Tackling the Challenges of a Hybrid Work Environment



Welcome!



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Welcome!

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Complexity



Remote Work

Raise 'Em Up!



- Fully In Person
- Hybrid
- Fully Remote



of employers offer hybrid work opportunities to most workers, according to the SHRM 2022 Employee Benefits Survey.

Employers must consider the demands of the business as well as the expectations, wants and needs of the workforce.

Foundational Items for a Solid Team

- · Consistent, regular communications
- Open to share questions, concerns without judgement or repercussions
- Flexibility, agility
- Strong management team
- Culture permeates, no matter where you are
- Clear policies



Managing the Hybrid Relationship

Leadership

- What does your culture say about your organization?
- How well do you communicate?
- What is the trust factor in your organization?



Communicating the Hybrid Relationship

Hybrid Relationship

• Transparency: where you are going to be [in the office or at home] and when, and when at home, under what times you'll be working.

 Co-workers need to know how they can get in touch, such as through group e-mails, texts or other technologies

• Out of Office: Helps other team members understand those boundaries.



Considerations

Foundational Considerations

- The positions that are eligible.
- Expectations and job requirements
- Reporting of time for wage payment purposes.
- How requests are to be made and processed.
- Reimbursement of expenses.
- Workplace safety.
- The company's right to end the arrangement at any time.
- IT and information security.





Attract and Recruit

- · Job analysis to determine eligible positions
- Ensure that applicants are clear whether or not there is hybrid option available
- Review job postings

Compliance Consideration:

Applicants may come to the table with a request for accommodation. Remote work is an accommodation per the ADA.

Ensure that you are following a standardized interactive process to determine what the accommodation needs are and if the company is able to meet that request.



Once Hired

Onboard

State clearly in offer letter

· "Remote option, 2 days per week as established with your team leader"

Have clear expectations

- Review policies and conduct agreements (e.g. not a substitute for childcare)
- · Response time with an internal team, external clients

· Taxes

 the state where the worker is providing services is the law that applies

Actionable items for you:

Ensure that your offer letter template includes at-will language that does not guarantee a permanent employment relationship with contractual implications.

Ensure that employees have provided updated work and home locations for payroll and other systems.

State Laws

Key Compliance Considerations: State Law Compliance

- Daily overtime
- Enforceability of noncompete agreements
- PTO carryover
- Post-separation payments

- Paid leave
- 1099 Misclassification
- Unemployment compensation
- Workers' compensation
- Licensure requirements

- Unexpected state and local taxes
- Anti-discrimination laws
- Notice and posting obligations
- Family leave rights





Out of sight but not out of mind

- Make time for overlap and both in-person and virtual engagement
- Front-line managers need to be trained on how to engage their teams
- Metrics, measures, goals, and plans



- · Be intentional
 - · Depending on the nature of the job, utilize remote days as virtual training days.
 - Open for more collaboration time when in the office.
- Ongoing touchpoints
- · Ensure there are equitable opportunities based on job and skills

Compliance Consideration:

- · More and more case studies are emerging regarding loss of advancement opportunities because remote workers are not face to face, particularly when related to ADA remote accommodations.
- Ensure that there are no real or perceived threats of retaliation when referencing the above example

Show me the... Total Comp!

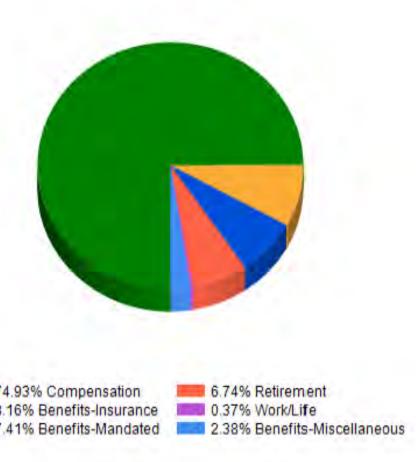
Local market Pay scales

- Be mindful of these differences in determining pay rates that are fair and equitable (e.g. costs of living)
- Consider Total Comp Statement to show Total Rewards
- Consider other rewards to have a comprehensive benefits package

