

# HOUSE BILL 73

P4, L6, K3

11r0993

(PRE-FILED)

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By: **Delegate Krimm**

Requested: October 15, 2020

Introduced and read first time: January 13, 2021

Assigned to: Appropriations

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## A BILL ENTITLED

1 AN ACT concerning

2 **State and Local Government and Private Employers – Teleworking**

3 FOR the purpose of requiring each governing body, or the governing body's designee, of a  
4 county or municipality to establish a certain telework program and adopt a certain  
5 telework policy and telework guidelines; authorizing the head of a governmental  
6 entity of a county or municipality to designate positions for which employees are  
7 eligible to telework; requiring each governmental entity of a county or municipality  
8 to maximize, to the extent practicable, the number of eligible employees in the entity  
9 participating in a certain telework program; requiring the State Court Administrator  
10 and the President of the Senate and the Speaker of the House to establish a certain  
11 telework program and adopt a certain telework policy and telework guidelines;  
12 requiring certain officials, in coordination with the Department of Information  
13 Technology, to issue certain guidelines for a certain purpose; requiring certain  
14 guidelines for a certain purpose; requiring an employee determined eligible to  
15 participate in a certain telework program to receive and acknowledge certain  
16 guidelines before participating in the program; requiring a unit of State government,  
17 or the principal department in which the unit is located, to report annually certain  
18 information to certain committees of the General Assembly; encouraging private  
19 sector employers to develop and implement a certain telework policy; stating the  
20 intent of the General Assembly; defining certain terms; and generally relating to  
21 telework programs in the State.

22 BY adding to

23 Article – Local Government  
24 Section 1–206  
25 Annotated Code of Maryland  
26 (2013 Volume and 2020 Supplement)

27 BY repealing and reenacting, with amendments,

28 Article – State Personnel and Pensions

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 2–308  
2 Annotated Code of Maryland  
3 (2015 Replacement Volume and 2020 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
5 That the Laws of Maryland read as follows:

6 **Article – Local Government**

7 **1–206.**

8 (A) IN THIS SECTION, “TELEWORK” MEANS TO WORK AT A LOCATION OTHER  
9 THAN A TRADITIONAL OFFICE SETTING OR AN EMPLOYEE’S USUAL AND CUSTOMARY  
10 WORKSITE, INCLUDING:

11 (1) THE EMPLOYEE’S HOME;

12 (2) A SATELLITE OFFICE; AND

13 (3) A TELEWORK CENTER.

14 (B) THIS SECTION APPLIES TO:

15 (1) ALL EMPLOYEES OF A GOVERNMENTAL ENTITY OF A COUNTY OR A  
16 MUNICIPALITY; AND

17 (2) ALL GOVERNMENTAL ENTITIES OF A COUNTY OR A MUNICIPALITY.

18 (C) EACH GOVERNING BODY, OR THE GOVERNING BODY’S DESIGNEE,  
19 SHALL:

20 (1) ESTABLISH A COUNTYWIDE OR MUNICIPALITY–WIDE TELEWORK  
21 PROGRAM; AND

22 (2) ADOPT A COUNTYWIDE OR MUNICIPALITY–WIDE TELEWORK  
23 POLICY AND TELEWORK GUIDELINES.

24 (D) (1) THE HEAD OF A GOVERNMENTAL ENTITY OF A COUNTY OR  
25 MUNICIPALITY MAY DESIGNATE THE POSITIONS FOR WHICH AN EMPLOYEE WOULD  
26 BE ELIGIBLE TO TELEWORK.

27 (2) EACH GOVERNMENTAL ENTITY OF A COUNTY OR MUNICIPALITY  
28 SHALL, TO THE EXTENT PRACTICABLE, MAXIMIZE THE NUMBER OF ELIGIBLE

1 EMPLOYEES PARTICIPATING IN A COUNTYWIDE OR MUNICIPALITY-WIDE TELEWORK  
2 PROGRAM ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION.

3 **Article – State Personnel and Pensions**

4 2–308.

5 (a) (1) In this section[, “telework”] **THE FOLLOWING WORDS HAVE THE**  
6 **MEANINGS INDICATED.**

7 (2) **“APPROPRIATE OFFICIAL” MEANS:**

8 (I) **FOR THE EXECUTIVE BRANCH, THE SECRETARY;**

9 (II) **FOR THE JUDICIAL BRANCH, THE STATE COURT**  
10 **ADMINISTRATOR; OR**

11 (III) **FOR THE LEGISLATIVE BRANCH, THE PRESIDENT OF THE**  
12 **SENATE AND THE SPEAKER OF THE HOUSE, ACTING JOINTLY.**

13 (3) **“TELEWORK”** means to work at a location other than a traditional  
14 office setting or an employee’s usual and customary worksite, including:

15 [(1)] (I) the employee’s home;

16 [(2)] (II) a satellite office; and

17 [(3)] (III) a telework center.

