

Human Resources 101

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1

Today's Agenda

Morning

- Introduction to HR Management
- HR Tools
- Job Description




10 minute break

- Recruitment
- Onboarding

Afternoon


- Leave Laws:
- Sick leave/ FMLA/ OFLA/ ADA/ Interactive Process



10 minute break

- Employment Laws: Including new laws for 2020


12:30 - 1:30 p.m.
HR "Roundtable" Lunch



2

HR 201 – Next Year!

- Performance Management
- Investigations/Discipline/Termination
- Conflict Management/Bias
- Interviewing Skills – Advanced
- Leave Laws - Advanced
- Workers' Compensation
- Benefits



3



4

Personnel Management or Human Resource Management

Personnel Management	Human Resource Management
<ul style="list-style-type: none">• Hiring• New employee orientation• Labor law compliance• Grievance processing• Pay administration• Record-keeping	<ul style="list-style-type: none">• Recruitment• Onboarding• Training/employee development• Employee motivation• Leadership development• Performance management

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5

The Shift in Discipline

Personnel	Human resources
<ul style="list-style-type: none">• Reactive• Paper driven• Compliance oriented• Administrative	<ul style="list-style-type: none">• Proactive• People-driven• Organizational• Multi-disciplinary• Partnership

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6

Current Role of HR

- Employee engagement and experience
- Learning and Development
- Equity and Inclusion
- Aligning practices with the organizations mission
- Integration of organization values (job description, performance evaluations)
- Succession planning
- Managing employee data



7

Plus the Informal Roles of HR

- Benefits Representative
- Coach
- Consultant
- Customer Service
- Facilitator and Mediator
- Investigator
- Recruiter
- Counselor
- Trainer
- Forecaster
- Negotiator



8

10 Critical Competencies of HR

1. HR Expertise
2. Communication
3. Relationship Management
4. Data Analysis
5. Critical Thinker
6. Business Acumen
7. Change Management
8. Leadership
9. Adaptability
10. Growth Mindset

From the SHRM Competency Model



9

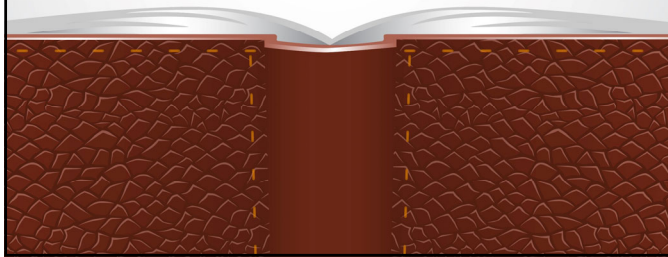
Tools we use

- Employee handbook
- Collective bargaining agreement (CBA)
- Job descriptions
- Benefit summary plan descriptions
- Policies and procedures
- Organization's mission, vision and values statements
- HRIS/employee files
- Outside resources (CIS Learning Center!)



10

Employee Handbook



11

The Handbook

- This handbook is not a contract, nor does it create a contract of employment
- The handbook can be revised at any time (and trumps any previous versions)
- No one has any authority to enter into an agreement or contract contrary to at-will employment (except in writing and signed by _____ and or a CBA)



12

Policies to Include in the Employee Handbook

- Non-discrimination, retaliation
- Updated harassment policy – effective January 1, 2020
- Accommodation for pregnant employees – effective January 1, 2020



13

Policies to Include in the Employee Handbook

- Sick Leave (required by law)
- Leave of absence policies
- FMLA/OFLA (if applicable for size of organization; otherwise use "not applicable" policy)
- Drug and alcohol
- Social media/cell phones/tablets



14

The Handbook

- Call-in procedures
- Lunch/rest breaks (hourly/non-exempt)
- Hours of work and work schedules
- Attendance policy
- Progressive discipline



15

What's in
your file?



