

ARIZONA SUPERIOR COURT IN COCONINO COUNTY

JUDICIAL PERSONNEL SYSTEM

EMPLOYEE HANDBOOK

POLICIES AND PROCEDURES

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SUPERIOR COURT OF COCONINO COUNTY

11 EMPLOYEE WELCOME MESSAGE

Welcome new employees!

On behalf of the judges, supervisors and staff, we welcome you to the Superior Court and wish you every success.

We believe that each employee contributes directly to the Superior Court's effectiveness and efficiency, and we hope you will take pride in being a member of our court team.

This court personnel manual and employee handbook (herein simply referred to as "employee handbook") was developed to describe some of the expectations we have of our employees and to outline the policies, programs, and benefits available to eligible employees. Employees should familiarize themselves with the contents of the employee handbook as soon as possible, for it will answer many questions about employment with the Superior Court.

As an employee, if you have any questions about any of the policies in this handbook, or if you have any other work related questions, you are strongly encouraged to voice these concerns openly and directly with your supervisor, or you may bring your concerns to the attention of your department head.

Our experience has shown that when employees deal openly and directly with each other, the work environment can be excellent, communications can be clear, and attitudes can be positive. Superior Court is committed to effectively responding to employee concerns.

We hope that your experience here will be challenging, enjoyable, and rewarding. Again, welcome!

Honorable Fred Newton
Presiding Judge, Superior Court

Honorable Margaret McCullough
Presiding Juvenile Judge

12 INTRODUCTORY STATEMENT

This handbook is designed to acquaint you with the Superior Court and provide you with information about working conditions, employee benefits, and some of the policies affecting your employment. You should read, understand, and comply with all provisions of the handbook. It describes many of your responsibilities as a court employee and outlines the programs developed by the Superior Court to benefit employees. One of our objectives is to provide a work environment that is conducive to both personal and professional growth. This handbook is neither a contract of employment nor a legal document.

No employee handbook can anticipate every circumstance or question about policy. As the Superior Court continues to grow, the need may arise and the Superior Court reserves the right to revise, supplement, or rescind any policies or portions of the handbook from time to time as it deems appropriate, in its sole and absolute discretion. Employees will, of course, be notified of such changes to the handbook as they occur.

13 TITLE AND SCOPE

These rules shall be entitled "The Judicial Personnel System of the Superior Court of Arizona, Coconino County," and shall encompass the employees in the service of the judicial branch of government in Coconino County, which includes judicial divisions, the Clerk of the Court, the justice of the peace courts, court administration, adult probation, juvenile court services and detention, and the law library. The rules and provisions of this Judicial Personnel System, with the exception of Sections 1001 through 1004, apply to all employees of the court. Any one rule may contain a specific exemption for a group of employees or it may specifically apply only to a selected group. Judicial personnel policies take precedence over county personnel policies. County personnel policies are adopted by superior court in cases where existing judicial personnel policies do not exist.

This Judicial Personnel System does not preclude individual departments from implementing policies and procedures pertaining to their departments. Employees are responsible for both. If conflicts exist between department policy and this Personnel system, they should be brought to the attention of the department head and will be resolved through the judicial merit committee.

14 DEFINITIONS

The following definitions apply to the Judicial Personnel System unless otherwise noted:

PRESIDING JUDGES: For the purposes of the Judicial Personnel System, presiding judges include the Presiding Judge of Superior Court and the Presiding Juvenile Judge.

The Presiding Judge of Superior Court is responsible for the general supervision of the court, including all personnel within the Justice of the Peace Courts, Clerk of the Court, Court Administration, Law Library, Adult Probation, and all Superior Court judicial divisions other than Juvenile Court.

The Presiding Juvenile Judge is responsible for the general supervision of functions and personnel within juvenile court services and the detention center.

DEPARTMENT HEADS: For purposes of the Judicial Personnel System, department heads include the elected Clerk of the Court and the elected Justices of the Peace in Fredonia, Page, and Williams, the Court Administrator, the Director of Juvenile Court Services and the Chief Adult Probation Officer.

JUDICIAL PERSONNEL COMMITTEE: A body comprising Department Heads, as noted in the definition above, including the Presiding Judge of the Justice of the Peace Courts and the Human Resources Director, established for the purpose of addressing grievances or appeals and providing information to the Presiding Judges, who maintain ultimate authority over the Judicial Personnel System.

15 ADMINISTRATION

This Judicial Personnel System shall be so construed and administered as to provide a uniform and equitable system of personnel administration in the court system. The rules and their provisions shall be followed in a manner which will secure and retain well-qualified employees who will carry out the court's functions efficiently and effectively. Decisions regarding changes or supplements to these rules shall be approved by the Presiding Judge upon recommendation by the judicial personnel committee.

16 CHAIN OF AUTHORITY

The chain of authority for Superior Court is as follows:

DEPARTMENT HEAD: Final level of chain of command; has final authority over budget, personnel actions, administrative and operational policies.

DIVISION DIRECTOR/MANAGER: Under direction of the department head, has authority over personnel, disciplinary measures of their division; has authority over inner division transfers and case work; assists the department head in hiring, promotions, transfers, budgets, disciplinary policy matters, and employee performance evaluations.

SUPERVISOR: Under direction of a division director or manager, has authority for training, personnel, and disciplinary actions of their unit; employee performance evaluations; and authority for direction of staff within their unit.

LINE STAFF: Under direction of a supervisor, may be given temporary supervisory authority as approved by the department head.

No employee will go outside the chain of authority without the express permission of the Department Head, except when the employee observes, or is aware of illegal or immoral behavior by the department head.

17 APPOINTMENT AND TERMINATION OF DEPARTMENT HEADS

Except for the Clerk of the Court and the Justices of the Peace, the appointment or termination of a department head shall be made by the Presiding Judge of Superior Court, except that the Presiding Juvenile Judge shall appoint and terminate the Director of Juvenile Court Services. Termination of a department head may be without cause and shall be without the right of appeal.

18 EMPLOYEE ACKNOWLEDGMENT FORM - MERIT EMPLOYEES

**EMPLOYEE ACKNOWLEDGMENT FORM
MERIT EMPLOYEES**

SUPERIOR COURT OF COCONINO COUNTY

The employee manual describes important information about the Superior Court, and I understand that I should consult the department head regarding any questions not answered in the manual.

Since the information, policies, and benefits described herein are necessarily subject to change, I acknowledge that revisions to the manual may occur. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Presiding Judge has the ability to adopt any revisions to the policies in this manual upon the recommendation of the Judicial Personnel Committee.

Furthermore, I acknowledge that this manual is neither a contract of employment nor a legal document. I have received the manual, and I understand that it is my responsibility to read and comply with the policies contained in this manual and any revisions made to it. I also agree to abide by the code of conduct detailed in this manual.

Further, I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the State of Arizona; that I will bear true faith and allegiance to the same, and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of my office according to the best of my ability, so help me God (or so I do affirm).

Employee Name: _____ Date: _____

Instructions: A copy of this form should be completed at the time the court employee receives a copy of the employee manual. All new employees should receive a copy of this manual on their first day of employment. The signed copy of this form should be kept in the court employee's official personnel folder.

19 EMPLOYEE ACKNOWLEDGMENT FORM - AT-WILL EMPLOYEES

EMPLOYEE ACKNOWLEDGMENT FORM

AT-WILL EMPLOYEES

SUPERIOR COURT OF COCONINO COUNTY

The employee manual describes important information about the Superior Court, and I understand that I should consult the department head regarding any questions not answered in the manual. I have entered into my employment relationship with the Superior Court voluntarily and acknowledge that there is no specified length of employment. Accordingly, either I or the Court can terminate the relationship at will, with or without cause, at any time, so long as there is no violation of applicable federal or state law.

Since the information, policies, and benefits described herein are necessarily subject to change, I acknowledge that revisions to the manual may occur, except to the Court's policy of employment-at-will. All such changes will be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies. Only the Presiding Judge has the ability to adopt any revisions to the policies in this manual upon the recommendation of the Judicial Personnel Committee.

I also understand that the policies listed under the merit section(1000) of this manual do not apply to me in my capacity as an at-will employee.

Furthermore, I acknowledge that this manual is neither a contract of employment nor a legal document. I have received the manual, and I understand that it is my responsibility to read and comply with the policies contained in this manual and any revisions made to it. I also agree to abide by the code of conduct detailed in this manual.

Further, I do solemnly swear (or affirm) that I will support the Constitution of the United States and the Constitution and laws of the State of Arizona; that I will bear true faith and allegiance to the same, and defend them against all enemies, foreign and domestic, and that I will faithfully and impartially discharge the duties of my office according to the best of my ability, so help me God (or so I do affirm).

Employee Name: _____ Date: _____

Instruction: A copy of this form should be completed at the time the court employee receives a copy of the employee manual. All new employees should receive a copy of this manual on their first day of employment. The signed copy of this form should be kept in the court employee's official personnel folder.

101 EQUAL EMPLOYMENT OPPORTUNITY

In order to provide equal employment and advancement opportunities to all individuals, employment decisions at the Superior Court will be based on merit, qualifications, and abilities. The Superior Court does not discriminate in employment opportunities or practices on the basis of race, color, religion, sex, national origin, age, disability, or any other characteristic protected by law.

The Superior Court will make reasonable accommodations for qualified individuals with known disabilities unless doing so would result in an undue hardship. This policy governs all aspects of employment, including selection, job assignment, compensation, discipline, termination, and access to benefits and training.

In addition to a commitment to provide equal employment opportunities to all qualified individuals, the Superior Court is committed to promoting opportunities for individuals in certain protected classes throughout the organization.

Any employees with questions or concerns about any type of discrimination in the workplace are encouraged to bring these issues to the attention of their immediate supervisor. Employees can raise concerns and make reports without fear of reprisal. Anyone found to be engaging in any type of unlawful discrimination will be subject to disciplinary action, up to and including termination of employment.

102 NOTICE OF EMPLOYMENT OPPORTUNITIES

Announcements of available positions and application procedures shall be posted in all court facilities for a minimum of five (5) calendar days. External recruitment may be conducted simultaneously. The announcement shall contain all pertinent information as determined by the department head.

103 FILING OF APPLICATIONS

All applicants for employment shall prepare and file an application on the form prescribed by the department head. Applications must be received or postmarked by the date prescribed in the position announcement. Applicants shall be limited to one application per announcement. False statements or claims on the application may disqualify the applicant.

Corrections or supplements to an application on file may be accepted with the permission of the department head.

104 TYPES OF EXAMINATIONS

The department head has the discretion to determine which applicants who meet the minimum requirements will be granted an interview. Examinations shall be job related in order to determine the ability of applicants to perform the duties of the job classification. Examinations that may be given to job applicants include, but are not limited to, one or more of the following:

Oral;

Written;

Physical agility and performance skill tests; and

Review of application or required supplementary material.

Persons with disabilities are offered and provided reasonable accommodations upon request.

105 DISQUALIFICATION

The department head may consider and disqualify an applicant for any one reason or a combination of the following reasons but not limited to:

Has been convicted of any crime(s) other than minor traffic violations;

Lacks the minimum qualifications for the position;

Has a history of less than satisfactory employment;

Uses or attempts to use any undue personal or political influence to further eligibility; and

Makes any false statement and/or attempts to practice deception or fraud in connection with a Court application or examination.

106 APPOINTING AUTHORITY

Appointments to the following positions and classifications shall be by the Superior Court Judge to whom the position reports:

Court Reporter

Judicial Assistant

Appointments to court positions not listed above, nor referenced in other sections of this manual shall be made by the department head.

107 CONDITIONS OF APPOINTMENT

Prior to appointment, candidates must meet and agree to the conditions of employment specified for a particular position. Failure to meet and agree to the conditions of employment **may** cause the Department Head to disqualify the candidate for employment. Additional requirements may be required as determined by the department head.

CRIMINAL RECORD CHECK/FINGERPRINTING

Prior to initial appointment candidates shall disclose any criminal conviction on the application form and a background check shall be conducted on prospective employees, and may be conducted any time thereafter to ensure that no conflict exists between any criminal conviction and the job. Only those employees with the highest degree of moral integrity and personal character will be employed or retained. In conjunction with an appointment offer, Court employees will be fingerprinted, and a background check will be conducted with the Department of Justice, the Federal Bureau of Investigation and any other files as determined to be appropriate by the Presiding Judge.

108 HIRING OF RELATIVES

The employment of relatives in the same area of an organization may cause serious conflicts and problems with perceived favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships.

Relatives of persons currently employed by the Superior Court may be hired only if they will not be working directly for or supervising a relative. The Superior Court employees cannot be transferred into such a reporting relationship.

If the relative relationship is established after employment, the individuals concerned will develop a proposal to comply with this section within thirty days.

In other cases where a conflict or the potential for conflict arises, even if there is no supervisory relationship involved, the parties may be separated by reassignment or terminated from employment.

For the purposes of this policy, a relative is any person related by affinity or consanguinity within the third degree as defined by A.R.S. 38-481.

109 IMMIGRATION LAW COMPLIANCE

The Superior Court is committed to employing only United States citizens and aliens who are authorized to work in the United States and does not unlawfully discriminate on the basis of citizenship or national origin.

In compliance with the Immigration Reform and Control Act of 1986, each new employee, as a condition of employment, must complete the Employment Eligibility Verification Form I-9 and present documentation establishing identity and employment eligibility. Former employees who are rehired must also complete the form if they have not completed an I-9 with the Superior Court within the past three years, or if their previous I-9 is no longer retained or valid.

Employees with questions or seeking more information on immigration law issues are encouraged to contact the department head. Employees may raise questions or complaints about immigration law compliance without fear of reprisal.

110 CODE OF CONDUCT

INTRODUCTION

A judiciary which upholds high standards of integrity, impartiality and independence is indispensable to the upholding of justice in our society. As employees of the Superior Court, we must manage our personal and business affairs so as to avoid situations that might lead to conflict, or the appearance of conflict, between self-interest and our duty to the courts, to persons served by the courts and to the general public.

The following Code of Conduct, and the Code of Conduct for Judicial Employees listed in Section 1100, have been adopted by the Superior Court to provide basic guidance for all employees concerning matters affecting their work.

Common sense and good judgment will dictate the proper course of action in most situations. However, remember that if there is a question in your mind of even a slight conflict with our Code of Conduct, others will tend to exaggerate it. The best policy is to resolve such questions by addressing them at the outset so they will not become embarrassing problems later. Such matters can easily be addressed by discussing them with the supervisor. Handling these matters in this manner should avoid any occasion for disciplinary action. However, any violation of this Code of Conduct may result in disciplinary action. Depending upon the severity of the violation, such disciplinary action could include any one or a combination of the following: verbal counseling, written reprimand, probation suspension, suspension without pay, or discharge.

PERFORMANCE OF DUTIES

- A. Employees shall perform official duties diligently during working hours.
- B. Employees shall always perform their duties with courtesy and respect for the public and for co-workers, and without bias or prejudice, manifest by words or conduct, based upon age, race, religion, national origin, gender, sexual orientation, disability, or political affiliation.
- C. Employees shall seek to maintain and improve their personal and professional growth and development and that of their co-workers through cooperation and participation in educational programs relevant to their duties and through any licensing or certification required for their position.
- D. Employees shall perform their duties impartially in a manner consistent with law and the public interest unswayed by kinship, position, partisan interest, public clamor or fear of criticism or reprisal. **ABUSE OF POSITION**
 - A. No employee shall use or attempt to use his or her official position to secure unwarranted privileges or exemptions.

- B. No employee or a member of the employee's immediate family shall accept, solicit, or agree to accept any gift, favor or anything of value with the understanding that the official actions, decisions or judgments of any employee will be influenced.
- C. No employee shall request or accept any fee or compensation beyond that received by the employee in his or her official capacity, for advice or assistance given in the course of his or her public employment.
- D. Each employee shall use the public resources, property and funds under the employee's control responsibly and for the public purpose intended by law and not for any private purpose.

CONFLICT OF INTEREST

Every employee has a legal obligation under A.R.S. 38-501 et.seq. to diligently identify, disclose, avoid and/or manage conflicts of interest. Potential conflict of interest exists when an employee or an employee's immediate family may be directly or indirectly financially impacted, whether favorably or detrimentally, by a decision made by the Superior Court in which the employee participates. Even if no abuse of position actually occurs, a conflict of interest or its appearance can seriously undermine the public's confidence and trust in the court system.

- A. Employees and their immediate family members should not enter into any contract with any component of the court system for financial gain, apart from an employment contract, without full disclosure and satisfactory management of any potential conflict of interest in accordance with policies established by the Superior Court.
- B. Employees should not be involved in the decision to hire or in the supervision of any member of their immediate family.
- C. Employees should not participate in decisions regarding conduct of court business with any private party by whom the employee or an immediate family member is employed or is actively seeking employment.
- D. Employees should not accept gifts, loans, gratuities, discounts, favors, hospitality, services or other compensation under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the employee in the performance of duties.

OUTSIDE EMPLOYMENT

While the Superior Court does not oppose employees engaging in outside employment, including self-employment or the operation of a business, each full-time employee should consider their position with the Superior Court to be their primary place of employment. The outside

employment of part-time employees can also reflect on the judiciary. Therefore, the Superior Court will oppose outside employment when it interferes with any employee's duties with the Superior Court, involves a potential conflict of interest, or compromises the integrity or credibility of the judiciary. Consequently, in addition to conflict of interest situations addressed above employees should avoid:

- A. Outside employment with an entity that conducts business with the court system, regularly appears in court or requires the employee to have frequent contact with attorneys who regularly use the court system without full disclosure and satisfactory management of any potential conflict of interest.
- B. Outside employment which cannot be accomplished outside of the employee's normal working hours or is otherwise incompatible with the performance of the employee's duties by placing the employee in a position of conflict between the employee's role at the Superior Court and the employee's role in the outside employment.
- C. Outside employment involving the practice of law before the courts of the State of Arizona.
- D. Performance of work for any governmental entity within the State of Arizona without the written consent of both employers.
- E. Outside employment which exploits official position or confidential information acquired in the performance of official duties for personal gain.
- F. Outside employment which the public may view as work on behalf of the Superior Court.

