

New Guidance and Legislative Updates

Can You Imagine A Better Workplace?

NOTE FROM THE EDITOR

Many of us could not wait for 2021 to come, hopeful that life (and work-life) would return to relative normalcy. Well, here we are and it's not quite "normal" yet. In fact, many believe there will be no return to where we've been and those who will survive (and thrive) in the coming years will likely have to adapt their workplace policies and strategies.

While the complexity of 2020 continues to breed uncertainty for 2021, it will be important for employers to stay "in the know" while navigating the challenges ahead. With new laws and regulations quickly coming down the pipeline, not only will business owners and organizational leaders need to stay informed; they will need to plan and prepare accordingly. We need to continue to be proactive and optimistic – our economy and society depend on it.

This month's newsletter is about the changes we are likely to see and the updates all employers should be aware of. In light of the voluminous details in the new orders, guidelines and regulations being promulgated and pushed out by our government officials on a daily basis, I have attempted to break down some of the key areas I believe may immediately impact employers. This is my attempt to add certainty and simplicity to the recent flood gate of regulatory and legislative actions.

The newsletter will also spotlight two amazing leaders – **Sarah Crupi**, Executive Director of the Cleveland Zoological Society and **Chandra Pannell**, Workplace Consultant/Trainer/Coach. In addition, we have three exciting job opportunities to tell you about at three outstanding local companies.

Read on... and hope you find the newsletter informative and insightful!

– Stella K. Skaljac
JD, SHRM-SCP



TOP 7 ISSUES FACING EMPLOYERS TODAY

1. Update on Employee Paid Leave Laws

As we know, the first ever national law – **Families First Coronavirus Response Act (FFCRA)** – requiring employers to pay employees on leave, took effect on April 1, 2020 and expired December 31, 2020. This law obligated certain employers to pay employees for Covid-related absences (under the emergency paid sick leave/EPSSL provision) and also for employees who had to stay home with their children due to daycare and school closings (under the expanded family medical leave/EFML provision).

Employees had to meet certain criteria in order to tap into these paid leaves and, if deemed eligible, they received either 100% or 2/3rds of their wages. And interestingly, the FFCRA permitted employers to receive tax credits for the amount paid out to employees for either EPSSL (which allowed for up to two weeks off) or EFML (which permitted a total of 10 weeks off). As it stands, however, this law has technically expired, but Congress is allowing employers to “voluntarily” continue to provide paid leave and receive the tax credits. Under the President’s **American Rescue Plan (ARP)**, the FFCRA may be reinstated as the law of the land but for now it remains a voluntary option for employers.

We’ll keep an eye on what is happening with the ARP and send updates when they occur. In the meantime, you can determine whether you would like to continue offering FFCRA leave or you may want to develop your own company leave policy to deal with continuing quarantines and childcare issues. Be aware that employees may be able to take job-protected, unpaid time off based on the FMLA or ADA despite whether the FFCRA is reactivated.

2. Biden to Reinvalidate Pro-Union Stance

It’s no surprise that the pendulum will likely swing in favor of pro-union legislation in the months and years ahead. During his campaign, President Biden made clear his intent to rejuvenate union organizing efforts and implement measures to support union campaigns. His pre-election statement on labor issues included a pledge that he would ensure federal contracts would only go to employers who sign neutrality agreements committing not to run any anti-union campaigns. He has also made it clear he will support pro-union legislation that has already been approved by the House but stalled by the Senate.

The **Protecting the Right to Organize (PRO) Act** proposes significant changes in favor of unions, including subjecting employers to steep monetary fines for unfair labor practices and overall making it easier for employees to organize. Furthermore, major changes are ahead for decisions coming out of the National Labor Relations Board (NLRB), which will likely reverse pro-employer decisions issued by the Trump administration. The President made an unprecedented move by terminating the NLRB’s General Counsel within hours of being sworn in. This sent a strong message that Biden’s ad-

ministration plans to fulfill promises to organized labor.

It will be important to keep abreast of these changes and ensure you are meeting any new mandates issued by the NLRB (which also may apply to non-union settings). For instance, you may want to review your handbook to ensure it does not prohibit employees from discussing their wages – employers will have to be careful taking adverse employment action against employees who complain openly about their wages and working conditions.

