



NC Department of Public Safety
ADMINISTRATION

Roy Cooper, Governor

Eddie M. Buffaloe Jr., Secretary
Casandra S. Hoekstra, Chief Deputy Secretary

MEMORANDUM

TO: Members of the Joint Legislative Oversight Committee on Justice and Public Safety

From: Eddie M. Buffaloe Jr., Secretary *EMB*

Date: March 14, 2024

Re: Remote Work Policies and Participation

Pursuant to S.L. 2023-1134, 16.12.(c) The North Carolina Department of Public Safety shall report all of the following to the Joint Legislative Oversight Committee on Justice and Public Safety no later than March 1, 2024, and March 1, 2025:

- (1) The remote work policy currently in place for its employees.
- (2) Any remote work policy previously in place for its employees that was not a part of the most recent report required by this subsection.
- (3) The total number of employees utilizing its remote work policy.
- (4) The total number of employees utilizing its remote work policy, delineated by division, section, and any other organizational category



Division	Count of Employee - EE Telework Type (Text)
Telework FT In State	139
STATE HIGHWAY PATROL	2
NATIONAL GUARD	3
EMERGENCY MANAGEMENT	4
JUVENILE JUSTICE	5
OFFICE OF THE SECRETARY	11
CHIEF OPERATING OFFICE	19
CHIEF OF STAFF	95
Telework FT Out of State	6
CHIEF OF STAFF	6
Telework PT In State	453
STATE HIGHWAY PATROL	6
STATE CAPITOL POLICE	6
OFFICE OF THE SECRETARY	13
CHIEF OF STAFF	25
NATIONAL GUARD	30
ALCOHOL LAW ENFORCEMENT	54
JUVENILE JUSTICE	74
CHIEF OPERATING OFFICE	95
EMERGENCY MANAGEMENT	150
Grand Total	598

Division	Count of Employee - EE Telework Type (Text)
Telework FT In State	139
STATE HIGHWAY PATROL	2
STATE HIGHWAY PATROL	2
NATIONAL GUARD	3
NATIONAL GUARD-CHIEF OF STAFF	3
EMERGENCY MANAGEMENT	4
EMERGENCY MANAGEMENT	4
JUVENILE JUSTICE	5
COMMUNITY PROGRAMS	1
COURT SERVICES	1
EDUCATION AND HEALTH	1
JUVENILE JUSTICE	2
OFFICE OF THE SECRETARY	11
OFFICE OF THE SECRETARY	11
CHIEF OPERATING OFFICE	19
ADMINISTRATION	12
CHIEF FINANCIAL OFFICE	2
HUMAN RESOURCES	3
INTERNAL AUDIT	1
PARTNERSHIP ENGAGEMENT	1
CHIEF OF STAFF	95
NC OFFICE OF RECOVERY AND RESILIENCY	95
Telework FT Out of State	6
CHIEF OF STAFF	6
NC OFFICE OF RECOVERY AND RESILIENCY	6
Telework PT In State	453
STATE HIGHWAY PATROL	6
STATE HIGHWAY PATROL	6
STATE CAPITOL POLICE	6
STATE CAPITOL POLICE	6
OFFICE OF THE SECRETARY	13
OFFICE OF THE SECRETARY	12
SPECIAL PROJECTS	1
CHIEF OF STAFF	25
GEN COUNSEL	9
NC OFFICE OF RECOVERY AND RESILIENCY	13
POLICY AND STRATEGIC PLANNING	3
NATIONAL GUARD	30
NATIONAL GUARD-AIR NATIONAL GUARD	3
NATIONAL GUARD-CHIEF OF STAFF	25
NC NATIONAL GUARD	2
ALCOHOL LAW ENFORCEMENT	54
ALCOHOL LAW ENFORCEMENT	54
JUVENILE JUSTICE	74
COMMUNITY PROGRAMS	1
COURT SERVICES	35

