

An illustration of a diverse crowd of people, all wearing face masks. The people are rendered in various colors and styles, representing different ethnicities and ages. The background is a solid dark blue. The text is overlaid on a semi-transparent dark blue rectangular area.

CRISIS MANAGEMENT FOR COVID-19

Phase 26: Practical, Hands-On Examples of IDEA Initiatives & Updated Guidance, Legal Changes, and Legislation

*Presented by:
Hanna Resource Group
and
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INTRODUCTIONS



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WHAT WE'LL COVER

1

Practical, Hands-On
Examples of IDEA
Initiatives

2

Updated Guidance,
Legal Changes, and
Legislation



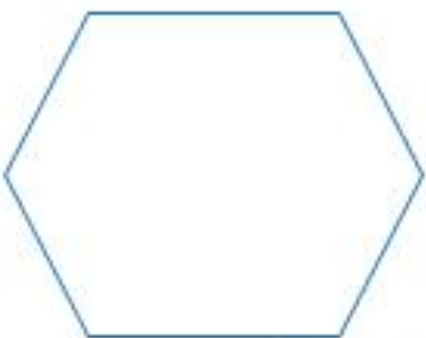
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Practical, Hands-On Examples of IDEA Initiatives -

**INTEGRITY
DEVELOPMENT**



Eric Ellis, M.A.
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Achieving Sustainable Inclusion



Presented by: Eric Ellis, President & CEO



AUCKLAND, NEW ZEALAND



Current US Conditions:

- Covid-19 & Stress
- Systemic Inequality & Injustice (i.e. Gender)
- People Centered Corporate Challenges
- Political Tribalism
- Waning Confidence in Institutions
- Hope, Trust & Confidence are are risk



Diversity

The characteristics and traits that make each individual unique.

Inclusion

The action an organization takes—to ensure that every individual feels welcomed, supported, valued and meaningfully engaged.

Equity

Ensures everyone has access to the same opportunities.

Respect

Expressing admiration and deep regard for an individual.



Diversity Wheel

Mapping you & others?



