

**OFFICES OF FACILITIES AND SECURITY ADMINISTRATION**  
**8.1. POLICY ON EMERGENCY DISASTER PREPAREDNESS**  
**FOR HUMAN RESOURCES**  
**AND PAYROLL OPERATIONS AND**  
**ATTENDANCE AND LEAVE**

**(a) PURPOSE**

To provide practices that will facilitate the continuous operations of the Judiciary’s Human Resources Department (JHRD) and Payroll Services (PS) in the event of a declared emergency or disaster. This policy does not take the place of the *Administrative Order on the Closure of Courts and Offices of Clerks of the Circuit Courts Due to Emergencies*.

**(b) 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 Judiciary state of emergency or disaster, except Disaster Service Leave under Section (i)(1).

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

**(c) DEFINITIONS**

**(1) Administrative Head**

- (A) For the Appellate Courts, the Clerk of 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;
- (C) The Chief Judge of the District Court for employees of that Court, the Chief Clerk, or the Administrative Clerk or Administrative Commissioner for all employees under his or her supervision;
- (D) For the Administrative Office of the Courts (AOC), the State Court Administrator;
- (E) For any 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) Disaster** – An event that causes or may cause extensive and/or severe threat to or destruction of life and property, which is declared by the Chief Judge of the

Court of Appeals to be a disaster. Such events include but are not limited to: floods; fires; tornadoes; hurricanes; winter storms; pandemic flu and other infectious diseases; biological, chemical, or radiological hazards; industrial accidents; or acts of terrorism.

- (3) **Disaster Services** – The preparation for and carrying out of functions to prevent, minimize, and repair injury and damage from a declared disaster. These may include: fire-fighting services; police services; medical and health services; rescue; engineering; communications; disaster clean-up; etc.
- (4) **Emergency** – A sudden and 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 employees or the permanent displacement of employees and equipment from the affected site to a different operating location.
- (5) **Essential Employees** -- Those employees whose absence would jeopardize the continuation of essential functions or those positions deemed essential by the Judiciary. Essential employees are those serving in an essential position that has been officially designated as such, or the position or employee has been designated as such on an ad hoc basis depending on the nature and extent of the emergency or disaster.
- (6) **Flu-like Symptoms** – A condition under which a person displays some or all of the following symptoms typically associated with the flu: fever; chills; cough; sore throat; runny nose; body aches; headache; tiredness; diarrhea; or vomiting. Fever is usually described as temperature of 100.4° F (38° C) or greater. Symptoms of flu-like illness occurring during a period of a pandemic flu outbreak will be presumed to be pandemic flu.
- (7) **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.
- (8) **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.

#### (d) SCOPE

This policy applies to all state-paid employees within the Maryland Judiciary, except for employees of the Register of Wills Offices and Orphans’ Courts.

**(e) POLICY STATEMENT**

The continued operation of Judiciary functions in the event of an 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, provisions must be in place to ensure adequate staffing and the continuance of human resources and payroll functions, and employee health and safety.

**(f) HUMAN RESOURCES AND PAYROLL SERVICES OPERATIONS**

**(1) Data Files and System Accessibility**

Necessary files and systems will be accessible to key JHRD and PS staff. Key JHRD and PS staff will have full access to human resources files and the on-line payroll and CONNECT system to conduct on-line/off-site processing of JHRD and PS functions to the extent possible.

**(2) Documents, Forms, and Essential Papers**

All essential JHRD and PS forms will be available electronically on Courtnet. Review and approval of forms will depend on the availability of the network during an emergency or disaster event.

**(g) PAYROLL AND LEAVE ACCOUNTING**

**(1) Processing payroll and tracking leave earnings and usage during emergency and disaster situations will continue to the extent possible.**

(A) Payroll Services will coordinate with the Central Payroll Bureau (CPB) to ensure continuity of payroll operations during such an event. In conjunction with JIS and the CPB, all PS staff will have access to CPB's mainframe or back-up system.

(B) PS will have the ability to process payroll in the event the main work site is not accessible.

(i) Guidelines will be provided to local jurisdictions on providing data to PS staff so that the payroll can be processed.

(ii) In cases of extreme emergency and lack of communication with local jurisdictions, the submittal of time sheets will not be required. The payroll for regular, contractual, and temporary employees' will be processed in accordance with hours reported in the prior pay period. Adjustments, where necessary, will be made in subsequent pay periods. However, remote access via CONNECT should allow staff and managers to continue to operate during an emergency or disaster with little, if any, interruption.

