

# Post-Pandemic Considerations

## *Can You Imagine A Better Workplace?*

### Post-Pandemic Era FLEXIBILITY

Flexibility, agility & safety continue to be the themes (and priorities) in this post-pandemic era. Many employers are stepping up in ways they never had to before to support employee well-being. Flexible scheduling, paid sick leave and other unique benefits were being offered to help employees during Covid. **Tom Wirbel**, benefits expert, says that employers will need to continue to offer flexible/personalized benefits.

### Post-Pandemic Era AGILITY

When Covid hit, businesses were forced to think "outside of the box" to stay afloat and weather the Covid storm. One local company did just that. **Mike Soster**, owner of an elite fitness gym, made sure he continued to offer services (albeit a bit different) because he knew his clients' well-being depended on it. Mike made sure he never skipped a beat and continues to drive his business with innovative offerings.

### Post-Pandemic Era SAFETY

While the world seems to be getting back to normal, safety continues to be a priority. Not only do we need to continue Covid-safety measures, the recent mass shootings have many employers asking whether they are doing enough to protect their people. Cleveland Attorney **Ryan Neumeyer** explains what "active shooter" policies and other protocols are necessary to guard against potential violence in the workplace.



## Note on Employee Handbooks

– Stella K. Skaljac, JD, SHRM-SCP

This is a great time to "spring clean" your workplace policies. If your company handbook has not seen the light of day for a while, this is a perfect time to pull it off that dusty shelf and give it a good overhaul.

Employers may want to revise old policies (to make sure they are compliant with current laws) and create new ones (e.g. social media, remote work and pandemic policies). The handbook is a great tool to reset expectations and get everyone back on the same page.

Handbooks today should be clear, simple, reader-friendly and provide a meaningful resource for employees. Reviewing your handbook should give business owners a chance to add policies that reflect a more flexible work environment while still ensuring company "rules" are communicated.

# SPOTLIGHT ON...

## Meet Tom Wirbel Vice President of CPI-HR



### Tom Wirbel

*Vice President, CPI-HR*

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A native of Cleveland, Tom graduated from John Carroll University with a BSBA in 1991 and received an MBA from Cleveland State in 1996. Tom has worked in the discipline of Human Resources since 1997. Before joining CPI-HR in 2003, Tom acted as an HR Consultant to small and medium-sized businesses.

Tom's responsibilities with CPI-HR have been focused on helping clients manage their employee benefits plans. He has achieved notable success in helping client companies address the escalating costs of health insurance through a series of proactive and innovative strategies.

In 2008 Crain's Cleveland Business recognized Tom as one of Cleveland's business leaders by awarding him a 40 Under 40 award. Tom has shared his expertise with thousands of local HR, Finance, and Management professionals through speaking engagements with the HR Star Conference, College and University Professional Association for Human Resources, the Benefit Advisors Network, Institute of Management Accounts, EDGE, Maingate Business Development, and others.

Tom has also embraced opportunities to help the local community through volunteer engagements with the American Heart Association, Juvenile Diabetes Research Foundation, Junior Achievement and the Chagrin Athletic Association. He lives in Chagrin Falls with his wife and three children.

Tom brings a wealth of knowledge to the employee benefits arena. I met Tom recently and he shared insightful information on what employers should be thinking about post-pandemic, emphasizing the need for flexibility. This is what he had to say...

"Through necessity (the mother of invention), employers have discovered workforce flexibility beyond their wildest dreams. I talked with an HR Manager a few weeks ago who planned to "resign" from his job when his wife's new position required them to relocate 400 miles away. Surprisingly, his employer encouraged him to maintain his role, but in a remote capacity. This was unimaginable pre-pandemic; and in this case, has worked out fabulously for both employer and employee.

Specific to benefits, I think employers have learned that the needs of their employees are as diverse as they have ever been. Some practical ways to address this from an employee benefits perspective are as follows:

**"It is more difficult than ever to meet the healthcare needs of a diverse population of employees with a 'one size fits all' solution."**

# SPOTLIGHT ON...

## Meet Tom Wirbel, Continued....

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**First**, make sure your plan documents and insurance carrier eligibility rules match your post-pandemic needs. For example, historically, you might not have had a need to provide benefits to part time employees; but perhaps your post-covid / reshaped workforce presents a need for such an eligibility provision.

