

TABLE OF EXPERTS

OFFICE OF THE FUTURE

BY HOLLY DOLEZALEK, CONTRIBUTING WRITER

The Minneapolis/St. Paul Business Journal held a virtual panel discussion recently on the subject of the workplace of the future. Panelists included Kalyn Hove, vice president at Comcast Business; Weld Ransom, board director at PlanForce Architecture + Design; and Brian Niemczyk, partner at Hellmuth & Johnson. Kathy Robideau, market president and publisher of the Business Journal, served as moderator.



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**MODERATOR****Kathy Robideau****Minneapolis/St. Paul Business Journal**

Kathy Robideau was promoted to market president and publisher of the Minneapolis/St. Paul Business Journal in February 2016. Robideau led the Business Journal's advertising team since 2010. Prior to that, she was chief operating officer of Winter Park, Fla.-based Nurse Staffing. She is a member of The Itasca Project, Make-A-Wish Minnesota and serves on the Minneapolis Regional Chamber of Commerce board. She attended the University of Cincinnati and is a graduate of Capella University.

**PANELISTS****Kalyn Hove****Comcast Business**

Kalyn Hove has served as vice president of Comcast Business for the company's Twin Cities region since May 2014. She is responsible for providing strategic leadership for all Comcast Business operations. A 25-year veteran technology leader, Hove began her career in sales with WorldCom, which evolved into various leadership opportunities. Before Comcast, she led a geographically dispersed organization as global vice president of collaboration at Level 3 Communications. Hove has served as project leader for Comcast Cares Day, helped create Comcast's Women Employee Resource Group, and is a member of the Minneapolis Regional Chamber of Commerce board of directors and serves on its executive board.

Hove was a Minneapolis/St. Paul Business Journal Women in Business honoree in 2016.

**Brian Niemczyk****Hellmuth & Johnson**

Brian Niemczyk is a partner at Hellmuth & Johnson, practicing primarily in the firm's litigation group with a focus on commercial, landlord-tenant, real estate and employment litigation. He also draws upon his litigation experience to counsel his clients on methods of avoiding litigation in the first place. Niemczyk represents a wide range of businesses and individuals involved in a variety of disputes, including disagreements over partnership, real estate, and asset purchase agreements, leases, mortgages, mechanic's liens, and condominium disclosure statements, among many other issues. In addition, he represents numerous individuals and small businesses in connection with employment disputes, including illegal retaliation and discrimination claims and disagreements concerning employment contracts and noncompete agreements.

**Weld Ransom****PlanForce Architecture + Design**

Weld Ransom has spent more than 35 years helping businesses maximize the utility and beauty of their real estate assets. He believes that your facility is more than a line item on a ledger that needs to be managed. Whether an organization uses a factory, store, clinic or office, that facility should be a positive force in the success of the business. The power of design makes that happen. A California native, Weld depends on his background in lumber, hardware, theater and family business to support a creative business practice. He drives PlanForce to be a premier design firm, where each designer grows into their skill and into a meaningful career. Moreover, Weld works to ensure that PlanForce is a firm that provides the best value available for developing clients' real estate resources. Weld is a certified interior designer and is WELL design accredited.



Kathy Robideau: Brian, what are the different [workplace] rules for different types of businesses? For white-collar offices, retail establishments, restaurants, gyms, what do we need to have in place?

Brian Niemczyk: Basically, all industrial or office space or manufacturing employers are able to be open. They have to have a preparedness plan in place for Covid-19. Anyone who can work from home should do so, and they have to obey certain OSHA standards around social distancing and hand washing. If you have all those things in place, you can open and operate as you normally have. There are special restrictions for certain types of workplaces. One is restaurants, where you cannot have more than 50% capacity and no more than 250 [people] in an indoor setting. At tables you can have up to four people, or six if they are members of the same family. There have to be reservations made, and workers have to be masked, and patrons are encouraged to be masked. Gyms are treated a little differently. They can only have 25% of capacity, and no more than 250 [people]. Masks are encouraged there. There's a disinfection routine that must be completed, and special care has to be taken for machines people sweat on. For indoor entertainment venues, 250 is the limit, 25% capacity – we are talking about theaters, things like that. Masks are encouraged, and the regular OSHA social distancing requirements must be in place. Finally, personal care places are treated differently. We are talking about haircuts, tattoos and similar facilities, where it requires the provider to be in close proximity to the person receiving the service, and for these the requirement is about 50% capacity, with a maximum of 250. Appointments have to be made, and masks must be worn by the provider and the person receiving the service.

