EMPLOYER’S GUIDE FOR MANAGING REMOTE WORKERS
Overview

As COVID-19 persists, many employers continue to rely on a remote workforce. Employers Council has compiled this guide to help employers navigate the challenges of remote workers, legal issues of having multi-state employees, virtual meeting fatigue, and more.

*For the latest news and updates on COVID-19’s impact on the workplace, visit our Coronavirus resource page.*
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HR Considerations

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Handbooks, Benefits, and Procedures to Update

The shift to having many employees who work remotely means that many pre-COVID-19 business practices may be history. Employers must thoroughly review HR practices to determine what policies, benefits, and procedures need to be updated to align with new business approaches.

Handbooks

Many policies must be reviewed, updated handbooks must be reissued, and new acknowledgment forms collected. Remote workers will likely need to access the handbook electronically on an intranet site; be sure they are able to easily access the handbook (there are legal compliance issues here related to ADA and EEOC). Ensure all employees submit a signed acknowledgment of receipt to keep on file as evidence in case of an employee dispute.

• **Telecommuting Policy**: Many handbooks may not include any guidance on telecommuting, or may state telecommuting is approved on a case-by-case basis. If your organization has moved to more telecommuting for today and into the future, consider updating your handbook to include this practice. Include guidance on expected work hours while telecommuting, internet speed requirements, and when telecommuting is acceptable.

• **Appearance Policy**: With the addition of face masks, it may be necessary to update the appearance policy. State what is expected of dress at the workplace and on video conferences to ensure clarity for employees. Be sure dress code policies also meet any federal or local legal changes as well as address any diversity, equity, and inclusion strategies.

• **Travel Policy**: States and countries are imposing travel restrictions on visitors as infection rates spike. In addition, many employees are nervous about the possibility of becoming infected while traveling. Consider the short-term and long-term changes to strategies and policies regarding when and where employees must travel for business.

• **Sick Leave and Paid Time Off Policies**: Verify policies comply with evolving federal and state laws, including the Families First Coronavirus Response Act (FFCRA), Arizona paid sick leave, and Colorado Healthy Families in the Workplace Act.

Benefits

The needs of remote workers may vary significantly compared with employees working in the office. Most employers will have a mix of employees working remotely and in person; balancing the needs of both will be a challenge. A good start is to survey employees and ask them what is needed.

• **Expenses**: Remote workers incur additional on-going expenses when working remotely such as home energy costs and internet access. Providing an on-going expense allowance will be appreciated.

• **Transportation**: When employees no longer need to drive or take public transportation to the office, reallocate parking, car allowances, or other similar funds to address new employee needs.
• **Home office set-up:** Long-term remote working requires proper furnishings and equipment to support employee well-being and productivity. Consider providing a one-time stipend for employees to help them offset the costs of purchasing what they need to create an ergonomic-friendly workspace at home.

• **Vacation:** Due to travel restrictions and increased workloads, many employees have not utilized their vacation benefits. This may harm their well-being and increase the outstanding liability for an employer. Encourage employees to take vacation time and even offer suggestions for “staycation” ideas. Employers may even force employees to take time off to reduce their accruals.

• **Recognition:** The in-person workplace allows managers to quickly and easily provide employees with informal recognition — a pat on the back, a smile, an impromptu chat by the coffee machine. These are not possible for remote workers, so making an effort to try new virtual ways to recognize a job well done is important: emails, texts, Slack chats, call-outs on group zoom sessions, etc. Low-tech and old-fashioned approaches are powerful, such as a phone call for a 1:1 chat, or sending a hand-written note through the U.S. mail.

• **Wellness:** Many employee wellness programs may be designed for traditional in-person workplaces. Review ways to make them accessible and effective for remote workers; new programs that utilize virtual platforms and telehealth resources have been very successfully implemented.

### Procedures

Important documented procedures may require updates.

• **Workplace Safety:** Enhanced cleaning procedures that are now part of daily and weekly practice should be included in safety protocols. Social distancing, face coverings, room capacity limitations, and occupancy may need to be monitored and enforced; reminders to staff may be necessary as some remote workers sporadically return to the office to collect mail, water plants, etc. This may also include practices for symptom monitoring; define procedures to handle employees who show symptoms, including identifying a coordinator responsible for collecting data. Reminder: the coordinator should be someone who is responsible for maintaining confidential information.

