

# Teleworking Suitability Guide

## State of North Carolina



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## **Purpose:**

This guide is intended to help agency and university leadership and management determine which positions and employees are well-suited for their teleworking programs. “Telework” is defined as 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 and other approved or agreed-upon terms. Telework determinations can be completed in five steps:

1. Agency determines suitability of position based on assigned essential job responsibilities.
2. Manager determines suitability of employee based on eligibility criteria as defined within the Teleworking Suitability Guide.
3. Employee completes and signs the Alternate Work Location Safety Attestation. The manager reviews, signs and provides the employee with a copy of the fully executed form.
4. Employee agrees to the Access to Information Technology Systems and Data requirements.
5. Employee and manager review and sign Teleworking Agreement.

## **STEP 1: Position Suitability for Telework**

A position is suitable for telework when it has essential job responsibilities that can be, at any given time, conducted away from the duty station without impacting organizational operations or productivity. This analysis is based on the essential job responsibilities assigned to the position, not on the employee occupying the position.

A position **may** be suitable for telework if the essential job responsibilities can be performed at both the duty station and an alternate work location. However, it is not required that the employee be able to perform all essential job responsibilities of their position at an alternate work location. For instance, a position that requires some client interaction at the duty station as well as additional administrative duties may be suitable for part-time telework.

When evaluating positions for telework suitability, include the following questions in the analysis:

1. What portion of essential job responsibilities can be completed at an alternate work location?
2. What portion of non-essential job responsibilities can be completed at an alternate work location?
3. Do essential responsibilities require time in meetings or performing work onsite? If yes, what percentage of time is required onsite?
4. Do essential job responsibilities require access to on-site equipment, materials, or data files?
5. Do essential job responsibilities require extensive in-person interaction with supervisors, clients, members of the public, other employees, or other populations?
  - a. If so, how much time is allocated to these essential job responsibilities?
6. Do security issues require essential responsibilities be conducted onsite?
7. Can the position’s duties be structured to support a hybrid of telecommuting and onsite work?
8. Is the position subject to or exempt from the FLSA?
  - a. If the position is subject to FLSA overtime requirements, can work hours be accurately monitored while teleworking?

In addition, some positions may not be suitable for any amount of telework as they require that most of the essential job responsibilities be conducted at the duty station. For instance, positions that are not conducive to teleworking include:

- Direct Health Care
- Corrections/Custody
- Food Service
- Landscaping/Grounds Maintenance
- Law Enforcement and Building Security
- In-person customer service or in-person IT support
- Custodial
- Transportation
- Physical Inspections
- Construction, Repair, Building Maintenance.

This list is only illustrative. An agency may identify additional positions with essential job responsibilities that are not suitable for telework. The determination about the suitability for a position to telework is recommended by the manager with approval from agency management or Human Resources. Once your agency has determined the suitability of positions for telework, communicating the rationale for excluding positions from teleworking will be important for impacted employees to understand the “why” behind these decisions.

## **STEP 2: Employee Suitability for Telework**

For positions that are compatible with telework based on their essential job responsibilities, the next step is to determine, on a case-by-case basis, whether specific employees in those roles are suitable for telework.

If an agency determines that the position is compatible with telework and that the position will be included in its teleworking program, included employees should be provided an individualized review as to whether telework is appropriate. Based on the [Teleworking Program Policy](#), all full-time and part-time permanent, probationary, temporary and time-limited employees may be eligible to participate in this program if the employee’s work is deemed by the agency as suitable for teleworking and the telework arrangement is to the benefit of the agency.

Agencies and universities may exercise discretion to determine that employees are ineligible to participate in a teleworking agreement under the following conditions:

- The employee’s position requires regular onsite work activities that cannot be completed at an alternative work location.
- The employee’s alternate work location does not meet the requirements of the job or the agency.
- The employee violates the terms of the Teleworking Agreement.
- The employee has an active disciplinary action related to unacceptable personal conduct, unsatisfactory job performance or grossly inefficient job performance.

- The employee has received a performance rating of “does not meet expectations” on any goal or value on their most recent performance evaluation.
- The employee is unable to consistently demonstrate the ability to complete tasks and assignments on a timely basis.
- The employee receives disciplinary action or their performance decreases while already participating in a teleworking program; or
- If an agency requires a period of onsite work for new appointments or probationary employees prior to approving teleworking.

