

# DHR SPRING FORUM

Thursday, May 14, 2020

2:00 p.m. – 5:00 p.m. / Virtual Via Zoom



2:00 p.m. – 2:15 p.m.	<b>Welcome</b> Susan E. Buxton, Esq., <i>DHR Administrator</i>
2:15 p.m. – 2:30 p.m.	<b>Office of Group Insurance Updates</b> Danielle Chhabra, <i>Office of Group Insurance</i>
2:30 p.m. – 2:45 p.m.	<b>Common Unemployment Insurance Questions &amp; Answers</b> Josh McKenna, <i>Unemployment Insurance Benefits Bureau Chief</i>
2:45 p.m. – 3:00 p.m.	<b>Idaho's Families First Act (Paid Parental Leave) Policy Overview</b> Janelle White, <i>DHR Policy Bureau Chief</i>
3:00 p.m. – 3:30 p.m.	<b>Hiring Trends Pre- and Post-COVID &amp; Recruitment Strategies</b> Paul Raspudic, <i>NeoGov Strategic Account Director</i> Bob Oglesby, <i>NeoGov Strategic Advisor</i>
3:30 p.m. – 3:45 p.m.	<b>Break</b>
3:45 p.m. – 4:00 p.m.	<b>Managing Stress Related to COVID-19</b> Ross Edmunds, <i>DHW Behavioral Health Administrator</i>
4:00 p.m. – 4:15 p.m.	<b>Idaho Rebounds: Phase-In Guidance for the State Workforce</b> Susan E. Buxton, Esq., <i>DHR Administrator</i>
4:15 p.m. – 5:00 p.m.	<b>Legal Considerations for Employees Returning to the Workplace</b> Leslie Hayes, Esq., <i>Deputy Attorney General</i>

Registration for the forum should be completed by **May 12 at 5 p.m.** Click here to register:  
<https://forms.gle/aK6vH1Ybc7CP4HH77>.

Once registration has closed, you will receive a Zoom meeting invitation closer to the event.



# Families First Act (Paid Parental Leave)

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JANELLE WHITE,  
DHR BUREAU CHIEF  
MAY 14, 2020



# Overview

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Governor Little's Executive Order

Executive Branch Agencies

Policy Overview

Questions and Answers

# Governor Little's Executive Order

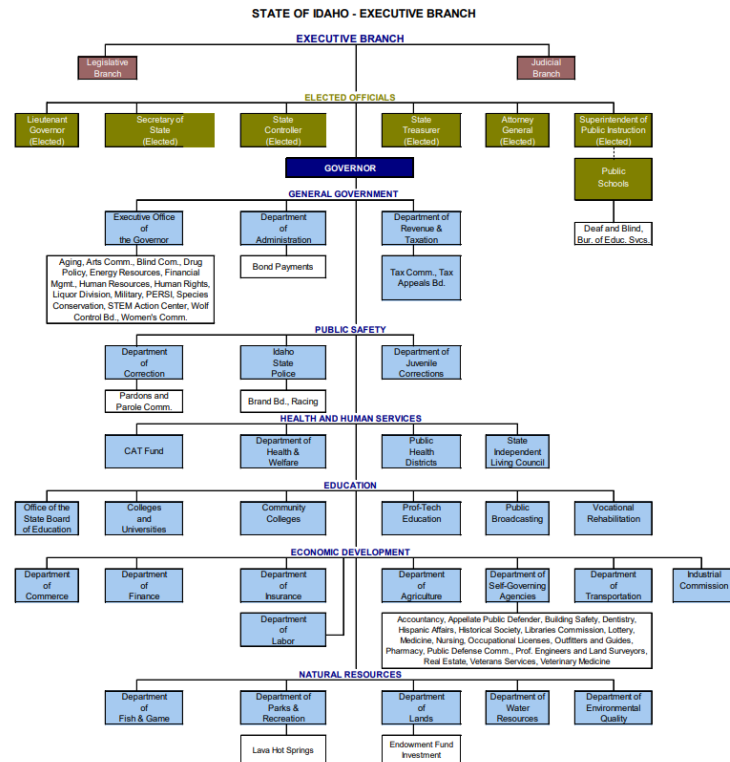
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## Executive Order 2020-003: Families First Act

- Signed into law January 22, 2020
- Effective July 1, 2020
- Encourages and fosters strong families as the bedrock of our society and states that bonding between parents and children is an essential part of establishing deep connections;
- Establishes a goal of retaining an effective workforce by making it possible for families to spend as much time as possible with newborn or adopted children in the weeks immediately after they come into the family;
- States that leaders and managers should encourage flexibility to the extent possible with mothers and fathers returning to the workforce as the birth or adoption of a child;
- Provides State of Idaho Executive Branch entities to offer eight weeks of paid parental leave to eligible employees after the birth or adoption of a child; and,
- Encourages other state elected officials, independent commissions, legislature and judiciary to adopt comparable policies for their employees.



# State of Idaho – Executive Branch



Visit: [https://dfm.idaho.gov/citizens/exec\\_org\\_chart.pdf](https://dfm.idaho.gov/citizens/exec_org_chart.pdf) for an organization chart showing agencies that are in the Executive Branch.

# Policy Overview

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- General Information
  - Effective July 1, 2020
  - Provides 8 weeks of paid parental leave due to the birth of adoption of a child (including surrogacy)
  - Runs concurrently with FMLA
- Eligibility Criteria
  - Be a new parent by childbirth; OR
  - Be a new adoptive parent of a child under the age of 18; OR
  - Be a parent of a child born by a surrogate mothers; OR
  - Be an individual seeking to adopt a child after the birth of that child, but the adoption has not yet been finalized.
  - AND
  - Have been employed with the State of Idaho for at least 12 months during the past 7 years; AND
  - Have worked at least 1,250 hours during the 12 consecutive months immediately preceding the date of the birth or adoption; AND
  - Be a benefit-eligible employee (work more than 20 hours per week and be expected to work more than 5 months);



# Policy Overview

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- Use and Compensation of Leave
  - Eligible employees will receive a maximum of eight weeks in a rolling 12-month period.
  - Multiple births or adoptions within 12 months do not increase the amount of paid parental leave.
  - Employees may use the 8 weeks continuously or as a pre-defined reduced work schedule as long as it is used within 12 weeks of the birth or adoption of the child. Employees may not use paid parental leave intermittently unless approved by their agency. If approved to use intermittently, must be used within 12 weeks.
  - Compensated at 100% of the employee's salary at the time of the leave.
  - Benefits are maintained during leave and employees will accrue CSS hours.
  - Leave may not be donated to another state employee.
  - Paid parental leave may not be utilized if it will result in an excess of the employee's normally scheduled workweek.

# Policy Overview

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- Request and Approval to Use Paid Parental Leave
  - Employees must provide at least 30 days' notice prior to taking leave, when foreseeable.
  - Notice shall include start/end date and legal documentation of the birth or adoption within 30 days of the birth or adoption or as soon as it becomes available.
  - Agency shall provide a determination to the employee regarding their request to use leave within 5 business days.
- Use in Conjunction with Other Leave Types
  - Paid parental leave shall run concurrently with FMLA.
  - Employees may use other accrued leave in conjunction with paid parental leave. Also, runs concurrent with FMLA.
  - Employees should contact OGI regarding short-term disability eligibility.



# Policy Overview

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- Effect of Separation on Leave
  - Upon separation of an employee's employment with the state, they will not be paid for unused paid parental leave.
  - If an employee transfers to another state agency, the employee will be eligible to use the remaining hours available to them at their new agency.
- Tracking and Reporting
  - Agencies are responsible for reviewing employee requests for paid parental leave, determining eligibility, requesting necessary documentation, approving/denying requests, tracking use and filing necessary documentation in the employee's medical file.

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Questions?