Reward

Total Compensation Value \$133,461.88 per year

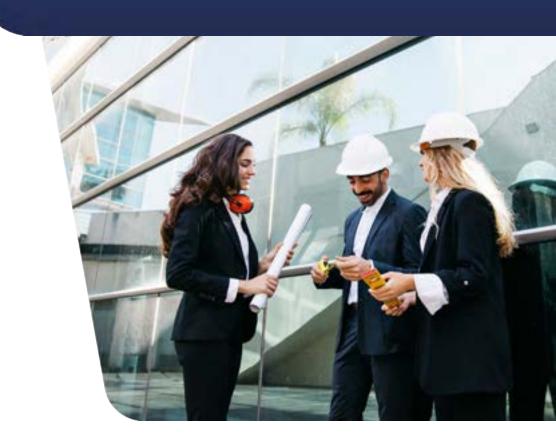
This chart illustrates the components of your total compensation package, as follows:



Employees are looking for flexibility, work-life balance....

- ... Hybrid work is a great way to do this!
- · Stay interviews: what's working, what's not working
- Use data
- · Increased well-being and productivity

Retain





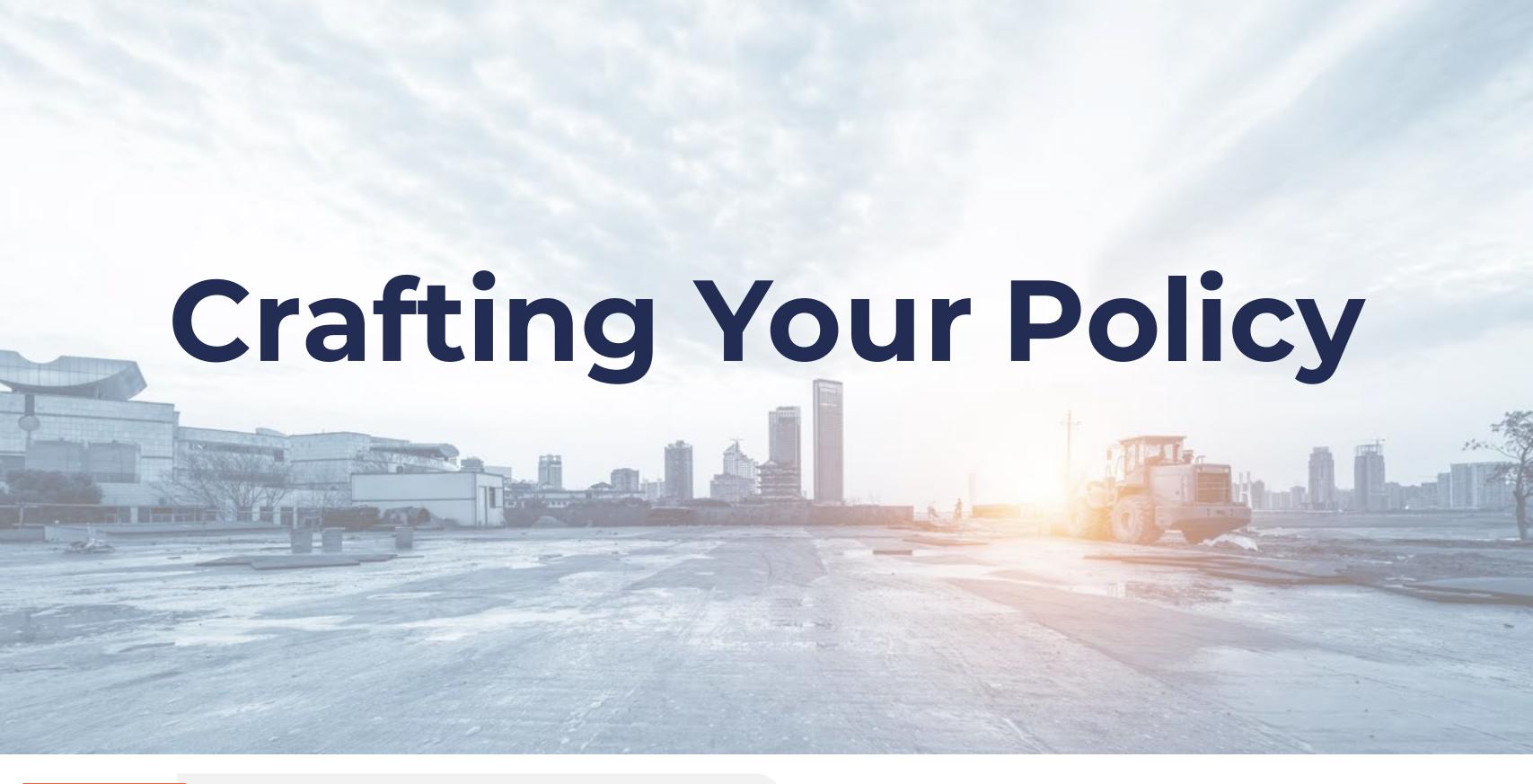
Transition

Collecting property

Attempt to schedule return at the convenience of the employee

Plan and arrange accordingly

- Exit interviews
- Final Pay (state law)



Crafting Your Policy

· Eligibility:

- · Clear parameters for which positions are permitted to have hybrid work
- · Probationary time to build trust and relationship: 6 months with the company
- · Demonstrated ability to successfully fulfill their role and duties; no performance concerns

· Clear expectations for performance and work

- Schedule (to be reevaluated annually or after 6 months)
- Tracking time and hours worked (particularly nonexempt, overtime approval and consideration)
- Meal and Break periods per state law
- Performance expectations, goals, metrics



Key Compliance: Discrimination & Harassment

- Written policy that outlines the criteria for determining whether to allow or refuse a request for a hybrid work schedule.
- · Consistent and fair implementation by supervisors.
- · Online harassment and hostile online environments.

Any employee trainings and written policies that you have regarding harassment should make it clear that the same rules apply to in-person communication and online communication.



Key Compliance Considerations: FMLA Eligibility

- If **50 employees are employed within 75** miles from the employee's **worksite**, the employee meets the FMLA eligibility requirements. **Worksite**:
 - where the employee reports or location from which work is assigned
 - not the employee's home
- No fixed worksite, such as construction workers, the worksite would be defined:
 - The location to which they report
 - The location from which their work is assigned
 - or the location to which they are assigned as their home base

Compliance Consideration:

The 50 or more employee count includes part-time, temporary, or seasonal employees.



Key Compliance:

Monitoring Activity on Company Systems

- · IT and Data Protection
