

**MEMORANDUM**

April 18, 2014

TO: County Council

FROM: Robert H. Drummer, Senior Legislative Attorney 

SUBJECT: **Action:** Bill 12-14, Personnel – Telecommuting - Amendments

<p><b>Transportation, Infrastructure, Energy and Environment Committee recommendation (3-0): enact the Bill with amendments.</b></p>
--

Bill 12-14, Personnel – Telecommuting - Amendments, sponsored by Councilmembers Berliner, Floreen, Riemer, Council Vice President Leventhal, and Councilmembers Elrich, Andrews, and Navarro, was introduced on January 28, 2014. A public hearing was held by the Transportation, Infrastructure, Energy and Environment Committee on February 11 and a Committee worksession was held on February 26.

Bill 12-14 would require the County Executive to adopt a regulation to identify the circumstances under which a County employee may telecommute and establish procedures that a County employee must follow to obtain permission to telecommute. Councilmember Berliner explained the purpose of this Bill in his January 14 memorandum describing his proposed energy/environmental measures. See ©9.

**Background**

Bill 29-07, enacted in 2008, created a Sustainability Working Group and charged this 26 member group with developing, among other things, a Telecommuting Action Plan. However, the Working Group did not develop a Telecommuting Action Plan before the terms of each member of the Working Group expired in 2011. No new members were appointed to the Working Group. Bill 12-14 would move this responsibility from the defunct Working Group to the Executive by requiring the Executive to adopt a telecommuting policy by Method 1 regulation.

Telecommuting is a working condition that is subject to collective bargaining with the union representing general County employees, MCGEO. It is unlikely that the fire and rescue employees represented by the IAFF and the police officers represented by the FOP would be eligible for telecommuting. The current MCGEO Agreement includes the following provision:

**Article 56 – Teleworking and Alternative Work Schedules**

*The parties agree to work together to identify and offer opportunities for teleworking and Alternative Work Schedules for bargaining unit employees. Teleworking and Alternative Work Schedules shall be referred to the County-Wide LMRC for the purpose of establishing a county-wide policy, no later than December 31, 2012, containing but not limited to the following:*

- (a) Availability*
- (b) Job selection criteria*
- (c) Implementation procedures*
- (d) Employee accountability while teleworking*
- (e) Training of managers*

The LMRC has not yet developed a policy for MCGEO employees on telecommuting.

**Public Hearing**

Assistant CAO Bonnie Kirkland, the only speaker at the February 11 public hearing on Bill 12-14, generally supported the Bill on behalf of the Executive. See ©6. The Executive committed to working with the Council to “develop the most progressive and reasonable legislation achievable that will balance both the compelling need to achieve sustainable development and the budgetary realities faced by the County and our local businesses...” We have not yet received specific comments on this Bill from the Executive.

**T & E Worksession**

OHR Director Joseph Adler and Assistant CAO Bonnie Kirkland represented the Executive Branch. Mr. Adler explained the status of negotiations with MCGEO concerning Teleworking and requested that the Bill be amended to replace the term “telecommuting” with “Teleworking.” The Committee recommended (3-0) to approve the Bill with the amendment requested by Mr. Adler.

**Issues**

**1. Does the Bill remove telecommuting from the scope of collective bargaining with County employee unions?**

Although the goal of the Bill is to establish standards and procedures for telecommuting applicable to all County employees, the applicability of this personnel regulation to employees represented by MCGEO would remain subject to bargaining with the union. Although the Council has the legislative authority to amend the collective bargaining laws to mandate that this personnel policy on telecommuting must apply to employees represented by a union, the Bill would not do so. After the Executive develops a personnel regulation on telecommuting, MCGEO would be able to agree to adopt it in their collective bargaining agreement or negotiate changes for their members.

The County Attorney's Bill Review Memorandum (©7-8) interprets the Bill to remove telecommuting from the scope of collective bargaining with County unions and suggests that the Council amend the Bill to make its intent clear. Council staff agrees that the Council has the authority to remove telecommuting from the scope of collective bargaining, but disagrees that this Bill does this. Absent a clear statement in the Bill removing telecommuting as a mandatory subject of collective bargaining, the Bill would leave telecommuting as a mandatory subject of collective bargaining.

