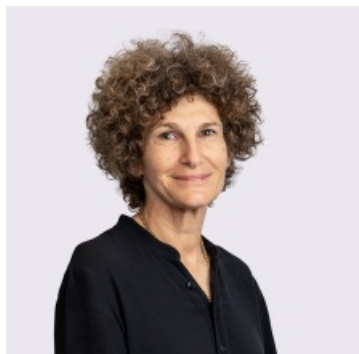


Thriving or Floundering: The Hybrid Workplace

By Felice B. Ekelman &

August 28, 2023

Meet the Authors



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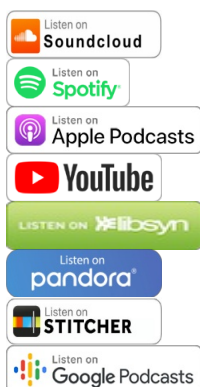
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Details

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Employers navigating the hybrid workplace maze may be searching for equitable and consistent work arrangement policies to ensure employees are both satisfied within their workplace—and productive.

Jackson Lewis P.C. • Thriving or Floundering: The Hybrid Workplace



Transcript

Alitia Faccone:

Welcome to Jackson Lewis's podcast, We get work™. Focused solely on workplace issues, it is our job to help employers develop proactive strategies, strong policies, and business oriented solutions to cultivate an engaged, stable, and inclusive workforce.

Our podcast identifies issues that influence and impact the workplace, and its continuing evolution, and helps answer the question on every employers' mind, how will my business be impacted?

Employers navigating the hybrid workplace maze may be searching for equitable and consistent work arrangement policies to ensure employees are both satisfied with their workplace, and productive.

On this episode of We get work™, we identify challenges of flexible work that require intentionality, including setting fair and transparent policies, and facing up to fundamental leadership imperatives to ensure good communication, and foster connection across a hybrid workforce.

Our hosts today are Felice Ekelman and Julie Kantor, co-authors of Thrive with a Hybrid Workplace, which dives into how organizations and leaders anchor the approach to hybrid work. Felice is a principal in the New York City office of Jackson Lewis, and a former member of the firm's board of directors. A trusted advisor, Felice works with businesses to develop policies and train and support

leaders. Executives rely on Felice to provide sound business advice.

Julie is an executive coach and management consultant, who combines 20 plus years of business experience, graduate education, and psychological principles to facilitate growth for individuals, teams, and organizations worldwide. Julie appreciates the complexity of the work environment, and knows what it takes for people to change.

Felice and Julie, the question on everyone's mind today is, what is the best approach to remote and hybrid work that aligns with values and business needs, and how does that impact my business?

Felice Ekelman:

Thank you for that introduction. I'm Felice Ekelman from the New York office of Jackson Lewis, and I'm excited to be back on this podcast. And even more excited that I'm joined by my co-author Julie Kantor. Julie and I wrote a book called "Thrive with a Hybrid Workplace" Step-by-Step Guidance from the Experts. And Julie, if you could say hello to everyone.

Julie Kantor:

Hello. Felice, it's great to be here on this forum for the Jackson Lewis podcast. Yeah, it's great joining you as an employment attorney, and me as a business psychologist, with a consulting firm helping leaders lead. And we've seen leaders coming to you, and to me, during this time of hybrid on lots of different ways.

Just a note about how our book was born, Felice and I have known each other for decades, and during the lockdown, we started talking about the kinds of things our clients were reaching out to us. And Felice said something very poignant to me, and she said, "I spent my career helping clients minimize risk." And I said, "I spent my career helping clients grow." And as we say, that is really where the book is born.

We wrote this as a step-by-step guidance to help leaders, organizations, figure out how to deal with this thing called hybrid. Felice, you want to start off and talk about some of the really essential pieces, which is the policy?

Felice Ekelman:

Yes. And I think that's a good place to start. Most of our listeners are probably working with organizations that are not on their first policy regarding hybrid work, but might be on their second or third iteration. And that's fine, life changes, things are changing, and there is certainly always a right time to review and assess whether a policy is important.