16

I-9 Binder

- All employment eligibility verification forms (I-9) and any supporting documentation
- All employees in binder in alphabetical order by last name
- Make sure forms have been completely filled out by both employee and employer and that employment eligibility has been verified



17

Personnel File

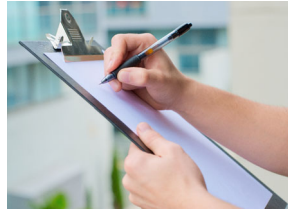
- Employment application
- Conditional job offer letter
- Acknowledgment forms – Handbook, *Harassment, *Drug and Alcohol
- Performance evaluations
- Formal counseling/discipline documents
- Promotions & transfers
- Personnel action forms (PAFs)



18

Benefit File/Payroll File

- PERS/retirement plan
- Deferred compensation
- W-4 forms
- Direct deposit
- Payroll records
 - Payroll discrepancy forms
 - Hour and payroll reports



19

Medical/FMLA-OFLA/Workers' Compensation

- Doctors' notes
- Health certifications
- Leave documents
- Workers' compensation documents
- Medical diagnosis information
- Medical information related to leaves of absence



20

Recruitment/Background Envelope



- Resume
- Letters of recommendation
- Reference checks
- Pre-employment drug test results (safety-sensitive positions only)
- Criminal background check
- DMV check



21

What goes where?

- Personnel file
- I-9 binder
- Confidential/Benefit – Payroll file
- Confidential/Medical – Workers' Compensation file



22

How long do I keep everything?

Oregon Administrative Rules (ORS)
Archives Division - Chapter 166
Division 150 - County / Special Districts
Division 200 - City/Municipal

- City 166-200-0305 Personnel – Administration
- County 166-150-0160 Personnel Records



23

The Job Description: The Solution to so Many Problems



- Performance Management
 - Coaching, Evaluations
 - Discipline
- Organizational Structure
- Legal Compliance
- Pay Equity



24

What is the purpose of the job description?

- Why does the job exist and what does the job accomplish?
- Purpose of the position
- Decision making authority – level and type of decisions made by this position
- Management level – Supervision given/received
- Essential function – primary duties the person in the position must carry out

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25

Anatomy of the Job Description

- Title and department
- FLSA status (Exempt or non-exempt)
- Represented/non-represented
- Pay grade
- Purpose (essential functions)
- Occasional job functions (or non-essential)

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26

Anatomy of the Job Description

- Necessary knowledge, skills abilities (KSA's)
- Supervisory responsibility
- Nature of the work environment/physical requirements
- Minimum/special qualifications
- Preferred qualifications
- Hours/OT required

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27

Recruitment

28

Define Your Recruitment Process

- Review job description
- Review the employment application
- Create and post the recruitment posting
- Application review and scoring
- Interviews
- Additional consideration techniques: skills demonstration, testing, meeting stakeholders
- Conditional job offer
- Background and reference check

29

Review the Job Description

- Identifies job tasks & responsibilities
- Minimum and special qualifications
- Knowledge, skills & abilities
- Competencies

30

Employment Application

- What not to include:
- Applicant's social security number
- Applicant's date of birth
- Year applicant graduated from high school
- Ban the box – criminal history
- Salaries from past employment positions



31

Create and Post the Recruitment Announcement

- | | |
|--|---|
| • Job title/Department | • How to apply |
| • FLSA / position representation | • What documents are required (example: employment application, resume, supplemental questions) |
| • Salary / Pay grade | • Application deadline |
| • Purpose of position | • EEO Statement |
| • Minimum / special / preferred Qualifications | |
| • Background required | |



32

Application Review

- Application complete?
- Review for minimum qualifications
- Review for desirable experience
- Use job description to match strengths of candidate
- Consider transferrable skills and experience
- Knowledge, skills, abilities and core competencies



33

Application Scoring Tool

APPLICATION SCORING TOOL

Title of position: Administrative Assistant/Information Technology Coordinator

Department: City Manager's Office

Candidate's name: _____

Date: _____ Scored by: _____

STEP ONE

Minimum Qualification: To be considered for the position the candidate must meet the Minimum Qualifications listed under education and experience and/or Special Qualifications. Check the box in the grid below that most applies to the applicant once you have reviewed the applicant's application and supporting materials.