## **2. Should the Bill remove telecommuting from the scope of collective bargaining with County employee unions?**

The majority of the employees who are likely to be eligible to telecommute are represented by MCGEO. The Executive negotiated a collective bargaining provision with MCGEO covering telecommuting. Unfortunately, the provision delegates the negotiations to a Labor-Management Group created under the collective bargaining agreement. No agreement has been reached to date. However, the County has a long history of resolving these issues through collective bargaining with a union representing County employees. Absent exigent circumstances, there is little reason to move away from this process for telecommuting. If the Bill is enacted as introduced, MCGEO would be free to agree to adopt it for its members or negotiate different provisions for its members under the collective bargaining laws. The existence of a personnel regulation on telecommuting that covers non-represented employees is likely to serve as a model for an agreement with MCGEO. **Committee recommendation (3-0):** do not amend the Bill to remove telecommuting from the scope of collective bargaining.

## **3. What is the fiscal impact of the Bill?**

OMB and Finance submitted a fiscal and economic impact statement on March 5. See ©13. OMB estimates that the Bill would require one additional full-time position to serve as the telework manager and additional training costs. OMB estimates that the telework manager would be either a Program Manager II or a Human Resources Specialist III with an annual cost of no more than \$100,600. OMB estimates the additional training costs to be \$50,000 in the first year and \$5000 to \$10,000 in year 2 and beyond. A total appropriation of \$150,600 would be required for the first year. However, if the LMRC develops a similar telework policy outside of the Bill for employees represented by MCGEO, these costs might be incurred without the Bill.

OMB and Finance could not estimate an economic impact for the Bill because they could not predict how many additional employees would telework under the new regulation.

## **4. Should the term telecommute be changed to telework?**

OHR Director Adler told the Committee at the worksession that the term "telecommute" has generally been replaced in recent years with "telework" and asked the Committee to make this change in the Bill. **Committee recommendation (3-0):** change telecommute to telework in the Bill.

This packet contains:

	<u>Circle #</u>
Bill 12-14	1
Legislative Request Report	5
Testimony of Bonnie Kirkland	6
County Attorney Bill Review Memorandum	7
Berliner January 14 Memorandum	9
Fiscal and Economic Impact Statement	13

F:\LAW\BILLS\1412 Personnel - Telecommuting-Amendments\Action Memo.Doc

Bill No. 12-14  
Concerning: Personnel – Telecommuting  
- Amendments  
Revised: March 10, 2014 Draft No. 2  
Introduced: January 28, 2014  
Expires: July 28, 2015  
Enacted: \_\_\_\_\_  
Executive: \_\_\_\_\_  
Effective: \_\_\_\_\_  
Sunset Date: None  
Ch. \_\_\_\_\_, Laws of Mont. Co. \_\_\_\_\_

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

---

By: Councilmembers Berliner, Floreen, and Riemer, Council Vice President Leventhal, and  
Councilmembers Elrich, Andrews, and Navarro

---

**AN ACT** to:

- (1) require the County Executive to adopt a regulation to identify the circumstances under which a County employee may ~~[[telecommute]]~~ telework;
- (2) require the Executive to adopt a regulation to establish procedures that a County employee must follow to obtain permission to ~~[[telecommute]]~~ telework; and
- (3) generally amend the law governing the County personnel regulations.

By amending

Montgomery County Code  
Chapter 33, Personnel and Human Resources  
Article II, Merit System  
Section 33-24

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
<del>[Single boldface brackets]</del>	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
<del>[[Double boldface brackets]]</del>	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Sec. 1. Section 33-24 is amended as follows:**

2   **33-24. ~~[[Telecommuting]] Telework.~~**

3           (a) *Definitions.* In this Section, the following words have the meanings  
4           indicated:

5           [“**Director**”] means the Director of the Department of Human  
6           Resources or the Director’s designee.

