

A stylized illustration of a diverse crowd of people, all wearing face masks. The people are depicted in various colors and styles, representing different ethnicities and ages. They are shown from the chest up, looking in different directions. The background is a solid dark blue.

CRISIS MANAGEMENT FOR COVID-19

Phase 25: Factoring Access into a DEI Plan, and Updated Guidance, Legal Changes, & Legislation

*Presented by:
Hanna Resource Group
and
Morris & Morris, PSC*

INTRODUCTIONS



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WHAT WE'LL COVER

1

Why Access is the Most
Important Component of
a DEI Program

2

Updated Guidance,
Legal Changes, and
Legislation



1

Why Access is the Most Important Component of a DEI Program



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I. Inclusion D. Diversity E. Equity A. Access

**WHAT IS THE MOST IMPORTANT COMPONENT OF A DEI
(DIVERSITY, EQUITY, AND INCLUSION) PLAN? ACCESS!
(IDEA)**

BY DR. DI ANN SANCHEZ, SHRM-SCP, SPHR



Sanchez & Associates
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Questions?

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IDEA Actionable Programs

- Additional leave programs for education
- Continued participation in programs that support IDEA
- Sponsoring book clubs/other educational opportunities
- Underwrite internships

**More details during the session on
Monday, October 19th!**

Questions & Answers





2

Congressional, Legal and Regulatory Updates



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October 1, 2020 House Bill was adopted 214-207

The new bill mirrors the previous 3T bill passed by the House, but shortened the duration of funding.

- Features almost \$500 billion for state and local governments
- Renewal of \$600 weekly payments for unemployment benefits
- Another round of \$1,200 checks for individuals
- \$75 billion for coronavirus testing; and billions of dollars more for schools, the Postal Service, food stamps, rental assistance and election security

Substantial dissention, given the fact that it will not pass the Senate, or be signed into law. At this juncture, it appears very unlikely that any new negotiated bill will be reached prior to the upcoming election.

Senate has refused to take up House Bill, and has indicated next week will be filled with judicial hearings absent a bill that can be considered

2

COVID-19 Legal Peril for Employers

COVID-19 employment-based litigation has begun to increase

We previously reported on COVID-19–related employment lawsuits that we tracked from March 2020 through May 2020. Since then, the number of lawsuits has steadily risen as employers have resumed operations after restrictions were lifted. Our investigation shows that most have been in California, New Jersey, New York, Florida, and Texas. The following are the most common claims alleged:

- Retaliation
- Unsafe workplace
- Disability discrimination
- Wage and hour
- Denial of leave
- Wrongful discharge
- Race/national origin discrimination
- Age discrimination
- Reductions in force (RIF)/Worker Adjustment and Retraining Notification Act (WARN)

Employers must immediately take steps to prevent similar claims against their businesses, including robust workplace safety plans and updating leave policies; training managers, supervisors, and HR professionals regarding plans and policies; monitoring enforcement; allowing feedback; and documenting the steps taken. These steps may help minimize the risk of similar claims being filed and bolster defenses.

October 2, 2020: OSHA announced \$484,069 in COVID-19 Violations, against 37 establishments, signaling stepped up enforcement amid COVID-19, and the potential end of the lax rules in the past 6 months

October 2, 2020: Powered Air Purifying Respirators (PAPRs) During COVID-19: In a guidance memo issued to Field OSHA employees, OSHA largely extended the temporary use of certain types of respirators in light of the shortage of N-95 masks (previously discussed in April, and June, 2020 Webinars)

September 30, 2020: OSHA's new FAQs provide information to help employers apply the agency's existing injury and illness recording and reporting requirements to the coronavirus. In particular, the FAQs provide guidance on how to calculate reporting deadlines for in-patient hospitalizations and fatalities, and clarify the meaning of the term "incident" as it relates to work-related coronavirus in-patient hospitalizations and fatalities.

- On September 30, 2020, the Center for Disease Control and Prevention announced extension of a No Sail Order for cruise ships carrying at least 250 passengers in waters subject to US Jurisdiction through October 31, 2020.
- On September 23, 2020, the Department of Health and Human Services (HHS) and CDC will provide \$200 million to jurisdictions for COVID-19 vaccine preparedness.
- Additional guidance is available with regard to specific issues. If you need more information on particular subjects, go to:

<https://www.cdc.gov/coronavirus/2019-ncov/whats-new-all.html>

Kentucky is in the red zone for cases, indicating 101 or more new cases per 100,000 population last week, with the 21st highest rate in the country. Kentucky is in the yellow zone for test positivity, indicating a rate between 5.0% and 7.9%, with the 15th highest rate in the country.

- Kentucky has seen an increase in new cases and a decrease in test positivity over the last week.
- Jefferson, Fayette, and Warren were the highest three (in that order), 35.7% of new cases
- 47% of all counties in Kentucky have moderate or high levels of community transmission (yellow, orange, or red zones), with 12% having high levels of community transmission (red zone).
- During the week of Sep 14 - Sep 20, 13% of nursing homes had at least one new resident COVID-19 case, 25% had at least one new staff COVID-19 case, and 3% had at least one new resident COVID-19 death.
- Kentucky had 111 new cases per 100,000 population in the last week, compared to a national average of 93 per 100,000.

9/28/2020: a new online portal for reporting on COVID-19 for schools identified

9/22/2020: Kentucky has been approved by the Federal Emergency Management Agency (FEMA) for an additional three weeks of Lost Wage Assistance (LWA) payments. Eligible Kentuckians will receive \$400 for the weeks of Aug. 22, Aug. 29, and Sept. 5 for each week a claimant meets the criteria.

- Eligibility criteria is at least \$100 per week in UIC, & impacted by COVID-19
- Claimants meeting the weekly benefit requirement who have not yet self-certified will be given an opportunity to provide the required self-certification, and those claimants will receive the benefit so long as FEMA funding remains.

Questions & Answers



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