# IDAHO HR FORUM

Hiring Trends Pre/Post-COVID  
&  
Recruitment Strategies



**PAUL RASPUDIC**

*Strategic Account Director*



**BOB OGLESBY**

*Strategic Advisor*

# Agenda

**Introductions and What's Going on Today**

**Pre-COVID Trends (Hiring and Data)**

**COVID Trends (Data and Survey)**

**Post-COVID**

**Takeaways**

**Q&A**





# **Introductions And What's Going on Today**

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# NEOGOV Team

**Paul Raspudic**  
State Account Director



**Bob Oglesby**  
Strategic Advisor

A circular infographic titled "About NEOGOV" with a classical building icon at the top. The infographic lists statistics and features logos of various government agencies. The statistics are: 20 Years of Government Focus, Agencies with 30-150K Employees, 20 States, 1225 Local Government Agencies, and 341 Special Districts. Logos include: County of Orange, County of Santa Clara, County of Santa Barbara, County of Santa Cruz, County of San Diego, County of San Francisco, County of San Mateo, County of Stanislaus, County of Sonoma, County of Solano, County of Yuba, City of Dallas, Hennepin, TEA, Fairfield, Seattle Community Colleges, and others.

**About NEOGOV**

- 20 Years of Government Focus
- Agencies with 30-150K Employees
- 20 States
- 1225 Local Government Agencies
- 341 Special Districts

# What's Going on Today

## Primary Focus

**Keeping employees healthy!**

## Understanding

**Being prepared for a remote workforce and internal customers**

**Policies**

**Technology**

**Processes**

## Implications

**Improvement of services, delivery speed, and performance**

**Remote work will continue**

**Acceleration of digital transformation**

**Increase of data-driven decision-making**





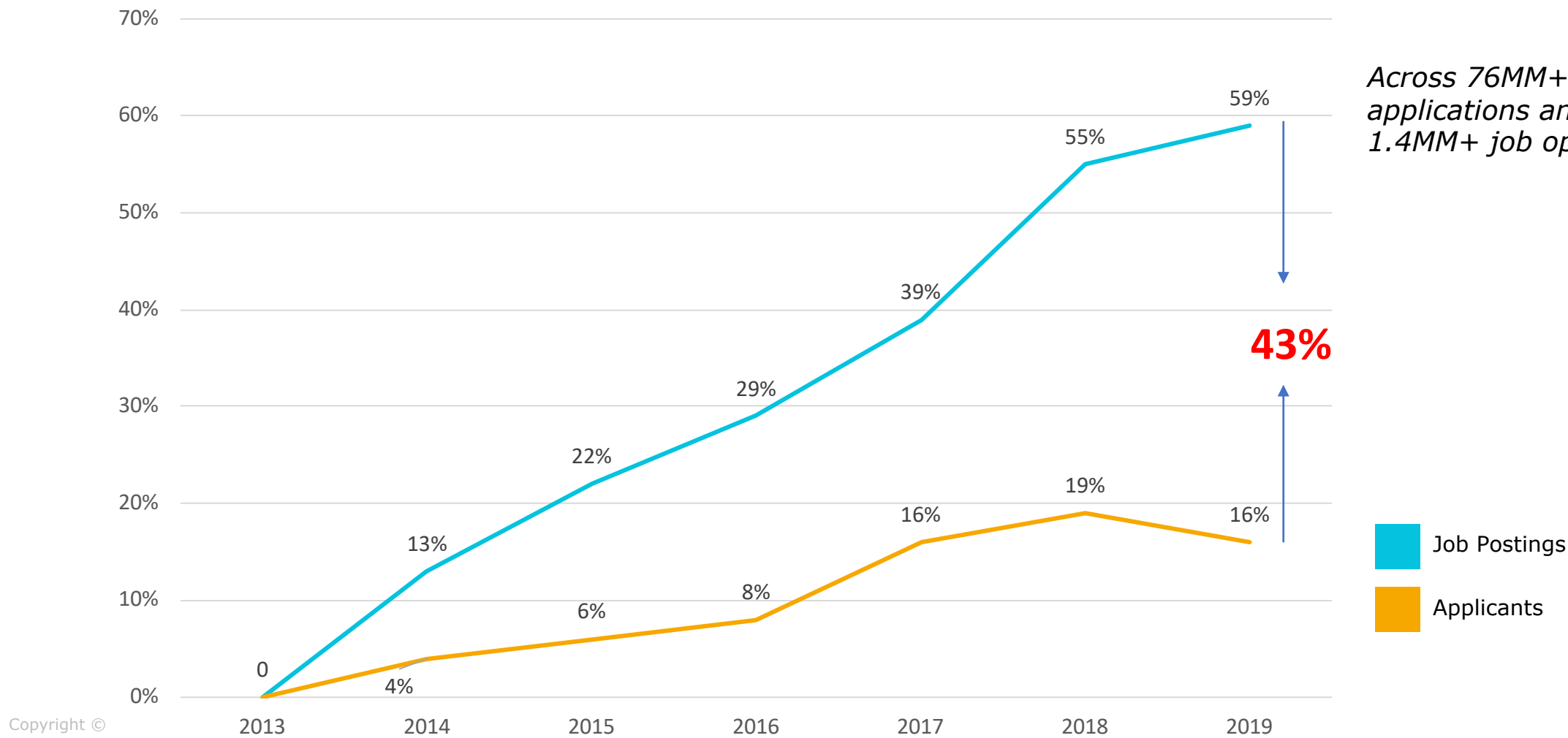
# Pre-COVID Trends

#NEOGOVCONNECT

# Talent Gap – (Pre-COVID)

Local and State Workforce: % Change in Job Postings vs. Job Applicants **2013 - 2019**

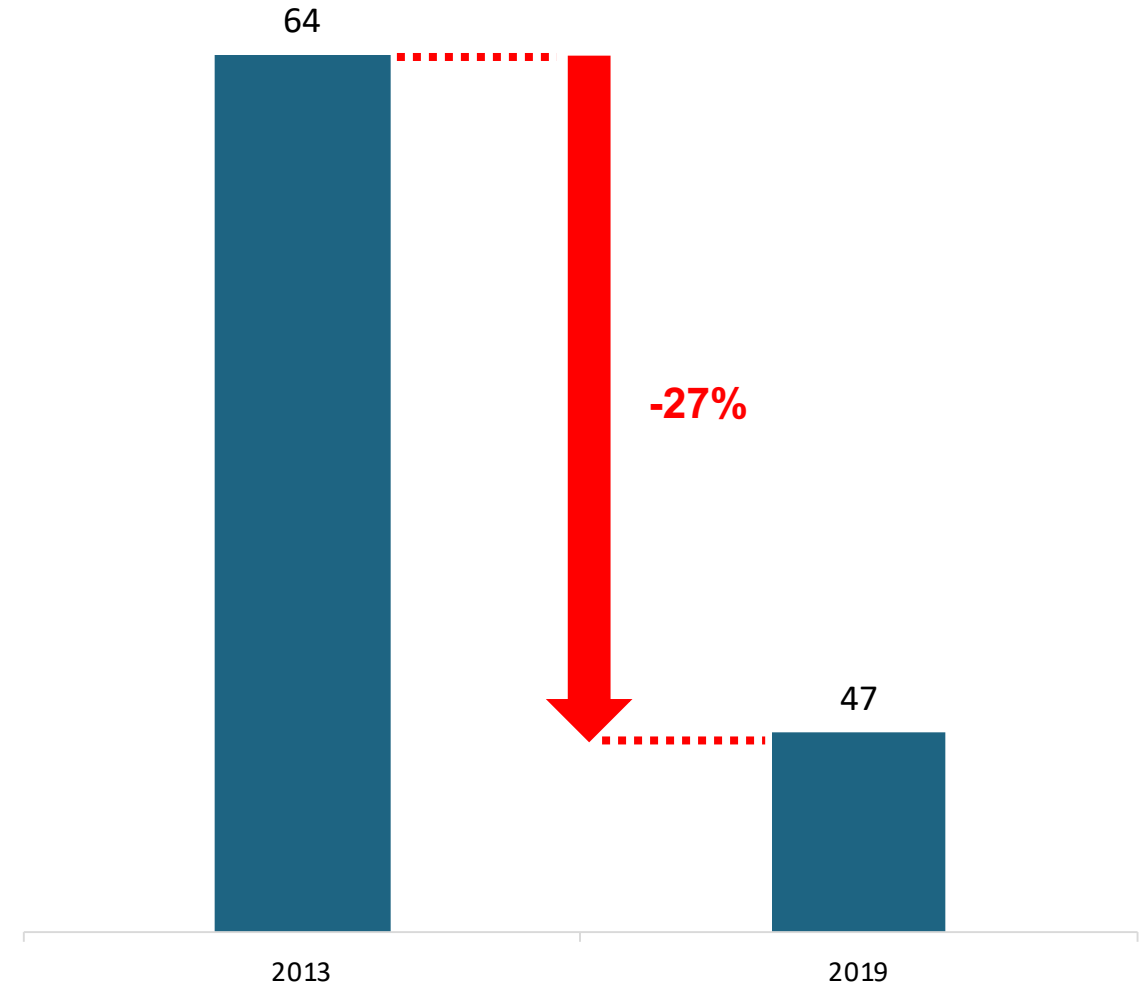
Across 76MM+ applications and 1.4MM+ job openings.