7           [“*Sustainability Working Group*”] means the Group defined in Section  
8           18A-13.]

9           [“~~[[Telecommute]]~~”] *Telework* means a work arrangement in which  
10           some or all of the work is performed at an alternative work site, such as  
11           a home or office space near a home.

12           (b) ~~[[Telecommuting]] [Action Plan] Telework.~~ The [Sustainability  
13           Working Group] County Executive must [prepare] adopt, by Method 1  
14           regulation, a [Telecommuting Action Plan that sets out a] policy to  
15           permit eligible employees to [[telecommute]] telework and a plan [for  
16           increasing] to increase the number of County employees who  
17           [[telecommute]] telework.

18           (c) *Contents.* The [Telecommuting Action Plan] ~~[[telecommuting]]~~  
19           telework regulation must:

20           (1) [set numerical goals for the number of County employees who  
21           telecommute] require the Director to designate an employee to  
22           serve as the County [[telecommuting]] telework manager. The  
23           County [[telecommuting]] telework manager must:

24           (A) advise each County department and office on  
25           [[telecommuting]] telework matters;

26           (B) serve as a resource for managers and employees on  
27           [[telecommuting]] telework;

- 28                   (C) develop, after consulting the County Attorney, a standard  
 29                   written [[telecommuting]] telework agreement between a  
 30                   [[telecommuting]] teleworking employee and the  
 31                   employee's manager;
- 32                   (D) assist managers in determining the eligibility of an  
 33                   employee to [[telecommute]] telework; and
- 34                   (E) be the primary point of contact between the Office of  
 35                   Human Resources and each County department or office  
 36                   on [[telecommuting]] telework issues;
- 37                   (2) identify the circumstances under which a County employee may  
 38                   [[telecommute]] telework; [and]
- 39                   (3) identify procedures that a County employee must follow to obtain  
 40                   permission to [[telecommute]] telework;
- 41                   (4) require the execution of a written [[telecommuting]] telework  
 42                   agreement between an employee and the employee's manager  
 43                   outlining each party's expectations and responsibilities; and
- 44                   (5) identify the required [[telecommuting]] telework training for a  
 45                   [[telecommuting]] teleworking employee and a County manager.
- 46                   (d) Training. The Director, after consulting the Chief Information Officer,  
 47                   must establish an appropriate training course for a [[telecommuting]]  
 48                   teleworking employee and a County manager.
- 49                   (e) Annual report. The [Sustainability Working Group] Chief  
 50                   Administrative Officer must report to the County Executive and County  
 51                   Council by January 15 of each year on:
- 52                   (1) the actions taken in the preceding fiscal year to implement the  
 53                   [Telecommuting Action Plan] [[telecommuting]] telework  
 54                   regulation;

- 55           (2)   the number of employees [[telecommuting]] teleworking in each
- 56                   department or office during the preceding fiscal year;
- 57           (3)   the number of [[telecommuting]] teleworking hours worked by
- 58                   employees in each department and office in the preceding fiscal
- 59                   year; and
- 60           (4)   recommendations for improvements to the [[telecommuting]]
- 61                   teleworking regulation.

62   *Approved:*

63

---

Craig L. Rice, President, County Council

Date

64   *Approved:*

65

---

Isiah Leggett, County Executive

Date

66   *This is a correct copy of Council action.*

67

---

Linda M. Lauer, Clerk of the Council

Date

## LEGISLATIVE REQUEST REPORT

Bill 12-14

*Personnel – Telecommuting - Amendments*

**DESCRIPTION:** This Bill would require the County Executive to adopt a personnel regulation to identify the circumstances under which a County employee may telecommute and establish procedures that a County employee must follow to obtain permission to telecommute.

**PROBLEM:** The County does not currently have a personnel regulation governing telecommuting by County employees.

**GOALS AND OBJECTIVES:** The goal is to set standards for telecommuting and encourage managers and employees to use this option in appropriate circumstances.

