

# DIVISION OF HUMAN RESOURCES

## 3.5 POLICY ON STANDARDS OF CONDUCT

### (a) Purpose and Scope

#### (1) Purpose

The purpose of this policy is to establish standards of conduct to be followed by employees of the Maryland Judicial Branch of Government in the performance of their duties and in their interactions with other Judiciary personnel and the public.

#### (2) Scope

(A) This policy applies to:

- (i) employees who are paid through the Central Payroll Bureau of the Comptroller; and
- (ii) employees of 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.

(B) This policy does not apply to:

- (i) locally funded employees in the circuit courts;
- (ii) employees of the Attorney Grievance Commission and the Client Protection Fund;
- (iii) employees of the Register of Wills or the Orphans' Court; and
- (iv) 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 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 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) Citation** – a written order or charging document issued by a law enforcement officer or other authorized individual including traffic tickets, moving violations, criminal offenses, and civil infractions. A citation does not include an indictment, statement of charges, or a charging document filed in a court by a State's Attorney.

**(3) Employee** – Any person employed by the Maryland Judicial Branch of Government and paid through the Central Payroll Bureau of the Comptroller, or employed by a unit, except justices, judges, elected officials, and employees of a Register of Wills Office or Orphans' Court.

**(4) Family Member** – For purposes of this policy, means:

- (A) Spouse of the employee;

- (B) Children, foster children, or stepchildren of the employee;
  - (C) Siblings of the employee;
  - (D) Parents, stepparents, or guardians of the employee or spouse, or others in loco parentis;
  - (E) Grandparents or step-grandparents of the employee or spouse; or,
  - (F) Sons-in-law or daughters-in-law of the employee.
- (5) Judicial Relief** – Any assistance, redress, or benefit which an employee or family member seeks at the hands of a court. This does not include seeking the ministerial assistance of a court in matters where no judgment or discretion is involved, such as marriages and recording of documents.
- (6) 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.
- (7) Unit** – 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.
- (8) Violence** – Includes, but is not limited to:
- (A) Implied or explicit threats of any kind;
  - (B) Threatening, physically aggressive, or potentially injurious behavior, including but not limited to, intimidation, attempts to instill fear, or causing physical harm to another;
  - (C) Belligerent speech or excessive arguing;
  - (D) Intentionally defacing or sabotaging Judiciary property or equipment, or causing physical damage to Judiciary facilities;
  - (E) Possession of a firearm or other dangerous or deadly weapon while on or in Judiciary owned or leased property and vehicles, unless authorized based on the employee’s position; or,
  - (F) Using any object in a threatening manner.

### **(c) Policy Statement**

Every employee of the Maryland Judicial Branch of Government plays an integral part in the administration of justice. Employees are expected to conduct themselves at all times in a manner that garners the public’s trust and confidence and generally reflects positively on the Maryland Judiciary. Employees must not engage in any activities, transactions, or interactions that are incompatible with the impartial, objective, and effective performance of their duties, or that adversely affect the Judiciary’s interests or reputation.

These standards are established in order to maintain the highest degree of public confidence in the Judiciary.

### **(d) Standards of Conduct**

#### **(1) Contact with the Public**

Employees represent the Judiciary in all interactions with the public. The impression they make affects the perception the public will have of the Judiciary. Therefore, an employee is expected to always offer courtesy and patience, even when dealing with persons who appear difficult or unreasonable, and regardless of the provocation.

**(2) Contact with Judicial Branch Employees**

Judicial Branch employees are expected to treat each other in the same respectful manner in which they are expected to treat the public, regardless of position.

**(3) Contact with the Press**

In instances where a member of the press is seeking non-routine information from the Judiciary, the inquiry should be directed to the Division of Government Relations and Public Affairs. Routine information that may be provided includes basic customer service responses about a court case or court trial, copies of public documents readily available at the courthouse, or an explanation of a court process or procedure. All other media inquiries should be directed to the Division of Government Relations and Public Affairs for assistance.

**(4) Discussion of Judiciary Matters**

(A) At no time are employees, while on duty, to indicate to the public either agreement or disagreement with a judicial decision.

