advantage

TABLE OF CONTENTS

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INVESTIGATION CHECKLIST

By Judy Clark, SPHR

Lately, we have been receiving an increasing number of requests to conduct investigations for our clients. They might be for harassment, workplace misconduct, higher than average turnover, employee conflicts, etc. The process changes depending on what is believed to be the underlying concerns, but the steps in structuring the investigation always have some similarities. The following is to give you some idea about what we do, and what you can do if you decide to do these investigations internally.

The first step is to determine if an investigation is likely to help inform the organization about the nature of the concern and what actions might be needed to remedy the situation. The second step is to identify if immediate response is necessary even before the investigation takes place. Does someone need to be suspended pending investigation? Do the two parties need to be separated to protect one of them while the organization determines what is to be done? When these decisions have been made, the next step is to determine if an internal resource can conduct the investigation or whether an external resource would be better because of a conflict of interest, or the possibility of a perception that an internal resource might be biased, or because no one internally has been trained in conducting investigations.

Once these decisions have been made, the real work of structuring the investigation begins. While each investigation needs to be tailored to the circumstances, the general outline of steps is:

1. **Develop an Investigation Plan** – Think about the actions necessary, the people to talk with, how confidentiality can best be maintained (not always possible), and what documents, if any, will be needed.
2. **Conduct Interviews** – Typically the person raising the concern (complainant) is the first interview because it is important to get the information and detail that person can provide. The second interview is often with the person being complained about (respondent). This allows the difference of opinion to be clearly identified. Telling both individuals that you may come back to them with additional questions is a good idea since it is likely that additional information may be needed. It will be important to stress that confidentiality will be maintained as much as possible. It is also critical to clearly state that no reprisal or retaliation will be permitted. And that if it occurs, corrective action up to and including termination will be considered.
3. **Interview Witnesses** – It is important to talk with two types of people in this step. Talk with people who saw or heard anything about the situation and talk with people to whom the Complainant told what happened contemporaneously with the incident. Some instances being investigated will not have

witnesses who saw or heard what occurred because some behaviors do not happen when others are present. Often, however, the Complainant will tell a friend or co-worker what happened and that should be considered substantiating information. It will be important to stress that confidentiality must be maintained as much as possible.

4. **Review any Relevant Documents** – Review any written materials that would be helpful such as Personnel files, policies outlining conduct expectations, previous corrective action documentation, etc.

5. **Analyze the information** – Once the interviews and material review are completed, then it is time for determination of investigatory findings. Identifying what is known and what is possible, and what is still unknown helps the investigator determine what additional information is needed and how serious the situation may be.

6. **Make Recommendations about Actions** – The next to last step of the investigation process is to suggest what actions are necessary to address any untoward behavior that is found to have occurred. This outcome would range from there is no finding of misconduct to finding that serious and egregious violations of policy or law occurred. Recommendations regarding actions should be based on the findings and be consistent with previous actions or willingness to take the same action in any future situation. Depending on the findings or the seriousness of the allegations, employers will also want to advise their (if they have one) Employment Practices Liability Insurance carrier of the complaint that has been made.

7. **Make a Decision –** And finally, a decision is made based on the findings of your investigation. This decision has to be consistent with any actions taken in past similar situations and should be thoroughly documented and communicated with the Complainant and Respondent.

EMPLOYEE RECALL

The desire to "get back to normal" is growing. It is a feeling shared by virtually every person in the country. As shelter-in-place orders are relaxed, modified, or expire, and the preventative steps taken have their intended impact, employers will begin the process of recalling furloughed and laid off employees. Careful planning will be critical in these processes.

First, these processes are discretionary unless you have a collective bargaining agreement or current policy addressing this topic. Other than anti-discrimination, there are neither state nor federal laws about how to recall employees. Whatever recall procedure an employer follows, it is imperative that employees be thoroughly informed about the process. This is a time for complete transparency. Early and clear communications is key.

