

TOWN OF COTTAGE CITY  
RESOLUTION 2020 -02

**A RESOLUTION OF THE COTTAGE CITY COMMISSION OF THE TOWN OF COTTAGE CITY, MARYLAND (THE "TOWN") ADOPTING THE TOWN OF COTTAGE CITY TELEWORK POLICY AND MATTERS GENERALLY RELATING TO TELECOMMUTING**

Introduced by: Commissioner-

**WHEREAS**, the Cottage City Commission amended the Charter of the Town, which became effective on March 31, 2016, to appoint a Town Manager, to serve as the chief administrative officer and be responsible for the day to day operations of the Town Government, and provide administrative supervision over all employees; and

**WHEREAS**, the Centers for Disease Control and Prevention (CDC) have published guidance urging employers to explore whether they can establish policies and practices, such as flexible worksites (e.g., telecommuting) and flexible work hours (e.g., staggered shifts), to increase the physical distance among employees and between employees and others if state and local health authorities recommend the use of social distancing strategies; and

**WHEREAS**, the Governor of Maryland, as of March 5, 2020, has declared a state of emergency and catastrophic health emergency for COVID -19; and

**WHEREAS**, the Town of Cottage City, a body corporate and politic and a political subdivision of the State of Maryland hereby declares the policies contained herein to be part of the official personnel policies of the Town, and that said body finds it to be in the best interest of the Town to adopt a telework policy.

**NOW, THEREFORE, BE IT RESOLVED** that the Cottage City Commission hereby approves, adopts and authorizes the following policy:

**THE TOWN OF COTTAGE CITY TELEWORK POLICY**

(a) Purpose and Scope.

(1) Purpose. The purpose of this policy is to provide guidelines and define qualifications for use of telework or telecommuting by Town of Cottage City personnel. Telework is a management option, not an employee right, and is only to be used in the event of an office closing due to inclement weather; an emergency or disaster as declared by the Governor, the President or an authorized local official; or on an *ad hoc* basis as determined by the Commission in situations when it is the most effective and efficient use of an employee's time and beneficial to operations.

(2) Scope. This policy applies to regular full-time employees only.

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(b) Policy Statement.

Telework is to be used only in those situations as described in Section (a). Notwithstanding any other language in this policy, the Commission may require an employee to telework from home or elsewhere or to physically relocate to another facility in the event of an emergency, to ensure continuity of operations. In that event, an employee can be required to telework or to relocate with or without the employee's approval.

(c) Approving Authority. The Commission will have the final authority to allow telework in the situations described in Section (a).

(d) Eligible Employees. Eligible employees include the Town Manager and Office Manager. Employees who telework are subject to the same performance standards, policies, and applicable laws including worker's compensation laws as they would be when not teleworking.

(e) Authorized Expenses and Services.

(1) The teleworker must have a telephone and designated workspace with appropriate equipment and supplies to do the assigned work and a reliable internet connection. 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, other than the computer that the Town will be purchasing for them to use.

(2) In cases where Town-owned 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 Town and shall be returned upon the termination of the telework agreement.

(f) Telework Sites.

(1) The designated telework site must be dedicated during telework hours as the official workspace.

(2) While working at an approved 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 the law or this policy. This coverage will apply only during the employee's normal work hours.

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(3) The Town is not liable for damages to the teleworker's personal or real property while the teleworker is working at the telework site.

(4) Employees are responsible to ensure the telework site is safe and free from hazards, if the telework site is not a Town property or location.

(g) Child and Dependent Care

(1) Teleworking is not a substitute for child or dependent care. An employee shall not act as primary caregivers for children or dependents during telework hours.

(2) The employee must continue to arrange for child or dependent care as if he or she is working at the main work site.

(3) The above restrictions may be relaxed in an emergency as described in Section (c) of this policy.

(h) Telework Agreements; Continuation of Current Telework Agreements

(1) The telework agreement is not a contract of employment and does not provide any contractual rights to continued employment. It does not alter or supersede the terms of the existing employment relationship. An employee's salary, benefits and employer-sponsored insurance coverage do not change as a result of telecommuting or teleworking. The employee remains obligated to comply with all Town rules, policies, practices, and instructions that would apply if the employee were working at the regular Town worksite.

(2) Work hours, compensation and leave scheduling while teleworking must conform to applicable personnel policies, the Fair Labor Standards Act and/or applicable labor or wage and hour laws.

(3) Telework arrangements may be revoked at any time and for any reason. A telework agreement must be signed by the employee and Commission Chair in order for the employee to telework.

**AND BE IT FURTHER RESOLVED** that this Resolution shall take effect upon its passage.

PASSED this 26 Day of March.

TOWN OF COTTAGE CITY, MARYLAND

By: 

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Ann Marshall Young, Commissioner-Chair

CERTIFICATION

I, HEREBY CERTIFY, as the duly appointed Town Manager of the Town of Cottage City, Maryland, that on the 26 day of March 2020 with 4 Aye votes and 0 Nay votes, the aforesaid Resolution 2020-02 passed.

  
Consuella Barbour, Town Manager