

Chapter 02 Organization of the Department and Division

Section 02 - Chain of Command

A. Purpose.

The purpose of the chain of command is to promote and to maintain the good order and efficiency of the Division.

B. Definitions.

(1) In this section, the following terms have the meanings indicated.

(2) Terms defined.

(a) "Information" means business-related written or oral communication.

(b) "Order" means a lawfully issued instruction, directive or command.

C. Authority and Accountability.

(1) The chain of command is a system of:

(a) Authority; and

(b) Accountability.

(2) As a system of authority, the chain of command:

(a) Is comprised of employees who supervise other employees;

(b) Provides for the issuance of orders by an employee who supervises other employees; and

(c) Requires an employee who receives a lawful order to obey the lawful order received.

(3) As a system of accountability, the chain of command:

(a) Directs the flow of information and orders from one link in the chain of command to another; and

(b) Makes a supervisor responsible for ensuring compliance with law, regulation, policy, and procedure within the supervisor's span of control.

D. Lawful Order: Receiver's Obligations.

(1) An employee who receives an order shall obey the order, without regard to whether the receiver and issuer of the order are assigned to the same unit, office, region, or program within the Division.

Example: A field supervisor assigned to Region II issues an instruction to an agent who is assigned to Region I. The agent may not disregard the instruction on the basis that the agent and the field supervisor are assigned to different regions.

(2) If an employee receives an order which conflicts with an order previously issued to the employee, the employee shall immediately bring the conflicting orders to the attention of the:

- (a) Individual who issued the last order;
- (b) Employee's immediate supervisor; or
- (c) Employee's intermediate supervisor, if the immediate supervisor is unavailable.

(3) If an employee receives conflicting orders and circumstances do not permit the requirements set forth in paragraph (2) of this subsection to be met, the employee shall:

- (a) Obey the last order received; and
- (b) Bring the conflicting orders to the attention of the employee's immediate supervisor promptly after the employee obeys the last order received.

(4) An employee shall seek clarification of an order which the employee does not understand.

E. Lawful Order: Issuer's Obligations.

(1) A supervisor may not exceed the scope of the supervisor's authority in issuing an order.

Example: A supervisor may not knowingly issue an order that countermands policy or an order previously issued by an individual who occupies a position in the chain of command above that of the supervisor.

(2) A supervisor shall issue a lawful, clear, and concise order.

(3) A supervisor who issues an order shall promptly clarify the order if the employee who receives the order:

- (a) Requests clarification of the order; or
- (b) Claims not to understand the order.

F. System of Accountability.

(1) An employee shall conduct divisional business through the chain of command.

(2) The first two steps in the chain of command are an employee's:

(a) Immediate supervisor; and

(b) Intermediate supervisor.

(3) Except as provided in paragraph (4) of this subsection, an employee may not bypass a step in the chain of command either directly or indirectly.

Example: An employee sends an e-mail to an individual who occupies a position in the chain of command above that of the employee's immediate supervisor. The employee has bypassed the chain of command directly.

Example: An employee forwards or copies an e-mail, written by the employee, to an individual who occupies a position in the chain of command above that of the employee's immediate supervisor. The employee has bypassed the chain of command indirectly.

(4) An employee may bypass a step in the chain of command if the employee is:

(a) Filing a complaint against a supervisor in the employee's chain of command;

(b) Entitled by law to file a complaint outside of the Division; or

(c) Ordered or otherwise authorized to bypass the chain of command.

(5) If an employee bypasses the chain of command pursuant to paragraph (4)(a) of this subsection, the employee shall file the complaint at the step in the chain of command immediately above the step occupied by the supervisor named in the complaint.

(6) An employee who violates a provision of this section may be subject to progressive disciplinary action under the Code of Maryland Regulations, the Standards of Conduct, or both.