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# Remote Worker Toolkit



California  
Employers  
Association™

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## Contents

Variables to Consider .....	3
Policies and Practices .....	4
Safety .....	5
Wage and Hour Issues – Non-Exempt Employees.....	5
Communication is Key.....	6
Employees Who Request Relocation.....	6

When the country is experiencing low unemployment rates, employers can struggle filling open positions and retaining employees. In recent years, the low unemployment rate coupled with the accelerated pace of technological transformation brought on by the pandemic led to many employers allowing their employees to work on either a hybrid schedule (some days working at home, some days working in the office) or work 100% remotely.

Through the pandemic, many employers from a wide-range of industries and with various job levels found that remote work was accomplished in a productive manner. At times, adjustments to company structures were necessary, but many discovered that employees were capable of making the transition effectively. Despite being apart, employees report that they are more connected and productive than ever before.

Over the last several years, employers also started hiring workers who didn't necessarily live near any of their offices. Some even allowed their top talent to relocate to work remotely on a permanent basis.

If your company has not quite mastered telework or you are considering a more permanent shift towards having your employees continue working remotely, you should take several steps to ensure a successful program. It's imperative that employees know the expectations when working from home, and the company must craft clear policies and effectively communicate those policies to employees so any issues that arise can be managed consistently and professionally.

## Variables to Consider

Many employees and candidates are gravitating toward companies that offer either a hybrid work schedule or 100% remote work. Some candidates won't even apply for a position if it is advertised as being 100% on-site. If you're concerned about attracting and retaining "A" players, you may be considering allowing your employees to voluntarily work a hybrid schedule or to voluntarily work remotely on a full-time basis. (**Note:** allowing employees to voluntarily work remotely does not absolve the company from its obligation to respond to [reasonable accommodation](#) requests.)

While this may sound pretty straightforward (the employee has a laptop and phone, so what's the harm in allowing them to work from wherever they want?), there are several things to consider first.

- **Positions** – when contemplating allowing an employee to work remotely either on a hybrid schedule or 100% of the time, concentrate first on the position. Assess whether the essential functions of that job can be done successfully on a permanent remote basis. While you might not think about it at first, many positions require some "non-daily" tasks to be done at the office. For example, if you have an administrative assistant who is able to provide the same support and assistance to their internal customers whether remote or in the office, but they do come into the office occasionally to send out packages, make copies or runs to the bank to deposit checks, that position may be right for a hybrid schedule, but may not be right for permanent remote work; or you may want to shift those in-office responsibilities to another position.
- **Employee Performance** – if you've been allowing employees to work remotely on certain designated days of the week, or at their own discretion, assess their individual performance. Do they seem to be equally productive and accessible on the days they work from home as opposed to the days they are in the office? Then, assess the performance of their team/department. Has the team been successful in meeting objectives even though team members are not always in the same physical space?

- **Test-Runs** – if the employee has been on a hybrid schedule, coming into the office some days and working from home some days, **consider doing a trial run of 100% remote work for several weeks** before you decide if you're willing to shift them to 100% remote. A hybrid schedule and a 100% remote schedule are very different. Make sure their interactions and collaborations with their teams, and their work product, do not suffer. Create a metric to objectively measure the results of their remote work trial.
- **Travel** (expense reimbursements and compensable time) – if a remote employee's primary location of work is designated as their remote office, if you require them to come into the office or travel to a client's site from this primary location, the company must reimburse them for their travel expenses. This travel time is also compensable for non-exempt employees, starting when they leave their home office.
- **Pre-Approving Relocations** – Make sure your remote work agreement includes the employee's current home address where they will be working and a statement that any change to this location must be **pre-approved** by the company. If your company allows 100% remote work, this helps to prevent surprises such as a remote employee announcing to you one day that they bought a house in a different city or even a different state and tells you they will be moving in a few weeks.

Consider the information above and decide to allow an employee to either work remotely on a hybrid or permanent basis, then make sure you continue to monitor their performance, work product, and conduct. Part of your agreement with this employee should be that if business necessity or their performance changes, the company reserves the right to revoke the agreement. This serves to put the employee on notice that management is observing and evaluating if remote work is really working.

## Policies and Practices

These policies and best practices will help you manage your remote workers pro-actively and compliantly.

