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Editor: Deborah Jeffries, SHRM-CP, PHR, CPC: **Advantage** is published monthly and is designed to provide information on regulations, HR practices, and management ideas and concerns. The intended audience is managers, supervisors, business owners, human resources professionals and labor relations professionals. If you have questions about the content, an opinion about the information, or questions about your subscription, please call us at 503-885-9815 or email us at info@hranswers.com



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REMINDERS: BUSINESS ITEMS FROM THE RESCUE PLAN

Many of you saw our Alert that we sent and posted at the beginning of April. For those of you who might have missed it we wanted to share that information with you here. There are several components from the Rescue Plan that every employer needs to be aware of and a brief overview is provided below.

Emergency Paid Sick Leave and/or Emergency Paid FMLA leave. As you know, in March of 2020, the Families First Corona Virus Response Act (FFCRA) was signed into law. Employers with fewer than 500 employees quickly put in place policies, leave forms, and associated processes to provide their employees Emergency Paid Sick Leave and/or Emergency Paid FMLA leave. These provisions were envisioned to sunset at the end of the year, but the virus was not substantially under control and in December of 2020 the Consolidated Appropriation Act (CAA) was signed into law which allowed employers to voluntarily continue these offerings, the key being all provisions as offered under the FFCRA had to be continued. The CAA extension of the FFCRA was envisioned to end this month. However, as the virus and associated impacts are still being realized, the American Rescue Plan Act (ARPA) was passed on March 11, 2021.

Again, this is voluntary. However, it is not a simple extension to what we already know. There are a few changes/improvements for employees and potential disqualification for employers.

Emergency Paid Sick Leave

- Leave can be used by an employee who is seeking or awaiting the results of a diagnostic test for or a medical diagnosis of COVID-19 after an exposure or at the employer's request.
- Leave can be used by an employee who is obtaining a COVID-19 vaccine; or
- The employee is recovering from any injury, disability, illness, or condition related to a COVID-19 vaccine.
- Beginning April 1, a "new allotment" of up to 80 hours are provided to eligible employees (using the same calculation as provided in FFCRA).
- If the paid sick leave is for any other reason than the employee's own symptoms, quarantine or isolation, the amount of tax credit an employer can receive is limited to two thirds of the employee's regular rate of pay and capped at \$200 a day.

Emergency Paid Family and Medical Leave

- Expands the reasons to take leave to include the qualifying reasons to take paid sick leave, including the additional reasons outlined above.
- Eliminates the requirement that the first 10 days of expanded family and medical leave is unpaid.
- Increases the aggregate cap for tax credits from \$10,000 to \$12,000 per employee.

Employers are disqualified from receiving FFCRA payroll tax credits if the employer:

- Fails to comply with the FFCRA, including its anti-retaliation provisions; or

- Discriminates in favor of highly compensated employees, full-time employees, or employees on the basis of employment tenure with respect to leave.

Extending Unemployment Insurance Benefits. The Rescue Plan extends unemployment assistance to individuals who become unemployed or are unable to work due to COVID-19, including:

- Extending the Pandemic Unemployment Assistance Program to provide unemployment benefits to individuals who are ineligible for regular or extended benefits under state law (e.g., self-employed individuals, independent contractors, workers with limited work history) for a total of 79 weeks through September 6, 2021.
- Extending the Federal Pandemic Unemployment Compensation program, providing both individuals who regularly qualified for unemployment benefits and those who qualify for PUA \$300 per week of unemployment until September 6, 2021.
- Extending the Emergency Unemployment Compensation program, which will provide federal funding for up to 53 weeks of additional unemployment benefits until September 6, 2021; and
- Exempting the first \$10,200 of unemployment benefits from federal income taxes for households with gross income of less than \$150,000.

Increased Limits for Dependent Care. A Dependent Care Assistance Program (DCAP), which can also be a Dependent Care Flexible Spending Account (DCFSA), are programs where employees make pre-tax contributions under a cafeteria plan for child or elder care expenses. These would normally cap at \$5,000 (or \$2,500 if married filing separately). Under the ARPA, for 2021 only, that is increased to \$10,500 (or \$5,250 if married filing separately).

This assistance applies to plan years that begin after December 31, 2020, and before January 1, 2022.

