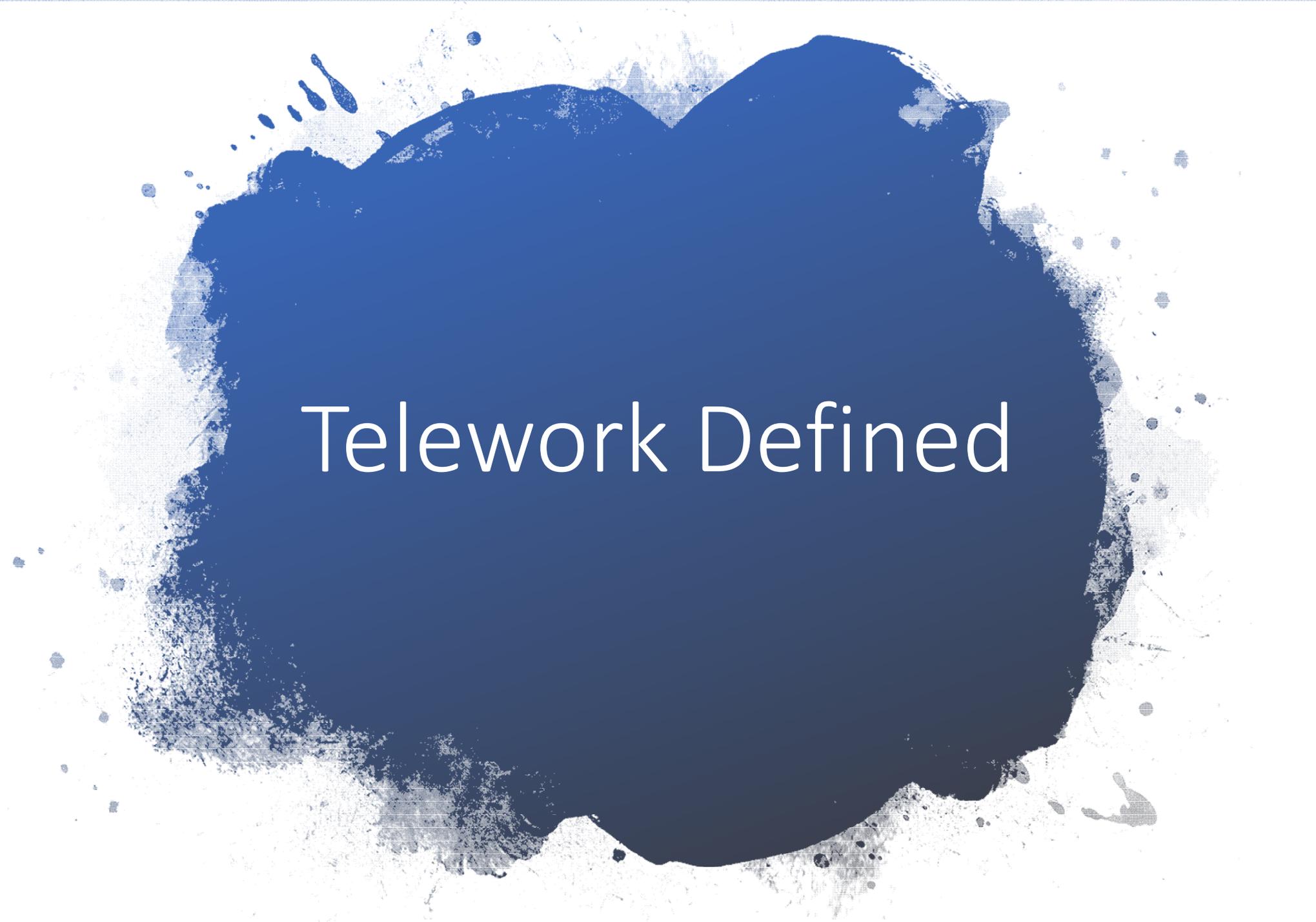


EMPLOYER CONSIDERATIONS FOR A REMOTE WORKFORCE

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Telework Defined

Telework Enhancement Act of 2010

A work flexibility arrangement under which an employee performs the duties and responsibilities of such employee's position, and other authorized activities, from an approved worksite other than the location from which the employee would otherwise work.

Families First Coronavirus Response Act (FFCRA)

Work the Employer permits or allows an Employee to perform while the Employee is at home or at a location other than the Employee's normal workplace.

Working From Home Is Still Rare In The United States

Number of workdays U.S. employees telecommute in a typical month*

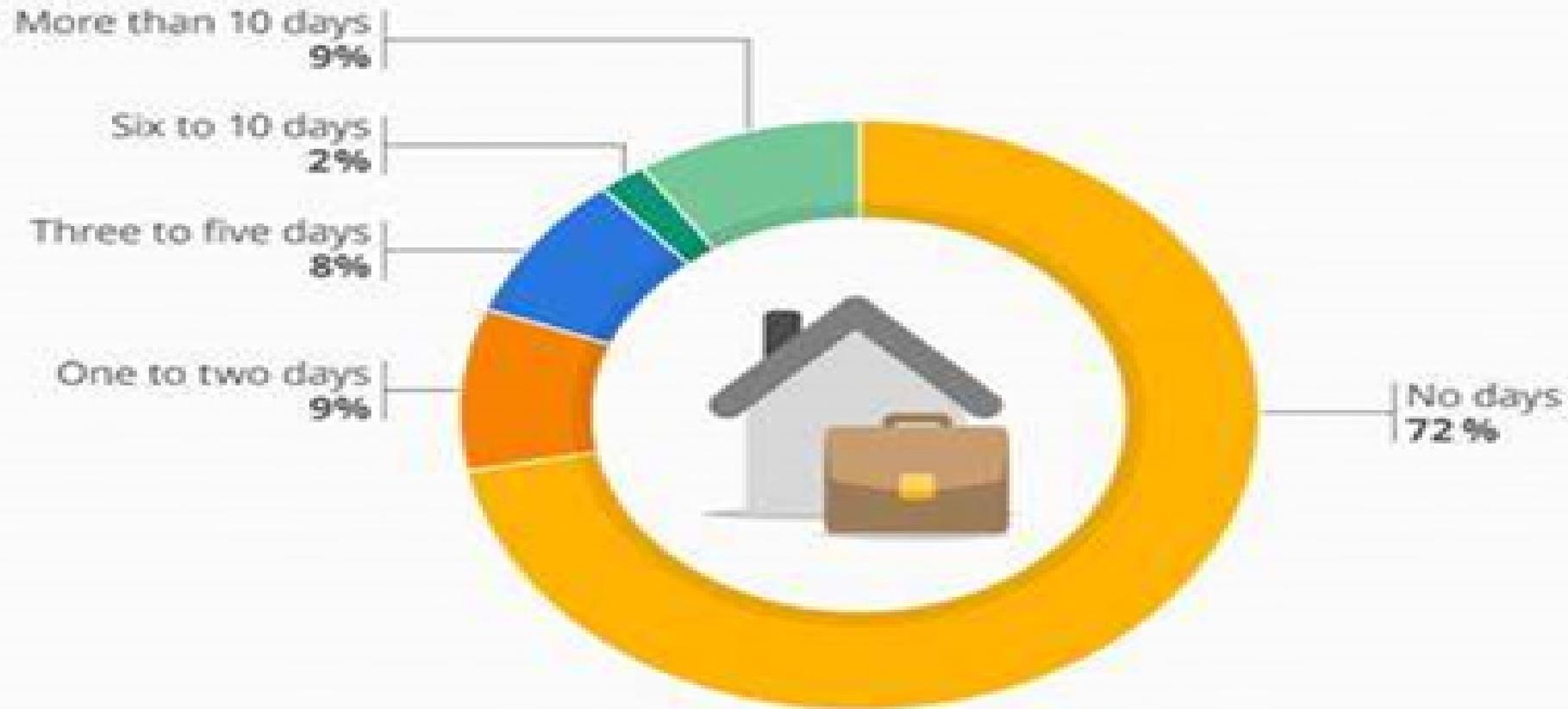
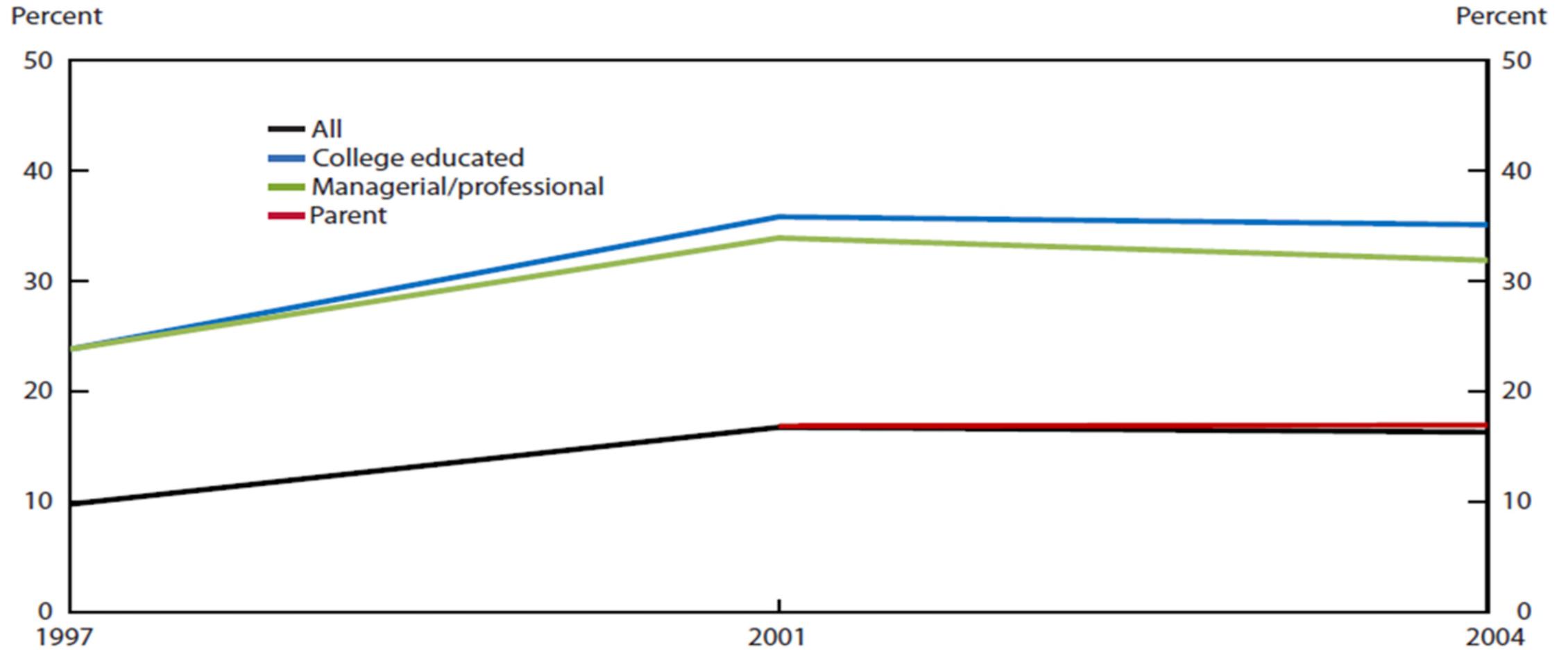


