

## FIRM NEWS

# VIRTUAL OFFICES ARE PERMANENTLY RESHAPING THE CORPORATE LANDSCAPE; ARE YOUR REMOTE WORKPLACE POLICIES EVOLVING, TOO?

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PROFESSIONALS  
Deborah Brouwer

*Nemeth Law attorney offers 10 key policy considerations for remote or hybrid arrangements*

Detroit—May 26, 2022—Although more workers are returning to the office, that number has not reverted back to pre-pandemic levels, and a recent Pew Research survey found that employees who are currently teleworking are doing so more by choice and not because of health-related concerns. Further, Upwork estimates that as many as 36.2 million Americans could be working remotely by 2025. Deborah Brouwer, managing partner of Detroit-based labor and employment law firm Nemeth Law, P.C., believes these trends present a compelling opportunity for employers to take a fresh look at their remote workplace policies, especially if they were put in place before the pandemic.

“Many companies have offered employees the flexibility of working from home for years, but the pandemic has redefined and expanded the parameters, attitudes – and even the definition – of remote work. Enforceable policies need to reflect that,” Brouwer said.

Successful remote and hybrid working arrangements hinge on a variety of factors that should be spelled out in workplace policies, including: a job description that accurately matches the employee’s current job duties; whether on-site attendance is an essential function of the job at certain times, such as attendance at meetings; and well-established guidelines and procedures, such as interactive process logs, for responding to requests for remote accommodations.

“Employers still need to have a clearly documented, communicated and enforced procedure for employees working remotely to ensure standards are fair and applied appropriately, and that no disparate class of worker is impacted when considering which type of employees can work remotely,” Brouwer said. “In addition, employees need to be trained on and fully knowledgeable of the expectations and procedures.”

Brouwer recommends remote working arrangement policies that:

1. Are consistent with company needs and granted on a case-by-case basis, depending on the position, and explicitly detailed as to whether the position is fully remote or hybrid.
2. Establish a minimum length of employment, performance and history, if remote work is not granted immediately upon hiring.
3. Include provisions for identifying equipment needs and stating who owns the equipment.
4. Detail provisions for using company-owned equipment at home.
5. Involve the company's IT department to ensure optimal cybersecurity and data protection.
6. Include a process for periodic inspections for home workspaces.
7. Outline expected work hours and reporting/check-in requirements.
8. Specify the employer's right to modify and/or cancel agreement at any time.
9. Set an objective standard to determine if employee is meeting performance expectations.
10. Require remote worker to maintain a safe work environment and define what that workspace scope and safety includes.

"Virtual employment is a practical way for companies to retain or attract talent by offering greater flexibility, but employers need to consider the impact it will have on the entire team or company and, if possible, implement a 'terms and conditions' agreement specific to each remote employee, so expectations are understood and can be met by all parties involved," Brouwer said.

#### **About Nemeth Law, P.C.**

Celebrating 30 years in 2022, Nemeth Law specializes in employment litigation, traditional labor law, management consultation, arbitration, mediation, and workplace investigation for private and public sector employers. It is the largest woman-owned law firm in Michigan to exclusively represent management in the prevention, resolution and litigation of labor and employment disputes.