- Employers generally have broad latitude to monitor company equipment, devices, emails, systems activities and access, online activities, and productivity.

Third-party monitoring of phone calls is limited by federal and state wiretap laws. (e.g. obtain the other party's permission before recording a phone call.)

· Clear policies:

- · Disclosure on monitoring
- No expectation of privacy in company systems
- Maintaining confidentiality of company information and related security concerns.



Crafting Your Policy

Reimbursements

- · Clearly define and provide reimbursement for legitimate expenses associated with telecommuting.
- Include proportional reimbursement for expenses that have dual business and personal uses.
- · If you don't reimburse, state that you don't (keep in mind state compliance for such)

· Safety, workers comp

Whether an employee is working from a main worksite, a home office
or somewhere else entirely, employers still have a duty to ensure a safe
and healthy work environment.

Certification of the remote locations

· Every month, every quarter, or whatever makes sense to your business



Remote Work Conduct:

Complimentary Policies



What are the expectations

- Remote employees are expected to be available and communicative during scheduled work hours.
- Employees should seek a quiet and distractionfree working space, to the extent possible.
- Professional etiquette and dress code for videoconferencing.
- Employees are expected to maintain their workspace in a safe manner, free from safety hazards
- Work rules and other policies continue to apply to offsite work locations.
- Consumption of alcohol during work hours is never acceptable.

Complimentary Documents

- Telecommuting Arrangement
- Future Employees: Employee Offer Letter
- Current Employees: Hybrid Work Agreement



Takeaways

- If you say you're flexible, then BE FLEXIBLE
- Clarity in expectations
- Out of sight, not out of mind
- CYA!



Questions?



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Areas we will focus on:

- Attract Find and hire the right employees for your organization
- Onboard Smoothly integrate new employees into your company
- Engage Increase employee satisfaction and commitment
- Develop Invest in the growth and development of your employees
- Reward Recognize and reward the achievements of your employees
- Retain Keep top talent within your organization



Thank you!

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