Plans are *not* required to adopt this change but may do so if desired. To do so, a plan amendment may be required. Please consult with your provider or broker for more information.

As additional information becomes available, we will share and, as always, if we can help you with these topics or other HR related matters just give us a call.

TEMPORARY COBRA CHANGES REQUIRE EMPLOYERS TO TAKE ACTION QUICKLY

As a result of the American Rescue Plan Act (ARPA), additional changes have occurred to COBRA provisions for a limited period of time, April 1st, 2021 through September 30th, 2021. These changes include the availability of a 100% subsidy for certain employees or former employees, various employer notice requirements, and an option for employers to allow eligible individuals to switch to a plan comparable in price (or less). A fully refundable payroll tax credit is available to participating employers; more information about the credit is available [here](#).

The COBRA subsidies are applicable to COBRA coverage offered through group health plans sponsored by a) private-sector employers, including group health insurance offered under state continuation (mini-COBRA) laws, b) employee organizations (unions), and c) state or local governments subject to the continuation provisions under the Public Health Service Act. Current and former employees are individually eligible for the

subsidy if they experienced or will experience a *qualifying event*, which is limited to an involuntary termination or reduction in hours. Situations that involve gross misconduct or those employees who are eligible for Medicare or another group health plan are excluded, however. Of note, even employees who did not originally elect COBRA/state continuation or those who stopped paying premiums, resulting in a cancellation, are now eligible through a special enrollment opportunity.

Covered employers should promptly initiate a an 18-month eligibility lookback period from April 2021, or in other words, determine individually eligible employees whose 18-month COBRA/continuation coverage would cover at least some of the time period between April 1st and September 30th. For example, an employee who did not originally elect coverage that, if elected, would have ended June of 2021 is eligible for three months of coverage at no cost. Such an employee could also choose to backdate coverage to the original eligibility date but would need to pay a percentage of the premium not covered by prior subsidies or the full cost, as applicable. As a second example, an employee who currently has COBRA coverage that is set to expire at the end of March is not eligible for the 100% subsidy, but one whose coverage is set to expire in April is eligible for one month of the subsidy.

Plan administrators at the organization must be prepared to send out several types of notices. A general notice must go out to all qualified beneficiaries who have (or are associated with an employee that has) a *qualifying event*, as described above, within the ARPA subsidy coverage period, which can be included with the general COBRA/state continuation election notice. By May 31st, a notice of the special enrollment opportunity should be sent to any employee or former employee who had a *qualifying event* before April 1, 2021 and, generally, only after October 1, 2019. Employees do have an obligation to respond and elect coverage and the subsidy within 60 days of the notification of eligibility.

The ARPA also requires a notice of the subsidy's expiration be provided to recipients 15 – 45 days prior to its expiration date, which must note the exact date of the expiration and discuss any future, unsubsidized period of coverage available. Although there is no requirement to notify those currently enrolled in COBRA/state continuation of the availability of the 100% subsidy, it is highly recommended.

Employers do beware, those that do not satisfy these COBRA continuation coverage requirements may be investigated by the U.S. Department of Labor and subjected to an excise tax under the IRS Code. You can find more information and model templates for the notices on the DOL's website [here](#).

HR LINK - TOP 15 SKILLS OF 2025

Every year the World Economic Forum puts out a list from their Job Report about the top skills employers need as the activities of doing business change and transition. Here is the list from their 2020 report ([WEF Future of Jobs report 2020](#)).

This is a great list to compare against your current employee skill set to see if there are gaps and then plan your training activities for the remainder of 2021 and into 2022.

1. Analytical thinking and innovation
2. Active learning and learning strategies
3. Complex problem-solving

4. Critical thinking and analysis
5. Creativity, originality, and initiative
6. Leadership and social influence
7. Technology use, monitoring and control
8. Technology design and programming
9. Resilience, stress tolerance and flexibility
10. Reasoning, problem-solving and ideation
11. Emotional intelligence
12. Troubleshooting and user experience
13. Service orientation
14. Systems analysis and evaluation
15. Persuasion and negotiation

COACHING: WHAT IT IS AND WHAT IT ISN'T

Coaching is one of the hottest trends for developing workplace talent. Coaching usually seeks to help a key person in an organization build their strengths and make specific improvements in their job performance. It also focuses on the 'here and now' rather than on the distant past or future.

