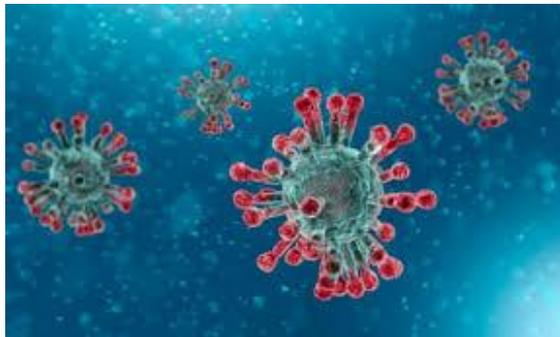




Decision Associates
Business Consulting Group

Celebrating 35 Years

“Ask HR” Weekly Webinar Series Workplace Issues Arising from COVID-19



Friday, April 17th, 2020

Developed by

Elizabeth Cipolla, SPHR, SHRM-SCP

**Some information referenced was provided by
Orchard Park, New York Attorney Scott Horton;
Erie, Pennsylvania-based firm, Knox McLaughlin Gornall & Sennett, P.C.;
State and local Departments of Health & Human Services;
Erie, Pennsylvania-based firm, MacDonald, Illig, Jones & Britton, LLP;
Society of Human Resource Management*



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What we'll cover

- Introduction of today's presenters
- 40 minutes of prepared material
 - Compliance Updates & New CDC Guideline Review for Essential Businesses
 - The Next COVID-19 Challenge; Preventing & Navigating Unionization Efforts
 - The Emotional Well-Being of your Employees (and you) due to the Pandemic; How to Help **featuring guest presenter, Melissa Sulkowski from Nurturinse*
- 20 minutes of live Q&A

Elizabeth Cipolla, SHPR, SHRM-SCP

20 years' experience

WORK EXPERIENCE

- Decision Associates – Executive Consultant, HR & Business Consulting
- Catapult - Vice President of Talent Development
- Cobham - Vice President of Human Resources
- LoVullo Associates - Director of Human Resources
- Cummins Engine - Manager of Human Resources
- Adjunct College Instructor - HR & Business courses

INDUSTRY EXPERIENCE

- Aerospace
- Apparel
- E-Commerce
- Education
- Government
- Human Services
- Insurance
- Manufacturing
- Media
- Nonprofit



EDUCATION

- Ph.D. in Organizational Learning and Leadership (*some coursework completed*) - Gannon University
- MS in Professional Leadership (Organizational Development/Human Resources) - St. Bonaventure University
- BA in Journalism & Mass Communication - St. Bonaventure University
- Senior Certified Professional Human Resources Certification (SHRM-SCP) - SHRM
- Senior Professional in Human Resources (SPHR) - HRCI
- DiSC Certification

Aaron Phillips

20 years' experience

WORK EXPERIENCE

- Decision Associates - Owner, HR & Business Consulting
- Times Publishing Company - Chief Administrative Officer
- Dana Brake Parts, Inc., Erie - Human Resource Manager

INDUSTRY EXPERIENCE

- Manufacturing
- Print & Digital Media
- Nonprofit

EDUCATION

- MBA - Gannon University,
- BS, Labor and Employment Relations; Minor, Business
The Pennsylvania State University at University Park



Today's Guest Presenter

Melissa Sulkowski, R.N., M.A., L.P.C.

Melissa@nurturinse.com · 814-455-1301

www.nurturinse.com

- Working with family systems since 1994
- Owner of Private Practice since 2001
- Certified Collaborative Coach for Interdisciplinary Teams
- Athena PowerLink recipient in 2014
- Trainer on communication skills, conflict resolution strategies & team dynamics
- Certified Mediator
- Published by the American Bar Association
- Consultant for local businesses
- Board member of the International Academy of Collaborative Professionals



Nurturinse



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PREPARED TOPIC #1

Compliance Updates & New CDC Guideline Review for Essential Businesses

Compliance Updates

- ✓ **OSHA Scales Back COVID-19 Reporting Requirements** (federal update)
 - This does not apply to health care, emergency response and correctional institutions
- ✓ **New CDC Guidelines for Essential Businesses** (federal update)
- ✓ **Additional Safety Measures Announced for Businesses with In-Person Operations** (state update – PA)
- ✓ **'NYS on PAUSE' Extended until May 15** (state update – NY)
- ✓ **Required use of face covering in public** (state update – NY)

OSHA Scales Back COVID-19 Reporting Requirements

This does not apply to health care, emergency response and correctional institutions

Employers still need to investigate & record cases if:

- There is objective evidence that a COVID-19 case may be work-related. This could include, for example, a number of cases developing among employees who work closely together without an alternative explanation.
- The evidence was reasonably available to the employer. For purposes of this memorandum, examples of reasonably available evidence include information given to the employer by employees, as well as information that an employer learns regarding its employees' health and safety in the ordinary course of managing its business and employees.

This does not mean you can ignore obvious clues such as multiple people in a department becoming infected.

OSHA Scales Back COVID-19 Reporting Requirements

**This does not apply to health care, emergency response and correctional institutions*

Occupational Safety and Health Administration (OSHA) has provided clarification of previous directive to investigate and record all work-related cases of COVID-19.

