

New Year – Make it Your Resolution to Handle Remote Work More Effectively

Nancy Notfair has filed a formal complaint with the Board declaring that she has been discriminated against because of her age. She indicates that she has been required to come into the office three whole days a week but her peer, Glinda Gettitall, is allowed to work from home as often as she desires. Nancy indicates that she has already consulted with her attorney...

Action Steps:

Paula Pennypincher has sent your accountant a bill for \$2,800. It is itemized and includes expenses that she has incurred by virtue of working at home. The list includes her cell phone bills for the last four months, a personal heater, a new laptop, and...her Netflix bill. She indicates that all are necessary expenses and that you are required to pay for them under federal law.

Action Steps:

Danny Distraction is several months behind in providing you with critical data required by your federal grant. He has been unable to make the past two virtual staff meetings because of problems that he experienced caring for his homebound mother. Danny promises that he will catch up with his work and repeatedly expresses his gratitude for your understanding.

Action Steps:

Peter Payme primarily works from his home office. He frequently travels to both pick-up and drop-off varying files and other materials at the traditional office building. He has not been paid for any travel time in the past year and is now wondering if you should be paying him for it. In reviewing his time records, you also notice that he simply writes down 9 to 5 on his timecard. Noting that you frequently get emails from him late into the evening, you now begin to wonder about the legitimacy of the current system.

Action Steps:

Mary Mountainmama and Brynn Beachlover have both truly loved their new remote work status, as each have now been able to spend extensive amounts of time working at favorite vacation locales outside of the state. On January 15, you receive a note from Mary asking when she will be paid for her unused PTO from the prior year. You explain that no such monies are forthcoming because your policy does not allow for any carryover. Brynn is asking about her right to extended paid pregnancy leave because of the laws within her new workplace.

Action Steps:

Wynona Whenican, a full time remote-based employee, believes that she works very hard for the Agency. As a result, she only reports PTO when she believes that her boss would otherwise know. This happens despite her extended lunches with friends, time off to transport her children to and from school, and her daily gym visit. If questioned, she figures that she will simply cite the unreported evening and weekend work that she performs as an offset.

Action Steps:

Carla Canotgetbeta has been suffering from lasting effects of COVID, as well as worsening arthritis in her knees. She explains that there are periods of time when the exhaustion from the undetermined COVID-related symptoms that necessitate her to take extended naps during the day. She would like to adjust her hours to provide for such naps. In addition, she has submitted a request for an expensive standup desk and massaging braces for use while working at home.

Action Steps:

Tina Tilsomethabedder has raised significant concerns about the Agency's new expectation that she be present in the Office three days each week. She explains that she is going to begin looking for an alternative position because she values remote work status above nearly any other benefit. Tina is willing to negotiate and even accept less pay if she can work four of the five days from home.

Action Steps:

Troy Twotimer has absolutely loved the ability to work from his home. In particular, he appreciates that he never has to speak to his boss, attend any remote meetings, or engage in any unnecessary social occasions with coworkers. In fact, the new working situation has now allowed him to accept and work a full time forty hour a week job writing posts criticizing the extension of disability protections within the federal system.

Action Steps:

Harriette Hortalot notices that it is a beautiful day outside and decides to set up an outdoor remote office with her favorite lawn chair and an umbrella. Unfortunately, an abrupt gust of wind dislodges the umbrella and Harriette is severely injured when the pole partially impales her arm. She files a workers compensation injury, and your agent indicates that the long-term financial impact on the Agency will be “painful.”

Action Steps:

Charlotte Cannata communicate has enjoyed her remote work status. While an admitted procrastinator, she has been immensely productive because of the found time that has resulted from less travel time. She has a block on all calls and meetings between 10 and 2 each day. Moreover, she has now embraced a “no email” approach and believes that anything urgent can wait until the next weekly meeting.

Action Steps:

Sara Shopalot utilizes her personal laptop for her remote work. She frequently shops during the workday (how is a little Cyber Monday ever going to hurt anyone?!?) and “accidentally” utilizes her work email to secure what she believes will be a second deal of the day. Unfortunately, it is a scam, and the criminals use her information to wreak havoc on your email server. In an effort to remedy the problem, your IT vendor finds a number of images of Sara sporting inappropriate outfits while at work on a dating app.

