



Focus on
Diversity and
Inclusion in the
Workplace



There are a variety of Diversity & Inclusion-related content available within Centricity Solutions' online training catalog. The courses range from 30-60 minutes long. Please reach out to the Centricity Team for additional details regarding the following available training courses:

- A Manager's Guide to Diversity, Inclusion, and Accommodation
- Diversity on the Job: The Importance of Diversity and the Changing Workplace
- Global Diversity

If you are interested in previewing any of the above courses, please reach out to your Centricity team.

Experience Ratings and COVID-19: Take Action to Keep Your Unemployment Premiums Down

Employers and employees alike are grateful for the safety net that unemployment benefits can provide when furloughs and layoffs are necessary. But what will these claims do to your company's unemployment premiums? Employers fund unemployment benefits through premiums assessed on a portion of payroll. The tax rate for each employer's premium is partly determined by its experience rating, which goes up as employees receive unemployment benefits. Typically, the experience rating will not affect the unemployment tax rate with just one or two claims from former employees. But when multiple employees begin receiving benefits, and receive benefits for longer periods of time, employers will typically see their tax rate increase.

- Employers will be able to request relief from COVID-related unemployment benefit charges to their experience rating. Relief is for unemployment benefits paid to "approved employees," which are employees that: Become temporarily unemployed because of COVID-19 because their place of employment closed by order of the governor, or the employee was ordered to isolate.
- Returned to work for at least four weeks, and each of those weeks was before September 26, 2020.

Upon return to work, the furloughed employee's rate of pay must be at least 90% of pre-COVID pay. If an employee is re-hired, but does not complete four weeks of work, a company can still apply for relief if the employee was fired for misconduct or voluntarily quit. The Employment Security Department (ESD) will only relieve employers of unemployment benefits charges that were paid after March 1, 2020 and charged before the third quarter of 2020.



It's unlikely that relief will be dollar-for-dollar because the legislature set aside a limited COVID-19 fund that will be prorated if requested relief exceeds funds.

Unfortunately, employers (such as non-profits) that self-insure for unemployment benefits are not eligible for this program. But under the CARES Act, the federal government will reimburse half of the cost of COVID-19-related claims that are charged to self-insuring employers. The deadline to submit an application for relief is September 30, 2020. This is an extremely narrow window considering that employers must bring back furloughed workers for at least four weeks before September 26, 2020. And critically, employers have no appeal rights if their application is unsuccessful.

The ESD has not yet published an application form for this relief but Centricity will continue to monitor updates. In the meantime, you can begin taking steps now if you intend to apply:

- Bring furloughed workers back before August 29, 2020 to ensure that they work for four weeks before September 26, 2020.
- If furloughed employees are returning to work at less than 90% of their weekly rate of pay, consider whether it is feasible to increase their pay to at least 90% by August 29.
- Document return-to-work dates and rates of pay.
- If a furloughed employee is fired or quits before completing four weeks of service upon return to work, document the circumstances surrounding the employee's departure.

1. Alexander, A. (2020, May) Experience Ratings and COVID-19. Retrieved from <https://www.stokeslaw.com/news-and-insights/stokeslaw-briefs/experience-ratings-and-covid19-take-action-to-keep-your-unemployment-premiums-down>

Tips for Staying Engaged with a Remote Workforce

Staying Connected Informally

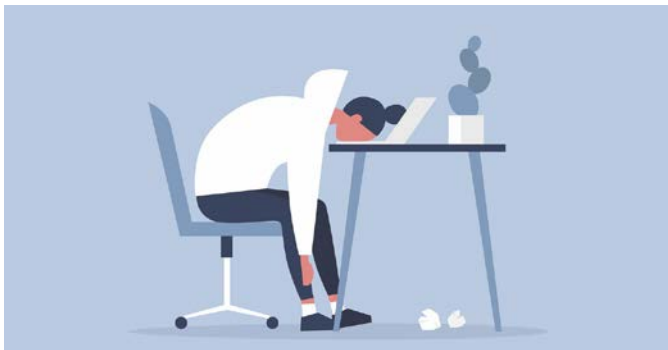
Many companies are creating clever ways to connect remote employees during and after the workday ends, usually with fun in mind. Tampa HR consultant Michelle May Griffin, SHRM-CP, has clients who have created a virtual coffee klatch once or twice a week, designed with an impromptu gathering-in-the-breakroom feel.