• **Visitors:** Updating procedures for visitors is essential to ensure a consistent experience with any outside guest, and so all employees know what is acceptable for non-employees at your place of business. It is important to advise employees that when they visit another business, that they must adhere to safety protocols and expectations of their hosts. However, if the host has protocols that the employee considers unsafe, they should be advised how to respond; an employee should not be forced to endanger their health for business.

• **Equipment:** Remote workers who use company-supplied equipment should sign a detailed inventory statement that acknowledges all equipment must be returned upon termination of
employment. If this is not done, the employer may be unable to recover the costs of replacing that equipment.

As the role of employers has required significant adaptation during the pandemic, updating policies and procedures will enhance organizational operations and support success.

*Employers Council assists members with HR practices, policies, and handbook reviews. Contact us with your questions.*
For employers who wish to retain and engage all employees to achieve essential work initiatives, despite workplace disruptions from the abrupt move to mass remote working, a flurry of survey data offers noteworthy considerations.

KPMG’s survey of American workers finds significant differences between remote-working employees and those who are reporting to work in-person.

While 91% of remote workers approve of their employer’s handling of the COVID-19 challenges, only 72% of in-person workers approve.

Employees allowed to remote work report overall higher levels of satisfaction with their employers, job satisfaction, and productivity.

Workers who must report in-person and essential workers, however, do not feel as valued by their employers, are less happy at work, and believe workplace culture has worsened.

Another survey from flexjobs and Mental Health America finds that 40% of employees report burnout during the remote work response to COVID-19; 18% report struggling with mental health issues. 56% of employees indicate their HR leaders do not welcome conversations about burnout.

Similar short-comings are found in a survey of engineering industry employers; only 21% of leaders have plans to address employee burnout and 32% for loneliness, despite the negative consequences these have on employee productivity and wellness.

Despite all the disruption, a Mercer survey of employers finds that 94% report that productivity has remained the same or has improved since employees were sent home to work.

Taken together, it is clear that employers who wish to address the new realities of the workplace in 2021 would be well-served by an expanded, flexible approach to employee well-being that addresses the needs of both remote workers and those coming into the employer workplace.

For help with finding out what’s on your employees’ minds, contact us. Employers Council offers surveys and expertise to support your efforts to engage and retain your workforce.
According to a recent survey, women are suffering the brunt of the economic fall-out of COVID-19.

- 60% of employees laid-off due to COVID-19 are women.
- Over 50% of working parents have lost childcare and women are most likely the primary caretakers who have to fill the childcare gap.
- Many women are considering leaving the workplace due to childcare concerns.

With COVID-19 cases rising, and widespread vaccinations not likely for months, the plight of women in the workforce may worsen in the near future.

Supporting employees through this crisis can include a combination of strategies, and not all are costly, including:

- Flexible scheduling options: engage with employees to identify work schedules that balance employer and personal needs.
- Childcare support: offer guidance to childcare options – engage with employees to identify ideas and proposed solutions.
- Intermittent leave: consider allowing employees with pressing childcare needs the option of taking leave in order to share childcare with family members or other trusted adults.
- Job sharing: multiple employees, who need similar accommodations to balance work with home needs, may be able to share responsibilities to get work done.

Engaging employees in finding solutions and crafting new working models may be the new path forward; as well, it can build a culture of trust and loyalty. For employers who wish to retain talented women and maintain gender diversity, now is the time to identify employee needs, and evaluate possible actions.

Contact Employers Council for assistance with questions about meeting employee challenges.
Maintaining Engagement

Although there are benefits to having a remote workforce, including reduced costs and an increased talent pool, teams have struggled with the quick transition. Organizations may struggle with effectively managing remote workers while keeping them engaged and productive. Here are a few tips for creating and maintaining effective remote teams.

**Communication** – Without the luxury of face-to-face interaction, staying in tune with remote teams can be tricky. However, the use of communication tools through a shared platform can help alleviate the experienced disconnect. Many organizations may already have access to tools through their cloud-based payroll or HRIS platforms, while others may utilize video meeting software such as Zoom or GoToMeeting. By building a “camera on” culture, managers and teams can create a virtual face-to-face experience to boost engagement, discourage distractions, and build relationships.

