

ARIZONA SUPERIOR COURT IN COCONINO COUNTY

JUDICIAL PERSONNEL SYSTEM

EMPLOYEE HANDBOOK

POLICIES AND PROCEDURES

ISSUE DATE: January 03, 1995
REVISE DATE: December 20, 1995
REVISE DATE: April 15, 1996
REVISE DATE: September 1, 1996
REVISE DATE: May 12, 1997
REVISE DATE: April 9, 1998
REVISE DATE: December 10, 1999
REVISE DATE: November 18, 2002
REVISE DATE: November 17, 2003
REVISE DATE: April 6, 2004
REVISE DATE: June 24, 2005
REVISE DATE: December 10, 2005
REVISE DATE: October 2, 2006
REVISE DATE: February 8, 2007
REVISE DATE: May 30, 2007
REVISE DATE: November 4, 2008
REVISE DATE: May 20, 2009
REVISE DATE: July 14, 2010
REVISE DATE: January 6, 2011
REVISE DATE: February 7, 2012
REVISE DATE: August 28, 2012
REVISE DATE: January 16, 2013
REVISE DATE: August 7, 2013
REVISE DATE: February 11, 2014
REVISE DATE: September 3, 2014
REVISE DATE: February 14, 2015
REVISE DATE: June 1, 2015
REVISE DATE: January 8, 2016
REVISE DATE: February 2, 2017
REVISE DATE: July, 25, 2017
REVISE DATE: December 18, 2018
REVISE DATE: January 15, 2020

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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 Dan R. Slayton
Presiding Judge, Superior Court

Honorable Ted Reed
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 1002 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 unless there is a legal conflict.

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 director 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 DIRECTORS: For purposes of the Judicial Personnel System, Department Directors include the elected Clerk of the Court and the elected Justices of the Peace in Flagstaff, 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 Directors, as noted in the definition above, including the Presiding Judge of the Justice of the Peace Courts or designee 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 DIRECTOR: 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 shall go outside the chain of authority without the express permission of the Department Director, except when the employee observes, or is aware of illegal or immoral behavior by the department head.

The employee or the supervisor for purposes of the problem resolution process may seek the advice or assistance of the Human Resources Department at any time pursuant to section 1003.

17 APPOINTMENT AND TERMINATION OF DEPARTMENT DIRECTORS

Except for the Clerk of the Court and the Justices of the Peace, the appointment or termination of a Department Director 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 Director 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 director 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 Signature: _____ Date: _____

Print Name: _____

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 director 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 as an at-will employee I serve at the pleasure of the appointing authority, and no disciplinary action taken by that official concerning an at-will employee is subject to appeal.

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 Signature: _____ Date: _____

Print Name: _____

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 electronically posted 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 Director.

103 FILING OF APPLICATIONS

All applicants for employment shall prepare and file an application on the form prescribed by the Department Director. 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 Director.

104 TYPES OF EXAMINATIONS

The Department Director 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 Director 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 Director.

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 Director 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 convictions. 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.

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 (Rule 2.12 of the Code of Conduct for Judicial Employees).

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 foreign nationals who are authorized to work in the United States. The Court does not unlawfully discriminate on the basis of citizenship or national origin. This policy applies to all full-time, part-time, any temporary employees of the Superior Court.

The Court will adopt and comply with Coconino County's Immigration Law Compliance policy which is located here:

<http://www.coconino.az.gov/DocumentCenter/View/939/Coconino-County-Personnel-Policy-Manual?bidId=>

110 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. 92-32.

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.

111 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.

112 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 director level only. The department director 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
ACCOUNTANT			X
ACCOUNTING TECHNICIAN II			X
ADMINISTRATIVE MANAGER	X		X
ADMINISTRATIVE OPER. 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
ADULT COMMUNITY REST. COORD.		X	
ALTERNATIVE DISPUTE RESOL COORD	X		X
BAILIFF I		X	
BAILIFF II		X	
BAILIFF III- DEPUTY CHIEF		X	
BAILIFF CHIEF		X	
CASE MANAGER			X
CASEFLOW MANAGER	X		X
CHIEF DEPUTY CLERK OF COURT	X	X	
CHIEF PROBATION OFFICER	X	X	
CLERICAL AIDE/TEMP			X
COMMISSIONER/JUDGE	X	X	
COURT TECHNICIAN I			X
COURT TECHNICIAN II			X

Title	OT Exempt	AT WILL	MERIT
COURT TECHNICIAN SUPERVISOR			X
DATA INTEGRITY CLERK			X
DEPARTMENT APPLICATION SPECIALIST			X
DEPUTY CHIEF/ADULT PROBATION	X	X	
DEPUTY COURT ADMINISTRATOR	X	X	
DEPUTY DIRECTOR/JUVENILE	X	X	
DIRECTOR JUVENILE COURT SERVICES	X	X	
DRUG COURT COORDINATOR	X		X
GUARDIANSHIP INVESTIGATOR	X		X
INTEGRATED FAMILY COURT COORD.	X		X
JUDICIAL ASSISTANT-ELECTED	X	X	
JUDICIAL ASSISTANT-APPOINTED		X	
JUDICIAL SPECIALIST			X
JUSTICE COURT SENIOR SPECIALIST			X
JUSTICE COURT SPECIALIST			X
JUSTICE OF THE PEACE PRO TEM/TEMP	X	X	
JUSTICE OF THE PEACE PRO TEMP	X	X	
JUVENILE COMM SERVICE COORD.		X	
JUVENILE DETENTION DIV. MGR	X	X	
JUVENILE PROBATION CLINICIAN	X	X	
JUVENILE PROGRAM COORDINATOR	X	X	
LAW LIBRARY SPECIALIST			X
LEAD PROBATION OFFICER			X
OFFICIAL COURT REPORTER		X	
PRETRIAL SERVICES OFFICER			X
PRETRIAL SUPERVISOR	X	X	
PROBATION DIVISION MGR	X	X	
PROBATION OFFICER I			X
PROBATION OFFICER II			X
PROBATION SAFETY/TRAINING OFF.			X
PROBATION SUPERVISOR	X	X	
PROBATION WORK CREW SUPV.			X
PROGRAM COORDINATOR (PART-TIME)			X
PROGRAM MANAGER I	X		X
SUPERIOR COURT JUDGE PRO TEM	X	X	
SURVEILLANCE OFFICER			X
TECHNICAL SPECIALIST			X
YOUTH CARE WORKER I			X
YOUTH CARE WORKER II			X
YOUTH CARE WORKER III			X
YOUTH CARE WORKER IV			X
YOUTH CARE WORKER V	X		X
YOUTH CARE WORKING VI	X	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.

