

NORTH CAROLINA DEPARTMENT OF COMMERCE		POLICY # HR 38
Title: Telework Policy		
Effective Date: 3/1/11 Revisions:	Administering Authority: Human Resources Dir.	
Statutory Authority (if applicable): G.S. 126		

Purpose

The North Carolina Department of Commerce endorses an internal telework program and recognizes the benefits to be derived from a more versatile workplace. Telework can lead to an increase in productivity, improve morale of employees, boost efficiency in the use of workspace, reduce operating costs and increase Commerce's competitive advantage with other employers.

Policy Statement

Commerce policy provides for a flexible work option called teleworking, in which the Assistant Secretary, Division Director or Commission Head directs or permits employees to perform their job duties away from the central office in accordance with their same performance expectations and other approved or agreed-upon terms. Additionally, Commerce policy allows the designation of an employee's home as their duty station and at such time as the employee is not in a travel status they will be considered to be teleworkers. Teleworking does not include work performed at a temporary work-site for limited duration. The agency will provide equal opportunity for teleworking to all eligible employees regardless of race, color, sex, age, disability, religion, national origin or political affiliation.

Either party to this agreement may terminate the teleworking project at any time. Although teleworking is not an employee entitlement or right, termination of employees from the program must be done in writing and with appropriate notice, except in emergency situations. If the agreement is terminated, the employee is expected to return to the Commerce office and abide by all Commerce policies. Unless there are documented performance or conduct issues, a minimum notice of seven- (7) calendar day's notice shall be given to each party prior to termination of the agreement.

Definitions

Alternate Work Location: A work-site based in employees' homes where official State business is performed.

Central Office: An employee's assigned place of work or duty station owned or operated by the State.

Designation of an employee's home as their duty station: Primary work or duty station for field-based employees as authorized by the Commerce Human Resources Office.

Executive management: Executive management is defined as Agency employees that are designated as Exempt as stipulated in §G.S. 126-5. Examples include: Policy-Making Exempt and Managerial-Exempt.

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Telework/Teleworking: A mutually agreed-upon work option between Commerce and the employee where the employee works at home on a regular or intermittent basis on specified days and/or hours, and at the central office for the remainder of the time, if applicable. Commerce employees that have their home designated as their duty station are considered to be teleworkers during those work hours that they are not in a travel status.

Teleworker: An employee engaged in teleworking.

Telework Application: An application completed by the employee and submitted through management channels.

Telework Safety Inspection Checklist: A guide used in assessing the suitability and safety of a proposed home office and submitted to the employee's supervisor with the Telework Application.

Exemption

Executive Management is exempt from this policy. Employees with questions regarding their designation should contact Commerce Human Resources.

General Requirements

1. The Commerce Division Director or Commission Head must consider both the employee and the position held by the employee before endorsing a request to telework. Employees selected should have excellent work habits, a past record of superior performance, and sufficient job experience based on a minimum of six months of employment with Commerce. In addition, the jobs occupied by prospective teleworkers should be positions where work away from the central office will not pose problems for the participant organizations and contractors in Commerce's initiatives/programs or for the co-workers of the prospective teleworker.
2. The Telework Application must be arranged so that there is no appreciable difference in the level of service provided or obstacles presented to participant organizations and contractors in the Agency's initiatives/programs.
3. The location of work must not significantly alter the teleworker's job content or the job content of co-workers and cannot create an undue burden on other staff in the Agency.
4. The direct cost to set-up or support the teleworker should be minimal and such costs pre-approved by the Commerce Assistant Secretary, Division Director or Commission Head.
5. The teleworker's home office equipment and software must meet Commerce standards as determined by Commerce's Chief Information Officer.
6. Employees shall sign and abide by the Telework Application between the teleworker and Commerce. The Telework Application will be reviewed by the Assistant Secretary, Division Director or Commission Head and teleworker at least annually and revised as necessary.
7. The teleworker's conditions of employment shall remain the same as for non-telework employees. Employee salary, benefits and employer-sponsored insurance coverage shall not change as a result of telework.
8. Commerce policies, rules and practices shall apply at the telework site, including those governing communicating internally and with the public, employee rights and responsibilities, facilities and equipment management, information resource management and security, purchasing of property

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and services, and safety. Failure to follow policy, rules and procedures may result in termination of the telework arrangement and/or disciplinary action.

9. Teleworkers who have not had their home designated as their duty station will not be paid for time or travel between the telework site and the central office.
10. Home utility costs associated with working at home are not paid by Commerce. Potential savings to the employee resulting from reduced commuting, meals, clothing, etc. may offset any incidental increase in utility expenses.
11. Additional phone or internet access costs will not be paid by Commerce with an exception granted for employees who have their home designated as their duty station. These employees may be reimbursed one-half of their monthly internet access fees upon submission of a request for reimbursement accompanied by the supporting monthly bill from the internet provider.

