
HEARING DATE

WEDNESDAY, JANUARY 27, APPROPRIATIONS COMMITTEE

HB 73 Telework Policy Reform

Support HB 73 With Amendments



"Before teleworking, I used to spend 10 hours a week in my car just commuting to work. Most of that time was spent sitting in traffic. Now I have more time to do my work and to spend time with my family."
Cherrish Vick, Family Services Caseworker, AFSCME Local

112

TELEWORK FOR WHOM?

Less than one in five black workers and roughly one in six Hispanic workers are able to work from home. Higher-wage workers are six times as likely to be able to work from home as lower-wage workers. Older workers among the least likely to be able to telework.

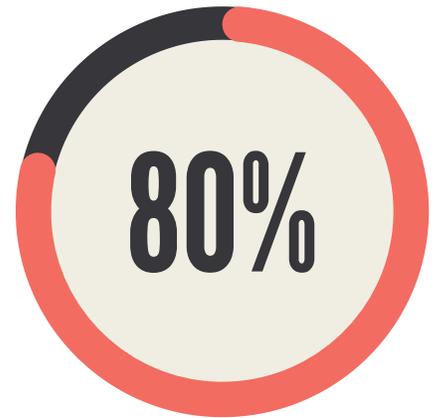
Source: U.S. Bureau of Labor Statistics, Job Flexibilities and Work Schedules – 2017–2018 Data from the American Time Use Survey

Background

Whether telework is mitigating the potential exposure to a deadly virus, assisting in reducing pollution, or aiding in the recruitment and retention of workers during a staffing crisis, allowing employees the flexibility of choosing their work location has proven to be an important tool in improving quality of life. HB 73 makes improvements to existing law by including local government, judiciary, legislative, and private employees under the telework program mandate. It also provides much needed guidelines for cybersecurity in state government. The COVID-19 pandemic, however, has also forced the discussion of *who* can telework into the forefront.

More state workers are teleworking for the first time, but many are still being unjustifiably denied the option.

A September 2020 survey of AFSCME Members working in State Government, Higher Education, and the Judiciary found that out of 1000 employees, 80% were teleworking for the first time. The other 20% of the survey respondents, who often had the same or similar job duties as those in the survey who were allowed to telework, were still being denied the option to work remotely by their manager despite the public health crisis. Some were teleworking for the first time because they ordinarily have public-facing jobs and the pandemic forced office closures, while others finally received the necessary equipment enabling them to work from home. However, for many, nothing had previously prevented telework—the option to telework was just being extended to them for the first time. Among the survey respondents being denied telework, it was far too common to have two workers carrying the same job classification and daily responsibilities but who were working in different state agencies, to be able to telework in one agency but not the other.



out of 1000 state workers surveyed, responded they were teleworking for the first time



"Before the pandemic, I was told that I could not telework because I had a front desk position which required me to physically be in the office to answer phones and greet visitors/clients. However, since the shutdown, I have been teleworking with no problems associated with my work performance. I actually believe my efficiency level has increased as well, proving positions like mine can be successfully accomplished by teleworking."

Jeanne Pekny, Program Administrative Specialist, AFSCME Local 1072

To ensure telework programs are equitable and fair, changes to existing Law are necessary

While existing state law established a telework program for state employees, and in 2013 the Maryland General Assembly placed a 15% participation goal among eligible employees—changes are necessary to ensure that all employees who are capable of working remotely have equitable access to participate in the state telework program.

AFSCME Proposed Amendments to HB 73

1. Include Maryland's Higher Education employees in HB 73.
2. Require telework policies to be negotiated where there is an exclusive bargaining representative.
3. Prevent teleworkers from becoming 2nd tier employees. Require that participation in telework is voluntary and that those who do choose to telework are treated the same as non-teleworkers for the purposes of performance evaluations, access to trainings, assignments, promotions, and discipline.
4. Protect workers from unfairly being denied the opportunity to telework. Require that telework can only be terminated for cause and that state employees may grieve disputes.
5. Following the Department of Budget and Management's Telework Policy, set a minimum threshold of what telework programs must cover, including:
 - Office supplies
 - Hours of work
 - Equipment (both employers supplied and personal)
 - Expenses incurred by the employee
 - Mileage and travel
 - Training for employees and managers
 - Discipline and performance
6. HB 73 requires the State to produce an annual report to the legislature on the number of state employees who are eligible to telework. Also include the following information in this report:
 - The savings realized through the telework program
 - Demographical information of who is participating in the telework program by race, gender, location, and job grade.



We thank Del. Carol Krimm and Sen. Nancy King for introducing this important legislation. Please support HB 73 with the AFSCME amendments.

For more information, contact Denise Gilmore:
dgilmore@afscmemd.org; 410-350-1711