

REGULATION

MONTGOMERY COUNTY PUBLIC SCHOOLS

Related Entries: EDC-RA, GAA, IGS, IGT-RA
Responsible Office: Office of Human Resources and Development

Teleworking

I. PURPOSE

To provide guidance on conditions, responsibilities, and approval processes for teleworking in Montgomery County Public Schools.

II. RATIONALE

Montgomery County Public Schools (MCPS) recognizes that telework can serve as a means to recruit and retain excellent employees, provide flexibility, honor professionalism, and increase productivity when the responsibilities of an employee's position do not require direct supervision, in-person collaboration, specialized equipment, or on-site presence. Telework can also ease traffic congestion, reduce the environmental impact of greenhouse gas emissions, and conserve office space.

MCPS values the flexibility that telework offers and recognizes the importance of maintaining strong, in-person relationships that are crucial to our mission. Building and maintaining strong relationships is fundamental to achieving system goals. In addition, we believe that relationships are most effectively nurtured through some face-to-face interactions. This telework regulation is designed to balance the operational needs of our school system, the professional growth and well-being of our employees, and the fostering of strong relationships that enhance our effectiveness.

III. OVERVIEW

- A. Telework is an arrangement where an employee works from an alternate work location.
- B. Telework must be approved in advance by the employee's direct supervisor. A telework approval does not change the employee's work hours, compensation, benefits, work status, or work responsibilities.
- C. Each year, the employee must complete telework training and sign the acknowledgments before the start or continuation of telework.

- D. Employees approved to telework are subject to all Board of Education policies and MCPS regulations, procedures, and practices (hereafter referred to as MCPS rules).

IV. DEFINITIONS

- A. *Alternate work location* is a non-MCPS location that is identified for completing the employee’s assigned duties. The alternate work location must be in Maryland, the District of Columbia, or a state with which Maryland has a reciprocal agreement.
- B. *Portable duties and responsibilities* are those that can be completed with the same level of effectiveness and efficiency from an alternate location without adding cost or negatively impacting other employees’ work or the operations of the office.
- C. *Primary work location(s)* is the employee’s usual and customary MCPS work address.
- D. *Reciprocal Agreement* is an agreement between two states that allows residents of one state to request exemption from tax withholding in the other (reciprocal) state. Maryland has a reciprocal agreement with Pennsylvania, Virginia, West Virginia, and the District of Columbia.
- E. *Telework or telecommuting* is the practice of working at an approved alternate work location instead of the primary work location and does not alter the employee’s duties or work standards/competencies.
 - 1. *Recurrent telework* occurs when an employee is approved to work from an alternate work location on a regular, recurring basis.
 - 2. *Situational telework* occurs when an employee is approved to work from an alternate work location on an occasional, nonroutine, or irregular basis.

V. PROCEDURES

- A. Frequency

The nature of the work along with the needs of the team should guide the supervisor’s decision on the frequency of telework for each employee.

- 1. When determining telework frequency, supervisors must balance the flexibility for the employee with the system’s commitment to effectively support schools, efficiently maintain operations, and collaboratively work with our stakeholders.
- 2. Supervisors and teams will work together to develop telework schedules for their team, unit, or department that balance employee flexibility and system, department, unit, or office needs.
- 3. The maximum number of telework days for full-time employees is three (3) per

week or six (6) per pay period; for part-time employees, the maximum is 60 percent of the allocated full-time equivalency (FTE) per week and/or pay period.

B. Employee Eligibility for Telework

1. An employee's eligibility for telework will be determined based on numerous factors; most significant is the portability of the employee's job responsibilities.
2. All employees new to a position, even those not new to MCPS, must complete a period of in-person work before initiating a telework request. The duration of the in-person period will be determined by the employee's direct supervisor and cannot exceed six months.
 - a) The duration of the in-person work must be consistent among comparable positions overseen by a supervisor, but it can be different for employees new to a position versus those new to MCPS.
 - b) The direct supervisor will communicate the in-person period expectations at the time the employee is offered the position.
3. Employees can initiate telework only after they have received approval from their direct supervisor, completed the required telework training, and signed the telework agreement.
4. Employees who do not wish to telework are not required to telework.
5. This regulation applies to all employees in all FTE positions and all temporary part-time (TPT) employees.