- **Remote Work Policy** – A remote work policy that addresses timekeeping, assigned equipment, schedules, expectations, and job descriptions is essential. A sample policy is available on our website or by clicking [here Remote Work Policy](#).
- **Paying Employees Properly** – The applicable minimum wage and paid sick leave laws are based on where the employee is physically working. If your remote employees are working in a different city than your on-site location, you may need to make adjustments in pay and/or paid sick leave benefits. Refer to our [Local Minimum Wage Fact Sheet here](#).
- **Company Property/Equipment** – The company should assess and inventory the equipment they distribute to employees (e.g. laptops, docking stations, monitors, phones, printers, office supplies) and document serial numbers.
- **Reimbursement of Expenses** – Reimbursement for reasonable and necessary expenditures and losses is required even if the remote worker would have incurred them anyway. The company should determine the amount and consider costs the employee will be paying while working from home. The employee may need higher speed internet to access the company network, a laptop, personal home phone for business use, a desk, chair or other furniture. Be specific and clear in your remote worker and/or expense reimbursement policy what expenses are covered. Direct the employee to notify you if they believe they are not being sufficiently reimbursed for business expenses, or if their circumstances ever change.

- **Security** – Address security, privacy and confidentiality concerns and protocols. Discuss how confidential company documents should be handled if the employee needs to dispose of them while working from home. Ensure passwords for computers, phones, and other company equipment are secured and accessible to only those who need them.
- **Leaves of Absence** – Employees are still entitled to any leave of absence protections while working from home. Reference our [Leave of Absence Toolkit](#) for additional information.
- **Meal and Rest Breaks** – Employers must provide timely and compliant meal and rest breaks when non-exempt employees work remotely. Implement timekeeping practices to track meal and rest breaks and ensure compliance. Instruct your supervisors regarding the obligation to relieve employees of all duties during their breaks, even when working remotely. CEA has a [Meal and Rest Breaks Fact Sheet](#) for your reference.
- **Posters** – If you have any employees who work 100% remotely (i.e., never come to your on-site location at any point during the year), CEA offers an all-in-one [State/Federal Employment Law Laminated Poster Protection Plan with Remote Worker Option](#), which includes a digital download for your remote employees with a signed acknowledgment form. This is available for each of the 50 states. You may also mail hardcopies of all required state and federal notices to your 100% remote employees – an all-in-one poster will do as well. We offer both paper and laminated all-in-one posters for each of the 50 states on our store.

## Safety

- **Ergonomics** – Create an Ergonomic Plan to increase employee productivity. Distribute information and educate your workforce on the proper way to set up an at-home office. Our [safety partners](#) have resources to assist you with an ergonomic assessment.
- **IIPP & Workers Compensation** – Review your IIPP for remote work compliance and discuss with the employee what to do in the event of an injury. Visit the [Safety Programs](#) page on CEA's website for additional information on ensuring your current plan is up to date. Contact your Workers' Compensation carrier to discuss any considerations now that you have employees working from home. You can also reference our [Workers' Compensation Toolkit](#) on the CEA website.

## Wage and Hour Issues – Non-Exempt Employees

Consider all issues relating to workers and remote work, including:

- **Timekeeping** – review your timekeeping system so you can ensure employees are properly tracking all hours, rest and meal periods, sick, holiday, vacation pay, etc.
- **Off-the-Clock or “After hours” Work** – set a regular schedule so employees know when they should and should not be working and remind them that hours worked outside of their usual schedule require pre-approval.
- **Rest and Meal Periods** – continue to follow your company policy regarding meal and rest breaks for non-exempt employees and remind supervisors, managers and any timecard approvers that timecards should be reviewed weekly to ensure compliance.



- **Terminations** – in the event you need to terminate a remote employee, be prepared to handle their final documentation and check so you remain in compliance with California law. Remember, final pay must be paid at the employee's primary work location, not yours. If you terminate a remote employee, you must be prepared to deliver the final paycheck, and any accrued but unused vacation or paid time off, at the same time the employee is notified of the termination. Note that any direct deposit agreement must specify its applicability to the final check. Reference our [Termination Toolkit](#) for additional information.