Due to the importance of the public's perception of the judicial system, the Superior Court requires that all employees who engage in outside employment disclose such work to the department head. Outside employment is subject to review for conformance with this Code of Conduct. Employees engaged in outside employment determined not to be in conformance may be required to cease such employment. Outside employment actions which reflect negatively upon the Superior Court are grounds for disciplinary action up to and including discharge.

VOLUNTEER ACTIVITIES

Employees are encouraged to engage in volunteer activities, especially activities to improve the legal system. However, employees should evaluate their volunteer activities in the same manner as outside employment to identify any potential conflict with the employee's position with the Superior Court. Employees must discuss these conflicts with their supervisor.

Employees should declare volunteer activities only if the employee believes there is some reason for concern consistent with the spirit of this Code of Conduct.

All reported outside employment and/or volunteer activities will be reviewed for appropriateness under the guidelines as outlined in this policy by the employees and the Department Head.

Should an employee disagree with the decision of the Department Head, he/she may request an additional review by the Presiding Judge, whose decision is final.

CONFIDENTIALITY

As employees of the Superior Court you should carry out your duties in a manner which would withstand public scrutiny. Some employees handle confidential court-related or employee-related documents, while others handle sensitive matters concerning the operation of the judiciary. Employees should maintain the confidentiality of these matters, assuring information about these activities is made public only upon appropriate authorization from the Department Head.

POLITICAL ACTIVITY

The judiciary seeks to maintain neutrality concerning political matters to the extent humanly possible. While employees of the Superior Court have a right to entertain and express personal opinions about political candidates and issues, when performing their duties on behalf of the judiciary during working hours, employees of the Superior Court should endeavor to maintain neutrality in action and appearance, except where an employee's position entails political advocacy on the part of the judiciary.

- A. Each employee retains the right to vote as the employee chooses and is free to participate actively in political campaigns during non-working hours. Such activity includes, but is not limited to, membership and holding office in a political party, campaigning for a candidate in a partisan election by making speeches, and making contributions of time or money to individual candidates, political parties or other groups engaged in political activity. An employee who chooses to participate in political activity during off-duty hours should not use his or her position or title within the court system in connection with such political activities.
- B. An employee who declares an intention to run for partisan elective office may be required to take an unpaid leave of absence upon the filing of nomination papers, unless more than 50% of the employee's salary is paid by federal funds, in which case the employee must resign. If elected, he or she must resign. An employee may be a candidate for non-partisan office without separating from employment, provided that the employee otherwise complies with this code.
- C. Employees should not engage in any political activity during scheduled work hours, or when using government vehicles or equipment, or on court property. Political activity includes, but is not limited to:
 - 1. Displaying literature, badges, stickers, signs or other items of political advertising on behalf of any party, committee, agency, candidate for political office or political issues sought to be placed on the ballot.

2. Using official authority or position, directly or indirectly, to influence or attempt to influence any other employee in the court system to become a member of any political organization or to take part in any political activity.
 3. Soliciting signatures for political candidacy or for the purpose of placing an issue on the ballot.
 4. Soliciting or receiving funds for political purposes.
- D. Employees should not discriminate in favor of or against any employee or applicant for employment on account of political contributions or permitted political activities.

Situations may arise which have not been directly addressed in the Code of Conduct. The final resolution of such problems rests with the department head.

111 ACCESS TO COURT SERVICES BY PERSONS WITH DISABILITIES

The following policy on access to court services by persons with disabilities was adopted by the Arizona Supreme Court on October 19, 1992 pursuant to Administrative Order No. 93-32.

The Superior Court does not tolerate discrimination in any form against persons with disabilities and intends to fully implement the Americans with Disabilities Act in order to prevent such discrimination. Facilities, programs and employment opportunities shall be readily accessible to qualified persons with disabilities. When the access needs of persons with disabilities cannot be anticipated, these needs shall be reasonably accommodated upon request.

Persons with disabilities are persons who have a physical or mental impairment that substantially limits one or more major life activities, who have a record of such an impairment, or who are regarded as having such an impairment. These persons shall receive particular attention by all employees of the Superior Court.

The Superior Court shall provide for auxiliary aids and services to afford persons with disabilities the fullest possible participation in services, programs and employment without fundamentally altering the services, program, or incurring an undue financial burden.

112 EMPLOYMENT APPLICATIONS

The Superior Court relies upon the accuracy of information contained in the employment application or resume, as well as the accuracy of other data presented throughout the hiring process and employment. Any misrepresentations, falsifications, material omissions in any of this information or data, or failure to follow instructions may result in the Superior Court's exclusion of the individual from further consideration for employment or, if the person has been hired, termination of employment.

113 PERFORMANCE EVALUATION

Supervisors are required to prepare a written performance evaluation for each of their employees annually, and to meet with each employee regarding his/her evaluation on or before the anniversary date for his/her present position. During the meeting, the supervisor and employee will discuss the employee's performance over the past year and clarify individual responsibilities, standards, and goals and performance expectations for the coming year. Supervisors also must schedule and conduct performance review meetings with each of their employees at established intervals throughout the year. These meetings will provide supervisors and their employees with opportunities to discuss progress, identify and correct weaknesses, encourage and recognize strengths, and devise strategies for meeting goals and expectations.

If an employee disagrees with his/her annual evaluation he/she may respond to the supervisor orally and/or in writing, and may request higher review of the evaluation within the department, up the department head level only. The department head is the final authority. Supervisors are expected to discuss job performance and goals on an informal, day-to-day basis throughout the employee's term of employment.

201 EMPLOYMENT CATEGORIES

It is the intent of the Superior Court to clarify the definitions of employment classifications so that employees understand their employment status and benefit eligibility. These classifications do not guarantee employment for any specified period of time since this handbook is neither a contract of employment nor a legal document.

Each employee is designated as either NONEXEMPT or EXEMPT from federal and state wage and hour laws. NONEXEMPT employees are entitled to overtime compensation under the specific provisions of federal and state laws. EXEMPT employees are excluded from specific provisions of federal and state wage and hour laws. An employee's EXEMPT or NONEXEMPT classification may be changed only upon written notification by the department head.

Each employee is also designated as either a MERIT or an AT-WILL employee. MERIT employees are entitled to specific provisions as detailed in the merit section of the personnel handbook. AT-WILL employees do not have the advantage of these merit benefits and/or protection. As such, AT-WILL employees can be terminated at any time without cause.

Listed below is a table that indicates the employment category of each court position.

TITLE	OT EXEMPT	AT WILL	MERIT
ACCOUNTING TECHNICIAN II			X
ADMINISTRATIVE MANAGER	X		X
ADMINISTRATIVE OPERATIONS MANAGER	X	X	
ADMINISTRATIVE SPECIALIST I			X
ADMINISTRATIVE SPECIALIST II			X
ADMINISTRATIVE SPECIALIST III			X
ADMINISTRATIVE SR MANAGER	X	X	
ADMINISTRATIVE SUPERVISOR			X
ADMINISTRATIVE SUPPORT I			X
ADMINISTRATIVE SUPPORT II			X
ALTERNATIVE DISPUTE RESOL COORD	X		X
BAILIFF SECURITY OFFICER/TEMP		X	
BAILIFF/SECURITY OFFICER		X	
CASEFLOW MANAGER	X		X
CHIEF DEPUTY CLERK OF COURT	X	X	
CLERICAL AIDE/TEMP			X
COMMISSIONER/JUDGE	X	X	
COURT ADMINISTRATOR	X	X	
COURT TECHNICIAN I			X
COURT TECHNICIAN II			X
DEPUTY COURT ADMINISTRATOR	X	X	
DEPUTY DIRECTOR/JUVENILE	X	X	
DIRECTOR JUV COURT SERVICES	X	X	

TITLE	OT EXEMPT	AT WILL	MERIT
JUDICIAL ASSISTANT	X	X	
JUDICIAL ASSISTANT/TEMP		X	
JUDICIAL SPECIALIST			X
JUSTICE OF THE PEACE PRE TEM/TEMP	X	X	
JUSTICE OF THE PEACE PRO TEMP	X	X	
JUVENILE COMM SERVICE COORDF		X	
JUVENILE DETENTION DIV MGR	X	X	
JUVENILE PROGRAM COORDINATOR	X	X	
LAW LIBRARY ASSISTANT			X
OFFICIAL COURT REPORTER	X	X	
PRETRIAL SERVICES OFFICER			X
PRETRIAL SUPERVISOR		X	
PROBATION OFFICER I			X
PROBATION DIVISION MGR	X	X	
PROBATION OFFICER II			X
PROBATION OFFICER III		X	
PROBATION WORK CRES SUPV			X
SECURITY CHIEF / BAILIFF	X	X	
SUP CRT JUDGE PRO TEM	X	X	
SURVEILLANCE OFFICER			X
TECHNICAL SPECIALIST			X
YOUTH CAREWORKER I			X
YOUTH CAREWORKER II			X
YOUTH SERVICE WORKER			X

In addition, employees within the classifications listed below hired by the court after January 1, 1995 serve as AT-WILL employees:

Administrative Operations Manager
Administrative Sr. Manager
Probation Division Manager
Probation Officer III
Juvenile Program Coordinator

Employees hired prior to January 1, 1995 in one of the above listed positions may convert to AT-WILL status upon the signing of a waiver forfeiting his/her merit system protection. Once an employee converts to AT-WILL status he/she may not convert back to a merit system protected employee.

Any classifications that are requested by the Department to be AT-WILL must be approved by the Judicial Personnel committee.

All other employees shall be treated as MERIT employees.

In addition to the above categories, each employee will belong to one other employment category:

REGULAR FULL-TIME employees are those who are not in a temporary or introductory status and who are regularly scheduled to work the Superior Court's full-time schedule. Generally, they are eligible for the Superior Court's benefit package, subject to the terms, conditions, and limitations of each benefit program.

PART-TIME employees are those who are not assigned to a temporary or introductory status and who are regularly scheduled to work less than 40 hours per week. Employees who work less than 20 hours receive all legally mandated benefits (such as Social Security and workers' compensation insurance), receive prorated vacation and sick benefits, and are ineligible for many of the Superior Court's other benefit programs. Employees who work 20 hours or more may be eligible for other benefit programs.

INTRODUCTORY employees are those whose performance is being evaluated to determine whether further employment in a specific position with the Superior Court is appropriate. Employees who satisfactorily complete the one year introductory period will be notified of their new employment classification.

LIMITED TERM employees are appointed to a position for a specific project of six to thirty-six months in duration. The specified term for employment assignments in this category may be extended by the department head. Recruitment, testing and selection will be carried out in the same manner as an introductory employee. An employee who successfully completes the introductory period in a limited term appointment, will be granted regular status and its privileges. Generally, employees within this category are eligible for the Superior Court's benefit package, subject to the terms, conditions, and limitations of each benefit program.

TEMPORARY employees are those who are hired as interim replacements, to temporarily supplement the work force, or to assist in the completion of a specific project. Employment assignments in this category are of a limited duration. Employment beyond any initially stated period does not in any way imply a change in employment status. Temporary employees retain that status unless and until notified of a change.

While temporary employees receive all legally-mandated benefits (such as workers' compensation insurance and Social Security), they are ineligible for all of the Superior Court's other benefit programs.

202 ACCESS TO PERSONNEL FILES

The Superior Court maintains a departmental personnel file on each employee. The personnel file includes such information as the employee's job application, resume, records of training, documentation of performance appraisals and salary increases, and other employment records as determined by the department head. The original personnel file is maintained by the Human Resources Department.

Personnel files are the property of the Superior Court, and access to the information they contain is restricted. Generally, only supervisors and management personnel of the Superior Court who have a legitimate reason to review information in a file are allowed to do so.

Because of their extra sensitive nature any employee medical records are maintained in a separate, secure, confidential file. Access to these medical records is limited.

Employees who wish to review their own file should contact the department head. With reasonable advance notice, employees may review their own personnel files in the Superior Court's offices and in the presence of an individual appointed by the Superior Court to maintain the files. No information or documents should be removed or altered.

203 EMPLOYMENT REFERENCE CHECKS

To ensure that individuals who join the Superior Court are well qualified and have a strong potential to be productive and successful, it is the policy of the Superior Court to check the employment references of all applicants.

The department head will respond to all reference check inquiries to confirm employment information. It is the policy of the Superior Court to provide information to requesting employers, both current and prospective, about a former court employee's education, experience, qualifications and documented job performance (including evaluations, professional conduct and reasons for termination of employment) for use by the current or prospective employer in evaluating the former employee for employment.

204 PERSONNEL DATA CHANGES

It is the responsibility of each employee to promptly notify your Superior Court department of any changes in personnel data. Personal mailing addresses, telephone numbers, number and names of dependents, individuals to be contacted in the event of an emergency, educational accomplishments, and other such status reports should be accurate and current at all times. If any personnel data has changed notify the Department Head.

205 REQUIRED EDUCATION CREDITS

Arizona Supreme Court Administrative Order #99-8 requires that full-time and part-time regular employees of the courts complete sixteen hours of approved course work each year. New probation officers must complete an additional forty hours of orientation training within the first thirty days of employment.

The determination of requirements for less than full-time personnel is left to individual jurisdictions. As such, the Superior Court has established the following schedule for its employees:

Regularly Scheduled Work Hours Per Week	Required Accredited Training Hours Per Year
10	4
20	8
30	12

Each court employee is also required to annually take an ethics course as prescribed by the Arizona Supreme Court.

301 EMPLOYEE BENEFITS

Eligible employees of the Superior Court are provided a wide range of benefits. A number of the programs (such as Social Security, workers' compensation, state disability, and unemployment insurance) cover all employees in the manner prescribed by law.

Benefits eligibility is dependent upon a variety of factors, including employee classification. Your supervisor can identify the programs for which you are eligible. Details of many of these programs can be found elsewhere in the employee handbook.

The following benefit programs may be available to eligible employees:

- Auto Mileage
- Benefit Conversion at Termination (COBRA)
- Bereavement Leave
- Conversion of Sick Leave to Annual Vacation Leave
- Credit Union
- Dental Insurance
- Drug or Alcohol Rehabilitation Program
- Employee Assistance Program
- Employee Health Program
- Family Leave
- Flextime Scheduling
- Holidays
- Jury Duty Leave
- Industrial Injury
- Life Insurance
- Long-Term Disability
- Major Medical Insurance
- Medical Insurance
- Military Leave
- Payroll Deduction for Optional Benefits
- Personal Leave
- Pre-Tax Deduction Plan
- Retirement Plan
- Savings Plan
- Sick Leave Benefits (Short-Term Disability)
- Tax-Sheltered Annuities
- Travel Allowances
- Vacation Policy
- Voting Time Off
- Wellness Program
- Witness Duty Leave

Some benefit programs require contributions from the employee, but most are fully paid by the Superior Court.

302 HOLIDAYS

The Superior Court will grant holiday time to all employees on the holidays listed below.

New Year's Day (January 1)
Martin Luther King, Jr. Day (third Monday in January)
Presidents' Day (third Monday in February)
Memorial Day (last Monday in May)
Independence Day (July 4th)
Labor Day (first Monday in September)
Columbus Day (second Monday in October)
Veteran's Day (November 11)
Thanksgiving (fourth Thursday in November)
Christmas (December 25)

The Superior Court will grant paid holiday time to all eligible employees immediately upon assignment to an eligible employment classification. Holiday pay will be calculated based on the employee's straight-time pay rate (as of the date of the holiday) times the number of hours the employee would otherwise have worked on that day.

A recognized holiday that falls on a Saturday will be observed on the preceding Friday. A recognized holiday that falls on a Sunday will be observed on the following Monday, or in conjunction with state holidays.

303 INDUSTRIAL ACCIDENT LEAVE

Industrial accident leave is defined as leave necessitated by an injury or condition sustained in the course and scope of employment with the court, to obtain treatment and/or to recuperate as determined by a licensed physician.

An employee may be returned to modified duty if such duty is available as soon as his/her physician authorizes release to light duty. All supervisors will arrange modified duty assignment for returning employees if such duty is available.

A written release from the attending physician must be submitted by an employee returning from industrial accident leave. The release will give the date of return to work and stipulate any work restrictions.

All employees are covered by Workers' Compensation for accident or injury on the job. There is no charge to the employee for this coverage. All injuries, no matter how slight, should be reported immediately to the supervisor.

The complete workers' compensation policy is contained in the Policy for Administration of Benefits available in the Human Resources Department.

304 SICK LEAVE BENEFITS

Coconino County provides paid sick leave benefits to all eligible employees for periods of temporary absence due to illnesses or injuries. Eligible employee classification(s):

- Regular full-time employees
- Regular part-time employees
- Introductory employees

Employees will accrue sick leave benefits at the rate of 8 hours per month. Part-time employees eligible for benefits will accrue a prorated amount of sick leave. Sick leave benefits do not accrue during a leave of absence.

Paid sick leave can be used in minimum increments of one-half hour. Eligible employees may use sick leave benefits for an absence due to their own illness or injury or that of an immediate family member. The Superior Court defines "immediate family" as the employee's spouse, parent, child, sibling; the employee's spouse's parent, child or sibling; the employee's child's spouse; grandparents or grand children. Special consideration will also be given to any other person whose association with the employee was similar to any of the above relationships.

Employees who are unable to report to work due to illness or injury should notify their direct supervisor per departmental policy. The direct supervisor must also be contacted on each additional day of absence.

