

REGULATION MONTGOMERY COUNTY PUBLIC SCHOOLS

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

Teleworking

I. PURPOSE

To provide guidance on permissible conditions for teleworking

II. RATIONALE

Montgomery County Public Schools (MCPS) supports teleworking as an effective way to recruit and retain excellent employees, honor professionalism, increase flexibility, improve employee productivity, reduce the amount of time employees spend commuting to and from work, ease traffic congestion, reduce the environmental impact of car emissions, conserve office space, and promote a healthy balance between home and work.

III. OVERVIEW

Teleworking is a flexible work location agreement available to MCPS employees when a mutually beneficial situation exists and when there is an agreement between the employee and the appropriate supervisor and chief that it is most appropriate for the situation and circumstances.

Teleworking is not universally available to all job classes or positions and must be approved in advance by the appropriate supervisor and chief. Telework is not an option that an employee can demand or has a right to expect.

Employees approved to participate in the MCPS telework program are subject to the same Board of Education policies and MCPS regulations, procedures, and practices, (hereafter referred to as MCPS rules), regardless of their work location. The employee's work hours, compensation, benefits, work status, and work responsibilities will not change due to their participation in the telework program.

IV. DEFINITIONS

- A. *Alternate work location* is a setting appropriate for completing the employee's assigned duties that is not the employee's primary work location.
- B. *Intermittent Telework* occurs when an employee works regularly from primary worksite but would telework for limited periods of time, based on specific circumstances or job responsibilities that could be accommodated by teleworking.
- C. *Portable duties and responsibilities* are those that generally can be performed at an alternate work location.
- D. *Primary work location* is the employee's usual and customary MCPS work address.
- E. *Recurrent Telework* occurs when an employee works from an alternative worksite on a regular, recurring basis.
- F. *Teleworking or telecommuting* is the practice of working away from an employee's primary work location, such as home or an alternate work location, instead of commuting to the primary work location, and does not alter the employee's duties or work standards/competencies.

V. PROCEDURES

A. Employee Eligibility for Telework

Employees in a job class or position where some or all of the duties and responsibilities are portable, as determined by the appropriate supervisor or chief may, would be eligible for telework.

B. Approval Consideration

A supervisor and chief may consider requests from employees for telework. Employees may request recurrent or intermittent telework approval. The consideration for approval of the type and the frequency of approved telework is at the discretion of the supervisor and chief. Consideration for approval should be based on the portability of the work required by the position, per the job description. Job classes and positions approved for telework must have components that are portable and thus should be, at least in part, compatible with working from a location other than the primary work location. Factors to be considered include the following:

1. The position has tasks that are portable and can be performed from a location other than the primary work location.

2. Responsiveness and transparency to the public will not be affected by telework.
3. Data security can be maintained.
4. Service to internal and external stakeholders will be maintained at the level as when working from the primary work location.
5. Operational requirements will be met.

C. Telework Request and Review Process

1. Employees who wish to be considered for telework must submit a request to their supervisor using the approved telework request form.
2. The appropriate supervisor reviews the request and recommends approval or denial of the request. The requests that are recommended for denial must include a written rationale for the recommendation.
3. The telework request form with the supervisor's recommendation is reviewed by the appropriate chief and the request is approved or denied. The requests that are denied must include a written rationale for the decision.
4. The employee receives the completed and signed telework request form as notification of the decision regarding their request.
5. Employees approved to telework must complete telework training prior to beginning to telework.
6. An employee who wishes to appeal the telework request decision of their chief may submit a letter of appeal within 10 duty days of the decision to the MCPS Chief of Staff.

D. Request for Telework

The telework request indicates the employee's interest in participating in the telework program. The telework request is not an employment contract or a guarantee of employment. The completed telework request form shall be kept on file in the appropriate chief's office. 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.

The Office of Human Resources and Development (OHRD) will maintain a master list of employees approved to telework.

E. Training

1. Employees approved for telework will participate in specialized telework training, including strategies, expectations, commitment, data security, and logistics. Failure to comply with the training requirement will result in termination of the telework opportunity. Telework training will be available on a regular basis using electronic training tools. OHRD will develop and facilitate the training.
2. Supervisors who oversee employees who are approved to telework will be provided training on the request, approval, and implementation processes.

