



# Monthly Strategies

HR Strategies, LLC

Volume 18, Issue 11  
November 1, 2021

## ***Employee Experience***

Employers across various industries are paying more attention to the employee experience and rightly so! With the “Resignation Tsunami” and the difficulty finding talent, employers need to focus on what’s important for their workers so they can retain and recruit the best and the brightest.

More than half (55 percent) of those in the workforce are likely to search for a new job in the next 12 months, according to [an August 2021 Bankrate survey](#). Here's what's most important to those who are currently employed and looking for work:

- Work flexibility, either the hours they work or the ability to work remotely (cited by 56 percent of respondents).
- Higher pay (53 percent).
- Job security (47 percent).
- More time off/vacation time (35 percent).
- Better or more-inclusive work culture (24 percent).

In response, a growing number of employers are seeking ways to retain their workers. During the height of the pandemic, many organizations offered increased paid time off and childcare or elder care benefits, as well as flexible work schedules. Many companies are continuing those benefits and adding other perks, including additional mental health and wellness benefits and more-intentional career development opportunities.

Employees have more choices than they have ever had before. Today many more jobs are available that offer remote work as an option so that people are not restricted to just the area that they live in.

The pandemic has given employees time to reflect on their work and how it impacts their personal lives. Take some time and survey your employees to find out what’s important to them. We know that there is no one-size-fits-all solution to improving an organization's employee experience. But experts

agree it's important to talk directly with employees to find out their preferences and pain points.

Be intentional about reaching out and really listening to what they are telling you they need and see what you can do to meet that need while still meeting the needs of your business.

## ***Lost your COVID-19 Vaccine card?***

As proof of vaccination becomes required at some workplaces and establishments, if you've lost or misplaced your COVID-19 vaccine card, there's a remedy. Delawareans can go online and print a copy of their vaccination record by clicking the following link: [DeIVAX](#) portal. Just enter your name, birthdate, gender, and either your email or telephone number.

If you need assistance call 1.800.282.8672 or email [DeIVAX@delaware.gov](mailto:DeIVAX@delaware.gov). Responses to emails and calls received after regular business hours or on weekends may take up to 48 hours.

## ***Mandating Vaccinations and how to determine if a work accommodation will create an undue hardship?***

Both federal and state anti-discrimination laws require employers to provide people with disabilities and those with sincerely held religious beliefs reasonable accommodations that will allow them to continue to perform the essential functions of their jobs, unless doing so would create an undue hardship for the employer.

So, how is undue hardship determined? Under federal law, the Americans with Disabilities Act (ADA) covers disability accommodations, and Title VII of the Civil Rights Act covers religious accommodations. There is a substantial difference between how each law regards undue hardship.

Before a decision can be made, the employer must go through the interactive process. We recommend that you reach out to legal counsel or HR consultant to get the appropriate guidance.

In all accommodation situations, many different factors come into play when determining whether an accommodation would pose an undue hardship. What may constitute an undue hardship to one employer may not be a hardship to another employer.

Before denying an accommodation request because of undue hardship, employers are encouraged to explore different options that might make a seemingly difficult accommodation possible.

### ***Delaware Anti-Sexual Harassment Law Training Requirements***

The Delaware law that specifically addresses prohibition against sexual harassment under the Delaware Discrimination in Employment Act (DDEA), requires anti-sexual harassment training requirements for employers, with 50 or more employees in the state, every two years. The law went into effect on January 1, 2019 and time is running out to ensure compliance for the mandatory interactive training.

**The law mandates all new employees must be trained within one year of hire and all employees every two years.**

#### **Mandatory Sexual Harassment Training**

**Required:** The training for staff must include all the following elements:

1. The illegality of sexual harassment;
2. The definition of sexual harassment using examples;
3. The legal remedies and complaint process available to the employee;
4. Directions on how to contact the Department of Labor; and
5. The legal prohibition against retaliation.

In addition, the interactive training for the supervisors must further include all the following:

1. The specific responsibilities of a supervisor regarding the prevention and correction of sexual harassment; and
2. The legal prohibition against retaliation.

HR Strategies, LLC is available to present interactive training programs consistent with Delaware's training requirements. We can provide the training in-person or virtually. Contact HR

Strategies to schedule your organization's required training or schedule individual employees for a live online interactive class.

### ***New Castle County Public Works Projects Mandated Training: Drug and Alcohol Awareness and Reasonable Suspicion Testing Training Requirements***

On April 1, 2019 the new Alcohol and Drug Testing of Employees of General Contractors and Subcontractors working on County Public Works Projects and Worksites became effective. The New Castle County ordinance specifically addresses the requirements for General Contractors and Subcontractors to maintain a mandatory alcohol and drug testing program to include Initial Drug Testing, Random Drug Testing, Reasonable Suspicion Testing, Owner-Initiated Testing, Accident-Triggered Testing, Return-to-Duty Testing and Additional Testing Protocol. The ordinance mandates procedures for alcohol and drug testing documentation; consequences of a positive test result; contractor and subcontractor certification of compliance; penalties; confidential records; and training requirements for employees and reasonable suspicion training for supervisors.

HR Strategies, LLC is available to present interactive training programs consistent with New Castle County's training requirements. We can provide the training in-person or virtually. Contact HR Strategies to schedule your organization's required training or schedule individual employees for a live online interactive class.

***Contact HR Strategies staff at 302.376.8595 or [info@hrstrategies.org](mailto:info@hrstrategies.org) if you would like support or would like to learn more about the items in this newsletter. Please contact us if you would like to be removed from our Monthly Strategies mailing list or if you would like for us to add someone to our mailing list.***