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Appropriations Committee

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Capital Budget

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*The Maryland House of Delegates*  
ANNAPOLIS, MARYLAND 21401

**Testimony in Support of HB 528**  
**State Personnel – Teleworking Programs, Policies, and Guidelines –**  
**Requirements**

Testimony of Delegate Cathi Forbes  
Appropriations Committee  
March 7, 2023

***What this bill does***

The intent of this bill is to have existing telework policies within state entities consistently applied. This bill doesn't change who is eligible to telework. This bill is trying to give fair and consistent application to our existing law. Where these programs exist, this bill instills basic guidelines for our telework programs to follow.

After the pandemic forced everyone to telework, legislation was enacted to ensure state employees would continue to be allowed to telework if the employee's work can be successfully performed away from the office. HB528 builds on that legislation by including specified guidelines and policies for telework programs offered by the judicial, legislative, and executive branches of state government and our public institutions of higher education.

***History of the issue***

In 2021 the Maryland General Assembly passed [HB73/CH0696](#) which required our state government, judicial and legislative branches, and public institutions of higher education to have telework programs for their employees. The legislation also required that beginning in fiscal year 2023, telework policies would need to be negotiated where employees are covered by collective bargaining. Finally, the legislation passed in 2021 added a requirement to track the number of state employees participating in telework to the annual report state agencies must file detailing the number of employees they have that are telework eligible, or work in jobs that have functions that can be performed remotely.

As a result of that legislation there has been some progress with agencies softening their opposition to telework. But our public unions have not been able to successfully negotiate telework policies in many state agencies or in higher education. Unfortunately, this has led to inequitable and inconsistent decision-making on who is allowed to telework, and who is not.

The Department of Budget and Management (DBM) publishes a list of classifications that are eligible to telework, and then individual agency heads decide if they will allow their staff to telework. Workers who have similar duties in one agency or campus might be allowed to telework, but workers with the same jobs in other agencies or campuses may not. There are some agencies that take a uniform policy stance against telework.

***What this bill specifically requires***

HB528 fixes the inequities currently existing in our telework programs by doing four things:

- 1) Provides that eligibility to telework be based on three factors:
  - an assessment that the job can be worked remotely
  - the employee is performing up to standard
  - the employee has passed probation, if applicable
- 2) Sets factors for consideration when evaluating an eligible employee's request to telework
- 3) Standardizes the telework request, approval, and termination procedures
- 4) Consolidates telework policy negotiations under the University of Maryland System so there is one policy, instead of separate and different policies on each individual campus.

***Who benefits from this bill***

Employees and the Marylanders they serve. Following the lead of the private sector, the flexibility of allowing employees to telework may help with recruitment and retainment at our state agencies. It also has the additional environmental benefits of reducing traffic, thereby reducing the congestion and pollution caused by that traffic.

Allowing employees to telework, even one day a week, is comparable to giving them a raise. The flexibility allows a better work-life balance and the employees will be better able to serve our constituents.

I ask for a favorable report.

Thank you.