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Patrick Moran - President

SB 421 - State Personnel - Teleworking Programs, Policies, and Guidelines - Requirements

POSITION: FAVORABLE

AFSCME Council 3 supports SB 421. This important legislation sets guidelines for telework policies in Maryland's state government, the judicial and legislative branches, and our public institutions of higher education. This legislation also consolidates the bargaining of telework policies in the University System of Maryland so there is one statewide policy, like what is already happening in the executive branch.

In 2021, the Maryland General Assembly passed [HB73/CH0696](#) which required these institutions to have telework policies and to maximize the number of employees participating in a telework program. For state employees who work in jobs that can't be done remotely, their telework policy is just that – they can't telework. For state employees who do have jobs that can be done remotely, SB 421 is necessary to make sure these telework policies are applied consistently and fairly.

Since 2021, we have seen more relaxed attitudes towards teleworking across much of state government, but there are still individual agencies and managers who issue blanket “no telework” policies to the great agitation of staff. We also see inconsistencies where one job or individual is allowed to telework in one agency or campus, and similar jobs with similar duties are not allowed to telework in another agency or campus. Not only is this unfair, but it's also having a detrimental impact on employee recruitment and retention at a time when the state so desperately needs to improve both.

SB 421 fixes these issues by setting some basic guidelines for all telework policies in state government to follow:

1. Telework eligibility should be based on an assessment if the job can be done remotely, if the employee is meeting performance standards, and if the employee has passed their probationary period.
2. In evaluating telework requests, managers should consider:
 - If the job has ever been done successfully remotely,
 - If the requesting employee has ever successfully worked remotely,
 - The operational needs of the unit,
 - The number of employees in the unit who are already teleworking,
 - The possibility of a hybrid and in-person schedule,
 - The flexibility of the requesting employee's work schedule.

Every AFSCME Maryland State and University contract guarantees a right to union representation.
An employee has the right to a union representative if requested by the employee.
800.492.1996

3. Telework requests, approvals, and terminations should be standard across policies and provide for:

- A written response back within 7 days from the appropriate official upon an employee requesting to telework.
- 14 days' notice from an appropriate official upon terminating a telework agreement and an explanation for why.
- A prohibition on denying telework requests on the basis that employee is unable to work remotely when others doing the same work have been allowed to work remotely.
- Established goals and expectations for the position while working remotely.
- A prohibition on entering an employee's home to check up on the employee teleworking.
- A requirement for telework during communicable disease outbreaks.
- An ability to grieve misapplications of the telework policy.

All these improvements are consistent with what we already do with other personnel policies around equal employment opportunities and scheduling. We believe that by adding them as standard guidelines for telework policies we will be able to truly ensure that our state government is maximizing participation. Telework is a win-win for the budget, the environment, traffic reduction, productivity, and for the quality of life for our members.

We urge the committee to provide a favorable report on SB 421. Thank you.