

Technical Assistance Guide on Telecommuting in the Workplace

A Corporate Partner Benefit of the
National Business & Disability Council (NBDC)
at The Viscardi Center

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National Business & Disability Council (NBDC) at The Viscardi Center: Telecommuting in the Workplace

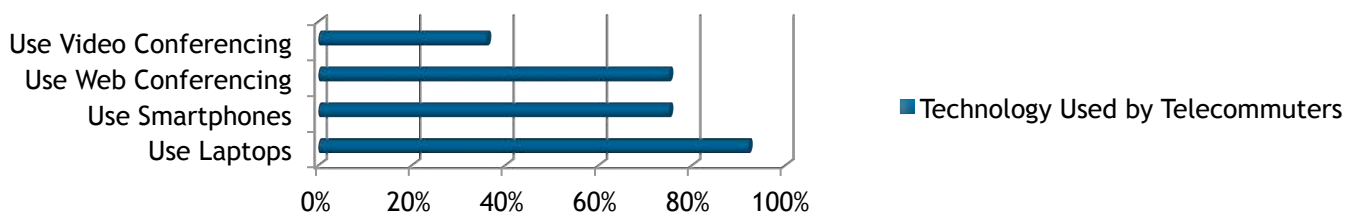
The National Business & Disability Council (NBDC) at The Viscardi Center is pleased to share with its Corporate Partners the following technical assistance guide, **Telecommuting in the Workplace**. The technical assistance guide provides useful information on how telecommuting (also known as “telework”) serves as a valuable resource for both employers and employees, alike. Telework.gov defines telecommuting as “a work arrangement that allows an employee to conduct work during any part of regular, paid hours at an approved alternative worksite.”¹

Estimates vary on the number of people who telecommute, with significant variations evident between the private, public and independent sectors of the economy. According to GlobalWorkplaceAnalytics.com, there has been considerable growth in the number of employees telecommuting from 2005 to 2012, as the growth of multiple days per week employee teleworkers telecommuting increased 79.7%.²

	2005 to 2006	2006 to 2007	2007 to 2008	2008 to 2009	2009 to 2010	2010 to 2011	2011 to 2012
For Profit Companies	16.7%	9.6%	15.1%	3.0%	2.6%	4.5%	4.8%
Non Profit Organizations	37.7%	3.9%	10.4%	9.1%	2.7%	4.5%	1.4%
Local Government	10.1%	8.8%	17.5%	8.9%	1.0%	7.8%	-2.7%
State Government	38.4%	12.5%	13.8%	5.8%	9.0%	4.7%	3.8%
Fed Government	433.6%	-8.9%	7.2%	-2.8%	8.8%	-5.0%	-0.6%
Total Telework Growth	26.2%	7.8%	14.1%	3.6%	3.2%	4.1%	3.8%

The technical assistance guide provides basic information about telecommuting, as well as other relevant facts and materials pertaining to telecommuting as a reasonable accommodation in the workplace. It also provides useful strategies, resources and tools.

Technology Used by Telecommuters



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Disclaimer...

The technical assistance guide is not intended to provide legal advice to NBDC corporate partners, but rather to share relevant information, resources and tools. If you have further questions about telecommuting, you may call the Job Accommodation Network at 800-526-7234 or 877-781-9403 (TTY).

¹ Telework.gov, Definition of Telework, (accessed August 12, 2015); available from http://www.telework.gov/Tools_and_Resources/Training/Employees/SCORM/et/et/te_01_01_0040.htm
² Global Workplace Analytics, Latest Telecommuting Statistics, (accessed August 12, 2015); available from <http://globalworkplaceanalytics.com/telecommuting-statistics>
³ ClickMeeting, [Infographic] Telecommuting: The New Workplace Reality, April 25, 2014.

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What is Telecommuting?

