

## DEPARTMENT OF HUMAN RESOURCES

### 3.5.1 POLICY PERTAINING TO SMOKING IN JUDICIAL BRANCH FACILITIES

#### (a) Purpose and Scope

##### (1) Purpose

This policy is adopted to promote a healthful environment in Judicial Branch facilities.

It is the responsibility of the Judicial Branch of the State Government to promote a healthy and safe environment for all persons, including judicial officials and employees who work in, or members of the public who conduct business in or visit, State-owned, leased, or occupied Judicial Branch facilities.

Smoking has been proven to be an unhealthy activity, not only for those who smoke or otherwise use tobacco or related products, but also for others who suffer second-hand exposure to such activity. Therefore, it is necessary to implement this policy to help ensure the health and safety of all persons who work in or visit Judicial Branch facilities.

Pursuant to the August 29, 2019, Administrative Order, entitled “*Pertaining to Smoking in Judicial Branch Facilities*” this policy, prohibits smoking in all state-owned, leased, or occupied Judicial Branch facilities. Also, smoking is prohibited in the vicinity of the steps, entrances, exits, or ramps leading to and from the Judiciary facility. To the extent local laws, shared facility policies, or lease requirements are more stringent than this policy, they shall govern for those Judicial Branch facilities located within such jurisdictions or housed in shared or leased facilities.

##### (2) Scope

This policy applies to all Judicial Branch officials, personnel, and contractors, whether they are compensated by the State or local government, as well as all individuals doing business at or visiting Judicial Branch locations.

#### (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 employees under their supervision;
- (D) For the District Court, the Chief Judge of the District Court, the Chief Clerk, or an Administrative Clerk or an Administrative Commissioner for all employees under their supervision;
- (E) For the Administrative Office of the Courts (AOC), the State Court Administrator;
- (F) For 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) **Smoking** – Using or carrying any activated or lighted cigarettes, cigars, cigarillos, pipes, or other smoking apparatuses including, but not limited to, electronic smoking devices or products that use a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, to produce vapor or smoke from a solution or other substance, such as, but not limited to, tobacco or cannabis.
- (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) **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) **Judicial Branch Official, Employee, and Contractor Responsibilities**

Judiciary officials, employees, and contractors are expected to comply with this policy at-all-times.

### (d) **Management Responsibilities and Enforcement**

- (1) Administrative Heads shall post notices advising individuals of the smoking prohibition in Judiciary buildings, facilities, and offices.
- (2) As well as adhering to the prohibitions of this policy, Administrative Heads, managers, and supervisors are expected to enforce the policy when someone has violated its provisions.
- (3) Judiciary security staff may enforce compliance with this policy and intervene when they suspect a violation or when requested by an Administrative Head.
- (4) Signs of possible violations of this policy may include, but not be limited to:
  - (A) Visual observation of someone smoking;
  - (B) The odor of smoke on the person;
  - (C) Vapor or smoke near the person; and
  - (D) An apparent attempt to use any item or device that is used for smoking as defined in this policy.
- (5) An Administrative Head may consult with the Director of the JHRD, or designee, or the individual responsible for Human Resources for locally funded employees, concerning any violations of the policy, prior to, during, or after an investigation of the violation.

### (e) **Employee Assistance**

- (1) An employee may request a supervisory referral to the Employee Assistance Program (EAP), or contact MyMDCares at 844.405.8200, to seek access to professional and confidential smoking cessation programs.
- (2) Employees also may access any number of such programs on the Maryland Department of Budget and Management Health Benefits website:

<https://dbm.maryland.gov/benefits/Pages/SmokingCessationPrograms.aspx>

- (3) Employees who smoke are encouraged to seek assistance from any resource that offers smoking cessation programs, or that can refer the employee to such a program.

**(f) Failure to Comply**

- (1) An official or employee of the Judicial Branch who is found to have violated this policy shall be subject to appropriate disciplinary action.
- (2) A contractor found to have violated this policy will be reported to his or her employer, or the matter may be addressed directly with the contractor. Repeated violations of the policy may result in the removal of the contractor from his or her contractor position with the Judiciary.

**(g) Interpretive Authority**

The JHRD is responsible for the interpretation of this policy.