Organizations will need to address recalling people to their previous positions and if recall will be provided to those whose job no longer exists (essentially filling other vacant jobs).

If an employer is subject to a collective bargaining agreement, it is virtually certain that it contains layoff and recall provisions. Seniority generally dictates the order of recall and employers are obligated to follow it or else be subject to grievances and unfair labor practice charges. In most non-union situations the employer must look to its written policies, usually contained in the employee handbook. Many handbooks include language

relating to layoffs and recalls. If so, those procedures should be followed, absent unusual circumstances. Since an employee handbook is generally not considered a binding contract, failure to follow its provisions may not result in a lawsuit, but employee morale and the employer's reputation may suffer.

In circumstances where there is neither a contract or written policies, employers must next look to any representations made to employees, either <u>verbal or written</u>. Were any promises or commitments made in the layoff notice, memos, letters, or e-mails about the employees' jobs when economic circumstances change? Did supervisors or managers make promises of recall to employees? Such representations may have created rights or obligations where none may have existed previously. Do not guess! Read the letters and speak with those who delivered the news of reduction before you complete your recall plan.

We believe a policy is needed for a recall to proceed in a consistent manner and to limit future liability. The policy must be reasonable and non-discriminatory. It must be applied in such a manner as well. The policy must be specific about the terms and conditions of recall. It should address at a minimum, the following issues:

1) How the recall decisions will be made. It should specify that the organization retains discretion to consider employee's skills and the needs of the organization;
2) Notice requirements, including responsibility on the employee to maintain contact to affirm availability and time frame for responding to recall notice;
3) Impact of the furlough on vacation accrual and other benefits;
4) The time limit on how long an employee will be considered to have recall rights;
5) Pay out of any accrued vacation or similar benefits for employees not recalled and/or whose jobs have been eliminated.

There are no legal requirements for how long the period of recall rights may be. While other matters may be addressed in a recall policy, those listed above are among the most fundamental decisions that will be made in any employee recall process.

In most operations, quickly resuming production will be the priority. The potential for discrimination arises in the selection of who to recall. Since the majority of today's workforce falls within a protected category, there will be some situations where an employee within one or more of the various protected categories will be passed over for recall or not recalled due to job elimination. While potential claims of discrimination based upon race, gender, national origin, or disability are always possible in such circumstances, perhaps the most potential lies in claims of age discrimination under the Age Discrimination in Employment Act (ADEA). The large number of employees well past the protected age of 40 in today's workforce should be a cause for concern for both the recall process, as well as in the case of job eliminations. Whether accurate or not, older workers are often viewed as less productive and more expensive than younger employees. However, an organization can set themselves up for success by having a clear, nondiscriminatory process, that is followed consistently.

Let's consider actual or perceived unfairness. Whether potential legal obligations to follow a certain recall procedure might or might not apply in any given workplace, this may be less important than the long-term impact on employee morale created by a recall process that is actually or perceived as unfair. In these most stressful and unique circumstances created by the workplace effects of the Coronavirus, employees will understandably be particularly focused on how they are treated by their employers. While most employers took every reasonable step to avoid furloughing their employees, the decision ultimately had to be made. Most

employees accepted it as an unavoidable circumstance of the current crisis. As the economy begins its return to normalcy, there will be employee anticipation of return to work.

A well-planned and well-publicized recall process as discussed above will not only facilitate an orderly resumption of operations, it will also go a long way in minimizing potential claims of biased treatment as well as the damage to employee morale that may result. Any resentment built up by seeing others, perhaps younger, with lesser seniority or less skilled, will be difficult to overcome in the future. If there is a basis for some legal claim, it may well be filed. Equally damaging could be the employee perception that their employer does not care or that they are not valued. A negative attitude on the part of some who feel unfairly treated can easily spread to others. No employer should knowingly risk the goodwill that is so critical to maintaining a satisfied and productive workforce.

There are a couple of other important issues for all organizations to consider in implementing a recall.