New Guidance States:

- Employers do not have to investigate and record cases of COVID-19 in the workforce unless there is objective evidence that the COVID-19 occurrence is work related and the employer had access to that evidence.

Why the change?

- Difficult and costly for employers to determine if COVID-19 is work-related

New CDC Guidelines for Essential Businesses

** This only applies to businesses deemed critical such as healthcare, grocery stores and food processing plants.*

Old Guidelines Stated:

All workers to isolate at home for 14 days after being close to anyone suspected of having the virus to prevent illness and spread.

New Guidelines State:

- Essential workers who've been exposed to the coronavirus can stay on the job while monitoring their symptoms.
- Employees can keep working as long as they don't have symptoms, but they should wear a facemask, avoid getting close to other people, and submit to a daily temperature check.

New CDC Guidelines for Essential Businesses

** This only applies to businesses deemed critical such as healthcare, grocery stores and food processing plants.*

New Guidelines State Employers Must:

- Frequently clean and sanitize workspaces and shared surfaces
- Work with facility maintenance staff to increase air exchanges in rooms
- Stagger work breaks to reduce crowding
- Immediately send home anyone who becomes ill

Why the change?

- To keep our critical workforce working; especially now as the US begins to plan for a “reopening”.

Additional Safety Measures Announced for PA Businesses

(state update – PA)

**Applies to all businesses except healthcare providers*

Governor Wolf announced a new order for businesses permitted to maintain in-person business operations; effective immediately:

All businesses must:

- Establish protocols in the event of exposure to a probable or confirmed case of COVID-19, including:
 - identifying employees in close contact with the person and notifying those employees of that close contact while maintaining confidentiality
 - implementing temperature screening for each employee before starting work and sending home any employee with a fever of 100.4 degrees or higher.
- Stagger work start times for employees to avoid large groups entering or leaving together
- Limit congregating in common areas, including break rooms
- Provide masks for employees and make it mandatory for the masks to be worn while at work, except when using break time to eat or drink
- Prohibit non-essential visitors from entering the premises.
- Notify employees of the Department of Health workplace safety procedures.

Additional Safety Measures Announced for Businesses with In-Person Operations (PA only)

**Applies to all businesses except healthcare providers*

PA Governor Wolf announced a new order for businesses permitted to maintain in-person business operations; effective immediately:

All businesses open to the public must do the following in addition:

- Conduct business with the public by appointment only; if not feasible, limit to no more than 50% occupancy.
- Maintain a social distance of six feet at check-out and counter lines
- Install shields or other barriers at check-out areas to physically separate cashiers from customers
- Require all customers to wear masks while on the premises and deny entry to any customer not wearing a mask
 - Customers who cannot wear a mask because of a medical condition, including children under two, can enter the premises without a mask and without providing proof of the medical condition.
- Designate a specific time at least once a week for high-risk and elderly customers to use the business.
- Schedule handwashing breaks for employees at least every hour

'NYS on PAUSE' Extended until May 15 (state update – NY)

NY State Governor Cuomo announced all current NYS on Pause restrictions and closures are extended until May 15th.

This will be reevaluated after current closure period.

Required use of face covering in public (state update – NY)

Effective 4/17/2020:

All New Yorkers must wear face coverings when social distancing is not possible, including on public transport, in grocery stores and crowded sidewalks.

PREPARED TOPIC #2

The Next COVID-19 Challenge;
Preventing & Navigating
Unionization Efforts

Why do unions form?

Reality Check:

- ✓ Almost all employers are eligible for union organization
- ✓ There is no minimum size or type of industry required for a union to represent employees
- ✓ Employees join unions because of their dissatisfaction with how management treats them and a belief that a union can make it better
- ✓ Employees are most influenced to join a union when the company is perceived to be unfair, unresponsive or offering substandard working conditions

Union Avoidance Is Easier Than You May Think

- It's all about minimizing employee dissatisfaction by:
 - Showing you care (it must be authentic)
 - Fair and consistent policies and practices
 - Open, frequent, and transparent communication
 - Employee trust and recognition

Do this well, and your employees will find little to no value in pursuing union representation

What if a Union Shows up to Start a Campaign?

Communicate openly in a non-threatening manner; explain the organization's position and desire to remain union-free and the reasons why.

NEVER engage in unfair labor practices.

Remember the TIPS acronym and never:

- **T**hreaten—never threaten to retaliate against employees by terminating them or reducing pay or benefits.
- **I**nterrogate—do not interrogate employees about their activities or activities of co-workers.
- **P**romise—do not promise anything to employees, such as promotions or benefits, in exchange for not supporting the union.
- **S**urveillance/Spying—never spy on union activities. Employees have the right to meet with the union representatives and “hear them out” without management interference.