F. Telework Continuation

1. The telework approval will remain valid, unless the agreement is changed or terminated by the appropriate supervisor or chief.
2. Once per fiscal year, each employee newly approved for telework and those continuing to telework must complete the telework training.
3. 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 their job or full-time equivalent (FTE) allocation must submit a new telework request to their appropriate supervisor.

G. Telework Adjustment or Termination

1. The option and opportunity to telework is at the discretion of the employee's supervisor and/or chief.
2. While teleworking, the employee is bound by all established Board policies and MCPS rules, as if they were working from the primary work location. If performance issues arise, they will be handled via the professional growth systems. Employees who are subject to disciplinary action, whose performance evaluations do not meet standard or competency, or are placed

on a formal or informal performance improvement plan may have their telework program adjusted or terminated.

3. The supervisor may terminate the telework arrangement immediately if the employee violates the provisions of this regulation or fails to abide by the all established Board policies and MCPS rules.
4. The supervisor may adjust or terminate the employee's option to telework if some or all of the work responsibilities are determined to no longer be portable.
5. An employee whose telework approval has been terminated must be notified in writing by the supervisor and chief. An employee who wishes to appeal the telework termination decision may submit a letter of appeal within 10 duty days of the decision to the MCPS Chief of Staff.
6. The frequency approved for telework may be adjusted by the supervisor at any time in response to organizational needs.

H. 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. The employee shall be available during telework hours for communication through such methods as phone, email, or other appropriate communication methods and will respond in a prompt manner, as if on site. 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 in the office or teleworking, and must meet established service timelines.
3. If an employee who typically teleworks on a given day is needed to attend a meeting, hearing or event, or meet with a client in person they may be required to change their telework schedule for that period. Employees should be prepared to report to their primary work location, given 24 hours' notice based on operational need.

4. If an urgent or emergency situation unexpectedly arises on a day that an employee is scheduled to telework, upon the request from the supervisor or chief the employee will be expected to report to their primary work location or to another MCPS facility. In the case of such emergency or urgent situation, as much prior notice as possible will be provided to the employee.
5. Time and attendance when teleworking is recorded in the same manner as it is when at primary work location. Employees must abide by the MCPS rules governing leave and overtime.
6. The employee must request and take leave during approved telework hours, in accordance with established MCPS rules and each negotiated Agreement. Before overtime is worked, proper approval must be obtained. Failure to obtain approval for leave and overtime may result in termination of the teleworking agreement and/or disciplinary action.
7. 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 product, and correspondence, and for safeguarding such records, documents, work product, and correspondence from loss, destruction, or unauthorized access.
8. Given adequate notice, MCPS may make on-site visits to or otherwise monitor the remote workplace 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.

I. Performance Evaluation

The evaluation of an employee's job performance while teleworking shall be based upon current MCPS performance expectations, competencies, and standards.

J. Laws, Regulations, and Policies

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

K. Authorized Expenses

Supervisors or their designees may authorize expenditures using established procedures and based on available funding for office equipment, software, communication devices, including long-distance charges related to MCPS business and office supplies needed by teleworkers at their alternate work location.

L. Supplies and Equipment

1. MCPS will not purchase equipment solely for the purpose of permitting an employee to telework, unless required by condition of employment, as the result of a certified accommodation, or during periods of mandated remote work, subject to budget considerations.
2. The cost of any equipment or supplies purchased by the employee shall not be reimbursed without prior written approval. MCPS may, at its sole discretion, 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/or quality of electronic hardware, computer software, data, and telecommunications equipment used shall rest entirely with MCPS.
3. Employees may use MCPS-owned supplies and equipment at the approved alternative work location, with the prior, written 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 at the conclusion of 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.

M. User Responsibilities for Computer Systems and Network 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. Teleworkers 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.

N. Regular Duty Day

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

O. Child/Dependent Care

Employees are expected to manage child/dependent care or personal responsibilities in a way that allows them to meet job duties and responsibilities successfully. Telework is not a substitute for child/dependent care. It is expected that the employee is not providing child/dependent care during telework hours.

P. 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. Employees are encouraged to consult with a qualified tax professional to discuss tax implications.

Q. 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 approval of the supervisor.

R. 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 location.

S. 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 their supervisor. Employees shall be covered, under Maryland's Workers' Compensation Law, for injuries occurring during the actual performance of official business/duties while teleworking.

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