

A stylized illustration of a diverse crowd of people, all wearing face masks. The people are rendered in various colors and styles, representing different ethnicities and ages. The background is a mix of warm and cool tones, creating a vibrant and inclusive atmosphere.

# HR & LEGAL TOOLKIT

## Phase 38: Unique Ways to Recruit and Retain Employees in Unique Times, and Legal Updates!

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

# INTRODUCTIONS



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# WHAT WE'LL COVER

1

Recruiting Ideas

2

Employer Student  
Loan Repayment

3

Legal Updates



1

# Recruiting Challenges and Tips



**Christie Jackson**  
*Talent Acquisition Consultant*  
*HRG*

# 1 Recruiting Challenges & Tips

## **Recruiting Barriers:**

- Lack of candidate pool
- Inadequacy of skill sets
- Same recruiting processes
- Lengthy recruiting and onboarding

## **Key Takeaways:**

- Marketing strategies to increase candidate pool
- Reviewing recruitment process
- Leverage technology in the interview process
- Identify new hiring goals

# 1 Recruiting Challenges & Tips

## **Marketing Strategies:**

- Television & radio advertising
- Spotlight by workforce development groups
- IP Targeting campaigns
- Billboard advertising & yard signage
- Referral or signing bonus
- Building relationships with technical colleges & universities
- Drive-thru job fairs

# 1 Recruiting Challenges & Tips

## **Review Recruitment Process:**

- Audit the recruitment process
- Evaluate the ease of the applicant process, screening, and interviewing
- Revise communication protocols
- Improve selection process

# 1 Recruiting Challenges & Tips

## **Leverage Technology in the Interview Process:**

- Virtual interviewing
- Virtual tour videos
- Facebook & Google advertising
- Sponsoring Indeed job postings

# 1 Recruiting Challenges & Tips

## **Identify New Hiring Goals:**

- Revise new job descriptions
- Redesign jobs to accommodate current applicants
- Evaluate and set new skill set requirement
- Be open to change!



2

## Employer Student Loan Repayment



**Jim Trujillo, CFP, CCFS,  
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*Financial Advisor  
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# 2

## Employer Student Loan Repayment

# Student Loan Repayment Plans

FINDING FINANCIAL CLARITY

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## 2 Employer Student Loan Repayment

- What is the Consolidated Appropriations Act (CAA)
- Why is it important to understand
- Who should consider it
- Where you should start