Robideau: Weld, from a design perspective, what does this look like? How do you think we can mitigate risk?

Weld Ransom: In the long term, designs will adjust to a WELL designed space; in the near term there are active steps you can take. First, lower the density. If everyone is in their own closed room, you can probably have close to full occupancy. In an open landscape, you need to reduce that density by making workstations larger, or leaving empty workstations between people, or both. Change traffic patterns by directing people to walk all in the same direction, minimize face-to-face interaction. If possible, install touch-free appliances and touchless dispensers and vending. Restrooms need touchless faucets and toilet flush, and toilets need lids. Restrooms also need a touch-free door. In fact, if you have the privacy, remove the door altogether. Abandon the power hand dryers and use touch-free paper towels. Increase fresh air throughout the office and increase the filtration of that air as much as the system will allow. Change light switches to motion sensors. Cut allowable occupancy in conference rooms by half or two-thirds, occupancy in exercise rooms by 75%. And finally, understand that you may not see the change that is necessary. Reach out and ask for help from others familiar with these principles. We will come through this best if we work together.

Robideau: Kalyn, as businesses look at access security, what advice do you give them as we transition?

Kalyn Hove: Unfortunately, the major rise in the number of remote workers has created more opportunities for cybercriminals. Remote workers have fewer security measures on their home networks than they would likely have in their office. There are several security measures businesses can put in place to help secure

their employees home networks, which is especially important if they are operating with a skeleton crew of IT professionals. Right now, more than ever, having a reliable, scalable, secure internet solution at home to do your work and operate your business isn't a luxury, it is oxygen for the business and employee. So, as we are all leveraging the internet more, we become very dependent on cloud-based solutions. Remember, when we are working from home, we still expect to have access to everything we have at our physical office. So, cloud-based apps, files and data, which are stored within a centralized server and accessible from any device with connectivity, are even more important. This means employees can work from anywhere on company-issued mobile devices or their own devices. But every device that touches the company's network can become a security risk. I recommend starting with raising awareness and educating employees on common sense polices, cybersecurity dangers, and implementing effective tools so that people know what tool they should be using or not using to conduct business. For example, does your company want you to use Zoom, Microsoft Teams or another tool to engage on video calls? Overall, my greatest recommendation would be, whether you are a small, medium or large enterprise business, invest in expertise and know we are here to help.

Ransom: Brian, I have a question for you about employees working at home and OSHA. Does an employer's responsibility extend to people working at home?

Niemczyk: Not to my knowledge. An employer cannot control that environment; therefore, they would have no duties to create a safe workplace in an environment that, by its nature, they cannot and should not be in a position to control. OSHA only applies to employer-controlled workspaces, or at the very least, kind of a satellite job location that the employer can in some way control.

Robideau: Weld, what are the psychological factors of bringing people back to the office? From a design standpoint, what is that going to look like?

Ransom: Some folks are ready to return and others are very fearful of coming back. Employers need to be very proactive in assessing people's psychological comfort level in the office. In the near term, understand that your people are dealing with uncommon stress in their personal lives. Introduce flexible policies around scheduling and increase supports for remote work. Encourage breaks, exercise and good nutrition. Be mindful that your people are your greatest asset and you need to take care of them. Be clear and straightforward in communications

and model compliance from the top. Wear a mask and keep your physical distance.

Robideau: Brian, when we look at Covid-related legal restrictions, what must be met before Minnesota can operate?

Niemczyk: The big legal issue that is coming up is, what if employees think it is too dangerous and will not come back even when the employer says it is time to come back? Can the employer make the employee come back and work, and what can an employee do if they are worried? If you are a healthy person and your employer is doing all of the things they are required to do with regard to social distancing and OSHA requirements, and you cannot work from home, and there are no other accommodations that can be made for you to work from home, then you have to come back to work. And if you do not, the employer can say, "Well, sorry, we have to take you off the payroll." And you might have a very difficult time getting unemployment under those circumstances. Now, that is if you are healthy and there are no other issues going on. If you are immunocompromised, or in a group that is particularly vulnerable, you have additional rights to seek accommodation. Or if you have a child who fits that description and you need to stay healthy in order to take care of him or her, there could be other options.

