

# Telecommuting Considerations

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## SUMMARY

Telecommuting is a work plan that may benefit employers and employees in some firms. To ensure telecommuting arrangements strengthen productivity, it is important to create a policy that outlines key issues such as eligibility, purpose, work schedule, taxes, work equipment, intellectual property rights, supervision of work, equipment, and supplies.

## CONSULT YOUR ATTORNEY

The information herein should not be regarded as a substitute for legal advice. Readers are strongly advised to consult an attorney for advice regarding any matter related to personnel management and telecommuting.

## COLLABORATING OVER DISTANCE

The work performed in architecture firms relies heavily on team collaboration. For this reason, arrangements for full-time off-site work are rare. Some firms find, however, that productivity may actually increase if some employees regularly work independently at an off-site location, usually at home. If you choose to make this option available to your employees, it is advisable to develop a policy and to monitor the program for effectiveness.

A bona fide telecommuting policy and program should be distinguished from informal arrangements where an employee occasionally works at home. A genuine telecommuting program is based on a telecommuting agreement specifying the terms of the arrangement; the firm supplies and equipment loaned to the employee for business use; a predefined, regular schedule; and any other pertinent work issues. The following sample policy addressing key telecommuting issues may be adapted to suit a firm's particular situations.

## A SAMPLE TELECOMMUTING POLICY

### Purpose

Telecommuting is a mutually agreed upon work plan between the employer and an employee in which the

employee regularly works part or all of the employee's work schedule off-site, usually at home, in accordance with this policy and a telecommuting

agreement between the employer and the employee. The telecommuting agreement shall be based on the needs of the employee's position, and the needs of the firm, the employee's team or work group, and the firm's clients. The agreement may be changed or discontinued by the employee's supervisor or manager at any time. An employee may request modification or termination of the telecommuting agreement, which shall be subject to review and approval by the employee's supervisor or manager.

### Eligibility

Full-time and part-time exempt and nonexempt employees who have completed the firm's required orientation period may be considered for telecommuting arrangements. The employee's job must be one that can be effectively performed off-site all or part of the time, as determined by the employee's supervisor. An employee's job performance must meet or exceed requirements in order for the employee to be considered for a telecommuting arrangement.

### Work schedule and communication

The telecommuting agreement specifies the work schedule, including the hours and days of the week the employee will be working and specific hours when the employee must be available by telephone. The employee is expected to devote full effort to the work of the firm during the designated work hours. The employee must make appropriate arrangements for child care and other personal matters as necessary to meet this requirement.

The telecommuting agreement specifies the days and hours that the employee will report to work at the firm's offices. The telecommuting employee is required to be present at the firm except as noted in the telecommuting agreement, and as may be necessary to interact with management, team

members, or clients and to attend any scheduled meetings.

The telecommuting employee may also be required to report to the office or other designated site for project work, training, performance evaluation, meetings, or other functions. Whenever possible, the employee's supervisor or manager will provide at least one day's notice of these reporting requirements.

The employee and the employee's supervisor or manager will mutually agree to the method and frequency of communication by telephone, mail, e-mail, or other means as may be necessary to meet the requirements of the employee's position to the satisfaction of the supervisor.

### **Workplace**

Unless otherwise noted in the telecommuting agreement, the employee's home is understood to be the employee's off-site work location. The employee must establish and maintain a clean, safe, and dedicated workspace.

The employee shall pay for any costs of remodeling and furnishing the off-site office, including the purchase, installation, and maintenance of furniture, telephones, telephone lines, fax machines, and Internet access.

The employee will be covered by workers' compensation for all job-related injuries that occur in the designated workspace during the defined work period. As the workplace is located in the employee's home, workers' compensation will not apply to non-job-related injuries that occur in the home. The employer may inspect the workplace at any time with reasonable advance notice, to ensure that the space is suitable for the work being performed, safe, and arranged ergonomically to guard against repetitive stress or other workplace injuries.

### **Equipment and supplies**

The employer will determine what equipment and supplies will be provided to the employee for use in the off-site office. Any equipment loaned to the employee for such use shall be returned to the firm in good condition upon termination of the telecommuting agreement or employment with the firm. The employee shall be responsible for reimbursing the firm for equipment not returned. The employer will reimburse the employee for work-related telephone charges based on submitted itemized telephone bills.

### **Computer equipment**

The employer will provide computer equipment and software, or the employee may elect to use the employee's own computer equipment. The employee may be required to transport the employee's computer equipment to the employer's offices for evaluation by the firm's information technology staff and installation of appropriate software. Under no circumstances is the employee to install software on the computer used for telecommuting purposes without a valid software license.

### **Intellectual property and confidentiality**

All company-related materials, information, and documents, whether print or electronic, shall be held in the strictest confidence by the employee. Sensitive materials shall be returned to the firm for disposal. All work-related material is to be kept in the designated workspace and shared only with those persons having a legitimate business interest or purpose.

### **Supervision of work**

The work to be performed by the employee shall be understood and agreed upon by the employee and the employee's supervisor or manager. The employee's position description shall note the telecommuting arrangement and identify any specific goals, timetables, and action plans related to telecommuting. Primary and secondary management contacts shall be designated in the telecommuting agreement for each telecommuting employee.

The performance of the telecommuting employee shall be reviewed in accordance with the employer's established performance review program. Telecommuting employees and their supervisors are encouraged to review performance more frequently to confirm performance objectives and foster greater employee/supervisor dialogue. The telecommuting employee shall submit timesheets in accordance with the firm's requirements.

### **Taxes**

The employee and the employee's tax advisor are responsible for determining the deductibility and depreciation of business-related expenses for tax purposes related to the employee's personal income tax liability. The firm will not provide advice or guidance on this matter.

### **Firm policies, procedures, and guidelines**

Unless specifically modified by the telecommuting agreement, all existing policies and procedures are applicable.

## LESSONS LEARNED

This Best Practice shows that it is important to set guidelines for telecommuting because there are so many factors involved. In order for the benefit to be successful both the employee and the employer should be aware of the firm's guidelines.

## RESOURCES

### More Best Practices

The following AIA Best Practices provide additional information related to this topic:

- 07.04.01 Employee Wage Status: Exempt or Non Exempt
- 07.04.02 Employment Status: Independent Contractor -- Yes or No?
- 07.05.01 Five Factors of Employee Satisfaction

### For More Information on This Topic

See also "Managing People," by Kathleen C. Maurel, Assoc. AIA, and Laurie Dreyer-Hadley, *The Architect's Handbook of Professional Practice*, 13th edition, Chapter 9, page 221.



See also the 14th edition of the *Handbook*, which can be ordered from the AIA Bookstore by calling 800-242-3837 (option 4) or by email at [bookstore@aia.org](mailto:bookstore@aia.org).



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### Keywords

- Practice
- Personnel management
- Employment
- Personnel benefits