Supportive Policies that Make Good Business Sense:
How Firm Owners and Associates Can Reach Common Ground
2023 KBA Convention Panel

Kate Green Fletcher, kate@osbornefletcher.com
Dustin Meek, dmeek@tachaulaw.com
Fredrick Moore, fmoore@grossmangreen.com
Bobby Simpson, bobby.simpson@currentlighting.com
Courtney Risk, risk@lmick.com

The landscape of law firm practice in Kentucky is shifting. With the explosion of remote work, associates have a broader range of employment options available. Kentucky's small- to mid-sized firms are now competing more directly against larger law firms (*and non-traditional positions in a variety of companies*) to retain good talent. This session explored the data behind these trends and the impact law firm policies and culture can have on attorney competence and duties under the Rules of Professional Conduct.

This sample flexible workplace policy is being shared with permission from one of our panelists, Bobby Simpson, Executive Senior Counsel in Compliance, Litigation, and Labor & Employment for GE Current.

This resource is provided as a general legal resource and is not legal advice. Before adopting any policy, you need to consider your firm's requirements and the laws that apply to your practice.

Current ◉

Global Flexible Work Arrangements Framework: HR Team

Value Proposition

In our always-on, always-connected world, a large percentage of employees are able to complete their essential duties outside of a fixed worksite.   Whether you have a global team to manage across time zones, a project-based role that is busier or slower depending on the season, or simply desire to more effectively balance personal and professional obligations throughout the day, workers want and need flexibility to enhance their productivity.

- **Retention** – 60% of employees want flexibility in when and where they work
- **Employee wellbeing** – While there is always some uncertainty in our business landscape, a coordinated flexible work arrangement is something we can offer employees as an opportunity to balance their personal and professional lives.
- **Productivity** – 75% of workers said they were able to maintain or improve productivity while working Virtually on individual tasks and 50% of workers said they were able to maintain or improve productivity while working Virtually on collaborative tasks. Hybrid opportunities leave room for both individual and team collaboration throughout the week.
- **Attracting strong talent** – Our offerings need to remain competitive within the market. Nine out of ten organizations will be combining remote and on-site working, according to a new McKinsey survey of 100 executives across industries and geographies.

Collaboration First Model

We understand that our business is not conducive to a fully Virtual work force and our offices are an important piece of our culture. The Collaboration First Model means a majority of employees work in a common physical location at least part of the time. The expectation is that the office is the home-base. In person attendance at times will be required for things such as All Staff Meetings or other important Company or business unit specific events.

Employee Location Data:

Global	US
Represent a third of the Company	Represent two thirds of the Company
75% aligned to an office	61% aligned to an office
25% fully Virtual	39% fully Virtual employees in the US

Work Modes:

3 work modes:
1. In-Office
2. Flexible
3. Virtual

Work Modes represent the expectation of regular in-office attendance. Managers should work with their leaders and HRBP to assign Work Modes to their groups. Work Modes should be assigned based on the job requirements, not the individuals. Designated work modes are subject to change based on project load or as coordinated with manager.

In Office	Flexible	Virtual
Role regularly requires presence in the office. Remote workdays must be approved by manager in advance.	Role allows for a hybrid arrangement of in-office attendance and remote work Must be regularly scheduled cadence approved by one's manager.	Role does not require regular presence in the office. Work location in ADP is designated as "OTHER-[State or Country location]."
5 days in the office each week.	In office on Tuesdays, Wednesdays, Thursdays*	In office only as needed.
Assigned a Workstation	Floating Workstation	Not assigned a Workstation

If a manager designates an employee as "flexible" but that person would prefer to be designated as "in office" that will be automatically approved.

Cultural Pillars to Support a Hybrid Workplace

1. Shared Purpose	Managers will also need to ensure people have a sense of shared purpose—not just how a team member's work is connected to overall outcomes, but how the work of the team as a whole is important.
2. Accountability	Empathy for individuals needs will be combined with being held accountable for results. Accountability is key to an effective culture because it reminds people

	their work matters, and it reminds them how important it is to the Company and the team.
3. Fairness	Managers will ensure people are treated fairly; if employees do not have a sense of equity and justice, they will quickly lose motivation. There will not be a "haves" and "haves not" group based on ones in-office work schedule.
4. Conflict	Effective cultures, however, manage conflict productively. With hybrid working, leaders and team members will need to be attuned to potential differences and reinforce the need for healthy disagreement—which is civil and respectful and can move thinking forward. Leaders will establish protocols for disagreement and make room for differences of opinion are good places to start.
5. Visibility and Accessibility	Employees and leaders will be intentional about being personally accessible. Check in with team members and supervisors regularly. Avoid "out of sight, out of mind" mentality.
6. Transparency	People Leaders will be sure to keep people in the loop, sharing constantly and making a point to ensure your team members are in the know about as much as possible—the good, the bad and the ugly. This openness is a primary ingredient of trust which is critical to constructive cultures.
7. Social Capital	To maintain positive cultures in hybrid working situations, leaders will need to be intentional about encouraging people to build their networks. They can do this by connecting people across departments, providing for cross-functional learning opportunities, and creating time for people to have virtual coffee or networking discussions with colleagues across the Company.
8. Place	Establish protocols and patterns of working so team members can connect most efficiently. Establishing core hours (key times when everyone is in the office together) or implementing processes where people can exchange scheduling information to optimize times they'll be in the office together are examples which can help a team thrive. When people are in the workplace together, culture will be positively influenced.

