

# Round Table/Reimagine the Workplace

Who could have imagined that we would all be ZOOM savvy at this point? For many companies, it's time to come back to the office. For others it will be a Hybrid model. What is your company model?

Reconnect and Rejuvenate at  
the Revival of  
**WESCON**  
**2021**

The logo for WESCON 2021 is set against a circular graphic that splits into a purple upper half and a teal lower half. The teal half features a detailed illustration of a palm tree. The text 'Reconnect and Rejuvenate at the Revival of' is written in a white, cursive script. Below this, 'WESCON' is rendered in large, red, 3D block letters with black outlines and internal hatching. The year '2021' is at the bottom in white, bold, sans-serif font with a black outline.

# Round Table / Reimagine the Workplace

## What is your company model?

- Eduardo “Lalo” Acosta, Vice President, R L Jones, San Diego, PCC President (Moderator)
- Terry Cummings, Vice President, Sales, Roanoke Insurance Group
- Jan Fields, Director of Risk Management, John S James Co., NCBFAA President
- Susan K. Ross, Partner, Mitchell. Silberberg & Knupp, LLC
- Amy Morgan, Head of Trade Compliance, Atlanta AI
- Keith Sanchez, Executive Vice President, Growth, Avalon Risk Management





# Remote Working Pros and Cons



JAN FIELDS, DIRECTOR OF RISK  
MANAGEMENT AT JOHN S, JAMES  
CO. AND PRESIDENT OF NCBFAA

# Remote Work - Pros

- Productivity increases - proven
  - Will have exceptions so monitoring is still required
- Happier employees
- Commute - savings gas, lunch
- Many use the commute time to work
- Transitioned to electronic systems
- Simplification of meetings
  - Can overdo
- One on one training can be more efficient



# Remote Work - Cons

- No social interaction with colleagues
- Remote workers will tend to be overlooked for promotions and increases
- Remote employee has no separation of family and work
- May be ignored in hybrid meetings
- Unless the company has great monitoring systems, the remote employees can more easily goof off while on the clock



# Hiring out of State

- State taxes – are the reciprocal?  
Difficult to work with, register as a business in that state, city taxes, and possible gross receipts / corporate taxes  
Additional fees from payroll provider
- State Laws  
HR issues
- State Unemployment
- Workers Compensation  
Classification, carrier coverage, rates and payment
- Benefit coverages – medical and dental
- Qualified license holder



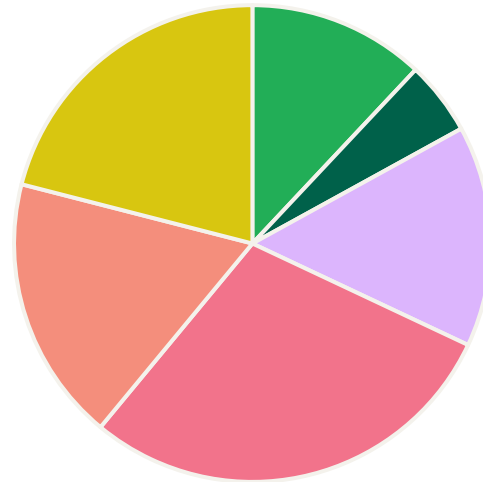
# What can employers do?

- Avoid treating employees like children
- Learn lessons from remote work experience
- Encourage feedback from employees
- Take advantage of ability for owners to be seen
- Make work fun too
  - Teams channel – Facebook for employees – games