Verification by a licensed physician may be requested for other sick leave absences as well and may be required as a condition of receiving sick leave benefits. If the evidence of illness provided is determined to be inadequate, the absence can be charged to another category of leave or considered leave without pay.

Before returning to work from a sick leave absence of three calendar days or more, an employee may be required to provide a physician's verification that he or she may safely return to work.

As an additional condition of eligibility for sick leave benefits, an employee on an extended absence must apply for any other available compensation and benefits, such as workers' compensation. Sick leave benefits will be used to supplement any payments that an employee is eligible to receive from state disability insurance, workers' compensation or the Superior Court - provided disability insurance programs. The combination of any such disability payments and sick leave benefits cannot exceed the employee's normal weekly earnings.

An employee who exhausts or anticipates exhausting his or her accrued sick leave may be eligible for leave under the provisions of the Family and Medical Leave Act (FMLA) of 1993. Eligibility and application for FMLA leave is discussed in section 601.

A maximum of 1,040 hours of sick leave may be accumulated. Any excess is forfeited.

Sick leave benefits are intended solely to provide income protection in the event of illness or injury, and may not be used for any other absence. Unused sick leave benefits will not be paid to employees while they are employed or upon termination of employment unless they are eligible to retire. Employees eligible to retire under the State Retirement System will be compensated 1 day for each 4 sick days accrued upon termination, provided the employee has a minimum of 20 years of continuous service to the County as a regular County employee.

BEREAVEMENT LEAVE

If an employee wishes to take time off due to critical illness or the death of an immediate family member, the employee should notify his or her supervisor immediately.

Up to three days of paid sick leave will be provided to eligible employees in the following classification(s):

- Regular full-time employees
- Regular part-time employees
- Introductory employees

Upon request, bereavement leave shall be extended for two more working days if the employee must travel out-of-state.

Approval of bereavement leave will occur in the absence of unusual operating requirements. Any employee may, with the supervisor's approval, use any available paid leave for additional time off as necessary.

The Superior Court defines "immediate family" as the employee's spouse, parent, child, sibling; the employee's spouse's parent, child or sibling; the employee's child's spouse; grandparents or grandchildren; or domestic partner. Special consideration will also be given to any other person whose association with the employee was similar to any of the above relationships.

305 CONVERSION OF SICK LEAVE TO ANNUAL VACATION LEAVE

An eligible employee is any regular full-time or part-time employee who has completed five or more years of continuous employment as a regular employee with the County, and who has used fewer than 48 hours of sick leave during a rolling twelve-month period measured backward from the employee's anniversary date.

For example, if the employee's date of hire was December 12, 1997 the employee would be eligible to convert for the first time on December 12, 2002. The anniversary based year would be December 12, 2001 through December 11, 2002. If only eight (8) hours of sick leave are used during the anniversary year, the County will transfer forty (40) hours of sick leave to annual vacation leave. If forty-eight or more sick leave hours have been used during the year, no sick leave will be transferred.

Sick leave conversion will be automatically made during the second pay period of the month following the eligible employee's anniversary date. An employee may not accrue annual leave hours in excess of the limit approved by the Coconino County Board of Supervisors. An employee who does not desire conversion shall notify the Human Resources Department in writing and the accounting reversal shall be made.

306 TIME OFF TO VOTE

The Superior Court encourages employees to fulfill their civic responsibilities by participating in elections. Generally, employees are able to find time to vote either before or after their regular work schedule. If employees are unable to vote in an election during their nonworking hours, the Superior Court will grant up to two hours to vote and return to work.

Employees should request time off to vote from their supervisor at least one working day prior to the election day. Advance notice is required so that the necessary time off can be scheduled at the beginning or end of the work shift, whichever provides the least disruption to the normal work schedule.

307 JURY DUTY

The Superior Court encourages employees to fulfill their civic responsibilities by serving on jury duty when required.

Jury duty pay will be calculated on the employee's base pay rate times the number of hours the employee would otherwise have worked on the day of absence. Employees summoned to jury duty shall be paid their regular salary, provided they submit their jury fees to the department head. Mileage and per diem amounts may be kept by the employee. Employee classifications that qualify for paid jury duty leave are:

- Regular full-time employees
- Regular part-time employees
- Introductory employees

Employees must show the jury duty summons to their supervisor within one working day of receipt so that the supervisor may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits.

Either the Superior Court or the employee may request an excuse or postponement from jury duty if, in the Superior Court's judgment, the employee's absence would create serious operational difficulties.

308 WITNESS DUTY

The Superior Court encourages employees to appear in court for witness duty when subpoenaed to do so. Employees shall receive full compensation as though they were performing their regular duties. An employee who is paid a fee for an appearance as a witness testifying on court related business shall remit such fee to the court.

The subpoena should be shown to the employee's supervisor immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever the court schedule permits.

An employee who has been subpoenaed to appear as a witness before any court or administrative, executive, legislative tribunal due to the employee's personal, commercial, business transaction, or due to the employee's conduct or misconduct shall not be entitled to witness duty pay.

309 BENEFITS CONTINUATION (COBRA)

The Federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Superior Court's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements.

Under COBRA, the employee or beneficiary pays the full cost of coverage at the Superior Court's group rates plus an administration fee.

The Human Resources Department provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the Superior Court's health insurance plan. The notice contains important information about the employee's rights and obligations.

310 CLASSIFICATION PLAN

The Human Resources Department develops, maintains, and modifies, as necessary, a non-discriminatory, uniform, and equitable position classification plan for court employees subject to the approval of the Presiding Judge. The establishment of such a plan shall be as a result of a review of the duties, responsibilities and functions assigned by the appointing authority to individual positions. The position of every employee in the Superior Court shall be allocated to a class in the classification plan.

Class specifications shall be established for each individual class title, which specifications shall contain a general description of duties, illustrative examples of work performed, required knowledge, skills and abilities and desirable experience and training requirements.

"Equal pay for equal work" is the main principle underlying the classification plan. Classification specifications are evaluated according to the Hay Guide-Chart method of point-factor classification analysis, or any other established and recognized employee classification methodology. The Hay Guide-Chart method uses a Job Evaluation Committee, which is composed of a group of county employees who have been specifically trained in the Hay Method of Job Evaluation. Based on this Hay point factor analysis, each court employee classification specification is assigned a single pay range within the County Classification Plan subject to approval of the Presiding Judge.

All positions shall be periodically reviewed by the department head to reflect changes in duties in order to maintain the currency of the classification plan.

Changes in salary ranges, the creation of new positions, redefinitions and other changes in the classification plan must have the approval of the Presiding Judge.

JOB REDEFINITION

The term "redefinition" will define a change in the classification of an incumbent employee when a substantial and permanent change in his or her job duties or responsibilities occurs so as to change the nature and scope of the job rendering the assigned classification specification an invalid description of the work actually being performed.

The evolution of a position from one classification into another should come about as the result of a legitimate need of the department and should be initiated by the supervisor or department head. Such changes in an employee's duties will be treated by supervisors as management decisions with budget implications. Ultimate approval for job redefinition will be granted through the budgetary process because the department head has made an adequate case for the enhanced service and provided a viable funding mechanism.

Job redefinition ideally should be accomplished during the budget process on an organizational and cost basis. In the event a department realizes a pressing need to redefine the parameters of a position mid-year, redefinition may be considered on a case by case basis by the Presiding Judge

and the County Manager, including consideration for available money to fund the proposed change.

Nothing in the establishment and maintenance of the classification plan shall preclude the Presiding Judge from making changes in individual position duties or from reassigning personnel in accordance with the needs of the court system.

311 PAY PLAN

A "pay plan", which shall be directly related to the classification plan, shall be established so as to provide equal pay for equal work.

All employees in the court system shall be paid at the rate set forth in the pay plan for the class to which the employee's position is allocated. The existing rate of pay of any employee shall not be increased above the maximum of the scheduled pay range except as a result of any general pay increase granted to all court employees.

New employees shall normally be hired at a pay rate equal to the minimum rate assigned to the position. Where warranted by unusual conditions, new employees may be hired at a pay rate up to 15% greater than the minimum. Pay rates above the minimum hiring rate must be approved by the Department Head, Human Resources Director, or the County Manager depending upon the percentage above the minimum hiring rate.

Employees who are promoted to a classification or position with a higher rate or range may be placed in the new higher rate or range which is at least equal to a pay advancement of over that held in their former position but not more than 15%. Promotional pay increases above the minimum must be approved by the Department Head, Human Resources Director, or the County Manager depending upon the percentage above the minimum increase. Upon the effective date of promotion, the employee shall be assigned a new anniversary date.

Any employee who takes a voluntary demotion to a position with a lower pay rate or range shall be reduced to the rate or range rate in the lower position as follows:

Voluntary demotions shall be generally assigned to the entry level pay rate. Where warranted by unusual conditions, the employee may be assigned to a pay rate up to 15% greater than the minimum. Pay rates above the entry level must be approved by the Department Head, Human Resources Director, or the County Manager depending upon the percentage above the entry level rate. There shall be no change in the anniversary date.

Regular employees transferred from one position or classification to another position having the same or substantially similar duties and pay rate shall be compensated at an unchanged rate and with an unchanged anniversary date. Transfers of employees to other positions having a lower or higher established base compensation rate or range shall be treated in accordance with the promotion or demotion provisions of this section.

312 VACATION POLICY

Vacation time with pay is available to eligible employees to provide opportunities for rest, relaxation, and personal pursuits. The dates of vacation time are subject to the approval of the department head or his/her designee. Employees in the following employment classification(s) are eligible to earn and use vacation time as described in this policy:

- Regular full-time employees
- Regular part-time employees
- Introductory employees

Part-time employees eligible for benefits will accrue a prorated amount of vacation time.

The amount of paid vacation time employees receive each year increases with the length of their employment as shown in the following schedule:

VACATION EARNING SCHEDULE

YEARS OF ELIGIBLE SERVICE	VACATION DAYS EACH YEAR
Upon initial eligibility	13 days
After 3 years	15 days
After 5 years	18 days
After 10 years	20 days

Vacation leave does not accrue during an unpaid leave of absence.

The length of eligible service is calculated on the basis of a "benefit year". This is the 12-month period that begins when the employee starts to earn vacation time. An employee's benefit year may be extended for any significant leave of absence except military leave of absence. Military leave has no effect on this calculation. That is, military leave taken shall be counted as credited service for purposes of vacation time accrual. Active military service of an employee who is restored to employment with the Superior Court is not a break in service and shall be counted as credited service. (See individual leave of absence policies for more information.)

Once employees enter an eligible employment classification, they begin to earn paid vacation time according to the vacation earning schedule. They can use vacation time after the

completion of the first six months of employment. However, new employees who have worked less than six months may use vacation time during a departmental authorized emergency as defined in section 505.

Paid vacation time can be used in minimum increments of one-half hour. To take vacation, employees must request advance approval from their supervisors. Requests will be reviewed based on a number of factors, including court needs and staffing requirements.

As stated above, employees are encouraged to use available paid vacation time for rest, relaxation, and personal pursuits. In the event that available vacation is not used by the end of the benefit year, employees may carry unused time forward to the next benefit year. However, accrued annual vacation time cannot exceed the limit approved by the Coconino County Board of Supervisors. In a situation whereby an employee requested and was approved for, vacation leave in accordance with departmental policy and subsequently was denied the time off due to the needs of the department, the maximum hour cap may be waived upon approval of the department head. Vacation leave may not be advanced.

Upon termination of employment, employees will be paid for unused vacation time that has been earned through the last day of work at their prevailing salary rate.

313 OVERTIME

The Fair Labor Standards Act (FLSA), a federal law enacted in 1938 and amended several times since, governs, among other things, eligibility for overtime compensation. In February 1985, the Supreme Court ruled that local governments shall be covered by the FLSA. Superior Court positions which are Non-Exempt within the provisions of the FLSA receive overtime compensation. Superior Court positions which are Exempt from the provisions of the FLSA, are not eligible to receive overtime compensation.

It is the policy of the Superior Court to compensate its employees appropriately for all hours worked, and to adhere to the provisions of the FLSA in defining hours worked, what constitutes overtime worked, and how to properly calculate overtime.

This policy supersedes all other policies issued on this subject and establishes a policy concerning individual employee status under the provisions of the FLSA.

Coverage of the FLSA: The FLSA applies only if there is an employment relationship. The act defines "employer" to include "any person acting directly or indirectly in the interest of an employer in relation to an employee" and defines an "employee" as "any individual employed by an employer." However, not all persons performing work for the Superior Court are considered to be employees subject to FLSA's requirements. "Noncovered" employees include: Over Time Exempt positions listed in section 201, elected officials, employees whose salaries are set by state law: independent contractors, trainees and students, and volunteers.

Determination of Exempt or Non-Exempt Status: Exempt status is based on the duties and responsibilities of each individual position. An employee may be exempt from receiving overtime for hours worked in excess of 40 per week if he or she fits into one of the "white collar" exemptions for executive, administrative or professional classifications. A list of Exempt and Non-Exempt personnel under FLSA has been established for Superior Court employees and is available in the Human Resources Department.

Overtime for Non-Exempt Employees: The FLSA requires that any hours worked in excess of forty hours in a work week by a non-exempt employee be considered overtime. Superior Court employees required to work over forty hours per week shall be compensated at the rate of one and one-half times the regular rate of pay or number of hours worked. Compensation may take two forms: monetary remuneration or compensatory time, also called "comp. time." When this policy refers to compensation for employees, it does not distinguish between compensatory time and money, but refers to both. Unless otherwise approved by the department head in advance of the overtime worked, non-exempt employees will receive compensation through the comp. time option provided by law.

Overtime for Exempt Employees: The FLSA does not require that exempt employees be paid for overtime worked. Because of the nature of their work, responsibilities and compensation, exempt employees shall not receive overtime pay or compensatory time. The employees in

these classes are expected to know and understand the work and time required of them and shall be allowed reasonable flexibility in planning and accomplishing work assigned to them.

Hours Worked: Determining what constitutes "hours worked" under the FLSA is essential to understanding the County's obligation to compensate for overtime. The FLSA defines employment very broadly to include all hours during which an individual is "suffer(ed) or permit(ted) to work." The U.S. Supreme Court has made it clear that hours worked include time spent in "physical or mental exertion (whether burdensome or not) controlled or required by the employer and pursued necessarily and primarily for the benefit of the employer and his business."

Generally the term "hours worked" includes (a) all time during which an employee is required to be on Superior Court premises or at some other prescribed work place, and (b) all time during which an employee is "suffered or permitted" to work. If the supervisor or Department Head knows or has reason to believe that an employee is performing work, that work must be counted as hours worked. It makes no difference whether the supervisor requested the work, whether the employee volunteered to do the work, whether the work is done during regularly scheduled or unscheduled hours, or whether the work is performed on or off the premises of the Superior Court.

Approval of Overtime: Overtime work is allowable only when authorized by the supervisor or department head. Overtime as a regular practice shall not be allowed.

Non-exempt employees must be compensated for all hours worked. Non-exempt employees covered by FLSA may not waive their rights. Employees who disregard this policy regarding authorized overtime work must be paid according to the law, but will face appropriate disciplinary action.

Work Week: The established work week for Superior Court employees begins at midnight Sunday morning and ends at midnight Saturday night. Overtime hours are defined as only those hours which an employee is required or permitted to work in excess of forty hours in a work week. Vacation leave, sick leave, paid holidays and other absences, paid or otherwise, do not count toward the forty-hour work week for determining the number of overtime hours.

Flexible scheduling remains the prerogative of the department head, and the work week may be adjusted accordingly.

Overtime Rate: Non-exempt employees will receive compensation at the rate of time and a half for hours worked in excess of forty hours in the established work week.

Holiday Pay: The FLSA does not concern itself with holiday pay because it only requires hours actually worked to be paid. Holiday pay will continue to be covered by Superior Court policy in accordance with state statutes.

Sleep Time: Sleep time must be no more than eight hours. If an employee's sleep is interrupted by a call to duty, the time spent responding to the call is considered work time. Such interruptions shall be compensated in increments of a quarter hour.

Lunch Period: Non-exempt employees shall receive a work-free lunch period. To assure that employees do not have an interrupted lunch period, supervisors will encourage employees to leave their work station during lunch periods. Answering a telephone will constitute an interruption of a work-free lunch period.

Rest Period: Rest periods are not required by FLSA or by Arizona labor law but may be permitted by the department head.

On-Call or Standby Duty: Certain Superior Court departments require standby duty on a mandatory basis among employees in designated job classifications. On-call or standby time, which includes times where the employee must use a pager or leave word where he or she can be reached, will not be counted as hours worked. If the employee is actually called to perform work, time spent responding to that call is considered to be work time.

Travel Time: Whether travel time is counted as hours worked depends upon the kind of travel involved.

Commuting-ordinary travel between home and work before or after regular working hours -- is not counted as hours worked under the FLSA. However, the home-to-work travel of a non-exempt employee who has gone home after completing a day's work and who is subsequently called back to handle an emergency shall be counted as hours worked.

Out-of-town travel time will be counted as hours worked. An exception is if travel to attend a lecture, meeting or training program is (a) attendance is outside the employee's regular working hours; and (b) attendance is voluntary; and (c) the lecture or training is not directly related to the employee's job, and (d) the employee does not perform productive work while attending the lecture or participating in the training program.

Training is considered to be "directly related to the employee's job," and therefore compensable, if it is designed to enhance the employee's performance of his or her present job. However, if the program is designed to facilitate advancement to a higher position and does not improve the employee's ability to handle his or her present job, the training time need not be counted as hours worked, providing that participation is voluntary, is outside of regular working hours, and does not result in the performance of productive work

Occasional or Sporadic Work: An employee cannot do work for the County that is in addition to his or her regular assignments without the authorization from the Department Head. Upon authorization, the Court must be prepared to add those additional hours to the employee's regular work hours in determining overtime compensation. According to FLSA, there are a limited number of exceptions to this general rule.

