

**STATE OF MARYLAND
JUDICIARY**

Policy on Contractual Positions

I. PURPOSE

To establish a uniform practice for the administration of contractual employment in the Maryland Judiciary.

II. DEFINITIONS

A. Administrative Official:

1. The Clerk of Court for the Circuit Court in which the employee works;
2. The Administrative Clerk of the District Court for the district in which the employee works;
3. The director of the respective department or office within the Courts of Appeal, the District Court Headquarters, or the Court-Related-Agency in which the employee works; or
4. The State Court Administrator for employees within the Administrative Office of the Courts.

B. Contractual Conversion - When a contractual position is converted through the legislative process to a regular budgeted position.

C. Contractual Employee - An employee whose conditions of employment and compensation are specified in a personal services contract. This is "at-will" employment. The employee's services can be terminated by either party for any reason or no reason and the employee has no grievance or appeal rights under Judiciary policies in regards to conditions of employment, treatment, or reasons for separation.

D. Designee - Someone designated by the Administrative Official or Executive Director of Human Resources to act on his/her behalf in matters pertaining to this policy.

E. FLSA - Fair Labor Standards Act.

F. Full Time Contractual Employee - A contractual employee who is scheduled and works 85% or more of a forty (40) hour week, per calendar year.

G. Personal Services Contract - A written agreement between the Judiciary and a contractual employee that specifies the terms and conditions of employment and compensation.

H. Regular Budgeted Position - A set of duties and responsibilities for a job funded under an approved budget and having an assigned Position Identification Number (PIN), not including contractual and temporary positions and those positions held by Judges and Law Clerks.

III. SCOPE

This policy applies to all contractual employees of the State of Maryland Judiciary except law clerks and District Court Commissioners. The administration of this policy is the responsibility of all Judiciary administrative officials, or designees, responsible for the management or supervision of Judiciary employees.

IV. POLICY STATEMENT

The use of contractual positions will be limited significantly and based only upon sufficient justification on a case-by-case basis.

Unless otherwise stated, a personal services contract automatically expires at the end of the fiscal year for which it was written.

Contractual employees will be considered internal Judiciary candidates for purposes of recruitment and selection when filling Judiciary positions.

Contractual employees may be eligible for payroll deductions.

Contractual employees are not eligible for participation in the State Retirement/Pension Programs or other state sponsored benefits except as defined in Section VIII of this policy.

V. ELIGIBILITY

Contractual employees of the Maryland Judiciary are defined and explained under Sections II and III of this policy.

VI. CONTRACTUAL CONVERSION

When a contractual position is converted to a regular budgeted position, the contractual position will be abolished.

A Judiciary contractual employee who enters regular Judiciary service through a

contractual conversion, must serve an initial probation period.

VII. SELECTION

A Judiciary contractual employee who is awarded a contract following a competitive examination and/or selection process like that used for regular budgeted positions, may be placed in a Judiciary position which is the same or substantially the same.

VIII. COMPENSATION and BENEFITS

- A. Judiciary contractual employees who are exempt under the FLSA and do not earn compensatory time will be paid straight time, hour for hour, for any approved time worked in excess of forty (40) hours per week.
- B. Judiciary contractual employees who are eligible for cash overtime according to the FLSA will be paid time and one-half for any approved time worked in excess of forty (40) hours per week, unless the FLSA establishes another time period for purposes of overtime.
- C. Contractual compensation will be based upon the salary assigned to comparable classifications within the Judiciary. In the absence of a comparable classification, compensation will be based upon the Judiciary Compensation Plan.
- D. Any contract above the established salary step consistent with the Judiciary Compensation Plan must be approved by the Executive Director of Human Resources, or the State Court Administrator for contractual employees working within the Administrative Office of the Courts.
- E. A full time Judiciary contractual employee is eligible to receive five (5) days (40 hours) of non-accruing paid leave per year after completion of one year of full-time service. The leave can be used only when requested and approved in advance of the leave being used. The employee will receive the leave on a prorated basis in the year in which the employee reaches one year of full-time service as follows:
 - 1. For an employee reaching one year of full-time service between the first day of the leave year and March 30, the employee will receive five (5) days of leave;
 - 2. Between April 1 and June 30, four (4) days;
 - 3. Between July 1 and August 31, three (3) days;
 - 4. Between September 1 and October 31, two (2) days;
 - 5. After November 1, one (1) day.

For each subsequent year in which the employee is eligible to receive leave, the employee will receive five days of leave at the beginning of the

new leave year. The leave must be used by the end of the leave year or the leave will be forfeited. If the employee converts to, or is hired into, a 'regular' position, the unused leave will be forfeited.

- F. A full time Judiciary contractual employee is eligible for paid Judiciary holidays if the employee is a full time contractual employee at the time the holiday occurs and the employee works the day before or the day after the holiday.
- G. A Judiciary contractual employee is eligible to enroll in State sponsored health care, insurance and related benefits **without** State subsidy.
- H. A Judiciary contractual employee who enters into a regular Judiciary position **without** a break in service will receive credit for the period of contractual service. Credit is given for calculating years of service within the Judiciary and for determining the rate at which leave is earned. (Leave earning credit does not impact State Retirement and Pension System eligibility credit for retirement purposes.)

IX. INTERPRETIVE AUTHORITY

The Judiciary Human Resources Department, in consultation with other parties as appropriate, is responsible for the interpretation of this policy.