

HOT SHEET

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Full-Circle HR

HR Trends:

- The U.S. Department of Labor finalized its tip pooling rule, which takes effect on 11/23/2021. Click this link to find more information: [Final Rule](#).
- As of the writing of a September 27, 2021 article on SHRM Online, the courts have upheld employer vaccination mandates.
- Washington State minimum wage goes up to \$14.49 effective January 1, 2022.
- A survey by [affordablehealth.com](#) revealed 63% of unvaccinated employees (excluding those with legitimate exemptions) would be motivated to get vaccinated if a \$100/month health insurance surcharge was imposed; at a \$200 level, 17% of employees were still unwilling to be vaccinated.
- As the holiday hiring season approaches, some employers are turning to reducing employment requirements such as drug tests or high school diplomas and raising pay or offering hiring bonuses (in some cases as much as \$1,000).
- Research by SHRM Online suggests that remote workers are working longer, spending more time in meetings, and maintaining more communication channels; it's critical to help these workers avoid burnout.

Light-Duty Programs

Being prepared to offer light-duty to your employees is a vital part of making accommodations when someone is injured on the job or otherwise suffers a disability. It also may be a reasonable accommodation for a pregnant employee. This can save money, support productivity, keep turnover down and save you from the need to unnecessarily recruit a new employee. It can also help an injured employee continue to feel vital and useful and possibly return to full duty more quickly. Following are some suggestions to incorporate into your program*.

1. Make sure the program has a dedicated person in charge of it and

championing it with managers, insurers, healthcare providers and employees.

2. Create a well-structured and clearly communicated light-duty policy that might even address situations when light-duty would be appropriate, positions that may be designated for light-duty and a clear procedure for applying for light-duty (such as an email to HR or a form to complete and submit to HR or another appropriate person).
3. Consider the types of injuries that may tend to occur in your organization and prepare a plan for the positions that might accommodate these injuries.
4. Be sure to communicate your program to employees, healthcare

providers, and workers compensation claims administrators or insurers so they can be a partner and advocate for your program.

5. Overcommunicate with your employee on light-duty, after each doctor's visit to ensure that the accommodation is continuing to work. Let them know you care and you are there to support them during this time.
6. Be sure to clearly understand your obligation to engage in the interactive process to determine and adjust the light-duty role as needed. If you reserve positions for light-duty you are obligated to assign the employee to that position if vacant if:

- The employee cannot perform their position with or without a reasonable accommodation;
- The person can perform the light-duty position with or without accommodation; and
- The reassignment would not impose an undue hardship on the company.

If you do not have specific positions to designate as light-duty, engage in an interactive process with the employee and, with the assistance of the physician, determine how you can modify the existing position. Some suggestions are to reduce lifting requirements, allow them to sit, take more frequent breaks, or eat at their desk, etc.

Be curious, not judgmental.
— Walt Whitman

Putting DEI into Action in Your Workplace

Diversity, Equity and Inclusion (DEI) efforts have come to the forefront for many more organizations since the death of George Floyd. As we work to examine where we stand in our effort toward creating a DEI culture, we find that it is a complex and ongoing effort. But there are some straightforward steps that employers can take to make tangible progress. COVID-19 has shown the glaring difference between the healthcare and health status of many people of color and their white counterparts. Particularly, among African Americans and Hispanic people, the unavailability of quality healthcare and the inability to access the resources for a healthy lifestyle have left these groups among the most vulnerable in this

pandemic. 40% of the population with HIV is African American while they are only 11% of the population as a whole and Hispanics are twice as likely to have diabetes as Caucasians. This correlates closely to many factors, including the lack of quality healthcare and the lack of trust in the healthcare system that offers disparate treatment.** This has left them 3 times more likely to die from COVID than one would expect based on their percentage in the population. This is not the first time this has happened in our country. It was similarly true in the Flu Pandemic of 1813.

Employers can begin to remedy this issue by examining their healthcare programs and considering the following steps:

1. Improve access by providing on-site options,

virtual options and assisting employees in evaluating the plans that are available to them.

2. Encourage healthy behavior with substance use cessation (tobacco in particular), access to healthy food and a place to exercise. Encourage exercise breaks at work. Arrange a discount with a local farmer's CSA (community supported agriculture).
3. Evaluate affordability. Consider salary bands for contributions and high-value networks to lower out of pocket expense.
4. Insist on reporting from healthcare carriers that might reveal geographically whether you are equitably reaching your employee population.
5. Provide sick leave and expand it where needed and be sure that employees are encouraged

to use it when they need it.

6. Examine your communications to ensure that they are free of biased language. For example, 'they' has become preferred as a gender neutral pronoun instead of 'he/she,' etc.
7. Provide unconscious bias training for leaders—this can help in many ways including supporting employees' healthcare needs. Other actions employers can take include: Eliminate bias in recruiting. Where possible, continue to keep the position open until there is at least one fully qualified diversity applicant (a version of the NFL's Rooney Rule).*** Consider removing degree requirements that are not truly needed. Pay a living wage. Poverty leads to diminished health and also affects productivity at work and leads to turnover.

* SHRM, *7 Steps to Improve Light Duty Programs*, September 2021

** Willis Towers Watson, *Employers can Address the Racial Disparities Exposed by COVID 19*, April 2020

*** *The New Yorker*, *What Work Remains for the Rooney Rule*, February 2014

