Eric said.

“Lila was having some pregnancy complications,” Lynn began. “She requested a schedule change which I gladly gave her.

“But then Lila’s doctor said she couldn’t lift more than 10 pounds,” Lynn went on. “Which conflicts with an essential function of her job.”

Eric frowned. “She’s supposed to be able to lift 50 pounds.”

“So I had to put her on temporary leave, which Lila didn’t want,” Lynn said. “I told her she can come back after she has the baby, but she wasn’t happy.”

“I’m wondering if we should’ve tried harder to find an accommodation,” Eric said.

When Lila sued for pregnancy discrimination, the company fought the lawsuit. Did it win?

■ *Make your decision, then please go to Page 4 for the court’s ruling.*

4th Circuit: Reassignment as an accommodation is a ‘last resort’

■ Disabled detective offered unwanted civilian position

While an employee recently lost his failure-to-accommodate lawsuit, the court made an important distinction in the ruling.

When searching for a reasonable ADA accommodation, employers should only suggest reassignment as a “last resort.”

Here’s a rundown of the case.

Couldn’t wear duty belt

Michael Wirtes was a detective for the city of Newport News, Virginia. After many years on the job, Wirtes experienced nerve damage due to wearing his heavy duty belt.

It got to the point where Wirtes couldn’t wear his duty belt without experiencing pain, numbness and tingling in his legs.

Wirtes requested an ADA

accommodation, but the city offered him only two options: retirement, or reassignment to a civilian position, which Wirtes didn’t want.

Wirtes sued the city, claiming it failed to fulfill its ADA responsibilities and offer him a reasonable accommodation.

But the 4th Circuit sided with the city. It said Wirtes’ disability prevented him from performing an essential function of his job – wearing the duty belt. No accommodation would’ve allowed him to wear it.

However, the court noted that reassignment should only be used in “unusual circumstances,” and every effort should be made to keep the employee in their current role.

Cite: Wirtes v. City of Newport News, Va, 4/30/21.

Temp worker injured on the job, but court says he can’t sue the company for negligence

■ Hurt worker entitled to workers’ comp only

When a temporary worker is hurt on assignment with a company that contracted them, it can be tough to determine who’s responsible.

In this case, the court established an employer/employee relationship between the temp worker and the company, preventing him from suing.

The relationship existed

Robert Stevenson was on temporary assignment for Waste Management of Texas when he was injured on the job. After receiving workers’ compensation, he wanted to sue the company for negligence. Stevenson said he wasn’t an employee of the waste management company because the staffing agency told him

he’d be an independent contractor.

The company argued that an employer/employee relationship existed, therefore Stevenson accepting the workers’ comp barred him from suing for negligence. A court agreed.

First, the court determined Stevenson was considered an employee because the waste management company controlled his daily work activities, as well as methods of operation of the work.

The general rule is an individual is an independent contractor if the payer has the right to control or direct only the result of the work, and not what will be done and how it will be done.

Cite: Stevenson v. Waste Management of Texas, Inc., 4/30/21.

■ Firing of two pregnant workers costs biz \$120K

It’s illegal to fire an employee just because she’s pregnant – but that’s exactly what one company recently did.

Phoenix-based medical transportation company LogistiCare Solutions was sued by the EEOC for pregnancy discrimination.

According to the lawsuit, two pregnant women were training to become customer service reps. When the company learned of their pregnancies a week into training, both women were let go. This is a violation of the Pregnancy Discrimination Act.

LogistiCare Solutions will pay \$120,000 to settle the lawsuit, and must issue letters of apology to the fired women. The company will also need to train its entire staff on anti-discrimination laws.

Info: bit.ly/pregnancy581

■ Company owes \$60K for disability discrimination

Refusing to hire a qualified individual just because of a past injury is a surefire way to attract the EEOC’s attention.

Jordan Carriers, a trucking company in Mississippi, was sued by the EEOC after discriminating against a disabled candidate.

The qualified applicant was offered a truck driver position contingent on a pre-employment screening. During the screening, the candidate revealed a 14-year-old back injury, which would have no impact on his job performance. However, the examiner still ended the screening after hearing of the back injury. The candidate was denied employment, a violation of the ADA.

Jordan Carriers will pay \$60,000 to settle the lawsuit, and must train its managers on their obligations under the ADA to ensure this doesn’t happen again.

Info: bit.ly/disabled581

ANSWERS TO TOUGH HR QUESTIONS

HR professionals like you face new questions every day on how to deal with workplace conflict and employment law. In this section, experts answer those real-life questions.

What does new CDC mask guidance mean for us?

Q: The CDC recently announced fully vaccinated people no longer need to wear a mask. Does this mean we can apply the same rule at our workplace?

A: The guidance did come with a few caveats, so don't get rid of your mask mandates just quite yet, says employment law attorney David Barron of the firm Cozen O'Connor.

This new guidance doesn't supersede federal, state and local regulations, and business policies fall under that umbrella.

