



ONE VOICE



QUARTERLY NEWS FROM THE CALIFORNIA STATE COUNCIL OF SHRM
APRIL 2020

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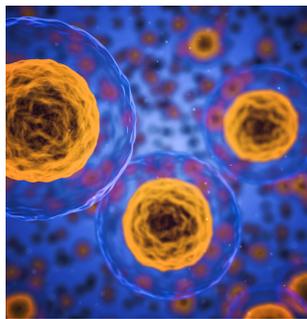
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CRISIS OR OPPORTUNITY

PREPARING FOR THE NEW NORMAL

So many of us have been in reaction mode the past weeks that it can be difficult to look ahead as there are so many demands of us to look around and look back. What can we do right now? What could we have done differently? Is there more we could be doing?

All of these are natural and helpful personal and professional reactions that they are normal and expected. But among all this chaos and uncertainty comes an opportunity to think about what could be and what we want to be when we have cleared this time of crisis.

Many of us have been forced to change our life rules out of necessity or government mandate. Work from home, home schooling our children, caring for family members who cannot care for themselves in a time when we are told to stay at home. All this makes it difficult to see that there is an opportunity here to rethink what the new normal could be going forward.

Now is the time to respond to the immediate needs of or family, friends and colleagues. But when this crisis has passed, and it will, there is a time to think about the future.

Could working from home become the norm for many, not because it is required by law, but because it has shown to be more efficient, productive and satisfying? Do virtual meetings make more sense in today's traffic congested communities, could the meaning of "going to the office" be more flexible allowing people to work remotely and not have to add the pressure of un-affordable housing being experienced in many of our communities.

In the next month SHRM and CalSHRM will be hosting a panel of experienced professionals to explore how we in Human Resources can lead this change opportunity. Stay tuned for more information.

If you missed it there was a great article in the Economist that speaks to how HR leaders can be the leaders

in today's crisis just as the CFOs were in the 2008 financial crisis. (Read the article - <https://www.economist.com/business/2020/03/24/the-coronavirus-crisis-thrusts-corporate-hr-chiefs-into-the-spotlight> You will need to register with your email to read).

See the opportunity, be the catalyst of change, help drive your organizations to a new level of productivity and engagement. This crisis will pass and we can try to go back to normal, or we can be the visionary for a new normal.

Regards & Take Care,

David Swanson

CalSHRM State Director Elect
David has over 30 years of progressive and innovative experience related to Human Resources, Small Business and Education. David currently serves as the HR Department Chair for the University of California Extension and has authored "The Data Driven Leader," a guide to measuring business impact in Human Resources using data and analytics.

CALSHRM GOVERNMENT RELATIONS UPDATE

ADVOCACY IN AN ENTIRELY DIFFERENT LEGISLATIVE WORLD

What a difference just a couple weeks makes. As February 2020 drew to a close, other than the fact it was a Leap Year, all signs pointed to another fairly exciting albeit routine California Legislative Session. By that, the annual deadline to introduce new bills had just expired, and the CalSHRM Legislative Report had just been published surveying the approximate 60 employment-related bills introduced. <https://tinyurl.com/vls35x6>. Other than an inordinate number of bills addressing the recently-enacted AB 5 (36 bills and counting), the employment bills themselves seemed fairly routine, proposing relatively minor changes such as additional remedies, and expansions of already existing leave rights.

With that first major legislative hurdle behind it, CalSHRM was tirelessly preparing for its annual Advocacy Conference, the highlight being several hundred Human Resources Professionals visiting the State Capitol to provide the much needed “HR Voice” on pending employment bills. The Legislative Committee had even identified the particular bills for these visits, planning to support a bill reforming the notice provisions of the Private Attorneys General Act [PAGA] (AB 2530) and to oppose a bill materially expanding the California Family Rights Act (AB 2992).

In fact, since CalSHRM had helped draft and was the sponsor of the PAGA reform bill, CalSHRM members were planning to testify before the Assembly Labor and Employment Committee hearing on April 10th.

