Navigating the way forward
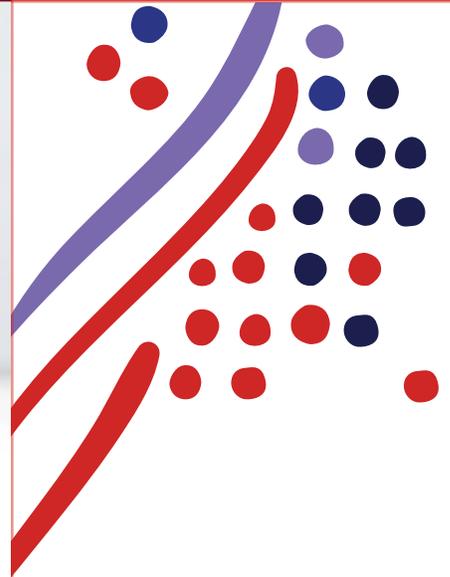
A guide to today's more flexible workplace

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Table of contents

As we continue to experience effects of the global health event,

employers continue to plan for what comes next for their employees and business. Many organizations have already begun transitioning workers back into offices. Others have been operating as usual but may face new challenges as stay-at-home orders are lifted and expectations shift around flexible work. Phased roll outs of new state guidelines are impacting businesses differently based on industry, size and location.

As your organization resumes and adapts operations, you will need to understand and comply with myriad of changing regulations based on (sometimes conflicting) local, state and federal guidance.

This guide provides employer resources, expert guidance and topics for consideration as you implement new policies and make strategic decisions to help your business succeed and thrive as you navigate forward.

Navigating regulations and staying compliant

Business and HR leaders are balancing the interests of customers and the safety and well-being of their staff, while reacting to the dynamic policy and legislative guidance resulting from COVID-19 across the globe.

Employers need to tailor their return-to-office programs to comply with state and local requirements. Because there are no comprehensive guidelines from federal that spell out exactly how every business needs to respond to the global health event as they begin to resume operations, it's understandable that employers are looking for guidance.

Return to workplace

The decision of when, whether, and how to return-to-workplace requires a multi-disciplinary approach and a review of workplace policies and practices. What new policies and practices should you consider? What existing policies and practices may need to be revisited?

For extensive information on workplace policies and legislative changes pertaining to COVID-19, see the **ADP Coronavirus (COVID-19) FAQs.**

View our previous webinar on demand, **Workplace Spotlight: What to Consider in Enacting and Managing Your Return to Work Strategy** for information on compliance considerations and leading practices in:

- Workplace safety
- Attendance and leave policies and regulations
- Employee privacy
- Anti-discrimination, and other employment law considerations

Employee policies

The key to successful employee policies are compliance with jurisdictional guidelines, clear communication with your employees and consistent reminders and reinforcement. When was the last time you evaluated your employee policies? How are they impacted? For example, now is the time to make sure that your attendance and telecommuting policies are updated to reflect recent changes. You should also socialize your updated employee policies and handbook with your workforce.

Vaccine mandate

On September 9, 2021, President Joseph Biden announced an Executive Order and related actions implementing new policies to address the COVID-19 pandemic. Several of the policies may directly affect employers and require action:

- The Executive Order will require all federal executive branch workers to be vaccinated and directed that this standard be extended to employees of contractors that do business with the federal government.

- All private-sector employers with more than 100 employees will be required to ensure that their workers are either vaccinated or are tested weekly for COVID-19.

- The U.S. Occupational Safety and Health Administration (OSHA) will issue an Emergency Temporary Standard (ETS) to implement this requirement. The OSHA rule will also require employers with more than 100 employees to provide paid time off for the time it takes for workers to get vaccinated or to recover from any ill effects of the vaccination.

    - For a full summary of the emergency temporary standard (ETS) that will be important for employers to understand, **view here**.

- Vaccination requirements will also apply to health-care workers at Medicare and Medicaid participating hospitals and other health-care settings that receive Medicare or Medicaid reimbursement.

Vaccine mandate — what you need to know!

View the **ADP Vaccine Mandate Resources Hub**.

