

**TO:** Melanie Priddy, NALP Board of Directors Liaison  
**FROM:** Shannon Williams  
Laurie Mallach  
**DATE:** March 20, 2020  
**RE:** NALP Board Report

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The focus this quarter for the Chief Officer Interest Group has been helping one another with COVID-19 preparedness and remote work readiness. A conference call took place March 10, 2020 to share knowledge as most were making preparations for their firms to work remotely. A second call took place March 18, 2020 as a check-in for lessons learned and continuing challenges with a complete remote workforce. In addition, the key focus of the March 18<sup>th</sup> meeting was 2020 summer program planning. Concerns addressed included hearing that some firms are considering cancelling their summer programs while most are seriously considering a later start date and shortened summer program. Provided below are notes from both meetings.

The recent conference calls again confirmed the usefulness of the Chief Officer Interest Group. We received many thank you emails stating how helpful the calls have been and that our members are grateful to have this group as a resource.

In light of not being able to have the NALP Annual Education Conference as a resource to network and learn from one another this year, it is more important than ever to maintain communication with one another and we will continue to plan regular conference calls to address questions and concerns of our members.

**NALP Chief Officers Special Interest Group Conference Call  
March 10, 2020  
Knowledge Sharing Call Regarding COVID-19 Precautions  
Over 40 Participants**

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**Best Practices (or just “practices” as this point):**

- A few firms on the call noted they are generally business as usual, no limitations.
- Communicate CDC guidance (including stay home if you’re sick).
- Most firms are liberally allowing remote work / enable teleworking.
- Flex-time for non-exempt employees; allow a grace of up to 1 hour so people can take transit at less crowded times.
- If visitors/clients have traveled in affected countries, been on a cruise ship, or around someone with a positive diagnosis, they are asked not to come into the office, but participate in meetings remotely.
- Test emergency systems to contact employees after hours.
- Identify essential employees from business services staff to work remotely.
- Ask employees to work remotely if they have traveled outside the country or been at risk of exposure. (Some firms are tracking employee travel).
- Some firms are limiting international travel. One firm asks people to check in two days before returning to the country to come up with a plan. For those that are limiting travel, they seem to be doing so through April.
- Many firms are limiting “non-essential” domestic travel. This generally includes conferences and interoffice meetings. (“Essential” meetings involve clients or client-related matters.)
- Limit large group meetings. Some firms have cancelled large training meetings, partner meetings, etc. One firm said no meetings of more than 25 people.

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- Tips for employees who are quarantined: Recognize it is different than working remotely. Set realistic expectations for quarantined people - there's no outlet between work / home which presents another challenge and take into consideration when managing those with families. Consider checking in on quarantined families - send care packages.
- Have a website available that people can access to get instructions on how to log-in remotely, access insurance information, etc.
- Communicate about flex transportation; stop deductions if you are not using it.
- Create "category A and B workers" to shift people into the office in a methodical way.
- Keep 1 yard of separation between people.
- Cancel events.
- Test "total mobile workforce." Some firms are doing a survey to make sure people have access to laptops, etc.
- If a worker is diagnosed, one example was shared of a business that shut down office for cleaning, told everyone to work from home for 1 week and then determine what is next.
- Notify the building / building notifies the tenants if positive.
- Conduct training classes (via webinar) for remoting from home, including setting up work station, expectations, using 2-factor authentication. Every staff member, attorney has been asked to login to test your knowledge, that IT servers can stand the bandwidth. For nonexempt staff that have to test - they've authorized 30 min overtime.
- Identify skeleton crew and process for dealing with non-exempt employees.
- Have business continuity plan (disaster plan) to ensure that business can continue from home if necessary. One example had 5 levels of scrutiny /security that can be enacted.
- It's been helpful to talk with other admin departments and see areas where everyone is facing same challenges.
- Conduct recruiting interviews via skype or zoom.
- Consider a "low density plan" where 1/3 of your workforce comes into the office on any given day to reduce exposure and proximity.
- Canadian firm is logging sickness/tracking testing at advice of experts.
- Stop buffets; only serve individual meals in the office.
- Plan ahead for paper filing of court documents. Identify deadlines and who will handle.
- Firms are not asking clients to stay away, but many are using "visitor guidance."
- NALP Annual Education Conference: Reminder that if firms are not allowing conference attendance they should reference the email sent today (March 10) for guidance on cancelling registration for the NALP conference.

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**NALP Chief Officers Special Interest Group Conference Call**  
**March 18, 2020**  
**Follow-Up Knowledge Sharing Call Regarding COVID-19 & Summer Associate Planning**  
**Over 50 Participants**

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Initial remarks included that the value of this group is to provide insight to help our organization leadership teams especially during challenging times like we are currently encountering

**Remote Work Follow-Up**

- Challenges with some attorneys still working from the office and not wanting to work remotely.
- Attorneys challenged with working from home with their children in the home.
  - Utilize employee assistance programs to provide on-line resources to help support parents to keep their children engaged while at home.
  - Caregivers with electronic expertise can utilize video-related resources to have them help with school work and keeping children engaged.

