

DEPARTMENT OF HUMAN RESOURCES

INTERIM TELEWORK POLICY, EFFECTIVE 12/29/21 THROUGH 3/6/22

(a) Purpose and Scope

- (1) **Purpose.** In response to the current rise in COVID-19 cases, and the likelihood the increase in cases will persist for the foreseeable future, it is necessary for the Maryland Judiciary to temporarily return to reduced operations.
- (2) **Scope**
 - (A) These guidelines apply to Appellate Courts, Circuit Court Clerks' offices, the District Court, Administrative Office of the Courts, and Judiciary Units.
 - (B) The guidelines do not apply to locally funded Judiciary operations.

(b) Work Teams and Telework

- (1) Offices may reimplement the team/telework concept for operations. These guidelines are in effect through March 6, 2022, at which time the situation will be reviewed to determine if further actions are necessary. Additionally, all current telework agreements approved pursuant to the Policy on Telework are suspended through March 6, 2022.
- (2) **Clerks' Offices – Circuit, District, and Appellate Courts**

After consultation between the Clerk and the Administrative Judge or Chief Judge (for an appellate clerk's office), a clerk's office may have teams of relatively equal size. At least one team shall be in the office each business day. The teams may rotate on a daily or weekly basis or other set schedule as determined by the Clerk of Court or Administrative Clerk. Team members who are not in the office on any given day may telework as defined below, and work time, whether in the office or teleworking, and non-work time are to be coded as follows:

 - (A) Employees will record normal hours when working in the office.
 - (B) If an employee is teleworking, the employee should code that time as COVID - Telework. An employee shall not earn overtime pay or compensatory leave when teleworking.
 - (C) If an employee does not have the capability to telework, his or her position is not suitable for telework, or the employee does not have enough work to telework the

entire day, the employee may be placed on paid Administrative Leave for the entire day or the portion of the day when the employee is not teleworking. An employee whose position does not allow for telework may be required to report to the office. For a bailiff, the amount of Administrative Leave for which he or she is eligible is determined by an average of the hours he or she worked over the three completed pay periods immediately preceding the date on which reduced operations begins.

- (D) Telework is not a substitute for child or dependent care. An employee must continue to arrange for child or dependent care as if he or she is working at the main worksite.
- (E) If an employee is unable or unavailable to work on a day the employee is expected to report to the office or to telework, or when directed to report to work, the employee will be required to use the appropriate accrued leave, or he or she will be placed on leave-without-pay if no accrued leave is available. An employee who is scheduled to telework on a certain day may be required to report to the office on that day due to a staffing shortage or for other reasons as determined by the Administrative Head. Employees should follow the latest Judiciary COVID-19 protocols to determine their eligibility for telework if they have been exposed to or sick with COVID-19, with or without symptoms.
- (F) Number of Teams
 - i. Small Offices (Caroline, Dorchester, Garrett, Kent, Queen Anne’s, Somerset, and Talbot Counties, COA, and COSA) may have two teams.
 - ii. Mid-Size Offices (Allegany, Calvert, Carroll, Cecil, Charles, Frederick, Harford, Howard, St. Mary’s, Washington, Wicomico, and Worcester Counties) may have up to three teams
 - iii. Large Offices (Anne Arundel, Baltimore, Montgomery, and Princes George’s Counties, and Baltimore City) may have up to four teams.
- (G) Telework is a privilege, not a right. Employees must adhere to all applicable teleworking guidelines in the Judiciary’s telework policy. Telework assignments should be documented, completed timely, satisfactorily and monitored by supervisors.
- (H) The Clerk or Administrative Clerk or his or her designee is to ensure that each team member adheres to the schedule and that each time sheet is coded appropriately; and, also ensure that employees who are teleworking are readily accessible and responsive and are producing a work product that is satisfactory in both quantity and quality.

- (I) Employees should be advised that they may be subject to disciplinary action while teleworking if their work product is deemed unsatisfactory or they are not readily accessible and responsive.
- (J) The Teleworker must have a telephone and designated workspace with appropriate equipment and supplies to do the assigned work and a reliable internet connection. The Teleworker will have full responsibility for the purchase, loan, repair, or maintenance of the equipment, furnishings, facility, and utilities of a home-based Telework site. If the employee loses internet connectivity at the Telework site for a period of time that negatively impacts their ability to perform their duties, then they must report to their Main Worksite until the connectivity has been restored or use unscheduled personal leave for the time the employee is unable to Telework due to the connectivity issue. Additionally, the Telework agreement will be rescinded if internet connectivity is consistently unreliable at the Telework site.
- (K) In cases where Judiciary equipment, software, or other expenses for home-based Telework or offsite Telework is approved, the employee is responsible for any damage, loss, or other unwarranted costs that occur because of theft, damage, negligence, misuse, or abuse. Such equipment shall remain the property of the Judiciary and shall be returned upon the termination of the Telework agreement.
- (L) The Remote Worksite must be approved by management and designated as the official workspace during Telework hours.
- (M) Injuries sustained by the Teleworker in a Remote Worksite and in the course of the actual performance of official duties may be covered by the Maryland Workers' Compensation law. In case of injury, the Teleworker or, if this is not possible, a person acting on the Teleworker's behalf, must follow all rules regarding notification and documentation as specified in this law.
- (N) The Judiciary is not liable for any injuries sustained by visitors or damages to the Teleworker's personal or real property at the Remote Worksite.
- (O) Employees are responsible to ensure they have a Remote Worksite that is safe and free from hazards, if the Remote Worksite is not a Judiciary location.
- (P) The above restrictions may be relaxed during an office closing for an emergency, disaster, or inclement weather. However, the employee still is expected to produce a work product in quantity and quality that is acceptable to the director, manager, or supervisor and must not be any less acceptable than that of a similarly situated employee who does not Telework.