First, employers must consider whether they will need to progressively ramp up their operations before they bring back all staff. Certain employees may need to be brought back first to ensure that the rest of the employees are able to work. For example, a maintenance staff may need to be brought back first to ensure that all equipment is operational. Some employers may wish to bring employees back in waves to ensure that they have enough work. Organizations may also need to confirm the supply chains of critical materials before they can resume operations or wait for clients to resume operations first before they reopen.

Second, any employee that is recalled will be immediately eligible for the sick leave under the Families First Coronavirus Response Act. They will not be eligible for the expanded family leave until they have been employees on the organization payroll for at least 30 days. The potential for leave requests could even increase once employees are back in the workplace.

Third, as a reminder, salaried employees can be paid a prorated salary if they start in the middle of the week or if their employment ends in the middle of the week. If salaried employees are recalled in the middle of the week, this pay issue should be taken into consideration.

Fourth, an employee may decline a recall for any number of reasons. In some cases, they are making more on unemployment. In others they will be worried about the ability to maintain their health. In either case the organization needs to be clear about what declining the offer means. Does it mean they will no longer be eligible for recall? Will this impact their unemployment benefits? In most policies, the answer to both is, yes.

Long before any employee recalls begin, employers need to carefully access what skills and experiences are most needed to resume productivity. A detailed schedule of who will be recalled, and when (to the extent known) should be a priority. Open and frequent communication with the furloughed or laid off employee will help to ease the understandable concern about how soon they may start to resume work.

If you would like to have a sample policy let us know.

IDEAS ON BEING MORE INCLUSIVE

Inclusivity is a business necessity, it's not just a nice to have and it certainly is not a political issue. For organizations of all sizes, communication, connection, and interaction between employees, at all levels, is an area of focus for the future success of business.

Any time we communicate with a feeling of superiority versus inferiority, we have the potential to offend others. Diversity and Inclusion experts encourage leaders to create a working environment in which people feel safe, valued, and respected and are not afraid to speak up if they are offended by a degrading, embarrassing, or demeaning comment or phrase.

In O.C. Tanners Institute July 2020 Omnibus Survey share that 75% of employees feel their organizations have an exclusive culture. In addition, 72% report senior leaders believe diversity and inclusion is important. There is great value in reminding employees that being sensitive to diversity makes *them* smarter. Diversity and inclusion policies, training and activities makes your organization smarter.

Here are some items to pay attention to:

If employees say they are offended, believe them. Remind employees that if someone disapproves or reacts to language that is ethnically, racially, or sexually offensive, they should not assume that it is that person who has a problem. The person who made the offensive remarks has the issue, and it's their responsibility to remedy the situation. Employees can definitely bring it up and address as a standalone. Organizational leaders have the obligation to make a point that a term is offensive. If you are silent you are providing permission to continue and conveying to others it is acceptable.

Say "Ouch!" If an employee makes a comment that could be perceived as offensive, simply making the statement of "Ouch!" is a soft way to share one's disapproval. The goal is to open the door for a conversation and this soft approach is not very off-putting.

Encourage honesty and openness. Let employees know what is expected of them. Identify that any type of bias or offensive language will not be tolerated. It is also fair to state it will not be punished—as the first time is a learning opportunity. Everyone should be allowed to make a mistake. Encouraging employees to feel empowered to point out offensive language without either party suffering negative consequences is the desire. These situations are an opportunity to see it as a 'coachable moment' which also means to immediately but privately address the issue, what was said and why it was inappropriate. Individual background and culture play a big role in a person's vocabulary. While it is easy to assume everyone "should know better" it is best to take the approach of ensuring that people *now* know.

REMIDERS

The Department of Labor has issued a Notice of Proposed Rulemaking with the intention of providing clarity in the standards used to determine the status of an individual as either an employee or Independent Contractor.