**COORDINATION:** Human Resources, County Attorney

**FISCAL IMPACT:** To be requested.

**ECONOMIC IMPACT:** To be requested.

**EVALUATION:** To be requested.

**EXPERIENCE ELSEWHERE:** To be researched.

**SOURCE OF INFORMATION:** Robert H. Drummer, 240-777-7895

**APPLICATION WITHIN MUNICIPALITIES:** Not applicable.

**PENALTIES:** None

/

**TESTIMONY ON BEHALF OF COUNTY EXECUTIVE ISIAH LEGGETT**  
**ON ENVIRONMENTAL AND SUSTAINABILITY PACKAGE**

**Bills 2-14, 3-14, 4-14, 5-14, 6-14, 7-14, 8-14, 9-14, 10-14, 11-14, 12-14**

**February 11, 2014**

Good evening Council President Rice and members of the County Council. My name is Bonnie Kirkland and I am pleased to be here on behalf of County Executive Isiah Leggett to testify on the package of environmental and sustainability measures introduced on February 4, 2014 by Councilmember Berliner and others. Mr. Leggett supports Councilmember Berliner's initiative and the Council's efforts to address the need for more sustainable development in Montgomery County. Following up on recommendations from the Sustainability Workgroup, this package of renewable energy, energy efficiency and sustainability measures will take the County to the next level of environmental excellence.

Sustainable development has been defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.<sup>1</sup> The path forward requires understanding and planning: understanding how existing buildings perform and how planned buildings are expected to perform; and designing buildings and other infrastructure that reduce materials consumption, reuse materials, reduce energy consumption and maximize the use of renewable resources.

County Executive Leggett recognizes that the path forward will involve substantial change and commitment on the part of both the public sector and the private sector. He is committed to working with the Council on this package during the coming weeks to develop the most progressive and reasonable legislation achievable that will balance both the compelling need to achieve sustainable development and the budgetary realities faced by the County and our local businesses to fully implement the approved changes the legislative package requires.

Stewardship for future generations has been a cornerstone of Mr. Leggett's Smart Growth Initiative in terms of planning for future growth at appropriate transit oriented locations. The County Executive applauds Councilmember Berliner's and the sponsoring council members' vision and recognition of the need for stewardship of our precious resources for future generations.

---

<sup>1</sup> International Institute for Sustainable Development quoting from the World Commission on Environment and Development (WCED). *Our common future*. Oxford: Oxford University Press, 1987 p. 43.



Isiah Leggett  
*County Executive*

Marc P. Hansen  
*County Attorney*

OFFICE OF THE COUNTY ATTORNEY

MEMORANDUM

TO: Bonnie A. Kirkland  
Assistant Chief Administrative Officer

VIA: Marc P. Hansen  
County Attorney

FROM: Heather A. Mulloy  
Associate County Attorney

DATE: February 7, 2014

RE: Bill 12-14, Personnel – Telecommuting – Amendments

---

This bill requires the County Executive to adopt a regulation to establish procedures an employee must follow to obtain permission to telecommute. Our office has identified an issue regarding this bill which we would like to address. The issue revolves around whether this bill takes telecommuting out of collective bargaining.

Currently, pursuant to the collective bargaining laws contained in the Montgomery County Code, issues of hours and working conditions are mandatory subjects of collective bargaining. Additionally, the issue of telecommuting has previously been bargained with the unions, and the County and unions have agreements in place regarding telecommuting issues. Consequently, it has been established that telecommuting is (at least arguably) a collective bargaining issue. But telecommuting under this bill is not subject to collective bargaining.

Therefore, enactment of this bill would result in a conflict between the bill and collective bargaining law. In the event of such a conflict, principles of statutory construction dictate that the latter-enacted statute controls. This office would therefore interpret this bill as removing telecommuting from the matters subject to collective bargaining. Nonetheless, if it is the Council's intent to remove telecommuting from the mandatory subjects of collective bargaining, our office advises that the Council specify that intent in the bill.

Conversely, if it is the Council's intent not to take telecommuting out of collective bargaining, that should be made clear in the bill, too.

Should you have any concerns or questions regarding this memorandum, please do not hesitate to contact our office.