Action Steps:

Michalea Mindyabusiness seems to simply hate Zoom meetings. In fact, she refuses to appear on video and cites her legal rights when refusing to turn on her camera. In contrast, Paul Pajamaman comes to most of the team meetings dressed in his bathrobe. While you have tactfully attempted to encourage him toward more professional dress with comments like “keep that belt tied tight, Paul,” the concern does not seem to resonate with him.

Action Steps:

Zelda Zoom loves to hold regular virtual conferences and particularly enjoys sharing a variety of documents through technology. One day, she decides to “whiteboard” an idea that the team seems to like. However, she accidentally shares the wrong document, and it sets forth her reorganization plan. Such a plan includes eliminating the positions of two of the employees in the meeting.

Action Steps:

It Is Report Card Time!!!!

Employment Law Update 2023

First, know that you are Compliance Rockstar!!! Second, we know that you are doing your very best in your role and this exercise is to help you identify those areas where we need to encourage leadership to join you in this work. Now, for the report card! We are going to use today's session to consider eleven critical areas of employment law compliance with a focus on the employee life cycle. As we cover each area, please mark the box when you believe that you and your Office are achieving within that principle. If you are not there quite yet, leave the box blank. There is a total of 33 points available.

Recruiting

- All Openings Are Posted Externally & Internally
- Ads Include Necessary EEO/ADA
- Offer Letters With At Will & Start Date Sent

Interviewing

- All Interviewers Have Been Formally Trained On Protected Classes
- Multiple Interviewers Are Involved In The Process
- Interview Assessment Forms Always Created & Returned To HR

Onboarding

- Job descriptions
- Handbook Review & Acknowledgment
- Evaluation & Corrective Action Philosophy Discussed

Evaluating

- All Employees Receive Them
- Moved To Narrative & Goal Approach Over Numeric
- Distributed & Returned Timely On Minimum Of Annual Basis

Remote/Hybrid Work Benefits

- Created A Memorandum/Policy Explaining Which Jobs Will Be Provided
- Using A Formalized Request Document That Must Be Submitted For Approval
- Requiring Receiving Employees To Sign A Remote Work Agreement

Promoting

- All Available Promotion Opportunities Are Openly Advertised Internally
- All Candidates Meeting Minimum Qualifications Are Interviewed
- Final Promotion Decision Memorandums Are Completed To File

Correcting

- All Leaders Have Been Trained On Corrective Over Disciplinary Philosophy
- Corrective Plans Are First Reviewed By HR Prior To Issuance
- Corrective Plans Always Include Measurable & Time Certain Goal

Terminating

- Involuntary Separation Memorandums Always Completed
- Exit Interviews Provided For Voluntarily Departing Employees
- Communication Regarding Departure If Offered Internally

ADA/FMLA Compliance

- Supervisors Contact HR To Initiate FMLA At Inception Of Serious Health Condition
- Certification & Designation Forms Are Being Timely Provided
- Undue Hardship Consideration Is Triggered During Beginning Of Unpaid Leave

FLSA Review

- Exemption Review In Past 3 Years
- System To Ensure Exemptions Upon Employee/Position Movement
- Hidden Sins (Early Arrivers, Breaks, & Travel) Considered & Addressed

Handbook/Manual Updates

- Full Review In Past 5 Years
- All New Employees Sign Receipt Of Handbook & Acknowledgement Forms Placed In New Employee's File
- Employees Sign Acknowledging All Updates When They Occur

Now that you have completed your self-review, how did you do? Add up all the boxes that you marked and multiply it times three (3) to see how close you are to the all-allusive perfect grade! Be encouraged by all the successes that you have already been able to accomplish. But also highlight the areas where there is an opportunity for improvement and use this to prioritize your personal efforts in the coming year.

My final score: _____

The Five Opportunities That I Pledge To Pursue In The Coming Year...

1.

2.

3.

4.

5.