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Joe Beers, President, Integrity Outsource

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FEB 2023

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Legend:
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Is your PEO ready?

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THIS MONTH'S FOCUS: EMPLOYEE ENGAGEMENT

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"YOU HAD ME AT PEO!"

BY KRISTEN J. APPLEMAN

Where did the New Year go?!?! I hope that you and your families enjoyed a safe and happy holiday season. We are already in February, and 2023 is going to continue to be full of action!

I have always enjoyed February for many reasons. In the world of PEO, you can (hopefully) catch a breath from the very busy year-end hubbub of new business and annual filings. It is the opportunity to re-assess the annual game plan - are you taking the lead early in the game? Or is it going to be a nailbiter to the very end?

February is also a month of many holidays and celebrations—President's Day, Superbowl Sunday (this should be a holiday, I know!), Mardi Gras, Groundhog's Day, Valentine's Day, and a month where we honor, celebrate, reflect, and educate on the contributions of Black Americans throughout history. It might be the shortest month of the year, but it has a lot going on.

I will let you in on a little secret about me, I really like Valentine's Day. I know, you might be rolling your eyes and thinking it is a cheesy made-up Hallmark holiday. But consider this, it is a day to spend time with those you love. It is a day to express love for those you care about. A day to focus on love, rather than hate. And if you still have any doubts, chocolate is involved!

In all seriousness, I do love what I do! I love the work I am honored to do and the people I serve each and every day. What's not to love about the PEO industry?! PEOs are about people—the backbone of every business! The relationships many of us have go back years. The other day someone said to me, "I've been in a relationship with PEO longer than I have been married." The bonds in our industry are strong. We need those relationships this year to deepen the strength of PEO in the years ahead.

NAPEO is hosting a New York Advocacy Day on February 13th and 14th. Now that's a sweet way to spend your Valentine's Day! Members, alongside the NAPEO team, will be educating our newest state legislators and reconnecting with current members. Billy Joel sings it best, "I'm in a New York state of mind." Side note, my son and I took a trip to New York last year to see him play at Madison Square Garden. If you have not experienced one of his concerts, I highly recommend.

My agenda this month is planning our March board retreat, where we will be focusing on a deep dive of our Leadership Chair role road map. Congratulations to our newest LCs who are eager to get to work in their respective states. We've seen this past year the level of activity in the states, and a thank you in advance to our LCs. The board meeting and retreat will be hosted after the CEO Forum with Stanford professors in Palo Alto.

As I pick some of my favorite Rom-Coms to rewatch this month—Sweet Home Alabama, Sleepless in Seattle, When Harry Met Sally and Jerry Maguire—I do think the movie line said by Rene Zellweger's character should officially be changed to "You had me at PEO!".

Cheers! ∎

KRISTEN J. APPLEMAN
*2022-2023 NAPEO Chair
SVP, Health, Wealth, Tax, Compliance & Business Development
ADP TotalSource
Alpharetta, GA*

ENGAGE PEO ACQUIRES MASSACHUSETTS-BASED GENESIS HR SOLUTIONS

NAPEO member Engage PEO recently announced that the company has merged with Genesis HR Solutions, a Burlington, Massachusetts-based PEO and NAPEO member. Genesis HR Solutions will retain its brand name and become an Engage company. Genesis HR's Burlington office will remain as a joint center of New England operations for the companies. "We were looking to expand our offering and unique product mix and so partnering with a team as well established in New England as GenesisHR was a no-brainer for us," said Jay Starkman, CEO of Engage PEO, in a news release announcing the acquisition.

IN THE COMMUNITY

SYNDEO'S CONNOR CROSS NAMED PRESIDENT OF FAMILY PROMISE OF GREATER WICHITA BOARD OF DIRECTORS

Family Promise of Greater Wichita recently announced that Connor Cross, director of HR for NAPEO-member Syndeo, has been named the next president of the organization's board of directors. The organization's mission is to empower families with children to overcome homelessness and housing insecurity. Cross has served on the board since 2019, and previously served as vice president.

SAVE THE DATE

NAPEO'S 2023 RISK MANAGEMENT WORKSHOP HEADED TO QUEEN CITY

NAPEO's 2023 Risk Management Workshop is headed to Charlotte, North Carolina! Mark your calendars for April 18-19 for the workshop to be held at the Omni Charlotte. The Queen City boasts a bustling culinary scene, a variety of arts and entertainment, and eclectic neighborhoods all within its walkable Uptown.

NAPEO's Risk Management Workshop has evolved into the largest gathering of PEO risk management professionals, carriers, brokers, and agents. Nowhere else will you find the PEO industry's top risk managers, key insurance executives, regulatory experts, and policy makers gathered for such an in depth look at PEOs and workers' compensation.

The workshop offers a mix of in-depth, PEO education and fun networking opportunities. You'll have the chance to learn from leading experts on risk management topics impacting your PEO. You won't find this level of PEO-specific education anywhere else. This is a unique opportunity to collaborate with like-minded peers who face the same challenges as you. Don't miss out!

The workshop is geared for PEO industry veterans and newcomers alike. Whether you need a refresher on a topic or need to learn about it for the first time, Risk Management Workshop offers valuable programming and content. If you could not join us in 2022, you missed out on valuable discussion and education on topics like: cybersecurity, workplace violence, EPLI, subcontractors, remote workforce issues, and much more.

We are looking forward to seeing you. Registration will be open soon, so stay tuned. Check back at napeo.org/rmw for the latest information.

SEVEN QUESTIONS TO ASK IN AN INTERVIEW

Employee Benefit News suggests that job candidates come prepared to ask questions of the job interviewer during an interview. These seven questions can help a job candidate better understand if he or she is the right fit for the role. Employers should anticipate answering these questions:

1. What do you think is the best thing about working here?
2. What would be the biggest challenge in this role?
3. How would you describe the company culture?
4. What are the career progression opportunities?
5. Is this a new role, or will I be taking over from an employee who is leaving?
6. What upcoming projects should I know about?
7. What would the onboarding look like?

STUDY: EMPLOYEES CRAVE REMOTE AND HYBRID WORK

According to multiple surveys conducted throughout 2022 by flexible-work job site Flexjobs, a resounding 97% of workers wanted a fully remote or hybrid position, and 84% of respondents said that these types of work arrangements would make them happier. The results suggest that implementing a hybrid or remote work routine can benefit employers and employees alike.

NAPEO TESTIFIES BEFORE KENTUCKY LEGISLATURE

NAPEO's Director of State Government Affairs Kristin Baldwin and Current HR CEO Charlie Vance testified in early January before the Kentucky House of Representatives in support of a bill that would delay implementation of the PEO registration bill passed last year. Its aim is to provide more time for regulators and PEO stakeholders to work together to develop an effective regulatory framework for PEOs operating in the state. They are pictured with Rep. Phil Pratt, the primary sponsor of both bills, below. Kristin Baldwin also testified before the state Senate in support of SB 10, the senate version of the same bill. She is pictured below with Sen. Max Wise, the bill sponsor.

NAPEO's Kristin Baldwin and Sen. Max Wise.

Governor Beshear (D-KY) signed the bill into law on January 6, the first bill singed in 2023. This is a major victory for the PEO industry as now the industry has time to work with state regulators to ensure the PEO registration law is properly implemented without causing undue hardship or unintended consequences. ∎

Charlie Vance (Current HR), Rep. Phil Pratt, and Kristin Baldwin (NAPEO).
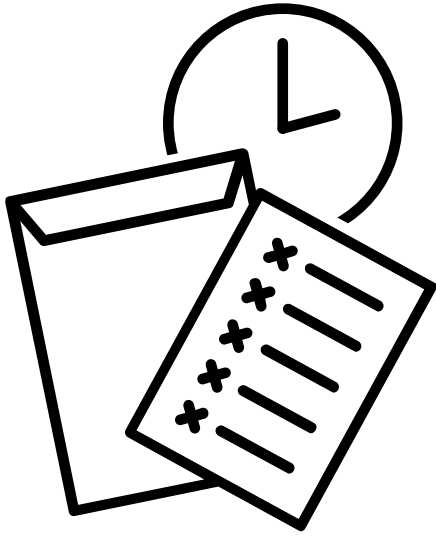
ERTC UPDATE: DEADLINE TO FILE AND NAPEO OUTREACH

Many members have reached out to ask about the final deadline for filing a claim for the ERTC, given the three-year period of limitations. In response, we asked our friends at Davis & Harman to prepare an analysis of the issue. According to their research, in general, taxpayers have until April 15, 2024, to file Forms 941-X for quarters 2, 3, and 4 in 2020, and until April 15, 2025, for all quarters in 2021. This information is being provided for informational purposes only. You should always consult with your legal and financial advisors before making any major business decisions.

We sent a letter to the IRS last month urging that small businesses claiming the ERTC on Form 941-X are treated fairly and consistently. We specifically asked that an ERTC claim made by a small business should be subject to the same IRS level of review that is applied to other small businesses, regardless of whether the claim is reported on Schedule R by an aggregate filer, such as a PEO or CPEO.

We will continue to work to break the ERTC logjam and will keep you updated on any further developments.