Hove: A lot of the companies we at Comcast Business have been talking to lately are telling us that they never thought they would fully support a large remote workforce, but this pandemic has changed their way of thinking because they're seeing their teams be effective remotely. Some of these businesses don't envision that they'll ever go back to the way they were before. I think the lessons IT leaders have learned about enabling a remote workforce, which many were forced to learn and do quickly, is that they can adapt swiftly on opportunities and still enable collaboration and operate a successful business – and that's been surprising people. I question whether it will ever look like it once did.

Robideau: We're three months into the pandemic. Are companies really rethinking the work-from-home piece?

Hove: Without a doubt. Most of our employees are loving it, and we all want an engaged workforce. You want to attract and retain top talent, and if you have the right tools, the right connectivity and security measures in place, there can be some real value by allowing that to be the new norm. Some employees will say that they are more productive than when they went to the office. As we're talking to customers, they're looking to us for advice on how to best scale their networks to meet the needs of their employees while they



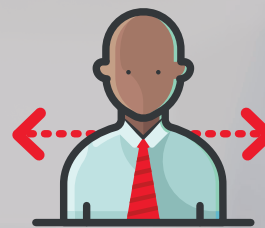
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are working remote or in the office.

Robideau: In the future, will there be employee space for you [at the office] or you can be at home?

Hove: That's what I envision. I envision it being a balance for those who want it, demonstrating flexibility. Business owners and leadership are going to have to meet their employees where they are, and it will probably be a balance.

Robideau: Brian, from a legal standpoint, what if someone says, "Kathy doesn't stay 6 feet away from me?" From an employer standpoint, if I hear someone coughing and sneezing, can I test them?

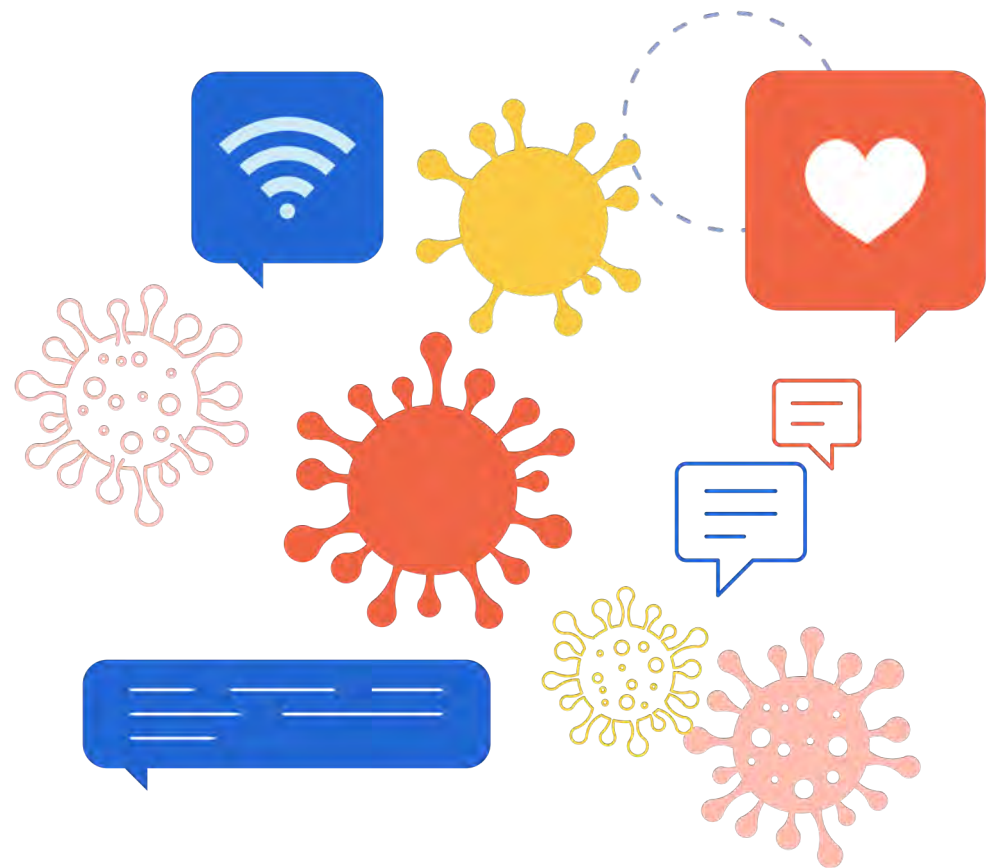
Niemczyk: Under normal circumstances, it is a very thorny legal question as to the extent to which you can ask of employees anything about their medical health. For good reason, it is not an area the law wants employers to delve into, to run tests or require medical examinations before you can work or be offered a job; that is a slippery slope. But these are not usual times. There is specific pandemic readiness guidance from the EEOC. Basically, employers can now inquire with employees about potential Covid-19 symptoms, run temperature tests on employees every day, and even require employees to get a Covid-19 test before starting back to work. Now, any data you get from any testing needs to be kept strictly confidential, but if, hypothetically, they refuse, you do not

have to employ them anymore.

