

DHHS POLICIES AND PROCEDURES

Section V:	Human Resources
Title:	Safety and Benefits
Chapter:	Teleworking Program Policy
Current Effective Date:	8/1/2026
Revision History:	5/26/2006; 6/1/2009; 8/1/2026
Original Effective Date:	5/26/2026

Purpose

The North Carolina Department of Health and Human Services (“NCDHHS” or “the agency”) is committed to offering innovative workplace flexibilities. This policy permits divisions to designate employees to work at alternate work locations for up to 3 days per week to promote general work efficiencies, enhance competitive recruitment and retention advantages compared with other employers, improve utilization of state facilities, and meet environmental challenges. Division Directors may apply for an exception for employees who are field-based or who live over 75 miles from the assigned duty station, where working in the employee’s duty situation may not be feasible or in the best interest of the agency.

The NCDHHS teleworking program is designed so that a reasoned determination can be made as to the benefits of teleworking compared to working from a designated office duty station.

Policy

Eligible Employees

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.

Teleworking is not a universal employee benefit or entitlement. The decision whether to allow an employee to participate full-time or part-time in a teleworking program is at the discretion of division management. Division management 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 alternate 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 the division requires a period of onsite work for new appointments or probationary employees prior to approving teleworking.

Definitions

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

<p><u>Agency Worksite</u>: the physical building that is owned, leased, or occupied by the Department or the State where an employee’s Duty Station may be assigned.</p>
<p><u>Alternate Work Location</u>: a worksite other than an agency worksite where an employee may telework; this may be an employee’s home or satellite office where official State business is performed.</p>
<p><u>Duty Station</u>: the employee’s designated onsite agency worksite is considered their duty station. For field-based employees, an employee’s home may be considered the duty station, if approved by the agency.</p>
<p><u>Field-based Employee</u>: field-based employees are required by the agency to work outside the agency worksite based on the service they provide or the nature of work. The work of field-based employees is mostly performed by traveling to various locations within a region and may include occasional telework..</p>
<p><u>Full-time Telework</u>: 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.</p>
<p><u>Part-time/Hybrid Telework</u>: type of telework arrangement in which an employee works from an alternate work location less than a full-time basis but on a recurring schedule.</p>
<p><u>Telework/Teleworking</u>: a flexible work arrangement in which managers direct or permit employees to perform their job duties away from their duty station at an alternate work location, in accordance with their same performance expectations, adherence to workplace policies and professional standards, and other approved or agreed-upon terms. It does not include field-based employees, occasional or sporadic teleworking, or work performed at a temporary worksite for a limited duration.</p>

<u>Teleworker</u> : an employee engaged in teleworking.
<u>Teleworking Agreement</u> : 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.
<u>Work Schedule</u> : the employee’s regular recurring hours of work at the agency worksite and/or an alternate work location.

Roles and Responsibilities

The agency shall:

- Provide training to support employees and managers in teleworking.
- As changes occur, identify in the HR-Payroll System whether employees are teleworking full-time in-state, full-time out-of-state, part-time in-state, or part-time out-of-state, and identify the location of any teleworking.
- Use the following text in job postings for positions that are eligible for teleworking to make clear that telework is not an entitlement: “Any telework will be under the conditions of NCDHHS’s Teleworking Program Policy and the agency may end any teleworking arrangement at any time in the agency’s sole discretion.”

Division management shall:

- Incorporate effective management practices such as clear communication, goal setting, and regular contact with employees engaged in teleworking programs.
- Ensure that the overall functions of the agency are not compromised by telework.

Implementation

Designation of Position/Employee

Division management may allow employees to engage in teleworking in compliance with this policy. Criteria for selecting positions that are eligible to engage in teleworking include:

- The position’s duties are conducive to work that can be done independently without frequent direct observation of quality and quantity and where work does not demand constant and in-person exchange of information by the supervisor, co-workers and/or customers

Demonstrated employee competencies that are well-suited for teleworking arrangements include, but are not limited to:

- The ability to independently perform duties with little to no direct supervision;
- Initiative to accomplish tasks and resolve problems;

- Ability to effectively plan and prioritize work assignments; and
- Excellent time management skills.

Divisions must ensure that employees who remain at the agency 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. Based on business necessity, a division may require an employee to telework or not to telework.

Conditions of Employment

The policies and procedures that apply to the agency worksite shall remain the same for Teleworkers. These include, but are not limited to, workplace policies, professional standards of conduct, and performance management. Teleworking assignments do not change the conditions of employment or required compliance with policies and rules.

Teleworking Agreements

All teleworking agreements shall:

- Include the responsibilities of both the agency and the employee;
- Include the location of the employee’s Duty Station and Alternate Work Locations where the employee may primarily telework;
- Be reviewed by the manager and employee at least annually, to coincide with, where possible, the beginning of the employee evaluation cycle; and
- Be signed by the employee and manager.

