



CRISIS MANAGEMENT FOR COVID 19

Phase 41: Navigating the Great Resignation

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

INTRODUCTIONS



**Lyle S. Hanna SPHR,
SHRM-SCP**
*President and CEO
Hanna Resource Group*



**Tyler J. Morris, Sr.
Esq.**
*Juris Doctor
Morris & Morris, P.S.C*



Allison Pettrey
*SHRM-CP, PHR
Manager HR Outsourcing
HRG*



Autumnn Morris
*MBA, SHRM-CP
Manager Assessments
& Analytics
HRG*



Chase Adams
*M.S. SHRM-CP
Mgr Organizational
Development
HRG*

WHAT WE'LL COVER

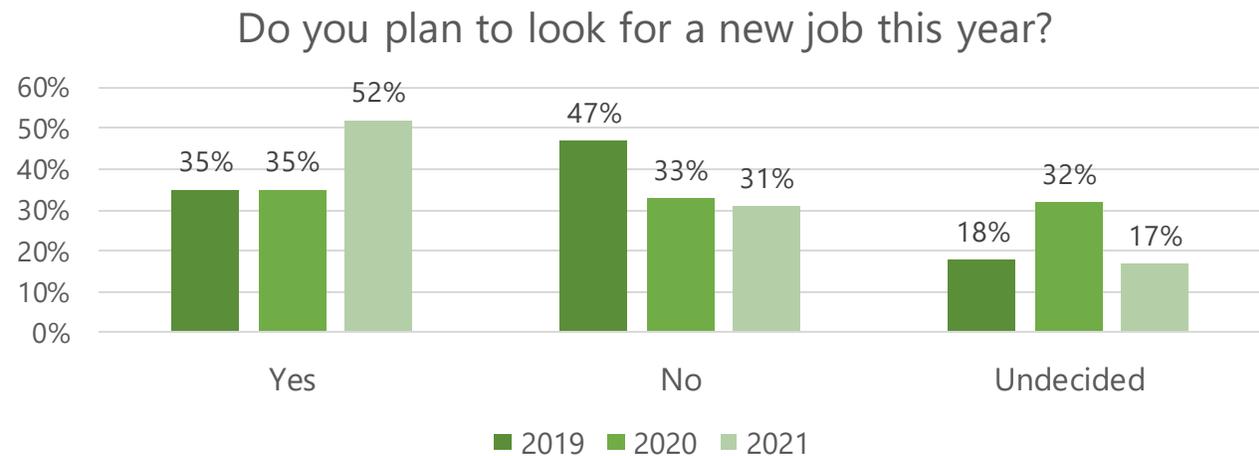
- 1 The Great Resignation: Panel Discussion from Kentucky's Best Places to Work
- 2 Legal and Regulatory Updates



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The Great Resignation

Businesses across the nation are profoundly changing in the post-COVID environment and plagued with an exodus of employee turnover fueled by complex forces that have a compounding effect on each other.

