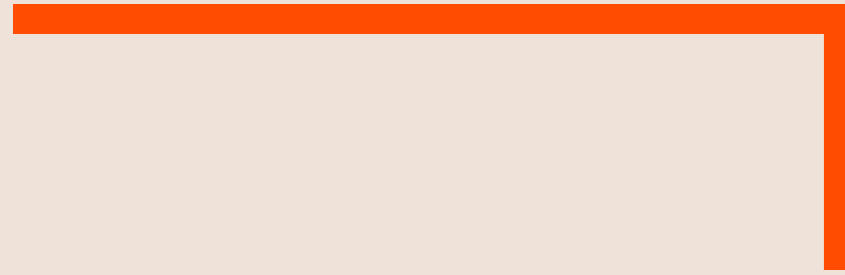


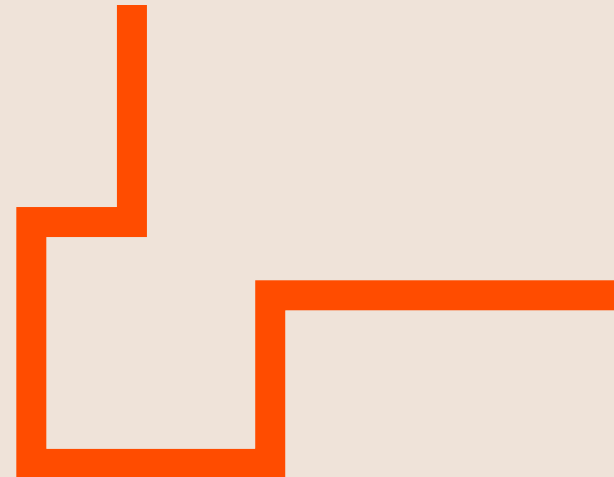
Mineral™



How to Stay On Top of HR and Compliance Trends in 2023

Presented by:

Kara Govro, JD, SPHR



An aerial photograph showing a winding asphalt road that curves through a landscape of dense green trees and patches of reddish-brown soil. The road is the central focus, with a white car visible on it. The overall scene is a mix of natural greenery and cleared land.

Housekeeping

- We will be emailing you the slides and recording
- Add questions to the Q&A panel
- Please participate in our poll + post-webinar survey

Our Speaker

Kara Govro, JD, SPHR

Senior Legal Analyst, Mineral



Agenda

- Introduction
- A Few Top Issues of 2022
- SMB HR Trends for 2023
- How We Can Help
- Q&A

Top Issues of 2022





California, Colorado, New York, and other state and local COVID Sick Pay Laws

- \$\$\$
- Multiple extensions
- Confusing requirements
- Potential to carry on into 2023



Bringing People Back to Work

- Requests to work from home as a reasonable accommodation for disability
- General anxiety about being in the workplace or in crowds
- Safety precautions, or lack thereof
- Workplace outbreaks
- Burnout



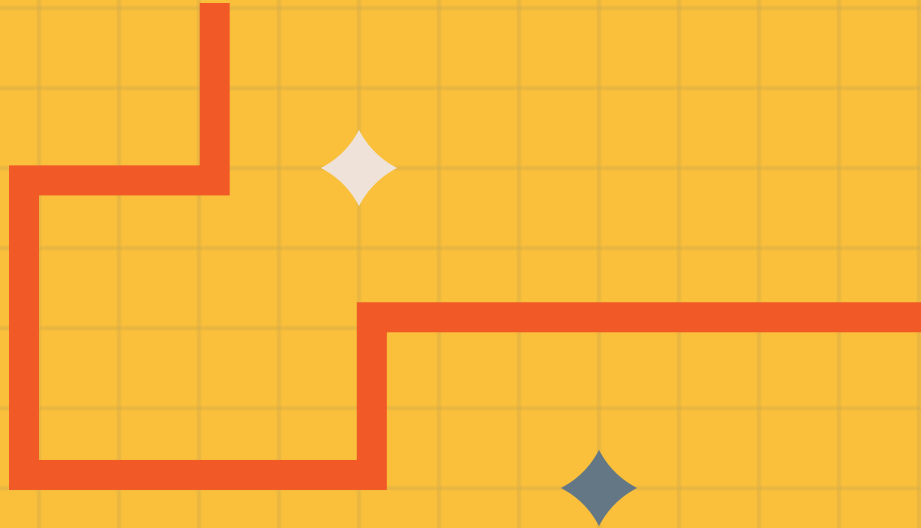


Changing Attitudes Towards Absences

- Sick leave policies should be as standard and well-enforced as attendance policies
- Managers should be trained that you *don't* want sick people in the workplace
- If you have attendance incentives for individuals or teams, suspend or revise them
- Make your call-out policies reasonable