(B) Employees should avoid public or casual discussion of matters before the Judiciary which may cause embarrassment to individuals or reduce public confidence in the impartiality of justice. Specific judicial cases and names of persons before the Judiciary should not be discussed except in the official transaction of Judiciary business, necessary to that court case and on a need-to-know basis.

**(5) Gifts, Benefits, and Gratuities**

Employees may not, for personal gain or that of a friend, family member, or acquaintance, seek or accept, directly or indirectly, any favor, service, gift, or benefit, including, but not limited to, money, gift cards, gratuity, fee, property, loan, promise, or anything else from, or on behalf of, any individual or entity currently doing or seeking to do business with the Judiciary. The acceptance of such gifts, gratuities, or benefits for such purpose is prohibited at all times.

**(6) Confidentiality**

Please refer to the Policy on Confidentiality.

**(7) Financial and Other Interests**

(A) No employee shall have a monetary or other interest that conflicts with State Ethics laws or regulations.

(B) An employee shall not participate in a matter in which they or their spouse, child, sibling, or parent have an interest.

(C) Even if no conflict of interest is determined to exist, employees shall receive no favor or special concession or inducement not customarily available and granted by the state or local government in such a transaction.

**(8) Referrals and Legal Advice**

Employees, in their official capacity, shall not refer a customer to a specific private attorney or bail bonds person, and are prohibited from providing legal advice to the public except for employees in the Judiciary's self-help centers who are authorized to provide such advice.

**(9) Solicitation at the Workplace**

The soliciting of alms, money, or contributions, commercial soliciting, the display or distribution of commercial advertising, or collection of private debts, is prohibited in the workplace.

**(10) Political Activity**

Employees are prohibited from engaging in political activities when:

(A) The employee is on Judiciary premises. This includes, but is not limited to: wearing, displaying, or distributing political buttons, clothing, campaign materials, or political paraphernalia in the

- workplace; using State time, material, resources, or equipment for political activity purposes; or, disclosing or using confidential information obtained on the job for political activity purposes;
- (B) The employee is off Judiciary premises and, at that time, is engaged in the performance of their official duties;
  - (C) The activity is a violation of law;
  - (D) The employee is wearing a uniform or is in a vehicle that identifies them as a Maryland Judicial Branch of Government employee;
  - (E) The employee is using their official work title or status; or
  - (F) The employee holds any outside employment relationship when that employment relationship would impair their impartiality or independent judgment.

**(11) Use of Influence of Position**

- (A) Employees must avoid using or appearing to use the influence of their positions in personal, business, or professional dealings in which they are involved.
- (B) Employees may not perform their official duties in any court case or circumstance before the Judiciary in which they, a family member, friend, or coworker is a party without the prior knowledge and approval of the Administrative Head.
- (C) Employees shall not use information obtained in the course and scope of employment, including reports, records, files, or contacts with the public, for any purpose other than official business.
- (D) An employee should not permit or authorize use of their name, photograph, or official title which identifies the employee as a Maryland Judicial Branch of Government employee, or permit or authorize the name or logo of the Maryland Judiciary or any of its departments, units, or property to be used in connection with testimonials, contributions, or advertisements of any commodity or commercial enterprise without the approval of the State Court Administrator or the Chief Justice of the Supreme Court of Maryland.
- (E) Employees who identify themselves as Judiciary employees on personal social media accounts shall adhere to the Judiciary's Policy on Social Media. If the platform is a business networking platform (e.g., LinkedIn), identifying the Judiciary as their workplace is permissible.
  - (i) Employees who identify themselves as Judiciary employees must state that the views they express on social media are their own and not those of the Judiciary or the Court.

**(12) Promptness and Attendance**

The operation of the Judiciary is dependent upon all employees. It relies on their promptness and attendance in reporting for work and in providing their necessary service to the community. The Administrative Head will determine the work schedules for employees that are best suited to serve the needs of the public. Employees are expected to follow those schedules and report any lateness or absence in accordance with the Judiciary's Policy on Leave.

**(13) Judiciary Equipment and Miscellaneous Items.**

- (A) Employees are issued the equipment necessary to perform their assigned duties and are liable for the equipment (laptops, monitors, phones, electronic devices, etc.). Equipment issued to employees is subject to monitoring by the Judiciary, and the information contained within is subject to Judicial Records or Public Information Act requests. Employees are expected to take care of the equipment and to report any equipment theft, damage, or malfunctions to their supervisor.