REGULAR 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 granted regular status.

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 director. 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 director. 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 director. 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. Documents may be removed at the discretion of the Department Director.

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.

In response to employer reference check inquiries about former court employees, the department director, or their designee, may respond to confirm employment information or may choose to refer these requests to the County Human Resources Department. However, no employment data will be released without a written authorization and release signed by the individual who is the subject of the inquiry, or a court order. Information provided may include the 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. Any information provided on current or former employees shall be job-related, truthful, factual and demonstrable from the records of the employee.

Public records requests for other employee information shall be referred to the Department Director. The Department Director shall follow Arizona Supreme Court Rule 123. If the Department Director needs to seek legal advice, the Department Director can seek advice from the Administrative Office of the Courts, County Attorney's Office or the Attorney General's Office depending on which Court Department it is and what is being requested.

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 Director.

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.

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)
Veteran's Day (November 11)
Thanksgiving (fourth Thursday in November)
Day after Thanksgiving (fourth Friday 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 PAID SICK TIME BENEFITS

Coconino County offers employees Paid Sick Time (PST) as outlined by the Arizona Fair Wages and Healthy Families Act and Arizona Revised Statutes §23-373. At Coconino County, Paid Sick Time accruals and usage are evaluated on a fiscal year basis, from July 1 through June 30.

The Courts will adopt and comply with Coconino County's Paid Sick Time (PST) policy which is located here:

<http://www.coconino.az.gov/DocumentCenter/View/939/Coconino-County-Personnel-Policy-Manual?bidId=>

304 PAID TIME OFF (PTO) 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 PTO benefits at the rate of 7 days per year (2.15 hours per pay period). Part-time employees eligible for benefits will accrue a prorated amount of PTO. PTO does not accrue during a leave of absence without pay.

The Courts will adopt and comply with Coconino County's Paid Time Off (PTO) policy which is located here:

<http://www.coconino.az.gov/DocumentCenter/View/939/Coconino-County-Personnel-Policy-Manual?bidId=>

305 BEREAVEMENT LEAVE

Coconino County offers bereavement leave to provide a time for mourning after the loss of an immediate family member of an employee, or that of their spouse or domestic partner.

The Courts will adopt and comply with Coconino County's Bereavement Leave policy which is located here:

<http://www.coconino.az.gov/DocumentCenter/View/939/Coconino-County-Personnel-Policy-Manual?bidId=>

306 CIVIC DUTY LEAVE

The Superior Court encourages civic engagement in its employees through civic duty. Civic duty refers to the responsibilities of citizens to make a difference in the civic life of our communities and to participate in these tasks that support the governmental systems of democracy.

Civic Duty Leave means approved periods of absence, during regularly scheduled work time, with or without pay, and related benefits from regularly scheduled work approved in advance while voting, serving as a juror or responding to a subpoena to appear as a witness.

The Courts will adopt and comply with Coconino County's Civic Duty Leave policy which is located here:

<http://www.coconino.az.gov/DocumentCenter/View/939/Coconino-County-Personnel-Policy-Manual?bidId=>

307 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 for full-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 (4 hours per pay period)
After 3 years	15 days (4.62 hours per pay period)
After 5 years	18 days (5.54 hours per pay period)
After 10 years	20 days (6.16 hours per pay period)
After 15 years	25 days (7.69 hours per pay period)
After 20 years	30 days (9.23 hours per pay period)

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.

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 Director. 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.

308 EDUCATION AND STAFF TRAINING POLICY

The Superior Court encourages its employees to grow professionally through training and education. Department Directors 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.

REQUIRED EDUCATION CREDITS

Arizona Supreme Court Administrative Order 2015-96 requires that all full-time and part-time Court personnel complete 16 hours of COJET approved training / education per calendar year. This includes live training, core curricula, ethics and computer security/network security training).

All **new** full-time and part-time Court personnel shall complete the following minimum requirements during their first calendar year of employment according to the following prorated schedule:

Employed During	Minimum Requirements
January 1 - March 31	12 hours of training & education, including orientation, ethics, core curriculum and computer security training.
April 1 - June 30	8 hours of training & education, including orientation, ethics, core curriculum and computer security training.
July 1 - September 30	4 hours of training & education, including orientation, ethics, core curriculum and computer security training.
October 1 - December 31	Orientation and ethics as appropriate to the job position.

These required education requirements may be changed by Chief Justice Administrative Order as the need arises.

309 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.

The Courts will adopt and comply with Coconino County's Leave Sharing Program policy which is located here:

<http://www.coconino.az.gov/DocumentCenter/View/939/Coconino-County-Personnel-Policy-Manual?bidId=>

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 holiday, employees will receive pay on the last day of the work week 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' 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. The decision to close the courts or reduce staff to essential personnel will be made by the Superior Court Presiding Judge, in consultation with the County Manager. If the employee is not contacted by their department head, or designee, the employee must contact their supervisor prior to the beginning of the work shift.

The decision to close the courts or reduce staff to essential personnel will be made by the Presiding Judge, in consultation with the County Manager, and will not always follow the County's declared emergency schedule. Compensation for declared emergencies will only apply to Court personnel in those situations in which the Presiding Judge has officially determined to close the courts or reduce staff to essential personnel.