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WORKPLACE CULTURE

THE ROLE OF EMPLOYEE ENGAGEMENT IN HIGHLY EFFECTIVE ORGANIZATIONS

BY CARSON KING
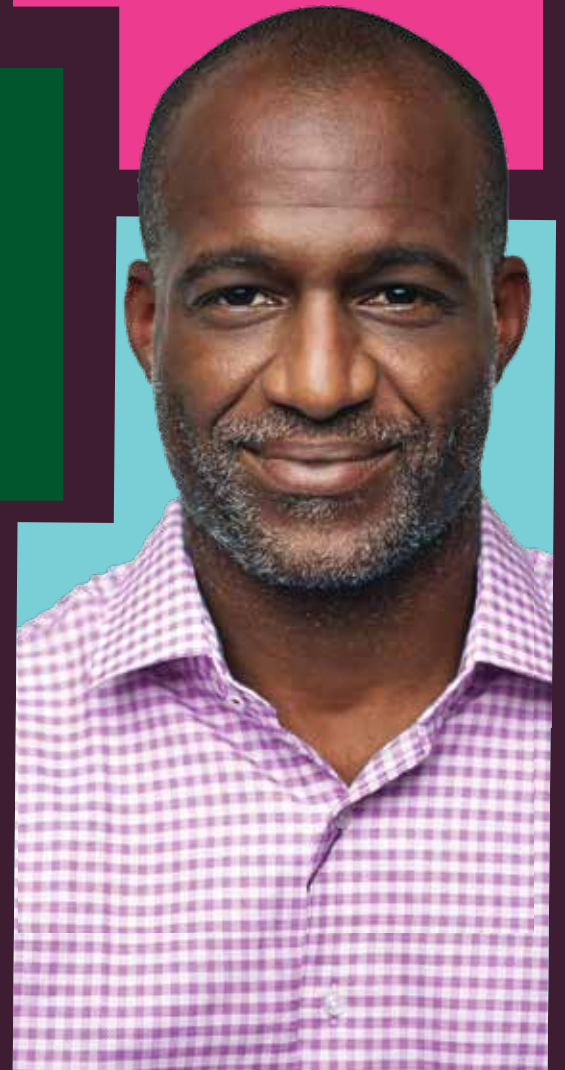
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Employee engagement is a vast construct that touches almost every part of human resource management. If every part of human resources is not addressed in appropriate ways, then employees will fail to fully engage themselves in their job as a response to such kind of mismanagement. It's built upon the foundations of earlier concepts like job satisfaction, employee commitment, employee performance, employee retention rate, organizational citizenship behavior, and the like. Though it relates to and encompasses such concepts, employee engagement is much broader in scope and function.

Employee engagement is one of the strongest predictors of positive organizational performance, clearly showing the two-way relationship between an employer and employee compared to other concepts of job satisfaction, employee commitment, employee retention, etc. The key difference here is that engaged employees have an emotional attachment to the organization and a high level of involvement in their roles, often increasing an employee's enthusiasm and ability to become motivated.

WHAT DRIVES EMPLOYEE ENGAGEMENT?
The concept of meaning at work is a very valuable way of bringing together employ-

The Heirarchy of Engagement according the Penna Institute.

ers and employees to the benefit of both - where employees experience a sense of community, the space to be themselves, and opportunities to contribute, they find meaning. Employees want to work with organizations where they find meaning. If they don't find meaning, they'll likely contribute to employee turnover.

Researchers at the Penna institute came up with a model described as the "Hierarchy of Engagement" which resembles Maslow's hierarchy of needs.

What we find is that there are basic needs an employee expects to be fulfilled with the distinct possibly (and desire) to increase their engagement level – so long as they have support in those facets from the

employer. Once all the lower-level aspirations have been satisfied, the employee looks to an alignment of value and meaning which is displayed through a true sense of connection to a common purpose and a shared sense of meaning at work. An individual can only move through these engagement levels if the organization continues to align with them at each of these levels.

THE IMPORTANCE OF EMPLOYEE ENGAGEMENT
Why should companies invest in employee engagement? The answer is simple – as employee engagement increases, so does profitability. Employee engagement is significantly interwoven

with organizational outcomes. Studies have found again and again that positive relationships between employee engagement and organizational performance outcomes produce higher employee retention, productivity, profitability, customer loyalty and safety. Research indicates that the more engaged employees are, the more likely their employer is to exceed industry average in its revenue growth. Employee engagement is higher in double-digit growth companies and customer satisfaction increases. All of these items contribute to a successful, healthy, and profitable organization.

Let's review the opposite side. What happens to organizations if their employees are actively disengaged? Employees who are disengaged have less traction; their tires spin as they waste efforts and talent on low value-yielding tasks. These employees settle for minimal output of effort, just enough to get by in completing their tasks. These employees also contribute to increased turnover, one of the greatest costs to organizations, in more ways than dollars. Disengaged employees also have more misgivings about their organizations in terms of performance measures such as customer satisfaction.

The difference between engaged and disengaged employees is their level of

"The key difference here is that engaged employees have an emotional attachment to the organization and a high level of involvement in their roles, often increasing an employee's enthusiasm and ability to become motivated."

emotional commitment to the organization, its goals, and values.

HOW DO MANAGERS CREATE A HIGHLY ENGAGED WORKFORCE?

Employee engagement is inextricably linked with employer practices. Employee engagement is the outcome of personal attributes such as knowledge, skills, abilities, temperament, attitudes, and personality in relation with organizational contexts of leadership, physical and social settings, and HR practices that directly affect the person, process, and context component of job performance.

Most drivers that are found to lead to increased employee engagement are non-financial in nature. Therefore, any organization who has committed leadership can achieve the desired level

of engagement with less hard costs of doing it.

Still, it is important not to overlook the financial aspect of employees – performance should indeed be linked to rewards. But as naturally social beings, the human resource cannot be motivated by money alone. It takes an entire package of tools that contribute to an engaged workforce or person – whether that be monetary or intrinsic, each play specific roles in how we are motivated and how we behave.

EMPLOYEE ENGAGEMENT STRATEGIES

Up to this point, we've discussed what employee engagement is and why it is so important to an organization's success. However, without actionable items the

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significance of employee engagement cannot be realized. Below are some engagement strategies that organizations can actively pursue.

Start on day one. There's a lot of organizations that have talent acquisition strategies. However, there are less organizations who have clear talent retention strategies. Effective recruitment and orientation programs are the first building blocks to be laid when hiring a new employee. The newly hired employee should be given both general orientation that relates to company mission, vision, values, policies, and procedures as well as job-specific orientation such as job duties, responsibilities, and expectations for goals and priorities in order to develop realistic job expectations and reduce the possibility of role conflicts. One of the best ways to gauge whether an employee will remain engaged is to identify some of the employee's personal values during the hiring process and compare them to the organizations. How do their values align with the organization's values? Are they right for this role? Answering these questions early can help lower the costs of turnover in the future.

Start from the top. Employee engagement requires leadership commitment through establishing a clear mission, vision, and values. Unless the leadership team believe it, own it, and pass it down to managers and employees, then employee engagement will struggle to gain traction. Employee engagement doesn't need talk, it needs action and real dedication from top management. As the old saying goes – lead by example.

Enhance employee engagement through two-way communication. Managers should promote two-way communication. Employees are not sets of pots in which we can pour out ideas into without giving them a say in the matter of their job and life. Involve your employees and always show respect for their input. Share power through decision making so they feel a sense of belonging.

Give satisfactory opportunities for development and advancement. Encourage independent thinking by giving employees more job autonomy so that they can choose their own best way of doing their job, so long as they are producing expected results. Manage through results instead of through process.

Ensure employees have everything they need to do their jobs. If you empower employees, you also have to present resources for them to reach their goals. Managers are expected to make sure that employees have all the resources such as physical or material, financial and informational resources to do their job.

Have strong feedback systems. Organizations should develop a performance management system which holds managers and employees accountable for the level of engagement they show. Conducting regular surveys can help management develop action-oriented plans to increase engagement.

These are just a handful of actionable items any organization, manager, or leader can pursue to cultivate employee engagement or to ensure it remains.

CONCLUSION

Employee engagement is closely linked to the performance outcomes of organizations. Increased employee engagement results in higher retention, productivity, profitability, growth, and customer satisfaction – all areas which contribute to the overall value of an organization. Disengaged employees leave organizations less productive, less profitable, reduce customer satisfaction, and make it harder for organizations to gain traction. Emotionally engaged employees make for a more successful organization and a better customer experience. There is a clear cost-benefit analysis most managers and leaders make when discussing items that effect their organization's goals, employee engagement is one that shouldn't be overlooked, often times it's the driving factor of overall success. ■

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This article is designed to give general and timely information about the subjects covered. It is not intended as legal advice or assistance with individual problems. Readers should consult competent counsel of their own choosing about how the matters relate to their own affairs.

CARSON KING

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EIGHT STEPS TO ADDRESS DIVERSITY AND INCLUSION

BY ANTHONY LAPORTE

Diverse viewpoints and perspectives bring a lot to PEOs. A diverse workforce in terms of age, race, religion, nationality, sexual orientation, gender, national origin, and gender identity can help you develop original strategies, and create new ways to cater to our diverse clients. Diversity can also generate higher revenue, and innovate our offerings. It's the precursor to better decision-making, equal access, fair treatment, increased rates of jobs accepted by qualified candidates, and greater performance.

PEO executives should embrace policies, initiatives, and tools to increase employee diversity. But they should also understand that this is just the first step.

Diversity in the workplace does not necessarily mean inclusivity in the workplace.

While making diversity a priority is vital, so is the next logical step. Creating a workplace culture where people from all backgrounds feel included. Therefore, inclusivity is the key to maintaining diversity.

I am often asked, "Anthony, how can we make a significant impact when establishing and following through on a commitment to diversity and inclusion?"

Here are eight steps we can take to support our organizations.

1. EVALUATE YOUR EXECUTIVE TEAM — DO THEY PORTRAY DIVERSITY AND INCLUSION?

Our entire workforce looks up to the executive team, including your customers, partners, and stakeholders. The

"While making diversity a priority is vital, so is the next logical step. Creating a workplace culture where people from all backgrounds feel included. Therefore, inclusivity is the key to maintaining diversity."

makeup of the top management speaks volumes about your workplace culture. That's why it's essential to have a diverse leadership team.

It should incorporate gender, ethnicity, sexual orientation, and more. It would help if we evaluated whether you have equal representation across the board. Including cultural and religious backgrounds within your executive team is also vital.

If an opportunity presents itself to improve diversity and inclusion within your C-suite, you should take it. We should also help your executives communicate with employees authentically and transparently. It's also a good idea to encourage attracting diverse talent throughout the organization.

