

2020 October Newsletter

With the beautiful weather, we are thinking of pumpkins, football, and the State Fair of Texas. However, COVID-19 concerns have limited football games and closed the State Fair this year. One plus that COVID-19 has created is the time to exercise, garden and even work outside. We have to make the most of the weather now.... In Texas, it doesn't last long!

Coming Soon ---Presidential Election

The Presidential election, along with Federal, State, and Local elections, is on November 3rd and polls are open from 7:00 am to 7:00 pm. With expectations of a large turnout, employees may need to take time off from work to vote.

Is an employer required to provide time off to vote? The Texas Election Code (Section 276), states that employers must allow employees time to vote and the guidelines are;

- Allow employees at least two hours off to vote on an election day, unless they have voted under early voting procedures
- Time off *needs to be paid* to the extent that it cuts into the employee's normal working hours
- Time off does not need to be paid if the two hours are available outside of normal working hours
- If the time is taken off from mandatory overtime, the time off should be paid at the rate that would have applied to the time so missed
- If the time is taken off from optional overtime voluntarily requested by the employee, the time off does not need to be paid

For example, if an employee's work hours are from 8:00 to 5:00, the employee has two consecutive hours after work to vote. However, if the employee's work hours are from 8:00 to 6:00, two consecutive hours are not available, unless the employee leaves work early. Then, the time off to vote must be paid.

Our recommendation is to be flexible in allowing employees time off for voting. It is an important election and at some polls two hours may not be enough time for voting.

2021 Benefit Expectations

With so much disruption in the workforce due to COVID-19, employers are considering postponing major benefit changes until 2022. Reasons include;

- Due to concerns with COVID-19, employees and families did not utilize their benefits, such as doctor visits and operations, creating uncertainty of medical plan increases in 2021
- With employees still working remotely, it becomes more difficult to communicate major changes
- After the disruption caused by COVID-19, employers and employees are looking forward to getting back to normal and not creating additional stress

According to the Consultancy PwC's Health Research Institute, 2021 increases for health insurance could range between 4% and 10%. Mercer's National Survey of Employer-Sponsored Health Plans recently stated an expected average cost increase of 4.4% for 2021.

With employees still working remotely, communicating to employees may be more difficult and employers should utilize technology available such as email, company internet sites or Zoom meetings to communicate 2021 benefits.

Is Your Employment Application Updated?

All the legislation in the past few years has required employers to review their Employment Applications. Requested information, such as the items below, should no longer be included on an Employment Application;

- Social Security Number – A social security number is not needed until an offer is accepted. Since Employment Applications should be completed prior to interviews and employment offers, employers do not need this information as it may raise concerns regarding privacy and identify theft
- Age Identifiers – Do not ask for graduation dates or date of birth
- Social Activities – Keep requested information focused on job skills and experience; activities such as clubs, hobbies, etc. do not affect the job
- Criminal Inquiries – The EEOC recommends employers should avoid asking about criminal histories on Employment Applications. Once the candidate's qualifications and experience are vetted and the employer moves to the next step, questions regarding if the candidate has been convicted, plead guilty or no contest to a felony can be asked and reviewed for relevancy the position
- Salary History – Recently, states have passed laws restricting employers from making inquiries into a candidate's pay history during the hiring process. Texas has not passed a law yet, but by not including salary history on an Employment Application, the employer should offer a salary based on skills and experience, not previous salaries.

Important Deadlines for October

October 12, 2020: Columbus Day/Indigenous People's Day (Federal holiday)

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October 14, 2020: Deadline for employers to notify Medicare-eligible enrollees of creditable coverage for prescription drugs, if offered. Notices should be sent via mail or electronically by this date, prior to the annual Medicare open enrollment period

October 15, 2020: This is the last day to submit benefit plan 5500's that received extensions

November 1, 2020: Clocks fall back an hour at 2:00 am on Sunday, November 1st, marking the end of Daylight Saving Time.

November 3, 2020: Election Day

For help with any of your human resource and benefit needs, a free one-hour consultation or information on any of the above items, please contact info@humanresourcesolutionsllc.com

This newsletter is intended to provide general guidance about recent topics in Human Resources. It is not a legal opinion. For answers to your specific questions, please consult with counsel.