The following four rules must be met in order to use this exception:

- a) The additional work must be part-time. An employee cannot hold two full-time jobs with the County in the same workweek or work period unless the hours worked in the two jobs are totaled in determining the employee's overtime compensation.
- b) The additional work can be done only on an occasional or sporadic basis. If the work is occasional--for example, work performed in connection with seasonal activities--it may be excludable even if regularly scheduled. However, if the additional work does not occur on an occasional or seasonal basis, it must be sporadic.
- c) To qualify for the exception, the occasional or sporadic work must be solely at the employee's option.
- d) Occasional or sporadic work must be in a capacity different from the employee's regular work with the Court.

314 EDUCATION AND STAFF TRAINING POLICY

The Superior Court encourages its employees to grow professionally through training and education. Department heads will identify training needs and provide the opportunity for an employee to enroll in courses or seminars which will increase the individual's ability to contribute to department goals. Training opportunities will be offered in an equitable and non-discriminatory manner. They must have a direct relationship to an employee's job growth and the department's goals. Sufficient funds must be available in the department budget to cover proposed training.

315 LEAVE SHARING PROGRAM

The purpose of the leave sharing program is to establish a policy and procedure for sharing of annual leave for employees of Coconino County. Occasionally court employees experience a situation in which illness or injury to themselves or to a close family member causes them to exhaust all available leave balances. It is the policy of Coconino County that one employee may contribute annual leave to another employee who experiences a non-job-related, seriously incapacitating and extended illness or injury, provided that the recipient employee has exhausted all appropriate leave balances, and will otherwise go on leave without pay or terminate Court employment.

Employees wishing to take advantage of the leave sharing program should contact the Human Resources Department regarding the appropriate procedures and policies to follow.

401 PAYDAYS

All employees are paid every other Thursday. Each paycheck will include earnings for all work performed through the end of the previous payroll period.

In the event that a regularly scheduled payday falls on a day off such as a weekend or holiday, employees will receive pay on the last day of work before the regularly scheduled payday.

Employees may have pay directly deposited into their bank accounts if they provide advance written authorization to the County Human Resources Department. Employees will receive an itemized statement of wages when direct deposits are made.

402 PAY DEDUCTIONS

The law requires that the Superior Court make certain deductions from every employee's compensation. Amounts withheld are applicable federal, state and local income taxes. The Superior Court also must deduct Social Security taxes on each employee's earnings up to a specified limit that is called the Social Security "wage base".

The Superior Court offers programs and benefits beyond those required by law. Eligible employees may voluntarily authorize deductions from their pay checks to cover the costs of participation in these programs.

Pay setoffs are pay deductions taken by the Superior Court, usually to help pay off a debt or obligation to the Superior Court or others.

If you have questions concerning why deductions were made from your pay check or how they were calculated, your supervisor can assist in having your questions answered, or you can address your concerns to the County Human Resources Department.

403 TIMEKEEPING

Accurately recording time worked is the responsibility of every court employee. Federal and state laws require the Superior Court to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is all the time actually spent on the job performing assigned duties.

Altering, falsifying, tampering with time records, or recording time on another employee's time record may result in disciplinary action, up to and including termination of employment.

It is the employee's responsibility to sign his or her time record to certify the accuracy of all time recorded. The supervisor will review and then sign the time record before submitting it for payroll processing. In addition, if corrections or modifications are made to the time record, both the employee and the supervisor must verify the accuracy of the changes by initialing the time record.

501 SAFETY

To assist in providing a safe and healthful work environment for employees, customers, and visitors, the Superior Court has established a workplace safety program. This program is a top priority for the Superior Court. Each department head has responsibility for implementing, administering, monitoring, and evaluating the safety program. Its success depends on the alertness and personal commitment of all.

Coconino County provides information to employees about workplace safety and health issues through regular internal communication channels such as supervisor-employee meetings, bulletin board postings, memos, or other written communications.

Employees and supervisors receive periodic workplace safety training. The training covers potential safety and health hazards and safe work practices and procedures to eliminate or minimize hazards.

Some of the best safety improvement ideas come from employees. Those with ideas, concerns, or suggestions for improved safety in the workplace are encouraged to raise them with their supervisor, another supervisor, or with the Department Head. Reports and concerns about workplace safety issues may be made anonymously if the employee wishes. All reports can be made without fear of reprisal.

Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the appropriate supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify their appropriate supervisor. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

502 USE OF PHONE, MAIL SYSTEMS, SUPPLIES AND EQUIPMENT

Personal use of County telephones for long-distance and toll calls is not permitted. Employees should practice discretion in using court telephones when making local personal calls and may be required to reimburse the Superior Court for any charges resulting from their personal use of the telephone. Public pay phones are available for personal outgoing calls during breaks, meal periods, or at other times, with the supervisors's permission.

To assure effective telephone communications, employees should always use the approved greeting and speak in a courteous and professional manner. Please confirm information received from the caller, and hang up only after the caller has done so.

The mail system is reserved for business purposes only. Employees should refrain from sending or receiving personal mail at the workplace.

Government supplies or equipment shall not be used for personal business.

503 SMOKING

In keeping with the Superior Court's intent to provide a safe and healthful work environment, smoking is prohibited throughout the worksite and immediate workplace. This policy applies equally to all employees, customers, and visitors. Smoking is not permitted in State or County vehicles. Employees who smoke can do so on the outside of the worksite in the properly designated areas.

504 USE OF EQUIPMENT AND VEHICLES

Equipment and vehicles essential in accomplishing job duties are expensive and may be difficult to replace. When using court or county property, court employees are expected to exercise care, perform required maintenance, and follow all operating instructions, safety standards, and guidelines.

Please notify the supervisor if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects, and the need for repairs could prevent deterioration of equipment and possible injury to employees or others. The supervisor can answer any questions about an employee's responsibility for maintenance and care of equipment or vehicles used on the job.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment or vehicles, as well as excessive or avoidable traffic and parking violations, can result in disciplinary action, up to and including termination of employment.

Official Business: State and County vehicles may be used only for official business (pursuant to A.R.S. 28-1441; Attorney General's Opinion 80-137 and 80-138) by duly authorized County employees.

Passengers: Relatives, friends, children, or any other non-County employees shall not be permitted to either operate or to occupy as passengers a State/County vehicle for any reason not in the line of official County business.

The sole exception to the passenger policy stated is if the presence of a non-County employee in a State/County vehicle is specifically related to official business (see above for statutory citations.) Some examples of this exception are:

- employees of other public agencies ride-sharing to business-related event;
- engineers, surveyors, contractors, and similar professionals who are providing services pursuant to a County contract;
- interns.

Operation: While operating a State/County vehicle, employees must be properly licensed and must ensure that the vehicle is operated in a safe manner and within established speed limits. The employee is responsible for any traffic citations received.

Seatbelts: In accordance with Arizona State law and County policy, employees are required to wear seatbelts at all times when the vehicle is in motion. It is the responsibility of the driver of the State/County vehicle to ensure that passengers are also properly belted at all times when the vehicle is in motion.

Credit Cards: Credit cards are available for fuel purchased during out of town travel. The vehicle number, odometer reading and County employee's legible signature are required on all invoices. The customer copy of the invoice needs to be returned to Mechanical Services Division of the Highway Department as soon as possible after completing the trip.

Credit cards are to be used for refueling County vehicles only. With the exception of Search and Rescue units operation on an authorized search and under the direction of the Sheriff's Department, private vehicles used for County business cannot be refueled using County facilities or credit cards.

Parking Tickets: All vehicle violations, including parking tickets, are the responsibility of the assigned driver. Notice of delinquent or past due parking violations will be directed through the County Manager for disposition.

Loss of Privileges: An employee may lose driving privileges for a poor traffic safety or accident record, or violation of credit card policies. Because the minimum qualification for certain County positions requires possession of a valid driver's license, loss of driving privileges may adversely affect employment with the County. Employees who have their driver's license privileges suspended or revoked must notify the department head in writing within one working day. Willful violation of this policy may result in disciplinary action, up to and including discharge.

505 EMERGENCIES

At times, emergencies such as severe weather, fires, power failures, bomb threats, earthquakes, or other emergency situations, can disrupt department operations. In extreme cases, these circumstances may require the closing of a work facility, or the reduction to an essential staffing level.

When operations are reduced, a work facility is closed, or an individual chooses not to report to work due to emergency conditions, an employee may use vacation time, compensatory time, or make up the time during the 40 hour work week, at the discretion of the department head. Employees may be required to work in order to maintain essential operations. In these circumstances, employees who work will receive regular pay.

506 BUSINESS TRAVEL EXPENSES

The Superior Court will reimburse employees for reasonable business travel expenses incurred while on assignments away from the normal work location. All business travel must be approved in advance by the Department Head or his/her designee. Employees whose travel plans have been approved should make all travel arrangements.

When approved, the actual costs of travel, meals, lodging, and other expenses directly related to accomplishing business travel objectives will be reimbursed by the Superior Court up to State/County approved limits and per diem restriction. Employees are expected to limit expenses to reasonable amounts. The applicable laws relating to travel contained in A.R.S. 38-621 through 38-627.

Expenses that generally will be reimbursed include the following:

Airfare or train fare for travel in coach or economy class or the lowest cost available fare.

Car rental fees, only for compact or mid-sized cars, and only when no other form of transportation is available.

Fares for shuttle or airport bus service, where available; costs of public transportation for other ground travel.

Taxi fares, only when there is no less expensive alternative.

Mileage costs for use of personal cars, only when less expensive transportation is not available. If an employee elects to use a personal car when other transportation is available, actual costs cannot exceed other forms of transportation.

Costs of parking will be allowed if employee is on official travel business.

Cost of standard accommodations in lodgings at rates approved by the County.

Cost of meals but only up to the per diem limit.

Meal tips are part of the daily per diem allowance.

Charges for telephone calls, fax, and similar services required for business purposes.

A traveler using a privately owned motor vehicle on Superior Court business must have a valid driver's license and current vehicle insurance in compliance with A.R.S. 28-1251.

Employees who are involved in an accident while traveling on business must promptly report the incident to their immediate supervisor or the department head. Vehicles owned, leased, or rented by the Superior Court may not be used for personal use without prior approval.

Cash advances to cover reasonable anticipated expenses may be made to employees, after travel has been approved. Employees should submit a written request to their supervisor when travel advances are needed.

With prior approval, employees on business travel may be accompanied in their personal vehicle by a family member or friend, when the presence of a companion will not interfere with successful completion of business objectives. Generally, employees are also permitted to combine personal travel with business travel, as long as time away from work is approved. Additional expenses arising from such nonbusiness travel are the responsibility of the employee.

When travel is completed, employees should submit completed travel expense reports within 10 working days. An employee claiming per diem expenses does not need to submit any receipts. However, receipts must be produced for lodging expenses, and any other expenses not covered under the per diem guidelines.

Employees should contact their supervisor or the Department Head for guidance and assistance on procedures related to travel arrangements, travel advances, expense reports, reimbursement for specific expenses, or any other business travel issues.

Abuse of this business travel expenses policy, including falsifying expense reports to reflect costs not incurred by the employee, can be grounds for disciplinary action, up to and including termination of employment.

Out-of-state travel by officers and employees of Superior Court must be approved in advance by the Department Head.

507 OFFICE/WORK SPACE

The Superior Court is dedicated to maintaining an attractive, uncluttered and, therefore, safe work space and worksite. With that goal in mind the Superior Court must impose some restrictions on the display of personal items in and around the worksite.

No item can be hung or displayed in public areas of the court facility without the approval of the department head. By public area we mean such things as courthouse lobbies, hallways, or foyers. Normally, such items are hung by the Court/County maintenance staff.

Employees may display items of personal nature in and around their desk, as long as these items do not detract from the decorum of the department, or interfere with the ability of someone else

to do their job. The immediate supervisor may restrict the use of such items as radios, plants, or pictures which interfere with work operations.

There can be no coffee makers or heaters in and around an employee's desk, unless these items have been approved by the immediate supervisor.

The Superior Court assumes no liability for any personal object that may be lost, stolen or damaged in any way.

If any employee disagrees with the decision of the immediate supervisor, he/she may discuss the matter via the chain of authority.

508 REDUCTION IN FORCE

An employee may be subject to a non-disciplinary, involuntary termination through layoff in connection with a shortage of funds, abolition of a position, or lack of need for the work performed by an employee or group of employees. In such cases, affected employees shall be given as reasonable an amount of advance notice as conditions permit.

When a reduction-in-force (RIF) is deemed necessary, the appointing authority may limit the RIF to a functional or organization unit, or classification, in order to maintain work production and essential services.

No employee with regular status is to be laid off by RIF while there are temporary, on-call, or probationary employees serving in the Department in the same, or equal or lower level positions for which such regular status employee or employees are qualified and available for reassignment or transfer.

Whenever possible, an employee affected by layoff may be made the best available offer in another available position. The offer will contain a time limitation for acceptance. Failure to accept an offer will result in the employee being laid off.

In determining the order of RIF employees with regular status, the department head shall consider such factors as critical qualifications, performance appraisals, work record, conduct, seniority, and Department priorities.

509 WORK SCHEDULES

The normal work schedule for most employees is eight hours a day, five days a week. Supervisors will advise employees of the times their schedules will normally begin and end. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be scheduled each day and week.

Flextime scheduling may be available with prior approval by the department head in some cases to allow employees to vary their starting and ending times each day within established limits. Employees should consult their supervisor for the details of this program.

Some exempt employees may frequently be required to work more than the normal work schedule due to the nature of their work. Work schedules are determined by the department head and are not subject to the problem resolution process.

510 ATTENDANCE AND PUNCTUALITY

To maintain a safe and productive work environment, the Superior Court expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the Superior Court. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor in advance of the anticipated tardiness or absence per departmental policy.

Frequent absences and tardiness are disruptive. Either may lead to disciplinary action, up to and including termination of employment.

601 FAMILY LEAVE

Purpose : The Superior Court recognizes that employees occasionally need to take time away from work to care for family and medical needs. This policy is designed to meet those needs by allowing employees to take time off for a limited period with job protection and also no loss of accumulated services provided the employees return to work. It also represents the intent of the Superior Court to comply with the requirements and purposes of the Family and Medical Leave Act of 1993 (FMLA). In some circumstances other types of paid and unpaid leaves authorized by the Superior Court run concurrently with FMLA-approved leave. Eligibility for additional leaves of absence beyond the time allotment permitted by the FMLA may also be requested by the employee and will be considered on a case by case basis.

Definition of Plan : A family and/or medical leave of absence is an approved absence available to eligible employees for up to 12 weeks (480 hours) of unpaid leave per year under particular circumstances that are critical to the life of a family. Leave may be taken upon the birth of the employee's child; upon the placement of a child with the employee for adoption or foster care; when the employee is needed to care for a child, spouse or parent who has a serious health condition; or when a serious health condition prohibits an employee from performing essential function(s) of his or her position.

Eligibility : To be eligible for leave under this policy, an employee must have been employed by the County for at least twelve months in total, and must have worked at least 1,250 hours during the twelve month period preceding the commencement of the leave. For the purposes of calculating the 1,250 hour requirement, the number of hours worked does not include vacation, personal leave, sick leave, any unpaid leave hours, or periods of layoff. Overtime hours, however, are included. The determining factor is whether the time is considered hours of work under the federal Fair Labor Standards Act (FLSA).

Exception: If the employee on leave is a salaried employee and is among the highest paid ten percent of the County employees, and keeping the job open for the employee would result in substantial grievous economic injury to the Superior Court, reinstatement of the employee on leave can be denied.

Basic Regulation and Conditions of Leave: The Superior Court will require a medical certificate from a physician or practitioner to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse or parent. The certification forms are available in the Human Resources Department. The certification must be completed by a qualified health care provider. For the employee's own medical leave, the certification must include a statement that the employee is unable to perform the essential functions of his/her position. For leave to care for a seriously ill child, spouse or parent, the certification must state that the employee is needed to care for the family member and include an estimate of the amount of time the employee is needed to provide care. At its discretion, the Superior Court may require a second medical opinion and periodic recertification at its own expense. If the first and second opinion differ, the Superior Court, at its own expense, may require the binding opinion of a third health care provider, approved jointly by the Superior Court and the employee.

The Superior Court requests that an employee submit the certification with the Request Form for a leave of absence. The certification should be submitted no later than 15 calendar days following an employee's request for a leave unless it is not practicable under the particular circumstances to do so despite the employee's diligent, good faith efforts.

If medically necessary for a serious health condition of the employee or his/her spouse, child or parent, leave may be taken on an intermittent or reduced leave schedule. In this case the certification must state the dates on which the planned medical treatment is requested on this basis, the Superior Court may require the employee to transfer temporarily to an alternative position which accommodates recurring periods of absence or a part-time schedule, provided that the position has equivalent pay and benefits.

Spouses who are both employed by the County are entitled to a total of twelve weeks of leave (rather than twelve weeks each) for the birth or adoption of a child or for the care of a sick parent.

Designation of Leave as FMLA Leave: The Superior Court may designate (in writing) a leave of absence as being counted toward an employee's allotment under the FMLA, even though the employee has not requested a leave of absence. In order to do so, however, the Superior Court must obtain the appropriate documentation to demonstrate that the leave was taken for an FMLA-qualifying reason. Upon determination that the reasons for the leave qualify under the FMLA, the Human Resources Department must provide final approval of the leave under the FMLA.

In all cases, the Human Resources Department must notify the employee that her/his time off is being counted as part of the 12-week leave under FMLA.