2. ACKNOWLEDGE AND CELEBRATE RELIGIOUS AND CULTURAL PRACTICES

Our organizations should introduce a policy to honor many cultural and religious practices. Creating an inclusive culture increases the chances of success in the company's diversity efforts. It will also benefit staff engagement and improve productivity.

One approach is to focus on holidays and celebrations. Many companies allow their staff to take Christmas Day off. Several others offer floating holidays to consider the religious preferences of all employees. If staff believes the organization is committed to diversity and inclusion, the company will benefit from higher employee retention.

3. CELEBRATE DIVERSE THINKING

We place our companies in a strong position when we hire for diversity. Particularly in its ability to think in culturally diverse ways. But, for these viewpoints to stick, we must consider inclusivity.

Inclusivity is crucial as people from different backgrounds and generations will have various perspectives on several issues. It can be what they choose to wear to work or how they compose an email. It might be how feedback is provided to direct reports, and the types of ideas they pitch at meetings.

It's not just vital for individual employees, small teams, or departments to understand thought patterns. They must also know how the people within the organization think.

This approach helps generate ideas and gather constructive feedback. It will also create an environment where all staff feels relevant and part of a shared vision.

4. FOSTER A COMPANY CULTURE WHERE EVERY VOICE IS WELCOME, HEARD, AND RESPECTED

Turnover of key employees is devastating. Many employees quit their jobs when they no longer feel valued or can't be their true selves. Therefore, creating an environment where everyone feels connected to the company and one another is vital.

Our employees must feel they can express themselves by utilizing their unique perspectives. Companies must ensure employees feel included and respected regardless of their: age, gender, race, religion, sexual orientation, physical conditions, cultural background, or country of origin.

It would help if we didn't play favorites when supporting diversity and inclusion in the workplace. It would be best if we practice common courtesy. Pay attention to how you can show non-discriminatory practices and policies.

Employees believe they are included when they feel safe to voice their concerns and opinions without fear of victimization. This freedom encourages companies to listen to their words and actively embrace diverse viewpoints.

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An excellent approach is to invest in a workforce communications platform. It can integrate all our interactive channels into one piece of software. You can contact each staff member on their preferred platform. It will help your workforce feel more connected and included on a larger scale. They can also assist with company initiatives and goals. We can also gain insights from centralized analytics. It will help you understand how to meet employee needs best and encourage them to thrive.

5. BUILD A MULTIGENERATIONAL WORKFORCE

Did you know that millennials make up the vast majority of the workforce?

A company that recognizes and accommodates many generations is crucial to building a diverse and inclusive workforce. Millennials are known for being tech-savvy. But keep in mind that this generation began in 1981. Some older millennials may have different proficiency with some programs.

Some employees are comfortable using social channels and group chat functions. But, other older staff members may need to embrace these platforms more readily. We will witness this in how they communicate.

6.ELIMINATE BIAS IN THE EVALUATION PROCESS AND PROMOTION OPPORTUNITIES

Many studies have found that many hiring processes are unfair and biased.

Managers must learn to de-bias their practices and procedures. Much of it consists of unconscious sexism, racism, and

ageism. Thankfully, there are some strategies to combat bias, including:

- Rewrite job descriptions. They should be gender-neutral. Use words that strike a balance of gendered descriptors and verbs.
- Create a blind system of reviewing resumes, so you don't see demographic characteristics.
- Set diversity goals as an organization to help track your progress.

7. WORDS MATTER

Take a look at the language used in company documentation. Can anything be updated to be fairer?

Inclusive language in company documentation is essential for creating a positive and welcoming work environment for all employees, regardless of their background or identity. Using gender-neutral pronouns, avoiding stereotypes and offensive language, and incorporating diverse perspectives can help ensure that all employees feel valued and respected. By being mindful of the language used in policies, guidelines, and other forms of documentation, companies can show their commitment to diversity and inclusion and foster a culture of acceptance and inclusivity within the workplace.

8. OPEN A DIALOGUE ON GENDER PAY INEQUALITY

To build a culture of inclusion based on trust and transparency, we need to discuss gender pay disparities. This involves revealing some of your company's data points on compensation.

Workplace trust and inclusion are built on a company's transparency in its policies

and communication. If our companies have gender pay imbalances, we must open communication channels to allow employees to voice their feelings and opinions on the matter.

We should present the company's response and strategy for addressing the issue. Your staff should respond positively, knowing you're committed to taking action. We must appear neutral when presenting your company's data on these policies.

In conclusion, addressing diversity and inclusion in the workplace is not only the right thing to do but also has many benefits for companies. By promoting inclusivity and understanding, companies can foster a culture of respect and acceptance. Diversity can create a welcoming workplace for people of all backgrounds and identities.

Diversity and inclusion can increase morale and productivity and attract and keep top talent. In addition, diversity and inclusion can also help companies better serve their customers and stay competitive in today's competitive PEO marketplace. ∎

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Simply PEO
Tarrytown, NY

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LEVERAGING EMPATHY AND DESIGN THINKING TO SOLVE TODAY'S WORKPLACE CULTURE CHALLENGES

BY NICOLE NYSTROM TART

In our post-COVID world, reshaping workplace culture continues to be a challenge. Questions like, "How do we share our return-to-office strategy while energizing our employees around it?" "How do we keep our top talent?" and "How can we help employees put our clients first and give them the service they expect from a PEO?" are top of all our minds. It can feel demanding, and even overwhelming – where do you start, and how do you keep everyone happy?

There's no single right answer to employee engagement, but at ADP, our client experience team has found that starting with empathy and leveraging design thinking helps to chip away at these colossal challenges.

Starting with empathy is often easier said than done. Luckily, there are methodologies like design thinking that provide tried and true exercises and resources to help ground organizations in human experiences. Here are a few techniques that we've found particularly effective.

"There's no single right answer to employee engagement', but at ADP, our client experience team has found that starting with empathy and leveraging design thinking helps to chip aw

way at these colossal challenges."

GO STRAIGHT TO THE SOURCE – THE PEOPLE IMPACTED BY A POTENTIAL CHANGE

Conduct qualitative interviews with employees and clients to dig deep into the human need. When facing an employee engagement challenge, consider job shadowing, interviews, and rich surveys to understand your employees' daily lives. What challenges do they face? Maybe your HR account owner finds the office environment distracting and working from home allows them to manage their clients better. Or maybe your new payroll employee is struggling with their technical knowledge, and they feel guilty emailing their peers with questions. The very first step is to develop a deep understanding of the humans at work.

USE THESE STORIES TO CREATE AN EMPATHY MAP

Gathering stories is just half the battle with harnessing the power of empathy. One of our favorite tools to help organize these stories is an empathy map. Start by developing a list of personas (or employee archetypes) in your organization. These should be grounded in your employment data – consider things like departments, role or pay level, tenure and experience, and beyond. Once this rich understanding has been developed, begin to think through what they say, what they think, what they do (or don't do), and how they feel. Let's take that new payroll employee for example.

- **What they say:** They may ask questions to their peers and leaders, tell self-deprecating jokes, and say that they're still learning.
- **What they think:** Maybe they think they aren't good at their job, or that they don't have the skillset to succeed in this role.
- **What they do:** They do their best, trying to manage their responsibilities and complete the required training.
- **How they feel:** They may feel defeated, overwhelmed … even alone.

This "feel" piece is the most crucial. As a leader, putting yourself in the shoes of this employee may explain performance issues or indicate that being in the office is beneficial to their professional development. After completing an empathy map, moments of friction should begin to emerge – they could be anything, from unmet emotional needs to foundational gaps in knowledge or leadership.

So, you've gathered your first-hand stories, you've completed your empathy map to understand the cultural needs of your employees, and you notice some hot spots that require attention. Now, how do you take this empathy and make actionable change with it? Some of the pain points might be more obvious, while others may truly require a creative solution – another opportunity to leverage design thinking methodology.

BRAINSTORM CREATIVE SOLUTIONS

One of the most critical elements of design thinking is bringing a group together to brainstorm – thinking outside of the box and considering unconventional ideas, going for quantity of concepts over perfection, and creating an intentional course of action. In our new payroll employee example, you realize the solution is to bring employees into the office four days a week to meet this persona's needs, provide additional support, and effectively upskill your new hires. But in a group brainstorm, your colleague asks if you've looked at the empathy maps for your organization's other personas. Does that change really meet the needs of all your employees?

After a rapid brainstorming exercise, the team decides on a different approach. By allocating specific office times for training, shadowing, and answering questions, more tenured associates are able to contribute to office culture while having the quiet time they need to serve their clients.

This is just one example of how harnessing the power of the many minds within your team is the best way to create meaningful change – and how design thinking provides the framework to maximize your success. ■

NICOLE NYSTROM TART

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POLICIES

ROLE OF HR

BUILDING THE FUTURE OF WORK: 3 WORKPLACE ROLES THAT WILL BE CRUCIAL FOR EMPLOYEE ENGAGEMENT

BY MARK FREIN

Many of the challenges of the contemporary and immediate future of work aren't radically different than the challenges that have existed in corporate work environments for years. But, with each shifting generation, there are new ways of looking at the same challenges.

As Chief Workplace Officer at Oyster HR, a global employment platform with 650+ fully-distributed employees, I've tried to prioritize workplace roles that support communication, transparency, and authenticity within our organization.

As we continue to see growth in hybrid and distributed companies, employers will need to be thoughtful and deliberate in the way they create space for connection in the workplace. This means hiring people who are focused on supporting authentic day-to-day interactions as well as those in charge of the tools that enable those same interactions.

In many ways, job titles matter less than the outcomes they enable. For example, we used to have a head of remote role that eventually evolved into head of workplace design. Why did this

role evolve? In a way, "head of remote" was a role with a limited shelf life. If we become successful at being a great distributed company, this would eventually eliminate the need for such a position. So we jumped the queue and started thinking about the type of role needed to make our workplace *work*.

To meet the challenges of communication and connection, there are a few roles I believe will be important in the modern and future workplace, especially for distributed teams.