# Applications per Job

*Local and State Workforce: Drop in # of applications for every job posted **2013 & 2019***

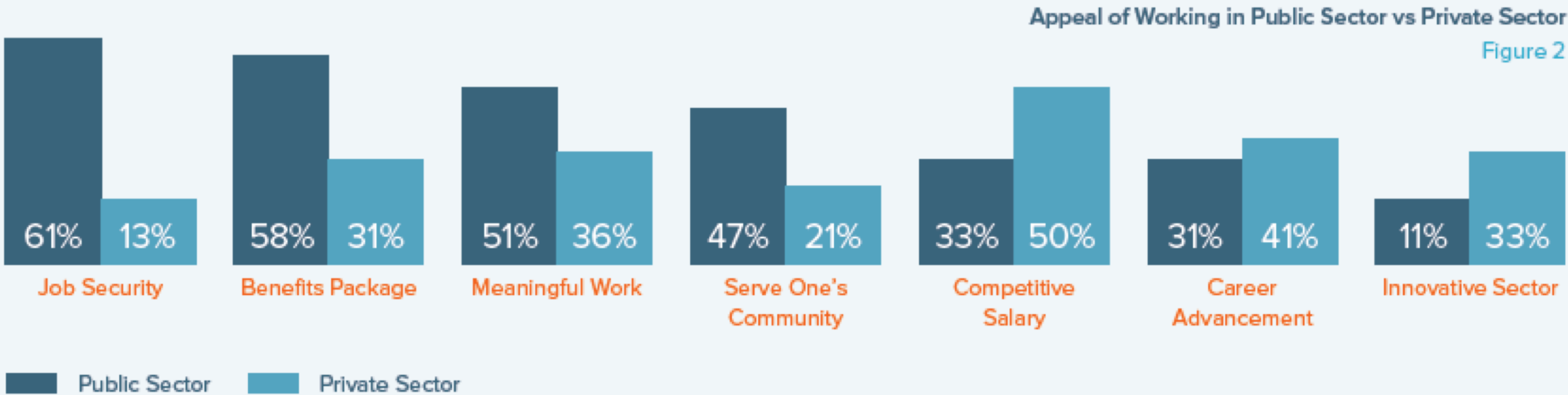
*Across 21MM+ applications and 403K+ job openings - the number of applications per job has dropped 27% over the last 7 years.*



# Appeal of Working in the Public Sector

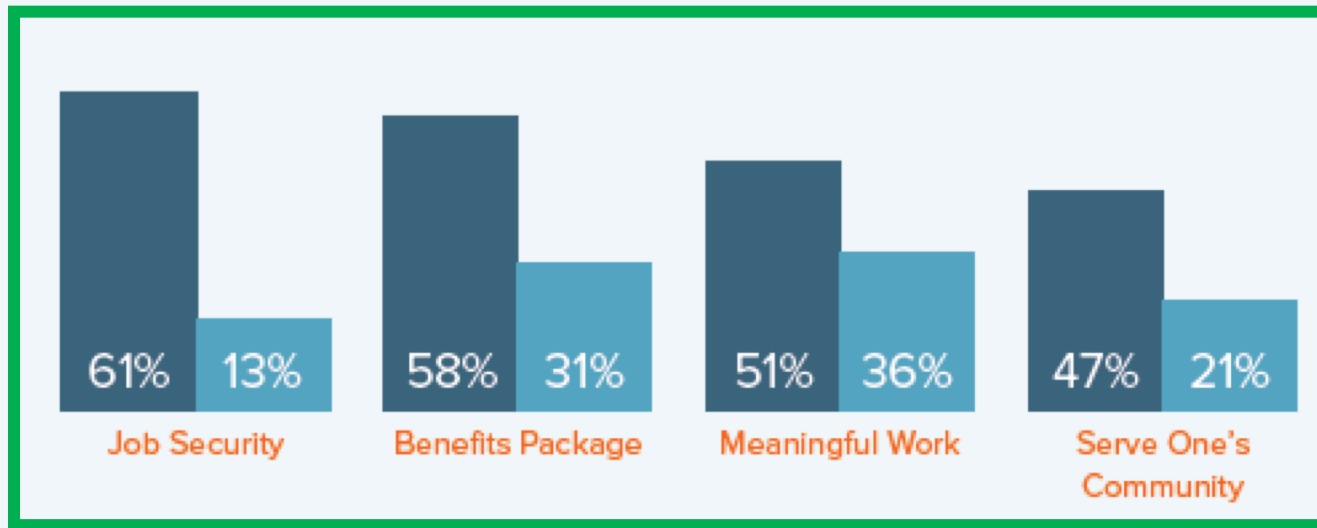
Promote value propositions based on what applicants find attractive about the public sector

**Q** **Survey Question:** What do you find attractive about working in the public sector (local, state, federal government) and private sector? (Select all that apply)



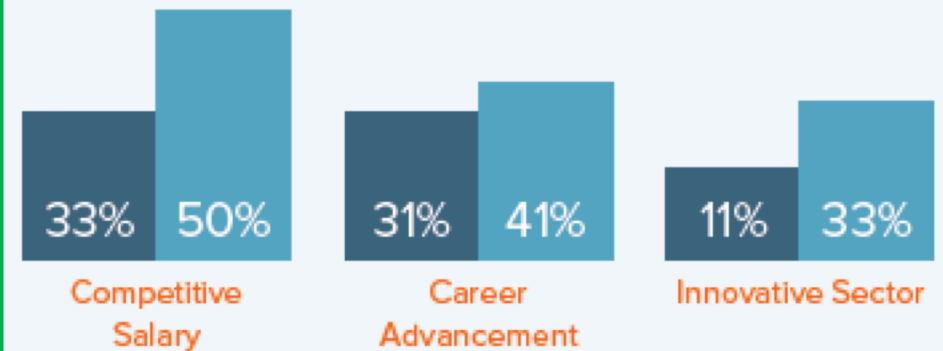
# Appeal of Working in the Public Sector

Public sector job seekers are motivated by Job Security, Benefits, Meaningful Work, and Serving the Community



