

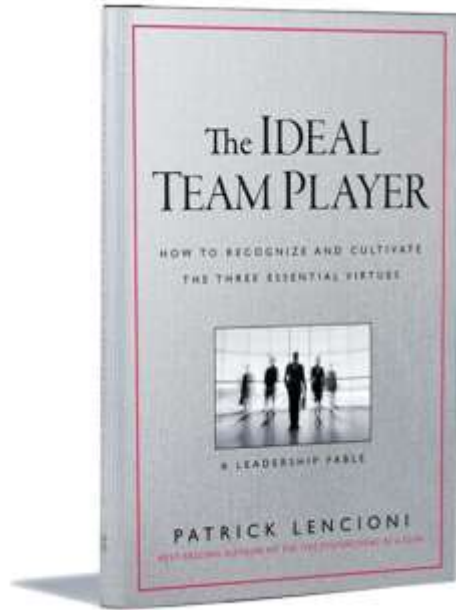
Welcome to our
FAMILY BUSINESS
LEARNING COMMUNITY



Delaware Valley
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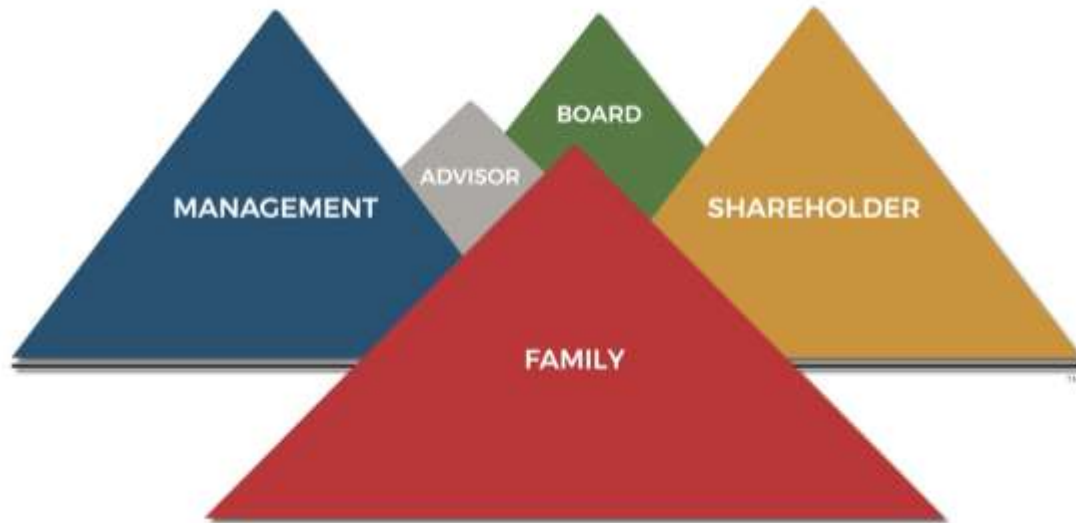
2021 THEME

Creating Cultures of Accountability



Delaware Valley
FAMILY BUSINESS CENTER

5 MOUNTAIN[®] Model



5 TEAMS WORKING TOGETHER
with Clear Roles, Responsibilities & Boundaries

Our Mission

To guide business families
so they **flourish**
as individuals, families, & enterprises.

Appreciation for our EDU Sponsors!



PEOPLE | IDEAS | SOLUTIONS





HRMM&L

HAMBURG, RUBIN, MULLIN,
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How do we Navigate the Evolving HR Issues Brought on by COVID & the Changing Environment?



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Topics for Today's Conversations

- Vaccinations
- Remote Working
- Current, changing legal issues related to HR
- Your topics, questions and experiences!

Current Order/s of the Governor

1. Remote work mandatory if possible;
2. Cleaning and Mitigation Protocols (temperature screening, face coverings, staggered times, social distancing, remote meetings/training, and prohibition of ill employees and non-essential visitors); and
3. Contact tracing.

<https://www.hrmmml.com/client-alert/governor-wolf-signs-new-coronavirus-order-directed-at-pennsylvania-businesses>

COVID-19 Vaccinations in the Workplace

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COVID-19 Vaccination Requirements

Can employers require employees to take the COVID-19 vaccine?

- The short answer is **YES**
- Recent EEOC guidance does not **prevent** employers from making COVID vaccination a mandatory requirement for remaining and/or returning to the workplace.

