

# Centricity Solutions Newsletter September 2021

## COVID-19 Supplemental Paid Sick Leave Expires September 30, 2021

From January 1, 2021 to September 30, 2021, California required employers with 26 or more employees to provide their workers up to 80 hours of supplemental paid sick leave (SPSL) for COVID-19 related reasons. Any employees taking SPSL as of September 30<sup>th</sup>, may continue to take the leave they are currently on even if the entitlement extends past deadline.



Keep in mind that some cities and counties have enacted their own SPSL measures have expiration dates extending beyond this time. The following localities have continuing SPSL ordinances; thus, employers with employees in these cities and counties should be wary of potential ongoing obligations, click links for details:

- [Long Beach City](#)
- [Los Angeles City](#)
- [Los Angeles County](#)
- [Oakland](#)
- [San Mateo County](#)

On the federal level, the FFCRA, which was extended to allow employers to voluntarily continue to provide COVID-related SPSL and still receive the available tax credits, will also expire as of September 30, regardless of whether an employee is on leave at the time of expiration.

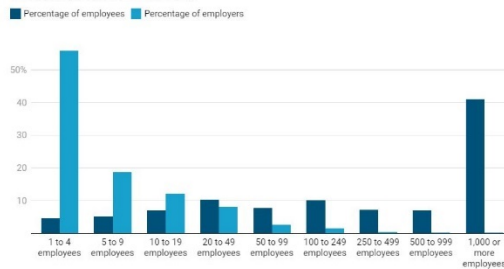


## Biden Orders Vaccination Mandates for Large Employers, Federal Workforce

President Joe Biden announced Sept. 9 a series of proposals to combat the COVID-19 pandemic more aggressively, including plans for a new rule requiring employers with 100 or more employees to mandate that their workers be vaccinated or undergo weekly testing. The president also signed orders stipulating that most federal employees and federal contractors, as well as most health care workers across the country, get vaccinated against COVID-19. Biden said that OSHA is developing an emergency temporary standard directed at private-sector businesses with 100 or more employees that is estimated to impact over 80 million workers. The employers will also have to give workers paid time off to get vaccinated or recover from any side effects of getting vaccinated. Employers that don't comply with the vaccine mandate or paid-time-off requirement can face fines of up to \$14,000 per violation. The rule will be issued in the coming weeks. Biden also signed an executive order requiring most federal employees and federal contractors to get the COVID-19 vaccine, removing the option to instead undergo regular testing. Federal employees and contractors will have about 75 days to get fully vaccinated from the time the executive order is signed. The vaccine requirement will include exemptions for individuals with disabilities and for those who refuse the vaccination on religious grounds.

### Distribution of U.S. Private-Sector Employees and Employers

Biden's proposed vaccination mandate would affect employers with 100 or more employees, representing about two-thirds of private-sector employees (80 million workers), but only around 2.5 percent of private-sector employers (133,000 companies).



In all, the new mandates cover about 100 million workers, or two-thirds of all workers in the U.S. The executive orders and administration response come as the country is experiencing a rise in COVID-19 infections. The U.S. is recording roughly 150,000 new cases of the virus and about 1,500

fatalities a day, up from an average of 300 deaths each day just a few months ago. There are around 80 million Americans eligible to be vaccinated who have not yet gotten their first shot". We can and we will turn the tide on COVID-19," Biden said. "These measures will take time. But if we implement these measures, I believe that in the months ahead we can reduce the number of unvaccinated [individuals], decrease deaths and hospitalizations, and keep businesses open. A study from SHRM found that 28 percent of employed Americans say they won't get the COVID-19 vaccine even if it costs them their job.



The presidential announcement "is a real game changer for many employers," said Steve Bell, a partner at the international law firm Dorsey & Whitney in Denver. "The fact that the largest employer in the U.S. is mandating vaccines will give comfort to private employers that have been hesitant to require vaccines. It may also set the standard for what a reasonable employer should be doing in the face of this continuing epidemic."

Labor and employment attorneys advise private-sector employers to seek legal advice and be sure to craft a mandatory vaccine policy that provides for exemptions for people with qualified disabilities, as defined under the Americans with Disabilities Act, and for people with sincerely held religious beliefs, as defined under Title VII of The Civil Rights Act.

