

# HYBRID WORKING: WORKPLACE CULTURE & ACCESSIBILITY BEST PRACTICES FOR LOCAL GOVERNMENTS

TUESDAY NOVEMBER 29, 2022 | 2:30 - 4:00 PM

*HOSTED BY*



*IN PARTNERSHIP WITH*

 **LIEBERT CASSIDY WHITMORE**

**THANK YOU  
FOR JOINING US!**



*Host & Moderator*

**TAYLOR BUCK**  
*Program Manager*

*Institute for Local Government*



# WEBINAR OVERVIEW

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**Welcome**

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**The Hybrid Workspace at the Costa Mesa Sanitary District**

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**Navigating Hybrid Work Best Practices, Centre for Organization Effectiveness**

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**Legal Parameters of Hybrid Working, Liebert Cassidy Whitmore**

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**Panel Discussion**

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**Audience Q&A**

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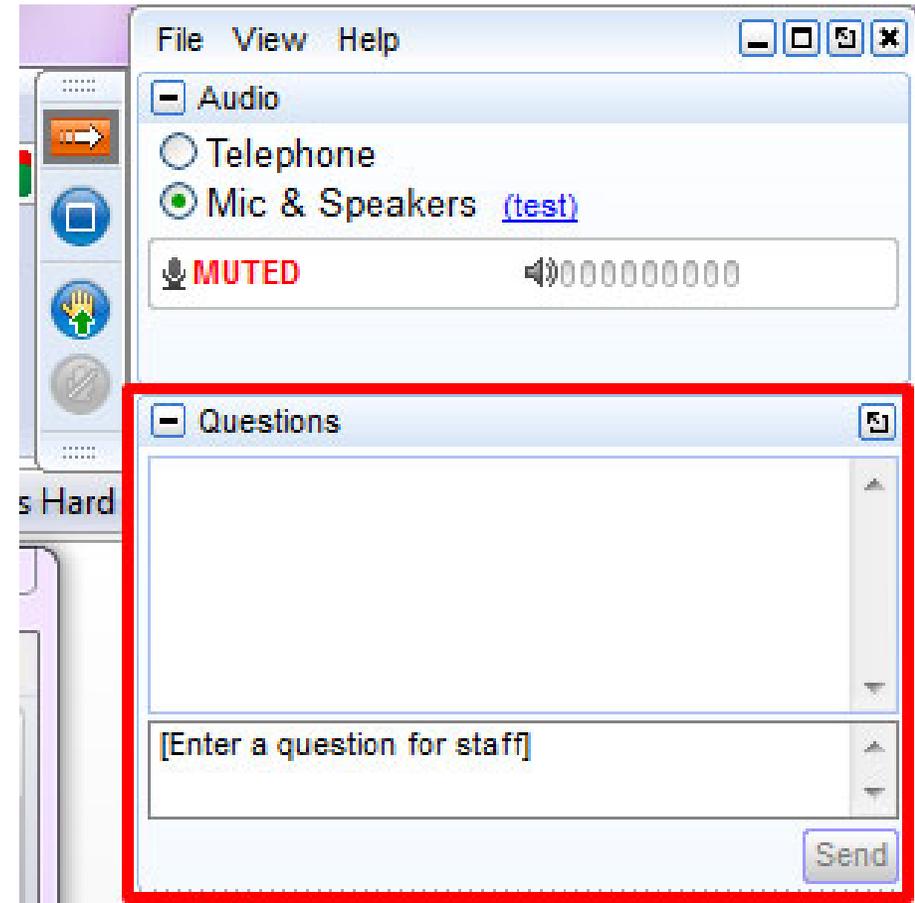
**Wrap Up & Adjourn**

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*We welcome your written questions and comments in the question box throughout the webinar*

# HOW TO ASK A QUESTION DURING THE WEBINAR

- All webinar participants will be on MUTE during the entire call.
- Please TYPE any questions into the question box at any time during the webinar.
- The moderator will read your questions during the question period at the end of the webinar.



# RECORDING AVAILABLE SOON



The recorded presentation and materials will be shared electronically with all attendees a few days after the webinar.

