

# STATE OF MARYLAND POLICY

---

**SUBJECT: Maintaining A Pest-Free Workplace**

**Effective: 08/11/16**

---

**Cynthia A. Kollner**  
**OPSB Executive Director**

---

## MAINTAINING A PEST-FREE WORKPLACE

### I. PREAMBLE

While this Policy specifically addresses bed bugs, it is equally applicable to other types of pests that have the ability to be conveyed from one location to another and to inhabit a previously unaffected area.

In many cases, pest problems in the workplace can be avoided or mitigated by proper maintenance of work areas, including minimizing clutter and frequent refuse removal and cleaning of workspaces. These types of proactive measures will not guard against all manner of pests, but being proactive and transparent in the handling of these issues is vital to the effective resolution of such problems when, inevitably, they arise.

### II. POLICY STATEMENT

The State of Maryland is committed to providing a workplace for all employees that is safe, secure and free of nuisances, like pests. The presence of bed bugs in the workplace is a nuisance, but bed bugs are not considered to be a medical or public health hazard.<sup>1</sup> Communication and cooperation between State of Maryland managers and supervisors, employees, and exclusive bargaining representatives are keys to effectively addressing and resolving pest-related issues, such as bed bug activity in the workplace.

The State of Maryland will take appropriate action to ensure that the workplace is free of nuisances, including pests that have the ability to travel from one location to another, presenting an annoyance for State employees, customers, and visitors, as well as disrupting State operations and damaging State property.

This Policy sets forth a uniform procedure to report, investigate and address situations in the workplace that may have a detrimental effect on State employees, customers and visitors, as well as State operations and State property. To promote a safe and secure workplace that is free of nuisances, employees should review, understand and adhere to all provisions of this Policy.

---

<sup>1</sup> <http://www.cdc.gov/parasites/bedbugs/faqs.html>

### **III. SCOPE**

This Policy applies to all agencies and personnel within the State Personnel Management System.

### **IV. DEFINITIONS**

Abatement – Treatment by a licensed, registered, or certified pest management professional, employing industry best practices, as many times as necessary to eliminate the problem (e.g., until such time that no evidence of bed bugs can be found), which is verified by certification by the pest management professional.

Administrative leave – Paid time off that is not assessed against an employee’s accrued leave.

Bed bug (*Cimex lectularius*) – Small, flat, parasitic insects that feed solely on the blood of people and animals typically while they sleep. Bed bugs are reddish-brown in color, wingless, and usually roughly the size of Lincoln’s head on a penny.<sup>2</sup>

Certification – Written documentation issued by a licensed, registered, or certified pest management professional that confirms that there is no evidence of bed bugs on the premises.

Domicile – An employee’s primary place of residence.

Infestation – Habitation or invasion in numbers large enough to be harmful, threatening, or obnoxious.

Pest – An insect having an adverse effect on working or living conditions.

Pest Management Professional – A certified pest control consultant or pest control applicator who has the training and knowledge to identify and treat pest problems.

Workplace – Any State of Maryland owned or leased facility or office.

### **V. DUTIES AND RESPONSIBILITIES**

Management’s commitment to maintaining a safe and secure workplace that is free of nuisances, like bed bugs, requires transparency related to any activities carried out to reduce or eliminate exposure to these types of issues. It is both necessary and important that management, employees, and exclusive representatives take a collaborative approach to addressing issues that arise as a result of pest activity such as the presence of bed bugs, and that all reasonable steps are taken to work cooperatively to address and resolve issues of this nature.

---

<sup>2</sup> Centers for Disease Control and Prevention. See <http://www.cdc.gov/parasites/bedbugs/faqs.html>.

## A. Responsibilities of Management

1. In order to provide a workplace that is free of pests, the State of Maryland may, from time to time, engage external contractors to perform walk-through inspections; these inspections may include, but are not limited to the use of bed bug scent detection canines.
2. If the presence of bugs is reported in the workplace, a supervisor or manager with knowledge of the situation immediately shall contact the Department of General Services (DGS) Building Superintendent for State-owned buildings, or the DGS – Lease Compliance Unit in the case of leased facilities. A DGS representative or a member of the tenant agency's management will perform a visual inspection of the work space and collect the bug(s), if possible, for identification by a pest management professional.
3. Upon confirmation of the presence of bed bugs in State-owned buildings, DGS will contact the State's contractor for pest management within two to four (2-4) hours to perform an inspection of the workplace; in privately owned buildings, DGS will work with the Landlord's pest control company to coordinate the inspection of the area as soon as practicable. If the affected area is occupied by members of a bargaining unit, every effort will be made to ensure that the exclusive representative(s) are notified prior to an inspection.
4. Upon confirmation of the presence of bed bugs, a DGS representative will obtain a recommended treatment plan by the pest management professional, coordinate the sharing of information relating to the use of existing janitorial chemicals being used in the workplace, and actively engage in the creation of an action plan for treating the bed bug activity. In DGS-owned buildings, the cost of abatement is borne by the agency occupying the work space that is being treated. In privately-owned leased office space, determining the responsible party to bear the cost of abatement will be made in consultation with the Landlord of the building.

