

STATE OF MARYLAND POLICY

SUBJECT: Telework Policy (Post Pandemic)

Effective: May 15, 2024

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AUTHORITY: Annotated Code of Maryland, State Personnel and Pensions Article, Section 2-308, Code of Maryland Regulations, Title 17, Subtitle 04, Chapter 11, Section .02 B(1)(a).

1. STATEMENT OF POLICY

The State views telework as a valuable tool in recruiting and retaining a high caliber workforce, increasing productivity, and enhancing the work/life balance of employees. Allowing state agencies to employ a hybrid work model has proven to be effective – allowing employees the flexibility to work outside of a State Work Site while maintaining or increasing work productivity. Teleworking is a privilege extended to eligible employees. The State is committed to ensuring that teleworking opportunities are provided fairly and equitably across classifications.

2. DEFINITIONS

2.1 Remote Work Site - An employee work location that is not a State Work Site.

2.2 State Work Site – Any building, facility or location managed or leased by the State for the purposes of allowing employees to work. A State Work Site also includes any locations in the field where the employee performs their duties.

2.3 Telework Eligible Classification – A job classification designated by the Secretary of Budget and Management that may allow employees to work from a Remote Work Site.

2.4 Full-time telework – Work status where all primary work hours are performed from a Remote Work Site.

2.5 Hybrid telework – Work status where work hours are performed from a Remote Work Site and a State Work Site. Hybrid work status requires at least two days per week at the State Work Site, and two days per week at the Remote Work Site. The fifth work day location will be determined by the manager or agency head in a manner consistent across all hybrid roles within the particular office or work unit.

2.6 Performance metrics – A set of quantifiable work expectations for employees.

2.7 Teleworker – An employee who works from a Remote Work Site.

3. TELEWORK ELIGIBILITY

3.1 The Secretary of Budget and Management shall create and maintain a list of Telework Eligible Classifications.

3.2 Agency heads shall have the flexibility on an exceptional basis to approve full-time telework. All requests for full-time telework must include the basis for granting full-time telework, including the specific benefits to the State.

3.3 Employees in classifications not on the list of Telework Eligible Classifications may not be in a full-time or hybrid telework status.

3.4 At least once a year, or whenever changes are made to the telework policy, DBM will meet with the exclusive bargaining representatives to review and discuss the list of eligible telework positions.

4. EMPLOYEE PARTICIPATION

4.1 Teleworking is voluntary and may be terminated by the supervisor or the employee at any time. If a supervisor wishes to terminate an employee's telework agreement, they must provide 14 days written notice. Upon receiving an eligible employee's request to telework, the supervisor must respond in writing to the employee's request within 14 days.

4.2 Before being allowed to telework, an employee shall review and sign this policy.

4.3 Adherence to the State's personnel laws, regulations, and policies is required and is unaffected by an employee's status as a teleworker or while the employee is working at a Remote Work Site. Additionally, the employee's duties and performance requirements will be unaffected by the employee's status as a teleworker or while the employee is working at a Remote Work Site.

4.4 Appropriate disciplinary action may be taken against an employee for failing to comply with the Teleworking Policy, failing to meet performance metrics or for violating any other personnel law, regulation, or policy while on duty.

4.5 An employee may initiate the grievance procedures under SPP Title 12 if they feel the telework policy is being misinterpreted or misapplied. A decision maker in any step of the grievance procedure may reinstate the employee's telework agreement.

4.6 Employees shall have the right to have telework agreements reinstated after meeting agreed upon performance standards and/or when operational needs change.

5. EMPLOYMENT

5.1 The teleworker's duties, obligations, responsibilities, and conditions of employment with the State will be unaffected by teleworking. This includes the method by which an employee is measured by performance, including in their daily work expectations.

5.2 The teleworker's salary, retirement benefits, and State of Maryland sponsored insurance coverage will remain unchanged by the teleworking arrangement.

5.3 All work hours, overtime compensation, and leave usage must conform to the Annotated Code of Maryland, the Code of Maryland Regulations, the provisions of the Teleworking Policy, any existing policy or procedure, and to the terms otherwise agreed upon by the employee and the supervisor.

5.4 All telework hours must be recorded using the appropriate worktag in Workday or any other timekeeping system of record used by an agency.

6. SCHEDULES

6.1 The interests of the office and workload take precedence over working at a Remote Work Site. A supervisor and/or agency head may require an employee to work in the office on a scheduled telework day and under extraordinary circumstances, for a defined period of time based on workload.

6.2 Agency supervisors shall work with employees to establish schedules based on the agency head's designation of positions as full-time telework or hybrid telework.

6.3 Supervisors may agree to allow teleworkers to work flexible hours and/or schedules.

6.4 The teleworker must have the pre-approval of the teleworker's supervisor before working overtime while in telework status.

6.5 In accordance with existing law, regulation, policy or procedure, the teleworker must receive prior supervisory approval before using annual or pandemic carryover leave, or compensatory time, and must notify the supervisor prior to use of sick or personal leave.

6.6 Leave without pay may not be used unless prior approval has been received by the teleworker's appointing authority.

7. AVAILABILITY

7.1 Teleworkers must be available by e-mail, phone, teleconference, or other communication methods established by the supervisor during work hours.