Article: **COVID-19 Vaccine Mandate and Testing OSHA Emergency Temporary Standard Released**

Special edition webcast: **COVID-19 Vaccination Guidance: Top Considerations for Employers.**

Article: **President Biden Issues COVID-19 Executive Order — Vaccine Mandate**

Return-to-workplace guidance

[President Biden Issues COVID-19 Executive Order — Vaccine Mandate](#)

[COVID-19: Return-to-work Checklist and Key Considerations for HR and Finance Leaders](#)

[Small Business Return to Work Checklist for when COVID-19 Restrictions Ease](#)

Electronic pay options

The suddenness with which many organizations altered business operations and moved to remote work posed unique challenges. Employers who were equipped with electronic pay options and mobile access to employee payroll experienced fewer delays in paying their workers.

If you aren't currently offering electronic pay to your employees, now is a good time to consider making the transition. Direct deposit is more convenient and cost-effective than printing and delivery of paper checks. Pay cards — a newer pay method that loads employee pay on a reloadable card each pay period that can be used everywhere that credit and debit cards are accepted — allow for both electronic transfer of pay and touchless purchasing.

For more information on implementing pay cards at your organization, see the [Employer Pay Card Guide](#). Learn why [Making Payroll Distribution More Inclusive: How Paycards Make Payroll More Equitable](#) can help your staff avoid hidden bias and discrimination in the financial system.

Unemployment

Unfortunately, as people continue to social distance and work remotely, where possible, many businesses have been forced to make workforce reductions or temporarily shut down, contributing to a substantial rise in unemployment claims.

Continued unemployment insurance benefits supplements with the **American Rescue Plan Act** may have you wondering what you should be doing to manage unemployment claims.

> **"** ADP's support during this unprecedented time has been incredible. The information [they shared] on the CARES Act and PPP helped us fully understand the requirements necessary for our loan application. **"**
>
> —**Pia Saks,** corporate payroll manager, Vanderbilt Global Services, LLC

Best practices for employers

It is important that you maintain best practices to protect your business and assist displaced workers in receiving benefits they may be eligible to receive.

When reducing hours, wages or staff for reasons related to COVID-19, provide a written statement to the employee(s) notifying them that they may be eligible for unemployment insurance benefits. In the statement, clearly convey the following information:

- The reason for reduction is business impact due to COVID-19
- Effective date of the action
- Type of reduction in hours or pay
- Length of reduction (temporary/permanent/undetermined)
- Date of hire (if available) and last date physically worked
- Guidance that the employee should notify the unemployment agency of the facts listed above
- Respond in a timely manner to all unemployment claims and requests for information received by your organization

> **❝** Florida announced mandated quarantine for employees age 65 and older. Pulling the Medicare and census reports from Workforce Now gave us quick data to understand the needs of our Florida workforce and create a plan of action for those affected. **❞**
>
> —**Marilyn Milby,** associated asphalt partners, LLC, human resources and safety generalist SHRM -CP

Best practices for employees

You can help prepare your employees with the information they will be expected to provide when filing for unemployment benefits, including:

- Full legal name

- Social Security Number or TIN

- Driver's license or state identification number

- Home/mailing address

- Employer name(s)

- Bank account information for a direct deposit payment option

By following these best practices, you can assist state unemployment agencies in making faster determinations on eligibility and in turn help employees receive unemployment benefits in a timely fashion.

Learn more about unemployment claims

Article: COVID-19 Workplace Impact and Employer FAQs: Unemployment Insurance

Redefining the future of work

As you look at lessons learned while you start to return to your workplace, you may identify areas that you'd like to shore up to position your organization to best respond to continuing and upcoming changes.

❝ Self-service has been very helpful. The information is at employees' fingertips — on their cell phones or on their computers at work or home. It's very intuitive and we find it really easy to explain to our employees where to find their pay stubs and direct deposit information. ADP self-service saves our employees time, and it saves us time. ❞

—**Katie Wible**, payroll manager, SPIN

Data security

During the global health event, with most businesses operating remotely and many employees working from home, data fraudsters and scammers have been more active. Even without anyone directly targeting your data, the risk at this time is greater.

The ADP Employer Preparedness Toolkit website has resources for establishing data best practices and for guarding against deliberate data attacks:

- WFH Data Security Tips
- Dodge the Scam Infographic
- COVID-19 Phishing Scams

The basic principles of internet security are even more complex in a global context. There are two places where multinational organizations need to be watchful for good information security practices: in their supply chain and in their employee data. The longer a supply chain is, the greater the number of different accountants and managers who are touching data for the same operations. Each of those touchpoints is a potential security risk. Your past security capabilities and protocols may not be sufficient, especially during a lockdown when ad hoc practices are popping up to handle the situation.