18 (b) This section applies to:

19 (1) all employees in the **JUDICIAL, LEGISLATIVE, AND Executive**  
20 **[Branch] BRANCHES** of State government; and

21 (2) all units in the **JUDICIAL, LEGISLATIVE, AND Executive [Branch]**  
22 **BRANCHES** of State government, including units with independent personnel systems.

23 (c) **[The Secretary] EACH APPROPRIATE OFFICIAL** shall:

24 (1) establish a **[statewide] telework program APPLICABLE TO THE**  
25 **APPROPRIATE OFFICIAL’S BRANCH OF GOVERNMENT;** and

26 (2) adopt a **[statewide] telework policy and telework guidelines**  
27 **APPLICABLE TO THE APPROPRIATE OFFICIAL’S BRANCH OF GOVERNMENT.**

1 (d) (1) The head of a unit in the Executive Branch of State government may  
2 designate the positions for which an employee would be eligible to telework.

3 (2) A unit in the Executive Branch of State government shall [have a goal  
4 of at least 15%], **TO THE EXTENT PRACTICABLE, MAXIMIZE THE NUMBER** of eligible  
5 employees participating in the [statewide] telework program established under subsection  
6 (c) of this section.

7 **(E) (1) EACH APPROPRIATE OFFICIAL, IN COORDINATION WITH THE**  
8 **DEPARTMENT OF INFORMATION TECHNOLOGY, SHALL ISSUE GUIDELINES TO**  
9 **ENSURE THE ADEQUACY OF INFORMATION AND SECURITY PROTECTION FOR**  
10 **INFORMATION AND INFORMATION SYSTEMS USED WHILE TELEWORKING.**

11 **(2) GUIDELINES ISSUED UNDER THIS SECTION SHALL, AT A MINIMUM,**  
12 **INCLUDE REQUIREMENTS NECESSARY TO:**

13 **(I) CONTROL ACCESS TO AND PROTECT UNIT INFORMATION**  
14 **AND INFORMATION SYSTEMS;**

15 **(II) LIMIT THE INTRODUCTION OF VULNERABILITIES TO UNIT**  
16 **INFORMATION SYSTEMS;**

17 **(III) PROTECT INFORMATION SYSTEMS NOT UNDER CONTROL OF**  
18 **THE UNIT THAT ARE USED FOR TELEWORKING;**

19 **(IV) SAFEGUARD WIRELESS AND OTHER COMMUNICATIONS**  
20 **CAPABILITIES THAT ARE USED FOR TELEWORKING; AND**

21 **(V) PREVENT INAPPROPRIATE USE OF OFFICIAL TIME OR**  
22 **RESOURCES IN VIOLATION OF A UNIT'S POLICIES.**

23 **(3) AN EMPLOYEE DETERMINED TO BE ELIGIBLE TO PARTICIPATE IN**  
24 **A TELEWORK PROGRAM ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION**  
25 **SHALL RECEIVE AND ACKNOWLEDGE THE GUIDELINES ISSUED UNDER THIS SECTION**  
26 **BEFORE PARTICIPATING IN THE TELEWORK PROGRAM.**

27 **(F) ON OR BEFORE DECEMBER 1 EACH YEAR, EACH UNIT OF STATE**  
28 **GOVERNMENT, OR THE PRINCIPAL DEPARTMENT IN WHICH THE UNIT IS LOCATED,**  
29 **SHALL REPORT TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE**  
30 **HOUSE APPROPRIATIONS COMMITTEE, IN ACCORDANCE WITH § 2-1257 OF THE**  
31 **STATE GOVERNMENT ARTICLE, ON THE NUMBER OF ELIGIBLE EMPLOYEES**  
32 **PARTICIPATING IN THE APPLICABLE TELEWORK PROGRAM ESTABLISHED UNDER**  
33 **SUBSECTION (C) OF THIS SECTION.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That:

2 (a) Private sector employers are encouraged to develop and implement telework  
3 policies that enable employees to work at a location other than a traditional office setting  
4 or an employee's usual and customary worksite.

5 (b) It is the intent of the General Assembly to authorize a tax credit to assist  
6 private sector employers in offsetting the costs incurred for the development and  
7 implementation of a telework policy, including hiring consultants or other support services,  
8 if federal funds are made available for that purpose.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2021.