Telecommuting is the practice whereby an employee works at a remote location—often his or her home—that is not owned or operated by the employer; typically it involves the employee working from home. The employee maintains contact with coworkers, subordinates and/or supervisors using various forms of information and communication technology (ICT).⁴

Telecommuting can increase work productivity, allow for flexible scheduling, improve employee retention, expand program continuity, as well as reduce overhead costs. Telecommuting results in the use of less office space and utilities. For these reasons, and others, telecommuting can be particularly beneficial for individuals with disabilities. For example, telecommuting may allow individuals with disabilities to work when they encounter difficulties obtaining accessible transportation services or need to address ongoing medical needs.⁵



According to the U.S. Department of Labor (DOL), statistics demonstrate that approximately 2.8 million employees telework regularly, and that approximately 17% of Americans teleworked full-time, while 30% teleworked at least one day a week.⁶ A research study conducted by Project STRIDE (Strategic Telework Research on Innovative Disability Employment) indicates that of a sample of 232 employers, 47.9% had employed teleworkers with disabilities, including 10% that hired staff with disabilities directly into telework jobs.⁷

“Telecommuting can increase work productivity, allow for flexible scheduling, improve employee retention, expand program continuity, as well as reduce overhead costs.”

⁴Telecommuting Law and legal Definition(accessed July 6, 2015); available from <http://definitions.uslegal.com/t/telecommuting/>

⁵ Six Organizational Benefits of Telecommuting (accessed June 8, 2015); available from <http://research-advisors.com/articles/ttorgbens.html>

⁶ The Virtual Workspace: Telework, Disabilities and Public Policy (accessed June 8, 2015); available from http://www.cacp.gatech.edu/Research/Virtual_Workspace/EG-Baker-Fairchild-036.pdf

⁷ Telework for Workers with Disabilities Pilot Projects: Synthesis Report (accessed June 8, 2015); available from <http://www.dol.gov/odep/research/TeleworkSynthesisReport.pdf>

Business Standpoint: What are the Benefits to Telecommuting

Telecommuting is beneficial to both employees and employers. It gives employees the option of choosing optimal times when they work best, thereby increasing levels of work productivity. It also lessens the burden of having to commute to work and provides the employee more time to focus on work-related tasks.

Employees with disabilities benefit from telecommuting because it can:

- Lead to a more balanced professional lifestyle by spending less time commuting and overcoming transportation barriers, and devoting more time to managing work-related matters.
- Provide a work environment that is more comfortable and potentially result in higher job satisfaction and improved employee morale. Statistics demonstrate that some 45% of teleworkers with a home office perceive an improved quality of life as a result of their telework arrangement.⁸
- Accommodate their need to address ongoing medical issues while remaining employed. This may include attending medical appointments and therapy. Without flexible scheduling, some individuals with disabilities would not be able to take part in the workforce.⁹
- Increase employee retention, thus reducing operational and recruitment costs. The employee benefits from a cost savings, as well, by not having to spend as much on transportation.

However, it's important to realize that slow access times, downed servers, and bad connections are the major contributors to lost time and data and can affect a telecommuter's ability to do his or her job.¹⁰

The STRIDE study has demonstrated that making telecommuting options available leads to more effective job performance, and as a result it enhances organizational productivity for the business. Employers rank this as the number one factor in their decision to create telework options.¹¹ It is important to realize that the majority of telecommuting jobs tend to have a consistent need for skills in finance, communications, data processing and government. The STRIDE study also found that the transition to telework is easier for employees with disabilities who have proven work experience. This is in contrast to those *newly hired* teleworkers with disabilities who had no prior experience with telecommuting. The study found several possible reasons for this finding:

- Employers were more open to making accommodations for existing employees.
- Lack of telework training programs for new hires and their supervisors.
- Inability to provide adequate job supports for those with severe disabilities¹²

Employers indicate that there are common challenges to hiring new employees with disabilities and retaining existing ones for telecommuting positions. They include:

⁸ The Virtual Workspace: Telework, Disabilities and Public Policy (accessed June 8, 2015); available from http://www.cacp.gatech.edu/Research/Virtual_Workspace/EG-Baker-Fairchild-036.pdf

⁹ Telework Tools.org: A Comprehensive Toolkit to Telecommuting (accessed June 8, 2015); available from <http://www.teleworktools.org/>

