

## DIVISION OF HUMAN RESOURCES

### 2.5 POLICY ON OTHER EMPLOYMENT AND OUTSIDE ACTIVITY

#### (a) Purpose and Scope

##### (1) Purpose

The purpose of this policy is to establish a uniform practice for the reporting and approval of other employment or activities.

##### (2) Scope

(A) This policy applies to:

- (i) employees who are paid through the Central Payroll Bureau of the Comptroller; and
- (ii) employees of the State Board of Law Examiners, the Thurgood Marshall State Law Library, the Commission on Judicial Disabilities, and the Supreme Court of Maryland Standing Committee on Rules of Practice and Procedure.

(B) This policy does not apply to:

- (i) locally funded employees in the circuit courts;
- (ii) the employees of the Register of Wills or the Orphans' Court;
- (iii) the employees of the Attorney Grievance Commission and the Client Protection Fund;
- (iv) justices and judges; and
- (v) Clerks of the Circuit Courts.

#### (b) Definitions

##### (1) Administrative Head:

- (A) For the Supreme Court of Maryland, the Clerk of the Court for all employees under the Clerk's supervision and the Chief Justice for all other employees of that Court;
- (B) For the Appellate Court of Maryland, the Clerk of the Court for all employees under the Clerk's supervision and the Chief Judge for all other employees of that Court;
- (C) For the circuit courts, the Clerk of the Court for all employees under the Clerk's supervision, and the County Administrative Judge for all state employees under their supervision;
- (D) For the District Court, the Chief Judge of the District, the Chief Clerk, or the Administrative Clerk or Administrative Commissioner for all employees under their supervision;
- (E) For the Administrative Office of the Courts (AOC), the State Court Administrator;
- (F) For units, the head of the unit where the employee works; or,
- (G) Any person who serves as the authorized designee, by express written designation, of any of the foregoing persons.

(2) **Employment** – Any activity that is separate from an employee's Maryland Judicial Branch of Government employment functions which generates or seeks to generate financial compensation or reward of any kind, including, but not limited to, bonuses, commissions, fees, salary, sales, tips, or wages.

(3) **Judiciary Human Resources Division (JHRD)** – The division within the AOC that is responsible for, but not limited to, the following functions for State employees in the Maryland Judiciary: human resources policy development, administration, and interpretation; talent acquisition; employment and orientation services; employee benefits; position classification and salary administration; and employer-employee relations.

- (4) Outside Activity** – Involvement by an employee in any private, civic, or religious organization, interest, hobby, or pursuit other than employment.
- (5) Unit** – The State Board of Law Examiners, the Thurgood Marshall State Law Library, the Commission on Judicial Disabilities, and the Supreme Court of Maryland Standing Committee on Rules of Practice and Procedure.

### **(c) Policy Statement**

The Judiciary recognizes that employees may seek additional employment or pursue activity outside their normally scheduled Judiciary workday to earn additional income or to develop new skills and experience. Despite any other employment or outside activity, a Maryland Judicial Branch of Government employee's Judiciary job should be their primary employment responsibility. The Judiciary does not consider other employment or outside activity to be an excuse for poor performance, tardiness, absenteeism, or refusal to work overtime or travel when required.

### **(d) General Provisions**

- (1)** An employee who has other employment or engagement in other activities at the time of hire by the Judiciary or obtains other employment or outside activity during employment with the Judicial Branch of Government must notify Administrative Head by completing the Other Employment and Outside Activity Form in CONNECT.
- (2)** The Administrative Head must determine if the other employment or outside activity may violate Section (d)(3) of this policy and may consult with the JHRD, the individual responsible for Human Resources for locally-funded employees, or the State Ethics Commission if necessary to determine whether the employee's other employment or outside activity meets all of the provisions of this policy.
- (3)** An employee is prohibited from engaging in any business, trade, occupation, profession, or activity (including, but not limited to, volunteer activity) that the Judiciary determines will:
  - (A) Bring the Judiciary into disrepute;
  - (B) Discredit the individual as an employee of the Judiciary;
  - (C) Interfere with the performance of the employee's Judiciary duties;
  - (D) Present a conflict of interest;
  - (E) Result in misuse of Judiciary property or funds;
  - (F) Result in use of the Judiciary position for personal gain; or
  - (G) Violate Judiciary policy or procedure.
- (4)** Other employment or outside activity is prohibited during any calendar day when the employee is on leave from their Judiciary job due to illness or injury.
- (5)** Employees may not use Judiciary time or property in the pursuit of private business or other employment or outside activity.
- (6)** If it is determined that the other employment or outside activity does not meet the provisions of this policy, the employee must discontinue within two weeks either their other employment or outside activity or their employment with the Judiciary.

**(e) Exceptions**

The Chief Justice of the Supreme Court of Maryland or the State Court Administrator may make exceptions to any provision of this policy.

**(f) Interpretive Authority**

The JHRD is responsible for the interpretation of this policy.

**(g) Not a Contract**

This policy does not constitute or create an express or implied contract. It is not intended to, and does not, create contractual obligations with respect to any matter it covers.