In this rulemaking, the Department proposed to:

- Adopt an "economic reality" test to determine a worker's status as an FLSA employee or an Independent Contractor. The test considers whether a worker is in business for themselves (Independent Contractor) or is economically dependent on a putative employer for work (employee);
- Identify and explain two "core factors," specifically: the nature and degree of the worker's control over the work; and the worker's opportunity for profit or loss based on initiative and/or investment. These factors help determine if a worker is economically dependent on someone else's business or is in business for themselves;
- Identify three other factors that may serve as additional guideposts in the analysis including: the amount of skill required for the work; the degree of permanence of the working relationship between the worker and the potential employer; and whether the work is part of an integrated unit of production; and
- Advise that the actual practice is more relevant than what may be contractually or theoretically possible in determining whether a worker is an employee or an Independent Contractor.

The public will have 30 days to comment on the proposed regulation; the comment period will begin on the date of publication in the Federal Register. Comments can be submitted through regulations.gov.

Once the final rules are published, we will provide an overview and impact announcement.

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The FBI and the Cybersecurity and Infrastructure Security Agency (CISA) is warning employers about an ongoing voice-phishing ("vishing") campaign targeting remote workers.

According to an August alert, the campaign began in mid-July and involves criminals creating fake websites that duplicate the virtual private network (VPN) login pages for targeted companies. They then pose as the information technology (IT) help desk of those companies when calling employees, to gain their trust and get them to log in to the mock VPN.

Vishing is a form of social engineering done over the telephone to trick victims into giving up their account credentials to gain access to private information. In this case, most of the calls were made using Voice over Internet Protocol numbers to call victims on their personal cellphones. In other cases, legitimate phone numbers from the employer were spoofed.

Information was collected about individually targeted employees, usually by "mass scraping of public profiles on social media platforms, recruiter and marketing tools, publicly available background-check services, and open-source research," according to the FBI and CISA. Collected information included names, home addresses, personal cellphone numbers, job titles and the length of time employees had been with the company.

"With the mass shift to large-scale work-from-home environments, cybercriminals and hacker groups are employing increasingly creative tactics to take advantage of weakened security protocols and overly trusting employees,"

BENEFIT TRENDS

Employee benefits, particularly health benefits — medical, dental and vision — are one of the top investments and major expenses small and midsize businesses face. Employers often use health benefits to attract and retain top talent.

As small to midsize businesses continue to strive to offer employees additional options and packages to serve them best, the need for benchmark data becomes apparent.

The Zenefits 2020 Health Benchmark Report (with COVID-19 Data) provides trends in health care coverage among businesses with 500 or fewer employees.

The report is based on anonymized and aggregated data pulled from a sample of 11,000 US small business customers on the Zenefits platform with fewer than 500 employees which span various industries and geographic locations.

Key Trend #1: Fewer small to midsize employers are providing medical, dental, and vision insurance. Of the average small to midsize employers with 26-50 employees, 70% offered medical, dental, and vision in 2020 compared to 88% 2017, a 20.5% decrease. Of employers with 100 or more employees, 80% offered medical, dental, and vision in 2020 compared to 93% in 2017, a 14.0% decrease.

Key Trend #2: Employer sponsored health insurance is still the number one valued benefit employees seek. It's followed by paid time off (PTO) and employer sponsored dental and vision insurance. Approximately 39.5% of employees value PTO as highly as company-sponsored health benefits.

Key Trend #3: The cost of health insurance has decreased for individuals. Across all plan types, premium costs for individuals decreased by 0.9% from $536.01 in 2017 to $531.31 in 2020, while deductibles fell from $2,712.25 to $2,347.31 a 13.4% decrease.

Key Trend #4: Family deductibles are increasing or decreasing based on the type and popularity or perceived desirability of health plans. The average family deductible for a high deductible health plan (HDHP) in 2017 was $6,328 compared to $6,744 in 2020, an increase of 6.6%. Yet a point of service (POS) plan deductible in 2017 was $4,557 vs. $4,326 in 2020, a decrease of 5.1%.