**Second**, many employers are adopting an approach that includes three different offerings – a core plan that aligns with benchmark standards, a buy-up plan that affords employees an option to pay more towards premium and less when they seek medical services and a “budget” plan that costs less per pay, but leaves more exposure for the employee if they were to incur major claims, or maybe restricts network access to a smaller group of doctors and hospitals in exchange for a lower price. By using enrollment technology, offering choices like this is becoming less administratively burdensome.

**Lastly**, voluntary benefits continue to grow in popularity and offering these benefits demonstrates an employer’s flexibility. Some employees desire to supplement a company-paid offering with employee-paid add-ons. Traditionally, we’ve seen this with voluntary life insurance; but we’re seeing more and more adoption of products like critical illness, accident, identity theft and even pet insurance. Similar to offering multiple healthcare options, the administrative complexities of offering multiple voluntary benefits are mitigated by the use of benefits enrollment technology.”

## Ryan Neumeyer, ESQ.

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Ryan Neumeyer is a member in the Litigation Department’s Labor and Employment Practice Group. He came to McDonald Hopkins after 10 years at a boutique labor and employment firm.

Ryan has the distinction of being a Certified Specialist in the practice of labor and employment law by the Ohio State Bar Association. He represents and counsels management on a variety of employment law matters and is a frequent speaker and presenter.

Ryan and I have partnered together over the years to bring clients comprehensive workplace trainings. We’ve discussed issues on discrimination, harassment and generational diversity for a variety of audiences.

Recently, Ryan has developed an expertise in workplace safety and particularly in the realm of active shooter policies and training. He authored the following article on “Mitigating Against Workplace Violence” to help employers understand basic guidance on how to reduce workplace violation. ImagineHR is lucky to have him as a resource!



# Mitigating Against Workplace Violence

With the recent rash of unfortunate violence, it's a good time to address workplace safety issues. Unfortunately, being prepared for an emergency, including an active assailant situation, is a necessity in today's day and age.

Employers should analyze their workplace and develop a workplace violence prevention program. The Occupational Safety and Health Administration (OSHA) has stated that creating a stand-alone written workplace violence prevention program is an absolute necessity. Such a program decreases the risk of assault by helping prepare the employee for the possibility of a violent situation. A written plan is a vital standard operating procedure in today's workplaces.

A safety program should provide "scenarios" of possible safety situations. The safety program should list ways to identify, prevent, and escape from those scenarios. The below information includes several key steps that employers can take to help mitigate the risk of workplace violence:

- Conduct a security assessment to determine a facilities vulnerability to an attack
- Create a comprehensive Emergency Response Plan and Business Continuity Plan
- Create a protocol to report emergencies, including active assailant incidents
- Create notification system to alert employees and other individuals of an emergency
- Coordinate with local law enforcement and designate a point of contact with knowledge of the facility
- Conduct background checks and have a reporting policy (zero tolerance policy for violence, etc.)
- Train employees on warning signs and on how to respond to an active assailant and other emergencies
- Conduct drills including law enforcement and first responders
- Use cameras and other technology and establish random security patrols
- Limit the entrances and exits and create a credentialing process for ingress and egress
- Have resources in place following an incident; such as counselors and other healthcare professionals

While there certainly is no way of absolutely knowing that a violent incident may take place, employers and HR professionals can prepare in the event that it does. As in many other areas, preparation is the key. When it comes to workplace violence, it could lead to the prevention of a life changing event.

The phenomenon of active assailants is scary and understandably uncomfortable to discuss. But preparation is vital in today's times and taking these risks seriously is more important than ever. Any workplace violence policy should strongly encourage employees to come forward at the first sign of threatening behavior.

