

Montgomery County Telework Program

POLICIES AND PROCEDURES

I. PURPOSE

As an organization, Montgomery County Government wants to enable employees to work in the way that best advances County goals. Telework is a way of working that can increase our productivity and we want to enable that productivity to the greatest extent possible. Teleworking is primarily a means to effectively and efficiently accomplish the work of the County. This document seeks to outline the County's long-term vision for teleworking and remote work and map out how we will get to this future state. We also note that while telework is a critical element of a flexible work environment, other options are available to employees and managers to accomplish this goal. These options include the use of compressed work schedules and flextime.

Our goal is for a County government using increased telework to establish a more efficient, responsive and resilient approach to providing services to residents and businesses in the community. We envision a County government using telework to:

- Increase the speed and efficiency of services delivered to residents and businesses, meeting them where they are to increase access;
- Provide healthy work environments to foster an engaged workforce better able to balance work and life commitments;
- Expand and enhance the employee talent pool by reducing location and transportation barriers to public service;
- Build a more resilient organization prepared for future crises where we limit barriers to getting work done when in-office work is not possible;
- Drive adoption of technology to improve the work this government performs; and
- Lead other organizations within the County towards achieving environmental and health goals through more limited commuting.

While participating in the Telework Program, a teleworker will continue to provide internal and external customer service and maintain the normal functions and performance standards of the County.

The provisions of this policy apply to employees participating in the Telework Program. Additionally, the provisions of the applicable collective bargaining agreement will be honored in regard to bargaining unit employees participating in telework.

III. DEFINITIONS

- A. *Telework:*** Telework is one of two types of work arrangements that allows an employee to perform work, during any part of their authorized work schedule, at an approved Remote Work Location. This does not include work done while on official travel or mobile work. Telework is an alternative method of meeting the needs of the County,

and it will not be universally available in all occupational job classes and/or positions.

1. **Recurring Telework:** Employees work from a Remote Work Location on a regular, recurring basis up to 5 days per week.
 2. **Intermittent/Situational Telework:** Employees would generally work on-site but would telework for limited periods of time based on either circumstances impacting the availability of the County worksite, or job responsibilities that could best be accommodated by working remotely.
- B. Teleworker:** An eligible employee who has been approved to work from a Remote Work Location and who works to produce an agreed-upon work product. The teleworker performs the normal duties and responsibilities of his/her position from the Remote Work Location.
- C. Eligible Position:** An occupational job class and/or position determined by a department director to be eligible for Telework.
- D. Main Worksite:** A Teleworker's primary workspace and place where the teleworker normally performs work duties.
- E. Remote Work Location:** A worksite approved by the teleworker's manager, other than the teleworker's main worksite, such as the teleworker's residence.
- F. Telework Arrangements:** An agreement between the teleworker and the department which defines the parameters for participation within the Telework Program.
- G. Mobile Work:** Work which is characterized by routine and regular travel to conduct work in customer or other worksites as opposed to a single authorized alternative worksite. Examples of mobile work include but are not limited to; site audits and inspections, investigations, property management, and work performed while commuting or during travel between worksites.
- H. County Telework Manager:** The Office of Human Resources (OHR) employee responsible for maintaining a list of all Eligible Positions, providing Departments with technical assistance, maintaining records and reports, gathering and analyzing data on the Telework Program, and reviewing and resolving any issues or disagreements that may arise.
- I. Manager:** The teleworker's direct manager or supervisor.
- J. Hoteling Station:** an arrangement where employees use non-dedicated, non-permanent workspaces assigned for use by reservation on an as-needed basis.

IV. POLICY

A. Eligibility

1. Many positions have duties which are “portable” and thus should be at least in part compatible with remote work. These tasks do not necessarily require employees to be physically present at the worksite and may include:
 - a. Reading/reviewing documents, articles, emails;
 - b. Data entry and analysis;
 - c. Receiving and making telephone calls;
 - d. Performing research;
 - e. Analyzing documents and studies;
 - f. Preparing written letters, memorandums, reports, and correspondence;
 - g. Preparing presentations;
 - h. Participating in virtual programs/events;
 - i. Setting up and participating in conference calls, online/virtual meetings;
 - j. Engaging in telehealth related activities; and
 - k. Participating in and creating professional development and training.