3. New OSHA Guidelines Proposed

President Biden signed several Executive Orders in the first couple days of his presidency, including an order directing the Occupational Safety and Health Administration (OSHA) to increase enforcement of existing agency standards and evaluate whether a new standard for COVID-19 mitigation is necessary. Given that the President has nominated Boston Mayor Marty Walsh to be the next Secretary of Labor (first union member to fill this role in 50 years), employers should stay alert to increased investigatory activity and more stringent OSHA guidelines.

Right now, best practice would be for employers to take a hard look at OSHA’s newly-issued guidance on establishing a **Covid-19 Prevention Program**, which recommends the evaluation of 15 items, including assignment of a workplace coordinator; identification of where and how workers might be exposed to Covid-19 at work; identifying way to limit the spread; training workers on Covid-19 policies/procedures, instructing workers who are infected to stay home and isolate; performing enhanced cleaning and disinfecting; implementing protections from retaliation and setting up an anonymous process for workers to voice concerns about Covid-related hazards; making a vaccine available at no cost; and more.

It will be wise to make sure your “prevention plan” is documented. If OSHA determines that a Covid-19 Emergency Temporary Standard (ETS) is necessary, the prevention guidelines will become part of regulations and enforcement. The good news is the majority of employers already have most of the guidelines in place; it may be worth giving them a refresh to ensure all your bases are covered.

4. Biden Proposes \$15 Federal Minimum Wage

After President Biden’s Executive Order calling for an immediate increase in the minimum wage for federal government employees and federal contractors, Democratic lawmakers in Congress have proposed an increase in the federal minimum wage from the current \$7.25 per hour to \$15 per hour by 2025 and a gradual elimination of the tip credit by 2027. While it remains to be seen whether the **Raise the Wage Act of 2021** will ultimately pass and be signed into law, employers should start to think ahead and determine how this might impact their labor costs and budgets.

The Act proposes a gradual increase in the minimum wage over the next several years. While the minimum wage rate has not increased in over a decade, employers could see an immediate and significant increase in labor costs of more than 30%, as the proposal increases the minimum wage to \$9.50 per hour in 2021, followed by increases in the minimum wage rate to \$11.00 (2022), \$12.50 (2023), \$14.00 (2024), and \$15.00 (2025).

Although a controversial law (expect much vigorous debate), company leaders will want to keep this top of mind as they engage in workforce planning and budgeting. In the meantime, employers should prepare for more aggressive enforcement of wage and hour laws and make sure employees are classified correctly – review exempt vs. nonexempt and employee vs. independent contractor status.

5. Ohio Discrimination Law Update

Ohio Governor DeWine signed the **Employment Law Uniformity Act** into law on January 12, 2021, which is intended to eliminate many administrative burdens and uncertainties for employers and human resource professionals while still providing employees with necessary anti-discrimination and harassment protections. The Act will take effect on April 15, 2021 and aims to resolve workplace discrimination and harassment claims in a more efficient and timely manner.

The new law creates a two-year statute of limitations for workplace discrimination claims, requires employees to exhaust administrative remedies prior to pursuing a court action, allows employers to minimize their risk for claims by providing employees an avenue to report complaints internally, and reduces personal liability actions often brought against supervisors and managers. This law is considered a “win” for Ohio employers as it simplifies the claim filing process and limits unnecessary litigation costs. Some plaintiff lawyers also welcome this law as it creates more uniformity and simplicity.

In light of this new law, employers should review their policies, make sure they are updated and provide training to their management teams. No matter how solid your written policy is, if front-line managers and supervisors are not trained on how to respond to employee issues and complaints, an employer may be exposed to potential litigation.

6. COVID-19 Vaccinations

As the U.S. continues to roll out the vaccine, employers will need to decide whether to require employees to be vaccinated (which is lawful), strongly encourage it (make it voluntary), or simply not say anything about it (leaving it as a personal choice). At this time, most employers are landing in the middle – encouraging it but not requiring it (unless there is a compelling business/health-related reason to do so).

On December 16, 2020, the **Equal Employment Opportu-**

nity Commission (EEOC) published guidance permitting employers to require the vaccine but with limitations. For instance, the EEOC allows exceptions to employees who show they have a disability or religious belief that would exempt them from having to take the vaccine. In these cases, the employer will be obligated to “reasonably accommodate” the employee if in fact the employee meets the criteria under one of these exceptions.