KNOWLEDGE AND CORE TOOLS ENABLEMENT MANAGER

Technology is a major asset, and yet, it can be a blocker as well. The volume of communication channels we use in our workplaces can often create noise and overwhelm, meaning employees simply tune out.

I believe there will be a greater push to simplify the way that people interact, which means companies will have to figure out how to reduce the signal-to-noise ratio with modern technology.

One role I see as crucial to this shift is a knowledge and core tools enablement manager. Ideally, this is someone who is charged with helping the company learn to use its core tools and core communication stacks. While this job has traditionally fallen to IT, its focus hasn't typically been on the people enablement side of things.

At Oyster, we have someone in a comparable role who is an Asana and Notion expert and knows how to get the most out of the common set of software we use. The focus of the person in this role is on how to make the tools your employees use helpful and not harmful to communication and productivity goals.

INTERNAL COMMUNICATIONS AND INTERNAL EVENTS MANAGER

Oftentimes, the role of an internal communication and internal events manager is one that companies wait until they're much larger to fill. We started thinking about this role very early on because we knew how challenging it can be to keep everyone engaged about news,

> ## Technology is a major asset, and yet, it can be a blocker as well. The volume of communication channels we use in our workplaces can often create noise and overwhelm, meaning employees simply tune out.

work updates, standards, and best practices in a distributed environment.

Think of them as marketers for the staff community. In fact, this role often sits at the intersection of marketing and people functions and could likely belong to either in most organizations.

This role pays itself back in dividends and is focused on serving the internal staff community. Almost overnight, our internal communications manager transformed the way we communicate with staff. Our monthly all-hands became more fun, enriching, dynamic, and engaging.

In an environment where people may be receiving information at different times and processing it with varying degrees of context, an internal communications manager can think artfully about the media programming within your company and about the best ways to reach and engage people where and when they are.

EMPLOYEE EXPERIENCE DESIGNER

The role of an employee experience designer is one that can go by many different titles. In some cases, this is an HR business partner. In some others, this could be a people operations designer. It's

really less about the title than about the mindset.

Ideally, this role is focused on how to create the conditions within an organization for a vibrant culture to thrive and for staff to feel welcomed, included, and engaged. Of course, they're also focused on doing that in a way that, ultimately, helps the company perform.

Obviously, a single role can't do all those things, but you want at least one person, if not your entire people team, to think from the perspective of employee experience. And particularly employee experience design.

The person we have in this role at Oyster is uniquely skilled and thoughtful about how we create equitable and positive experiences at work and how we think of the employee journey overall.

MAKING THE WORKPLACE WHOLE

HR began as a way for companies to protect themselves against infractions and policy violations. Over time, HR has gone through several different evolutions, and the current focus on employee experience is the most recent.

Ultimately, the evolution of HR is about making it more user-friendly. And that doesn't mean abandoning the necessary

responsibilities of thinking about policy. But it does mean thinking about how you create an environment that's welcoming, not just one where policies are shipped out and enforced.

The reason why these roles are so important is because they stitch together all the little fragments in a work environment. These are the workplace architects who are connecting all the disparate pieces from people's day-to-day interactions and trying to keep them as whole as possible.

We have immense opportunity to design places of work that are uplifting, engaging, and inclusive. This is why I believe that the next era of work won't be defined by futuristic sounding titles or impractical roles specifically designed to "innovate." Instead, it will be defined by our capacity to be thoughtful and creative in how we address some of the most persistent and recognizable workplace challenges. ∎

MARK FREIN
Chief Workplace Officer
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THINK IT THROUGH: HOW RETURN-TO-OFFICE MANDATES MAY IMPACT EMPLOYEE ENGAGEMENT

BY GEHAN "G" HARIDY-ARDANOWSKI

As a result of the workforce evolution in recent years, remote, hybrid and onsite work has been redefined, and is a top-of-mind subject in daily conversations. Many companies and teams like ours at LandrumHR have an employee base geographically widespread throughout the U.S. In our case, this pre-dates the pandemic, but like these other companies we, too, are still evaluating the pros and cons to re-engaging teams physically onsite where and when possible, without causing disruption to workflow and requiring facilities (re)construct. For context, our LandrumHR workforce includes employees who joined through acquisition and are located throughout the country, with only a portion of them based in the Pensacola, FL area.

While work can be done remotely and has become widely preferred, inarguably there are also positive aspects to having some level of onsite presence for the sake of human interaction and face- to-face collaboration (call it those delightful "watercooler moments").

Since a simple comparison between companies isn't the most effective approach in determining a solution of mandating onsite work one way or the other, here are a few considerations when navigating through "next steps" discussions:

- **Determining** whether a forced onsite, in-office mandate outweighs the longer-term trust/engagement factor.
- **Understanding** such a mandate isn't always feasible or applicable to all simply due to geographic constraints, inevitably giving way to feelings of inequitable treatment among peers.
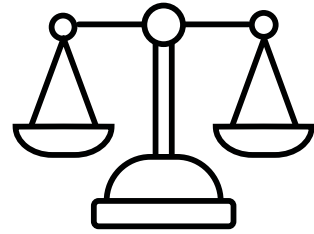
> **The larger question, however, is this: what else, if anything, has been attempted to mitigate growing concerns relating to performance and engagement instead of outright requiring an onsite return?**

- **Accepting** COVID and its aftermath have literally altered people's lives and, with that, our view of work norms. And along with that acceptance should come empathy in knowing its emotional and physical impact has hit some harder than others.
- **Knowing** employees are human beings and a mix of introverts and extroverts, with not all valuing an in-person "experience" over working autonomously in physical solitude. In the spirit of one size not fitting all, recognizing that not all people learn, work and self-motivate the same way, and that forcing human interaction doesn't automatically correlate to or measure one's productivity and success in their role.

The larger question, however, is this: what else, if anything, has been attempted to mitigate growing concerns relating to performance and engagement instead of outright requiring an onsite return?

For starters, conducting a deeper-dive, root-cause analysis into what is prompting a prospective onsite return initiative from a performance/productivity-standpoint:

- What issues, if any, shifted in post-pandemic duration?
- When?
- How long have they been occurring?

In conjunction, you might consider these other factors:

Morale: If you see a noticeable decrease in an employee's engagement or approach to regular workload, whether remote or even in-person, building time into your scheduling to have regular conversations (i.e. weekly check-ins, or even a daily "how's your energy/how can I help?") to support and encourage others who might be struggling for unknown reasons is essential low- hanging fruit for grasping.

Productivity/Performance: If it's the perception of slack when allowing for remote conditions versus cubicle-confined, micromanaged employees, without having to resort to keystroke analytics or "camera on" all day/everyday requirements for the sake of forcing one's visibility in all activities, one possibility is establishing key performance indicators (KPIs) and micro-goals if not currently in place. To take it a step further, and to help even more with time management and consistent output/metrics review, a daily status report template or spreadsheet to track successes and challenges is one way of empowering employees to feel in greater control of a situation that might otherwise be met with discomfort. And taking ownership of our results and
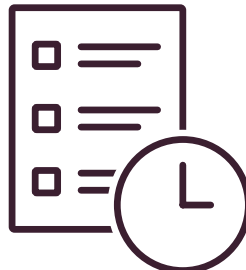
> **In sum, as previously mentioned, there's simply not a one size fits all solution, and discussions are essential for many companies to continue having in order to navigate through how their workplace will prove most efficient post-pandemic.**

receiving acknowledgement and appreciation for this level of initiative is huge in itself.

Training & Development: Asking yourself, 'are our employees even set up for success in the first place'? Whether remote or onsite, have they been provided all essential resources to effectively do their jobs? Is ongoing development possible and, better yet, encouraged? And for our managers, have we offered opportunities to educate and instill the importance of building and maintaining an engaged workforce, regardless of where they're located?

In sum, as previously mentioned, there's simply not a one size fits all solution, and discussions are essential for many companies to continue having in order to navigate through how their workplace will prove most efficient post-pandemic. If remote work output is regularly and thoughtfully tracked and discussed, with structured collaboration and team-building incorporated into the mix, the benefits can be overwhelmingly positive.

There's a lot to be said for the old adage of, "start with the end in mind." Doing that investigative leg work on the front end versus imposing a hardline mandate can lead to a more sustainable, reasonable solution and mitigate risk of alienating employees in the process.

And because there's still many considerations at varying levels within different companies, it goes without saying that as a way of continuing to encourage positive morale, one key component is transparent communication throughout any process when making the decision one way or the other when it comes to deciding whether or not to allow remote, hybrid or onsite work.

All three scenarios are more manageable today than ever before with ample resources to help navigate the complexities. The key is not only with organizations being thorough when finalizing that end result and communicating this to their workforce along with the logic in decision-making behind it, but also knowing this will continue to evolve even from that point in trying different options through 2023 and beyond. ∎

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SHOW UP, TELL THE TRUTH, AND DO THE NEXT RIGHT THING

BY CHRIS CHANEY

After more than twenty years in the PEO industry, Joe Beers has seen and learned a lot. From joining a start-up PEO that would grow to 45,000 worksite employees (WSEs), to starting his own PEO, Beers has worked with many different clients and faced many different situations. What has always remained the same, though, is the core philosophy that guides his life and business: show up, tell the truth, and do the next right thing.

Beers leads Phoenix, Arizona-based Integrity Outsource. He serves on NAPEO's board of directors, as the Arizona Leadership Council Chair, and is the chair of the leadership councils committee. For Beers, not being involved within NAPEO is not an option. He sees it as a professional obligation to give back and help make the industry better.

Like so many in the industry, Beers' career led him to PEO by happenstance.

UNCHARTED TERRITORY

"I'm the first person in my family in three generations who went into business; everyone else was a doctor, a lawyer, or in education," Beers says. "I had no family business mentors, but working as a caddy at the country club, I watched who was successful, and it seemed like the guys in business fit my personality."

This is what motivated him to pursue business. So, Beers graduated from the University of Arizona in 1983 with a business economics degree and spent the next 12 years working in commercial real estate.

