



COVID-19 TASK FORCE

MANAGING TELEWORKING IN A COVID-19 WORLD

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Why Telework?

- Continuity of business operations
- Many non-essential employees are required to do so by Executive Order
- Allows employees who are sick or dealing with child care issues to still work

Other Benefits to Telecommuting

- Reduced Work/Family Conflict
- Improved Employee Retention
- Increased Size of Talent Pool
- Improved Productivity (when it works)

Is Telework even possible?

- Be creative and flexible, but also realistic
- Reasons why Telework may not be possible:
 - Work must be done at worksite
 - Security concerns
 - Make sure that IT security measures are in place to maintain confidentiality of company and customer information *BEFORE* allowing employees to telework!
 - Technological capabilities

The Role of IT

- IT failure is a frequent reason for telework failure
- Make sure your IT group is ready with technology that is effective, efficient, operates consistently
- Ensure a process for IT troubleshooting
- Involve your IT department in the process – their “buy-in” is crucial.

Starting Point

The Company should provide the tools and software needed for the employee to work from home:

- Laptop/computer
- Monitor, mouse, keyboard
- Printer?
- Access to company intranet and files
- Internet connection
- Telephone

Effective Teleworking

Strongly urge employees to:

- Create a dedicated work area.
- Establish a daily routine.

Creates a good dynamic to focus on work issues (i.e. “now is the time to work.”)

Job Expectations

Telework is still work

Experimenting is Okay!

- You can experiment to see if teleworking works for your business
 - Make sure employees know it is on a trial basis
 - Clearly communicate that you retain discretion to change or cancel the arrangement for any reason

Job Expectations

Consider a written policy that sets clear expectations for:

- Who is/not eligible to work from home
- Hours they are to keep
 - Standard work hours or different?
 - Remember to take breaks
- Responsiveness to customers/clients and supervisors
 - Still must meet normal responsiveness standards.

Tracking Hours Worked

- You **must** have a process for tracking hours worked:
 - Phone / computer
 - Manual Log
 - Other system or method that works
- Make sure employees certify that their hours are accurate
- Your FLSA obligations (i.e., to pay employees for “all hours worked”) does not go away

What about Overtime?

- Inform the employee when he or she is expected to not work overtime when home.
- Clearly communicate that approval is needed prior to working overtime (same as at the office).
- But if someone works overtime without permission, you still have to pay it.

Policies and Procedures

- Make sure employees understand that normal policies and procedures still apply
 - Including a cyber security policy
- Require employees to contact you if they have an illness (COVID-19) or other ADA or FMLA issues
- Consider workplace safety issues / workers' compensation concerns

Performance Standards

You do not have to lower your performance standards...but your expectations should be realistic.

Performance

- Teleworking can affect how job gets done
 - Be flexible during the adjustment period
 - Give and take with employee questions
- If you are changing performance standards (or keeping them the same), communicate them clearly to the employee
 - Timely feedback is critical
- Apply standards consistently to all employees within a particular job class

Consider a Videoconference Policy

- What clothes should be worn?
 - *Maybe do not go shirtless for Zoom meeting with the judge?*
- What is visible in your background?
- Pets / children?

Communication is Key

- Communicate, communicate, communicate!
 - Use multiple methods:
 - Phone, email, instant messaging, Zoom
 - Do not underestimate the power of video meetings
 - Make sure managers are available to subordinates
- Consider daily/weekly meetings to set team agendas / work priorities
- Maintain regularly scheduled meetings
- Have employees change status when they will be away from the computer for more than a few minutes

Ongoing Monitoring

Check-in to make sure the employee is still carrying out work assignments as usual

- More frequent early on and less frequent as the employee shows success
- If you set goals in a weekly meeting, follow-up and hold the employee accountable
- Avoid the temptation to micromanage!

Successful Monitoring

The best telecommuting relationships are built on mutual trust:

- The employer trusts the employee to do his or her job
- The employee trusts the employer to treat him/her fairly

Potential Challenges

- Impact of Isolation on productivity
- Diminished Career Satisfaction
- Reduced Commitment to the Company
- Distractions Abound

Handling Those Challenges

- Remember – you are a TEAM!
 - How did you recognize successes before?
 - Videoconferences (where you can see each other) helps maintain solidarity and morale
 - Talk about non-work issues, too

New Paid Leave Laws

- Families First Coronavirus Response Act (“FFCRA”) provides for:
 - Paid Sick Leave; and
 - Extended Family Medical Leave
 - only for care of a child out of school/daycare
- Leave is only available if an employee is unable to work or telework

“Able to Telework”?

- There is work from the employee
- The employer permits the employee to telework; and
- there are no extenuating circumstances that may prevent the employee from performing that work

Documentation from Employee

- If requesting paid leave under FFCRA, the employee must provide:
 - The employee's name
 - Dates for which leave sought
 - COVID-19 qualifying reason
 - Statement representing that the employee is unable to work *or telework* because of the COVID-19 qualifying reason

Communicate Leave Laws

- Make sure employees know their rights under these laws
 - The DOL said employers have to make sure employees (even ones telecommuting) know
 - Do not shy away from discussing leave options for employees having issues teleworking *because of COVID-19*

Intermittent Leave

- The FFCRA allows teleworking employees to take intermittent leave...
 - but ONLY if you agree!
- This is not intermittent in the traditional FMLA-sense.
 - Create a schedule, setting the terms in writing:
 - # hours
 - days of work
 - Expectations while working

Be Aware

- Even if you make clear that telework is temporary...
 - It may be harder to claim that teleworking is not a reasonable accommodation for a disability in the future
- Consider maintaining a written record detailing the issues/problems with telecommuting for future use

QUESTIONS?

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