

IN THE COURT OF APPEALS OF MARYLAND

ADMINISTRATIVE ORDER PERTAINING TO
TEMPORARY SALARY REDUCTION, FURLOUGH, REDUCTION IN SERVICE AND
REDUCTION IN SUBSIDY PLAN FOR
JUDICIAL BRANCH EMPLOYEES

WHEREAS, The State of Maryland continues to experience significant budgetary problems of unprecedented proportions;

WHEREAS, The economy has had a profound effect on the Judicial Branch, as courts increasingly have been called upon to address rising foreclosure actions and to intercede in matters of social dysfunction, such as crime, chemical dependence, mental health issues, and family violence, which make judicial operations in these difficult times particularly critical;

WHEREAS, In December 2008, both the Executive and Judicial branches adopted furlough and salary reduction plans through, respectively, Executive Order 01.01.2008.20 and the Judicial Branch Administrative Order of December 18, 2008;

WHEREAS, On August 25, 2009, Governor O'Malley issued Executive Order 01.01.2009.11, "Fiscal Year 2010 State Employees' Furlough and Temporary Salary Reduction Plan," which detailed the continuing urgent need to reduce budget expenditures through a combination of a temporary reduction in salaries, furloughs, and service reduction days;

WHEREAS, Neither Executive Order 01.01.2009.11 nor the authorities it cites, Chapter 62 of the 1992 Laws of Maryland and State Finance and Procurement Article §7-213, applies to the Judicial Branch;

WHEREAS, It has again become necessary that all State-funded employees of the Judicial Branch, regular, temporary, and contractual, participate in a plan for temporary salary reduction, furlough and service reduction, and it is also necessary that court positions supported through Judicial Branch subsidies undergo equivalent reductions.

NOW, THEREFORE, I, Robert M. Bell, Chief Judge of the Court of Appeals and administrative head of the Judicial Branch, pursuant to the authority conferred by Article IV, § 18 of the Maryland Constitution, do hereby order this 1st day of September, 2009, effective immediately:

1. Definitions.

In this Order, the terms shall have the following meanings:

- A. “Salary” means gross annual salary or salaries as of September 1, 2009, not including overtime, acting capacity, or shift differentials.
- B. “Temporary salary reduction” means an across-the-board adjustment to affected rates of pay for a specified period of time.
- C. “Furlough” means the placement of an employee in a temporary non-duty, non-pay status for budget-required reasons.
- D. “Service reduction day” means a day when the Judicial Branch reduces routine operations.
- E. “Judicial Branch subsidy” means State funding approved by the Chief Judge of the Court of Appeals to provide full or partial financial support for positions within a circuit court.
- F. “Judicial Branch grant” means an award of State funding made by the Chief Judge of the Court of Appeals as a result of a formal process of application and review that involves specific terms and conditions agreed to by the respective grantees.
- G. “24/7 Employees” means those persons who work on a shift schedule providing services as part of a 24/7 operation.

2. Scope.

Savings shall be achieved through a combination of a temporary reduction in salaries, furloughs, service reduction days, and a reduction in Judicial Branch subsidies. State-funded employees in the Judicial Branch of Government who are paid by the Central Payroll Bureau of the State Comptroller in regular, temporary, or contractual positions, including law clerks, Masters, and all court employees or appointees supported in part or in full through Judicial Branch subsidies shall participate in this Plan. Except as specifically provided, employees in 24/7 operations are subject to this Order. Employees whose salaries are supported through the award of Judicial Branch grants are not subject to this Order.

3. Temporary Salary Reductions.

Employees, including law clerks and Masters, who are paid by the Central Payroll Bureau or whose salaries are supported by Judicial Branch subsidy are subject to the following Plan on the temporary reduction of salary:

- A. An employee subject to this Order who earns a salary of \$40,000 or more, including employees of 24/7 operations, shall have a temporary salary reduction equivalent to five (5) days of pay that shall be apportioned across the remaining pay periods of Fiscal Year 2010.
- B. An employee subject to this Order who earns a salary of less than \$40,000 shall have a temporary salary reduction equivalent to three (3) days of pay that shall be apportioned across the remaining pay periods of Fiscal Year 2010.
- C. An employee whose salary is supported by Judicial Branch subsidy shall have that subsidy reduced equivalently.