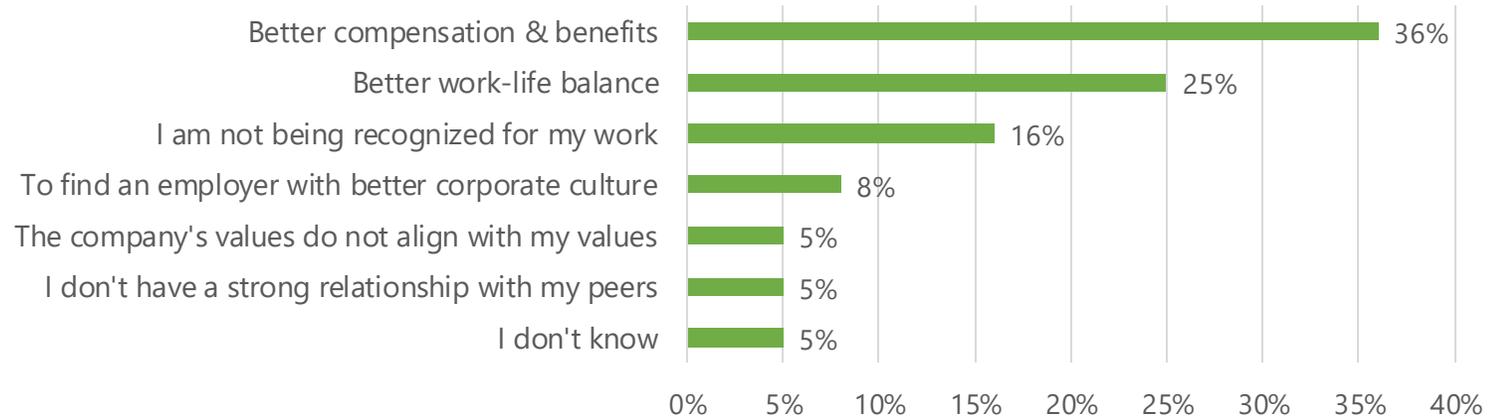


The Great Resignation

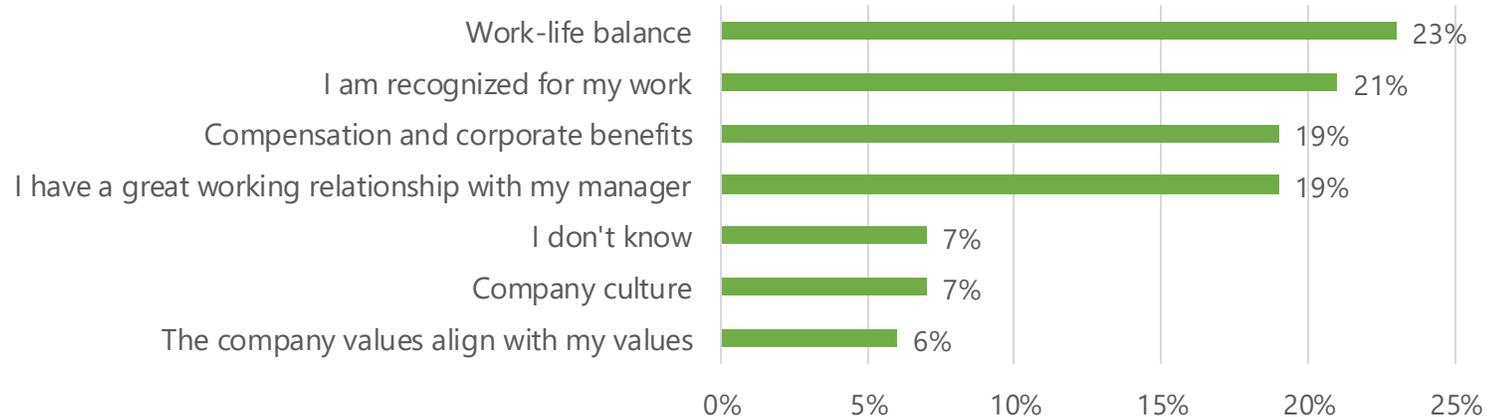
When combatting employee turnover, where can workplaces begin?

- Employers need to focus on work-life balance as both a recruitment and retention strategy.
- Compensation is becoming increasingly significant, especially for lower-level roles across all industries.

What's the main reason you're considering/would consider switching jobs in 2021?



Which of the following best describes why you would remain at your current employer?



The Great Resignation

Kentucky Best Place to Work Panelists



Danita Ross, Director of HR



Janice Winder, Human Resources Generalist



Robert Bosley, Chief Financial Officer



Staci McArter Galloway, Director of HR



Question 1

Can you share a little about yourself, your role, and your organization?



Question 2

Does your organization track turnover?

If yes, is your current turnover increasing, decreasing, or remaining the same?

How significant of an effect does this have on your business?



Question 3

What unique offerings are you providing to retain employees?

Anything implemented as a result of the current labor market and/or your most recent BPW survey results?



Question 4

In our current war for talent, what changes have you had to make to your recruitment program and processes to attract new employees?



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Legal Update and Guidance



Tyler J. Morris, Sr., Esq.
Morris & Morris, P.S.C

With the resurgence of COVID-19 via the Delta Variant, many states and localities are evaluating a potential need to re-affirm COVID Protocols.

