

6 questions to test your telework compliance

By Pat Fitzgerald, Dominique Casimir

Government and contractors were unprepared for COVID-19 to so abruptly push so many employees to remote work. Even now, as businesses start to contemplate how to reopen their offices, the continued need for social distancing means many employees will be choosing or required to continue remote work for the foreseeable future. It's a fundamental change in how organizations operate, fraught with inconsistencies, challenges and distractions.

Yet, while the pandemic is causing modifications and deviations to contracts and regulations, it will not serve as a "Get Out of Jail FREE" card. Government contractors must still comply with their contracts and protect government information.

What are the compliance implications of mass telework? Here are six questions to ask (and answer) to help you stay compliant while your employees are working remotely:

1. Are your telework policies and procedures up to date?

Resist the temptation to ignore telework policies that are suddenly impractical. In the absence of clear guidance, employees will be inconsistent in their behavior and performance. Take the guesswork out of the mix by updating and publishing revised policies. Provide clear, concise direction for what employees should do under current conditions (and new conditions, as government guidance evolves).

2. Is your IT infrastructure ready and secure?

A cyber-secure IT infrastructure built to support thousands of employees from a few offices will have vastly different loads and threats when most workers are suddenly piping in remotely. Is your VPN set up for the additional traffic? Do your security models and controls need to be adapted for the increased number of employees working remotely? Consider allowing access into the system for extended hours, so employees with family obligations have flexibility about when to do their work. Be sure your team fully appreciates the risks of relaxing some security controls (such as reducing keystroke monitoring) to improve your system's responsiveness.

3. Do employees have the technology and guidelines to work securely from home?

Most employees will do their best to serve government customers and be productive, even if they don't have the same technology at home as at work. But the bad guys in cyberspace are exploiting this crisis and are increasingly determined to test the security boundaries of governments, businesses and citizens. Some employee "best effort" behaviors could introduce unwanted compliance and security issues.

Remind employees of how to protect sensitive information at home. Re-publish policies about home network security, strong passwords, use of personal email accounts, unknown email attachments and other best practices. Consider home burn bags to store confidential papers until employees return to the office. Remind employees to disengage smart speakers in spaces where work-related conversations are happening. Use passwords and other added security measures for all video conferencing.

4. How are you managing and monitoring the productivity of remote workers?

Even veteran teleworkers have been disrupted by the sudden appearance of a spouse, children and/or roommates who are all competing for space, time, attention and internet bandwidth. Employees who are teleworking for the first time may have a home environment that is more casual, less vigilant, and filled with more distractions than an office setting.

It's important, though, to proactively manage and document the work employees are doing. Be sure employees understand policies about work hours, time tracking and status updates. Share tips and expectations for productive and professional telework. Task your managers to understand obstacles their employees are facing – and to communicate clearly about whether any temporary job accommodations are approved. Then, closely monitor performance to ensure that you're

delivering on your contracts and billing the government appropriately for the completed work.

5. Are key employees cross-trained?

Anticipate that key personnel may become unavailable to perform mission-critical duties at some point in the pandemic. If you haven't already, identify and cross-train employees who can step in should the need arise. Remember to obtain your customer's approval of these key employees, so work can continue uninterrupted. Keep an updated and centralized list or database to consult as your situation changes.

6. Are you monitoring your procedures and controls, especially the updated ones?

When so much is new and changing, monitoring your controls is a must to ensure timely corrective actions and prevent material non-compliances. Periodically test your company compliance hotlines to verify that they are accessible, appropriately staffed and supported. Keep your governance program (board of directors and executive committees) active, engaged, and available to address anything that might go awry.

COVID-19 has created a remote working scenario that most government contractors never could have envisioned. While it's different from anything we've experienced before, the government will not consider these changes an excuse for significant noncompliance. It is more challenging, but with planning, creativity and vigilance, companies, employees, and customers will be well served. In fact, you may find that some changes you make to accommodate the pandemic ultimately improve your operations and should endure after the crisis has resolved.

About the Authors

Pat Fitzgerald is a director with Baker Tilly's government contractor advisory services group, bringing more than 35 years of experience in government auditing and acquisition to every engagement. Pat supported the Section 809 Panel work and led the group that wrote the Professional Practice Guide. He previously served as the Director of the Defense Contract Audit Agency, and as the Auditor General for the U.S. Army.



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