"Supervisors aren't invited," she said. "Staff can come and go. It's very informal. People can eat lunch or have a cup of coffee and just talk about anything they wish." At Centurion, a health care company based in Vienna, Va., HR created a voluntary lunch-time video meeting for employees on Zoom to talk about things other than work, said Jennifer Tyrrell, SHRM-SCP, senior director of HR.

Avoiding Zoom Fatigue

Virtual meetings have become common at most companies and some employees report feeling "Zoom Fatigue" from having to adapt to a new method of communicating that is different from the normal format of workplace discussions.

With predictions that the new workplace "normal" will be very different from the old one, it seems that Zoom is here to stay. However, there are a number of steps employers can take to reduce the negative effects of online video meetings. Firstly, consider whether the meeting needs to happen. In some cases, shared document platforms with detailed comments can reduce the need to meet. Limiting the number of Zoom meetings in a day can assist, as well as using messaging and email. And sometimes, the phone is better. On the phone, we only have to concentrate on one voice and can walk around which can help thinking.



Focus on Wellness

Some companies are providing wellness "relief" to their workers by having group stress-relieving exercises, guest virtual speakers or even comic relief, such as themed summer dress-up days. Personalized mental-health care program offerings also are gaining popularity, such as LyraHealth and Headspace. Both focus on mindfulness and meditation for stress, anxiety, sleep, attention and fitness and enable participants to track their progress. Other popular programs include MeQuilibrium, a well-being and performance platform that helps employees identify and manage stress; and Sleepio, a digital sleep-improvement program featuring cognitive behavioral therapy techniques. Companies are also encouraging remote employees to maintain physical activity. Companies can create an incentive for employees to get outside, cook a healthy meal, exercise or create some sort of healthy habit.

Bergeron, P. (2020, July) Rethink Work from Home Employees Perks. Retrieved from <https://www.shrm.org/ResourcesAndTools/hr-topics/employee-relations/Pages/Rethink-Work-From-Home-Employee-Perks.aspx>
Opposite: Kramer, M. (2020, June) The 10 Commitments Companies Must Make to Advance Racial Justice. Retrieved from <https://hbr.org/2020/06/the-10-commitments-companies-must-make-to-advance-racial-justice>

6 Commitments Companies Must Make to Advance Racial Justice

Businesses have an obligation to go beyond tweets and quotes by committing to an agenda that will advance racial equity in meaningful ways. Now is the time to reset expectations for a new and better "normal" to which we can eventually return. Here are 6 commitments that employers can and should make that will help achieve racial equity.

1. Commit to anti-racism personnel policies and racial-equity training.

Adopt a no-tolerance-for-racism policy and provide racial equity training for all employees — from the CEO and board to hourly workers. White privilege has blinded so many of us to understanding the ways that racism is built into our society, our economy, and our own lives. Change, for each of us, must start with our own learning journey, and [resources](#) are plentiful.

2. Commit to pay equity.

There is no longer any excuse for disparities in the wages paid to people of color and especially to women of color whose pay is twice discounted. Conduct a wage equity audit, and make the adjustments needed to achieve fair and equitable pay.

3. Commit to giving employees a voice.

Ensure representation of hourly employees, women, and people of color in all employment policy decisions. Consider employee representation on your board.



4. Commit to supporting full participation in democracy.

Make Election Day a paid holiday. Help your employees register to vote by registering them at work.

5. Commit to paying a living wage.

The national minimum wage hasn't been raised in a decade and has not nearly kept up with inflation. This has had a disproportionately negative impact on Black workers, who must routinely hold multiple jobs just to survive. States that have raised minimum wages to \$15 an hour have seen their economies grow and thrive.

6. Commit to paid parental and sick leave.

Most women of color cannot afford to take significant periods of unpaid leave from their jobs when they have a child. Given what we know about the critically important role maternal bonding plays in shaping brain architecture and establishing childhood well-being in the first years of life, it's clear that the lack of maternal care has lifelong consequences. The absence of paid sick leave is an even larger problem and one of the reasons people of color have been disproportionately exposed to Covid-19. Providing paid parental and sick leave to all employees can help businesses support thriving and productive workforces.

