

STATE OF MARYLAND  
JUDICIARY

Policy on Telework

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I. PURPOSE

The purpose of this policy is to provide the guidelines and define qualifications for use of telework as a work-life alternative. Teleworking in the Judiciary is a management option, not an employee right.

II. DEFINITIONS

A. **Administrative Official:**

1. The Clerk of Court for the Court in which the employee works;
2. The Administrative Clerk of the District Court for the district in which the employee works;
3. The director of the respective department or office within the Courts of Appeal, the District Court Headquarters, or the Court-Related Agency in which the employee works; or
4. The State Court Administrator for employees within the Administrative Office of the Courts.

B. **Contractual Employee** – Any person whose condition of employment and compensation are specified in a personal services contract.

C. **Main Work Site** – An employee's usual and customary work site, as assigned.

D. **Regular Employee** – Any person holding a position funded under an approved budget and having an assigned Position Identification Number (PIN), not including contractual and temporary positions, and those positions held by Judges, Masters, and Law Clerks.

E. **Remote Work Site** – A work site other than the employee's main work site. This may include the employee's home, a telework center, or another Judiciary site. All remote work sites must be in Maryland.

F. **Telework** (also known as Teleworking or Telecommuting) – The practice of working from a remote work site, such as home or a satellite work center, instead of commuting to the main work site.

G. **Teleworker** – An employee who has entered into a formal agreement with the Maryland Judiciary to be permitted to work at a remote work site.

- H. **Teleworking Schedule** – A flexible deployment of staff to meet the Judiciary’s and employee’s needs. Telework may occur on a regular schedule (e.g. one day each week), or on an intermittent or episodic basis.
- I. **Temporary Employee** - An employee whose condition of employment is short-term (usually less than one year), whose compensation is not specifically budgeted, and is not governed by a personal services contract.
- J. **Types of Telework:**
  - 1. Home based – Working in an area in an employee’s residence specifically set aside as a workspace to be used during teleworking hours;
  - 2. Satellite or Telework Center – A facility that offers office-like workstations and electronic equipment that is used to house teleworking employees;
  - 3. Other Judiciary Sites – Another office and/or court facility owned or leased by the Judiciary. (Note: Use of such sites is only available contingent on all parties’ agreement, including the host site management.)
- K. **Work Week** – Wednesday through the following Tuesday.

### **III. SCOPE**

Within the qualifications specified herein, this policy covers all eligible regular employees, except District Court Commissioners, who have successfully completed initial probation, and contractual and temporary employees who have successfully completed six months of service.

**The State Court Administrator has determined that executive level staff and administrative support staff of the Administrative Office of the Courts are prohibited from teleworking.**

### **IV. POLICY STATEMENT**

Teleworking in the Judiciary is a management option, not an employee right. It is a privilege extended to employees as a voluntary option with the clear understanding that every job may not be adaptable for remote work, nor every employee qualified to utilize the option. Telework is not an option that an employee can demand or has a right to expect. It is, instead, an option that management uses whenever it determines that it is most appropriate for the situation and the circumstances.

### **V. POLICY GUIDANCE**

Teleworkers, their supervisors, and other involved staff should consult with the Judiciary Human Resources Department if they have any questions or concerns regarding the implementation of an employee’s telework agreement.

**VI. APPROVING AUTHORITY**

**The Administrative Official will have the final authority for approval, disapproval, modification, and/or termination of an employee's telework agreement.** The Administrative Official may, at his or her discretion and at any time and for any reason, choose to implement or to discontinue a telework agreement for an employee or all employees within the court, department, agency or office for which the Administrative Official is responsible.

**VII. EVALUATION CONSIDERATIONS FOR TELEWORKING**

Administrative Officials, managers, supervisors, and employees will work together to evaluate whether an individual position or an individual employee qualifies given the eligibility criteria listed below.

**A. Eligible Positions**

Positions eligible to telework will be characterized by factors such as:

1. Work which can benefit from quiet or uninterrupted work time;
2. Face-to-face interaction with supervisor, coworkers, the public, and other work resources can be structured such that the employee need not be physically present in his or her main work site on a daily basis;
3. Duties and assignments are characterized by clear work objectives that can be accomplished in a remote work location as effectively as in the main work site;
4. The employee can demonstrate progress toward specific measurable work related outcomes as agreed upon in a work plan with the employee's supervisor. These measurable outcomes should be equivalent to the amount of work expected to be performed if the employee was located at the main work site.