Eventually, Beers grew restless and was ready to pursue a new career. He printed off 40 copies of his resume and mailed them to friends. He landed a few interviews quickly, but then a unique opportunity presented itself.

"My friend called me and said, "this guy I know is starting an employee leasing company, you should give him a call," Beers recalls.

Beers landed an interview and then was the first person hired at this new start-up PEO called Diversified Human

Resources (DHR). He had no experience with PEOs, but neither did anyone else.

"We just figured it out as we went along," Beers laughs.

Hard work and a relentless drive to be better than the competition inspired Beers and his colleagues to build an impressive operation that grew to around 45,000 WSEs. The team always focused on improving by asking questions. Why

"

Starting his own PEO brought unique challenges, but now Beers had a decade of PEO experience under his belt and knew the industry. Perhaps more importantly, he understood how to connect with business owners to get them on board.

this way instead of that way? Does this really make sense? Can we do it faster?

The company became a sales engine that found ways to get clients to say "yes" faster than most. It was a rewarding experience, but after ten years Beers

was ready to move on. He left the PEO industry for five years and then launched his own PEO, Integrity Outsource, in 2011.

Beers received a phone call one day from the head of the State Compensation Fund of Arizona (SCF). At the time, the SCF was a non-profit agency, created by the state, that provided workers' compensation insurance coverage to around 70% of the businesses in the Grand Canyon State, Beers says.

"The CEO [of SCF] reached out to me, and said he wanted to start a PEO that would be a wholly owned subsidiary of the SCF, and he wanted me to build it for him," Beers says. "It was an incredible opportunity to target 30,000 businesses that could be new PEO clients."

Well, it turned out that working with the SCF was a lot like working with a government bureaucracy, Beers explains. He had brought in a few people he had previously worked with, and they began building the business model, but eventually grew frustrated enough to change course.

"We decided we needed to pivot. The red tape and bureaucracy impeded the ability to operate effectively," Beers says. "We were back to knocking on doors to get clients."

BE AUTHENIC

Starting his own PEO brought unique challenges, but now Beers had a decade of PEO experience under his belt and knew

the industry. Perhaps more importantly, he understood how to connect with business owners to get them on board.

"We provide business owners the ability to sleep at night and to grow," Beers explains.

He says he learned a long time ago that you cannot sell on savings. You'll never be able to save a business owner enough money to overcome their fear of change, he believes. The key is to present so much value in using a PEO that it makes the choice obvious to a business owner.

"What's attractive to a business owner is the blue sky of opportunity. Free them up to pursue their passion. We sell on value. People ask me how much I will save them, and I say, "I'm not here to save you money, I'm here to make you money," Beers says. "We guarantee to take paper off your desk and put time on your watch. If you use that time to increase sales, we will pay for ourselves. And you are not happy, we will refund your misery whenever you like."

Monetary savings are finite, but the peace of mind and extra time that using a PEO offers a business owner presents opportunity to grow. This approach has certainly resonated with Beers' clients. He notes that clients typically only leave if they sell their businesses. He's also very proud that Integrity Outsource recently earned a 93% net promoter score (NPS), the highest that he's heard of in the industry. It's a testament to the strong relationship his team has built with clients, and the value they provide.

"

Part of being a responsible member of a community and industry is giving back, Beers believes. To that end, he felt called to throw his hat in the ring to serve on NAPEO's board of directors this past year.

For Beers, the company is about building lives for his employees rather than growing as big as possible. The vast majority of the company's business is in Arizona, but the company operates in about a dozen states due to WSEs moving or being hired out of state. Beers will occasionally get requests for business outside of Arizona, but he's quick to refer the individual to another PEO who operates locally in that individual's market. He thinks it's better for that potential client to have a local PEO.

He recognizes that the largest demographic of business owners are Baby Boomers, which, he notes, are on the cusp of retiring and selling their businesses.

"It's not a sustainable business model if all your clients are preparing to retire or leave," he says.

So, he's worked to bring on team members who can connect with the next generation of business owners in ways that's harder for him to do. He knows it's important to have people on board who understand the world in the same way.

Underpinning the company is a strong foundation of three principles that everyone adheres to: have a strong moral compass, be an adult, and be happy. A strong sense of right and wrong is important and ensures the right decisions are made. Acting as an adult means being polite, helpful, and refraining from gossiping. Happiness at work is important because it's contagious, Beers says. He doesn't want tension and frustration to permeate the workplace.

This all goes back to Beers' philosophy on life and business. If you're authentic, he says, most of the time everything works out just fine.

"That's what we do here. Show up to work, tell clients the truth, then do the right thing. It will take you where you're supposed to go," Beers says.

ACTS OF SERVICE

Part of being a responsible member of a community and industry is giving back, Beers believes. To that end, he felt called to throw his hat in the ring to serve on NAPEO's board of directors this past year. After so many years as a NAPEO member, he thought it was time he help lead the association. Service is important, but it's also a source of energy for

Beers. He says that for him, service is rewarding and fulfilling.

Beyond NAPEO, Beers is heavily active in his fraternity, Sigma Chi.

"You'll never hear someone say he was a Sigma Chi, he'll always say I am a Sigma Chi," Beers says. "It's about living your life around a set of values, not just joining a fun organization in college."

Through his continued involvement with Sigma Chi, he's able to help mentor young men as they navigate life's challenges.

"You help them build better lives, and they become better husbands, better fathers, and better members of society," Beers explains.

Plus, he's developed an incredible network of alumni friends that include astronauts, Secret Service agents, race car drivers, professional athletes, business leaders, and judges.

The PEO industry embodies some of this spirit, too, he notes. It's a cooperative industry whose members are really committed to helping one another and growing the industry. That is something Beers is appreciative of and thankful for.

Beers' career has taken him down different paths and led to many experiences.

"Man plans, and God smiles," he believes.

Whatever the future may hold, Beers is content to enjoy the ride. ∎

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5 QUESTIONS PEOS COMMONLY ASK ABOUT NON-COMPETES, OTHER RESTRICTIVE COVENANTS

BY BRIAN L. MCDERMOTT, ESQ. AND ZACHARY A. AHONEN, ESQ.

Employee mobility and turnover continue to plague many employers. Naturally, this breeds concerns about what else might go out the door along with a departing employee. Implementing a strategy for protecting a PEO's or client's goodwill, business relationships, other employees, confidential information, and trade secrets is crucial. What an appropriate protective strategy should look like depends on numerous factors, and one PEO's or client's successful strategy might be disastrous or unworkable if simply duplicated elsewhere. Combined with the challenges of the ever-changing legal landscape of non-compete agreements and other restrictive covenants, many companies struggle knowing where to start.

This article highlights common questions PEOs and their clients ask about non-compete agreements and other restrictive covenants. While each business and client are unique, these questions (and the additional questions stemming from them) should help to foster fruitful discussions, both within organizations and with outside legal counsel

This area of law is dynamic. In fact, on January 5, 2023, the Federal Trade Commission proposed a new rule that, if made final, would effectively prohibit non-compete agreements nationwide with very few exceptions (see Non-Compete Clause Rulemaking, Federal Trade Commission, ftc.gov). Many legal challenges to this proposed rule are expected, so it is unlikely there will be any certainty surrounding this development soon. Accordingly, PEOs and their clients will need to monitor this development for any potential changes.

QUESTION 1: CAN WE USE A SINGLE AGREEMENT?

Initial costs and administrative convenience may make using a single non-compete and restrictive covenant agreement attractive for businesses. While a company may be able to use a single agreement, the advisability of doing so depends on several factors. Foremost is the number of jurisdictions and states in which the company operates and has employees.

A single agreement can leave broader legal protections on the table in some jurisdictions, while risking limited enforceability in others. Regardless, it has become a more common practice in recent years to use a single agreement

with state-specific addendums or alternate provisions for the state in which the employee works. A downside to this practice is the single agreement can seem patchwork and clunky if it includes required language from several jurisdictions.

Another middle-of-the-road approach many businesses utilize is creating a few different versions of their non-compete and restrictive covenant agreements. Although drafting a separate agreement for each state provides more certainty in result and enforceability (but who wants 50 separate agreements), many states have enough overlap in the way they enforce non-competes and restrictive covenants that the company may not lose much protection by combining them into a single agreement. Limiting the overall number of agreements, while grouping similar jurisdictions, may be the most effective option for some businesses.

QUESTION 2: WHICH EMPLOYEES SHOULD WE ASK TO SIGN THE AGREEMENT?

PEOs and their clients should spend considerable time assessing which of their employees to ask to sign non-compete agreements and other restrictive covenants. The initial question is often which subset of employees the business can require to sign an agreement under applicable law. Recent years have seen many attempts to limit low-wage earners from entering into restrictive covenants. For example, as of January 1, 2022, Illinois law prohibits non-compete agreements for employees earning less than $75,000 per year and non-solicitation agreements for employees earning less than $45,000 per year. Many other states have enacted similar legislation restricting the use of restrictive covenants for employees under certain wage or salary thresholds. Though unsuccessful thus far, recent bipartisan efforts at the federal level to limit non-competes

and restrictive covenants, including with the introduction of the *Workforce Mobility Act*, continue.

Even if a jurisdiction permits enforcement of restrictive covenants against

lower-wage workers, employers should proceed with caution. Courts frequently deem the employer's legitimate protectable interest in enforcing a restriction against a lower-wage earner much less

significant. This will affect a court's view of the restriction's overall reasonableness, and, in turn, enforceability. Other common factors employers should consider include whether an employee is customer or front-facing and whether an employee is exposed to the company's confidential information and trade secrets.

QUESTION 3: NON-COMPETE RESTRICTIONS ARE NOT ENFORCEABLE ANYWAY, SO IS THERE EVEN A POINT TO INCLUDING ONE?

This question relies on a premise that is not necessarily true. Although courts have found numerous non-compete restrictions unenforceable, appropriately tailored agreements have been upheld. Ensuring the agreement is properly limited in scope and time often is critical to enforceability of the agreement. Also, in some circumstances, a well-crafted non-solicitation restriction, in practice, will operate like a non-compete restriction.