So from my standpoint, as an attorney that encourages clients to minimize risk, a policy is an essential place to start. And the policy is not just about how many days in the office. What we have been reading for the last year or two, are lots of articles about companies who have announced policies, which tend to be number of days in the office, and they've tripped over their message, and they've tripped over their message, because the policy really needs to be much more.

It needs to really focus on making sure that time in the office is collaboration time. It's time when people want to be together, and it's time when people benefit from being together. Because this whole question about where work needs to be performed, really needs to be looked at from the standpoint of, how do companies maximize productive, and ensure the highest level of employee retention, so that they can be successful? And days alone is not the only way to measure a policy.

Julie Kantor:

Yeah. I've actually, in my work with clients, have come to say that a policy of three days in the office in a week, two days, what have you, is just a silly policy. Being in the office has got to be for a purpose. If you're going to bring people in, they have to be connecting and collaborating for a reason.

Leaders are aware they're coming out today and landing. They need to appreciate that not all days are created equal. And if they're going to have people in the office, there's got to be a reason. And if they're going to be at home, there's got to be a reason of why that's making sense for them to be working at home.

So let's look at some of the reasons. Individual work, you have to write a report, you need to get something where there's a long time point of focusing on your own. It makes sense to do at home.

Works where there are things where you're writing a group document, over and above working on Google Docs, it's a lot better when you're in the office together. Or, doing some collaboration.

What's changed now is leaders need to be mindful of that, because, as Felice said, this all is about productivity.

Felice Ekelman:

So talking about productivity, and talking about guardrails in policies is an essential part of the policy drafting process. And so, best practices, obviously, have to be modeled by leaders. But, employers should think about, who can perform work in the office? Why the work needs to be in the office. And, who can perform work remotely? And why that work is best suited to remote work.

There's no one answer. I have been counseling many clients on these issues, and often employers are frustrated, because they are looking for a one-stop solution. Every organization really has to engage in self-assessment. What jobs need to be in the office, and how often? And what jobs can be performed remotely? That's the first step in deciding what kind of policy is going to result in success.

The other thing that every policy has to have, it has to have some provision for employees to seek accommodations that are required under the law. We just received, this week, a decision from the United States Supreme Court on religious accommodations. In addition to accommodations to ensure that employees can adhere to their religious practices, accommodations may also be necessary because of an individual's disability, whether it is a physical disability, or a mental

disability. So those are two arenas where accommodations may be legally required, and the policy is going to have to have a process to make sure that employees understand that they can request those accommodations, and how they can do that.

Now, that's far different from a situation where someone is asking for a deviation from a policy, or a special deal. There is no requirement under the law that an employer not apply a policy to an employee just because they ask. And, frankly, consistency is going to be very important in applying your policy on hybrid work, because if you're not consistent, if an employer makes special arrangements for some employees, and not others, then you're setting yourself up as an employer for a disparate treatment situation. And that, of course, should be avoided.

So messaging, and making sure that everyone understands what the policy is intended to do, in addition to perhaps dictating the number of days expected in an office, is pretty critical, to make sure that your organization has a successful rollout of its new policy.

Julie Kantor:

As Felice was talking about the difference between accommodation and exception, when there are issues about exception, this is where leadership comes in. I've had clients where they come up with a policy, on the very top of the organization, it comes from the president level, and perhaps it is, let's say what I call a silly policy, but it is eight days a month in the office. What do you do then when somebody further down, even his direct reports, wants an exception to that policy?

It's interesting, I had a client where it was a large financial institution, policy was eight days a month, and somebody in fixed income had moved to Florida. A New York based organization, had moved to Florida during lockdown, and wanted to continue working in Florida. What was interesting about this case, was that they were seeking an exception, it was not an accommodation, it was exception, he liked living in Florida.

