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Responsible Division:	Human Resources
Next Review Date:	May 27, 2022
Last Reviewed:	May 27, 2021

NCDOJ POLICY

Title

NORTH CAROLINA DEPARTMENT OF JUSTICE POLICY ON TELEWORKING

Introduction

PURPOSE

This policy permits the agency to designate employees to work at alternate work locations for all or part of the workweek in order to promote general work efficiencies. The Office of State Human Resources has established rules so that teleworking may be offered by State agencies as a work option to ensure competitive advantages with other employers and to meet the environmental and budgetary challenges of the future as directed by the legislature and governor. The policy is issued pursuant to the mandate contained in N.C.G.S. §126-1 to apply the best methods of personnel administration as evolved in business and industry.

SCOPE OF APPLICABILITY

Any full-time and part-time permanent, probationary, temporary and time-limited employee 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.

The decision whether to allow an employee to participate full-time or part-time in a teleworking program is wholly within management discretion and is *not appealable or grievable*.

In addition, *an employee's teleworking agreement may be modified or revoked under the following conditions:*

- The employee's position requires regular onsite work activities that cannot be completed at an alternative worksite;
- The employee's alternate worksite does not meet the requirements of the job or the agency for an approved alternate worksite;
- The employee has violated the terms of the teleworking agreement;
- The employee has an active disciplinary action related to unacceptable personal conduct, unsatisfactory job performance or inefficient job performance;

- The employee has received an overall performance rating of “does not meet expectations” 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.

Even if an employee has an approved teleworking arrangement, situations may arise that require an employee to come into the office. Teleworkers schedules will be subject to change at management’s discretion.

Policy

POLICY STATEMENT

Procedures

Teleworking can be informal, such as working from home for a short-term project or on the road during business travel that ends upon the completion of a specific event, or it can be a formal, set schedule of working away from the office as described below on a recurring basis (e.g., working at home for one day per week without a change in the employee’s central work location).

Either an employee or a supervisor can suggest teleworking as a possible work arrangement. However, an assignment to a central work place outside of a DOJ maintained site is addressed in the Department’s Remote Duty Station policy. This policy does not provide for a permanent change to an employee’s designated central work location.

A written teleworking agreement is required for formal teleworking. Every effort will be made by management to provide 30 days’ notice of a change in a teleworking arrangement. There may be instances, however, when no notice is possible.

Criteria for Position Selection for Teleworking

Before entering into any teleworking agreement, the employee and manager or supervisor will, with the assistance of the human resource department upon supervisory or managerial request, evaluate the suitability of such an arrangement, by reviewing the following topics:

- *Employee suitability.* The employee and manager will assess the needs and work

habits of the employee and will compare them to traits customarily recognized as appropriate for successful teleworkers.

- *Job responsibilities.* The employee and manager will discuss the essential job responsibilities to determine if the job is appropriate for a teleworking arrangement.
- *Equipment needs, workspace design considerations and scheduling issues.* The employee and manager will review the physical workspace needs and the appropriateness of the location.
- *Tax and other legal implications.* The employee must determine any tax or legal implications under IRS, state and local government laws, and/or restrictions of working out of a home-based office. Responsibility for fulfilling all obligations in this area rests solely with the employee.

If the employee and supervisor or manager agree, a draft teleworking agreement will be prepared and signed by all parties. However, the supervisor or manager has the discretion, based on the needs of the work unit, not to approve a proposed teleworking arrangement, and that decision is not appealable or grievable.

Evaluation of teleworker performance will require the supervisor to provide clear communication about the employee's goals and routine communication about progress and challenges related to achieving those goals.

Teleworking assignments do not change the conditions of employment or the required compliance with policies and rules. An employee's compensation and benefits will also not change when the employee teleworks. The policies and procedures that normally apply to the central workplace, including but not limited to performance management, shall remain the same for teleworking employees.

Employees will not substitute days in their weekly work schedule once a teleworking schedule has been agreed upon. Additionally, in-person job responsibilities (i.e. court appearances, meetings, trainings, etc.) will not be missed because of conflicts with teleworking schedules. Leave must be requested for personal appointments that occur during a telework day unless there is manager or supervisor approval for an alternative arrangement.

Equipment

Ordinarily, employees will be expected to telework without the need for any additional NCDOJ equipment to be installed in the employee's home. Employees may take home NCDOJ laptops for this purpose, and they may connect the NCDOJ laptop to screens, printers, or other equipment owned by the employee.

On a case-by-case basis, NCDOJ will determine, with information supplied by the employee and the supervisor, the appropriate equipment needed (including hardware, software, modems, phone and data lines and other office equipment) for each teleworking arrangement. The human resources and information technology departments will serve as resources to assist supervisors with fulfilling equipment needs.

Equipment supplied by NCDOJ will be maintained by NCDOJ. Equipment supplied by the

employee, if deemed appropriate by NCDOJ, will be maintained by the employee. NCDOJ accepts no responsibility for damage or repairs to employee-owned equipment. NCDOJ reserves the right to determine whether equipment is appropriate, and that determination is subject to change at any time. Equipment supplied by NCDOJ is to be used for business purposes only. NCDOJ staff who are teleworking are subject to discipline if they use NCDOJ equipment for personal or inappropriate purposes, even if the use was made at the staff member's home. (See NCDOJ Acceptable Use Policy.)

The teleworker must sign an inventory of all NCDOJ property received and agree to take appropriate action to protect the items from damage or theft. Upon termination of employment of a teleworker, all agency property will be returned to the agency within 24 hours, unless other arrangements have been made.

NCDOJ will permit the employee to use appropriate NCDOJ office supplies (pens, paper, etc.) as deemed necessary. NCDOJ will not reimburse an employee for travel-related expenses between their telework location and a NCDOJ central work location.

