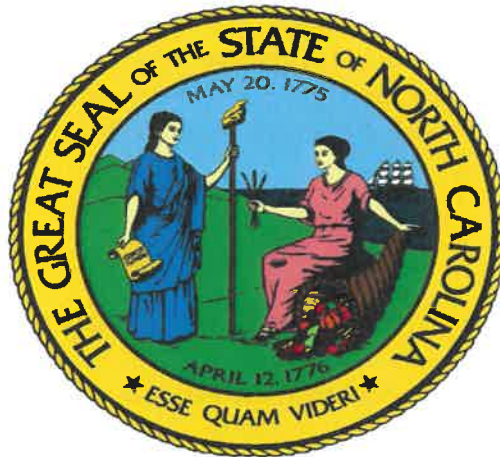


NORTH CAROLINA DEPARTMENT OF ADMINISTRATION

POLICIES AND PROCEDURES

HUMAN RESOURCES MANAGEMENT



STATE OF NORTH CAROLINA	SUBJECT:	
DEPARTMENT OF ADMINISTRATION	Telework Policy	
INTERNAL POLICY		NO. GA - 007

Approved by the Secretary of Department of Administration:	Pamela B. Cashwell
Approval Date: 7/15/2021	
Effective Date: 7/15/2021	Signature: <i>Pamela B. Cashwell</i>
Revision Date:	

This policy replaces the previous Telework Policy dated June 1, 2019.

Purpose and Policy Statement:

The purpose of this Telework Policy is to provide guidelines for the Department of Administration to allow employees to work from alternate work locations under certain limited and approved circumstances. N.C. General Statute § 126-1 requires the State to use the best methods of personnel administration as evolved in business and industry. This policy is intended to promote general work efficiencies, enhance competitive recruitment and retention advantages as compared with other employers, improve utilization of state facilities, and meet environmental challenges. DOA has the responsibility to create and promote a workplace environment that ensures the mission and responsibilities of the Department are accomplished while recognizing the contributions and well-being of its employees, including addressing the needs of the organization to promote the effective and efficient operation of DOA activities.

Definitions:

The terms below mean the following for the purposes of this policy:

Alternate Work Location – a worksite other than the Central Office; this may be an employee's home or satellite office where official State business is performed. For field-based employees, an employee's home may be considered the duty station, if approved by DOA.

Central Office – An employee's assigned place of work or duty station owned or operated by the State or a site that is the primary workstation for field-based employees. Typically, a Central Office is an onsite duty station from which an employer along with employees in the same work unit perform the functions of their job.

DOA Executive Leadership – Secretary, Deputy Secretaries, and Department leaders as identified by the Secretary.

Field/home-based Employee – Field/home-based employees are required by DOA to work outside the agency worksite based on the service they provide or the nature of work. The work of field/home-based employees are mostly performed by traveling to various locations within a region or working from home.

Flexible Schedule – A schedule that permits variation in arrival and/or departure times. Regardless of flexibility of schedule, the prescribed mandatory 40-hour (or less if the employee is part-time) work week is expected.

Full-time Telework – The type of telework in which an employee works from an alternate work location on all workdays except those occasional days when they are required to report to a physical location, including the duty station or other approved sites, for meetings, training, or other onsite duties, or as directed by a manager.

Part-time Telework – The type of hybrid telework arrangement in which an employee works from an alternate work location on less than a full-time basis but on a recurring schedule.

Telework/Teleworking – A flexible work arrangement in which managers direct or permit employees to perform their job duties away from their duty station, in accordance with their same performance expectations, adherence to workplace policies and professional standards, and other approved or agreed-upon terms. It does not include field/home-based employees, occasional or sporadic teleworking, or work performed at a temporary worksite for a limited duration.

Teleworker – An employee engaged in teleworking either on a part-time or full-time basis.

Telework Agreement – A written agreement required for all employees teleworking regularly that details the terms and conditions by which an employee is allowed to engage in teleworking.