Chart 2. Percentage of workers telecommuting over time, by education, occupation, and parental status

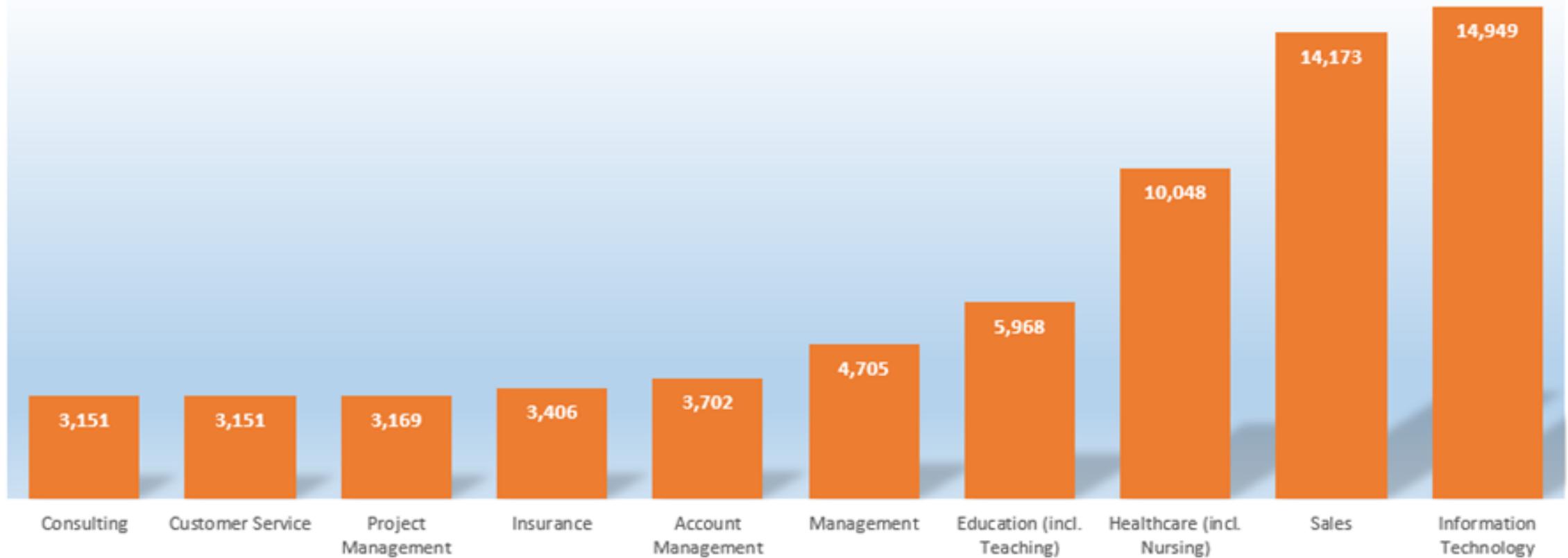


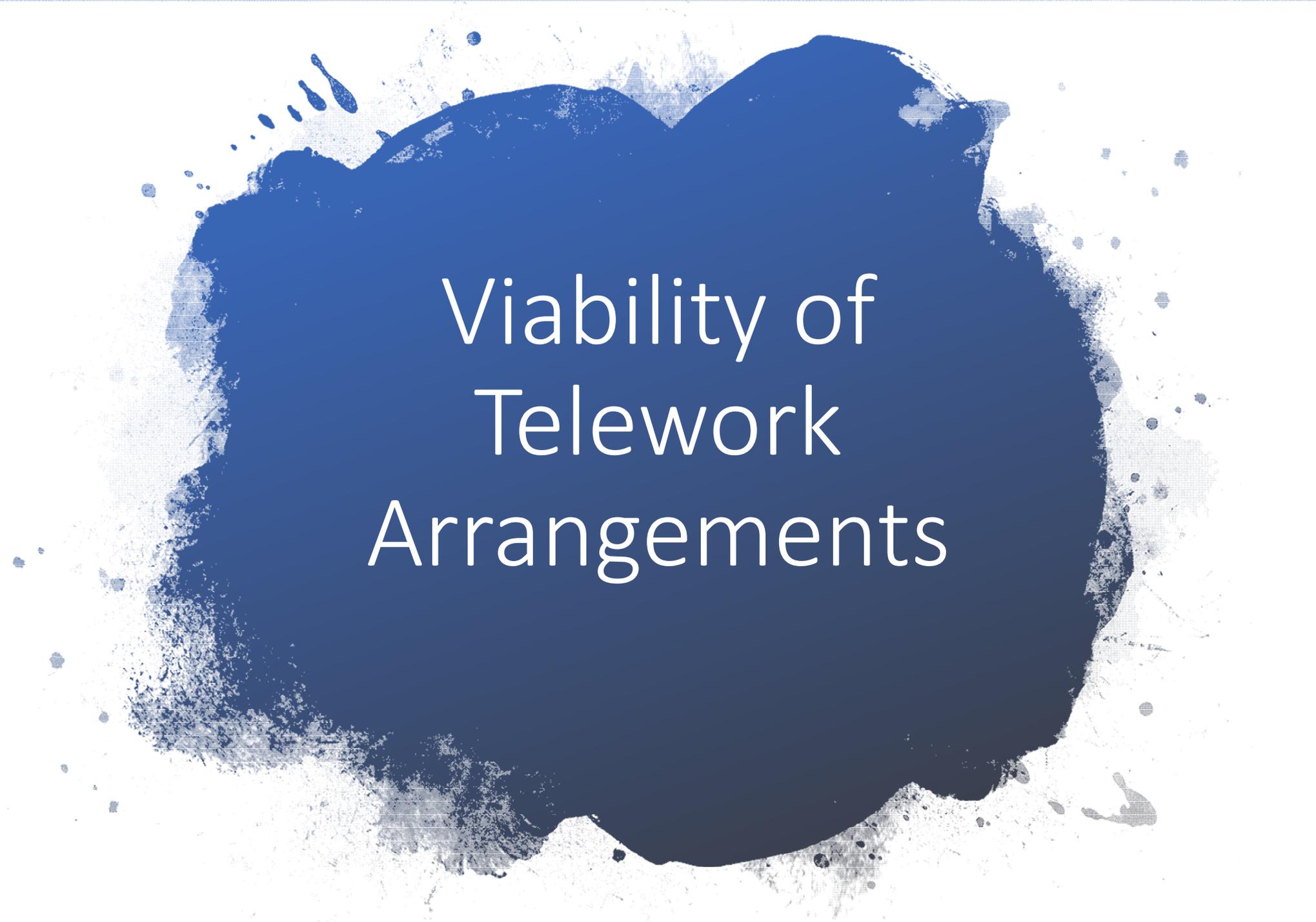
SOURCE: Special supplement from the U.S. Census Current Population Survey (CPS).

Top 10 Telecommute Career Industries (January 1 - June 30, 2016)



■ Number of Telecommute Jobs

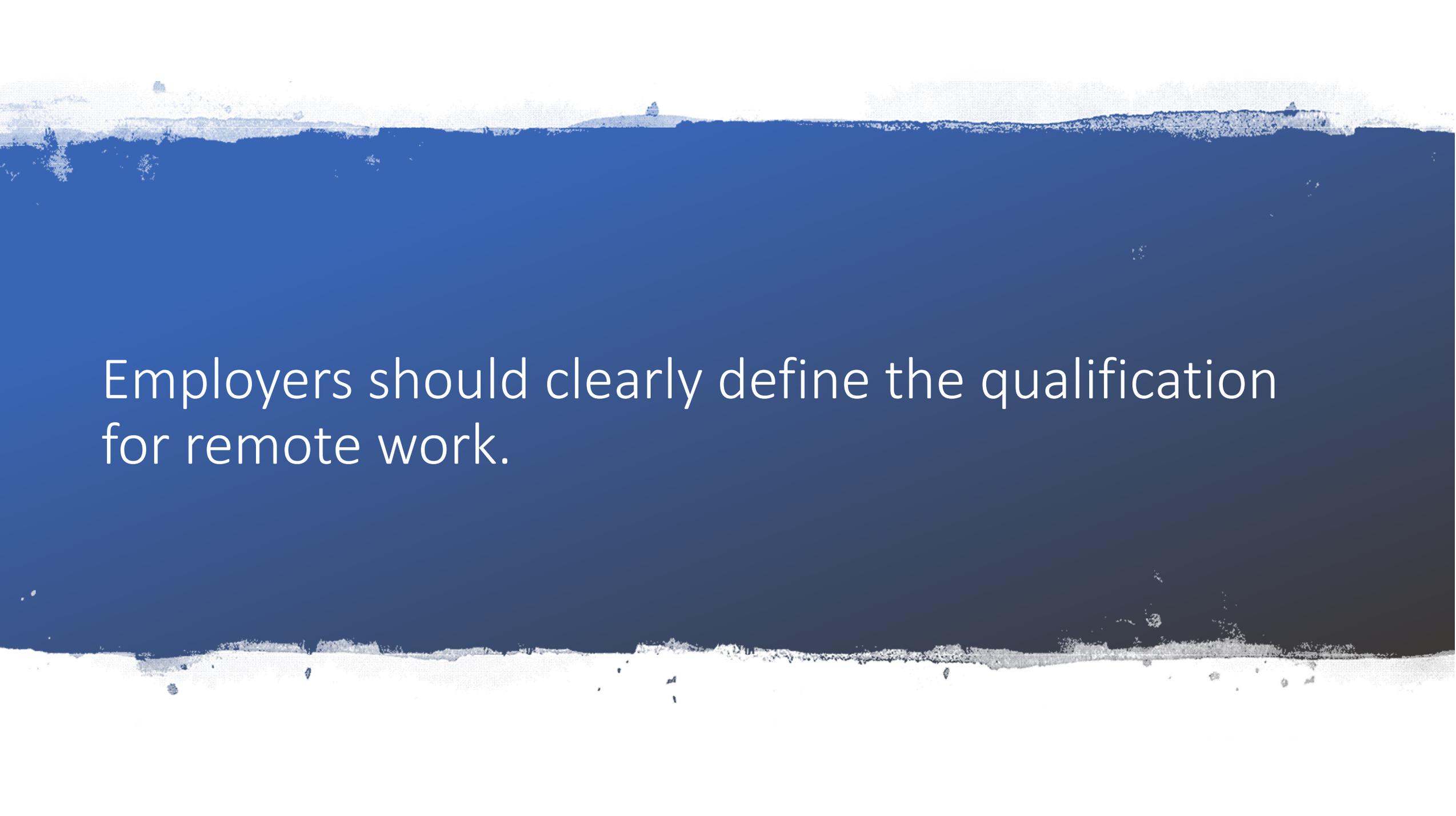




Viability of Telework Arrangements

Telework is appropriate for jobs involving independent work that does not require significant face-to-face interaction and can be monitored based upon a production output model.