C. Telework Approval Consideration

1. Approval of telework is done at the discretion of the direct supervisor.
2. Determination of the number of days of telework per week or pay period is at the discretion of the direct supervisor up to the established maximum.
3. Factors to be considered by supervisors when considering telework requests, determining the telework frequency, and identifying telework schedules are as follows:
 - a) The employee's alternate work location is in Maryland or one of the reciprocal states (nonnegotiable).
 - b) Data security can be maintained (nonnegotiable).
 - c) Portability of employee's work (portability includes effectiveness and

efficiency of the work and impact on other employees' work).

- d) The extent to which responsiveness, availability, customer service, and transparency to the public are impacted.
 - e) The extent to which availability, responsiveness, efficiency, and collaboration with internal partners and colleagues will be impacted.
 - f) The extent to which internal operations are impacted.
 - g) The employee's ability to effectively and independently accomplish work assignments.
 - h) The impact on the team's/unit's effectiveness.
4. Supervisors will maintain consistency and equity within the unit when approving telework requests. Differences in decisions should have explanations such as the impact of unit operations, employee performance, employee experience, team effectiveness, or portability of tasks.

D. Telework Request and Review Process

- 1. A telework request may be submitted by an employee at any time during the year. The telework request indicates the employee's interest in participating in telework. By submitting the telework request, the employee acknowledges that telework is a voluntary program both for MCPS and the employee, and the arrangement can be terminated by either party. Approval of the telework request is not an employment contract nor a guarantee of employment.
- 2. An employee who wishes to be considered for telework must complete and submit MCPS Form 425-58, *Request to Telework*, to their direct supervisor.
- 3. The telework request must be approved and the required telework training completed before the initiation of telework.
- 4. The direct supervisor reviews the request and then approves, with revisions, or denies a request. A request that is denied must include a written rationale for the recommendation.
- 5. Together with the employee, the supervisor determines the telework schedule.
- 6. Within ten (10) business days, the supervisor will send the employee the completed and signed telework request form.
- 7. Once the telework request form has been approved, the employee must complete the telework training and sign the telework acknowledgments. The request, training, and agreement must be completed annually.

8. For situational telework, the request must be completed for each telework instance.
- E. Telework Request Appeal Process
1. Decisions regarding situational telework may not be appealed.
 2. An employee who wishes to appeal the supervisor's decision regarding their recurrent telework request must complete the appeal section of the telework request form MCPS Form 425-58, *Request to Telework*, and email it to the appropriate supervisor within ten (10) days of each denial. The appeal process includes the following steps:
 - a) Appeal to the direct supervisor
 - b) Appeal to the next-level supervisor (*if applicable*)
 - c) Appeal to the appropriate chief
 3. At each level of appeal, the employee will receive a response to the appeal request within ten (10) business days.
- F. Situational Telework on Noninstructional Days for School-based Staff
1. A school-based employee must adhere to the guidelines established in the employee association negotiated agreement regarding telework on noninstructional days.
 2. A school-based employee may request situational telework on noninstructional days where the work location options are not determined by the current employee association negotiated agreements.
- G. Telework Schedule
1. The employee's telework schedule will be established as part of the approval process. The schedule will identify the days of the week and duty day start and end times for teleworking.
 2. The employee's alternate telework location must be within Maryland, the District of Columbia, or a state with a reciprocal agreement.
 - a) While the employee may change their alternate work location to another location, it must remain in Maryland, the District of Columbia, or a state with a reciprocal agreement.
 - b) Changes in work location resulting in the employee working in a different state must be recorded on MCPS Form 425-58, *Request to Telework*, and

submitted to the employee's supervisor and approved before implementing any change in work location.

