Returning to the office: If not now, never?

The week after Labor Day is when many kids go back to school. It's also when many companies are putting their collective feet down about a mandatory return-to-office date. And after more than two-and-a-half years of remote work, the RTO thinking is: If not now, never.

While the percentage of remote employees is certainly lower now than it was a year ago, those who are working from home seem dug in. Inevitably, there will be pushback from employees who don't want to spend the time and money dressing, commuting, and dealing with all the familiar office irritations.

The C-suite isn't entirely inflexible. They've seen the benefits of downsizing, too. Less office space means lower rent, much to the chagrin of big-city mayors who really, really need to repopulate large city centers with hordes of workers, who buy stuff all day long and support the local economy.

If your organization is preparing to return to the office, realize you're not going to make everyone happy all the time. Nevertheless, there are options even the most devoted work-from-home employee may find acceptable.

Hoteling

Hoteling is reservation-based unassigned seating; employees reserve a workspace before they come to work. Hoteling can occur at a downsized office to accommodate hybrid work arrangements or at a co-working space.

Technology is the key to a successful hoteling program. To smooth out the process, work with IT to implement a software/mobile app that lets employees see the space they're reserving before making their reservations, presents an easy check-in process, and streamlines overall space management. This gives you some control over the process.

(Find software solutions by searching online for [hoteling apps](#).)

Some apps also allow you to track employees, but we know employees don't like being tracked. You'll defeat the purpose if employees believe their productivity, as opposed to their whereabouts in the office, are being tracked.

Hybrid work arrangements

Hybrid work poses definite logistical problems, such as ensuring there's a critical mass of people in the office to make coming in worthwhile. However, for many, especially in large organizations and offices, this can be a viable option.

The vast universe of payroll issues comes to bear when employees are working under hybrid arrangements and they live in a different state from you:

- Must you withhold their home states income taxes? In other words, have you created a nexus with these states? In all likelihood, the answer will be yes.
- What about wage-and-hour issues if employees are nonexempt? Both states' laws will apply.

- What about state payday laws? This is trickier. Both states' laws may apply, but it's probably the law of the principal work state that would control such things as paydays, mandatory direct deposit, and deductions from pay.
- To which state are unemployment contributions paid? Again, it would most likely be the state of principal employment.

You need to impose order on hybrid arrangements. You already reach out to employees regularly and ask them to update their addresses. But it's a safe bet that not too many of them respond. *Solution:* Everyone loves free stuff. So you can nail down where employees are living and working by mailing something to them—a coffee mug or sweatshirt with the company logo on it as an inducement to update their locations.

You can also avoid the nexus issue by not allowing employees to work from home if the company doesn't already have some tax presence in a state and doesn't want one. New Jersey, for example, has an array of unique laws, including requiring employers to withhold unemployment/disability contributions from employees' pay and a rather convoluted rule allowing pretax 401(k) deductions but not pretax health benefit deductions.