MONTGOMERY COUNTY COUNCIL  
ROCKVILLE, MARYLAND

ROGER BERLINER  
COUNCILMEMBER  
DISTRICT 1

CHAIRMAN  
TRANSPORTATION, INFRASTRUCTURE  
ENERGY & ENVIRONMENT COMMITTEE

January 14, 2014

Dear Colleagues,

Next week I will be introducing a package of 13 energy/environmental measures that are designed to ensure that Montgomery County remains at the sustainability forefront. I would be pleased to have you cosponsor some or all of these measures.

These measures focus on renewable energy, energy efficiency, transportation, and government accountability. I have attached a fact sheet that gives a brief description of each of them, and of course would be happy to discuss any of them in greater detail should you have questions.

I was inspired by our Council's decision to assert its leadership in the context of reducing the gap in income disparities by passing a local minimum wage law. I think all of us appreciate that the federal government has become so dysfunctional that we can expect little progress on many of the issues we care deeply about. Indeed, Bruce Katz of Brookings recently described the federal government as a "large health insurance company with an army." His thesis, which I share, is that our governing paradigm has shifted from a top down led by the federal government to a bottom up led by local governments like ours.

I say all of this because we need to do more if we are to address climate change. It is obviously not a hoax and we know what we need to do to address it. We need to use less energy and cleaner energy. Period. This package of bills is taken in many instances from what other leading jurisdictions are doing – from Chicago to Seattle to California and New York states. They are a mix of leading by example, rewarding green businesses, supporting market forces, adopting more exacting standards, and holding our county government accountable.

Holding ourselves accountable is important. When the Council passed a similar package in 2008, we tasked a Sustainability Working Group with the principle responsibility for guiding our County to achieve our formal goal of reducing greenhouse gas emissions by 80 percent by 2050. It is time now to make this a core government

responsibility, and this package includes a measure that will create an Office of Sustainability within DEP whose principal responsibility will be to monitor how we are doing and to help develop the policies and practices that will get us to where we need to be.

I hope you will join me in making sure Montgomery County burnishes its reputation as a community that embraces sustainability at our core.

Sincerely,

A handwritten signature in black ink, appearing to be the initials 'BB' followed by a flourish.

**FACT SHEET ON  
COUNCILMEMBER BERLINER'S 13 ENERGY/ENVIRONMENT LEGISLATIVE INITIATIVES**

Councilmember Roger Berliner (D-1), Chair of the Montgomery County Transportation, Infrastructure, Energy & Environment Committee, will be introducing 13 energy/environmental measures on January 21. The measures are designed to underscore and support the County's commitment to sustainability and would (1) promote increased energy efficiency; (2) increase use of renewable energy; (3) decrease consumption of gasoline and support electric vehicles; and (4) create more accountability and responsibility within County government for achieving the County's goal of reducing greenhouse gas emissions 80% by 2050. Below is a brief description of each of these measures:

**Renewable Energy**

- **Renewable Energy Purchasing –50% Renewables by 2015; 100% by 2020** – Today the County purchases approximately 30% of its energy from renewable energy resources. Washington, DC; Austin, Texas; and Portland, Oregon are already at 100% renewable energy.
- **Renewables Onsite** – This bill, modeled after a recently passed law in Prince George's County, would require new or extensively remodeled county buildings, to generate at least 1 kilowatt of renewable energy for every 1,000 square feet of floor area.
- **Greentaping Solar** – Two of the impediments to increased solar utilization are the cost and time involved in getting permits. This measure, patterned after a successful program in Chicago, requires our Department of Permitting Services to devise an expedited and less costly process for solar related permits.
- **Solar Zoning Accommodation**– Current set back requirements limit the use of solar in residential dwellings. This ZTA would modestly amend our zoning laws to permit solar to extend 2 feet into the side or rear setback.