THOUGHTS TO THINK ABOUT

"The fundamentals of success are simple and easy. Getting yourself to stick to them is the difficult part."
Darren Hardy

"The game is won or lost before you begin – based on the players you field and how well you have prepared them to perform."
Jack Welsch

"A good laugh heals a lot of hurts."
Madeleine L'Engle

"Ideas are useless unless used."
T. Levitt

"It is not how many ideas you have; it's how many you make happen."
Advertisement of Accenture

Q & A

Q: Wondering what the consensus is about job descriptions with "other duties as assigned"? Here's the scenario:

There are two positions in a department, and one is a Lead position. The Lead position is vacated and not filled for an extended amount of time. The other position is picking up the additional duties, yet no interim assignment has been made official. When the employee asked about compensation for the long-term additional duties they have performed, they were told that they were "other duties as assigned". The duties performed are normally part of the Lead responsibilities, however without that position filled, the burden falls on the only other employee in the department and for whatever reason, the employer has not filled the second position until most recently. The "other duties as assigned" have been performed in total for over a year. What's fair here? Is there a reasonable limit on the use of the "other duties as assigned"? When is it prudent to re-write a job description to include those "other duties" that have been assigned for x-number of months?

A: There is no problem with "other assigned duties" – that is standard fare. However, organizations should be careful not to abuse this statement. It is commonly understood that this refers to job related minor or incidental tasks. Of course, in some states (like Oregon), the job would need to be rereviewed for comparable character and pay equity. In short, organizations need to have a plan/policy for these inevitable circumstances. Questions like, how will the organization determine if measurable change has occurred? What amount of change equals more pay?

HR BY THE NUMBERS

According to *Accolade and The Guardian Workplace Benefits Study* 1 in 4 Americans say choosing benefits is a "Guessing Game." Only 47% say their employer is doing a good job educating them about how to use their benefits.

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Working parents with children under 14 constitute about one-third of the workforce, approximately 50 million workers. A *Washington Post* survey showed that women lose their jobs due to childcare at twice the rate of men. Researchers are now also examining the long-term effects on female employment as well. Some are claiming the COVID conundrum, balancing telework with home schooling, may set working women back for a generation.

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In Deloitte's 2020 Global Human Capital Trends Report, 85% of survey respondents believe that the future of work raises ethical challenges but only 27% have clear policies and leaders in place to manage them.

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The number of self-employed workers in the United States is projected to hit 42,000,000 in 2020. These invisible label forces are being exposed in the recent research by Mary Gray in a book called *Ghost Work.*

FOR YOUR CALENDAR

Open your Daytimers, Outlook, and all those Smartphones. The following is a look at upcoming events and workshops, special days, and other diverse and fun activities you will want to be aware of and schedule. To register for our workshops, go to HR Answers Events or click on the event below.

OCTOBER: National Breast Cancer Awareness, Disability Employment Awareness, Dyslexia Awareness, Ergonomics, Emotional Wellness, LGBT History, Bullying Prevention, Positive Attitude, Pizza, Cookie, Dessert, Country Music and Work and Family Month.

Oct. 4	Improve Your Office Day
Oct. 5	Do Something Nice Day World Teachers' Day National Get Funky Day
Oct. 5-9	Customer Service Week
Oct. 7	**HR Lunch Bunch: Auditing Your HR Function** 12:00pm to 1:00pm Register Here
	National Forgiveness & Happiness Day
Oct. 16	Bosses Day – Time to Celebrate Your Boss
Oct. 13	**HRA Webinar: FMLA/OFLA: Compliance Tips and Tricks** 9:00am to 10:30am Register Here
Oct. 13	National Train Your Brain Day
Oct. 14	Conflict Resolution Day

Oct. 15   **HRA Webinar: Managing Employees with Substance Abuse**
9:00am to 10:30am
[Register Here](#)