Being aware of data security risks in all of the places where your organization does business can help guard against data risks. Shoring up your supply chain or multi-national payroll and HR with an integrated, cloud-based system can greatly improve your business resilience and information security for the next emergency.

Organizational agility and business resiliency

For HR and payroll departments, the immediate focus is highly tactical and operational — people need to be paid, have access to their health benefits, and manage their time information. Payroll and HR need to make sure this all continues to happen and that employees are kept informed about policies and procedures.

❝ My ADP account manager has been great helping with all the changes we needed to make: changing our address for shipping live checks, answering questions about COVID-19 response, helping us figure out a contingency plan if our payroll team is out sick and helping us understand the federal law changes. **❞**

—**Joseph Barzizza**, global payroll manager, Cherwell Software

If you experienced any operational issues, here are some areas where you can upgrade your tools and technology to better prepare for future changes:

1 Leverage mobile capabilities and encourage self-service wherever possible. For example: clocking in and out, requesting leave, checking PTO balances, etc.

3 Provide access to self-service tools to manage work-life virtually. Offering electronic direct deposit enrollment and access to wage statements and W-2s.

3 Encourage direct deposit and pay cards as payroll options that won't be affected by office closures and offer greater freedom for underbanked and unbanked employees.

4 Support accurate time capture and absence management with tools that employees can access remotely and securely to manage their own time. Time and attendance tools that integrate with other HR systems, and/or that store data in the cloud can offer additional capabilities and streamlining of processes.

5 Implement an HR system that maintains benefits eligibility information for all employees, especially when you change employee status, flex part-time employees' hours, or when employees leave the company and are eligible for COBRA. Systems that allow mobile employee access, reporting, communications capabilities from within the system, flags to notify employees about changes in status, and that are integrated with payroll, training and other in-house and vendor systems allow greater efficiency, limit data input, save time and help reduce errors.

6 Make your employee handbook available online to keep employees up-to-date on policy changes and procedures for addressing questions.

> **"** The reporting feature of has been the most useful [during this global health event]. I have been able to run reports for all departments to help us to continue functioning as best as we can through this. I can pull headcounts, hours and earnings to help us [monitor] costs as much as possible. **"**
>
> —**Alyssa Kauffman,** HR manager, Monarch Steel

Not only can technology, integration and self-service save time and resources and help with business resilience in times of change, they can improve the employee experience and allow better communication, which can help improve employee satisfaction and loyalty.

" The ability for associates to access and update their own benefit information on demand, in the comfort of their own homes, is extremely important. Our associates have come to rely on it. "