2. Functions which require on-site, physical interface or interaction in order to be fully effective typically do not lend themselves to being performed effectively remotely. In some cases, these interactions may involve direct service to the public. In other cases, the duties require a physical presence for other reasons and may include interactions with:
 - a. Specific locations or events – e.g., a building or other structure, a recreation center, a park, a promotional event such as product or service demonstration, a festival or other celebration, on site regulatory inspections, correctional facility, nursing homes, health clinics that provide services that cannot be delivered through telehealth, shelters, etc.;
 - b. Equipment – e.g., a transit bus, a backhoe, a snowplow, a bicycle;
 - c. Individuals – e.g., people that require in-person interaction or oversight, etc.; and
 - d. Outside organizations or entities – that require in-person interaction or oversight e.g. a senior living complex, hospital, etc.

3. Employees who are placed on a Work Improvement Plan or receive formal disciplinary action may be removed from the Telework Program depending on the circumstances.

4. IAFF members, FOP members, and uniformed personnel in the public safety cluster are not eligible for the Telework Program. However, certain uniformed FRS personnel who are excluded from the bargaining unit, and who are assigned to positions for which telework is appropriate, may be eligible for Situational Telework at the Fire Chief’s discretion.

5. Employees in Eligible Positions are not required to telework and have the right to refuse telework if the option is made available to them. Similarly, all requests to telework are subject to review and approval by the manager.
6. Alternate work schedules do not affect eligibility for telework.

B. Participation

1. Employee participation in the Telework Program is voluntary.
2. While teleworking, the employee is bound by all County rules, policies, practices, and instructions as if they were working at the official duty station.
3. The employee understands that they must comply with the terms of their Telework Arrangement.
4. Employees who wish to participate in the Telework Program are required to:
 - a. Complete a Telework Arrangement via the eTelework system;
 - b. Attend Telework Training; and
 - c. Adhere to the Telework Policy.

C. Hybrid Work Environment

All employees who work at the Main Work Location will work in a way that enables a partially remote organization to succeed. For example, documents should be available electronically, meetings should include video conferencing in such a way that does not discriminate against remote employees, and notices posted to publicly accessible places should be accessible remotely.

D. Training

Training is mandatory for all employees who participate in the Telework Program and for managers and supervisors of teleworkers. The training will include an overview of teleworking and responsibilities for the teleworker and for the supervisor, benefits and tips for success in teleworking and supervising those who telework, and the appeals process.

E. Workspace

1. Telework is only permitted to be done in the designated workspace. The teleworker must designate and maintain a clean, safe and productive workspace at the Remote Work Location that is adequate for accomplishing necessary tasks and free of obstructions and distractions. Employees are responsible for self-certifying that the Remote Work Location is safe for the work they will be performing on behalf of the

County. Completion of the Telework Arrangement indicates that the employee has self-certified they can safely perform their job duties in their telework workspace.

2. A teleworker must not conduct in-person meetings with customers or co-workers at the Remote Work Location.
3. Teleworkers are required to immediately notify management of any changes that may alter their telework agreement.
4. A teleworker, who participates in the Telework Program more than half the time, may be required to relinquish their office space and utilize a hoteling station when they are at the Main Worksite. In the event a teleworker does not have a dedicated workspace at the Main Worksite, the teleworker will be provided with a locking cabinet or drawer in which personal items may be stored for safekeeping while they are at the Main Work Location.

F. Workers' Compensation

While teleworking, the employee shall report any work-related accident occurring at the teleworking site and provide the supervisor with all relevant information related to the incident. In the event of a work-related accident or injury, a County representative may need to access the remote worksite to investigate the claim following a reported workplace illness or injury. Any inspection will be scheduled with the employee.

