

## Resident Professional in Office

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In light of Covid-19 stay-at-home precautions and potential changes in post-Covid remote working practices a PE/PLS is often not spending a majority of the time physically “in that office.” The PE/PLS who is accessible and available to staff and clients from the office, during the “operating hours of the business” can satisfy the spirit of accessibility to the staff and the general public so as to satisfy the resident professional requirements in Board Rule 21-56.0901.

*Every firm, partnership, corporation or limited liability company that performs or offers to perform engineering services (or land surveying services) in the State of North Carolina shall have a resident Professional Engineer (or Professional Land Surveyor) in responsible charge in each separate office located in North Carolina where professional engineering (or land surveying) services are performed or offered to be performed. Out-of-state office locations where engineering (or land surveying) services are performed or offered to be performed for North Carolina projects shall have Professional Engineers (or Professional Land Surveyors) in responsible charge of only the specific projects in compliance with Rule .0701(c)(3) of this Chapter.*

It is allowed for a resident professional to fulfill those duties, even if working remotely. It does require that the PE/PLS be fully knowledgeable and be continuously informed of what is going on in the office and available to those in the office by phone, email, messaging, video conferencing or other electronic means. This could include a remote at home working environment, where the PE/PLS can access the company via networking with a VPN (virtual private network) connection.

### *Board Rule 21-56.0901*

*(c) Resident. The terms "resident Professional Engineer" or "resident Professional Land Surveyor" as used in this Rule, means a licensee who spends a majority of the licensee's normal working time in that office. Such time shall not be less than a majority of the operating hours of the business. A Professional Engineer or Professional Land Surveyor shall be the resident licensee at only one place of business at one time unless each business is at least one third owned by the resident professional. This arrangement shall be specifically approved by the Board after a determination that the businesses are integrated in operation, ownership, office location and that the licensee will be in responsible charge of the professional services.*

“Working time in that office” means working in or out of that office location so as to be available and knowledgeable of what is going on. This takes into account that the PE/PLS may go out into the field, attend meetings, conventions, continuing education, vacation, or take other leave. But, principally, the PE/PLS has knowledge from personal observation and involvement and responsibility on how the engineering business is being conducted, in order to protect the public. Working remotely ties in with remote supervision for meeting the requirements of responsible charge, provided the PE/PLS is in regular contact and available for staff to keep updated and to be able to contact.

Consistent with Previous Interpretations:

1. Every firm is required to have "a resident Professional Engineer (or Professional Land Surveyor) in responsible charge in each separate office in which professional engineering (or land surveying) services are performed or offered to be performed. "A Resident Professional" is "a licensee who spends a majority of the licensee's normal working time in said place of business. Such time shall not be less than a majority of the operating hours of the business. A Professional Engineer or Professional Land Surveyor shall be the resident licensee at only one place of business at one time unless each business is at least one-third owned by the resident professional and is specifically approved by the Board after a determination that the businesses are integrated in operation, ownership, office location and that the licensee will be in responsible charge of the professional services." Board Rule .0901.
2. Previous interpretations have said that a workstation is allowed if there is no holding out of services to the public (clients) from that location. No work can be undertaken or communicated with the client at that location. All communication must be at the location of a resident professional. It is not considered a branch office.
3. Previous interpretations have said that a licensee is allowed to moonlight without violating the Board Rules, with the understanding that no business is conducted except when that licensee is in the place of business, whether it be evenings, weekends or other times during the day. The office cannot be staffed for communication with the public (clients) at any other time.
4. Previous interpretations have said that a licensee is allowed to operate more than one location if neither office is open at the same time and the licensee is resident in the location that is open. For example, this allows a licensee to operate an office four days a week in one location and one day a week in another location.

These interpretations were presented to the Board on December 13, 2001 as a basis for considering a request where a company had closed an office in a separate city due to lack of a resident professional. That office was then being used as a workstation for the field crews and storage of equipment. The company wanted to have that location, once again, be an office with the one resident professional covering both offices by having the office fully staffed and conducting business at the office "so as not to coincide with times of business in the (other) office", but meeting with clients during evening and weekend hours. It was stated that "at no time are both office locations made available to the general public concurrently." As a matter of interpretation, the Board agreed that this went beyond the previous interpretations and was not acceptable. With no set office times for each office that are clearly distinct and obvious to the public, such as separate days of operation, confusion would result and would also present an enforcement problem for the Board's staff. In this case the resident professional is covering a full-time office and could not serve as the resident professional at both locations.