



2021 HR STRATEGIC PLANNER

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This guide is for **informational and educational purposes only** and is not a replacement for, nor should it be taken as, legal or professional advice. These guidelines are not intended as a replacement for Federal, State, or Local guidance, but rather to summarize the requirements set forth in the relevant Federal statutes and regulations; states may require a different set of guidelines. Since laws change frequently, we recommend that employers follow the most updated set of guidelines and obtain legal advice for their specific situations.



HR TRENDS IN 2021 AND BEYOND

We live in an era of constant innovation and change, and COVID-19 has taken this to a new level. As year-end approaches — a time those of us in HR are typically planning for the upcoming year — what better time to review your company’s documents, systems, and HR administrative practices to gain a competitive head start on planning next year’s operational focus and strategic initiatives? Wait, but how do we plan for a year when so much is unknown, and the world is just not cooperating? We do as HR always does: we plan, and we do the best we can.

HRK has put together this planner as a **Top 10** list to help you and your organization prepare for 2021. And don’t worry, when the emergencies come — as they always do — we are just a phone call away.

As 2020 comes to an end, employers should begin to think about how they are going to ensure compliance with new laws, as well as put best practices in place that will create a more positive new year. We expect these tools to continue to be prominent for most workplaces going into **2021** and beyond. What are some HR topics and trends you anticipate? From asking the right questions when interviewing, to workplace harassment, leave management, and beyond, we make sense of local, state, and federal laws that can apply to the daily needs of your HR Professionals, Leaders, Managers, Supervisors, and your entire workforce. Our team develops tools and resources to support employers going into 2021 and the future.

The bottom line? We’re not just another cloud-based technology company that also does HR, #WeAreHR. [Get the Scoop](#) on how we can help you simplify HR.

HR'S TOP 10 FOR 2021

1 Review Your Employee Handbook. Go through your employee handbook and make changes based on new or modified laws, regulations, or internal operations and changing demographics. A well-crafted employee handbook is the foundation for effective HR management and compliance and can serve as a highly effective way to reduce your organization's risk for failure to comply with appropriate laws and regulations.

» **Have you updated these policies?**

- ✓ Social Awareness
- ✓ Work from Home ([Telecommuting](#))
- ✓ COVID-19 Requirements in the Workplace
- ✓ Pregnancy Accommodation
- ✓ Earned/Paid Sick Time
- ✓ Medical Marijuana/Drug Usage
- ✓ Parental Leave/State Paid Leave/Other Leaves
- ✓ Anti-Harassment/Anti-Bullying
- ✓ Pay History/References
- ✓ Break Time for Nursing Mothers



If you haven't yet reviewed your handbook in 2020, this should be a top priority for 2021.

2 Conduct a Leave of Absence Audit. During your employee handbook review, pay special attention to ensure that your company policies comply with the various **state paid leave program requirements**. California, Connecticut, Hawaii, Massachusetts, New Jersey, New York, Rhode Island, Washington D.C., and Washington State, have all implemented medical/family leave programs. With sick time requirements popping up in various states across the country, multi-state employers are faced with a myriad of leave laws. The list of states that have **mandated earned/paid sick leave** is constantly growing and employers need to ensure they are educated on and complying with these requirements. Review your policies and practices to make sure they comply with the state and city regulations where you have employees.

» **Do you have clearly defined Leave Policies?**

- ✓ All employee requests are treated equally

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- ✓ All leaves are approved/disapproved uniformly
- ✓ All leaves are documented in detail
- ✓ Train your managers:
 - To understand requirements of [Americans with Disabilities Act \(ADA\)](#), [Family and Medical Leave Act \(FMLA\)](#), Earned Sick Time, Parental Leave, Paid State Medical and/or Family Leave
 - To understand there are no “magic words” required to trigger FMLA obligations
 - To understand that employers are held liable for managers’ actions and managers and supervisors can be personally liable for violations of the FMLA



Your organization is required to educate employees about their paid leave rights, so make sure your HR team is educated on what those are for the states you operate in.

3

Create a Compensation Benchmarking/Pay Equity Plan. To compete for talent, your organization must know what the market is paying for the skills you’re competing for and must develop fair and reasonable compensation programs to help you attract and retain top talent. You also want to ensure you are paying fairly and that your company policies comply with the various state pay equity requirements. The federal Equal Pay Act has been in place since 1963 and several states have had pay equity laws for years; however, new broadened guidelines are now forcing employers to take a closer look at their internal pay practices and correct any disparities. The following states have jurisdiction-specific equal pay laws in effect: California, Colorado, Connecticut, Hawaii, Illinois, Iowa, Maryland, Massachusetts, New Jersey, New York, Oregon, Puerto Rico, Vermont, and Washington State.

Begin thinking about whether, and how, to conduct a pay audit to assess your compensation practices in accordance with these laws. In addition to benchmarking and pay equity, you need to ensure that your employees are classified properly, which is highlighted further by the increased number of employees working from home, resulting in blurred lines between work/life and risks associated with hourly employees not clocking all their “working” hours. Properly classifying employees can be a complex and puzzling task. Many classification determinations require interpretation of various rules, regulations, and administrative rulings.