**If you need guidance or training in this area, Ryan can help.**

# FUNCTIONS of Life



Functions of Life, a locally owned Fitness and Sports Performance facility, was one of many local businesses forced to do things differently when Covid hit last year. Mike Soster, owner of FOL, was determined to keep his operation running and offer at least some resemblance of his services that so many people relied on for their health, fitness and mental well-being.

Millions of small business owners across the country faced a similar challenge as the coronavirus shut down much of the economy and consumers stayed home to slow the spread of the virus. To stay afloat, owners adapted on the fly and found innovative ways to bring in sufficient revenue to cover their massive overhead. In the midst of one of the strangest and scariest times we've lived through, many small businesses had to find the fortitude and strength to carry on and make the best of a tough situation.

The pandemic made businesses think about their operations in a more critical, in-depth way. Like FOL, many businesses had to really reflect on ways they could continue to offer their services even when people stopped gathering in groups. The pandemic required businesses to take a totally different look at how they were functioning and what other services and products they could provide.

Sadly, some businesses could not overcome the challenges they faced last year. Others, like FOL, not only survived but plan to use innovations adopted during the



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pandemic to continue to drive revenue and generate new opportunities. Mike decided to reduce class sizes 25%, ensure proper cleanliness of the gym, spread out class times to reduce traffic, and also guide people into a service called Semi-Private Group Training where individuals can comfortably train in groups of 2-5. "What's great about Semi-Private is that it is much less exposure than if you were in a class of 15, it gives you all the benefits of Personal Training, but at a much lesser cost. So, we were able to give people a perfect option for effective high-level training that also made them feel safe along the way." Mike was adamant about the opportunity to open since he understands the positive effects of being on a training routine, physically and mentally.

The good news for FOL – after a year where people spent months cooped up at home getting very little exercise, New Year's resolutions have taken on a little more weight in 2021. And since Spring (and the vaccine) is here, there is new vitality in the air and people are feeling more enlivened and encouraged than ever.

If you are feeling the itch to get back out there and move your body again (after months of sedentary living and working), contact Mike at [functionsoflife@gmail.com](mailto:functionsoflife@gmail.com) for more information on his awesome and innovative workout plans and programs. Or if you are looking for a team-building experience to rejuvenate your workforce, Mike may have some options for you. With his 12,000 sq ft facility located in Broadview Heights, they perform over 200 Personal Training sessions and over 50 High Energy Fitness Classes per week!

# What Employers Need to Know About the American Rescue Plan Act of 2021

The American Rescue Plan Act of 2021 (ARPA) was signed into law on March 11, 2021. The ARPA makes several important changes to the benefits first created in the Families First Coronavirus Response Act (FFCRA). These changes became effective April 1, 2021, and employers must determine how the ARPA affects their organization, whether they will voluntarily extend FFCRA leave to their employees under the ARPA, and if so what changes they need to make to their policies and practices.

## The tax credit is extended through September 2021.

Under the FFCRA, employers received a tax credit for Emergency Paid Sick Leave (EPSL) and Emergency Family and Medical Leave (EFML) provided to employees through December 31, 2020. The Consolidated Appropriations Act allowed employers to continue to provide EPSL and EFMLA leave on a voluntary basis through March 31, 2021, and to receive a tax credit for such leave. Under the ARPA, tax credits will now be available to employers voluntarily offering EPSL and EFML from April 1, 2021, to September 30, 2021.

A tax credit, up to a cap of \$511 a day, is allowed at the employee's regular rate of pay if the employee is on leave because of coronavirus quarantine, self-quarantine or has symptoms. For any other paid sick leave reason, the amount of tax credit available to an employer is calculated at two-thirds the employee's regular rate of pay, up to a cap of \$200 a day. Notably, as to EFML, the ARPA eliminates the 10-day unpaid waiting period, so the cap for reimbursable tax credit for EFML has been increased to \$12,000 (from \$10,000).