Minimum/Special Qualification	Meets	Does not meet	Not enough info.
High school diploma or equivalent and one year of general office experience.			
Off one additional education combination of education and experience which enables the ability to perform the essential functions of the position.			

For applicants claiming Veterans' Preference:

- Question 1: Review DD214 or DD215. Is the applicant a qualified Veteran or Disabled Veteran who meets the requirements of ORS 408.020(5)?

Yes

No

(If the answer to Question 1 is yes, proceed to Question 2. If the answer to Question 1 is no, document your reasoning for this determination and move the applicant to non-consider pool and move on.)
- Question 2: Did the qualified Veteran or Disabled Veteran applicant meet minimum and/or special qualifications listed above?

Yes

No

(If the answer to Question 2 is yes, score the applicant for desirable experience and move the applicant to the interview phase of the hiring process. (You must interview the applicant to verify that his/her score is for desirable experience.) If the answer to Question 2 is no, document your reasoning for this determination and notify the applicant that his/her will not be advancing.)


Turn pages over for Step Two

Starting Smart! The "Everything You Need to Know About Hiring" Workshop

34

Don't Forget Oregon's Veterans' Preference Law

- Qualified?
- Eligible for preference?
- Minimum and special
- Transferable skills
- How is preference applied?
- Document, document, document



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35

Interview Process

Review the job description. What do we want to learn?

1. Knowledge


- What the candidate knows, or how they think

2. Technical skills

- Ability to apply technical skills

3. Interpersonal skills

- Ability to maintain effective and cooperative working relations



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36

12

Interview Formats

Technical Interviewing

- Questions are based on measurable knowledge – skills test or questions which require a correct technical answer

Behavioral Interviewing

- Questions based on actual past behavior

Situational Interviewing

- Questions based on hypothetical behavior

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37

Interview Questions

- Why are you asking the questions you are asking?
- What do you hope to learn?
- Are the answers applicable?

Tell us about yourself

What's your greatest achievement?

What are your strengths?

Tell us about a difficult situation...

Tell us about a confrontation with a customer...

38

Don't Ask Questions that Could Reveal...

• Marital status	• Family composition/ issues (e.g., childcare)
• Age	• Disability, illness or medical conditions, or absences due to illness
• Sexual orientation	
• Political affiliation	
• Religion	
• Race/national origin, ethnicity	

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39



40

Scoring the Interview

- 10

Well Qualified

Demonstrates full understanding; fully knowledgeable to meet minimum standards of job requirements
- 5

Qualified

Demonstrates understanding to meet minimum standards of job requirements
- 1

Somewhat Qualified

Demonstrates some understanding to meet minimum standard of job requirements
- 0

No Experience

Does not demonstrate understanding to meet minimum standard of job requirements

41

Interview Panel Preparation

- Consider panel composition:
 - Interview panel of more than one!
 - Diverse interview panel (age, sex, race, position in the organization)
- Train the interview panel
- Test-drive the interview questions
- Discuss the rating scale and preferred answers

42

Conditional Job Offer

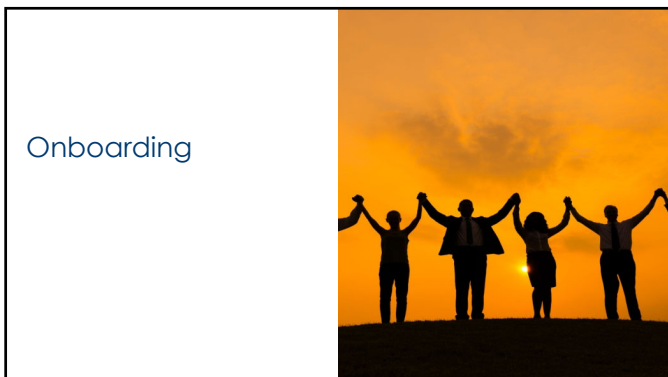
- Starting salary
- Benefits
- Contingent on passing a background check
- Identify the specific background checks that will be used
 - Criminal
 - Drug test
 - Employment references