Notification and Reporting Requirements : When the need for leave is foreseeable, such as the birth or the adoption of a child, or planned medical treatment, the employee must provide prior notice not less than 30 days prior to the start of the leave, and make efforts to schedule so as not to disrupt department operations. If the reason for leave could not have been foreseen 30 days in advance, the employee must submit her/his request for leave as soon as possible after the need for the leave is discovered. If an employee is incapacitated, a family member or other responsible party may submit the request for leave on behalf of the employee. In the case of illness, the employee will be required to report periodically on his/her leave status and intention to return to work. The employee must provide a release from physician or practitioner prior to returning to work.

Health Insurance During Leave : During any leave under this policy, the employee will continue to be covered by the Superior Court's group health insurance plan so long as the employee satisfies the requirements of this policy and the insurance plan. If the employee has dependent health benefits or co-pays, the payments will be deducted during paid leave. If leave is unpaid, the employee is responsible for maintaining the monthly premium payments.

Coverage may stop if the Superior Court learns an employee does not intend to return to work or if the employee does not return to work after being released by the physician.

Failure to Return or Accept Employment

An employee will be considered to have voluntarily terminated employment if he/she:

- a) fails to contact his/her department head prior to the end of the Family Leave of Absence to request an extension under the Medical Leave of Absence Policy; or
- b) fails to return to work on the agreed expiration of the Family Leave of Absence or:
- c) advises the County of his/her intention not to return to work; or
- d) refuses comparable reemployment.

An employee who voluntarily terminates at the end of the Family Leave of Absence for reasons listed above, will be required to return to the County the full health and dental insurance premiums and any premium subsidies paid by the County on behalf of that employee during the period of the Family Leave of Absence.

The County will not collect the cost of health and dental premiums and subsidy if the employee does not return to work because of a continuation, recurrence, or onset of a serious health condition, or reasons beyond the employee's control which would entitle the employee to leave under the Family Leave of Absence.

Procedures : A request for Family and Medical Leave of Absence form should be originated by the employee. These forms are available in the Human Resources Department. This form should be completed in detail, signed by the employee, submitted to the Human Resources Department for approval. The Superior Court requests that the employee complete and submit the Request form at least 30 days in advance of the leave in the case of a foreseeable event such as planned medical treatment or for the birth of a child. For unforeseeable events, such as accidental injury causing a serious health condition, premature birth, or a sudden change in health, the County requests employee notification of his/her need for leave as soon as possible and practical to do so (preferably by submitting the request, but at least orally). An employee can generally notify the Superior Court of an unforeseen leave within one day of when the employee's knowledge of need for the leave.

All requests for Family and Medical Leaves of Absence due to illness will require a Certification of Physician or Practitioner form which is available in the Human Resources Department. The FMLA prohibits an employer from contacting the employee's physician directly. The employee may be required to submit recertification of the existence or continued existence of a serious health condition every thirty (30) days.

Definition of Terms :

Health Care Provider - A doctor of medicine or osteopathy authorized to practice medicine or surgery (as appropriate) by the state in which the doctor practices.

Parent - Biological parent of an employee or an individual who stood in loco parentis to an employee when the employee was a son or daughter.

Serious Health Condition - Illness, injury, impairment, or physical or mental condition that involves:

- A. Inpatient care in a hospital, hospice or residential medical care facility.
- B. Continuing treatment by a health care provider.

Son and Daughter - Biological, adopted or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis, who is:

- A. Under 18 years of age.
- B. 18 years of age or older and incapable of self-care because of mental or physical disability.

Spouse - Husband or wife, as the case may be.

Twelve Month Period - A "rolling" 12 month period measured backward from the date an employee uses any leave covered under this policy.

602 MILITARY LEAVE

A military leave of absence will be granted to employees, except those occupying temporary positions, to attend scheduled drills or training or if called to active duty with the U.S. armed services.

Employees will continue to receive full pay while on leave for training assignments up to 30 working days in two consecutive years. The limitation of 30 days in a two-year period for Military Reserve is based upon the Federal fiscal year (October 1 to September 30.) Since no specific year is stipulated in the National Guard law, the start of a two-year period will vary for each individual, based upon the recorded military orders. Both National Guard and Reserve training time count only as work days. The portion of any military leaves of absence in excess of two weeks will be unpaid. However, employees may use any available paid time off for the absence.

Subject to the terms, conditions and limitations of the applicable plans for which the employee is otherwise eligible, health insurance benefits will be provided by the Superior Court for the full term of the military leave of absence.

Vacation, sick leave, and holiday benefits will continue to accrue during a military leave of absence.

Employees on active duty training assignments or inactive duty training drills are required to return to work for the first regularly scheduled shift after the end of training, allowing reasonable travel time. Employees on longer military leave must apply for reinstatement in accordance with all applicable state and federal laws.

Every reasonable effort will be made to return eligible employees to their previous position or a comparable one. They will be treated as though they were continuously employed for purposes of determining benefits based on length of service, such as the rate of vacation accrual and job seniority rights.

603 MATERNITY AND PATERNITY LEAVE

The Superior Court will not discriminate against any employee who requests an excused absence for maternity or paternity leave associated with a pregnancy, or upon birth or arrival of an adopted child. A regular employee may use accrued sick or vacation leave or compensatory time for the leave. If leave accounts are exhausted, an unpaid leave of absence may be requested under the Family and Medical Leave Policy. An employee who wishes to request unpaid leave beyond the limit of the Family and Medical Leave Policy must obtain written approval from his or her department head. Such leave requests will be made and evaluated in accordance with the medical leave policy provisions outlined in this handbook and in accordance with all applicable federal and state laws.

Requests for time off associated with pregnancy and/or childbirth (apart from medical disabilities associated with these conditions), or adoption will be considered in the same manner as any other request for an unpaid personal or family leave.

604 PERSONAL LEAVE OF ABSENCE WITHOUT PAY

The Superior Court provides leaves of absence without pay to eligible employees who wish to take time off from work duties to fulfill personal obligations. Employees in the following employment classification(s) are eligible to request personal leave as described in this policy:

- Regular full-time employees
- Regular part-time employees
- Introductory employees

As soon as eligible employees become aware of the need for a personal leave of absence, they should request such leave from their supervisor.

Personal leave may be granted by the department head for a period not to exceed six months. An employee must take any available vacation leave as part of the approved period of leave.

Requests for personal leave will be evaluated by the department head based on a number of factors, including anticipated work load requirements and staffing considerations during the proposed period of absence.

Health insurance benefits will not be provided by the County for a leave of absence exceeding 90 days. Employees will be responsible for the full costs of these benefits if they wish coverage to continue. When the employee returns from personal leave, benefits will again be provided by the Superior Court according to the applicable plans.

Benefit accruals, such as vacation, sick leave, or holiday benefits, will be suspended during the leave and will resume upon return to active employment.

When a personal leave ends, every reasonable effort will be made to return the employee to the same position, if it is available, or to a similar available position for which the employee is qualified. However, the Superior Court cannot guarantee reinstatement in all cases.

If an employee fails to report to work promptly at the expiration of the approved leave period, the Superior Court will assume the employee has resigned.

701 DRUG AND ALCOHOL USE

It is the Superior Court's desire to provide a drug-free, healthful, and safe workplace, and to comply with the Drug-Free Workplace Act of 1988. To promote this goal, employees are required to report to work in appropriate mental and physical condition to perform their jobs in a satisfactory manner.

While on Superior Court premises and while conducting court-related activities off Superior Court premises, no employee may unlawfully manufacture, use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and safely, and does not endanger other individuals in the workplace.

Violations of this policy may lead to disciplinary action, up to and including immediate termination of employment, and/or required participation in a substance abuse rehabilitation or treatment program. Such violations may also have legal consequences.

To inform employees about important provisions of this policy, the Superior Court participates in a drug-free awareness program administered by the County Human Resources Department. The program provides information on the dangers and effects of substance abuse in the workplace, resources available to employees, and consequences for violations of this policy.

An employee who performs work for the Superior Court must notify the court of a criminal conviction for drug-related activity. The report must be made within five days of the conviction. Failure to file such a report can lead to disciplinary action, up to and including immediate termination of employment.

Employees with questions on this policy or issues related to drug or alcohol use in the workplace should raise their concerns with their supervisor or the department head without fear of reprisal.

702 SEXUAL AND OTHER UNLAWFUL HARASSMENT

The Superior Court is committed to providing a work environment that is free of discrimination and unlawful harassment pursuant to Supreme Court Administrative Order No. 92-33. Actions, words, jokes, or comments based on an individual's sex, race, ethnicity, age, religion, disability or any other legally protected characteristic will not be tolerated. As an example, sexual harassment (both overt and subtle) is a form of employee misconduct that is demeaning to another person, undermines the integrity of the employment relationship, and is strictly prohibited. Employees shall report such misconduct.

Under this policy, it is important to realize that people are different. They see things differently. What is acceptable conduct for one may be entirely unacceptable to another. Every employee of

the Superior Court has an affirmative duty to be mindful of these differences, and make every effort to be kind and considerate to other employees and the public.

Sexual harassment is deliberate or repeated unsolicited verbal comments, gestures, or physical contact of a sexual nature which are unwelcome. Females and males can be victims of sexual harassment. Both females and males can be guilty of sexual harassment. Sexual harassment does not refer to occasional compliments. It does not refer to social interaction or relationship freely entered into by employees. It refers to behavior which is not welcome, which is personally offensive, which debilitates morale and which, therefore, interferes with the work effectiveness of its victims and their co-workers. Sexual harassment may include actions such as: sex-oriented verbal “kidding” or abuse; subtle pressure for sexual activity; physical contact such as patting, leering, pinching, or constant brushing against another’s body; demands for sexual favors, accompanied by implied or overt promises of preferential treatment or threats concerning an individual’s employment status. Sexual harassment is against Superior Court policy and violates both federal and state law.

Because of differences in employee’s values and backgrounds, some individuals may find it difficult to recognize their own behavior as sexual or other unlawful harassment. To create an awareness of conduct which may be construed as sexual harassment, sexual harassment awareness training will be included in managerial, supervisory, employee orientations, and other appropriate training courses.

An employee who believes that he or she is being harassed should confront the alleged harasser in a firm manner and tell the harasser that the behavior is offensive and to cease it immediately. Feelings of intimidation, offense or discomfort should be expressed to the harasser. If practical, a witness should be present for this discussion. If confrontation is not possible, a memorandum should be written describing the incident(s) of harassment, the date(s), a summary of any conversations with the harasser and the harasser’s reactions. This document should be communicated to the supervisor as soon as possible.

There are certain individuals who may have difficulty discussing an incident of harassment and/or confronting their harasser. In this case, the employee should immediately notify his/her supervisor, or department head.

If the harassment occurs again, or it is felt that some employment consequences may result from the confrontation with the harasser, or the supervisor of the alleged harasser, the employee may report an incident in a more formal manner either orally or in writing, by bringing the complaint to the department head, or the Human Resources Department. This action should be taken as soon as possible so the problem may be resolved.

If the employee is dissatisfied with the actions of the supervisor or departmental staff, the complaint may be taken to the Human Resources Department. The Human Resources Department is available to provide advice to any employee who feels that he or she may be a victim of harassment or has any questions on the issue.

Once notified, departmental staff should report all charges of unlawful harassment to the Human Resources Department within 24 hours, if possible. All relevant data shall be obtained and evaluated by a trained investigator. A written report which includes a finding as to whether the alleged conduct occurred, a conclusion as to whether the conduct which occurred was sexual or other unlawful harassment, and a recommendation of any appropriate corrective or disciplinary action up to and including dismissal will be prepared. Prior to any disciplinary actions because of sexual or other unlawful harassment, the alleged harasser shall be advised of the grounds for discipline and have an opportunity to respond.

All documentation and materials relative to sexual or other unlawful harassment consultations and investigations shall be maintained in separate files in the Human Resources Department. Employees can raise concerns and make reports without fear of reprisal.

Any supervisor or manager who becomes aware of possible sexual or other unlawful harassment should promptly advise his or her department head and the Human Resources Director.

Anyone engaging in sexual or other unlawful harassment will be subject to disciplinary action, up to and including discharge from employment.

Sexual harassment complaints against any judge shall be referred to the Commission on Judicial Conduct for appropriate action.

The Superior Court prohibits the retaliation against an individual who knowingly and in good faith raises an accusation against another or who, in good faith, cooperates in a sexual harassment investigation. Further, the Superior Court prohibits knowingly filing reckless accusations against the subject of the complaint.

Anyone engaging in retaliation, or knowingly filing of reckless accusations against the subject of the complaint will be subject to disciplinary action, up to and including discharge from employment.

703 RETURN OF PROPERTY/COUNTY PROPERTY

Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees must return all Superior Court property immediately upon request or upon termination of employment. Where permitted by applicable laws, the Superior Court may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The Superior Court may also take all action deemed appropriate to recover or protect its property.

Surplus property to be discarded may not be retained by an employee except if the acquisition is obtained through the established County property auction procedures.

704 SECURITY INSPECTIONS

Superior Court wishes to maintain a work environment that is free of illegal drugs, alcohol, firearms, explosives, or other improper materials. To this end, the Superior Court prohibits the possession, transfer, sale, or use of such materials on its premises. The Superior Court requires the cooperation of all employees in administering this policy.

Desks, lockers, and other storage devices may be provided for the convenience of employees but remain the sole property of the Superior Court. Accordingly, they, as well as any articles found within them, can be inspected by any agent or representative of the Superior Court at any time, either with or without prior notice if the court has "reasonable suspicion" to believe that a dangerous item is concealed therein. The Superior Court also reserves the right to inspect an employee's desk for work-related materials that are needed immediately if that employee is absent from the workplace for any reason.

705 SOLICITATION

In an effort to assure a productive and harmonious work environment, persons not employed by the Superior Court may not solicit or distribute literature in the workplace at any time without the approval of the department head.

The Superior Court recognizes that employees may have interests in events and organizations outside the workplace. However, employees may not solicit or distribute literature concerning these activities during working time. (Working time does not include lunch periods, or any other periods in which employees are not on duty.)

In addition, the posting of written solicitations on company bulletin boards is restricted. These bulletin boards display important information, and employees should consult them frequently for:

- Affirmative action statement
- Employee announcements
- Internal memoranda
- Job openings
- Organization announcements
- Payday notice
- Workers' compensation insurance information
- State disability insurance/unemployment insurance information

If employees have a message of interest to the workplace, they may submit it to the department head for approval. All approved messages will be posted by the department head.

706 DRUG TESTING

The Superior Court is committed to providing a safe, efficient, and productive work environment for all employees. Using or being under the influence of drugs or alcohol on the job may pose serious safety and health risks. To help ensure a safe and healthful working environment, job applicants and employees may be asked to provide body substance samples (such as urine and/or blood) to determine the illicit or illegal use of drugs and alcohol. Refusal to submit to drug testing will result in disciplinary action, up to and including termination of employment.

Probation department employees must also conform to the drug testing requirements listed in §6-106 of the Arizona Code of Judicial Administration.

Questions concerning this policy or its administration should be directed to the department head.

707 EMPLOYEE CONDUCT AND WORK RULES

To ensure orderly operations and provide the best possible work environment, the Superior Court expects employees to follow rules of conduct that will protect the interests and safety of all employees and the organization.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of infractions of rules of conduct that may result in disciplinary action, up to and including termination of employment:

Theft or inappropriate removal or possession of property

Falsification of any records or reports

Working under the influence of alcohol or illegal drugs

Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment

Fighting or threatening violence in the workplace

Boisterous or disruptive activity in the workplace

Negligence or improper conduct leading to damage of employer-owned or customer-owned property

Insubordination or other disrespectful conduct

Violation of safety or health rules

Smoking in prohibited areas

Sexual or other unlawful or unwelcome harassment

Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace

Excessive absenteeism or any absence without notice

Unauthorized absence from work station during the workday

Unauthorized use of telephones, mail system, or other employer-owned equipment

Unauthorized disclosure of confidential information

Violation of personnel policies

Unsatisfactory performance or conduct

Lying/Deceitful Behavior

Violation of any part of the Arizona Code of Conduct for Judicial employees

Negligent actions which cause damage, injury, or discourteous treatment of the public

708 PERSONAL APPEARANCE

Dress, grooming, and personal cleanliness standards contribute to the morale of all employees and affect the organizational image Superior Court presents to the general public.

During business hours, employees are expected to present a clean and neat appearance and to dress according to the requirements of their positions. Employees who appear for work inappropriately dressed will be sent home and directed to return to work in proper attire. Under such circumstances, employees will not be compensated for the time away from work. Proper attire is determined by department policy and interpreted by the supervisor, management, or department head.

Consult your supervisor or department head if you have questions as to what constitutes appropriate attire.

801 EMPLOYMENT TERMINATION

Termination of employment is an inevitable part of personnel activity within any organization, and many of the reasons for termination are routine. Below are examples of some of the most common circumstances under which employment is terminated:

RESIGNATION - voluntary employment termination initiated by an employee. Although advance notice is not required, the Superior Court requests at least two weeks' written resignation notice from all employees.

DISCHARGE - involuntary employment termination initiated by the organization.

LAYOFF - involuntary employment termination initiated by the organization for nondisciplinary reasons.

RETIREMENT - voluntary employment termination initiated by the employee meeting age, length of service, and any other criteria for retirement from the organization.

The Superior Court will utilize the services of the Human Resources Department to conduct exit interviews at the time of employment termination. The exit interview will afford an opportunity to discuss such issues as employee benefits, conversion privileges, repayment of outstanding debts to the Superior Court, or return of the Superior Court-owned property. Suggestions, complaints, and questions can also be voiced.

Employees will receive their final pay in accordance with applicable County policy.

Employee benefits will be affected by employment termination in the following manner. All accrued, vested benefits that are due and payable at termination will be paid. Some benefits may be continued at the employee's expense if the employee so chooses. The employee will be notified in writing of the benefits that may be continued and of the terms, conditions, and limitations of such continuance.