2

## Employer Student Loan Repayment



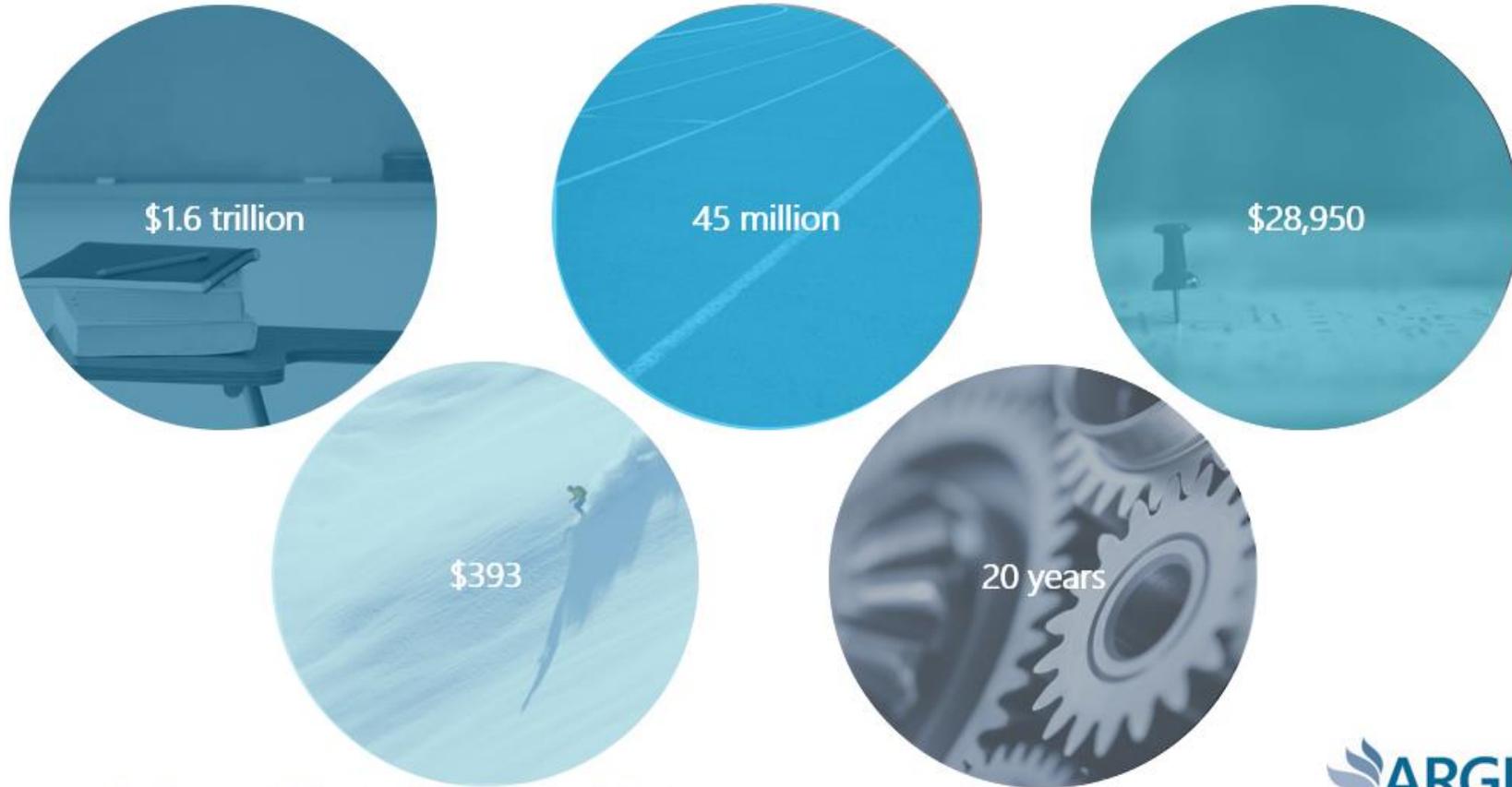
**Jim Trujillo, CFP<sup>®</sup>, PPC<sup>®</sup>**

Millennial  
Husband & Father  
Retirement Plan Advisor

# 2

## Employer Student Loan Repayment

### Student Debt Crisis



Source: [ww.zippia.com/advice/student-loan-statistics/](http://ww.zippia.com/advice/student-loan-statistics/)



# 2

## Employer Student Loan Repayment

### Uncle Sam's Solution



Educational Assistance Programs - \$5,250 tax free benefit



CARES ACT broadened definition of "eligible expenses"

