

# REMOTE WORK AND THE POST-COVID-19 WORKPLACE: Successful Habits and Processes for Working and Managing During a Pandemic

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## Overview

- Monitoring productivity through regular communication and establishing expectations.
- Methods for keeping employees safe, motivated, and supported.
- Best practices for evaluating employees, providing feedback, and taking disciplinary action.

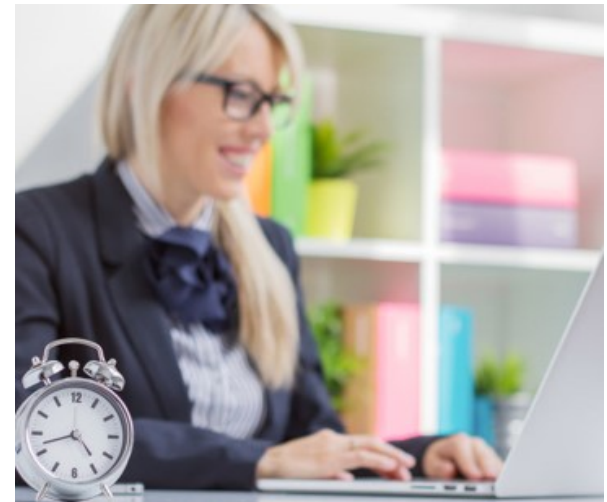
# Remote Work is Not Going Away

- Almost 50% of employers will let workers work remotely after the pandemic
- 82% of business plan to allow workers to continue to work remotely at least some of the time
- 29% of employees would quit if not allowed to continue working remotely
- Benefits for employers and employees, but has to be effective



## Monitor Employees' Productivity

- Employers have multiple options for monitoring productivity:
  - Task lists
  - Software or technology to track time, keyboard strokes, sites visited
    - Because of privacy concerns, employers should disclose any surveillance and obtain employee consent to monitor



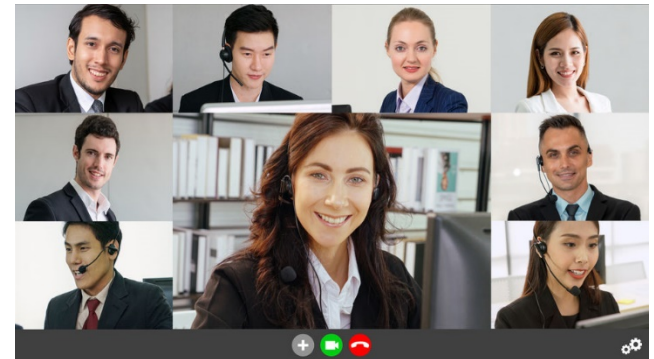
## Communicate with Employees



- Remote employees can feel “out of the loop”
- Schedule daily or weekly check-ins
- Listen to and address concerns of employee
- Be transparent with any concerns of employer
- Create stronger accountability systems

# Establish Performance Measures

- Clearly communicate your expectations for remote employees
- Establish a remote work policy
  - Consider having employee agree to terms of remote work
- Know your obligations to provide paid leave when employees are unable to work due to health or childcare responsibilities
- Consider adopting video-first culture



## Track Hours Worked



- The Fair Labor Standards Act (“FLSA”) requires that employers track hours worked.
- Field Assistance Bulletin No. 2020-5 clarifies, in terms of telework:
  - If employer knows or has reason to believe that work is being performed, must pay
    - If employer doesn’t know (or have reason to know) about hours worked, they are not required to pay and not required to investigate to uncover unscheduled hours
- Employers must make “every effort” to prevent unwanted, unrecorded work from being performed

## Keep Employees Safe

- Occupational Safety and Health Act (“OSHA”)
  - OSHA “will not hold employers liable for employees' home offices, and does not expect employers to inspect the home offices of their employees.”
  - “Employers are responsible in home worksites for hazards caused by materials, equipment, or work processes which the employer provides or requires to be used in an employee's home.”
  - Keep records of any injuries
- Workers’ Compensation
  - Remote employees may be entitled to workers’ compensation benefits



## Keep Employees Motivated and Supported

- Encourage work/life balance
- Encourage collaboration
- Empower employees to make good decisions
- Set a good example
- Engage in culture or brand development activities

... but hold accountable when not engaged  
or when decisions have negative impact



## Provide Feedback



- Give employees positive feedback when deserved
- For constructive feedback, check in and directly identify desired outcome
- Engage in conversation with open ended questions
- Be honest if there is a gap between performance and expectations
- Talk about trust and impact on team
- Develop a plan for meeting expectations

## Take Disciplinary Action

- Whether ending the employment relationship in-person or remotely, the same rules apply:
  - Reflect on policies and job descriptions
  - Discuss and document any issues
  - Have a plan for cutting off access to technology, equipment, office, etc.
  - Have more than one employer representative present



# Thank you!

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