

**STATE OF MARYLAND
JUDICIARY**

**Human Resources Policy
on
Emergency Disaster Preparedness**

I. PURPOSE

To provide a framework of practices that will facilitate the continuous operation of the Judiciary's human resources and payroll functions in the event of a declared emergency or disaster situation. This policy is not intended to take the place of the *Administrative Order Pertaining to the Evacuation and/or Closing of Courts and Judiciary Offices Due to Emergencies*, or the provisions for granting compensatory leave as outlined in the *Policy on Leave* (Section V,E). The policy will, however, take precedence in the event of a declared emergency or disaster situation.

II. DECLARATION OF EMERGENCY SITUATION

The components of this policy will go into effect only when the Chief Judge of the Court of Appeals, or his or her designee, declares a state of emergency as a result of a natural or man-made emergency or disaster.

The notification of the Chief Judge's declaration will appear on the Judiciary's website and also will be disseminated through the usual Judiciary internal information networks.

III. DEFINITIONS

A. Administrative Official

1. The Clerk of Court for the Court in which the employee works;
2. The Administrative Clerk of the District for the respective 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. Disaster Services – The preparation for and carrying out of functions to prevent, minimize and repair injury and damage from a government declared natural or man-made disaster. These may include: fire-fighting services; police services;

medical and health services; rescue; engineering; communications; disaster clean-up; etc.

- C. Emergency** – A sudden, usually unexpected event that does or could do harm to people, resources, property, or the environment. Emergencies can range from events that affect a single office in a building, to human, natural, or technological events that damage, or threaten to damage, operations more widely. An emergency could cause the temporary evacuation of personnel or the permanent displacement of personnel and equipment from the site to a new operating location.
- D. Key Personnel or Positions** – Those employees whose absence would jeopardize the continuation of essential functions or those positions deemed essential by the Judiciary.
- E. Man-made Disaster** – An event caused by the action of one or more persons that imperils life and property and produces danger or the imminent threat of danger, which is declared by the government to be a disaster. Such an event may include exposure through biological, chemical or radiological hazards, spills of hazardous materials, industrial accidents or acts of terrorism.
- F. Natural Disaster** – An event of nature that causes extensive and/or severe threat to or destruction of life and property, which is declared by the government to be a disaster. Such events include floods, fires, tornadoes, hurricanes, winter storms, pandemics, and other similar events.
- G. Primary Personal Residence** – The home, apartment or dwelling in which the employee resides most of the time. This does not include vacation or second homes, nor property owned but not occupied by the employee. Normally, this location will be the employee's official address of record on file with the Judiciary.

IV. SCOPE

This policy applies to all employees within the Maryland Judiciary.

V. POLICY STATEMENT

The continued operation of critical functions in the event of a natural or man-made emergency or disaster situation is vital to the overall operation of the Judiciary and its many entities. To ensure continuous operation during such an event, adequate provisions must be in place for maintenance of adequate staffing, payroll, benefits, human resources information systems (HRIS), employee relations issues, and employee health and safety.

VI. RISK MANAGER

The HR Risk Manager has been identified to coordinate the HR related components of the emergency preparedness plan and to develop a comprehensive risk management program.

VII. HUMAN RESOURCES OPERATIONS

A. Data Files and System Accessibility

1. File Backup (In cooperation with Judicial Information systems (JIS) or Other State Agencies) – There will be a separate and secured back-up location for the data files and systems used by the HR staff. These files and systems will be accessible to key HR staff. Adequate computer equipment will be located at a back-up location for critical HR staff.
2. Key HR personnel will have full access (via off-site or home) to employee data files, on-line payroll system, leave accounting system, etc. to conduct on-line processing to the extent possible.

B. Documents, Forms, and Essential Papers

1. All essential HR forms will continue to be offered on the HR website on Courtnet in electronic format.
2. There will be safe storage of all essential HR paper files, forms and records. They will be scanned or placed on transportable media (storage disks, etc.) on a regular basis and stored in an alternate location.