(3) AOC, District Court Headquarters, and Judiciary Units

The Administrative head of each of the above entities may implement a reduced staff presence and telework plan. The Administrative head or designee may determine the number of staff needed, if any, for each department in that entity on any given day to ensure that the functions of each department are being fulfilled. Depending on the size of a department, the nature of the work performed, and that the department may not provide in-person services to the public, the Administrative head may determine there is no need for staff to be physically present in the department each day. In that case, individual staff will telework each day and report to the department only on an as needed basis. Staff who are not in the office on any given day may telework as defined below, and work time, whether in the office or teleworking, and non-work time are to be coded as follows:

- (A) Employees will record normal hours when working in the office.
- (B) If an employee is teleworking, the employee should code that time as COVID - Telework. An employee shall not earn overtime pay or compensatory leave when teleworking.
- (C) If an employee does not have the capability to telework, his or her position is not suitable for telework, or the employee does not have enough work to telework the entire day, the employee may be placed on paid Administrative Leave for the entire day or the portion of the day when the employee is not teleworking. An employee whose position does not allow for telework may be required to report to the office.
- (D) If an employee is unable or unavailable to work on a day the employee is expected to report to the office or to telework, or when directed to report to work, the employee will be required to use the appropriate accrued leave, or he or she will be placed on leave-without-pay if no accrued leave is available.
- (E) An employee who is scheduled to telework on a certain day may be required to report to the office on that day due to a staffing shortage or for other reasons as determined by the Administrative Head.
- (F) Employees should follow the latest Judiciary COVID-19 protocols to determine their eligibility for telework if they have been exposed to or sick with COVID-19, with or without symptoms.
- (G) Telework is a privilege, not a right. Employees must adhere to all applicable teleworking guidelines in the Judiciary's telework policy. Telework assignments should be documented, completed timely, satisfactorily and monitored by supervisors.

- (H) The head of the department or his or her designee is to ensure that each employee adheres to his or her established work schedule and that each time sheet is coded appropriately; and, also ensure that employees who are teleworking are readily accessible and responsive and are producing a work product that is satisfactory in both quantity and quality.
- (I) Employees should be advised that they may be subject to disciplinary action while teleworking if their work product is deemed unsatisfactory or they are not readily accessible and responsive.
- (J) The Teleworker must have a telephone and designated workspace with appropriate equipment and supplies to do the assigned work and a reliable internet connection. The Teleworker will have full responsibility for the purchase, loan, repair, or maintenance of the equipment, furnishings, facility, and utilities of a home-based Telework site. If the employee loses internet connectivity at the Telework site for a period of time that negatively impacts their ability to perform their duties, then they must report to their Main Worksite until the connectivity has been restored or use unscheduled personal leave for the time the employee is unable to Telework due to the connectivity issue. Additionally, the Telework agreement will be rescinded if internet connectivity is consistently unreliable at the Telework site.
- (K) In cases where Judiciary equipment, software, or other expenses for home-based Telework or offsite Telework is approved, the employee is responsible for any damage, loss, or other unwarranted costs that occur because of theft, damage, negligence, misuse, or abuse. Such equipment shall remain the property of the Judiciary and shall be returned upon the termination of the Telework agreement.
- (L) The Remote Worksite must be approved by management and designated as the official workspace during Telework hours.
- (M) Injuries sustained by the Teleworker in a Remote Worksite and in the course of the actual performance of official duties may be covered by the Maryland Workers' Compensation law. In case of injury, the Teleworker or, if this is not possible, a person acting on the Teleworker's behalf, must follow all rules regarding notification and documentation as specified in this law.
- (N) The Judiciary is not liable for any injuries sustained by visitors or damages to the Teleworker's personal or real property at the Remote Worksite.
- (O) Employees are responsible to ensure they have a Remote Worksite that is safe and free from hazards, if the Remote Worksite is not a Judiciary location.

- (P) Teleworking is not a substitute for child or dependent care. An employee shall not act as a caregiver for children or dependents during Telework hours.
- (Q) The employee must continue to arrange for child or dependent care as if he or she is working at the Main Worksite.
- (R) The above restrictions may be relaxed during an office closing for an emergency, disaster, or inclement weather. However, the employee still is expected to produce a work product in quantity and quality that is acceptable to the director, manager, or supervisor and must not be any less acceptable than that of a similarly situated employee who does not Telework.

(c) Judiciary Human Resources Department

The Judiciary Human Resources Department (JHRD), in consultation with the State Court Administrator as necessary, is responsible for the interpretation of these guidelines. For further guidance or questions, please contact the JHRD, Employee Relations, at 410-260-1732 or at ER@mdcourts.gov.