



MONTANA MUNICIPAL INTERLOCAL AUTHORITY RISK MANAGEMENT BULLETIN

Please distribute to all appropriate personnel.

Date:	May 28, 2020
To:	MMIA Member Cities and Towns
RE:	Limiting Risk in Telework Arrangements

Due to the unique circumstances around COVID-19, MMIA has received a number of questions regarding teleworking arrangements. During this pandemic, many employers have offered telework. It is important to remember telework arrangements may not work for all organizations, positions or employees. Practices vary widely depending on the organization. MMIA recommends members that allow telework arrangements consider the following risk management tips to avoid claims of liability, cyber liability, and workers' compensation.

Develop detailed telework policies that include:

- How an employee requests a telework arrangement and the process for evaluating the request for approval based on, but not limited to, the position type, individual employee's work habits and past performance.
- Conditions of employment, including that a telework arrangement does not change:
 - benefits or pay;
 - expectation that work performed at the remote location is official city/town business;
 - requirement for adherence to all policies;
 - hours of work required;
 - process for how leave requests are to be made; and,
 - the expectations that the employee is working while at the remote location, and is not the sole care taker of another during work hours.
- Information about safety and security of the employee and property, including:
 - confirmation of a safe, orderly work area free of hazards (i.e. tripping, electrical, fire, etc.);
 - ergonomic needs for the remote workspace;
 - adequate home/renters insurance;
 - secure storage for hard-copy documents; and,



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- IT security protocols including but not limited to:
 - Ensuring employees do not use personal devices for work;
 - Ensuring integrity and confidentiality of electronic work (i.e. preventing family members or visitors from accessing work devices);
 - Ensuring the latest patches are deployed and installed on remote work devices;
 - Ensuring employees access systems and networks via secure connections including VPNs or WIFI that is secured with a complex password;
 - Implementing use of multi-factor authentication security;
 - Configuring and monitoring firewalls for attempted or successful connections from unauthorized or suspicious internet protocol addresses; and,
 - Ensuring employees attend regular training on cyber security.
- Ability for the employer to inspect the remote workspace, with notice, for compliance with the above mentioned safety and security requirements.
- A hold harmless statement regarding liability that requires the employee to indemnify and hold the city/town harmless for injuries to third parties and damages to real or personal property resulting in the home workspace.
- A statement that the city/town is liable for job related accidents that occur in the employee's remote work site during the established hours; and not responsible for accidents or injuries that occur at the remote worksite after hours or while the employee is not in the scope of employment.
- An inventory of equipment provided and any requirement for maintenance or storage.
- An explanation of employee costs associated with a telework arrangement such as providing the internet service, phone, electricity, adequate home/renters insurance, etc.
- Statement regarding the ability for either party to end the telework arrangement with adequate notice.



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Formalize written telework agreements between the supervisor and the employee that includes:

- Confirmation of understanding the telework policy;
- Stated schedule of working hours/days. These stated hours and days are used for course and scope of employment for purposes of workers' compensation. Employees must adhere to the agreed upon schedule and receive approval for any deviation;
- Stated expectations for regular/prompt communication with supervisor, co-workers and customers including reporting of all injuries or incidents;
- Specific outcome-based performance objectives for the employee; and,
- Employee and supervisor signatures.

Resources

The following sites provide examples of public entity policies and practices, training resources, ergonomics and cyber security resources.

[Montana State Telework Policy](#)

[Federal Agency Telework Policy Examples](#)

[Federal Telework Training Resources](#)

[Ergonomic Safety Tips While Teleworking](#)

[Beazley Academy Webinar – Remote Working Securely Mitigating Risks and Avoiding Scams](#)

[Beazley Academy – Cybersecurity Tips for Remote Working during the Coronavirus Outbreak](#)

For questions, contact the MMIA risk management team at riskmgmt@mmia.net or 406-443-0907.