

Montgomery County Telework Program

POLICIES AND PROCEDURES

I. Background

In 2016 Montgomery County Government ("County") in partnership with the Municipal County Government Employees Organization, UFCW Local 1994 (hereinafter "MCGEO" or the "Union") launched a Pilot Telework Program. Due to the success of the Pilot the County now seeks to expand employee opportunities to telework. Commencing June 12, 2017 all County employees, with some exceptions, may apply to participate in the Montgomery County Telework Program (the "Telework Program"). The following groups of employees are not eligible for participation: IAFF members, FOP members, and uniformed personnel in the public safety cluster.

II. Purpose

The purpose of the Program is to meet department missions and operational needs by helping the County to: reduce real estate and energy costs; promote management efficiencies; increase County responsiveness in severe weather and other emergencies; enhance the recruitment and retention of highly qualified employees; and improve employee work-life.

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. Employees will be allowed to participate to the maximum extent possible without diminished performance so long as they meet the requirements of this policy and obtain supervisory approval.

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.

Departments shall review the managerial, logistical, organizational, and other barriers to fully implement Telework.

III. Definitions

1. **Telework:** Telework is one of two types of work arrangements that allows a Teleworker 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.
 - a. **Regular Telework:** Telework which occurs on a regularly-scheduled basis.
 - b. **Situational Telework:** Telework that is approved on a case-by-case basis, or that is not part of a Regular Telework schedule. Instances in which Situational Telework may be approved include but are not limited to: operational need, inclement weather; maximize work output on days when the Teleworker's availability is impacted by personal appointments, or special work assignments.
2. **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.

3. **Eligible Position:** An occupational job class and/or position determined by a department director to be eligible for Telework.
4. **Main Worksite:** A Teleworker's primary workspace and place where the Teleworker normally performs work duties.
5. **Remote Work Location:** A worksite approved by the Teleworker's Manager, other than the Teleworker's Main Worksite, such as the Teleworker's residence.
6. **Telework Arrangements:** An agreement between the Teleworker and the department which defines the parameters for participation within the Telework Arrangements as determined by the Teleworkers departments.
 - a. Examples of part-time participation include, but are not limited to:
 - 3 or more days per pay period (denotes a bi-weekly pay period)
 - 1 or 2 days per pay period
 - Once per monthOn a situational or short-term basis (i.e. unscheduled Telework)
7. **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.
8. **Telework Manager:** The Office of Human Resources ("OHR") employee responsible for: maintaining a list of all Eligible Positions, providing Departments with technical assistance; maintaining Program records and reports; gathering and analyzing data on the Telework Program; and reviewing and resolving any issues or disagreements that may arise.
9. **Manager:** The Teleworker's direct Manager or Supervisor.
10. **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. Employees eligible to participate in the Program must:
 - Occupy an Eligible Position;
 - Have successfully completed their probationary period and achieved merit status;
 - Have an overall "meets expectations" performance rating for the previous rating period;
 - Have received Manager approval to participate in the Telework Program; and
 - Voluntarily agree to participate in the Telework Program.

2. Employees who have been placed on a Work Improvement Plan within the 90 (ninety) days prior to starting Telework, are not eligible to participate. Employees who have received formal disciplinary action in the past year from the proposed start of Telework may not be eligible to participate.
3. IAFF members, FOP members, and uniformed personnel in the public safety cluster are not eligible for the Telework Program.
4. 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 by the Manager and approval by the Department Director.
5. Employees who are on alternate work schedules may, at the discretion of their department director be eligible to Telework.
6. The County has the right to refuse to make Telework available to an employee who is otherwise eligible
7. The County has the right to terminate a Telework Arrangement with notice to the Teleworker. A Teleworker has the right to terminate a Telework Arrangement with notice to their Manager. Notice to terminate a Telework Arrangement must be provided in accordance with Section V(E) of this program.

B. Existing Teleworkers

Employees who are currently Teleworking as part of the Pilot Telework Program, will be permitted to continue to Telework subject to the current Telework Policy and the eligibility criteria contained in Section IV(A) of this document. In order to establish and maintain uniform Telework procedures, those who are currently Teleworking, but were not participants in the Pilot Telework program, will have to sign a Telework Arrangement and all forms, and complete the Telework training.