# What do employers say?

Executives say employees should return to the office  
xx days per week

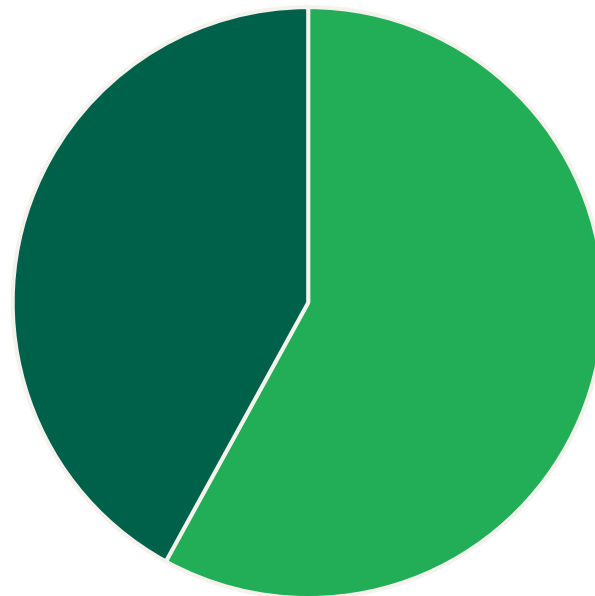


- Zero days
- One day
- Two days
- Three days
- Four days
- Five days



# What do employees say?

Employees who would select working remotely over advancement and salary increases



■ Yes ■ No

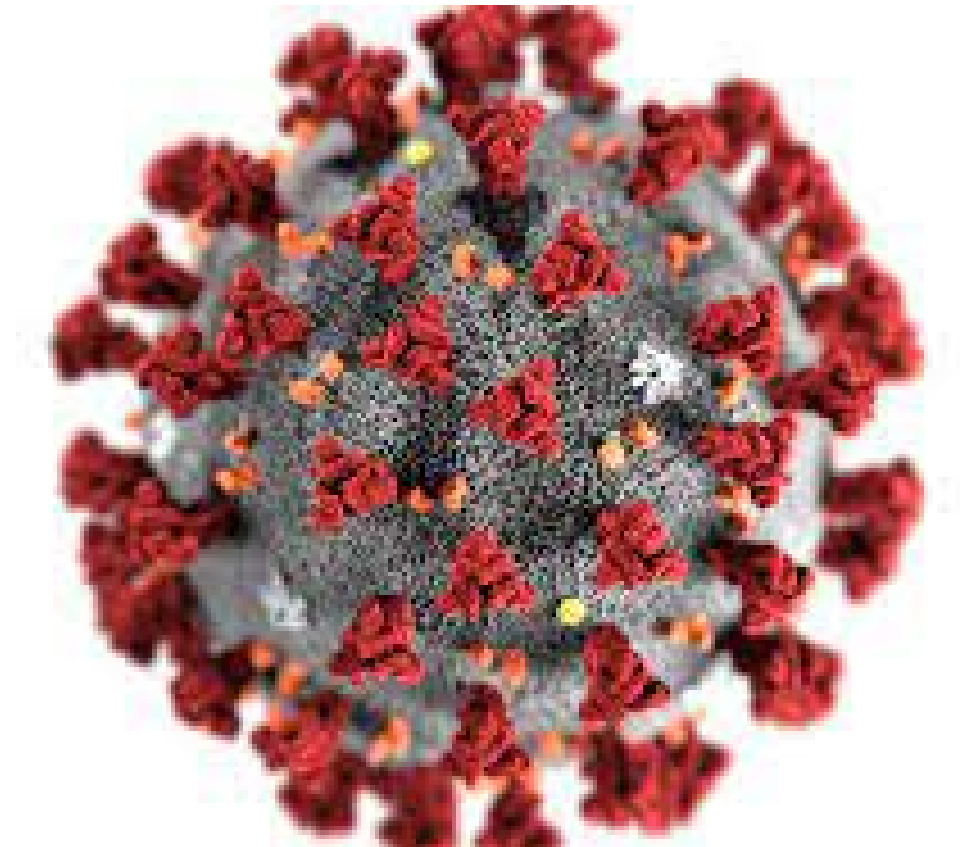
# Hybrid Considerations

- Allow a certain number of days per week to work remotely
- One day each week with full staff when possible
- Certain positions require 5 days a week in office
- Flexible hours
- Provide “work from anywhere” days
- May lose employees if an immediate return to office five days every week
- Companies who have not allowed remote work should ensure employees are able to work remote if emergency



# Fear of Covid-19

- Real or imagined?
- How are employees affected?
- How is productivity affected?
- What can you do to help?