These criteria are not exhaustive. Individual Administrative Officials, managers, supervisors, and employees may identify other criteria unique to the position that may permit or exclude the telework option.

Examples of work that may be suitable for telework include:

Research and Analysis of Data	Audit Report Preparation
Writing, Editing and/or Preparing/Typing Documents	Evaluation of Data
Programming	Data Management
Financial Analysis or Budget Preparation	Contract Preparation

**B. Eligible Employees**

1. Telework involves a commitment on the part of the employee to:
  - (a) Be available and engaged in the assigned work during agreed-upon work hours;

- (b) Perform work in a specifically designated location at home or other agreed-upon remote work site; and
  - (c) Request and use leave and maintain time and attendance reports in accordance with normal leave approval and time and attendance accounting procedures.
2. Characteristics that should be considered in determining an employee's eligibility for telework include: The employee should be
- (a) Self-motivated, adaptable, responsible and disciplined, and have a desire to telework;
  - (b) Able to work with limited interaction with supervisors and coworkers;
  - (c) Familiar and comfortable with job requirements;
  - (d) Knowledgeable of all applicable Judiciary policies and procedures;
  - (e) Successful in current position (the employee's work performance and disciplinary and leave records will be considered);
  - (f) An effective communicator (in many modes, e.g., e-mail, telephone, written, etc.) with the necessary tools to perform the work; and
  - (g) Accessible by telephone, e-mail, or other agreed upon communication devices during normal work hours.

**VIII. TELEWORK EMPLOYMENT, COMPENSATION, JOB CLASSIFICATION, EMPLOYEE DUTIES AND RESPONSIBILITIES, LEAVE AND ATTENDANCE RESPONSIBILITIES**

- A. Telework employees are subject to all the same Judiciary, Federal, State and local policies, laws, and regulations that apply to all Judiciary staff.
- B. The teleworker's duties, work product expectations, obligations, responsibilities, and conditions of employment, will be unaffected by teleworking.
- C. The teleworker's salary, pension benefits, and State of Maryland sponsored insurance coverage will remain unchanged by the Judiciary Teleworking Agreement.
- D. The nature and conditions of work hours, overtime compensation and compensatory time, and leave usage must conform to the Annotated Code of Maryland, Judiciary policies, the provisions of the Judiciary Teleworking Agreement, and the terms otherwise agreed upon between the employee and the Administrative Official.
- E. Time and Attendance Record Keeping: teleworkers will utilize the same leave codes, procedures, and forms in the same manner as other Judiciary staff. The employee will use the appropriate code on the days the employee teleworks.
- F. The teleworker will be responsible for maintaining a safe remote work site environment, if the site is at the teleworker's home.

- G. The holding of work-related meetings while at home is not permitted.

**IX. AUTHORIZED EXPENSES AND SERVICES**

- A. The teleworker must have a telephone and designated workspace with appropriate equipment and supplies to do the assigned work. The teleworker will have full responsibility for the purchase, loan, repair, or maintenance of the equipment, furnishings, facility, and utilities of a home-based telework site.
- B. In cases where Judiciary equipment, software, or other expenses for home-based telework, or use at a telework center, or other remote work site is approved, the employee is responsible for any damage, loss, or other unwarranted costs that occur because of his or her negligence, misuse or abuse. Such equipment shall remain the property of the Judiciary and shall be returned upon the termination of the telework agreement.
- C. Work related long distance telephone calls should be planned during "in-office" days.

**X. TELEWORKING SITES, EQUIPMENT, AND RELATED ENVIRONMENTAL AND SAFETY REQUIREMENTS**

- A. The designated telework site must be dedicated during telework hours as the official workspace and must conform to the criteria listed in the Telework Workspace Self-Certification Checklist.
- B. While working in this designated telework site, the teleworker is covered by the Maryland Workers' Compensation law. In case of injury, the teleworker or, if this is not possible, a person acting on the teleworker's behalf, must follow all rules regarding notification and documentation as specified in this law. This coverage will apply only during work hours specified in the Judiciary Teleworking Agreement between the employee and supervisor and will exclude injuries during non-work hours.
- C. The Judiciary is not liable for damages to the teleworker's personal or real property while the teleworker is working at the remote work site, except to the extent adjudicated to be liable under Maryland Law.