3. Employees approved for recurrent telework are expected to follow a consistent schedule each week. Any temporary changes to the telework schedule must have prior approval from the direct supervisor. Permanent changes to the telework schedule will require a new MCPS Form 425-58, *Request to Telework*.
4. If a school/office closure or an event requiring in-person attendance occurs on a regularly scheduled telework day, the employee will not telework a different day that week. However, supervisors and employees may agree on a temporary schedule change.
5. If the employee is on leave on a regularly scheduled telework day, the employee will not telework on a different day that week. Similarly, if an employee is on leave on a regularly scheduled in-person day, the employee will not work on site on a scheduled telework day.
6. A telework schedule may not be adjusted to extend leave.
7. Situational telework may not be used to extend leave.
8. For inclement weather or emergency closure situations, all employees are expected to act in accordance with the decisions announced by MCPS and in accordance with guidance established in the employee associations' negotiated agreements for inclement weather school closure days.

H. Telework Monitoring

1. Supervisors will maintain a list of employees who have requested telework, the response to each employee's request, and all required documentation has been submitted by each employee. The list will be provided to the supervisor's chief and the Office of Human Resources and Development (OHRD) on August 1 and February 1 of each year. A chief may request this list from the supervisors at any time throughout the year.
2. Supervisors will maintain the telework schedules for all of their employees.
3. Supervisors will assign and evaluate the work of their employees. Employees approved to telework and their supervisors will have agreed upon processes to manage tasks and responsibilities. Upon request, an employee approved to telework will be required to submit a work plan to the supervisor, including tasks, responsibilities, and deliverables.
4. OHRD will maintain a master list of employees approved to telework.

I. Telework Training

1. Each year, employees approved for telework will participate in telework training, including strategies, expectations, commitment, data security, and logistics.
2. After the training, employees will sign telework acknowledgments.
3. Employees may begin to telework on the date agreed upon by their supervisor only after completion of the training and signing of acknowledgments.
4. Failure to comply with the training requirement will result in termination of the telework opportunity.
5. Supervisors who oversee employees who telework must participate in annual training focused on telework coaching, oversight, and supervision best practices.

J. Telework Continuation

1. Each year, employees must submit MCPS Form 425-58, *Request to Telework*, complete training, and sign acknowledgments. The telework renewal will supersede any prior agreement and approval.
2. An employee's approval to telework is valid only for the job or position held at the time of the approval. An employee who changes a job, job location, or full-time equivalency (FTE) allocation must submit a new telework request to their direct supervisor.
3. A supervisor new to an office will meet with employees in that office to discuss currently approved telework. The supervisor must follow the telework adjustment or termination process should the supervisor choose to change the telework schedule for any of the employees.
4. An employee may choose to terminate teleworking at any time. If an employee wishes to terminate the recurrent telework, written notification must be provided to the direct supervisor at least ten (10) business days prior to the employee's return to in-person work.

K. Telework Adjustment or Termination

1. The option, opportunity, and frequency of telework are at the discretion of the employee's direct supervisor.
2. While teleworking, the employee is bound by all established Board policies and MCPS rules. If performance issues arise, the professional growth system will be used in the same way as it is with employees who do not telework. An employee who is subject to disciplinary action, whose performance evaluations do not meet

standard or competency, or who is placed on a formal or informal performance improvement plan may have the telework program adjusted or terminated.

3. The supervisor may terminate telework immediately if the employee violates the provisions of this regulation or fails to abide by any established Board policies or MCPS rules. Before termination of approved telework based on conduct, the supervisor must meet with the employee to discuss the rationale for the decision and, if applicable, give the employee an opportunity to remedy the situation. Telework termination must be communicated to the employee in writing.
4. An employee who wishes to appeal a telework termination decision based on conduct may submit a written appeal to the appropriate supervisor within ten (10) days of the denial at each level. The appeal process includes the following steps:
 - a) Appeal to the direct supervisor
 - b) Appeal to the next-level supervisor (*if applicable*)
 - c) Appeal to the appropriate chief
5. An employee who has appealed the telework termination must return to in-person work throughout the duration of the appeal process.
6. An employee who has had their telework opportunity terminated based on conduct may submit a new request for telework after the employee's next scheduled evaluation.
7. The supervisor may immediately adjust or terminate the employee's option to telework if some or all of the work responsibilities are determined to no longer be portable or there is a change in the operational needs of the office. Telework terminated based on the portability of work responsibilities or operational need cannot be appealed.
8. The frequency approved for telework may be adjusted by the direct supervisor at any time in response to organizational needs. A change of telework frequency may not be appealed.