If the affected area is occupied by members of a bargaining unit, the exclusive representative(s) will be provided a copy of the recommended treatment plan.

5. When possible, employees will be made aware of the confirmed presence of bed bugs within the workplace within four (4) hours. If the affected area is occupied by bargaining unit employees, the appropriate bargaining unit representative(s) also will be notified of the issue and updated as abatement measures are taken.
6. The office area(s) or work station(s) will be isolated, and all staff moved to temporary work space or allowed to telework, if possible. Extra care should be taken to ensure that the temporary move does not result in the transporting of bed bugs to the temporary location.

7. If it is not possible to move employees to a temporary work space and telework is not an option, the State of Maryland may, at its discretion, grant employees administrative leave during the period of time that the affected office area or work station is undergoing at least the first phase of treatment, except that employees who are on pre-approved leave during a period of administrative leave will be required to take their own leave. If administrative leave is to be granted, it must be approved in accordance with the Code of Maryland Regulations (COMAR), Title 17, Subtitle 04, Chapter 11, Section .17E.
8. An agency seeking to cease operations by closing an office must obtain permission to do so before effectuating the closure by contacting the Department of General Services, Office of Real Estate - Lease Compliance Unit and also notifying the Office of the Secretary for DGS. If the closure is approved, the Department of Budget and Management will authorize administrative leave for the affected employees, except that employees who are on pre-approved leave during the closure period will be required to take their own leave.
9. Information concerning the planned abatement procedures, the timeline for treatment of the affected work area(s), and detailed information concerning the specific pesticides that will be used shall be conspicuously posted in the affected work area(s).
10. If the source of bed bugs in the workplace can be traced to an individual employee, in order to minimize exposure and the spread of these pests the State of Maryland will require that the employee have his or her domicile inspected. Although the State of Maryland is not responsible for the cost associated with the inspection of an employee's domicile, as a courtesy to the affected employee, and at its sole discretion, the State of Maryland may offer to have its contractor provide an initial inspection at no charge to the employee.
11. An employee who reports bed bug activity within the employee's domicile, as well as an employee who is identified by DGS as the likely primary source of workplace bed bug activity, will be authorized to take up to fifteen (15) work days of administrative leave in order to permit the employee to address the issue in accordance with this Policy. The reason(s) why an employee is identified as the likely primary source of workplace bed bug activity will be documented in writing.

Every effort shall be made to work cooperatively with the employee to ensure that the issue is abated as expeditiously as possible. If the employee fails to provide a certificate of abatement, the employee may be granted permission to take the employee's annual or personal leave, compensatory time earned, or leave without pay.

12. Recognizing the stigma that often attaches to a report of bed bugs in a home, it is Management's responsibility to treat information received from an employee about an infestation of bed bugs in the employee's home as a confidential matter.
13. Appropriate disciplinary action shall be taken against any employee who refuses to abide by this Policy.

#### B. Responsibilities of Employees

1. Immediately report any actual or suspected bed bug activity within the employee's workplace to the employee's immediate supervisor. The supervisor will be responsible for ensuring that the DGS Building Superintendent for State-owned buildings, or the DGS – Lease Compliance Unit (in the case of leased facilities) is notified immediately.
2. Refrain from bringing into the office any suspected bed bugs or any other insect for identification.
3. Refrain from applying any pesticide or other chemicals in the workplace.
4. If an employee suspects that there is a bed bug issue within the employee's domicile, the employee immediately shall notify his or her employer and engage the services of a licensed, registered, or certified pest management professional, employing industry best practices to assess and abate the problem if activity is confirmed within the employee's domicile. Generally, the State does not bear the responsibility of paying for the abatement.
5. An employee who is experiencing a bed bug issue within the employee's domicile will not be permitted to return to work without certification from a licensed, registered, or certified pest management company that confirms abatement of the activity within the employee's domicile.
6. Employees are required to adhere to all aspects of this Policy and related procedures. Failure to do so may result in appropriate and progressive disciplinary action.