—**Caroline Wyatt**, vice president of human resources, Yokes Fresh Markets

For more information on the impact of COVID-19 on employee health insurance, please see COVID-19 Insurance Relief: 4 Key Points for Business Owners.
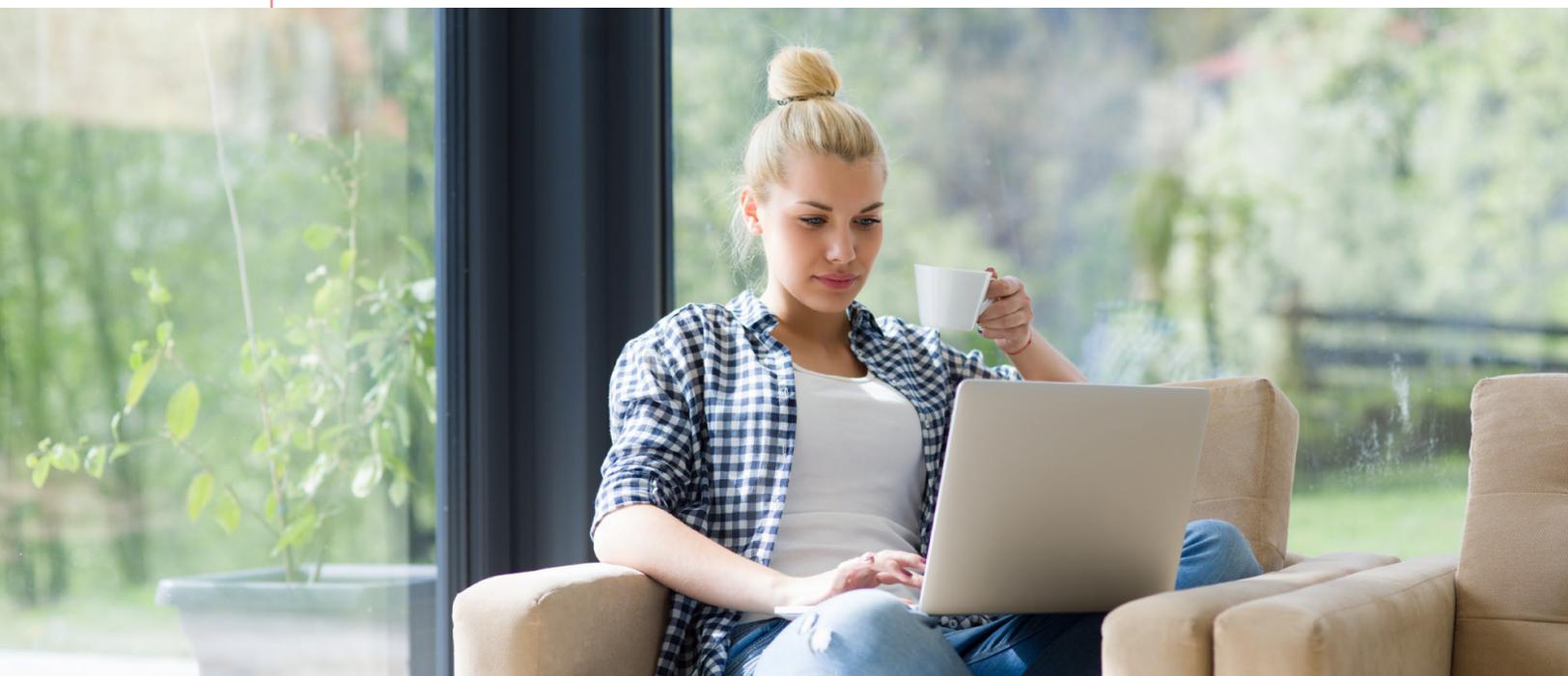
Employee retention tax credit

The Coronavirus Aid, Relief, and Economic Security (CARES) Act, which was signed into law on March 27, 2020, contained over $2 trillion for economic stimulus, including cash payments to individuals, expanded unemployment benefits, retirement distributions, payroll tax deferrals and tax credits, corporate relief, and economic support for the healthcare industry to combat the economic effects of COVID-19.

Included in the Act was an employee retention tax credit (ERTC) for employers impacted by COVID-19. In March 2021, the **American Rescue Plan Act (ARPA)** extended the ERTC through December 2021, and made other changes. For additional information on the credit, in August 2012, the IRS released **guidance** to explain changes made by ARPA as well as details concerning recovery startup businesses and severely financially distressed employers.

- There are two events that qualify as an economic hardship for purposes of the ERTC.

    - First, employers may qualify for the credit if their business is fully or partially suspended by a governmental order due to COVID-19. Governmental orders include federal, state or local orders that limit commerce, travel or group meetings (for commercial, social, religious or other purposes) including stay-at-home orders and orders closing or limiting operations or business hours.

    - The second event is a significant decline in the employer's gross receipts that occurs when its gross receipts for a calendar quarter in 2020 are less than 50 percent of its gross receipts in the same quarter in 2019. The decline ends after the employer's gross receipts for a quarter in 2020 are greater than 80 percent of its gross receipts in the same quarter in 2019.

- For 2021, the CAA changed the significant decline in gross receipts to a drop of at least 20 percent in gross receipts when compared with the same calendar quarter in 2019 (or employers can choose to use the immediately preceding quarter as compared to that same quarter in 2019).

- The ERTC is based on the qualified wages paid to employees, plus related allocable qualified health plan expenses, during the employer's period of economic hardship.

    - For 2020, employers averaging 100 or fewer full-time employees (working at least 30 hours per week) in 2019 can take the credit on all qualifying wages and health plan expenses paid to all employees during the economic hardship, whether or not the employees were performing services during this time. However, employers with more than 100 full-time employees in 2019 can only claim the credit on wages and health plan expenses for employees while not performing services during the employer's economic hardship, such as when they are laid-off, furloughed or for paid time off.

