

SENATE BILL 710

P4, L6, K3

11r2954
CF HB 73

By: **Senator King**

Introduced and read first time: February 3, 2021

Assigned to: Finance

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
29 Section 2–308

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Annotated Code of Maryland
2 (2015 Replacement Volume and 2020 Supplement)

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

5 **Article – Local Government**

6 **1–206.**

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

10 (1) THE EMPLOYEE’S HOME;

11 (2) A SATELLITE OFFICE; AND

12 (3) A TELEWORK CENTER.

13 (B) THIS SECTION APPLIES TO:

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

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

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

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

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

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

26 (2) EACH GOVERNMENTAL ENTITY OF A COUNTY OR MUNICIPALITY
27 SHALL, TO THE EXTENT PRACTICABLE, MAXIMIZE THE NUMBER OF ELIGIBLE
28 EMPLOYEES PARTICIPATING IN A COUNTYWIDE OR MUNICIPALITY–WIDE TELEWORK
29 PROGRAM ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION.

1 **Article – State Personnel and Pensions**

2 2–308.

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

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

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

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

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

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

13 **[(1)] (I)** the employee’s home;

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

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

16 (b) This section applies to:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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