G. Telework Schedule and Availability

1. Before the start of telework, a telework schedule must be agreed upon by the manager and the teleworker. The schedule should:
 - a. Identify the specific days and hours to be teleworked;
 - b. Identify the approved Remote Work Location; and
 - c. Include times for a meal period and break(s) as required by the collective bargaining agreement between the County and MCGEO or as required in the Montgomery County Personnel Regulations.
 - d. Include whether the teleworker must be available by phone, email, or both during the scheduled telework hours, except for the meal period and breaks.
2. Work schedules at the Remote Work Location will parallel those at the Main Worksite but can be structured to meet the needs of the teleworker, their supervisors, and the organizational mission.
3. The total number of hours a teleworker is expected to work per day or per pay period will not change due to participation in the Telework Program.
4. If a County employee who typically teleworks on a given day is needed to be

physically present at the worksite due to demonstrated operational need, they may be required to change their telework schedule for a period not to exceed 10 working days. Employees must be prepared to report to the office with 24 hours advanced notice. In addition, there can be circumstances that require that teleworkers report to the work site with less than 24 hours' notice, such as in job classes that have a public health and/or safety element that requires on-site work. These instances should not be routine but should occur infrequently and where the Employer is unable to provide 24 hours' notice.

5. Where the County has a demonstrated operational need to modify an employee's Telework Arrangement for longer than 10 working days, the County will provide represented employees advanced notice in accordance with applicable CBA schedule change provisions. The Telework Arrangement may be abbreviated, or the number of hours or days per week or month may need to be revised or terminated in totality.
6. If the teleworker is required to be present at the Main Worksite on their designated telework day, they may switch their day during the same work week with approval from their supervisor and/or manager.
7. A teleworker must not perform personal business or activities or secondary employment during designated telework hours. Personal business or activities include, but are not limited to caring for dependents, making or supervising home repairs, and use of computer or telephone for other than incidental non-work activities.
8. All participants in the Telework Program must indicate accurately on their timecards which hours or days were worked at the Remote Work Location.

H. Communication

The manager and teleworker will communicate with respect to work at the same frequency that they normally would. The teleworker must be available during the agreed-upon hours and respond to communications (emails, phone calls, instant messages and platforms that the department uses) during this period in the same fashion as they would working onsite.

I. Work Performance

A teleworker participating in the Telework Program is expected to perform their duties and responsibilities at the Remote Work Location at the minimum acceptable performance level or greater. Consequently, it is critical that the Remote Work Location be free from distractions and the employee free from obligations which would impair their ability to

provide the same time and level of attention to the work product as when at the Main Work Location.

A teleworker's job responsibilities will not change due to participation in the Telework Program. A decline in work performance or a decline in service to the teleworker's internal and external customers may result in adjustments to the Telework Arrangement or termination from the Telework Program.

A teleworker will be held to the same performance evaluation standards as other employees in the County who do not telework.

J. Overtime, Leave, and Compensation

Teleworkers may earn overtime or compensatory time at the Remote Work Location. In accordance with the County's overtime policy, overtime must be approved in advance to preclude any unintended liability for premium pay. Teleworkers must receive supervisory approval prior to working beyond their normal hours of duty. Failure to obtain supervisory approval may result in the termination of the Telework Arrangement and possible disciplinary action.

Procedures for requesting leave will remain unchanged. The teleworker is responsible for obtaining leave approval in advance and keeping appropriate personnel informed of leave usage in accordance with Department policy and/or procedure.

Teleworkers working at their Remote Work Location will be granted the same holidays as employees working at the Main Worksite.

If a teleworker becomes sick at any time while teleworking, the teleworker must immediately notify their manager and use sick leave to cover those hours not worked. If a teleworker must take some other form of leave, the teleworker must request leave from their manager immediately and use the leave to cover those hours not worked.

A teleworker's compensation and benefits will not change due to participation in the Telework Program.

Teleworkers must comply with County timekeeping procedures.

