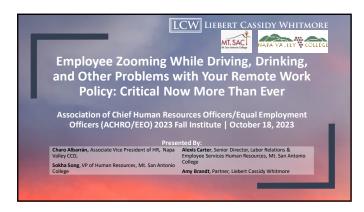
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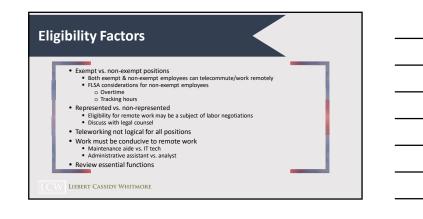


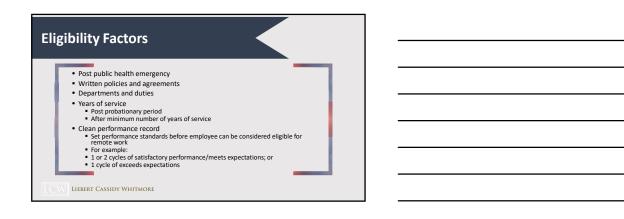
Agenda	
Ŭ	Eligibility Factors
	Teleworking Policies and Agreements
	Teleworking as an Accommodation
	Setting Expectations, Communication     and Oversight, Discipline
	Legal Issues Arising from Teleworking
	Best Practices
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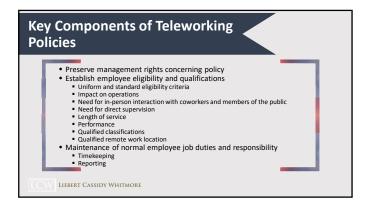


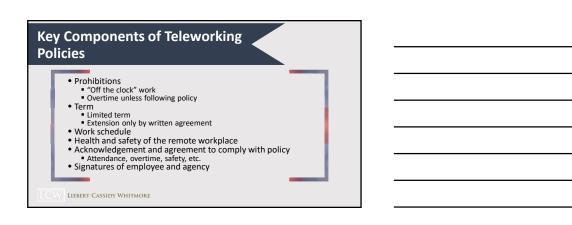


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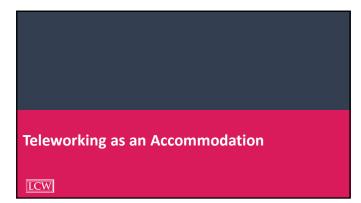
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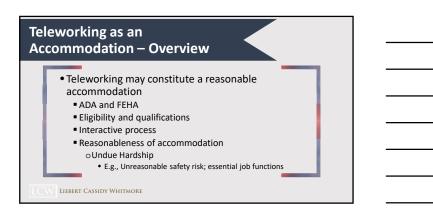
greements			
	Policy (Uniform and Generally Applicable)	Agreement (Specific to Individual)	
Teleworking	Management Control Eligibility Qualifications Duties and Responsibilities Expectations Prohibitions	Management Control Term Work Schedule Execution Recordkeeping	
Reimbursable Expenses	Eligibility (Mandatory v. Voluntary) Covered Expenses Reimbursement Percentage	Specific Covered Expenses Execution Recordkeeping	

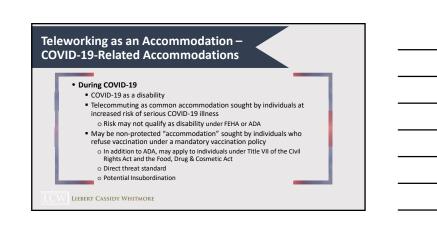




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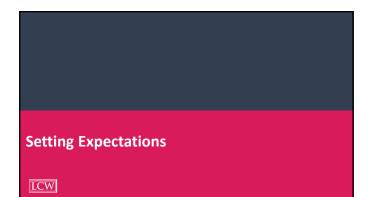
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Teleworking as an Accommodation – Accommodations After COVID-19	-		 
<ul> <li>After COVID-19</li> <li>Availability of telework as an accommodation</li> <li>Changed undue hardship calculus</li> <li>Public agencies now have technology in place to make teleworking easier</li> </ul>	-		
LEBERT CASSIDY WHITMORE			

#### Teleworking as an Accommodation – Case Study

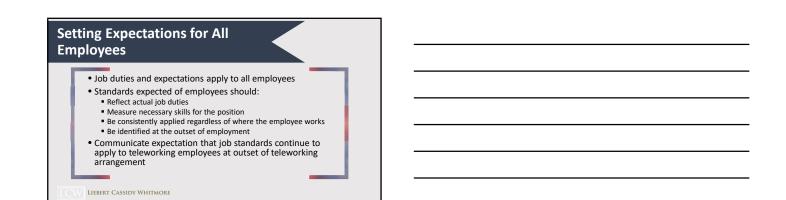
Joan is a Facilities Contract Manager for Sunshine CCD. Her job duties require her to regularly visit District project sites to monitor contractor work. Joan suffers from severe pain related to arthritis. She has made repeated requests to work from home on the days she experiences severe pain. HR has denied her request for this accommodation, stating that her job as a Facilities Contract Manager requires regular onsite attendance. Joan points out that the District previously allowed Joan to work remotely for 4 months during the Stay-at-Home orders without any issues.