**IT Support** – It can be easy to assume that most employees are “up to speed” with remote work from a technological aspect. However, now more than ever, it’s paramount to ensure employees are familiar and comfortable with operational tools and systems. Use this as an opportunity for IT departments to take a leading role in providing valuable training to staff.

**Recognition** – In times of quick change and transition, it can be easy to overlook something like recognition. However, employee recognition, as it relates to remote teams, can help increase productivity and retention. While it may be something as simple as recognizing meeting a goal or an employee’s birthday, acknowledging contributions made by remote individuals or teams can have a significant impact.

**Office Hours** – Employees working from home have their laptops and phones to remain available and connected. Employers report this has been great for productivity; however, it has created higher levels of stress for employees who struggle with disconnecting from work. Surveys find many workers are reporting burnout and exhaustion. Providing remote workers with guidance on expected work hours is an important method to support their ability to sign off and relax. Wage and hour compliance is at risk; pay special attention to the work hours of non-exempt employees. Managers must ensure that non-exempt employees take regular breaks and finish their workday at an appropriate time to prevent unexpected overtime liabilities.

Engaging a remote workforce can be challenging for both experienced and inexperienced organizations. By implementing support systems and processes, leaders can address these challenges to maximize productivity and employee well-being.

*For more information related to managing a remote workforce, please reach out to Employers Council at 800.884.1328.*
Tips to Overcome Virtual Meeting Fatigue

Many of us have been working from home for a while, and there are real benefits. We can sleep a little longer since there is no commute. Dressing for work is much simpler. Home offices can be pet-friendly every day. There is an endless supply of snacks. So why are we so tired at the end of the workday?

Consider virtual meeting fatigue. Once used mostly for webinars and times when geography kept people from meeting in person, the pandemic has elevated virtual platforms to how we interact in many areas of our lives. It’s not unusual to use a virtual platform to attend multiple meetings and maybe a webinar or training during the day, then informal virtual gatherings after work and, over the weekend, to catch up with family and friends.

An increasing number of studies provide clues about why virtual meetings can be exhausting.

In a recent article in National Geographic, Julie Sklar writes, “Humans communicate even when they’re quiet.” When we meet in person, our brains are programmed to pull information from a variety of cues: body language, eye contact, posture, even intake of breath as someone gets ready to talk. On video conferences, we strain and hyper-focus to gather information from the heads and shoulders of other participants and small, sometimes poorly lit, images of facial expressions. There is also the Brady Bunch experience of gallery views, requiring participants to try to keep up with tiny videos of many people; participants are distracted by details of backgrounds, like furniture, colors, plants, sounds, even book titles.

Technical issues like the internet going down, audio delays, echoes, frozen video, and muting/unmuting are not only distracting, but disrupt the flow that we expect from in-person communication and make meetings much longer than necessary.

Here are some tips to overcome the challenges of virtual meeting fatigue and boost communication effectiveness:

• Turn off your camera. Constantly seeing yourself can be unsettling; so going invisible from time to time is ok as long as you remain engaged. Keep in mind that the purpose of video conferencing is to see and be seen, so use this option judiciously. Managers can make it acceptable for team members to turn off their camera.
• Keep your camera on, but hide your own image. Again, seeing yourself is distracting; use settings to only view other participants, which is closer to the experience of an in-person meeting.
• Vary communication tools. Texting for quick and informal correspondence is acceptable; phone conversations are better for longer and more involved conversation topics; intranet chats, Slack, and email are useful for swift/simple discussions.
Tips to Overcome Virtual Meeting Fatigue
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• Resist multitasking while on video conferences. It’s less likely that, in an in-person meeting, an employee would email, check their phone, and eat lunch all at the same time. Work to focus your attention on the content of the meeting itself.
• Allow employees to call in occasionally rather than use the video platform. Attending by phone can allow someone to stand up and walk around, and physical activity is good for creativity and general health.
• Be considerate of others. Avoid excessive movements, speaking too long or out of turn; share the conversation. Go dark and turn off the camera if you wish to move your computer to another location; other viewers will be distracted by blurry images of you moving, and some may even get motion sickness. Managers should coach employees who violate virtual meeting etiquette.
• Limit meetings. Avoid scheduling virtual meetings back to back; managers should avoid over-reliance on virtual meetings.
• Stay focused. Just as with an in-person meeting, follow an agenda to avoid unnecessary rabbit hole topics and time-wasting. Keep the conversation on topic, moving forward, and respect start and end times.