PEOs and their clients should not decide to abandon true non-compete provisions hastily. First, there are few more powerful business protections than an enforceable non-compete restriction. Second, courts in most jurisdictions will sever unenforceable provisions from an agreement while leaving the remaining agreement intact or reform the agreement to bring it within the realm of reasonableness if unreasonable as drafted. These backstops, at a minimum, should provide additional comfort to employers that their non-compete restrictions can be upheld despite popular belief to the contrary.

QUESTION 4: CAN WE BETTER PROTECT OUR CONFIDENTIAL INFORMATION AND TRADE SECRETS BY INCLUDING PROVISIONS IN OUR AGREEMENTS WITH EMPLOYEES?

Before assessing whether a PEO or client company can bolster the protection of its confidential information and trade secrets in their agreements, it is important to remember that statutory protections are already in place. For example, all but two states have enacted versions of the Uniform Trade Secrets Act. At the federal level, the Defend Trade Secrets Act of 2016 provides protection as well. However, these statutory protections do not necessarily mean employers should ignore the protection of confidential information in their agreements with employees.

One benefit to including confidential information and trade secrets provisions in an agreement with employees is the ability in many jurisdictions to protect a broader swath of information. In other words, if the agreement defines confidential information more broadly than the relevant statutes define a trade secret, the company could be adding valuable protection. A belt-and-suspenders approach to confidential information and trade secrets also can be valuable because it gives an employer more options in the event of a breach by an employee or former employee. For example, bringing the claim as a breach of the contract could permit the recovery of attorneys' fees in more situations and help the employer in choosing the court location of any dispute and what state's law should apply. In most instances, the employer can bolster its protections by including contract provisions protecting confidential information and trade secrets.

QUESTION 5: CAN WE USE OUR AGREEMENT TO PREVENT AN EMPLOYEE FROM RECRUITING AWAY OUR OTHER EMPLOYEES?

In most situations, PEOs and their clients can and should include language in their agreements restricting an employee from soliciting or recruiting their other employees. Given recent labor supply issues, this protection has become increasingly important for many businesses. Employers should be cautious. In many states and jurisdictions, courts consider restrictions on the recruiting or solicitation of all employees overbroad and unenforceable. As a result, employers should consider what level of employee could cause legitimate harm if recruited away by a competitor or former coworker. A restriction including only a subset of employees, such as those exposed to confidential information or trade secrets and those with whom the employee had material contact on behalf of the company, is much more likely to provide enforceable protection.

PEOs are uniquely positioned when it comes to non-compete agreements and restrictive covenants because of the tripartite relationship between PEO, client, and employee. This can only add complication to what is already a difficult process in assessing how best to protect the PEO's and client's interests. But by asking the right questions—and follow-up questions—PEOs will place themselves in a better position to develop an effective strategy for protecting the PEO's and client's interests. ∎

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SIMPLE STEPS TO
PROMOTE MENTAL HEALTH AT WORK

BY RYAN CHURCHILL

Back in my day we walked uphill, both ways, in the snow, to work, every day and never complained. Coming out of the holiday season, I'm sure some of us heard this adage more than once. Growing up, we all rolled our eyes, but no one ever questioned the different work conditions our parents, or grandparents, had to deal with. In today's post-COVID workforce filled with Millennial and Gen Z workers, mental wellness and mental health no longer carry the stigma of the past and have now become top of mind for employers and employees.

No longer can we "rub some dirt in it" to get a fix when one in five adults each year is affected by a mental health condition and 55% of them go untreated[1]. The PEO industry has an amazing opportunity to further bring big business benefits to small businesses across the country by adding mental health solutions to product and service portfolios.

Here are five things to keep in mind as you consider adding mental health solutions and tools to your PEO.

THE FINANCIAL IMPACT TO INSURANCE PLANS

A cynic might ask what the financial implications are. The answer is huge. Fourteen percent of 2020 disability claims were mental health-related, twice as high as in 2010. In addition, there has been a 23% increase in the average cost of mental/nervous STD claims since 2015.[2] Mckinsey did a study that showed the potential post-COVID impact on the medical side of the house could cost employers $140 billion per year[3]. These are

> *Offering a comprehensive mental health solution is one piece of the puzzle. According to a Harvard Business Review, 68% of Millennials and 81% of Gen Z employees have left roles for mental health reasons*

hard, direct costs and can be tracked, but the soft, indirect costs are equally important. Employee absenteeism (think "quiet quitting"), according to one study, caused a

35% reduction in productivity for employees with unresolved depression[4].
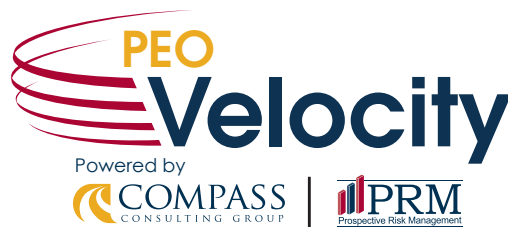
THE TURNOVER RETENTION IMPACT

An additional benefit to offering mental health services and tools is helping small businesses attract and retain employees. Offering a comprehensive mental health solution is one piece of the puzzle. According to a Harvard Business Review, 68% of Millennials and 81% of Gen Z employees have left roles for mental health reasons.[5] In the post-COVID benefits space that we're in now, an expectation of simple, technology driven solutions to address problems is an expectation among employees. The small businesses that get on board with this trend are going to quickly rise to the top. PEOs have an opportunity to bring mental health solutions and tools to clients to help retain workers.

HITTING THE EASY BUTTON : EAP

Many employers are starting with their employee assistance program (EAP) plans. Most ancillary carriers offer some version of an EAP on their life or disability plans. The issue these plans have is their utilization runs only 2-4%. Some of the newer mental wellness solutions are reporting employee utilization numbers in the 28-32% range. The question presents, will employees use a service for mental wellness that also provides a breadth of solutions from will preparation to elder care? The answer is maybe, but the status quo isn't going to cut it. We need to

upgrade the offering or spend time and money on a dedicated mental health solution. Almost all providers on the market provide easy access through video calls that allow employees privacy and convenience. Providing a convenient, and private outlet for the employee, and one less day of missed work for the employer.

The PEO industry has an amazing opportunity to further bring big business benefits to small businesses across the country by adding mental health solutions to product and service portfolios.

THE NEED FOR AN EXPANDED SERVICE DEDICATED TO MENTAL HEALTH

Many times, people look to the past to gain insight into the future. When it comes to mental health a different type of product is needed. This isn't a forecast or a prediction, this is an immediate need to the small business market. Offering a standalone product will not only provide us with another differentiator, but also positively impact the people we serve, their employers, and our master plan financials. Let's solve this need now so we

can tell our children back in our days we had back-to-back Zoom meetings, helped

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1 Guardian Workforce Production White Page
2 Guardian Analysis, 2021
3 Mckinsey - **https://www.mckinsey.com/industries/healthcare-systems-and-services/our-insights/understanding-the-hidden-costs-of-covid-19s-potential-impact-on-us-healthcare**
4 35% reduction in productivity **https://www.mcleanhospital.org/e-ssential/what-employers-need-know-about-mental-health-workplace**
5 (HBR Study – New Era for Mental Health 2021)

people all day on camera, and all while working from home. ■

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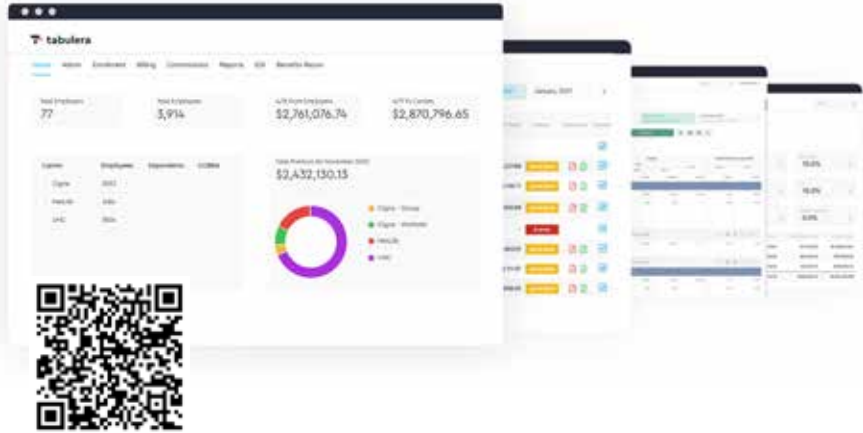
RYAN CHURCHILL

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GETTING YOUR HOUSE ORGANIZED: STEPS FOR A SUCCESSFUL 2023

BY JEAN GOLDSTEIN, CPA

To achieve success, a PEO must build and maintain a strong foundation. Without this, the weight of the inevitable operational stresses and changes to be encountered as the year progresses will not be sustainable. With the new year rush behind us, take this opportunity to get your house in order. While there are multiple financial items to tackle such as budgets, forecasts, and tax rate reviews along with sales and marketing initiatives, this article focuses primarily on operations-related steps.

STANDARD OPERATING PROCEDURES

In today's environment where staffing is limited and absences for illness are increasing, it is more important than ever to maintain current, documented processes. If you have few or no written processes, evaluate the key tasks for each department and create written summaries. If standard operating procedures (SOPs) exist, review and update with changes that occurred throughout the year or since the last examination. It's a good practice to have each new or updated SOP "tested" by someone other than the creator of the process. Additionally, for those essential functions, ensure that no less than three employees can perform the task. This redundancy is essential for business continuity.

DISASTER RECOVERY PLANS

Having an emergency preparedness plan helps to avoid business interruption, and lets staff know what to do in the event of any disaster. This plan will be specific to each PEO based on factors such as:

1. The number of physical locations, if any.
2. The geographical locations and tendency for inclement weather or other issues.
3. The number of internal staff members, including remote workers, and their locations.
4. The type and location of the operating systems (in the cloud or on premise) and any backup sites.
5. The type of IT support, internal versus an outsourced solution.