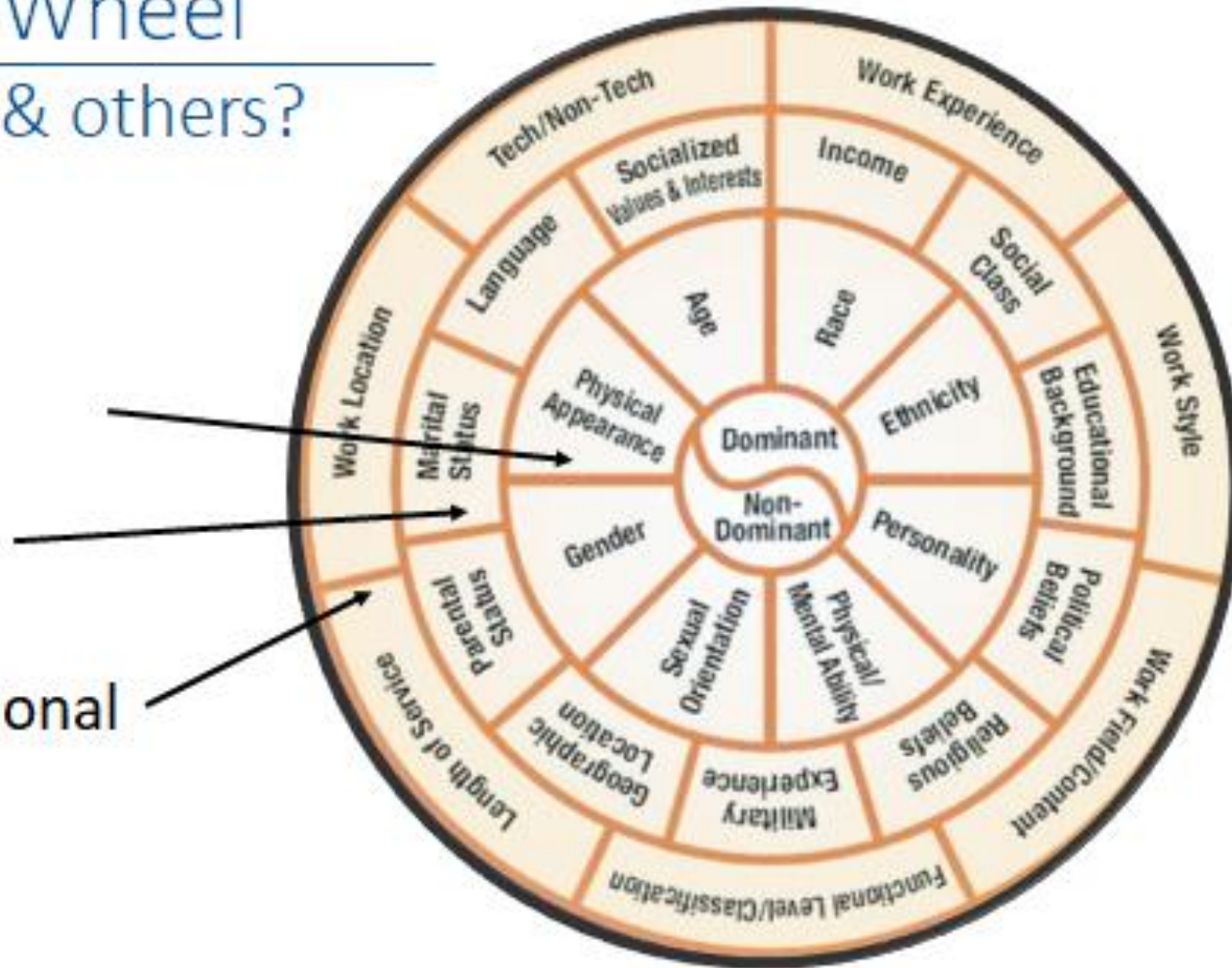
Personal



Social



Organizational



Dominant Culture:
Traits that have more power and privilege.

Non-Dominant Culture: Traits that have less power and privilege.

The Formula for Long-term Bias Reduction

*(Increase Awareness &
Concern and Apply Strategies)*

1. **Increase Awareness**
 - o Recognize how inequity manifests at work
 - o Identify your personal bias (www.implicit.harvard.edu)
 - o Identify DEI Strengths
2. **Increase Empathy & Concern**
 - o Developing concern for challenges of others
3. **Develop Strategies to Reduce Bias**
 - o Learn & practice skills & techniques to reduce bias
 - o Engage in continuous learning
 - o Address bias in processes & systems



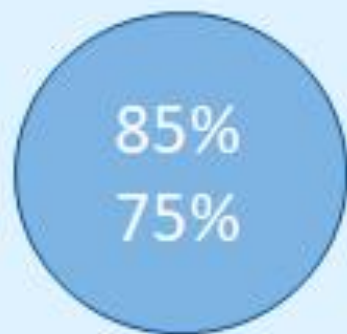
Long-term reduction in implicit race bias:
A prejudice habit-breaking intervention

Author links open overlay panel

[Patricia G. Devine](#)[Patrick S. Forscher](#)[Anthony J. Austin](#)¹[William T. L. Cox](#)

Critical Workplace Data that Impacts the Business Case

Adding diversity to a team doubles the probability of finding the right solutions!



Workers don't like
- jobs
- bosses



People who quit their jobs,
site lack of appreciation/
recognition



Great Managers
are rare!



Trust strangers more
than their own boss



Inclusion & Diversity Business/ Mission Case

Team level improved collaboration, solution quality, speed, etc.



Individual / personal level increasing productivity, engagement, loyalty, etc.

Organizational level enhanced organizational effectiveness, adaptability, etc.

What is Sustainable Inclusion?



A constant state of becoming more inclusive

4 Pillars of Inclusion Strategic Framework

Establish a Strong Foundation



- Leadership Engagement
- Establish I&D Vision
- Establish Best Structure
- Ensure I&D Business Case

Develop the Internal Structure



- Strengthen Proc.& Systems
- Ongoing I&D Learning
- Mentoring/ Sponsorship
- Recruitment & Development

Strengthen the External Structure



- Products & Services
- Multi-Cultural Marketing
- Supplier Diversity
- Social Responsibility

Measure Results & Accountability



- Ongoing Assessments
- Monitor Results
- D&I Communications
- Sustainable Inclusion

Disruptive Cultural Curiosity!

Interrupting our comfortable patterns of thinking to ignite exploration and integration of culturally competent insights.