¹⁰ The Effectiveness of Telecommuting for the Employee, Employer, and Society (accessed June 16, 2015); available from <http://www.cpp.edu/~jis/1999/preiser-houy.pdf>

¹¹ Project STRIDE-Strategic Telework Research in Disability Employment Final Report: Developing and Implementing Strategies for Employing Teleworkers with Disabilities (accessed June 16, 2015); available from http://www.hhh.umn.edu/centers/slp/telecommunications/pdf/stride_final_report.pdf

¹² Project STRIDE-Strategic Telework Research in Disability Employment Final Report: Developing and Implementing Strategies for Employing Teleworkers with Disabilities (accessed June 16, 2015); available from http://www.hhh.umn.edu/centers/slp/telecommunications/pdf/stride_final_report.pdf

- Job tasks are not a good fit for telecommuting.
- Employees in these positions are harder to manage due to the fact that they are working from a remote location.
- Cost of accommodations and assistive technology, particularly for small companies.¹³
- Lack of access to virtual communities of interest, such as online work forums, where telecommuters can engage with each other without being entirely captives of geography.¹⁴

Offering job supports for potential new employees with disabilities in telecommuting positions can counteract these challenges and lead to increased retention of new employees with disabilities in these positions. Job supports can be provided in several different ways, which include training, coaching, assistive technology evaluations or consulting with a third-party service provider or organization. Employers with existing disability employment agency collaborations will be in a better position to provide job supports and implement the use of telecommuting positions as a form of reasonable accommodation.¹⁵

Telecommuting as a Reasonable Accommodation

Under the Americans with Disabilities Act, here after referred to as the “ADA” (Public Law 101-336), an employer is required to provide a reasonable accommodation to a disabled employee unless it would cause an undue hardship to the business.¹⁶ DOL’s Office of Disability Employment Policy (ODEP) has worked to help employers understand how telecommuting allows individuals with disabilities to take part in the workforce, as well as how it can be implemented as a reasonable accommodation.¹⁷ If the employer has a telecommuting policy, it may not deny telecommuting to a disabled employee due to his or her disability. In some instances, that may require waiving eligibility requirements.



¹³ Telework for Workers with Disabilities Pilot Projects: Synthesis Report (accessed June 8, 2015); available from <http://www.dol.gov/odep/research/TeleworkSynthesisReport.pdf>

¹⁴ The Virtual Workspace: Telework, Disabilities and Public Policy (accessed June 8, 2015); available from http://www.cacp.gatech.edu/Research/Virtual_Workspace/EG-Baker-Fairchild-036.pdf

¹⁵ Project STRIDE-Strategic Telework Research in Disability Employment Final Report: Developing and Implementing Strategies for Employing Teleworkers with Disabilities (accessed June 16, 2015); available from http://www.hhh.umn.edu/centers/slp/telecommunications/pdf/stride_final_report.pdf

¹⁶ Telecommuting and Disability Employment Accommodations (accessed June 8, 2015); available from http://www.huffingtonpost.com/brad-reid/telecommuting-and-disabil_b_7535676.html

¹⁷ Telework for Workers with Disabilities Pilot Projects: Synthesis Report (accessed June 8, 2015); available from <http://www.dol.gov/odep/research/TeleworkSynthesisReport.pdf>

For example, it is stipulated by the U.S. Equal Employment Opportunity Commission (EEOC) that, an employer may have to waive its one-year service rule for a new employee with a disability who needs to work at home.¹⁸

The decision to telecommute should be made through an "interactive process" between the employer and the employee. The process begins with a request by the employee. An individual must first inform the employer that she or he has a medical condition that requires some change in the way a job is performed, including the possible need to telecommute. Then, the employer and the individual need to discuss the person's request so that the employer understands why the disability might necessitate the individual working at home. The individual must explain what limitations from the disability make it difficult to do the job in the workplace, and how the job could still be performed from the employee's home.

The employer may request information about the individual's medical condition if it is unclear whether it is a "disability" as defined by the ADA. The employer and employee can discuss other types of accommodations that would allow the person to remain in the workplace, as well as whether the essential functions of the position can be performed remotely. It is important for the employer and prospective employee to discuss the essential functions of the job, because for some jobs, the essential duties can only be performed in the workplace.