Work Schedule – The employee's regular recurring hours of work at the agency worksite and/or an alternate work location.

Conditions of Employment:

DOA and OSHR policies and procedures that apply to the worksite shall remain the same for teleworkers. These include, but are not limited to, workplace policies, professional standards of conduct, and performance management. Teleworking assignments do not change the conditions of employment or required compliance with DOA and OSHR policies and rules. Failure to adhere to the conditions of employment, policies, rules and procedures may result in termination of the Telework Agreement and/or disciplinary action.

Eligible Employees:

Full-time permanent, part-time permanent, probationary, temporary, contract, and time-limited employees may be eligible to participate in teleworking if the employee's position and work is deemed by DOA as suitable for teleworking and the telework arrangement benefits DOA. Teleworking is not a guaranteed employee benefit or entitlement. The decision to allow an employee to telework or participate in the DOA Telework Program is solely at DOA Executive Leadership's discretion as delegated to the Division Directors and is not appealable or grievable. DOA management may exercise discretion to determine if a position and/or an employee is eligible to participate in a teleworking agreement. A position or employee may be ineligible for telework at the manager's discretion, including, but not limited to, where the following conditions apply:

- The position requires regular onsite work activities that cannot be completed at an alternative work location.
- The alternate work location does not meet the requirements of the job or the agency for an approved worksite.

- The employee violates the terms of a current teleworking agreement.
- The employee has an active disciplinary action related to unacceptable personal conduct, unsatisfactory job performance or inefficient job performance.
- An employee has received a performance rating of “does not meet expectations” on any goal or value in their most recent performance evaluation.
- An employee is consistently unable to complete tasks and assignments on a timely basis.
- An employee receives disciplinary action or their performance decreases while participating in a teleworking program.
- If the supervisor or Division requires a period of onsite work for new appointments or probationary employees prior to approving teleworking.
- Any other reason that would decrease or impact the employee’s job performance.

Teleworking Agreements:

If an employee is permitted to telework, a signed agreement between the employee and the manager/supervisor is required and shall:

- Include the responsibilities of both DOA and the employee,
- Be reviewed by the manager/supervisor and employee at least annually, to coincide with the beginning of the employee evaluation cycle, and
- Be signed by the employee and manager/supervisor and other designated members of management.

If the employee transfers to another position or changes reporting relationships, any telework agreement between the previous manager/supervisor and employee does not carry forward.

Termination or Modification of Teleworking Agreement:

Management may terminate or modify the teleworking agreement at its discretion. Any modification or termination of teleworking agreements shall be in writing. When a teleworking agreement is terminated, employees are responsible for returning all State property and work products to the Division worksite and resume onsite work within the timeframe provided by the manager/supervisor. An employee who refuses to comply with the termination or modification of a teleworking agreement will be subject to disciplinary action. Termination or modification of a teleworking agreement by management is not a grievable issue unless the basis of the grievance is consistent with a grievable issue identified in the State Human Resources Employee Grievance Policy.

POLICY PROVISIONS

Compensation and Benefits: An employee’s compensation and benefits will not change due to telework. Teleworkers may not charge mileage for travel between the place of residence and the duty station.

Alternate Work Location: Teleworkers must establish an appropriate work environment for work purposes. An alternate work location must not significantly alter the employee's job content or the job content of co-workers and cannot create an undue burden on other staff within DOA.

Teleworkers must maintain their alternate work location in a safe manner, free from safety hazards. DOA Divisions along with assistance from HR shall establish safety procedures and require the receipt of a safety attestation annually signed by each teleworker. The employee shall sign an attestation verifying that:

- The alternate work location has furniture, equipment, and other materials that complies with established safety requirements, is free from hazards, and is ergonomically appropriate.
- The teleworker shall acknowledge that it is the teleworker's responsibility to obtain and maintain internet service at their own expense that is reliable and of sufficient speed/bandwidth to conduct business, including video meetings, from their alternate work location.
- The teleworker shall provide written notice to DOA prior to any change in location or condition of the alternate work location.
- The teleworker utilizes the same safety rules and practices applicable to DOA worksite at the alternate work location.
- The teleworker shall follow usual DOA procedures for immediate reporting of work-related illness or injury occurring at the alternate work location. Any accident or injury will be investigated in the same manner as if it had occurred at the Department's Central Office.

