

HR End of Year Wrap-Up

As we move into the holiday season and look towards spending time (remotely!) with family and friends, Human Resource Departments have several things on their plates to address before the end of the year. Below are some points to keep in mind as you prepare to wrap up 2020.

- Families First Coronavirus Relief Act (FFCRA) expires 12/31/20. This act provides for paid emergency sick leave (ESL) and paid emergency Family Medical Leave (EFMLA) for employees. Both of these programs expire at the end of 2020. At this time there is no indication whether they will be extended into 2021.
- Now is a great time to review your employee handbook and make sure it addresses employment law updates, COVID-19 related policies, telecommuting, social media, attendance, emergency procedures, etc. If you have any questions or need assistance in creating a policy, Insurance Board participants have access to EPL Risk Manager (<https://www.eplriskmanager.com/user/login?destination=my-littler>) which contains a wealth of valuable information on employment practices.
- Schedule required compliance training. Several states (CA, CT, DE, IL, ME, NY) mandate regular training on preventing sexual harassment; additionally, 16 states (WA, OR, CA, NM, MN, MI, IL, KY, VA, NY, ME, VT, NH, MA, RI, CT) require COVID-19 workplace safety training. Even if COVID-19 training is not required in your state, you may want to consider training consistent with OSHA and CDC guidelines. Insurance Board's website has a dedicated resource page at <https://www.insuranceboard.org/safety-central/covid-19-resources/> for all things COVID-19, with links to helpful sites and suggested best practices.
- Review your job application form – 35 states and more than 150 cities have instituted “ban the box” laws, which prohibit employers from including the question: “Have you ever been convicted of a crime?” on job applications. Depending on the jurisdiction, “ban the box” laws may regulate when an employer can ask about criminal history, provide background check disclosures and authorization forms, and conduct a background check. Even if this is not yet required by law in your locale, HR best practices suggest not including this on the application.
- Update your state labor law posters if you are in one of the following states: AK, AZ, CA, CO, FL, LA, ME, MN, MO, MT, NM, NY, OH, SD, VT, VA, WA. You can find free versions of the poster on your state's website; they are required to be displayed in a common area, accessible to all employees.
- Remind employees to check their personal information (address, SSN, etc.) on their paystubs in anticipation of W-2's being issued in January.
- Additionally, ask them to review and adjust their Form W-4 withholding information, especially if their number of dependents has changed during the year.
- Review employee and Form I-9 files with an eye to record retention guidelines. Dispose of outdated job applications and termination files.
- Ensure that employees' personnel and medical information are kept in separate files. There are multiple Federal and state laws that mandate confidentiality of employee medical records. HR best practice is that any employment-related documentation containing medical information must be maintained in confidential files completely separate from the general personnel file. That way, medical information won't be inadvertently shared with those who don't have a legitimate business need to see it. This includes applications for health benefits, leave information, and lists of medications.
- If you have questions or need additional information on any of these items, please reach out to us:
 - Website: www.InsuranceBoard.org,
 - Email: losscontrol@InsuranceBoard.org,
 - Phone: 800.437.8830, ext. 6.

