



# UNLOCKED

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KeyHR is aligned with preferred provider companies to offer new and innovative ways to meet our clients' payroll, employee leasing, benefits and insurance needs.

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If your company needs to save money, address compliance issues, improve efficiencies and increase productivity, we have the solutions and the key to your success.

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Although 70% of the respondents said they made no changes to their benefits offering (81% were businesses with less than 500 employees), many indicate they are shifting priorities in 2021 by adding or increasing benefits such as telehealth services (31%), Employee Assistance Programs (28%), and childcare support (27%). Due to these changes, some are considering pulling back other benefits. Those businesses with 2 to 499 employees are willing to decrease or drop long-term care insurance (15%), while their bigger counterparts—those with 500 or more employees—are willing to give up benefits such as hospital indemnity (18%).

*principal.com*

KEY CHANNEL PARTNER OF THE MONTH



PAYROLL

## Road to Recovery is Uncertain for America's Small and Medium-Sized Businesses

The prolonged economic impacts of COVID-19 are wearing on small and medium-sized businesses as owners report more uncertainty about when and how they may recover, according to a new report from Principal Financial Group®. The Principal Financial Well-Being IndexSM highlights difficulties particularly for those businesses in rural communities. Principal® has been following the impact of COVID-19 on these businesses—and how they're adapting—since last Spring, comparing results over time.

**Small Businesses See Help on the Way** While the country grapples with the resurgence of COVID-19 cases and restrictions, survey participants are more concerned and cautious about the economic outlook than in September of 2020. 46% of businesses surveyed reported to be fully operational with about 1 in every 4 businesses saying they're uncomfortable with their current cash flow situation. However, as they consider the next 12 months, 71% expect some level of improvement in their finances. Some attribute this cautious optimism to the vaccine and government support that may alleviate the situation. Amy Friedrich, president of US Insurance Solutions at Principal, believes that while the COVID-19 vaccine will be a big help, it isn't going to be a quick and easy fix.

**Greater challenges in rural America** Less than a quarter of rural businesses reported being fully operational compared to almost half of metro respondents. A third of rural businesses believe their local economy is declining in comparison to 18% of metro businesses. And 61% of rural businesses feel unsupported or impartial to federal government policies or initiatives designed to help their businesses compared to 36% of metro counterparts. Rural business owners also anticipate recovery to take much longer with a majority saying it could take 2 years or more. Among metro business owners, the majority anticipates recovery within the next year. Despite these challenges, rural businesses are investing like their metro counterparts in driving their business forward amid the extraordinary circumstances—focusing on improving customer satisfaction (30%), offering a new product or a new line of service (22%), and creating or improving their website, apps and social media channels (15%). During this last survey, top priorities included the health of their employees and themselves (42%), supporting employees emotionally and mentally during this time (32%), and paying employees' salaries and benefits (29%).

# Should Employers Administer COVID-19 Vaccines?

Employers that want to administer COVID-19 vaccines onsite have many challenges, not least of which includes the availability of vaccines, having trained staff and limiting liability. “Employers are taking various approaches to vaccines in the workplace,” said Michael Oliver Eckard, an attorney with Ogletree Deakins in Charleston, S.C., and Atlanta. Some businesses, he noted, including organizations that employ critical infrastructure workers, are considering entering into agreements with state and local health departments to be closed point-of-dispensing sites to administer state-provided vaccines, which means only employees and sometimes their family members are eligible.

Other employers are planning to host voluntary or mandatory vaccine programs in the workplace once the vaccine becomes available to them through vendors. Some employers are requiring employees to get vaccinated on their own and then provide proof of vaccination once the vaccine is available to them through other providers. Other employers are choosing not to have a workplace vaccination program or policy. Dollar General is an example of an employer taking a different approach. With more than 150,000 employees, the retailer is incentivizing staff to be vaccinated by providing a one-time payment equal to four hours of pay if they become vaccinated at a location outside of the worksite.

“We do not have an on-site pharmacy and currently do not have systems in place for employees to receive a vaccine at their worksite,” according to a Dollar General statement. “We do not want our employees to have to choose between receiving a vaccine or coming to work, so we are working to remove barriers (e.g., travel time, mileage, child care needs, etc.) by providing frontline hourly team members with a one-time payment equivalent of four hours of regular pay after receiving a completed COVID-19 vaccination, and salaried team members with additional store labor hours to accommodate their time away from the store. We’re also working with our distribution and transportation teams to make similar accommodations for those teams.” Employers seeking to partner with state health departments as a closed point-of-dispensing site should coordinate with the state health department and ensure that they can meet the requirements of the state program, Eckard said. Not all states are administering COVID-19 vaccines through closed point-of-dispensing sites, he noted.