Employers should engage in an interactive process to determine whether a job can be performed remotely.

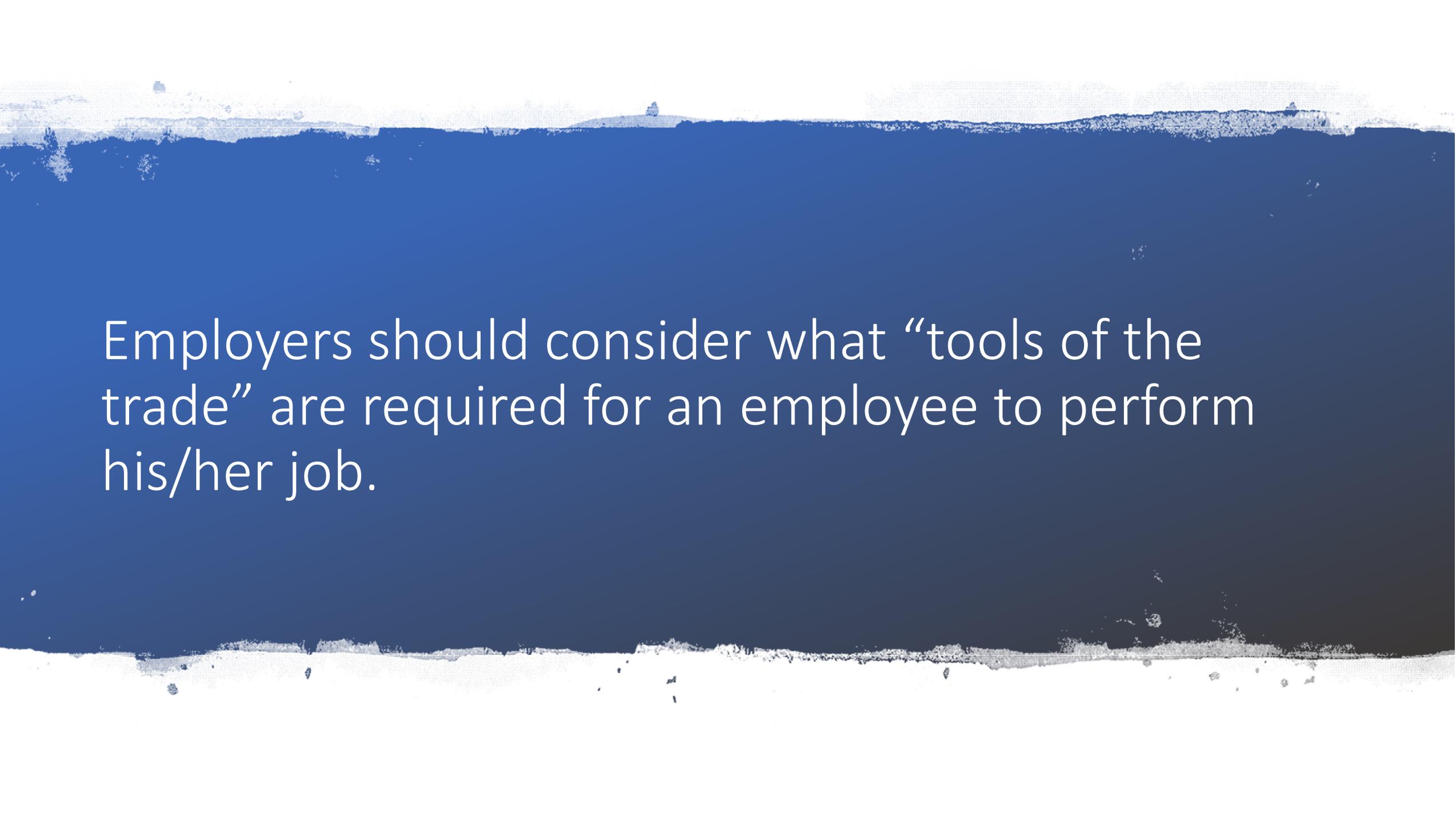


Employers should clearly define the qualification for remote work.

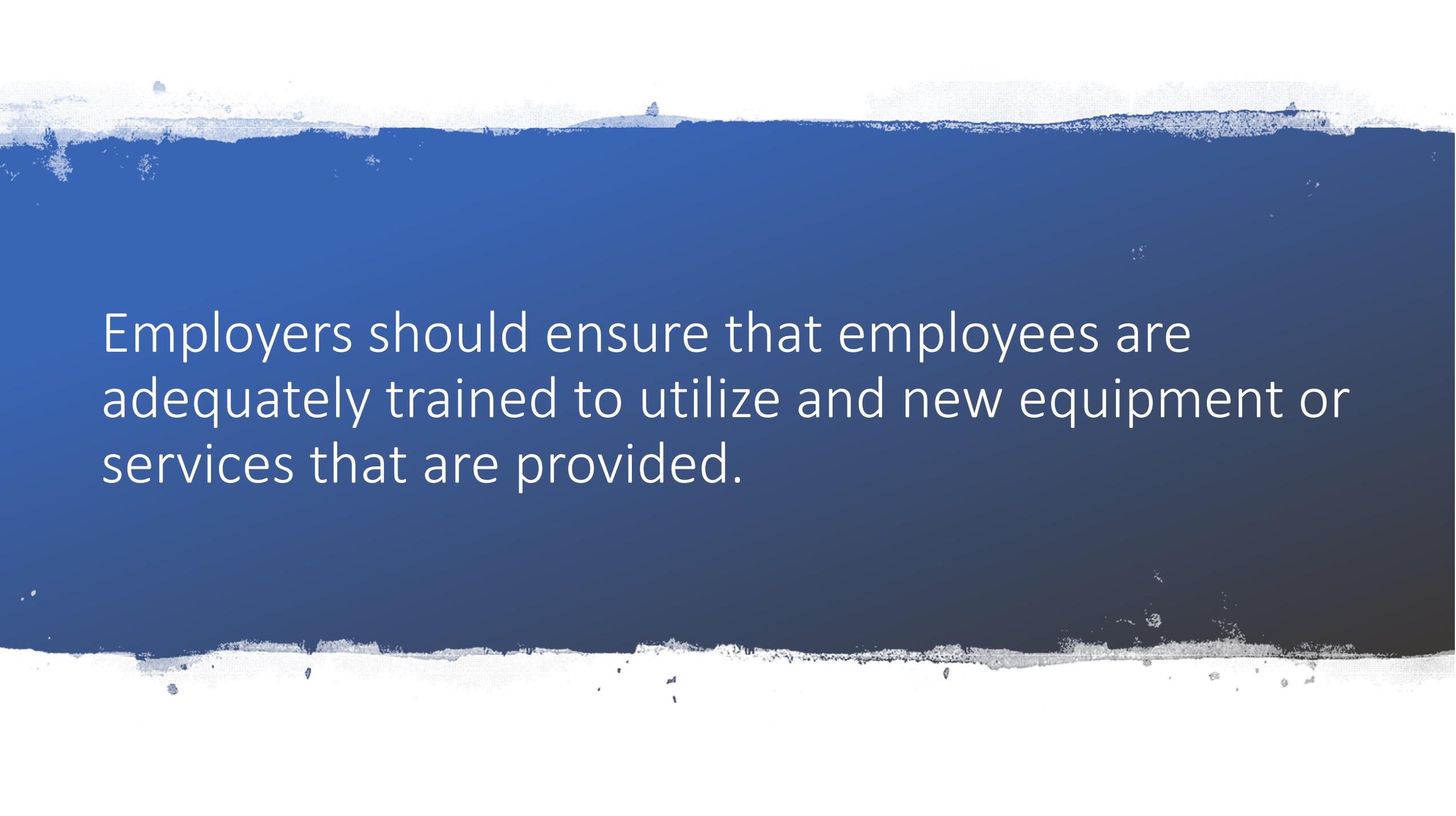
Employers should differentiate between voluntary telework arrangements, which are subject to change, and involuntary telework arrangements, which are mandated as a “reasonable accommodation” under the ADA.



Equipment and Technology Requirements

A background image of a snowy mountain range under a blue sky. The mountains are covered in snow and are set against a clear, bright blue sky. The foreground is a flat, snow-covered field.