DOA will not be responsible for costs associated with the setup or maintenance of the employee's home office, such as utilities, phone service, internet service, remodeling, furniture or lighting, and it will not be responsible for repairs or modifications to the home office space. Teleworkers will notify their supervisor as soon as practicable if they are unable to perform work responsibilities due to equipment failures or the loss of service essential to performing job responsibilities.

General Liability: DOA assumes no responsibility for damages to an employee's personal or real property during the performance of official duties while teleworking or while using the State's equipment in the employee's alternate work location. Any costs and/or losses incurred in teleworking are the responsibility of the employee.

Restricted-Access Materials: The security, confidentiality and integrity of records and information must be always protected in teleworking arrangements and must comply with all information security requirements that would apply at the duty station. Teleworkers must receive written authorization from managers before working on restricted-access information or materials at alternate work locations. It is the responsibility of the Teleworker to protect and manage original documents, records and other sensitive and confidential information that DOA has authorized the teleworker to carry to the alternate work location. Teleworkers shall agree to follow approved security procedures to ensure confidentiality and security of data.

Schedule and Work Hours: The total number of hours that employees are expected to work will not change, regardless of work location. This does not, however, restrict the use of alternative work schedules. Divisions have the flexibility to allow employees to work a regular work schedule that is different from DOA's normal operating hours.

Telework scheduled hours are determined by the Division Director with the discretion to modify as needed. While teleworking, the employee must be available via telephone and/or email during agreed upon work hours. Telework will be established with the expectation of allowing adequate time for meetings at the Central Office and access to the Central Office or other facilities when necessary, such as for supplies and communication with other employees. Teleworkers will not be paid for time or travel between the alternate work location and the Central Office if the employee's presence is needed by the supervisor or applicable authority.

All hours worked by employees subject to the Fair Labor Standards Act are compensable. The working of overtime and/or accrual of compensatory time is subject to the same policies and approvals as are in place at the agency worksite. Managers/supervisors must ensure procedures are in place to track and document the work hours of teleworkers.

Teleworkers must make advance arrangements for dependent care (e.g., childcare or eldercare) to ensure a productive work environment. Telework is not intended to be a substitute for day care or other personal obligations. It is expected that the teleworker shall continue to plan for dependent care to the same extent as if the teleworker was working onsite. Although an individual employee's schedule may be modified to accommodate dependent needs, the arrangement must remain focused on job performance and meeting business demands. Prospective teleworkers are encouraged to discuss expectations of teleworking with family members prior to entering into a teleworking arrangement.

Use of Leave: Teleworkers must adhere to all DOA leave policies and procedures for use and approval of leave time. Requests to use sick, vacation and other leave during a designated telework day is subject to the same practice, approvals, and policies of other employees in the Division.

Equipment and Software: Employees will be expected to telework without the need for any additional equipment to be installed in the employee's home. Teleworkers may take home laptops for this purpose, and they may connect DOA laptops to screens, printers, or other equipment owned by the employee. If a DOA laptop is stolen or damaged, the teleworker will immediately notify the manager/supervisor. Equipment and software required to perform necessary duties shall be arranged through the teleworker's manager/supervisor. Equipment supplied by DOA will be maintained by DOA. Equipment supplied by the employee, if deemed appropriate by DOA, will be maintained by the employee. DOA accepts no responsibility for damage or repairs to employee-owned equipment. DOA reserves the right to determine whether equipment is appropriate, and that determination is subject to change at any time. Equipment supplied by DOA is to be used for business purposes only. DOA staff who are teleworking are subject to discipline if they use DOA equipment for personal or inappropriate purposes, or allow non-DOA employees to use DOA equipment, even if the use was made at the employee's home.

