

TELEWORKING PROGRAM POLICY SUMMARY OF POLICY REVISIONS

6-3-2020

- Policy reviewed by Total Rewards-Salary Administration Division to confirm alignment with current practices and by Legal, Commission, and Policy Division to confirm alignment with statutory, rule(s), and other policies. . Reported to SHRC on June 3, 2021. Changes included:
 1. Purpose section was revised to provide clarity and to improve readability.
 2. The advisory note regarding teleworking program design has been moved from the text box into the body of text
 3. Covered employees section was renamed Eligible Employee
 - a. Updated to clarify employees may be eligible to participate in this program if the employee's work is deemed by the agency or university as suitable for teleworking and the telework arrangement is to the benefit of the agency or university.
 - b. Clarified the decision to allow an employee to participate full-time or part-time in a teleworking program is at the discretion of management and removed "is not appealable to the Human Resources Commission.
 - c. Added the following:
 - i. Teleworking is not a universal employee benefit or entitlement. Any teleworking arrangement is at the discretion of management.
 - ii. Agencies and universities may exercise discretion to determine that employees are ineligible to participate in a teleworking agreement under the following conditions:
 1. The employee's position requires regular onsite work activities that cannot be completed at an alternative work location;
 2. The employee's alternate work location does not meet the requirements of the job or the agency/university;
 3. The employee violates the terms of the teleworking agreement;
 4. The employee has an active disciplinary action related to unacceptable personal conduct, unsatisfactory job performance or grossly inefficient job performance;
 5. The employee has received a performance rating of "does not meet expectations" on any goal or value on their most recent performance evaluation;
 6. The employee is unable to consistently demonstrate the ability to complete tasks and assignments on a timely basis;
 7. The employee receives disciplinary action or their performance decreases while already participating in a teleworking program; or
 8. If an agency or university requires a period of onsite work for new appointments or probationary employees prior to approving teleworking.

4. The definition section was updated as follows:
 - a. Alternate Work Location definition was updated to remove reference to central workplace and added agency or university worksite.
 - b. Deleted the definition for Central Workplace to include removal of all reference to central workplace throughout the policy
 - c. Added a definition for duty station
 - d. Added a definition for the term field-based employee
 - e. Added a definition for full-time and part-time telework
 - f. Updated telework/teleworking definition to provide clarity and to differentiate from field-based employees
 - g. Updated the definition for teleworking agreement to indicate it is required for all employees teleworking regularly
 - h. Updated the definition for work schedule for clarity and to include agency or university worksite locations
5. Added a new section for agency and university responsibilities which includes the following:
 - a. Agencies and universities shall:
 - i. Incorporate effective management practices such as clear communication, goal setting, and regular contact with employees engaged in teleworking programs.
 - ii. Ensure that the overall functions of the organization are not compromised by telework.
 - iii. Provide training to support employees and managers in teleworking.
 - iv. Report teleworking activities for the previous calendar year to OSHR annually on or before March 1st which at a minimum will include:
 1. Data on the number and percentage of employees participating in full-time teleworking, part-time teleworking, and full-time onsite by demographic data (race and ethnicity, gender, age range) and by occupational classification.
 2. Out-of-state teleworking arrangements.
 3. Teleworking arrangements approved as a part of an ADA accommodation.
 4. Assessment of their teleworking program, including goals, benefits, challenges, and best practices.
 - v. Added an advisory note to indicate the period of July 1, 2021 through December 31, 2021 shall serve as a pilot for agencies that implement teleworking programs. Agencies shall report pilot teleworking activities to OSHR on or before March 1, 2022
6. OSHR responsibilities section updated to clarify OSHR role to provide guidance to state agencies and to add the following:
 - a. Prepare training on teleworking expectations for agency and university HR offices, managers and employees.
 - b. Provide instructions for annual teleworking reporting requirements to agencies and universities by December 31 each year.