- On July 19, Governor Beshear issued a new mask guidance for Kentucky.
- The Governor is not requiring masks at this time – yet.
- Specifically, the new guidelines state that:
 - All unvaccinated Kentuckians should wear masks indoors if somewhere other than their homes.
 - Any Kentuckians at a higher risk for contracting COVID, or who will suffer greater health issues should they contract COVID, should wear masks indoors outside of the home.
 - Kentuckians who are vaccinated, but work in fields with significant risk of exposure, should wear masks at work.
 - All unvaccinated Kentuckians should be vaccinated as soon as eligible.

Remember, these are currently just guidelines – not requirements (but if history is any indicator, the other states and localities changing to mask mandates may be followed).

Several localities have enacted total mask requirements to combat delta variant

- Some of the country's largest cities are re-enacting their mask requirements – even for the fully vaccinated.
 - Los Angeles
 - Pasadena
- There are 8 states that still have mask mandates, although they are modified to fit the recent CDC guidelines, stating that fully vaccinated people are not required to wear masks:
 - California
 - Connecticut
 - Hawaii
 - Illinois
 - Nevada
 - New Mexico
 - New York
 - Washington
 - Puerto Rico and Washington, D.C. also have mask mandates

- The mass exodus of employees from the workforce is bringing about legal issues affecting both employees and employers
 - Employees:
 - Benefits (retirement, medical, etc.)
 - Non-competition
 - Non-solicitation
 - Individual Contract Requirements
 - How long unemployment bonuses will be around – and whether your state will choose to not accept them before the September 30, 2021 deadline
 - Employers
 - Unemployment paperwork and filing requirements
 - Enforcement and uncertainty of Non-competition
 - Enforcement and uncertainty of Non-solicitation
 - Pension and retirement payouts

- During the pandemic and post-pandemic, employees are facing mental health issues at a greatly increased rate. Many employees, especially those in the medical field and other frontline fields, are feeling burned out. Employers have some options available to help negate these issues:
 - Employment laws allow for business shutdowns to give employees time to rest. Larger employers have taken days, or even weeks, to allow their employees to recoup from the increased workload due to the workforce shortage. However, with some employees likely required to handle essential functions, this leads to picking and choosing which employees get that much needed time off.
 - Options that may be more beneficial for both employees and employers include:
 - Extra paid time off
 - Floating holidays
 - Some states have labor laws that view floating holidays as benefits, similar to accrued vacation time. Employers need to consider this when enacting those laws, as a “use-it-or-lose-it” approach may run afoul of the law. It also may require an employer to consider the holiday towards cash-out totals or separation totals if it goes unused.
 - Fully remote workplaces, or hybrid schedules.

OSHA ETS Compliance deadline updated; NLRB GC Confirmed; Federal Minimum Wage for Contractors

- OSHA compliance deadline for employers to comply with the physical barriers, ventilation, and training provisions of OSHA's Emergency Temporary Standard (ETS) was extended beyond the prior date set for July 21, 2021. That date has now been changed to August 20, 2021. We anticipate that the ETS will ultimately be withdrawn – unless the Delta Variant becomes an issue that causes OSHA to issue new “mandatory” mask updates. Employers must closely monitor this, as the ETS will require immediate action.
- In NLRB News, Jennifer Abruzzo was confirmed on July 21, 2021, with VP Harris casting the tie-breaking vote. The confirmation of Abruzzo brings worries for employers, as she is anticipated to be extremely pro-union. As we have previously discussed, the change to the NLRB, and the pro-union approach, could have wide-ranging impact on businesses throughout Kentucky and the US. Businesses should closely monitor the status of the NLRB, and new decisions affecting employment.
- DOL Wage & Hour Division has proposed regulations seeking to implement President Biden's Executive order increasing the minimum wage for employees of Federal contractors to \$15 per hour beginning in 2022. The proposal also increases the wages for federal tipped workers to \$10.50. Comments on the proposal are required to be submitted before August 23, 2021. We anticipate this change to be implemented promptly, and any employer with a federal contract should be prepared to act quickly.



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