

Resolution No.: 18-885
Introduced: July 25, 2017
Adopted: July 25, 2017

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND**

Lead Sponsor: County Council

SUBJECT: Approval of Executive Regulation 9-17AM, Telework

Background

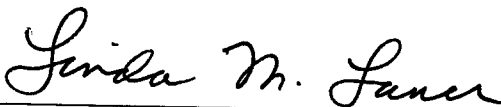
1. The Montgomery County Code §33-24(b) authorizes the County Executive to submit a regulation under Method 1.
2. On June 15, 2017, the County Council received Executive Regulation 9-17, Telework. The Council received Executive Regulation 9-17AM on July 21, 2017.
3. The Council reviewed the regulation under Method (1). Under Method (1), the regulation is not adopted until the Council approves it. If the Council approves the regulation, the regulation takes effect upon adoption of the resolution approving it or on a later date specified in the regulation.
4. On July 20, 2017, the Government Operations and Fiscal Policy Committee reviewed Executive Regulation 9-17 and recommended approval with amendments.

Action

The County Council for Montgomery County, Maryland approves the following resolution:

Executive Regulation 9-17AM, Telework is approved.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject	Number
Telework	09-17AM
Originating Department	Effective Date
Office of Human Resources	July 25, 2017

Montgomery County Regulation on:
TELEWORK

OFFICE OF HUMAN RESOURCES

Issued by: County Executive

Regulation No. 09-17AM

COMCOR No. 33.07.01

Supersedes: Executive Regulation 16-13, in part

Authority: Montgomery County Code (2004) § 33-7(b)

Council Review: Method (1)

Montgomery County Register Volume 34, Issue 5

Comment Deadline: May 31, 2017

Effective Date: July 25, 2017

Sunset Date: None

Summary:

This regulation implements Bill 12-14, Telework, enacted by the Council on July 31, 2014. This regulation amends Section 15 of the Montgomery County Personnel Regulations to require the Director of the Office of Human Resources to designate a County telework manager and to provide training for eligible County employees. The County telework manager will be responsible for providing advice to County departments, developing a standard telework agreement, and identifying procedures and training for eligible County employees. The regulation requires the Chief Administrative Officer to report annually to the County Executive and the County Council on the County telework program.

Staff contact:

Grace Batterden, County Telework Manager, Office of Human Resources, 240-777-5081

Address:

Office of Human Resources, 101 Monroe Street, 7th Floor, Rockville, MD 20850

Please use the key below when reading this regulation:

Boldface

* * *

Heading or defined term.

Existing language unchanged by executive regulation.



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Subject

Telework

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09-17AM

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Office of Human Resources

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SECTION 15. WORK SCHEDULES, ATTENDANCE AND HOURS OF WORK

15.1 Definitions.

* * *

- (j) **Telework:** A work arrangement in which some or all of the work of a County employee is performed at an alternative work site, such as a home or office space near a home.
- (k) **County Telework Manager:** An employee designated by the Director of the Office of Human Resources who is the primary point of contact between the Office of Human Resources and each County department or office and who provides advice to County departments, managers and employees on telework matters.

15-2 Work Schedules.

* * *

- (d) **Telework.** A department director may allow an eligible County employee to telework if the employee has met all the requirements for telework under Section 15-11.

* * *

15-11. Telework

- (a) **Telework guidelines.**

- (1) A supervisor may allow an eligible employee to telework where the employee has applied for a telework schedule, has been found to be suitable for telework and meets the following criteria established by the Director of the Office of Human Resources:

- (a) has enough tasks appropriate for telework;
- (b) can schedule face-to-face meetings on non-telework days;
- (c) is able to meet client and co-worker needs when teleworking;
- (d) can schedule use of resources that must stay at work (e.g. security sensitive files, shared resource materials, or large equipment);
- (e) is free to manage his or her own work flow;



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- (f) can benefit from quiet or uninterrupted time;
- (g) can be evaluated on their work performance; and
- (h) can keep information secure and confidential.

(2) The Director of the Office of Human Resources will develop policies and procedures for the implementation of telework in County departments.

