

MARYLAND PROFESSIONAL EMPLOYEES COUNCIL

AFT, AFL-CIO Local 6197

A union of professionals
in service to the people
of Maryland.

November 17, 2020

The Honorable Larry Hogan
Governor
State House
100 State Circle
Annapolis, MD 21401

Mr. David Brinkley
Secretary
Dept. of Budget & Management
301 W. Preston St.
Baltimore, MD 21202

Re: Compliance with November 10, 2020 Order regarding Telework for State employees

Dear Governor Hogan and Secretary Brinkley:

I write concerning Governor Hogan's November 10, 2020 Order, which ordered DBM to "immediately execute a period of mandatory telework across state agencies, except for essential direct public-facing services and other essential personnel." *Governor Announces Series of Actions to Slow the Spread of COVID-19*, <https://governor.maryland.gov/2020/11/10/governor-hogan-announces-series-of-actions-to-slow-the-spread-of-covid-19/>.

Many members of MPEC who are not within the exceptions are not being permitted to convert to teleworking. In particular, we have learned that employees of the Department of Assessments and Taxation, Department of Juvenile Services, Department of the Environment, Department of Labor, Department of Transportation, Maryland Department of Health, and the Comptroller's Office in Baltimore City, are being required to report to work in person, despite not being in public-facing services, or in positions with an applicable essential designation. In many cases, employees are being told that they are "essential," despite that designation having no relevance to the emergency situation faced by the State at this time.

It is not necessary at this time to go into detail about what is known of how the COVID-19 virus spreads, or the widespread agreement in the medical community that the most effective way to combat further spread is for as many people as possible to work from home. Nor is it necessary to discuss the short and long term health consequences of exposure to COVID-19. Indeed, the



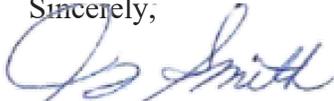
Governor's most recent order states that the State and all State officials "strongly encourage all businesses to take immediate steps to expand telework."

The interests of the State, and of State employees, are not served by forcing employees whose physical presence is not required to work in person, and excluding them from the Governor's mandatory telework order. While MPEC agrees that the physical presence of certain employees is, indeed, necessary the current practice of using irrelevant emergency or essential designations to determine eligibility for mandatory telework is not justified. For example, an MDOT employee whose presence is essential in weather emergencies should not be excluded from telework, unless a weather emergency arises.

MPEC's position, and we believe the position of the State as well, is that everyone who is able to telework, and whose physical presence is not required to perform their duties, be moved to telework for the duration of the current order. We ask that when DBM issues guidance and orders to agencies regarding telework, that emergency or essential designations only exclude an employee from telework if their physical presence is actually necessary at the time. If such guidance and orders have already been sent, we ask that such guidance and orders be clarified and modified to reflect this and that copies of guidance, and that copies of the orders in this regard be sent to MPEC.

MPEC seeks to resolve this issue as soon as possible to ensure the safety of our members and the citizens of the State of Maryland. We thank you for your consideration in this regard and look forward to hearing from you.

Sincerely,

A handwritten signature in blue ink that reads "Jerry Smith". The signature is fluid and cursive, with the first name "Jerry" and last name "Smith" clearly legible.

Jerry Smith, MPEC President

cc: Tiffany Robinson, Secretary, Department of Labor
Robert Neil, Secretary, Department of Health
Michael Higgs, Director, Department of Assessment & Taxation
Ben Grumbles, Secretary, Department of the Environment
Sam Abed, Secretary, Department of Juvenile Services
Bill Ferguson, President, Maryland Senate