

The logo consists of a dark blue square with a white 'D' shape cut out of it, positioned to the left of the firm's name.

DONOVAN

HATEM LLP

counselors at law

Remote Workers

Legal Issues and Managing Risk

DONOVANHATEM.COM

Boston

New York

Newark

Rhode Island

Requests to Work Remotely

- Worked well as a response to COVID-19
- Encouraged by CDC, OSHA, DOL, EEOC
- Is it right for your firm?
- Is it right for the position?
- Can you make it work?



Issues and Risks

- What laws apply?
- What are the risks of not allowing?
- What are the risks of allowing?

Labor and Employment Laws

- Wage and Hour Laws
 - Timekeeping, Overtime
 - Case regarding applicability
- Anti-Discrimination Laws
- Leaves
- Equipment and Expenses



Managing Risks

- Security
- Contact/Oversight
- Safety/Workers Compensation
- Hiring



Benefits for Employers – Remote Workers

- Increased morale
- Overhead reduced
- Good for the environment
- Increased pool of candidates
- Can increase productivity



Legal Issues

- Liability potential increase
- Policies and procedures need to be in place and implemented
- Need to manage

Policies


- Clear that available only on a case by case basis
- Requirements of satisfactory performance, authorized, nature of job fits
- Trial period
- Need to be responsive, have schedule
- Work space requirements and equipment agreement



Agreements – Special Circumstances

- Detailed as to expectations of employee and employer
- Not an employment contract; can be terminated for no reason
- Employer can visit with notice
- Define responsibilities
- No use of home office for meetings
- Reserve right to modify or cancel

Case Example



**CASE
STUDY**

- Remote work at client's site;
- Falls asleep on way home and injures other driver
- Is employer vicariously liable? Was employee acting in scope of employment?

Conclusion

- Have written policies and procedures
- Know where employees reside and laws of the states
- Consider remote work or telework agreements for some to define expectations and requirements
- Discuss insurance requirements with broker

Questions?

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For more information and links to resources, please
visit the Donovan Hatem website.