43



44



45

Purpose of Onboarding

- Integrate a new employee into their new culture
- Provide new employees the tools, information and resources to be connected and successful
- Allows employee the opportunity to start making an impact sooner
- Help employee feel welcomed and valued



46

Onboarding Results

- Increased retention
- Increased employee engagement
- Compliance with policies and procedures
- Improved productivity – employee better connected to purpose of the position
- Improved communication between new employee and the team



47

Components of Onboarding

1. **New Employee Orientation** – employee handbook, benefits, payroll, I-9
2. **Resource preparation** – computer, phone, equipment, passwords
3. **Relationship building** – executive management, team members, other departments, key stakeholders



48

Components of Onboarding

4. **Performance Management** – coaching, feedback, goal setting, employee/supervisor one-on-one meetings.
5. **Employee Engagement** – ongoing learning, career path, organizational information
6. **Cultural integration** – organizational mission, values, goals



49

Successful Steps

- Partner with manager to create an individual onboarding plan for employee
- Communicate with employee before they arrive
- Ensure equipment and working space is ready
- Share and review the organizational/department goals and objectives
- Review job description – and job expectations
- Schedule meet and greet with department managers



50

Unsuccessful steps

- Information overload
- Assign employee handbook to employee to review on their own
- Expecting the employee to function at full capacity too soon
- Workload too heavy
- Not providing job-related training
- Speaking in acronyms and jargon
- Being an absent manager



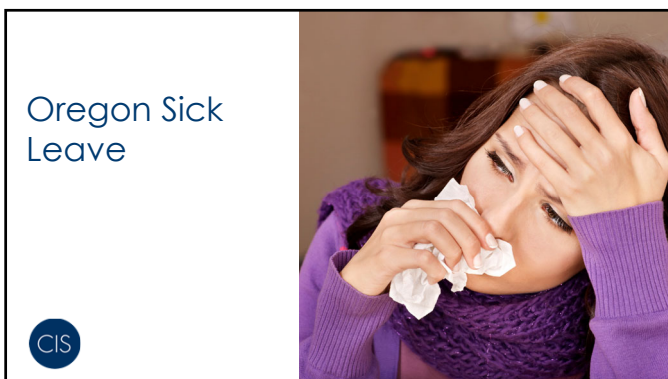
51



52



53



54

Oregon Sick Leave

- Employers with **1-9 employees** – leave is unpaid
- Employers with **10 or more employees** – leave is paid
- All employees are eligible (regular, part-time, seasonal, on-call)



55

How to Accrue and Use the Sick Leave

- Accrue one hour for every 30 hours worked
- Accrual begins from the first day of employment
- Employee can use sick time, beginning 91st day of employment
- Employee can use, accrue and carry over up to 40 hours of paid sick leave (unless the organization's policy allows for more)



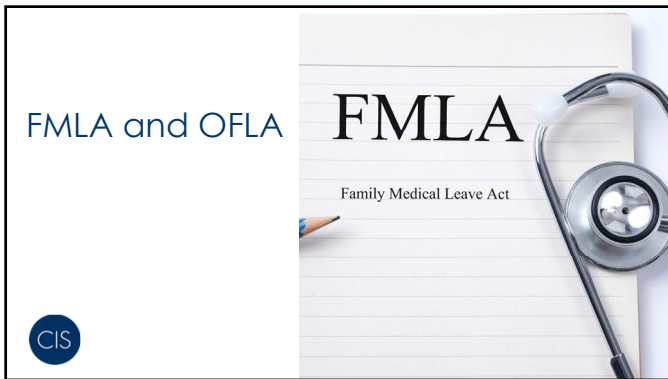
56

How can sick leave be used?

- Employee's own physical or mental illness, injury or health condition, need for medical diagnosis, care for or treatment of an illness, injury of health condition, or need for preventative medical care
- Care for family member with a mental or physical illness, injury or health condition, need for medical diagnosis, care for or treatment of an illness, injury of health condition or need for preventative medical care
- For purposes specified in ORS 659A.159 (OFLA) & ORS 659A.272 (domestic violence)



57




58



59

Leave Year

- A calendar year
- Any fixed 12-month period, such as a fiscal year or a year starting on an employee's hire/anniversary date
- A 12-month period measured forward from the date the employee's first leave
- A 12-month period measured backward from the date the employee uses leave



60

Length of Leave

Family Medical Leave Act

Usually 12 weeks...
But more for some military related leaves.