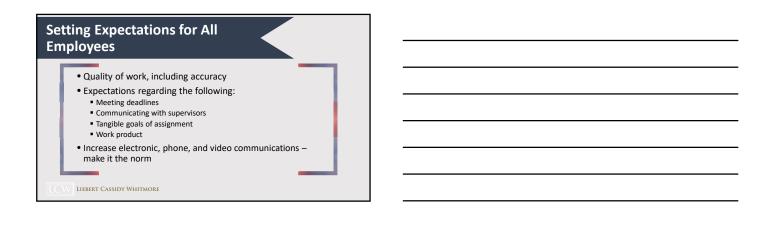
How does Joan's previous period of telework impact her request for an accommodation?

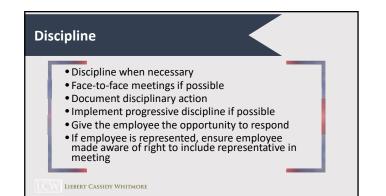




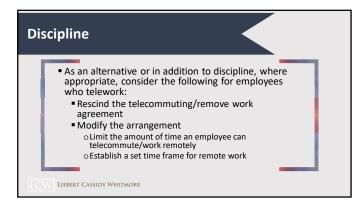
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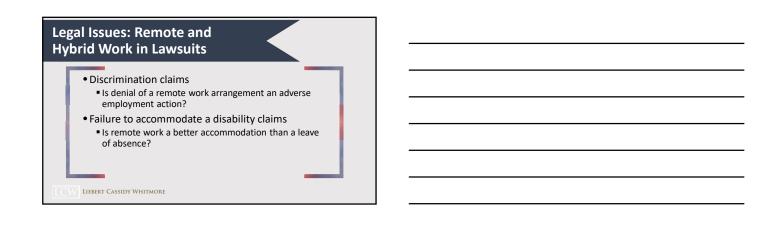
### Legal Issues Arising from Teleworking

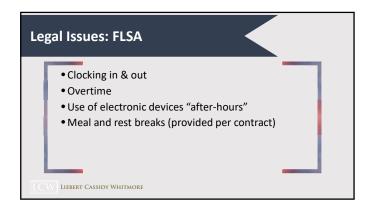
- Remote and hybrid work issues in lawsuits
- FLSA Issues
- Workers' Compensation: "Workplace" injuries
- Reimbursement for teleworking expenses
- Principal place of business

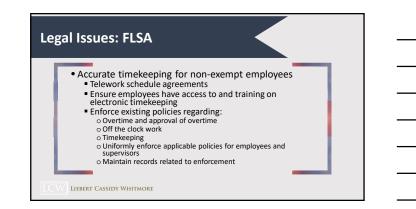
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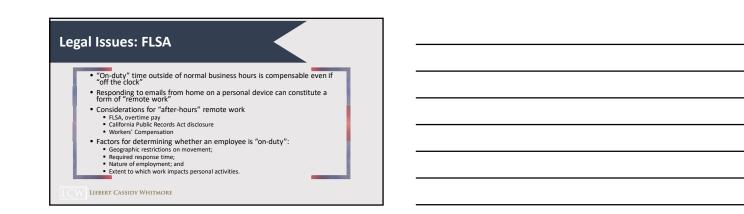
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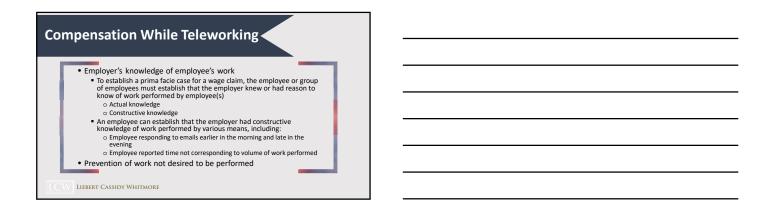