EDUCATION AND HEALTH	10
FACILITY OPERATIONS	20
JUVENILE JUSTICE	8
CHIEF OPERATING OFFICE	95
ADMINISTRATION	2
CHIEF FINANCIAL OFFICE	27
CHIEF OPERATING OFFICE	5
HUMAN RESOURCES	29
PARTNERSHIP ENGAGEMENT	32
EMERGENCY MANAGEMENT	150
EMERGENCY MANAGEMENT	150
Grand Total	598

**Policy Name: Telework**

Policy Number: DPS-HR-700-02
Division: Administration
Section/Office: Human Resources
Originally Issued: April 19, 2021
Supersedes: July 1, 2021
Effective: September 9, 2021

I. PURPOSE

The purpose of this policy is to set forth the authority and establish procedures and responsibilities for the consistent management of a telework program within the North Carolina Department of Public Safety (DPS).

II. SCOPE

- A. This policy applies to all DPS Divisions.
- B. This policy applies to all employees.

III. DEFINITIONS**A. Alternate Work Location**

A worksite other than an agency worksite; it can include an employee's place of residence or satellite office where official State business is performed.

B. Confidential Information

Information that is not a public record pursuant to [North Carolina Public Records law](#), to include personally identifiable information.

C. Division-level Telework Plan

Specifies how one or more sections within a single Division will implement telework arrangements in accordance with this policy and the North Carolina Office of State Human Resources (OSHR) Teleworking Program policy. These plans may also include memorandum, policy, and procedure formats.

D. Duty Station

The employee's designated onsite agency worksite.

E. Employee

A person employed by DPS regardless of employment type, including full-time or part-time permanent employees, probationary employees, time-limited employees, and temporary employees.

F. Field/Home-Based Employee

Employees that are required by the agency to work outside the agency worksite based on the service

they provide or the nature of their work. The work of field/home-based employees is mostly performed by traveling to various locations within a region or working from home. Field/Home-based employees are not considered teleworkers and are not covered by this policy, but are covered by the DPS-HR-700-03 Field/Home-Based Employees policy.

G. Full-time Telework

A 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 duty station, or other approved sites, for meetings, training or other onsite duties, or as directed by a manager.

H. Occasional or Sporadic Teleworking

A work arrangement in which an employee teleworks as needed, such as in the event of adverse weather, and is not on a regular or recurring basis.

I. Out-of-State Telework Assessment

An assessment of the impact out-of-state telework will have on the Department or applicable Division.

J. Part-time/Hybrid Telework

A 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.

K. Telework/teleworking

1. 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.
2. It does not include field/home-based employees, occasional or sporadic teleworking, or work performed at a temporary worksite for a limited duration.

L. 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.

M. Telework Coordinator

An employee assigned the responsibility to collect and maintain telework agreements and serves as a telework point of contact within their Division or Section.

N. Work Schedule

The employee's regular recurring hours of work at the agency worksite and/or an alternate work location as approved by their supervisor.

IV. POLICY

- A. It is the policy of DPS to allow employees to telework in accordance with the [NC OSHR Teleworking Program policy](#), requirements outlined in this policy, and applicable Division-level policies when business needs can be met by employees performing job duties in an alternate work location. It is also recognized that DPS, as a public employer, has a special obligation to ensure that employees and resources are being used efficiently and productively.
 - B. Telework is not a universal employee benefit or entitlement. Not all employees within a given classification may be granted telework status. The decision whether to allow a position to telework is solely within management's discretion. As such, this opportunity may be revoked at the discretion of management at any time. Approval or termination of a telework arrangement by management is not grievable unless the basis of the grievance is consistent with a grievable issue identified in the [OSHR Employee Grievance policy](#).
 - C. Employees are still expected to follow all applicable State, DPS Department, or Division-level policies at their alternate work location.
 - D. In addition to the requirements described in this policy, Division Heads or their designees may establish Division-level telework plans to address business requirements specific to their Division. Division-level telework plans shall be submitted to the DPS Office of Policy and Strategic Planning and at a minimum address the following topics:
 - 1. Criteria for positions that are designated for full-time or part-time telework;
 - 2. Criteria for selecting employees who are eligible to engage in teleworking; and
 - 3. Procedures for mail management.
 - E. Supervisors should take into consideration employee performance when determining whether an employee will be approved for telework. If an employee has received a performance rating of "does not meet expectations" on any goal or value on their most recent performance evaluation they are not eligible for teleworking.
 - F. Supervisors may approve telework that is regular and recurring on a scheduled basis or as needed on an occasional basis, such as in the event of adverse weather conditions.
 - G. If the duty station closes due to an emergency, including adverse weather conditions, employees who have been approved for telework are expected to continue to telework if their alternate work location is operational.
 - H. An employee's current salary and benefits will not change when they are teleworking.
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I. Alternate Work Location Requirements

