

HOUSE BILL 73

P4, L6, K3

11r0993

(PRE-FILED)

By: **Delegate Krimm**

Requested: October 15, 2020

Introduced and read first time: January 13, 2021

Assigned to: Appropriations

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

Article – Local Government

1–206.

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

(1) THE EMPLOYEE’S HOME;

(2) A SATELLITE OFFICE; AND

(3) A TELEWORK CENTER.

(B) THIS SECTION APPLIES TO:

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

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

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

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

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

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

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

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

Article – State Personnel and Pensions

2–308.

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

(2) “APPROPRIATE OFFICIAL” MEANS:

(I) FOR THE EXECUTIVE BRANCH, THE SECRETARY;

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

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

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

[(1)] (I) the employee’s home;

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

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

(b) This section applies to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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