(C) Paychecks and direct deposit advices

(i) Employees are strongly encouraged to participate in direct deposit. This will help ensure that an employee receives his or

her pay in a timely manner, even during an emergency or disaster event.

(ii) Paychecks are mailed by CPB to the employee if he or she does not have direct deposit.

(2) JHRD and PS staff will have remote access to the CONNECT system so that leave records can be maintained and FMLA, LWOP, etc., can be addressed. To the extent possible, Administrative Heads are responsible for ensuring new hires, separations, FMLA, LWOP and other employment information is entered into the CONNECT system in a timely manner.

## (h) RECRUITMENT

(1) Normal recruitment efforts will continue, utilizing whatever methods necessary and available to fill vacancies.

(2) Retirees who are interested in doing so may be used to fill critical functions within the Judiciary. These individuals can be quickly identified and hired on a temporary basis during emergency staff shortages.

(3) JHRD will utilize temporary employment agencies to augment staffing support during a disaster or emergency if needed.

## (i) SPECIAL LEAVE PROVISIONS

### (1) Disaster Service Leave

An employee may use administrative leave in the event he or she has been requested to provide disaster relief services pursuant to the *Judiciary's Policy on Leave*, Section (e)(2)(H) and the State Personnel and Pensions Article § 9-1102. 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 his or her own paid leave or leave without pay (provided the employee has exhausted all paid leave) to cover the extended absence. A request for Disaster Service Leave is to be submitted to the JHRD for approval.

### (2) Disaster Victim Leave

An employee may use administrative leave in the event the employee is a victim of an emergency or disaster. Approval of such leave is at the discretion of the JHRD as follows:

(A) 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 by government officials because of such an event or other emergency or disaster-related reasons, unless the quarantine is a result

of out-of-state or out-of-country travel, in which case the employee is not eligible for Disaster Victim Leave.

- (B) This leave 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, and the employee has no alternate transportation available.
- (C) The leave is available when an employee cannot report to work due to the closure of the employee's work site because of such an event and no alternative work site or arrangements have been made available, and the employee is incapable of working from home. *Note: Delayed openings/closings guidelines still apply in accordance with the Judiciary's Policy on Leave.*
- (D) An employee may use up to 15 days of Disaster Victim Leave in a 12-month period. *Note: This limitation does not apply in the event of a closure of the employee's work site or lack of alternative work arrangements.*
- (E) 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. The Administrative Head shall consult with the JHRD before approving a request for leave-without-pay.

**(3) Use of Sick or Other Leave --** Also see Section (j)

An employee may use sick leave or other accrued leave pursuant to the Judiciary's *Policy on Leave* in the event the employee or other eligible family member is ill or injured during or because of a declared emergency or disaster.

- (A) An employee will be sent home on sick leave or other accrued leave immediately if there is objective evidence that he/she is ill from an infectious disease or exhibiting flu-like symptoms. If the employee does not have accrued leave, then the absence will be charged to leave-without-pay.
- (B) An employee who has been absent from work due to an illness associated with an infectious disease or flu-like symptoms may be required to present documentation from a medical provider that he or she is medically cleared to return to work and the employee does not pose a health threat to the workplace.
- (C) It is recommended that employees save accrued leave to use in the event of a declared emergency or disaster or for other reasons. An employee

should not depend on administrative leave being granted in emergency or disaster situations.

## **(j) LEVELS OF OPERATION DURING AN EMERGENCY OR DISASTER**

It is understood that barring a declared emergency or disaster, Level 1 will apply, and Judiciary operations will proceed as normal. Levels 2 and 3 may be activated if an emergency or disaster is declared pursuant to this policy.

### **(1) Level 1 – Normal Operations**

- (A) This level is marked by a low to moderate level of concern regarding the associated risks with the emergency or disaster, or the number of pandemic flu and other infectious disease cases the severity of which is equivalent to the normal seasonal flu. During this stage, the number of pandemic flu or other infectious disease cases may increase over time. Although all Judiciary facilities will be open and conducting business as usual, as the outbreak progresses, absenteeism may become noticeable and begin to cause operational concerns.
- (B) The objectives at this level are to: facilitate Judiciary operations; ensure that employees are appropriately using sick leave; and to ensure that teleworker agreements and deliverables are strictly monitored by supervisors.
- (C) Administrative Heads should identify essential employees or positions, and provide educational and informational material on employee health, including proper hygiene practices to be used in the workplace. Employees should take care of their health by eating right, getting plenty of rest, and getting flu vaccinations.
- (D) **Employee Attendance**
  - (i) Employees are expected to report to work as usual unless ill, on approved leave, or as otherwise directed by the Administrative Head or the JHRD.
  - (ii) The Administrative Head may declare any employee to be an essential employee during an emergency or disaster to ensure that the Judiciary continues to function effectively and efficiently. In addition, the Administrative Head may require any employee to report to work unless the employee is on approved sick/medical leave.
  - (iii) To ensure operations, the Administrative Head may revoke previously approved use of annual, personal, and other accrued leave.