And then the dreaded Ides of March (or more specifically, COVID-19) arrived and seemingly everything changed overnight. To address a widening public health emergency, Governor Gavin Newsom understandably issued a “stay home” order that effectively cancelled the CalSHRM Advocacy Conference. The California Legislature temporarily suspended its normal legislative calendar, vacating all hearings (including the April 10th planned testimony by CalSHRM) and putting a hold on all then-pending bills. As of today’s date, the Legislature largely remains in suspension, and it is not clear when normal hearings and proceedings will resume.

For good measure, the center of the employment law universe also briefly shifted away from Sacramento to Washington D.C. as the United States Congress and the federal agencies promulgated many new laws and resources to address the COVID-19. In mid-March, the United States Congress quickly passed and President Trump signed the Families First Coronavirus Response Act [FFCRA] (H.R. 6201) expanding the Family Medical Leave Act to allow emergency leave and requiring almost all employers to provide emergency paid sick time.



These significant changes enacted at light speed (at least for Congress) generated numerous questions from Human Resources professionals, prompting the Department of Labor to issue (and seemingly update almost daily) FAQ’s regarding this new law. <https://www.dol.gov/agencies/whd/pandemic/ffcra-questions>. On April 1, 2020, the same day the FFCRA took effect, the DOL also issued 124 pages of regulations further explaining the FFCRA, and the questions continue. <https://www.dol.gov/sites/dolgov/files/WHD/Pandemic/FFCRA.pdf> Congress also quickly passed and President Trump also signed the Coronavirus Aid, Relief and Economic Security Act [CARES] (H.R. 748), an unprecedented “stimulus package” designed to, amongst other things, buttress the state unemployment insurance programs swamped by the millions of previously unforeseen layoffs and furloughs.

CALSHRM GOVERNMENT RELATIONS UPDATE CONT.

As of today, paraphrasing Winston Churchill, we are not at the end or even the beginning of the end, but perhaps we are the end of the beginning in addressing this pandemic. We do not know what the future holds on almost any subject, but a couple things seem clear. First, the legislative focus at all levels (federal, state and local) will likely be consumed by COVID-19-related issues. In addition to the mammoth new federal laws (FFCRA and the CARES Act), the City of Los Angeles has already passed (awaiting Governor Garcetti's signature) an ordinance requiring employers provide supplemental paid sick leave for COVID-19-related purposes. Although the California Capitol remains technically posed, legislators

have also begun introducing "COVID-19" or "public health emergency" laws, including to expand the Paid Family Leave benefits (SB 943), to expand protected leave for school-related closures during public emergencies (SB 1383) and require "public health emergency" paid sick leave statewide (AB 2887). Reflecting the need of our members for timely COVID-19 information, CalSHRM has updated its website to include substantive information and links to federal and state agencies to assist employers, employees and human resources professionals. www.calshrm.org.

Lastly, although we do not know when the Legislature will re-open and exactly what topics will be our focus, CalSHRM

will continue its advocacy efforts to develop effective workplace policies balancing the needs of employers, employees and human resources professionals. The particular bills and accompanying bill numbers may change from what we envisioned back in February, but our goal of providing the "HR Voice" remains the same.

CalSHRM and its Government Affairs Department will continue to update on resources to help our members address the current pandemic and about our advocacy goals and efforts as the legislative session resumes. Until then, we hope for the continued safety of our human resources members, your family, and all of your co-workers.

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CALSHRM CERTIFICATION SPONSORSHIP WINNER



Melissa Soto

Employee Relations Manager
Fresno Economic
Opportunities Commission

On behalf of the SHRM Foundation, I am excited to introduce you to the 2019 fall winner of the CalSHRM Certification Scholarship: Melissa Soto. Melissa is an experienced HR professional, currently working in the non-profit sector, seeking to earn her SHRM-CP. In her role as an HR professional for one of the largest non-profit community action partnerships, Melissa has been an active volunteer for community events that serve more than 5,000 individuals and families each year. In addition, Melissa has been an active member of her local SHRM chapter, Central California SHRM, and has served on the annual conference planning committee. Melissa is committed to earning her SHRM-CP to advance her career and continued to support her community.