## Communication is Key

- **Company Policy Reinforcement** – remind employees that all company policies apply equally to remote, hybrid and onsite workers (i.e., harassment prevention, safety, conduct, dress code, etc.).
- **Meeting Etiquette Guidelines** – If you don't already have them, consider creating meeting etiquette guidelines that detail the behavior you expect at meetings; these include remote and hybrid arrangements as well as in-person meetings.
- **Keep Talking** – face-to-face, virtual and/or phone calls can make all the difference between keeping and losing a great employee due to remote work. Schedule weekly calls with individuals or teams as needed.
- **Avoid Micromanaging** – ensure goals and expectations are clear; track overall goals and productivity and do not micromanage every moment of the employee's day.
- **Review, Revise and Discuss Goals/Projects/Plans** – be flexible and open-minded when reviewing previous goals, projects, deadlines, etc. Things will still get done, but they may need to be done in a different way or with different resources. Some workers can get distracted, disengage, or put off projects when they are not surrounded by their coworkers. Keep the communication open and positive so everyone feels they are part of the overall team and the organization. However, you may need to revisit the remote worker plan if it is not working effectively for you and/or the employee.
- **Respond Promptly** – train your supervisors on how to best manage remotely and remind them of the importance of performance reviews and keeping up with progressive discipline. CEA's [Training and Talent Development](#) team is equipped with tools to assist your leadership team with managing remotely.
- **In-Person Performance Reviews** – schedule these a couple of times a year, when possible. Clearly communicate your expectations of the employee so there are no surprises. Managing performance remotely can be more difficult. If you start to notice performance issues while an employee is working from home, refer to CEA's [Coaching and Discipline in the Workplace](#). This tool kit can help you manage employee performance – either in-person or remotely.

## Employees Who Request Relocation

Sometimes employees who have been given the opportunity to work remotely 100% of the time are under the impression that they may relocate at any time. Your remote work agreement should explicitly state that if an employee wishes to relocate from their documented primary work location, they must obtain prior written approval from the company.

Below are some things to consider if you receive a request from a 100% remote employee to relocate to a city or state where the company does not already have a presence. This will involve some heavy-duty investigation and decision-making.



- **Fairness and Employee Engagement** – when you allow a remote employee to actually relocate to another state, other employees will be keenly aware that this change is happening. In order to avoid complaints of unfairness or possible claims of discrimination, consider the following:
  - **Internal policy** – formulate a clear internal policy regarding relocation to other cities or states. This is not to say the company should publish all the details that have gone into the company's decision to accept one employee's request and not another's.
  - **Be as transparent as possible** – once leadership has formulated and agreed to an internal policy, the general parameters of that policy should be articulated to employees. The company could use an internal decision-making rubric to make decisions about relocation. The areas being evaluated could be shared with employees. The company wouldn't necessarily have to share the entire, fleshed-out rubric.
  - **Communicate a time-frame to manage employee expectations** – the policy you share with employees could include who at the company makes the decision and could lay out the time-frame the company will take to make that decision. Giving an approximate time-frame for the decision allows the company adequate time to make the decision, without feeling rushed or backed into a corner.
  - **Evidence of non-discrimination** – If the steps above are followed that could serve as compelling evidence that the company ultimately made their decision based on objective, bona-fide business criteria. If this is well-documented, this is the best defense against complaints of unfair treatment, or in the worst-case scenario, claims of discrimination.
- **Logistics** – in addition to the company being required to comply with the wage and hour laws for non-exempt employees for the location where the employee is actually doing the work, the employer must comply with all the labor laws of that city and/or state, whether the employee is, exempt or non-exempt. If your company does not already have a presence in the state, here are some things to consider:
  - The company will have to register as an employer in that state. This is for payroll purposes. You'll need to have an employer identification number in that state in order to remit payroll taxes. This can sometimes take several weeks. Each state has their own process for registering as an employer. A good place to start is the state's Department of Revenue.
  - Your payroll department will have to deduct and remit income taxes (if the particular state has a state income tax).
  - You'll have to make sure your Workers' Comp insurance policy will cover employees in the state. Reach out to your carrier to confirm. Some states require employers to buy state-sponsored Workers' Comp insurance.
  - You will likely be required to pay into some sort of state-administered unemployment insurance program.
  - In addition to employers being required to register for payroll purposes in the state, some states require companies that are outside of the state with employees in the state to register as a foreign corporation, pay state business taxes, and pay annual licensing fees. When you're on the Department of Revenue's site for that state, you'll need to check if these additional requirements apply.
  - Some states require professional services workers to be registered in the state (there are ongoing expenses as well as logistical costs of doing this).

- If you offer health insurance to your employees, you will need to make sure you offer medical insurance to the employee in the state to which they are relocating. Many companies in California use HMOs that are only available in California, such as Kaiser, or even more localized providers like Sutter Health Plus and Western Health Advantage in Northern California. Work with your insurance broker to find a comparable plan in the state the employee is moving to.
- There are ongoing logistics involved in this as well. If the employee is on an individual plan in the state, sometimes the employer doesn't have the visibility into that plan that it has for the California group plans.
- **Business Travel Costs** – there will be similar costs as there are when an employee's primary work location is in their remote office. However, these costs may increase dramatically if the employee is allowed to move across the country. This can get expensive for employees who live four and five hours away by plane, particularly for non-exempt employees.

If you are thinking about allowing one or more employees to relocate to another city or state, make sure you go into the process armed with the above information and consider thoughtfully before making this important decision.