

IN THE COURT OF APPEALS OF MARYLAND
ADMINISTRATIVE ORDER PERTAINING TO AN ADMINISTRATIVE LEAVE AND
BONUS PLAN FOR JUDICIAL BRANCH EMPLOYEES IN FISCAL YEARS 2012,
2013 AND 2014

WHEREAS, In the past three fiscal 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 unprecedented budget problems; and

WHEREAS, The 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, "Fiscal Years 2012, 2013 and 2014 State Employees' Reduction Recovery Plan," which rescinds Executive Order 01.01.2010.11, and details an effort to recognize the sacrifices made by State employees and afford them with some manner of relief; and

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

WHEREAS, The Fiscal Year 2012 Budget Bill, Chapter 395 of the 2011 Legislative Session, appropriated money to be used to award bonuses to employees, including Judicial Branch employees, who are on the payroll prior to July 1, 2011.

NOW, THEREFORE, I, Robert M. Bell, 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 16th day of June, 2011, effective June 30, 2011:

1. Definitions.

In this Order, the terms used shall have the following meanings:

- A. “Covered Employees” means State-funded Judicial Branch employees, in regular, temporary or contractual positions, including employees in 24/7 operations, law clerks and masters, who are paid by the Central Payroll Bureau of the State Comptroller, as well as employees or appointees, including masters, supported in part or in full through Judicial Branch subsidies.
- B. “Salary” means gross annual unreduced salary or salaries as of July 1, 2009, not including overtime, acting capacity, or shift differentials, except that with respect to the determination of overtime, cash salary means gross annual unreduced salary.
- C. “Temporary salary reduction” means an across-the-board adjustment to affected rates of pay for a specified period of time.
- D. “Furlough” means the placement of an employee in a temporary non-duty, non-pay status for budget-required reasons.
- E. “Service reduction day” means a day when the Judicial Branch reduces routine operations and covered employees, except 24/7 employees, receive paid administrative leave.
- F. “Judicial Branch subsidy” means on-going State funding approved by the Chief Judge of the Court of Appeals to provide full or partial financial support for positions within a Circuit Court.

- G. “Judicial Branch grant” means an award of State funding made by the Chief Judge of the Court of Appeals as a result of a formal process of application and review that involves specific terms and conditions agreed to by the respective grantees.
- H. “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, State-funded employees in the Judicial Branch, in regular, temporary, or contractual positions, including employees in 24/7 operations, law clerks and masters, who are paid by the Central Payroll Bureau of the State Comptroller, shall participate in this Plan. In addition, all court employees or appointees, including masters, supported in part or in full through Judicial Branch subsidies, also shall participate in this Plan. Employees who are not paid by the Central Payroll Bureau of the State Comptroller, and whose salaries are supported through the award of Judicial Branch grants, are not subject to this Order.

3. Bonus.

A. Covered employees shall be eligible to receive a one-time \$750 bonus during Fiscal Year 2012, according to the terms and conditions in this section. The bonus shall not be considered when future salary adjustments are calculated.

B. An employee must be on the Judiciary’s payroll, prior to July 1, 2011, to be eligible for the bonus, except that masters whose salaries are subsidized by the

State, and who are on the payroll of a county pay system, prior to July 1, 2011, also shall receive the \$750 bonus.

C. The Judiciary's Human Resources Department will make arrangements with the Central Payroll Bureau of the State Comptroller to determine the dates that the bonus will be disbursed to employees.

D. The bonus will be considered part of an employee's gross salary for the purpose of calculating taxes.

E. Judges, including recalled judges, elected Clerks of the Circuit Courts and seasonal employees are not eligible for the bonus.

4. Service Reduction.

The Service Reduction Plan under this Order shall provide:

A. Except as provided in subsection C, the Judicial Branch shall close on the last workday before the Christmas holiday in Fiscal Years 2012, 2013 and 2014, and the last workday before the New Year's holiday in Fiscal Years 2012, 2013 and 2014, and employees shall receive paid administrative leave for those two (2) designated service reduction days.

B. Except as provided in subsection C, in addition to the two (2) designated service reduction days in subsection A, an employee shall receive three (3) additional days of paid administrative leave, in Fiscal Years 2012, 2013 and 2014 respectively, which may be used, with supervisory approval, at any time prior to the employee's separation from employment with the Judiciary.

- C. Employees of 24/7 operations will receive five (5) days of administrative leave in each of the respective fiscal years subject to this Order. All 24/7 employees who are scheduled to work on the workday before the Christmas and New Year's holidays shall report for their respective assignments.
- D. If a day is not declared to be a service reduction day for judicial 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 under Executive Order 01.01.2011.08. Persons with business before a court shall not be excused because of the Executive Order.
- E. Employees in the Judicial Branch, even if they are not paid from the State Judicial Branch budget, shall not be excused from attendance, notwithstanding any policy adopted by a local subdivision to impose service reductions in that subdivision.

5. General Provisions.

- A. This Order shall not apply to those employees supported by grants awarded by the Judicial Branch unless also paid by the Central Payroll Bureau of the State Comptroller.
- B. Pursuant to the Constitution of Maryland, this Administrative Order shall not apply to the salaries of judges (including recalled judges) of the Court of Appeals, Court of Special Appeals, Circuit Courts, the District Court, Orphans' Court, and to elected Clerks of the Circuit Courts.

- C. The State Court Administrator shall take all actions necessary to implement this Order for 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, Mediation and Conflict Resolution Office, State Law Library, and all other court-related agencies.
- D. The County Administrative Judge of each of the Circuit Courts shall take all actions necessary to implement this Order for employees and appointees in their respective courts who are subject to this Order.
- E. The Chief Judge of the District Court shall take all actions necessary to implement this Order for employees of the District Court who are subject to this Order.
- F. The Chief Judge of each Orphans' Court shall take all actions necessary to implement this Order for employees of the Orphans' Court who are subject to this Order.

/s/ Robert M. Bell

Robert M. Bell
Chief Judge of the Court of Appeals

Filed: June 16, 2011

/s/ Bessie M. Decker

Bessie M. Decker
Clerk
Court of Appeals