

DIVISION OF HUMAN RESOURCES

2.9 POLICY ON SEPARATION FROM EMPLOYMENT

(a) Purpose and Scope

Purpose

The purpose of this policy is to establish uniform practices for separation from employment with the Maryland Judiciary, excluding involuntary termination of employment (For involuntary termination of employment, see the Policy on Disciplinary Actions).

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;
 - (iv) justices and judges; and
 - (v) elected officials.

(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 in 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 state employees under their supervision;
- (D) The Chief Judge of the District Court, the Chief Clerk, or the Administrative Clerk or Administrative Commissioner for all employees under their supervision;
- (E) For the Administrative Office of the Courts (AOC), the State Court Administrator;
- (F) For any 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) 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.

(3) 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.

(4) Workday – An employee’s normally scheduled workday.

(c) Policy Statement

There are many reasons for which an employee may choose or be required to leave employment with the Judiciary. This policy describes the general categories of separation (excluding the involuntary termination of employment for reasons other than reduction in force) and outlines procedures to follow. The involuntary termination of employment for reasons other than reduction in force for regular employees is covered under the Policy on Disciplinary Actions.

(d) Separation from Employment

(1) Resignations (Except for Resignations in-Lieu-of Termination, which are covered in the Policy on Disciplinary Actions.)

- (A) A resignation is an oral or written statement by an employee of intent to voluntarily terminate employment with the Judiciary. An employee planning to resign should submit a written notice of resignation to the immediate supervisor or the Administrative Head specifying the last day of employment. The employee must include if transferring to another state agency for efficient processing. If the employee resigns orally and does not submit a written resignation, then the supervisor shall prepare a written memorandum to the employee and the Administrative Head confirming the resignation, including the last day of work. The Administrative Head shall promptly notify the JHRD of the resignation.
- (B) For an employee to resign or transfer from the Judiciary in good standing, the employee must provide the resignation notice at least two weeks before the last day of work. The Assistant State Court Administrator of the JHRD, at their discretion, may grant exceptions to this requirement based on unusual or extenuating circumstances. Once the resignation is provided, the Administrative Head, in consultation with the JHRD and with or without the approval of the employee, may make the effective date of the resignation earlier than the date the employee provided, if the Administrative Head and JHRD determine it is in the best interest of the Judiciary to do so.

(2) Job Abandonment

- (A) An employee who does not report to work for three consecutive workdays, does not notify the supervisor of the extent and cause of the absence, and does not provide sufficient supporting documentation, has abandoned their employment absent extraordinary circumstances.
- (B) If this occurs, the supervisor must promptly notify the Administrative Head. The Administrative Head shall promptly provide written notification to the JHRD. Job abandonment is a voluntary

resignation without notice and precludes the employee from future employment with the Judiciary.

- (C) The Administrative Head and the JHRD shall consult and prepare a written notice to the employee, which must be delivered to the employee in person, by mail, or by any other effective means by the Administrative Head or the JHRD. The notice shall advise the employee that they have abandoned their position and, therefore, the employee has voluntarily resigned from employment. The notice also shall indicate the effective date of the resignation. The effective date shall be the last day the employee was at work or on approved leave, whichever last occurred. The notification shall provide at least three workdays for the employee to respond with any extraordinary circumstances that the employee believes would warrant a reversal of the determination.
- (D) If the employee does not respond to the notice, then the job abandonment stands. If the employee responds, the Administrative Head shall consider the employee's response and, in consultation with the JHRD, has the discretion to rescind the job abandonment or allow it to stand. The employee may not grieve this decision.

(3) Reductions in Force

- (A) Reductions in Force (RIFs) normally arise from a reduction in funding or lack of work. Such actions may result, however, from reorganization, restructuring, and/or re-engineering some aspect of the operation of the Judiciary.
- (B) Employees separated from employment because of a RIF may reapply for any future vacancy with the Judiciary for which they qualify. Separations from employment due to a RIF are not subject to a grievance action.

(4) Retirement

An employee who is a member of the Maryland State Retirement and Pension System has two retirement options: service and disability.

- (A) Service Retirement. An employee retiring due to the length of service must submit a written notice of intent to retire and the effective date of the retirement to the Administrative Head and the JHRD as early as possible, preferably no later than two weeks before the effective date of retirement. The employee must promptly complete the necessary retirement paperwork.
- (B) Disability Retirement
 - (i) Ordinary Disability covers any permanent mental or physical incapacity for the further performance of the normal duties of the position. To be eligible, the employee must have:
 - (I) A minimum of five years of eligible service;
 - (II) A permanent incapacity to perform their job duties due to medical reasons; and,
 - (III) Approval by the Medical Board and Board of Trustees of the Maryland State Retirement Agency.
 - (ii) An employee who believes they may be eligible for disability retirement should contact the local human resources associate or JHRD for the appropriate forms.

- (C) Accidental Disability Retirement generally covers an accident that occurred in the actual performance of work duties at a definite time and place without willful negligence. For an employee to be eligible for accidental disability retirement, all of the following requirements must be met:
- (i) The employee must be totally and permanently disabled as the direct result of a specific accident that occurred at a definite time and place;
 - (ii) The accident occurred while the employee was performing assigned duties;
 - (iii) The employee is not responsible for the accident through willful negligence;
 - (iv) The disabling condition was caused by an accident that occurred within the last five years. (If the employee does not meet the five-year filing deadline for accidental disability, the employee may still be eligible to file for ordinary disability.); and
 - (v) The employee's claim is approved by the Medical Board and Board of Trustees of the Maryland State Retirement Agency.
 - (vi) There is no minimum service requirement for accidental disability benefits.
 - (vii) An employee who believes they may be eligible for accidental disability should contact the local human resources associate or JHRD.

(e) Leave Requests Pending Separation from Employment

- (1) The supervisor has discretion to grant or deny requests for leave presented by an employee who has given notice of resignation or retirement or who has received notice of a RIF or termination of employment. To the extent practicable, such leave requests should be processed in accordance with the appropriate Judiciary leave policy.
- (2) If an employee does not report to work after submitting a two-week notice of resignation or retirement and is absent without approval and, therefore, is in unpaid status, then the separation from employment will not be in good standing.

(f) Judiciary Exit Interview Form

A separating employee is encouraged to complete a [Judiciary Exit Interview Form](#). The form may be completed and submitted on-line.

(g) Security and Return of Property

- (1) For security reasons, the only individuals who may have access to an employee's workspace, equipment, and personal property upon the employee's separation from employment are:
 - (A) The employee, with approval of Judiciary management and security personnel;
 - (B) Judiciary management and security personnel; and,
 - (C) With proper authorization, appropriate law enforcement personnel.
- (2) An employee's personal belongings may be provided to the following individuals upon the employee's separation from employment:
 - (A) The employee;
 - (B) An authorized representative of the employee, with the approval of Judiciary management and security personnel; and,
 - (C) With proper authorization, appropriate law enforcement personnel.

- (3)** The employee must return all Judiciary property to the supervisor or the Administrative Head, which may include but not limited to the following:
- (A) State ID Badge
 - (B) Courthouse badge
 - (C) Judiciary property and assets

(h) Interpretive Authority

The JHRD is responsible for the interpretation of this policy.

(i) Exceptions

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

(j) 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.