Employers will want to make sure they have a vaccine policy if they decide to mandate it or make it voluntary. In addition, employers are discouraged from applying different safety standards to vaccinated and unvaccinated employees (for example, vaccinated employees should still be required to continue to wear a face mask). However, vaccinated individuals “exposed” to someone with Covid may not be required to quarantine if they meet certain conditions (person is fully vaccinated within 3 months of the exposure and is asymptomatic).

7. When Employees Refuse to Work Due to “Covid Fears”

Last year, many employees quit their jobs or refused to return to work because of “fears” that their workplaces were unsafe. Many were denied unemployment and the criteria for determining whether a workplace was “unsafe” was considered vague. To combat the issue that workers would have to choose between unsafe working conditions or their jobs, an executive action issued by the President in January asked the Department of Labor (DOL) to create guidance that would expand employee rights to unemployment benefits because of a legitimate fear of an unsafe work environment.

On February 25, 2021, the DOL issued **Unemployment Guidance** expanding the circumstances in which employees would be eligible for unemployment through the Pandemic Unemployment Assistance (PUA) program. The new guidance expands eligibility to those who were denied benefits after they refused to work or accept an offer at a worksite not in compliance with coronavirus safety standards; workers who were laid off or had hours reduced; and certain employees providing services to educational institutions. This new guideline will be retroactive, which means employees initially denied benefits will be able to reapply (and if granted, payments will be backdated).

Even with this new guidance, employees will likely still need to prove that their refusal to work was more than just a generalized fear and that federal/state Covid-related compliance guidelines were not being met by their employer. The new guidelines do not appear to say anything about people who had quit work in the last year because they felt unsafe (only those who refused to return to work).

These are fluid guidelines and regulations... reach out with questions before implementing policies.

Local Leaders Making A Difference

MEET Sarah Crupi

When I started working with Sarah and the Cleveland Zoological Society, I had the opportunity to interview the management team. The managers not only praised Sarah for the work she was doing but had enormous respect for her as a person and a leader. Since then, I too have realized what a gem Sarah is to our community and anyone who has the great fortune to meet her.



Sarah Crupi is a native Clevelander who considers herself lucky to be leading a nonprofit that raises money for a community gem. Sarah is Executive Director of the Cleveland Zoological Society, the nonprofit partner of Cleveland Metroparks Zoo.

As Executive Director, Sarah leads strategic and business planning, advancement and communications strategy and tactics, business operations, staff management, board relations and collaboration with Cleveland Metroparks Zoo. The Zoo Society employs 20 full-time staff members and has an annual operating budget of roughly \$6 million.

“Our mission is a good one - to raise philanthropic funding in support of the Zoo, which I believe is a true community gem and one of the most visited destinations in Cleveland,” said Sarah. Recent accomplishments for the Zoo Society have been fully funding the new Daniel Maltz Rhino Reserve, as well as navigating through the Covid pandemic and Zoo closure while retaining all employees and increasing fundraising revenue. “2020 was such a difficult year, and a traumatic time for our whole community,” said Sarah, “But I am so proud and grateful for the Zoo Society donors and Board of Directors who provided financial relief, guidance and just good wishes for me, my team and our Zoo colleagues. Those relationships we’ve built as a nonprofit are priceless, and last year was a great example.”

A graduate of Ohio University’s school of journalism, Sarah spent from 1999-2016 working in various newsroom roles at the Democrat and Chronicle, a Gannett newspaper and digital media company in Rochester, New York. She joined the Cleveland Zoological Society in March of 2016 as Director of External Relations and was promoted to Executive Director in July 2019.

Sarah lives in Broadview Heights with her husband, Mike, a professional photographer, and two boys. In addition to full-time work and parenting, Sarah volunteers as President of the Alumnae Association Board of Our Lady of the Elms High School in Akron, her alma mater.

If you are interested in learning more about the Cleveland Zoo Society and the current Board, Career or Philanthropic opportunities, reach out to Sarah at 216-635-3368 or crupi@clevelandzoosociety.org. Or visit ClevelandZooSociety.org/donate to make a donation today!

MEET Chandra Pannell



Chandra and I have worked together for several years; providing workplace training, counseling and coaching to local companies. Chandra brings a rarely seen genuine energy and passion to her client engagements. Her powerful presence as a speaker and her caring nature as a consultant have been her greatest assets, inspiring countless individuals to bring their best selves to work.