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» **Review your pay practices:**

- ✓ Violations are messy, difficult to remedy and communicate, and potentially very expensive, so review your classifications to ensure you are complying with the various laws related to:
 - Exempt vs Nonexempt
 - Independent Contractors
 - Interns vs Employees
 - Equal Pay for Equal Work
 - [Discretionary vs. Nondiscretionary Bonuses](#)



As employers begin compensation planning for 2021 and 2022, they need to consider their strategies in order to thrive in a post-pandemic employee marketplace.

4 Conduct Sexual Harassment Prevention Training. An ounce of prevention is worth many tons of a cure. Prevention is the best tool to eliminate sexual harassment in the workplace. Sexual harassment training has always been important but with the record number of state training requirements amplified with today's headlines about inappropriate behavior in the workplace and in society at large, sexual harassment training has become the highest priority for organizations. Gone are the days of the "one-and-done" training mentality. There is now an overwhelming demand to replace the old "this is the law" model with a fresh approach that emphasizes arming your employees with the tools they need to make the right choices. This is how HR Knowledge has been conducting our sexual harassment prevention training, known as **Respectful Workplace Training**, for over 15 years.

» **Employers should ask themselves these key questions:**

1. Do you have published anti-harassment policies?
2. Have your employees signed your policy annually?
3. Do you provide the policy during new-hire orientation and require an acknowledgment?
4. Do you include the policy in your handbook and publish it as a stand-alone policy once a year?
5. Are you aware of the [training requirements in the states](#) you operate in?
6. Have you trained your managers and employees?



Check out the new [Sexual Harassment Prevention Training Requirements Interactive Map](#) on our website!

HR'S TOP 10 FOR 2021

5 Update/Create Job Descriptions. A well-written job description can be a key element in ensuring that employment practices are compliant with federal and state discrimination laws. It can also serve as a strong defense to any potential employer liability regarding the people your organization employs. In addition to describing responsibilities, a solid job description also contains information such as the physical, educational, and other specific job requirements (such as maintaining a valid driver's license, etc.). When employees' job duties, titles, and/or Fair Labor Standards Act (FLSA) exemption status have changed, job descriptions should be modified. Job descriptions provide value in other areas such as setting performance expectations, serving as an employee engagement tool, and assisting with pay equity assessments.

- » **When was the last time you reviewed your organization's job descriptions? Your job descriptions should:**
- ✓ Guide the interview process
 - ✓ Set performance expectations
 - ✓ Be an important Pay Equity Analysis Tool
 - ✓ Indicate Essential Job Functions
 - ✓ Clarify Exempt vs Nonexempt roles



Keep **job descriptions** current and make sure they reflect actual duties performed.

6 Review Your Hiring Practices. Hiring the right people is one of your most critical responsibilities. The process of identifying, recruiting, and screening new employees is multifaceted and complex — from the initial decision to hire someone to selecting candidates, interviewing applicants, making an offer, and then, finally, successfully onboarding the new member of your team. Missteps and misjudgments in hiring can be detrimental to employee morale, productivity, and the bottom line. An organization is only as strong as its people. It takes time and effort to build a team and ensure the right people and skills are in place. It is also prudent to review your employment applications and remove any questions related to salary history. It is imperative that you train managers to ensure that hiring is done in a legally compliant, nondiscriminatory manner.

- » **Have you trained your managers on effective and legal hiring practices?**
- Is your hiring process effective?
 - Do your managers know how to select the right candidates?

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- Are your managers conducting effective interviews?
- Does your hiring process prevent discrimination?
- Do you find the right people?
- Do you retain those people?
- Do your managers know [what NOT to ask](#)?
- Are you sure they are not asking those questions?
- Have you reviewed your noncompete agreements?
- Are your job applications “ban the box” compliant?
- Are your job applications or managers asking about salary history?
- Does your hiring process create the best first impression all the way through onboarding?



Consider outsourcing your recruitment process to HRK. Learn more [here](#).

7

Overhaul Your Performance Management Process. Even though many companies allowed their staff to work remotely before the COVID-19 pandemic hit the world, it is now the new norm. As a result, 80% of workers are telecommuting in the US — but many organizations have not adjusted to managing remote employees. According to [Gallup](#), “nearly half of employees say they receive feedback from their manager a few times a year or less” and many organizations skipped their review process altogether in 2020 due to COVID-19.

Studies show that successful managers, both in-person and remote, help employees stay productive with continuous feedback, goal tracking, and structured daily or weekly check-ins. What are your managers doing to promote constant coaching and feedback? When was the last time you overhauled your performance review process? Work with managers to set goals and schedule follow-ups, create a continuous feedback loop, and support activities to enhance employee performance.

» **Are your managers focused on the long-term growth and success of your team?**

- Do you have Annual Evaluations?
- Do you provide frequent feedback?
- Do you have one-on-one meetings?

