

HOT SHEET

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Full-Circle HR

HR Trends:

- Employee Appreciation Day is March 1—ideas include a gift card, send them home a little early, schedule a fun gathering.
- According to recent data from SHRM, fully remote workers are 35% more likely to be selected in a layoff—employers are encouraged to focus on performance data and not physical presence.
- On February 8, the U.S. Supreme Court ruled that retaliatory intent does not have to be proven in whistleblower retaliation claims for the claim to be valid under the Sarbanes-Oxley Act.
- As employers continue to struggle with filling jobs, they are seeing the value of keeping and attracting Baby Boomers. They find that 'traditional benefits' are helpful.
- Rising childcare costs continue to challenge working parents. In 2023 47% of parents reported paying at least \$18K per year and as much as \$36K.
- The Federal Trade Commission may finalize a ban on noncompete agreements as soon as April 2024.
- Thinking of celebrating employee birthdays? Snappy research found that 81% of employees say they like public acknowledgement, but the majority prefer quiet/private celebrations.

Workplace Romance

A SHRM survey shows that approximately 17% of employees are in a work relationship.* Thirty-one percent of those say that reporting of relationships is required, but 51% disclosed their relationship to their employer. Sixty-four percent of the respondents think that employers should not prohibit workplace romance but 78% would like employers to provide guidance on workplace relationships. Even the majority of employees whose relationship ended said that they do not have regrets and most continued to work with the other person.

It is not surprising that workplace romance is this common. We spend a lot of time at work. Working for the same organization,

you have a lot in common. Further, it may feel safer as it's a good way to get to know someone before choosing to date them. Eighty percent of workers currently in relationships said it improved their motivation and most of those were in relationship with peers. I met both of my husbands through work. The first was when I was working as a geologist. I left the company and then we got married. The second had already left the organization before we started dating. Through my own experience and through many HR situations that came to my awareness, I am well-versed in the benefits and the incredible potential for messiness in these situations (including sexual harassment charges).

Navigating Religious Accommodation and Inclusion

Recent Supreme Court decisions are shifting how employers consider religious inclusion and accommodation at work. Until recently religious discrimination cases have been relatively rare, accounting for 3-4% of discrimination cases.** That began to change during COVID-19 due to requests for religious exceptions from getting vaccines. According to the EEOC, by the end of fiscal year 2022 religious discrimination cases had risen to 19% of the charges.

The two Supreme Court cases that have further pushed the issue are: 1. *Groff v. DeJoy* in June of 2023. A Christian postal worker who observed the Sabbath on Sunday refused

to deliver packages when USPS began delivering packages for Amazon on that day. The Court ruled unanimously in favor of the employee, finding that employers can only deny a request for accommodation if the organization proves it would create substantial hardship. Previously, the standard had been only if it had minimal impact. One day later the court published its 6-3 decision in *Creative LLCs v Elenis*. The Christian owner of a website design company wanted to refuse service to same-sex couples. The ruling for the designer's rights of free speech trumped Colorado State's discrimination laws. With these two rulings, religious discrimination cases became easier to prove.



Heeding the request for guidance from your employees is a good idea. If you don't have a policy/protocol, consider writing one. Here are some pieces you might put into it:** 1. Differentiation between staff vs supervisor/manager position. If you choose to do this, explain why. 2. Is reporting required for all positions or just supervisor/manager positions? 3. How and where to report the relationship—consider creating a reporting form. 4. Behavioral expectations in work areas and in non-work areas. 5. Prohibition of public displays of affection that might be offensive to a reasonable person. 6. Disclaimer that nothing in this policy/protocol precludes or disputes employee rights under the Nation-

al Labor Relations Act or any other statute affecting employment relationships. 7. Address the hiring of spouses/partners/SOs in your hiring policy and refer back to your dating policy—know your state and local discrimination laws. Some states such as Colorado prohibit discrimination against hiring married couples. 8. Identify the person to whom they may address questions about the policy or any concerns about the administration of it. 9. Explain how a conflict of interest will be addressed. 10. Explain how disciplinary matters will be handled and the consequences depending on severity and repetition. 11. Make the policy (and form if you have one) readily available.

Live out your imagination, not your history. — Steven Covey

are values most belief systems and people can embrace. Some employers use ERGs (Employee Resource Groups) who can offer information/education about different perspectives to increase understanding of the diverse demographics of your staff. Consult a multi-faith religious calendar to help avoid scheduling vital events on important religious holidays. Offer floating holidays so staff can choose to honor their faith's special days. Create a quiet space for meditation, reflection, or prayer. Set a clear religious accommodation policy. Widely communicate the policy and how to request an accommodation.

* SHRM, *When Cupid Comes Callin' at Work*, Guchiek, Kathy, February 14, 2024.

**SHRM.org, *Employee Dating Policy Template*, <https://www.shrm.org/topics-tools/tools/policies/employee-dating-policy>.

***SHRM, *Navigating Religious Inclusion at Work*, Agovino, Theresa, February 3, 2024.