Inflation



- Employees expect pay increases to keep up with inflation
- Going to work is more expensive, which may tip the scales for some workers and cause them to look for remote work or drop out of the workforce entirely
- Cost of living drives employees to look for new and better paying work

The Great Resignation + Hiring Woes



- Turnover is expensive
- Minimum acceptable wage for entry level and no-education-required positions has gone up significantly
- Competition for limited workers has led to short staffing and partial or total business closures
- Culture is (often) a required differentiator, but not always easy to come by

Equal Employment Opportunity (EEO) Expansions

Federally protected classes:

- Race
- Color
- National Origin
- Age
- Religion
- Sex
- Sexual orientation
- Gender identity
- Pregnancy
- Disability
- Military or Veteran status
- Genetic Information

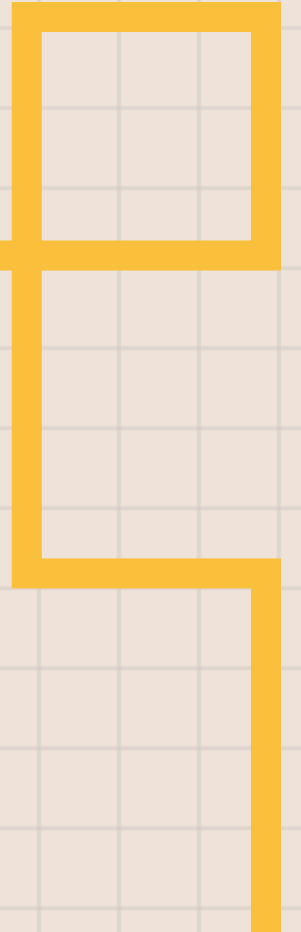
Classes protected by some state laws:

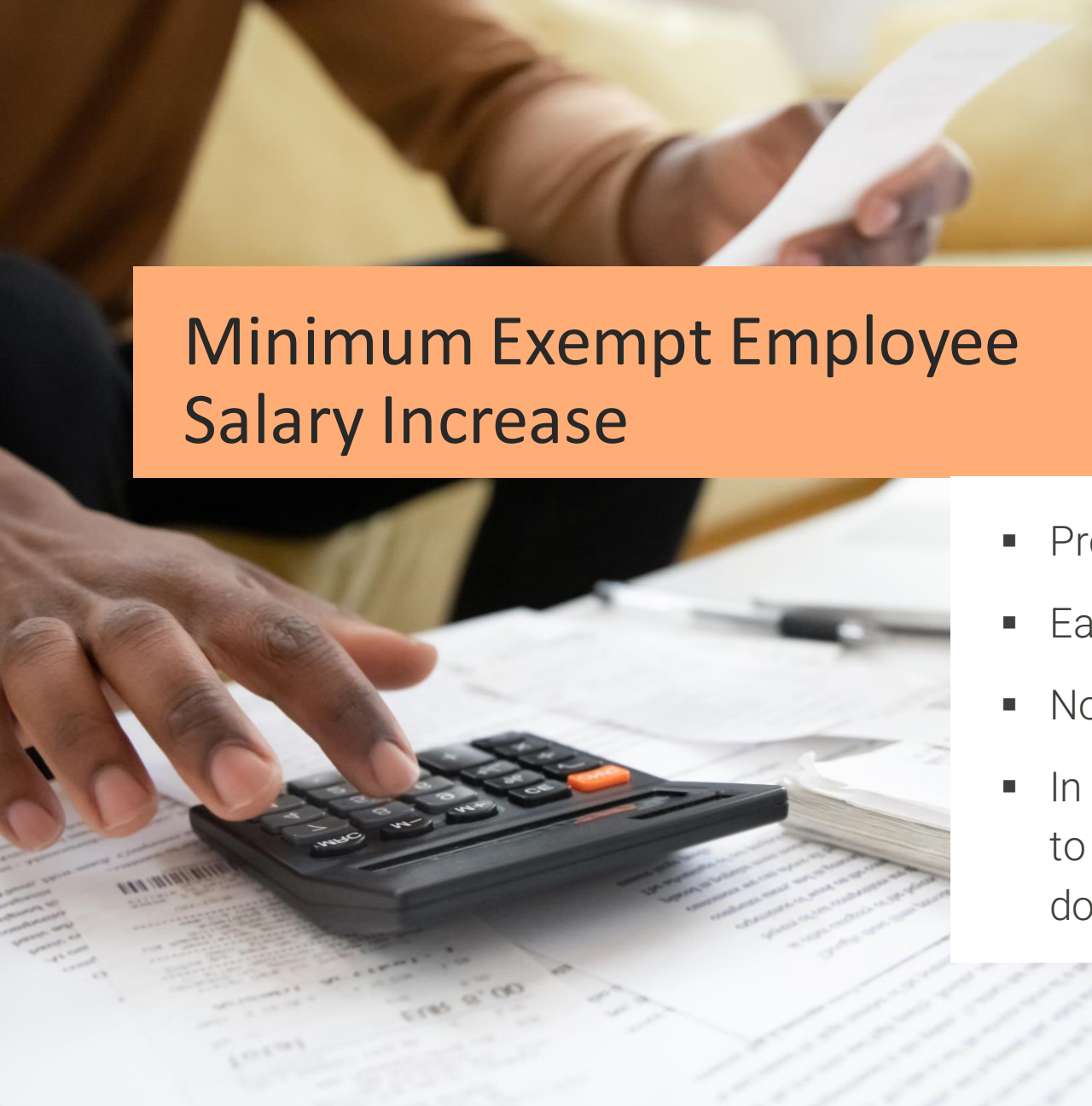
- Lawful Off-Duty Conduct,
- Off-Duty Use of Lawful Products
- Political Affiliation
- Marital Status
- Familial Status
- Credit Report or Credit Information
- Arrest Records
- AIDS/HIV
- Domestic Violence Victim Status, *and more!*

Equal Employment Opportunity and Harassment Prevention

- CROWN Acts
- Expansion of USERRA to include FEMA
- Reproductive health decisions
- Cannabis use

4 Trends Going Into 2023





Minimum Exempt Employee Salary Increase

- Proposed rule may be released any time
- Earliest implementation H2 of 2023
- No leaks yet, but likely to be thousands of dollars
- In 2016, we *almost* went from \$23,660 (\$455/week) to \$47,476 (\$913/week), but instead it got bumped down to the current \$35,568 (\$684/week).



Minimum Exempt Employee Salary Increase

Prepare to reclassify employees:

- Communicate changes clearly and explain why they are happening
- Prepare to pay overtime
- If you don't want to pay overtime, distribute work differently so overtime isn't needed
- Think about other entitlements and requirements, like breaks and time tracking