VIII. PAYROLL AND LEAVE ACCOUNTING

A. Processing payroll and tracking leave earnings and usage during emergency situations will remain in place for current and potential staff.

1. The Human Resources Department will coordinate with the Central Payroll Bureau (CPB) the elements of its emergency/disaster plan and arrange for on-line processing of payroll.
 - a. In conjunction with JIS and the CPB, key payroll staff will have access to CPB's off-site program within 48 hours.
 - b. CPB's standard operating procedures are to constantly back-up the mainframe system for payroll processing.
2. Staff will have the ability to process payroll in the event the main work site is not accessible.
 - a. Key HR staff will have web access to CPB's on-line payroll software.
 - b. Key HR staff will process payroll from a remote site through that

- web connection.
 - c. Guidelines will be provided to local jurisdictions on providing data to key payroll staff (if possible) so that the payrolls can be processed.
 - d. In cases of extreme emergency and lack of communication with local jurisdictions, the submittal of time sheets will not be required. Regular, contractual and temporary employees' payroll will be processed in accordance with hours reported in the prior pay period. If alternative communication options are available, local jurisdiction key staff shall report leave of absences, separations, FMLA extensions, overtime hours etc. no later than the last day of the pay period. Adjustments, where necessary, will be made in subsequent pay periods.
3. Paychecks and direct deposit advices
- a. The Judiciary Budget and Finance Department is responsible for distributing paychecks for the Administrative Office of the Courts, the Courts of Appeal, Court Related Agencies, judges, District Court Headquarters, and contractual/temporary employees.
 - b. Paychecks for the local jurisdictions are sent from the CPB for distribution.
 - c. If mail service is unavailable, paychecks and check advices will not be forwarded by the CPB and Budget and Finance Department. In these cases, employees should check with their banking institution to confirm that the funds have been transferred and are available.
 - d. Current employees should be strongly encouraged to secure direct deposit and on-line deposit advice accessibility prior to an emergency/disaster event.
 - e. New employees hired during a declared natural or man-made emergency or disaster will be required to participate in direct deposit and on-line deposit advice accessibility.
- B. Key HR staff will have remote access to the leave accounting system so that leave records can be maintained and FMLA, LWOP, etc., can be addressed.
- 1. If available, new hires, separations, FMLA, and LWOP status will be recorded in the HR leave accounting system.
 - 2. Administrative Officials are responsible for reporting, if communication channels permit, any employee status changes, etc. that affect the accuracy of the leave management system.

IX. RECRUITMENT

- A. The Human Resources Department will maintain an expanded statewide list of

Temporary Employment Agencies in an effort to augment staffing support during such events.

- B. A retiree database will be maintained, so that personnel with the experience required to fill critical functions within the Judiciary can be quickly identified and reinstated on a temporary basis during emergency shortages.
- C. A database of identified critical jobs will be maintained along with an emergency skills database for key functions so that skill sets can be easily identified and allocated as necessary.
- D. Emergency recruitment will be conducted utilizing creative methods of filling vacancies, i.e., media and news advertisements, libraries, malls, job centers, etc. Aggressive hiring options will be exercised during such events, to fill critical positions, such as on the spot hires, contingency hires, etc.
- E. During such an event, emergency compensation options for hard-to-fill key positions will be exercised, such as sign-on bonuses, stipends, etc.

X. COMPENSATION

Flexible emergency compensation options will be utilized for those working during emergency periods.

- A. Call-ins for Key Personnel (*This does not apply to District Court Commissioners*).

An employee (non-exempt or exempt) who is called to work on a day off during such an event, will be paid travel time to and from the job-site plus the hours worked at the double time rate of pay.

- B. Out-of-State Pay

Key personnel working at an approved out-of-state alternate work site (established during a declared emergency period) will be paid travel time to and from the work site (in addition to mileage and other appropriate travel expenses) and will be compensated at the double-time rate for hours worked at that site. Additionally, an employee will be allowed one free 30-minute long distance telephone call to his/her residence each day.

- C. Employees Working During Closures

An employee who reports to work to perform critical duties when the employee's facility is closed as a result of a declared emergency or disaster event, and with the approval of the employee's Administrative Official, will be compensated at the double-time rate for those hours worked.