SHRM Foundation Scholarship application for the SHRM-CP/SCP certification exam is currently open until May 1, 2020. For eligibility qualifications and applications visit:

<https://www.shrm.org/foundation/ourwork/scholarships/certification/pages/default.aspx>

EARN YOUR SHRM-CP OR SHRM-SCP

NOW WITH AN OPTION TO TEST FROM HOME!

APPLY BY APRIL 10TH

Your journey toward SHRM certification can now be done 100% online. This testing window, we are introducing the option to take your SHRM-CP or SHRM-SCP exam from home, through remote proctoring. We're working to help you stay on track so that you can achieve your goal of becoming SHRM-certified this year. If you're looking to save on exam fees, be sure to apply by April 10 to benefit from special early-bird pricing.

Why certify?

- HR professionals who pass the SHRM certification exam report salaries upwards of 7%-9% higher than peers who do not.
- Of SHRM-certified professionals who were promoted, 63% report that their credential was a key factor.
- Certified professionals report a greater understanding of necessary skills.

For more information [follow this link!](#)

COLLEGE FOCUS: THE FUTURE OF HUMAN RESOURCES

SAN JOSE STATE UNIVERSITY

The Society for Human Resource chapter at **San Jose State University** is dedicated to preparing our students for a fulfilling career in HR after college. We focus on developing our students' resumes, interviewing skills, business etiquette, and network building through a variety of professional development workshops, company tours, and mentoring programs.

We are honored to have been recognized as one of SHRM's 2018-2019 Most Outstanding Student Chapters against over 200 other student chapters across the nation. We believe that student organizations like ours are one of the many reasons why students are engaged in their education and actively work on bettering themselves to stand out from the crowd.

We are constantly inviting HR professionals to visit us and give our students advice on how to prepare for their bright futures. Please check out our website shrmstsjsu.org. We would love to hear from you!



THE FUTURE OF HUMAN RESOURCES CONT. CALIFORNIA STATE UNIVERSITY, BAKERSFIELD



The Society for Human Resource Management (SHRM) Chapter at **California State University, Bakersfield (CSUB)** is dedicated to expanding their member's and other student's expertise in the Human Resource Management field. The Chapter is a subset of the national organization SHRM,

The club offers a wide variety of opportunities like workshops, networking, career benefits, internships, social events, and much more. CSUB SHRM has hosted an Excel Metrics Workshop in which students gained first-hand skills on how to professionally manage an excel spread sheet, taught by a professional HR director in Kern County. This interactive workshop, built skills that students will be able to perform for their current or future occupational purposes. The student CSUB SHRM Chapter continues to host workshops for students to attend. This aids on expanding their skills for occupational competencies.

Currently, the Chapter is on a grand mission to introduce what is defined as the "Friendship Bench." The Friendship Bench is designed to accommodate students to sit on a yellow designated bench at the CSUB campus so that students have the opportunity to talk to fellow students on campus to speak about their current life issues or to simply just make a friend. The purpose and goal of the Friendship Bench is to decrease the levels of stress or anxiety a student may have, and talk-therapy is psychologically proven to be the best therapy to lower those levels.

The Chapter holds continuous meetings monthly to keep all students communicating and up to date on weekly trends to keep creating goals for the semester. With the great mentorship from the CSUB SHRM Chapter's Mentor, Tom See, students have been inspired to make a difference on a day to day basis to improve positivity throughout the campus and the lives of others so that the students can take that everyday oasis warmth to the workplace of HR. We Are HR.

If you are interested in supporting or working with any of the student chapters across the state please contact CalSHRM College Relations Director at: collegerelations@calshrm.com

LOCAL CHAPTERS FOR LOCAL ISSUES

SHRM AFFILIATED CHAPTERS TO MEET YOUR NEEDS...ESPECIALLY IN DEMANDING TIMES

You don't have to go far in our great state to find high quality local SHRM Affiliated chapters. These chapters, dedicated to enhancing the profession and supporting our SHRM members, offer a wide variety of educational, certification and networking opportunities for all. To find out more about professional development, conferences and activities in your area, [click on the link below](#), to be directed to the CalSHRM event calendar or our chapter locator.