The employee will establish an appropriate work environment within his or her home for work purposes. NCDOJ will not be responsible for costs associated with the setup 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 services essential to performing job responsibilities.

Teleworkers are expected to use their DOJ 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 voice mail.

While the Information Technology Division will provide support as reasonably practicable, it is not the intent of NCDOJ to provide in-home user support including troubleshooting, set-up or maintenance of personal equipment, devices, or utilities, including Internet or phone service.

Security

Agency supervisors' permission is necessary for teleworkers to work on restricted-access information or materials at alternate work locations. Teleworkers shall agree to follow agency-approved security procedures in order to ensure confidentiality and security of data.

Consistent with the organization's expectations of information security for employees working at the office, teleworking employees will be expected to ensure the protection of confidential information and sensitive information that may be accessible from their home office. Steps include the use of locked file cabinets and desks, regular password maintenance, and any other measures appropriate for the job and the environment. In

some instances for certain positions, the confidentiality and sensitivity of information an employee handles or the nature of the communications conducted will make teleworking an inappropriate option for security purposes.

Safety

Employees are expected to maintain their home workspace in a safe manner, free from safety hazards. The employee is liable for any injuries sustained by visitors to the employee's home worksite. However, a teleworker may not hold in-person business related meetings with clients, customers, members of the public, or professional colleagues at the teleworker's residence.

Because the teleworking employee's home is an extension of the agency's workspace, the State's liability for job-related accidents will continue to exist during the teleworker's approved work hours and the employee's designated work location throughout the duration of an employee's teleworking agreement. An employee who sustains a work-related injury while teleworking may be covered under the Workers' Compensation Act, must notify the teleworker's supervisor immediately, and must complete all necessary documentation regarding any workplace accident or injury.

Any accident or injury will be investigated in the same manner as if it had occurred at the Department's central office.

Teleworking is not designed to be a replacement for appropriate child care. Although an individual employee's schedule may be modified to accommodate child care 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.

Time Worked

Teleworking employees who are not exempt from the overtime requirements of the Fair Labor Standards Act ("FLSA") will be required to accurately record all hours worked in the State's Integrated HR Payroll System (formerly Beacon).

In addition, teleworking employees who are exempt from the overtime requirements of the FLSA will be required to comply with the reporting requirements in NCDOJ's compensatory time policy if participating in that policy. Hours worked in excess of those scheduled per day and per work week require the advance approval of the teleworker's supervisor. Failure to comply with this requirement may result in the immediate termination of the teleworking agreement.

The total number of hours that employees are expected to work will not change, whether they are worked at the central location, or at the alternate work location. This does not, however, restrict the use of alternative work schedules.

Ad Hoc Arrangements

Temporary teleworking arrangements may be approved for circumstances such as inclement weather, special projects, business travel, or other personal circumstances. These temporary, ad hoc teleworking arrangements do not require a teleworking agreement. These arrangements are approved on an as-needed basis only, with no expectation of ongoing continuance.

All teleworking arrangements are made on a case-by-case basis, focusing first on the business needs of the organization.

NCDOJ reserves the right to amend or modify this policy at any time.

Definitions and Keywords

Definitions:

For purpose of this policy, the terms below mean the following:

Alternate Work Location: a worksite other than a central workplace; can include employees' homes and satellite offices where official State business is performed.
Central Workplace: 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 workplace is an onsite duty station from which an employer along with employees in the same work unit perform the functions of their job.
Duty Station: The employee's designated onsite agency worksite is considered the employee's duty station. For field-based employees, an employee's home may be considered the duty station, if approved by the agency.
Field-based employee: Field/home-based employees are required by the agency to work outside the central workplace based on the service they provide or the nature of work. The work of field/home based employees is mostly performed by traveling to various locations, within a region or working from home.
Telework/Teleworking: a flexible work arrangement in which managers direct or permit employees to perform their job duties away from their central workplace, in accordance with their same performance expectations, and in adherence to workplace policies and professional standards, and other approved or agreed-upon terms. It does not include field workers, occasional or sporadic teleworking, or work performed at a temporary worksite for a limited duration.
Full-time Telework: Type of telework in which an employee works from an alternate work location on all workdays, except those occasional days when required to report to a physical location, including the central workplace, or other approved sites, for meetings, training or other onsite duties, or as directed by a manager.
Part-time Telework: Type of hybrid telework arrangement in which an employee works from an alternate work location less than a full-time basis but on a recurring schedule.
Teleworker: an employee engaged in teleworking.
Teleworking 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 in the central workplace and/or an alternate work location.

Keywords

Teleworking, Alternate Work Location, Telework

Related Requirements

EXTERNAL REGULATIONS AND CONSEQUENCES

State Human Resources Manual, Teleworking Program Policy, [Section 3, Page 37.]

Contact Information

POLICY CONTACT(S)

HR Director at HumanResources@ncdoj.gov

Important Dates

Effective Date: **May 27, 2021.**

[Optional: All prior teleworking arrangements will terminate upon the effective date of this policy unless a supervisor or manager has approved the prior arrangement under this policy.]

Approved by:



SETH DEARMIN
Chief of Staff

North Carolina Department of Justice Total Number of Employees Utilizing Its Remote Work Policy, Delineated by Division, Section, and Any Other Organizational Category

Division	Section	# of remote work participants
Administration		12
Administration	HR	10
Administration	Finance	13
Administration	IT	19
Justice Academy		70
Crime Lab		139
Criminal Justice Training and Standards		16
Sheriffs' Training and Standards		16
Legal	Consumer Protection	55
Legal	Environmental	28
Legal	HHS	42
Legal	Transportation	65
Legal	Civil	75
Legal	Medicaid Fraud	47
Legal	Criminal	47
Legal	Litigation	45
	TOTAL:	699