1. Employees who have been approved to telework shall ensure their alternate work location is free from personal or professional obligations outside of their job duties during normal business hours.
2. Employees shall not hold in-person work related meetings at the alternate work location. Employees may participate in conference calls and web-meeting activities.

J. Time spent in telework status must be accounted for and reported in the same manner as if the employee reported for work at their duty station, which includes abiding by all established leave and overtime policies. The total number of hours the employee is expected to work shall not change and the employee should adhere to their normal working hours. Employees may work overtime only when required and approved in advance by their supervisor.

K. Management reserves the right to require the employee to report to their duty station on scheduled telework days. Reasonable advance notice should be provided to the employee when possible. However, the employee may be required to report to their duty station at any time during the employee's work schedule as business needs dictate.

L. DPS liability for job-related incidents or accidents will continue to exist during the employee's approved telework schedule. In the event of a job-related incident or accident during telework hours, the employee shall immediately report the incident or accident to their supervisor. Any incident or accident will be investigated in the same manner as if it occurred at the employee's duty station. DPS is not responsible for non-work related injuries to an employee at the alternate work location. DPS is not responsible for any injury to any non-employee at the alternate work location.

M. Employment Separation

1. If approved by their supervisor, an employee may telework on their last day of employment before separation from DPS. For benefits pay out purposes, this is the equivalent of reporting to the duty station.
2. Employees shall coordinate with their supervisor the return of any DPS-owned equipment to the duty station.
3. Employees may be responsible for the replacement cost for any DPS-owned equipment which is not returned upon separation from DPS.

N. Supplies and Equipment

1. Divisions shall provide to employees who are approved to telework standard office supplies necessary for the employee to perform their job. Employees' out of pocket expenses for office supplies available at their duty station will be not reimbursed.
 2. Employees will be responsible for providing office furniture at the alternate work location and ensuring it meets ergonomic requirements as described in the [Alternate Work Location Safety Attestation form](#).
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3. Employees will be provided with a DPS-owned laptop computer based upon equipment availability.
 4. Employees may be provided with a DPS-owned printer based upon job duty requirements and equipment availability. Employees who are teleworking also have the option to print documents at their duty station. Employees shall not be reimbursed for expenses associated with using a personal printer.
 5. The following conditions shall apply to the use of supplies, organization records, computers, and other DPS-owned equipment:
 - a) The same standards of use apply to DPS-owned equipment at the alternate work location as at the employee's duty station.
 - b) Products, documents, records used and/or developed while teleworking shall remain the property of DPS and are subject to State and DPS policies regarding confidentiality and records retention requirements.
 - c) Products, documents, and records that are used, developed, or revised while teleworking must be copied or restored to the DPS computer network.
 6. Any equipment provided to the employee by DPS while teleworking remains the property of DPS. Non-employees are not authorized to use any DPS-owned equipment. The employee is responsible for any expense related to repair and replacement of DPS equipment as a direct result of the employee's misuse or abuse of any DPS equipment.
 7. Maintenance, repair, and replacement of DPS-owned equipment issued to teleworking employees is the responsibility of DPS. In the event of equipment malfunction, the employee must notify their supervisor as soon as possible.
 8. Employees are required to maintain their own internet service provider and to provide their own telephone services unless a DPS-owned cellphone is issued to the employee or the employee has remote access to their office telephone using a secure DPS-approved communication system.