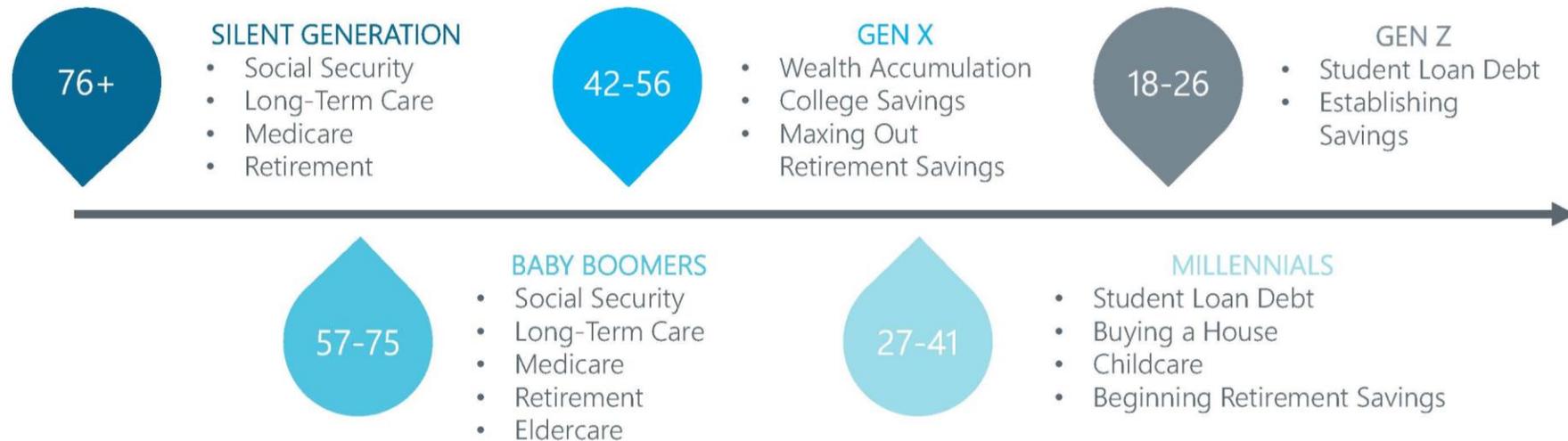


Consolidated Appropriations Act extended it to 2025

# 2

## Employer Student Loan Repayment

Why is it important to understand



# 2 Employer Student Loan Repayment

## Why is it important to understand



Millennials are on pace to grow from 35% to 75% of your workforce by 2030



“Job-Hoppers” - In 2016, 21% of Millennials changed jobs (3x the number of non-millennials)



86% would accept a job offer when student loan repayment is included in their benefits package



Millennials will stay 36% longer when offered student loan repayments

2

## Employer Student Loan Repayment

WHO SHOULD  
CONSIDER THIS



2

## Employer Student Loan Repayment



WHERE YOU  
SHOULD  
START

2

## Employer Student Loan Repayment



Q & A

Want to learn more? Scan the QR code and lets chat!





3

## Legal Update



**James M. Morris, Esq.**  
*J.D., MPA*  
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## 3 May's Legal Tidbits

### *Multistate Compliance for Employers with Out-of-State Remote Employees*

What are an employer's legal obligations for remote employees working out of state?

- Local or state employment leave entitlement; wage and hour, etc.
- Changes in whether the employer/employee qualify under state or local laws
- Workers compensation insurance (where the employee's work is localized)
- Unemployment insurance obligations (Where performed, base of operations, and direction)
- As a reminder, always remember to adhere to FLSA obligations for remote workers

What other concerns exist for the employer with remote workers from other states?

- Out-of-state payroll tax obligations
- Creation of a sufficient nexus to be doing business, and thus subject to state taxes

Employers may want to take several steps to monitor compliance issues:

- Conducting an audit of employees to determine who is working remotely out of state
- Developing and maintaining a robust remote work policy
- Considering consulting insurers to seek extraterritorial insurance coverage

**On April 26, 2021, the DOL posted new FAQ regarding COVID-19:**

- Employees must be paid for mandatory COVID-19 temperature checks and health screenings ***performed during the workday***
- Employees must be paid for required COVID-19 testing ***during the workday***
- Employees must be paid for required COVID-19 testing if the employer requires the employee to obtain testing on their day of
- Employees must be paid for ***pre-shift testing and screening*** “if the task is required to perform is necessary for the work performed.”

**Still unanswered:**

- What tasks are “necessary for the work performed”? What about governor mandates?
- What about the “in-home” screening questions recommended by the CDC/Governor?
- What about waiting for elevators in high rise buildings?
- What about contact tracing inquiries and follow-ups?

