



FOLEY & FOLEY^{PC}
ATTORNEYS AT LAW

EMPLOYMENT LAW ALERT & UPDATES

**COVID-19 Preparedness
Teleworking Can Be an Exceptional Solution
& Just Updated Guidance from the Feds**

As quarantines, social distancing requirements, state-specific isolation ([Massachusetts](#) just added to the growing list) and business shutdown orders become more widespread, the need to develop effective strategies to maintain your business operation has never been greater. At the same time employers need information and advice in real time. This Alert addresses both those issues.

UPDATES: In response to newly published DOL and IRS guidance, [we updated our overview](#) of what employers need to know about the Families First Coronavirus Response Act. We also **updated our FFCRA Monitoring and Use Chart**. Our clients from coast to coast have found the contents of both our [COVID-19 Infectious Disease Toolkit](#) and our [FFCRA Compliance Package](#) to be very helpful. The contents, for which you receive updates, can be purchased for a fixed fee—mike@foleylawpractice.com.

TELEWORKING: Depending upon your industry and how work within your organization is performed, teleworking arrangements can provide an exceptional solution. Teleworking allows employees to work during quarantines, isolation orders and most business shutdown orders. It is also important to remember that if an employee is home to care for a child under the age of 18 whose school or daycare has closed and can telework, *that employee is not eligible for paid family leave under the FFCRA*.

COMPLIANCE ISSUES: While teleworking arrangements are a godsend for many employers and employees right now, there are some important issues that must be considered when employees are transitioned to teleworking arrangements:

- **Equipment**—The first step in assessing whether a position is appropriate for a teleworking arrangement is to determine whether the individual employee will have the necessary equipment to perform the essential functions of his/her duty efficiently and productively. Other equipment-related issues to consider are which business-related expenses that the company will reimburse: office supplies, shipping costs, home internet upgrade, etc.

- **Security**—As a preliminary matter, employers should ensure that their employees are using secure connections and not risking exposure of confidential and proprietary information by using their home internet or worse, public connections. We recommend that your organization’s appropriate use policy be incorporated into your teleworking arrangement guidelines.
- **Safety**—Inform teleworking employees that they are expected to maintain their home workspace in a safe manner, free from safety hazards. It is good practice to provide a teleworking employee with a safety checklist that must be completed on a weekly basis. Under OSHA, an employer’s obligation to provide a safe workplace includes the remote worksite. Teleworking employees should be reminded that they are responsible to notify Human Resources if they suffer an injury while working at home (normally covered by the company’s workers’ compensation policy) and advise the employee that he/she are liable for injuries sustained by visitors within their home worksite.
- **Time recording for hourly non-exempt staff**—it is important to define the length of the workday and workweek to control costs and to manage overtime. Setting expectations up front and development effective time recording practices will be the key.

Teleworking can be a great asset to a business in this historically challenging time if done correctly. Our **Covid-19 Infectious Disease Toolkit** includes a position survey questionnaire and a remote working arrangement expectation template. We stand ready to help—Stay well!

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