**2020 Summer Associate Programs**

**Talking Points/Considerations**

- Have heard some firms cancelling their summer programs – no one on the call confirmed their firm is cancelling their summer program at this point.
- Many firms are strongly considering a late start date and/or fewer weeks for the summer program.
- Some firms considering at least starting the summer program as a remote work only program.
- Fears around economics/COVID-19 virus/courts pushing things back.
- What would a remote summer program look like?
  - Some are starting on time but working remotely.
  - Concerns about how to complete the I9 if no one is in the office.
    - Some have identified essential employees in the office who they have authorized to complete the I9s unless office is completely closed.
  - “Form I9 platform” can allow for the form to be filled out remotely.
  - Suggestions to use Face Time or web video and see the documents.
  - Get the I9s done now if possible.
- Considerations of a later start date with fewer weeks based on CDC recommendations.
  - Conduct orientation remotely before the actual later start date.
  - Some are considering only a month of a summer program, others 6-8 weeks.
  - Some considering cancelling summer programs.
  - Most doubt their offices will be back to full operation in the office by May – consider June or July start date with later end date – pay for the time of the program whenever they start.
  - What are the legal obligations to pay? What does not paying people mean from a legal obligation?
  - What can you do and not do legally? Most think there is much latitude to cancel program and not pay salary; or shorten the length of the program if needed to ensure those attorneys we already have commitments to in our offices.
  - Canadian markets believe May is not realistic to start a summer program and will most likely push back date to at least June 8 with a shortened summer program.
- Different geographic locations might have different situations.
  - Should all offices have the same start date or office specific?
- Social programs would be virtual, very limited or not at all.
- Are firms reaching out now without a lot to say or waiting until firm decision has been made?
  - Some have reached out to summer and fall associates to let them know the current status (offices working remotely) check-in to see that they are doing okay.
  - Some summer associates have reached out because they have to commit to lease agreements; concerns regarding July Bar Exam not being offered.

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**I9 Completion with Remote Working Arrangements**

- The electronic completion of the I-9 through an HR system does not satisfy the requirement to visually verify the documents within 3 business days of the start date. (The information that needs to be completed by employee and employer can be completed, but the visual inspection still needs to take place.)
- The I-9 can be completed in advance, but only after an offer and acceptance. Employee must complete Section 1 no later than first day of employment and Employer must complete Section 2 and Section 3 (if situation warrants) within 3 business days of start date and can also be complete prior to start date as long as after offer and acceptance.
- Anyone can be deemed an authorized representative to visually verify the documents in support of the I-9. It is suggested that an HR person train or walk the authorized rep through the process and can walk them through it with the new hire virtually, but someone still needs to view the documents with the new hire in person. If you use a notary, they need to act as the authorized rep and not a notary and should not notarize the document.
- Under the circumstances, we are still being advised that if it is impossible to have someone visually verify the documents, that we attach a letter or memo that explains the circumstances with language that we will complete the observation of documents as soon as reasonably possible.
- If someone visually views the documents by WebCam or some other virtual medium, they will still need to do the verification in person as soon as they are able. In other words, the remote viewing is not acceptable as a replacement for the visual (in person) verification.
- The Department of Homeland Security will be announcing flexibility in the completion of the Form I-9 during the current health crisis, including relief from having to do the I-9 in person and permitting the use of video link, fax or email. There are, however, specific procedures that the employer must follow. Please see below for a link to our blog post on this and we are in the process of adding it to the Coronavirus Resource center.
  - <https://immigrationview.foxrothschild.com/employment-verification-compliance-including-i-9s-e-verify-and-enforcement/breaking-news-dhs-announces-flexibility-in-requirements-related-to-form-i-9-compliance-and-automatic-extension-of-time-to-respond-to-a-notice-of-inspection-noi/>

**Current on-boarding/hiring new talent**

- If offer was extended prior to office closures/working remotely, moving forward with bringing on the new talent.
- All onboarding being done remotely; challenge with HR documents and I9 paperwork completed.
- Ask Department Chairs/Practice Group Leaders if searches and/or start dates can be pushed back.
- Some new hires prefer to put things on hold especially if they are relocating.

**Entry Level Hiring**

- Consider later fall start date – some considering moving to a January start date.

**OCI Planning**

- Many are scaling back the number of schools they are visiting.
- For the most part, all law firm/pre-recruiting, etc.. at law schools has been cancelled.
- Considering virtual options; Right now it is mostly wait and see.