Remote Workforce Policies: Compliance and Efficiencies

Federal and State governments continue to issue guidance on COVID-19 social distancing and have extended self-isolation practices through April 30. For business owners, this emphasizes the importance of creating remote workplace policies for a business' operation and survival. As new information regarding COVID-19 and Federal and State responses to the pandemic come to light each day, many employers continue to develop, institute, and refine remote workplace policies. As the crisis continues to escalate, businesses too must transition to ensure their remote workplace policies are compliant with federal laws, and promote efficiencies and productive workplans to maximize profit and revenue.

Whether your business implements a remote work policy will be entirely dependent on your organization's circumstances and the area of the country where your workers reside. Some businesses may not be ready to introduce a new system, particularly if there has not been prior testing and development of remote work capabilities. However, if you have established protocols in place, now is likely the time to utilize these policies. Regardless of your level of readiness, or what you choose to do, businesses should be making decisions based on objective and educated evidence and not reactionary and based on emotion or fear.

Capacity and Infrastructure

You will need to identify the roles that are critical to your business operations and determine whether the employees performing these jobs can operate while working remotely. If you are able to proceed, you need to ensure you have the technological capabilities to support these operations. In addition to remote workplace policies, businesses need to continually prepare and address questions and technical problems that unfortunately are associated with technology. In light of COVID-19 and the large numbers of individuals relying on Internet services, some programs and platforms may face lag or delays in transmitting communications. In addition to ability to function, businesses will also need to address security and privacy concerns for employees that are working remotely.

<u>**Steps and Considerations to Continually Review for Remote Work Policies**</u>

There are a number of things businesses should be doing and reviewing weekly, if not more frequently, to prepare for the possibility that your workers will need to operate remotely for a continued period of time.   Below are checklists of considerations of considerations and approaches to take for businesses as they develop and refine their remote work policies.

Physical Items

- **Take an inventory**. Count and take stock of the types of equipment your workers would need to get their job done and ensure accessibility to such equipment. This includes, but is not limited to, laptops, desktop computers, monitors, phones, printers, chargers, office supplies, and similar materials.
- **Prepare for the possibility of an immediate instruction for remote work**. Have employees take an account of all documents and printed materials in their office they would need to take home in order to continue their work. Cleaning and organizing an office not only reduces potential exposure to infectious disease, it helps to ensure that if employees should need to take home work with them, they could do so quickly and

on a days' or less notice in the event they are told not to report back to the office. In addition to laptops, smartphones, and other related technology, such items of importance include, but are not limited to, binders, documents, or and other physical materials.

- **Prohibited Items:** Make sure to clearly communicate all physical items which are acceptable to remove from your office space and which should remain even during circumstances like COVID-19.
- **Receipt for equipment.** Employees should be required to acknowledge in writing the equipment that is being provided to them, and an inventory of such items should be maintained by the employer for all employees. Employees should be required to return the equipment, and return it in its original condition, or be required to reimburse the employer for items that are damaged or not returned.
- **Create Digital Copies:** Digitize and copy all important physical documents and files.

Employee Expectations

Communicating business expectations will be a necessity as employees begin and continue to work from home. One of the top priorities to convey is the expectation that your business will attempt to maintain business operations as close to normal as possible. The more-clear expectations can be in the face of ever-changing circumstances, the more an employee can still understand the workplan and tasks they need to perform while working remotely.