What was interesting about this case, it was not the leader, his direct boss, who was going to make the exception, it was the president who said, "Brings in a lot of money to the bank, we can't afford it." And the head of fixed income pushed back and he said, "Yes, that's correct; however, I can make up the income that he brings to the bank, which will be a lot less costly, both in dollars and cents, as well as morale, turnover, and things like that, if I set precedent for the rest of my team." And so the head of fixed income overrode the president and said, "Not going to be right ..." Again, this was not a legal issue, it was just a fact in terms of being a good leader.

Felice Ekelman:

It's a fairness issue. And I think a lot of employers are having a hard time wrapping their arms around trying to be fair, trying to ensure that employees buy into the program, whatever that program is, and not lose talent. But, you can lose talent because your policy is not fairly enforced, but you can also lose talent when you're not recognizing who's productive.

I know you're seeing this, Julie, there's a real gap in leaders' ability to determine which of the

employees are actually working when they are remote, and which employees are working when they're in the office, and which employees are just not working at all. Because there is a real concern about productivity, and how do you measure productivity, when you don't have the advantage of seeing people in the office all the time?

Julie Kantor:

Well, I think this also ties back to, Felice, something you've said for a while, which is, putting butts in seats isn't a way to measure productivity. We used to be able to do that when, five days a week, people were in the office five days a week. However, you didn't know whether they were shoe shopping on their computer, or working on the document they're supposed to be working on. We now have new challenges of how to measure that.

You also said something, which I'm hearing more and more about, is not knowing whether they're producing, or whether they're working at all. I've had leaders who are struggling with, basically, calling one of their employees to task, for just "not really having a good attitude." And when I asked further what it was, he said, "Well, he's not responding to my emails." And this is where it gets basic, your boss emails you, you respond to them.

And this is where bosses need some education and training. We've talked a lot about the need for training. That, in fact, it is not being accommodating and accepting for somebody who doesn't respond to an email, because they're working from home, on one of their "work from home days."

Which goes back to a dirty word that many managers hate doing, and it's called performance management. It takes a lot of time to sit down with an employee, describe what their overall deliverables are, and then hold them to it.

Felice Ekelman:

And a lot of leaders don't know how to do that when they're not able to see their staff all the time. So management training on how to really evaluate employees, ensure that they're all getting the best benefit of career development opportunities, and that the managers are not falling into this situation where they're just engaging in proximity bias, which is simply favoring someone because they're close to them physically.

Take this situation, a manager is in the office regularly, some employees are, some employees are defying the policy and are just working from home all the time. Manager is more likely, perhaps, to ask someone who is sitting in the office next to them, or near them, to work on a special project, go to a client lunch, sit in on a meeting. All of these opportunities are being offered in this situation, because the employee is proximate. More importantly, the opportunities are not being offered to the folks who are working from home, even though the policy may allow them to work from home. Over time, that situation will disserve the folks who are working remotely, or working on a hybrid schedule, and disparately favoring folks who are working in the office. Long-term, that is not a good outcome.

One of things we are urging our clients to do, is to take a look at that training, manager training, and make sure managers understand how to be a leader in a hybrid environment, because it's not something they know how to do. This is all new.

Julie Kantor:

Yeah. Felice and I have talked a lot about proximity bias. On one hand, in terms of disparate treatment, for legal concern, and I will also talk to you about the reality. The reality is, if I work with Felice, and if I just graduated from law school, and she's got an interesting client on a call, she's going to walk down the hall and call me to sit in on that conversation.

We were doing a fireside chat recently at a large media company, and somebody got to interview us. And who got to interview us, but the CMO, the Chief Marketing Officer, one of her direct reports, because she walked down the hall, and she saw him, and she said, "Robert, would you like to introduce Felice and Julie? They are coming to talk about their new boss."

It's just a reality that we're facing, and one of the challenges that ... I've been called into organizations to help leaders in one of two ways. One is, to help them learn the managers way, in terms of how to deal with employees who are not coming into the office, and connect the dots for them.

What do I mean by connecting the dots with them? Helping them realize that if you want your career to progress, it's not going to happen sitting at your home with your camera off, so people literally and figuratively don't know who you are.

And so, what are the things to talk with employees, to get them into the office, so they understand? It's changing the conversation, it's not how many days you're in the office, it is what is the purpose of coming into the office?