While DIT will provide support as reasonably practicable, DOA will not provide in-home user support including troubleshooting, set-up or maintenance of equipment, devices, or utilities, including internet or phone service.

Teleworkers are expected to use their DOA email account for all business-related email communications. Teleworkers must have their office phone forwarded to their home or mobile phone number to ensure they receive and process all business calls during business hours. Teleworkers are also expected to

routinely check email and voicemail and may not have an automatic reply indicating that they may be delayed due to teleworking.

The Telework Agreement will include the inventory of government issued equipment necessary and authorized to perform duties at the alternate location. The teleworker must sign the inventory of all DOA property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment of a teleworker, all DOA property will be returned to the agency within 24 hours, including security passwords to unlock the device, unless other arrangements have been made.

Employees who telework agree to comply with all DOA internal security regulations relating to internet use, e-mail functions, and telephone use as well as Statewide Information Technology Policies applicable to remote access to state information technology systems. Policies and procedures regarding personal or inappropriate use of state-owned computers, mobile communication devices and other equipment apply.

Performance Management: Performance standards for teleworkers will be the same performance standards for non-teleworking employees. All management expectations are required to be met the same as if the employee is working onsite. Telework must not adversely affect service delivery, employee productivity, or the progress of an individual or team assignment. Management may require higher level of performance tracking and reporting for teleworkers, including activity sheets, tracking logs, etc., to ensure performance standards are being met.

Long-distance and Out-of-state Teleworking: To the greatest extent practicable, DOA will limit teleworking to within the State and considers a 35-mile commuting distance as reasonable. DOA may allow out-of-state teleworking arrangements in exceptional circumstances. If an employee is approved to telework out-of-state, the teleworker is responsible for any tax implications that may accrue to them due to this work arrangement.

Reasonable Accommodation under the ADA: Any employee's request to telework as a reasonable accommodation under the Americans with Disability Act (ADA) will be reviewed and administered consistent with the statewide Reasonable Accommodation Policy.

Temporary Teleworking Agreements: Temporary teleworking agreements or modifications to teleworking agreements established under the DOA teleworking policy may become necessary as the Agency responds to hazardous weather, pandemics, physical attacks, or other events that may require the temporary closure of part or all the Department. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

Recruitment and Retention: Telework may be used as a tool to help attract, recruit, and retain the best workforce possible, including as an incentive for eligible hard-to-fill positions. Divisions should collaborate with DOA HR when considering this option.

Adverse Weather/Emergency Closing: Teleworkers who are designated as non-emergency employees are expected to continue teleworking, if possible, when on-site DOA employees are directed to leave or not report to their duty station due to an adverse weather event or emergency closing.

Non-emergency employees who have the capability to telework and who are scheduled to go to their onsite duty station but are unable due to adverse weather or office closure will be expected to telework to the extent possible. Non-emergency employees who have the capability to telework but do not during an adverse weather event or emergency closing shall account for lost time in accordance with the Adverse Weather or Emergency Closing policy.

Mail Management: Divisions shall develop procedures for teleworkers receiving mail and sending outgoing mail at an alternate work location.

Public Records: All files and documents produced during telework must be filed on a DOA dedicated file storage management drive; therefore, employees must transfer any documents created on personal devices to the appropriate DOA drive. All work-related documents are subject to the Public Records Act, regardless of where they were produced or on what device, including work-related communications such as emails, voicemail transcriptions, and Teams chat functions.

DOA reserves the right to amend or modify this Telework Policy at any time.

**THIS POLICY SUPERSEDES ALL PREVIOUS DOA HUMAN RESOURCES
TELEWORK POLICIES**