C. Participation

1. Employee participation in Telework is strictly voluntary.
2. Telework is an employee privilege and is not an employee right.
3. An employee who participates in the Telework Program is subject to all County policies and procedures including, but not limited to, those regarding confidentiality; disclosure and security of information; conflict of interest; EEO, workplace conduct (MCPR, departmental directives and policy), and acceptable use of information and communications technology resources. Employees who wish to participate in the Telework Program are required to:
 - a. Complete and submit the following forms:
 - i. Request for Participation in the Telework Program;
 - ii. Assessment for Telework Suitability;
 - iii. Manager/Supervisor Assessment of Employee's Suitability;
 - iv. Manager/Supervisor Assessment of Position;
 - v. Telework Program Safety Information;
 - vi. Telework Technology & Equipment Checklist; and
 - vii. Telework Arrangement;
 - b. Attend Telework Training and complete telework assessment ; and
 - c. Adhere to the Telework Policy or risk being terminated from the Telework Program.

D. Terms of Employment

The Telework Arrangement is not a contract of employment and does not provide any contractual rights to continued employment. It does not alter or supersede the terms of the existing employment relationship. The Teleworker remains obligated to comply with all County rules, policies, procedures, practices, and instructions that would apply if the Teleworker were working at the Main Worksite. Work products developed or produced while Teleworking continue to remain the sole property of Montgomery County.

E. Training

Training is mandatory for all employees before beginning Telework and for Managers and Supervisors of Teleworkers. Managers and supervisors who will oversee Teleworkers must also participate in and successfully complete the required Telework training before an employee commences Telework. The training will provide employees, Managers and Supervisors with guidance on how to maximize the benefits of Telework and will include information on the application process, Teleworker roles and responsibilities, Manager and Supervisor oversight of Teleworkers, evaluating the success of a Telework Arrangement, security, instructions on proper ergonomic positioning of furniture, and tips for employees on how to ensure the safety of their Remote Work Location.

F. Work Space

1. 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. This space may be at the Teleworker's residence or another Remote Work Location approved by the Supervisor. Factors impacting approval will include but are not limited to: type of work; access to specialized equipment or materials; potential distractions; and ability to maintain confidentiality of data and files.
2. A Teleworker must not conduct in-person meetings with customers or co-workers at the Remote Work Location. When a meeting is scheduled on a day the Teleworker is scheduled to Telework, the Teleworker must go to the Main Worksite to attend the meeting or make alternative arrangements as agreed upon by the Manager or the Supervisor.
3. With reasonable advance notice, but no less than 24 hours, the Supervisor and/or designee has the right to inspect the Remote Work Location before the Telework Arrangement begins and at periodic intervals, but no more than once a month, during the Telework Arrangement to ensure the workspace is safe, information is secured, and all equipment is adequately installed and performing properly.
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 an dedicated work space 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 Worksite.

G. Workers' Compensation

During Telework hours, the Teleworker is covered for any injury arising out of and in the course of employment pursuant to the Maryland State Workers' Compensation Act. A Teleworker injured while working at the Teleworker's residence or other Remote Work Location is required to follow established

County procedures for reporting on-the-job injuries. This can be found on the Risk Management website: <http://mcsip.org/>.

H. 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
 - 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, with the exception of 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. Periodic adjustments to the Telework schedule may be necessary to achieve an optimal schedule, which suits the needs of both the County and the Teleworker.
4. In order to realize the full environmental impact benefits of the Telework Program, a full day of Telework is preferred.
5. 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.
6. When possible, a Teleworker will be given a minimum of 24 hours advance notice of events which require their physical presence at the Main Worksite. The Teleworker must comply with any reasonable request to be present at the Main Worksite.
7. 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.
8. 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 should office coverage become a problem due to any changes in work demands or office staffing, either on an interim or ongoing basis, or due to other operational needs.
9. 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.
10. All participants in the Telework Program must indicate accurately on their timecards which hours or days were worked at the Remote Work Location. Telework is indicated on the timesheet by the Reason Code "Telework Program".

I. Communication

The Manager and Teleworker agree to review the work plan, review completed work, and/or discuss by phone, email, or face-to-face. This review can be daily or weekly during the initial thirty (30) calendar days of the Teleworking Arrangement. Further review of work will be at the Supervisor's discretion. The Teleworker must be available by phone during core hours and agrees to respond to emails and phone

calls during this period. Specific deadlines for returning emails and phone calls will be determined by the Supervisor.

J. 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 his/her ability to provide the same time and level of attention to the work product as when at his/her Main Worksite.

A Teleworker's job responsibilities will not change due to participation in the Telework Program. The Manager may require the Teleworker to submit regular status reports or other information to help evaluate work performance. 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. The Teleworker's performance plan will be modified to include Telework requirements.

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

K. Overtime, Leave, and Compensation

Managers and/or Supervisors must approve paid overtime or compensatory time for the time the Teleworker works 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.

A Teleworker must submit bi-weekly time cards in accordance with the normal procedures.

L. 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.

M. 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 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.

N. 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 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 leave status and use leave in accordance with the liberal leave policy to cover hours not worked.