O. Information Security

1. Employees must have written authorization from their supervisor prior to working on confidential information at their alternate work location.
 2. Confidential information that is stored at the alternate work location must be secured in accordance with applicable standards. This may include password protecting electronic information and securing physical information in locked offices, cabinets, or drawers.
- P. An employee who fails to comply with any requirement of this policy may be subject to disciplinary action, up to and including dismissal.
- Q. This policy does not apply to field/home-based employees, who are instead subject to the requirements in the DPS-HR-700-03 Field/Home-Based Employees policy.
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V. ROLES AND RESPONSIBILITIES

A. Division Heads or Designee(s)

1. Identifies at least one Telework Coordinator for their respective Division.
2. Determines if their Division will allow out-of-state telework arrangements.
3. Ensures out-of-state telework assessments are completed prior to approving out-of-state telework arrangements, as applicable.

B. DPS Central Human Resources (HR)

1. Provides guidance to Divisions on developing additional telework policies and procedures for their respective employees as requested.
2. Provides OSHR-developed telework training to all DPS employees.
3. Reports telework activities for the previous calendar year to OSHR annually in accordance with the [OSHR Teleworking Program policy](#).
4. Consults with the DPS Office of the General Counsel and the DPS Chief Financial Officer to develop an assessment process for determining the impact to the Department and/or Divisions before approving out-of-state telework arrangements.

C. Employees

1. Submits their telework request to their immediate supervisor.
2. Informs their supervisor promptly whenever problems arise which adversely affect their ability to perform work at their alternate work location.
3. Maintains a designated alternate work location that is conducive to job performance, safe, and free from distractions. The workspace must meet the standards in the [Alternate Work Location Safety Attestation form](#).
4. Notifies their supervisor and submits a new [Alternate Work Location Safety Attestation form](#) within 15 days if their alternate work location changes.
5. Maintains responsibility for any individual tax implications, homeowner's insurance, and incidental residential utility costs associated with teleworking in an alternate work location.

D. Supervisors

1. Receives telework requests from employees and reviews them in compliance with this policy. [Telework Agreements](#) and [Alternate Work Location Safety Attestation](#) forms shall be reviewed at
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least on an annual basis during the performance management evaluation cycle.

2. Develops clear performance expectations and measures before entering into a telework agreement with an employee to establish objective parameters for evaluating the quantity and/or quality of work.
3. Maintains regular contact and communication with their employees who telework.
4. Documents and reviews with their employees the reasons for allowing or not allowing them to telework.
5. Ensures employees at the duty station do not incur additional duties routinely performed by teleworking employees.

E. Telework Coordinators

1. Maintains teleworking agreements for their respective Division or Section's employees and provide information to DPS Central HR on the status of such agreements on an annual basis.
2. Collects and reports telework-related information on behalf of their respective Division or Section as requested by DPS Central HR.

VI. PROCEDURES

A. Telework Approval

1. Employees shall submit in writing a request to their supervisor to be considered for teleworking.
 2. The employee and their supervisor shall complete the [Telework Agreement form](#).
 3. Upon completion of the [Telework Agreement form](#) and with approval from their supervisor, the employee shall complete the [Alternate Work Location Safety Attestation form](#) and submit it for review to their supervisor. The Telework Agreement form must be signed by both the employee and their supervisor.
 4. If the immediate supervisor approves the employee to telework, the [Alternate Work Location Safety Attestation](#) and [Telework Agreement](#) forms shall be submitted to the next level of management for review.
 5. If approved by the next level of management, all forms shall then be submitted to the Division or Section's human resources office for inclusion in the employee's personnel file.
 6. If the employee changes positions or reporting relationships, any previously approved telework agreement shall be voided and a new request for telework approval shall be submitted in accordance with this section.
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B. Telework Agreement Termination

1. The termination of previously approved telework agreements shall be communicated in writing by the supervisor to their employee.
2. Upon termination of the telework agreement, all DPS-owned equipment previously assigned to the employee's alternate work location shall be returned by the employee to DPS in working order.
3. Employees may be responsible for the replacement cost for any DPS-owned equipment which is not returned upon termination of the telework agreement.

VII. REFERENCES

- A. [NC OSHR Teleworking Program Policy](#)