

An 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

Week 26: Practical, Hands-On Examples of IDEA Initiatives & Updated Guidance, Legal Changes, and Legislation

*Presented by:
Hanna Resource Group
and
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INTRODUCTIONS



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WHAT WE'LL COVER

1

Practical, Hands-On
Examples of IDEA
Initiatives

2

Updated Guidance,
Legal Changes, and
Legislation



1

Practical, Hands-
On Examples of
IDEA Initiatives -

INTEGRITY DEVELOPMENT



Eric Ellis, M.A.

*President & CEO
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1

Practical, Hands-On Examples of IDEA Initiatives -

CORNETT



Emmy Hartley

*Chief Operations Officer
Cornett*

- Where/how to start?
- Action Plan Team
- Commitment to Change
 - How Cornett
 - Looks
 - Thinks
 - Works
 - Interacts and Impacts
- Create basic level of language for team
- Understand lifelong work/commitment
- Other blocks adding to foundation



1

Practical, Hands-On Examples of IDEA Initiatives -

LEXMARK



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Questions & Answers





2

Updated Guidance, Legal Changes, and Legislation



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October 9, 2020 Changes to EEOC Conciliation Procedures

- Congress required that after the EEOC finds “reasonable cause,” “the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion.”
- *Pursuant to that rule, the EEOC may only commence a civil action against employer if the EEOC has not been able to secure a conciliation agreement that is acceptable to the EEOC.*
- Proposes to amend conciliation regulations governing Title VII, ADA, GINA, and the ADEA to outline steps that EEOC will take in the conciliation process *prior to filing litigation*.

October 14, 2020 – Final Rule Announced for Regulations under Title VII, ADA, and GINA

- Authorizes Digital Transmission of Charge-Related Documents
- Clarification of Language in Letters of Determination to clearly communicate EEOC Determinations
 - Clarifies the EEOC’s issuance of a “no cause” determination – does not mean “no merit”
- The EEOC also adopted further delegation to allow decisions promptly, and closer to the investigation

2 OSHA COVID-19 Enforcement Heats Up

OSHA's "leniency" on COVID-19 related enforcement is over!

Through October 8, 2020, 85 establishments cited, resulting in penalties totaling \$1,222,156

- OSHA identified the following company failures resulting in penalties and fines:
 - Implement a written respiratory protection program
 - Provide medical evaluations
 - Provide proper respirator fit tests
 - Provide proper training on the proper use and fit of respirators or Personal Protective Equipment
 - Report a COVID-19 related injury, illness or fatality;
 - Record a COVID-19 injury or illness on OSHA recordkeeping forms; and
 - Comply with the General Duty Clause of the Occupational Safety and Health Act of 1970

OSHA is issuing weekly updates in order to trigger enforcement among companies related to COVID-19. If you have not yet implemented clear COVID-19 measures, **now is the time!**

2 DOL Issues new Wage & Hour Provision

On 10/6/20, the Department of Labor announced an Interim Final Rule (IFR) reforming the prevailing wage methodology for foreign workers

The Department of Labor is correcting a potential for abuse under the Permanent Employment Certification, H-1B, H-1B1, and E-3 Visa programs as it relates to American workers by removing the economic incentive to hire foreign workers on a permanent or temporary basis

- When seeking to employ an H-1B, H-1B1, or E-3 visa, ***U.S. employers must attest that they will pay nonimmigrant workers***, during the period of authorized employment, ***the higher of the prevailing wage or the actual wage paid to other employees with similar experience and qualifications***.
- When seeking to employ under an EB-2 or EB-3 classification, the employer must seek to recruit U.S. workers for the position using a prevailing wage issued by the DOL, and, if no willing, available, and qualified workers are found, promise to pay the foreign worker that specific prevailing wage.

These changes protect U.S. workers from unfair competition by the entry of lower cost foreign labor into the U.S. labor market. Employers must shift to assure that they continue to comply with these provisions established by the Department of Labor in order to avoid enforcement actions, or future difficulties under the worker visa requirements of the DOL.