- For 2021, this limit goes up to 500 or fewer instead of 100 or fewer.

- Health plan expenses include employer and employee pretax contributions for group medical, dental and vision coverage, plus contributions to health reimbursement arrangements (HRAs) and health flexible spending accounts (FSAs). On May 7, 2020, the IRS decided that health plan expenses could qualify for the credit even if the employees received no wages (such as while laid-off or furloughed).

- The ERTC is 50 percent of wages paid between March 13, 2020 and December 31, 2020 (including qualified health plan expenses), and is limited to $5,000 per employee (50% of wages and health plan expenses of up to $10,000) for 2020.

- For calendar quarters beginning on or after January 1, 2021, the credit is 70 percent of qualified wages (including qualified health plan expenses) paid up to $10,000 per employee per quarter, with a maximum credit of up to $7,000 per employee, per quarter.

  - The calculation of the ERTC amount is impacted if the employer also claims other credits such as the FFCRA paid sick leave or paid family leave credits, the section 45S family and medical leave credit or the section 51 work opportunity credit, and any wages used for the employee retention credit cannot also be used for PPP loan forgiveness.

For the latest updates, visit **adp.com/eyeonwashington**.

For more information on the Employee Retention Tax Credit, please see the complete list of **Frequently Asked Questions regarding the CARES Act Employee Retention Credit**.

New IRS Guidance on the Employee Retention Credit

New Guidance Regarding American Rescue Plan Act Sick Family Leave Tax Credit

Rapid change in the global regulatory environment

Worldwide, legislative changes in response to COVID-19 are impacting businesses on a rapidly-changing basis. The first wave of legislation that focused on providing immediate relief to employees and businesses is being updated to further refine and address issues that arose from rapid development. At the same time, new legislation is being released to address some of the longer term effects of business shutdowns and economic uncertainty. While some businesses are beginning to plan for returning to the workplace, they are doing so with extreme caution. Countries and local economies are at different phases of the global health event. This presents unique challenges for multinational businesses.

Marcela Uribe, VP and Assistant General Counsel for ESI, said, "Multinational businesses must be very attuned to local counsel for direction at this time." With legislation evolving so rapidly, and plans for things like reopening certain cities and regions being canceled, moved or changed on a day-to-day basis, the best source of guidance is local counsel in the areas where a business operates. Clients of ADP have the benefit of information from **ADP's network of experts in the 140 countries** where we do business, including partner expertise from our Streamline and Celergo partners. ADP's legislative compliance team maintains a detailed knowledge of global payroll legislation and ensures that changes are incorporated into our products.

Uribe also pointed out that countries are facing different issues on different timelines. In Asia, for example, issues in the forefront right now are contact tracing apps and procedures around physically returning to the office. The European Union is a bit behind that timeline, and starting to look at what a return to the office will be like in different regions and for different businesses. Contract tracing apps are likely to be subject to greater scrutiny and debate in the EU for data privacy reasons.

According to Phillip Russell, Communications Director, ESI, "A lot of the changes we're seeing are around government support and how to best support employees in different countries." For example, some countries such as Austria and the Czech Republic are beginning to get back to normal business operations, but there are likely to be further changes coming. "In the majority of countries, there are likely to be budgetary gaps based on the COVID-related shutdowns, and the payroll changes will be ongoing," Russell said.

As global organizations determine how to address continued business impact from COVID-19, ADP has been delivering timely legislative updates and guidance on payroll changes in all of the countries in which our clients operate. In addition to client portals, regular communications have been going out to multi-country payroll clients with information on ADP's COVID-19 resources and business resiliency plans.

Right now, one of the biggest concerns across the globe is how businesses are going to recover, and how they can adapt to do so. Stability and compliance are key factors in business resiliency. We understand the importance of our business resiliency and commitment to compliance for our clients and partners globally and will be here to support them through this next phase.

Managing and activating people in the new world of work

As the global health event continues to change our world of work, workers are finding themselves in flux and organizations must navigate new challenges to acquire, manage, and activate their workforces. Leaders must balance the interests of customers, the well-being of their staff, and operational and financial hurdles. Employee engagement and productivity, however, should remain top-of-mind.