Please note...as we go to press with this issue of CalSHRM One Voice, we are dealing with the distress and disruption associated with COVID-19. You will be encouraged to know that many of our chapters have already "pivoted" to provide virtual learning opportunities and support for you in this time of need. There is no better way to stay on top of pertinent issues affecting the workplace than by belonging to a local chapter and SHRM.

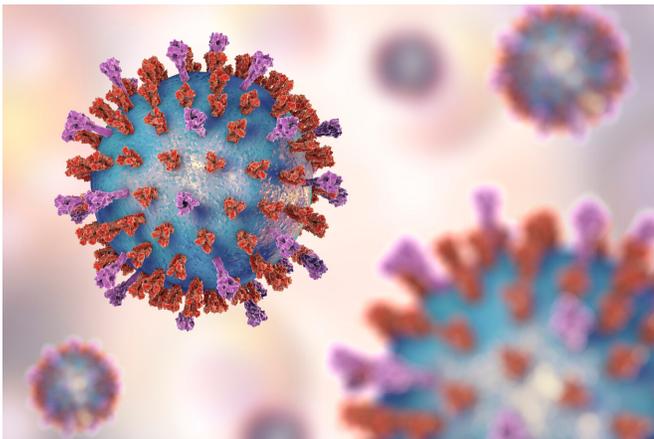
California Chapter Locator: <https://www.calshrm.org/chapter-locator.html>

CalSHRM Events Calendar: <https://www.calshrm.org/state-affiliate-events.html>



THINGS TO KNOW ABOUT THE IMPACT OF CORONAVIRUS (COVID-19) ON COMPANY BENEFITS

BY MICHAEL MULQUEENEY, VICE PRESIDENT OF BUSINESS DEVELOPMENT AND JODY LEE, COMPLIANCE MANAGER AT JOHNSON & DUGAN INSURANCE SERVICES.



Testing & Coverage for COVID-19

The crises currently gripping the nation along with the rest of the planet has been a daily evolving subject that has created a hailstorm of requests from testing, stay at home orders, business shutdowns and a never before experienced impact on all of our daily lives. The unpredictability and complexity of this situation has started a domino effect touching many aspects of our daily work and home routines. Aspects that include the limiting of hours, furloughs and lay-offs which have a direct impact on our employer sponsored benefits including one of the most focused-on topics of our times, health insurance.

As a benefits consultant, the first wave of questions coming at us from our clients and their employees were centered around coverage of testing and treatment for the COVID-19 virus. This was initially thought of as an easy one as this would typically fall under the plan provisions and contract as any other illness would. Even though technically the testing and treatment would offer the same, an unprecedented trend quickly unfolded.

Carriers began waiving the cost sharing provisions under their plans for testing for COVID-19 for their covered members.

To date most if not all California fully-insured carrier plans have enhanced their covered benefit for testing for the COVID-19 virus and we are now starting to see this trend extend to the treatment as well. As of March 31, Humana and Cigna have waived cost sharing for COVID-19 treatment for their plans. Others are considering and you should keep your eyes and ears open as others may follow suit over the coming weeks.

The CARES Act amends the FFCRA to provide that an individual health plan policy offered by an insurer or group health plans (including insured, self-insured, and grandfathered plans) must provide coverage and not impose any cost sharing (including deductibles, copayments, and coinsurance). We are seeing some confusion with regards to how long they must do this as some carriers are making the announcement with no end date and others are listing between April 1, 2020 and May 31, 2020. You should check with your carrier as needed as this has been a continually evolving issue. Other human capital areas being impacted and generating a number of questions coming our way relate to the following:

Leave, Furlough or Lay-Off Benefits

The Department of Labor (DOL) Q&A page is highly recommended to find guidance on the rules for the Emergency Paid Sick Leave and Expanded Family and Medical Leave:

<https://www.dol.gov/agencies/whd/pandemic/ffcr-a-questions>

COVID-19 & BENEFITS CONT.