The other thing that we're getting called into, is when organizations want to use us, honestly, to deliver the message. We can come in as the neutral experts, and share people about the processes, and how being in the office, and how it will impact their careers and development. But, managing people was hard before hybrid, it is now a whole lot harder.

Felice Ekelman:

And hybrid is not just a term to describe people who are working in the office some days, and working from home other days, it's the whole range of where work is performed. So, more and more, we're finding that there are employers with truly distributed teams, folks who are remote all the time, folks who are hybrid, and then people who do come to the office on a regular basis.

juggling all that is not easy for most leaders. It's not something that's going to come easily, and employers have to think about training, and make sure that the employees who are designated as remote, for whatever reason, don't get shut out of opportunity, because there are a lot of reasons why people choose to work remotely. Many people who choose to work remotely are caregivers,

and we don't want to disadvantage caregivers, who are typically women, from opportunities in the workplace.

So all of these issues have to really be thought out and addressed as policies are being reviewed, re-evaluated, and as they are rolled out, so that the organization can attract and retain talent, and ensure that there's a pipeline of talent, and ensure that supervisors are overseeing their teams in a fair and unbiased way.

Julie, I know one of things that you like to focus on in your training and consulting, is communication. And having to lead folks who work in different places at different times really puts a lot of pressure on organizations to hone communication skills, and protocols. What kinds of situations have you addressed with your clients in terms of needing to amplify and improve communications?

Julie Kantor:

Well, there are many ways that communication breaks down. I call them communication breakdown points, which I talk about in the book. For starters, there are so many different mediums that we can be communicating against. Right now, we're all connecting on a verbal way through this podcast. If we were live, you'd be able to see Felice and I, our animations and whatnot. Felice and I could be gaining contact, we'd be having eye contact with the audience, which just increases the connection and what gets through.

We now have people working in different places, and at different timezones. What I'm finding is, one of the reasons communication is breaking down, is there's a disconnect between what mediums? Is everybody on Slack? Are some people on Slack, and some people on email? Are some people sending personal IMs? Are some people using ... I know this is strange, there's this thing called a telephone, where you can pick up and speak to somebody directly, as opposed to just scheduling conference call. And there's this mish-mash people are feeling with this information overload.

One of the things I've talked with clients about, for example, is coming up with what I call a team charter. Sit down with the team, and make some decisions about, what are the kinds of things we need to communicate about, and what is the best medium? In general, younger folks prefer Slack. In general, older folks prefer email. That's okay.

Having a conversation about, which of the Slack channels ... Because the other thing I hear is Slack channels just get off the charts, and people are spending their whole workday monitoring Slack channels. Have a conversation, look at what the Slack channels are.

Same thing, look at the meetings. I have not met one person who does not complain about being in too many meetings. Again, in the book I have a pretty detailed way to do, what I'm calling a meeting inventory. I promise you, if you take it, you will gain at least one to two hours, if not more, in your week.

But have a conversation of, these are the kinds of things we're going to shoot an email about.

Maybe it's things that need to get documented. Maybe there are things that are lengthy. Although, I would caution if things are lengthy with multiple people, that should be a meeting, not an email discussion.

What are the things you're going to use Slack for? What are the things that you're going to send a text for? And it could be either subject matter based, or it could be time response. It may be that the manager is going to say, "If you really, really need me, you can send me a personal text." Use that sparingly. And around the team, if these are responses that need to be done in the next hour, then use the Slack. If this is something that's 24 hours, make it an email.

Again, the formula can be different, it's just having the team come together and align on these things.

Felice Ekelman:

Well, Julie, it looks like we're pretty much out of time, but I hope some of our listeners will be inclined to read Thrive with a Hybrid Workplace, because it is chockfull of tips, like the ones you've just heard Julie refer to, about how to survive in this new moment. Thank you for listening, and we look forward to speaking again in future podcasts.

Julie Kantor:

As always, great having this conversation with you. And thank you all for listening.

Alitia Faccone:

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