

**MEMORANDUM OF AGREEMENT
BETWEEN
MONTGOMERY COUNTY GOVERNMENT
AND
UNITED FOOD AND COMMERCIAL WORKERS, LOCAL 1994
MUNICIPAL AND COUNTY GOVERNMENT EMPLOYEE ORGANIZATION**

This Memorandum of Agreement (“Agreement”) is entered into between the Montgomery County Government (“County”) and the United Food and Commercial Workers, Local 1994, Municipal and County Government Employees Organization (“MCGEO”), (collectively “the Parties”).

Our Long-Term Vision for Telework- 2021 and Beyond

As an organization, we want to enable employees to work in the way that best advances County goals. Telework is a way of working that can increase our productivity and we want to enable that productivity to the greatest extent possible. Teleworking is primarily a means to effectively and efficiently accomplish the work of the County. This document seeks to outline the County's long-term vision for teleworking and remote work, and map out how we will get to this future state. We also note that while telework is a critical element of a remote friendly workplace, other options are available to employees and managers to accomplish this goal. These options include the use of compressed work schedules and flextime.

Our goal is for a County government using increased telework to establish a more efficient, responsive, and resilient approach to providing services to residents and businesses in the community. We envision a County government using telework to:

- Increase the speed and efficiency of services delivered to residents and businesses, meeting them where they are to increase access
- Provide healthy work environments to foster an engaged workforce better able to balance work and life commitments
- Expand and enhance the employee talent pool by reducing location and transportation barriers to public service
- Build a more resilient organization prepared for future crises where we limit barriers to getting work done when in-office work is not possible
- Drive adoption of technology to improve the work this government performs
- Lead other organizations within the County towards achieving environmental and health goals through more limited commuting

General Roles and Responsibilities

Roles and Responsibilities

Our telework future relies on multiple parts of the organization coordinating action through defined roles and responsibilities.

Office of Human Resources -Administers County Telework Policy

- Acting through a County Telework Manager, provides Countywide oversight to the program and finds ways to continuously improve teleworking.
- Sets and reports on Countywide goals.
- Provides position suitability and employee eligibility criteria for the Departments to apply.
- Holds Departments/Offices accountable to achieving the goals set forth in this policy.
- Provides direction and determination on telework policy to Departments in the areas of pay and leave; agency closure; performance management; official and remote worksite; recruitment and retention; and accommodations for persons with disabilities.
- Coordinates with other departments that play a role in teleworking such as Occupational Medical Services, Risk Management, Department of Technology Services.
- Acts as an information resource for Teleworkers, Departments and Supervisors.
- Supports departments, teams and employees to grow the abilities (including through education and training) of the organization to adopt the new ways of working.
- Manages the negotiated appeals process with the Union.

County Departments - Implement County Telework Policy

- Identify positions eligible for telework within the department and determine telework levels based on demonstrated operational needs (examples of operational needs include coverage, service level agreements and demands, work methods, etc.). Levels will be determined by department, division, office, section, team, and program area as applicable.
- The County will provide the Union with the telework levels, and the explanation of demonstrable operational needs by each department no less than sixty (60) days prior to the start of each telework agreement period.
- MCGEO will be afforded a thirty (30) day comment period beginning the date MCGEO is provided with the department telework levels. The County will consider MCGEO's comments with respect to levels, prior to issuance.
- The County shall not issue the telework levels prior to the completion of the thirty (30) day comment period afforded to the Union.
- Identify an engaged Telework Point of Contact (POC) to help the department incorporate Telework into their daily business operations and be a resource for Teleworkers and Supervisors
- Maintain telework agreements and ensure every teleworker has a signed telework agreement.
- Determine position suitability for participation in telework
- Work with County Telework Manager to implement County telework goals consistent with operational needs.
- Report to OHR on the progress of implementing the County's telework policy to include the number of telework participants, the frequency of participation, and the percentage of work hours done by telework.

- Incorporate Telework into departmental COOP Plans consistent with existing County policies and procedures.

Supervisors - Enable Individual and Team Telework Success

- Implement telework agreements with individual employees and establish clear expectations with the employees.
- Ensure the individual has the training and equipment appropriate for successful teleworking.
- Identify and remove barriers to telework by utilizing new and/or available technologies and updating work processes, consistent with operational need.

Teleworkers - Maintain services and outcomes for County residents.

- Collaborate with supervisor to execute a telework agreement.
- Prepare and plan for unexpected teleworking situations to ensure organizational resilience in the face of emergencies.
- Teleworking employees are expected to be able to attend on-site events that are needed to fulfill the responsibilities of their position. Each employee's teleworking agreement will clarify expectations regarding on-site availability. Just as with on-site employees, commuting expenses are the responsibility of the employee. Residency requirements for teleworking employees are not different from residency requirements for on-site employees.