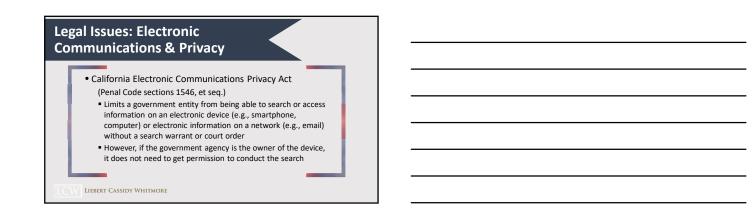
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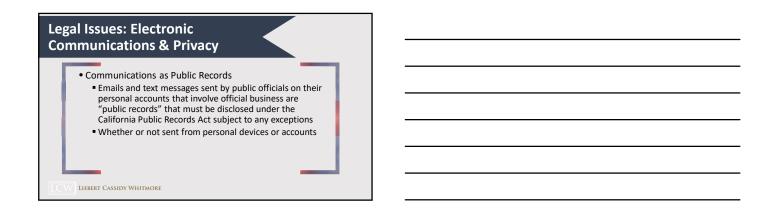


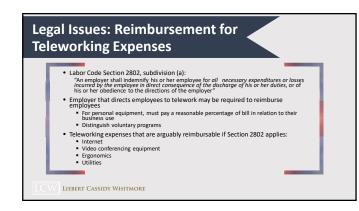




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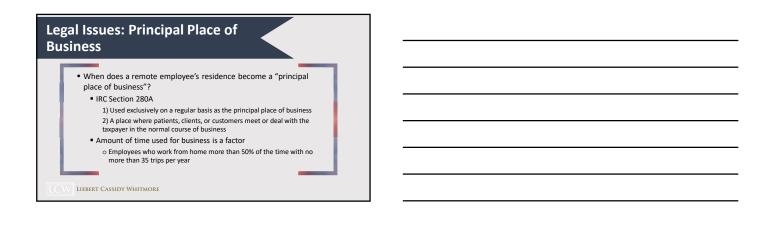


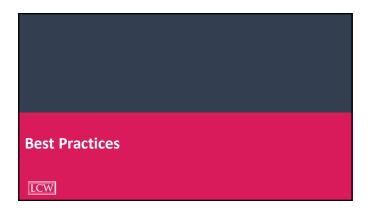




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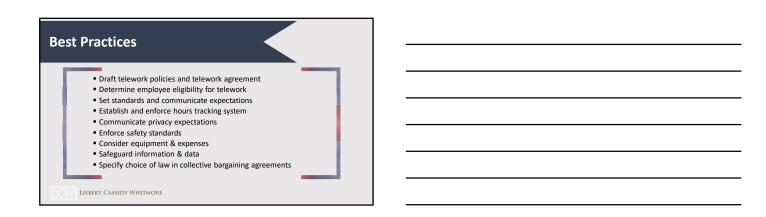
Legal Issues: Reimbursement for Teleworking Expenses	<b></b>
<ul> <li>Provide notice and opportunity to negotiate reimbursements as part of teleworking policy <u>or</u> be prepared to respond to requests for reimbursement</li> <li>Distinguish between mandatory teleworking and circumstances under which teleworking may be a statewide interest and voluntary teleworking</li> <li>Negotiate "reasonable percentage" of covered expenses to reimburse where required</li> </ul>	



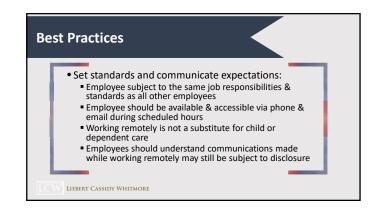




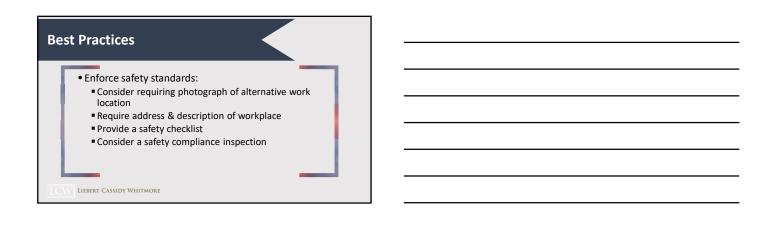
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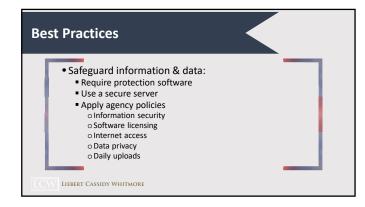






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Thank You!				
Sokha Song, Ed.D. Vice President, Human Resources, Mt. San Antonio College Phone: 909-274-4493   <u>sokha.song@mtsac.edu</u>	Amy Brandt Partner   San Francisco 415.512.3045   abrandt@lcwlegal.com			
Alexis Carter Senior Director, Labor Relations and Employee Services Human Resources Mt. San Antonio College Phone: (909) 274 – 5862   <u>acarter36@mtsac.edu</u>	Charo Albarrán Associate Vice President of HR, Napa Valley CCD (707) 256-7105   <u>calbarran@napavalley.edu</u>			
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