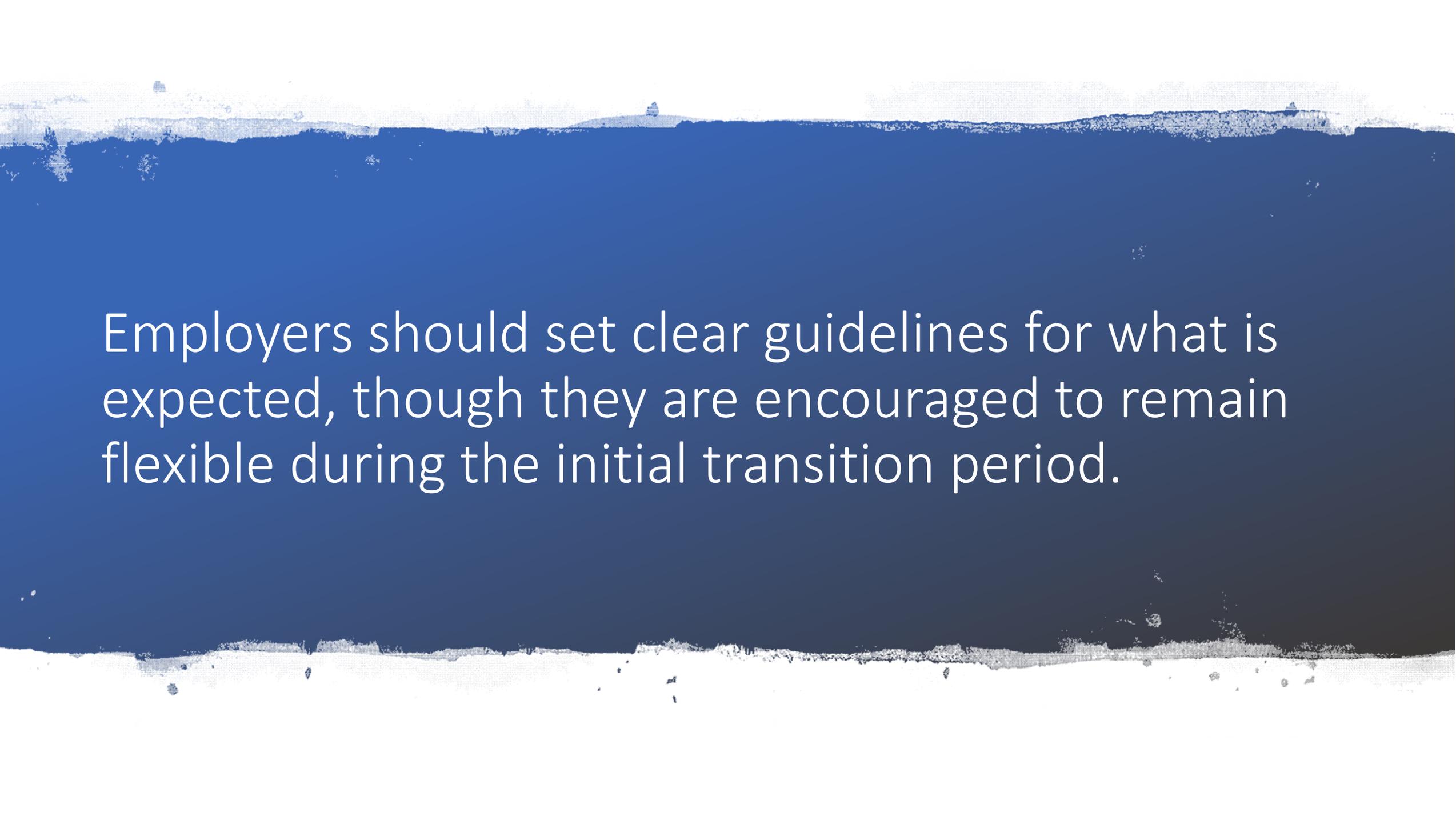
Employers should consider what “tools of the trade” are required for an employee to perform his/her job.

The background of the slide features a landscape with a field in the foreground and a horizon line. The sky is a mix of light and dark blue, suggesting a sunset or sunrise. The entire image is overlaid with a semi-transparent blue gradient that is darker at the top and bottom edges, creating a frame for the text.

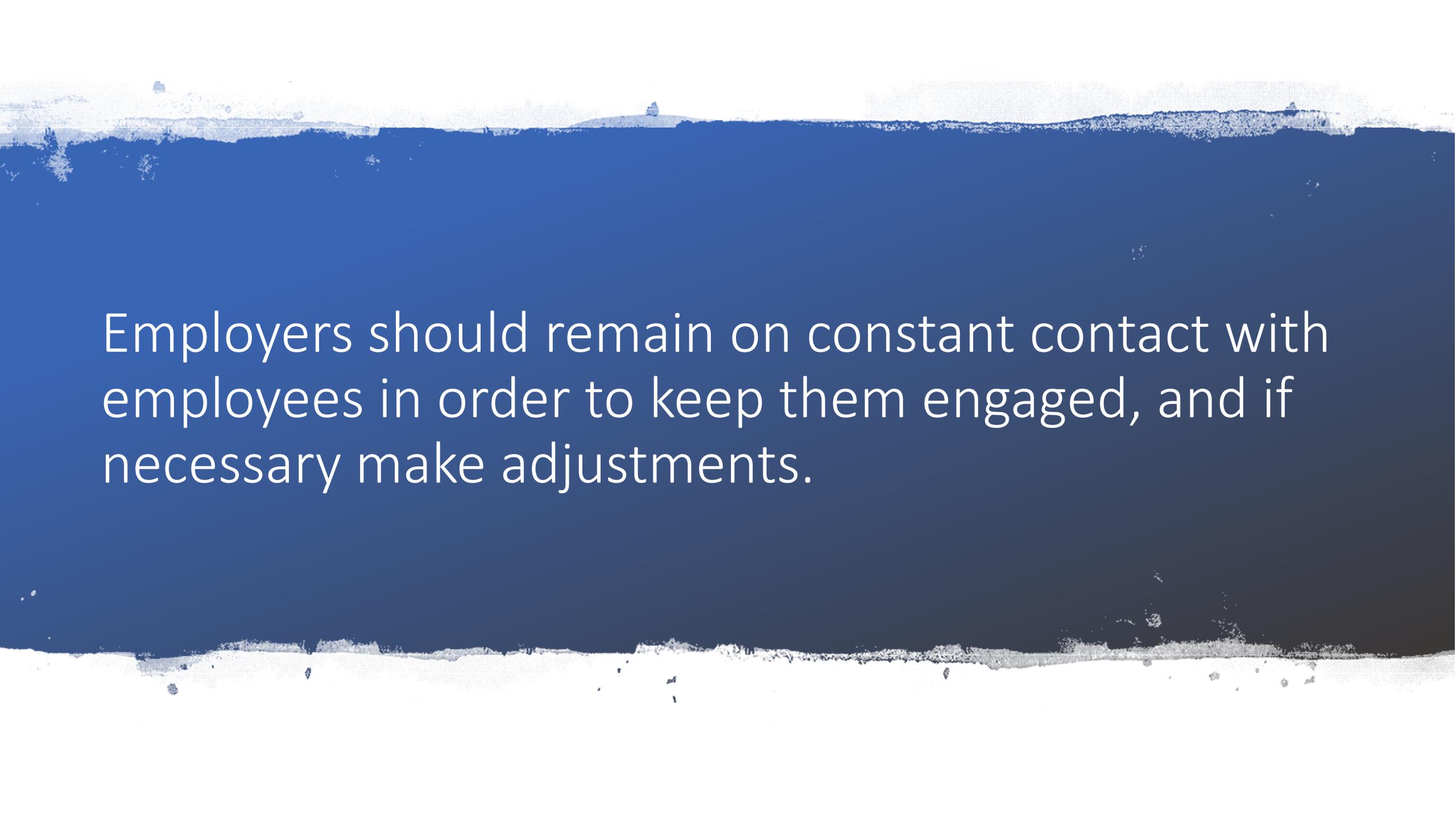
Employers should ensure that employees are adequately trained to utilize and new equipment or services that are provided.

A dark blue, irregularly shaped graphic with a splatter effect, containing white text. The graphic is centered on a white background and has a rough, ink-like border. The text is arranged in three lines, centered within the graphic.

Performance and
Productivity
Accountability



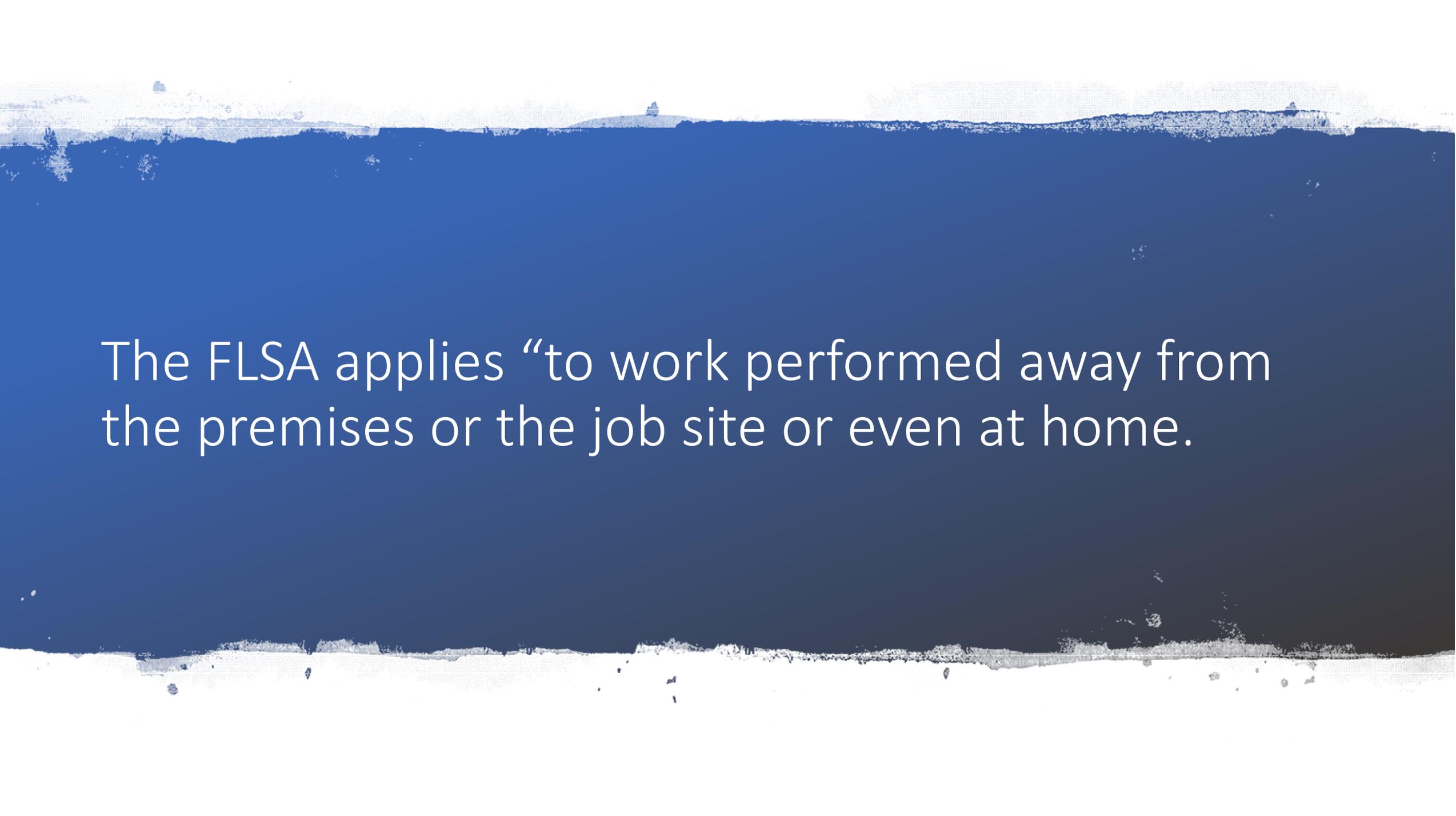
Employers should set clear guidelines for what is expected, though they are encouraged to remain flexible during the initial transition period.



Employers should remain on constant contact with employees in order to keep them engaged, and if necessary make adjustments.



