A. Purpose

To provide guidance on permissible conditions for teleworking.

B. Background

1. Frederick County Public Schools (FCPS) supports teleworking as an effective way to recruit and retain excellent employees, honor professionalism, increase flexibility, improve employee productivity, reduce the amount of time employees spend commuting to and from work, ease traffic congestion, reduce the environmental impact of car emissions, conserve office space, and promote a healthy balance between home and work.

2. Teleworking is a flexible work location agreement available to FCPS employees when a mutually beneficial situation exists and when there is an agreement between the employee and the appropriate supervisor and chief that it is most appropriate for the situation and circumstances.

3. Teleworking is not universally available to all job classes or positions and must be approved in advance by the appropriate supervisor and, as appropriate, chief.

4. Telework is not an option that an employee can demand or has a right to expect. Employees approved to participate in the FCPS telework program are subject to the same Board of Education of Frederick County (Board) policies and FCPS regulations, procedures, and practices, regardless of their work location. The employee's work hours, compensation, benefits, work status, and work responsibilities will not change due to their participation in the telework program.

C. Definitions

1. "Alternate Work Location" is defined as a setting appropriate for completing the employee's assigned duties that is not the employee's primary work location.

2. "Portable Duties and Responsibilities" are defined to include an employee's responsibilities that generally can be performed at an alternate work location.

3. "Primary Work Location is the employee's usual and customary FCPS work address.

4. "Regular Telework" is defined as telework which occurs on a regularly scheduled basis.

5. "Situational Telework" is defined as telework that is approved on a case-by-case basis, or that is not part of a Regular Telework schedule.

6. "Telework Program" or "Telework" is defined to mean a work arrangement that allows an employee to perform work, during any part of regular, paid hours, at an approved alternative worksite (*e.g.*, home) with the approval of a supervisor.

7. "Teleworker" is defined as an employee who is approved by their supervisor to participate in FCPS' Telework Program.

8. "Teleworking" or "Telecommuting" is defined as the practice of working away from an employee's primary work location, such as home or an alternate work location, instead of commuting to the primary work location, and does not alter the employee's duties or work standards/competencies.

D. Procedures

1. **Participation.** An employee who participates in the Telework Program is subject to all Board policies and FCPS regulations including, but not limited to, those related to: confidentiality; disclosure and security of information; conflict of interest; equal employment opportunity; workplace conduct; and acceptable use of information and communications technology resources.

2. **Eligibility.** When considering appropriateness of a telework request, the following criteria should govern the request and subsequent supervisor review.
   a. The position has tasks that are portable and can be performed from a location other than the primary work location.
   b. Responsiveness and transparency to the public or work demands will not be affected by telework.
   c. Data security can be maintained.
   d. Service to internal and external stakeholders will be maintained at the level as when working from the primary work location.
   e. Operational requirements will be met.
   f. Telework is not to be used in place of leave; however, it may be an option employees request in lieu of leave when circumstances allow and with supervisor approval.

3. **Workspace**
   a. The Teleworker is expected to designate and maintain a clean, safe, confidential, and productive workspace at the remote work location that is adequate for accomplishing necessary tasks.
   b. Unless approved, a Teleworker is not to conduct in-person work related meetings with individuals or co-workers at the remote work location. When a meeting is scheduled on a day the Teleworker is scheduled to telework, the Teleworker is expected to go to the assigned FCPS work location to attend the meeting or participate in a virtual meeting.

4. **Workers' Compensation.** During telework hours, the Teleworker is covered for any injury arising out of and in the course of employment pursuant to Maryland State Workers' Compensation law. A Teleworker who is injured while working at the Teleworker's remote

work location is required to follow established FCPS procedures for reporting on-the-job injuries, as outlined in FCPS Regulation 200-11, *Reporting of Work-Related Injury or Illness by Employees and Volunteers*, and on FCPS's website at FCPS / Departments / Safety & Emergency Management / Risk & Safety Management.

5. **Telework Schedule and Availability**
   a. Schedules may be developed on a full-time or part-time basis. Telework days may be five days a week or a hybrid schedule of telework and in-office work (*e.g.*, telework three days a week and at the workplace two days a week).
   b. Before the start of telework, a telework schedule must be approved by the supervisor of the Teleworker.
      i. Identify the days and hours to be teleworked.
      ii. Identify the approved remote work location.
      iii. Signature of supervisor and employee.
   c. It is an expectation the Teleworker must be available by phone, email, or both during the scheduled telework hours, with the exception of meal periods, breaks and scheduled appointments.
   d. Work schedules at the remote work location will typically parallel those at the main worksite but can be structured to meet the needs of the Teleworker, the supervisor, and the organizational mission.
   e. The total number of hours a Teleworker is expected to work per day or per pay period will not change due to participation in the Telework Program.