901 LIFE-THREATENING ILLNESSES IN THE WORKPLACE

Employees with life-threatening illnesses, such as cancer, heart disease, and AIDS, often wish to continue their normal pursuits, including work, to the extent allowed by their condition. The Superior Court supports these endeavors as long as employees are able to meet acceptable performance standards. As in the case of other disabilities, the Superior Court will make "reasonable accommodations" in accordance with all legal requirements, to allow qualified employees with life-threatening illnesses to perform the essential functions of their jobs.

Employees with a life-threatening illness will be permitted to work as long as they are able to meet acceptable performance standards, and will be provided with reasonable accommodations as long as they are able to perform the essential functions of their job and do not pose danger to their own health and safety or to that of others. Employees who engage in withholding of services, or who harass or otherwise discriminate against an individual with a life threatening illness may be deemed insubordinate and subject to disciplinary action.

Medical information on individual employees is treated confidentially. The Superior Court will take reasonable precautions to protect such information from inappropriate disclosure. Managers and other employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone inappropriately disclosing such information is subject to disciplinary action, up to and including termination of employment.

Employees who would like to be provided with information regarding facts about life-threatening illnesses are encouraged to contact the County Public Health Department for current information.

Employees who have a life-threatening illness or who are experiencing uncertainty or fear regarding a life-threatening illness are urged to seek the counseling and support available from the County's Employee Assistance Program counselor.

902 RECYCLING

The Superior Court supports environmental awareness by encouraging recycling and waste management in its everyday practices and operating procedures. This support includes a commitment to the purchase, use, and disposal of products and materials in a manner that will best utilize natural resources and minimize any negative impact on the earth's environment.

The Superior Court encourages reducing and, when possible, eliminating the use of disposable products. Source reduction decreases the consumption of valuable resources through such workplace practices as:

- communication through computer networks and E-mail
- posting memos for all employees
- two-sided photocopying
- computerized business forms
- routing slips for reports
- minimum packaging
- eliminating fax cover sheets
- reusing paper clips, folders, and binders
- turning off lights when not in use

Whenever possible, employees of the Superior Court are encouraged to purchase products for the workplace that contain recycled or easily recyclable materials. Buying recycled products supports recycling and increases the markets for recyclable materials.

If you have any questions or new ideas and suggestions for the recycling program contact the department head.

1001 INTRODUCTORY PERIOD

The introductory period is intended to give new employees the opportunity to demonstrate their ability to achieve a satisfactory level of performance and to determine whether the new position meets their expectations. The Superior Court uses this period to evaluate employee capabilities, work habits, and overall performance. Employees may be discharged without cause at any time during the introductory period. There is no right to appeal.

All employees will work on an introductory basis for the first year for each position. Any absence will extend an introductory period by the length of the absence. If the Superior Court determines that the introductory period does not allow sufficient time to thoroughly evaluate the employee's performance, the introductory period may be extended for a specified period not to exceed six months.

In cases of promotions or transfers within the Superior Court, an employee who, in the sole judgment of management, is not successful in the new position may be discharged without cause at any time during the introductory period. There is no right to appeal.

Upon satisfactory completion of the introductory period, merit employees enter the "regular" employment classification.

During the introductory period, new employees are eligible for those benefits that are required by law, such as workers' compensation insurance and Social Security. They may also be eligible for other Superior Court-provided benefits, subject to the terms and conditions of each benefits program. Employees should read the information for each specific benefits program for the details on eligibility requirements.

1002 DISCIPLINARY ACTIONS

The purpose of this section is to state the Superior Court's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels.

The Superior Court's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future.

The Superior Court may use progressive discipline at its discretion. Disciplinary action may call for any of the following actions - verbal warning, written warning, suspension with or without pay, reinstatement of introductory period, special observation period, involuntary demotion, or discharge from employment - depending on the severity of the problem and/or the number of occurrences. There may be circumstances when one or more steps are bypassed. The supervisor or manager should consider the following:

- The seriousness of the offense;
- The employee's prior disciplinary and work records;
- The employee's length of service with the Court;
- The Court's past practice in similar or identical cases; and/or
- Circumstances surrounding the incident.

While it is impossible to list every type of behavior that may be deemed a serious offense, the "EMPLOYEE CONDUCT AND WORK RULES" policy includes examples of problems that may result in immediate suspension or termination of employment. However, the problems listed are not all necessarily serious offenses, but may be examples of unsatisfactory conduct that will trigger progressive discipline.

By using progressive discipline, we hope that most employee problems can be corrected at an early stage, benefitting both the employees and the Superior Court.

Before a supervisor or manager decides to recommend a disciplinary action requesting suspension, or discharge for one of his/her employees, he/she must discuss the matter with the next higher level in the chain of command and the Department Head.

ORAL WARNING

This is the least severe of all disciplinary actions. It is a means by which a supervisor or manager calls to the attention of an employee certain deficiencies in his/her job performance, or

a violation of the court's rules by the employee. The most important concern is to counsel the employee. A record of an oral warning is to be made by the supervisor.

WRITTEN WARNING

A written warning is issued if the oral warning is ignored, the problem is not corrected by the employee, or when a more serious type of discipline is necessary. This consists of a formal memorandum or letter in which the immediate supervisor informs the employee that he/she has violated a rule of the Court, or that the employee's job performance or behavior must be corrected if more severe penalties are to be avoided. The written warning should give direct and concrete instructions for the future. A copy of the written warning **MUST** be included in the employee's personnel file and may be removed after one year and only upon approval of the department head.

SUSPENSION

This is an action by which an employee is temporarily suspended from employment with the Court, and from being paid by the Court, for a period of time to be determined by the department head. There is also a loss of vacation and sick leave accrual during the period of suspension. Employees may not use vacation time or sick leave while suspended. Before being suspended, an employee will be given a written memorandum or letter specifying the reasons for the suspension, and the exact dates for which an employee is suspended and due to report back to work. A copy of the memorandum will be placed in the employee's personnel file.

INVOLUNTARY DEMOTION

This is an action by which an employee is involuntarily demoted to a lower salary classification by the department head. The demoted employee's salary will be set in the same manner as that of a new employee within the lower classification.

DISCHARGE

This action permanently removes an employee from employment with the Court. The department head must approve the discharge of the Court employee.

WRITTEN NOTICE OF PROPOSED DISCIPLINARY ACTION

Before suspending for more than five days without pay, involuntary demotion, or discharging a regular employee, the department head must give the employee a preliminary written notice of the proposed action, stating the date it is intended to become effective and the specific grounds and particular facts upon which the action is based. The employee must be provided with any known written materials, reports, or documents relating to the action. At least three working days before the action becomes final, the employee must be accorded the right to respond either orally or in writing (or both) to the proposed charges, to the department head.

After considering the employee's response, the department head will decide whether to make the suspension, involuntary demotion, or discharge final. The employee will receive notice of the action to be taken within three working days of the decision and will be informed of his/her right to appeal the action to the Presiding Judge.

SPECIAL OBSERVATION PERIOD

A special observation period may be used to put the employee on notice that continuation of work performance or behavioral problems will result in further disciplinary action up to and including discharge from employment. The special observation period will not exceed six months. Observation periods require periodic feedback to the employee on his or her performance through individual conference, and a written evaluation at the end of the observation period. Should the problem or behavior be corrected, the employee will resume regular status with no loss of benefits. If not, the employee may be disciplined further, up to and including discharge. If during the special observation period, another behavioral or work related problem develops, the employee may be further disciplined up to and including discharge.

ADMINISTRATIVE LEAVE

An employee may be placed on administrative leave to allow for investigation of serious infraction(s) of court policies and procedures. At the conclusion of administrative leave the employee may be returned to work without penalty, disciplined, discharged or advised of disciplinary action. Administrative leaves shall not exceed thirty workdays without the approval of the department head. This action is not punitive and does not imply guilt or innocence. An employee's pay and benefits continue during administrative leave.

1003 PROBLEM RESOLUTION

The Superior Court is committed to providing the best possible working conditions for its employees. Part of this commitment is encouraging an open and frank atmosphere in which any problem, complaint, suggestion, or question receives a timely response from the Superior Court supervisors and management.

The Superior Court strives to ensure fair and honest treatment of all employees. Supervisors, managers, and employees are expected to treat each other with mutual respect. Employees are encouraged to offer positive and constructive criticism.

The Superior Court believes that problems are best handled at the lowest level. Employees are expected to address issues directly and calmly. If the issue involves another employee, it is best resolved at that level and employees are held responsible for their actions in either giving or

receiving these issues. The majority of the time, once the issues are discussed calmly the issues can be cleared up. If the problem is not resolved at the employee level, an employee should follow the chain of command up to the department head in attempting to resolve the problem.

Not every problem can be resolved to everyone's total satisfaction, but only through understanding and discussion of mutual problems can employees and management develop confidence in each other. This confidence is important to the operation of an efficient and harmonious work environment, and helps to ensure everyone's job security.

1004 APPEAL PROCEDURE

An at-will employee serves at the pleasure of his or her appointing authority, and no disciplinary action taken by that official concerning the at-will employee is subject to appeal.

A regular merit employee who has passed the introductory period for their position may appeal only the following issue(s):

Suspension without pay of more than five (5) days per incident;

Involuntary demotion with reduction in pay;

Discharge.

The following appeal process is established by the Superior Court for merit employees.

1. Within ten (10) working days of the occurrence on which the appeal is based, the employee files an appeal in writing with the department head. A form for appeal is available from the Court Administrator, or his/her designee for this purpose. In the alternative to using the appeal form, a written statement shall be filed stating the following information:
 - A. A concise statement of the case and a list of the issues involved;
 - B. A list of documentary evidence and exhibits which will be offered during the hearing;
 - C. A list of all possible witnesses, which shall include the witnesses' name, home address and phone number, business address and phone number, and a brief summary of the purpose of each witness' proposed testimony. The list shall state the anticipated order in which the witnesses will be called.
 - D. A list of those issues and pertinent facts on which there is agreement.
 - E. The outcome sought by the appellant.
2. Within ten (10) working days of receiving the appeal, the department head shall refer the appeal to the Court Administrator, or his/her designee.
3. If the department head elects to file an answer to the appeal, it must be filed within ten (10) working days from the filing of the appeal with the Court Administrator or his/her designee.
4. Assignment of a Hearing Officer shall occur from a pre-determined list of Hearing Officers maintained by the Court Administrator. The Court Administrator, or his/her designee, shall assign a Hearing Officer from the established list. Based on availability

or conflict of interest of the Hearing Officer, the Court Administrator, or his/her designee, may select another Hearing Officer to achieve assignment.

When an appeal is assigned, the Hearing Officer is fully empowered to grant or refuse extensions of time, to set the proceedings for hearings, to conduct the hearing, and to take any action in connection with the proceedings as allowed by law or by these Rules. The Hearing Officer shall only have the authority to recommend a decision to the Presiding Judge, and shall not make a conclusive decision.

5. The Court Administrator, or his/her designee, shall provide the Hearing Officer copies of all documents submitted from each party.
6. Under no circumstances shall a hearing be extended beyond 90 calendar days from the filing of the appeal.
7. The Court Administrator, or his/her designee will, unless extenuating circumstances prohibit, at least five (5) working days prior to the hearing, send by certified mail or cause to be sent by certified mail to the Appellant (or their designated representative) and the involved department head, a copy of the notice of the hearing of the Hearing Officer, and either an agenda for the hearing or information as to how an agenda may be obtained. Failure of an interested party, other than the Appellant (or their designated representative) or involved department head, to receive the notice and/ or agenda shall not affect the validity of the hearing or of any action taken by the Hearing Officer at said hearing.
8. Unless otherwise provided by law or these Rules, any notice, paper or document that is to be given to or served upon any person including the Hearing Officer, may be personally served, or it may be served by certified mail to the last known residence or business address of the addressee. Service is complete upon mailing.
9. Either the Appellant or department head may request that a hearing set pursuant to these Rules be continued. Such request must be submitted to the Hearing Officer in writing with as much advance notice as possible, but no less than five (5) working days prior to the date set for the hearing. If the request for continuance is granted, the Hearing Officer shall send copies of the Order for Continuance to all parties no less than forty-eight(48) hours prior to the date set for the hearing. Under no circumstances shall a hearing be extended beyond 90 calendar days from the filing of the appeal.

Failure to request a continuance in conformance with these Rules and subsequent failure by either party to appear at the time and place set for hearing may result in a recommendation by the Hearing Officer to the Presiding Judge, or his/her designee that the appeal be dismissed.

10. The Appellant may represent him/herself, or be represented by counsel. The department head may represent him/herself or be represented by legal counsel. The hearing shall be

informal and technical rules of evidence and court procedure shall not apply to the proceedings. All testimony at the hearings shall be recorded manually or by mechanical or electronic device. The Hearing Officer and the Court Administrator, or his/her designee, will mutually decide the appropriate method to use to record the hearing. The Court shall pay all charges incurred in connection with the presence of a court reporter or the utilization of mechanical or electronic devices, excluding, however, the costs of the preparation of all or any part of any transcript or copying of tapes. The cost of a copy or copies of any such transcription or tapes shall be paid by the requesting party or parties.

11. The Hearing Officer may request that the Presiding Judge or his/her designee issue subpoenas to compel attendance of any person relating to any investigation or hearing authorized by these Rules.
12. All witnesses shall be excluded from the hearing room except during the time of their testimony. This rule of exclusion shall not apply to either the Appellant or department head. The Hearing Officer may approve the attendance of any other person at the hearing if he/she deems it necessary.
13. The Appellant may submit a written request to withdraw the appeal at any time prior to the decision by the Hearing Officer. Such request shall be sent to the Court Administrator, or his/her designee.
14. The department's disciplinary decision will not be changed unless the action was arbitrary or capricious.
15. Within ten (10) working days from completion of the hearing, the Hearing Officer shall forward to the Presiding Judge, the Appellant (or the Appellant's designated representative) and the involved department head, written recommendations for disposition of the appeal. Such recommendations shall include findings of fact, whether or not the action or discipline appealed was in accordance with the Judicial Personnel Rules, and a recommended disposition. The recommendation of the Hearing Officer shall be taken under advisement by the Presiding Judge, or his/her designee.
16. The Presiding Judge, or his/her designee shall within ten (10) working days from the date of receipt of the Hearing Officer's recommendation, render a final decision in the matter. The Presiding Judge may adopt, modify or overrule the Hearing Officer. The Presiding Judge, or his/her designee shall render their decision in writing.

The decision of the Presiding Judge, or his/her designee shall be final.

5. During the appeal process, the original discipline will be in effect.

1100 CODE OF CONDUCT FOR JUDICIAL EMPLOYEES

Pursuant to Administrative Order 96-27, which was signed by the Chief Justice of the Arizona Supreme Court on July 3, 1996, the following Code of Conduct for Judicial Employees applies to all employees of the judicial department. This includes judicial divisions, clerk of the court, justice of the peace courts, court administration, adult probation, juvenile court services and detention, and the law library. The Code of Conduct for Judicial Employees listed in this section supplements the Code of Conduct listed in Section 110 of this manual.

Court managers and personal staff of judges, as defined in the Code of Conduct for Judicial Employees, have some separate provisions governing their actions and are still governed by some provisions of the Judicial Code of Conduct.

ARIZONA CODE OF CONDUCT FOR JUDICIAL EMPLOYEES

Effective August 20, 1997
Arizona Supreme Court Administrative Order 97-41
(Ethics Manual Edition)

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PREAMBLE

A fair and independent court system is essential to the administration of justice. Proper conduct by judicial employees inspires public confidence and trust in the courts. There are certain principles that should govern the conduct of all judicial employees.

This code of conduct provides uniform standards for the conduct of all judicial department officers and employees other than judges. It is intended to complement the Code of Judicial Conduct that governs the conduct of judges and should be interpreted in a manner consistent with that code.

The minimum standards contained in this code do not preclude the adoption of more rigorous standards by law, court order or local rule.

Violations of this code shall be enforced locally and in the same manner as violations of local personnel rules that apply to judicial employees.

DEFINITIONS

The following terms have specific meanings within the context of this code.

“Canon” is a fundamental principle governing the conduct of judicial employees. The broad statement of principle appearing before each major section of the code is the canon. There are five canons in this code.

“Court managers” are high-level administrative staff who work in such close proximity to judges that their actions, decisions or conduct might be viewed as the official acts or positions of the judiciary. In the trial courts, court managers include court administrators, chief probation officers, juvenile court directors, and any other similar staff designated by the presiding judge of each county, except the elected clerks of court. In the appellate courts, court managers include clerks of the court, chief staff attorneys, the administrative director, deputy director, division directors and other staff designated by the chief justice or chief judges.

"Courtroom Clerks" are staff of the elected Clerk of the Court who are assigned to work in the courtroom with the judge.

“Judge” means any person who performs judicial functions within the judicial system as defined in the Code of Judicial Conduct.

“Judicial employee” refers to any person employed in the judicial department of this state, as defined in Article 6 Section 1 of the state Constitution, who directly or indirectly affects the operation of the judiciary.

“Personal staff” means assistants, secretaries, law clerks, bailiffs, and court reporters

employed by, assigned regularly to, or reporting directly to a judge.

“Relative” means a spouse, child, grandchild, parent, grandparent or other person with whom the judicial employee maintains a close familial relationship, including any person residing in the employee’s household.

CANON 1

JUDICIAL EMPLOYEES SHALL UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY

- A. Independence. Judicial employees shall maintain high standards of conduct so the independence of the judiciary is preserved.
- B. Integrity. Judicial employees shall maintain and observe the highest standards of integrity, honesty, and truthfulness in their professional and personal dealings.

Commentary:

The fundamental attitudes and work habits of individual judicial employees reflect on the integrity and independence of the judiciary and are of vital importance in maintaining the confidence of the public in the judiciary. Honesty and truthfulness are paramount.

