



Ogletree
Deakins

Strategies and Benchmarks for the Workplace:

Ogletree's Survey of Key Decision-Makers

April 2022

Analysis for moving forward together

Message From Matt Keen

In the spring of 2021, we conducted our first benchmarking survey of in-house counsel and senior HR professionals. At that time, the world remained firmly in the grips of the pandemic, with employers facing many new and emerging issues.

One year later, while the pandemic seems to be waning, employers continue to grapple with remarkable challenges, from hiring and retention to lingering pandemic issues, and much more.

I hope you will enjoy our second annual benchmarking report and that it provides some useful insights into today's workplace. Thank you to the nearly 1,000 in-house counsel and senior HR professionals who participated in our survey.

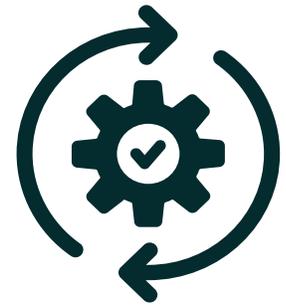


A handwritten signature in black ink that reads "Charles Matthew Keen". The signature is fluid and cursive.

C. Matthew Keen
Managing Shareholder, Ogletree Deakins



Methodology



Survey conducted from
March 17, 2022 – April 1, 2022.



Nearly 1,000 responses from
in-house counsel and senior
HR professionals.

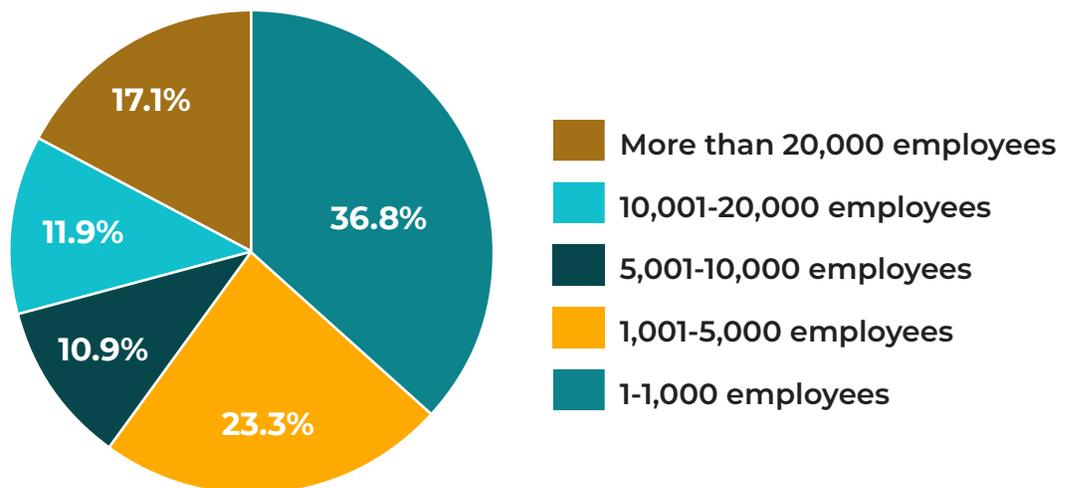


Top 5 industries represented:

- Manufacturing
- Healthcare
- Financial services
- Technology
- Retail

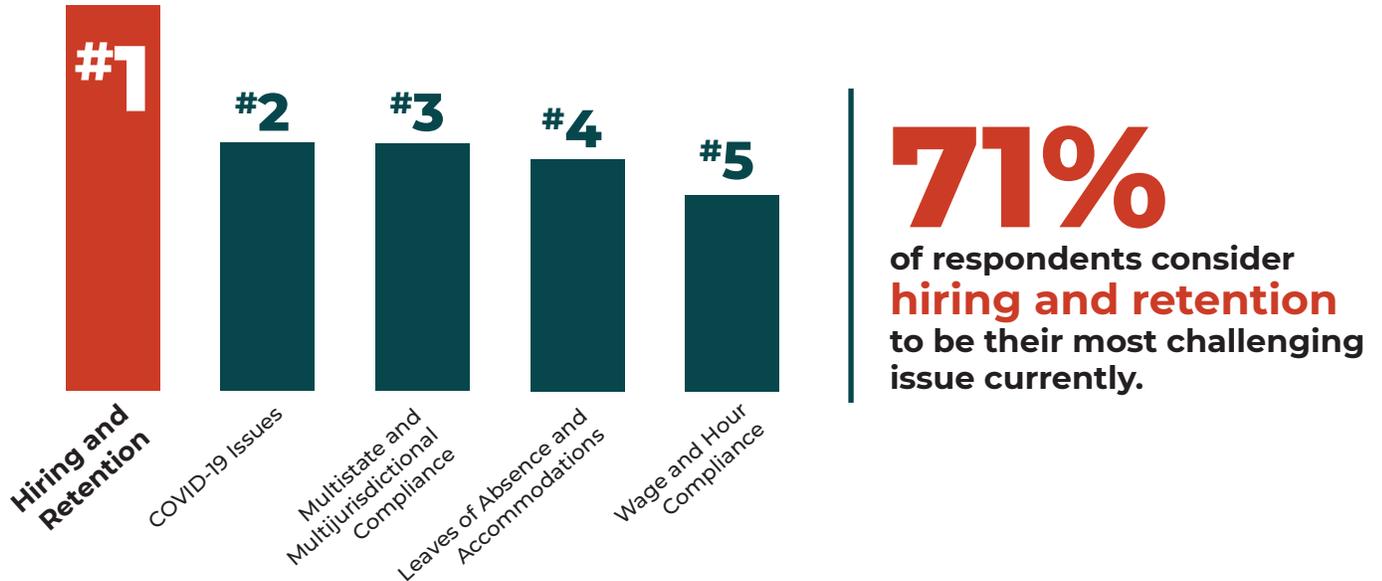


Representing companies of all sizes



Hiring and Retention is the Top Challenge

Most challenging issues, ranked from 1 (most challenging) to 5 (least challenging)



62.4%

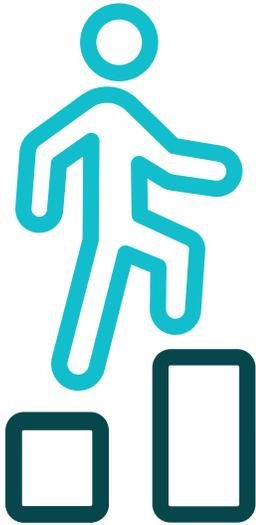
of respondents identified a **lack of candidates** to be the biggest challenge in recruiting and hiring employees.

Only 25.4% of respondents think hiring employees **will become easier** in the next 12 months.



Hiring Challenges and Solutions

Changes companies have made to help with **recruiting/hiring** challenges:



82.6%

of respondents have increased their base pay.

31.2%

of respondents have enhanced their benefits.

63.6%

of respondents have utilized hiring/signing bonuses.

26.5%

of respondents have increased incentive pay tied to company or employee performance.



20.5%

of respondents have eliminated COVID-19 vaccination requirements.



17.2%

of respondents have eliminated or relaxed background check requirements.



16.8%

of respondents have relaxed educational requirements.



15.8%

of respondents have eliminated pre-employment drug testing.

9.5%

of respondents have taken other actions, including:

Providing flexible/hybrid/remote working arrangements

Eliminating marijuana from their drug screening panel

Offering referral bonuses or incentives

Retention Challenges and Solutions

Changes companies have made to help with **retention** challenges:



73%

of respondents have increased their base pay.

34.4%

of respondents have enhanced their benefits.

45.8%

of respondents have utilized retention bonuses.

35%

of respondents have increased incentive pay tied to company or employee performance.

58.2%

of respondents have strengthened focus on wellness and/or diversity, equity, and inclusion.



27.4%

of respondents have implemented or enhanced mentoring.



5.4%

of respondents have enforced restrictive covenants.



3.4%

of respondents have eliminated random drug testing.

7.6%

of respondents have taken other action, including:

Providing flexible/hybrid/remote working arrangements

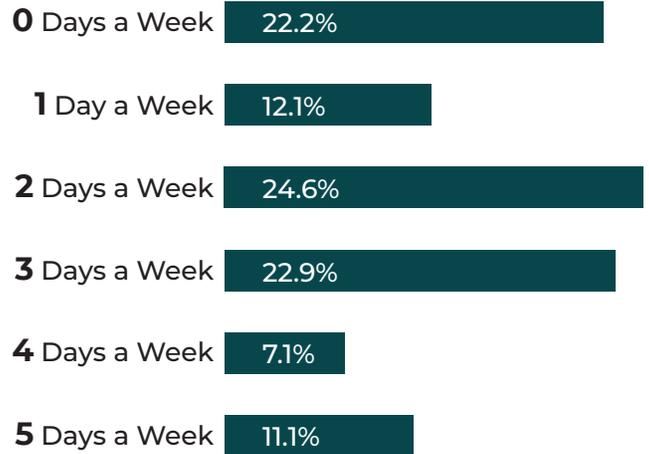
Eliminating marijuana from their drug screening panel

Increasing focus on company culture, engagement, and communication

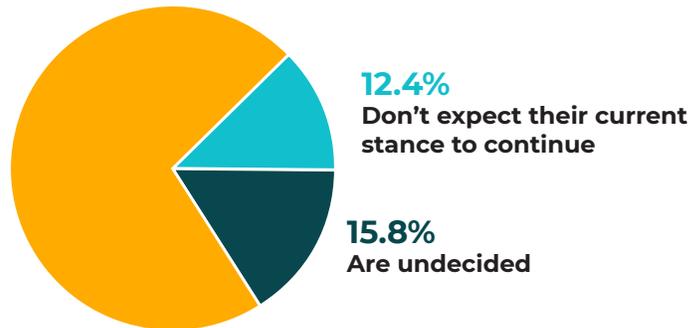
Where is the workforce working?