While there are many different models of coaching, here we are not considering the "coach as expert" but, instead, the coach as a facilitator of learning. There is a huge difference between teaching someone and helping them to learn. In coaching, fundamentally, the coach is helping the individual to improve their own performance: in other words, helping them to learn. Good coaches believe that the individual always has the answer to their own problems but understands that they may need help to find the answer.

Like a sports coach, the work performance coach has an action focus. A good coach helps people discover their strengths and how to use them appropriately. We say "appropriately" because great strengths, used indiscriminately, can work against a client. The coach also helps people identify very clearly the gap between where they are now and where they want to be. Then the coach aids them to reduce that gap.

Coaching is not counseling or therapy. Coaching does resemble them both from the outside. A good coach listens actively and gives support. The difference, however, is in the goal of that listening and support. The coach's listening and support are directed to action. The therapist's or counselor's listening and support are directed more to helping the individual gain insights about how they got to where they are now and how to overcome the psychological barriers as a way of building better self-understanding.

Another area where coaching begins to look like therapy is in the area of self-discovery. Coaching aids individuals in becoming more self-observant so they can see how others view them. Building self-awareness is a key strategy for both coaches and therapists. However, the coach is especially interested in helping the individual discover "blind spots" about themselves—the things others see clearly, but which may not appear on the individuals radar screen. Once discovered, these blind spots can be reduced as they are seen more clearly.

Another big difference between coaching and counseling or therapy is one of time. The coach helps the client discover worthy targets and hit them now (the present) and tomorrow (the future) by making good choices. The origin or source of a challenge or difficulty (the past) is not usually addressed in the coaching arena; that work is more the province of therapy and counseling.

Coaching employees is an important responsibility of Supervisors and Managers. The goal is to help unleash the potential within each person. If you would like to learn more about coaching employees to improve performance, we have some wonderful ideas and tips in our upcoming program on May 18th. You can learn more [here](#).

HRA 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.

MAY: National Asparagus, Barbecue, Hamburger, Bike, Dental Care Awareness, Egg, Photography, Strawberry, Walking, Skin Cancer Awareness, Women’s Health, Teen Self-Esteem, and Water Safety Month.

- May 5** **HR Lunch Bunch: Writing Questions for Employee Opinion Surveys** **FREE**
 12:00pm to 1:00pm
[Register Here](#)
- May 6** **HRA Webinar - Job Descriptions: A Valuable Resource in Risk Mitigation and Compliance**
 9:00am to 11:00am
[Register Here](#)
- May 13** **HRA Job Search Webinar - FREE**
 11:00am to 1:00pm
[Register Here](#)
- May 18** **HRA Webinar - Coaching**
 8:30am to 12:00pm
[Register Here](#)
- May 20** **HRA Webinar - Compensation Fundamentals I: Market Analysis and Salary Surveys**
 1:30pm to 3:30pm
[Register Here](#)
- May 25 to** **Success for Beginning Supervisors – an 8-part series on Tue & Thu Jun 17**
 1:00pm to 5:00pm
[Register Here](#)
- May 26** **HRA Webinar - Soft Skills: Emotional Intelligence**
 8:30am to 12:00pm
[Register Here](#)

COMING UP:

- Jun 2** **HR Lunch Bunch: Leaves/Corrective Action** **FREE**
 12:00pm to 1:00pm
[Register Here](#)
- Jun 3** **HRA Webinar - HR Compliance – What You Don't Know Can Hurt You**
 9:00am to 11:00am
[Register Here](#)
- Jun 4** **HRA Webinar - Turning Lemons into the Watermelon Credo**
 9:00am to 11:00am
[Register Here](#)
- Jun 8** **HRA Webinar - Conducting an Effective Internal Investigation**
 1:30pm to 3:30pm
[Register Here](#)
- Jun 9** **HRA Webinar – Onboarding: Ensure that New Hires Succeed**
 8:30am to 12:00pm
[Register Here](#)
- Jun 10** **Job Search Webinar** **FREE**
 11:00am to 1:00pm
[Register Here](#)
- Jun 17** **HRA Webinar - Compensation Fundamentals – Philosophy, Structure, and Policy**
 9:00am to 11:00am
[Register Here](#)
- Jun 29** **HRA Webinar - Interviewing for Emotional Intelligence (Morning)**
 9:00am to 11:00am
[Register Here](#)
- Jun 29** **HRA Webinar - Interviewing for Emotional Intelligence (Afternoon)**
 3:00pm to 5:00pm
[Register Here](#)
- Jun 30** **HRA Webinar – Change: You Must Be the Change Before You Can Expect the Change**
 8:30am to 12:00pm
[Register Here](#)