**(14) Reporting Employee Court Appearances, Arrests, Citations, and Requests for Judicial Relief**

- (A) Employees are required to report to the Administrative Head an arrest, a citation resulting in a hearing, a court appearance for any reason, or a request for judicial relief for the employee

within the next business day after becoming aware of the arrest, citation, court appearance, or request for judicial relief, or as soon as practicable, but not later than five workdays.

- (B) Failure to appear before a court as scheduled without good cause as determined by the Administrative Head, in consultation with the JHRD, may lead to disciplinary action, up to, and including, termination of employment.
- (C) Employees also must report instances in which they, in the performance of their job duties, are, or may become, directly involved in judicial matters involving a family member.

#### **(15) Workplace Violence**

- (A) Employees shall not engage in violence in the workplace. Such conduct places the safety and health of employees, customers, and the public in jeopardy and will not be tolerated. Employees shall not engage in such conduct in the course of their employment, or while on state property or while using state resources such as state time, office equipment, mail, email, or other means to commit or threaten to commit an act of violence.
- (B) An Administrative Head shall investigate all complaints or instances of violence in the workplace and take appropriate disciplinary action if warranted.

#### **(16) Personal Appearance**

- (A) Employees of the Maryland Judicial Branch are expected to always maintain standards of personal grooming and present a clean, neat, professional appearance at work. Based on job function, employees may be required to wear uniforms.
- (B) Employees should not wear clothing that is dirty, torn, faded, stained, frayed, or otherwise unacceptable in a professional office environment. In addition, an employee should not wear clothing or other accessories or display tattoos and body art containing wording or images that may be offensive or call into question the employee's impartiality in the administration of justice.
- (C) An Administrative Head may enforce the standards for professional appearance established within this subsection, as well as other standards that they determine are appropriate for the workplace.

#### **(17) Unauthorized Recording of a Conversation or Meeting**

In Maryland, recording a conversation between parties without the prior consent of all parties involved is a violation of the Courts and Judicial Proceedings Article, §10-402. Pursuant to that article, any person who violates this law is guilty of a felony and is subject to imprisonment for not more than 5 years or a fine of not more than \$10,000, or both. Therefore, employees are prohibited from recording conversations or meetings in the workplace without the consent of all parties involved. An employee is subject to the termination of employment for a violation of this section.

#### **(18) Authority of Judiciary Special Police Officers/Bailiffs**

Judiciary employees are expected to follow the directions, instructions, and orders given by Judiciary Special Police Officers (SPOs) and Bailiffs while in Judiciary buildings or on Judiciary property.

### **(e) Medical Evaluations**

When it is suspected that an employee's conduct, behavior, or performance constitutes a safety concern or hazard to individuals or property or may prevent the employee from performing the essential job functions of the position, the employee may be required to submit to a medical evaluation to determine the employee's fitness for duty. The evaluation may be conducted by the State Medical Director or any other evaluator of the Judiciary's choosing. Such an evaluation will be coordinated with the JHRD.

## **(f) Employee Responsibilities**

Employees must report to the Administrative Head any known or suspected illegal or unethical job-related activity committed by an employee during the course of employment. Illegal or unethical activity may include, but is not limited to fraud, waste, abuse, or financial misconduct. If the individual suspected of illegal or unethical job-related activity is the Administrative Head, then the employee shall report the suspected activity to the Assistant State Court Administrator of the JHRD.

## **(g) Management Responsibilities**

- (1)** Supervisors, managers, and Administrative Heads are expected to abide by the provisions of this policy, to impose appropriate disciplinary actions for violations of the policy, and to enforce its provisions fairly and with diligence.
- (2)** An Administrative Head must report to the Assistant State Court Administrator of the JHRD, or designee, any suspected illegal job-related activity committed by an employee.

## **(h) Failure to Comply**

Failure by an employee to comply with the provisions of this policy may lead to disciplinary action, up to and including the termination of employment, pursuant to the Policy on Disciplinary Actions.

## **(i) Exceptions**

The Chief Justice of the Supreme Court of Maryland or the State Court Administrator may make exceptions to any provision of this policy.

## **(j) Interpretive Authority**

The JHRD is responsible for the interpretation of this policy.

## **(k) 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.