Do not take that as being representative of what an employer can usually do, because you would run into all sorts of disability discrimination issues if you start running medical tests. But running Covid-19 tests, that is OK under special pandemic circumstances. If people are not obeying the internal rules about social distancing and they are hugging and sneezing on people, you have your normal powers as an employer to terminate employees who are not following rules. If you ignore that, and people get sick, you could wind up with problems along those lines, both potential lawsuits from employees or from OSHA.

Robideau: Kalyn, what have you seen as far as best practices, and what are some pitfalls to avoid?

Hove: I can't begin to tell you the number of companies that called us with the need to immediately upgrade their network. For example, we had multiple companies needing to increase their bandwidth from 1 gig to 10 gig, because all of a sudden they needed to migrate their entire call center to a remote working environment over a two-day period. Those that did not have partners who could quickly scale with them suffered. I think what we're finding now is that businesses are looking a lot closer at the reliability of their network, trying to have that really reliable, secure network that can scale on a dime. And, that it is a network they can



manage remotely.

Even before this pandemic, digital transformation was on the rise, and it is challenging businesses of all sizes to act fast and re-imagine the way they serve their customers. To enable successful remote work, employers need to ensure that the cloud environment replicates the in-office technical experience and make certain that employees have all the tools and applications needed to do their jobs. For example, a virtual network resource such as SD-WAN allows an IT team to connect and monitor business sites anywhere in the world. They can run their network and applications locally and monitor all their sites digitally, even viewing their entire network from a mobile device.

Robideau: What do you do to avoid designing the space for Covid and then all of a sudden you grow by 20%?

Ransom: A space planning technique is to leave spacing today that uses the same module as a reduced occupancy layout. You can add workstations in the future in those empty spaces. That's a space planning technique that will leave it more open today and able to increase capacity in the future.

The future of the built environment is going to be moving toward buildings that provide environments for health. You are all familiar with LEED, which focuses on increasing the energy efficiency of buildings. But the relative cost of utilities to employers is a very low percentage of their expenses. The equation I like to use is 3-30-300. For every \$3 you pay for utilities, you'll spend \$30 in rent and \$300 on employees. Lowering our carbon output is critical to the sustainable health of our planet. But it is also critical to focus on ways to help your employees be the best that they can be. LEED focuses on energy efficiency; WELL design moves the focus to creating an environment where people can thrive.

The success of your employees will drive the success of your business. An integrated approach to the built environment, your space and facilities, as well as procedures and policies, engender a

company culture positioned for success. WELL design is the future.

Robideau: Is there anything else about the future of workforce that we didn't talk about? What do our subscribers need to know?

Niemczyk: I have heard there is a desire in the future to have more workers work from home, both older and younger cohorts. I hear a lot of employers say, "No, I would never do that, because I do not trust my workers to work when they are at home." It is certainly a choice legally that businesses can make. But there are many nonexempt employees who, if you have them working from home or working remotely, they may run into overtime issues, working off the clock, and that has and could lead to significant legal problems.

There are some changes that would need to be made to practices to accommodate the law and how it works better.

Hove: Most importantly, I would encourage businesses to ensure that they have a solid continuity plan.

I really believe that this is an infrastructure issue, and that we will have to be agile enough to respond quickly and ensure that they have the right tools in the right place that their employees can maintain a productive, secure work environment no matter where that might be.

The biggest challenge is to stay ready so you don't have to get ready. We have learned so much. Let's not take a step back. Let's make sure that we continue to build on the lessons learned throughout this entire Covid situation. I believe great things will come out of this if we choose to let it.

Ransom: We need offices with fresh air and light, color and natural elements, and we need to be mindful that people interact with those spaces in meaningful and different ways. For every business, people are your greatest asset. Build the environment that supports the health and well-being of your people, and your company will thrive, and our community will be better for it.

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