

IN THE COURT OF APPEALS OF MARYLAND

ADMINISTRATIVE ORDER ALTERING ANTI-NEPOTISM ORDER

WHEREAS, The Court of Appeals established a uniform anti-nepotism policy, by Administrative Order dated October 3, 1996, effective October 15, 1996, for the stated purposes of avoiding the appearance of partiality and emphasizing the importance of merit in hiring and promotion of Judicial Branch employees, whether compensated from State, local, or federal funds; and

WHEREAS, The Chief Judge of the Court of Appeals, by Administrative Order dated January 31, 1997, amplified the policy by barring judges of the Maryland Judiciary from involvement in the hiring process of employees of any unit within the Department of Public Safety and Correctional Services; and

WHEREAS, The personnel regulations clarify familial relationships and the application of the policy to contractual, regular, and temporary employment and to employment practices in addition to recruitment, selection, and promotion; and

WHEREAS, A mechanism, consistent with the policy, for approval of employment of relatives, on recommendation of certain administrative judges and concurrence of a majority of the Court of Appeals is appropriate in instances of unusual circumstances involving temporary and limited employment;

NOW, THEREFORE, it is this 4th day of May, 2006, ORDERED, by the Court of

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Appeals of Maryland, pursuant to the authority conferred by Article IV, §18 of the Maryland Constitution, that, effective immediately, the Administrative Orders dated October 3, 1996, and January 31, 1997, are rescinded, and the following criteria shall apply to all employment relationships created after the effective date of this Order, as follows:

1. “Relative” Defined.

For purposes of this Order, “relative” means:

- a. Spouse of an employee;
 - b. Child of an employee or employee’s spouse, including a stepchild and current foster child;
 - c. Parent of an employee or employee’s spouse, including a stepparent or other individual who took the place of a parent;
 - d. Grandparent of an employee or employee’s spouse, including a step-grandparent or other individual who took the place of a grandparent;
 - e. Sibling of an employee or employee’s spouse, including a step- and half-sibling;
 - f. Aunt or uncle of an employee or employee’s spouse;
 - g. Nephew or niece of an employee or employee’s spouse;
 - h. First cousin of an employee or employee’s spouse;
 - i. Son-in-law or daughter-in-law of an employee or employee’s spouse;
- and
- j. Brother-in-law or sister-in-law of an employee or employee’s spouse.

2. Policy for Judicial Branch Employment.

It is the policy of the Maryland Judicial Branch that recruitment, selection, promotion, reassignment, and transfer of employees be based on their demonstrated ability, knowledge, and skills and that demotion or other appropriate disciplinary action not be avoided or otherwise affected by familial relationships.

3. Limitations on Relationships.

a. Relatives who meet established requirements for job vacancies based on their qualifications and performance are not ineligible for Judiciary employment, except that, subject to subsection c of this Section:

(i) A superior-subordinate relationship shall not occur at or after the time of employment;

(ii) A relative may not assume for another the role of advocate with respect to any condition of employment, promotion, reassignment, transfer, or demotion or other disciplinary action;

(iii) A relative of the clerk of a court or of any active judge of that court is ineligible for employment in the same office as the clerk; and

(iv) More than one relative may not work for the same supervisor, without the prior approval of the Judicial Branch's Human Resources Department.

b. If employees become relatives while employed by the Judiciary, the appointing authority with control over the employees shall ensure that a superior-subordinate relationship does not occur.

c. On recommendation of a circuit or district administrative judge, the

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Court of Appeals may approve, by majority vote, the employment of a relative otherwise contrary to the requirements set forth in subsection a of this Section but only in instances of unusual circumstances involving temporary and limited employment.

4. Disclosure; Penalties.

a. Each applicant for employment by the Judicial Branch shall be required to disclose in writing the name of each relative employed by the Branch.

b. Each employee of the Judicial Branch shall be required to disclose in writing any prohibited relationship that may arise due to demotion, promotion, reassignment, or transfer of the employee or an election.

c. Failure of an applicant or employee to provide complete and accurate information may result in termination of employment with the Judicial Branch.

5. Department of Public Safety and Correctional Services.

No judge of the Maryland Judicial Branch shall have any involvement in the hiring process for employees of any unit within the Department of Public Safety and Correctional Services.

6. Effect of Rescission of Prior Orders; Application of This Order.

a. Rescission of the Administrative Orders dated October 3, 1996, and January 31, 1997, does not validate or otherwise affect any employment relationship in violation of those Orders.

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b. Subject to subsection a of this Section, an employee relationship that exists before the effective date of this Order and comes within its purview will be permitted to continue subject to satisfactory job performance, but this Order shall govern any promotion, reassignment, transfer, or disciplinary action occurring on or after the effective date of this Order as to such relationship.

/s/ Robert M. Bell

/s/ Irma S. Raker

/s/ Alan M. Wilner

/s/ Dale R. Cathell

/s/ Glenn T. Harrell, Jr

/s/ Lynne A. Battaglia

/s/ Clayton Greene, Jr

Filed: May 4, 2006

/s/ Alexander L. Cummings
Alexander L. Cummings
Clerk
Court of Appeals of Maryland