4. Furloughs.

The furlough Plan under this Order shall provide that:

- A. An employee who works in a 24/7 capacity shall not be required to take furlough hours.
- B. An employee earning less than \$40,000 shall not be required to take furlough hours.
- C. An employee earning between \$40,000 and \$49,999 shall be required to take twenty-four (24) furlough hours.
- D. An employee earning between \$50,000 and \$99,999 shall be required to take thirty-two (32) furlough hours.
- E. An employee earning \$100,000 or more shall be required to take forty (40) furlough hours.
- F. An employee shall not work during designated furlough hours except that, in the event of an emergency, the administrative official may revoke furlough hours, pay the employee for those hours, and require the employee to designate new furlough hours.

- G. An employee subject to being furloughed shall select his or her own furlough hours, subject to supervisory approval. An employee shall not be required to take furlough hours in lieu of taking a leave of absence covered by the Family and Medical Leave Act.
- H. In no instance, without prior written approval of the employee's administrative official, shall compensatory leave or overtime off-set the reduction of pay resulting from furlough hours.
- I. For all purposes other than salary or wages, an employee on furlough hours shall be deemed to be on paid leave.
- J. A furlough may be taken on an employee's regularly scheduled workday in increments as small as four (4) hours.
- K. An employee shall take no more than eight (8) furlough hours during any work week.
- L. If an employee has not taken all required furlough hours during the fiscal year, the employee's pay shall be reduced by an amount that reflects the untaken furlough hours and the employee forfeits the right to take unpaid leave that was not taken during the fiscal year.

5. Service Reduction.

The Service Reduction Plan under this Order shall provide:

- A. Except as provided in subsection C below, the Judicial Branch shall close on December 24, 2009, and December 31, 2009, and employees shall receive paid administrative leave for those designated service reduction days.
- B. In addition to the two (2) designated service reduction days in subsection A above:
 - (1) An employee earning \$40,000 or more shall receive three (3) paid administrative leave days to be used on or before June 30, 2010.
 - (2) An employee earning less than \$40,000 shall receive one (1) day of administrative leave to be used on or before June 30, 2010.
- C. All 24/7 Judiciary employees who are scheduled to work on December 24, 2009, and/or December 31, 2009, shall report for their respective

assignments. Employees who work in a 24/7 capacity are not eligible to receive additional administrative leave.

- D. If a day is not declared to be a service reduction day for judicial operations under this Order, the Judicial Branch shall continue its normal operations, notwithstanding the fact that the day has been declared to be a service reduction day under Executive Order 01.01.2009.11. Persons with business before a court shall not be excused because of the Executive Order.
 - E. Employees in the Judicial Branch, even if they are not paid from the State Judicial Branch budget, shall not be excused from attendance, notwithstanding any policy adopted by a local subdivision to impose service reductions in that subdivision.
6. Judicial Branch subsidies supporting in full or in part court positions shall be reduced by sums pursuant to Sections 3 and 4 of this Order that would reflect the actions taken with respect to equivalent State-funded positions paid by the Central Payroll Bureau.
 7. This Order shall not apply to those employees supported by grants awarded by the Judicial Branch.
 8. Pursuant to the Constitution of Maryland, this Administrative Order shall not apply to the salaries of judges (including recalled judges) of the Court of Appeals, Court of Special Appeals, Circuit Courts, the District Court, Orphans' Court, and to elected Clerks of the Circuit Courts.
 9. The State Court Administrator shall take all actions necessary to implement this Order for employees of the Court of Appeals, Court of Special Appeals, Circuit Court Clerks' Offices, Administrative Office of the Courts, Rules Committee, State Board of Law Examiners, Mediation and Conflict Resolution Office, State Law Library, and all other court-related agencies.
 10. The County Administrative Judge of each of the circuit courts shall take all actions necessary to implement this Order for employees and appointees in his or her respective court who are subject to this Order.

11. The Chief Judge of the District Court shall take all actions necessary to implement this Order for employees of the District Court who are subject to this Order.
12. The Chief Judge of each Orphans' Court shall take all actions necessary to implement this Order for employees of the Orphans' Court who are subject to this Order.

/s/ Robert M. Bell

Robert M. Bell
Chief Judge of the Court of Appeals

Filed: September 1, 2009

/s/ Bessie M. Decker

Bessie M. Decker
Clerk
Court of Appeals