Telecommuting
Pluses & Pitfalls

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As the end of a century nears, a global revolution is taking place in the way we communicate with one another, particularly in the workplace. New technology — voice mail, E-mail, fax machines, cellular phones, laptop computers, and, most recently, the information superhighway — permits us to communicate with co-workers and customers across geographical divides.

At the same time, our lives are becoming busier and our cities and highways more crowded. The pressures of busy lives, the loss of precious man-hours, and the stress of long commutes, together with the increased sophistication in technology, have contributed to the emergence and growth of a new trend in the modern workplace — “telecommuting” to work.

Simply put, telecommuting means traveling to work electronically using a variety of technological devices, including the telephone, voice mail, cell phones, pagers, fax machines, and computer networks. According to Webster, to telecommute is “to work at home by the use of an electronic linkup with a central office.” But while many telecommuters do work from home, a growing number work from other remote locations. A telecommuter whose job requires extensive travel may work from a car. Or a group of telecommuters may work from a satellite office that their employer has established in an area close to the workers’ homes.

Whatever its form, telecommuting has become extremely popular in just a few short years. According to statistics, as of mid-year 1998, approximately 15.7 million Americans were telecommuting to work at least one day per month or more (up from about 3.5 million in 1990, and a 41% jump from the 11.1 million estimated in 1997), and the number of telecommuters is estimated to be growing by a significant percentage each year. In fact, by some estimates, as many as 24.7 million U.S. adults (approximately 18% of the workforce) will be telecommuting by the year 2000.¹

The telecommuting phenomenon in this country has its roots in southern California, where efforts to promote telecommuting began as early as the 1970s as a way to reduce traffic on congested highways. But only recently has technology advanced significantly enough, and become inexpensive enough, to make telecommuting a practical alternative in the mainstream of American businesses.
With the technology now in place to make it possible, employers and employees are just beginning to discover the many benefits that telecommuting can provide. Those who have tried it report improved employee morale, increased productivity, and a notable reduction in overhead costs for the employer.

But is telecommuting really all that it purports to be? Is it really the “wave of the future” as many are predicting? How can employers manage workers from afar? And how does telecommuting affect an employer’s compliance with the vast array of state and federal employment laws?

These questions and others present issues that employers must address before embarking on a telecommuting program of any sort, whether formal or informal. An employer that fails to consider these issues — or, perhaps worse, ignores the telecommuting trend altogether — is disregarding the realities of the modern workplace.

Telecommuting may or may not be right for your company. But it is a concept that an employer cannot afford to ignore and still remain competitive in today’s marketplace. At the very least, employers must recognize telecommuting as a viable method of working that, in appropriate cases, can provide benefits for both employers and employees. Employers should not dismiss the idea out of hand; nor should they rush to embrace it without careful and deliberate consideration of the potential pitfalls, both legal and otherwise.

This special report will . . .

• introduce you to the concept of telecommuting,
• inform you of the benefits of telecommuting for employers and employees, and
• MOST IMPORTANTLY, make you aware of legal issues related to telecommuting and provide suggestions for dealing with those issues.
Brenda B. Thompson is an attorney in the Editorial Department of M. Lee Smith Publishers LLC. Prior to joining the company, Ms. Thompson practiced law at Bass, Berry & Sims in Nashville, Tennessee, and at Miller & Martin in Chattanooga, Tennessee, where her primary areas of practice were employee benefits and federal income taxation.

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