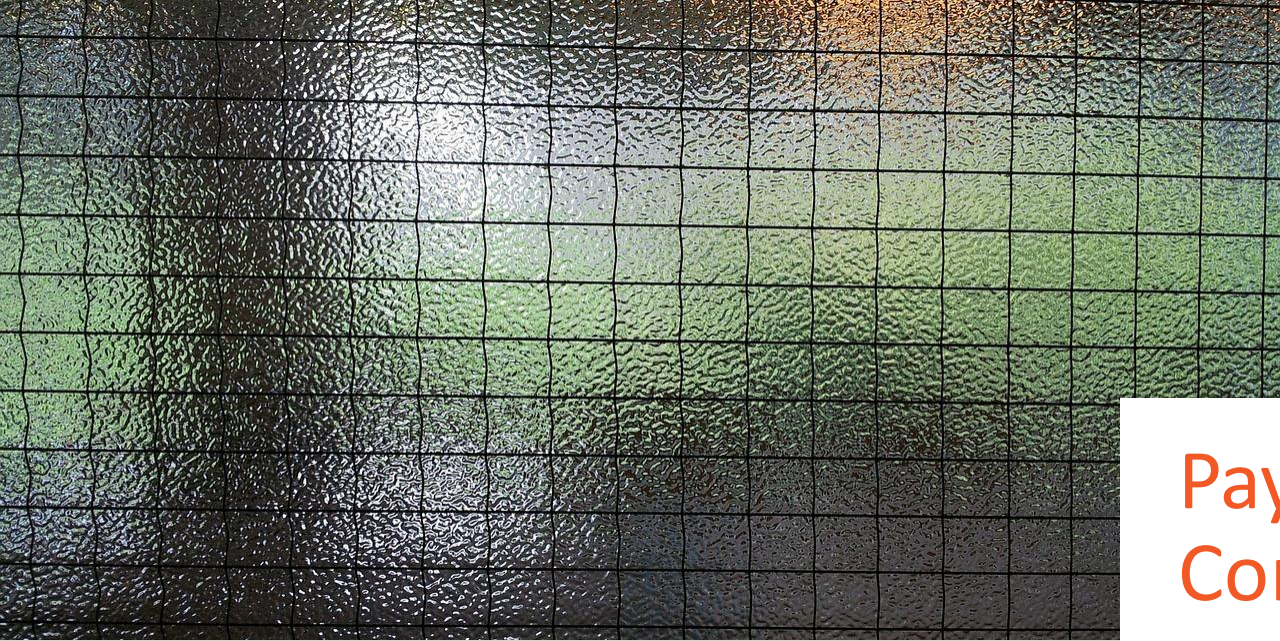
Remote Work

A decorative graphic consisting of thick orange lines forming a stepped path that descends from the top left towards the bottom right. A yellow diamond is positioned above the first step, and a grey diamond is positioned below the second step.

- May be necessary to stay competitive
- Consider a hybrid approach, which may be optimal
- Use SMART goals
- Check in without micromanaging
- Find new ways to build and support company culture

Flexibility, Benefits, Growth

- Allow flexibility during the workday or workweek
- Provide additional time off
- Be consistent with scheduling
- Allow people to cross train and learn new skills
- Offer benefits the people want (ask them!)



Pay Transparency and Pay Equity: Compliance

- California, Washington, NYC, Colorado, soon New York
- About 25% of employers will need to adhere by the end of 2023
- If you're not doing it too, you may fall behind
- Increases number of applicants by 30-40%





Pay Transparency and Pay Equity: Consequences

- The release of this information will cause conversation
- Pay equity issues are likely to rise to the surface as pay transparency becomes more common
- Washington, California, and New York have heavy hitting pay equity laws





The NLRA: Not Just for Unions

- Section 7 of the NLRA grants all employees the right to organize and engage in concerted activity for the purpose of mutual aid or protection
- Section 8 makes it an unfair labor practice to interfere with, restrain, or coerce employees in the exercise of their Section 7 rights
- The biggest error non-union employers make is prohibiting salary discussions



Make Sure HR is Running the Hiring Show

- Managers gone wild can bring your new equitable pay structure down instantaneously
- Do educate those involved in hiring as to *why* you need to keep compensation locked down
- Don't expect or trust them to fully grasp the law or the extent of the company's potential liability



Be Intentional with Your Pay Structures

- Get granular – if you only have a few levels within a job type, you may need more differentiation in your salary structure, or more career levels
- Have a system for how you place and move people within a pay grade
- Don't assume that two workers being in the same pay grade is the same as equal pay – pay equity claims can be filed over any difference





Document Your Systems for Determining Pay

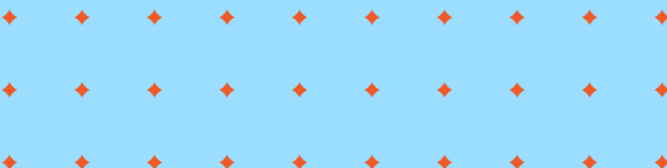
- It will help you make the right choices and stay on track
- It will help you explain your pay decisions to employees
- It will be very useful if you find yourself in litigation