By Eric & Judy Ellis



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Questions & Answers





1

Practical, Hands-On Examples of IDEA Initiatives -

CORNETT



Emmy Hartley

Chief Operations Officer

Cornett

- Where/how to start?
- Action Plan Team
- Commitment to Change
 - How Cornett
 - Looks
 - Thinks
 - Works
 - Interacts and Impacts
- Create basic level of language for team
- Understand lifelong work/commitment
- Other blocks adding to foundation

Questions & Answers





2

Updated Guidance, Legal Changes, and Legislation



James M. Morris, Esq.

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EEOC is starting to get back to "Normal"

October 9, 2020 Changes to EEOC Conciliation Procedures

- Congress required that after the EEOC finds "reasonable cause," "the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion."
- ***Pursuant to that rule, the EEOC may only commence a civil action against employer if the EEOC has not been able to secure a conciliation agreement that is acceptable to the EEOC.***
- Proposes to amend conciliation regulations governing Title VII, ADA, GINA, and the ADEA to outline steps that EEOC will take in the conciliation process ***prior to filing litigation.***

October 14, 2020 – Final Rule Announced for Regulations under Title VII, ADA, and GINA

- Authorizes Digital Transmission of Charge-Related Documents
- Clarification of Language in Letters of Determination to clearly communicate EEOC Determinations
 - Clarifies the EEOC's issuance of a "no cause" determination – does not mean "no merit"
- The EEOC also adopted further delegation to allow decisions promptly, and closer to the investigation

2 OSHA COVID-19 Enforcement Heats Up

OSHA's "leniency" on COVID-19 related enforcement is over!

Through October 8, 2020, 85 establishments cited, resulting in penalties totaling \$1,222,156

- OSHA identified the following company failures resulting in penalties and fines:
 - Implement a written respiratory protection program
 - Provide medical evaluations
 - Provide proper respirator fit tests
 - Provide proper training on the proper use and fit of respirators or Personal Protective Equipment
 - Report a COVID-19 related injury, illness or fatality;
 - Record a COVID-19 injury or illness on OSHA recordkeeping forms; and
 - Comply with the General Duty Clause of the Occupational Safety and Health Act of 1970

OSHA is issuing weekly updates in order to trigger enforcement among companies related to COVID-19. If you have not yet implemented clear COVID-19 measures, ***now is the time!***

2 SBA & US Treasury Clarify PPP Deadlines and Simplify Filing Documents

As the filing deadlines approach, SBA and Treasury attempt to provide clarification and simplification

10/8/20: SBA & Treasury announce simplification process for PPP loans less than \$50,000:

- Under the IFR, PPP borrowers of less than \$50,000 are exempted from any reductions based upon:
 - Reductions in full-time-equivalent (FTE) employees; and Reductions in employee wages.
- Still have to make certifications and provide documentation for payroll/nonpayroll costs.

IFR provides guidance for lender responsibility regarding payroll/non-payroll cert and documentation:

- Confirm receipt of the borrower certifications contained in the form; and
- Confirm receipt of the payroll/nonpayroll cost documentation

In addition, if eligible costs that exceed the borrower's PPP loan amount, the amount of loan forgiveness that a borrower may receive cannot exceed the principal amount of the PPP loan.

Whether a borrower submits SBA Form 3508, 3508EZ, or 3508S, or a lender's equivalent form, the lender is required to confirm receipt of the documentation the borrower is required to submit

- SBA explained that of the 5.2 million PPP loans, about 3.57 million were less than \$50k.

2 SBA & US Treasury Clarify PPP Deadlines and Simplify Filing Documents

Clarification of SBA Document “Deadlines”

10/7/20: SBA clarifies the PPP Flexibility Act to prior loans, and clarifies lack of modification of loans:

- Question (FAQ #52): The Paycheck Protection Program Flexibility Act of 2020 (Flexibility Act) extended the deferral period for borrower payments of principal, interest, and fees on all PPP loans to the date that SBA remits the borrower’s loan forgiveness amount to the lender (or, if the borrower does not apply for loan forgiveness, 10 months after the end of the borrower’s loan forgiveness covered period). Previously, the deferral period could end after 6 months. Are lenders and borrowers required to modify promissory notes used for PPP loans to reflect the extended deferral period?
- Answer: The extension of the deferral period under the Flexibility Act automatically applies to all PPP loans. Lenders are required to give immediate effect to the statutory extension and should notify borrowers of the change to the deferral period. ***SBA does not require a formal modification to the promissory note.***

2 SBA & US Treasury Clarify PPP Deadlines and Simplify Filing Documents

Clarification of SBA Document “Deadlines”

10/13/20: SBA announces that PPP loan forgiveness applications are ***not*** due on October 31, 2020