- **Parameters of Policy**: Will you encourage employees to work from home, have alternating remote workplace schedules, or absolutely bar employees from coming to the office? Define contingency plans for if employees or members of an employees' household are exposed to COVID-19.
- **Essential Personnel:** Will there be exemptions to your policy for "essential personnel"? How will you define "essential personnel"? What rules will be in place for essential personnel that report to a physical location? Will there be exemptions for essential personnel that need to be at a certain physical location? Ensure essential personnel know their role and what tasks they may transition to during the pandemic.
- **Daily Schedules:** Will employees need to be available at all times during normal business hours? Will remote meetings and conferences be scheduled ahead of time and with how much notice? Do not forget that during the COVID-19 pandemic your employees' lives may be disrupted in other ways and may be faced with certain distractions such as family or medical obligations at certain times during the day.
- **Meetings:** How will your business conduct remote meetings and what technology will you use to meet those standards? There are numerous videoconferencing platforms and tutorials on how to use these programs.
- **Prohibiting In-Person Meetings:** Will you prohibit employees from meeting together in-person during this period of social distancing? Will you implement remote working policies even for employees that report to the office? Will you allow only a limited number of employees to meet face-to-face? Create a plan and enforce it with no exceptions. If an employee is working remotely and is restricted from returning to the office, do not allow them to do so for any reason, as that defeats the purpose of the policy and exposes other employees.
- **Clients and Third-Parties:** Will you prohibit employees from meeting with third parties while doing company business during this period of time? Share information regarding your policy with clients or other third parties to let them know you are concerned for their health safety as well as that of your employees.

- **Security Expectations:** Will you allow employees to work remotely from locations outside of their home? What are the security concerns or protections your business has in place if you permit working remotely from outside the home? Are employees aware of the security policies of your business and its confidential information? Set firm policies that if an employee is working remotely, the expectation is that they are working from an authorized location. If an employee has inadequate equipment to work from home, see above regarding providing necessary equipment for employees to do their jobs.
- **Provide—at least—Weekly Status Updates:** As parts of the country enter into several weeks and possibly the first full month of remote working, continue to communicate with your team targeted end dates, and changes that occur weekly.

Ensuring Efficiency

As your employees work from home you want to ensure your business will be able to operate at as close to the level it does when your employees are not working remotely, this entails remote work time is productive and successful.

- **Communication:** How is your business communicating with remote employees during this time? Implement a single platform and require all employees to become educated on and utilize this platform. These platforms include, but are not limited to, email, instant messaging, Slack, Skype, Zoom Conferencing, Microsoft Teams or some other designated tool.
- **Distractions:** What are the distractions your employees are faced with while working remotely? Take an honest approach; minimize micromanaging employees, and focus on tracking overall productivity not necessarily hour-by-hour activities, while still holding employees accountable for the hours they are getting paid.
- **Workload:** When reviewing your employees' workload consider the potential lack of productivity or, the opposite: burnout or more stress. Employees may struggle to define or manage their workload which could lead to either result when they are trying to manage these issues for the first time.
- **Connectivity:** Keep employees connected through daily meetings or conference chats. Allow employees to speak up and contribute to these conferences. Schedule a weekly virtual team lunch or social hour to allow employees a time for interaction with their colleagues that might otherwise be lacking now that they are working remotely. Set the standard that employees need to have daily check-ins with superiors or more experienced colleagues to allow for questions and advice with how to cope with handling work remotely.

Preventing Harassment

What protocols does your business have in place to prevent workplace harassment for remote workers?

- **Social Media:** What policies do you have in place to prevent employee harassment through social media, or alternatively, other digital platforms that may be more difficult to monitor? Communicate to employees that a zero-tolerance policy of harassment is still in effect, even if not working in the office. Also, be aware of how employees can abuse having access to social media and other websites they may normally not have access to from their workstation.

- **Office Technology Platforms:** What procedures or protocols do you have in place to properly educate your employees to use remote work software programs such as Slack, Skype, Zoom Conferencing, Microsoft Teams? What policies do you have in place to ensure communication on these platforms in compliance with your business' anti-harassment standards? Ensure employees understand that the communication they exhibit on these platforms should be to the same standard as they use in the office.
- **Access to HR or Reporting Harassment:** Just because employees are working from home, they still should have access to feel safe and report harassment. Educate and remind employees of reporting abuse policies and how these policies still govern even when working from home.
- **Investigate, and Remediate:** Audit all reporting of harassment to verify if and how claims are being handled. Do not let this component of your business wane, and expose you to liability once remote working ceases.