Overtime



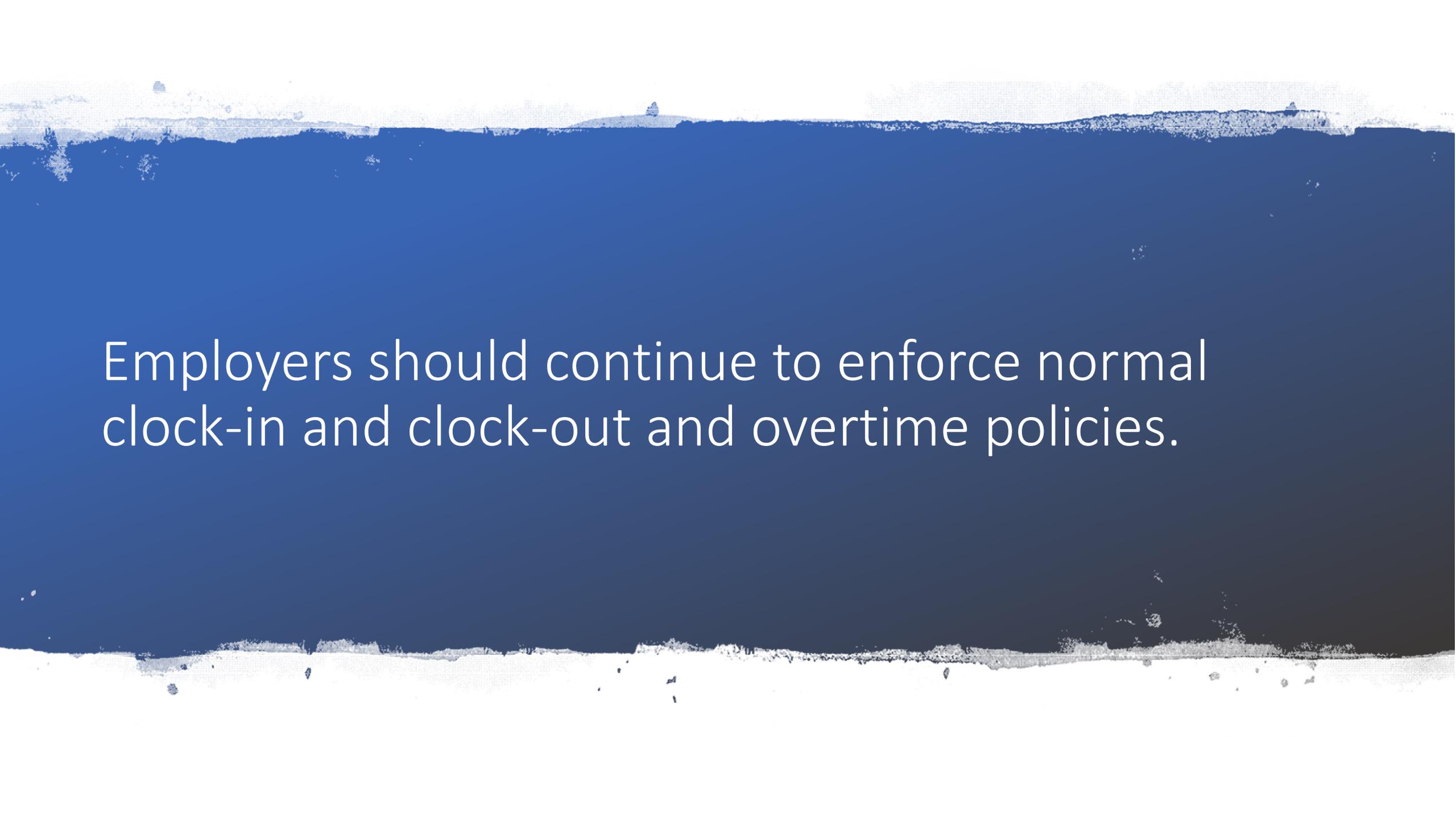
The FLSA applies “to work performed away from the premises or the job site or even at home.

The FFCRA provides that “Telework is work for which wages must be paid as required by applicable law and is not compensated as paid leave under the EPSLA or the EFMLEA.”

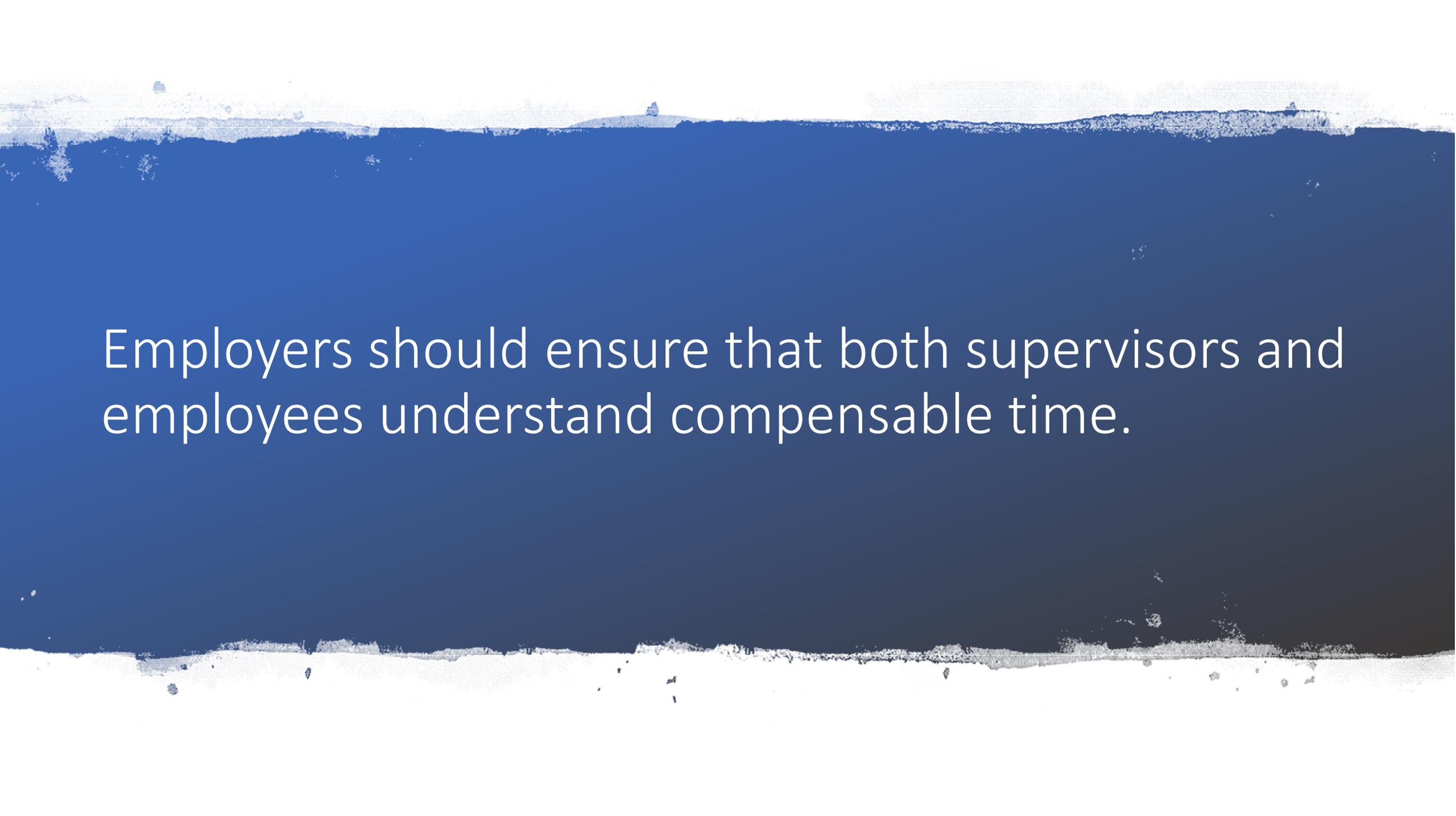
The FFCRA further provides that “Employees who are teleworking for COVID-19 related reasons must be compensated for all hours actually worked and which the Employer knows or should have known were worked by the Employee.”



Employers should closely monitor hours worked remotely.

A blue-tinted landscape photograph of a field with a line of trees in the background. The text is overlaid on the image.

Employers should continue to enforce normal clock-in and clock-out and overtime policies.



Employers should ensure that both supervisors and employees understand compensable time.