7. Agency Designates Position/Employee section renamed to Designation of Position/Employee
 - a. This section was updated to improve readability and to provide clarity, of an agency's designation of an employee to telework.
 - b. Also added verbiage to ensure that employees who remain at the agency/university worksite do not incur additional duties routinely performed by another employee due to revisions to the Teleworker's duties or schedule specifically for the purpose of enabling them to telework.
 - c. Deleted the advisory note indicating the opportunity to telework is a management option.
8. Conditions of Employment section was updated to provide clarity and improve readability.
9. Designation of Terms or Teleworking Arrangements section was renamed to Teleworking Agreements.
 - a. This section was updated to provide clarity and to add parameters for teleworking agreements such as:
 - i. Be reviewed by the manager and employee at least annually, to coincide with, where possible, the beginning of the employee evaluation cycle.
 - ii. Be signed by the employee and manager, and other members of management.
 - iii. If an employee transfers to another position or changes reporting relationships, any telework agreement between the previous manager and employee does not carry forward.
 - iv. The employee is not guaranteed eligibility for telework in the new position or when a reporting relationship changes.
 - v. The signed teleworking agreement will be maintained in the agency or university's human resources office as part of the employee's personnel file.
 - b. The Safety and Liability sub-section was renamed to Safety of Alternate Work Location.
 - i. Additional verbiage was added to indicate the agency or university shall, at minimum, obtain an annually signed safety attestation from each Teleworker. The employee shall verify:
 1. The alternate work location utilizes furniture, equipment, and other materials supplied by the employee, agency or university is in compliance with established safety requirements, is free from hazards, and is ergonomically appropriate.
 2. The employee shall provide written notice to their agency or university prior to any change in location or condition of the alternate work location.
 3. The employee utilizes the same safety rules and practices applicable to agency or university worksite whenever at the alternate work location.
 4. The employee shall follow usual agency or university procedures for immediate reporting of work-related illness or injury occurring at the alternate work location.
 - c. A General Liability sub-section was added to indicate: the agency or university 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.

- d. An advisory note was added to indicate: Workers' compensation: North Carolina workers' compensation laws make the State responsible for work-related illnesses or injuries that occur within the course and scope of employment that occur at an employee's alternate work location during the employee's approved work hours. It is important to have a fully executed teleworking agreement on file, which specifically details the work hours, alternate work location and employee's obligations while teleworking.
- e. The Restricted Access Materials sub-section was updated to clarify the security, confidentiality and integrity of agency/university records and information must be protected at all times in teleworking arrangements and must comply with all information security requirements that would apply at the duty station. Additional verbiage was added to read 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 an agency or university has authorized the Teleworker to carry to the alternate work location.
- f. Work Hours sub-section was renamed to Schedule and Work Hours.
 - i. Also updated to provide clarity and to establish agencies have the flexibility to allow employees to work a regular work schedule that is different from the department's normal operating hours. 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/university worksite.
 - ii. Added verbiage to indicate 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 make arrangements for dependent care to the same extent as if the Teleworker was working onsite. Adherence to all leave policies and procedures for use and approval is expected.
 - iii. Added verbiage to indicate: refer to the OSHR Hours of Work and Overtime Compensation policy for guidance on when to count travel time as hours worked if a Teleworker reports to the worksite.
 - iv. Added verbiage to indicate: any requirement for a Teleworker to report to the onsite duty station is not reimbursable for mileage (unless the employee is designated as a field-based employee).
- g. Added a new sub-section of Use of Leave which indicates requests to use sick, vacation and other leave during a designated telework day is subject to the same practice, approvals and policies of employees at the agency or university worksite. The accrual of

leave is also subject to the same policies as are in place for employees who do not telework.