# ABOUT ILG



# NON-PROFIT, NON-PARTISAN AND HERE TO HELP

- The Institute for Local Government is the non-profit training and education affiliate of three statewide local government associations
- Together with our affiliates, we serve over 2,500 local agencies – cities, counties and special districts
- We provide practical and easy-to-use resources so local agencies can effectively implement policies on the ground



**California Special  
Districts Association**  
*Districts Stronger Together*

# ILG'S PROGRAMS AND SERVICES

## Program Areas

Leadership & Governance

Civics Education & Workforce

Public Engagement

Sustainable & Resilient Communities



## Services

Education & Training

Technical Assistance

Capacity Building

Convening

Our mission is to help local government leaders **navigate complexity, increase capacity & build trust** in their communities

# TODAY'S PRESENTERS



**SCOTT CARROLL**  
General Manager  
Costa Mesa Sanitary District



**DEANNA POTTER**  
Director of Growth and Development  
The Centre for Organization  
Effectiveness



**ALEXANDER VOLBERDING**  
Associate  
Liebert Cassidy Whitmore

# INSTANT POLLING

## Who is in the room...

- What type of organization are you from?
- What is the size of your organization?
- Does your organization have a formal hybrid work policy in place?
- How would you characterize the geography of your community?



COSTA MESA  
**SANITARY DISTRICT**



**SCOTT CARROLL**

General Manager

Costa Mesa Sanitary District





COSTA MESA  
**SANITARY DISTRICT**

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# **The Hybrid Workspace at the Costa Mesa Sanitary District**



# COSTA MESA **SANITARY DISTRICT**

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- Wastewater & Solid Waste Collections
- Service Costa Mesa and portions of Newport Beach and unincorporated Orange County
- Over 118,000 people, 23,000 homes and 4,000 businesses
- Staff of 22.5
- \$13.4 million annual budget





# COSTA MESA **SANITARY DISTRICT**

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**During the Peak of COVID-19:** Closed HQ for employees and the public & HQ employees worked remotely

- Purchased laptops
- Remote access to server
- Transferred landline phone calls to cell phones
- Reimbursed employees for internet and electricity costs
- HQ employees signed an agreement
- Remote timeclock system
- Non-exempt employees kept a log of their tasks to be submitted with timesheets



# COSTA MESA SANITARY DISTRICT

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## What CMSD Learned

- 2021 CMSD Employee Engagement Survey - Flexible work hours and the option to work remotely from time to time are key factors to satisfaction.
- Case in point: a top performer left CMSD for another public agency because the agency was offering the opportunity to work remotely 2 days a week.
- Soon after, CMSD allowed office employees to work from home 1 day a week. The top performer returned to CMSD!
- Currently, CMSD office employees can work from home 3 days a week.



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## **Our New Telecommute Policy**

- HQ employees are assigned specific days (Mon, Wed or Thurs) of the week to work from home.
- HQ is open to the public Monday through Thursday.
- HQ employees can work from home on alternate Fridays (employees work 9/80 schedule).
- Public can visit HQ on alternate Fridays after making appointments.



# COSTA MESA **SANITARY DISTRICT**

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## **Our New Telecommute Policy (continued)**

- Flexible – HQ employees can switch days working from home on a case-by-case basis.
- Employees sign an agreement.
- Originally, non-exempt employees kept a log of their tasks to be submitted with their timesheets.
- Employees felt they were being micro-managed by keeping logs.



# COSTA MESA **SANITARY DISTRICT**

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## **Our New Telecommute Policy (continued)**

- Flexible – HQ employees can switch days working from home on a case-by-case basis.
- Employees sign an agreement.
- **Today, Logs no longer required. Non-exempt employees must record lunch breaks**
- **Employees can work anywhere offsite (e.g. park, Starbucks, parent's home, etc.), but must obtain approval from supervisor prior to working offsite.**



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## Benefits for Implementing Remote Workplace

- Improved morale
- Employee retention and recruitment
- Gasoline savings!
- Wellness
- Built trust
- Boosted productivity





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## **Remote Workplace Pitfalls to Look For**

- Less spontaneous ideation due to less face-to-face interaction
- Disparity in opportunities due to less time with supervisors
- Information might not get shared organically
- Reduced oversight might lead to blindness on time allocation
- Not everyone is cut out for remote work: check in often!