- D. Stand-by Pay for Key Personnel

An employee identified as key personnel (non-exempt or exempt) and required to remain at work (on a scheduled workday) beyond their normal work hours, will receive stand-by pay at the rate of time and one-half, or double-time in the cases of Subsection B above.

E. Acting Capacity Pay

An employee who is called upon to temporarily perform the duties of a classification that is graded higher than the employee's current classification, will be temporarily adjusted to the equivalent of what their salary would be if they were promoted to the indicated classification. The *Policy on Classification and Compensation*, Section V, J, will govern the requests for acting capacity pay. The Chief Judge of the Court of Appeals, or his or her designee, may relax the requirements for acting capacity pay during an emergency period if determined to be in the best interest of the Judiciary.

XI. SPECIAL LEAVE PROVISIONS

A. Disaster Service Leave

An employee may use administrative leave in the event he/she has been requested to provide disaster relief services pursuant to the *Judiciary's Policy on Leave*, Section V, B, 8. An eligible employee may use up to 15 days of such leave within a 12-month period. If an absence of this nature continues beyond the 15-day period, then the employee must request use of their own paid leave or leave without pay (provided the employee has exhausted all paid leave) to cover the extended absence.

B. Disaster Victim Leave

An employee may use administrative leave in the event the employee is a victim of a natural or man-made emergency or disaster as follows:

1. Disaster Victim Leave is available to an employee who has sustained severe or catastrophic damage to or loss of his or her primary personal residence, has been ordered to evacuate that residence, or has been quarantined within his or her residence or community by government officials as a result of such an event.
2. This leave also is available to an employee if, due to such an event, the employee no longer has access to public transportation, which is documented by the appropriate government agency, when the employee routinely relies on public transportation to commute to and from work.
3. The leave also is available when an employee cannot report to work due to the closure of the employee's work site as a result of such an event

and no alternative work site or arrangements have been made available.
Note: Delayed openings/closings guidelines still apply in accordance with the "HR Policy on Leave".

4. Employees also may use Disaster Victim Leave for other personal reasons related to such an event (other than those described above), as determined by the Administrative Official.
5. An employee may use up to 15 days of Disaster Victim leave in a 12-month period. *Note: This stipulation does not apply in the event of a closure of the employee's work site or lack of alternative work arrangements.*
6. If an employee requires time beyond the 15 days, then the employee must request the use of other paid leave or leave without pay (provided the employee has exhausted all paid leave) to cover the extended absence. Administrative Officials shall refer leave-of-absence requests beyond a 30 day period to the Executive Director of HR, or designee, for approval.

C. Sick Leave

An employee may use sick leave pursuant to the Judiciary's *Policy on Sick Leave* in the event the employee or other eligible family member becomes ill or injured as a result of a declared natural or man-made emergency or disaster.

1. An employee will be sent home immediately if it is suspected that he/she is ill from a communicable disease.
2. An employee who has been absent from work due to an illness associated with a communicable disease must present documentation from a medical provider that he/she is medically cleared to return to work.
3. It is recommended that employees save sick leave and other paid leave to use in the event of a natural or man-made emergency or disaster. Also, for those employees who do not have a significant amount of accumulated paid leave, it is recommended that those employees join the Judiciary's Leave Bank when and if eligible to do so.

XII. FLEXIBLE WORK SITES, WORK HOURS, AND JOB DUTIES

- A. The Judiciary may establish temporary work sites (including personal residences) to be accessed in the event of a declared natural or man-made emergency or disaster. In the event alternate sites are available, key staff will be expected to report to those locations when advised to do so. It is understood that many positions within the Judiciary are not suitable candidates for teleworking, working from a remote site, or working during non-business hours.