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- Do you schedule 30-, 60-, and 90-day check-ins?
- Do you give Written Warnings?
- Do you document ALL employee actions?
- Are your goals **SMART**?
- Have you trained both your managers and employees to give and receive effective feedback?
- Have you trained your managers on the importance of documentation?



Feedback is a two-way street.

8

Conduct an HR Assessment. Being out of compliance is one of the biggest risks to any employer, no matter its size. HR compliance is a necessity for any business in today's competitive and legal environment. The "HR" department for many businesses is one person — who is wearing many hats — and the complexity in human resources has quadrupled in the last few years. To avoid potentially costly fines, penalties, or legal settlements, you need to regularly review your policies and practices to make sure they comply with federal, state, and local laws. Employers overlooking compliance (whether intentionally or unintentionally) could find themselves facing dire consequences. An important element in conducting your business is peace of mind knowing your human resources processes, policies, and systems are working well and are in compliance with state, local, and federal laws and regulations.

» **Conduct an annual assessment to review:**

- ✓ Pre-Employment Screening documents
- ✓ Offer Letters and Employment Agreements
- ✓ Onboarding documents and checklists
- ✓ Job Descriptions
- ✓ Performance Management documents
- ✓ Employee Separation Letters and Checklists
- ✓ Paid Time Off and Leave of Absence policies



Every time you look, there's a new law or regulation to comply with. Keeping on top of it all can be confusing and downright exhausting. But NOT complying can cost you big-time.

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9 Focus on Employee Training and Development. In today's challenging labor and legal environments, strong leadership skills are essential for employees at all levels of the organization. Having a team with the right mix of skills and knowledge can give your company a competitive advantage and, just as important or maybe more important, keep you out of messy legal battles.

The single most important thing you can do to protect your organization, is to ensure that your managers at all levels are aware of their responsibilities when complying with the numerous governmental workplace regulations. Regulations on the federal, state, and municipal levels are constantly increasing in number and complexity. Our experience tells us that well-intentioned, but untrained managers typically make things worse, not better.

- » **Have you given your leaders the tools they need to manage your workforce more effectively?**
 - ✓ Interviewing applicants without violating discrimination law
 - ✓ Methods of preventing harassment in the workplace
 - ✓ Dealing with absenteeism and tardiness
 - ✓ Handling wage and hour infractions
 - ✓ Documenting employee performance
 - ✓ Managing leave of absence matters



Check out [HRK's Employee Training Programs](#).

10 Stay Up-to-Date. States now more than ever are taking lawmaking into their own hands and creating greater protections for employees. Businesses must stay informed on the topics that are driving significant changes in the law and best practices in human resources management. Keep up with newly enacted laws and changes to current regulations by signing up for HR Knowledge's newsletter. Follow us on social media for real-time updates.



Want of-the-moment HR news? We thought so... sign up for our newsletter [here](#).



Looking for more ways to stay on top of the ever-changing HR landscape? Join one of our upcoming webinars by [registering today!](#)



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Are human resources issues keeping you up at night? Do you wish your employee handbook would write itself? Wouldn't it be great if you could quickly download HR forms, checklists, and templates to help you stay on top of all your compliance and employee relations needs? We can help.



Don't forget: if you are a Full-Service or Virtual HR client, you have access to our refreshed, rebranded, and reengineered Resources Library.



Not a client and want to find out how you can gain access to our Resources Library?

Become a client today and learn how you can take advantage of these extra perks. To learn more, contact us at info@hrknowledge.com.



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FOR ALMOST TWENTY YEARS, HR KNOWLEDGE HAS MADE IT OUR MISSION TO DEMYSTIFY THE COMPLEX AND DAUNTING PROCESS OF HR MANAGEMENT. WE DO MORE THAN JUST PROVIDE THE LEVEL OF SERVICE AND TECHNOLOGY YOU'D EXPECT FROM AN INDUSTRY LEADER. WE COMBINE UNPARALLELED PASSION FOR SERVICE WITH OUR DECADES OF HR, PAYROLL, AND BENEFITS EXPERIENCE TO PROVIDE OUR CLIENTS WITH PERSONALIZED AND ACTIONABLE ADVICE THAT IS SECOND—TO—NONE. FROM MANAGED PAYROLL TO EMPLOYEE BENEFITS TO HR SUPPORT, WE CAN HELP YOUR ORGANIZATION THRIVE, GROW, AND REDUCE OPERATING COSTS—NO MATTER WHAT INDUSTRY YOU SERVE. WHETHER YOU'RE INTERESTED IN OUR FULL-SERVICE SOLUTION OR JUST NEED YOUR EMPLOYEE HANDBOOK WRITTEN, HR KNOWLEDGE CAN HELP YOU MINIMIZE RISK WHILE STAYING ON TOP OF COMPLIANCE REGULATIONS. THE BOTTOM LINE? WE'RE NOT JUST ANOTHER CLOUD-BASED TECHNOLOGY COMPANY THAT ALSO DOES HR, #WEAREHR. [GET THE SCOOP](#) ON HOW WE CAN HELP YOU SIMPLIFY HR.



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