Appeal of Working in Public Sector vs Private Sector

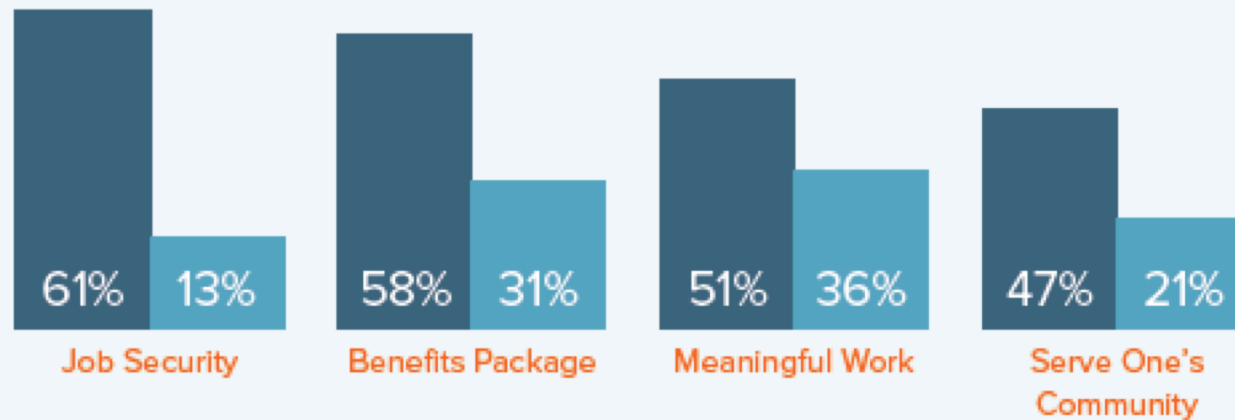
Figure 2



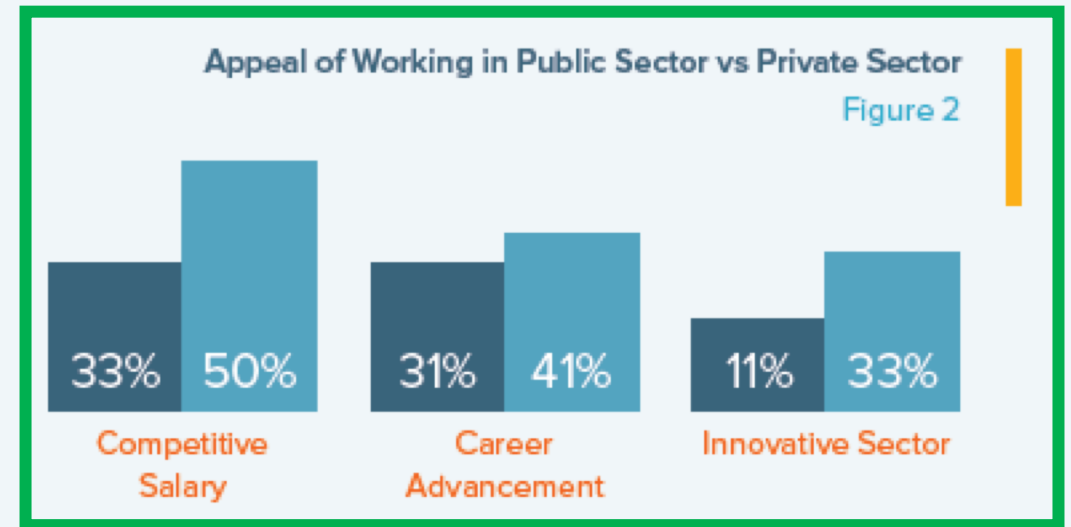
Public Sector Private Sector

# Appeal of Working in the Public Sector

Private Sector job seekers are motivated by Salary and Career Advancement

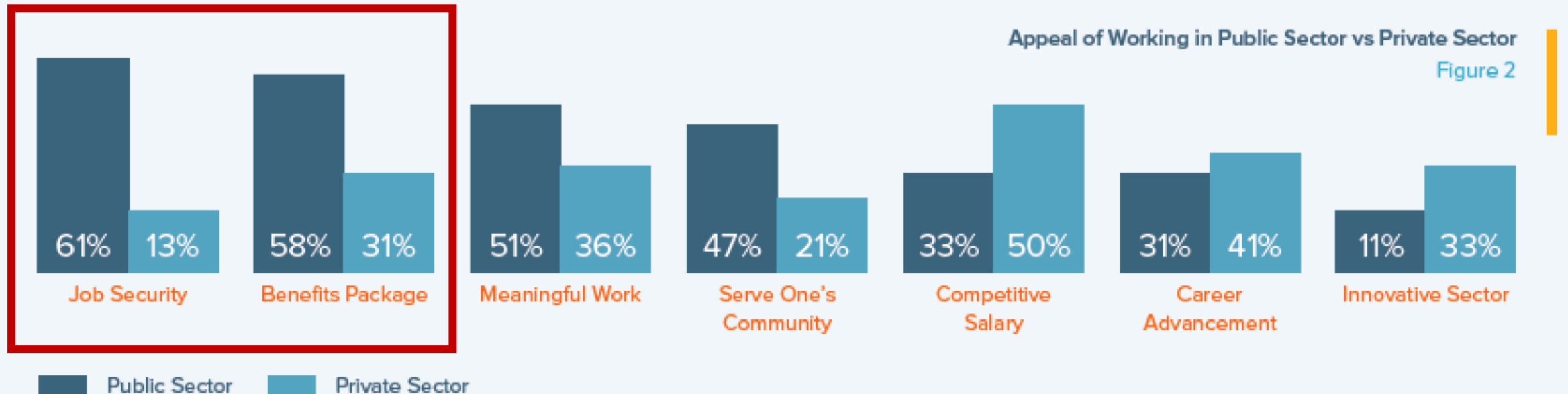


Public Sector Private Sector



# Appeal of Working in the Public Sector

Job Security and Benefits becoming less attractive



# Appeal of Working in the Public Sector

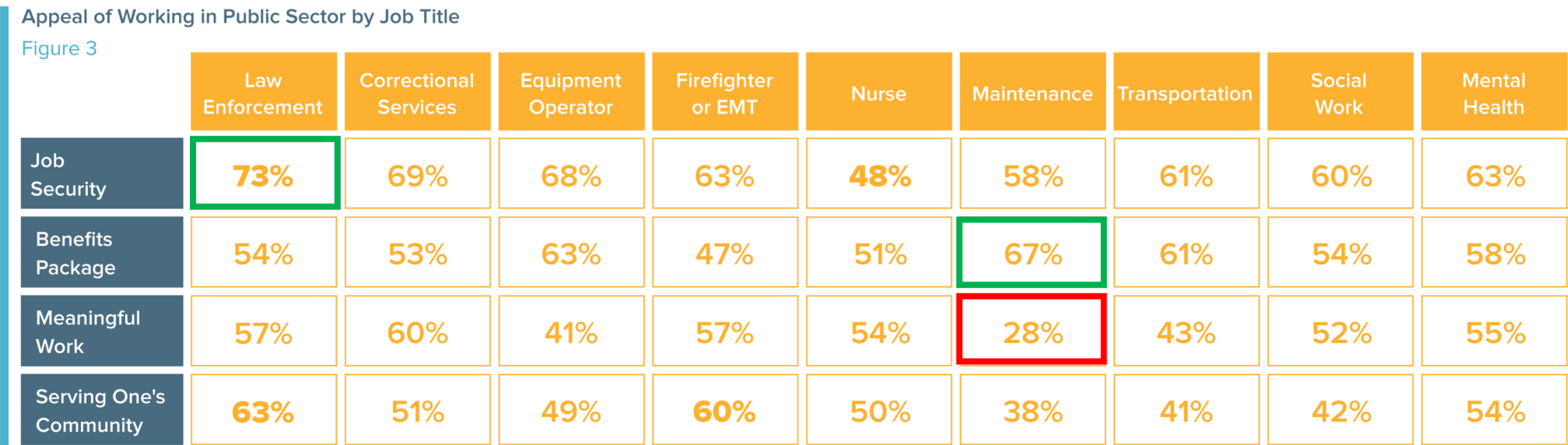
Career Advancement can align with a pragmatic approach in both sectors





# Modernize Job Descriptions

*When modernizing job descriptions, make sure to include the top motivators for applicants looking for that specific job.*



Top motivators, select job titles. Respondents select all that apply. Sample size varies by job category.  
n=2871

# Rewriting Job Descriptions



## Agency-Focused Job Description

**Nurse Practitioner I**  
**Department of Mental Health, State Agency**

**JOB RESPONSIBILITIES**

The department of Mental Health is a **drug-free workplace**. All candidates will be **required to pass a mandatory pre-employment drug test**.

**JOB PURPOSE**

**Under clinical supervision** of Medical Director, provides direct patient care and evaluations (PMA’s, etc.) within the scope of Nurse Practitioner authority, coordinate care, supervise treatment team and provide direct supervision where applicable.



## Job Seeker-Focused Job Description

**Nurse Practitioner I**  
**Department of Mental Health, State Agency**

**JOB DESCRIPTION**

Want to do **meaningful work** that has a **real impact on the community**? Please come join the **very tenured** Nurses at the Department of Mental Health. Our mission is to **service those who aren’t being served** which not only **benefits the community** greatly but also delivers a **great benefit** package to you! It’s a win-win for everyone. Our Nurses average **tenure is over 10 years** which allows for consistent service to those in need. Under the supervision of talented professionals, you will provide direct patient care and evaluations, coordinate critical care and provide supervision of treatment and team members. We would be **honored** to have you join our team.

**CAREER ADVANCEMENT**

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Whether you are joining our team for three years or twenty, you will have the **opportunity to grow your career with us**. We offer training courses and work diligently with our team members to enhance their skill sets to progress their careers.