Non-Exempt Employees (other than Essential Employees): During a declared emergency by the Board of Supervisors, non-exempt employees who are NOT required to come to work, will receive pay for the day if the Presiding Judge has officially determined to close the courts or reduce staff to essential personnel. On an early closure day as declared by the Presiding Judge, non-exempt employees will receive their regular pay for the early closure hours (e.g. 3:00 to 5:00 p.m.). An employee who is not designated as essential staff must obtain approval from their supervisor/department head to work during reduced staff or early closure hours.

Non-Exempt Essential Employees: Non-exempt employees who are designated as essential staff, and are required to work during a period of reduced staffing, will receive Declared Emergency Leave time, in addition to their regular pay, for all hours worked during this period if the Presiding Judge has officially determined to close the courts or reduce staff to essential personnel. The rate of pay will be one hour of leave for one hour of time worked.

Exempt Employees (other than Essential Employees): Exempt employees, who are not required to work during a declared emergency closure, or in a reduced staffing situation, will receive their regular pay for the day. Exempt employees are not eligible to receive additional pay or Declared Emergency Leave time; however they may receive flexible time off for hours worked, at the discretion of their department head/supervisor.

In weather conditions that are not considered emergency conditions, employees who arrive to work late, leave work early or miss work due to emergency conditions must use vacation (Annual Leave) or compensatory time, or a day without pay. With department head/supervisor approval, employees may also work a flexible schedule to make up the missed hours.

Employees on vacation, sick, or on other approved leave during an emergency declaration situation or reduced staffing periods, will be required to use their originally scheduled paid leave. Temporary employees are not eligible for Declared Emergency Leave; however, they may work with their supervisor/department head to make up time for hours missed.

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 Director.

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

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.

The Courts will adopt and comply with Coconino County's Family and Medical Leave of Absence (FMLA) policy which is located here:

<http://www.coconino.az.gov/DocumentCenter/View/939/Coconino-County-Personnel-Policy-Manual?bidId=>

602 MILITARY LEAVE

Superior Court will comply with the Uniform Services Employment and Reemployment Rights Act of 1994 (USERRA) and applicable Arizona laws pertaining to military leave. Superior Court will not terminate or deny initial employment, reemployment, promotion, or benefits to an individual, or in any way discriminate against, an individual on the basis of their application for, membership in, or performance of military duty. This policy refers to service in the uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time National Guard duty and United States armed forces reserves, and a period for which an employee is on leave for the purpose of an examination to determine the fitness of the employee to perform any such duty.

The Courts will adopt and comply with Coconino County's Military Leave of Absence policy which is located here:

<http://www.coconino.az.gov/DocumentCenter/View/939/Coconino-County-Personnel-Policy-Manual?bidId=>

603 MATERNITY AND PATERNITY LEAVE

Coconino County offers maternity and paternity leave.

The Courts will adopt and comply with Coconino County's Maternity and Paternity Leave policy which is located here:

<http://www.coconino.az.gov/DocumentCenter/View/939/Coconino-County-Personnel-Policy-Manual?bidId=>

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 submit a fully justified written request to their supervisor. Personal leave may be granted by the department director for a period not to exceed six months.

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

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.

For a leave of absence to remain in force, the employee must be available for contact and establish regular check-ins with their supervisor, as determined upon approval of leave. 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.

The courts will adopt and comply with Coconino County's Personal Leave of Absence Without Pay policy regarding health benefits which is located here:

<http://www.coconino.az.gov/DocumentCenter/View/939/Coconino-County-Personnel-Policy-Manual?bidId=>

701 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 702, have been adopted by the Superior Court to provide basic guidance for all employees concerning matters affecting their work. In addition, employees are to immediately disclose to their supervisor if the employee is subject to any of the following: citation for a misdemeanor or felony, arrest, conviction, order of protection, and/or warrant.

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, up to and including dismissal.

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, color, religion, national origin, gender, sexual orientation, disability, genetics, pregnancy, marital status, veteran status, 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, impartial to kinship, position, partisan interest, public opinion 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, information, technology, and funds under the employee's control responsibly and for the public purpose intended by law and not for any private purpose or personal gain.

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 director. Outside employment is subject to review for conformance with this Code of Conduct and must be approved by the department director. A copy of the outside employment form will be provided to the Human Resources department to be placed in the employee's file. 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 Director.

Should an employee disagree with the decision of the Department Director, 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 Director.

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 the employee is serving in a program receiving federal funds, the employee must resign from their position in order to participate in political activity pursuant to the Federal Hatch Act, 5 USCA 501 *et seq.* If elected, the judicial employee shall resign from court employment prior to assuming office. An employee may be a candidate for non-partisan

office without separating from employment, provided that the employee otherwise complies with this code and the Code of Judicial Conduct.

- 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 director.

702 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 701 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 February 1, 2010
Arizona Supreme Court Administrative Order 2010-13
(Ethics Manual Edition)

PURPOSE AND INTENT

An independent, fair and impartial judiciary is indispensable to our system of justice. The United States legal system is based upon the principle that an independent, impartial, and competent judiciary, composed of men and women of integrity, will interpret and apply the law that governs our society. Thus, the judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the rules contained in this code are the precepts that judicial employees, individually and collectively, must respect and honor judicial employment as a public trust and strive to maintain and enhance confidence in the legal system.

Judicial employees should maintain the dignity of the judiciary at all times, and avoid both impropriety and the appearance of impropriety. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity, and competence.

This code establishes uniform standards for the ethical conduct of judicial department officials, not covered by the Code of Judicial Conduct, and judicial employees. It is not intended to be exhaustive as persons governed by this code are also governed in their professional and personal conduct by personnel policies, merit rules and general or special ethical standards. It is intended to complement the Code of Judicial Conduct that governs the conduct of judges and should be interpreted in a manner that is 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.