**Energy Efficiency**

- **Benchmarking Buildings** – This legislation, modeled after laws in New York, Chicago, and the District of Columbia, would require building owners to measure the energy efficiency of their buildings, make that information public, and periodically commit to ensuring that their energy efficiency equipment is working properly. It is designed to work with the recently passed PACE program to create market based incentives for building owners to increase the efficiency of their buildings. Information provided would aid tenants in forecasting future utility costs.
- **Silver LEED for New Buildings** – Current county law requires new commercial buildings to be LEED certified, while county buildings must meet the more environmentally stringent Silver standard. This bill would require all new commercial buildings to meet Silver LEED.

- Cost of Carbon -- The use of conventional fuels, particularly coal, extracts a cost on society that is not reflected in its price. These "external" costs should be factored into the cost/benefit calculations that the county utilizes when it assesses the potential for energy efficiency improvements. This bill would require the County to use EPA's "social cost of carbon" calculation or a comparable methodology for these purposes.
- LED Street Lighting -- It is generally recognized that LED lighting is far more energy efficient and requires far less maintenance. This bill would require DOT, upon the expiration of its current contract for street lighting, to contract with an LED company.

### Transportation

- EV Infrastructure -- Electric Vehicles will only become mainstream when there are sufficient charging stations to inspire confidence in the public. California recently passed legislation requiring all new buildings over a certain size to be "EV ready." This ZTA would require all new buildings to install 1 EV charging station for every 50 parking spaces.
- Greentaping EV stations -- Just as in solar installations, EV charging stations can be subject to a lengthy and costly permitting process. This bill would require DPS to institute an expedited and less costly permitting process.
- Teleworking -- Teleworking is becoming far more common and accepted. Other jurisdictions, including Fairfax, have made significantly more progress in establishing teleworking goals and meeting them. This legislation would require the County Executive to publish regulations that set forth a definitive teleworking policy and a requirement to designate a telecommuting manager.

### Government Incentives & Accountability

- Create an Office of Sustainability within DEP -- This bill would create a new Office of Sustainability within DEP. When the Council passed legislation in 2008, it tasked a Sustainability Working Group with the responsibility of guiding our County's greenhouse gas reduction implementation. It is now time to make this a fundamental responsibility of the county government and to hold ourselves accountable.
- County Green Certified Businesses -- The County has created a program whereby a local business can be "green certified" by adopting good sustainable practices. This bill calls upon the County Executive to issue regulations that would give a preference in contracting to local businesses that are green certified.



ROCKVILLE, MARYLAND

MEMORANDUM

March 5, 2014

TO: Craig Rice, President, County Council

FROM: Jennifer A. Hughes, Director, Office of Management and Budget  
Joseph F. Beach, Director, Department of Finance

SUBJECT: FEIS for Bill 12-14, Personnel – Telecommuting – Amendments

Please find attached the fiscal and economic impact statements for the above-referenced legislation.

JAH:fz

cc: Bonnie Kirkland, Assistant Chief Administrative Officer  
Lisa Austin, Offices of the County Executive  
Joy Nurmi, Special Assistant to the County Executive  
Patrick Lacefield, Director, Public Information Office  
Joseph F. Beach, Director, Department of Finance  
Michael Coveyou, Department of Finance  
David Platt, Department of Finance  
Robert Hagedoorn, Department of Finance  
Joseph Alder, Director, Department of Human Resources  
Corey Orlosky, Office of Management and Budget  
Alex Espinosa, Office of Management and Budget  
Felicia Zhang, Office of Management and Budget  
Nacem Mia, Office of Management and Budget

**Fiscal Impact Statement**  
**Council Bill 12-14 Personnel – Telecommuting - Amendments**

1. Legislative Summary.

This bill requires the County Executive to adopt a telecommuting regulation to identify the circumstances under which a County employee may telecommute and establish procedures to implement a telecommuting program. The regulation also requires the Director of Human Resources to designate a County telecommuting manager to oversee its implementation.

2. An estimate of changes in County revenues and expenditures regardless of whether the revenues or expenditures are assumed in the recommended or approved budget. Includes source of information, assumptions, and methodologies used.