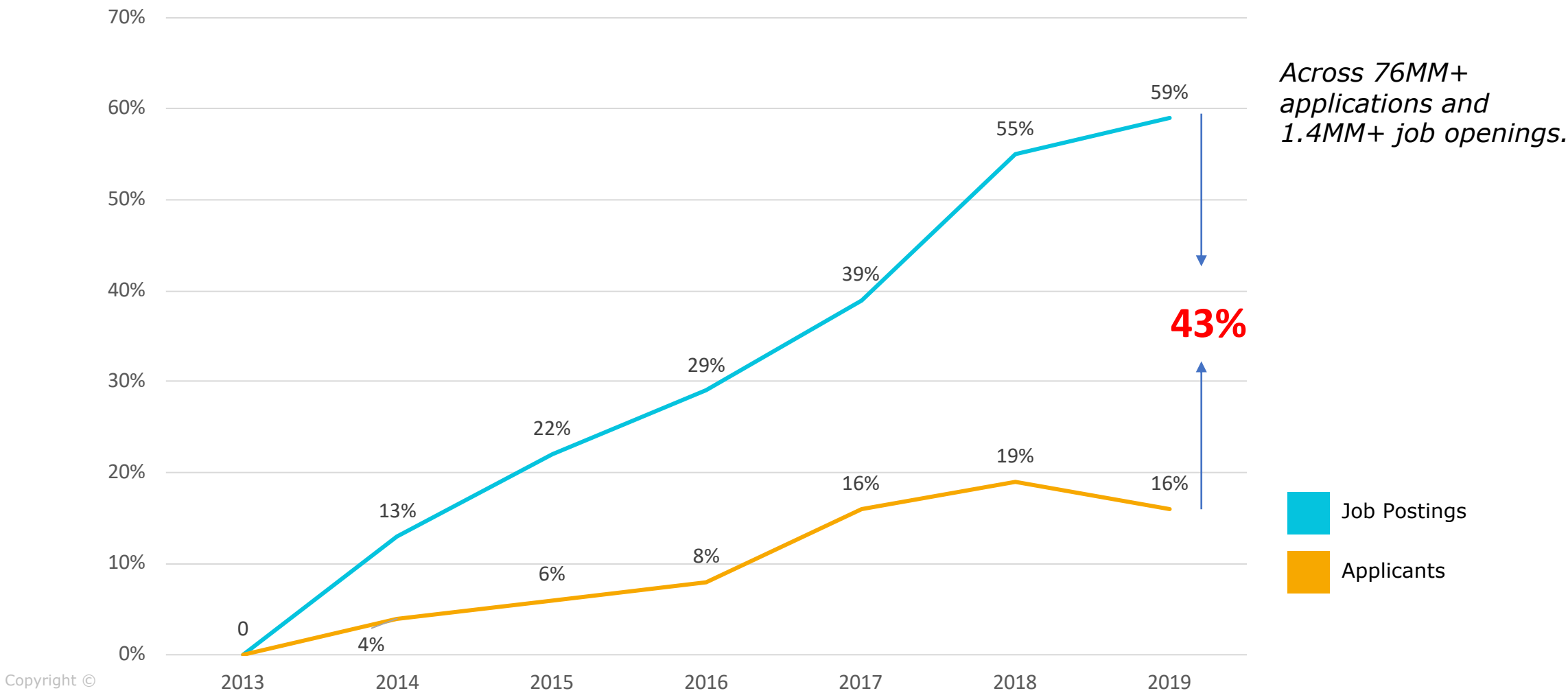


# COVID Trends

#NEOGOVCONNECT

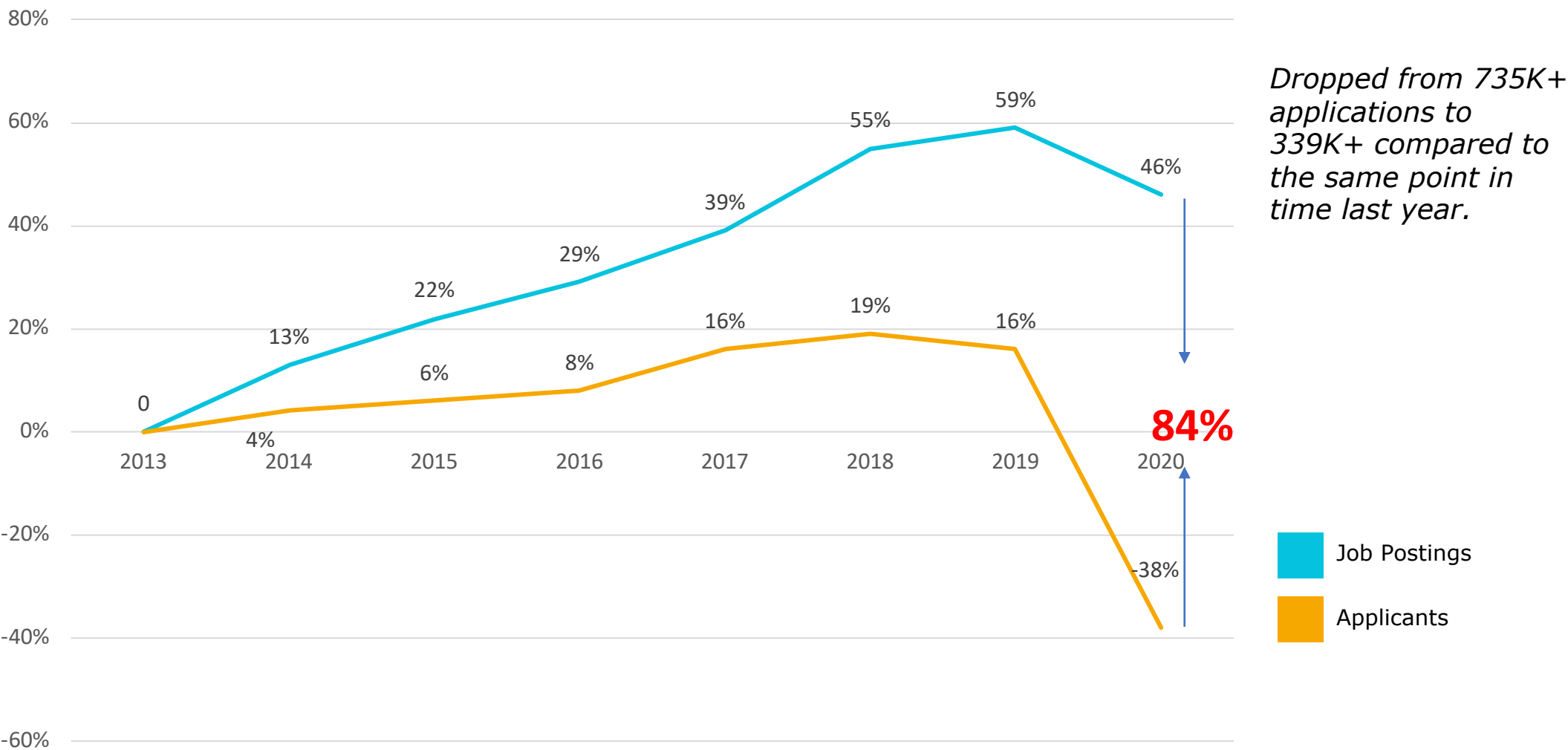
# Talent Gap – (Pre-COVID)

Local and State Workforce: % Change in Job Postings vs. Job Applicants **2013 - 2019**



# Talent Gap 2020

Local and State Workforce: % Change in Job Postings vs. Job Applicants **April 2020**