6. **Telework as a Workplace Accommodation.** Employees seeking telework as an accommodation related to a disability or pregnancy are encouraged to visit FCPS / Staff / Benefits / ADA Accommodations or to email ADA.Request@fcps.org for additional information on this process.

7. **Work Performance**
   a. A Teleworker participating in the Telework Program is expected to satisfactorily perform the Teleworker's duties and responsibilities at the remote work location and will have the Teleworker's performance evaluated according to the same performance expectations as a non-teleworking employee. Consequently, it is critical that the remote work location be free from distractions and the employee free from obligations which would impair their ability to provide the same time and level of attention to the work product as when working at the Teleworker's main worksite.
   b. It is an expectation that a Teleworker not act as a primary caregiver for dependents during the agreed-upon work hours. This does not mean dependents will be absent from the home during the telework hours. It means that they will not require the Teleworker's attention during work hours. It is the responsibility of the Teleworker to make appropriate arrangements for dependent care to permit concentration on work assignments.
   c. A Teleworker's job responsibilities will not change due to participation in the Telework Program. The supervisor may require the Teleworker to submit regular status reports or other information to help evaluate work performance.

d. Virtual routines and structures should mirror those of an employee's typical work schedule and environment. Employees should utilize best practices for telework including:
   i. Being accessible and available;
   ii. Providing regular updates on tasks;
   iii. Engaging in timely communication with colleagues and supervisors;
   iv. Utilizing appropriate background setting and attire for virtual meetings; and
   v. Ensuring effective use of required technology tools to perform work remotely.

8. **Telework Termination.** An employee's supervisor may terminate a telework arrangement if performance is not satisfactory, or if it is in the best interest of FCPS to have the employee present in the building.

9. **Income Tax.** It will be the Teleworker's responsibility to determine what, if any, income tax implications there may be in maintaining a home office area.

10. **Liability**
    a. FCPS will defend and indemnify a Teleworker who is teleworking at the Teleworker's remote work location for all claims arising out of and within the Teleworker's scope of employment consistent with the provisions of the Local Government Tort Claims Act and other applicable laws.
    b. FCPS is not liable for any loss, destruction or damage to property or for any injury or loss to third persons occurring at or around the Teleworker's remote work location.

11. **Technology**
    a. Upon approval from the employee's supervisor through the work order process, the FCPS Department of Technology Infrastructure (DTI) will provide staff with virtual private network (VPN) desktop access through this web address: FCPS Connect.
    b. Helpdesk staff are available to assist during normal business hours (Monday through Friday, 7:00 A.M. to 5:00 P.M.). The Helpdesk can be reached at (240) 586-7890 or using the FCPS Help Desk website.
    c. The telework computer must meet all current VPN-related and other security requirements as established by the FCPS DTI.
    d. The Teleworker is strongly encouraged to use the laptop issued by FCPS. Any personal technology that is used in conjunction with FCPS technology to support telework will be at the employee's own risk.

12. **Supplies/Equipment**
    a. Employees are expected to use office supplies obtained through their normal office setting whenever possible.
    b. If a Teleworker needs office supplies to fulfill their responsibility at the remote location which the Teleworker cannot obtain through FCPS, with prior supervisor's approval, the Teleworker can order the supplies and seek reimbursement, with the understanding that FCPS cannot reimburse for state sales tax.

c. If an employee needs to use FCPS equipment to perform the employee's job at the remote site, the employee may request to use such equipment with supervisor permission so that the item is properly documented and tracked.

13. **Confidentiality**
    a. A Teleworker is responsible for protecting the confidentiality, integrity and availability of data, information and paper files used when teleworking. A Teleworker must follow all applicable Board policies and FCPS regulations, as well as federal and state policies, laws and regulations to protect data accessed or maintained while teleworking. In addition, teleworking employees must adhere to the following:
        i. Protecting information assets from unauthorized access and use by others, including family members, friends and other visitors.
        ii. Leaving information assets only in secured locations and not in unattended or unlocked vehicles or other locations where they may be easily stolen.
    b. The use of employee-owned devices is strongly discouraged. Should the need arise to use a non-FCPS device or personal laptop/tablet, the request must be reviewed by the FCPS DTI to ensure the devices meet or exceed FCPS security requirements.

14. **Identification of Employees for Telework.** Supervisors will evaluate individual jobs for eligibility for a telework option based on the following criteria:
    a. The expectations and the needs to fully execute responsibilities of the job on behalf of the school system.
    b. The employee's desire to telework.
    c. The employee's history of work performance.
    d. The employee's demonstration of an ability to work effectively and independently.
    e. The tools necessary to perform the work.
    f. Scheduling issues.
    g. The viability of the off-site job location.
    h. The ability to manage work hours and employee expenses.
    i. The employee is currently in a position approved for telework.
    j. The best interests of the school system.