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## **How to Avoid Us against Them (Field vs. Office)**

- Field staff cannot maintain sewer system from home.
- Field crew requested to work 4/10 schedule – Request approved
- HQ staff requested to work 4/10 schedule – Request denied
- Give field staff a benefit that's not available to office staff.

**Can't We Just Go  
“Back to Normal”?**

# You Can Try, But...

71% would likely look for another job if their employer stopped allowing them to work remotely

October 2022 Online survey from Probolsky Research

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**SANITARY DISTRICT**

# You Can Try, But...

86% say having flexibility in setting their work schedule and location is important to them

October 2022 Online survey from Probolsky Research

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# You Can Try, But...

60% would accept a job with slightly less pay and/or benefits if it offered increased work schedule and location flexibility

October 2022 Online survey from Probolsky Research

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# You Can Try, But...

56% would work remotely at three days per week or more, if their employer allowed them to choose

October 2022 Online survey from Probolsky Research

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- Resources
- COVID-19
- Remote/Hybrid Work

## Remote/Hybrid Work



### Hybrid/Remote Research Released November 2022

RGS partnered with [Probolsky Research](#) to better understand how work flexibility models are affecting local government. The project included the employer and employee perspectives and was specific to public agencies in California.

#### Key findings



[Survey results - employers](#)

[Survey results - employees](#)

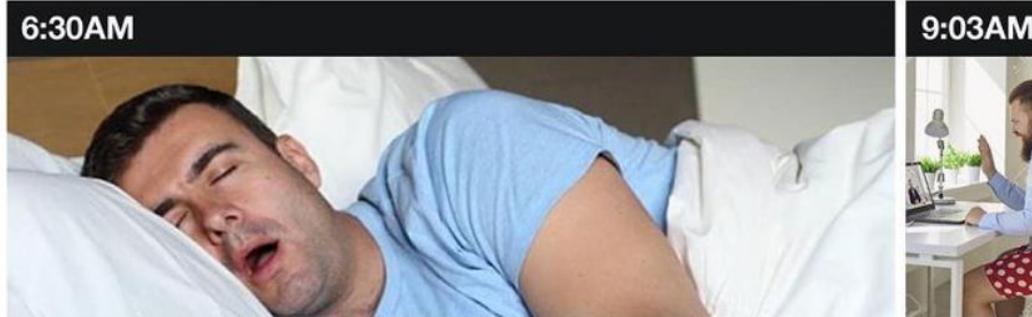
### Resources from RGS' May 13 Workshop on Remote/Hybrid Work

- [Workshop Article](#)
- [High-Level Themes from Workshop Discussion](#)
- [Pre-Workshop Feedback](#)

# They've Had a Taste

## Getting ready for work

### Covid:



### Return to office:



# Don't Just Take My Word For It

ICMA



Home

## Letter from the CEO/ED: The Post-pandemic Local Government Workplace Drives New Approaches to People and Places

As our communities come surging back, we are the ones responsible for leading our organizations through these fast-moving changes.

By Marc Ott | Jun 01, 2022 | PM MAGAZINE - ARTICLE



When the COVID-19 crisis first became real, it seemed like the world stood still. But as local government leaders, you did not. You could not. You and your teams were continually in motion providing services when no real playbook existed on how best to protect residents and staff, while trying to keep your economies from collapsing.

Over the last several months, we have been wrestling with a range of novel challenges in front of us. We are asking ourselves a whole new set of questions surrounding the future of work. **For those that have said, "I'll sure be glad when things get back to the way they were," it's clear that's not going to happen.** But how do we navigate these waters when some jobs require proximity to customers and co-workers and while other jobs have been done effectively remotely.