Important Considerations

Before an employer **requires** employees to be vaccinated, however, there are important considerations to make:

- ADA and Title VII of Civil Rights Act of 1964
- General Objections and Consequences
- Employer Liabilities

ADA and Title VII

Under the Americans with Disabilities Act (ADA) and Title VII of the Civil Rights Act of 1964, employees can decline a mandatory vaccine if:

- They have a documented health condition that prevents them from being able to take the vaccine safely (*ADA*)
- They have a sincerely-held religious belief that prevents them from taking the vaccine (*Title VII*)

Reasonable Accommodations

What reasonable accommodations can employers provide in these instances?

- Employee has to wear a mask
- Employee must sit away from other employees/practice physical distancing
- Employee must work from home

Employer can deny an accommodation only if they can prove that it would cause undue hardship.

Employee Objections & Consequences

What happens if an employee simply doesn't want to take the vaccine?

Will the employer:

- Fire the employee(s)?
- Let them slide?
- Require them to practice other forms of social distancing, such as continued mask-wearing?
- Require them to work from home?

If employers require employees to take the vaccine, they must be prepared to handle these situations & have clear & consistent guidelines.

Employer Liability

Employers should be aware that requiring vaccines *may* increase employer liability and Workers Compensation claims:

If an employee has an adverse reaction to the vaccine

If an employee/customer contracts COVID from the workplace

Encouragement Vs. Requirement

Employers can strongly encourage employees to get the vaccine through various incentives.

Should continue to follow CDC, state and local guidelines for creating and maintain a safe workplace.

What about Working Remotely?



What are we Learning About Remote Working

Remote working is the next normal

1. Reduction in expenses; saves around \$11,000 for every employee that works away from office at least half of the time
2. Increased productivity; 77% of employees say they're more productive when working remotely
3. Higher employee retention - 13% more likely to stay at their current company, reducing expensive turnover costs
4. Reduces environmental impact

Wage & Hours Issues for Remote Employees

It is the employer's responsibility to record hours worked.

Issues such as break time, commuting time might be different for remote employees.

Current, Changing Legal Issues We Should Be Aware of



FFCRA Has Expired

- Employers no longer required to provide COVID related FMLA Leave (child care) or Emergency Sick Leave.
- Employers can still receive a tax credit for the cost of providing FFCRA leave through March 31, 2021.

COVID-19 and the Americans with Disabilities Act

1. When is an employee entitled to an accommodation under the ADA?
2. Is an employee permitted to refuse to work because of COVID-19 concerns?
3. Is an employee entitled to work remotely due to COVID-19 concerns?

Overtime Regulations re White Collar Exemptions

- As of October 3, 2020, Pennsylvania now mirrors the FLSA minimum salary requirement of \$684/wk (\$35,568/yr).
- PA's salary thresholds automatically increase, and on 10/3/2021 will rise to \$780/wk (\$40,560/yr)

Required Notice to Separated Employees

Act 9 requires that employers who terminate employees or reduce their hours advise the employees of:

- Availability of unemployment compensation benefits,
- Ability to file first week employment stops or hours are reduced,
- Availability of assistance via PA's DOL, and
- Information needed to apply for benefits.

https://www.uc.pa.gov/Documents/UC_Forms/UC-1609.pdf

Employee/Independent Contractor Economic Realities Test

- The nature and degree of control over the worker's work, and
- the worker's opportunity for profit/loss based on initiative/investment.
- Other factors include necessary skill, degree of permanency, and whether the work is part of an integral business unit.

Questions?



Thank you for participating!

Questions? Be free to contact:

- eoshea@hrmml.com or 215.661.0400
- jgreen@proxushr.com or 610.614.5500 ext. 101
- sally@dvfbc.com or 215.723.8413

Visit PROXUS' [COVID-19 Employer Resource Center](#).

Visit HRMML's [COVID-19 Resource Center](#).

The Family Mountain: Enhancing Connections, Clarifying Expectations, Passing on Values

February 25 Forum

9:00 – 10:30 am | [Zoom Webinar](#)

Join the Conversation with:

[Brittany Lukens Heil](#), G3 Family
Council Chair, Shareholder,
[Laboratory Testing, Inc.](#), Hatfield, PA

[Duane Bergey](#), G3 Chief Relationship
Officer, Shareholder, Board Member,
[Bergey's, Inc.](#), Franconia, PA

[Sally Derstine](#), Managing Partner,
DVFBC



Brittany Lukens Heil



Duane Bergey



Sally Derstine



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