# \*Regulation Considerations

- OSHA to issue an Emergency Temporary Standard (ETS)
  - Companies over 100 employees require vaccine or weekly negative test.
- CDC recommends those with first-hand exposure
  - avoid any office visits for 7 days with a negative test, or 10 days without a test- from the last day of exposure
- CDC recommends those attending large events
  - No quarantine for those fully vaccinated or tested positive within the last 3 months
  - If not above, employee will need to work remotely for 10 (from the day of potential exposure) days without testing/or 7 days after a negative test.
- HHS extends COVID-19 national public health emergency declaration until October 17, 2021

\*as of October 21, 2021



# Questions?

# Thank you !

JAN FIELDS, DIRECTOR OF RISK  
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AND PRESIDENT OF NCBFAA

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Reconnect and Rejuvenate  
the Revival of  
**WESO**



# Reimagine the Workplace

## Legal and Regulatory Overview



SUSAN KOHN ROSS

MITCHELL SILBERBERG & KNUPP LLP

# Agenda

Licensing considerations

Mandatory vaccination options

Cybersecurity

Overall management

# Licensing

Customs Brokers - Employees must be resident and work in the U.S. if transacting customs business

Forwarders - No similar requirement, but plan for deemed exports

# Federal Standards - Part 1

## Biden Policy - Path Out of the Pandemic

Executive Order 14042 - federal employees and contractors must be fully vaccinated - no testing exception

Policy requires OSHA to issue rules requiring all employers with 100 or more employees to mandate their workforce is fully vaccinated and any unvaccinated must be tested weekly

- 80 million workers impacted
- OSHA to use Emergency Temporary Standard
- Expect the final version soon

# Federal Standards - Part 2

The Department of Justice (DOJ) COVID-19 Vaccination Memo:

<https://www.justice.gov/olc/file/1415446/download>

On July 6, 2021, the DOJ issued a written opinion concluding that Section 564(e)(1)(A)(ii)(III) [EUA] of the Food, Drug and Cosmetic Act: (1) concerns only the provision of information to potential vaccine recipients and (2) does not prohibit public or private entities from imposing vaccination requirements for a vaccine that is subject to an emergency use authorization.

This became known as - yes, you can fire employees if they refuse to get vaccinated authorization



# Washington

On August 9, 2021, the Governor of Washington announced that by October 18, 2021, all public and private health care providers and all state agency workers must be fully vaccinated against COVID-19. The order does not provide an option to be tested for COVID-19 and states that employees who refuse to be vaccinated will be subject to dismissal for failing to meet job qualifications, unless they are entitled to a reasonable accommodation for a disability or sincerely held religious belief under applicable law.

<https://www.governor.wa.gov/sites/default/files/proclamations/21-14%20-%20COVID-19%20Vax%20Washington%20%28tmp%29.pdf>

# Oregon

On August 19, 2021, the Governor of Oregon announced that all health care employees and K-12 staff and volunteers must be fully vaccinated against COVID-19 by October 18, 2021. Six days earlier, the Governor issued Executive Order 21-21, which required all executive branch employees to be vaccinated against COVID-19 by this same date, unless their request for a medical or religious exception was been approved. The August 19 announcement, however, stated that the testing alternative for healthcare employees was no longer be available.

<https://www.oregon.gov/newsroom/Pages/NewsDetail.aspx?newsid=64283>;  
[https://www.oregon.gov/gov/Documents/executive\\_orders/eo\\_21-29.pdf](https://www.oregon.gov/gov/Documents/executive_orders/eo_21-29.pdf).

# California

California's DFEH\* issued guidance providing that an employer may require employees to receive an FDA approved vaccination against COVID-19 infection so long as the employer does not discriminate against or harass employees or job applicants on the basis of a protected characteristic, provides reasonable accommodations related to disability or sincerely-held religious beliefs or practices, and does not retaliate against anyone for engaging in protected activity (such as requesting a reasonable accommodation).

A California employer may require employees to submit to proof of COVID-19 vaccination, because proof of vaccination is not a disability-related inquiry, religious creed-related inquiry, or a medical examination.

[https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/03/DFEH-Employment-Information-on-COVID-19-FAQ\\_ENG.pdf](https://www.dfeh.ca.gov/wp-content/uploads/sites/32/2020/03/DFEH-Employment-Information-on-COVID-19-FAQ_ENG.pdf)

\* Dept. of Fair Employment and Housing

# California Mandate re Large/Mega Events

## Definitions -

- Crowds greater than 1,000 (indoors) attendees

- Crowds greater than 10,000 (outdoors) attendees

## Vaccine Requirements

- Required for **Indoor** Mega Events

- Recommended for **Outdoor** Mega Events

Self-attestation may not be used to verify status as fully vaccinated or as proof of negative test result for indoor settings. For outdoor settings, it is recommended not to use self-attestation to verify status as fully vaccinated or as proof of negative test result.