TERMINOLOGY

"Canon" means 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 four canons in this code.

"Court managers" means 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 superior, municipal and justice courts, court managers include court administrators, chief probation officers, juvenile court directors, and any other similar staff designated by the clerk of the superior court, presiding judge, chief judge or chief justice of each court, but not the elected clerks of court themselves. 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.

Comment

The actual duties and reporting relationship of a court manager varies considerably from position to position and from court to court, so the important consideration is what the court manager does and not just the title of the position. Court managers who do not act as court administrators and do not speak for the court as a whole may not be subject to the same limitations as the court's top administrator. It is the responsibility of the clerk of the superior court and the presiding judge, chief judge or chief justice of each court to determine which local court managers are included within the definition for their court.

"Courtroom clerks" means a staff person of the elected clerk of court, the chief clerk or a judge of a justice or municipal court, who works regularly the courtroom with a judge.

Comment

A courtroom clerk is staff of the elected clerk of the superior court or works under the supervision of the chief clerk or a judge of a justice or municipal court. The courtroom clerk works with a particular judge or on a particular calendar as assigned. Due to the close association with a judge, a courtroom clerk's actions and comments might be attributed to the judge.

"Domestic partner" means a person with whom another person maintains a household and an intimate relationship, other than a person to whom he or she is legally married.

"Economic interest" means ownership of more than a de minimis or insignificant legal or equitable interest and is further defined, for purposes of compliance with state law, in A.R.S. § 38-502(11). Except for situations in which the judicial employee participates in the management of such a legal or equitable interest, or the interest could be substantially affected by the outcome of a proceeding in which the judicial employee participates, it does not include:

- (1) an interest in the individual holdings within a mutual or common investment fund;
- (2) an interest in securities held by an educational, religious, charitable, fraternal, or civic organization in which the judicial employee or the judicial employee's spouse, domestic partner, parent, or child serves as a director, an officer, an advisor, or other participant;

- (3) a deposit in a financial institution or deposits or proprietary interests the judicial employee may maintain as a member of a mutual savings association or credit union, or similar proprietary interests; or
- (4) an interest in the issuer of government securities held by the judicial employee.

“Fiduciary” includes relationships such as executor, administrator, trustee, or guardian.

“Impartial,” “impartiality,” and “impartially” mean absence of bias or prejudice in favor of, or against, particular parties or classes of parties, in communication or conduct as well as maintenance of neutrality concerning issues that may come before a judge.

“Impending” is a matter that is imminent or expected to occur in the near future.

“Incumbent” means the person who currently holds an elected office by election or appointment to that office.

“Impropropriety” includes conduct that violates the law, court rules, merit rules or provisions of this Code, and conduct that undermines a judicial employee’s independence, integrity, or impartiality.

“Independence” means a judicial employee’s freedom from influence or controls other than those established by law.

“Integrity” means probity, fairness, honesty, uprightness, and soundness of character.

“Judge” means any person who is authorized to perform judicial functions within the Arizona judiciary, including a justice or judge of a court of record, a justice of the peace, magistrate, court commissioner, special master, hearing officer, referee or pro tempore judge.

“Judicial employee” means any person other than a judge who performs duties in the judicial department of this state, as it is defined in Az. Const. Art. 6 § 1 as a full time employee, a part time employee or a volunteer

“Law” encompasses court rules as well as ordinances, regulations, statutes, constitutional provisions, and decisional law.

“Member of a judicial employee’s family residing in the employee’s household” means any relative of a judicial employee by blood or marriage, or a person treated by the judicial employee as a member of the family, who resides in the household.

“Nonpublic information” means information that is not available to the public. Nonpublic information may include, but is not limited to, information that is sealed by statute or court order or impounded or communicated in camera, and information offered in dependency cases or psychiatric reports and any information contained in records that are closed or confidential under Arizona Supreme Court Rule 123 or other law.

“Pending” is a matter that has commenced. A matter continues to be pending through any appellate process until final disposition.

"Personal staff" means assistants, secretaries, law clerks, bailiffs, and court reporters appointed by, assigned regularly to, or reporting directly to a judge.

Comment

If an employee has part time duties within the court or government in addition to serving on a judge’s personal staff, as a courtroom clerk, or as a court manager, the employee is still subject to the limitations of this code. The relationship with the judge exists whether or not the duties are performed full time.

“Political organization” means a political party or other group sponsored by or affiliated with a political party or candidate, the principal purpose of which is to further the election or appointment of candidates for political office. For purposes of this code, the term does not include a judicial candidate’s campaign committee created as authorized by Rule 4.3 of the Code of Judicial Conduct.

"Relative" means a spouse, child, grandchild, great-grandchild, parent, grandparent, sibling, aunt, uncle, niece, nephew, or other person with whom the judicial employee maintains a close familial relationship, including any person residing in the employee's household.

“Volunteer” is a person appointed or assigned by an authorized court official or other appointing authority to perform specified duties on behalf of the court.

CANON 1

A JUDICIAL EMPLOYEE SHALL UPHOLD AND PROMOTE THE INDEPENDENCE, INTEGRITY, AND IMPARTIALITY OF THE JUDICIARY AND SHALL AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY.

RULE 1.1

Compliance with the Law

- (A) A judicial employee shall comply with the law.
- (B) A judicial employee shall not use public funds, property or resources wastefully or for any private purpose not authorized by judicial or administrative authorities.
- (C) A judicial employee shall not do business on behalf of the court with a person known to be a former judicial employee who left the court's employment during the preceding twelve months and who represents a person or business entity concerning any matter in which the former employee was directly and personally involved and over which the former employee exercised substantial and material administrative discretion.

Comment

1. 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. 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.

2. A judicial employee who knows a person who seeks to do business with the court is a former employee must determine whether the former employee is disqualified under paragraph (C). Abuse of former employment by a former employee may be a class 6 felony under A.R.S. § 38-504(A).

