



2021 EMPLOYER CHECKLIST

As we continue to adapt to changes relating to COVID-19 as well as potential regulatory changes in light of a new administration, a number of unique and key considerations should be made by employers in 2021. The following can serve as a quick reference checklist for employers to ensure they've covered the gamut. Please contact your regular AT attorney or Partner [Ramona Palmer-Eason](#) with any questions.



Conduct Policy Checkups

A company's comprehensive list of policies should be reviewed on an annual basis to ensure compliance in a rapidly changing environment. Think everything from EEO and remote work policies to political activity and BYOD policies.



Conduct Diligence on Voluntary or Mandatory COVID Testing and Vaccination Programs at the Worksite

Evaluate whether testing and/or vaccination programs at your worksite are right for your organization. Develop an adaptable strategy for addressing evolving health and safety protocols in the pandemic.



Review Job Descriptions for Updates

Take into consideration the suitability of designating onsite work as an essential work requirement, and review job descriptions for changes in scope as a result of COVID-19.



Review Border State Work From Home Payroll Tax Considerations

Review payroll practices for appropriate tax considerations for employees working remotely in one state with work situs in another.



Conduct Harassment and Discrimination Free Workplace Training

While it's important to conduct regular training programs to maintain a harassment and discrimination free workplace no matter where in the world you do business, employers should also monitor state-specific laws for specific training requirements.



Conduct an Employment Application Checkup

Review employment applications for necessary ban the box updates as well as updates required to remove salary history inquiries.



Monitor for Developments with Paid Sick Leave Laws

Continue to monitor developments to the passage and amendments to paid leave laws for potential impact to your organization.



Conduct Independent Contractor Classification Reviews

Prepare for a self-critical and privileged review and analysis of independent contractor relationships in light of new DOL guidance to ensure proper worker classification.



Monitor for Developments with Minimum Wage Updates

Stay abreast of evolving changes to state minimum wage laws.



Monitor for Developments with New Ban the Box Updates

Track the impact to your organization of state and local limitations on the collection of applicant criminal history and pay history.



Review Employee Benefits Updates for 2021

2021 will bring with a number of employee benefits implications, especially related to various relief plans, health plans and wellness programs. Perhaps top of mind is mandated coverage of COVID-19 vaccines and private health plans. Review recent guidance from our Employee Benefits team in the [For Your Benefit newsletter](#).



Compliance Monitoring

The 2019 and 2020 EEO-1 Component 1 data collection is scheduled to open in April 2021. Filers should begin preparing to submit data in anticipation of the opening and watch out for further updates from the Equal Employment Opportunity Commission. Additionally, while the Department of Homeland Security (DHS) has extended relief from the physical presence requirements associated with I-9 verification through Jan. 31, 2021, employers should continue to monitor DHS and the U.S. Immigration and Customs Enforcement websites for further guidance.



Review Immigration Guidelines

2021 will bring modifications to H1-B selection processes. Consult with legal counsel to ensure your programs and policies align with those changes. Follow [AT's COVID-19 Resource Center](#) for new developments on federal guidance.



Conduct Leave Absence Management Training for Supervisors

This is a great time to implement refresher training on ADA interactive processes and FMLA Intermittent Leave.



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