O. Worksite Issues

During closures of Main Worksites for facility-related issues, when alternative work locations are being assigned, Telework may be approved by the Supervisor.

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 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

Unless equipment is provided by the County, the Teleworker is responsible for the purchase, installation, configuration, and maintenance of all equipment and services (e.g., computer, mobile computing device(s), standard software, printer, telephone, mobile phone, cellular service, internet connection, video conferencing equipment, desk, chair etc...) needed to Telework. Teleworkers requiring access to the County's Virtual Private Network (VPN) must contact the IT Help Desk at 240-777-2828, option 2, or via e-mail at helpit@montgomerycountymd.gov, to request an account. Teleworkers must maintain up-

to-date anti-virus software on any computer(s) used for Teleworking. The Telework computer must meet all current VPN-related and other security requirements as established by the Department of Technology Services. Individual Departments or job classifications may have additional requirements or guidance to be followed. The County shall not be responsible for the purchase, maintenance, repair, or operational costs of any such equipment.

A Teleworker must have an operational phone so as to be available for calls from their Manager. The Teleworker may be required by their Manager to check County voice mail messages on a regular basis. A Teleworker whose normal duties include responding to emails and phone is expected to continue to respond while Teleworking.

S. Supplies

A Teleworker may take supplies needed for work at the Remote Work Location from the Teleworker's Main Worksite with the Manager's/Supervisor's approval. The Teleworker will not be reimbursed for out-of-pocket expenses for supplies regularly available at the Main Worksite.

T. Confidentiality

A Teleworker is responsible for protecting the confidentiality, integrity, and availability of data, information, and paper files used when Teleworking. A Teleworker must follow all applicable County, federal, state, and departmental policies, laws, and regulations to protect data accessed or maintained while Teleworking. 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.
3. Ensuring that employee-owned systems utilized for Teleworking purposes meet or exceed County security requirements.

U. Data Collection

A Teleworker and their Manager agree to participate in studies, inquires, 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.

V. Procedure

A. Application Procedure

Employees interested in Telework must submit a completed *Request for Participation* form to their Manager. After the Request for Participation form is submitted, the Teleworker and the Manager will complete the *Assessment for Telework Suitability*. If the outcome of the *Assessment for Telework Suitability* indicates that the employee is eligible for Telework, the employee and Manager must complete all required Telework Training and then draft and execute the Telework Arrangement.

B. Approval

An agreed upon Telework Arrangement must be forwarded to the Department Director **or designee**. If the Manager and employee are unable to agree to the terms of a Telework Arrangement, the Manager must forward a copy of the Request for Participation, the Assessment for Telework Suitability, and the

Telework Arrangement, including a summary of the points on which the Manager and employee agreed and disagreed, to the Department Director **or designee**. The Department Director **or designee** must review the materials provided and approve or disapprove the employee's request to Telework. If the request is not approved, the Department Director **or designee** must give the employee the reason for not approving the request. Approval of Telework is a management right and may only be subject to review by the OHR Telework Manager as stated in section V. F.

C. Renewal

The Teleworker must **review and renew their Telework Arrangement** annually prior to the start of **each new fiscal year** to allow the Department to evaluate the Teleworker's progress. The Teleworker, in conjunction with their Manager, **may** be required to complete renewal paperwork at the time of their annual evaluation **if an adjustment to the agreed upon Telework schedule is needed**. They will not be required to attend the Telework Training.

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 Telecommuting. The Teleworker must first check the list of eligible positions maintained by the OHR Telework Manager, to make sure the job is an approved Telework position. The Teleworker must then perform at a successful level under an established performance plan for a minimum of six months before completing a new set of application materials. 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 Teleworker must share and review the Telework Arrangement packet with the Teleworker's new Manager.

If a Teleworker's job changes, but their Manager does not, the Teleworker must first check the eligible list to make sure the job is an approved Telework position. If the job is eligible, the Teleworker will be required to complete a new set of application materials for their new position, even though their Manager has not changed.

E. Termination of the Telework Arrangement

Teleworkers do not have an automatic right to continue to Telework and Telework Arrangements may be modified, adjusted, suspended, or terminated at any time by management (or when requested by the employee).

Participation in the Telework Program will be terminated when the employee no longer meets the eligibility criteria. Telework Arrangements may be terminated at any time. Reasons for termination of a Telework Arrangement include, but are not limited to the following:

1. Performance falls below the satisfactory level,
2. When customer service is adversely affected,
3. Because of conduct or other performance concerns,
4. Other requirements of the Telework Arrangement are not fulfilled.