RULE 1.2

Promoting Confidence in the Judiciary

A judicial employee shall act at all times in a manner that promotes public confidence in the independence, integrity, and impartiality of the judiciary, and shall avoid impropriety and the appearance of impropriety.

Comment

1. 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.
2. Public confidence in the judiciary is eroded by improper conduct and conduct that creates the appearance of impropriety. This principle applies to both professional conduct and personal conduct that affects the public perception of the court.
3. A judicial employee should expect to be the subject of public scrutiny that might be viewed as burdensome if applied to other citizens, and must accept the restrictions imposed by the code.
4. Conduct that compromises or appears to compromise the independence, integrity, and impartiality of the judiciary or of a judicial employee undermines public confidence in the judiciary. Because it is not practicable to list all such conduct, this rule is necessarily cast in general terms.
5. Actual improprieties include violations of law, court rules or provisions of this code. The test for appearance of impropriety is whether the conduct would create in reasonable minds a perception that the judicial employee violated this code or engaged in other conduct that reflects adversely on the judicial employee's honesty, impartiality, temperament, or fitness. A judicial employee's personal and family circumstances are generally not appropriate considerations on which to presume an appearance of impropriety.

RULE 1.3

Abuse of Position

Judicial employees shall not use or attempt to use their positions for personal gain

or to secure special privileges or exemptions for themselves or any other person.

Comment

1. It is improper for a judicial employee to use or attempt to use his or her position to gain personal advantage or deferential treatment of any kind. For example, it would be improper for a judicial employee to seek or provide special consideration regarding traffic citations or parking violations or to provide special treatment to particular parties or matters for personal reasons. Similarly, a judicial employee must not use court letterhead to gain an advantage in conducting his or her personal business.
2. A judicial employee may provide a reference or recommendation for an individual based upon personal knowledge. The judicial employee may use court letterhead if there is no likelihood that the use of the letterhead would reasonably be perceived as an attempt to exert pressure by reason of the court employment.
3. 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) and 13-2606.
4. It is improper to use or disclose to others confidential information or records for personal purposes. Abuse of confidential information by a current or former employee may be a class 6 felony under A.R.S. § 38-504(B).

CANON 2

A JUDICIAL EMPLOYEE SHALL PERFORM THE DUTIES OF JUDICIAL EMPLOYMENT IMPARTIALLY, COMPETENTLY, AND DILIGENTLY.

RULE 2.1

Giving Priority to Ethical Duties

A court employee shall regard the ethical duties provided in this code of conduct as having the highest priority.

Comment

To ensure that judicial employees are able to fulfill their court duties, judicial employees must conduct their personal and professional activities to minimize the risk of conflict with the performance of court duties.

RULE 2.2

Impartiality and Fairness

A judicial employee shall perform court duties fairly and impartially.

Comment

Judicial employees may appear to be providing preferential treatment to litigants, counsel or other persons with whom they discuss the merits of a case pending before the court or behave in a particularly friendly manner. To gauge the propriety of any behavior, employees should consider how opposing parties and counsel who are involved in the proceeding are likely to view the situation.

RULE 2.3

Bias, Prejudice, and Harassment

A judicial employee shall perform court duties without bias or prejudice and shall not manifest bias or prejudice by words or conduct, or engage in harassment in the performance of court duties. This includes but is not limited to bias, prejudice, or harassment based upon race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation.

Comment

1. A judicial employee who manifests bias or prejudice in the conduct of court business impairs the fairness of the judicial process and brings the judiciary into disrepute.
2. Examples of manifestations of bias or prejudice include but are not limited to epithets; slurs; demeaning nicknames; negative stereotyping; attempted humor based upon stereotypes; threatening, intimidating, or hostile acts; suggestions of connections between race, ethnicity, or nationality and crime; and irrelevant references to personal characteristics. Facial expressions and body language and other forms of nonverbal communication may convey to parties and lawyers in the proceeding, jurors, the media, and others an appearance of bias or prejudice. A judicial employee must avoid conduct that may reasonably be perceived as prejudiced or biased.
3. Harassment is verbal or physical conduct that denigrates or shows hostility or aversion toward a person on bases such as race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socio-economic status, or political affiliation.
4. Sexual harassment includes but is not limited to sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature that is unwelcome. See Arizona Supreme Court, Administrative Order 92-33 (Oct. 19, 1992), for the judiciary's sexual harassment policy.

RULE 2.4

External Influences on Court Duties

- (A) A judicial employee shall not be influenced in the performance of court duties by partisan interests, public clamor or fear of criticism or reprisal.
- (B) A judicial employee shall not permit family, social, political, financial, or other interests or relationships to influence the performance of court duties.
- (C) A judicial employee shall not convey the impression that any person or organization is in a position to influence the outcome of a case.

Comment

1. An independent judiciary requires that judges decide cases according to the law and facts, without regard to whether particular laws or litigants are popular or unpopular with the public, the media, government officials, or the judge's or judicial employee's friends or family. Confidence in the judiciary is eroded if judicial process or decision making is perceived to be subject to inappropriate outside influences.
2. Employees who think they may be influenced in a particular matter should

discuss the situation with a supervisor, administrator, or judge.

RULE 2.5

Competence, Diligence, and Cooperation

(A) A judicial employee shall perform court duties competently, diligently, and promptly.

(B) A judicial employee shall reasonably cooperate with other judicial employees, judges and court officials in the conduct of court business.

(C) A judicial employee shall comply with judicial education requirements and maintain any licensing or certification required for the judicial employee's position.

(D) A judicial employee, when authorized, shall furnish accurate, timely information and shall provide access to public court proceedings and records according to established procedures.

Comment

1. Competence in the performance of court duties requires the knowledge, skill, thoroughness, and preparation reasonably necessary to perform the duties of the judicial employee's position.

2. Court managers should seek the necessary court staff, expertise, training, and resources to enable court employees to perform their responsibilities.