2 SBA & US Treasury Clarify PPP Deadlines and Simplify Filing Documents

As the filing deadlines approach, SBA and Treasury attempt to provide clarification and simplification

10/8/20: SBA & Treasury announce simplification process for PPP loans less than \$50,000:

- Under the IFR, PPP borrowers of less than \$50,000 are exempted from any reductions based upon:
 - Reductions in full-time-equivalent (FTE) employees; and Reductions in employee wages.
- Still have to make certifications and provide documentation for payroll/nonpayroll costs.

IFR provides guidance for lender responsibility regarding payroll/non-payroll cert and documentation:

- Confirm receipt of the borrower certifications contained in the form; and
- Confirm receipt of the payroll/nonpayroll cost documentation

In addition, if eligible costs that exceed the borrower's PPP loan amount, the amount of loan forgiveness that a borrower may receive cannot exceed the principal amount of the PPP loan.

Whether a borrower submits SBA Form 3508, 3508EZ, or 3508S, or a lender's equivalent form, the lender is required to confirm receipt of the documentation the borrower is required to submit

- SBA explained that of the 5.2 million PPP loans, about 3.57 million were less than \$50k.

2 SBA & US Treasury Clarify PPP Deadlines and Simplify Filing Documents

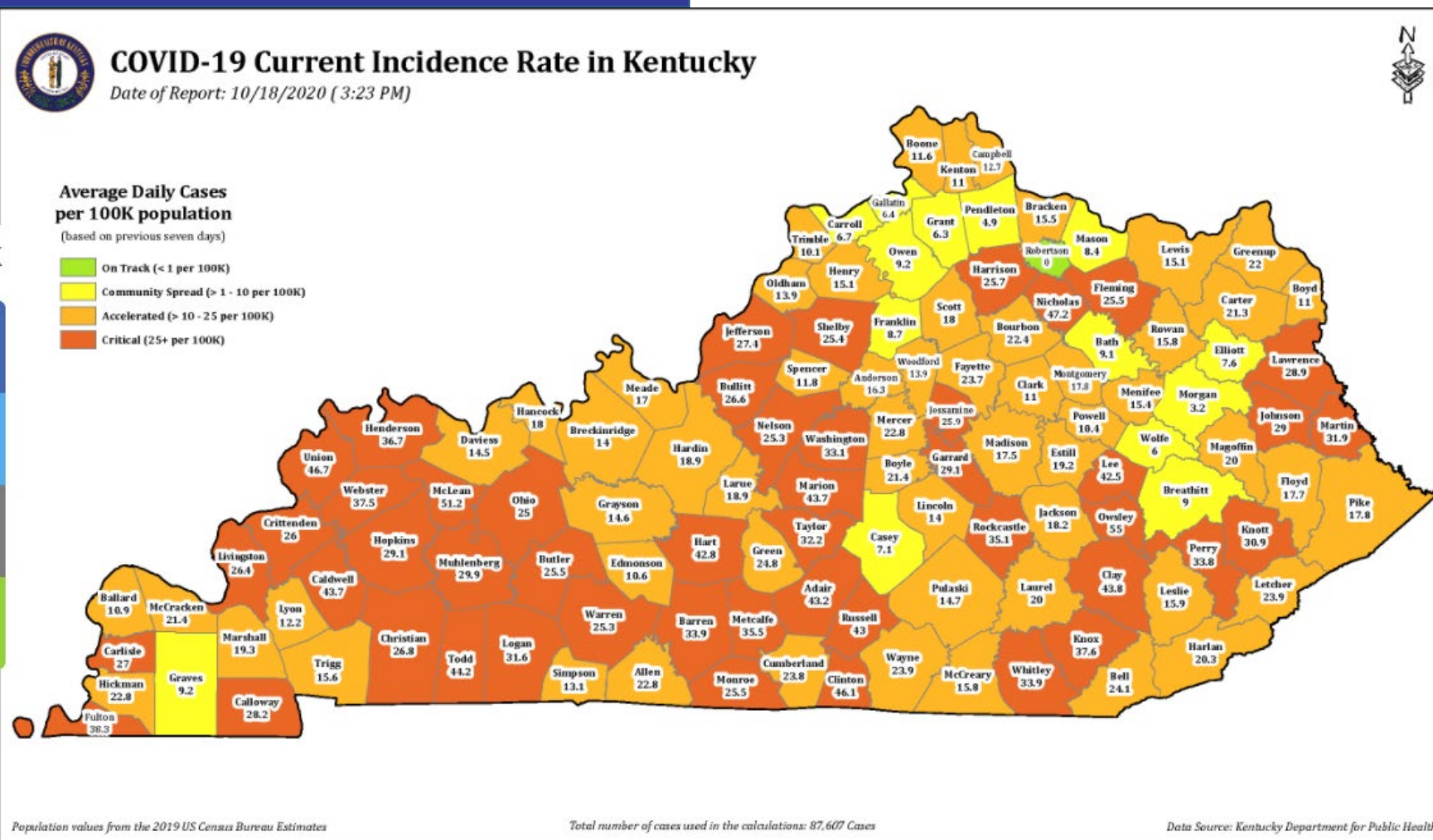
Clarification of SBA Document “Deadlines”