LOOKING AHEAD:

- Jul 7** **HR Lunch Bunch: Consultant's Corner** **FREE**
 12:00pm to 1:00pm
[Register Here](#)

Jul 8	Job Search Webinar FREE 11:00am to 1:00pm Register Here
Jul 13	HRA Webinar - Technical Skills: Conducting Employee Opinion Surveys 9:00am to 11:00am Register Here
Jul 14	HRA Webinar - Emotional Safety in the Workplace 9:00am to 11:00am Register Here
Jul 15	HRA Webinar - Say No to Bullying 8:30am to 11:00am Register Here
Jul 20	HRA Webinar - HR for the Non-HR Person 9:00am to 12:00pm Register Here
Jul 27	HRA Webinar – HR for the Non-HR Person 1:00pm to 4:00pm Register Here
Jul 28	HRA Webinar - Routine Maintenance on Time and Stress Management 8:30am to 12:00pm Register Here
Jul 29	HRA Webinar - Working with Volunteers 8:30am to 11:00am Register Here

EMPLOYEE OPINION SURVEYS

The simple fact that the organization is conducting a survey can send a positive message to employees that their opinions are valued. A carefully designed and conducted employee survey can reveal a great deal of information about employee perceptions that management can use to improve the workplace.

The most common types of employee surveys include employee opinion and satisfaction surveys, employee culture surveys, and employee engagement surveys.

- Employee opinion and satisfaction surveys measure employee views, attitudes, and perceptions of their organization (also known as "climate surveys").
- An employee culture survey measures the point of view of employees and is designed to assess whether it aligns with that of the organization or its departments.

- Employee engagement surveys measure employees' commitment, motivation, sense of purpose and passion for their work and organization.

There are many reasons why an organization might conduct an employee opinion survey:

- They may be interested in assessing why they are having turnover.
- They may want to check the pulse of the organization (how do employees generally feel about their employer?).
- Morale or satisfaction issues may be of interest.
- The organization may have just experienced a merger or acquisition that is causing some employee issues.
- They may be interested in assessing the perceived strengths and weaknesses within the organization or management team.
- They may be looking to the employees for their opinions or suggestions around work processes, quality, or production issues.
- Or a host of other reasons.

It is very important to be clear on the purpose of the survey. Unless it is known why the survey is being conducted, it is nearly impossible to construct a usable survey, and even harder to assess whether or not it has served its purpose. In addition, make sure that the survey does not try to assess too many things. Choose two or three primary areas of inquiry and ask just enough survey questions to determine the answers, otherwise the end result will be a very complex and costly process that doesn't address the key issues.

Regardless of the reasons for conducting the survey, it is critical that the survey be conducted only with the full support of the management team AND a commitment to actually doing something with the information, including communication of the findings back to the employee group. Just the process of conducting an employee opinion survey raises expectations of change or feedback. Therefore, if nothing is done with the information or if nothing is communicated back to the employees, an organization can be actually causing more issues than if they had not conducted the survey at all. In fact, obtaining employee opinions and then ignoring them will typically lead to a decrease in employee morale and will cause employees to look upon future surveys with considerable skepticism.

Once an organization has determined that they are interested in a survey and they have committed themselves to doing something with the information, they now must decide on a process. There are a number of options available for an organization:

- Use in-house personnel to design and conduct the survey;
- Purchase an "off the shelf" survey instrument or program and have in-house personnel administer the survey;
- Enlist the aid of an outside consultant to design and administer the survey; or,
- Any combination of the above options.

Each of the outlined options will have both positive and negative aspects and an organization should assess them all to determine the best method for their organization. Some of the things to consider include: costs (in-house personnel will typically cost less per hour); time available (in-house staff may be overburdened

already); survey instrument expertise (are there in-house people with the appropriate level of expertise?); analysis (do any of the in-house staff have the expertise to analyze the results?); objectivity (will the process be perceived as confidential and objective if conducted by in-house personnel?); would the employees feel more comfortable providing confidential information to a consultant?; any other factors specific to the organization.