**XI. TELEWORK SITE INSPECTIONS**

- A. The Administrative Official or supervisor may make on-site inspections/visits to the teleworker's remote work site for purposes of determining whether the site is safe and free from hazards and to maintain, troubleshoot, or service Judiciary-licensed software. As relevant, the Administrative Official or supervisor may inspect, maintain, repair, or retrieve Judiciary owned equipment, software, data, or supplies.
- B. Inspections shall only be made during normal Judiciary core work hours.

**XII. TELEWORK AGREEMENT AND WORK PLAN PROCEDURE**

- A. The Administrative Official shall determine which positions and employees within his or her realm of responsibility are eligible for teleworking.
- B. The Administrative Official, or his/her designee, and employee will agree upon the designated telework days and hours.
- C. **Teleworking is voluntary and may be terminated by either the Administrative Official or employee at any time.** The Administrative Official, or his/her designee, may require the employee to modify the telework agreement at any time.
- D. Before an employee and Administrative Official, or his/her designee, enter into a telework agreement, they shall jointly review the following, which can be found on the Judiciary's website Human Resources page:
  - 1. The Judiciary Policy on Telework;
  - 2. The Judiciary's Teleworking Agreement;
  - 3. The Judiciary's Telework Workplace Self-Certification Checklist; and
  - 4. The Judiciary's Teleworker Work Plan.
- E. The employee shall complete, sign, and return to the Administrative Official the Judiciary's Teleworking Agreement and the Judiciary's Telework Workplace Self-Certification Checklist.
- F. The Teleworking Agreement must be reviewed, modified, and reissued on at least an annual basis, or more often as determined by the Administrative Official.
- G. The Administrative Official may take appropriate disciplinary against the teleworker for failing to comply with the provisions of the telework agreement.
- H. A copy of the telework agreement and work plan for an employee must be sent to the Judiciary Human Resources Department, Office of Employee Relations. The agreement and plan will be kept on file for information purposes only.

**XIII. CHILD and DEPENDENT CARE**

- A. Teleworking is not a substitute for child or dependent care. Teleworkers shall not act as primary care givers for children or dependents during agreed upon work hours.
- B. The teleworker must continue to make arrangements for child or dependent care as if the teleworker was working at the main work site.

**XIV. LIMITATIONS**

- A. Although an Administrative Official has the discretion to determine whether or not

teleworking is allowed for the employees under his or her authority and the conditions and parameters under which it is allowed, that discretion shall not be exercised in a manner that is contrary to the plain language or intent of this policy nor in any way that negatively affects the operation of the court or office for which the Administrative Official is responsible.

- B. **Under no circumstances may any employee be allowed to telework more than one day in any work week.**

#### **XV. MONITORING OF THE AGREEMENT**

- A. The Administrative Official, or his or her designee, shall monitor on a regular basis the work product of an employee who has a telework agreement. This may include whatever monitoring or work verification measures the Administrative Official deems appropriate, including, but not limited to, formalized work plans for a particular day, work product logs, telephone logs, "check-in/check-out" telephone calls or emails, or other such measures that prove that the employee was working and producing work on telework days as expected.
- B. The employee must produce a work product, both in quantity and quality, that is a requirement of the agreement and that is acceptable to the Administrative Official. The work product must not be any less acceptable than that of a similarly situated employee who does not telework.
- C. The Chief Judge of the Court of Appeals or the State Court Administrator, or anyone designated to act on their behalf, may review a telework agreement of any Judiciary employee at any time and review the work product of the employee. The Chief Judge of the Court of Appeals or the State Court Administrator, in consultation with the employee's Administrative Official, may rescind a telework agreement at any time if either determines that a sufficient work product is not being realized, the telework option is being mismanaged, or for any other reason either deems to be appropriate.

#### **XVI. CONFIDENTIALITY**

The teleworker and the Administrative Official shall take appropriate safeguards to secure confidential data and information.

#### **XVII. DISCONTINUATION OF THE POLICY**

The Chief Judge of the Court of Appeals, at his or her discretion, may discontinue this policy at any time and for any reason, Judiciary wide.

#### **XVIII. POLICY NOT SUBJECT TO A GRIEVANCE ACTION**

**The approval, denial, modification, or termination of a Telework Agreement are not subjects for a grievance action.**

#### **XIX. INTERPRETIVE AUTHORITY**

The Judiciary Human Resources Department, in consultation with other parties as appropriate, is responsible for the interpretation of this policy.