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# The Times, They Are A-Changin'

- A hybrid environment might not work for your agency.
- But ask this: if you solved the problems once before, could you solve them again?
- Start slow: Offer remote/hybrid work one day a week
- Assess work productivity



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**Thank You**

**Scott Carroll, CSDM, ICMA-CM  
General Manager**

**[scarroll@cmsdca.gov](mailto:scarroll@cmsdca.gov)**

## DEANNA POTTER

Director of Growth and Development  
The Centre for Organization Effectiveness





# **ILG Hybrid Work Webinar**

November 29, 2022

Deanna Potter, M.A.  
*Director of Growth and  
Development*

# 50/50

Nick Bloom – Professor of Economics  
*Stanford University*

## CHALLENGES

- Retention
- Talent acquisition
- Employee Engagement





# Uncharted Territory



# Uncharted Territory

# The Research

## March 2020 - More Time

**5000** Americans per month  
**Increased** positivity  
**80%** better than expected  
**70 minutes** / day saved  
**30 more** minutes working

## Gender Impact

**52% Disagreed.** Remote work is available to anyone who wants it.  
**42% Agreed.** Remote work worsens social inequalities.  
**74% Agreed.** Remote work worsens gender inequalities.

## Neutralizing the System

Remote working men with children:  
Received promotions at **nearly 3x** the rate of women.  
Received a pay raise at a rate of **26% versus 13%** of women.

## Knowledge Workers

**79%** of White knowledge workers vs  
**97%** of Black knowledge workers want a hybrid or full-time remote work schedule.



?

**Biggest  
Challenge**

# REALITY

A crystal ball is held in a hand, reflecting a sunset over a forest. The reflection shows a bright sun low on the horizon, with trees silhouetted against the sky. The background of the image is a blurred forest scene with a large tree on the right and a smaller one on the left, suggesting the crystal ball is a metaphor for seeing reality through a lens of perception.

- Functional limitations
- Challenges with our beliefs
- Challenges with our skills

# Questions to be answered

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- Are there areas in the organization where leaders have bias that get in the way of the hybrid approach?
- What side are you on? Are you part of the solution or the problem?