L. Employee Work Product, Schedule, and Availability

1. The employee's duties, obligations, responsibilities, salary, benefits, and conditions of employment with MCPS remain unchanged, including attendance at all regularly scheduled meetings. While teleworking, the employee shall be available during approved telework duty day hours for communication through such methods as phone, email, or other appropriate communication methods, and will respond promptly, as if at the primary work location. Schedule changes may be made at the supervisor's discretion. In every case, the operational needs of MCPS shall take precedence over telework.

2. Responsiveness and transparency to the public should not be affected by telework. Employees approved to telework should make every effort to have interactions with the public appear the same, whether they are at the primary work location or teleworking, and must meet established service timelines.
3. If access to required connectivity is unavailable at the alternate work location on a scheduled telework day, the employee is expected to report to the primary work location that work day.
4. If an employee who typically teleworks on a given day is needed to attend a meeting, hearing, event, or meet with a client in person, the employee is expected to attend. An employee should be prepared to report to the primary work location when given at least 24 hours' notice based on operational need.
5. If an urgent or emergency situation arises on a day that an employee is scheduled to telework, on the request of the supervisor or chief, the employee will be expected to report to the primary work location or to another MCPS facility. In the case of such an emergency or urgent situation, as much prior notice as possible will be provided to the employee.
6. Time and attendance when teleworking are recorded in the same manner as they are when at the primary work location. Employees must abide by the MCPS rules governing leave and overtime.
7. While teleworking, if an employee becomes sick or for any other reason cannot fulfill the work responsibilities, the employee must immediately notify the supervisor and use leave, in accordance with MCPS rules.
8. The employee must request and take leave on regularly scheduled telework days, in accordance with established MCPS rules and each negotiated agreement.
9. Overtime is not to be worked during a telework day, unless it is approved in advance by the employee's supervisor using formal overtime approval processes.
10. Failure to obtain approval for leave and overtime may result in termination of the teleworking agreement and/or disciplinary action.
11. Work performed at the alternate work location is considered official MCPS business. The employee shall be held responsible for maintaining the confidentiality of all MCPS records, documents, work products, and correspondences and for safeguarding such records, documents, work products, and correspondences from loss, destruction, or unauthorized access.
12. No employee engaged in teleworking is permitted to conduct face-to-face MCPS-related business at the alternate work location except through electronic means.

M. Workplace

1. The employee agrees to designate a workspace in the approved alternate work location for the purpose of teleworking and will maintain this area in a safe condition, free from hazards and other dangers to the employee and equipment.
2. All job-related accidents must be reported immediately (and no later than the next working day) to the employee's supervisor for investigation. Compensability of work-related injuries sustained by an employee in their alternate work location will be determined using the same factors as employees working on site.
3. Given adequate notice, MCPS may make on-site visits to or otherwise monitor the approved alternate work location during the employee's approved telework hours, for the purpose of picking up or delivering work, equipment, or materials; evaluating the teleworking arrangement; checking or maintaining MCPS-owned equipment; and inspecting whether the remote workplace is safe and free from hazards.

N. Performance Evaluation

The evaluation of an employee's job performance while teleworking shall be based on current MCPS performance expectations, competencies, and standards, as outlined in the Professional Growth Systems.

O. Laws, Regulations, and Policies

All applicable federal, state, and local laws; Board policies; and MCPS rules apply to employees participating in the telework program.

P. Supplies and Equipment

1. MCPS may, at its sole discretion and using established procedures, choose to purchase equipment and supplies for use by the employee or may permit the use of employee-owned equipment. The decision as to the type, nature, function, and quality of electronic hardware, computer software, data, and telecommunications equipment used shall rest entirely with MCPS.
2. The cost of any equipment or supplies purchased by the employee shall not be reimbursed without prior written approval.
3. Employees may use MCPS-owned supplies and equipment at the approved alternative work location, with the prior approval of their supervisor, provided the supplies and equipment will be used for work-related purposes only.
4. MCPS retains ownership of all equipment provided for telework. When MCPS equipment is used at an alternate work location, the employee is financially

responsible for that equipment if it is lost, stolen, or damaged because of that employee's negligence, misuse, or abuse, in accordance with Regulation IGT-RA, *User Responsibilities for Computer Systems and Network Security*.