ADA and Oregon Disability Law

No limit, but: Look at whether leave as an accommodation is reasonable or creates an undue hardship.

Oregon Family Leave Act

Usually 12 weeks...
But additional time may be available for parental leave and sick child leave.

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61

OFLA ONLY LEAVE

- Parent-in-law
- Grandparent
- Grandchild
- Bereavement
- Pregnancy Leave
- Sick Child Leave (not serious)

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62

Who is a covered family member?

Relation to Employee	OFLA	FMLA
Spouse	Covered	Covered
Same Gender Domestic Partner	Covered (if registered)	Not Covered
Parent*	Covered	Covered
Parent- In-Law	Covered	Not Covered

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63

Who is a covered family member?

Relation to Employee	OFLA	FMLA
Child – Biological, Adopted, Foster or Stepchild	Covered	Covered, when the child is either under 18, or age 18 or older and incapable of self-care because of a mental or physical disability
Child of the employees' Same-Gender Domestic Partner	Covered	Not covered – unless <i>in loco parentis</i> to child who meets definition of child under FMLA above
Child – <i>in loco parentis</i> includes any person whom the employee is or was in a relationship of <i>in loco parentis</i>	Covered	Covered

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64

Who is a covered family member?

Relation to Employee	OFLA	FMLA
Grandchild	Covered	Not covered, unless <i>in loco parentis</i> to child who is either under 18, or age 18 or older and incapable of self-care because of a mental or physical disability
Grandparent	Covered	Not covered – unless grandparent was <i>in loco parentis</i> to the employee

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65

Reasons for Leave FMLA/OFLA



Employee's own serious health condition



Serious health condition of the employee's family member



Pregnancy and parental Leave

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66

What is Covered Serious Health Condition

- Inpatient care
- Constant or continuation treatment
- Chronic conditions
- Permanent, long-term or terminal illnesses
- Conditions requiring multiple treatments
- Pregnancy-related conditions



67

Not a Serious Health Condition

- Routine medical or dental appointments
- Common cold
- Routine eye exams
- No child care



68

FMLA & OFLA: Parental Leave

- Deducted from the "12 weeks"
- No medical certification
- Use within 1 year from date-of-birth
- Both parents eligible
 - FMLA: 12 weeks combined, unless serious health condition; can take concurrently
 - OFLA: 12 weeks each; situational whether concurrent or not



69

Sick Child Leave - OFLA

- Up to 12 weeks per family leave year
 - If all 12 weeks of Parental Leave used, employee still gets 12 weeks of OFLA sick child leave
 - A female employee's use of Pregnancy Disability Leave does not impact sick child leave availability
- Available to employees who have worked 180 days or more; no "hours worked" requirement (includes part-time employees)
- Non-serious health conditions



70

Sick Child Leave - OFLA

Exclusions:

- Medical or dental appointments (unless the employer allows)
- Because the school is out for the day
- No babysitter

Can ask for certification after third occurrence (3 total for all children – not necessarily three per child)



71

Leave Notification



72

Intermittent Leave Management

- Require supporting documentation
- Schedule work assignments for probable intermittent absences
- Establish call-in guidelines
- Track all absences



73

Clarity and communication are key!

At the end of every call, make sure an employee understands the next step:

- Email
- Phone call
- Medical certification
- Return-to-work
- Other



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74

New Law
Paid Family Leave
Coming 2022 - 2023

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75

Reasons for Taking Paid Leave Starting 2023

- Bond with a new child
- To care for a *family member* with a serious health condition
- For an employee's own serious health condition
- "Safe Leave" for victims of domestic violence



76

Reasons – Not Covered

- Bereavement leave
- Sick child leave for a nonserious health condition
- Oregon Military Family Leave (OMFLA)



77

Definition of "Family Member" (Paid Leave Law)

- The employee's spouse or domestic partner;
- A child, parent, sibling/step-sibling, grandparent, or grandchild (of the employee or the employee's spouse/domestic partner); or
- Any individual related by blood or affinity whose close association is the equivalent of a family relationship



78

Length of paid leave – leave can stack!