K. Income Tax

It will be the teleworker's responsibility to determine what if any income tax implications there may be in maintaining a home office area. The County will not provide tax guidance, nor will the County assume any additional tax liabilities on behalf of the teleworker. The

teleworker is encouraged to consult with a qualified tax professional to discuss income tax implications.

L. Liability

The County will defend and indemnify a teleworker who is teleworking at their residence or other approved Remote Work Location for all claims arising out of and within the teleworker's scope of employment consistent with the provisions of the Maryland Local Government Tort Claims Act and other applicable laws. The County is not liable for any loss, destruction, or damage to property or for any injury or loss to third persons occurring at or around the teleworker's residence or other approved Remote Work Location.

M. Inclement Weather

It is a County priority to ensure continuity of operations during inclement weather or other emergency conditions. In the event of a County declared general or weather-related emergency that closes the teleworker's Main Worksite, a non-essential employee scheduled to telework will not be required to work remotely.

During a liberal leave period, a non-essential employee scheduled to telework is expected to work remotely during that period. If a teleworker is not scheduled to telework during a liberal leave period, they are encouraged to telework with the approval of their supervisor.

If the teleworker chooses not to work remotely on a scheduled telework day during a liberal leave period, the teleworker must notify their manager of the teleworker's unscheduled leave status and use leave in accordance with the liberal leave policy to cover hours not worked.

O. Activation of Continuity of Operation Plans (COOP)

When Department Continuity of Operation Plans (COOP) are activated, all employees in telework eligible positions may be required to telework in accordance with departmental COOP.

P. Code Red Air Quality Days

Employees enrolled in the Telework Program are strongly encouraged to telework during a code red air quality day- even if to do so would result in a change to the telework schedule. Managers or supervisors and teleworkers will be notified at least 15 hours in advance of a code red air quality day. The teleworker must then immediately discuss the work they will perform on the code red air quality day with their manager if the day would not normally be a telework day. A manager must not allow a teleworker to telework on a code red air quality day if the manager and teleworker do not agree on a telework work plan before the close of business the previous day.

Q. Dependent Care

Telework is not a substitute for dependent care. Telework is not to be authorized to allow the teleworker to provide care to any individual during telework hours. However, a dependent may be home while the employee teleworks if those dependents are independently pursuing their own activities or otherwise cared for by a caretaker.

R. Equipment and Supplies

The County will provide the equipment an employee needs to perform their assigned duties at one specified work site. The County will not provide additional equipment if an employee chooses to work from multiple sites such as a home office and at a county office building. Employees can bring home equipment that is currently provided for their exclusive use (e.g. a special ergonomic chair, equipment provided as an ADA accommodation, a laptop, or docking station) with manager's/supervisor's approval. Such requests shall not be unreasonably denied. Shared equipment must remain at the office (e.g. printers, copiers). The County will not provide unreasonable duplicate items, equipment or devices.

A teleworker may take supplies or furniture, needed at their remote work location from their main worksite with the manager's/supervisor's approval. Such requests to take supplies or furniture needed at the remote work location from their main worksite shall not be unreasonably denied. Managers/supervisors are responsible for tracking, recording, and updating a list of County owned furniture, equipment, and devices in use by teleworkers within the employee's Telework Agreement. Home deliveries of furniture or equipment will only be made in response to an ADA related requirement. The teleworker will not be reimbursed for out-of-pocket expenses for supplies or services regularly available at the main worksite such as paper, pens, printing, faxing, and scanning.

S. Personal Devices

Unless equipment is provided by the County, the teleworker is responsible for the purchase, installation, configuration, maintenance of all equipment and services needed to telework. The County shall not be responsible for the purchase, maintenance, repair and operational costs of any personal devices. Employees are responsible for ensuring access to bandwidth to perform their assigned duties. Employees are expected to acquire internet service and other general utilities at their own expense.

The use of personal mobile devices for County work is permitted but devices must always be password protected and encrypted. Documents, information, and emails concerning County business remain the property of the County, including when they are stored on personal devices. Sensitive information must not be stored or accessed on non-County controlled devices.

