

EMPLOYMENT LAW

Q:

Is there a right to telecommute?

A:

Yahoo made headlines by adopting a no-telecommuting policy and spurring debate about whether the policy was lawful. I believe it is. Yahoo's policy calls for work to be done in the workplace, not remotely. This does not violate the ADA or Oregon law. Reasonable accommodation under both laws may include modification of company policies. Whether any particular accommodation is reasonable is determined on a case by case basis. Yahoo's policy does not say it will not interact with an employee to determine whether, in a given case, telecommuting would be necessary and might be reasonable. If an employer adopts a policy that disallows telecommuting in all circumstances, it might be vulnerable to a failure to interact and/or failure to accommodate claim.

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