- (iv) Failure to report to work or to perform assigned duties as required may result in disciplinary action, up to and including termination from employment.
- (v) An Administrative Head may alter an employee's work schedule, work location, or to allow telework to meet the needs of the Judiciary pursuant to the Telework policy to provide service to the citizens of Maryland, or to promote social distancing to prevent or slow the spread of the pandemic flu and other infectious diseases.
- (vi) An employee who reports to work exhibiting symptoms of a flu-like illness or those of other infectious diseases may be sent home using the employee's accrued leave or leave-without pay if no leave is available.

**(E) Employee Absence**

- (i) An employee who is absent due to the employee's own illness or to care for an eligible family member may use accrued sick, annual, personal or compensatory leave pursuant to the Policy on Leave.
- (ii) An employee who stays home because the employee's child's school is closed may use accrued annual, personal or compensatory leave with the Administrative Head's approval, or leave-without-pay if no such leave is available with the approval of the JHRD, provided the employee provides documentation that the child's school is closed.
- (iii) An employee who must be absent for one of the foregoing reasons and who does not have accrued leave or has run out of accrued leave during the period of absence, will be placed on leave without pay for the part of the absence not covered by paid leave.
- (iv) Employees may be required to provide medical certification upon their return to work pursuant to Section (i)(3)(B) and the Policy on Leave.

**(2) Level 2 - Flexible Operations**

- (A) This level is marked by a moderate level of concern regarding the associated risks of the emergency or disaster, or a moderate to high level of pandemic flu or other infectious disease cases but with low mortality rates. The number of cases is expected to increase. Judiciary facilities may be open for business as usual, but certain facilities may be closed, and out-of-state travel for employment purposes may be restricted. Some schools may be closed, forcing parents to stay home.

- (B) The objectives at this level are to: minimize the risks associated with the emergency or disaster, and to minimize the spread of the pandemic flu or other infectious disease; encourage employees to stay home if ill to avoid the spread of the flu; and to encourage social distancing by relaxing telework requirements where practical to mitigate face-to-face contact where possible.
- (C) The Judiciary will communicate relevant and accurate information to employees regarding any changes in policy or practice.
- (D) **Employee Attendance**
  - (i) Employees are expected to report to work as usual unless ill, on approved leave, or as otherwise directed by the Administrative Head or the JHRD.
  - (ii) The Administrative Head may require an essential employee to report to work during an emergency or disaster to ensure that the Judiciary continues to function during the crisis. In addition, the Administrative Head, if he or she deems necessary, may require any other employee to report to work during an emergency or disaster event, unless the employee is on approved sick/medical leave.
  - (iii) To ensure operations, the Administrative Head may revoke previously approved use of annual, personal and other accrued leave.
  - (iv) Failure to report to work as expected or directed or to perform assigned duties may result in disciplinary action, up to and including the termination from employment.
  - (v) An Administrative Head may alter an employee's job duties, work schedule, or work location, or to allow telework to meet the needs of the Judiciary and to promote social distancing to prevent or slow the spread of the flu or other infectious disease.
  - (vi) An employee who reports to work exhibiting symptoms of a flu-like illness or those of other infectious diseases may be sent home using the employee's accrued leave. If no such leave is available, then leave-without pay may be an option with the approval of the JHRD.
- (E) **Employee Absence**
  - (i) An employee who is absent due to the employee's own illness, or to care for an eligible family member pursuant to the Policy on Leave, may use accrued sick, annual, personal, or compensatory leave. If no such leave is available, then leave-without-pay may be an option with the approval of the JHRD.

