

Working From Home Post-COVID: What Employers Need to Know

State Employment Laws

Employers must determine if the employment laws of the employee's home-office govern. This includes laws that provide for paid or unpaid leave for health or family reasons that might not apply in the Employer's "normal" workplace and, if so, the recordkeeping obligations the Employer might have to adopt to comply with the laws of the employee's home-office.

Does the employee's state or municipality have broader or narrower protections from discrimination? What requirements exist for posting or giving notice of employment laws and rights? Does the state of the home-office require any periodic training of employees as to its anti-discrimination laws? What notice must an Employer give if it contemplates a lay off?

If an employee holds a professional license or certificate where he or she normally works, will that permit the employee to work out of a home-office?

If an employee is subject to a noncompete agreement, will the law of the home office enforce it whether or not it contains a choice of law provision and does working from a home-office effect the terms of the covenant, such as its geographical reach?

As remote working becomes more the norm, Employers must broaden their outlook as to what laws govern the relationship with their employees and assure compliance with those laws. Increasingly, this will become a more difficult task.

If you have any questions, or would like additional information, please contact Bob Small, Partner in Reger Rizzo & Darnall's Employment Practices Group, at 215.495.6541, or via email at rsmall@regerlaw.com.

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