

STATE ETHICS COMMISSION

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INFORMATIONAL MEMORANDUM #12

October 27, 2016

Financial Disclosure Coverage - Maryland Judicial Officials and Employees

The Public Ethics Law requires individuals in the Judicial Branch who are compensated at a rate equivalent to a Grade 16 in the State Standard Salary Schedule (Grade J09 – Judiciary Standard Salary Schedule, Grade T04 – Judiciary Technical Salary Schedule or all positions on the Senior Management Salary Schedule) to file financial disclosure statements with the State Ethics Commission. The Public Ethics Law authorizes the Commission to exclude an individual upon the recommendation of the State Court Administrator if the Ethics Commission determines that the position does not have policy, policy advice, quasi-judicial, or procurement functions. An individual employed in the office of a clerk of a court, paid by a county to perform services in an orphans' court, employed by the Attorney Grievance Commission, employed by the State Board of Law Examiners, or employed by the Court of Appeals Standing Committee on Rules of Practice and Procedure is an employee of the Judicial Branch. In addition, the Chief Judge of the Court of Appeals may require other employees and appointees to file.¹

A filer must file an initial financial disclosure statement within 30 days after appointment to the position that requires the filing of the statement and annually thereafter by April 30. These statements will cover the preceding calendar year. Upon leaving the position, the filer must file a termination statement within 60 days that covers the prior calendar year and the portion of the current year that the filer held the position.

Questions & Answers

- 1. Must individuals at grades lower than Grade J09 or T04 file financial disclosure statements if they are currently compensated at a figure equal to or above a Grade J09 or T04 base?**

Answer: No. The legislation was aimed at reaching people with certain duties or discretion. People in grades below J09 or T04 generally have less discretion and responsibility than those

¹ Judges of courts under Article IV, §1 of the Maryland Constitution, candidates for elective office as judges, and judicial appointees, as defined in Maryland Rule 16-814 must file financial disclosure statements disclosing information determined by and under rules adopted by the Court of Appeals. Clerks of the Court file financial disclosure statements with the State Ethics Commission.

at Grade J09 or T04. Those persons employed at Grades J08 or J07 and T03 or T02, regardless of current compensation, are not required to file financial disclosure statements.

2. Must employees who are neither classified nor compensated at a pay grade file?

Answer: Employees with flat pay rates equal to a J09 or T04 base or above are required to file financial disclosure statements.

3. Must an employee who serves in a State or local graded, flat rate or classified system other than the State of Maryland Standard Salary Schedule file a financial disclosure statement?

Answer: If the base of the grade is a rate at or above a State Grade 16 base rate, then the individual must file a financial disclosure statement. If the base of the grade is lower than the State Grade 16 base rate, the employee need not file. Flat rate employees under local or other special personnel systems must file if the rate is equal to or higher than a State Grade 16 base rate. Employees of the judicial branch of government and certain other agencies must file with the State Ethics Commission even if they generally are treated as local government employees for payroll purposes. If you have specific questions involving the comparability of positions and pay, please contact the State Ethics Commission.

4. Must a part-time employee file a financial disclosure statement if the employee is compensated at a rate at or above State Grade 16 base rate but, because of the part-time status, does not actually earn a salary equal to a State Grade 16 base rate?

Answer: Yes. It is the pay rate or pay grade that determines whether an employee must file a financial disclosure statement, rather than the income earned annually. If you have specific questions related to part-time employees and the Public Ethics Law, please contact the Ethics Commission.

5. What should I do if I have questions regarding financial disclosure statements or other provisions of the Public Ethics Law?

Answer: You should consult the Financial Disclosure Filer Identification Manual which is available at the Commission's website under "Download Ethics Forms". You may also contact the Commission directly for advice.