**EXPERT**



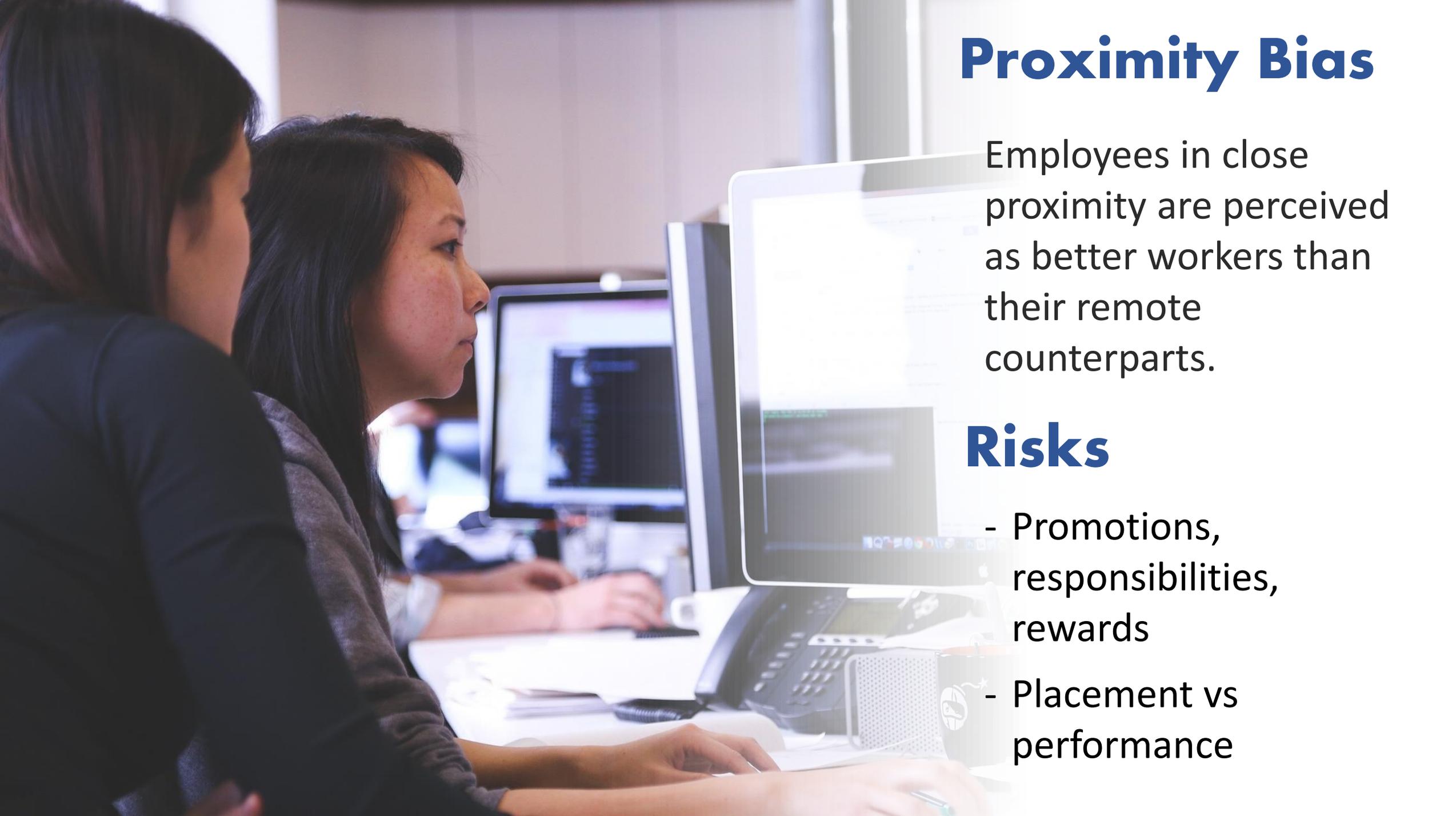
**NOVICE**





## INTERDEPENDENCE:

To provide support to others allowing them the ability to be successful in completing an objective, task, or goal.

A photograph of two women in an office environment, viewed from the side. They are seated at desks with multiple computer monitors. The woman in the foreground is looking at a monitor, while the woman behind her is also working. The office has a modern feel with wooden paneling in the background.

# Proximity Bias

Employees in close proximity are perceived as better workers than their remote counterparts.

## Risks

- Promotions, responsibilities, rewards
- Placement vs performance

# Questions to be answered

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- How aware of proximity bias is your organization and its leaders?
- What needs to be put in place to minimize the impacts of proximity bias in your organization?
- What will happen if you do nothing?



# TIME TO LEAD

## **MULTI-MODAL:**

Providing the user with several different modes or methods of doing something (e.g.: interaction, learning, and engagement.)





# Leveling Up...*Care*

People need to feel your  
physical and digital  
presence for a leader to  
lead effectively

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# Questions to be answered

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- What blind spots currently exist in your organization?
- How are these getting in the way of an inclusive and diverse hybrid workplace?
- What conversations or actions need to take place now?





# Uncharted Territory

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# Thank You!

**Deanna Potter, M.A.**

*Director of Growth and Development*

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Direct: 760-415-5245



THE CENTRE  
 FOR ORGANIZATION  
EFFECTIVENESS

**ALEXANDER VOLBERDING**

Associate

Liebert Cassidy Whitmore





Liebert Cassidy Whitmore

# Hybrid Working: Culture and Accessibility Best Practices for Local Governments

Institute for Local Government | November 29, 2022

Presented By:

Alexander C. Volberding

# Introduction: Work Models

- Pre-COVID-19 working arrangements
- New models for working arrangements
  - Full telework
    - Unlikely for most (non-tech) employers
  - Employer workplace only/No telework
    - May be incompatible with employee expectations/demands
  - Hybrid
    - Flexible and responsive to needs
- Hybrid working the decision is a policy decision for the employer
  - No one-sized fits all approach
- Most employers will adopt a some form of hybrid work model
  - Benefits (employer and employees)
  - Costs (real and cultural)

# Introduction: Hybrid Work Issues

- Operational issues
  - Expectation setting - Quality of performance/service provided
  - Hybrid work policies and agreements – Standardization and individualization
- Legal issues with remote workers
  - Wage and hour issues
  - Agency security
- Health and safety issues
  - Workers' compensation issues
  - Workplace COVID-19 obligations