Several factors should be considered in determining the feasibility of a telecommuting position, including the employer's ability to supervise the employee adequately and whether any duties require use of certain equipment that cannot be replicated at home. Other critical considerations include whether there is a need for face-to-face interaction and coordination of work with other employees. It's also important to consider whether in-person interaction with clients or staff is necessary.¹⁹

Court Cases Related to Telecommuting as a Reasonable Accommodation

- *Bixby v. JP Morgan Chase*²⁰

David Bixby, a former information technology project manager who said telecommuting alleviated his depression and anxiety, sued Chase for denying his request to work from home, claiming the company had violated the Americans with Disabilities Act. Chase argued Bixby's request to telecommute was unreasonable under the ADA, because he could not adequately perform his job duties from home. The judge ruled that advances in technology make working from home a reasonable option.

¹⁸ Telecommuting as a Reasonable Accommodation for Disabled Employees (accessed June 16, 2015); available from <http://www.lorman.com/resources/telecommuting-as-a-reasonable-accommodation-for-disabled-employees-15618>

¹⁹ Work At Home/Telework as a Reasonable Accommodation (accessed June 16, 2015); available from <http://www.eeoc.gov/facts/telework.html>

²⁰ JPMorgan Chase Case Shows Court Support for Telecommuting (accessed July 29, 2015); available from http://www.americanbanker.com/magazine/123_7/jpmorgan-chase-case-shows-court-support-for-telecommuting-1060085-1.html

- *EEOC v. Ford Motor Company*²¹

A federal court case ruling involving Ford Motor Company demonstrates that in some circumstances, telecommuting can only be considered for positions that do not require “regular and predictable” on-site job attendance. The employee suffered from irritable bowel syndrome. As an accommodation for her condition, she asked to work from home as needed and up to four days per week. After several meetings with the employee, Ford advised her that it could not accommodate her telecommuting request because it would prevent her from performing the essential functions of her job. In September 2012, the district court granted Ford’s motion for summary judgment, concluding that working from home up to four days per week was not a reasonable accommodation under the ADA.

The Equal Employment Opportunity Commission appealed, and in April 2014 the Sixth Circuit Court of Appeals reversed Ford’s summary judgment stating that, allowing Harris to telecommute from home on an as-needed basis for up to 4 days a week, could be a reasonable accommodation. It rejected Ford’s contention that Harris’s regular in-person attendance was an essential job function on the basis of technological advances that allow the “workplace” to be anywhere that an employee can perform job duties, on Ford’s allowing other resale buyers to telecommute on a limited basis, and on Harris’ testimony that she could perform her essential job functions from home. The Sixth Circuit, however, subsequently vacated that decision, when it decided to rehear the case entirely with a larger panel of judges to question whether a physical presence at the Ford facilities was truly essential. On April 10, 2015, after rehearing the case, the Sixth Circuit panel held that the district court’s initial grant of summary judgment for Ford regarding the reasonable accommodation question was correct. The Court expressly held that “regular and predictable on-site job attendance is an essential function and a prerequisite to perform other essential functions of Harris’s resale-buyer job.”

²¹ Is Working From Home Really a Reasonable Accommodation? (Part II) accessed August 11, 2015); available from http://www.calpublicagencylaboremploymentblog.com/employment/is-working-from-home-really-a-reasonable-accommodation-part-ii/?utm_source=feedburner&utm_medium=feed&utm_campaign=Feed%3A+CaliforniaPublicAgencyLaborAndEmploymentBlog+%28California+Public+Agency+Labor+and+Employment+Blog%29

Promoting Successful Telecommuting Strategies

The following strategies have been demonstrated to be successful for individuals with disabilities in their telecommuting positions:

- Incorporate telecommuting job trial periods for new hires.
 - *WHY?* This will allow them to experience the fundamentals of telecommuting before officially beginning a job. It also offers a potential employee an opportunity to be mentored by someone with experience.
- Create applicable Human Resource policies pertaining to teleworking positions.
 - *WHY?* This will ensure that a process and policy is followed with regard to telecommuting as a reasonable accommodation.
- Promote recruitment of qualified individuals with disabilities for telecommuting opportunities using brochures and website solicitation.
 - *WHY?* This is an extremely important factor toward getting new hires with disabilities to consider telecommuting opportunities.²²

However, recruitment of individuals with disabilities in telecommuting cannot adequately occur without proper training and job supports.²³ Training should be implemented for both employers and new hires with disabilities. In order to work effectively in telecommuting positions, new hires need to use effective customer service skills, problem solving techniques, computer skills, as well as communication skills. Training on how to use these skills will allow new hires with disabilities to better assess their own skills needed for telecommuting positions, and evaluate their need for assistive technology in completing job tasks in a telecommuting position.²⁴ Supervisors who do not have much experience working with employees in telecommuting positions often find it difficult to evaluate the individual. This is especially true for supervisors who have little to no experience supervising an individual in telecommuting positions. In such cases, it is necessary to review the job tasks with management or HR personnel to determine collaboratively the best way for tasks to be completed remotely.²⁵

Training programs for managers that incorporate scheduled one-on-one meetings with employees who telecommute can ensure that both employees and employers remain connected with each other. Similar to employee resource groups, some companies have developed support groups dedicated to telecommuters. This allows them to provide feedback to one another on ways to manage working from home. In addition to training and use of resource groups, employers have begun to understand the importance of developing clear expectations as well as help employees track their work productivity. Employers want to emphasize that what's most important is the quality of the work being produced, not the timeframe in which it was done.²⁶

²² Project STRIDE-Strategic Telework Research in Disability Employment Final Report: Developing and Implementing Strategies for Employing Teleworkers with Disabilities (accessed June 16, 2015); available from http://www.hhh.umn.edu/centers/slp/telecommunications/pdf/stride_final_report.pdf

²³ Project STRIDE-Strategic Telework Research in Disability Employment Final Report: Developing and Implementing Strategies for Employing Teleworkers with Disabilities (accessed June 16, 2015); available from http://www.hhh.umn.edu/centers/slp/telecommunications/pdf/stride_final_report.pdf

²⁴ Project STRIDE-Strategic Telework Research in Disability Employment Final Report: Developing and Implementing Strategies for Employing Teleworkers with Disabilities (accessed June 16, 2015); available from http://www.hhh.umn.edu/centers/slp/telecommunications/pdf/stride_final_report.pdf

²⁵ Project STRIDE-Strategic Telework Research in Disability Employment Final Report: Developing and Implementing Strategies for Employing Teleworkers with Disabilities (accessed June 16, 2015); available from http://www.hhh.umn.edu/centers/slp/telecommunications/pdf/stride_final_report.pdf

²⁶ Preparing Employees to Telecommute (accessed August 5, 2015); available from <http://www.talentmgt.com/articles/7442-preparing-employees-to-telecommute>

Access to job supports also ensures that individuals with disabilities are successful in telecommuting positions. Job support can include:

- Staff or consultation support for a new hire that needs additional training.
- One-on-one job coaching.
- Technology assistance funding to ensure success of individuals with disabilities in telecommuting positions.



Providing job supports can lead to advancement opportunities for individuals with disabilities as they, as well as their managers, are better able to evaluate their own skills. Even more importantly, these kinds of job supports may allow an individual to assess and work on job skills that are considered weak.²⁷

Accessible Information and Communication Technology (ICT)



Information and communication technology (ICT) - including computers, ancillary equipment, software, firmware and services that are used to transmit, receive and provide information - should contain accessibility features using industry standards that enables users with disabilities, to access information and software using alternative methods. ICT is considered "accessible" if it can be used as effectively by people with disabilities as by those without disabilities.

Making available accessible ICT plays an important role in ensuring that people with disabilities **can** work in telecommuting positions. Accessible ICT improves the overall connectivity between the main office and the remote office. Technology funding is essential to assist individuals with acquiring accessible ICT that will allow them to work in telecommuting positions.