Participation in Telework

Participation in the telework program is voluntary. The expectation is that any employee in a position eligible for telework will be prepared for telework should the occasion arise. Employee participation in telework may fall in one of the following categories:

- Recurring telework- employees work from a remote location on a regular, recurring basis consistent with the department's established telework levels.
- Intermittent/Situational telework- employees would generally work on-site but would telework for limited periods of time based on either circumstances impacting the availability of the County worksite, or job responsibilities that could best be accommodated by working remotely.
- On-site - employees do not telework. While not working remotely, these employees will have to work in a way that enables a partially remote organization to succeed. For example, documents should be available electronically, meetings should include video conferencing in such a way that does not discriminate against remote employees, and notices posted to publicly accessible places should be accessible remotely.

Duties typically suitable for remote work/telework

Most types of duties, apart from those listed in the subsection below, should have components which are "portable" and thus should be at least in part compatible with remote work. These tasks do not require employees to be physically present at the worksite. Examples include:

- Reading/reviewing documents, articles, emails

- Data entry and analysis
- Receiving and making telephone calls
- Performing research
- Analyzing documents and studies
- Preparing written letters, memorandums, reports, and correspondence
- Preparing presentations
- Participating in virtual programs/events
- Setting up and participating in conference calls, online/virtual meetings
- Engaging in telehealth related activities
- Participating in and creating professional development and training

Duties not typically suitable for remote work/telework

Functions which require on-site, physical interface or interaction in order to be fully effective typically do not lend themselves to being performed effectively remotely. In some cases, these interactions may involve direct service to the public; in other cases, the duties require a physical presence for other reasons and may include interactions with:

- Specific locations or events - e.g., a building or other structure, a recreation center, a park, a promotional event such as product or service demonstration, a festival or other celebration, on site regulatory inspections, correctional facility, nursing homes, health clinics that provide services that cannot be delivered through telehealth, shelters, etc.
- Equipment - e.g., a transit bus, a backhoe, a snowplow, a bicycle
- Individuals - e.g., people that require in-person interaction or oversight, etc.
- Outside organizations or entities - that require in-person interaction or oversight e.g., a senior living complex, hospital, etc.

Employee Requests to Telework

When evaluating employee requests for telework, supervisors must respond to the request consistent with the department's established telework level. The request and approval process should consist of a conversation between the supervisor and employee with respect to the amount and frequency of telework given the duties of the position and operational needs of the department. Supervisors must approve or deny the employee's telework request within fourteen (14) calendar days.

The Union may submit an appeal on behalf of an individual employee who is approved or denied for telework at a level below the department's maximum established telework level.

Tools and Equipment

County-Provided Tools and Equipment

The County will provide the equipment an employee needs to perform their assigned duties at one specified work site. The County will not provide additional equipment if an employee

chooses to work from multiple sites such as a home office and at a county office building. Employees can bring home equipment that is currently provided for their exclusive use (e.g., a special ergonomic chair, equipment provided as an ADA accommodation, a laptop, or docking station) with Manager's/Supervisor's approval. Such requests shall not be unreasonably denied. Shared equipment must remain at the office (e.g., printers, copiers). The County will not provide unreasonable duplicate items, equipment or devices.

A teleworker may take supplies or furniture, needed at their remote work location from their main worksite with the Manager's/Supervisor's approval. Such requests to take supplies or furniture needed at the remote work location from their main worksite shall not be unreasonably denied. Managers/Supervisors are responsible for tracking, recording, and updating a list of County owned furniture, equipment, and devices in use by teleworkers within the employee's Telework Agreement. Home deliveries of furniture or equipment will only be made in response to an ADA related requirement. The Teleworker will not be reimbursed for out-of-pocket expenses for supplies or services regularly available at the main worksite such as paper, pens, printing, faxing, and scanning.

Employee-provided Equipment/Utilities

Personal Devices

Unless equipment is provided by the County, the teleworker is responsible for the purchase, installation, configuration, maintenance of all equipment and services needed to telework. The County shall not be responsible for the purchase, maintenance, repair and operational costs of any personal devices. Employees are responsible for ensuring access to bandwidth to perform their assigned duties. Employees are expected to acquire internet service and other general utilities at their own expense.

The use of personal mobile devices for County work is permitted but devices must always be password protected and encrypted in accordance with security protocols established by the Department of Technology and Enterprise Business Solutions (TEBS). Documents, information, and emails concerning County business remain the property of the County, including when they are stored on personal devices. Sensitive information must not be stored or accessed on non-County controlled devices.

Workspace

Telework is only permitted to be done in the designated workspace. The teleworker must designate and maintain a clean, safe, and productive workspace at the Remote Work Location that is adequate for accomplishing necessary tasks and free of obstructions and distractions. Employees are responsible for self-certifying that the Remote Work Location is safe for the work they will be performing on behalf of the County. Completion of the Telework Agreement indicates that the employee has self-certified they can safely perform their job duties in their telework workspace.

