



Monthly Strategies

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Delaware State's Minimum Wage Increases

Delaware's minimum wage will be \$10.50 per hour beginning January 1, 2022. Under the new law, the minimum wage is slated to increase beginning January 1, 2022, through 2025 capping at \$15.00 per hour.

New Minimum Wage Increases:

Effective Date	DE State Minimum Wage
10/1/2019	\$9.25/hour (Current)
1/1/2022	\$10.50/ hour
1/1/2023	\$11.75/ hour
1/1/2024	\$13.25/ hour
1/1/2025	\$15.00/ hour

For more information regarding Delaware's labor laws, please refer to the required workplace labor law poster hanging in your office or visit labor.delaware.gov or contact the Office of Labor Law Enforcement at 302.761.8200.

Beginning December 29, 2021 there will no longer be a training or youth wage, as the Governor signed into law, HB88, the removal of the Training / Youth Minimum Wage of \$8.75 per hour. Employers in the State of Delaware must pay employees, including youth (14 to 17 years old), at least the state's minimum wage of \$9.25 per hour until January 1, 2022 (when the rate increases to \$10.50 per hour).

\$15 Minimum Wage Rule for Federal Contractors

According to the DOL, the final rule applies in all U.S. states and specified territories and implements Biden's order by:

- Increasing the minimum wage for workers performing work on covered federal contracts to \$15 an hour starting on January 30, 2022.

- Continuing to index the minimum wage for federal contract workers to keep pace with inflation.
- Eliminating the tipped minimum wage for federal contract workers by 2024.
- Ensuring a \$15 minimum wage for workers with disabilities who perform work on covered contracts.
- Restoring minimum-wage protections to outfitters and guides who operate on federal lands.

Should Employers Add Booster Shots to Their COVID-19 Vaccine Policies?

By Lisa Nagele-Piazza, J.D.

All U.S. adults are now eligible to receive a COVID-19 vaccine booster, so long as a certain number of months have passed since their last dose. As employers revise their vaccination policies, they may be wondering if they should require workers to get an extra jab to be considered "fully vaccinated." Here's what employment law attorneys had to say.

At least for now, employment law attorneys recommend that businesses hold off on mandating booster shots.

"At this point, I think it is probably too soon to make those updates," said Jim Hermon, an attorney with Dykema in Detroit.

John Thomas Jr., an attorney with McGuireWoods in Tysons, Va., noted that employers are focused on helping their employees get over the hurdle of initial vaccination. "Some geographic areas—and some industries—are still struggling to reach a critical mass of people willing to get the shot in the first place."

Boosters Approved for All Adults - The FDA initially authorized a single booster shot of the Pfizer-BioNTech and Moderna COVID-19 vaccines for specific high-risk individuals. On Nov. 19, however, the FDA and the U.S. Centers for Disease Control and Prevention (CDC) gave the

green light for all adults to receive a booster shot six months after their second jab.

Since October, the FDA and CDC have recommended a second vaccination for recipients of the Johnson & Johnson vaccine, at least two months after their first dose.

Notably, the CDC still defines "fully vaccinated" as follows:

- Two weeks have passed since the person's second dose in a two-dose series, such as the Pfizer or Moderna vaccines.
- Two weeks have passed since the person received a single-dose vaccine, such as Johnson & Johnson's Janssen vaccine.

"Although skepticism abounds about whether the definition of 'fully vaccinated' will evolve to require boosters, right now boosters are optional," Thomas noted. "Employers have relied on public health guidance from the CDC and state health departments to educate their employees on the effectiveness of the vaccine, and I expect those will remain the most common sources of information regarding the booster."

For now, the CDC said that the approval of booster shots "should not distract from the critical work of ensuring that unvaccinated people take the first step and get an initial COVID-19 vaccine."

Thomas said employers in certain industries should pay particular attention to the public health guidance surrounding boosters. These industries and jobs include first responders, education, food and agriculture, manufacturing, corrections, public transit, and grocery stores. Workers in these industries face a higher risk of exposure and transmission.

Vaccine Directives Face Legal Challenges

Employers with at least 100 employees should pay close attention to whether the COVID-19 Emergency Temporary Standard from the Occupational Safety and Health Administration takes effect. The rule has been halted during a legal challenge, but if the rule is upheld, it will require covered

businesses to ensure their workers get vaccinated or show proof of a negative COVID-19 test each week.