Work Schedule and Accessibility

1. **Teleworking On A Regular Basis**: A consistent schedule of telework work days and hours is desirable to ensure regular and predictable contact with Commerce staff and others. The work hours will be specified in the Telework Application.
2. The teleworker must get their supervisor's advance written approval for working any compensatory time. Any changes to the employees work schedule must be received in writing and shall be reviewed and approved by management before implementation.
3. The telework schedule needs to allow adequate time at the central office for meetings, access to facilities, supplies, and communication with other employees, contractors, vendors and/or grantees. Telework must not adversely affect service delivery, employee productivity, or the progress of an individual or team assignment.
4. The teleworker will attend job-related meetings, training sessions, "short notice" meetings and conferences as requested by the supervisor.
5. While teleworking, the teleworker must be available via telephone or e-mail during agreed-upon work hours or specific core hours of accessibility. The supervisor and employee will agree on how to handle telephone messages, including the feasibility of call forwarding, frequency of checking telephone messages, and the need for having a voice messaging or other answering service.
6. The Assistant Secretary, Division Director or Commission Head and teleworkers will determine the most efficient and effective way of handling long distance calls (state issued calling card, agency reimbursement or state issued mobile communication devices).

Adverse Weather

Employees must have an approved teleworking agreement in place in order to work from home in the event of adverse weather. All other adverse weather policy provisions apply.

Dependent Care

Teleworkers will not act as primary caregivers for dependents during the agreed-upon work hours. This does not mean dependents will be absent from the home during the telework hours, it means that they will not require the teleworker's attention during work hours. Teleworkers must make dependent care arrangements to permit concentration on work assignments.

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Performance Evaluations

The method(s) for monitoring and evaluating work performance on those days that the employee is teleworking should be summarized in the Telework Application.

Department Files and Materials

1. Products, documents, and records used and/or developed while teleworking shall remain the property of Commerce and are subject to Commerce policies regarding confidentiality, and records retention requirements. As outlined in the Department's Information Resource Access Memorandum of Understanding, the State reserves the right to monitor, read employee's text messages and log all network activity, including e-mail, with or without notice, and that users should have no expectation of privacy in the use of these resources. The State also reserves the right to monitor all state-owned equipment used by the employee. This includes state-owned mobile communication devices, and other electronic devices.
2. Restricted access materials shall not be taken out of the central office or accessed through the computer unless approved in advance by the Assistant Secretary, Division Director or Commission Head.
3. For telework jobs that have security and/or confidentiality requirements, procedures must be established to guarantee protection of confidential information. Procedures may include a locked or secure workplace, computer access passwords, or restricted use of files at the telework site. If security and/or confidentiality issues exist, they need to be addressed in the Telework Application.
4. Any computer containing confidential information or used to access confidential information over the network or mainframe must be protected by a firewall approved by Commerce's Chief Information Officer.

Telework Site

5. Work performed at home must be organized in a manner that other family members will not have access to the agency's files and that agency information cannot be accidentally damaged.
6. The teleworker will maintain a designated workspace that is clean, safe and free from distractions. Commerce will not incur any expenses for this purpose. On-site inspections of the employee's workplace may be scheduled as necessary. Failure to meet Departmental safety standards may result in the immediate termination of the teleworking agreement.
7. The work area, in addition to all accompanying office equipment (i.e., desk, chair, lighting, and computer placement), must meet minimum ergonomic requirements.
8. In case of a job-related accident or incident that occurs during telework hours, the teleworker needs to immediately report the event to his/her supervisor and the Department's Safety Director (919.733.2104). The agency does not assume responsibility for injury to any person(s) other than the teleworker at the telework site.
9. In the event of theft, loss, injury or tort liability, the teleworker must allow agents of Commerce to investigate and/or inspect location of the telework site. A mutually agreed upon time will be established between both parties before the inspection.

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Office Supplies and Equipment

1. Commerce may provide standard office supplies (i.e., pens, paper, pencils, envelopes, etc.) associated with the work functions of the teleworker's position.
2. Office furniture to be used at a telework site will be furnished by the teleworker.
3. Commerce may provide the following equipment items at the telework site for employees who have their home designated as their duty station: computer, printer, and surge protection equipment.

Technology

1. Teleworkers must have working phone (land-line or cellular) and internet service in their duty stations / homes.
2. Teleworkers will be responsible for coordinating with the appropriate Information Technology Systems personnel for the installation of hardware and software.
3. Employees who telework from home agree to comply with all agency internal security regulations pertaining 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.
4. All property or inventory control procedures apply to equipment used for telework purposes.

Appeals

Either party has the right to terminate the teleworking arrangement at any time. The decision whether to allow a position or an employee to telework is wholly within management's discretion and may not be grieved.

As outlined in the Department's Information Resource Access Memorandum of Understanding, the State reserves the right to monitor, read employee's text messages and log all network activity, including e-mail, with or without notice, and that users should have no expectation of privacy in the use of these resources. The State also reserves the right to monitor all state-owned equipment used by the employee. This includes state-owned mobile communication devices, and other electronic devices. Any inappropriate use of equipment used for State business during scheduled work hours may result in formal disciplinary action, up to and including dismissal.