

DEPARTMENT OF HUMAN RESOURCES

4.5.1 GUIDANCE ON TEMPORARY REDUCED OPERATIONS

(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 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. However, be advised that employees will not receive premium pay for working in the office or when teleworking. These guidelines are in effect through March 14, 2021, 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 14, 2021.
- (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 COOP-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 COOP-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 COOP-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.
- (F) 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.
- (G) Employees who have a currently submitted and/or approved scheduled absence, or are on an approved absence and leave for, but not limited to, vacations or other personal reasons, medical appointments, parental leave, accident leave, leave bank, EPSL, or for illnesses or childcare under the FMLA shall remain on that leave. Employees who are on an absence for these reasons are not eligible for COOP-Administrative Leave during the absence and should not be placed on the work schedule until they are able to return to work. Please contact the Judiciary Human Resources Department, Employee Relations, at 410-260-1732 or ER@mdcourts.gov with any questions regarding the use of leave.
- (H) An employee may telework while quarantined due to having close contact with a COVID-19 infected individual. However, if the employee is incapable of working due to an illness, then he or she is not eligible to telework during quarantine and must use the appropriate leave.
- (I) 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.
- (J) 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.

- (K) 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.

(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 COOP-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 COOP-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) 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.
- (F) 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.
- (G) Employees who have a currently submitted and/or approved scheduled absence, or are on an approved absence and leave for, but not limited to, vacations or

other personal reasons, medical appointments, parental leave, accident leave, leave bank, EPSL, or for illnesses or childcare under the FMLA shall remain on that leave. Employees who are on an absence for these reasons are not eligible for COOP-Administrative Leave during the absence and should not be placed on the work schedule until they are able to return to work. Please contact the Judiciary Human Resources Department, Employee Relations, at 410-260-1732 or ER@mdcourts.gov with any questions regarding the use of leave.

- (H) An employee may telework while quarantined due to having close contact with a COVID-19 infected individual. However, if the employee is incapable of working due to an illness, then he or she is not eligible to telework during quarantine and must use the appropriate leave.
- (I) 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.
- (J) 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.

(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.