



Legal Issues with Managing a Remote Workforce

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 - Primarily serving the poor and disadvantaged;
 - Focusing on health and human services, community development, affordable housing, neighborhood revitalization, environmental protection, and the arts; and
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Agenda

- Productivity and Performance
 - Work Time/Non-Work Time
 - Absences, Leaves, and PTO
- Connection and Culture
 - Equipment
 - Travel
- Protections and Policies
 - Security and Privacy
 - Insurance
 - Hiring and Separation
 - Remote Work Policy

But first...

394th District Court of Texas - Live Stream
394th Judicial District Court

Recording of this hearing or live stream
is prohibited.

Violation may constitute contempt of
court and result in a fine of up to \$500
and a jail term of up to 180 days.

394th Judicial District Court

Jerry L. Phillips

Gilris Bauer

rod norton

0:09 / 0:48

zoom

Productivity and Performance

- Work Time/Non-Work Time
 - Do you know who is “exempt” and who is “non-exempt”?



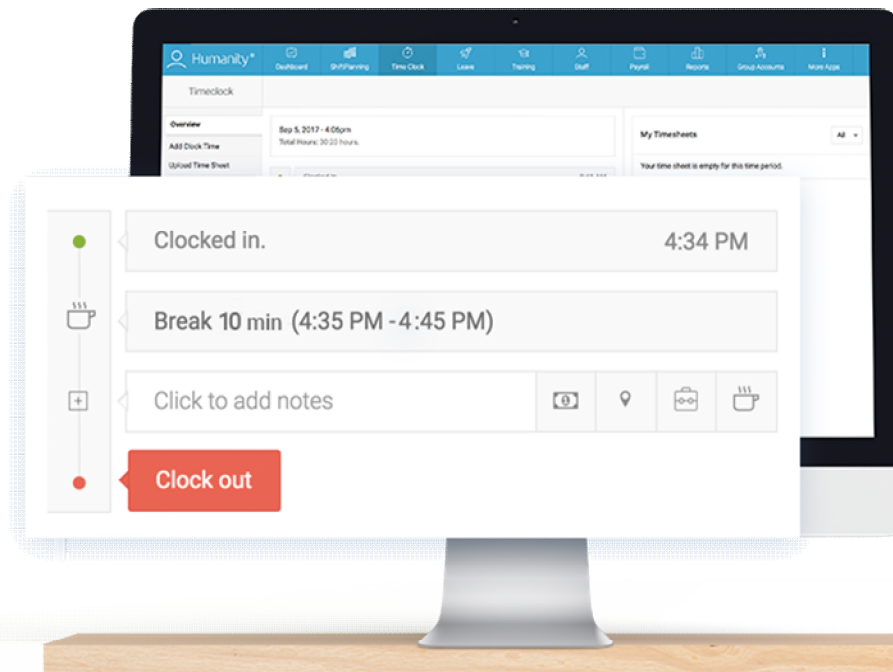
Productivity and Performance

- Work Time/Non-Work Time
 - **For non-exempt employees**
 - Control work time – “suffered or permitted”



Productivity and Performance

- Work Time/Non-Work Time
 - **For non-exempt employees**
 - Track work time



Productivity and Performance

- Work Time/Non-Work Time
 - **For exempt employees**
 - avoid unauthorized deductions



Productivity and Performance

- Poll Question No. 1:
 - As a result of switching to remote work, what changes, if any, have you made to employees' hours or pay?

Productivity and Performance

- Work Time/Non-Work Time
 - Clarify and communicate performance objectives and how you will measure productivity



10 MINUTE BREAKOUT SESSION

- **Purpose: Network and share ideas!**
- Tips for successful breakout:
 - Cameras on and unmute!
 - 2-3 minutes for intro
 - Name, Role, Organization
 - 7-8 minutes on the questions
 - “I’ll go first!”
- **Questions:** Does your organization effectively communicate performance objectives and measure productivity? If so, how? If not, what would be a good first step toward this goal?



Productivity and Performance

- Poll Question No. 2:
 - Have you let staff work while sick (with Covid-19 or other illness)?



Productivity and Performance

- Absences, Leaves, and PTO



Connection and Culture

- Poll Question No. 3:
 - How does your organization handle equipment needed for remote work?



Connection and Culture

- Equipment and Work Environment
 - What equipment is needed?
 - Who is responsible?
 - What about cost?
 - What about safety?



Connection and Culture

- Travel?
 - Safety
 - Work time
 - Expenses



Connection and Culture

- Team Building
 - In person or virtual?
 - Same culture in a different environment?



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- **Purpose: Network and share ideas!**
- Tips for successful breakout:
 - Cameras on and unmute!
 - 2-3 minutes for intro
 - Name, Role, Organization
 - 7-8 minutes on the questions
 - “I’ll go first!”
- **Questions:** Does your organization have effective means of team-building and creating a healthy culture while working remotely? If so, share some examples; if not, what would be a good first step?



Protections and Policies

- Security and Privacy
 - Confidential information
 - Regulatory compliance (e.g., HIPAA)
 - Electronic monitoring (Conn. Gen. Stat. 31-48d)



Protections and Policies

- Insurance
 - Yes, you still need workers' compensation!
 - Talk to your broker



Protections and Policies

- Hiring and Separation
 - **Interviewing and Onboarding**
 - I-9 Compliance:
<https://www.ice.gov/news/releases/dhs-announces-flexibility-requirements-related-form-i-9-compliance>



Protections and Policies

- Hiring and Separation
 - **Separation**
 - Maintaining privacy and sensitivity
 - Return of property



Protections and Policies

- Remote Work Policy
 - Putting it all together
 - Don't forget to reinforce existing policies (e.g., anti-harassment)



Protections and Policies

- Remote Work Policy
 - Beware of sewing a patch of “new” cloth onto an old garment!
 - (In other words ...you may need to update your entire handbook!)



Protections and Policies

- Don't forget posters and notices

Topics / Wage/Hour

Virtual Posters – New DOL Guidance on Federally-Mandated Notices in a Virtual Workplace



Date Dec 30, 2020

Recognizing that remote work is here to stay for many employers, the U.S. Department of Labor (DOL) recently issued guidance on how employers can use virtual means to distribute and maintain the various posters required by federal employment laws.

Background

Several federal laws, including the Fair Labor Standards Act (FLSA), Family and Medical Leave Act (FMLA), and the

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THANK YOU!

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