Layoffs and Furloughs: Discrimination

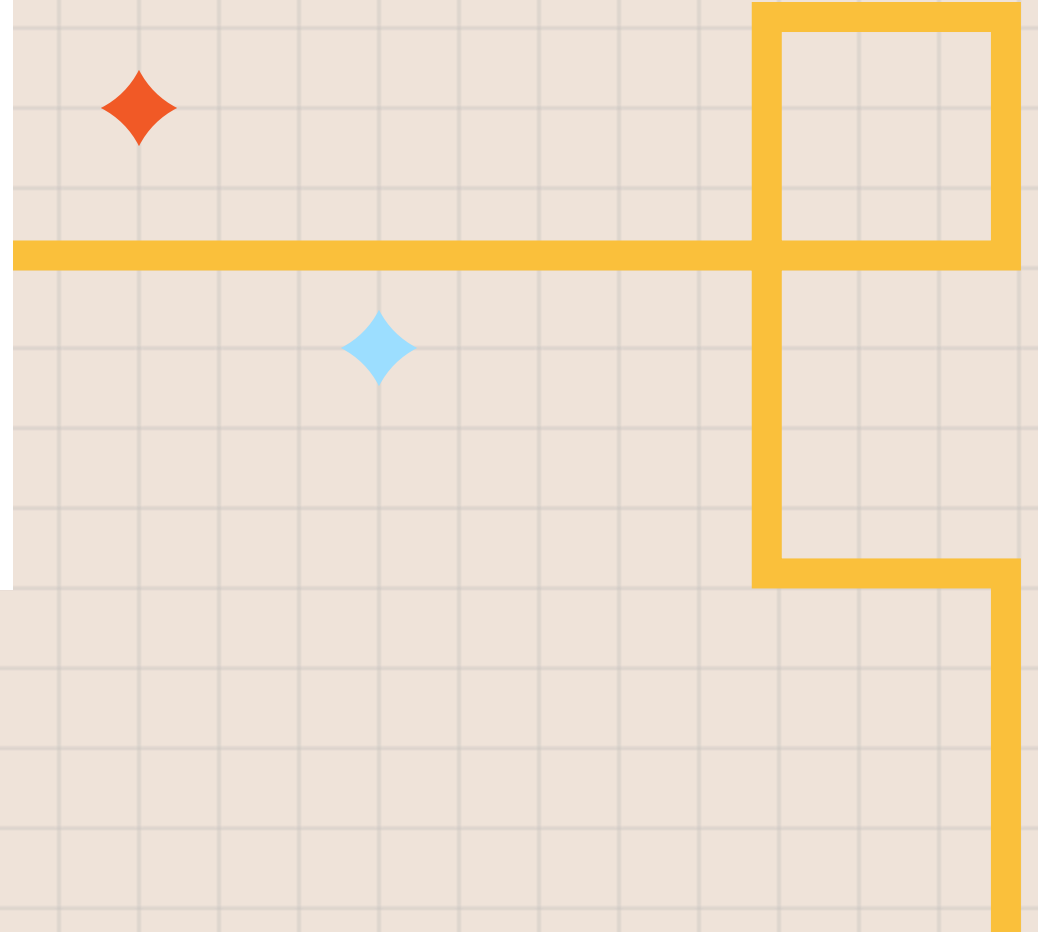
- Think long term – consider how hard/expensive it will be to find new workers
- Ensure your policies and practices are neutral
- Look at how your layoffs shake out with respect to age, disability, and sex (and really all the other protected classes)



