

REMOTE WORK POLICIES AND BEST PRACTICES

A COVID-19 Resources Series Webinar

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Matt is an accomplished attorney with extensive risk management experience and more than two decades of legal experience. He brings strong analytical and problem-solving skills to complex business challenges. His ability to negotiate and resolve intricate disputes in fast changing, complex business environments has helped him effectively represent the interests of 501(c)(6) organizations as well as advise large non-profit organizations on employment compliance issues across 11 jurisdictions, including California, New York and the District of Columbia. Dunning has successfully litigated and mediated employment contract issues including for-cause terminations and non-competition and non-solicitation agreements. In his career, he had defended clients against discrimination and harassment claims in Iowa and Nebraska courts and in administrative proceedings in multiple states, including in the Eighth Circuit Court of Appeals.



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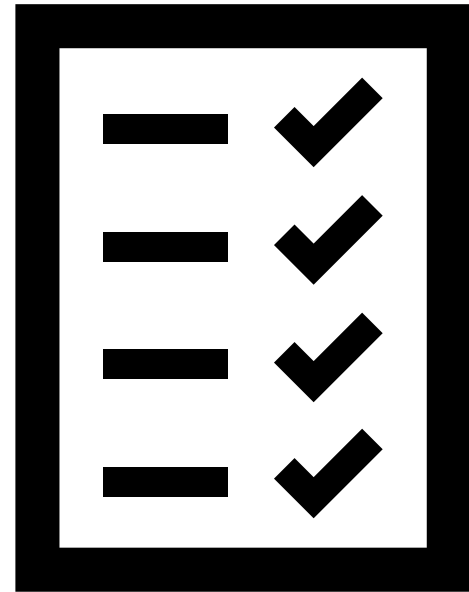
Ryan Coufal joined the firm as an attorney in 2019. A 2019 graduate and appointee to the Order of the Barristers, a national honors society recognizing students who have excelled in litigation and advocacy, Coufal brings energy and a legal expertise to individuals and businesses.



REMOTE WORK POLICIES

Capacity and Infrastructure

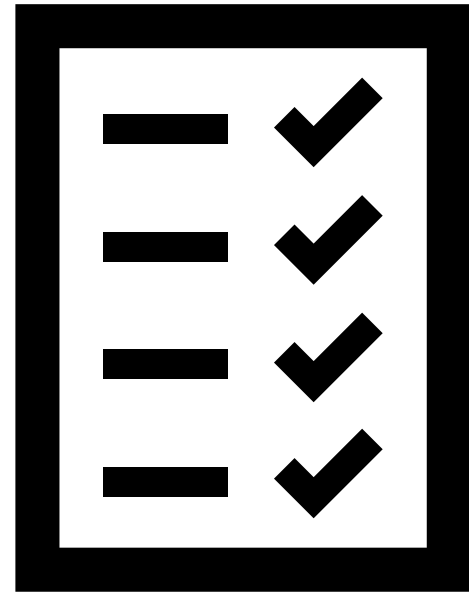
- Continuously, or at least weekly, identify the roles that are critical to your business operations and determine whether the employees performing these jobs can operate while working remotely.
- Ensure you have the technological capabilities to support these operations.



REMOTE WORK POLICIES

Capacity and Infrastructure

- Prepare and provide materials that educate employees on technology and any technical problems from working remotely.
- Address security and privacy concerns for employees that are working remotely.



CONSIDERATIONS AND APPROACHES DURING DEVELOPMENT OF REMOTE WORK POLICIES

PHYSICAL ITEMS CHECKLIST

TAKE 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.

**CONSIDERATIONS AND APPROACHES
DURING DEVELOPMENT OF REMOTE
WORK POLICIES**

EMPLOYEE EXPECTATIONS

PARAMETERS OF POLICY

- Define contingency plans for if employees or members of an employees' household are exposed to COVID-19.

ESSENTIAL PERSONNEL

- Ensure essential personnel know their role and what tasks they may transition to during the pandemic.

DAILY SCHEDULES

- 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

- There are numerous videoconferencing platforms and tutorials on how to use these programs.

PROHIBITING IN-PERSON MEETINGS

- 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

- 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

- 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.

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

CONSIDERATIONS AND APPROACHES DURING DEVELOPMENT OF REMOTE WORK POLICIES

Ensuring Efficiency

COMMUNICATION

- 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

- 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.

**CONSIDERATIONS AND APPROACHES
DURING DEVELOPMENT OF REMOTE
WORK POLICIES**

Preventing Harassment

SOCIAL MEDIA

- 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

- 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.



CONFIDENTIALITY

Confidentiality obligations continue and need to contemplate both physical security and cyber security.

CONFIDENTIALITY

Determine whether employees are using a company issued device or a personal device.



CONFIDENTIALITY

All policies should not run afoul of disability, fair labor standards, and related labor rules.



CONFIDENTIALITY

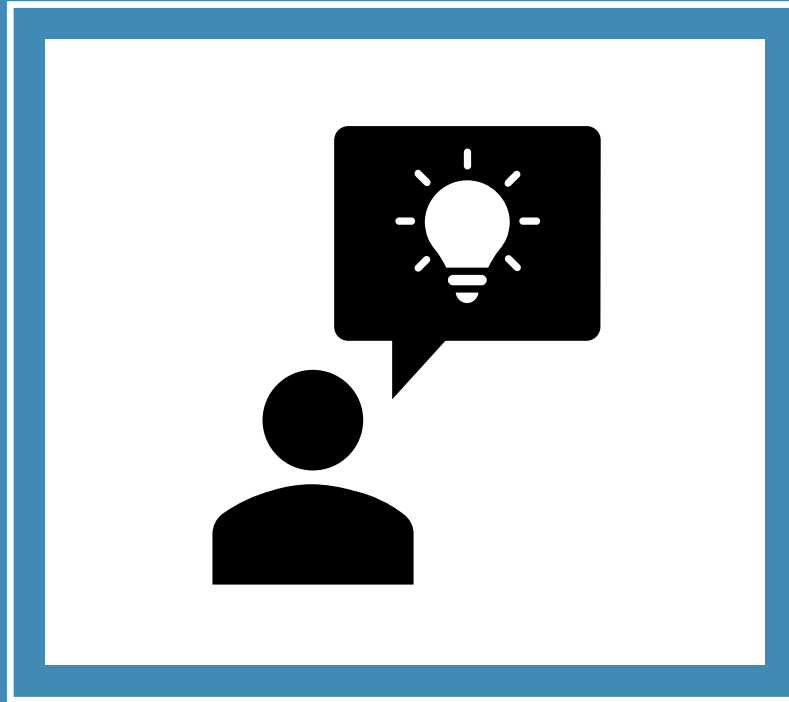
All employees that work remotely should execute a confidentiality, non-disclosure agreement.



CONFIDENTIALITY

Additional training and reminders about following confidentiality when working remotely are important.





INTELLECTUAL PROPERTY

ADDITIONAL CONSIDERATIONS

- Workers compensation issues
- Workplace posting requirements
- ADA Issues
 - Reasonable accommodation requirements
 - Interactive process

THANK YOU!

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our upcoming webinar events!