

Maryland Judicial Branch

2.4 POLICY ON EMPLOYMENT OF RELATIVES

(a) Purpose and Scope

(1) Purpose

- (A) This policy is established 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 will be permitted to continue subject to satisfactory job performance. Any promotion, reassignment, transfer, or disciplinary action occurring after the effective date of this policy 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) law clerks, unpaid interns, or volunteer employees unless they are in an immediate supervisor-subordinate relationship with a relative; and
 - (iii) all judges.

(b) Definitions

(1) Administrative Head:

- (A) For the Appellate Courts, the Clerk of the Court for all employees under the Clerk's supervision, and the Chief Judge for all other employees, in the Appellate Court where the employee works;
- (B) For the Circuit Courts, the Clerk of the Court for all employees under the Clerk's supervision, and the County Administrative Judge for all employees under his or her supervision, in the Circuit Court where the employee works;
- (C) For the District Court, the Chief Judge of the District Court; or, the Administrative Judge, Chief Clerk, the Administrative Clerk, or Administrative Commissioner for employees who report to either of those administrative heads;
- (D) For the Administrative Office of the Courts (AOC), the State Court Administrator;
- (E) For units, the head of the unit where the employee works; or
- (F) Any person who serves as the authorized designee, by express written designation, of any of the foregoing persons.

- (2) **Judicial Entity** – The Court of Appeals; the Court of Special Appeals; a Circuit Court or any department thereof; the District Court or any department thereof; the Administrative Office of the Courts or any department thereof; a unit of the Judiciary.
- (3) **Judiciary Human Resources Department (JHRD)** – The department 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; recruitment; 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 current 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 step-sibling and half-sibling;
 - (F) Aunt or uncle of an employee or employee’s spouse;
 - (G) Nephew or niece an employee or employee’s spouse;
 - (H) First cousin of an employee or employee’s spouse;
 - (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.
- (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 Maryland Court of Appeals 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 demotion or other appropriate disciplinary action not be avoided or otherwise influenced 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; and
- (D) A relative of the following persons may not be eligible for employment in the Judicial Branch:
 - (i) The Chief Judges of the Court of Appeals and Court of Special Appeals;
 - (ii) The Chief Judge and the Chief Clerk of the District Court for employment within that Court;
 - (iii) The State Court Administrator;
 - (iv) The Deputy State Court Administrator; and
 - (v) A judge, for employment within the court in which the judge sits, including the clerk's office.

- (2) If employees who work in the same department within a judicial entity or unit become relatives during their employment, one of the employees must immediately leave employment with that department or unit.

(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 an election.
- (3) The applicant or employee must disclose any relatives who are 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 Judge of the Court of Appeals and the State Court Administrator may, at his or her sole discretion, make exceptions to any provision of this policy at any time.

(g) Authority: This policy is adopted by the authority of the Chief Judge of the Court of Appeals. The Director of 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.