This is a developing story and Centricity will continue to monitor and keep our clients apprised of updates. If your company is subject to this mandate, your Centricity HR partner is available to discuss the best approach for your organization and to develop a policy.

# How Employers Can Turn ‘The Great Attrition’ into ‘The Great Attraction’

More than 15 million US workers—and counting—have quit their jobs since April 2021, a record pace disrupting businesses everywhere. Companies are struggling to address the problem, and many will continue to struggle for one simple reason: they don’t really understand why their employees are leaving in the first place. Rather than take the time to investigate the true causes of attrition, many companies are jumping to well-intentioned quick fixes that fall flat: for example, they’re bumping up pay or financial perks, like offering “thank you” bonuses without making any effort to strengthen the relational ties people have with their colleagues and their employers. The result? Rather than sensing appreciation, employees sense a transaction. This transactional relationship reminds them that their real needs aren’t being met.

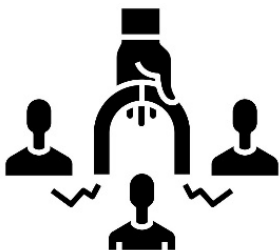
If the past 18 months have taught us anything, it’s that employees crave investment in the human aspects of work. Employees are tired, and many are grieving. They want a renewed and revised sense of purpose in their work. They want social and interpersonal connections with their colleagues and managers.

They want to feel a sense of shared identity. Yes, they want pay, benefits, and perks, but more than that they want to feel valued by their organizations and managers. They want meaningful—though not necessarily in-person—

interactions, not just transactions. In a survey conducted by McKinsey & Company, forty percent of employees surveyed said they are at least somewhat likely to quit in the next three to six months. Eighteen percent of the respondents said their intentions range from likely to almost certain. These findings held across all five countries we surveyed (Australia, Canada, Singapore, the United Kingdom, and the United States) and were broadly consistent across industries. Additionally, employers shouldn’t consider this 60 percent “safe” from the prospect of attrition either. Options are increasing, and with more and more employers offering remote-work choices for hard-to-source talent, these employees could change their intentions. Consider a few significant findings. Among employees who said they were not at all likely to quit, 65 percent reported that a primary reason to stay in their job was that they liked where they lived. But among survey respondents who took new jobs in new cities during the past six months, almost 90 percent didn’t have to relocate (Exhibit 4), because so many more companies are allowing remote work. Having more “location agnostic” positions to choose from could prompt otherwise satisfied employees to start second-guessing their commitment to the companies where they now work, particularly if executives mishandle the transition to a hybrid-work environment—or stubbornly fail to offer one at all.



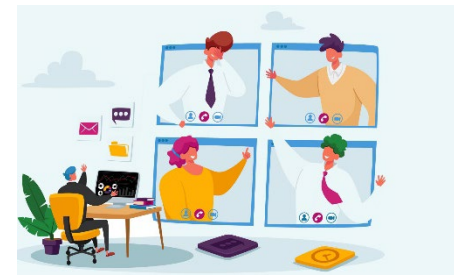
## Start Turning Attrition into Attraction



McKinsey & Company’s research underscores the many ways the pandemic has irrevocably changed what people expect from work. The landscape will continue to change as companies try out new hybrid-work approaches. Now is a good time to think through your Company’s next

moves. A heavy-handed back-to-the-office policy or other mandates—no matter how well intentioned—are likely to backfire.

Don’t think through your next moves in a vacuum; we recommend including your employees in the process. Look to them to help shape the plan and solutions.



As part of your planning, consider the following questions:

### **Do we have the right people in the right places (especially managers)?**

Many employers in our survey reported having the right people but not necessarily in the right places. When it comes to managers, this problem can be particularly damaging, especially in hybrid environments, where new leadership skills are required. Training and capability building will be crucial for managers and executives who didn’t come from hybrid or virtual environments.