Management will provide ten (10) working days prior notice, when feasible, before modifying, suspending, or terminating a Telework Arrangement to allow the affected employee to make necessary arrangements. Consent or acknowledgement via signature by the terminating employee is not required

for the modification or termination to take effect. The decision of management to terminate an employee from the Telework program may be reviewed by the OHR Telework Manager.

To withdraw from the Telework Program, including for the purposes of promotion or retirement, the Teleworker must provide ten (10) working days prior notice when feasible, in writing, to the Supervisor and the Telework Manager. The Teleworker must coordinate the return of all issued equipment and materials to the Department and/or the Telework Manager.

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. Review Process

Denial or termination of a Telework Arrangement for those employees accepted into the program may be reviewed by the OHR Telework Manager. If a Manager denies the request for the continuation of Telework or terminates a Telework Arrangement, the Teleworker or their Union may ask for a review of this decision based on a claim that the denial or termination is arbitrary and capricious. Employees covered by the Montgomery County Personnel Regulations, may also request that a denial to Telework or the termination of a Telework Arrangement be reviewed by the Telework Manager.

During the Telework Program, the OHR Telework Manager will review all requests by the Teleworker or the Union relating to Telework. The OHR Telework Manager will notify the Teleworker and the Union, in writing, of the results of the review within fifteen (15) working days of the date the request was received.

For bargaining unit employees, the OHR Telework Manager's decision may be referred by the Union to the existing, informal, joint County-Union Alternative Dispute Resolution (ADR) process for review during the Telework Program. The ADR panel's decision is not subject to the grievance process. The ADR panel's proceedings are confidential and may not be referenced in future proceeding and will not be admissible in any arbitration or grievance.

Unrepresented employees may follow the procedure outlined in Section 34 of the Montgomery County Personnel Regulations for filing a grievance if they believe their Telework Arrangement has been unreasonably denied or terminated.

VI. Responsibilities

A. Employee

1. Follow the provisions of the Telework Program.
2. Work with their Manager to come to an agreement on, and observe the terms and conditions of the Telework Arrangement.
3. Follow all applicable laws, rules, regulations, policies, directives, codes, and procedures to ensure the security and confidentiality of official documents and records.
4. Follow all applicable laws, rules, regulations, directives, codes, policies and procedures relating to workplace conduct and performance.

B. Manager

1. Encourage active communication between Teleworkers and Main Worksite staff to ensure adequate interaction. Options available may include: e-mail, telephone, voice mail, instant messaging, and/or videoconferencing.
2. Ensure that Telework does not burden Main Worksite staff through inequitable distribution of workload.
3. Review Teleworking employee's work plan prior to employee's scheduled Telework day(s).
4. Periodically evaluate the effectiveness of the Telework Arrangement and include in six month evaluations.
5. Encourage eligible employees to Telework during code red air quality days.
6. Maintain copies of all Telework documents.

C. Department Directors

Directors shall designate a point of contact for their department to facilitate and administer their department's daily Telework needs. Directors shall periodically evaluate the effectiveness of Telework in the Department by meeting with Managers who manage Teleworking employees.

D. Department of Technology Services

Periodically review the Telework Program to ensure it is compliant with current technology and standards.

E. Risk Management

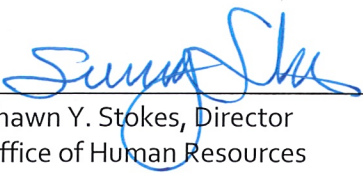
Provide resources on ergonomic workstation set-up and tips on office safety as part of the mandatory training and consistent with the Montgomery County Safety Program. Resources can be found at <http://mcsip.org/>.

F. Occupational Medical Services

ADA accommodations do not fall within the parameters of this Telework Program. The employee must contact Occupational Medical Services (OMS) consistent with policy and procedure for an ADA accommodation. An employee may not Telework under any approval of FMLA.


G. Office of Human Resources/Telework Manager

1. Designate a Telework Manager to serve as the lead administrator of the Telework Program and to maintain official record of all Telework documents, including a list of all eligible Telework positions. The Telework Manager will be the primary point of contact and will be a resource on all Telework matters.
2. Provide employees and Managers with technical assistance on an ongoing basis.
3. Coordinate the training of Managers and employees eligible to Telework.
4. Maintain and update the Telework Program policies and guidelines, application, and promotional materials.
5. Respond to any requests by the Teleworker or the Union to review any decisions that are deemed to be arbitrary and capricious.
6. Provide the County-wide Labor Management Relations Committee with information on the status of Telework in the County.

Approved: 
Shawn Y. Stokes, Director
Office of Human Resources

Date: 4/20/17

Approved as to Form and Legality
Office of the County Attorney

By: 
Date: April 20, 2017