It's hard to go more than a day without word of another security breach. As a measure of protection, a separate cybersecurity plan should be considered. Additionally, if not already in place, determine whether it's the right time to secure a cybersecurity insurance policy. If a policy exists, review limits to ensure appropriate coverage.

COMPLIANCE

The start of the year is a good time to take stock of compliance requirements specific to your PEO. It's important to maintain a database outlining these requirements along with deadlines, and who is responsible for each requirement. I suggest creating and maintaining an annual filings calendar to document requirements for the coming year. NAPEO's regulatory database, napeo.org/regulatory-database, is a great resource. In addition, sign up to receive NAPEO emails including the weekly industry newsletter and E-Source, a government affairs and regulatory update newsletter. Attend NAPEO webinars and be sure to join the NAPEO Forum

(**https://forum.napeo.org/home**). It's a good source of information shared by peers.

Beyond federal, state, and local regulatory registration obligations, review compliance matters pertinent to your PEO service model. For example:

- **Federal Regulations:** Ensure CPEO certifications are updated with the IRS for changes in responsible persons or entity. Be in the know on the new federal spending law for 2023. How does this effect your PEO and clients? Is there a regulation that requires action?
- **State/Local Regulations:** Review PEO state regulations for any changes or updates. For example, recently there was a change to the Kentucky PEO law requiring all registered PEOs to re-register with the state following specific guidelines. Additionally, there have been many states that have added or updated leave laws and/or mandatory retirement laws. Have these been addressed internally as well as with clients?

Know your PEO's stance on major regulations and ensure they are being practiced. The following are some common laws you should be familiar with:

- The Employee Retirement Income Security Act of 1974 (ERISA)
- Patient Protection and Affordable Care Act (PPACA), also called Affordable Care Act (ACA)
- Coronavirus Aid, Relief, and Economic Security Act (Cares Act)
- Occupational Safety and Health Administration (OSHA)
- Family and Medical Leave Act (FMLA)
- Consolidated Omnibus Budget Reconciliation Act (COBRA)
- Fair Labor Standards Act (FLSA)

STAFFING

It's no secret that the labor market in the past few years has been difficult, particularly in the PEO space. The start of the year is an ideal time to address staffing. Do you have the right number of internal employees, sitting in the right seats, trained properly to perform their tasks? Is it time to add staff, restructure departments, or outsource certain functions? Consider hiring an outside consultant to help assess staffing needs. NAPEO's Financial Ratio & Operating Statistics (FROS) survey (**www.napeo.org/fros**) is an excellent resource as a starting point for developing staffing metrics. See the results in Figure 1 from the most recent survey below. While the

TABLE 2. WSES PER INTERNAL EMPLOYEE, PER DEPARTMENT*

For every 1,000 WSEs...	PEO Department	WSEs per...
0.8	Accounting, Finance, Legal, Compliance, and Tax	1,225
1.6	Payroll (including Payroll Support)	640
0.6	Benefits	1,700
1.0	Human Resources	1,000
0.5	Information Technology	2,050
1.0	Internal Sales & Marketing/Customer Relations & Sales	1,000
0.4	Risk Management	2,800
1.0	CEO/Staff Not Assigned Above. Other General Office Support	1,000
7.5	**Total Internal Employees**	**133**

*Data for this table were blended with the past 3 survey cycles to increase the sample and reduce variances.

statistics are estimates, it provides a good starting point for consideration.

CLIENT SATISFACTION/RETENTION

The beginning of the year is the perfect time to look at clients with a fresh eye. Here are some questions to ask:

- What was retention last year?
- Is turnover being analyzed to understand why clients left?
- Is there a plan in place to address recurring or avoidable situations moving forward?
- Are client service offerings sufficient and in line with needs?
- Are client satisfaction surveys utilized? If not, should they be? If surveys exist, have they been updated to address any changes in the past year? Are results actioned timely and efficiently?

OTHER AREAS TO ASSESS

- Review strategic partner relationships.
- Consider an internal audit program.
- Update primary client communications including electronic communication and portals.
- Contemplate changes to the website.
- Review business insurance coverage plans and limits including Employment Practices Liability Insurance (EPLI).
- Check/update client service agreements.
- Create/revise internal employee educational training programs.
- Update employee-facing materials including handbooks and manuals.
- Review operating system setup including deduction codes, pay codes and client billing codes.
- Consider electronic efficiencies such as electronic data interchange (EDI) feeds.

Taking time now to review these operations functions will build a stronger foundation for your PEO to grow, and withstand any challenges that 2023 may bring. ◼

This article is designed to give general and timely information about the subjects covered. It is not intended as legal advice or assistance with individual problems. Readers should consult competent counsel of their own choosing about how the matters relate to their own affairs.

JEAN GOLDSTEIN, CPA

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ACCELERATING THE SALES PROCESS
WITH MARKETING CONTENT

BY DEAN MOOTHART

Quality content is the key to a successful marketing strategy. Content published online will extend a brand, position your business as subject matter experts, attract visitors to a website, and convert those visitors to qualified sales leads. But the role content plays in the sales process doesn't end there.

The same content that was created to support marketing's objectives can also be used (or repurposed) to support the sales process and even help accelerate deals through the funnel. Salespeople engage with prospects at various stages of the buyer's journey—Awareness, Consideration, and Decision-making.

Contrary to what we learned from Alec Baldwin in the movie Glengarry Glen Ross, salespeople aren't always closing (or at least they shouldn't be). Instead, it's the role of a salesperson to guide their prospect to the next best step in their buyer's journey—to get them to move to the next stage.

However, it's not always a smooth process. In fact, it's rare that the buyer's journey and corresponding sales process goes off without a hitch. There are typically multiple obstacles, disruptions, and objections along the way.

Marketing created content can be very effective tools to help the buyer and the seller maneuver through the various land mines. Keep in mind, though, that not all content is created for every situation. Mapping content to the various stages of

the buyer's journey will help your sales team select the right content for the right purpose. Doing so will help remove friction from buying/selling process and helps the prospect take the next best step.

Following is an overview of the various stages and the appropriate content that can be leveraged in each.

AWARENESS BUYING STAGE
At this stage your prospect is in the process of identifying a business problem or challenge. They may be saying something like, "Managing my business' benefits, payroll and HR processes is complicated, time-consuming, and costly".

The goal of the sales team and the content they leverage should be to provide insight into the various elements that make HR management complicated and the potential impacts these have to the organization. You want to shine a bright light on the frustration they're experiencing and the pain it's causing.

The emphasis at this stage is education and not selling. By answering frequently asked questions and addressing common scenarios, you can build awareness as you position your business as a trusted resource and subject matter expert.

Examples of content that are often effective at this stage include:
- eBooks
- Blog articles
- Worksheets
- Infographics

- Webinars
- Newsletters
- Short videos

CONSIDERATION BUYING STAGE
At this stage of the buyer's journey your prospect understands their business problem and is ready to explore potential solutions. They may be saying something like, "I need to find a way to manage my firm's HR that doesn't take so much of my time."

The goal of the sales team and the content they leverage is to demonstrate how your clients eliminated their similar HR headaches by working with your firm.

The emphasis at this stage is persuasion. Your prospects need to be persuaded that your qualifications can be trusted, and you have the ability to solve their problems. Being informative and not salesy should remain the focus.

Examples of content that are often effective at this stage include:
- Brief (but information dense) eBooks and whitepapers
- Trend reports
- DIY Guides
- Case Studies
- Templates and Took Kits
- Lists of Valuable 3rd Party Resources
- Detailed Webinars or Podcasts

DECISION-MAKING BUYING STAGE
Your prospect has identified their problem. They understand the impact

the problem has on their business. And they've explored multiple solutions to address their problem. Now, they're ready to decide on which direction they will go.

At this stage of the buyer's journey your prospect may be saying something like, "What can I expect if I were to work with this PEO to manage my HR?". They want to visualize what their life will be like once they make the decision, and they want to feel confident that they are making the best decision for their business.

At this stage the goal of the sales team and the content they leverage is to provide reassurance that the prospect is making the right decision.

The emphasis at this stage is two-fold. You want to confirm in your prospect's mind that they are making the right decision to partner with your firm. And

secondly, you want to motivate action. You don't want the prospect to become paralyzed and avoid taking the last step needed to complete their buyer's journey. Consequently, your content needs to focus on proving your company's value by being positive and irrefutable.

Examples of content that are often effective at this stage include:
- Customer Stories
- Testimonials
- Service Feature/Benefit One-Sheets
- ROI Models
- Competitive Comparisons

As you create content and a strategy to deploy it in the sales process always keep in mind two critical elements. Where in the buyer's journey is the prospect now? And, what is the next step you want to lead them to?

You can further help the salesperson select the right resource by building sales plays for them to follow. Sales plays are prescribed sequences of tactics, messaging, and supporting resources designed to help a salesperson tackle a specific roadblock in the sales process. Sales plays can be designed for various scenarios (i.e.,—Getting a first appointment, reengaging a prospect who's "gone dark", following up the proposal, etc.).

Sales plays that include the most appropriate supporting marketing content will remove the guess work and help the salesperson accelerate the deal through the funnel. ■

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PEO INDEX SHOWS SIGNS OF LABOR WEAKNESS IN 2023

BY JOHN J. SLAVIC

The PEO Employment Index revealed a decline both nationally and in Texas and Florida, two key PEO states. The decline is the first significant negative move in the past year. The downward move is not surprising as the effect of the Federal Reserve's aggressive rate hikes is beginning to filter through the economy, and now apparent in small and medium-sized businesses. This also portends recessionary conditions for early 2023.