## LIABILITY ISSUES

Employers also may need to consider liability issues, Eckard said, such as whether: Employees who suffer adverse events or injury from vaccinations are covered by workers’ compensation statutes. The employer’s vaccination program is potentially covered by liability immunity under the Public Readiness and Emergency Preparedness Act. Liability waivers are appropriate and enforceable under state law. The employer’s vaccination program is subject to any bargaining requirements under union collective bargaining agreements.

The Equal Employment Opportunity Commission (EEOC) has stated that the administration of the vaccine is not in and of



itself a medical examination. But it is likely that many prescreening questions to determine if someone should receive the vaccination would be a medical examination or disability inquiry and may require the disclosure of certain information, such as family medical history, that would violate GINA. Such questions may raise ADA-related issues as well. Assuming an employer does not have enough vaccinations for all employees, it will have to determine how to prioritize the vaccine. This “could raise additional legal concerns implicating age, disability and genetic information if an employer does not follow the public health guidance,” Traub said.

## CDC GUIDELINES

Initially, the Advisory Committee on Immunization Practices at the Centers for Disease Control and Prevention (CDC) recommended that after health care workers get access to vaccinations, the next vaccines should go to front-line essential workers and those age 75 or older. Now it recommends that people age 65 or older should begin receiving the vaccine, according to CNBC.

The group of essential workers “is a large and diverse group that includes first responders, educators, child care providers, food and agriculture workers, correctional facility staff, postal workers, public transportation workers, and manufacturing and grocery workers,” said Dr. Terry Layman, corporate medical director with Marathon Health in Indianapolis. He said most states will handle the vaccination of these workers through large health care organizations, such as hospitals and pharmacies, in an open point-of-dispensing model. Some large employers and municipalities likely will be given an option of using a closed point-of-dispensing model during this phase.

## CONTRACTING OUT

“Contracting with experienced, reputable third parties in this space is a good idea for employers,” said Sonya Rosenberg, an attorney with Neal Gerber Eisenberg in Chicago. The fact that the EEOC has said the requisite pre-vaccination medical questions are disability-related and require medical necessity under the ADA presents a twist. But an employer does not need to prove medical necessity, according to the EEOC, “if an employee receives an employer-required vaccination from a third party that does not have a contract with the employer, such as a pharmacy or other health care provider.” In light of this language, Jonathan A. Segal, an attorney with Duane Morris in Philadelphia, said an employer that mandates vaccines is well-advised to have the required vaccine administered by a pharmacy or health care provider that is not acting as an agent of the employer.

*shrm.org*



## Boosting Employee Productivity After an Election Roller Coaster

As the dust begins to settle from a contentious presidential election and a week of waiting that kept the country in limbo, employers are now tasked with getting their workers back on track and refocused at work.

According to a study by Gartner, a global research and consultancy firm, 60% of employees reported feeling distracted at work because of the presidential election. The study anticipates political distractions will continue to dominate in the workplace post-election too, with 57% of employees reporting they sometimes or often discuss politics at work.

Distraction negatively affects productivity, overall well-being and employee mental health, three critical areas that have taken a hit throughout the coronavirus pandemic and the constant political news cycle, says Dr. Natalie Baumgartner, chief workforce scientist at Achievers, an employee success platform.

“Between election-induced anxiety and living through a global health crisis that’s worse each day, there’s a huge weight on the individual,” she says. “Employee engagement has a very clear and direct impact on productivity but also profitability for organizations. Employers have a tremendous challenge on their hands.”

Employees should feel safe expressing their experiences and their stress related to the election and COVID-19, but managers need to set clear boundaries, says Mike Schmidt, labor and employment attorney with Cozen O’Connor.

“Managers need to do the best they can to diffuse situations without taking sides,” he says. “It’s a good idea for managers to acknowledge these are

highly charged topics, and to remind employees to be sensitive to other people’s beliefs and lived experiences.”

Making the workplace “psychologically safe” will help employees feel open to discussing what’s on their mind, Baumgartner says. Modeling these behaviors will set the tone and help employees share their opinions and then move on.

“Leaders need to model a safe and psychologically healthy work environment, whether we’re in person or on Zoom,” she says. “It’s really important to ensure employees feel safe to talk about their stress and that means showing employees respect and expressing empathy.”

Election-related stress has also caused fatigue and feelings of burnout, an issue already exacerbated by the challenges of the COVID-19 pandemic. Now more than ever, managers should promote healthy work-life balance and encourage employees to take time off if needed to reset.

Managers who practice what they preach will make it more acceptable for employees to feel comfortable doing the same, Baumgartner says.

“It starts at the top, and it doesn’t matter what we say. It’s how we behave in organizations that sends the really strong message,” Baumgartner says. “Employees are more likely to trust and confide in managers who are empathetic and self-aware.”

*Benefitnews.com*

## WORKERS’ COMP



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Martin Luther  
**KING**  
DAY

Monday January 18th, 2021 is a federal bank Holiday to honor the Reverend Martin Luther King.