Layoffs and Furloughs: WARN and Paperwork

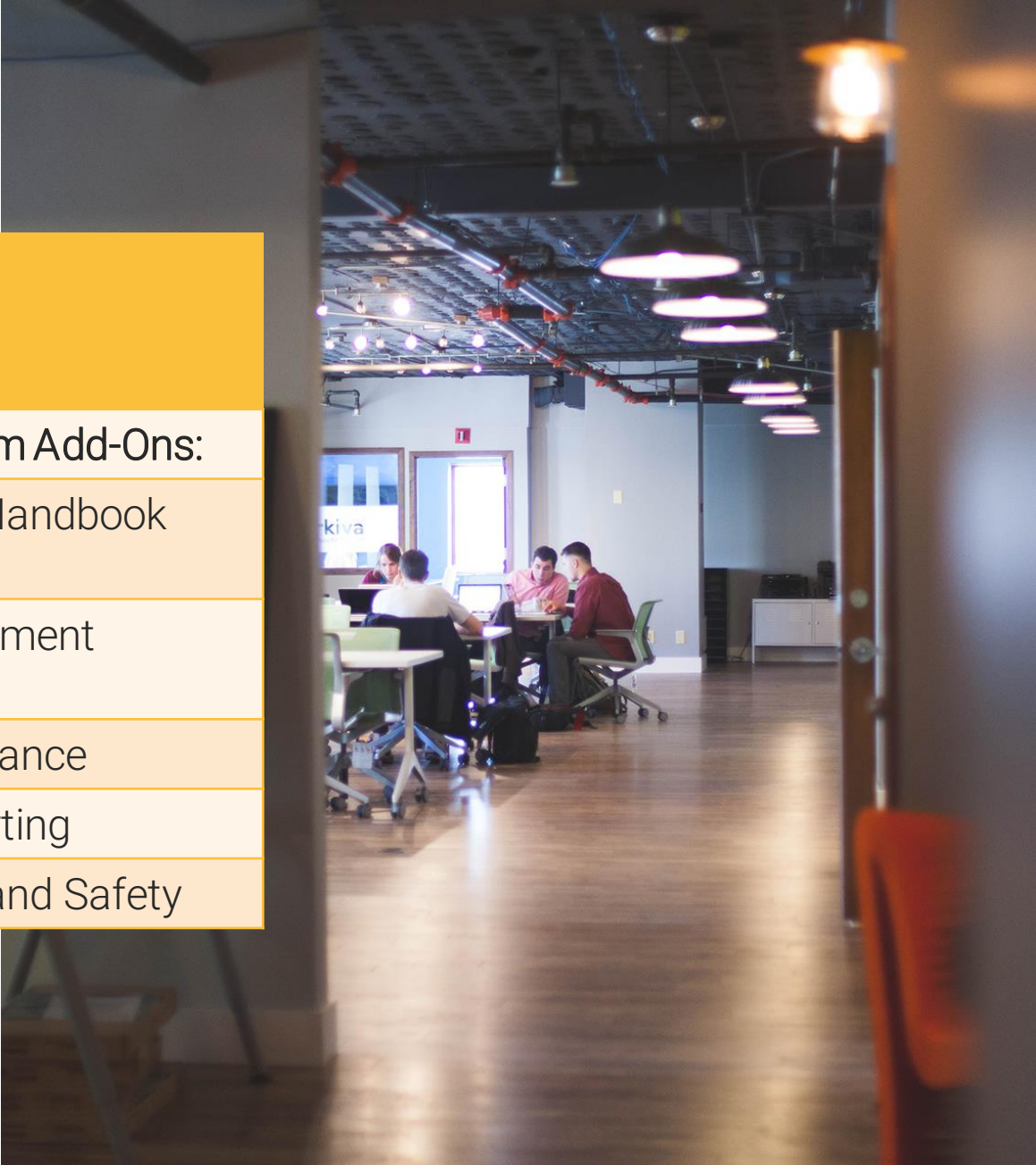
- Ensure you are complying with the federal WARN Act, as well as any applicable state mini-WARN laws
 - Ensure you are giving out all the necessary termination paperwork and UI notices
 - Make sure you are issuing final paychecks on time and without any illegal deductions
- 

How Mineral Can Help



Your Mineral Solutions

You Likely Have Access to:	Additional Premium Add-Ons:
HR Compliance Library	Smart Employee Handbook Plus
Mineral Experts	Workplace Harassment Prevention
Mineral Intelligence	Guided HR Compliance
Smart Employee Handbook	Anonymous Reporting
Learn	Employee Health and Safety



Everything you need, all in one platform.



Enhance your handbook with **Smart Employee Handbook Plus**

Unlock additional employee handbook features, including multi-state coverage, employee e-signatures, and Spanish translation.



Protect your business with **Workplace Harassment Prevention**

Meet state-mandated harassment requirements with an expanded Learn catalog to ensure compliance.



Get dedicated HR support with **Guided HR Compliance**

Work with a dedicated Mineral Expert who understands your business, needs and goals for successful HR and compliance.



Empower your employees with **Anonymous Reporting**

Manage and take action on reported incidents in a secure and timely manner, before they become larger issues.



Create a safe workplace with **Employee Health and Safety**

Reduce potential hazards and accidents with expanded safety tools and resources, as well as personalized guidance from a certified Safety Expert.

Poll Question

Interested in **Mineral Premium Solutions**?

Q & A





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