

Tackling the Challenges of a Hybrid Work Environment



Presented by Carolyn Elliott

Welcome!



Kristopher Powell
President, CEO,
BenePro / HRPro

Welcome!

Carolyn Elliott, MSW, SHRM-SCP
Director of HR Advisory Solutions
HRPro



Tackling the Challenges of a Hybrid Work Environment

Complexity



Raise 'Em Up!



- ☐ Fully In Person
- ☐ Hybrid
- ☐ Fully Remote

63%

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.



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**.



- **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.



- **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.

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

Engage

- 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**



How are Leaders developing teams?

Develop

- **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!

Reward

Total Compensation Value

\$133,461.88 per year

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

- **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**



74.93% Compensation	6.74% Retirement
8.16% Benefits-Insurance	0.37% Work/Life
7.41% Benefits-Mandated	2.38% Benefits-Miscellaneous

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

Retain

- ... 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**





- **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



Tackling the Challenges of a Hybrid Work Environment

• **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

Crafting Your Policy

- **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

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.*



• 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*





- What are the expectations

- *Remote employees are expected to be available and communicative during scheduled work hours.*
- *Employees should seek a quiet and distraction-free 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.*

- **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?



HRPRO ROADMAP

Strategic HR Online Session



SCAN TO BOOK



Schedule your online Strategic HR Roadmap Session with HRPro today and *let us help you navigate the complexities of HR practices*, so you can focus on growing your business.

www.hrpro.com/hr-roadmap-session

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!

Carolyn Elliott: celliott@hrpro.com



Tackling the Challenges of a Hybrid Work Environment

1025 N Campbell Rd., Royal Oak, MI 48067
248-543-2644 | info@hrpro.com