

# HEADS UP!

HR news YOU need to know

Interactive Process - What Is This & Why Is It Important?  
Page 2

CDPH, CDC, Cal/OSHA – Which Guidance Do I Follow?  
Page 3

Supplemental Paid Sick Leave (SPSL)  
Page 4



## What is an “interactive process” and why is it important?

Many of our clients have heard us say, “we’ll need to start the 'interactive process'” when they discuss an employee who may be eligible for a leave of absence or workplace accommodation.



What IS the interactive process you may be asking? The interactive process is a conversation between an employer and an employee to determine if an employee may be eligible for a leave of absence or if a reasonable accommodation is needed for an employee to perform the essential functions of their job.

The interactive process is required and simply means the employee with a disability or healthcare issue and the employer work together to determine if an accommodation is needed or determine an appropriate leave of absence.

The process can be initiated either by:

- The employee’s written or verbal request for assistance, or
- The employer’s inquiry into workplace behaviors that may potentially be the result of a medical condition covered by the ADA

The interactive process is a two-way conversation that works best when the employee engages as well and one that requires a careful balancing act.

- You may not ask for specifics regarding any medical issues the employee may be facing.
- It isn’t the employer’s role to define whether the employee’s challenge meets the requirements of a qualifying disability.

When working through the interactive process with your employee, you’re required to inform your employee about leave benefits that they may qualify for and if one exists, to make a reasonable accommodation. The notion of what is a “reasonable accommodation” is based on:

- Your company size
- The specific position in question
- The organization’s financial resources
- Other situational factors

There's a lot more to know about the interactive process, leave of absence and reasonable accommodations. Not being aware or understanding the laws that govern your business as it relates to these can be costly to your bottom line.

If you have an employee that you think may need to go through the interactive process, call your HR Ambassadors. They are ready to assist you.



## **CDPH, CDC, Cal/OSHA – Which Guidance Do I Follow?**

Since March of 2020 we have received a bunch of guidance and mandates from California's Department of Health (CDPH), Center for Disease Control (CDC) and Cal/OSHA. Sometimes the guidance and mandates aren't aligned, where we have one entity citing required actions that the public needs to take, and other agency citing the same actions for the public as recommended or optional.

Understanding which agency's guidance takes precedent can be confusing. As HR professionals who look at this type of information daily and sometimes, we are confounded too!

So which entity's guidance do you follow? Well, the rule of thumb is to follow the guidance and/or mandates of the agency that has the most restrictive requirements. Doing so will ensure your business is in compliance. In most case's Cal/OSHA and/or CDPH have the strictest guidelines.

No worries though, we are here to help you make sense of all this. Just give our HR Ambassadors a call, we're happy to assist.



# SPSL – Supplemental Paid Sick Leave

All employers with 26 or more employees must provide Supplemental Paid Sick Leave (SPSL) to employees who are unable to work due to COVID-19 and/or are caring for a family member who contracts COVID-19.

SPSL was reinstated effective January 1, 2022 and will end on September 30, 2022. From the looks of things now, it doesn't look like it will be extended. Here are some things to consider as September 30th fast approaches:

- If you have an employee on SPSL continue to track their usage of this leave
- If anyone requests leave before or on September 30th, you must grant them the leave if they meet eligibility
- Any employee who is on SPSL and/or has SPSL prior to or on September 30th, will be entitled to being on and/or use any time available to them past September 30th. They will not however be able to begin a new leave under SPSL after September 30th.

Your HR Ambassadors can answer any questions you have regarding SPSL. We're happy to help!