Chandra and I have been fondly referred to by clients as the “dynamic duo” - as we enjoy bringing high-energy to our training sessions! Recently, we had the opportunity to present to 20+ managers. We discussed a wide array of topics, including modern workday challenges, key employment laws, how to handle tough and sensitive employee issues, and effective ways to cultivate a culture of great communicators and collaborators.

Chandra is passionate about helping others achieve their goals and works with individuals, small groups, and businesses through her personal development business. She specializes in coaching for leadership success and mentoring for financial, personal and career advancement.

In her spare time, she enjoys reading, traveling and spending time with her family.

Feel free to contact Chandra at chandraypannell@gmail.com

JOB SPOTLIGHTS IN CLEVELAND

INSIDE SALES ASSOCIATE POSITION



L.J. Star, Inc. is a leading provider of engineered products for a variety of processing industries. As a Cleveland area company with over 25 years of experience, they continue to make exciting progress as an industry leader. They have an immediate need to add an **Inside Sales Associate** to their dedicated team. The successful candidate will enjoy being on the front-line every day. The Associate will work with and support the Outside Sales/Business Development team in their Cleveland-area office. The top priority of this position is to ensure a high level of customer satisfaction.

For more information, contact: **Ted Mielnik, President**
TMielnik@ljstar.com • T: (330) 405-3040 EXT 105

OFFICE MANAGER/ IT SUPPORT POSITION



Centerline Biomedical is a Cleveland Clinic spinoff housed in the Global Cardiovascular Innovation Center on Cleveland Clinic's main campus in Cleveland, Ohio. Centerline maintains a close relationship with Cleveland Clinic and has access to the unique resources and environment of the incubator to carry out research and product development. They have an immediate opening for an entry level full-time **Office Manager & IT Support** position. Under the supervision of the HR Manager, this position will perform general administrative duties for the Executive Team and support the Company's information technology infrastructure.

Send resumes to careers@centerlinebiomedical.com or contact:

Lorri Slesh, aPHR, HR Manager

Lorri.slesh@centerlinebiomedical.com

T: (216) 223-8456 • C: (216) 906-3086

HUMAN RESOURCE ASSISTANT POSITION



MidWest Materials was founded in 1952 in Cleveland, Ohio. They are proud to be a family-owned and operated business for 65 years. Growing from a one room sales office to a 240,000 square foot facility, MidWest is recognized as a leading carbon flat rolled steel processor and distributor providing customers throughout North America with hot and cold rolled steel products. MidWest is currently seeking an **HR Assistant** to help support a wide range of HR functions, including payroll processing, resolving timecard issues, working with operations and recruiters to provide staffing, discussing benefits, and working with the HR Manager to address employee issues.

For more information, contact: **Lisa Snyder, HR Manager**

Lisa.Snyder@MidWestMaterials.com

T: (440) 259-5200 x3262 • Direct Line: (440) 259-7537

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VIRTUAL WORKPLACE COFFEE TALKS

WORKPLACE COMPLIANCE – New Regs, Laws and Covid-19 Guidelines

This month's coffee talk on **March 10th** from **9-10:30am** will highlight what all employers should know from a compliance and legal perspective. With a new administration, we can anticipate many changes. We will break them down and explain what you can do now to start preparing. [Registration Link Here](#)

SERVANT LEADERSHIP – Getting the Best from Your Team!

The world needs more leaders. Join us on **April 14th** from **9-10:30am** to hear from our coffee talk team on the importance of servant leadership and how becoming a servant leader will help you grow professionally and your business exponentially. [Registration Link Here](#)

SAVE THE DATE – April 22, 2021!

WORKPLACE WELLNESS WEBINAR: Organizational Resilience (what it means & why it matters).

Back by popular demand... our wellness expert Viktoria Levay Higgins! Viktoria and I will be joining forces to discuss why we believe "organizational resilience" should be every employer's #1 priority this year and beyond. More information to follow or contact Viktoria at nourishwithviktoria@gmail.com or visit her website for more details at www.nourishwithviktoria.com.

Thank you for taking the time to read my newsletter.

I will continue to share important information on relevant workplace topics and spotlight businesses and consultants here in Northeast Ohio making a difference. Feel free to reach out anytime at stella@imaginehrconsulting.com or 440.897.1991 for more information.

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