# What Do You Do With the Problem Employee?

Those who are 12 and older will be required to show proof of having received at least one dose of the Covid-19 vaccine in order to participate in New York City's indoor dining, fitness or entertainment venues starting today.

Andrew Wiggins and Kyrie Irving



# HIPAA

Contact Tracing Rules

Building/Office/Site Visitation Rules

# Cybersecurity

Confidentiality considerations - Alexa - CTPAT and 19 CFR 111.24

Basic best practices re employee access - VPN, MFA, deemed exports being walled off

What are your rules about printing? How do you handle the return of devices?

Ransomware and identity theft - don't click on it, send to Threat Review

Employee education and training re cyber

Business continuity

# How Do You Handle

Responsible supervision remotely

Due diligence on imports and exports

Employee training generally

Employee reviews

# Questions?



# Thank You

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# Workplace Reimagined Best Practices to Protect your Business Presentation



TERRY CUMMINGS

VICE PRESIDENT, SALES

ROANOKE INSURANCE GROUP



# Covid & Remote Work presents new opportunities for old problems



# Increased Wage Issues



Accurate time-tracking, correct compensation, proper employee categorization and compliance with the Fair Labor Standards Act (FLSA).



Remote work often means employees feel “on the job” for more hours than usual and they want compensation for it.



Most EPL policies generally exclude coverage for wage & hour claims however usually there is an option for retaliation claims as well as limited defense or a sub-limit providing actual wage & hour coverage.

# Health & Safety Risks



## HEALTH & SAFETY MATTERS

- Employer's failure to take proper steps to reduce health and safety risks. This includes bodily injury and/or negligence from contracting Covid at work as well as invasion of privacy, retaliation for raising safety issues or constructive discharge/wrongful termination for failing to return to work due to health concerns.
- Most EPL policies generally exclude OSHA-related claims however most provide a coverage option for retaliation by an employer for raising safety concerns along with OSHA violations. Most EPL policies exclude bodily injury however policies may offer coverage for claims alleging mental anguish, humiliation or emotional distress.

# Discrimination

Both lay-offs and re-hiring of employees have triggered claims alleging an adverse effect on certain protected groups of employees.

Discrimination claims related to disability, ADA violations or bias based on race, national origin and age are associated with Covid.

The advent of the Coronavirus has meant that hate crimes are on the rise for Asian-Americans. These claims could be from an individual employee, class-action or by third parties/customers.

Most EPL policies include coverage for discrimination claims



# The Retaliation Allegation

- Retaliation for an employee's raising potential misconduct or safety related concerns about their work environment in response to Covid.
- Retaliatory actions by employers for employees participating in coronavirus-related protests or boycotts.
- Savvy plaintiff's attorneys who are looking for the deep pockets of insurance companies know that retaliation coverage is often part of an EPL policy and will craft their suit around retaliation.





**They call it the **Golden** State for a reason**

**It costs about 260% more to resolve a claim in California than it does outside the State.**

- highly litigious**
- highly compensated employees**
- laws and regulations which favor employees**