Oct. 17   Wear Something Gaudy Day

Oct. 20   **HRA Webinar: Americans with Disabilities Act (ADA)**
9:00am to 10:30am
[Register Here](#)

Oct. 24   National Make a Difference Day

Oct. 22   **Job Search Workshop**
11:00am to 1:00pm
[Register Here](#)

Oct. 27   **HRA Webinar: Crossroad of School and Work**
9:00am to 10:30am
[Register Here](#)

Oct. 28   National Chocolate Day

Oct. 30   **HRA Advantage Plan Client Event**

Oct. 31   Halloween
National Knock-Knock Jokes Day

COMING UP:

Nov. 4   **HR Lunch Bunch: Conducting an Effective Internal Investigation**
12:00pm to 1:00pm
[Register Here](#)

Nov. 12   **HRA Webinar: Building Trust – Authenticity**
8:30am to 11:00am
[Register Here](#)

Nov. 12   **Job Search Workshop**
11:00am to 1:00pm
[Register Here](#)

Nov. 17   **HRA Webinar: Self-Awareness through DiSC**
8:30am to 12:30pm
[Register Here](#)

Nov. 17	**HRA Webinar: Crossroad of School and Work** 9:00am to 10:30am Register Here
Nov. 19	**HRA Webinar: Pay Equity** 9:00am to 10:30am Register Here

LOOKING AHEAD:

Dec. 2	**HR Lunch Bunch: What is Good Documentation?** 12:00pm to 1:00pm Register Here
Dec. 4	**HRA Webinar: Preparing for the New Year** 9:00am to 10:30am Register Here
Dec. 10	**HRA Webinar: Effective Use of Corrective Action in a Union Environment** 9:00am to 10:30am Register Here
Dec. 10	**Job Search Workshop** 11:00am to 1:00pm Register Here

WORDS MATTER

Last month we shared an article with you about how language and word choice matter. We heard from many of you, so we thought we would share these additional examples with you. Here are several inappropriate words and phrases that should not be said in the workplace because they do not aid you on the path to success.

'That's not my job'
This phrase can have huge consequences. Not willing to go the extra mile when you have been asked to will make you look uncooperative, lazy, incompetent, or perhaps irresponsible. These are not the qualities that employers are looking for in their employees.

'I can't work with them'
Whether it's because you don't like someone or you don't like their work style, publicly refusing to work with them will reflect poorly on you and may cause others to doubt someone else. It is important to set your differences aside and find a way to work together. This will allow you demonstrate your ability to work with a team and overcome challenges when they arise – which are positive employee qualities.

'I don't know' (shrugs and walks away)
Nobody expects you to have the answers to everything. However, if they asked you, they generally have some reason for thinking you would know. Shrugging your shoulders is probably not your smartest move. Instead, share anything you do know and offering to find the answer is great. (ask someone who *does* know or research it).

'It's not my fault'
Perhaps it is not. However, placing blame and pointing fingers towards someone else makes people trust you less and damages morale. If you're innocent, explain why by offering an objective explanation of what happened – without throwing others under the bus! Stick to the facts and let your boss draw their own conclusions. If you bear the primary responsibility, own up to your mistake(s). Making mistakes is one way we learn.

'I don't have time for that' or 'I don't get paid enough for this'
Telling a co-worker or your boss that you don't have time for them is simply rude and it may demonstrate poor time management skills. If you really don't have time, say something like: 'I'd be happy to discuss this with you after my meeting. Can I drop by your office at 2pm?' Likewise, if your boss asks you to add another task to your full workload, ask them to assist you with reprioritizing your existing tasks to be able to take on the new task.

'Good job, guys!'
The concern here is the word 'guys', especially when your team is comprised of various genders. It would be better to say something like 'Good job, team!' or 'Good job, everyone!'

'OMG, did you hear about [insert name]?'
This is workplace gossiping. This does not build a sense of team, rather it can create a stressful and toxic workplace. It simply excludes and isolates those who are being gossiped about.