On average, how many days a week is your workforce working remotely?

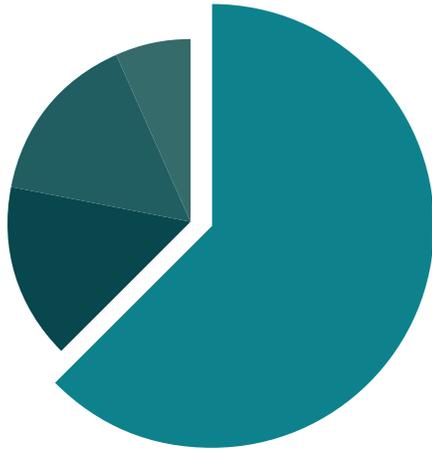


71.8%
of respondents expect to keep their current stance regarding remote work for the foreseeable future.



72%
of respondents say their employees' desire for remote work is much stronger than before the pandemic.

COVID-19 Vaccination and Testing



62.5%

of respondents have **no vaccination or testing policy** in place.

15.4%
of respondents have **a mandatory vaccination policy** in place.



6.6%
of respondents have **either a vaccination or testing policy** in place.



15.5%
of respondents have **a different policy or practice** in place, including:

- Follows the requirements of local or state orders/other regulations (e.g., Centers for Medicare & Medicaid Services vaccine mandate for healthcare workers)
- Mandatory vaccination only for certain employee populations
- Vaccination is encouraged and/or incentivized but not required

Challenging Multijurisdictional Issues

According to our respondents,
**the most challenging
multijurisdictional
compliance issues are:**

#1 **Leaves of Absence**
(Paid Sick Leave, FMLA and
State Leave Laws, etc.) 

#2 **Wage and
Hour Laws** 

#3 **Handbooks and
Other Policies** 

#4 **Background
Checks** 

#5 **Marijuana
Laws** 



42%

of respondents use **contingent workers** as a significant element of their current business model.



18.7%

of respondents use **artificial intelligence** for recruiting and hiring purposes.

Utilizing Outside Counsel and Hiring In-House Counsel



Only **12.7%**
of respondents will be adding more
in-house attorneys
over the next 12 months.

29.3%
of respondents will be using
outside counsel
more over the next 12 months.



Optimism About the Future



82%
of respondents are
**optimistic about their
company's future.**

The Next Wave of Employment-Related Issues

Just **22.7%**
of respondents expect
a significant increase in
employment-related claims
in the next 12 months.



What do you see as the next wave of labor and employment issues that companies will face in the next 24 months?

18%

Remote Work

"They worked from home for two years and now are required to come back to the office—why?"

"Employees are bouncing around like a 0% credit card offer to get the best deal and not taking ownership in their organization."

11%

Tight Labor Market

"We've already seen an uptick in mental health-related accommodations and leave requests; there's a balancing act to keep the job protected, but find willing temporary labor."

10%

Americans with Disabilities Act (ADA)

"The NLRB is reaching into all areas of business, and unions are building consensus with local government to address areas that they cannot get through organizing and bargaining."

9%

Traditional Labor

*Chart does not add up to 100%.
Not all responses have been included.

The Next Big Compliance Risk

What do you think is the biggest compliance risk that no one is really talking about?

Cybersecurity

“Since the pandemic, we have seen a lot of fraudulent unemployment claims and hackers.”

“Training new employees on cyber issues and the increase in risk to employers from a cyber standpoint as they face employee turnover.”

Remote Work

“The impact of hybrid work arrangements on potential gender discrimination in promotions and career development opportunities.”

“A dual employment with remote workforce.”

Multijurisdictional Compliance

“Compliance with all regulations especially if you are in almost all 50 states.”

“The complexity and continual changing on multi-state laws/expectations.”

Wage and Hour Laws

“Exempt employees working non-exempt positions because of the lack of workforce.”

“Use of independent contractors in the temp agency space.”

Pay Equity and Transparency

“Using compensation data/salary survey data inappropriately.”

“Pay equity due to competitive job market conditions that require offers that are higher than what our current employees make.”

**Independent, Unbiased Research
Based Solely on Feedback
From In-House Counsel and
Senior HR Professionals**