PREPARED TOPIC #3

The Emotional Well-Being
of your Employees (and you)
due to the Pandemic; How to Help
**featuring guest presenter, Melissa
Sulkowski from Nurturinse*

Today's Guest Presenter

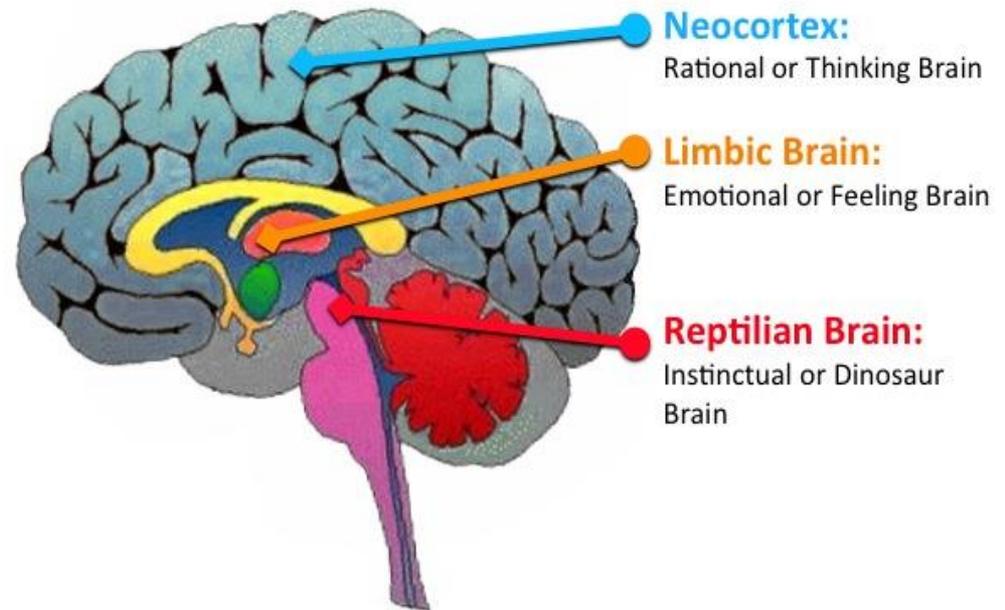
Melissa Sulkowski, R.N., M.A., L.P.C.

Melissa@nurturinse.com · 814-455-1301

www.nurturinse.com



Acknowledge,
Empathize and
Normalize
Limbo



Our Collective Grief

Name it

Shock and Denial

Feel it

**Anger (Fear, Pain, Sadness, Hurt,
Disappointment, Guilt)**

Manage it

Depression and Detachment

Dialogue and Bargaining

Acceptance

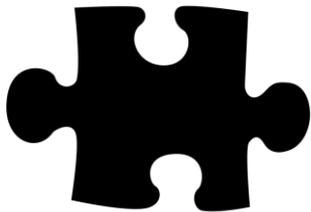
Find Hope and Meaning

How can I help?

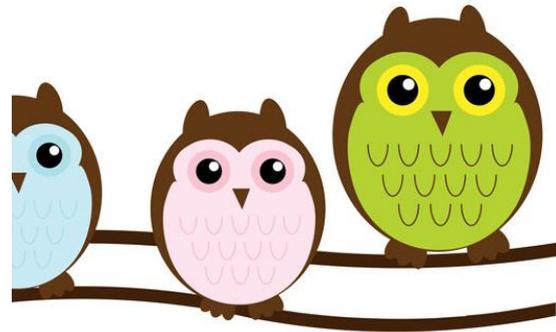
Model: Embracing Change and Staying Connected

Self Care

*Hobbies, Interests,
Outlets*



Healthy Support System



What Builds Safety and Security?

UNIFIED
LEADERSHIP

CLEAR
EXPECTATIONS

FOLLOW
THROUGH

OPEN AND
EFFECTIVE
COMMUNICATION

CONSISTENCY &
RELIABILITY

HEALTHY
BOUNDARIES

What can you implement today into your life, and theirs, to create certainty?

- ✓ Develop a routine
- ✓ Find something daily you can rely on
- ✓ Notice what you can and can not manage
 - ✓ Limit time and influence of outside messages
- ✓ Listen to and honor the needs
 - ✓ Be human
 - ✓ Breathe

A vibrant red tree stands in a green field under a cloudy sky. The tree's foliage is a deep, rich red, contrasting sharply with the green grass and the pale, overcast sky. The background has a soft, painterly texture.

BE KIND and
COMPASSIONATE

DON'T FORGET TO
LAUGH

Resources

Zoom – virtual meet ups

Insight Timer app

House party app, Psych app

National Comedy Center : Healing Power

Mans Search For Meaning by Viktor Frankl

Articles – GoErie

Make a list of firsts: restaurant, vacation, top 5



Thank you for
spending your
time with me!

Questions & Answers

Q&A

Question submitted prior to today's session:

If a business is operating as an essential business, what if an employee refuses to wear a mask?

Specifically, the employee claims the use of a mask restricts their breathing and causes an increase in anxiety due to the reduction of oxygen. The employee would like to be laid off so they can stay home and continue to be paid.

More questions? No problem.

Contact our Human Capital Executive Consultants

Elizabeth Cipolla, SPHR, SHRM-SCP

Mobile – (716) 490-2889

elizabethcipolla@decisionassociates.net



Aaron Phillips

Mobile – (814) 556-7791

aaronphillips@decisionassociates.net