Additional factors that a supervisor or manager may evaluate include:

- Does the employee have the technology, including computer and internet access capability, to work from an alternate work location?
- Can the employee meet the safety expectations defined in the [Teleworking Program Policy](#) and agency’s Alternate Work Location Safety Attestation?
- Can the employee work in a self-directed manner in terms of work requirements and time management?
- Does the employee require close supervision?
- Can the employee’s performance be effectively measured and evaluated while working at an alternate work location?
- Does the employee have a solid understanding of their job and performance expectations?

Can the employee’s performance at the alternate work location be measured? If an individual employee is not considered suitable for telework, it is considered a best practice to communicate to the employee the reasons for the final determination. Any specific performance concerns that prohibited the employee from participation should be actively addressed. A reassessment of employee eligibility may occur on a regular basis to determine if any factors have changed that would make the employee eligible for telework.

Agencies must ensure that individual employee telework decisions are based on job related factors and are not based on race, color, religion, sex (including pregnancy, gender identity, and sexual orientation), national origin, disability, age (age 40 or older), or genetic information.

When selecting employees to engage in teleworking, agencies shall ensure that employees who remain at the worksite do not incur additional duties routinely performed by another employee due to revisions to the teleworking employee’s duties or schedule specifically for the purpose of enabling them to telework.

### **STEP 3: Safety at the Alternate Work Location**

To be considered for teleworking, an employee must complete and sign the Alternate Work Location Safety Attestation and agree to the following:

1. Alternate work location utilizes furniture, equipment, and other materials supplied by the employee, agency or university in compliance with established safety requirements, is free from hazards, and is ergonomically appropriate.
2. Require employee immediately provide written notice to agency or university of any change in location or condition of alternate work location.
3. Require employee utilize the same safety rules and habits applicable to agency or university worksite whenever at alternate work location.
4. Require employee follow usual agency or university procedures for immediate reporting of work-related illness or injury occurring at alternate work location.

Once a manager has determined that teleworking is well-suited for an employee, the employee shall complete the Alternate Work Location Safety Attestation. Manager will review and provide the employee with a fully executed copy.

At least annually, the Teleworking Agreement and Alternate Work Location Safety Attestation shall be completed by the employee and reviewed by the manager, to coincide with, where possible, the beginning of the employee performance evaluation cycle.

#### **STEP 4: Access to Information Technology Systems and Data**

Jobs that require access to files stored on network servers may be a factor to consider in whether a position is telework eligible. If remote access to the files is available within the parameters of applicable IT security guidelines, as well as other applicable policies or laws and regulations, the position may be telework eligible. If such data is accessed off site, the question of whether the integrity and security of electronic information can be maintained shall be considered in determining if the position may be telework eligible.

For positions determined to be telework eligible, it is important that employees agree to the following requirements:

- Adherence to State of North Carolina and individual agency/work unit Acceptable Use Policy.
- Timely installation of IT updates to all agency/work unit assigned equipment.
- Log off from computer when not present at alternate work location.
- Lock up paper files with confidential information.
- Log in to agency VPN at least weekly.

#### **STEP 5: Teleworking Agreement**

The Teleworking Agreement must be completed by the manager and signed by the employee, manager, and other members of management designated by the agency or university, at least annually. If an employee transfers to another manager, any Teleworking Agreement between the previous manager and employee does not carry forward to the new position.

The Teleworking Agreement shall include the responsibilities of both the agency/university and the employee. Agreements should include the following items:

1. Alternate work location information including address, contact information, and other necessary data.
2. Employee schedule, including employee's work hours with any flexibility noted.
3. Description of the business rationale for approving the Teleworking Agreement including confirmation that the agency has designed the position as suitable for telework, the assessment of suitability of employee to telework, ability to maintain or enhance productivity and customer service, and access to appropriate space and equipment.
4. Description of other conditions, restrictions, plans, or agreements made relating to the Teleworking Agreement (i.e., trial period, communication plans, specific tasks that will be performed, performance evaluation methods, etc.)
5. Required signatures for the employee and manager. During the teleworking program pilot, an agency may require the teleworking agreement be signed by its HR Director or designee.