These 6 potent commitments could make our companies more profitable, grow our economy, profoundly transform millions of lives for the better, and lead us to become a more equitable, resilient, and prosperous nation.

Key Provisions of Federal COVID-19 Relief



Enhances Weekly Benefits. Under H.R. 748, all UI recipients will receive an additional \$600 per week on top of their typical UI benefit. These benefits are available until July 31, 2020.

Allows State to Extend Amount of Time Workers Can Receive Weekly Benefits. The H.R. 748 allows states to enter into an agreement with the U.S. Department of Labor (DOL) to extend the amount of time workers can claim UI benefits from 26 weeks to 39 weeks. The federal government, instead of California employers via payroll taxes, would pay the full cost of these extra weeks of benefits. To be eligible for extra weeks of benefits, workers must demonstrate to EDD that they are actively looking for employment. The extra weeks of benefits would be available until the end of the 2020.

Suspends State Payments and Interest on Federal Loans to the UI Trust Fund. During downturns, the state's UI Trust Fund typically becomes insolvent as benefit payments exceed payroll tax collections. When this occurs, the federal government provides a loan to the state to allow EDD to continue to issue benefits. In general, the state must pay interest on these loans. These interest payments must be made from the state General Fund. The H.R. 6201 suspends the accrual of interest on federal loans through the end of 2020.

Provides New UI Administration Funding for EDD. The H.R. 6201 makes available about \$120 million in additional UI administration money to California. This funding would be made available to California in two parts. Half would be made available within 60 days to states that follow certain best practices in administering UI benefits. The remaining funds would be made available to states with increased UI claims. Specifically, funds would be available once quarterly UI claims exceed the number of claims in the same quarter of the previous year by 10 percent or more.

Increased Federal Funding for Work Sharing Program. Some employers faced with a slowdown in business may look to cutback workers' hours instead of laying off workers entirely. An existing program in California, known as the Work Sharing Program, allows employers to request for their employees to receive partial UI benefits to help cover the income they lose as a result of reduced work hours. Under H.R. 748, the federal government will pay the full cost of the Work Sharing Program through the end of 2020.

DOL Provides Guidance on FFCRA Leave Due to Summer Camp Closures

On June 26, the U.S. Department of Labor (DOL) provided guidance for its Wage and Hour Division (WHD) Investigators on when employees may be eligible to take paid family leave under the Families First Coronavirus Response Act (FFCRA) if they are unable to work because they are caring for a child whose summer camp or other summertime place of care is closed. Recall that under the FFCRA, employees who work for companies of less than 500 employees are entitled to take up to 12 weeks of paid leave (at a reduced rate) when they are unable to work or telework due to the need to care for a child whose place of care is closed due to COVID-19 restrictions.

Canceled Summer Program

While the law was initially intended to reach those workers who could not work or telework due to COVID-related school or child-care closures, as the pandemic drags on into summer, DOL has made clear that the same reasoning applies where an employee is unable to work because they need to care for a child who otherwise would be attending summer camp or a similar place of care. A child-care center where the child would have received care but for a COVID closure also still qualifies the employee for FFCRA leave. DOL's latest guidance clarifies that, as with school or child-care center closures, an employee who requests leave to care for a child based on the closure of a summer camp, or similar summer program, must provide the name of the camp or program that would have been the place of care had it not been closed, the name of the child, and a statement that no other suitable person is available to provide care.

No Hard or Fast Rule

While there is no hard and fast rule, DOL's guidance directs WHD investigators to consider whether the child applied to or was enrolled in the summer program before it closed, whether they had attended the camp in prior summers, or other evidence suggesting that the child would have been cared for in that environment but for a COVID-19 related closure. Specifically, investigators are instructed to determine whether there is evidence of a plan for the child to have attended the camp or program, such as enrollment prior to cancellation, or an application submitted, or a deposit paid. At a minimum, they must determine whether it was more likely than not that the child would have attended had the facility not been closed due to COVID-19. A parent's "mere interest" in a program generally will not be sufficient to show the child would have been in summer care and entitle the employee to FFCRA leave—but it is not necessary to prove conclusively that the child absolutely would have been enrolled prior to closure.