7.2 Supervisors shall establish response time requirements, deadlines for work, and the appropriate methods of communication for an employee in a telework status.

7.3 Teleworkers must be available for on-line meetings, conference calls, trainings and other required activities as directed by the supervisor.

7.4 Teleworkers must notify their supervisor immediately of any situation that interferes with their ability to perform their job duties at the Remote Work Site and utilize the appropriate accrued time off in accordance with the applicable time off policies and procedures.

8. EMERGENCY CONDITIONS

8.1 In the event of a communicable disease outbreak as declared by the Maryland Department of Health where facilities are to be closed to protect the health and safety of State employees and citizens, supervisors shall make arrangements for teleworking to be available for all eligible, non-essential employees.

9. WORKSPACE, EQUIPMENT AND SUPPLIES

9.1 The teleworker must have a phone and a designated workspace with appropriate equipment and supplies to complete work assignments at the Remote Work Site.

9.2 The workspace should be maintained in a safe condition, free of hazards that might endanger the employee or result in damage or loss of agency equipment or property.

9.3 Agencies should provide employees with the equipment necessary to do their jobs. This includes, but is not limited to:

- a. computers;
- b. email;
- c. connectivity to host applications.

9.4 If the teleworker does not possess the equipment and software required to telework at the Remote Work Site, the agency is not required to provide the equipment and software. In this case, the employee must report to the State Work Site instead of working at a Remote Work Site.

9.5 Agency equipment provided to an employee shall remain the property of the agency and shall be returned to the agency upon the termination of an employee's participation in the telework program.

9.6 The use of equipment, if provided by an agency, is limited to use by authorized persons and for authorized purposes related to State business only.

9.7 The teleworker will be responsible for the security of all items furnished by the State.

9.8 The teleworker may obtain from a State Work Site supplies needed for work at the Remote Work Site with supervisory approval.

10. EXPENSES

10.1 Work-related long distance phone calls should be planned for in-office days whenever possible.

10.2 Expenses for long distance calls that must be made from a teleworker's home may be reimbursed if the reason and cost for the call are documented and approved by the supervisor.

10.3 The teleworker is responsible for the cost of maintenance, repair and operation of personal equipment that has not been provided by the State.

10.4 Expenses for supplies regularly available at the main office will not be reimbursed unless pre-purchase approval has been granted by the teleworker's supervisor.

11. LIABILITY FOR INJURIES WHILE TELEWORKING

11.1 The teleworker is covered under the State's Workers' Compensation Law for injuries occurring during the actual performance of official duties at the Remote Work Site.

11.2 The teleworker or someone acting on the teleworker's behalf shall immediately notify the teleworker's supervisor of any accident or injury that occurs at the Remote Work Site.

11.3 The agency and the supervisor must follow the State's policies regarding the reporting of injuries for employees injured while at work.

11.4 The agency is not liable for damages to the teleworker's personal or real property while the teleworker is working at the Remote Work Site, except to the extent required under Maryland law.

12. CHILD/DEPENDENT CARE/PERSONAL BUSINESS

12.1 Teleworking is not a substitute for child or dependent care.

12.2 The teleworker must continue to arrange for child or dependent care to the same extent as if the teleworker were working at a State Work Site.

12.3 The teleworker must refrain from conducting personal business while on work status at the Remote Work Site.

13. PROHIBITED ACTIONS

13.1 Except for participating in on-line meetings and calls, teleworkers may not hold work-related meetings in the employee's home.

13.2 Teleworkers may not:

- a. work under the influence of prescription drugs or over-the-counter drugs if it causes them to be impaired and/or unable to perform the essential functions of their job safely and effectively;
- b. work under the influence of a controlled dangerous substance; or
- c. work under the influence of alcohol.

14. CONFIDENTIAL INFORMATION

14.1 The teleworker and the supervisor shall establish appropriate safeguards to secure confidential data and information.

14.2 The teleworker is responsible for ensuring that confidential information is handled in a manner designed to protect this information while at the Remote Work Site.

15. TRAVEL EXPENSES

Teleworkers shall not be paid for time or mileage involved in travel between the Remote Work Site and the employee's assigned State Work Site.

16. REPORTING REQUIREMENTS

Annually, each agency will submit a report to the Secretary of Budget and Management on its telework program. The report shall include:

- a. By classification, the number of employees eligible to telework and the number of employees actually engaging in telework;

- b. How many days per week employees are in-office;
- c. The number of employees that are fully remote;
 - i. For employees that are fully remote, how is the agency measuring job performance, productivity, and employee engagement;
 - ii. For employees that are fully remote, how has the agency ensured high quality services to businesses and Maryland citizens, or internal clients; and,
- d. any cost-savings achieved by the agency from employees teleworking vs. being in-office.

By signing below, I acknowledge that I have received, read, and agree to comply with the Telework Policy.

Employee's Name (Printed)

Employee's Signature

Date

By my signature below, I affirm that, as Employee's supervisor, I have reviewed this Policy with Employee and will assume responsibility as the Agency's representative for ensuring that all terms and conditions of the Policy are met.

Supervisor's Name (Printed)

Supervisor's Signature

Agency

Date