Even with its downsides, video conferencing has allowed for high productivity and a version of connecting in tough times. Chances are, it’s here to stay, and businesses will adapt it to meet their unique needs.

Contact Employers Council for assistance with questions about virtual meetings.
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ADDITIONAL RESOURCES
Cyber Security and Human Resources – Data Management
An introduction to cyber security and what HR professionals need to know and do to keep their organization’s data secure.

Payroll Deduction Authorization
This document examines elements employers should consider when drafting payroll deduction authorization agreements.

Remote Worker Checklist
This checklist provides an overview of considerations when allowing employees to work remotely.

Request to Work Remotely
A form for employees to fill out when they want to work remotely.

Telecommuting – Overview
This resource explains some of the risks and offers suggestions on how to conduct a successful telecommuting relationship with employees.

Virtual Employment Law Posters
Even though your organization is remote, your employees need access to employment law compliance posters. Use our service to ensure compliance.
Out of State Workers

The COVID-19 pandemic forced many employees to temporarily relocate to be with, or care for, family members; some temporary relocations have turned into permanent changes. Some employees chose to voluntarily relocate to other states for a wide variety of reasons, such as a lower cost of living and for a change of scenery. With remote work as a new norm, many employers have taken advantage of an expanded labor pool and hired new employees who live in other states.

All of these scenarios have created new compliance, tax, and reporting obligations for employers.

Although federal tax considerations do not change, each state sets its own requirements as to what constitutes an employee and when an employer must comply with state and local regulations. Some states may pose minimal considerations; others impose formidable requirements that could create a surprising material cost liability on an uninformed employer.

Employers should approach each remote employee scenario carefully, on a case-by-case basis, and review the requirements of the given state and municipality. Here are some major topics to review.

Payroll

Employment Taxes. In addition to federal employment taxes such as federal income tax, Social Security and Medicare, and federal unemployment tax, employers with employees in certain states and/or municipalities, may be required to remit additional taxes such as state unemployment and municipal-level occupational privilege taxes. The corresponding tax accounts would need to be established by the employer in applicable states.

Income Tax. If an employee works or resides in a state for more than a temporary period, an employer is expected to withhold applicable income tax for the given state. If withholding of state income tax is required, an employer is generally also required to register with the Secretary of State and report all new employees in said state.

Handbook Policies

Some states require specific policies be included in employee handbooks. Signed acknowledgment forms should be gathered and retained. Electronic versions are generally acceptable, assuming they are reasonably accessible by the employees.

Posters and Notices

All states and many municipalities mandate certain posters and notices be given to employees. Electronic versions are generally acceptable, assuming they are reasonably accessible by the employees. Employers Council Posters Service can assist.
Recordkeeping

Document collection, maintenance, and retention varies greatly among states. Recordkeeping policies and practices may need revising.

Compensation

Employers may wish to revisit their compensation plans for remote worker scenarios such as:

- Employees relocating to an area with a lower cost of living.
- New hires who remote work from areas with lower/ higher cost of living.
- Some applicants/ employees will consider remote work to be a more valued perk than a higher salary.

*Employers Council provides guidance to members on all of these issues. Contact us to learn more.*
Safety Issues for Employees Working at Home

Occupational Safety and Health Administration (OSHA)

The OSHA General Duty clause defines employers’ obligations to all employees (including remote workers) as follows:

Each employer shall:

• furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.

• comply with occupational safety and health standards promulgated under this Act.

• comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this Act which are applicable to his own actions and conduct.

For remote workers, OSHA does not inspect employee home offices. However, injuries that occur during work time may have to be reported on the OSH Form 300. Per the OSHA website, “OSHA respects the privacy of the home and has never conducted inspections of home offices. While respecting the privacy of the home, it should be kept in mind that certain types of work at home can be dangerous/hazardous.” Further, “Employers who are required, because of their size or industry classification, by the OSH Act to keep records of work-related injuries and illnesses, will continue to be responsible for keeping such records, regardless of whether the injuries occur in the factory, in a home office, or elsewhere, as long as they are work-related, and meet the recordability criteria.”