10/13/20: SBA announces that PPP loan forgiveness applications are **not** due on October 31, 2020

- Fears of a late-October PPP surprise came to the SBA’s attention because the program’s loan forgiveness application forms (3508, 3508EZ, and 3508S) display an expiration date of “10/31/2020”
- New FAQ “Is October 31, 2020, the deadline for borrowers to apply for forgiveness?”
- Answer: Borrowers may submit a loan forgiveness application any time before the maturity date of the loan, which is either two or five years from the loan’s origination, depending on the borrower’s agreement.
- Notation was simply to comply with the Paperwork Reduction Act expiration date.

- On October 5, 2020, CDC issued “updated guidance” (or confusion)
 - Update acknowledges the existence of cases more than 6 feet away, and after COVID-19 infected person left an area.
 - CDC advises that these instances occurred in poorly ventilated and enclosed spaces that often involved activities that caused heavier breathing, like singing or exercise.
 - CDC’s recommendations regarding protection have not changed
 - Stay at least 6 feet away; Wear a mask; Wash your hands

CDC’s recommendations have been very confusing, but continue to preach common sense



Kentucky continues in the red zone for cases, 173 cases (**111 two weeks ago**) per 100,000 population, with the 12th highest rate (**21st two weeks ago**) in the country. Kentucky is now in the orange zone for test positivity, 12th highest rate nationally (**was 15th nationally**).

- Kentucky has seen an increase in new cases and stability in test positivity over the last week.
- Fayette has the highest rate, Jefferson, & Warren (41.5% of new cases (**35.7% two weeks ago**))
- 63% of all counties in Kentucky (**47% two weeks ago**), have moderate or high levels of community transmission (yellow, orange, or red zones), with 26% (**12% two weeks ago**) having high levels of community transmission (red zone).
- 14% (**13% two weeks ago**) of nursing homes had at least one new resident COVID-19 case, 31% (**25% two weeks ago**) had at least one new staff COVID-19 case, and 3% (**same**) had at least one new resident COVID-19 death.

2 Reading the Tea Leaves of House, Senate & WH

Pre-Election Disputes Continue....

The latest from the tea leaves of COVID-19 relief packages:

- Senate has agreed to take up a \$500B “Skinny Bill” on Wednesday that contains a much shorter duration and inclusion (PPP, Unemployment, testing, and vaccine)
- After months of negotiations, the White House has proposed that the House and Senate consider a \$1.8T relief package
- In response to negotiations with the White House, the Speaker of the House has insisted upon \$2.4T relief package passed last month by the House

At this point, with the election being only two weeks away, and the Senate being consumed by the nomination process of a Supreme Court Justice, relief for businesses appears to be at least another month away

Questions & Answers



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