Employers may be eager to get rid of mask policies, but it's important to remember the CDC isn't the "ultimate authority" for employers – OSHA is. And OSHA still hasn't announced updated guidance.

For now, while businesses are stuck waiting, it's always best to err on the side of caution.

What should be in our remote work policy?

Q: We're adopting a hybrid model as the pandemic begins to

wind down. What are the most important things that should be in our remote work policy?

A: The first thing your policy should make clear is what positions are eligible for remote work, whether it be part-time or full-time, says employment law attorney John Viola of the firm Thompson Coburn.

You should also state what type of work can be performed at home, and what needs to be done in the office, in case there are any data security concerns.

Another key element is making sure employees know when they're expected to be available while working from home. If you expect them to be online during your company's normal business hours, specifically say that in the policy. If there's flexibility in their hours, spell that out too.

Procedure regarding taking remote work days should be laid out as well. Are workers expected to request a remote day in advance? Can they decide the day of? Or, maybe you'll have a strict schedule everyone adheres to. Also, who needs to be informed if they're working from home?

How should we ask workers about vaccination status?

Q: I know we're permitted to ask employees if they got the COVID-19 vaccine, but can we require proof? Do we need to keep this confidential?

A: Yes, the EEOC announced employers may inquire about vaccination status, however, they need to be careful asking anything else.

If you want to see proof, ask only for the vaccination card, not any other medical documents. The safest route is to simply take the employee's word for it, such as in an anonymous workplace survey.

It's best not to ask any follow-up questions if an employee says they aren't getting vaccinated, as this can veer into ADA territory if they have a medical reason for skipping the shot.

Don't forget to keep who's vaccinated private from your other employees, too.

If you have an HR-related question, email it to Rachel Mucha at: rmucha@HRMorning.com

Sharpen your judgment...

THE DECISION

(See case on Page 2)

Yes, the company won when a court dismissed Lila's discrimination suit.

Lila's attorney argued she was placed on leave against her will because she was pregnant, which is a violation of the Pregnancy Discrimination Act (PDA). The company should've given her an accommodation instead of preventing her from working.

But the court disagreed. It said the company did initially try to accommodate Lila by adjusting her schedule. But when Lila wasn't able to lift the required 50 pounds anymore, she couldn't complete an essential function of

her job. The company was within its rights to find a temporary replacement until Lila had her baby, the court said.

■ Analysis: Essential functions must be completed

Employers are responsible for providing reasonable accommodations to pregnant employees when needed. However, Lila's inability to lift more than 10 pounds, an essential function of her job, made her ineligible for an accommodation. The company needed an employee who could do what Lila couldn't, with or without an accommodation.

Even if an employee is pregnant or disabled, if they can't complete an essential job function, an employer can generally replace them without running afoul of the law.

Cite: *Ogendo v. Costco, U.S. Ct. of App. 1st Circ., No. 20-1632, 4/29/21. Fictionalized for dramatic effect.*

We got employees to engage with financial wellbeing program

■ *Wellness partnership reached diverse cross section of workforce*

Looking at the data, our HR team knew that our employees weren't using what was being offered by our legacy financial wellness provider.

The main option was to call a coach, but not all of our employees were ready to take that step.

Because of the diversity of our workforce – with various age groups, backgrounds and income levels – everybody's in a different place when it comes to their level of financial confidence and the life decisions they're facing.

Our previous vendor expanded access via an information hub. However, it wasn't user-friendly because of the volume of content and a cluttered layout.

Search process

We believe financial wellbeing is an important element of overall employee wellbeing, and we needed a more holistic approach.

We researched and interviewed a number of new vendors. Then we viewed demos of each platform and discussed the pros and cons of each vendor.

A company called LearnLux ticked all the boxes on what we were looking for in a financial wellness platform for our employees.

More options

Because of how much everybody's on their mobile devices, one of the reasons we partnered with LearnLux is their mobile-friendly platform.

The platform allowed our employees to easily get a financial checkup, set up a budget and educate themselves – all at their convenience and their own pace.

Anyone needing more support beyond what they can do on their own can email or chat online with a financial planner or book a video call for a more in-depth experience.

To make appointments that fit our employees' schedules, LearnLux's planners made themselves available almost any time, including early mornings, nights and weekends.

Employees that called a planner told us they got customized guidance and that the advisors are personable, non-judgmental and didn't try to sell them anything.

Case Study:
WHAT
WORKED,
WHAT
DIDN'T

Big impact

Engagement spiked when we partnered with LearnLux to create a comprehensive benefits communication plan and rolled out the digital + human program to meet employees where they are.

In less than six months, we achieved 1900% more participation in their new financial wellbeing program. In fact, our employees participated in just one LearnLux webinar more than they ever had in the previous program.

Our employees felt supported, guided and encouraged by the LearnLux financial wellbeing program, so much so that:

- 67% of our employees completed a financial checkup
- 25% completed on-demand money microlearning lessons, and
- 28% started creating budgets.

This improved financial education benefit saved time for the HR team. Now we can better determine where to focus resources and messaging.