While teleworking, the employee shall report any work-related accident occurring at the telework site and provide the supervisor with all relevant information related to the incident. In the

event of a work-related accident or injury, an employer representative may need to access the remote worksite to investigate the claim following a reported workplace illness or injury. Any inspection will be scheduled with the employee.

Teleworkers are required to immediately notify management of any changes that may alter their telework agreement.

A teleworker, who participates in the Telework Program more than half the time, may be required to relinquish their office space and utilize a hoteling station when they are at the Main Worksite. In the event a teleworker does not have a dedicated workspace at the Main Worksite, the teleworker will be provided with a locking cabinet or drawer in which personal items may be stored for safekeeping while they are at the main worksite.

Security

Teleworking employees must follow the same County and Departmental security and privacy practices that are required at the primary workplace. The County may assess or enforce additional security protections on personally owned devices systems or systems. County business must never be conducted from a non-County email address.

Terms and Conditions of Telework Agreements

- A. While teleworking, the employee is bound by all Employer rules, policies, practices, and instructions as if they were working at the official duty station.
- B. The employee understands that they must comply with the terms of their Telework Agreement. If performance requirements or conduct expectations are not met, the Employer will follow the negotiated procedures of the CBA.
- C. If a County employee who typically teleworks on a given day is needed to be physically present at the worksite due to demonstrated operational need, they may be required to change their telework schedule for a period not to exceed 10 working days. Employees must be prepared to report to the office with 24 hours' advanced notice.
- D. Where the Employer has a demonstrated operational need to modify an employee's telework agreement for longer than 10 working days, the Employer will provide the employee notice in accordance with applicable CBA schedule change provisions.
- E. Telework agreements will be effective for a period of two (2) years and correspond with the calendar year.

Appeals

A. Eligibility

MCGEO may appeal a department's established telework level(s) where the Union believes the department has failed to demonstrate an operational need in accordance with the process described in section B below.

The Union may submit an appeal on behalf of an individual employee who is approved or denied for telework at a level below the department's maximum established telework level in accordance with Section B of this agreement.

The County Telework Manager or the Union may consolidate telework appeals for employees in the same department who are in the same position classification and share job functions.

B. PROCESS

The Union and the Employer share a joint interest in resolving disputes arising from an employee's telework request. In order to minimize these disputes, the parties agree to utilize the following process:

Step 1: A written request appealing the department's telework level(s) must be submitted to the County Telework Manager by the Union within fourteen (14) calendar days from the date of the issuance of the level(s). Within fourteen (14) calendar days of receiving the appeal request, a step one (1) meeting will be scheduled with a representative from the Department, OHR, OLR and the Union to make reasonable efforts to informally resolve the matter prior to the panel review identified in the section below.

A request appealing the department's decision on a telework request must be submitted through the County's electronic telework system by the Union within fourteen (14) calendar days from the date of the decision on the telework request. Within fourteen (14) calendar days of receiving the appeal request, a step one (1) meeting will be scheduled with a representative from the Department, OHR, OLR and the Union to make reasonable efforts to informally resolve the matter prior to the panel review identified in the section below.

Step 2: If the matter is not fully resolved in Step 1, the Union may, within five (5) days of the conclusion of the timeframe in Step 1, file a request with the County Telework Manager to convene a five (5) member panel. The panel will be comprised of two representatives from the Union, two representatives from management and a mutually agreed upon mediator. The panel will convene within sixty (60) days of the request, unless otherwise agreed by the parties. Panelists will not review appeals originating within their department. Similar to the ADR process, each side will be permitted to make a brief presentation before the panel not to exceed twenty-five (25) minutes, with each side having the opportunity to respond not to exceed five (5) minutes each. The panel members will then have the opportunity to question the respective parties, after which the panel will caucus in private and present a recommendation. If the recommendation is not adopted by the County, the Union may invoke arbitration in accordance with the CBA.

Data Sharing


The Employer shall submit to the Union within 60 days from the effective date of this agreement a list of positions that it believes are not conducive to telework on an on-going basis (ex. bus operator). The Employer must give specific justification for each position on the list based on the duties of the positions. Department telework levels must be provided to the Union when demonstrated operational need requires changes to those levels.

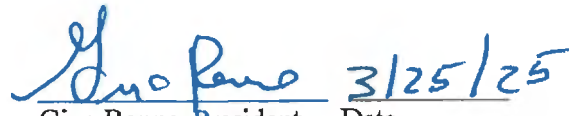
Policy Review

The parties will meet on a semiannual basis to evaluate the effectiveness of the telework program and will meet to address any unforeseen issues on an as needed basis.

For Montgomery County:

For the Union:


Richard S. Madaleno Date
Chief Administrative Officer


Gino Renne, President Date
MC GEO, Local 1994


Jennifer Harling, Chief Labor Relations Officer
Office of Labor Relations

4/1/2025
Date

Approved for Form and Legality:


Silvia Kinch, Chief 4/8/2025
Date
Division of Labor Relations & Public Safety
Montgomery County Attorney's Office