- Paid leave – 12 weeks
- OFLA – 4 weeks (if eligible)
- Leave for limitations related to pregnancy childbirth or a related medical condition – 2 weeks
- Cannot exceed 18 weeks per benefit year



79

Employee/Employer Contributions

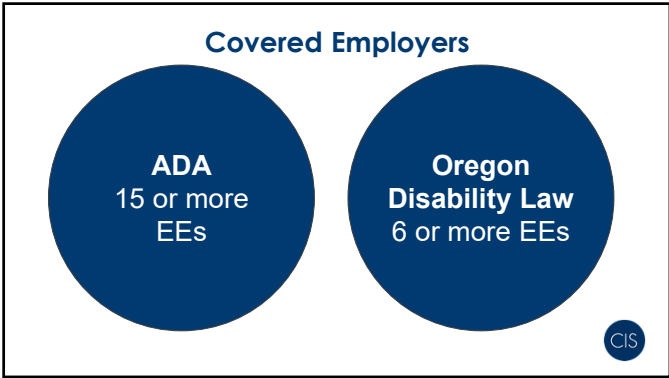
- Employers with more than 25 employees are required to make contributions
- Employers with fewer than 25 employees will not be required to pay the contributions
- All employees will pay into fund as a percentage of income



80



81



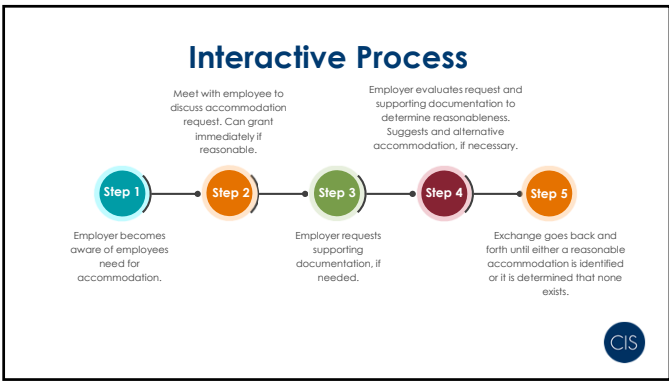
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What is a reasonable accommodation?

- A reasonable accommodation is assistance or changes to a position or workplace that will enable an employee to do his or her job despite having a disability
- Under the ADA, employers are required to provide reasonable accommodations to qualified employees with disabilities, unless doing so would pose an undue hardship
- Qualified employees are those who hold the necessary degrees, skills, and experience for the job; and who can perform its essential functions, with or without an accommodation

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83



84

Accommodation Questions

- What limitations are you experiencing?
- Are these limitations affecting your performance? How?
- What specific job tasks are problematic?
- Have you tried anything to help with the limitations?
- What suggestions for accommodations do you have? How would it/they help you work?



85

ADA Accommodation Examples

- | | |
|--|--|
| • Modifying a job | • Modify training materials |
| • Re-assignment to a vacant job | • Provide qualified reading interpreters |
| • Facility/workstation modifications | • Medical leave |
| • Restructure the job (remove non-essential job functions) | • Provide reserved parking spot |
| | • Modify work schedule |



86

ADA Accommodation Example

MIGRAINE HEADACHES

- | | |
|--|--|
| • Fluorescent light filters | • Fragrance-free policy |
| • Computer monitor – anti-glare filter | • Telework |
| • LCD monitor | • Dark, private area to go to when experiencing a migraine |
| • Allow employee to wear sunglasses | • Sound absorbent panels |
| • Noise-cancelling headsets | • Job Accommodation Network (JAN.org) can help! |



87

ADA Process

- Review job description – essential functions, physical, cognitive & environmental factors
- Begin interactive process – talk with the employee, review the job description with the employee, brainstorm accommodation ideas
- Employer decides which, if any, accommodations to try
- Periodically, check-in with the employee – is the accommodation working?



