

Temporary Remote Employment Considerations and Reopening Strategies for Local Government Employers

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Work-from-home profiles

The Adapter



Work-from-home profiles

The Juggler



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The Multi-Tasker



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The Distraction-Prone





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The Living-the-Dreamer



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Temporary Remote Employment Considerations for Government Employers



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Consider the circumstances that could warrant working from home

- Public health issues
- Weather/environmental
- Transportation shutdowns
- Incidents at government facilities
- Public safety issues

Assess remote employment abilities and readiness

- Has the local government previously adopted work-from-home policies?
  - Do they address temporary disruptions?
  - Do they deal with individual rather than large-scale situations?
- If there's no policy, adopt one, even if employees are already working from home.
- Distinguish between what can be done remotely and what must be done onsite.
- Consult with IT staff regarding:
  - Ability to quickly facilitate technology needs and support.
  - Whether employees will need or be allowed to use personal electronics.
  - Authorization for using software and systems remotely.
  - Cybersecurity practices for remote workers.

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Make the decision about working from home

Who's involved in the decision?

- When decision is with upper-level officials, seek input from subordinates who will carry it out.

Who does it apply to?

- Directly affected employees or broader group?
- Certain locations?
- Is it allowed or required?

Who does it not apply to?

- Some positions require on-site presence.
- But avoid improper discrimination against protected classes.

Some jobs are in-person by nature









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Communicate with employees

Develop a communications strategy

- If time permits:
  - Provide guidance to managers/supervisors first.
  - Involve them in announcing and explaining.
- Move quickly to avoid misinformation.

Clearly communicate the parameters:

- Who must work remotely.
- Who may work remotely.
- When it begins.
- How long, if known.
- What's not certain yet.
- Employee expectations.

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Communicate with the public

Develop a communications strategy to let the public know:

- Facilities where some or all employees will not be available.
- If in-person visits are discouraged or not an option.
- How to contact departments or offices by email or other means.
- Services that are not available or available online or by other means.

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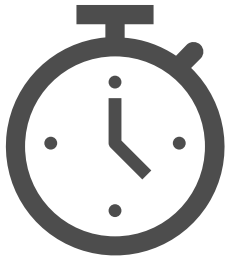
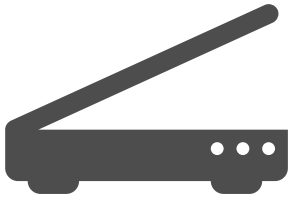
Set responsibilities and expectations



Schedule and availability



Workspace parameters/what remote employees need



Policies and legal requirements

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Establish schedule and availability expectations

Set a schedule for remote employees appropriate to the circumstances, including:

- Amount of time expected.
- Specific hours or flexible hours?
- Time keeping.

Let employees know when they should be available:

- By email, cellphone, or other means.
- To participate in electronic meetings.

Avoid unnecessary overtime by:

- Prohibiting OT unless authorized in advance (see DOL bulletin on employer's obligation to exercise reasonable diligence in tracking teleworkers' hours).
- Discouraging after-hours communications, especially from exempt employees.

Determine what employees need to work remotely

Determine need for computer hardware, software, and office supplies

- Help with hardware and software setup if needed.

Have employee acknowledge in writing:

- What employer provides/what employee provides.
- Misuse of employer-provided assets is prohibited.
- Employee must return employer-provided assets.

Unless otherwise agreed, employee often provides:

- Internet.
- Phone and phone service.
- Desk/work surface, chair, other furnishings.

Reinforce applicable policies and requirements

Help remote employees understand:

- They must comply with personnel policies and legal standards just as if in the office.
- Their work is employer property, even if created on personal equipment.
- Documents or information they create will still be subject to public records laws.
- Work-from-home policies may evolve.

Require remote employees to sign either:

- A remote employee agreement.
- An acknowledgement of receipt and understanding of work-from-home policies.