- h. The Use of Equipment and Software sub-section was updated to provide clarity and improve readability. Also established Teleworking Agreements must include an inventory of State property authorized for use at the employee's alternate work location.
- i. Added a new sub-section of Performance Management which indicates performance standards for Teleworkers must be the same as performance standards for non-teleworking employees. All management expectations for performance must be clearly addressed in the employee's performance workplan, must follow the state Performance Management Policy, and expectations related to accountability must be consistent between both Teleworkers and non-teleworking employees. Teleworkers may be required to complete activity sheets, tracking logs, etc. as an expectation in the teleworking agreement.
- j. Added a new sub-section of Long-distance and Out-of-State Teleworking which indicates to the greatest extent practicable, agencies/universities shall principally employ individuals who reside within or in close proximity to the State of North Carolina. Agencies/universities should avoid long-term flexible work arrangements for employees who reside outside a reasonable commuting distance. Agencies/universities may limit teleworking to within the State and should define a reasonable commuting distance. Agency or university teleworking programs may provide limited exceptions to the reasonable commuting distance based on operational needs, including but not limited to, recruitment of candidates with unique or scarce skills, or arrival or departure of employees for a transitional period of relocation.
 - i. Added verbiage to indicate agencies/universities may consider out-of-state teleworking arrangements. An agency or university head must assess and approve the impact on the agency or university before approving a current employee's request to telework out-of-state or extending a job offer to an out-of-state resident that includes teleworking. The agency or university human resources director shall consult with the chief financial officer and general counsel to establish the assessment process.
 - ii. Added verbiage to indicate for all appointments, agencies shall include expectations in teleworking agreements for reporting to the duty station for required onsite training and meetings, as determined by the agency or university. Teleworkers may not charge mileage for travel between their place of residence and their duty station. If an employee is approved to telework out-of-state, the Teleworker is responsible for any tax implications.
- k. Added a new sub-section of Reasonable Accommodation under the ADA which indicates any employee's request to telework as a reasonable accommodation under the Americans with Disability Act (ADA) will be administered consistent with the statewide Reasonable Accommodation Policy. Allowing an employee to work at an alternate work location may be a viable outcome of the interactive accommodations process under the

ADA if the employee's qualifying disability prevents them from performing the essential functions of their job at their designated duty station, unless the request creates an undue hardship.

- I. Added a new sub-section of Temporary Teleworking Arrangements which indicates temporary teleworking arrangements or modifications to teleworking agreements established under an agency/university's teleworking program may become necessary as an agency or university responds to hazardous weather, pandemics, physical attacks, or other events that may require the temporary closure of a state agency or university facility.
 - i. Added verbiage to indicate Agency and University Responsibilities:
 1. Consistent with emergency planning and COOP requirements, all state agencies must develop a procedure which authorizes all eligible employees to telework during a continuity event.
 2. This procedure must contain information on:
 - a. Which employees may be expected to telework in case of any emergency; and
 - b. What is expected of those employees.
 - m. Added a new sub-section of Recruitment and Retention which indicates agencies/universities may use telework as a tool to help attract, recruit, and retain the best workforce possible, including as an incentive for eligible hard-to-fill positions. Teleworking may attract applicants interested in reduced commuting time and cost, and increased work-life balance.
 - n. Added a new sub-section of Adverse Weather/Emergency Closing which indicates teleworkers who are designated as non-emergency are expected to continue teleworking, if possible, when on-site workers at their agency or university are dismissed 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.
 - o. Added a new sub-section of Mail Management which indicates agencies/universities shall develop procedures for Teleworkers receiving mail and sending outgoing mail at an alternate work location.
10. Termination of Teleworking Arrangement was renamed to Termination or Modification of Teleworking Agreement.
 - a. This section was also updated to provide clarity and to add any modification or termination of teleworking arrangements shall be in writing. When a teleworking agreement is terminated, employees are responsible for returning all state property and all work products to the agency worksite within the timeframe provided by the agency or university.

- b. Also clarified termination or modification of a teleworking arrangement 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.

9-07-2017

- Policy revised to delete all reference to trainee appointments, per appointment types and career status 11-1-2013.

8-17-2000

- Policy changed to conform to new rules.

10-21-1999

- New policy outlining requirements and guidelines for establishing a teleworking program.