



## **Create an Effective Work from Home Work Environment**

Californians, all 40 million of us, have been ordered to shelter at home and all non-essential business operations have been ordered to close. For many businesses, that means sending employees to work from home. While working from home allows businesses to continue to operate during the government mandated shutdown period, working from home can create a host of other challenges for both employees and employers. Employers must take additional steps to alleviate some of these challenges and encourage employees to remain productive.

### **Communicate With Your Employees**

Communicate with your employees early and often. Let them know what is going on with your business as soon as possible to allow them to plan too. An employer is unlikely to be able to ease all of an employee's fears because of the COVID-19 pandemic, but letting employees in on what the business is anticipating and the steps the business is planning in the future will serve to ease some of their fears. Reducing at least one thing your employees have to worry about in these uncertain times will help them focus on work while at home.

In the digital age, employers can and should check in, catch up, and hold meetings with employees using applications such as Zoom or Skype. Even a simple call or text can help employees feel informed and connected to their workplace and colleagues.

### **Set the Ground Rules**

While it is necessary for certain employees to work from home while shelter in place orders are in effect, the reality of working from home is that there may be more distractions and productivity can be more challenging than at the office. It is important for employers to set expectations early and reinforce those expectations those along the way. Expectation setting will help employees have goals throughout the day and week to gauge their productivity against what they are expected to get done.

### **Be Flexible**

Given the challenges that come along with working from home, like kids, partners, and pets, employees and employers may benefit from permitting employees to complete their work in off hours to the extent possible. If that means allowing employees to work early in the morning and late into the night, employers should be flexible and allow employees to do so (while making certain that non-exempt employees continue to report all working hours, including any overtime, and take and record required breaks).

## **Provide Your Employees With the Tools Necessary to Work From Home**

At this point, setting up your employees with the infrastructure (i.e., computers or other equipment) in their home may be challenging because of the State of California's shelter in place order and other cities'/counties' shelter in place orders closing businesses. However, to the extent employees need ancillary equipment like cables, monitors, etc., employers should allow their employees to purchase the necessary equipment and reimburse employees for it. Cash flow is an obvious concern while Californians are stuck at home and many businesses are closed, but employees will be more productive with the tools they need to work at home. Be sure that your employees have what they need. Provide your employees with contact information of IT personnel so they can reach out with connectivity issues.

## **Follow the Law**

Exempt (salary) and non-exempt (hourly) employees are covered by different provisions of law, and employers must be cognizant of how the law applies to each category of employees. If non-exempt (hourly) employees are working from home, make sure you can record their hours worked. Remind non-exempt workers of their timekeeping responsibilities (e.g., clock in before starting work, clock out for lunch before five hours of work is completed, do not clock out until work is completed). If there is no way to clock in/out remotely, require employees to send an email clocking in for the day, clocking out for lunch, clocking in from lunch, and clocking out at the end of the day. We advise setting up a dedicated email address for non-exempt employees to email for clocking in/out. Failure to keep accurate time records, even during a government ordered shutdown, can open up an employer to potential claims.

There may also be complications around accommodating employees' disabilities and medical conditions while working from home. Unless providing an accommodation is an undue hardship, the employer is obligated to continue providing reasonable accommodations. Businesses may also need to engage in the interactive process regarding new or revised accommodations to enable employees to work remotely.

Finally, remember that employers must reimburse employees for their reasonable business expenditures. While working from home, businesses need to reimburse employees for internet and phone usage, including a reasonable portion attributable to work use if they purchased "unlimited plans." To the extent possible, allow employees to take home employer-owned equipment/devices. If you have portable Wi-Fi devices, allow employees to use those at home to lessen the need for additional reimbursements.

We note that these are only a few issues to be mindful of while employees are working from home and that every situation is unique. Consult an attorney if you have questions.

*If you have any questions regarding this article, contact The Maloney Firm at 310.540.1505.*