

Maryland Judicial Branch

2.4 POLICY ON EMPLOYMENT OF RELATIVES

(a) Purpose and Scope

(1) Purpose

- (A) This policy is established under the authority of the Chief Justice of the Supreme Court of Maryland to preserve, protect, and promote the impartiality of the Judicial Branch and to emphasize the importance of merit in the hiring, promotion, and retention of employees within the Judicial Branch.
- (B) A prohibited employment relationship that existed before the effective date of this policy (July 1, 2017) will be permitted to continue subject to satisfactory job performance. Any promotion, reassignment, transfer, or disciplinary action occurring after that date shall be subject to the terms of this policy.

(2) Scope

- (A) This policy applies to:
 - (i) applicants for employment;
 - (ii) all persons employed by a court, unit, or judicial entity organized within the Judicial Branch
 - (I) including regular, temporary, and contractual employees;
 - (II) regardless of the source of the employee's compensation (*e.g.*, county, state, federal, grant); and
- (B) This policy does not apply to:
 - (i) the employees of the Register of Wills or the Orphans' Court, and
 - (ii) limited-term law clerks, unpaid interns, or volunteers unless they are in an immediate supervisor-subordinate relationship with a relative; and
 - (iii) all justices and judges.

(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 Court, the Chief Clerk, or the Administrative Clerk for all employees under their supervision;
- (E) For the Administrative Office of the Courts (AOC), the State Court Administrator;
- (F) For any 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) **Judicial Entity** – The Supreme Court of Maryland; the Appellate Court of Maryland; a circuit court or any department therein; the District Court or any department therein; the Administrative Office of the Courts or any department therein; a unit of the Judiciary.

- (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) Relative** – For purposes of this policy, relative means:
- (A) Spouse of an employee;
 - (B) Child of an employee or employee’s spouse, including a stepchild and foster child;
 - (C) Parent or guardian of an employee or employee’s spouse, including a stepparent or other individual who serves in loco parentis;
 - (D) Grandparent of an employee or employee’s spouse, including a step-grandparent;
 - (E) Sibling of employee or employee’s spouse, including a stepsibling and half-sibling;
 - (F) Aunt or uncle of an employee or employee’s spouse;
 - (G) Nephew or niece of an employee or employee’s spouse;
 - (H) First cousin of an employee;
 - (I) Son-in-law or daughter-in-law of an employee or employee’s spouse; and
 - (J) Brother-in-law or sister-in-law of an employee or employee’s spouse.
 - (K) A family member living as a domestic partner or other member of the employee’s household.
- (5) Supervisor-Subordinate Relationship** – A relationship where an employee is within the chain-of-command of a relative.
- (6) Unit** – The Attorney Grievance Commission, the Client Protection Fund, 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

It is the policy of the Judicial Branch that the recruitment, selection, promotion, reassignment, and transfer of employees be based on their demonstrated ability, knowledge, and skills; and that an employment or disciplinary action must not be influenced, whether positively or negatively, by familial relationships.

If a relative meets the established requirements for a job vacancy based on the relative’s qualifications and performance, the relative is eligible for employment with the Judiciary with the limitations set forth in this policy.

(d) Limitations on Familial Work Relationships

- (1)** Relatives who meet established requirements for job vacancies based on their qualifications and performance are not ineligible for employment with the Judicial Branch, except that:
- (A) Relatives shall not be employed such that a supervisor-subordinate relationship occurs upon or after the time of employment;
 - (B) A relative may not advocate on behalf of a relative or advance any position with respect to any condition of employment, promotion, reassignment, transfer, or demotion or other disciplinary action;
 - (C) More than one relative may not work for the same supervisor, except as provided in this policy;
 - (D) A relative of the following persons is not eligible for employment in the Judicial Branch:

- (i) The Chief Justice of the Supreme Court of Maryland and the Chief Judge of the Appellate Court of Maryland; and
- (ii) The State Court Administrator.

(E) A relative of the following persons may be eligible for employment in the Judicial Branch with the noted restrictions:

- (i) A relative of the Chief Judge or the Chief Clerk of the District Court is not eligible for employment within that Court;
- (ii) A relative of a justice or judge is not eligible for employment within the court in which that justice or judge sits, including the Clerk's office for that court; and,
- (iii) A relative of a Clerk of Court is not eligible for employment within the Clerk's office of the court for which the Clerk has been appointed or elected to serve as the Clerk.

(2) If employees who work for the same supervisor and in the same department within a judicial entity or unit become relatives during their employment, the Administrative Head will reassign one or the other to a different supervisor and different judicial entity or unit, in consultation with JHRD.

- (i) The Administrative Head in consultation with JHRD may reassign one or the other to a comparable position or classification for which the employee meets the minimum qualifications.
- (ii) If the reassignment would not resolve the potential chain-of-command conflicts, then the Administrative Head will consult with the JHRD to resolve the matter as quickly as possible.

(e) Applicant and Employee Responsibilities

- (1) Each applicant for employment by a court, unit, or judicial entity within the Judicial Branch shall disclose in writing the name of each relative employed within the Judicial Branch and where the relative is employed.
- (2) Each employee of a court, unit, or judicial entity within the Judicial Branch shall be required to disclose in writing any relationship violating this policy that occurs due to demotion, promotion, reassignment, or transfer of the employee or the employee's relative, or an election.
- (3) The applicant or employee must disclose any relatives who are justices or judges of any Maryland court.
- (4) Failure of an applicant or employee to provide complete and accurate information may result in termination of employment within the Judicial Branch.

(f) Exceptions

- (1) If a supervisor-subordinate relationship is created by a gubernatorial appointment to the bench of a court, the prohibition against supervisor-subordinate relationships does not apply.
- (2) The Chief Justice of the Supreme Court of Maryland or the State Court Administrator may, at their discretion, make exceptions to any provision of this policy at any time.

(g) Interpretive Authority

The JHRD is responsible for the interpretation of this policy.

(h) 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.