

OURERC A LOCAL BUSINESS NEWSLETTER

Powered by Employer's Resources of Colorado

IN THIS ISSUE

- Important Dates
- We Can Help
- US Department of Labor—
Clarification on Teleworkers
- How to Prevent Race and Color
Discrimination
- Leading an Office During a
Pandemic



CLOSED: LABOR DAY

ERC will be closed Monday, September 7, 2020 in observance of Labor Day. We will re-open Tuesday, September 8, 2020 at 7:30 am

we can help

ERC is committed to employing the most qualified personnel to address your Human Resource, Payroll, Benefit Administration and Risk Management needs.

For September we are highlighting our benefit administration and Safety & Risk Management.

Safety and Risk Management:

The ERC team will create customized safety manuals, policies, and procedures for your specific company.

U.S. Department of Labor Issues Guidance to Clarify Employers' Obligations to Track Teleworkers' Compensation Hours

With telework arrangements expanding in response to the coronavirus pandemic, the U.S. Department of Labor's Wage and Hour Division (WHD) today issued Field Assistance Bulletin 2020-5 to clarify an employer's obligation to track the number of hours of compensable work performed by employees who are teleworking or otherwise working away from premises controlled by their employers.

In a telework or remote work arrangement, the question of the employer's obligation to track hours actually worked for which the employee was not scheduled may often arise. While the guidance issued today responds directly to needs created by new telework or remote work arrangements that arose in response to the coronavirus, it also applies to other telework or remote work arrangements.

"Due to the coronavirus pandemic, more Americans are teleworking and working variable schedules than ever before to balance their jobs with a myriad of family obligations, such as remote learning for their children and many others. This has presented unique challenges to employers with regard to how to track work time accurately," said Wage and Hour Division Administrator Cheryl Stanton. "Today's guidance is one more tool the Wage and Hour Division is putting forward to ensure that workers are paid all the wages they have earned, and that employers have all the tools they need as they navigate what may, for many, be uncharted waters of managing remote workers."

Today's guidance reaffirms that an employer is required to pay its employees for all hours worked, including work not requested but allowed and work performed at home. If the employer knows or has reason to believe that an employee is performing work, the time must be counted as hours worked. Confusion over when an employer "has reason to believe that work is being performed," may be exacerbated by the increasing frequency of telework and remote work arrangements since the Department last issued interpretive rules in 1961.

All information was provided directly from the Department of Labor Newsroom. Information and further documentation can be found here: <https://www.dol.gov/newsroom/releases/whd/whd20200824>



How to Prevent Race and Color Discrimination

This information has been provided directly from the US Equal Employment Opportunity Commission.

General

- **Train** managers and all employees on **EEO laws**. Implement a **strong EEO policy** that is **embraced at the top level** of the company. Train managers, supervisors and employees on its contents, enforce it, and hold them accountable.
- Promote an **inclusive culture** in the workplace by fostering an environment of professionalism and respect for personal differences.
- **Foster open communication** and early dispute resolution. This may minimize the chance of misunderstandings escalating into legally actionable EEO problems. An **alternative dispute-resolution (ADR) program** can help resolve EEO problems without the acrimony associated with an adversarial process. Establish neutral and objective criteria to **avoid subjective employment decisions** based on **personal stereotypes** or **hidden biases**.

Recruitment, Hiring, and Promotion

- Recruit, hire, and promote with EEO principles in mind, by implementing practices designed to widen and **diversify the pool of candidates** considered for employment openings, including openings in upper level management.
- Monitor for EEO compliance by **conducting self-analyses** to determine whether current employment practices disadvantage people of color, treat them differently, or leave uncorrected the effects of historical discrimination in the company.
- Analyze the duties, functions, and

competencies relevant to jobs. Then create **objective, job-related qualification standards** related to those duties, functions, and competencies.

Make sure they are consistently applied when choosing among candidates.

- Ensure **selection criteria** do not disproportionately exclude certain racial groups unless the criteria are valid predictors of successful job performance and meet the employer's business needs. For example, if educational requirements disproportionately exclude certain minority or racial groups, they may be illegal if not important for job performance or business needs.

- Make sure **promotion criteria** are made **known**, and that **job openings** are **communicated** to all eligible employees.

When using an outside agency for recruitment, make sure the agency does not **search** for **candidates** of a particular race or color. Both the employer that made the request and the employment agency that honored it would be liable.