3. Prompt disposition of the court's business requires judicial employees to be punctual in attending to their duties and cooperative with co-workers, judges, and litigants and their lawyers. Article 2, § 11 of the Arizona Constitution requires that "Justice in all cases shall be administered openly, and without unnecessary delay." Rule 123(f)(2) of the Rules of the Supreme Court require the custodian to "promptly respond orally or in writing concerning the availability of the records, and provide the records in a reasonable time..."

RULE 2.6

Assistance to Litigants

A judicial employee shall assist litigants to access the courts by providing prompt and courteous customer service and accurate information consistent with the employee's responsibilities and knowledge and the court's resources and procedures while remaining neutral and impartial and avoiding the unauthorized practice of law. Employees are authorized to provide the following assistance:

(A) Explain how to accomplish various actions within the court system and provide information about court procedures, without recommending a particular course of action;

(B) Answer questions about court policies and procedures, without disclosing confidential or restricted information as provided in Rule 3.2;

(C) Explain legal terms, without providing legal interpretations by applying legal terms and concepts to specific facts;

(D) Provide forms and answer procedural questions about how to complete court papers and forms with factual information by the court customer, without recommending what words to put on the forms;

- (E) Provide public case information, without providing confidential case information as provided in Rule 2.5;
- (F) Provide information on various procedural options, without giving an opinion about what remedies to seek or which option is best;
- (G) Cite statutes, court rules or ordinances a judicial employee knows in order to perform the employee's job, without performing legal research for court customers;
- (H) When asked to recommend a legal professional such as an attorney, a legal document preparer, or process server, refer the customer to a resource like a directory or referral service, without recommending a specific legal professional; and
- (I) Provide scheduling and other information about a case, without prejudicing another party in the case or providing information to or from a judge that is impermissible ex parte (one party) communication about a case.

Comment

For fuller explanation see the **Guide to Court Customer Assistance: Legal Advice – Legal Information Guidelines for Arizona Court Personnel, Administrative Office of the Courts, Court Services Division, 2007** upon which this rule is based.

RULE 2.7

Reserved

RULE 2.8

Professionalism

Judicial employees shall be patient, respectful, and courteous with litigants, jurors, witnesses, lawyers, co-workers, and others who work in the court or contact the court.

Comment

The duty to interact and behave with patience and courtesy is not inconsistent with the duty imposed in Rule 2.5 to handle matters diligently and promptly. Judicial employees can be efficient and businesslike while being patient and courteous.

RULE 2.9

Communication with Judges

(A) A judicial employee shall not communicate personal knowledge about the facts of a pending case to the judge assigned to the case.

(B) Based upon general direction by a judge, a judicial employee may communicate information from a party to the judge for scheduling, administrative, or emergency purposes, which does not address substantive matters.

Comment

To the extent reasonably possible, all parties or their lawyers shall be included in communications with a judge. A judge may also direct judicial staff, without invoking the notice and disclosure provisions of Rule 2.9 of the Code of Judicial

Conduct, to screen written ex parte communications and to take appropriate action consistent with Rule 2.9 of the Code of Judicial Conduct.

RULE 2.10

Statements on Pending and Impending Cases

(A) A judicial employee shall not make any public statement that might reasonably be expected to affect the outcome or impair the fairness of a matter pending or impending in any court, or make any nonpublic statement that might substantially interfere with a fair trial or hearing.

(B) Notwithstanding the restrictions in paragraph (A), a judicial employee may make public statements in the course of official duties, may explain court procedures, and may comment on any proceeding in which the judicial employee is a litigant in a personal capacity.

Comment

1. This rule's restrictions on speech are essential to the maintenance of the independence, integrity, and impartiality of the judiciary.

2. This rule does not prohibit a judicial employee from commenting on proceedings in which the judicial employee is a litigant in a personal capacity. In cases in which the judicial employee is a litigant in an official capacity, the judicial employee may comment publicly on the merits of the case. However, the judicial employee should consider whether any comment is advisable and consistent with that employee's responsibilities.

RULE 2.11

Personal Interests

(A) A judicial employee 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 the judicial employee's employment.

(B) A judicial employee shall inform the appropriate supervisor of any potential conflict between the judicial employee's performance of court duties and an economic interest of the employee individually or as a fiduciary or of the employee's spouse, domestic partner, parent, or child, or any other member of the employee's family residing in the employee's household.

(C) A member of a judge's personal staff and a 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. This includes a case in which the judicial employee, the judicial employee's spouse or domestic partner, a great-grandparent, grandparent, parent, uncle, aunt, brother, sister, child, grandchild, great-grandchild, nephew or niece of the judicial employee or the judicial employee's spouse or domestic partner, or the spouse or domestic partner of any of these relatives is:

- (1) a party to the proceeding, or an officer, director, general partner, managing member, or trustee of a party;
- (2) acting as a lawyer in the proceeding;

(3) a person who has more than a de minimis (insignificant) interest that could be substantially affected by the proceeding; or

(4) likely to be a material witness in the proceeding.

(D) A judicial employee shall withdraw from participation in a court proceeding or court business in which the employee or the employee's spouse, domestic partner, parent, or child, or any other member of the employee's family residing in the employee's household has a substantial personal, economic, or family interest that may actually or appear to influence the outcome of the court proceeding or business.

(E) A judicial employee shall withdraw from any proceeding in which the employee's impartiality might reasonably be questioned due to a personal bias or prejudice concerning a party or a party's lawyer, or personal knowledge of facts that are in dispute in the proceeding.

(F) A judicial employee required to withdraw from participation in a judicial proceeding under this rule, other than for bias or prejudice under paragraph (G), may continue to perform duties related to the proceeding if, following disclosure to the parties and their lawyers, the parties and lawyers agree, without participation by the judge or court personnel in this decision, that the court employee need not withdraw. The agreement shall be incorporated into the record of the proceeding.

Comment

1. 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 personal interest or 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.

2. 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.

3. "Economic interest," is defined in the Terminology section.