Once the organization has decided how and who will conduct the survey there are other factors to consider:

- Timing and Frequency – stay away from busy times of year, high vacation months and holiday seasons. Requesting regular (annually) feedback shows employees that the company actually cares about how they perceive their work environment. You can of course have shorter intervals for pulse surveys.
- Survey Design – employers should make sure the design of the survey will yield information that isolates concerns and helps management address them. Employers increasingly survey employees about business strategy and direction, goal alignment, customer focus and satisfaction, employee retention, and quality-of-life issues. Survey questions should be simple and short, using terminology familiar to all employees. A general employee survey should contain up to 75 questions and take no longer than 20 to 30 minutes to complete.
- Publicity – think about how the survey will be presented to employees. Be sure they understand both the purpose of the survey and the process to be used for the survey.
- Dissemination – will employees fill it out as a captive group or on their own with a target return date? You want to make it as easy as possible for your various employee groups taking into consideration where they work and how they work.
- Breakouts/Demographics – make sure to have a way to identify the various groups within the organization so that appropriate groups can be tabulated together (e.g., divisions between exempt and non-exempt or by department or facility or by length of service).
- Results – how the results are communicated to the employees will have an impact on their perceived usefulness. Some methods utilized are written reports emailed or given to employees, group meetings with a presentation, presentation by the outside consultant (if one was used), video or PowerPoint slides/graphics may accompany a presentation, results can be reported in an employee newsletter, internal employee portal, or supervisors can provide summary results to their own employees.

Employee opinion surveys can be very powerful tools when designed and conducted properly. They can let employees know that the organization cares about their opinions and can help an organization achieve insight into potential or actual employee issues. Regular surveys can also help an organization track progress from one year to the next. As long as the organization is committed to using the results – go forth and ask the questions!

If you have an interest in conducting an EOS, then we encourage you to join us for our HR Lunch Bunch conversation on May 5 from 12:00 to 1:00pm. [RSVP here](#) – it is a free session.

THOUGHTS TO THINK ABOUT

There is a Chinese saying, “May you live in interesting times.” There is nothing more apropos to describe this past year.

“Mondays are the potholes in the road of life.” - *Tom Wilson*

“Change starts when someone sees the next step.” - *William Drayton*

“Democracy is the recurrent suspicion that more than half of the people are right more than half of the time.” - *E.B. White*

“The cat could very well be man’s best friend but would never stoop to admitting it.” - *Doug Larson*

“I take a simple view of life: keep your eyes open and get on with it.” - *Laurence Olivier*

“Luck is a matter of preparation meeting opportunity.” - *Oprah Winfrey*

“The best way to pay for a lovely moment is to enjoy it.” - *Richard Bach*

“Sometimes the fool who rushes in gets the job done.” - *Al Bernstein*

Q AND A: UH OH, THE TAXES CONUNDRUM

Q: We have recently discovered that we have a few employees who are working in different states than where the employee was living at the beginning of 2020 and where the organization is located. We have recently become aware that we may have some tax implications we were not considering. We are not sure what we need to be aware of.

A: The COVID-19 work-from-home era has created new payroll challenges for employers. *Many* people have absolutely no idea that each state has its own state tax laws relating to working remotely.

When it comes to tax withholding, payroll primarily follows the rules of the state where the work is performed. If employees who live out of state come to your business for work, payroll would follow the withholding rules for the state where your business is located. These employees may owe income tax to their state of residence. Employers often withhold partial amounts for the residence state in addition to the worked-in state, or in some cases the employees handle that themselves when they file their personal income tax returns.

There is an exception when two states have a reciprocity agreement wherein the governments agree that residents only owe income tax to the states where they live, not where they work. Without a reciprocity agreement, taxes may need to be withheld in both the state in which work is performed as well as the residence state. Check with your state Tax or Revenue Department for details.

If your employees work from home in a different state for number of days that exceeds the established threshold for that state, the employer must generally recognize the change and begin to submit taxes to the

state where the employee is working, not where the business is located. This threshold varies by state — for instance, in New York it's 14 days, but in Illinois it's 30. Other states have an income threshold, or a combination of time and income.

