

SHOULD WE ALLOW/REQUIRE EMPLOYEES TO WORK FROM HOME? CONSIDERATIONS FOR EMPLOYERS

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These are tough economic times and both employers and employees are looking for solutions to help make ends meet. Allowing employees to work from home can be beneficial to the employee and save the employer money as well, particularly if it allows use of less office space. There are a number of considerations before adopting this solution.

First, take a look at any applicable company policies and any situations where employees have been allowed to work at home, even on a short term basis. A new program can be saddled with the baggage of old problems or expectations and you need to be aware of what those are.

Even if you are creating a work at home opportunity to meet the needs of one individual, make decisions that will allow for consistent consideration of requests going forward. Telecommuting will not work for all positions and the employer should develop rules that will allow articulation of reason related to differences in the jobs or the employee's duties or history when a request is denied. Keep in mind that employees who want to work at home but aren't selected or those who are required to do so but don't want to could claim discrimination. Also be aware that if some workers telecommute, it is more likely that working at home will be required as a reasonable accommodation for a disabled employee.

Are you looking at a program that is purely voluntary or would it be mandatory for some employees or positions? Either way, you should set standards for determining when working at home will be an option. Some jobs are better suited than others for telecommuting. Consider factors including level of supervision required, need for daily interaction, face to face contact, etc. You may want to require a certain amount of seniority and/or good performance ratings since you'll be placing a lot more trust in the employee working away from supervision.

Determine the circumstances under which a telecommuting option is available. Are you creating a job that is done off site one hundred percent of the time? Or is work at home available only for a temporary period such as to meet the employee's needs or for a special project. Will there be requirements that the employee spend specified days at the office?

Don't forget to carry the at-will status message into the new arrangement. The upfront investment by the company and discussions surrounding the new working status may suggest long term commitment. The worker continues to be employed at will and the work-at-home status is at the discretion of the company.

Consider in advance the employee's home office needs. For example, does the job require computer hardware, software, modems, phone and data lines, facsimile, photocopiers, or software licenses? What about furniture? Is the employee going to need to do some remodeling to create an acceptable home office? Once these needs are determined, set firm rules about who pays, how they are maintained and whether the employee or the employer has responsibility for loss or damage. Make sure appropriate insurance is in place. Equipment supplied by company should be used for business purposes only.

Take measures to protect against theft or misuse of company equipment and proprietary information. Consider requiring the employee to supply locked filing cabinets or office space. Password maintenance is key, especially if other members of the household have access to the space or the computer. Remember that the company's ability and even right to monitor the employee is more limited than for an onsite worker.

It is recommended that a manager inspect the employee's home office before the telecommuting begins to ensure adequate protection of company property. Additionally, the employer should retain the right to visit to inspect for safety reasons. OSHA has published a guidance on home offices and current policy is that it will not inspect them. However an employer is liable under the worker's compensation laws for injuries the employee suffers while working – even at home. Consider specifically defining the work area and work hours to limit exposure.

Will the employee be conducting business with third parties at a home office? If so, consider insuring the associated risks.

In advance, decide what supplies the company will provide and how they will be acquired. Misunderstandings can arise if the employee submits a receipt for a shopping spree at an office supply store. How will internet and telephone service be paid?

Monitoring time worked and productivity are a challenge in a telecommuting arrangement, particularly if the employee is nonexempt, or paid by the hour and eligible for overtime. The employee must be strictly responsible for accurately reporting hours worked and advance approval required for overtime. Some jobs are better suited than others to measuring productivity. Employers may need to look for creative ways of ensuring that telecommuters are working efficiently and providing a day's work for a day's pay. Reinforce that this is not a substitute for child care!

The most important aspect to a successful work at home arrangement is mutual trust. Thinking ahead and setting consistently applied ground rules can help achieve that goal.