Given the significant "excess savings" still in place among consumers, the possible recession could be short in duration and shallow in depth. The correlation between the PEO Index and GDP is unmistakable. Technically, two negative quarters of GDP meets the classical definition of a recession which took place in 2022, but was essentially unfelt. The rate at which the Fed raised interest rates was the fastest since the 1980s and will likely begin to erode the strength of the labor market in the months to come. The decline in the index not only reflects the beginning of labor weakness, but at the same time, predicts future weakness into 2023. ◾
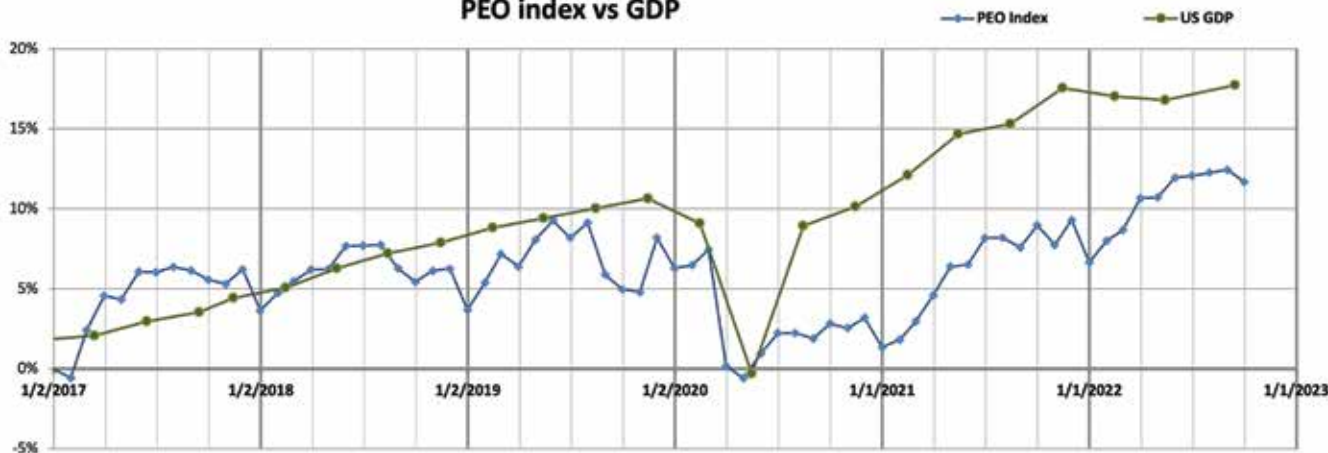
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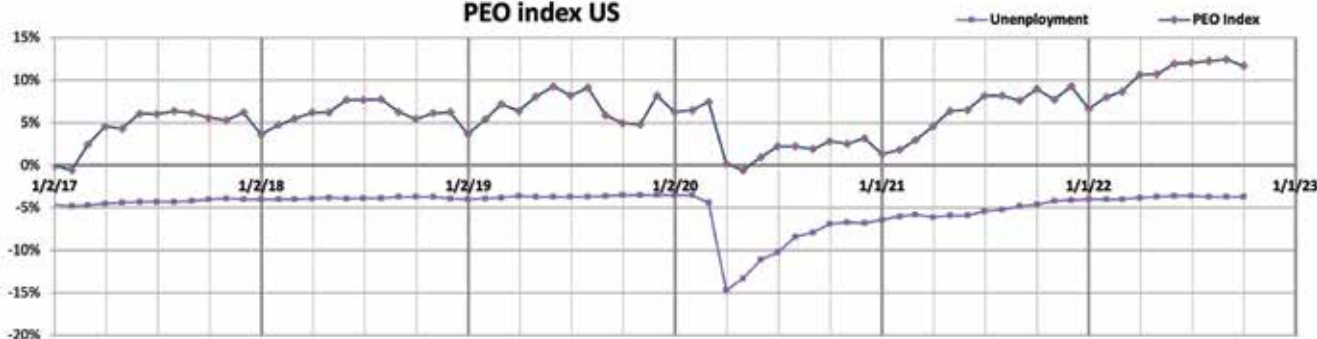
JOHN J. SLAVIC

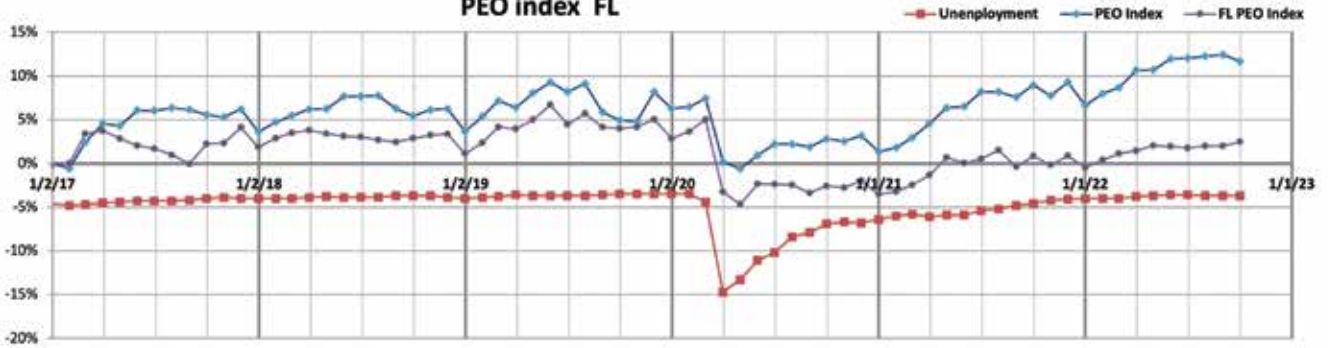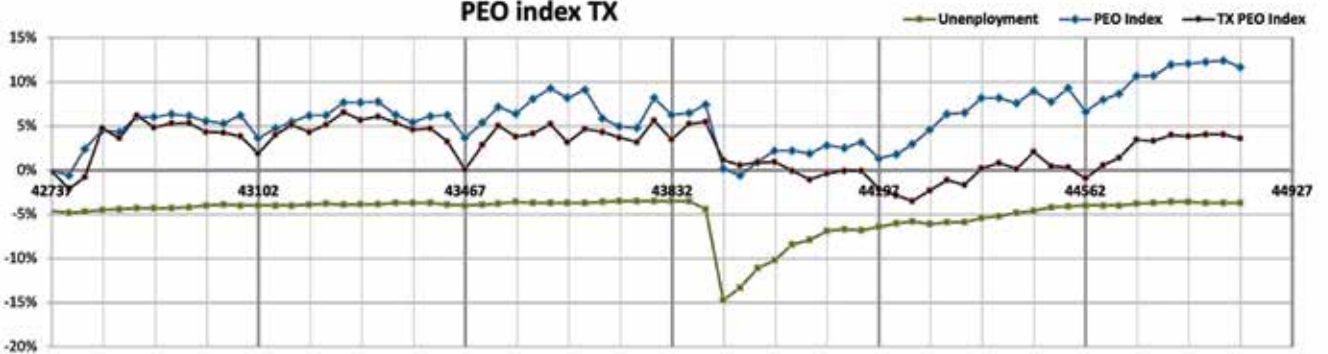*CEO & President*
Slavic401k
Boca Raton, FL

PEO index vs GDP

PEO index US

PEO index FL

PEO index TX

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www.napeo.org/regulatory-database

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THE ARC OF
REGULATION

BY PAT CLEARY

What else does one do during his or her time off but ponder the value proposition of a PEO? And so it was during the Christmas break, I was talking to a friend about our industry, and I was touting its enormous growth over the past decade. My friend asked me what accounted for this growth. Of course, I humbly noted NAPEO's $1.3M-plus marketing budget which has relentlessly touted PEOs to small businesses.

But as we talked, I thought about the other macro issues that underpin the workplace and their shift in the many decades during which I've been on this beat here in Washington. At my core, I am a hopeless policy wonk, why I was drawn to Washington in the first place. I served as Deputy Assistant Secretary for Policy at the US Department of Labor (DOL), advising the Labor Secretary on a wide range of issues. So, I was—and am—fascinated by workforce and workplace trends.

So, what accounts for the growth in this industry—other than our outstanding work, of course? While others were watching college football, this was the discussion I had with my friend.

When I was at DOL, many moons ago, there was a federal minimum wage; there still is. However, a few—a few—states legislated a higher minimum wage. Today, thirty-one states have mandated a higher minimum wage than the federal wage. Before 2012, five localities had a higher minimum wage than the federal one. Today, fifty-five localities have set a higher minimum wage. Thirteen states and the District of Columbia now have paid family leave laws. A number of states have also enacted paid sick leave laws.

> *Gridlock in Washington is real, and in their frustration with Washington's inaction, states and localities decided to move forward on their own.*

Maybe this is obvious to everyone else, but it struck me as fascinating. This didn't happen overnight. Gridlock in Washington is real, and in their frustration with Washington's inaction, states and localities decided to move forward on their own. When President Trump was elected, he promised an agenda of deregulation. I heard from many members, concerned that this might adversely impact our industry. I told them to fear not, because for every federal regulation repealed, states and localities would put two in its place. And as it turns out, that's exactly what happened.

Back to the PEO value proposition: A company operating before 2012 had five localities to worry about with their own minimum wage, now they have 55 localities, and an additional 31 states. How on earth can they keep track of these laws? The penalties—and lawsuits—for not knowing the law can be substantial. This against a backdrop of employees migrating not only home, but often to far-flung states to work. And so employers with employees in one state now have them in ten states—or twenty.

There's an additional political factor at work here, and that is the near-constant dramatic shifts that we see in Washington from left to right and back. The Obama administration takes certain steps on workplace regulations, the Trump administration reverses them. Then, the Biden administration reverses the Trump administration. How on earth could a small business keep track of these ever-changing rules? In short, they can't.

And so to me, this twin-headed hydra of states and localities legislating in the absence of federal action, and the mercurial shifts in the direction of federal policy make a PEO absolutely vital to any small business—especially one doing business in more than one state. During my time in Washington, the arc of regulation has always bent upwards, and I don't expect that to change any time soon. Assuming I'm right, this industry should continue to see continued growth and prosperity for many years to come. ∎

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