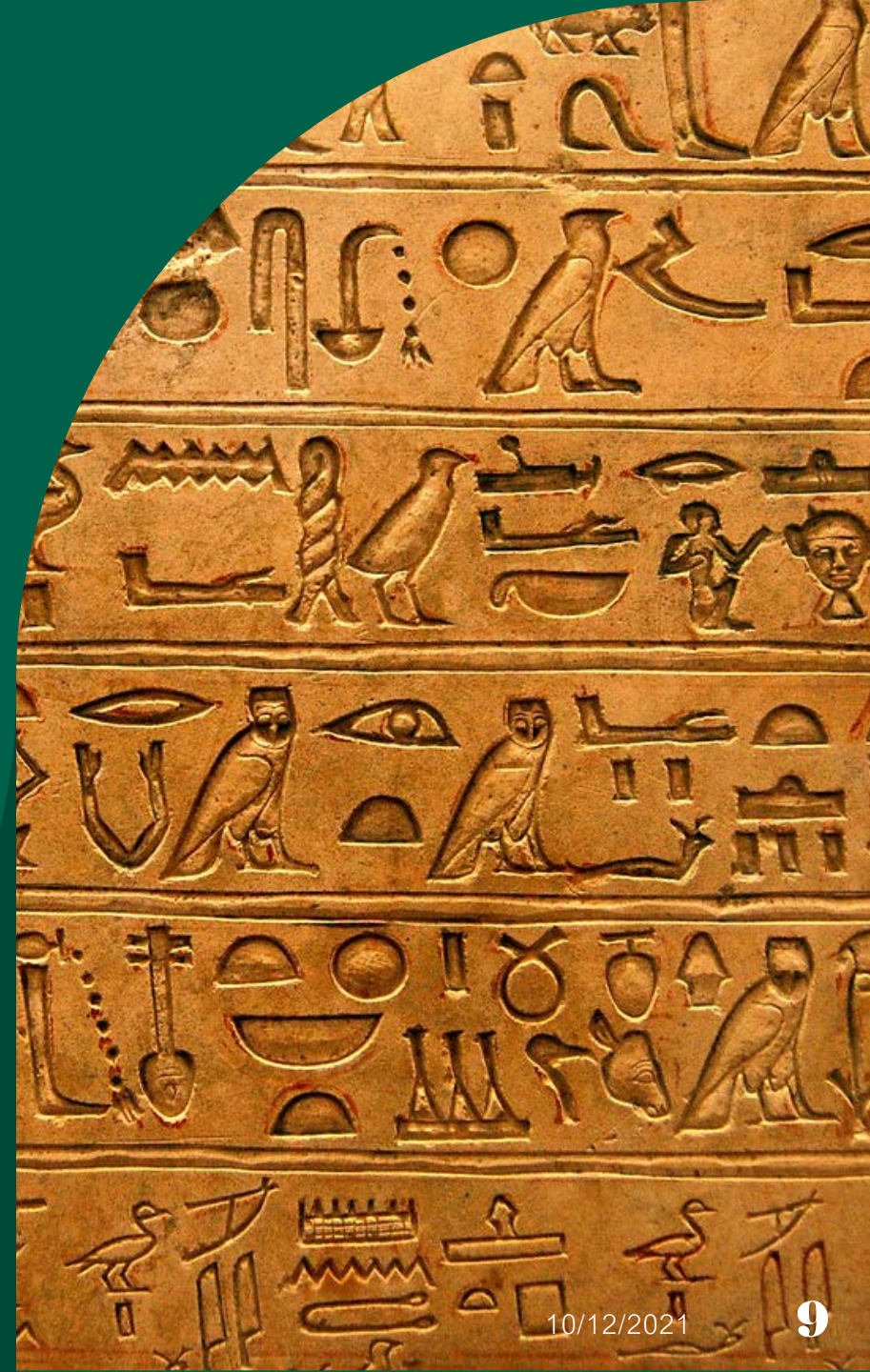
# Remote Work – Key Factors to Consider

- Have you advised insurers that you have remote employees?
- Does your General Liability policy extend to these locations without the need to add the physical address?
- Does your remote employees work in a state where you do not have worker's compensation coverage?



# The Written Word

- Are you relying on verbal communication or written policies?
- How long has it been since your employees have reviewed your policies?
- Using video conferencing are you recording your sessions? Have you obtained consent from your employees to record them?





# Company Policies

Confidentiality,  
Privacy,  
intellectual  
property, Cyber

The use & return  
of company  
property

Code of Conduct

Employee  
reimbursement

Work/Vacation  
Schedule

Anti-  
discrimination;  
harassment and  
retaliation

# Company Policies

Remote & Hybrid Work

Ethics

Conflict of Interest

Problem resolution

Health & Safety

Mobile Devices/Social Media

# Employment Related Practices Liability Insurance

- Look outside the box – what optional coverages are not being offered? It's possible even when coverage is excluded there may be an optional defense limit.
- Do you need third party coverage?
- Is punitive damage coverage offered?
- Do you need prior acts coverage?
- Consider the merits of a duty to defend versus a duty to reimburse. The duty to defend gives insurers more control over the claim because they pay all costs up front. The duty to reimburse gives more control to the policy holder and insurers will reimburse covered costs and losses but they may choose not to defend you in certain claim situations; i.e., choose to settle rather than defend the claim.
- What HR and related service support and documentation is available?

