



Electronic Alert

Volume 25, Issue 25

August 19, 2022

How to Draft A Proper Remote Work Policy

By Jeff Robertson & Iris Tilley

A proper remote work policy protects the organization by defining who can work remotely and what those who are remote must disclose to their employer. This policy should be in written form and may be a separate policy or part of a larger employee handbook. However, where the policy is part of the handbook and not customized from employee to employee, a separate remote work agreement covering the specifics of an employee's remote work arrangement is best practice. Failure to draft and distribute a clear remote work policy has potential ramifications for paid leave, taxes, workers' compensation, reimbursement of equipment, and workplace discrimination claims.

A remote work policy and/or remote work agreement should cover:

- The employee classes or positions that are eligible for remote work;
- The covered employee's approved work location;
- Terms, conditions, and requirements tied to the privilege of remote work, e.g., that employees must continue to adhere to all company policies, expectations regarding the employer's ability to reach the employee during specified hours, and details regarding specific times the employee must report in-person to the office; and
- The employer's right to revoke the remote work agreement and/or policy.

Remote work policies can vary substantially depending on an employer's workforce, culture, and work locations. Our employment lawyers are highly skilled at drafting remote work policies and agreements and determining the laws implicated by employees who are working remotely. We work with companies to make sure written remote work policies support employees working remotely as well as to protect companies to the greatest extent possible.

For any remote work questions, contact authors Jeff Robertson at 503-276-2140 or jrobertson@barran.com, or Iris Tilley at 503-276-2155 or itilley@barran.com.