CANON 2

JUDICIAL EMPLOYEES SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL THEIR ACTIVITIES

- A. Compliance with Law. Judicial employees shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

Commentary:

As public servants, judicial employees should not act in any way that would violate specific laws or the provisions of this code. Public confidence in the judiciary is maintained by the willingness of each employee to live up to this standard. When faced with conflicting loyalties, judicial employees should seek first to maintain public trust.

- B. Gifts and Extra Compensation. Judicial employees shall not solicit or accept gifts or favors from attorneys, litigants, or other persons known to do business with the court and shall not request or accept any payment in addition to their regular compensation for assistance given as part of their official duties.

Commentary:

Examples of improper conduct include seeking a favor or receiving a gift, or the promise of one, whether it be money, services, travel, food, entertainment, or hospitality, that could be viewed as a reward for past or future services. Receiving fees or compensation not provided by law in return for public services may be a class 6 felony or a class 1 misdemeanor under A.R.S. § 38-505 subject to the penalties in A.R.S. § 38-510. It is permissible, however, to accept food and refreshments of insignificant value when attending a conference, seminar,

business lunch or meeting, and to accept or exchange gifts and other social hospitality on customary occasions, (e.g., birthdays or weddings) with friends outside the workplace. Employees may also accept awards presented in recognition of public service. The standard to keep in mind here is that employees should always conduct themselves in a manner that inspires public confidence in their role as judicial employees.

- C. Abuse of Position . Judicial employees shall not use or attempt to use their positions to secure special privileges or exemptions for themselves or any other person.

Commentary:

Judicial employees should not, for example, seek or provide special consideration regarding traffic citations or parking violations; provide special treatment to particular parties or matters; discuss the merits of cases pending before the Court or be inappropriately friendly with litigants, counsel or other persons who do business with the court, and thus give the appearance of preferential treatment. To gauge the propriety of an action, employees should consider how opposing parties and counsel are likely to view the situation. Accepting, agreeing to accept, giving or requesting a gift or favor with an understanding that any court business or proceeding would be influenced may be bribery, a class 4 felony under A.R.S. § 13-2602(A)(2), § 13-2606.

- D. Employment of Relatives . Judicial employees shall not be appointed by, or assigned to be directly supervised by, a relative or by a supervisor reporting to a relative. Employees shall not attempt to influence the employment or advancement of a relative by a court except by letters of reference or in response to a person verifying references.

Commentary:

A court manager's employment of relatives may be a class 2 misdemeanor under A.R.S. § 38-481.

- E. Use of Public Property. Judicial employees shall not use public funds, property or resources wastefully or for any private purpose not authorized by judicial or other Administrative authorities.

Commentary:

Employees should not, for example, knowingly make false entries on time cards or personnel records; backdate a court document; falsely claim reimbursement for mileage or expenses; misuse the telephone, facsimile machine, or copying machine; or take supplies home for private use. This conduct may be theft, a class 1 misdemeanor ranging to a class 3 felony under A.R.S. § 13-1802 or fraud, a class 2 felony under A.R.S. § 13-2310.

- F. Former Employees. Judicial employees shall not do business with a former judicial employee:
- who held a position involving substantial discretion over that aspect of the court's activities, and

- who left the court’s employment during the preceding 12 months, and
- whose participation could harm the interests of the judiciary or cause a perception of favoritism.

Commentary:

Abuse of former employment may be a class 6 felony under A.R.S. § 38- 504(A).

CANON 3

JUDICIAL EMPLOYEES SHALL PERFORM THEIR DUTIES IMPARTIALLY AND DILIGENTLY

- A. Professionalism. Judicial employees shall be patient, prompt and courteous to litigants, jurors, witnesses, lawyers and others who come in contact with the court.
- B. Impartiality. Judicial employees shall perform their duties impartially, and shall not be influenced by kinship, social or economic status, political interests, public opinion or fear of criticism or reprisal.

Commentary:

Employees who think they may be influenced in a particular matter should discuss the situation with a supervisor, administrator or judge.

- C. Prejudice. Judicial employees shall perform their duties without bias or prejudice, and shall not manifest by words or conduct bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status.
- D. Information and Records . Judicial employees, when authorized, shall furnish accurate, timely information and shall provide access to public court proceedings and records according to established procedures. A judicial employee shall not disclose any confidential information received in the course of official duties, except as required in the performance of such duties, or use such information for personal gain or advantage.

Commentary:

Some information received by judicial employees while performing their duties is confidential and should not be revealed. Sometimes confidential matters are revealed through innocent and casual remarks about pending or closed cases, about participants in litigation, or about juries, any of which could give attorneys, litigants and reporters an unfair advantage. Such remarks can seriously prejudice a case or harm a person's standing in the community. Abuse of confidential information by a current or former employee may be a class 6 felony under A.R.S. § 38-504B.

- E. Legal Assistance. Judicial employees may assist citizens in identifying available procedural options and in understanding and complying with court procedures. Judicial employees shall not advise a particular course of action.

Commentary:

Employees may assist citizens, consistent with the court's resources, with matters within the scope of their responsibilities and knowledge. This assistance may

include providing information contained in court records; furnishing examples of forms or pleadings; explaining court rules, procedures, practices, and due dates; and helping to complete forms with factual information provided by a citizen. Although a person may be informed of the options for addressing a matter, judicial employees should not advise citizens whether to take a particular course of action or attempt to answer questions outside their knowledge and experience. In performing their official duties, employees should not recommend the names of private attorneys to the public unless the employee works in a court-approved lawyer-referral program, but may refer members of the public to bar associations or legal aid organizations.

- F. Education. Judicial employees shall comply with judicial education requirements and maintain any licensing or certification required for their positions.
- G. Communication with Judges. Judicial employees shall not communicate personal knowledge about the facts of a pending case to the judge assigned to the case and shall not make or repeat remarks about a case pending before an Arizona court that might affect the fairness or outcome of the proceeding.
- H. Duty to Report. Judicial employees shall report to a supervisor, administrator, or judge within the judicial department any violation of the law or this code by another judicial employee. Employees shall not be subject to retaliation for reporting violations if such report is made in good faith.

Commentary:

This obligation does not prohibit reporting illegal conduct to a law enforcement agency or other appropriate authority. In addition, employees should cooperate with the Commission on Judicial Conduct and may communicate with the Commission at any time, without fear of reprisal, for the purpose of discussing potential or actual judicial misconduct.

CANON 4

JUDICIAL EMPLOYEES SHALL SO CONDUCT THEIR OUTSIDE ACTIVITIES AS TO MINIMIZE CONFLICTS WITH THEIR EMPLOYMENT RESPONSIBILITIES

- A. General Activities . Judicial employees shall conduct their outside activities so as to avoid a negative effect on the court or their ability to perform their duties.
- B. Financial Activities . This section does not apply to court reporters appointed pursuant to A.R.S. § 12-221 when preparing transcripts pursuant to A.R.S. § 12-223 and 12-224. Except as provided by law or court rule, judicial employees shall not engage in any business activity or secondary employment that:
 - (1) Involves an organization or a private employer that regularly conducts business with the court;
 - (2) Is conducted during the employee's normal working hours;
 - (3) Places the employee in a position of conflict with his or her official role in the judicial department;
 - (4) Requires the employee to appear regularly in judicial or administrative agency proceedings;

- (5) Identifies the employee with the judicial department or gives an impression the employment or activity is on behalf of the judicial department; or
- (6) Requires use of court equipment, materials, supplies, telephone services, office space, computer time, or facilities.

Commentary:

In order to avoid any employment that is in conflict with a judicial employee's official role within the judiciary, a judicial employee should not, for example, work for a police department, public defender, or prosecutor. Judicial employees may become foster parents, and may teach, lecture, or write on any subject, so long as any payment is at the prevailing rate, any presentation or document clarifies that the judicial employee is not representing the judicial department, and confidential documents and information are not disclosed.

- C. Conflict of Interest . Judicial employees shall manage personal and business matters so as to avoid situations that may lead to conflict, or the appearance of conflict, in the performance of their employment.
- (1) Judicial employees shall inform the appropriate supervisor of any potential conflict of interest involving their duties.
 - (2) A member of a judge's personal staff and the courtroom clerk shall inform the judge of any potential conflict of interest, involvement or activity of the staff member or courtroom clerk in a case pending before the judge.
 - (3) Judicial employees shall withdraw from participation in a court proceeding or court business in which they have a personal, business, or family interest that may actually or appear to influence the outcome of the court proceeding or business.

Commentary:

Every judicial employee has a legal obligation under A.R.S. § 38-501 et. seq. to diligently identify, disclose and avoid conflicts of interest. A potential conflict of interest exists when an official action or decision in which a judicial employee participates may specially benefit or harm a personal, business or employment interest of the judicial employee, the judicial employee's relative or the judicial employee's close friends. In a judicial proceeding, a potential conflict of interest arises if a judicial employee's business associate, relative or close friend is an interested party. Even if no impropriety actually occurs, a conflict of interest creates an appearance of impropriety that can seriously undermine the public's confidence and trust in the court system. If withdrawal from a matter would cause unnecessary hardship, the judge or court manager may authorize the judicial employee to participate in the matter if permitted by the Code of Judicial Conduct, no reasonable alternative exists, and safeguards, including full disclosure to the parties involved, ensure official duties are properly performed.

- D. Solicitation . Judicial employees shall not use their positions or offices to solicit funds, but judicial employees, other than members of a judge's personal staff, courtroom clerks, or court managers, may solicit funds in connection with outside activities.

Commentary:

Judicial employees should not personally request subordinates to contribute funds to any organization or activity but may provide information to them about a general fund-raising campaign. A member of a judge's personal staff, the courtroom clerk, or a court manager should not request any judicial employee to contribute funds under circumstances where their close relationship to the judge could reasonably be viewed to give weight to the request.

CANON 5

JUDICIAL EMPLOYEES SHALL REFRAIN FROM INAPPROPRIATE POLITICAL ACTIVITIES

- A. General Activities. In general, judicial employees may participate in any political activities that do not give the impression the judiciary itself endorses political candidates or supports political causes, except when assigned to do so regarding measures to improve the law, the legal system, or the administration of justice.

Commentary:

The judiciary seeks to maintain neutrality in political matters. While judicial employees may express and act on personal opinions about political candidates and issues as other citizens, they should maintain neutrality in action and appearance when performing their duties on behalf of the judicial department, unless their positions permit political advocacy on the part of the judiciary. To this end, judicial employees should separate their political activities from employment duties.

- B. Personal Staff, Courtroom Clerks, and Managers . In addition to the other sections of this canon, members of a judge's personal staff, courtroom clerks, and court managers shall be subject to the same political limitations as judges contained in Canon 5 of the Code of Judicial Conduct, and may not hold any elective office.
- C. Elective Office. Incumbent elected clerks of the court may be candidates for their offices without taking a leave of absence and are not subject to the provisions of this section. Judicial employees who are not members of a judge's personal staff, courtroom clerks, or court managers may be candidates for elective office under the following conditions:
- (1) Partisan. Such judicial employees may be candidates for partisan elective office if the judicial employee is authorized to take an unpaid leave of absence. The leave of absence must begin prior to any public declaration of an intention to seek office, including the filing of campaign papers, and prior to any fund-raising for the judicial employee's campaign. The judicial employee shall publicly disclose that he or she is on a leave of absence from court employment. If elected, the judicial employee shall resign from court employment prior to assuming office. Rev. 2-4-00

- (2) Non-partisan. Such judicial employees may be candidates for nonpartisan elective office without taking a leave of absence or separating from court employment if:
 - a. the judicial employee first seeks permission from the Chief Justice, Chief Judge, Presiding Judge of the Court or Clerk of Court,
 - b. that judicial officer or clerk of court determines the office sought is consistent with judicial employment,
 - c. the judicial employee otherwise complies with this code.
- D. Workplace Activity. During scheduled work hours or at the workplace, judicial employees shall not engage in political campaign activities and shall not display literature, badges, stickers, signs, or other political advertisements on behalf of any party, political committee, agency, or candidate for political office. Judicial employees authorized to do so may participate in approved activities regarding measures to improve the law, the legal system, or the administration of justice.
- E. Political Pressure. Judicial employees shall not use their official authority or position, directly or indirectly, to influence or attempt to influence any other judicial employee to become a member of any political organization or to take part in any political activity.
- F. Judicial Campaign Activity. Judicial employees, including members of a judge's personal staff, courtroom clerks and court managers, may voluntarily participate in a judge's or clerk's campaign activities and may voluntarily contribute funds to a campaign, but only through a judge's or clerk's fund-raising committee. However, judges, elected clerks of the court, and court managers or supervisors shall not require subordinate judicial employees to participate in political activities or personally receive funds from judicial employees for any political purpose.
- G. Political Discrimination. Judicial employees shall not discriminate in favor of or against any subordinate or any applicant for judicial employment on account of permitted political activities. Rev. 2-4-00

1200 POLICIES FOR ELECTRONIC COMMUNICATIONS

Pursuant to Administrative Order 99-44, which was signed by the Vice Chief Justice of the Arizona Supreme Court on July 1, 1999, the following Electronic Communications for the Arizona Judicial Department applies to all employees of the judicial department.

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In The Matter Of:

POLICIES FOR ELECTRONIC)
COMMUNICATIONS FOR THE) Administrative Order
ARIZONA JUDICIAL DEPARTMENT) No. 99-44
_____)

On February 5, 1998 by Administrative Order 98-09 the purposes, membership and organization of the Commission on Technology were redefined from those originally established by Administrative Order 90-21 on June 6, 1990. In the 1998 order, among other things, the Commission was specifically charged to:

Oversee the statewide judicial department data communications network, including establishing security standards and procedures;
and

Develop and submit for approval statewide technical standards which shall be used in all court automation projects, including security, disaster recovery and communication standards.

Pursuant to those provisions, the Commission on Technology has developed standards for the use of electronic communications on the Arizona Judicial Information Network, including electronic mail and the Internet.

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the attached Electronic Communications Policy for the Arizona Judicial Department is approved.

IT IS FURTHER ORDERED that these policies apply to all courts using the Arizona Judicial Information Network (AJIN). Courts not using AJIN for their electronic mail or Internet access are required to have substantially similar written electronic communications policies.

Dated this 1st day of July 1999.

CHARLES E. JONES
Vice Chief Justice.

**ARIZONA JUDICIAL DEPARTMENT
ELECTRONIC COMMUNICATIONS POLICY**

I. INTRODUCTION

I.A. Description. This statement sets forth the Arizona Judicial Department's policy with regard to use of, access to, and management of electronic communications and Internet access. For purposes of this policy statement, "electronic communication" may include but is not limited to electronic mail (email), Internet services, voice mail, and facsimile messages that are sent or received by judicial officers, court employees, and other authorized users, and the network resources over which such communications are transmitted. "Internet" may include, but is not limited to, access to the World Wide Web.

I.B. Definitions.

(1) **Appointing Authority**

The "**Appointing Authority**" is the judge, clerk of court, administrator, or their designee who is designated to supervise authorized users.

(2) **Users**

"**Users**" refers to all court officials and employees who are users of the Arizona Judicial Information Network and also includes any non-court persons who are authorized users.

II. POLICY

II.A. Purpose: Electronic communications and Internet technology allow access to a broad range of ideas and information, and facilitates the exchange of ideas and information in a timely and efficient manner. The Arizona Judicial Department supports the use of electronic communications, networked information, and Internet resources to further its mission, and to foster communication and information exchange within the Court and the justice community. The purpose of this policy is to set forth the guidelines and mutual responsibilities for managing and using the Arizona Judicial Information Network's (AJIN) electronic communications resources and Internet access. The Administrative Office of the Courts is responsible for operating and managing the Arizona Judicial Information Network, electronic communications resources, and Internet access, and ensuring that AJIN's resources are used to support the business of the Court and the judicial branch through implementation of appropriate policies and procedures. AJIN users are expected to be cognizant of the rules and conventions that make these resources secure and efficient, and to use the resources in a responsible manner, consistent with the work-related, professional, and educational, purposes for which the Court provides these resources.

II.B Persons Covered by This Policy. The policy applies to all users (including those who are not court employees) of the computer systems and networks of the Arizona Judicial Information Network, which is operated and managed by Administrative Office of the Courts.

II.C. Authorized Use. Authorized users shall use Court-provided electronic communications resources and Internet access responsibly, for purposes relating to the business of the Court and the judicial branch or enhancing the work environment of the Court, as set forth in this policy. Those authorized users who bring their own personal computers to work and access the Internet from those computers, as well as those who access email and the Internet from remote locations via any dial-up connection through AJIN, will be subject to these policies as well.

II.D. Relationship to Other Rules. Use of electronic communications and Internet resources is subject to all other rules governing the Arizona Judicial Department and court personnel, including the code of conduct, equal employment opportunity or sexual harassment policies and Supreme Court Rule 123 governing public access to court records. Each local court's policies and procedures may further clarify or provide for more restrictive access provisions of these policies for its staff. Statements in this policy regarding permissible and prohibited uses of electronic communications and the Internet are intended as additional guidelines and examples.

III. RESPONSIBLE USE OF ELECTRONIC COMMUNICATIONS AND INTERNET RESOURCES.

III.A. RESPONSIBLE USE OF ELECTRONIC COMMUNICATIONS.

III.A.1. Professionalism. Electronic communications shall be professional and business-like. Electronic mail messages, whether sent within the Judicial Department or outside the Judicial Department via wide area networks or the Internet, should withstand public scrutiny without embarrassment to the local court, the Judicial Department, other users, and the public, both as received by the original recipient and if forwarded beyond the original intended recipient.