Challenges:

Hybrid work challenges	Solution ideas
1. Meetings: Can be harder to manage (unless done well)!	• **One person, one screen:** When one person is Virtual, ensure all people dial in on their laptops (ideally, with cameras on), one person per screen. If several people are in the same room together, use a shared audio source. • **Tech difficulty norm:** Create a 'do this when tech difficulties arise' norm (e.g., if there are video call difficulties, dial in on speaker phone). • **Round-robins:** Establish a norm of going round-robin to hear from all meeting participants.
2. Communication: Can become more confusing (unless made deliberate)!	• **Availability:** Clarify how to show when people are working, not working, busy, in-office, or remote potentially through use of Teams "status updates" • **Channel map:** Create and distribute a map, showing each comms channel, its primary use, and the related norms (e.g., response times, code words). Example:

Channel	Primary Use	Norm
Email	For non-urgent requests	Respond within 24 hours
Phone	For urgent requests	Use only in emergencies
Text	Use if call sent to voicemail	Respond within 1 hour
Teams	Quick questions or requests for causal chats	Respond as soon as available

Hybrid work challenges	Solution ideas
3. Information flow: can become unevenly distributed.	• **Information if-then:** Create an if-then rule that if information is shared in-person (e.g., team meeting, bathroom poster), it will also be shared at the same time with all Virtual employees.

	• **Source of truth:** Establish a single, shared source of truth for information (e.g., intranet, newsletter). • **Predictable cadence:** Create a predictable cadence of information sharing (e.g., weekly newsletter, biweekly all hands meeting, monthly AMA). • **Create shared sense of purpose:** Leaders should be intentional about articulating purpose, discussing the big picture of the overall goals and ensuring people feel their work is uniquely connected and necessary to the success of the organization.
4. Visibility: Virtual folks can sometimes feel invisible.	• **Round-robin check-ins:** Start meetings with a round-robin check-in from each person (remote and in-person). For example: *"what was a win this week?"* • **Employee directory:** Set up an easily accessible employee directory with photos, roles, contact information, and preferred modes of communication. • **Spotlights:** Feature all employees (Virtual and in-person) in internal and external communication, work demos, and celebrations. Rotate meeting facilitators.
5. Growth: Virtual folks can have fewer opportunities for growth.	• **Career growth skills:** Train employees to 'own their development' and career progression. • **Feedback skills:** Train all employees in how to ask for and deliver developmental feedback. • **One-on-ones:** Set an expectation for managers to hold weekly or biweekly 1-1s with all employees. • **Peer coaches:** Launch a peer-coach or mentor program to create an additional point of career growth support aside from the employee's manager. • **Promote opportunities:** Make sure project, role, volunteering, task force, and other contribution opportunities are accessible to all employees.

6. Team cohesion: Employees can feel less connected and more cliques form (unless mitigated well!)	• **Co-created experiences:** Give employees the autonomy and resources to suggest and produce virtual events (e.g., games, talent shows, book clubs). • **Meet and greets:** Encourage scheduling time with coworkers from different departments for short, social conversations. • **Small talk:** Build five minutes of casual chat at the start of meetings and 1-1s. Research shows that beginning with casual discussions leads to more productive meetings.
7. Office Set-Up: ensure new or existing offices are designed to support hybrid arrangements	• **Collaborative workspace –** plenty of huddle and breakout rooms. • **Conference rooms equipped with Teams conferencing units.** • **Hoteling arrangements –** utilize appropriate software to book rooms or desks .
8. New Hires: establish norms that allow new hires to build a foundational connection with their team and leader	• New employees hired into a role designated as "should spend their first week in an office location, preferably where the majority of their team or manager is located and should travel to an office X times a quarter during their first year. (*does this include sales?) • New employees hired into a role designated as flexible should work from the office the majority of the time for the first 3-6 months.
9. Location Transparency:	• **"Where" you are working from you should always be easily determined:** Calendars and "status updates" in teams should identify where you are working on each day of the week.
10. Compensation and benefits: can become more complex.	• **Comp philosophy:** Establish and communicate a clear salary, bonus, and equity philosophy. • **Set location parameters:** Clarify where employees can live (e.g., in pre-approved states where the Company is already registered and how to request approval to move to a different location. • **Equitable benefits:** Offer benefits that are most relevant to in-person vs Virtual employees (e.g., commute benefits, productivity stipends).

	• **Compliance check:** Make sure you are compliant with all local laws when it comes to resources you provide

Resources:

https://www.salesforce.com/news/stories/creating-a-best-workplace-from-anywhere/
https://www.salesforce.com/news/stories/employees-plan-to-change-how-they-work-post-pandemic/
https://robinpowered.com/blog/workplace-remote-hybrid-employees
https://www.bcg.com/en-ca/publications/2020/valuable-productivity-gains-covid-19
https://www.forbes.com/sites/tracybrower/2021/02/07/how-to-sustain-company-culture-in-a-hybrid-work-model/?sh=7dfc88b10091
https://www.mckinsey.com/business-functions/organization/our-insights/what-executives-are-saying-about-the-future-of-hybrid-work?cid=other-eml-alt-mip-mck&hdpid=98c5a7f1-c1dc-4b15-9c1c-682b1068b236&hctky=12700437&hlkid=2dc800cbf77e44069616255f72672b00