Address cybersecurity and confidentiality issues

Require:

- Virus protections and software updates.
- Periodic password changes.
- No password sharing (including family).
- Compatibility and security for personal electronics used in work.

Determine:

- Which files and databases each employee needs to access.
- Which files and databases employee does not need (and don't provide access).

Verify :

- Employees know which records are confidential.
- Employees don't improperly disclose confidential info (including family and others in the home).

Prevent :

- Contamination of employer equipment or systems from flash drives or other storage devices.
- Improper storage of confidential records.

Prohibit :

- Use of employer technology for personal purposes or by non-employees.
- Software licensing violations.

Remember public records laws still apply

Employees should:

- Follow document retention requirements per applicable public records laws.
- Segregate work files from personal if using personal equipment.
- Remember they have no expectation of privacy when using employer technology.

Provide ongoing support

Provide:

- Guidance to managers on supervising teleworkers and to employees on best practices for teleworking.
- Access to colleagues, managers, legal, human resources, IT.
- Regular opportunities to connect with other employees.

Check in:

- To monitor difficulties employees are having with work.
- To provide reassurance.

Acknowledge:

- Employees may be handling childcare, school schedule disruptions, other family matters.
- It may take time to get up to speed.
- It works better for some employees than others.

Reopening Municipal Offices During COVID-19



Assess the risks

Factors to consider:

- Regional and local status of the pandemic.
- Whether staff or others who were on the premises have been ill or exposed.
- Ability to provide face masks, hand sanitizer, increased cleaning, and other safety measures.
- Workforce size, density, and workspace arrangements within the workplace.
- Ability to alter workspace and public areas or alter schedules to increase distance/reduce exposure.
- Operations that can feasibly continue through telework.
- Employees who can feasibly continue to work remotely.
- Degree to which employees rely on public transit.
- Collective bargaining agreements.

Developing the reopening plan

Determine the overall strategy

- Full or partial capacity.
- Should some on-site operations resume sooner than others?

Seek input

- From all affected departments.
- From front line employees.

Plan for necessary changes in delivering public services

Build in flexibility

- For future scale-backs or closures.
- As guidance and best practices evolve.

Reopening plan components



Legal and scientific considerations



Communicating with and preparing employees



How to handle public meetings and proceedings

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Legal and scientific considerations

Federal government guidance:

- White House: Opening Up America Again
- CDC: Interim Guidance for Businesses and Employers Responding to Coronavirus Disease 2019 (COVID-19)
- CDC: COVID-19 Employer Information for Office Buildings
- CDC: COVID-19 and the American Workplace
- EEOC: What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws
- OSHA: Guidance on Returning to Work

State laws, regulations, and executive orders regarding:

- Meetings of municipal boards.
- Workplace closures and reopening (generally apply to private businesses but local governments may follow similar protocols).
- Occupational safety and health.
- Authority for implementing local safety measures.

Communications with employees

Communicate the commitment to employee health and safety by:

- Explaining measures to be taken to protect employees and citizens.
- Setting expectations regarding workers coming back to the workplace.
- Providing information about categories of employees deemed at higher risk (but don't single out individuals).

Provide ways for employees to find more information and ask questions, such as:

- Using an internal website or intranet.
- Designating a representative to field questions.
- Providing an email address monitored by knowledgeable persons.

Public meetings and proceedings

Consider adapting public meeting procedures by:

- Implementing/continuing to use electronic options for board meetings, if state statutes or executive orders allow.
- Suspending nonessential agenda items until later phases.

Weigh the options for municipal court proceedings, including:

- Resuming normal operations but with new health and safety protocols.
- Limited operations, such as limiting dockets and adding dates/times to reduce participants.
- Using electronic means to the extent parties can participate.
- Suspending court until health concerns or risks are minimized.

Determining timing, manner, and selection of worker return

- Determine the best interests of the organization and employees, considering:
  - Ability to deliver services while offices are closed or partially closed.
  - Overall risk factors for employees.
  - Possibility of subsequent waves of infections.
- Determine if some employees can or should be reassigned.
- Determine which worker categories are most needed at the workplace.
- Determine how to notify workers about reopening and how much notice to give.

