



## The 5 Ws Of Telecommuting

Will telecommuting be the wave of the future for the legal profession?

Technology has certainly opened the doors for attorneys to break free from the traditional office environment and enjoy some distinct advantages — from better control over their work environment and scheduling to reduced interruptions and improved productivity.

But telecommuting is not without its challenges. If you are considering telecommuting as an option at your firm, make sure you first consider these 5 Ws:

**What** — While there is no legal definition for "telecommuting," if you receive pay for work done off-site — which may be your home or a special telecommuting space away from your main office — then you are a telecommuter. Note that you are *not* telecommuting if you are self-employed or take work home without getting extra pay.

**Where** — There are three generally recognized types of telecommuting: 1) working at home, 2) working in a satellite office, and 3) working in a neighborhood work center.

**Why** — There are numerous reasons a law firm would allow its employees to telecommute, including:

- *Recruitment.* Telecommuting allows employers to recruit qualified employees without being limited by geographical boundaries. In addition, offering new and more flexible work structures makes a law firm more attractive to employees.
- *Overhead.* Telecommuting also reduces overhead costs. Setting up a satellite office, for example, in a nonpremium area would reduce rent costs

for the law firm overall.

- *Productivity.* Some studies have shown that telecommuting increases employee productivity by 10-30 percent. The time a telecommuter would spend commuting to the office, for example, can be spent working at home.

**Who** — Of course, not every type of practice is suited for the telecommuter (e.g., a personal injury firm with a large number of clients visiting its offices). Likewise, not every attorney is cut out to be a telecommuter.

The ideal telecommuter is self-motivated and self-disciplined, and has a clear sense of why he or she wishes to telecommute in the first place (avoid long commutes, better balance of work and family life, etc.). Self-motivation aside, the firm will need to do its part to support telecommuters — everything from being open to the options that best fit their personalities and needs to making extra efforts to include them in employee functions, including training and company-sponsored events.

**When** — When you decide to give telecommuting a try, make sure you consider these critical areas of employment law:

- Create a telecommuting policy or agreement that sets out the terms of telecommuting and states that telecommuting will not affect benefits, bonuses or chances of promotion.
- Ensure that accurate records are kept of time worked as required by federal, state and local wage and hour laws.
- Employ a system for ensuring that all of your telecommuters receive all the notices employers traditionally provide employees (FMLA notices, benefit enrollment forms, employee handbooks, etc.).

You'll also need to consider whether a remote telecommuting site creates a tax liability for the firm. In March, the New York Court of Appeals ruled that a computer programmer who worked mostly out of his home in Tennessee owed New York income tax for his full salary, not just the time he spent working at his employer's New York offices.