RULE 2.12

Reserved

RULE 2.13

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.

Comment

Employment of a relative by a court manager may be a class 2 misdemeanor under A.R.S. § 38-481.

RULE 2.14

Disability and Impairment

A judicial employee who has a reasonable belief that the performance of another judicial employee or a judge is impaired by drugs or alcohol, or by a mental, emotional, or physical condition, shall immediately report the observed behavior to a supervisor, administrator, the appropriate Human Resources Office, or the Commission on Judicial Conduct. A judicial employee who receives a report of impairment shall take appropriate action, which may include a confidential referral when the judge or judicial employee agrees to seek assistance from an appropriate assistance program.

Comment

1. "Appropriate action" means action intended and reasonably likely to help the impaired person address the problem and prevent harm to the justice system. Depending upon the circumstances, appropriate action may include but is not limited to speaking directly to the impaired person, notifying an individual with supervisory responsibility over the impaired person, or making a referral to an assistance program.
2. Taking or initiating corrective action by way of referral of a cooperative judge or judicial employee to an assistance program may satisfy the responsibility of judicial employee who receives a report under this rule. Assistance programs have many approaches for offering help to impaired judicial employees and judges, such as intervention, counseling, or referral to appropriate health care professionals. Depending upon the gravity of the conduct that has been reported, however, the judicial employee who receives a report may be required to take other action, such as reporting the impaired person to the appropriate supervisory or disciplinary authority or the Commission on Judicial Conduct. See Rule 2.15.

RULE 2.15

Duty to Report

A judicial employee shall report to a supervisor, administrator or judge within the judicial department any violation of the law in the course of court employment or that may affect the violator's ability to perform court duties and any violation of the applicable code of conduct by a judge, another judicial employee, or the reporting employee. Employees shall not be subject to retaliation for reporting violations if such report is made in good faith and shall cooperate and be candid and honest in any investigation and disciplinary proceeding.

Comment

1. This obligation does not prohibit reporting illegal conduct to a law enforcement agency or other appropriate authority.

2. 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. Cooperation with investigations and discipline proceedings instills confidence in judicial employees' commitment to the integrity of the judicial system and the protection of the public.

CANON 3

A JUDICIAL EMPLOYEE SHALL CONDUCT ACTIVITIES OUTSIDE OF JUDICIAL EMPLOYMENT TO MINIMIZE THE RISK OF CONFLICT WITH THE OBLIGATIONS OF JUDICIAL EMPLOYMENT.

RULE 3.1

Outside Activities in General

(A) A judicial employee shall conduct outside activities so as to avoid a negative effect on the court or the ability to perform court duties.

(B) Except as provided by law or court rule, judicial employees shall not engage in any business, secondary employment or volunteer activity that:

(1) Involves an organization or a private employer whose officers, employees or agents are regularly involved as a litigant, an attorney, or a witness in cases filed with the court in which the judicial employee is employed;

(2) Is conducted during the judicial employee's scheduled working hours;

(3) Places the judicial employee in a position of conflict with the judicial employee's official role in the judicial department;

(4) Requires the judicial employee to appear regularly in judicial or administrative agency proceedings;

(5) Identifies the judicial 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.

(C) Paragraph B 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. A person may serve as a volunteer and also engage in an activity described in subsection B (1) or (4). A part time employee may engage in such an activity approved by the respective clerk of superior court, presiding judge, chief judge, or chief justice of a court consistent with other provisions of this code and the Code of Judicial Conduct.

Comment

1. In order to avoid any employment or volunteer activity 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.

2. A judicial employee may become a foster parent 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.

RULE 3.2

Use of Nonpublic Information

A judicial employee shall not intentionally disclose or use nonpublic information acquired in an official capacity for any purpose unrelated to the employee's duties.

Comment

1. In the course of performing court duties a judicial employee may acquire information of commercial or other value that is unavailable to the public. The judicial employee must not reveal or use such information for personal gain or advantage or for any purpose unrelated to court duties.
2. This rule is not intended to affect a judicial employee's ability to act on information as necessary to protect the health or safety of any individual if consistent with other provisions of this code.
3. 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.

RULE 3.3

Solicitation for Outside Activities

(A) A judicial employee shall not use the employee's position or office to solicit funds, but a judicial employee, other than a member of a judge's personal staff, a courtroom clerk, or a court manager, may solicit funds in connection with outside activities.

(B) A member of a judge's personal staff, a courtroom clerk, or a court manager is subject to the same limitations on solicitation as judges stated in Rule 3.7, Code of Judicial Conduct.

Comment

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

RULE 3.4

Gifts and Extra Compensation

(A) A judicial employee shall not solicit gifts or favors nor accept gifts or favors, other than those listed in paragraph B, from attorneys, litigants, or other persons known to do business with the court and shall not request or accept any payment in addition to the judicial employee's regular compensation for assistance given as part of official duties. This rule does not apply to a volunteer soliciting or accepting a gift from a person with whom the volunteer has not been involved in the performance of court duties.

(B) A judicial employee may accept the following:

- (1) Items with little intrinsic value, such as plaques, certificates, trophies, and greeting cards;
- (2) Gifts, loans, bequests, benefits, or other things of value from friends, relatives, or other persons, including lawyers, whose appearance or interest in a proceeding pending or impending would in any event require withdrawal from participation by the judicial employee under Rule 2.11;
- (3) Ordinary social hospitality;
- (4) commercial or financial opportunities and benefits, including special pricing and discounts, and loans from lending institutions in their regular course of business, if the same opportunities and benefits or loans are made available on the same terms to similarly situated persons who are not judicial employees;
- (5) Rewards and prizes given to competitors or participants in random drawings, contests, or other events that are open to persons who are not judicial employees;
- (6) Scholarships, fellowships, and similar benefits or awards granted on the same terms and based on the same criteria applied to other applicants;
- (7) Books, magazines, journals, audiovisual materials, and other resource materials supplied by publishers on a complimentary basis for official use;
- (8) Gifts, awards, or benefits associated with the business, profession, or other separate activity of a spouse, a domestic partner, or other family member of a judicial employee residing in the judicial employee's household, but that incidentally benefit the judicial employee;
- (9) Gifts incident to a public testimonial or other event honoring the recipient; or
- (10) Invitations to the judicial employee and the judicial employee's spouse, domestic partner, or guest to attend without charge:
 - (a) an event associated with a bar-related function or other activity relating to the law, the legal system, or the administration of justice; or
 - (b) an event associated with a judicial employee's educational, religious, charitable, fraternal or civic activities, if the same invitation is offered to persons who are not judicial employees and who are engaged in similar ways in the activity as is the judicial

employee.

