

Model Policy: Telecommuting

Why you need this policy:

Telecommuting offers significant business advantages to a law firm. But it also comes with some liability challenges for employers who choose to offer telecommuting.

How this policy helps you:

The best way to avoid the 8 pitfalls of telecommuting is to establish a policy that sets out clearly the arrangement, the expectations and the criteria for approval to telecommute. A well-crafted policy plays a key role in establishing the boundaries with employees and preventing misunderstandings that may result in grievances, discrimination suits or other legal complaints.

How to use this policy:

This Model Policy is based not on any single example, but is a “greatest hits”-type of amalgamation of best practices from actual policies used by law firms across the U.S. Of course, no two practices do all things exactly the same way, so you’ll need to modify the Policy to your own circumstances.

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Model Policy: Telecommuting

ABC Law Firm

1. Definition of Telecommuting

This Policy applies to “telecommuting,” that is, to work from home or alternative locations, which are undertaken to help employees achieve a better balance between their work and personal lives, while continuing to contribute to the attainment of Law Firm ABC goals (ABC).

2. Policy Statement

ABC recognizes the opportunities that a flexible working arrangement such as telecommuting can present, and encourages departments to implement telecommuting arrangements where it is economically and operationally feasible to do so, and in a fair, equitable and transparent manner.

3. Mutual Agreement

The opportunity to telecommute is just that—an opportunity. The arrangement must be voluntary and acceptable to both sides. No employees will be required to work from home against their will.

4. Approval Process

Telecommuting is not permitted without ABC’s express written approval. Any employee seeking permission to telecommute will complete a Telework Application form and submit it to [name of your Telework Co-Ordinator]. [Describe your application procedure and deadlines that apply.]

5. Criteria for Approval

Requests for permission to telecommute will be evaluated on the basis of:

- a) The nature of the work to be performed at the telecommuting place is operationally feasible;

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- b) The overall quality and quantity of work carried out in the designated workplace shall be sustained by the telecommuter in the telecommuting place;
- c) The work done at the telecommuting place will be performed cost-effectively;
- d) The terms and conditions of employment, provisions of relevant collective bargaining agreements, contracts and the application of existing legislation and ABC policies and procedures will continue to apply in telecommuting situations; and
- e) Product quality and client service will not be compromised by the telecommuting arrangement;

6. Written Contract Required

The details of the telecommuting arrangement must be: i. Discussed and agreed upon between the employee participating in the telecommuting situation and the managing partner; and ii. Put in writing in an agreement between ABC and the employee (Telecommuting Agreement). The Telecommuting Agreement must at a minimum include:

- * An indication that the arrangement is voluntary in nature;
- * The duration of the arrangement;
- * The specific days the employee will work via telecommuting, if applicable;
- * The hours of work;
- * Whether the arrangement will be regular or episodic;
- * The telecommuting location;
- * The work objectives and expected results;
- * Issues of liability (e.g., personal and equipment); responsibility for costs associated with telecommuting (e.g., utilities and insurance);
- * Occupational safety and health responsibilities; and
- * The requirement that the employee adhere to all aspects of government and ABC policies, rules and regulations.

The telecommuter shall submit a weekly log documenting hours worked, in accordance with the terms of the Telecommuting Agreement.

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7. Termination of Arrangement

The telecommuting arrangement is voluntary in nature and can be terminated at any time, with reasonable notice by either party. Upon termination of the telecommuting arrangement and/or the employee's employment, for any reason, employee shall immediately return all files and equipment to ABC.

8. Equipment and Technology

The selection of appropriate equipment and electronic network requirements for any telecommuting arrangement shall be decided on a case-by-case basis and shall be memorialized in the Telecommuting Agreement before a telecommuting arrangement takes effect. Notwithstanding the foregoing, the following guidelines will apply:

- a) Where ABC provides the equipment, ABC will assume the responsibility for normal maintenance and repair;
- b) If the employee requests to telecommute using his/her own equipment, then he/she is responsible for the maintenance and repair unless otherwise agreed to by ABC.
- c) Employees who telecommute are responsible for:
 - i. The costs of maintaining the telecommuting workplace (e.g., insurance, heat);
 - ii. Ensuring that a telecommuting arrangement is in accordance with the municipal zoning regulations and in accordance with the employee's residential lease, if applicable;
 - iii. Adequately equipping the telecommuting workplace in compliance with all applicable health and safety standards;
 - iv. Complying with all the terms and conditions of employment, relevant collective bargaining agreements, individual contracts, legislation, and ABC policies and procedures (e.g., policies on privacy, harassment, confidentiality, Internet and email use) at the telecommuting workplace; and
 - v. Using supplies, equipment, technology and electronic networks (e.g., telephones, computers, PDAs) belonging to ABC for work-related purposes only unless otherwise authorized in writing by HR or an authorized ABC partner.

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9. Accountability and Monitoring

Partners, associates, managers and supervisors must implement effective and efficient human resource practices such as accommodating telecommuting requests, where it is economical and operationally feasible to do so.

- a) Practice departments must periodically evaluate existing telecommuting arrangements to determine that they are in compliance with the terms and conditions set out in this Policy and are contributing to the success of ABC.
- b) ABC officials also reserve the right to conduct evaluations of telecommuting arrangements on a periodic basis as they see fit.

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