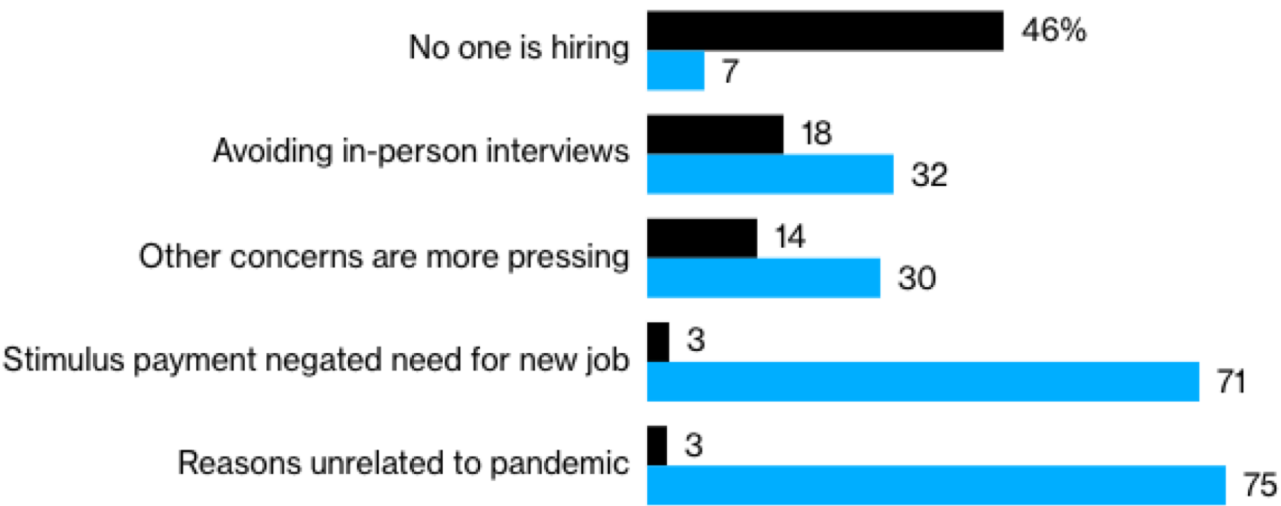


# Why Have Applicants Stopped Applying?

## Losing Faith

Public-sector jobs are available, but fear is keeping applicants away

■ Survey results: Strongly agree ■ Strongly disagree



*Almost 95% of people said they are looking for a new job, and about half said their employment status changed because of the coronavirus. But 40% said they'd recently slowed down or stopped their search, with most citing the fact that organizations aren't hiring.*

Source: Neogov Inc. survey of 7,920 people with profiles on governmentjobs.com (April 2020)





# Post-COVID

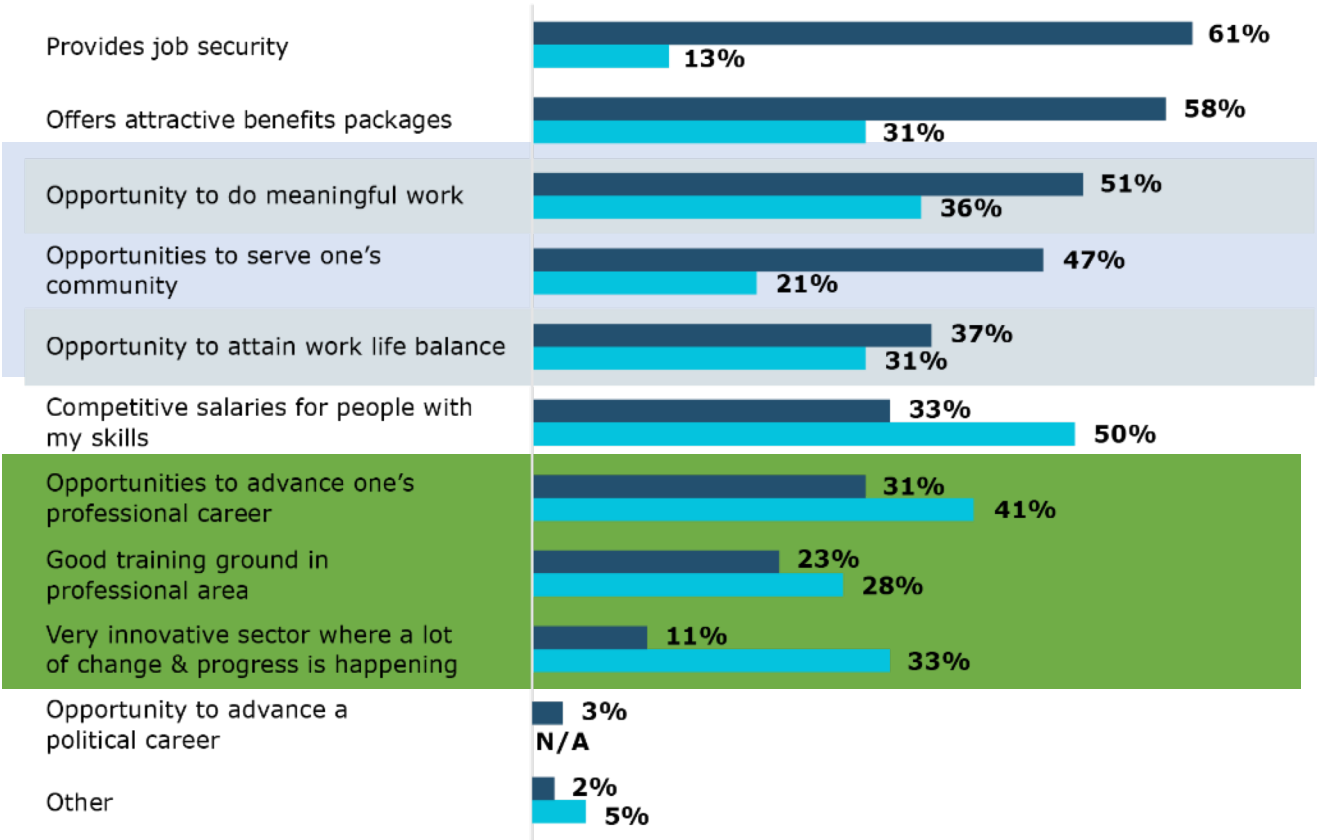
#NEOGOVCONNECT

# Build your Brand – Post-COVID

*How can states make the work more appealing to today's talent?*

**Survey Question:**

*What do you find attractive about working in the public sector (local, state, federal government)? (Select all that apply)*



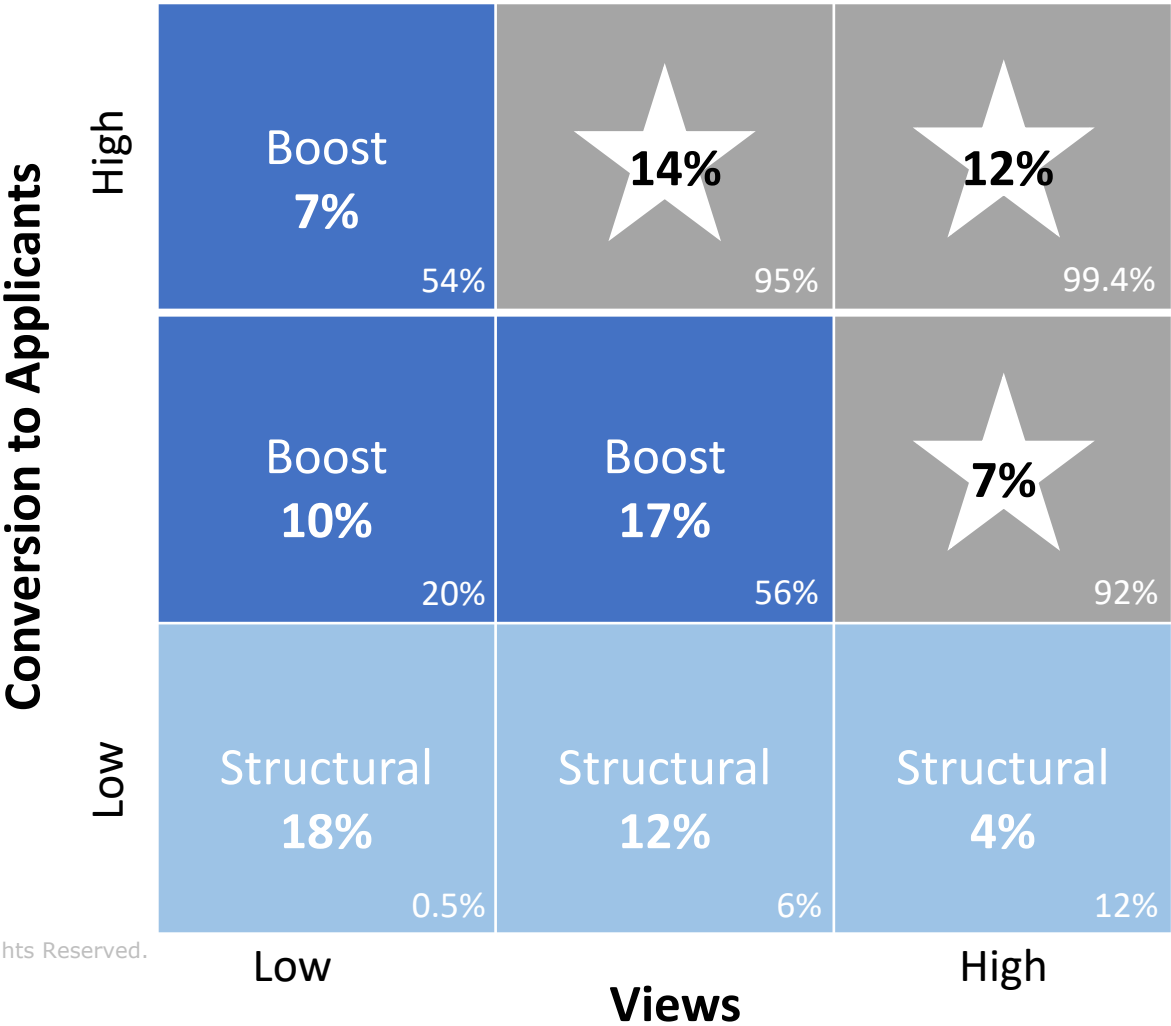
Public Sector  
Job Applicants

Private Sector  
Job Applicants

Base: Applied for Jobs Public  
Sector n=2,871, Private  
Sector n=1,246



# Job Structure Strategy (All Customers)



Number in center of box indicates the percentage of jobs that fall within that category.