Employers should advise remote working employees of their obligations to immediately contact them to report any possible work-related injuries.

Workers Compensation Insurance (WC)

Employers should contact WC insurance carriers to discuss their remote employees to identify possible coverage gaps, limitations and requirements. When an existing employee moves to (or an employer hires a new employee in) another state, the employer is generally required to secure WC in said state. However, each state sets its own requirements as to how many employees an employer must have in the state before WC is required. For example, Colorado, Arizona, and Utah, with few exceptions, require all employers to carry WC. Employers in Wyoming, or that do business in Wyoming, are required to obtain WC coverage through the Wyoming Worker’s Safety and Compensation Division.
State and Local

Additional workplace safety laws may exist around the country, so be sure to identify compliance requirements.

Cybersecurity

Criminals have dramatically expanded efforts to exploit the security gaps created by remote working employees. Employers’ best defense to this higher risk of cybercrimes is a robust and consistent employee training program along with skilled guidance from IT cybersecurity professionals.
MEMBER RESOURCES
Employers Council’s knowledgeable and experienced employment law attorneys help members assess options and find practical solutions to their employment law questions.

Our attorneys guide members as they navigate the ever-changing world of employment law in many areas, including:

- Training plans and policies
- Employment agreements
- Drug and alcohol policies
- Terminating employees
- Garnishment guidance
- Reductions in force and layoffs
- Workplace safety
- Training for managers and employees

**Become a member** today for access to our employment law advice and consulting services!

**Legal Representation**

**Unemployment** - Our labor and employment attorneys represent members in hundreds of unemployment hearings annually. As part of the representation, they help members understand the unemployment appeal process, interview witnesses, prepare documents, appear at the hearing as the member’s counsel, and, if necessary, draft appeals.

**Civil rights charges** - When representing members in civil rights charges filed with the EEOC or state agencies, our attorneys review the claims, evaluate documents and witness statements, and write position statements. Our legal staff can also explain the complicated administrative process to members that prefer to represent themselves.

**Wage and Hour Complaints**

Often, members seek advice from our attorneys about the wide array of wage and hour laws. Under federal law, failing to properly pay overtime to employees can lead to an employer being required to pay the dollar amount owed for the previous two years (three years for willful violations), plus an equal amount for liquidated damages, and attorney’s fees. Many state laws provide additional penalties and avenues for recovery. Our labor and employment attorneys help members develop compliant policies and practices, and also conduct wage and hour audits to identify potential concerns.
Employee Leave Laws

Employers Council’s attorneys frequently advise members on the numerous local, state, and federal employee leave laws like the Family Medical Leave Act (FMLA).

Drug and Alcohol Violations

Especially in states that have legalized the use of marijuana, drug use in the workplace is a hot topic. Many employers are wondering whether they need to update their drug policies for workers in these states, and whether those laws mean they’re no longer allowed to have a drug-free workplace. For example, if an employee has a medical marijuana card, are they exempted from current drug policies?

Employers Council can help you navigate these changes in legislation and maintain a drug-free workplace while still attracting and retaining top talent – wherever you are in the country. Our HR experts can help you establish drug and alcohol policies that will position you to avoid legal action in the event you need to terminate an employee, and our legal staff can help defend your workplace if you’re facing a wrongful termination lawsuit.

Hiring and Firing

Employers Council provides its members with employment law advice that addresses the full cycle of an employee – from hiring and pay to leave and termination. Instituting clear policies on the front end can help mitigate risk when something does go wrong. Our attorneys and HR experts can help you establish policies that align with your culture and help you hire top talent, while staying compliant with state and federal laws and lowering the risk of legal action in the event you need to terminate an employee.

Workplace Safety

Regardless of how careful and sound your workplace safety policies are, accidents can happen on and off site that affect your bottom line. Employers Council can help you establish a workplace that proactively plans for workers’ compensation, from establishing workplace practices that can help prevent injuries to providing legal consulting and advice in the event a claim is filed, including everything from investigation and reporting to effective employee communication – all which can help you stay compliant and reduce your workers’ compensation expenses. In the case of an OSHA citation, Employers Council’s legal staff can help you prepare for a workplace investigation and take every step to mitigate the penalties and damages that may occur.

Frequently Asked Questions

How expensive are your attorneys?

