



# Telecommuters

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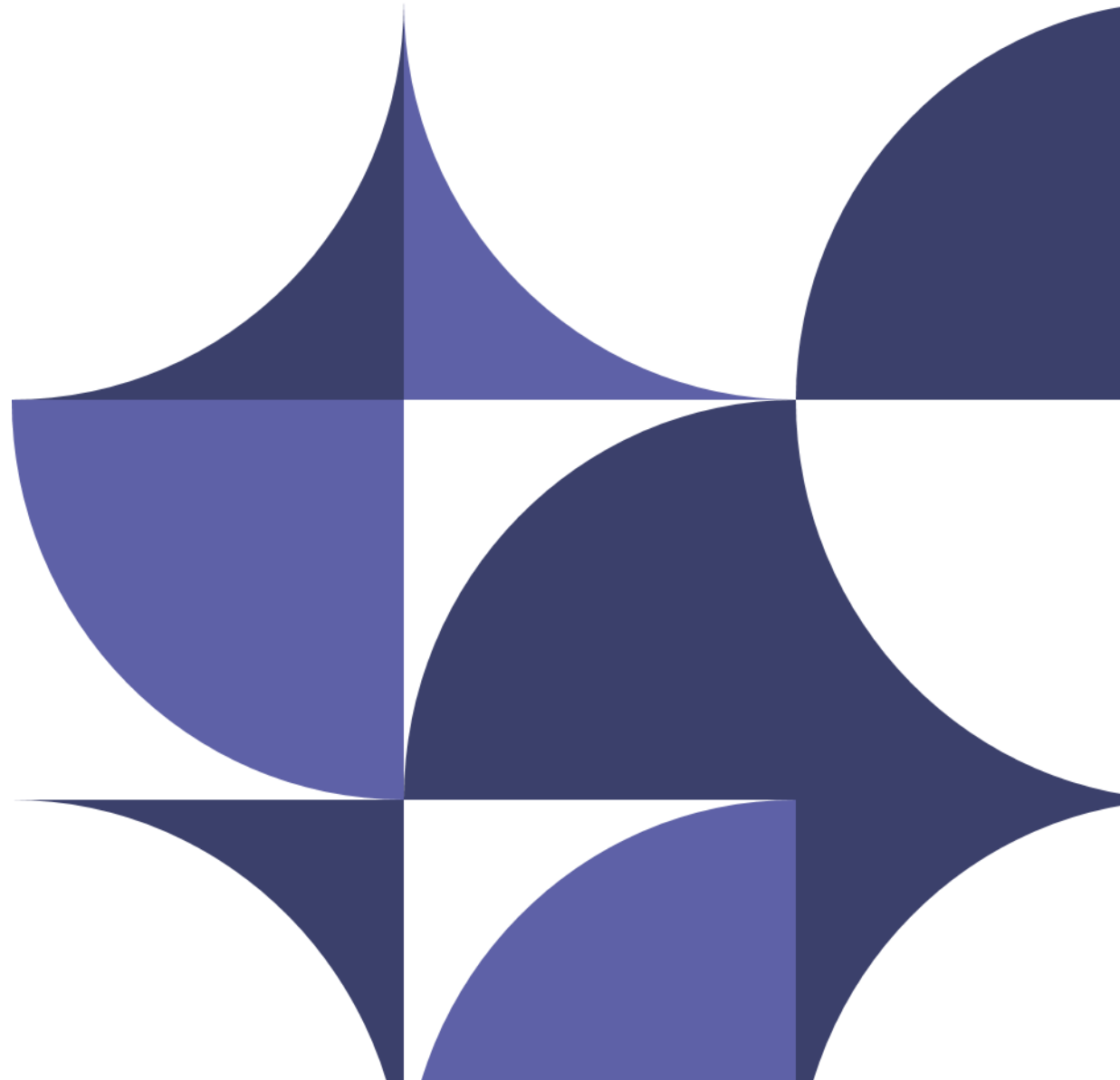
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# Have A Clear Policy

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You want to lay out the basics in terms of communications and compliance with relevant employment laws.

If you do not currently have a policy, put a temporary one in place.

# Wage and Hour

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- All Employees
  - Set expectations of when they will work and be available by phone and email
  - Put in the agreement how often they are expected to check and respond to emails messages
  - Put in the agreement the phone number at which the employee can be reached during their working hours
    - think about whether or not this should be a mobile and/or landline

# Hours of Work

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- Non-Exempt Employees
  - be clear about how the employee will record his/her time
  - be clear about the scheduled hours of work and instruct employees in writing not to perform work outside these hours with out written approval from supervisor in advance
- Exempt Employees
  - if they work any part of a week, they receive their full salary

# OSHA

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- Employer must maintain safe workplace and prevent foreseeable hazards – even for telecommuters
- In remote work, employee must keep worksite safe and free from hazards
  - provide employees with information package
  - require employee to provide photos of home workspace

# Worker's Compensation

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- There is the possibility of a workplace injury in a remote work setting.
- Employees should designate a specific, clearly defined area of the employee's house in which the employee will perform work.
  - key that the work area to be set apart from the rest of the employee's house to help ensure that covered injuries can be distinguished from those that are not covered.
- The same injury reporting rules that apply in the office also apply at the home work site.

# Confidential Information

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- The Employer should protect confidential information used in the home workspace to the same extent it protects such information at work
  - can lose trade secret status if the employer does not take affirmative steps to protect and ensure the confidentiality of such data
- Employees must take all necessary precautions to secure proprietary, confidential and privileged information of the employer.
- Provide employees with at-home security measures that the employee will take to secure company information and prevent unauthorized access to company information and systems

# Equipment/Costs

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- If employees are using personal cell phones or home internet service for work, there could be an obligation to reimburse (partially) this expense.
- State expense reimbursement laws
- FLSA



# Accommodating Disability

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- If an employee has a disability accommodation in place at the employer's workplace, they are generally still entitled to an accommodation in the remote workplace
- Have an interactive discussion about how the need for accommodation is potentially different in the remote workplace and what the accommodation would look like

# FFCRA

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- Employees who are able to telecommute are not eligible for leave under FFCRA
- However, if ability to telecommute is disrupted for a qualifying reason, they can become eligible

**Questions?????**