88

ADA Tips

Employers do not have to:

- Remove essential job functions
- Accommodate undue hardships
- Allow unsafe work situations
- Let the employee choose the accommodation (as long as the employer has an equally effective accommodation)
- Accommodate indefinite leave



89

Caution ... Unintended Consequences

Informal Accommodation... *may lead to permanent accommodation... altering job duties...altering work schedule*


- **Sign an agreement...** *based on current medical condition...operational needs...staffing...budgets...if anything changes...*



90

Oregon Employment Laws

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91

Employers may **not** refuse to hire, discharge, or otherwise discriminate against any individual with respect to compensation, or terms, conditions, or privileges of employment because of that individual's ...



92

Oregon Pay Equity

All employers with one or more employees performing work in the state of Oregon

- Provide equal pay for equal work unless the salary or wages are based on one or more "bona fide" categories identified under the law
- Not consider salary history when deciding whether to hire someone, or when attempting to figure out an opening salary for an applicant
- Not ask applicants about past salary history

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93

Protected Class

- Prohibits discrimination between employees who perform work of comparable character, on a basis of a protected class, in the payment of wages or other compensation
- Protected class = race, color, religion, sex, sexual orientation, national origin, marital status, veteran status, age (18+), disability



94

Work of Comparable Character

Work of comparable character is work that requires substantially similar knowledge, skill, effort, responsibility, and working conditions in the performance of work, regardless of job description or title.



95

Bona Fide Reasons for Pay Inequities

- Seniority and merit systems
- Systems that measure earnings by quantity or quality of production
- Education, training and experience
- Workplace locations
- Travel , if travel is "necessary and regular" for the employee
- Any combination of the factors identified above



96

Equal Pay Analysis

- Determine which employees are performing work of comparable character – actual job duties performed (not necessarily job title)
- Look for any compensation discrepancies between employees within those groups
- If compensation is different look for bona fide factors permitted by law
- If no bona fide factors adjust lower paid employee's compensation

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97

Oregon Workplace Fairness Act – New Harassment Law

Applies to all Oregon employers, regardless of the number of employees employed.

- New statute of limitations - **5 Years** - for discrimination, harassment, and retaliation claims under
- ORS 659.030 - protected class
- ORS 659A.082 – military
- ORS 659A.112 – disability

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98

New Provisions for No-Harassment Policies

- A statement prohibiting workplace harassment
- Provide a complaint-reporting procedure
- No-retaliation provisions
- Identify at least two people in the organization who can receive complaints

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New Provisions for No-Harassment Policies

The policy must be in writing and must be made available to employees within the workplace. The policy must be provided:

- To all current employees
- To each new employee at time of hire and
- To an employee at the time that an employee discloses information regarding prohibited discrimination or harassment



100

New law – January 1, 2020 Accommodations for pregnant employees

- Applies to employers with six or more employees
- Effective date January 1, 2020
- Must provide reasonable accommodations to employees and applicants who can't perform all essential duties due to the "known limitations" caused by pregnancy, childbirth, lactation, or a "related medical condition"



101

What is a reasonable accommodation?

- Acquisition or modification of equipment
- More frequent or longer breaks or periodic rest
- Assistance with manual labor
- Modification of work schedules or job assignments
 - If the requested accommodation imposes an "undue hardship" on the operation of the business of the employer, the employer can "refuse to make" the accommodation



102

Posting Requirement

Post "signs" that tell employees about their rights under the law, "including the right to be free from discrimination because of pregnancy, childbirth and related medical conditions" and the right to reasonable accommodation.



103

Policy Requirement

Employers must provide a copy of the sign to:

- New employees at the time of hire (hired on or after January 1, 2020)
- Existing employees by June 29, 2020 and
- An employee who informs the employer of the employee's pregnancy within 10 days after the employer receives the information (on or after January 1, 2020)



104

Exercise 2



Time to see what we have learned this afternoon!

105

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