# Thank You

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# Roundtable Reimagine the Workplace

KEITH SANCHEZ, PARTNER  
EXECUTIVE VICE PRESIDENT, GROWTH  
AVALON RISK MANAGEMENT



# Labor Statistics in the Workplace

- As of June 2021
  - 10.1 million job openings,
  - 3.4 million unemployed (jobless 27 weeks or more)
- 44% of full-time employees feel burned out
- The average turnover rate in 2021 in the US is 57.3%
- 42% of current remote workers will stay at their job positions if they stay remote

# Labor Statistics in the Workplace

- 91% of millennials don't expect to stay with the same company for more than 3 years
- Millennials cost the US economy \$30.5 billion/year. They change jobs more than any other generation.
- Estimated cost to replace one employee is 30% of their annual salary (recruiting, interviewing, on boarding)
- Indirect cost of are estimated at 2 – 5 x annual salary (loss of productivity/loss of clients/revenue/

So what's that have to do with the workplace?

# Leadership Tips for the New Normal

- Logistics is a people business
- Leaders – Create companies they want to show up to work
- Corporate Footprint
  - Hoteling
- Employee Experience (Power shift)
  - Income producers/Financial Advisors/Day Care/Wellness Centers
  - Social Clubs/Educational Campus/Charity Funders/Pet Insurance
  - WFH policy or not??
  - Right tools – Laptops/VPN/MFA/
  - On boarding – Avalon University/Gistnet
  - Purpose & Meaning
  - Collaboration/Inclusion



# Leadership Tips for New Normal

- EAD - Recognize employee achievements
  - Employee of the month
  - Give them awards
  - Provide gift cards
  - Corporate Transparency
- Wellness Checks
- Maximize in office time
  - Have one day to have in person meetings
- Create a “no meeting” day or Talk Tuesdays
  - Schedule a day where meetings are off-limits.
  - Allow time between meetings

# Leadership Tips for the New Normal

- Respectful Treatment
- Efficiency
- Data & AI
  - Without Data, you're just another person with an opinion.
  - Dashboards/Transparency

# Thank You

Keith Sanchez

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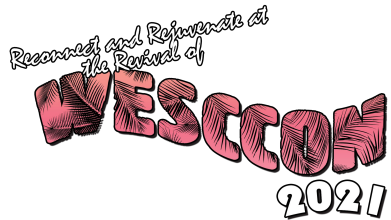
*intelligence*  
“The ~~information~~ about the package  
is just as important as the package  
itself.”

Fred Smith  
Founder & CEO, FedEx



October 16, 2021

# Reimagine the Workplace: AI Tools



WESCCON Conference



“The application of artificial intelligence holds great promise for expediting lawful trade. Our era is one of dramatic, disruptive transition. It calls for innovative reinvention.”



Alan Bersin  
Former CBP Commissioner



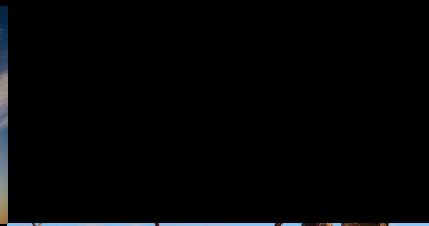


# Better global commerce.

Altana AI provides a shared artificial intelligence model of the global supply chain to help governments and the private sector build better global commerce.