For detailed crisis leadership and communications steps – immediate, near future and long-term — see How Work is Changing and How Leaders Must Change With It

Supporting your team while they work remote

With the widespread shift to remote work, HR leaders can make a positive impact on employee engagement and productivity by supporting employees as they adapt to working from home.

1 **Be aware of stress rippling through your organization**
Promoting positive mental health in a work environment often starts with acknowledging the challenges.

2 **Assess productivity expectations**
Don't be afraid to tackle conversations about expectations, workload and productivity right now. Look for strategies to help employees get their work accomplished, for example, flexible deadlines or increased use of technology for basic or repetitive tasks.

3 **Recognize that employees are dealing with different issues**
Employees may have additional stressors at home, with children homeschooling or sick loved ones.

4 **Foster connection**
One of the biggest challenges is coping with the lack of social interaction. Find creative ways to foster connection, using video conferencing, messaging applications and collaboration software.

5 **Communicate about health benefits**
Sending out a newsletter to remind employees of their coverage and providing links to telehealth services can help people get needed support.

For additional insight into leading your workforce through times of change, see Mental Wellness Support From a Surprising Source: Why and How to Prioritize Mental Health at Work

How successful is your communications strategy?

We haven't seen a demonstration of the importance of consistent, reliable communication like we did in the months immediately following COVID-19. People across the globe looked to news, government and employer sources for guidance on everything from health and safety to finances. Employers who were able to provide reassurance and practical guidance to their employees gained significant trust and may be better equipped to weather the changes to come, through increased employee engagement and communication.

For resources to share with your employees on COVID-19 and returning to the workplace, please see our **Employee Communications Toolkit**.

❚❚ ADP has helped by providing the ability to use configurations to easily upload new articles, company information, links to legislation information, etc., so all of our employees can access it while working remotely. **❚❚**

—**Christina Pasquarelli**, paralegal, Direct Holdings Global

Driving productivity with gig workers

Independent workers allow companies to adapt quickly to changing business environments.

The right talent and skills, when you need it

Maybe you need a skilled writer, blogger or technician to move a project forward or be on the ground in a specific geographic market. Many businesses have needed to find talent locally due to travel restrictions. By using independent workers, you can respond to changing demands for specific skills, experience or expertise, when and where you need them.

Productivity on-demand

Gig workers are faster to onboard than employees and are available on-demand. They can execute short-term tasks and projects to meet specific, immediate needs. Companies that adapt to working with distributed workforces and to the growth in gig workers will have the most agile and resilient workforce and will be best positioned to succeed in our new economy.

For legislative impact business owners and self-employed individuals, see:
CARES ACT AND FFCRA: Impact on Independent Contractors, Self-Employed Individuals, and Sole Proprietors

Return-to-workplace readiness assessment

Consider the following return-to-workplace best practices to determine additional steps your organization may need to take as you resume operations.

1 **Has your organization created a plan to bring employees safely back into the workplace, including updated workforce management practices?**

2 **Do you have the ability to segment employee data according to reopening phases and conditions?**

3 **Are you able to stagger or adjust employee schedules to minimize possible exposure to COVID-19?**

4 **Have you identified a means to comply with ongoing regulatory guidance, especially the vaccine mandate?**

5 **Do your return-to-workplace communications to employees include updated policies and procedures, upcoming training and safety reassurances?**

6 **Are you able to send employee communications through a mobile app, including invitations to work, information about new policies, and health and safety updates, in real time?**

7 **Is your organization able to track and trace employee health and wellness, including possible exposure to COVID-19?**

8 **Has your organization implemented touchless technology where possible, such as on time clocks, to minimize exposure?**

9 **Are you able to trace and monitor employee exposure in the workplace in real time?**

10 **Are you able to monitor impacted locations and remove them from schedules for cleaning if needed?**

11 **Do you have data insights to monitor impacts on employees, locations and operations to improve decision-making??**

Conclusion

We hope you have found useful information to help you respond to recent legislative changes and operational and employee challenges as your organization resumes business.

- ❯ Stay connected: Sign up for any of the **SPARK newsletters including the real-time Eye on Washington regulatory and compliance alert.**

- ❯ Be on the lookout for the next **ADP hosted event**.

- ❯ Find more information on how **ADP can help** navigate the next stages or your return to work.

- ❯ Stay informed about the latest **COVID-19** updates and **vaccine** mandate updates.

- ❯ Reach out to your local ADP Representative for more information.

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