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Temporary Remote Employment Considerations and Reopening Strategies for Local Government Employers

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Temporary Remote Employment Considerations and Reopening Strategies for Local Government Employers

Technological advances have made it possible for employees in many work environments to work remotely, outside the confines of a traditional office. Up until recently, local governments were less likely than private sector employers to facilitate work-from-home arrangements. However, the 2019 novel coronavirus disease (COVID-19) has dramatically increased the number of employees performing some or all of their work from home. While the underlying issues for remote employment remain largely the same as before the pandemic, many municipal employers had little or no experience managing remote employees. Municipalities with pre-existing policies addressing teleworking may have focused on individual situations, such as employees transitioning from family and medical leave.

New challenges also come with planning for employee re-entry and reopening government facilities. For municipal offices reopening during the COVID-19 pandemic, recommended measures include health and safety protocols that go far beyond past procedures. In addition to providing a safe workplace for employees, local governments must determine when and how best to reopen to the public.

Temporary Remote Employment Issues for Municipalities

In many areas, the pandemic led local governments to send employees to work from home without having adequate time to develop and adopt policies and guidance. Municipal employers without remote employment policies or with hastily prepared policies may now want to develop or re-examine policies for:

- Employees who continue to work from home.
- Anticipated surges in COVID-19 cases, resulting in new stay-at-home phases.
- Other workplace disruptions that call for sending employees away.

While the recent focus on remote employment has resulted from COVID-19's impact, work-from-home periods may also be a necessary result of other sudden or unexpected events. Regardless of the circumstances, government operations can continue more efficiently during these temporary periods if there are measures in place to:

- Determine the circumstances that warrant working from home.
- Assess the organization's abilities and readiness to facilitate remote employment.
- Delegate responsibility for making decisions regarding working from home.
- Communicate the commencement of working from home to affected and eligible employees.

- Communicate the status of government facilities and services to the public.
- Specify responsibilities and expectations for employees who will be working remotely, including:
    - setting a schedule and availability requirements as appropriate to the situation;
    - defining workspace parameters and determining what employees need to work remotely; and
    - reinforcing related personnel policies and legal requirements that apply to remote employees.
- Address technology, cybersecurity, and confidentiality issues.
- Provide the support remote employees need.
- Be flexible and ready to adapt to evolving situations.

When normal operations resume or if the circumstances leading to remote employment continue for an extended period, the municipality should provide opportunities to debrief and adjust policies as needed for the future.

For a detailed list of measures government organizations should take when allowing or directing employees to work from home temporarily, see the attached Temporary Remote Employee Considerations for Government Employers Checklist.

Reopening Municipal Offices

Reopening municipal offices and bringing employees back after a temporary closure may not be as simple as some might think. During the COVID-19 pandemic, guidance on proper safety measures has continued to develop and change. Until the pandemic subsides, some employers may be in areas where phased reopenings move forward, only to regress to earlier phases. In anticipation of reopening facilities for employees and the public, local governments should consider how they will:

- Develop and communicate the reopening plan, which should include:
    - understanding applicable legal and scientific concerns;
    - monitoring state reopening orders and guidance for businesses;
    - clearly communicating with employees and preparing them for the reopening plan; and
    - determining how the local government will handle public gatherings and proceedings.
- Decide on the timing, method, and selection of worker return, including:
    - determining individual employees' suitability and willingness to work in the office; and
    - responding to accommodation requests.

Pandemic and post-pandemic phases, along with other situations that result in extended facility closures, may result in a need to reexamine employee policies and procedures, such as:

- Telecommuting or work-from-home policies.
- Sick leave and vacation or paid time off policies.
- Travel policies.
- Employee job descriptions.
- Expense reimbursement policies.
- Training requirements.

For more on measures to consider when reopening a municipal office after a temporary closure, see these attached checklists:

- Municipal Office Reopening and Return to Work Checklist.
- Health and Safety Protocols for Reopening Municipal Offices Checklist.

Related content available through Practical Law includes resources on Remote Employees: Best Practices and numerous resources in the Government Coronavirus Toolkit and the Health and Safety in the Workplace Toolkit. Practical Law is a service of Thomson Reuters.