

IN THE COURT OF APPEALS OF MARYLAND

ADMINISTRATIVE ORDER PERTAINING TO AN ADMINISTRATIVE LEAVE

PLAN FOR JUDICIAL BRANCH EMPLOYEES IN FISCAL YEAR 2015

WHEREAS, In recent years, State employees, including Judicial Branch employees, have been called upon to make significant financial sacrifices, through salary reductions and furloughs, to address the State's budget problems; and

WHEREAS, Salary reductions and furloughs for Judicial Branch employees were instituted by Administrative Orders dated December 18, 2008, September 1, 2009 and June 15, 2010, including service reduction days, and were prompted by Governor O'Malley's Executive Orders 01.01.2008.20, 01.01.2009.11, and 01.01.2010.11; and

WHEREAS, On May 20, 2011, Governor O'Malley issued Executive Order 01.01.2011.08, entitled "Fiscal Years 2012, 2013 and 2014 State Employees' Reduction Recovery Plan," which rescinded Executive Order 01.01.2010.11, and detailed an effort to recognize the sacrifices made by State employees and afford them with some manner of relief; and

WHEREAS, By Administrative Order, dated June 16, 2011, Judicial Branch employees were afforded similar relief, in recognition of their sacrifices during the years in which they experienced furloughs and salary reductions, by being awarded bonuses, as well as administrative leave, through a combination of service reduction days and unspecified leave time; and

WHEREAS, The Executive Branch has designated service reduction days for Fiscal Year 2015; and

WHEREAS, Executive Branch Orders and policies do not apply to the Judicial Branch; and

WHEREAS, The Judicial Branch, once again, deems it appropriate to award eligible employees administrative leave through a combination of service reduction days and unspecified leave time.

NOW, THEREFORE, I, Mary Ellen Barbera, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, do hereby order this 5th day of June, 2014, effective July 1, 2014:

1. Definitions.

a. In general. In this Order, the following words shall have the meanings stated.

b. Covered Employees. “Covered Employees” means State-funded Judicial Branch employees, in regular positions, including employees in 24/7 operations, and masters, who are paid by the Central Payroll Bureau of the State Comptroller. This does not include State-funded, temporary and contractual employees.

c. Service reduction day. “Service reduction day” means a day when the Judicial Branch reduces routine operations and covered employees, as well as State-funded, temporary and contractual employees employed by the Judicial Branch at the time, receive paid administrative leave. Employees of 24/7 operations who are scheduled to work on a Service Reduction Day shall report to their respective assignments.

d. 24/7 Employees. “24/7 Employees” means those employees who work on a shift schedule providing services as part of a 24/7 operation.

2. Scope. Except as specifically provided, covered employees, including

employees in 24/7 operations, and masters, shall participate in this Plan.

3 Administrative Leave. The Administrative Leave Plan under this Order shall provide:

a. Except as provided in subsection d. below, the Judicial Branch shall close on the day after Christmas and the day after New Year's Day, in Fiscal Year 2015, and covered employees, as well as State-funded, temporary and contractual employees employed by the Judicial Branch at the time, shall receive paid administrative leave for those two (2) designated service reduction days.

b. Except as provided in subsections d. and e. below, in addition to the two (2) designated service reduction days in subsection a. above, covered employees shall receive three (3) additional days of paid administrative leave, in Fiscal Year 2015, which may be used, with supervisory approval, at any time prior to the employees' separation from employment with the Judiciary.

c. Law clerks, judges, and elected Clerks of the Circuit Courts, are not eligible for the additional three (3) days of paid administrative leave beyond those afforded for the two (2) designated service reduction days.

d. Employees of 24/7 operations will receive five (5) days of administrative leave in Fiscal Year 2015. All 24/7 employees who are scheduled to work on the day after the Christmas and New Year's holidays shall report for their respective assignments.

e. Newly hired, covered employees entering State service with the Judicial Branch will receive additional days of paid administrative leave, pursuant to this Order, in Fiscal Year 2015, on a prorated basis, depending on their dates of hire.

f. Part-time, covered employees will receive additional days of paid administrative leave, pursuant to this Order, in Fiscal Year 2015, on a prorated basis, depending on the percentage of their employment.

g. If a day is not declared to be a service reduction day for Judicial

Branch operations under this Order, the Judicial Branch shall continue its normal operations, notwithstanding the fact that the day has been declared to be a service reduction day by the Executive Branch. Persons with business before a court shall not be excused because of an Executive Branch service reduction day.

h. Employees in the Judicial Branch, even if they are not paid from the State Judicial Branch budget, shall not be excused from attendance at work, notwithstanding any policy adopted by a local subdivision to impose service reductions in that subdivision.

4. General Provisions.

a. The State Court Administrator shall take all actions necessary to implement this Order for covered employees of the Court of Appeals, Court of Special Appeals, Circuit Court Clerks' Offices, Administrative Office of the Courts, Rules Committee, State Board of Law Examiners, State Law Library, and all other court-related agencies.

b. The County Administrative Judge of each of the Circuit Courts shall take all actions necessary to implement this Order for covered employees in their respective courts.

c. The Chief Judge of the District Court shall take all actions necessary to implement this Order for covered employees of the District Court.

d. The Chief Judge of each Orphans' Court shall take all actions necessary to implement this Order for covered employees in their respective courts.

5. Rescission. The Administrative Order Pertaining to an Administrative Leave and Bonus Plan for Judicial Branch Employees in Fiscal Years 2012, 2013 and 2014, dated June 16, 2011, is hereby rescinded, except that an employee will retain any unused administrative leave that was granted under that Order, which may be used, with supervisory approval, at any time prior to the employee's separation from employment

with the Judiciary.

/s/ Mary Ellen Barbera
Mary Ellen Barbera
Chief Judge of the Court of Appeals

Filed: June 5, 2014

/s/ Bessie M. Decker
Bessie M. Decker
Clerk
Court of Appeals of Maryland