Leave, Furlough or Lay-Off Benefits cont.

The DOL posted a new update over the weekend that clarifies eligibility for the Emergency Paid Sick leave. This leave will not apply to workers that are no longer on payroll due to furlough or layoff. Fisher Phillips has a summary of this DOL Guidance:

<https://www.fisherphillips.com/resources-alerts-labor-department-throws-covid-19-curveball-in>

When employees are out on a leave or furlough, they have an option to receive payment of any accrued vacation/sick/PTO pay during any unpaid leave period. (The amount and duration of this pay should be coordinated with any potential leave payments available through FFCRA.) Premium contributions can be deducted from this pay, or the employer can set up a policy to defer premium contributions to be collected upon return to work.

A layoff will trigger a COBRA event, and COBRA (or CalCOBRA) continuation coverage should be offered or individuals can research plans available on the Covered California Marketplace or Federal Marketplace. Any accrued vacation or PTO would be paid out as usual.

Also see the DOL COVID-19 and the American Worker page for helpful resources: <https://www.dol.gov/agencies/whd/pandemic>. Keep in mind that when sick leave is not an option, unemployment insurance may be available. Some insurance carriers are easing the eligibility rules to accommodate company furloughs that will allow the benefits to continue for a period of time as long as the employer continues premium payments. Your benefits broker should be able to provide you with the rules for your specific insurance carriers. On the J&D Coronavirus web page there are General Agent (GA) websites in the Miscellaneous Resources section. The GA sites consolidate the carrier policies and are all updated regularly. (We have made this an open public page that can be accessed by anyone who might find it useful.)

FFRCA Notice

All employers should be posting and/or distributing the DOL mandatory FFCRA employee rights poster by April 1st.

CARES Act Highlights

The CARES Act summary document, written by Virginia Krieger-Sutton, Vice President, Retirement Plans Practice at Johnson & Dugan, summarizes provisions related to retirement plans. The CARES Act also includes provisions relating to Health Flexible Spending Accounts (FSA), Healthcare Spending Accounts (HSA) and Health Reimbursement Accounts (HRA) plans. As summarized by WageWorks:

- Under the CARES Act, plans (or plan sponsors) may pay for telehealth services before reaching the deductible, without impacting an individual's eligibility for an HSA. However, this is a temporary provision to encourage telehealth services during the current healthcare emergency. The bill outlines an end date of December 21, 2021 for this provision.
- HSA-qualified health plans can now cover telehealth and other remote care service expenses below the HDHP statutory deductible limit, or at no or low-cost sharing, without affecting an account holder's ability to continue contributing to their HSA. This provision will last until December 31, 2021.
- Over-the-counter drugs and medicines can be paid for or reimbursed through an FSA, HRA or HSA without a doctor's prescription.

COVID-19 & BENEFITS CONT.

- Menstrual care products are now considered a qualified medical expense and are eligible for payment or reimbursement through an FSA, HRA or HSA. All expenses incurred after December 31, 2019 qualify, and the provision has no expiration date.
- Navia Benefits also published a detailed description of the changes:
<https://www.naviabenefits.com/impact-of-the-cares-act-on-fsas-hsas-hras-and-related-services/>

Below are additional CARES Act resources you may find helpful:

- The American Retirement Association [CARES ACT FAQ](#)
- Small business may be eligible for emergency grants of up to \$10,000 to cover immediate operating costs. For more information:
 - U.S. Chamber of Commerce
<https://files.constantcontact.com/b0edc7f701/b6cdf270-9fca-41b5-aac0-a7dd8a0b5b29.pdf>
 - IRS <https://www.irs.gov/coronavirus>
 - U.S. Small Business Administration (SBA) Loan Resources
<https://www.sba.gov/page/coronavirus-covid-19-small-business-guidance-loan-resources>
 - EisnerAmper (CPA) CARES Act Tax Summary: <https://www.eisneramper.com/cares-coronavirus-tax-0320/>

Again, we have now opened up a client portal to all interested parties on the Johnson & Dugan website page dedicated to Coronavirus (COVID-19)

Resources: <https://www.johnsondugan.com/coronavirus-resources/>. The page includes links to government agencies, legal and accounting firms and other miscellaneous resources. Our J&D COVID-19 Alerts are being combined into a master document and each email will be added for a summary resource you can refer back to.

