



**Webinar**

# Managing Risk with the New Remote Workforce

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# Agenda

- Multi-state employment considerations
- Workers' Compensation
- Employment practice liability
- Cyber safety
- Home office safety



**Scenario:** Finding talent in your local area is difficult and expensive. Leadership is advocating for a **remote hiring strategy**. You want to support the business, but your team has no experience managing HR and Payroll **compliance in multiple states**.

## These issues are on your mind:



Time to research state and local laws



Effort to remain up to date in all locations



Danger of missing something until it becomes a problem

1	<b>Pre-Work Remote</b>	<ul style="list-style-type: none"><li>▪ Consider viability for work from home</li><li>▪ Notify payroll vendor, benefit broker, Workers' Compensation broker</li><li>▪ Register for state tax and unemployment tax IDs</li></ul>
2	<b>Handbook &amp; Policies</b>	<ul style="list-style-type: none"><li>▪ Handbook updates, lean on attorney or HR partner (update as headcount grows)</li><li>▪ PTO, vacation, sick time policies</li><li>▪ Leave of absence policy</li><li>▪ Candidate protections such as “ban the box” and pay history questions</li></ul>
3	<b>Make an Offer</b>	<ul style="list-style-type: none"><li>▪ Minimum wage considerations</li><li>▪ Exempt/non-exempt classification</li><li>▪ Required forms and notices for the new hire packet</li><li>▪ State reporting of new hires</li></ul>
4	<b>Provide Benefits</b>	<ul style="list-style-type: none"><li>▪ Share growth plans with broker</li><li>▪ Ask broker about requirements for out of state employees</li><li>▪ Ask broker about compliance considerations (ACA, COBRA, etc.)</li></ul>

5	<b>Compliance</b>	<ul style="list-style-type: none"><li>▪ Add new state to Workers' Compensation coverage</li><li>▪ Provide state, county, and city posters and notices (use a 3<sup>rd</sup> party vendor)</li></ul>
6	<b>Pay Staff</b>	<ul style="list-style-type: none"><li>▪ Learn overtime, meal &amp; rest break rules</li><li>▪ Learn final pay laws</li></ul>
7	<b>Tracking</b>	<ul style="list-style-type: none"><li>▪ Add new location in HR system</li><li>▪ Mandatory training (anti-harassment &amp; anti-discrimination)</li><li>▪ Periodic reassessment of work from home</li></ul>



**Scenario:** A California Corporation has determined that employees can work **effectively from any remote location** and has adopted a new way of working that allows employees to live anywhere (with a strong internet connection). Several employees choose to **relocate to other states** where the corporation has not operated.

## These issues are on your mind:



What do you need to put in place for Workers' Compensation and other insurance?



Are there compliance or posting requirements?



What are the consequences of not following requirements?



## Did you know:



Workers' Compensation insurance is required by law in almost every state. Some states are monopolistic which means you can only get coverage from the state directly (ND, OH, WY and WA). Schedule a call with your broker and be prepared to discuss the following:

- Number of employees by state
- Payroll by state and job function



Some states require disability insurance in addition to Workers' Compensation and fines can be as much as \$1,000 per day for non-compliance. (New York is a challenging environment).



Some states require a specific safety programs such as California's Injury and Illness Prevention Program (IIPP) to be documented for remote workers.

State specific Workers' Compensation notices need to be "posted"



Other insurance considerations



**Scenario:** Your company shifted to 100% work from home during the pandemic. You are now considering allowing employees to **work remotely permanently**, if they choose. Employees were initially sent home with laptops but working from home permanently brings other **considerations**.

## These issues are on your mind:



Health and safety responsibilities. Who is responsible for safety and equipment in the home?



Will OSHA investigate my employees' home offices?



Does the Cal-OSHA ergonomics standard apply to the home office?

**“Temporary” home ergonomics**



**Permanent home ergonomics**

## **Ergonomic elements of working remotely**

- Approval process for remote requests
- Safety and ergonomic checklist (initial and annual)
- Evaluation of remote workspace by employer
- Remote work ergonomic training
- Ergonomic evaluation process
- Employer provided equipment vs. reimbursement
- Pre-approved minimum and optional ergonomic equipment lists and budget