15. **Telework Agreements**
    a. Teleworking is a voluntary option extended to employees with the clear understanding that every job and every employee may not be adaptable for remote work, and it is an option that can be modified or rescinded by the supervisor or terminated based on performance of the employee.
    b. Employees in approved telework positions who are requesting approval to continue teleworking must request it each year.

16. **User Responsibilities for Computer Systems and Network Security**
    a. FCPS retains ownership of all equipment provided for telework. When FCPS equipment is used at a remote workplace, the employee is financially responsible for that equipment if it is lost, stolen, or damaged because of that employee's negligence, misuse, or abuse in accordance with FCPS Regulation 200-46, *Property Assigned to FCPS Employees – Procedures for Issuance and Return*.

b. The use of any personal equipment by the employee for purposes of telework is done solely at the employee's risk. Teleworkers must protect information and resources against theft, unauthorized access, tampering, and loss in accordance with, but not limited to: FCPS Regulation 200-49, *Personally Identifiable Information (PII) for FCPS Officials*; FCPS Regulation 301-03, *Technology Use, Staff*; Board Policy 208, *Data Security*; and FCPS Regulation 208-01, *Systemwide Cybersecurity*.

17. **Employee Acknowledgment**
    a. Any employee who wishes to telework must acknowledge they have read and reviewed FCPS Regulation 300-02, *Teleworking*, and secured approval using the Telework Employee Acknowledgment Form.
    b. By signing the telework agreement the employee indicates the following:
        i. I have received a printed/electronic copy of Regulation 300-02 Telework.
        ii. I understand the expectations and obligations associated with telework.
        iii. I understand that telework is a work option that is subject to change based on the needs of the position and is not guaranteed as a permanent adjustment.
        iv. I understand that FCPS reserves the right to revise the content of this agreement or its terms, in whole or in part, at its discretion.

E. Related Information

1. **Board Policy**
    a. Policy 208, *Data Security*
    (https://apps.fcps.org/legal/documents/208)
    b. Policy 300, *Personnel*
    (https://apps.fcps.org/legal/documents/300)
    c. Policy 305, *Conflict of Interests and Employee Ethics*
    (https://apps.fcps.org/legal/documents/305)

2. **FCPS Regulations**
    a. Regulation 200-11, *Reporting of Work-Related Injury or Illness by Employees and Volunteers*
    (https://apps.fcps.org/legal/documents/200-11)
    b. Regulation 200-46, *Property Assigned to FCPS Employees – Procedures for Issuance and Return*
    (https://apps.fcps.org/legal/documents/200-46)
    c. Regulation 200-49, *Personally Identifiable Information (PII) for FCPS School Officials*
    (https://apps.fcps.org/legal/documents/200-49)
    d. Regulation 205-01, *Purchasing Regulations* (formerly 200-07)
    (https://apps.fcps.org/legal/documents/205-01)
    e. Regulation 208-01, *Systemwide Cybersecurity*
    (https://apps.fcps.org/legal/documents/208-01)
    f. Regulation 208-01, *Data Privacy, Students* (formerly 400-96)
    (https://apps.fcps.org/legal/documents/208-02)
    g. Regulation 300-10, *Accommodations for Employees* (formerly 303-01)
    (https://apps.fcps.org/legal/documents/300-10)
    h. Regulation 301-03, *Technology Use, Staff* (formerly 300-45)

(https://apps.fcps.org/legal/documents/301-03)

3. **FCPS Resources**
   a. FCPS / Staff / Benefits / ADA Accommodations
   (https://www.fcps.org/staff/benefits/ada_accomodations)
   b. FCPS / Staff / Employee Code of Conduct
   (https://www.fcps.org/staff/employee_code_of_conduct)
   c. FCPS / Staff / Employee Handbook
   (https://www.fcps.org/staff/employee_handbook)
   d. **Fiscal Services Division Standard Operating Procedures**
      i. PUR-SOP-012, Expense Reimbursement (Rev. June 2026)
      (https://fcps-md.info/PUR_SOP_012)
   e. **Forms**
      i. Telework Employee Acknowledgment Form
      (https://apps.fcps.org/forms/public-regulation-forms/35)
   f. HR Telework Guidance
   (https://fcps-md.info/Telework_Guidance)
   g. Telework FAQ for Employees (Updated August 2024)
   (https://fcps-md.info/Telework_FAQ)

4. **Maryland Law**
   a. Maryland Local Government Tort Claims Act (LGTCA)

F. Regulation History (Maintained by Legal Services)

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Adoption Dates	05/10/23
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