'That's so gay'
Using offensive and derogatory terms like this in the workplace is simply unprofessional and can be viewed as discrimination against sexual orientation. It would be better to say 'frustrating' or 'uncool'.

'It's not fair'
Bringing forward a complaint or concern is appropriate. The way you bring it forward lends to the credibility of the complaint or concern. Try being specific about the facts of what has occurred and how that impacted you personally. If you can't articulate either, it may be a personal frustration better kept to yourself.

Any type of swear word
While swearing is a form of self-expression there's really no place for it in the workplace. You don't need it to do your job! Not everyone you work with will be comfortable with profanity.

Here are some recommendations for building a stronger approach in your communication going forward:

'I think'
Using words like 'think' show that you lack confidence in what you're saying. Allow us to demonstrate: which of the two following statements do you think is the most authoritative?

- 'I think our company might be a good partner for you'
- 'I believe/I know/I'm confident our company will be a good partner for you'

Th answer is 2. This statement is more assertive and passionate – use words like 'believe', 'know', 'confident' and 'will'.

'I'll try'

Saying "I'll try"' actually suggests ambivalence. 'I'll do it', on the other hand, suggests confidence and it helps people know they can trust and rely on you. If you are unable to do something, then simply explain why you are unable to – "I've made a commitment elsewhere". It is okay to say "no". The goal is to not leave people dangling. If you are a Star Wars fan you might remember the great Jedi Master Yoda phrase "Do. Or do not. There is no try."

ON MY SOAPBOX

I believe in people's ingenuity. That belief is reinforced when I consider that for the past five years, an average of 344,414 patents have been granted each year. That is creativity, ingenuity, and innovation all wrapped together in new ideas.

I had a chance to see that in action last week. HRA provides expert witness services for both plaintiff and defense depending on which side has the "right" cause of action. I am blessed (most of the time) with the fact that I get to do this work. Like many other things COVID-19 has complicated that process. You just cannot get people together in a usual courtroom because the rooms are not set up for social distancing between jurors or spectators.

So, the "courtroom" used for the trial was a very large ballroom at a convention center in Bellevue, Washington. Half of the room's space was configured with tables for the Plaintiff counsel, the Defense counsel, the Judge, and trial Clerks. The "witness box" was a very small table with a glass of water and a microphone. The second half of the room had chairs spaced at 6-8-foot intervals for the jurors. Entering the room and seeing it for the first time was strange given the configuration.

There was one other surprise. I was wearing a mask, but they asked that I take it off and wear the one that was being handed to me. It was clear plastic where the cloth ordinarily is and bounded by foam across the top of the nose and the bottom of the chin. They were hot and clearly showed the particle of moisture on the plastic film. They explained that they feel it is important for everyone, especially the jurors, to be able to see witnesses speak so the clear plastic mask allows for that. I asked if I could keep it and they said yes. It is a souvenir of the experience.

Back to my observations about ingenuity…the use of a ballroom to replace a courtroom, the room's configuration to build social distancing into the furniture placement, the plastic see-through masks are all creations of someone's ingenuity. If you consider just those three for just one situation it is easy to ask, how many ingenious ideas have come from our need to respond to this virus? If you sit back for a moment and conjure up the last 9 months, the number of adjustments, modifications, and changes we have made must number into the hundreds of thousands.

We have learned new words, handled our daily routines in different locations, many of us have become home teachers, and all of us have been touched in some manner by COVID-19. The result of this is feelings of depression, loneliness, anger, grief, some new habits, some deepening of relationships, and some broadening of perspectives and empathy. But while we were experiencing all or some of these, we were busy creating new ways of doing regular things. That is ingenuity personified!

Let us hope that the virus becomes manageable and that ingenuity remains for the next bombshell that arrives.

Judy Clark, Founder

"Whatever the Question"
Visit Our Website for More Information
hranswers.com

15