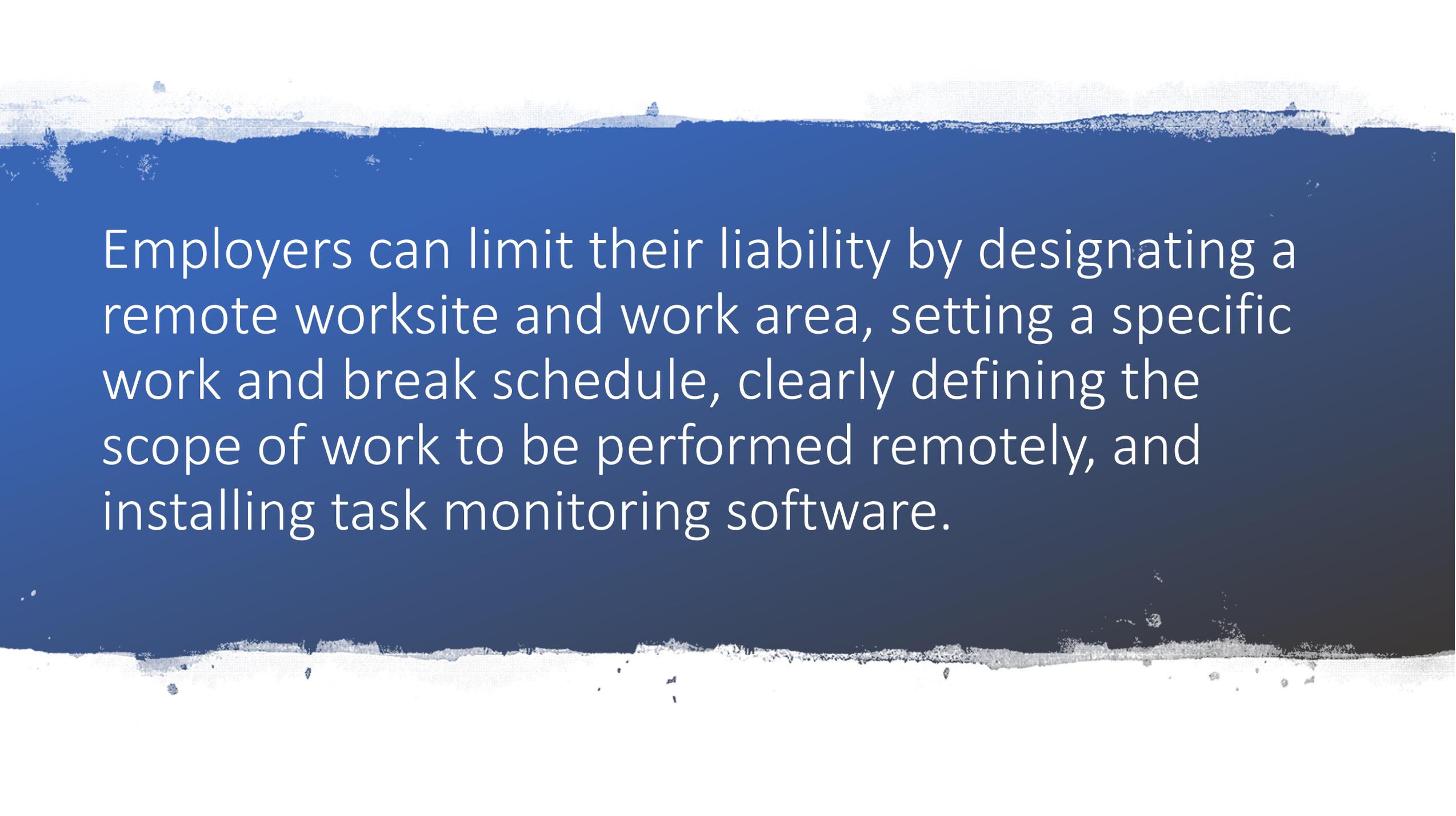


Insurance Coverage



Typical employment related insurance coverages apply regardless of whether the incident giving rise to the claim occurs at the workplace or remotely.

The Louisiana Workers' Compensation Law provides benefits for "personal injury by accident arising out of and in the course of his employment" and applies "to every person performing services arising out of and incidental to his employment in the course of . . . his employer's trade, business, or occupation."



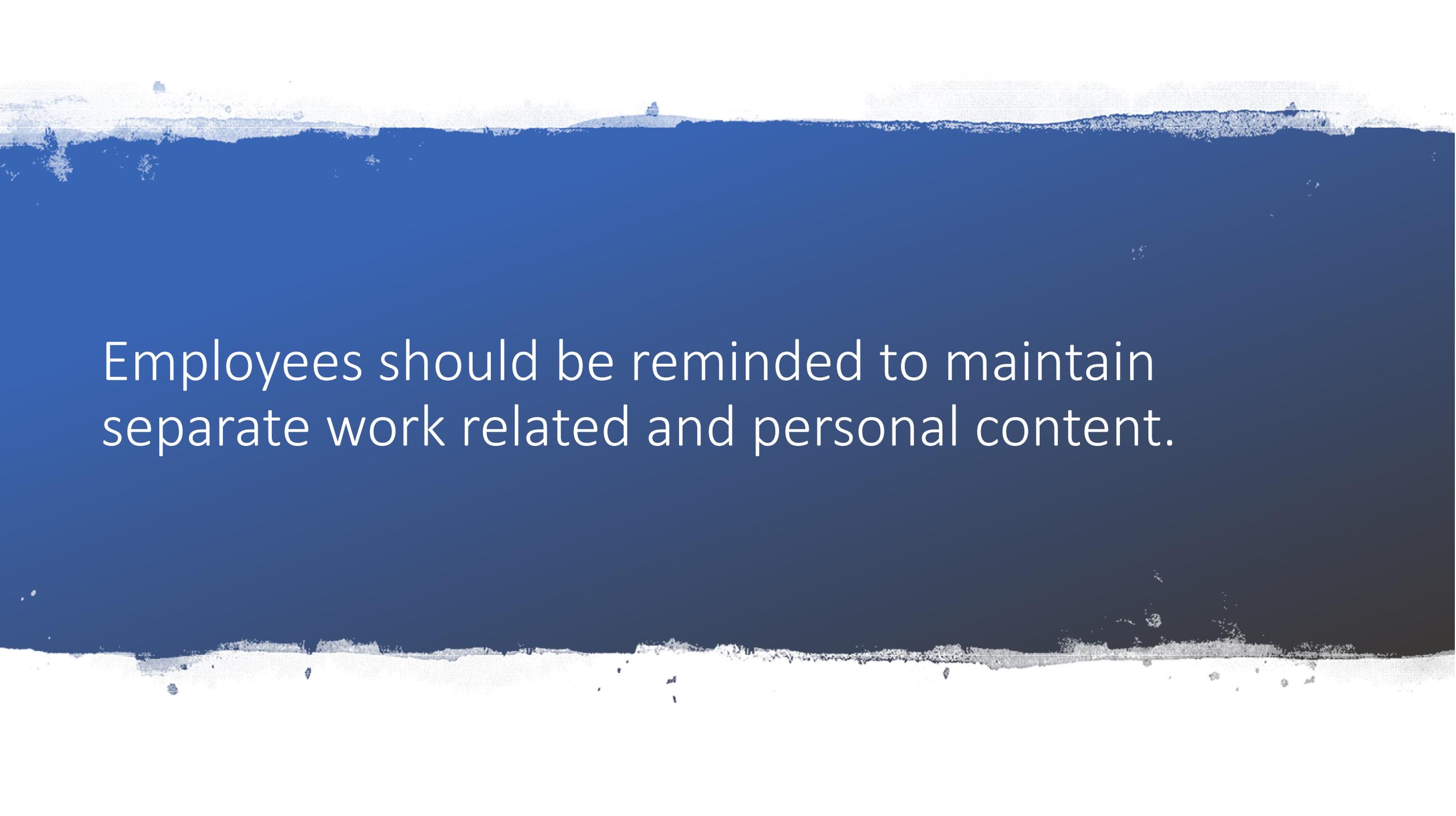
Employers can limit their liability by designating a remote worksite and work area, setting a specific work and break schedule, clearly defining the scope of work to be performed remotely, and installing task monitoring software.



Privacy and Confidentiality



Employers should continue to enforce normal computer and telephone usage policies.



Employees should be reminded to maintain separate work related and personal content.

Employees should be reminded of their responsibility to protect confidential and proprietary information and required to immediately report any security breaches.



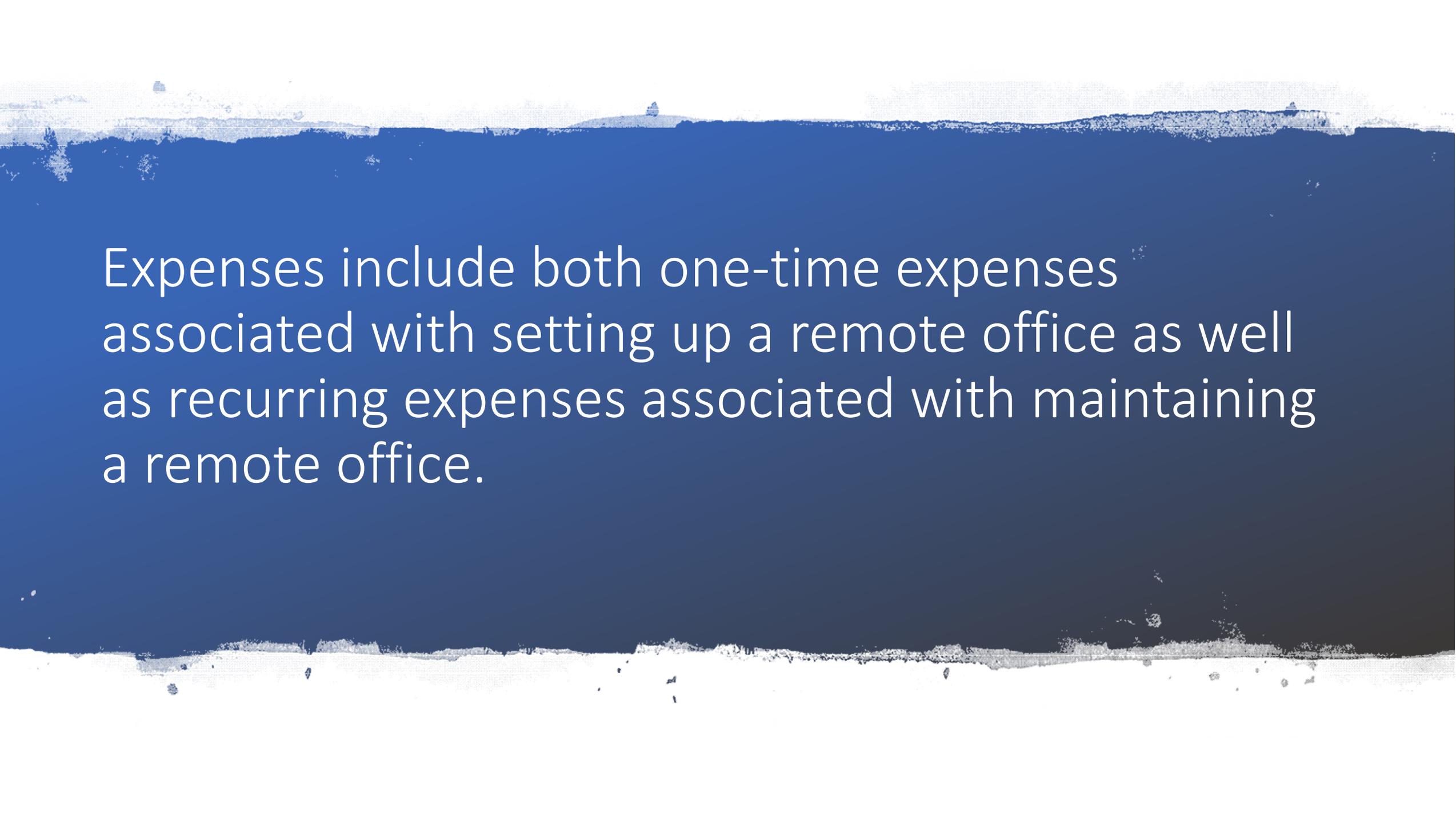
Workplace Safety

OSHA's General Duty Clause requires employers to "furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or likely to cause death or serious physical harm to his employees."