If your business suddenly has employees performing significant out-of-state work due to COVID-19, you may need to register your business with these states to withhold taxes for these employees.

P.S. The [Mobile Workforce State Income Tax Simplification Act](#) would standardize rules for tax withholding for cross-border employees. For instance, the act would set up a uniform threshold of 30 days of at-home work before withholding laws would apply. The HEROES Act and HEALS Act proposals both contain provisions for this issue as well, but Congress is still debating these bills.

On a related but different topic, remember, that since the employee is now working remotely (from home) and has been for an extended period of time that their current workstation is now their primary duty station. This means if and when an employee travels for work (like coming onto the office) that they need to be reimbursed for their travel time.

We want to be clear; HR Answers is not a CPA firm, and we are not tax experts. We encourage you to reach out to your payroll companies and your tax accountants to learn what options and what obligations you now have.

ON MY SOAPBOX

If you were to watch many of the family-oriented TV programs from the fifties and sixties, you would notice a common theme. When the father came home from work, there was a general gathering of the family to say “welcome home.” That would often be followed by Mom and Dad having a drink as a pre-dinner tradition. Then a dinner with all at the table eating together and sharing their day’s activity. That gave way to fewer drinks and less eating together. Next on our continuum, came the everyone eating separately, grabbing whatever was available, and then heading out to their varied activities. The only family regularly eating together happens on the *Blue Bloods* TV show. The *Blue Bloods* family shares incidents, feelings, and they argue. The kids are avidly listening and asking questions about why the family behaves the way they do. I have heard lots of people lament that this shared meal on Sunday wasn’t a tradition in their house, but evidently not enough to change the way they do things.

But that isn’t the only change we need to recognize. COVID has made several changes, but one change we all might not have identified. To set the stage for this, let me share a bit about coming home from work before there was HR Answers. My two previous employers don’t even exist now. (That is something that hits in my gut whenever I say it.) One was downtown Portland and the other was by Reed College. So, for both of these, I took Macadam and Highway 43 south to drive through Lake Oswego to West Linn where I lived. That meant that I got to drive beside the Willamette River and through Dunthorpe with its trees and lovely homes. It was a relatively short drive away from most of the traffic. It was a good way to mark the different seasons. The drive was just long enough that I could decompress from my workday and get ready to be a Mom and wife. So, my question to all of you working from home is, how do you make that transition now? When you get up from the dining room table, the desk in your bedroom, or the spot on the floor that you have created for yourself, how do you transition to the other roles that you have?

Do you let family members come and go, get their own dinners, and eke out a little more work time? How do you make the emotional shift from worker or manager to step into you family responsibilities? When the travel time for making this switch is only as long as from your home work space to the kitchen, what is the quality of your mental and emotional shift? Are you still thinking about work? Do your family members notice that you are distracted? Are you fully present for your children, and can you easily make time for them to talk about their day and any challenges they experienced? I know that without the drive home looking at the changing seasons and listening to some favorite music, I wouldn’t have made the necessary transition.

I don’t have anyone at home now, so it isn’t as critical that I have transition time. I do find however, that going to the kitchen to make something to eat or heading to the laundry room to move a load of wash, I can get easily interrupted by a stray thought about something that I didn’t finish in the office, or an email that I meant to reply to, but hadn’t yet. So, I leave the task incomplete and head back to the office to take care of that.

My work time and my personal time are constantly overlapping one another. I feel like I am never not thinking about work, even though I have less of it to do now. I am pretty sure that this blending of the different aspects of my life is not good for me, and if I am right, it may not be good for you either. The best quality of time is when we can be fully immersed in a single aspect of our lives.

For so many of us, there isn’t that drive time for transitioning now; there isn’t an easing into other aspects of our lives since they all play out in our houses. Our transitions are only moments long and can be jarring in their

urgency. I wonder what the consequences of this new reality will be. I am not sure it will be positive. But I believe that we have all had to learn new skills and new ways of coping with the life challenges we face. So maybe we will adjust to a new set of time demands. In the future we might comment on how well integrated our lives are and how we learned that through COVID.



“Whatever the Question”

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Judy Clark, Founder

