



Employer Alert: Checklist for Your Work from Home Employees

1. Wage and Hour
 - A. Non-exempt (Hourly)
 - Ensure that hourly employees working from home are paid for all hours worked and taking required breaks.
 - If timekeeping systems are unavailable remotely, require employees to send an email clocking in and out at the beginning and end of their shifts, and for meal breaks.
 - ❖ Remember – employees must clock-out for their lunch break before five hours of work is complete, and should do no work during their breaks.
 - Consider setting up a separate email account for employees to send clock-in and clock-out emails.
 - Remind hourly employees they are authorized and permitted to take their rest breaks. Consider asking the employees to certify by email that they received required rest breaks when they clock-out at the end of the day.
 - B. Exempt (Salary)
 - For any week an employee performs any work, they are entitled to their entire salary for that week.
 - ❖ This includes checking emails and even brief phone calls.
 - Employers can deduct employees' paid time off (PTO) balances when they are out for personal reasons or illness.
 - If an exempt employee's PTO is exhausted, no salary deductions are permitted for absences less than a full day.
 - Remember, the minimum allowable salary for exempt employees in California is \$54,080 for employers with 26 or more employees and \$49,920 for employers with 25 or fewer employees.
2. Reimbursements for Business Expenses
 - A. California Labor Code section 2802 requires employers to reimburse employees for necessary and reasonable business expenditures.
 - B. During the work from home period, you may be required to reimburse employees for internet or cell phone usage.
 - Reimburse the employee's actual expenses or a set stipend designed to cover a reasonable amount for business use of personal accounts/devices.
 - C. Employers still need to reimburse for mileage, if employees continue to travel for work.
 - D. Reimburse for the purchase of any equipment that employees need to work from home.
 - Allow employees to take home their office equipment for remote use if possible.

3. Discrimination/Reasonable Accommodations
 - A. Work from home arrangements should not discriminate on the basis of any characteristics protected by state or federal law, including disabilities.
 - B. Unless it imposes an undue burden on the employer, accommodations should be transferred from the worksite to the employee's home.
 - For example, your business may need to purchase a different size screen reader for a laptop to accommodate visual impairments.
 - C. Allowing employees to work from home may itself be a reasonable accommodation.
 - D. Providing employees time off to recover from an illness may also be required as a reasonable accommodation.
4. Privacy Considerations for Your Business and Customers
 - A. Ensure remote connections have appropriate safeguards to prevent the loss or theft of customer and employee information.
 - B. Employees should make sure their home internet connections are secure and password protected.
 - C. Warn employees about phishing attacks, especially those attempting to use coronavirus as a subject.
 - D. Ask employees to avoid printing any sensitive materials.
 - E. Save data on company networks, not on personal devices or personal cloud accounts.
5. Other Issues
 - A. Determine which employees can work from home and how, in the event more restrictions are announced.
 - B. Provide employees with contact information for technical support and resources if they encounter technology/connection issues.
 - C. Remember, employees may have to call out sick even if already working from home.
 - D. Review your insurance policies (e.g., employee benefits, workers compensation, cyber, etc.) to ensure coverage with employees working from home.
 - E. Consider sending a memorandum to your employees setting forth expectations for employees working from home.

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