You can [Click Here](#) for the document, or find it on our dedicated web page. If you would like to be added to a recipient list of pertinent COVID-19 updates please feel free to contact Michael at:

mmulqueeney@johnsondugan.com

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*Please note that the information in this article and other articles are constantly changing and under current circumstances you should discuss any information with qualified professionals before taking action.



CALIFORNIA EARNS TOP 10 HONORS FOR SHRM FOUNDATION FUNDRAISING

We are pleased to inform you that your support of the SHRM Foundation in 2019 has qualified CalSHRM as a Top 10 Fundraising State Council! This is a special honor for SHRM state councils that have the highest total annual contributions each year, including all gifts made by and on behalf of the state council.

The SHRM Foundation's mission is to mobilize the power of HR and activate the generosity of donors to lead positive social change impacting all things work. The Foundation is committed to elevating and empowering HR as a social force through its innovative solutions to workplace inclusion challenges, programming designed to inspire and empower the next generation of HR leaders, and awarding scholarships and professional development grants to educate and develop students and HR professionals. The SHRM Foundation is a 501(c)(3) nonprofit affiliate of the Society for Human Resource Management.

By supporting the SHRM Foundation, you are empowering real social impact, allowing us to continue to deliver on outreach initiatives that lead positive change affecting work, workers, and the workplace. You are also helping us prepare the next generation of professionals for a future in HR. Your support will help the SHRM Foundation.



Purpose, Mission & Values of the Foundation

- Elevate and empower HR as a social force.
- Mobilizing the power of HR and the generosity of donors to lead positive social change impacting work, workers and the workplace.
- A world of work that works for all.

Get more info or donate at:
<https://www.shrm.org/foundation/Pages/default.aspx>

THE POWER OF EMPLOYEE ENGAGEMENT

FOCUS: TEAM IN TRAINING

A Harvard Business Review study on what employees find most meaningful identified three key elements: career, community and cause. Team In Training, the endurance sports campaign of The Leukemia & Lymphoma Society (LLS), offers employees opportunities in each of these areas. Through this campaign, employees take on a new challenge and build camaraderie with their colleagues and other local professionals while raising funds to support a mission everyone can get behind: a world without cancer. LLS aims to cure leukemia, lymphoma, Hodgkin's disease, and myeloma, and improve the quality of life of patients and their families. When companies and HR professionals join forces with Team In Training, everyone wins. To learn more about Team In Training visit <https://teamintraining.org/2020>

Meet Our Corporate Partner: Weintraub Tobin

This year, attorneys and staff of the California law firm Weintraub Tobin are coming together across their offices to fund cancer cures while taking on an iconic cycling event, America's Most Beautiful Bike

Ride in Lake Tahoe, CA. Team In Training cyclists enjoy breathtaking views around Lake Tahoe and train together to ride distances of 35, 72, or 100 miles. Held the first Sunday in June, the entire event weekend is a celebration of community, training, and fundraising accomplishment.

Team Weintraub Tobin will join the ranks of more than 650,000 teammates who have raised nearly \$1.65 billion dollars collectively to fund cures for blood cancer and provide services and advocacy for patients and their families. The Weintraub Tobin team has set aggressive fundraising goals to support The Leukemia & Lymphoma Society's life-saving mission. To follow the progress of Team Weintraub Tobin, visit their Team In Training page:

<http://pages.lls.org/tnt/sac/ambbr20/weintraubtobin>

To learn more about Weintraub Tobin's Labor & Employment practice

visit: <https://www.weintraub.com/practice-areas/labor-and-employment-law>