The bill requires the County Executive to adopt a regulation, which will not by itself change County revenues or expenditures. The telecommuting regulation that is required by the bill would result in additional County expenditures for the County telecommuting manager position. The telecommuting manager may be classified as a Program Manager II or Human Resources Specialist III, estimated at a maximum annual cost of \$100,600. An additional estimated amount of \$50,000 in the first year and \$5,000 to \$10,000 in each subsequent year is required to cover training requirements from the bill.

The telecommuting regulation would result in no changes to County revenues.

3. Revenue and expenditure estimates covering at least the next 6 fiscal years.

The total additional expenditures from the telecommuting regulation are estimated at \$150,600 in the first year, and \$105,600 to \$110,600 in each year afterwards for a total estimated cost of \$678,600 to \$703,600 over 6 years.

There would be no expected change to revenue in the next 6 fiscal years as a result of the telecommuting regulation.

4. An actuarial analysis through the entire amortization period for each bill that would affect retiree pension or group insurance costs.

Not applicable

5. Later actions that may affect future revenue and expenditures if the bill authorizes future spending.

Not applicable

6. An estimate of the staff time needed to implement the bill.

In order to implement the telecommuting regulation, it is estimated that 1 FTE would be required for the County telecommuting manager. The development and subsequent support of the training will be provided through contracted services.

7. An explanation of how the addition of new staff responsibilities would affect other duties.

It is anticipated that the role and responsibilities of the County telecommuting manager required by the telecommuting regulation would necessitate a full-time position. OHR anticipates that the duties of this position can't be absorbed by existing staff.

8. An estimate of costs when an additional appropriation is needed.

An appropriation of \$150,600 would be needed to implement the telecommuting regulation.

9. A description of any variable that could affect revenue and cost estimates.

Variables that could impact cost include the salary at which the new position is filled and contractor costs that vary from those assumed.

10. Ranges of revenue or expenditures that are uncertain or difficult to project.

Please see responses to #2 and #9.

11. If a bill is likely to have no fiscal impact, why that is the case.

Not applicable

12. Other fiscal impacts or comments.

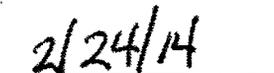
Not applicable

13. The following contributed to and concurred with this analysis:

Corey Orlosky, Office of Management and Budget

Lori O'Brien, Office of Human Resources

  
\_\_\_\_\_  
Jennifer A. Hughes, Director  
Office of Management and Budget

  
\_\_\_\_\_  
Date

**Economic Impact Statement**  
**Bill 12-14 – Personnel – Telecommuting - Amendments**

**Background:**

This legislation would require the County Executive to adopt a regulation to identify the circumstances under which a County employee may telecommute and establish procedures that a County employee must follow to obtain permission to telecommute. It would also require a plan for increasing the number of County employees who telecommute.

**1. The sources of information, assumptions, and methodologies used.**

- Office of Human Resources
- Montgomery County Department of Transportation's Annual Commuter Survey for Montgomery County government employees for FY12 & FY13

**2. A description of any variable that could affect the economic impact estimates.**

The number of County employees who are telecommuting or may telecommute in the future.

**3. The Bill's positive or negative effect, if any on employment, spending, saving, investment, incomes, and property values in the County.**

From data and analysis provided by the County's Department of Transportation, the percent of Montgomery County employees who telecommute was 0.8 percent in FY2012 and 0.4 percent in FY2013. That analysis is based on a two-hour peak period from 7:00 a.m. to 8:59 a.m. For a three-hour peak period from 6:30 a.m. to 9:29 a.m., the percent increased to 1.1 percent in FY2012 and 0.5 percent in FY2013. Since this legislation does not require a change in the number of County employees who currently telecommute and otherwise does not impact incomes, spending, or property values, there is no net economic impact.

**4. If a Bill is likely to have no economic impact, why is that the case?**

Please see paragraph #3.

**5. The following contributed to and concurred with this analysis: David Platt and Rob Hagedoorn, Finance; and Joseph Adler, Office of Human Resources, and Sandra Brecher, Montgomery County Department of Transportation.**

  
\_\_\_\_\_  
Joseph F. Beach, Director  
Department of Finance

3/5/14  
Date