**How strong was our culture before the pandemic?** Many executives see a return to the office as a way to address lingering culture and connectivity concerns or prefer a full return to the office because they miss it themselves; however, we encourage you to remember that although the needs of your employees have changed, your culture may not have kept up, and any prior organizational weaknesses are now magnified. Employees will have little tolerance for a return to a status quo they didn’t like before.

**Is our work environment transactional?** If your only response to attrition is to raise compensation, you’re unwittingly telling your people that your relationship with them is transactional and that their only reason to stay with you is a paycheck. Your very best people will always have a better cash offer somewhere else. You want to solve the problems of the whole person as well as the whole organization.

**Are our benefits aligned with employee priorities?** Free parking or entertainment-related perks are probably not top of mind for employees right now. Among survey respondents who had left their jobs, 45 percent cited the need to take care of family as an influential factor in their decision. A similar proportion of people who are thinking of quitting cited the demands of family care. Expanding childcare, nursing services, or other home- and family-focused benefits could help keep such employees from leaving and show that you value them as whole people. Employees want career paths and development opportunities. Can we provide it? Employees are looking for jobs with better, stronger career trajectories. They desire both recognition and development. Smart companies find ways to reward people by promoting them not only into new roles but also into additional levels within their existing ones. This is one way companies can more quickly reward and recognize people for good work.

**How are we building a sense of community?** Remote work is no panacea, but neither is a full on-site return. In-person connectivity continues to have massive benefits for your organization. But it will require considerable management attention to get right as health and safety concerns continue to evolve, particularly because employees’ needs and expectations have changed. For example, employees with unvaccinated young children may feel unsafe at large in-person gatherings. One organization took an inclusive approach by sending out themed “staycation” packages: a movie night with popcorn and a gift card; a game night with family-oriented games, chips, and salsa; and a “virtual spa day” complete with face masks, tea, and chocolate. The company created a Slack channel for posting photos and stories, encouraging employees to share these experiences.

# Invisible Disabilities in the Workplace

If you see someone at work using a wheelchair, wearing a hearing aid, or using an assistive device, you likely are aware the person has a disability. But not all disabilities are obvious to the eye. These are known as invisible disabilities. An invisible disability is a physical, mental, or neurological condition that can't be seen from the outside.



But it can impact someone's movements, senses, or activities, according to the Invisible Disabilities Association. Some examples of invisible disabilities include autism spectrum disorder, depression, diabetes, and learning and thinking differences such as ADHD and dyslexia. Invisible disabilities can also include symptoms such as chronic pain, fatigue, and dizziness. According to a 2017 study by the Center for Talent Innovation, among white-collar, college-educated employees, 30 percent have a disability. But only 3.2 percent self-identify as having a disability to their employers. And of all employees with a disability, 62 percent have an invisible disability.

## Why people are often silent about invisible disabilities

Fear is a major reason why people with disabilities — invisible or otherwise — don't disclose them. Those who are already employed may be afraid of opening themselves up to discrimination, while others don't want to be seen for their disability, which they may consider to be a minor part of their life, so they don't disclose. Another reason for silence: People with invisible disabilities may think that co-workers won't believe they have a disability. "There's no easy way to convince people you have something that no one can see," says Jess Stainbrook, executive director of the Invisible Disabilities Association.

## How you can help employees with invisible disabilities

You may be surprised by the high percentage of employees in the workforce who have invisible disabilities. So, what can you do to help? Here are concrete steps you can take.

### 1. Make employees feel comfortable disclosing their disability.

Employees with invisible disabilities will feel more comfortable presenting their authentic selves if they know they work in an inclusive environment. This starts with communicating disability inclusion efforts across the whole company.

And those who disclose their disabilities are more than twice as likely to feel regularly happy or content at work than those who have not disclosed to anyone, according to the CTI study mentioned above.

### 2. Review the type of accommodations your company offers for people with disabilities.

Under the Americans with Disabilities Act (ADA), people with disabilities are entitled to reasonable accommodations. People with disabilities, invisible or not, can perform their job at or above expectations if given a way to do it that meets their needs.

### 3. Offer services and support for people with disabilities.

Creating or promoting an employee resource group (ERG) that focuses on disability is an empowering forum for employees with disabilities and their colleagues who are allies to network and raise issues.

