

HOT SHEET

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HR Trends:

- Many employers are rethinking re-opening or calling staff back from remote work due to the Delta variant of COVID-19; it's important to step up your communication as you consider what is right for your organization.
- While some states have banned mask mandates, according to some employment attorneys, this does not prevent private employers from mandating masks.
- The EEOC has ruled that employers may ask about vaccination status—as long as they do not inquire more deeply into the reason for that status and maintain confidentiality of the information.
- Due to staffing shortages, some employers are welcoming back retired employees; some of these ex-employees are motivated by financial need, funds for recreational purposes, or finding it fulfilling to work again.
- According to the Bureau of Labor Statistics (BLS), U.S. employers added 943,000 jobs in July—The unemployment rate fell from 5.9% in June to 5.4%.
- Remote work due to COVID has caused a shift in attitude about appropriate workplace clothing toward acceptance of items such as shorts and leggings.



Full-Circle HR

Considering a Vaccination Policy

Many organizations are considering implementing a vaccination policy. Whether you are mandating vaccines or allowing for freedom of choice, it is a good idea to be clear about your position, practices and expectations.

If you are mandating vaccinations, first consult with your attorney to assure the your plan is in your organization's best interest and will not make you vulnerable to legal action. Considerations include who will be required to be vaccinated. Remote workers who will not be returning to the office should be excluded. Also, you may mandate them for certain job categories but not others that do not have much contact with other individuals.

Whatever choices you make, be sure to communicate your rationale in the policy. Identify the deadline by which the vaccine must be completed. Additionally, include: 1. How employees will show proof of vaccination; 2. Clear information about where they may get the vaccine or the times and dates when you will offer them onsite; 3. Communication that the time spent getting the vaccine is compensable; 4. Information on who to talk to and the process for making an exemption request for religious or medical reasons (be sure to only collect necessary information to determine the exemption and keep this information confidential); and 5. Potential consequences if an employee



does not get the vaccination or an approved exemption.

If you are not mandating the vaccination, you may still want to create a policy encouraging employees to do so and providing information about the vaccine. Consider offering them paid time off to get the vaccine and deal with any reactions to it. If you are offering incentives to get the vaccine, outline the details of how to receive that vaccination. The value of the incentive must not be large enough to be considered coercive for the employee to get the vaccine. You may also still want to require employees to share vaccination status

and determine how you will ask them to demonstrate that they have received a vaccination (sharing a copy of their card or written attestation that they have been vaccinated—either of which would be kept in a confidential medical file). Also, if you have some employees who are reluctant to get the vaccine, offer a listening ear so they can share their concerns. If you feel that their concerns have merit, then tell them so, but also help them weigh those concerns against the risks to themselves and others. Provide information resources pertinent to their concerns.

Performance Reviews and Compensation

While most employers tie compensation to performance, HR experts say it is not best practice—and yet, practically, it seems to make sense. A manager recently asked my opinion on the topic, prompting me to offer insight into why separating these two is a good idea and to further research the topic—I found a blog that offered some perspective supporting this position and how to make it work.

Performance review time is an opportunity for open, honest dialogue about how you and your employee are doing at your jobs. It can be a time to give accolades and to see where and how you both can grow. This is hard to do when you are worrying about the limited

budget you have for raises and your employee is single-mindedly focused on how much money they will get. Money is often attached to a basic survival need and growth and recognition are tied to self-actualization (referring to Maslow's hierarchy of needs). It is in human nature to want to address basic needs first and often not simultaneously with self-actualization. Additionally, pairing money with performance can encourage a culture of competition. There are probably more reasons why these two should be addressed separately, but these two seem pretty significant. If you decide to separate the two, here are some suggestions offered in an HR blog.* 1. Hold a separate salary meet-

ing that is weeks apart from the review and only talk about salary. 2. Be completely transparent—employees talk to each other, so why not just be up front and consistent so that this dynamic builds trust rather than undermines it? Management transparency has been cited as the top factor in determining employee happiness.** Some organizations have published their salary formula. If you don't have one, consider the logic behind your salary structure and put it in writing. 3. Design a career framework. Determine a progression within your job structure and provide steps for how to reach the next level to help employees understand how they

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can grow vertically or laterally in your organization. Their interests and natural and acquired skills will help determine this. Once they are operating at that level, give them opportunities to do that job when and where you can.

A last consideration is how you deal with your employees who are not performing up to par. Performance review/pay increase time is not when you deal with this—these issues should be handled along the way, hopefully before you get to this time of year. If not, ensure that your salary rationale leaves room for dealing with underperformance in a way that does not create legal liability.

*The Small Improvements Blog (small-improvements.com)

**tinypulse.com/resources/employee-engagement-survey-2013