Number in lower right corner indicates target hit percentage is based on jobs that were open between 14 and 90 days.

# Recruitment Marketing Study Learnings

## **Boosting (advertising) Jobs Valid with Certain Circumstances**

**Valuable when an appealing job is available (high conversion), but views of the posting are low**

## **Rewriting has a 10-15% Impact on Conversion**

**Extremely low conversion jobs won't see application increases with wording changes**

## **Actions going Forward**

**Taking action on jobs should be dictated by a combination of job appeal and job seeker awareness**



# Takeaways

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# Hiring

## Recruiting

### **New Normal**

**Think about what the new normal will look like for your agencies (remote work & required skillsets)**

### **Leveraging Data**

**How will you utilize information in decision-making around candidate attraction and role needs**

## Onboarding

### **Meeting Expectations**

**When you attract candidates around certain messaging, fulfilling those promises will be crucial in managing new employees through their first year with your agency**

### **Employee Experience and Culture**

**Branding and creating identity for your agency helps new hires connect themselves as members of your teams and workforce**

# Development

## Performance

### Continuing Expectations

**With the new normal of an increased remote workforce as a possibility, managing the 1:1 relationship between managers and employees is crucial**

### KSAs/KPIS

**Communicating and reinforcing measurables for employees, especially in relation to expectations set during the hiring cycle, will ensure your workforce understands needed of them and how to perform**

## Training

### Career Advancement

**Candidates looking for jobs in both private and public sector organizations are highly motivated by career path opportunities. Continuously providing resources and avenues for your employees to leverage available training is not only a means of attraction, but retention as well**

# Action Steps

## Focus on Attracting Talent

**Update your brand to become more attractive to job seekers**

**Expand Reach**

**Address unappealing positions**

## Prioritize Employees

**Leverage technology and automation**

**Manage culture and branding**

**Increase employee engagement**

## Improve Employee Development

**Better understand needed skills**

**Offer high quality training in-person and remote**

**Use Performance Management to set expectations and manage employee development**



A woman with curly hair, wearing a light-colored top and a dark skirt, is smiling and holding a small object in her hand. She is standing in front of a whiteboard that has a line graph drawn on it. The graph has a vertical axis with numbers 50, 75, and 100, and a horizontal axis. A red line is drawn on the graph, starting at the bottom left and curving upwards towards the top right. There are some other numbers and markings on the graph, including '45' and '88'. In the foreground, the backs of several people's heads are visible, suggesting a meeting or presentation setting. The entire image has a warm, orange-toned overlay.

*Thank You*

**QUESTIONS?**

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# Idaho Rebounds: Phase-In Guidance for the State Workforce

Susan E. Buxton, Esq., DHR Administrator

May 14, 2020







# Idaho's Four Stages

- Governor Little has outlined the following four stages for Idaho's reopening:
  - Stage 1: May 1 - May 15
  - Stage 2: May 16 - May 29
  - Stage 3: May 30 – June 12
  - Stage 4: June 13 – June 26
  - Progression through these stages is dependent upon a downward trend or low levels of documented COVID-19 cases reported within each 14-day window.
-

# Continuation of Telework



- Stages 1-3 (May 1 – June 12) encourage employees to continue to telework as much as possible.
- Stage 4 (June 13) allows employers to resume unrestricted staffing of worksites with physical distancing, personal protections and sanitation for protection of workers. Special accommodations for employees who are considered vulnerable should be made in the workplace.

# Impact of Reopening Plan on State Agencies

- DHR has identified the following goals in reopening State of Idaho agencies:
  - Protecting Employees
  - Maintaining Healthy Business Operations
  - Maintaining a Healthy Work Environment
  - Taking Personal Responsibility to Ensure Success of Reopening



# Protecting Employees

- Actively encourage sick employees to stay home
- Conduct a thorough hazard assessment to determine how employees may be exposed while at work
- Separate sick employees from the workplace (consult with HR/DHR/legal)
- Take action if an employee is suspected or confirmed to have COVID-19
- Educate employees on steps to take to protect themselves
- Conduct employee health screenings, as appropriate (follow guidance from DHR and EEOC)
- Provide personal protective equipment (PPE), such as cloth face coverings
- Assess the physical arrangement of workstations
- Return employees to the worksite using a measured approach



# Maintaining Healthy Business Operations

- Communicate workplace policies clearly, frequently and via multiple methods
  - Protect employees at higher risk for severe illness through supportive policies and practices
  - Determine how you will operate if absenteeism spikes
  - Establish policies and practices for social distancing
  - Consider how to ensure policies and practices are followed at remote work locations
-

# Maintaining Healthy Work Environment

- Improve engineering controls (i.e., increase ventilation rates, ensure proper ventilation and air quality, check filters)
- Provide employees, customers and visitors hand sanitizer, tissues, no-touch trash cans, hand soap, etc.
- Place posters that encourage hand hygiene to stop the spread
- Provide routine cleaning of common surfaces
- Perform enhanced cleaning and disinfection after COVID-19 positive cases
- Limit non-essential travel; resume in accordance with state of local regulations and guidance





# Taking Personal Responsibility for Reopening

We are all in this together and everyone plays a role by following CDC and DHW guidelines for handwashing, social distancing, wearing masks, keeping work areas clean and staying home when sick.

Managers and HR need to ensure that employees are adhering to established guidelines and discussing infractions immediately.

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# Create a Phase-In Plan for Reopening

- Each agency needs to complete a written plan outlining how they will protect employees, maintain healthy business operations, maintain a healthy work environment and ensure adherence to policies and procedures.
- Plans must be submitted to each agency's Governor's Office Liaison and DHR contact prior to June 13. Agencies should also submit any necessary updates to their COOP plans at the same time.

# Resources

- Visit the websites established by the Governor's Office to monitor information and communication: [coronavirus.idaho.gov](https://coronavirus.idaho.gov) and [rebound.idaho.gov](https://rebound.idaho.gov)
- DHR will provide a comprehensive guide for agencies to utilize in developing their written plans
- Agencies should frequently monitor federal, state, and local public health communications about COVID-19 regulations, guidance, and recommendations and ensure that workers have access to that information. Frequently check the CDC COVID-19 website.



# Legal Considerations for Employees Returning to the Workplace

Leslie Hayes, Deputy Attorney General  
Office of the Attorney General – Civil Litigation Division

# Disclaimer

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- As the COVID-19 pandemic evolves, the legal analysis will continue to evolve. For that reason, you should consult with legal counsel based on the specific facts of your situation, including any employment-related decisions.