Our attorneys are available for consulting and even to appear on your behalf before state and
federal administrative agencies for no additional cost once you become a member, which can cost less than a month’s salary for a single employee. To calculate the cost of a membership for your organization, request a tailored quote. In-depth legal representation is available once you become a member as an add-on service.

Will a membership with Employers Council help me stay up-to-date on changing legislation in my area?

Employers Council sends out publications via email to ensure you’re up-to-date on changing laws and how they can affect your workplace. These publications often include information on laws not being shared or published anywhere else. For a sample, explore our Hot Topics. Employers Council also pairs each member with an account representative you can call for legal or HR advice on your individual workplace.

Explore our Legal Advice and Representation Services at a glance.
Do you need help training and developing your workforce for maximum performance? Our consultants provide a wide range of training topics including leadership skills, legal compliance, and HR. View our training catalog.

Expert Training in a Variety of Formats

Employers Council trains over 25,000 people each year. Employers Council offers training in the areas of leadership, HR, and employment law. We not only offer our scheduled catalog courses and recurring annual conferences, but we also develop briefing sessions on the new, cutting edge issues that arise. We can teach the class curriculum as offered in the catalog, or we can work with you to customize the curriculum to meet your specific needs by combining aspects of various different class offerings.

Classes are open to both members and non-members of Employers Council and are currently offered in these formats:

- **Virtual Instructor Led** – Virtual Instructor Led classes combine the best of instructor-led training with the convenience and flexibility of an on-demand learning format allowing employees, across multiple locations to attend the same training session.

- **On-Demand** – Online class offerings help you save on the expenses and mental overhead of commuting and provide a lot more flexibility for attendance. We can accommodate more people in an online course, so you don’t have to worry about spots filling up. This format of class still includes a live component for exercises, online networking, workshops, and Q&A.

- **Events** - Employers Council hosts a number of conferences to help executives, managers, administrators, legal staff, and HR professionals stay up-to-date on the latest industry best practices and changes in employment law that can affect their workplace.

Visit our training catalog to explore classes that may be of interest to you.

**Training by Topic**

**HR Training**

Employers Council offers training to stay on top of the latest developments in HR.
Legal Compliance Training

No matter how large or small your organization is, there are a variety of federal and state workplace laws you are required to comply with. Violation of these laws can cost you thousands of dollars in fees and lead to a high volume of employee turnover, and, as an organization grows, these regulations become more complex. Employers Council offers legal compliance training to keep your HR department and attorneys up-to-date on the latest changes in employment law so you can avoid unintentional infractions.

Executive Leadership and Management Training

Leaders don’t just manage employees. Effective leaders create a culture where those they manage can thrive and ultimately, effective leaders create more leaders. From first line supervisors to managers to the C-suite, Employers Council has training to help improve the leadership skills of the individuals who guide your organization through a blend of leadership theory and practical application.

Payroll Training

Employers Council offers payroll training and extensive payroll resources to its members. Topics include:

- New hire reporting requirements
- Recordkeeping
- Garnishments
- Unemployment insurance
- Wage assignments
- Much more

If you are not sure where to start, or simply want to ensure your training budget is spent in the most effective manner, Employers Council is happy to assist. Contact us at LearnMore@employerscouncil.org to help identify the largest skills gaps and potential for an investment in training.
Organizational Development Consulting

A healthy organization operates efficiently, profitably, and stays relevant amidst changing industry standards and technological innovation. Our organizational development (OD) consultants partner with you to integrate your organizational mission into your day-to-day business practices, so you can fully realize your strategic objectives. Just as you develop leaders, you must develop your organization as a whole. We view your workplace from a systems perspective and advise you on the processes that would improve its basic functions and operations, helping you implement the changes you choose.

We can help refine your strategic direction in several ways:

- Culture assessment
- Vision/mission/values/norms facilitation
- Change management
- Business operations review
- Initiative planning and implementation coaching

Employers Council can also assist in improving group functions:

- Group level assessments
- Team/group facilitation
- Conflict management skills
- Mediation of conflicts
- Team building
- Group process consultation

Explore our Training and Development Services at a glance.
THANK YOU

We’re here to help members navigate challenging workplace issues and make informed decisions to boost effectiveness.

Talk to your member representative today.