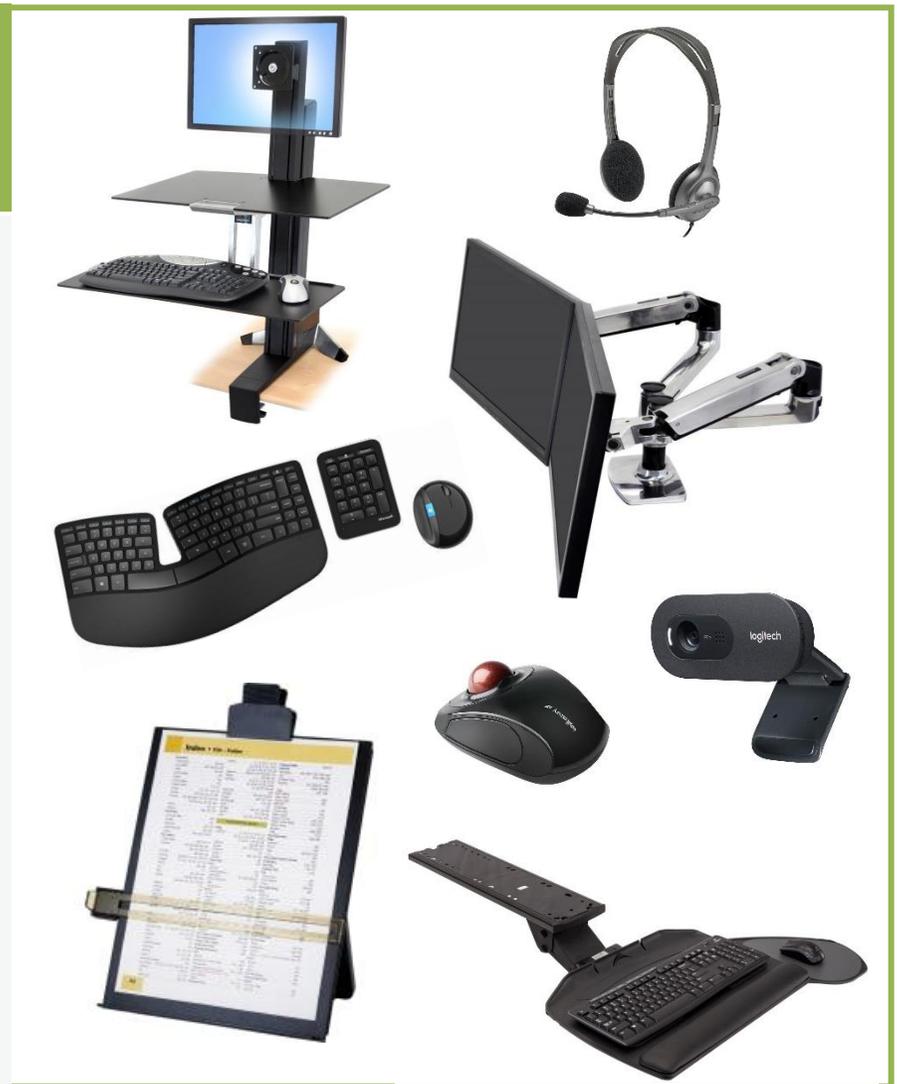
## Minimum

- Good ergonomic chair
- Detached keyboard
- Detached mouse
- External monitor or laptop riser



## Better and optional

- Wireless keyboard
- Wireless mouse
- External Monitor
- Headset
- Trackball
- Video camera
- Monitor riser
- Dual monitors
- Keyboard tray
- Document holder
- Standard desk
- Height adjustable desk or topper





## Did you know:



Employers Practice Liability Insurance (or EPLI) covers wrongful acts arising from the employment process. This coverage responds to damages from the emotional or mental condition of an employee as the result of things such as discrimination or sexual harassment. Think #MeToo movement.

- Now that we are being welcomed into people's homes via video meetings, there is the potential for "unwelcome or unwanted" situations. "Zoom bombing", camera not shut off, inappropriate backdrop, etc.
- State and in some cases city specific mandatory sexual harassment training – claim severity may increase if the training is not completed in the required time
- California SB-93 - requires that employers in certain industries (hospitality, building services) make written job offers to employees whom they laid off because of COVID-19. Employees have five business days to respond and, if more than one employee responds, the employer must award the job by seniority. Employers must keep records for three years.



Remember that comment about "with a strong internet connection"? That connection must **also** be secure



Don't forget to train your employees – the majority of breaches are (still) the result of employee mis-step – opening an attachment, clicking on a link or responding to an email that is sent by someone impersonating a member of leadership

# Recommended Resources

- <https://www.osha.gov/stateplans>
- [https://www.dir.ca.gov/dosh/dosh\\_publications/computerergo.pdf](https://www.dir.ca.gov/dosh/dosh_publications/computerergo.pdf)
- [Checklist: Remote Work Safety](#)
- [Video: \*Temporary Work-from-Home Ergonomics Tips and Tricks\*](#)

Thank  
You!



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