T. Confidentiality

A teleworker must follow the same County and Departmental security and privacy practices that are required at the primary workplace. The County may assess or enforce additional security protections on personally owned devices or systems. County business must never be conducted from a non-County email address. In addition, teleworking employees must adhere to the following:

1. Protecting information assets from unauthorized access and use by others, including family members, friends, and other visitors;
2. Leaving information assets only in secured locations and not in unattended or unlocked vehicles or other locations where they may be easily stolen; and
3. Ensuring that personally owned devices utilized for teleworking purposes meet or exceed County security requirements.

U. Data Collection and Sharing

A teleworker and their manager will participate in studies, inquiries, surveys, reports, or analyses relating to telework at the County's direction. Information required for accurate reporting and analysis for these purposes must be provided by teleworkers, supervisors, and managers.

The County will submit to MCGEO within 60 days of the effective date of this policy a list of position classifications that the County believes are not eligible for telework. The County will give specific justification for each position classification on the list based on the duties of the positions.

V. PROCEDURE

A. Application

Employees interested in teleworking must complete a Telework Arrangement request via the eTelework system and complete the required training(s).

B. Approval

Supervisors and Department Directors must review and approve or deny the employee's Telework Arrangement request within 14 calendar days. When evaluating employee requests for telework, supervisors should consider whether certain portions of the employee's specific work are portable and lend themselves to telework. The request and approval process should consist of a conversation between the supervisor and employee with respect to the amount and frequency of telework given the duties of the position and operational needs of the department.

C. Renewal

The teleworker and manager must review and renew their Telework Arrangement annually prior to the start of each new fiscal year. Each renewal shall supersede and replace any prior Telework Arrangement and/or Telework Agreement¹.

D. Change in Status

Telework approvals are not transferrable to other positions. A teleworker must submit a new set of application materials if their job changes and they wish to continue teleworking. If the teleworker is approved to telework, a new Telework Arrangement must be signed and approved.

If a teleworker's manager changes, but the teleworker's job does not, the Telework Arrangement must be discussed and reviewed by the teleworker and the new manager.

E. Termination of the Telework Arrangement

Management will provide 15 working days prior notice or required length of notice in accordance with applicable CBA schedule change provisions, when terminating a Telework Arrangement, and when modifying or suspending a Telework Arrangement in excess of 10 days. Consent or acknowledgement via signature by the terminating employee is not required for the modification, suspension or termination to take effect.

To withdraw from the Telework Program, including for the purposes of promotion or retirement, the teleworker must provide advanced notice when feasible, in writing, to the supervisor. The teleworker must coordinate with their supervisor their return to onsite work, including returning all issued equipment and materials to the main worksite.

Changes in work schedule resulting from termination from the Telework Program will be initiated at the beginning of a new pay period.

An employee may reapply to participate in the Telework Program again after their Telework Arrangement has been terminated.

F. Appeal Process

Bargaining Employees whose Telework Arrangement is denied or terminated can appeal via the following process.

1. Step 1: A written request appealing the denial must be presented to the immediate

¹ Prior versions of this Telework Policy referred to Telework Arrangements as Telework Agreement. Any renewal shall supersede and replace any prior Telework Arrangement entered into under this version of the County's Telework Policy or any Telework Agreement entered into under prior versions of the County's Telework Policy.

supervisor, Department Director and OHR by the Union within 14 calendar days from the date of the denial of the telework request. Within 14 calendar days of receiving the written request, a representative from the Department, OHR, OLR and the Union must make reasonable efforts to informally resolve the matter prior to the panel review identified in the section below.

2. Step 2: If the matter is not fully resolved in Step 1, the Union may, within five days of the conclusion of the timeframe in Step 1, file a request with OHR to convene a five-member panel. The panel will be comprised of two representatives from the Union, two representatives from management and a mutually agreed upon mediator. Panelists will not review appeals of employees working within their department. Similar to the ADR process, each side will be permitted to make a brief presentation before the panel not to exceed twenty-five minutes, with each side having the opportunity to respond not to exceed five minutes each. The panel members will then have the opportunity to question the respective parties, after which the panel will caucus in private and present a recommendation. If the recommendation is not adopted, the Union may invoke arbitration in accordance with the CBA.

