

REMOTE WORK POLICY

Last Updated: [•]

Purpose

This Remote Work Policy (the “Policy”) outlines which employees of [•] (the “Company”) may work from home and under what conditions. For those who are authorized to work from home, this Policy also specifies remote work requirements. The intent of this Policy is to provide procedural guidance to both employees and their managers. Revisions to this Policy may be made periodically in writing at the Company’s discretion.

Except as set forth herein, remote work does not change the terms and conditions of employment with the Company as set forth in an employee’s offer letter or employment agreement.

We ask for your cooperation and flexibility as we navigate the best way to maintain culture and productivity while also providing flexibility to our employees. Any flexibility offered to work from home under this Policy is neither an entitlement nor a long-term commitment and can be changed at any time at the Company’s discretion. Further, each department may evaluate workplace flexibility and remote work requests based on departmental needs and preferences and each manager may evaluate workplace flexibility and remote work requests based on individual performance. In all instances, the Company may discontinue approval for a specific remote work arrangement, at any time, in its sole discretion.

Categories of Employees Currently Approved for Remote Work

- Certain employees must be on-site to perform their duties and thus are not permitted to work from home unless specifically approved in writing by their manager. Those employees include employees in the following departments: [redacted] ¹
- Certain other employees were specifically hired as permanently remote employees and thus are expected to regularly work from home pursuant to the terms and conditions of this Policy and any other agreements or policies relevant to such employee(s). Those employees include employees in the employees in the following departments: [redacted] ²
- Executives and other senior members of management are expected to work [list here the requirement: work in the office 5 days per week, work from home 5 days per week, or a hybrid option in between] starting [date].³
- All other employees, who typically had been working in the office prior to the pandemic, are expected to work [list here the requirement: work in the office 5 days per week, work from home 5 days per week, or a hybrid option in between] starting [date].

¹ **Drafting Note:** If you are unable to break out the various categories by department, we recommend finding another way to communicate which employees fall into this category, such as by job title.

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³ **Drafting Note:** See Cooley presentation “Reimagining a Post-Pandemic Workplace” for a discussion of the options available to you in terms of setting expectations on in-office versus at-home presence.

Guidelines for Approved Remote Employees

- **Primary Remote Worksite:**
 - When working from home, employees are required to work from a single location (the “**primary remote worksite**”) within an approved U.S. state . Once an employee selects a primary remote worksite, the employee is expected to work from that single location when working from home. International remote work is not allowed.
 - The primary remote worksite should be in a quiet and safe environment suitable for work purposes (e.g., for maintaining the security and confidentiality of company property and proprietary information). The worksite must have reliable internet access and cell phone access.
 - For employees who primarily work from home, any changes to the location of a remote employee’s primary remote worksite must be reported to [Human Resources] at least two (2) weeks prior to assuming such change.
- **Schedule / Productivity:**
 - When working from home, employees are expected to work and be available by phone and email during their normal work schedules, unless approved otherwise by their managers. It is up to each employee to work effectively and efficiently in the employee’s role and ensure that all tasks and commitments are completed.
 - When working from home, employees must attend all meetings in a virtual capacity and achieve the same level of productivity as in the office.⁴
 - When working from home, proactive communication and prompt responses to messages and requests is key. If home or personal distractions interfere with focusing on work, appropriate use of paid time off should be used depending upon the circumstances.
 - ***For nonexempt employees only:***
 - **Meal and Rest Breaks.** When working from home, nonexempt employees must continue to timely take all meal and rest breaks for which they are eligible and report if they miss a meal or rest break.
 - **Hours Worked.** When working from home, nonexempt employees must accurately record all hours worked, including start and stop times for work and any unpaid meal periods. Nonexempt employees must not work in excess of their approved hours and schedule. Exceptions for hours worked in excess of those specified per day and per workweek, in accordance with state and federal requirements, will require the advance written approval of the employee’s manager.
- **In-Person Meetings:** Employees should not hold in-person meetings at their primary remote worksite unless approved by their manager prior to scheduling.
- **Business Travel:** Employees may be required to travel to Company offices or third-party sites to attend meetings, events, or for other situations as deemed necessary by their manager. All business travel must be approved by their manager prior to booking and are subject to the Company’s normal travel and business expense policies.
- **Expenses:**

⁴ **Drafting Note:** If you will require employees to use videoconferencing to attend virtual meetings when working from home, add that requirement here.

- Employees are subject to the Company’s normal travel and business expense policies in effect.
- The Company will not be responsible for costs associated with initial setup or maintenance of the employee’s primary remote worksite (e.g., remodeling, furniture, lighting, repairs or modifications). Regular expenses directly related to the performance of work (e.g., phone calls, internet charges, required equipment, office supplies) will [not] be reimbursed pursuant to the Company’s normal expense policies.⁵ Any tax implications related to the employee’s primary remote worksite and personal office equipment will be the employee’s responsibility.
- **Employment Terms and Conditions:** The terms and conditions of an employee’s original offer of employment, any subsequent addendums (if applicable), and [Confidential Information and Invention Assignment Agreement] all remain the same, except as identified expressly in this Policy.
- **Employee Handbook:** The Company’s Employee Handbook continues to apply to all employees while working from home. Employees are responsible for complying with the policies in the Employee Handbook while working from home, and their failure to do so, or to comply with this Policy, any other agreements or policies, or other rules established by their manager may result in termination of the remote work arrangement and/or disciplinary action, up to and including termination of employment.
- **Injuries:** Employees may be covered by workers’ compensation for job-related injuries that occur in the primary remote worksite during their defined work periods. Employees should immediately report any such injury to their supervisor. The Company does not assume responsibility for non-job-related injury to employees or for any injury to any persons other than the employee at the primary remote worksite.

Technology & Equipment

The Company will provide equipment and software, as well as necessary repairs or maintenance, to employees for the employee’s exclusive use. If the employee’s Company laptop malfunctions and the employee must use a personal laptop while working from home, he or she must get management approval before doing so.

Employees are expected to observe safety protocols in using personal and Company-owned equipment while working from home. Employees must set up their home workstations in an ergonomic and safe manner and advise the Company immediately of any potential safety issues.

Consistent with the Company’s expectations of information security for employees working at the office, employees working from home will be expected to ensure the protection of proprietary Company and customer information accessible from their primary remote worksite. Steps include use of secure internet access, locked file cabinets and desks, regular password maintenance, and any other steps appropriate for

⁵ **Drafting Note:** Consult counsel to discuss expense reimbursement requirements, which differ by state and based on whether the employee is *required* or *permitted* to work from home.

the job. Company laptops should be locked when an employee walks away and other members of household should not be allowed to access or to use Company equipment.

ACKNOWLEDGMENT OF REMOTE WORK POLICY

I, _____, have read and understand the Company’s Remote Work Policy (the “Policy”).

I agree to comply with the Policy and any other conditions that are placed on the Company’s approval of my request to work from home.

Signature

Full Name (Printed)

Date Signed