If an employee transfers to another position or changes reporting relationships, any telework agreement between the previous manager and employee does not carry forward. The employee is not guaranteed eligibility for telework in the new position or when a reporting relationship changes. Each participant must sign a teleworking agreement that contains the terms of the teleworking arrangement. The signed teleworking agreement will be maintained in the agency’s human resources office as part of the employee’s personnel file. At a minimum, the teleworking agreement shall define the parameters of the teleworking arrangement and shall comply with the policy provisions below:

1. Compensation and Benefits: An employee’s compensation and benefits will not change when they telework.
2. Safety of Alternate Work Location: The telework agreement shall include a safety attestation. The employee shall verify:
 - a. The alternate work location utilizes furniture, equipment, and other materials supplied by the employee or agency that is in compliance with established safety requirements, is free from hazards, and is ergonomically appropriate.
 - b. The employee shall provide written notice to their division management prior to any change in location or condition of the alternate work location.
 - c. The employee utilizes the same safety rules and practices applicable to agency worksite whenever at the alternate work location.

- d. The employee shall follow usual agency procedures for immediate reporting of work-related illness or injury occurring at the alternate work location.
3. **General Liability:** The agency 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.
4. **Restricted-Access Materials:** The security, confidentiality and integrity of agency 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.

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 has authorized the Teleworker to carry to the alternate work location. Teleworkers shall agree to follow agency-approved security procedures to ensure confidentiality and security of data.

5. **Schedule and Work Hours:** The total number of hours that employees are expected to work will not change, regardless of work location. This does not, however, restrict the use of alternative work schedules. Divisions have the flexibility to allow employees to work a regular work schedule that is different from the agency'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 worksite. Divisions must ensure procedures are in place to track and document the work hours of Teleworkers.

Employees shall apply themselves to their work during designated work hours and not engage in other activities that are not work-related.

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 dependent 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.

Refer to the state 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.

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).

6. Use of Leave: 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 worksite. The accrual of leave is also subject to the same policies as are in place for employees who do not telework.
7. Equipment and Software: Teleworking agreements must include an inventory of State property authorized for use at the employee's alternate work location.
8. Performance Management: 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.
9. Long-distance and Out-of-state Teleworking: To the greatest extent practicable, divisions shall principally employ individuals who reside within or in close proximity to the position's duty station in the State of North Carolina. Divisions should avoid long-term flexible work arrangements for employees who reside outside a reasonable commuting distance to the greatest extent practicable.

Agencies/universities may consider out-of-state teleworking arrangements. An agency or university head or designee 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.

For all appointments, all teleworking agreements shall include expectations for reporting to the duty station for required onsite training and meetings, as determined by the division. Teleworkers may not charge mileage for travel between their place of residence or their alternate work location and their duty station. If an employee is approved to telework out-of-state, the Teleworker is responsible for any tax implications.

The employee must notify the division management of any changes in the work location.

10. Reasonable Accommodation under the ADA: 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 on the employer.

11. Temporary Teleworking Agreements: Temporary teleworking agreements or modifications to teleworking agreements established under the agency’s teleworking program may become necessary as the agency responds to hazardous weather, pandemics, or other adverse events that may require the temporary closure of a state agency facility.
12. Adverse Weather/Emergency Closing: Teleworkers who are designated as non-emergency are expected to continue teleworking, if possible, when on-site workers at the agency are directed to leave or not report to their duty station 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.

Termination or Modification of Teleworking Agreement

The agency may terminate or modify an employee’s teleworking agreement at its discretion, at any time. Any modification or termination of teleworking agreements 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 and resume onsite work within the timeframe provided by the agency. An employee who refuses to comply with the termination or modification of a teleworking agreement will be subject to disciplinary action. Termination or modification of a teleworking agreement 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.

Exceptions

In certain circumstances, the recruitment of a candidate possessing highly specialized or scarce skills may necessitate the hiring of an individual whose commute to the designated duty station exceeds 75 miles. In such instances, an exception may be requested to permit full-time telework. All exception requests must be submitted by Division Directors to Human Resources and must receive approval from the Secretary or the Secretary’s designee.

References

This policy is issued under any and all of the following sources of law:

- N.C.G.S. § 126-4(5) authorizes the State Human Resources Commission to create policies governing “[h]ours and days of work ... and other matters pertaining to the conditions of employment.”

This policy is consistent with N.C. Session Law 1999-328 § 4.8, which required the Office of State Personnel (now OSHR) to “implement a policy that promotes telework/telecommuting for State employees,” and the Administrative Code rules on teleworking programs, 25 NCAC 01C .0801 to .0813.

For questions or clarification on any of the information contained in this policy, please submit an inquiry via the [DHHS Ask HR Portal](#) link. For general questions about department-wide policies and procedures, contact the [DHHS Policy Coordinator](#).