- (ii) An employee who stays home because the employee's child's school is closed may use accrued annual, personal or compensatory leave with the Administrative Head's approval, or leave-without-pay if no such leave is available with the approval of the JHRD, provided the employee provides documentation that the child's school is closed.
- (iii) Employees may return to work after an absence of five (5) to seven (7) days from the onset of a flu-like illness, and after remaining symptom-free and fever-free (without the use of fever reducing medications) for twenty-four (24) hours, without providing medical documentation. However, upon notice to the employee by the administrative head upon requesting leave, an employee may be required to provide documentation of an illness on a case-by-case basis.

**(3) Level 3 - Emergency Operations**

- (A) This level is marked by a high concern for the risks associated with the emergency or disaster, or the number of pandemic flu or other infectious disease cases and/or a greater severity of the resulting illness, with the likelihood of increasing mortality rates. Schools will be closed, either throughout the State or in affected areas. Judiciary facilities may be closed to the public, either statewide or in designated areas, such as by county or facility, and out-of-state travel for employment purposes may be restricted.
- (B) The objectives at this level are to: contain the risks associated with the emergency or disaster or the pandemic flu or other infectious diseases by ceasing all non-emergency essential/mission-critical functions; require sick employees to remain at home in order to avoid the spread of the pandemic flu or other infectious diseases by instituting on site screenings for employees entering facilities; and, facilitate social distancing by relaxing telework requirements.
- (C) During this stage, only mission-critical functions will continue on-site. Employees may be screened at the workplace entrance, and those who meet the criteria for symptoms of flu-like illness will be sent home. In such situations, the employee will be required to use the employee's own accrued leave. If such leave is not available, then leave-without-pay may be an option with the approval of the JHRD.
- (D) **Employee Attendance**
  - (i) All essential employees unless on sick leave or other form of approved leave are required to report for work. Other employees

also may be required to report as determined by the Administrative Head or the JHRD.

- (ii) To ensure operations, the Administrative Head may revoke previously approved use of annual, personal and other accrued leave.
- (iii) Failure of an employee to report to work, unless on sick or other form of approved leave, or to perform assigned duties as required, may result in disciplinary action, up to and including termination from employment.
- (iv) The Administrative Head may alter an employee's work schedule, work location, or duties to meet the needs of the Judiciary or to promote social distancing to prevent or slow the spread of the pandemic flu or other infectious diseases. An employee may be required to perform work assignments even though the assigned duties are not within the scope of the employee's classification and may be assigned to work at any location in the State for periods of time other than those normally designated as the employee's regular work hours.
- (v) Employees with jobs suitable for telework may be allowed or required to telework at the discretion of the Administrative Head, even if there is not a prior telework agreement in place.
- (vi) The Judiciary may screen employees for illness prior to their entry into the workplace. Employees who meet the criteria for symptoms of a flu-like illness will be sent home. In such situations, the employee will be required to utilize the employee's own accrued leave. If no such leave is available, then leave or leave-without-pay may be an option, with the approval of the JHRD.

**(E) Employee Absence**

- (i) Employees may be placed on administrative leave if the employee's work location is closed, there is no alternative Judiciary location available, and the employee is incapable of working from home.
- (ii) Employees who are absent due to their own illness, or to care for an eligible family member pursuant to the Policy on Leave, may use accrued sick, annual, or personal leave, or compensatory leave. If no such leave is available, then or leave-without-pay may be an option with the approval of the JHRD.
- (iii) An employee who was absent from work due to the employee's own illness may return to work after an absence of five (5) to seven (7) days from the onset of the illness, and after remaining

symptom-free and fever-free (without the use of fever-reducing medications) for twenty-four (24) hours, without providing medical documentation. However, upon notice to the employee by the administrative head upon requesting leave, an employee may be required to provide documentation of an illness on a case-by-case basis.

(4) **Leave Provisions Specific to the COVID-19 Virus**

See the Policy on Pandemic Flu and Other Infectious Diseases, Attendance and Leave, Section (e)(4) for information on these leave provisions.

(5) **Emergency Family and Medical Leave Expansion Act (FMLA) /Families First Coronavirus Response Act**

See the Policy on Pandemic Flu and Other Infectious Diseases, Attendance and Leave, Section (e)(5) for information on these new FMLA provisions.

**(k) FLEXIBLE WORK SITES, WORK HOURS, AND JOB DUTIES**

(1) The Judiciary may establish temporary work sites to be accessed in the event of a declared emergency or disaster. In the event alternate locations are available, essential staff will be required to report to those locations when advised to do so. Other staff also may be required to report to those locations. It is understood that many positions within the Judiciary are not suitable for telework, working from a remote location, or working during non-business hours. However, many, if not most, employees have the capability to telework if they have access to a computer and an internet provider.