5. All equipment and supplies provided by MCPS remain the property of MCPS and must be returned promptly to MCPS after the employee's participation in the telework program or at the time of the employee's separation from MCPS.
6. Repair and maintenance of employee-owned equipment used for telework is the responsibility of the employee, as is the cost of any Internet Service Provider required to access MCPS email and other network or information systems.

Q. User Responsibilities for Computer Systems, Network Security, and Data Security

1. While teleworking, the employee must follow the same security and privacy practices that are required at the primary work location. MCPS may require additional security protections on personally owned devices. Employees are required to inform MCPS immediately if equipment with MCPS data is lost or stolen.
2. The use of any personal equipment by the employee for purposes of telework is done solely at the employee's risk.
3. An employee who teleworks must protect information and resources against theft, unauthorized access, tampering, and loss, in accordance with Regulation IGT-RA, *User Responsibilities for Computer Systems and Network Security*. Employees are prohibited from copying certain data onto personally owned computers or other personal devices.
4. All official school records, files, and documents must be protected from unauthorized disclosure or damage. The employee must exercise the same precaution to maintain confidentiality through proper shredding and disposal of sensitive data and documents in both printed and electronic formats.

R. Regular Duty Day

The employee may not serve in any other paid employment or unpaid service during the approved telework duty day. Volunteer work during the approved telework duty day is not permitted, except as approved by the employee's direct supervisor.

S. Child/Dependent Care

Telework is not a substitute for child/dependent care. Employees are expected to manage caregiving or personal responsibilities while teleworking the same way those responsibilities are managed while working at the primary work locations. Dependents who are present at the alternate work location during an employee's telework hours must not require the employee's attention during the telework hours.

T. Tax Implications

It is the employee's responsibility to determine any tax implications of maintaining a remote work location. MCPS will not provide tax guidance nor will MCPS assume any additional tax liabilities or associated expenses. Employees are encouraged to consult with a qualified tax professional to discuss tax implications.

U. Salary and Benefits

Telework is not a basis for changing salary or benefits. Employees who are eligible for overtime pursuant to overtime pay for eligible employees and the *Fair Labor Standards Act* can be permitted to telework on an ad hoc basis, with prior approval of their direct supervisors.

V. MCPS Liability

MCPS will not be responsible for damages or losses that occur to the employee's personal equipment and real property, resulting from participation in the telework arrangement. Employees remain responsible for all insurance, utility, telephone, Internet connections, and related costs at the approved alternate work locations.

W. Worker's Compensation and Injury Leave

In the event of an injury at the off-site location, the employee shall immediately (as circumstances permit) contact the supervisor. Employees shall be covered, under Maryland's Workers' Compensation Law, for injuries occurring during the actual performance of official business/duties while teleworking.

X. Telework as an ADA Accommodation

An employee who seeks telework as an accommodation or modification under the *Americans with Disabilities Act Amendments Act (ADAAA)* of 2008 must complete the request and approval process outlined on MCPS Form 270-6, *Employee Request for ADA Accommodation/Modification*.

Regulation History: New Regulation August 23, 2006; revised December 7, 2021; revised October 23, 2024.

MCPS NONDISCRIMINATION STATEMENT

Montgomery County Public Schools (MCPS) prohibits illegal discrimination based on race, ethnicity, color, ancestry, national origin, nationality, religion, immigration status, sex, gender, gender identity, gender expression, sexual orientation, family structure/parental status, marital status, age, ability (cognitive, social/emotional, and physical), poverty and socioeconomic status, language, or other legally or constitutionally protected attributes or affiliations. Discrimination undermines our community's long-standing efforts to create, foster, and promote equity, inclusion, and acceptance for all. The Board prohibits the use of language and/or the display of images and symbols that promote hate and can be reasonably expected to cause substantial disruption to school or district operations or activities. For more information, please review Montgomery County Board of Education Policy ACA, *Nondiscrimination, Equity, and Cultural Proficiency*. This Policy affirms the Board's belief that each and every student matters, and in particular, that educational outcomes should never be predictable by any individual's actual or perceived personal characteristics. The Policy also recognizes that equity requires proactive steps to identify and redress implicit biases, practices that have an unjustified disparate impact, and structural and institutional barriers that impede equality of educational or employment opportunities. MCPS also provides equal access to the Boy/Girl Scouts and other designated youth groups.*