Unrepresented employees whose Telework Arrangement is denied or terminated can appeal via the following process.

1. Step 1: A written request appealing the denial must be presented to the County Telework Manager (telework@montgomerycountymd.gov) within 30 calendar days from the date of the denial of the telework request. Within 15 working days of receiving the written request, the County Telework Manager will respond with a written decision.
2. Step 2: If the matter is not fully resolved in Step 1, the employee may submit a written request appealing the County Telework Manager's denial to the CAO, in accordance with MCPR, Section 34 within 10 calendar days from the date of the County Telework Manager's denial. The CAO's Designee will meet with employee, employee's representative and department director's designee within 30 calendar days of receiving the written request. The CAO's designee must respond to the employee with a decision within 45 calendar days of the Step 2 meeting.
3. Step 3: If the employee is not satisfied with the decision of the CAO, the employee may appeal to the MSPB in 10 calendar days in accordance with MCPR, Section 34.

VI. RESPONSIBILITIES

A. Teleworker

1. Collaborate with supervisor to execute a Telework Arrangement.

2. Prepare and plan for unexpected teleworking situations to ensure organizational resilience in the face of emergencies.
3. Teleworking employees are expected to be able to attend on-site events that are needed to fulfill the responsibilities of their position. Each employee's Telework Arrangement will clarify expectations regarding on-site availability. Just as with on-site employees, commuting expenses are the responsibility of the employee. Residency requirements for teleworking employees are not different from residency requirements for on-site employees.

B. Manager

1. Implement Telework Arrangements with individual employees and establish clear expectations with the employees regarding performance.
2. Ensure the individual has the training and equipment appropriate for successful teleworking.
3. Identify and remove barriers to telework by utilizing new and/or available technologies and updating work processes, consistent with operational need.

C. Department Directors

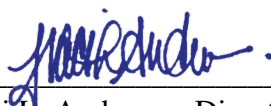
1. Identify an engaged Telework Management Officer and a Telework Point of Contact to help the department incorporate telework into their daily business operations and be a resource for teleworkers and supervisors.
2. Maintain Telework Arrangements and ensure every teleworker has a signed Telework Arrangement.
3. Determine position eligibility for participation in telework.
4. Work with County Telework Manager to implement County telework goals consistent with operational needs.
5. Report to OHR on the progress of implementing the County's telework policy to include the number of telework participants, the frequency of participation, and the percentage of work hours done by telework.
6. Incorporate telework into departmental COOPs consistent with existing County policies and procedures.

D. Office of Human Resources

1. Acting through the County Telework Manager, provide Countywide oversight to the program and find ways to continuously improve teleworking.
2. Set and report on Countywide goals.
3. Provides position eligibility and employee suitability criteria for the departments to apply.
4. Hold departments/offices accountable to achieving the goals set forth in this policy.
5. Provides direction and determination on telework policy to departments in the areas

of pay and leave; agency closure; performance management; official and remote worksites; recruitment and retention; and accommodations for persons with disabilities.

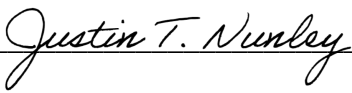
6. Coordinate with other departments and areas that play a role in teleworking such as Occupational Medical Services, Risk Management, and Department of Technology and Enterprise Business Solutions.
7. Acts as an information resource for teleworkers, departments and supervisors.
8. Support departments, teams and employees to grow the abilities (including through education and training) of the organization to adopt the new ways of working.
9. Manages the negotiated appeals process with the Union.

Approved: 

Traci L. Anderson, Director
Office of Human Resources

Date: 5/8/2023

Approved as to Form and Legality:



Justin Nunley, Associate County Attorney
Office of the County Attorney

Date: 5/8/2023