

# A Whole New Employment Reality, Considerations, and Challenges: Leave and Remote-Worker Supervision and Morale

By Michael Porter and Iván Resendiz Gutierrez

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A month into the school closure, human resources professionals for school districts and schools have entirely new concepts and issues to deal with concerning, among them, leave management and managing and supervising a remote workforce.

*Patience, flexibility, and a framework help manage leaves and reduce the likelihood of disputes.*

In order for public schools to receive allocations from the State School Fund during the closure period, Oregon Governor Kate Brown's initial Executive Order 20-08 dated March 17, 2020, required districts to "[c]ontinue to regularly pay all employees of public schools." [Executive Order 20-20](#), officially extending the closure through the academic year (issued on April 23, 2020) and rescinding 20-08, rephrased the obligation a touch. School districts must "[r]egularly pay public school employees, subject to budget and personnel decisions. All employees shall report to work, or telework if authorized, and fulfill duties as may be assigned by their public school employers, consistent with provisions of this Executive Order and guidance from ODE."

Executive Order 20-20 seems to clarify some questions and provides enough context to confirm what many viewed to be the case under 20-08: that school employees must undertake their duties when requested (subject to not putting at-risk employees at risk), and that if they do not, then application of leaves should be permitted. It's almost as though school were in regular session, except that we now have new required leaves, and with telework and work-from-home in place, leaves (and newly enacted leave laws) apply in some familiar ways and some unfamiliar. As districts navigate managing leaves, HR and leave professionals should be mindful of all the potential areas that must be taken into account and consider each potential place that leave requirements may be found.

- 1. Does the leave qualify under the Families First Coronavirus Response Act (FFCRA)?** If so, that is a leave entitlement in addition to any other leaves under any other sources, including the Family Medical Leave Act, the Oregon Family Leave Act, or a collective bargaining agreement (CBA). This [chart](#) has an overview of the reasons for leave, but there are literally hundreds of pages of guidance about how and when FFCRA leave applies. The law applies to all public agencies that have employees, regardless of size. The law is not always instinctual, and it is wise to evaluate its potential application first.
- 2. What do CBAs or policies already provide concerning leave?** Sometimes it is easy to jump past this step because of new information related to the Governor's orders, Oregon Department of Education guidance, or the multitude of updates concerning leave from federal and state governments. But thinking about how a leave would apply pre-pandemic may result in an answer to how the leave situation should be handled now.

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**3. How does state law intersect with the CBA leave?** The Bureau of Labor and Industries (BOLI) has [substantial information](#) concerning Oregon sick leave law and its application during a public health crisis. If BOLI describes a reason for which leave would be required, districts that provide a “substantial equivalent” of leave through various leave agreements in CBAs or policies must ensure that they permit the leave.

**4. Determine how to address “vulnerable individuals” and individuals who have no paid leave remaining and work with bargaining units on these areas.** The Governor’s executive order appears to have the most impact on these categories. There are some unanswered questions, so HR professionals in school districts must be in tune with anyone assigning work in their respective districts to ensure consistency.

Within this framework, school districts are wise to confirm with employees who are entitled to use (or already using) leave exactly how it will be (or is being) used. Similarly, dismissing or thwarting questions will increase the likelihood of later challenges, and confirming or sorting through issues that may be unclear is best to be undertaken now. Moreover, given changing and clarified obligations, districts should be proactive if they find that something has changed or been misunderstood—correction at the front end and transparency will go a long way toward avoiding disputes.

*Challenges of teleworking and tips for managing remote workers and boosting worker morale.*

In response to the Governor’s executive orders and the rapidly evolving circumstances presented by COVID 19, many schools have asked their employees to telework, some for the first time.<sup>1</sup>

#### Challenges of teleworking

For starters, HR professionals and supervisors should keep in mind that various obligations, demands, and other factors can make teleworking difficult for some employees. Challenges presented by remote work include less face-to-face supervision, reduced access to coworkers and information, social isolation, and distractions at home.