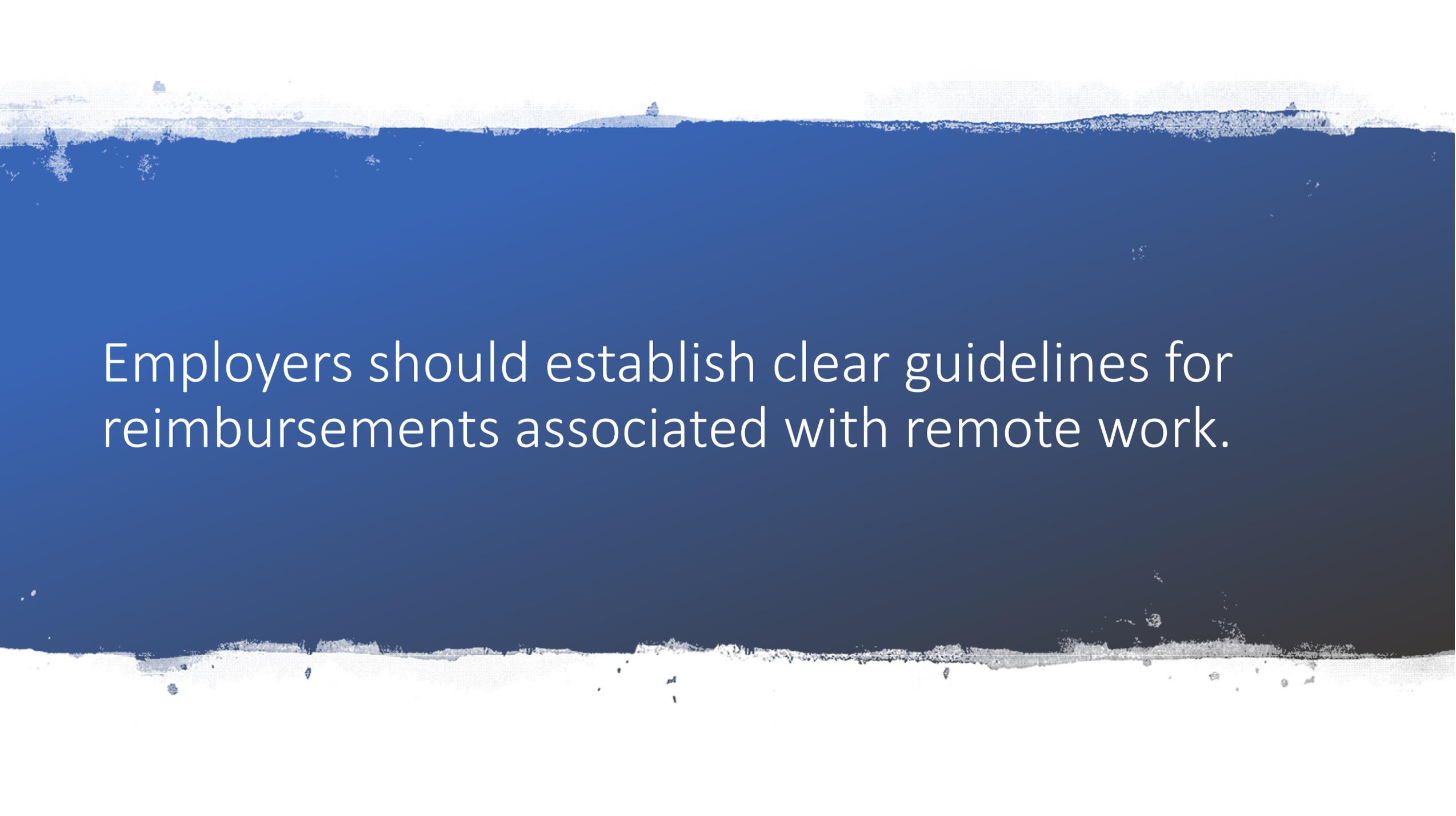
OSHA has stated that it “will not conduct inspections of employees’ home offices” and “will not hold employers liable for employees’ home offices, and does not expect employers to inspect the home offices of their employees.”



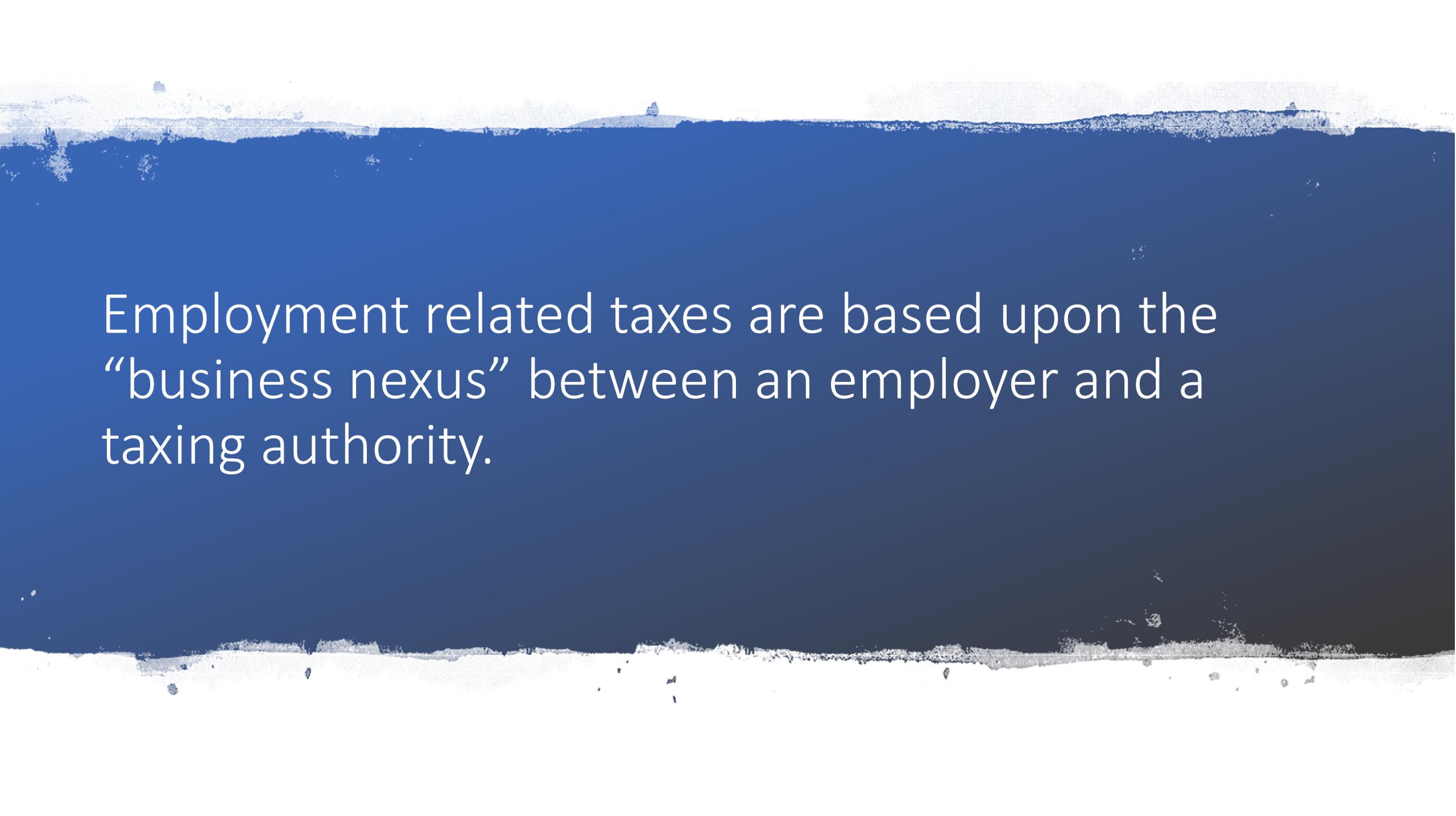
Costs and Tax Liability



Expenses include both one-time expenses associated with setting up a remote office as well as recurring expenses associated with maintaining a remote office.



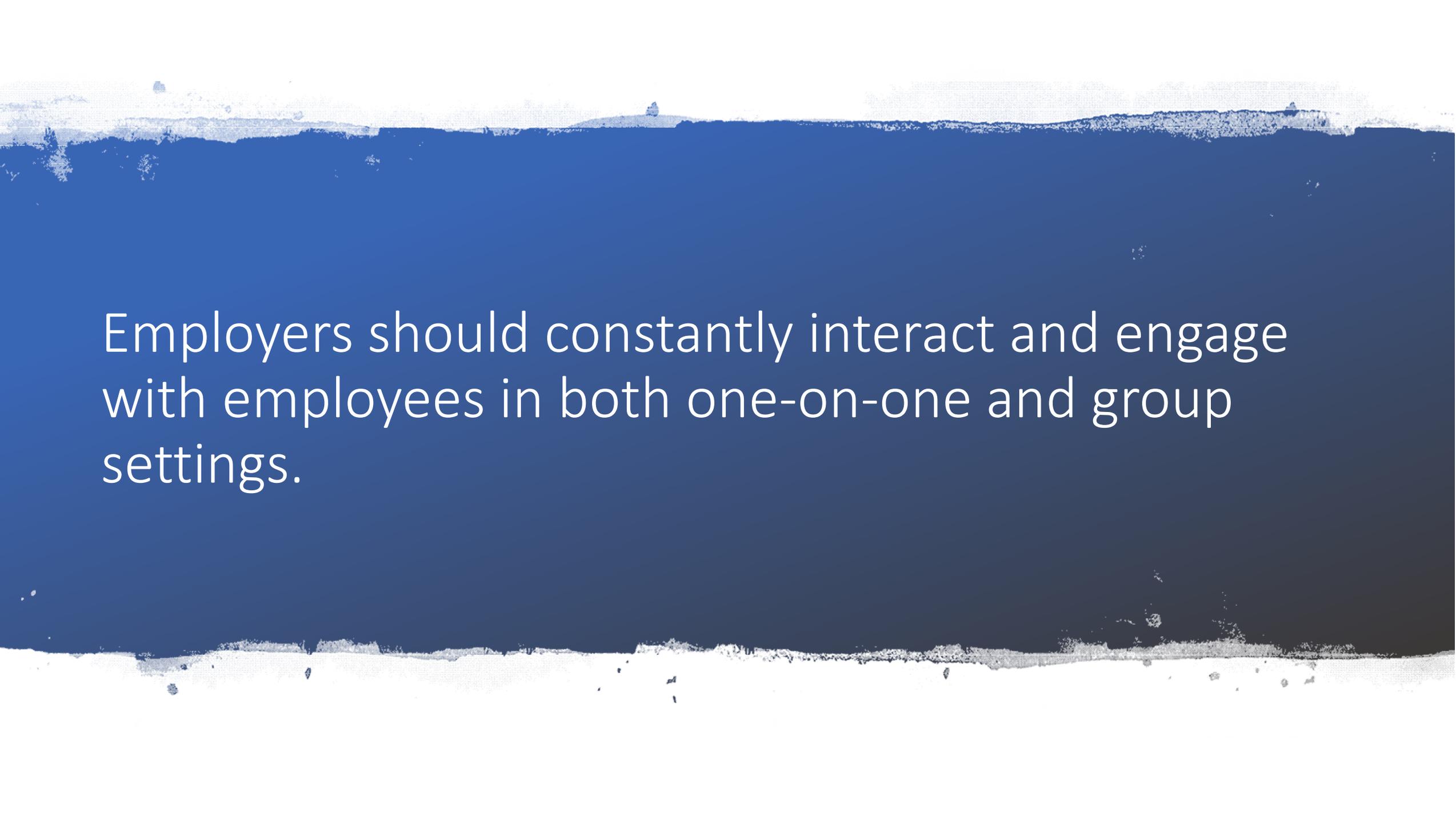
Employers should establish clear guidelines for reimbursements associated with remote work.