- B. The Judiciary has policies in place regarding teleworking and alternative work schedules. Administrative Officials are encouraged to consider the flexibility of these policies and to seek advice and guidance from the HR Department.
1. Whenever possible, Administrative Officials should accommodate an employee's request for time to deal with the unique personal problems that may occur during such times. The accommodation, if allowed, should take into account the operational concerns of the office/court, as well as the employee's specific needs. Therefore, it is possible that an accommodation that is granted may not be exactly what the employee requests.
 2. An Administrative Official may relax certain requirements of the *Policy on Alternative Work Schedules*.
 - a. The flex-time bands may be relaxed to allow an employee to report to work earlier than 7:00 a.m. and/or to end the work day after 6:00 p.m.
 - b. An Administrative Official may allow a day-to-day flex-time schedule (as opposed to a fixed flex-time schedule) in order to best meet the needs of the office or an employee. Administrative Officials should keep in mind that a non-exempt employee must be paid overtime for all hours worked over 40 in a workweek.
 3. An Administrative Official also may relax certain requirements of the *Policy on Telework* and report changes to the HR Department.
 - a. An Administrative Official, considering operational concerns and those of the employee, may allow an employee to telework more frequently during an emergency.
 - b. An Administrative Official may expand the list of eligible telework positions if doing so will assist in the continuity of operations and/or will allow the employee to complete work assignments that may not otherwise be completed.
 - c. An Administrative Official may relax certain standards that should be considered when determining whether an employee may telework, such as past performance and disciplinary records.
- C. An Administrative Official may temporarily, as needed, alter an employee's job duties during a declared natural or man-made emergency or disaster in order to address staffing and work flow issues that may arise during such an event.

XIII. COMMUNICATION OF INFORMATION AND HR MATTERS

- A. Courtnet and the Internet will be used to disseminate updates on the emergency or disaster situation and to guide employees to other websites providing

additional information when necessary.

- B. The HR website on Courtnet will be updated often to provide guidance and information pertaining to HR related matters during such an event.

XIV. EMERGENCY CONTACT INFORMATION

- A. Judiciary emergency contact (home, business and cellular phone) information for key Judicial personnel will be updated and maintained by the Human Resources Department.
- B. Administrative Officials should maintain a separate key personnel emergency contact list (home and cellular phone numbers, e-mail addresses , etc.) for their area of responsibility. Employees shall immediately report personal contact information changes to the Administrative Official and the Human Resources Department.

XV. TRAVEL RESTRICTIONS

For workplace safety reasons, travel in the course of employment may be restricted during a natural or man-made emergency or disaster. The Administrative Official may prohibit employee work-related travel to areas affected by such an event, or from returning to work from a certain geographical area until the employee has secured a medical clearance to return to work.

XVI. MEDICAL CONSULTATION

- A. State Medical Director

The HR Department will exercise access to the State Medical Director and refer employees for work-ability evaluations and consult on medical situations, as needed in accordance with the prescribed protocol instructions.

- B. Executive Director of Medical Services (EDMS) – Department of Budget and Management.

The HR Department will maintain contact with the EDMS for any procedural changes to the medical advisor referral process.

XVII. HEALTH BENEFITS AND EMPLOYEE ASSISTANCE PROGRAM REFERRALS

- A. The Department of Budget and Management (DBM) health benefits administrator will have access to employee eligibility data from an off-site location in the event of an emergency/disaster.

- B. Health benefits and Employee Assistance Program services and claims will be available for impacted employees in accordance with emergency provisions established by the DBM.

XVIII. OBTAIN EMERGENCY/DISASTER STRATEGIES FROM OTHER STATE AGENCIES AND COLLABORATE

The HR Department will maintain a database of information and HR related strategies gleaned from surrounding States and other Maryland State Agencies to effectively handle an emergency/disaster situation.

XIX. NOT SUBJECT TO GRIEVANCE ACTION

Elements of this policy are non-grievable and do not constitute grounds for a grievance. Any grievance filed related to this policy will be considered invalid and will be dismissed.

XX. DISCIPLINARY POLICIES NOT SUSPENDED

Human Resources policies governing disciplinary actions, including termination of employment, will remain in effect during a declared emergency or disaster situation. The policies pertaining to grievances and appeals for disciplinary actions also will remain in effect during such time.

XXI. INTERPRETIVE AUTHORITY

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