It is the policy of the state of Maryland that all public and publicly funded schools and school programs operate in compliance with:

- (1) Title VI of the federal Civil Rights Act of 1964; and
- (2) Title 26, Subtitle 7 of the Education Article of the Maryland Code, which states that public and publicly funded schools and programs may not
 - (a) discriminate against a current student, a prospective student, or the parent or guardian of a current or prospective student on the basis of race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability;
 - (b) refuse enrollment of a prospective student, expel a current student, or withhold privileges from a current student, a prospective student, or the parent or guardian of a current or prospective student because of an individual's race, ethnicity, color, religion, sex, age, national origin, marital status, sexual orientation, gender identity, or disability; or
 - (c) discipline, invoke a penalty against, or take any other retaliatory action against a student or parent or guardian of a student who files a complaint alleging that the program or school discriminated against the student, regardless of the outcome of the complaint.**

Please note that contact information and federal, state, or local content requirements may change between editions of this document and shall supersede the statements and references contained in this version. Please see the online version for the most up-to-date information at www.montgomeryschoolsmd.org/info/nondiscrimination.

For inquiries or complaints about discrimination against MCPS students***	For inquiries or complaints about discrimination against MCPS staff***
Director of Student Welfare and Compliance Office of District Operations Student Welfare and Compliance 15 West Gude Drive, Suite 200, Rockville, MD 20850 240-740-3215 SWC@mcpsmd.org	Human Resource Compliance Officer Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
For student requests for accommodations under Section 504 of the Rehabilitation Act of 1973	For staff requests for accommodations under the Americans with Disabilities Act
Section 504 Coordinator Office of School Support and Improvement Well-Being and Student Services 850 Hungerford Drive, Room 257, Rockville, MD 20850 240-740-3109 504@mcpsmd.org	ADA Compliance Coordinator Office of Human Resources and Development Department of Compliance and Investigations 45 West Gude Drive, Suite 2500, Rockville, MD 20850 240-740-2888 DCI@mcpsmd.org
For inquiries or complaints about sex discrimination under Title IX, including sexual harassment, against students or staff***	
Title IX Coordinator Office of District Operations Student Welfare and Compliance 15 West Gude Drive, Suite 200, Rockville, MD 20850 240-740-3215 TitleIX@mcpsmd.org	

*This notification complies with the federal Elementary and Secondary Education Act, as amended.

**This notification complies with the Code of Maryland Regulations Section 13A.01.07.

***Discrimination complaints may be filed with other agencies, such as the following: U.S. Equal Employment Opportunity Commission (EEOC), Baltimore Field Office, GH Fallon Federal Building, 31 Hopkins Plaza, Suite 1432, Baltimore, MD 21201, 1-800-669-4000, 1-800-669-6820 (TTY); Maryland Commission on Civil Rights (MCCR), William Donald Schaefer Tower, 6 Saint Paul Street, Suite 900, Baltimore, MD 21202, 410-767-8600, 1-800-637-6247, mCCR@maryland.gov; Agency Equity Officer, Office of Equity Assurance and Compliance, Office of the Deputy State Superintendent of Operations, Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201-2595, oeac.msde@maryland.gov; or U.S. Department of Education, Office for Civil Rights (OCR), The Wanamaker Building, 100 Penn Square East, Suite 515, Philadelphia, PA 19107, 1-800-421-3481, 1-800-877-8339 (TDD), OCR@ed.gov, or www2.ed.gov/about/offices/list/ocr/complaintintro.html.

This document is available, upon request, in languages other than English and in an alternate format under the *Americans with Disabilities Act*, by contacting the MCPS Office of Communications at 240-740-2837, 1-800-735-2258 (Maryland Relay), or PIO@mcpsmd.org. Individuals who need sign language interpretation or cued speech transliteration may contact the MCPS Office of Interpreting Services at 240-740-1800, 301-637-2958 (VP) mcpsinterpretingservices@mcpsmd.org, or MCPSInterpretingServices@mcpsmd.org.