- Question (FAQ #4): The PPP loan forgiveness application forms (3508, 3508EZ, and 3508S) display an expiration date of 10/31/2020 in the upper-right corner. Is October 31, 2020 the deadline for borrowers to apply for forgiveness?
- Answer: No. Borrowers may submit a loan forgiveness application any time before the maturity date of the loan, which is either two or five years from loan origination. However, if a borrower does not apply for loan forgiveness within 10 months after the last day of the borrower’s loan forgiveness covered period, loan payments are no longer deferred, and the borrower must begin making payments on the loan. For example, a borrower whose covered period ends on October 30, 2020 has until August 30, 2021 to apply for forgiveness before loan repayment begins.
 - The expiration date in the upper-right corner is displayed for purposes of SBA’s compliance with the Paperwork Reduction Act, and reflects the temporary expiration date for approved use of the forms.

- On October 5, 2020, CDC issued “updated guidance” (or confusion)
 - Update acknowledges the existence of cases more than 6 feet away, and after COVID-19 infected person left an area.
 - CDC advises that these instances occurred in poorly ventilated and enclosed spaces that often involved activities that caused heavier breathing, like singing or exercise.
 - CDC’s recommendations regarding protection have not changed
 - Stay at least 6 feet away; Wear a mask; Wash your hands

CDC’s recommendations have been very confusing, but continue to preach common sense

2 Reading the Tea Leaves of House, Senate & WH

Pre-Election Disputes Continue....

The latest from the tea leaves of COVID-19 relief packages:

- Senate has agreed to take up a \$500B “Skinny Bill” on Wednesday that contains a much shorter duration and inclusion (PPP, Unemployment, testing, and vaccine)
- After months of negotiations, the White House has proposed that the House and Senate consider a \$1.8T relief package
- In response to negotiations with the White House, the Speaker of the House has insisted upon \$2.4T relief package passed last month by the House

At this point, with the election being only two weeks away, and the Senate being consumed by the nomination process of a Supreme Court Justice, relief for businesses appears to be at least another month away



COVID-19 Current Incidence Rate in Kentucky

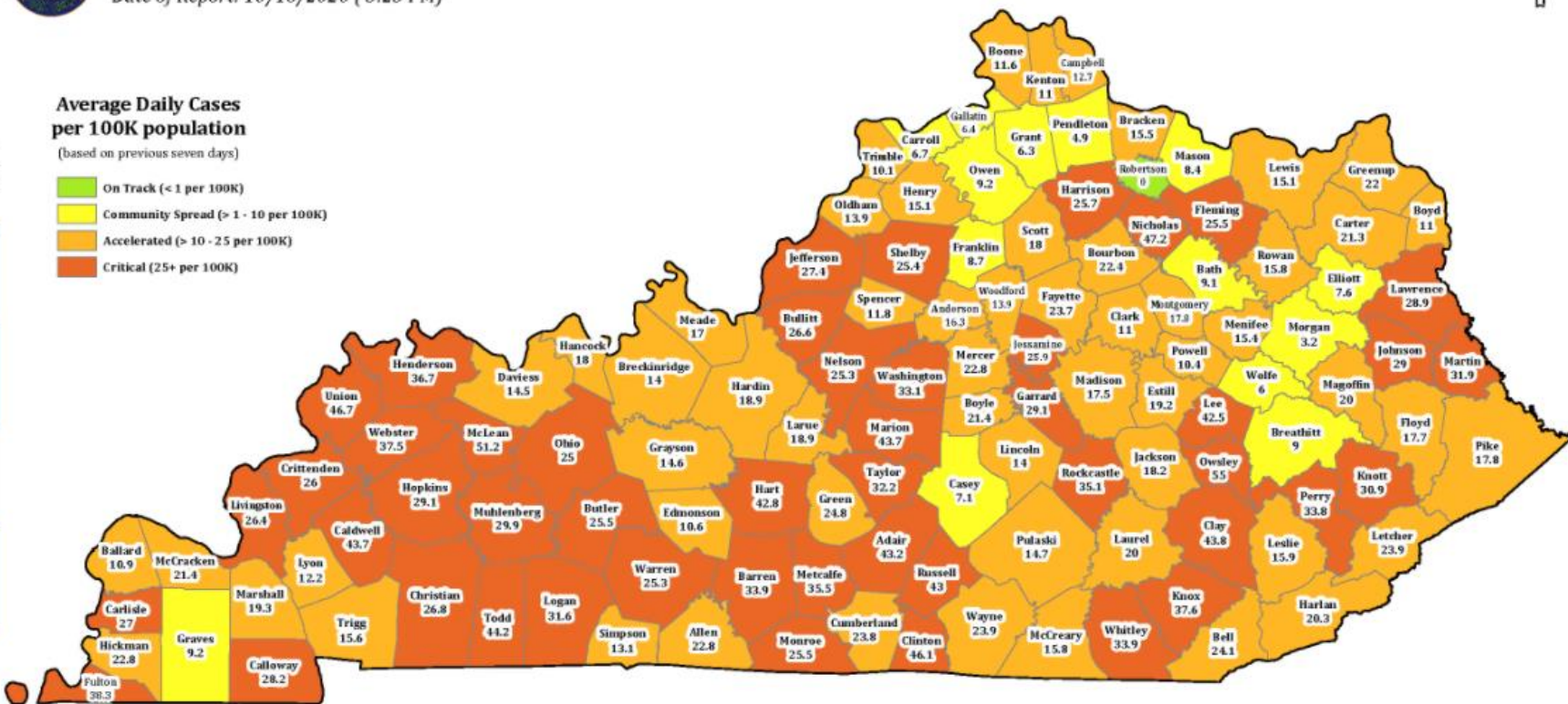
Date of Report: 10/18/2020 (3:23 PM)