(Teresa Cappel, HR director, Messer Construction Co., Cincinnati)

REAL PROBLEM REAL SOLUTION

■ Getting more out of our employee surveys

For a while, we struggled with meaningfully surveying employees. We either didn't have enough people participate, or they gave us responses we weren't sure what to do with.

We wanted to get feedback, but not too much. We wanted to act, but not without reason.

To accomplish this, we started defining the goals of our surveys.

For example: Do we want to see how employees feel about new leadership? Do we want to get feedback on recent initiatives?

We also made a point to only ask for feedback on things we have the power to act on.

For instance, there's no sense in asking employees about the comfort of their desk chairs if we had no plans to supply new chairs.

But we did ask them to rate how connected they felt to their peers while working remotely, because we could do something to improve that.

Upping participation

To drive interest in the survey, we sent an invitation to employees just before we put it on our platform.

We kept the survey live for two weeks, so people had a good amount of time to participate.

And, we created a live dashboard so managers could see the number of responses that came in.

Managers worked hard to up participation, too. Some encouraged responses by promising to sing a song or take a pie in the face if a certain percentage of employees responded.

It's been fun – and effective.

(Hillary Champion, director of people growth, Facebook, San Francisco)

WHAT WOULD YOU DO?

Companies face competing agendas when dealing with their employees. They must find ways to inspire their people to excel, while controlling costs and staying within the law. Here we present a challenging scenario and ask three executives to explain how they'd handle it.

Female employees are leaving: What can HR do to slow exodus?

The Scenario

Since HR manager Stu Capper's company re-opened a month ago, four employees – all women – either requested a reduction in their work hours or announced they were quitting.

"I was sure things would be back to normal by now," he thought.

Then came a knock at his office door. It was Leigh Sherwood.

Another one leaving

"Come on in, Leigh," Stu called.

She silently entered Stu's office and slid a paper across his desk. It was a printed letter of resignation.

"Oh no, not you too, Leigh," Stu moaned.

"Sorry, Stu. Things have been too hard for me since we came back to the office," Leigh said.

"I know scheduling hasn't been as flexible as it was last year for your department ..." Stu began.

"It's not just that. It's impossible for me to be a mom and work right now," said Leigh.

"School isn't back to normal and I still have to be heavily involved in my kids' schoolwork. Daycare's a mad scramble every day and I have no energy to constantly be 'on' here."

"I appreciate your honesty," Stu said. "See me before the end of the day. We may be able to work something out."

If you were Stu, what would your next move be?

Reader Responses

1 Chuck Noll, HR director, Nemschoff, Sheboygan, WI

What Chuck would do: I'd start exploring what resources are available and see if we can work something out for Leigh, whether it's work from home or a hybrid schedule.

Reason: We're mindful that the schools in our area are still on a hybrid schedule. For example, the kids go to school Tuesday and Thursday one week, then Monday, Wednesday and Friday the next week. Whatever days the kids are in school, those are the days our people come into the office. We use Skype, Microsoft Teams, Share Point sites set up by our IT team, and other tools to stay connected. People seem to like that flexibility. But it isn't for everybody. The people who struggle with working when their kids are home,

or don't have the bandwidth to support work and school computers on the same Wi-Fi network, usually just come into the office.

2 Tina Beaudry, HR manager, Electro-Matic Venture Inc., Farmington Hills, MI

What Tina would do: My first move would be to accommodate some kind of flex schedule. Maybe work from home two days a week and three days in the office. I'd also ask Leigh how she'd feel about switching to part-time – reminding her that the compensation would reflect her part-time status. If she agrees to either, I'd follow up with her during the summer to see how it's working out.

Reason: If the recovery from the pandemic continues in a positive direction, schools might fully reopen this fall and Leigh's home life might not be so demanding then.

HR OUTLOOK

■ Employees with student loan debt? How HR can help

Your workforce may be carrying more higher education debt than you think.

According to First Republic Bank, 65% of college-educated Americans are managing student loan payments right now, owing an average of \$39,351 each.

Carrying a financial burden that heavy, especially when COVID federal relief benefits eventually expire, can impact employee wellbeing and productivity.

What employers can do

It's time to start keeping an eye out for employees who are struggling and provide them with counseling and other support services to help them improve their financial (and mental) wellness.

What does your Employee Assistance Program have to offer?

Something that may help identify who needs help is an employee survey asking about their level of participation in the company retirement plan.

Because of student loan debt, employees may be delaying retirement investment to make ends meet. Or they may be so focused on paying down debt they aren't thinking about retirement.

Another solution is to partner with a student loan benefits provider, such as Goodly or Tuition.io, that allows employers to make direct payments to employee loans, or contribute to a 529 education savings plan.

There are even options for employer contributions to pay that debt down even faster and for employees with unused PTO to convert it into a student loan payment.

A student loan assistance benefit can reduce turnover and absenteeism, and positively impact your company's bottom line.

Info: bit.ly/student581