



News & Types: Client Advisories

Remote Work Post-COVID-19: Consider A Remote Work/Telecommuting Policy

8/18/2021

By: Frank J. Del Barto

Practices: Employment, Labor & Benefits

In March 2020, companies of every size and in every industry quickly directed employees to work remotely in response to the COVID-19 pandemic. Now with almost 18-months of experience with remote work, many companies have found that to continue such remote work arrangements, a written telecommuting policy is desirable to ensure that employees in similar roles are treated fairly, working hours and performance metrics are clearly defined, and all parties acknowledge that the company retains the right to terminate the remote work arrangement at any time.

At a minimum, a company's remote work/telecommuting policy should: (1) clearly define which employees are eligible for remote work consideration, (2) include a basic application for the employee to complete and submit for approval, (3) confirm the employee's remote work location and address to prevent employee's from moving to another state (if desired), (4) specify the employee's working hours and timekeeping requirements, (5) provide clear expectations about the employee's need to respond to emails, return phones calls, and attend business meetings and functions during working hours, (6) reaffirm the employee's obligation to safeguard company equipment and confidential information, and (7) address the employee's work area, furniture, and equipment requirements. Finally, companies must also evaluate the need to reimburse employees for business expenses (toner, paper, phone, internet fees, etc.) incurred in furthering the company's business in accordance with applicable state laws and company policies.

For companies that expect to continue remote work arrangements post-COVID-19, companies should strongly consider developing a remote work/telecommuting policy. Such policies set expectations and standards for employee behavior while working remotely, and better position companies to defend any adverse action taken to end the remote relationship due to employee performance issues or changed business conditions or philosophy regarding remote work arrangements.