(2) The Judiciary has policies on telework and alternative work schedules. Administrative Heads are encouraged to consider the flexibility of these policies and to seek advice and guidance on the policies from the JHRD.

(A) Whenever possible, Administrative Heads 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 consider 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.

(B) An Administrative Head may relax certain requirements of the *Policy on Alternative Work Schedules* during a declared emergency or disaster.

(i) 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.

- (ii) An Administrative Head may allow a day-to-day flex-time schedule (as opposed to a fixed flex-time schedule) to best meet the needs of the office or an employee. Administrative Heads should keep in mind that a non-exempt employee must be paid overtime for all hours worked over 40 in a workweek.
- (iii) An Administrative Head may require an employee to work an alternative work schedule during such an event.
- (C) An Administrative Head may relax certain requirements of the *Policy on Telework* during a declared emergency or disaster.
  - (i) An Administrative Head, considering operational concerns and those of the employee, may allow an employee to telework more frequently during an emergency.
  - (ii) An Administrative Head 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.
  - (iii) An Administrative Head may relax certain standards that should be considered when determining whether an employee may telework, such as past performance and disciplinary records.
  - (iv) An Administrative Head has the authority to require an employee to telework or work from a remote location during such an event.
- (3) As stated previously, an Administrative Head may temporarily alter an employee's job duties during a declared disaster to address staffing and work flow issues that may arise during the event.

## (l) COMMUNICATION OF INFORMATION

- (1) The Judiciary will post updates on the emergency or disaster situation using its emergency notification system and social media and may refer employees to other sources providing additional information when necessary.
- (2) The JHRD page on Courtnet will be updated to provide guidance and information pertaining to HR-related or other matters during such an event.

## (m) EMERGENCY CONTACT INFORMATION

- (1) Employees must maintain emergency contact information (home, business, and mobile phone numbers) in the CONNECT system, to include a Text Alert Number.
- (2) Administrative Heads should maintain a list of essential personnel and emergency contact information for their area of responsibility. Employees shall immediately report personal contact information changes to the Administrative Head and update that information in the CONNECT system.

**(n) TRAVEL RESTRICTIONS AND REPORTING REQUIREMENTS**

- (1) For workplace safety reasons, travel for employment purposes may be restricted during a declared emergency or disaster. The Administrative Head may prohibit work-related travel to areas affected by such an event, or from returning to work from such areas until the employee has secured a medical clearance to return to work.
- (2) **Reporting Requirements**
  - (A) Employees must report to their Administrative Head if they have traveled out of the state or country within 14 days prior to or during a declared emergency or disaster involving a pandemic flu or other infectious disease, prior to returning to work from such travel. The Administrative Head shall notify the JHRD of this information for it to determine if other steps need to be taken.
  - (B) Employees must report if they have had have close contact with a symptomatic individual with laboratory-confirmed case of a pandemic flu virus or other infectious disease. Close contact is defined by the Center for Disease Control (CDC) as “sat on an aircraft within 6 feet (two airline seats) of, or live in the same household as, are an intimate partner of, or are caring for at home,” the symptomatic individual with a laboratory confirmed case of a pandemic flu virus or other infectious disease.
  - (C) Employees must report having direct contact with infectious secretions of a pandemic flu virus or other infectious disease case (e.g., being coughed on).
  - (D) Employees must report any voluntary or ordered isolation or quarantine, any laboratory testing or confirmation of a pandemic flu virus or other infectious disease diagnosis, and any symptoms of acute respiratory illness (fever, cough, difficulty breathing).
  - (E) Unless an employee would create an unsafe or unhealthful work environment or is a direct threat to him or herself or others, an employee with a laboratory confirmed case of pandemic flu or other infectious disease may return to work: (1) upon certification by a healthcare provider that the employee is able to work and presents no risk; or (2) consistent with the guidelines and recommendations issued by the Maryland Department of Health and the Center for Disease Control.
  - (F) The above information will assist in determining whether to allow an employee to return to work or to require the employee to take leave.

**(o) NOT SUBJECT TO GRIEVANCE ACTION**

Elements of this policy are not subject to a grievance action. Any grievance filed that is related to this policy will be considered invalid and will be dismissed.

**(p) DISCIPLINARY POLICIES NOT SUSPENDED**

The Human Resources Policy on Disciplinary Actions and the Policy on Grievances will remain in effect during a declared disaster.

**(q) INTERPRETIVE AUTHORITY**

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