III.A.2. Professional Use. It is permissible to use the Arizona Judicial Department's email systems for limited professional purposes. Approved professional uses may include participation in professional associations, continuing education, scholarly publication, communications with colleagues, and subscription to listservs, news groups or topical updating services related to the Court, the judicial branch, or a user's professional duties. Users subscribing to such services shall keep up with the mail received, regularly delete messages once read, learn the rules associated with the service and know how to unsubscribe (both for ending participation and for absences such as vacation), and maintain a professional demeanor when posting to a list. Such use is, in all respects, subject to approval of the user's Appointing Authority.

III.A.3. Routine Use.

- a. **Routine Business Use.** Routine business use is permissible and may include: scheduling meetings; requests for information; the assignment of work tasks or

clarification of assignments; notification of users' whereabouts, such as sick days or vacation requests.

b. **Routine Personal Use.** Routine personal use is permissible and may include notifying family members of schedule changes, personal messages to co-workers, and other uses typically permitted to be communicated in or from the workplace in person or by telephone. Such use does not include uses requiring substantial expenditure of workplace time, uses for personal charitable or partisan political solicitations or campaigns, or uses that would otherwise violate court policies with regard to a user's time commitments or court equipment. It is the responsibility of the user sending such messages to ensure that the message is identified, either specifically or clearly by its content, as personal in nature, and not on behalf of the court. Such use is in all respects subject to approval of the user's Appointing Authority.

III.A.4. Official Use. Official communication is a communication pertaining to public business, which must be preserved as a record of official action or policy. Official communications may be transmitted via email as long as they are created and preserved in compliance with applicable record retention and destruction schedules.

III.B. PROHIBITED USES.

III.B.1. Commercial Purposes. Users may not use electronic communications for commercial purposes. Users may not send "serial" or "chain" messages.

III.B.2. Copyright and Intellectual Property Rights. Users shall not use electronic communications to receive or send copies of documents in violation of copyright laws, or to send or receive software in violation of intellectual property laws or rights.

III.B.3. Harassment. Users shall not use electronic communications to intimidate or harass others, or to interfere with the ability of others to conduct court business. Users shall not use electronic communications in a manner that promotes or could be interpreted as discrimination on the basis of race, creed, color, gender, religion, disability, age or sexual preference.

III.B.4. Identification. Users shall clearly identify themselves in any electronic communication. and shall not construct an electronic message or communication so as to appear to be from anyone other than the user.

III.B.5. Unauthorized Access. Users may not capture and "open" electronic communications except as required in order for authorized staff to diagnose and correct delivery problems, and may not obtain access to the files or communications of others unless doing so serves a legitimate business purpose.

III.B.6. Confidentiality. AJIN users have no expectation of privacy. Even though users routinely use email as a form of communication to discuss ideas and pending cases, this form of communication can not be considered secure and no message should be considered absolutely

confidential. Electronic mail, particularly when sent via the Internet, should be regarded as an unsecured medium. More information about electronic mail (including copies of the content of messages) is routinely recorded than may be recorded using other communications media. A broader, less controlled set of people may have or gain access to electronic mail, and messages may be mis-delivered or forwarded in an instant.

The confidential or privileged status of a communication is determined by Court rule or order, or by statute, and may include such matters as communications relating to employee performance or discipline, and judicial or attorney work product. It is the user's responsibility to carefully consider the confidentiality requirements of an electronic communication before it is transmitted.

III.B.7. Software. Users may not use AJIN electronic messaging or communications systems to download software, unless they comply with established AJIN policies for approval of loading or operating software on court-provided computers, verification of proper licensing, and scanning for computer viruses.

III.B.8. Adherence to Security Restrictions on Systems and Data. Users shall not attempt to gain unauthorized access to data, to breach or evade any security measures on any electronic communication system, or to intercept any electronic communication transmissions without proper authorization.

III.C. RESPONSIBLE USE OF THE INTERNET.

III.C.1. Professionalism. Use of the Internet shall be professional and business-like. Such use should withstand public scrutiny without embarrassment to the court, the judicial branch, other users, and the public.

III.C.2. Professional use. It is permissible to use AJIN's Internet access for limited professional purposes with the approval of the Appointing Authority. Approved professional uses may include participation in professional associations, continuing education, scholarly publication, legal research related to the court, the judicial branch, or a user's professional duties. Such use is, in all respects, subject to approval of the user's Appointing Authority.

III.C.3. Routine use.

a. **Routine Business Use.** Routine business use is permissible and may include, but is not limited to: locating information on a particular topic for work-related use, accessing other courts' information and sites, accessing information by various professional organizations.

b. **Routine Personal Use.** Routine personal use is permissible and may include using the Internet for the location of information relating to personal interests. Such use does not include uses requiring substantial expenditure of workplace time, uses for personal charitable or partisan political solicitations or campaigns, or uses that would otherwise violate court policies with regard to user time commitments or court equipment. It is the responsibility of the user using the Internet to ensure that the use complies with all current policies. Such use is, in all respects, subject to approval of the user's Appointing Authority.

III.C.4. User's personal computer. Those users who bring their own personal computers to work and access the Internet from those computers, as well as those who access email and the Internet from remote locations via any dial-up connection through AJIN, will be subject to these policies as well.

III.D. PROHIBITED USES.

III.D.1. Commercial purposes. Users may not use the Internet for commercial purposes.

III.D.2. Copyright and intellectual property rights. Users shall not use the Internet resources provided by the court in violation of copyright laws, or to download or receive software in violation of intellectual property laws or rights.

III.D.3. Harassment. Users shall not use the Internet access provided by the AJIN to intimidate or harass others, or to interfere with the ability of others to conduct court business. Users shall not use the Internet access provided by AJIN in a manner that promotes discrimination on the basis of race, creed, color, gender, religion, disability, or sexual preference.

III.D.4. Other. Users shall not use the Internet access provided by AJIN for connecting to, posting, or downloading pornographic, offensive, or other material that is inappropriate for the workplace or violates the code of conduct, equal employment opportunity or sexual harassment policies.

III.D.5. Software. Users may not use the Internet access provided by AJIN to download software, unless they comply with established policies for approval of loading or operating software on Court-provided computers, verification of proper licensing, and scanning for computer viruses.

III.D.6. Unauthorized access. Users may not obtain access to the files or communications of others for any purpose unless doing so serves a legitimate business purpose.

III.D.7. Adherence to security restrictions on systems and data. Users shall not attempt to gain unauthorized access to data or to breach or evade any security measures.

IV. ELECTRONIC COMMUNICATIONS AND INTERNET TECHNOLOGY MANAGEMENT RESPONSIBILITIES.

IV.A. ELECTRONIC COMMUNICATIONS AND INTERNET MANAGEMENT.

IV.A.1. Management. The Administrative Office of the Courts manages the computers and the AJIN network on which the Court's electronic communications and Internet access are conducted, and has certain rights to software and data residing on, developed on, or licensed for the Court's computers and networks. AJIN management has the responsibility to administer,

protect, and monitor the aggregation of computers, software, and networks operating within the AJIN network.

IV.A.2. Use for Court Purposes. The Appointing Authority has the responsibility of ensuring, through appropriate policies and procedures, that electronic communications, information technology resources and Internet access used by courts under his/her administrative jurisdiction are used to support activities connected with the business of the Court and the judicial branch.

IV.A.3. Use of Software and Data Files. It is the responsibility of each user to learn to use electronic communications software, data files, and Internet resources correctly and efficiently.

IV.A.4. Equitable Use of Resources. AJIN management has the responsibility to manage electronic communications information technology resources and Internet access to ensure that court users have equitable access to these resources. AJIN management may occasionally need to restrict use of shared communications systems, including requiring users to refrain from using any software program, communications practice, or database that is unduly resource-intensive.

IV.A.5. Efficient Use of Resources. It is the responsibility of users to use electronic communications media and the Internet efficiently, to avoid wasting or overburdening the Arizona Judicial Department's network computing resources. Users should accept limitations or restrictions on file storage space, usage time, or amount of resources consumed, when asked to do so by systems administrators. In particular, users should carefully consider and appropriately limit the use of groups to send messages to multiple recipients, sending of announcements, and appending large text or graphics files.

IV.A.6. Policies and Procedures. Appointing Authorities have the responsibility to communicate the Arizona Judicial Department's electronic communications, Internet access, information technology policies, and user responsibilities, systematically and regularly to all of their users.

IV.A.7. Monitoring Effectiveness of Policies and Procedures. AJIN management shall monitor the application and effectiveness of electronic communications and information technology policies, and use of the Internet and propose changes in policy as events or technology warrant.

IV.B. SECURITY AND PRIVACY.

IV.B.1. Security Procedures. AJIN management shall establish and support reasonable standards and procedures for security of electronic data and information produced, used, or distributed in the Arizona Judicial Department, and to ensure the integrity and accuracy of data the Court maintains.

IV.B.2. Protection Against Unauthorized Use. All users have the responsibility to protect AJIN's computers, networks and data from destruction, tampering, and unauthorized

inspection and use. It is the responsibility of each user to establish appropriate passwords for the user's account in the first instance, to change passwords periodically as may be required by network system administrators, to avoid sharing or disclosing passwords to others, and to prevent unauthorized or inadvertent access by others to their computers and files.

IV.B.3. Protection Against Data Loss. AJIN management has the responsibility to ensure that the AJIN's computer systems do not lose important data due to hardware, software, or administrative failures or breakdowns. Authorized systems administrators or technical personnel may occasionally need to examine the contents of particular data files to diagnose or correct problems.

IV.B.4. Encryption. Only specified forms of encryption are permitted. AJIN email users may encrypt their electronic mail and files only with the use of software approved by AJIN management. Encryption may only be used for specialized transactions and only with express approval of the court's Appointing Authority. The encryption key to the software must be retained by AJIN management to access encrypted messages, which may limit the degree of privacy protection provided by such encryption.

IV.C. COURT ACCESS AND DISCLOSURE.

IV.C.1. Monitoring of Electronic Communications. AJIN management will not engage in the systematic monitoring of electronic mail messages, the electronic records created by use of e-mail systems, or other electronic files created by users.

IV.C.2. Monitoring of Internet access. AJIN management will engage in the systematic monitoring of Internet access and amount of time spent on the Internet by users. Monitoring will primarily be for the purpose of supporting the management responsibilities related to the equitable and efficient use of resources, but may also include monitoring of unlawful activity, conduct that would adversely reflect on the court, or other violation of this policy if detected or suspected.

IV.C.3. Access. AJIN management reserves the right to permit authorized staff to access and disclose the contents of electronic messages, provided that it follows appropriate procedures, in the course of an investigation triggered by indications of user misconduct, as needed to protect health and safety, as needed to prevent interference with the mission of the courts, to protect system security, comply with legal process or fulfill court obligations to third parties, protect the rights or property of the courts, or as needed to locate substantive information required for court business that is not more readily available by some other means.

IV.C.4. Limitations on Disclosure and Use of Information Obtained by Means of Access or Monitoring. The contents of electronic communications, properly obtained for legitimate business purposes, may be disclosed without permission of the user. The Arizona Judicial Department will attempt to refrain from disclosure of particular messages if disclosure could create personal embarrassment, unless such disclosure is required to serve a specific business purpose, satisfy a legal obligation, or to appropriately respond to requests for records disclosure under state or federal laws governing public access to records.

IV.D. PUBLIC ACCESS AND DISCLOSURE.

IV.D.1. Public Records. Electronic mail messages and files should be stored, preserved, and made retrievable according to law and policies and procedures defining the public record status of the data. The designations in section III(A) of this policy should be kept in mind when creating mail messages, but materials in all categories could be released to the public if it is determined that the information is not exempt from disclosure..Electronic Communications Policy Arizona Judicial Department

IV.D.2. Public Access to Court Records. The public record status of court records and communications is determined by Rule 123 of the Arizona Rules of the Supreme Court, In the Matter of Public Access to Court Records (as modified or superseded by future rules). This rule governs access to the records of all courts and administrative offices of the judicial department of the State of Arizona.

IV.D.3. Public Access Address. The Arizona Judicial Department, or AJIN management on its behalf, shall provide, publish and maintain an electronic mail address for public access to courts, preserving the confidentiality of judicial officers and court management addresses, as needed, and providing a single point of access for electronic public inquiries.

IV.E. E-MAIL RECORDS RETENTION AND DISPOSITION.

IV.E.1. Records Retention and Disposition. Email communications will be retained and disposed of pursuant to an approved retention schedule and consistent with Rule 123 of the Arizona Rules of the Supreme Court

IV.E.2. Procedures. AJIN management has the responsibility to establish or modify, as needed, in light of the retention schedule, reasonable standards and procedures for maintaining and purging backups of electronic data and information prepared in or transmitted by electronic mail.

V. POLICY ENFORCEMENT.

V.A. When necessary to enforce the Arizona Judicial Department's rules or policies, an authorized administrator may disable network connections by certain computers, require adequate identification of computers and users on the network, undertake audits of software or

information on shared systems, or take steps to secure compromised computers that are connected to the network.

V.B. Appropriate disciplinary action will be taken against individuals found to have engaged in prohibited use of the AJIN's electronic communications resources. Such action may include, but is not limited to, loss of access to the electronic communications, computer, or network resources, as well as any other appropriate disciplinary action.

V.C. For authorized non-court users using AJIN's electronic communications resources, prohibited or inappropriate use may result in possible legal sanctions or cancellation or nullification of the contract.

V.D. Users are expected to cooperate with authorized investigation of technical problems, and of possible violations of this policy. Failure to do so may be grounds for disciplinary measures.

9.Electronic Communications Policy Arizona Judicial Department

ACKNOWLEDGMENT OF ELECTRONIC COMMUNICATIONS AND INTERNET ACCESS POLICY

I understand that the confidentiality and protection of the Arizona Judicial Department's information is of the utmost importance. I have read and understand the Arizona Judicial Department's policy on use of electronic communications, information technology resources and Internet access, and agree to abide by the terms of that policy.

I understand that all information stored in, transmitted or received through the Arizona Judicial Information Network's (AJIN) information systems is the property of the Arizona Judicial Department, and is to be used only for authorized purposes. I further understand that authorized representatives of AJIN may monitor the use of AJIN's systems from time to time to ensure such use is consistent with the Arizona Judicial Department's policies and interests and that I can have no expectation of privacy. Further, I am aware that use of a password or code does not in any way restrict the Arizona Judicial Department's right or ability to access electronic communications.

I am aware that any violation of the email and Internet access policy may result in loss of system privileges, possible legal sanctions, and, for employees, disciplinary action up to and including termination.

Name (please print)

Signature

Date

Court/Department/Company

**1300 COCONINO COUNTY JUDICIAL MERIT SYSTEM -
ADMINISTRATIVE INVESTIGATIONS**

- I. It is the responsibility of the Department to investigate allegations made against staff of misconduct or malfeasance while on or off duty. An investigation is not a disciplinary action.
- II. It is the responsibility of staff to cooperate fully in an administrative investigation by being truthful and by not withholding information pertinent to the investigation.
- III. A person assigned by the department head shall conduct administrative investigations. The investigation may include, but is not limited to:
 - A. The Requiring that allegations and/or statements be placed in writing;
 - B. Interviews of any person who may have information regarding the allegation;
 - C. Medical or laboratory (for purposes of drug screening) polygraph examinations, diagnostic or any other test deemed appropriate by the department head.
- IV. The department head may place an employee on non-disciplinary, administrative leave with pay pending an administrative investigation. Employees on paid administrative leave shall remain available Monday - Friday, from 8:00 a.m. - 5:00 p.m. unless other arrangements are pre-approved by the department head.
- V. Authority of assigned investigator:
 - A. With close coordination and direction of the department head conduct a fact-finding investigation.
 - B. Collect physical evidence, reports, statements and any other information pertinent to the investigation.
 - C. Present to the department head upon the end of the investigation and completion of all items and information found in the investigation for discipline, as this is the responsibility reserved for department management.
 - D. Order any employee to provide statements, evidence, reports, and any other information necessary to the investigation.
- VI. Employee Responsibilities
 - A. All employees shall cooperate fully with the investigator and provide any and all information regarding the investigation when requested.

- B. All employees shall answer truthfully and completely all questions asked by the investigator. Should the employee fail to cooperate fully in the investigation, the employee will be informed that their failure may become the subject of disciplinary action.
- C. The employee may be directed by the department head to submit to a polygraph examination or drug/alcohol testing. Failure to submit to these examinations may be cause for disciplinary action.

VII. Administrative/Criminal Investigations

- A. If the allegations involve illegal activity, the department shall determine whether to initiate a criminal investigation, and administrative investigation, or both.
- B. The department head will authorize contact with the appropriate law enforcement agency to request initiation of a criminal investigation.

VIII. Polygraph Examinations

- A. The department head must approve all polygraph examinations.
- B. Employees may be required to submit to a polygraph examination when the employee is suspected of:
 - 1. Committing a criminal offense;
 - 2. Misconduct or malfeasance that would be grounds for termination, suspension, or other disciplinary action;
 - 3. Concealing information regarding their qualifications for continued employment with the department;
 - 4. Withholding or concealing pertinent information regarding any matter under investigation by the department.
- C. The right to assistance of counsel does not exist when required to submit to polygraph examination in an Administrative Investigation.
- D. Employees shall be truthful and shall answer pertinent questions and shall not refuse to answer or knowingly give a false or misleading answer to any question before, during, or after a polygraph examination.
- E. Employees shall cooperate with supervisors and investigators when involved in any incident requiring the use of the polygraph.
- F. An employee who refuses to submit to a polygraph examination, when so directed, is subject to disciplinary action up to and including dismissal.

- G. Prior to an employee being directed to take a polygraph, he/she shall first be advised that:
 - a. There is no state or federal constitutional right to refuse to take a polygraph;
 - b. There is no state or federal constitutional right to the assistance of counsel during the testing process in a non-criminal investigation.