Average Daily Cases per 100K population

(based on previous seven days)

- On Track (< 1 per 100K)
- Community Spread (> 1 - 10 per 100K)
- Accelerated (> 10 - 25 per 100K)
- Critical (25+ per 100K)



2

Kentucky Update From
Federal Government**White House COVID-19 Task Force
Kentucky Update (10/11/2020)**

Kentucky continues in the red zone for cases, 173 cases (**111 two weeks ago**) per 100,000 population, with the 12th highest rate (**21st two weeks ago**) in the country. Kentucky is now in the orange zone for test positivity, 12th highest rate nationally (**was 15th nationally**).

- Kentucky has seen an increase in new cases and stability in test positivity over the last week.
- Fayette has the highest rate, Jefferson, & Warren (41.5% of new cases (**35.7% two weeks ago**))
- 63% of all counties in Kentucky (**47% two weeks ago**), have moderate or high levels of community transmission (yellow, orange, or red zones), with 26% (**12% two weeks ago**) having high levels of community transmission (red zone).
- 14% (**13% two weeks ago**) of nursing homes had at least one new resident COVID-19 case, 31% (**25% two weeks ago**) had at least one new staff COVID-19 case, and 3% (**same**) had at least one new resident COVID-19 death.

2 DOL Issues new Wage & Hour Provision

On 10/19/20, the Department of Labor announced updated information on N95 Mask Usage

The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has published a set of Frequently Asked Questions (FAQ) on how N95 respirators effectively protect wearers from coronavirus exposure.

OSHA is aware of incorrect claims stating that N95 respirators filter does not capture particles as small as the virus that causes the coronavirus. OSHA's new FAQ explains why an N95 respirator is effective at protecting users from the virus.

2 DOL Issues new Wage & Hour Provision

On 10/6/20, the Department of Labor announced an Interim Final Rule (IFR) reforming the prevailing wage methodology for foreign workers

The Department of Labor is correcting a potential for abuse under the Permanent Employment Certification, H-1B, H-1B1, and E-3 Visa programs as it relates to American workers by removing the economic incentive to hire foreign workers on a permanent or temporary basis

- When seeking to employ an H-1B, H-1B1, or E-3 visa, ***U.S. employers must attest that they will pay nonimmigrant workers***, during the period of authorized employment, ***the higher of the prevailing wage or the actual wage paid to other employees with similar experience and qualifications.***
- When seeking to employ under an EB-2 or EB-3 classification, the employer must seek to recruit U.S. workers for the position using a prevailing wage issued by the DOL, and, if no willing, available, and qualified workers are found, promise to pay the foreign worker that specific prevailing wage.

These changes protect U.S. workers from unfair competition by the entry of lower cost foreign labor into the U.S. labor market. Employers must shift to assure that they continue to comply with these provisions established by the Department of Labor in order to avoid enforcement actions, or future difficulties under the worker visa requirements of the DOL.

Questions & Answers



HRCI (Strategic): 537446
SHRM: 20-KMG32



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