# Overview

- Laws to Consider
  - Creating a Return to Work Plan
  - What to do When an Employee Tests Positive
  - Preventing Pandemic-Related Harassment
  - Medical Screening for Employees
  - Requests for Leave and/or Accommodations
  - Wage and Hour Considerations
  - Litigation and Potential Defenses
-



# Laws to Consider

- Americans with Disabilities Act
- Genetic Information Nondiscrimination Act
- Family Medical Leave Act
- Families First Coronavirus Response Act
- Emergency Paid Sick Leave Act
- Title VII of the Civil Rights Act
- Age Discrimination in Employment Act
- Fair Labor Standards Act

# Who is Providing Guidance



## **Federal**

CDC

OSHA

EEOC



## **State**

Governor's Office

DHR

OAG

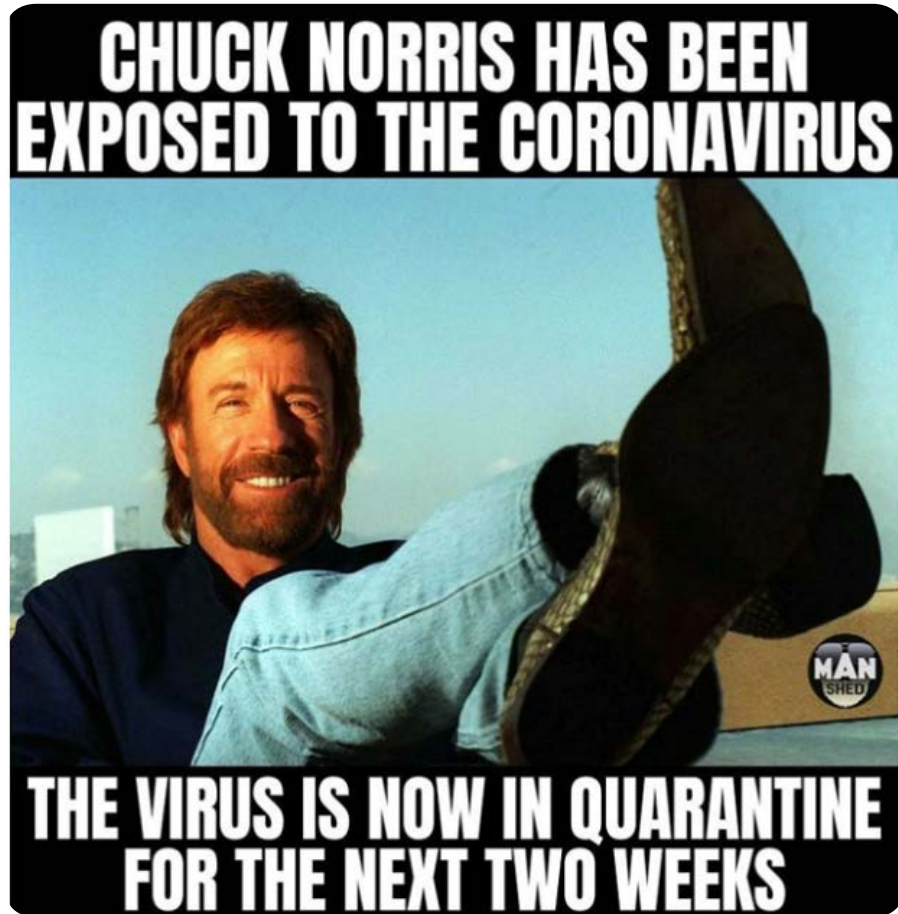
DHW

Public Health

# Return to Work Plans

- Idaho's Stay Healthy Order
  - Telecommute as much as possible until June 13 (at the earliest)
- Review DHR's Guidance on Returning Employees to Work
  - Plans need to be in writing and address:
    - Social Distancing
    - Cleaning
    - PPE
    - Training Employees
  - Avoid returning all employees at the same time
- May need to make physical modifications to office space





## Return to Work Plans – When an Employee Tests Positive

- Probable or confirmed COVID-19 employees must stay home
- Consult with Health District on office closure
  - Partial closure or full closure?
  - Contact COVID-19 specific cleaning agency
- Identify employees in close contact
  - Maintain probable or confirmed COVID-19 employee's confidentiality
  - Quarantine for 14 days
  - Contact medical provider

# Return to Work Plans – When an Employee Tests Positive

- Notify remaining employees
  - There was an exposure onsite
  - Individuals that may have been in close contact have been notified
  - Other appropriate actions, including COVID-19-specific cleaning, have occurred
- Sample notification will be available



# Return to Work Plans – When an Employee Tests Positive

- Probable or confirmed COVID-19 employee can return when:
    - 10 Days have past since the positive test with no symptoms; or
    - Return to Work note provided; or
    - Two negative COVID-19 tests (24 hours apart); or
    - Employee meets the current CDC guidance for returning to work for employees that test positive or do not test
  - **Consult with DHR and Legal** to ensure that employee can safely return
-



# Preventing Pandemic-Related Harassment

- Respectful Workplace Policies and Masks
- Taunting, teasing, or discussing employee confidential health information
- Discrimination on the basis of race or national origin due to fear of COVID-19 will not be tolerated



# Medical Screening of Employees

- NOT required or recommended at this time by State Epidemiologist or Director of Health and Welfare
    - Subject to change
    - Few exceptions – Example, confined populations
  - CAN request voluntary self-screening
    - Temperature checks
    - COVID-19 screening apps
-

# ADA and FMLA Considerations

- Refusals to return
- Requests for reasonable accommodations
- Requests for leave under FMLA
- Can start the interactive process now

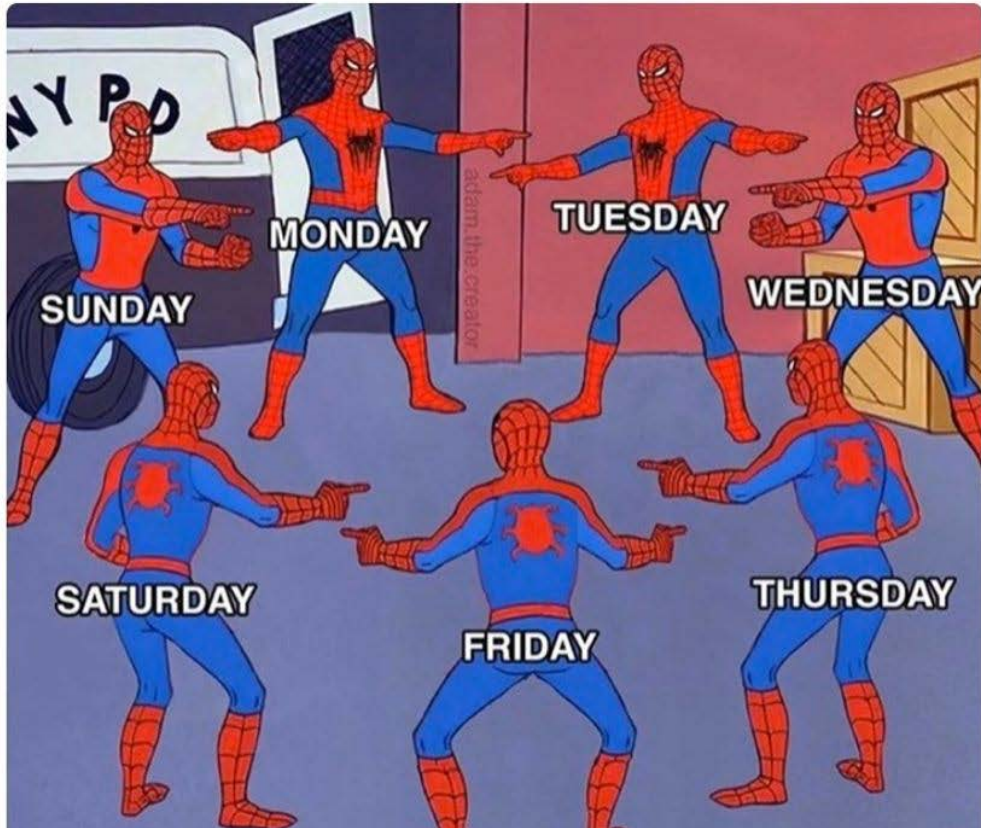


# Potential Reasonable Accommodations

- Telecommuting
  - Reduced schedule
  - Modifying work location
  - Modifying work hours
  - Unpaid leave
  - Providing plexi-glass
  - Redistribution of marginal job duties
  - Temporary reassignment
-

# Wage and Hour Considerations

how everyday feels



- Medical screenings of employees
- Congested areas (waiting for elevator)
- Handwashing breaks
- Additional cleaning
- Time for putting on PPE



# Litigation and Potential Defenses

- Failure to engage in the interactive process
  - Failure to accommodate
  - Employees contracting COVID-19 at work
  - Employees claiming employer failed to take necessary precautions
-



# Litigation and Potential Defenses

- Idaho Tort Claims Act
- Qualified Immunity
  - Discretionary functions
  - Not violating clearly established law

Celebrities: We're all in the same  
boat



Questions?