Employers Should Proceed Cautiously

In many instances, this may be a simple question for the employer. If an employee shows that their child was enrolled in a camp that is now closed, and which would have been the provider of care during working hours, the case is relatively clear. Where it is less certain that the employee's child would have been cared for at a given camp or program, employers are advised to proceed cautiously and seek counsel, particularly in light of DOL's aggressive enforcement of FFCRA leave entitlements.

Training of the Month

We offer a wide variety of web training courses through our training portal, ThinkHR. Courses vary in length and cover an array of topics including workplace safety, diversity, and harassment prevention. The full course catalog is available upon request. All courses are offered at a rate of \$10 per participant.

Below is one of our available courses. Please reach out to your Centricity team for more information on this or any courses that interest you.

Leading Teams: Managing Virtual Teams



Building and managing teams is enough of a challenge when everyone is in the same location. Collaboration when working on a team that's virtual requires even more commitment. In this course, you'll learn about teamwork and team leadership when working on a virtual team. You'll cover remote management and tactics for communication, assessment, and meetings for virtual teams. This course is part of a larger catalog of pandemic response guides that includes; Contributing as a Virtual Team Member, Managing in a Crisis, and Assessing Your Organizations Risks, among others.

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Q&A Corner



Are we required to restore employees returning to work after a furlough to their original positions?



Unless an employee was out on job-protected leave, such as FMLA or EFMLA, you are not required to return them to their original position or to an equivalent one (or bring them back at all). Given the impact of COVID-19 on business operations across the country, it's not surprising that organizations may need to restructure their teams to stay afloat or remain competitive. That said, if employees who were furloughed or laid off are asked to come back to a job that feels to them like a demotion, they may be less inclined to accept the offer or may be less engaged in the new role than they were in their previous job.

If you need to restructure their position, it will be helpful to explain why that was necessary. People are generally much more accepting of change if they understand it, and less likely to claim discrimination if you've given them your business-related reason for the decision.



Can we withhold an employee's paycheck until he returns company property? He had volunteered to store some extra supplies at his home but is now not returning our calls.

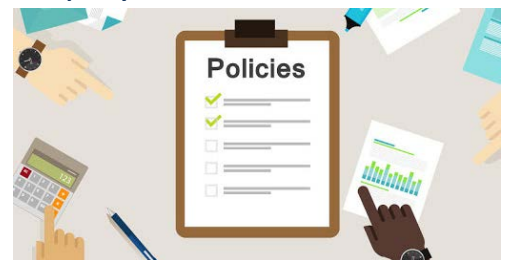
No. Withholding or delaying an employee's paycheck would violate wage and hour laws. You could attempt to retrieve the items yourself by going to the employee's home and asking for them in person. If that fails, you might consider asking your attorney to write a demand letter or taking the employee to small claims court. In any case, I recommend documenting the situation, all attempts you made to contact the employee, and the end result.

Can we deny an employee's use of accrued vacation time?

Yes, the decision to approve or deny the use of accrued vacation time is up to you, assuming you do so in a consistent and non-discriminatory manner. It would be acceptable, for example, to deny a vacation request because approving it would leave you without adequate coverage or because the employee asked with less notice than is required by your time off policy.

You should, however, ensure that certain employees are not denied vacation disproportionately. For instance, if an employer's administrative staff (who are all women), or their software engineers (who are all men), are consistently denied vacation because arranging coverage is difficult and deadlines are abundant, this could lead to claims of discrimination.

Two employees in the last week have violated a company policy, but they say they did not know about the policy. What should we do?



Redistribute the policy to all employees so that everyone is aware of it and understands the Company's expectations; that might mean posting the policy in the breakroom, sending it out by email, or distributing a whole new handbook. This may be a good time to review or redistribute all of your policies. As to these two employees, you could give them the benefit of the doubt and assume they really didn't know about the policy. Let them know that further violations may result in discipline.

I just completed the I-9 with a new hire and realized I put down the wrong date. What do I do?



When you find an error on an I-9, the USCIS recommends that you do the following:

- Draw a line through the incorrect information.
- Enter the correct information.
- Initial and date the correction.

Once you've completed the above steps, include a note with the I-9 explaining why the change was made.