Terms, Conditions, and Privileges of Employment

- **Monitor** compensation practices and performance appraisal systems for **patterns of potential discrimination**. Make sure performance appraisals are based on employees' actual job performance. Ensure consistency, i.e., that comparable job performances receive comparable ratings regardless of the evaluator, and that appraisals are neither artificially low nor artificially high.
- Develop the potential of employees, supervisors, and managers with EEO in mind, by providing **training and mentoring** that provides workers of all backgrounds the opportunity, skill, experience, and information necessary to

perform well, and to ascend to upper-level jobs. In addition, employees of all backgrounds should have equal **access to workplace networks**.

Protect against retaliation. Provide clear and credible assurances that if employees make complaints or provide information related to complaints, the employer will **protect employees from retaliation**, and consistently follow through on this guarantee.



Harassment

Adopt a strong anti-harassment **policy**, periodically **train** each employee on its contents, and vigorously **follow and enforce** it. The policy should include:

- A clear **explanation** of prohibited conduct, including examples;
- Clear assurance that employees who make complaints or provide information related to complaints will be **protected against retaliation**;
- A clearly described **complaint process** that provides multiple, accessible avenues of complaint;
- Assurance that the employer will protect the **confidentiality** of harassment complaints to the extent possible;
- A complaint process that provides a prompt, thorough, and impartial investigation; and Assurance that the employer will take **immediate and appropriate corrective action** when it determines that harassment has occurred.

General Information: www.eeoc.gov
Additional Information on Race and Color Discrimination: www.eeoc.gov/types/race.html



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Leading an Office During a Pandemic

With COVID laws continuously changing and the future of office workplace altering, leading during a pandemic is proving to be more difficult than most thought. This is when your partnership with ERC becomes even more important.

Employers are constantly learning of changes with Department of Labor rules, safety regulations and environmental changes. This is the ideal time for companies to lean on their partners at ERC to ease the confusion.

Leading an organization right now can feel like driving to a destination you're not sure exists on a road that's changing right before you. But remember, we are here to help.

During current times, we need to accept that the typical ways of leading a team may not prove successful. The simple question of what success looks like right now isn't easy to answer with either clarity or consistency. For instance, conventional wisdom around goal setting says that goals should be specific, measurable, attainable, relevant, and time-bound. But the pandemic has made it much more difficult to pin any of these down.

While it's unlikely that in-office leaders can bring true clarity and certainty to the present moment, there are leadership practices that can help promote the well-being of the organization and its people. ERC recommend the following:

- **First and foremost, ensure that employees are healthy and safe in the workplace.** Stay up to date with the latest safety guidelines. Utilize the ERC Safety team and ask for documentation and safety information employees might need. Continuously provide employees with adequate PPE, cleaning supplies, and safety training, and prioritize their health and safety when making business decisions. If your employees are doing fine working from home, don't feel pressure to return them to the office just because that's the way things used to be. As a general rule, (this may not apply to most situations) If employees want to take extra measures to protect themselves at

work, allow it. If they suggest modifications that they feel will make everyone safer, seriously consider investing in those changes and asking ERC for additional advice.

- **Always enforce the rules, no exceptions.** OSHA requires employees safety and employees are looking to feel safe more than ever. Employees are looking to their leaders to create and maintain stability. Although each safety concern maybe different consistency will be essential to keeping the workplace both safe and orderly during these strange times. Enforcing company rules and policies, along with the rules of your state or locality, will increase both safety and overall trust in leadership. Utilize your employee handbook and require employees to follow all safety requirements.

- **Understand employee stress and have compassion.** The mental and physical stress of the pandemic is affecting people differently, so they may need different treatment. ERC discussed the healthcare options in the last newsletter and provided information based on this particular topic. Consider adjusting your expectations when employees are in a caregiving role, sick themselves, lonely, anxious, dealing with children who are home 24/7 for the foreseeable future, living with unruly pets, or all of the above. Good leaders will accept the situation and set about making it as workable as it can be for employees and the organization as a whole.

- **Focus on the positive and the mission of your company.** Analysis from Gallup [indicates](#) that people in a crisis look to their leaders for trust, compassion, stability, and hope. We've already talked about the first three, but don't underestimate the need for hope right now. Do what you can to reach out proactively to employees and ensure they understand how their work is connected to the mission and success of the organization. Remind everyone of what you're all doing and why you're doing it. Remind your employees of the support of their team and adding to the success of their team members.

ERC is here to help should you need additional assistance with company moral or employee benefits. Our mission is to be your partner in business.

Source: www.gallup.com and HR Support Center www.HRSupportCenter.com

DID YOU KNOW?

ERC COLORADO HAS A CLIENT REFERRAL PROGRAM. YOU COULD EARN UP TO \$2,000 FOR SIMPLY REFERRING ANOTHER COMPANY TO WORK WITH ERC. CONTACT JAY DAHLBERG (303) 506-1503