Employment related taxes are based upon the “business nexus” between an employer and a taxing authority.



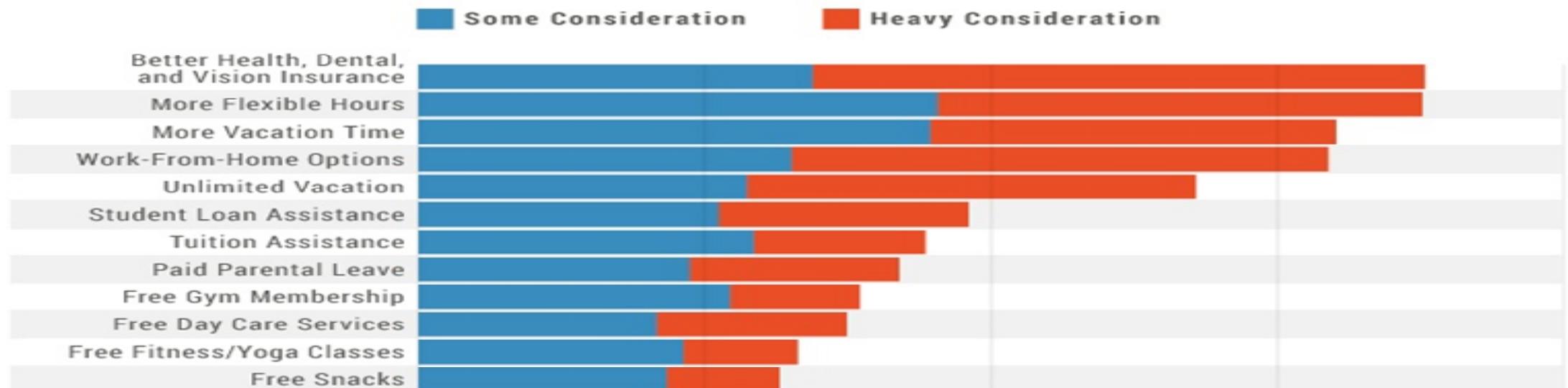
Company Culture and Employee Satisfaction

A blue-tinted landscape photograph of a field with a forest in the background. The text is overlaid on the left side of the image.

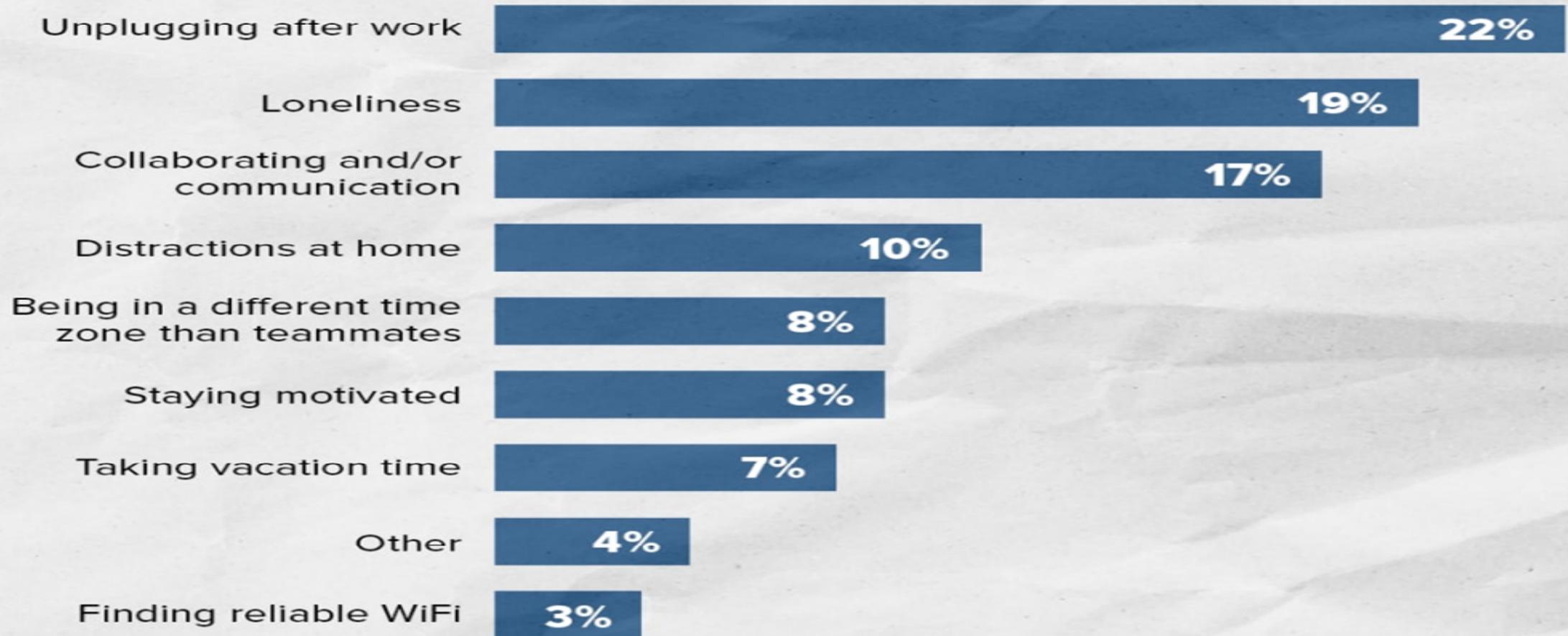
Employers should constantly interact and engage with employees in both one-on-one and group settings.

WHAT ARE THE MOST IMPORTANT BENEFITS TO JOB SEEKERS?

PERCENTAGE OF RESPONDENTS WHO WOULD GIVE "SOME CONSIDERATION" OR "HEAVY CONSIDERATION" TO EACH BENEFIT WHEN CHOOSING BETWEEN A HIGH-PAYING JOB AND A LOWER-PAYING JOB WITH BETTER BENEFITS



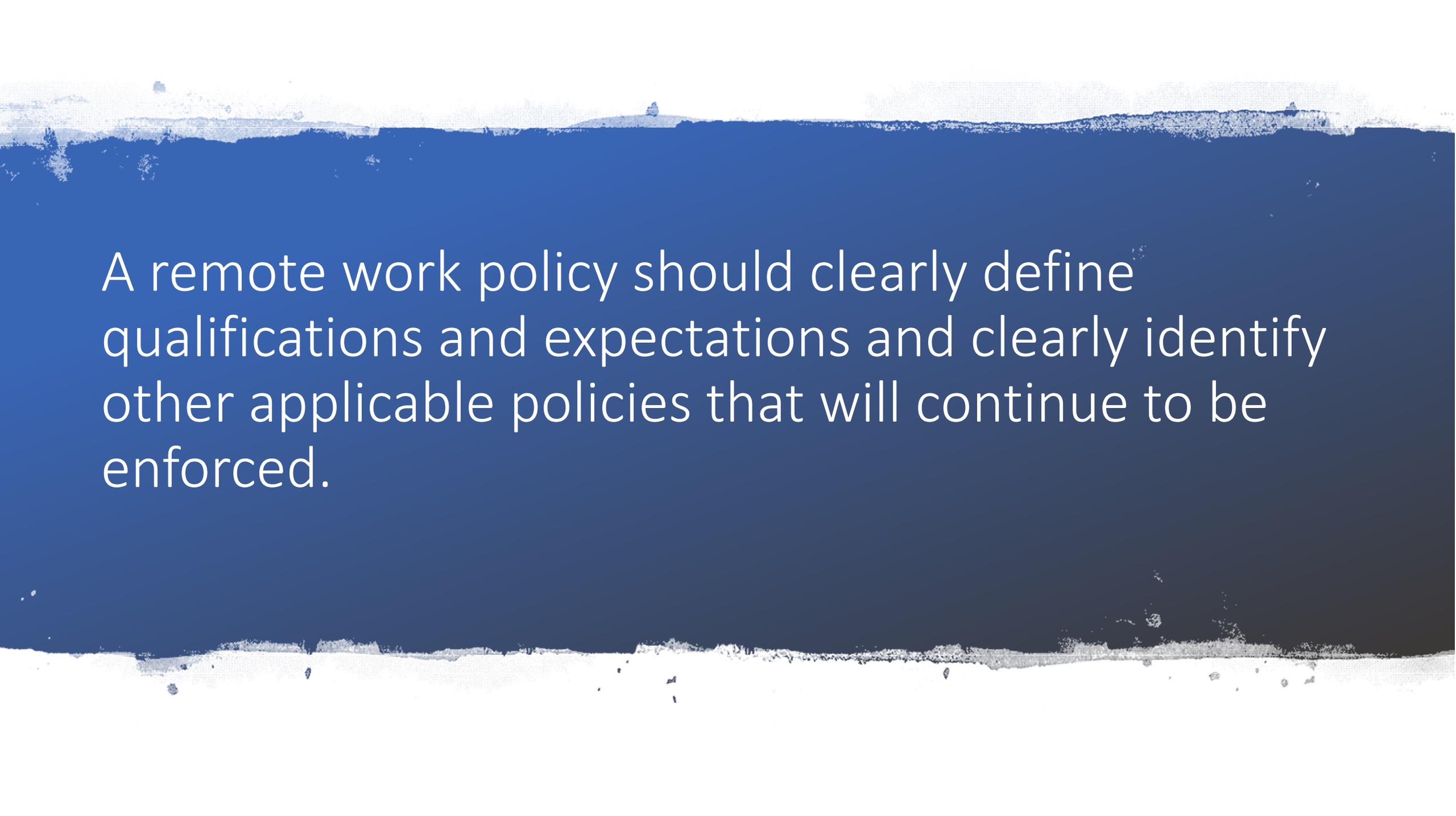
WHAT'S YOUR BIGGEST STRUGGLE WITH WORKING REMOTELY?



Source: 2019 *State of Remote Report* by buffer.com.



Written Policy
and/or Telework
Agreement



A remote work policy should clearly define qualifications and expectations and clearly identify other applicable policies that will continue to be enforced.