## Reasons for FFCRA leaves are expanded.

Under the FFCRA, employees were eligible for EPSL leave for the following reasons: (1) when quarantined or isolated subject to federal, state, or local quarantine or isolation order; (2) when advised by a health care provider to self-quarantine because of COVID-19; (3) when the employee is experiencing symptoms of COVID-19 and seeking a medical diagnosis, (4) when caring for another person who is isolating or quarantining; (5) when caring for a child whose school or place of care is closed due to COVID-19; and (6) is experiencing any other substantially-similar condition specified by the Secretary of Health and Human Services. EFML was only available when needed due to closure of a child's school or daycare. However, the

ARPA expands the list of reasons for EPSL leave to include: an employee who is (a) seeking or awaiting the results of a diagnostic test for, or a medical diagnosis of, COVID-19 because they have been exposed or their employer has requested the test, or (b) obtaining a COVID-19 vaccination or recovering from any side effects of the vaccination. The ARPA expands the reasons for which EFML can be taken to include all the qualifying reasons under the EPSL. Again, however, employees are eligible for these leaves only if their employer voluntarily decides to offer it.

## Amount of leave available is expanded.

Beginning April 1, full-time employees may be eligible for a new bank of up to 80 hours of EPSL, while part-time employees may be eligible to a prorated amount. Thus, if the employee used all 80 hours in the past, they will be eligible for a new bank of 80 hours if their employer voluntarily chooses to provide such leave. Unfortunately, the law is not clear as to whether employees are eligible for a new 12-week bank of EFMLA, but we anticipate guidance from the Department of Labor on this issue soon. However, the law does provide that employees can take the 80 hours of EPSL in addition to their EFML, resulting in a total of 14 weeks of paid leave. The tax credit is available only to those employers who provide leave to all employees without discriminating against certain categories of workers. Therefore, to receive the tax credit, employers may not discriminate (1) in favor of highly compensated employees, (2) full-time employees or (3) on the basis of the employment tenure of the employee.

## New COBRA obligation is imposed on employers.

In addition to the changes on voluntarily provided FFCRA leave, the ARPA includes a provision concerning Consolidated Omnibus Budget Reconciliation Act (COBRA) rights. Under the ARPA, employees who lost health coverage because of an involuntary termination, or reduction in hours, may now receive a 100% COBRA premium subsidy for premiums due between April 1 through September 30, 2021. Employees who left a job voluntarily are not eligible for the subsidized coverage.

**Feel free to reach out if you would like to discuss the details and how to manage continued FFCRA leave.**

# UPCOMING EVENTS

**April 14th (9-10am)**

**WORKPLACE COFFEE TALK:  
Servant Leadership and Getting the  
Best from Your Team!**

The world needs more leaders. Join us virtually 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.

**[REGISTER HERE](#)**

**April 22nd (3-4pm)**

**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.

**[REGISTER HERE](#)**

## Final Thoughts

As organizations manage their workforce in a post-pandemic era, there are several key HR-related issues to keep in mind. Business owners and HR professionals should pay close attention to several new laws and regulations as well as workplace trends that will help employers stay proactive, compliant, and competitive during this time.

With the new working environment many businesses are operating in, HR expertise and support is vital. U.S. employers unleashed a burst of hiring in March, adding 916,000 jobs. This is a phenomenal sign that recovery from the pandemic is taking hold as vaccinations accelerate, stimulus checks flow and businesses recharge and reopen.

Having solid systems in place to recruit, hire and retain qualified employees will optimize productivity and create a thriving workplace. A great HR partner can help ensure all workplace policies and practices are updated and aligned with best practices. For your organization, this may mean making technology upgrades to your HRIS, improving your handbook, freshening up benefits, updating job descriptions, developing a more robust onboarding process, and implementing new engagement/reward programs.

This is an ideal time to look at your “employee life cycle” and ask “how can we enhance our organizational effectiveness and workplace culture?” If anything, Covid has given us an opportunity to pause and contemplate where we can possibly improve. If you would like assistance in evaluating your current HR functions, let us know and we can perform an HR Assessment – gauging your current HR practices and risk areas and providing best practice recommendations.

I also want to thank Tom Wirbel, Ryan Neumeyer and Mike Soster for volunteering to be my spotlights this month. They have been excellent resources, and I would highly recommend them if their areas of expertise resonate with you.



**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](mailto:stella@imaginehrconsulting.com) or 440.897.1991 for more information.

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