Bringing furloughed employees back

- Before selecting workers to return, consider:
  - Applicable state statutes or regulations.
  - Existing personnel policy.
  - Collective bargaining agreements.
- Set non-discriminatory criteria, such as:
  - Tenure.
  - Past performance ratings.
  - Inability to perform work from home.
  - Skills/experience to perform certain essential tasks or transferrable to new tasks.

Avoid excluding employees for the wrong reasons

Don’t exclude employees based on:

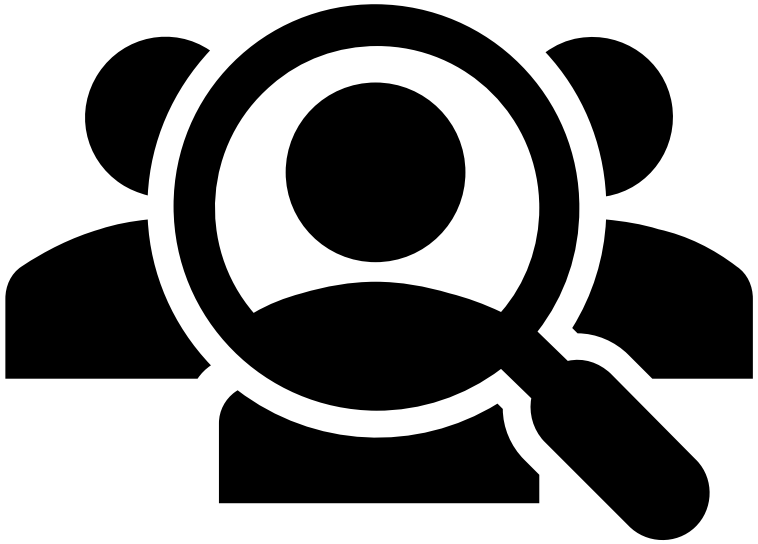
- Actual/perceived infection risk unless:
  - Applicable government order requires some categories of people to stay home.
  - A disability poses direct threat to employee’s health and can’t be addressed by reasonable accommodation.
- Belief that they may be entitled to paid sick or expanded family leave under FFCRA or other laws.

Address employee safety concerns

- Consider extending telework options for at-risk populations.
- Determine how to make social distancing work at the office, including whether to:
  - Reduce or stagger employees' hours.
  - Change employees' essential job functions or how they are performed.
  - Modify workspaces and public areas to reduce infection risk.
- Implement upgraded cleaning and disinfecting procedures.
- Create screening protocols for persons entering facilities.

For details, see Health and Safety Protocols for Reopening Municipal Offices Checklist.

Dealing with individual employee decisions



Determine individuals' ability and willingness to return.

Respond to accommodation requests.

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Determine individuals' ability and willingness to return

- Assess whether individuals are willing to return
- Determine whether employees are eligible for more time off (and if medical consult should be required for paid leave)
- Prevent infected individuals from entering the workplace
- Have measures in place to send away persons who may be infected or have been exposed

Respond to accommodation requests

Be prepared to respond to employees who:

- Are more susceptible to health consequences from infection.
- Live with/provide care for a person who is vulnerable.
- Have childcare issues due to school and daycare closures.
- Rely on public transit and have concerns about using it.

When an employee requests accommodations for disabilities:

- Use open dialogue and interactive process.
- Be creative and flexible.

Recognize that preexisting mental disorders may have been exacerbated and may now require reasonable accommodation

Understand that some accommodation requests that were not an undue hardship in the past may now be one

Acknowledge that an accommodation request to work from home may be difficult to deny if an employee has been working from home successfully

Consider accommodations for employees with childcare issues, such as adjusting work hours

Evaluate existing employee policies and procedures

Paid time off policies

Work-from-home policy

Travel policies

Employee job descriptions

Expense reimbursement policies

Training requirements