# Operational Issues: Setting Expectations

- Quality of work, including accuracy
- Expectations regarding the following:
  - Meeting deadlines
  - Communicating with supervisors
  - Tangible goals of assignment
  - Work product
- Required procedures employed when completing work

# Operational Issues: Hybrid Work Policies

## Importance of a standard and uniform hybrid work policy

- Establish clear and consistent terms and conditions
- Risk management/mitigation

## Guiding principles

- Do not compromise employer's operational needs/values/interests in provision of hybrid work
  - Pre-COVID-19 status quo (*i.e.*, no or limited teleworking) v. a bad agreement
- Maintain management rights to maximum extent possible in administration of hybrid working

## Key terms

- Eligibility criteria (Equity concerns)
- Same expectations as employees working at the employer's workplace and same job duties and responsibilities
- Tracking and reporting of hours worked
- Prohibition on the performance of certain work (*e.g.*, "off the clock" and overtime without prior approval)
- Employer possesses authority to terminate or modify hybrid working arrangements and no appeal rights
- Provision of hybrid working conditioned on execution of employee-specific hybrid working agreement

# Operational Issues: Hybrid Work Agreements

## Importance of a unique and tailored hybrid working agreements

- Establish clear and consistent terms and conditions
- Risk management/mitigation

## Key terms

- Term of hybrid working arrangement (extension must be in writing)
- Employee's work schedule
  - Set schedule v. Intermittent
- Tracking and reporting of hours worked
- Prohibition on the performance of certain work (*e.g.*, "off the clock" and overtime without prior approval)
- Periodic/regular evaluation by manager/supervisor
- Employer possesses authority to terminate or modify hybrid working arrangement and no appeal rights
- Execution by employee and manager/supervisor

# Legal Issues: Managing Remote Workers

- Fair Labor Standards Act (“FLSA”)
  - Exempt v. non-exempt employees
  - Employers need to track hours
    - Clocking in & out
    - Overtime
    - Meal & rest breaks
    - Use of electronic devices “after-hours”

# Legal Issues: “After Hours” and “Off the Book” Hours

- “On-duty” time outside of normal business hours is compensable even if “off the book”
- Factors for determining whether an employee is “on-duty”:
  - Geographic restrictions on movement;
  - Required response time;
  - Nature of employment; and
  - Extent to which work impacts personal activities

# Legal Issues: Agency Security

- Adequate protection software
  - Personal vs. agency-owned devices
  - If working offline, upload & save daily
- Policies regarding confidentiality, acceptable use and data protection
- Work with information technology department



# Health and Safety Issues: “Workplace” Injuries for Remote Workers

- Remote workspaces must be conducive to working
  - May be part of eligibility determination
  - Establish a dedicated workspace
  - Provide and enforce safety checklists
- Workers’ compensation statute covers all employees, including teleworking employees
  - Injuries occurring at home may still be compensable if they arise out of and in the course of employment
- Seek advice and counsel from workers’ compensation legal counsel



# Health and Safety Issues: COVID-19 Requirements for Workers

- **Explain employer's obligations and authority**

- Employer has obligation to comply with operative health and safety requirements (e.g., Cal/OSHA COVID-19 ETS)
- Employer possesses authority to impose additional health and safety protocol
- Both legal requirements and protocol may change

- **Explain workplace health and safety protocol**

- Be as specific as possible without unnecessarily restricting employer discretion

- **Communicate expectations of employees**

- Employer expects strict compliance with protocol
- Explain consequences of non-compliance

- **Enforce expectations**

- Discipline non-compliant employees and supervisors who permit non-compliance

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**<https://www.lcwlegal.com/people/alexander-volberding/>**



Liebert Cassidy Whitmore

# PANEL DISCUSSION AND Q&A

What questions or comments do you have for us?



# ILG RESOURCES

## CATCH UP ON ILG WEBINARS

- **Building Career Pathways for Local Government Staff**
  - <https://www.ca-ilg.org/post/building-career-pathways-local-government-staff>
- **Local Government Recruitment and Retention: What Managers Need to Know**
  - <https://www.ca-ilg.org/webinar/local-government-recruitment-and-retention-what-managers-need-know>

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