Companies that form collaborative relationships with disability employment agencies, vocational rehabilitation service providers - as well as local disability advocacy agencies to obtain funding for ICT's and access to services - benefits telecommuters with a variety of disabilities.²⁸ Statistics indicate that only 25% of individuals with disabilities own a computer and just 20% have Internet access, compared to 66% and 40% of persons without disabilities respectively.²⁹

²⁷ Telework for Workers with Disabilities Pilot Projects: Synthesis Report (accessed June 8, 2015); available from <http://www.dol.gov/odep/research/TeleworkSynthesisReport.pdf>

²⁸ Telework for Workers with Disabilities Pilot Projects: Synthesis Report (accessed June 8, 2015); available from <http://www.dol.gov/odep/research/TeleworkSynthesisReport.pdf>

²⁹ The Virtual Workspace: Telework, Disabilities and Public Policy (accessed June 8, 2015); available from http://www.cacp.gatech.edu/Research/Virtual_Workspace/EG-Baker-Fairchild-036.pdf

Scenarios for Handling Potential Telecommuting Requests

The following scenarios reflect how telecommuting provided as an accommodation allows individuals with disabilities to address specific needs and maintain employment.

Scenario 1: Ralph worked as a janitor prior to sustaining an induced bronchial reactive injury from inhaling fumes from a toxic cleaning solution. He had been out of the workforce for almost two years. Due to the severity of his breathing problems, Ralph was unable to acquire employment through standard means. As a result of his illness and frequent medical appointments, after speaking with his new employer, he was offered and accepted a part-time telework customer service/surveyor position. Utilizing the flex-time available to him, he was able to successfully complete his on-the-job training and continues to strive to achieve all of his work goals while maintaining his health and attending his medical appointments.

Scenario 2: Diane was a certified nursing assistant before suffering multiple back and neck injuries. She was also treated for bilateral carpal tunnel syndrome. Diane had been out of work for almost five years. During a recent interview, Diane indicated that she needed to attend regular physical therapy appointments 2-3 times a week. Diane and her employer customized her schedule and job tasks to meet her needs, as well as ensure she could perform the essential functions of her position as a customer service representative making business-to-business calls collecting data. During her telework assessment, it was also discovered that she would need an ergonomic keyboard due to having carpal tunnel, allowing her to put less strain on her wrists.

Scenario 3: Jay, a Veteran with a service-related disability, had originally been employed in sales. After being honorably discharged, he found employment but, over time, he could no longer be in an active job. As his disability worsened and he experienced heart and respiratory conditions, Jay informed his employer who then evaluated his tasks and responsibilities and determined that the essential functions of the job could be performed from home 3 out of 5 days a week. Jay was given a laptop and additional computer training. Jay is required to report to the office for the remainder of the week, but his flex schedule allows him to attend his medical appointments and reduce his level of fatigue. He now feels more confident that he will be able to fulfill his work responsibilities while addressing his medical needs.

Information and Resources on Service Dogs in the Workplace

- Telework Tools, <http://www.teleworktools.org/>
- Strategic Telework Report on Implementing Strategies for Employing Teleworkers with Disabilities, http://www.hhh.umn.edu/centers/slp/telecommunications/pdf/stride_final_report.pdf
- U.S. Department of Labor, Office of Disability Employment Policy (ODEP), <http://www.dol.gov/odep/topics/Research.htm>
- Equal Employment Opportunity Commission (EEOC), <http://www.eeoc.gov/facts/telework.html>
- Job Accommodation Network and Telework Tools, <https://askjan.org/topics/telework.htm>
- Guide to Telework in the Federal Government, http://www.telework.gov/guidance_and_legislation/telework_guide/telework_guide.pdf
- National Telecommuting Institute: A Resource for Individuals with Disabilities, <http://www.ntiathome.org/index.shtm>
- Society of Human Resource Management (SHRM), <http://www.shrm.org/Publications/pages/default.aspx>
- The Telework Coalition, <http://www.telcoa.org/>
- Telework.gov, <http://www.telework.gov>