# Global supply chains are changing

- Geopolitical tensions
- Demand for sustainability
- Cross-border ecommerce
- Supply chain executive actions





# More shared trade compliance oversight

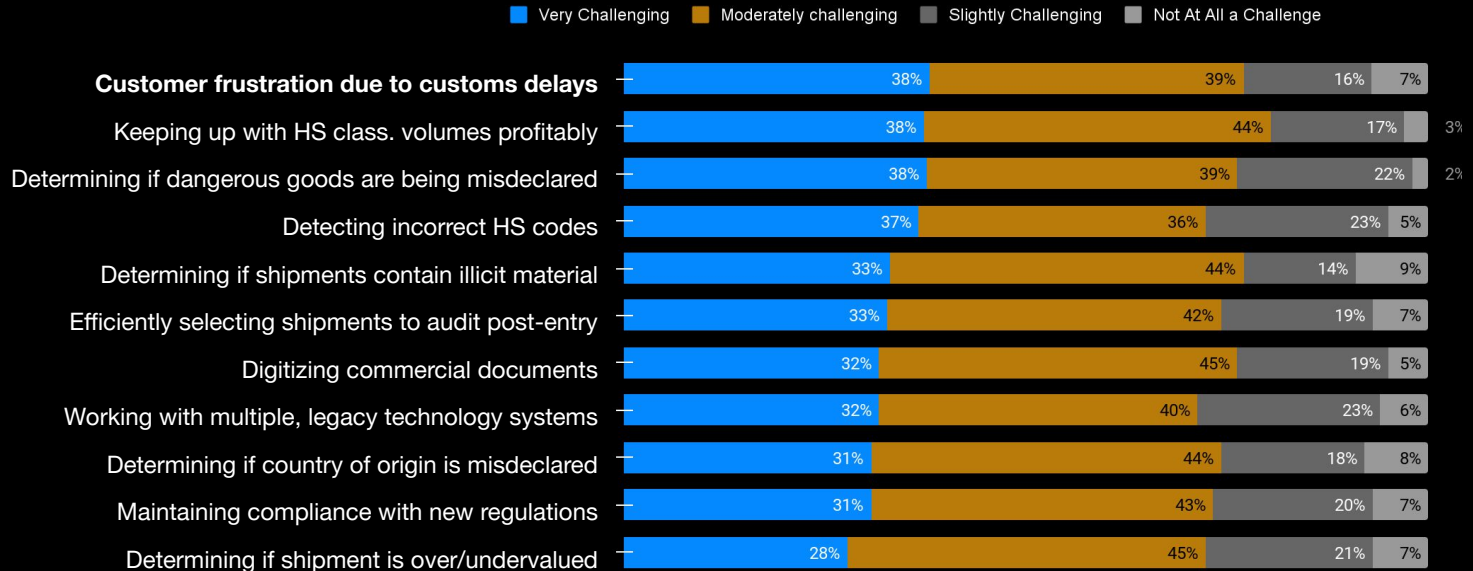


63% of logistics service providers expect compliance burdens to increase in next 5 years

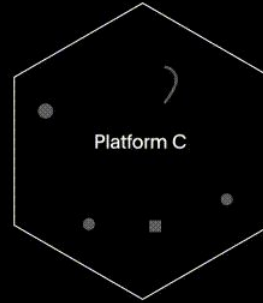
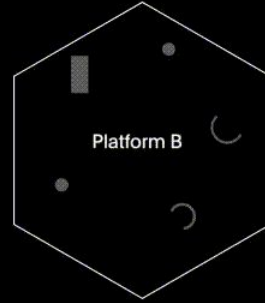
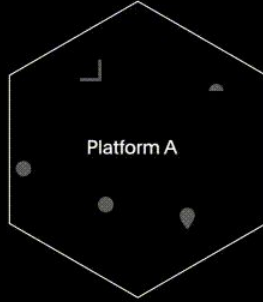


Source: NAPCO Research, "The Secret to Facilitating Compliant Cross-Border Shipments"

# Customs delay frustrations are top concern



Intelligence  
tools can  
maximize the  
data you have  
for the visibility  
you need



# Only AI can solve certain problems



Source: NAPCO Research, "The Secret to Facilitating Compliant Cross-Border Shipments"

# AI tools outperform legacy processes

## Legacy

Reactive & task-based

Manual & random

Screen each shipment

Inefficient

Siloed data & multiple systems

## AI-Enabled

Strategic

Automated & smart

Knowing the shipment

Increased productivity

Unified data



“Our world is not more transparent now...it is more opaque.

It's in the shadows where we must do battle.

...So before you declare us irrelevant, ask yourselves: **how safe do you feel?**”



SKYFALL

007<sup>™</sup>



# Thank you.

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