DOL's FLSA Guidance fails to address several ongoing issues with regard to FLSA

### OSHA's Guidance on Recordability of COVID-19 Vaccine Reactions

- If an employer **requires** employees to get the vaccine as a condition of employment (i.e., for work-related reasons), then any adverse reaction is work-related and recordable if:
  - Work-related
  - New case – as opposed to a condition resulting from a previous work-related illness
  - Meets one or more of the general recording criteria (days away from work, transfer, or medical treatment beyond first aid)
- If an employer **recommends** employees to get a vaccine, then employers “do not need to record adverse effects from vaccines.”
  - “OSHA is exercising its enforcement discretion to only require the recording of adverse effects to *required* vaccines at this time”
- “An employee’s choice to accept or reject the vaccine cannot affect performance ratings
- “An employee who chooses not to receive the vaccine cannot suffer any repercussions”
- Questions still remain regarding “voluntary” and unvaccinated employees and “incentives”

***Question 1. Does the CARES Act apply only to “small” employers?***

Answer: No. Large employers required to comply many, including COVID-19 vaccines and tests

***Q2. Does offering PTO to employees to become vaccinated create an ERISA benefit or plan?***

A2. In most cases, no. ERISA does not generally cover employer-funded sick leave/vacation pay.

***Q3. Reimbursing employees for any out-of-pocket costs associated with getting vaccinated?***

A3. There should not be any medical out-of-pocket expenses associated with vaccine.

***Q4. Should we limit our vaccine incentive program to 2021?***

A4. Based upon unknowns, it is suggested to continue into 2022 pending further Fed. guidance

***Q5. What to do for PTO hours incentives for ADA/Title VII employees (religious or medical)?***

A5. As discussed before, you cannot require, so you may need alternative accommodations.

***Q6. Could a vaccine incentive be included in an existing wellness program?***

A6. Yes, but recent guidance provides a simpler alternative through EAP (fewer restrictions)

***Q7. Are incentives offered through a wellness plan a “participation-only” program?***

A7. Probably not. Because not every employee may qualify, it is a health-contingent program, which requires alternative qualifications, lessened focus on incentives, etc.

***EEOC has promised (since April 15) new EEOC Guidelines on Vaccine Incentives – Stay Tuned!***

New Executive Order requires \$15 per hour for Federal Contractors

- Applies to procurement contracts for services or construction; Service Contract Act; contracts for concessions; contracts related to federal property or lands and related to offering services for federal employees, their dependents, or the general public.
- Applies only to employees “working on or in connection with” a covered contract
- Goes into effect in new solicitations on January 30, 2022, and the new wage provisions must be included in new contracts by March 30, 2022
- Affects existing contracts only when the agreement is extended or renewed after 1/30/2022
  - “Strongly encouraged” for existing contracts and new solicitations prior to 1/30/2022
- Minimum wage will be increased each year to account for cost of living increases
- Phases out the lower minimum wage for tipped employees by 2024
- Contractors are no longer allowed to pay workers with disabilities a subminimum wage
- The Executive Order applies to subcontractors as well, and will be covered in all contracts
- The Executive Order directs the DOL to issue regulations implementing the Executive Order by November 24, 2021. Stay tuned for additional guidance and regulatory directives

## 3 May's Legal Tidbits

- 4/26/21 Executive Order creates a taskforce to “encourage worker organizing and collective bargaining,” and to promote unionization in “areas of the country with hostile labor laws”
  - Within 6 months, the taskforce will identify how to promote “worker organizing and bargaining in the public and private sectors, and to increase union density”
- 5/5/21 DOL addressed Independent Contractor Rule (affects gig workers, Lyft, UberEats, etc.)
- 5/6/21 USCIS Announced easing of Biometrics Requirement to address huge backlog
- Protecting the Right to Organize (PRO) Act has hit a snag (3 Democratic Senators object)
- American Families Plan has been proposed:
  - Free universal pre-school for three and four year olds
  - Two years of Free Community College
  - Mandatory Federal Paid Family Leave
  - Mandatory Paid Sick Leave
  - Change and extend Unemployment Insurance
  - Federal Subsidy for Child Care Costs
- OSHA's Emergency Temporary Standard (Mask mandate) has been finished, but not available!

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