One concern that both managers and their employees may express is the lack of face-to-face interaction during these times. Despite [research](#) suggesting that remote workers are just as engaged (if not more so) and work just as hard as at-work workers, managers may fear that their employees will not work as hard or as efficiently. At the same time, some employees may struggle without regular supervision and with reduced access to supervisors and coworkers. In addition, some employees may complain about the added time and effort needed to receive information from coworkers. This can lead to interpersonal challenges, which can turn a brief e-mail with no context into a perceived slight.

One of the biggest challenges of teleworking is distractions at home. Recent Oregonian/OregonLive articles from [April 15](#) and [April 21](#) highlighted that Oregon liquor sales were way up in March and that according to some worker surveys, some Americans are drinking on the job as they telework during the COVID 19 pandemic. Although the [surveys’ validity has been questioned](#), drinking alcohol at home during working hours may be a distraction for remote workers. Other distractions from work include childcare (especially due to daycare closures) and a less-than-optimal virtual work environment. Schools should remind their remote workers about the drug- and alcohol-free policies and encourage their remote workers to have a dedicated workspace and adequate childcare while working remotely. But because of unexpected responsibilities and demands, supervisors should expect that these distractions may be more prevalent during this pandemic and unexpected transition to work-from-home.

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## Tips to effectively manage remote workers and boost worker morale during the COVID 19 pandemic

- **Keep lines of communication open.** As the public health emergency and stay-at-home guidelines drag on and concerns about personal health and finances rise, one of the simplest ways to boost worker morale is to connect “in person” by video applications or phone when opportunities arise. E-mails run greater risk of misinterpretation because of the lack of ability to read social cues, and engagement that is more like in-person contact can help keep employees engaged and supervisors attuned to ways in which employees can most effectively work.
- **Remind employees that workplace policies still apply and that certain conduct is strictly prohibited.** School districts should consider recirculating workplace policies prohibiting discrimination, harassment, and retaliation. In addition, when the opportunity arises, HR should look for ways to remind managers to address and raise to HR offensive or discriminatory remarks regarding COVID 19 and certain groups of individuals, including vulnerable/“at-risk” employees.
- **Understand the demands on remote workers.** Because of the new obligations and demands caused by the pandemic, some workers may struggle with balancing competing priorities. Schools should recognize this issue and take steps to address it. Depending on the nature of the job, options include being flexible on hours or shifts and relaxing project deadlines. For example, an employee with childcare or elderly-parent-care obligations may be more productive earlier in the morning or later at night.
- **Positive feedback is welcomed and can go a long way.** During this extraordinary time when good news appears to be in short supply, a small piece of encouragement, highlighting a positive achievement, and similar kinds of kudos can go a long way for an employee tasked with extra demands and responsibilities. Good work is still being done and overtime hours are still being worked. A thank-you from a supervisor can mean the difference between a good remote-work day and a bad one and can help alleviate some of an employee’s general sense of worry.

We are likely to see enhanced telework/remote work for some time, and as we settle into more predictable patterns of it, HR professionals in school districts will be important supports, trainers, and “checks” for supervisors and managers overseeing remote work.

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<sup>1</sup> This new development might not be new to all schools. A [June 2019 economic news release](#) from the U.S. Bureau of Labor Statistics shows that almost 25 percent of the United States workforce already works from home at least part of the time.

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**Michael Porter** is a partner in the employment law and labor relations and education law practice teams. Since 2000, Mike has worked with public and private employers in all areas of labor and employment law, providing strategic advice and counsel to reduce the risk of employment claims and representing employers in court and in front of administrative bodies.

**Direct:** 503.205.2330 | **Email:** michael.porter@millernash.com



**Iván Resendiz Gutierrez** is a litigation and appellate attorney on the firm's appellate, education, and employment and labor relations practice teams. Iván advises employers, including higher education institutions, on knotty employment-related issues including discrimination, harassment, retaliation, and wage-and-hour compliance, and on preparing employment documents such as employment agreements, handbooks, and other workplace policies.

**Direct:** 503.205.2377 | **Email:** ivan.resendiz@millernash.com