(3) Eligible County employees should be permitted to telework because telework has the potential to save energy, mitigate traffic congestion and improve air quality, enhance the work life experiences of County employees, advance employee recruitment and retention, and to improve the continuity of operations in severe weather and other emergency conditions.

(b) Policy on telework.

- (1) An eligible employee approved for telework must not conduct personal business or on-site work meetings at the Remote Work Location listed in the Telework Agreement.
- (2) Telework is not a substitute for dependent care.
- (3) The telework program is not a reasonable accommodation program. ADA accommodations must be provided within the guidelines of the Americans with Disabilities Act.
- (4) An eligible employee may not telework under an approval for the Family Medical Leave Act (FMLA).

(c) Procedure for establishing a telework schedule.

- (1) An employee must submit a written request to the employee's supervisor for a telework schedule.
- (2) The employee's supervisor will review the request to telework based on the suitability of employees in the work unit to telework, the suitability of the employee to telework and the operational impact on the work unit.



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- (3) An eligible employee and the employee's supervisor must agree upon a telework schedule prior to an employee beginning to telework.

(d) Requirements for a telework schedule.

- (1) An eligible employee may be approved to telework if the employee has met all requirements for the remote work location or alternate work site related to the availability of technology, security, communication between the teleworker and the supervisor, and the confidentiality of County-owned information.
- (2) An eligible employee may be approved to telework if the employee has successfully completed the telework training and assessment provided by the County telework manager.
- (3) An eligible employee must have an agreed upon work plan and schedule approved by their supervisor prior to beginning a telework schedule.

(e) Review of employee request to telework.

- (1) An eligible employee's application to telework will be reviewed by the employee's supervisor and Department Director to determine whether the employee may telework.
- (2) Telework is a privilege and is not a mandatory right for a County employee.

(f) Appeal of denial of request for telework schedule.

- (1) An eligible employee who has submitted an application to telework and who is denied an opportunity to telework by the employee's supervisor may appeal that decision to the County telework manager.
- (2) The decision of the County telework manager regarding the denial of an appeal of an employee to telework may be reviewed in accordance with applicable provisions of MCPR, Section 34 or a collective bargaining agreement.

(g) Transition to or from a telework schedule.



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- (1) A County employee who has been approved to telework may return to a regular schedule.
- (2) A supervisor may deny an employee the opportunity to continue to telework where either the employee's performance or the operational needs of the work unit have changed and telework is no longer appropriate for the teleworking employee.
- (3) Telework is not transferable to other County positions.
- (4) An employee who does transfer to a new County position, may reapply to Telework after completing six months of performing at a successful level in their new position.

(h) Limits on availability of telework schedules.

- (1) A department director may determine that no employees in an operational unit or a work unit are in positions that are suitable for telework.
- (2) A supervisor may determine that no other employees in a work unit may telework where operational needs would be adversely impacted by allowing additional employees in the work unit to telework.

(i) Withdrawal from a telework schedule.

- (1) A County employee who has been approved for telework schedule must notify their supervisor that they wish to return to regular schedule.
- (2) A supervisor who has approved a telework schedule for an employee in their work unit may return that employee to a regular schedule and must provide a basis for the decision in writing to the employee.

(j) Training

- (1) The Director of the Office of Human Resources, after consultation with the Chief Information Officer, will develop telework training for eligible County employees and County managers.



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- (2) An eligible County employee or manager may not telework or be approved to telework until the employee or manager has completed all telework training and assessments that have been approved by the Director of the Office of Human Resources.

(k) Annual report.

- (1) The Chief Administrative Officer will report to the County Executive and the County Council by January 15 of each year on the County's telework program.
- (2) The Chief Administrative Officer's annual report will provide information on:
- (a) how the telework program is being implemented;
 - (b) how many employees in each department or office are teleworking in the preceding year;
 - (c) how many teleworking hours are being worked in each department or office in the preceding year; and
 - (d) recommendations on how to improve the telework program.

Approved:

Isiah Leggett, County Executive

Date: July 21, 2017

Approved as to Form and Legality
Office of the County Attorney

By:

Date:

7/20/2017