Your company can offer support for employees with invisible disabilities in other ways like ensuring mental health coverage is included in your company insurance plan. Seeing out-of-network providers can be costly or promoting free services that are part of the employee benefit package. An example of this is health coaching to reduce stress.

# Think Before you Slack:

## 9 Documentation Mistakes to Avoid

Documentation can make or break an employer's defense if it finds itself defending a lawsuit, but it has to be done right, according to Allison West, principal at Employment Practices Specialists. When facing a discrimination claim, for example, a lack of documentation can itself be a problem. It says to a jury that the employer didn't care enough to memorialize what was going on.

But even when documentation exists, employers can run into trouble. From vague feedback to snarky comments, there are plenty of potential pitfalls, but manager training on 9 common mistakes is a good place to start.

**1. No documentation.** A lack of documentation will surely set an employer up for problems down the road. Managers often think they'll remember their coaching and feedback, but they're busy and can't remember everything. Make it clear that memorializing discussions and events doesn't make someone a weak manager. Encourage managers to use bullet points. Teach them to get the employee's full name in there, and document everything from the very beginning. Documenting a performance problem only after a complaint is filed looks like you're papering the file.

**2. Vague documentation.** Managers tend to use ambiguous language in documentation, but to a third party that can reflect poorly on their ability to coach. A jury needs to see that the employee knew what his or her manager expected. Documentation also should make clear how the accompanying conversation went.

**3. Absolute expressions.** Absolute expressions will absolutely get you in trouble. Words like "always" and "never" should be avoided because it's unlikely an employee is always late. Managers who exaggerate undermine their credibility, she said; if they're exaggerating about attendance, a jury will assume they're also exaggerating the severity of the problem.

**4. Code Words and Phrases.** Avoid trendy words and phrases, like "insubordinate", employees shouldn't be required to figure out what these mean, and they significantly decrease a manager's credibility. Instead, documentation should state, for example, that an employee left work early without a manager's permission, and that such an action violates a workplace policy.

**5. Unclear Expectations.** Managers need to clearly explain in assignments, policies and coaching what needs to happen, continue, or change. An instruction like "show up on time" isn't as clear as it could be, instead, use "arrive at 8 a.m."



**6. No Questions Asked.** Without documentation that shows a manager asked questions, it will appear that he or she was only looking at things from one perspective. Managers need to ask what's going on and what the employee needs from them — and document both those questions and the employee's response.

**7. Discrimination Red Flags.** Phrases like "bad attitude" and "not fitting in" are a recipe for disaster because no one thinks they have a bad attitude; instead, such phrases make employees think their manager is actually unhappy about their age, race or other protected factor.

**8. Snarky Tone.** Documentation should avoid using legalese and write in plain language. Avoid sarcasm, too.

**9. E-mail Evidence.** Every word that gets written is evidence, including those on Slack and other instant messaging platforms. Ask managers to proofread things, consider their tone and maybe have someone else read it before sending.

1. Rosen, P. (2021). Understanding invisible disabilities in the workplace. Retrieved from <https://www.understood.org/articles/en/understanding-invisible-disabilities-in-the-workplace>  
2. Tornone, K. (2019, March) Think before you Slack: 10 documentation mistakes to avoid. Retrieved from <https://www.hrdiver.com/news/think-before-you-slack-10-documentation-mistakes-to-avoid/551027/>

# Book of the Month

We are starting a new feature this quarter called the Book of the Month, where we will highlight a work that has been recommended by a member of the Centricity team or by one of our wonderful clients. Our first featured book came recommended to us by a client and offers insight on identifying and hiring high performers.

## Motivation-Based Interviewing By Carol Quinn

Before you can hire a high performer, you have to correctly identify a high performer. And to identify a high performer you have to ask effective interview question... and know how to evaluate the answers. Hiring the best requires more than just assessing a candidate's skill. Interviewers must also determine the candidate's attitude toward overcoming obstacles and how passionate they are about achieving your goals—both proven predictors of future success. Hiring expert and popular keynote speaker Carol Quinn provides a complete guide for accurately and reliably assessing skill, attitude, and passion, so you can expose the incremental differences that separate the pretenders from the genuine high performers. Once you discover the power of *Motivation-based Interviewing*, you'll never conduct an interview any other way!