Additionally, federal contractors have to receive their shots by Jan. 4 to be considered fully vaccinated by Jan. 18, according to guidance from the Biden administration. This requirement, as well as state and local rules, are not affected by the litigation over the emergency temporary standard, but separate lawsuits have been filed that challenge other vaccination and COVID-19 testing rules.

These directives generally require two doses of the Pfizer or Moderna vaccinations or one dose of the Johnson & Johnson vaccine. Governors in some states, however, have said they are considering changing the definition of "fully vaccinated" to include a booster.

Start Planning - Although it may be too soon for many employers to add booster shots to their vaccination policies, attorneys said workplace leaders can start planning now.

"I think it is company-specific," said Katherine Dudley Helms, an attorney with Ogletree Deakins in Columbia, S.C. Some workplaces have seen a high percentage of employees get vaccinated, she said, so it might make sense to add the boosters to their recommendations as the shots are authorized.

On the other hand, she noted, if the workforce vaccination rate is low or vaccination has been a battle for the employer, it may be wiser to try to focus on raising the rate of initial vaccination rather than adding the booster on top of that. Even with this approach, she said, an employer can certainly support and encourage employees who are eligible and wish to get the booster shot.

"My experience is that those who do not mandate vaccinations are preparing policies and practical plans for the likelihood that they may become mandatory either because of federal requirements or because the timing is right," Helms observed.

Just as with the initial vaccinations, she said, employers should let workers know if the company will pay for the costs associated with getting the booster, including the time spent getting the shot. Employers should also address how time off will be treated if employees have a reaction.

Employees who were given incentives to get the initial shots may want to know if there is an additional incentive for the booster, Helms noted. "As with the original vaccinations, it will be helpful to provide employees with logistical information about booster shots, such as where they can get one and whether it is covered by insurance or if there is any cost."

Keep Communicating - If employers expect their policies to change, Thomas suggested that they start educational campaigns. "Employers who can persuade or incentivize workers to vaccinate or get boosters will have an easier time enforcing a mandate once their policy changes. Leadership starts at the top, and company leaders will need to model the behavior they expect employees to follow."

Hermon noted that successful employers during the pandemic have made it a point to communicate frequently with their employees, using e-mail, large-scale Web calls, video announcements and any other mechanisms they have at their disposal. "Employers should continue to use those mechanisms to encourage employees to get vaccinated, to inform them about booster shot availability, and to answer questions that may arise from employees as they return to the office."

Find Ways to Celebrate

Due to the pandemic and the new strains that seem to be appearing, having a workplace holiday party may not be safe or practical, and we need to think of other ways to help employees celebrate this year. It's more important than ever before to celebrate their contributions and accomplishments, after what we have continued to endure this year. In years past there have been in-person celebrations which gave your employees the chance to bond and have a little fun while thanking them for a job well done. How do we do this without risking the safety of our employees and their families?

Keep in mind that in the past when you provided a holiday party and gave gifts to your employees it would have a significant price tag on it due to the cost of food, beverages, venue, etc. and the cost of the gift. Below are some high-end ideas for your consideration that your employees may use often and prefer over the party they usually have.

Holiday Gift Ideas - The following ideas are not endorsed or recommended by HR Strategies and are merely suggestions of high-end employee gifts. Fitbit, Air Pods, Echo or Google Nest, Cordless vacuum, Single serve brewing machine, Bose Audio, Sunglasses, Nintendo Switch Light, Sonos Speaker, Fire HD 10" Tablet, Beats Wireless Headphones, Digital Picture Frame, Mini Projector, Portable Photo Printer, or a Roomba to name a few.

Other possibilities include virtual happy hours; dinner parties complete with all the ingredients to make a meal or having an entire meal or pizza party delivered to each employee simultaneously. Another idea is home entertainment packages that include games, movies and cookie-decorating kits. There are organizations that provide platforms for virtual social gatherings and even entertainers can be hired to facilitate the virtual party and entertain your guests.

Perhaps one of the most appreciated holiday gifts during the pandemic is the gift of time. Whether it's time with friends and family or time alone, there is nothing more precious than time. We need to recognize that Zoom or Teams or whatever platform you use can cause fatigue and the solitude of working remotely is an ongoing challenge. We must encourage employees to step back from the computer and spend time doing activities that re-energize and recharge them.

It's important to acknowledge how much your employees have contributed to the success of the organization and helped your organization with sustainability and in some cases growth. Take the time to celebrate them and all that you have accomplished, together.

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