If you have a recommendation, please let us know at [support@centricity-solutions.com](mailto:support@centricity-solutions.com).

201 North Civic Drive, Suite 245  
Walnut Creek, CA 94596  
866-379-7054 – Toll Free  
925-280-6332 – Main  
[www.centricity-solutions.com](http://www.centricity-solutions.com)  
[support@centricity-solutions.com](mailto:support@centricity-solutions.com)

## Q&A Corner



What should I do if an employee moves to a different state and will be

### working from there?

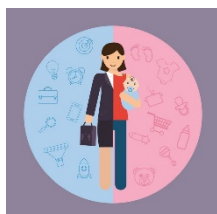
There are several things you need to do if an employee moves out of state:



- If you don't already have other employees there, you'll need to set up payroll tax accounts in the new state. The state in which the employee physically works is the state used for state income tax withholding, unemployment tax contributions, and the like.
- Update your employee handbook with any new state laws that apply. This is typically done with a state-specific addendum. Provide the updated handbook to the employee.
- Review that state's new hire paperwork requirements. Update forms used if necessary.
- Provide them with any required employment law posters for that state.
- Notify your workers' compensation carrier and your health insurance carrier, if applicable.

**Can we offer different benefits to different employees?** Very generally, benefits offerings and cost-sharing can be based on legitimate classifications of employees. Discrimination in benefit programs typically refers to eligibility, benefits, or cost-sharing features that favor highly compensated employees (HCEs) or "key employees." Sometimes, though, it's as simple as a difference between who gets two weeks of PTO and who gets three, or who is allowed to work from home and who is not. Even for those benefits, employers need to be sure they are based on legitimate employee classifications (like exempt v. non-exempt). It's illegal for employers to discriminate based on protected classifications, like race or gender, when it comes to benefits.

### What is a leave entitlement?



The term *leave* can refer to just about any type of time away from work, but it's often used to describe time an employee is entitled to take by law or company policy. Common leave

entitlements include vacation, personal days, and sick days. Other forms include time off taken for bereavement, military service, jury duty, and birth or adoption of a child.

**How should we respond to an employee who posts offensive, derogatory, or racist commentary on their social media?** *Don't ignore it.* We recommend responding to the report, whether it's made by an employee, customer, or vendor. Not responding could lead to an escalation of the situation. *Investigate promptly:* Inform the person who reported the statement that you will investigate the situation. Our general recommendation is to act in proportion to the severity of the statement as if it were made in the workplace. *Follow up:* Assuming that you take disciplinary action against the employee for their comment, letting the person that contacted you know that action was taken might help de-escalate the situation.



Discipline and termination always come with some level of liability risk. But you can reduce that risk by having documentation that shows the legitimate business reason for the discipline or termination.

### Can I terminate an employee while they're on FMLA?

If you would have terminated the employee anyway, regardless of the FMLA leave, then yes. However, unless you're conducting a layoff of an entire department or closing the location where the employee works and not relocating the staff, it can be very difficult to prove that the employee's leave was not a motivating factor in your decision. 8. Can I terminate an employee while they're on FMLA? To mitigate the risk of claims of discrimination or retaliation, the reason for terminating the employee should be well documented and indicate the legitimate business reason that the decision was made and explain why the decision would have been made regardless of the employee's leave. Documenting your reasoning will assist in mitigating risk associated with a claim of discrimination or retaliation. If there are still concerns, we suggest reviewing this decision with legal counsel before it's made.

### Can we ask an applicant why they are leaving their current job?

Yes, you can ask applicants why they are leaving their current job. The employment application is a good place to collect this information. In the section where the applicant lists their previous employment experience, you can ask for the reason they left each job. Trends you notice may be cause for follow-up questions during the interview or a reason not to schedule an interview at all.

If you ask about previous or current employment during the interview, be mindful of the direction the response goes. As with any interview question, you should redirect the candidate if they start to share sensitive information.