Comment

1. Whenever a judicial employee accepts a gift or other thing of value without paying fair market value, there is a risk that the benefit might be viewed as intended to influence the judge's decision or a judicial employee's action in a case. This rule prohibits the acceptance of such benefits except in circumstances where the risk of improper influence is low. 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. § 38-504 subject to the penalties in A.R.S. § 38-510.
2. Gift-giving between friends and relatives is a common occurrence, and ordinarily does not create an appearance of impropriety or cause reasonable persons to believe that a judicial employee's or judge's independence, integrity, or impartiality has been compromised. In addition, when the appearance of friends or relatives in a case would require the judicial employee's withdrawal under Rule 2.11, there would be no opportunity for a gift to influence the performance of court duties.
3. The receipt of ordinary social hospitality, commensurate with the occasion, is not likely to undermine the integrity of the judiciary. If an event is a traditional occasion for social hospitality such as a holiday party or the opening of an office and is not inappropriately lavish or expensive, it may qualify as "ordinary social hospitality." However, the receipt of other gifts and things of value from an attorney or party who has or is likely to do business with the court will be appropriate only in the rarest of circumstances.
4. Businesses and financial institutions frequently make available special pricing, discounts, and other benefits, either in connection with a temporary promotion or for preferred customers, based upon longevity of the relationship, volume of business transacted, and other factors. A judicial employee may freely accept such benefits if they are available to the general public, or if the judicial employee qualifies for the special price or discount according to the same criteria as are applied to persons who are not judicial employees. As an example, loans provided at generally prevailing interest rates are not gifts, but a judicial employee could not accept a loan from a financial institution at below-market interest rates unless the same rate was being made available to the general public for a certain period of time or only to borrowers with specified qualifications that the judicial employee also possesses.
5. If a gift or other benefit is given to the judicial employee's spouse, domestic partner, or member of the judicial employee's family residing in the judicial employee's household, it may be viewed as an attempt to influence the judicial employee indirectly.

RULE 3.5

Reimbursement of Expenses and Waivers of Fees or Charges

(A) Unless otherwise prohibited by Rules 3.1 or other law, a judicial employee may accept reimbursement of necessary and reasonable expenses for travel, food, lodging, or other incidental expenses, or a waiver or partial waiver of fees or charges for registration, tuition, and similar items, from sources other than the judicial employee's employing entity, if the expenses or charges are associated with the judicial employee's participation in outside activities permitted by this code.

(B) Reimbursement of expenses for necessary travel, food, lodging, or other incidental expenses shall be limited to the actual costs reasonably incurred by the judicial employee and, when appropriate to the occasion, by the judicial employee's spouse, domestic partner, or guest.

(C) This rule does not apply to reimbursement of a part time employee or a volunteer for expenses not incurred in the performance of court duties.

Comment

Educational, civic, religious, fraternal, and charitable organizations often sponsor meetings, seminars, symposia, dinners, awards ceremonies, and similar events. Judicial employees are encouraged to attend educational programs, as both teachers and participants in furtherance of their duty to remain competent. Participation in a variety of other extrajudicial activity is also permitted and encouraged by this code

CANON 4

A JUDICIAL EMPLOYEE OR CANDIDATE FOR JUDICIAL DEPARTMENT OFFICE SHALL NOT ENGAGE IN POLITICAL OR CAMPAIGN ACTIVITY THAT IS INCONSISTENT WITH THE INDEPENDENCE, INTEGRITY, OR IMPARTIALITY OF THE JUDICIARY.

RULE 4.1

General Activities

In general, a judicial employee 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.

Comment

1. 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.

2. As long as a judicial employee does not give the impression the judiciary itself endorses a political candidate or supports a political cause, the employee may circulate candidate nomination petitions or recall petitions; engage in activities to

advocate the election or defeat of any candidate; solicit or encourage contributions to be made directly to candidates or campaign committees which are contributing to candidates or advocating the election or defeat of candidates.

3. An employee can best avoid the impression political activity is on behalf of the judiciary by not identifying himself or herself as a court employee while engaging in political activities or, if asked, explaining that the he or she is simply participating as a concerned citizen. These political activities must be conducted outside of normal working hours and away from the work place to avoid any association with the court.

RULE 4.2

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 4 of the Code of Judicial Conduct, except as provided in Rule 4.3 of this code, and may not hold any elective office.

RULE 4.3

Elective Judicial Department Office

Any judicial employee may be a candidate for an elective judicial department office without resigning or taking a leave of absence as required by other rules unless the office is within the same court in which the judicial employee is employed and the incumbent of that office is seeking reelection. If elected, the judicial employee shall resign from court employment prior to assuming office. An incumbent clerk of superior court may be a candidate for the office held without resigning or taking a leave of absence. Notwithstanding paragraph B of this code section, this rule shall supersede any conflicting provision of local law but shall be subject to state law.

RULE 4.4

Elective Office In General

A judicial employee who is not limited under Rule 4.2 as a member of a judge's personal staff, a courtroom clerk, or a court manager and who is not seeking judicial department office as permitted in Rule 4.3 may be a candidate for elective office under the following conditions:

(A) Partisan. Such a judicial employee may be a candidate for partisan elective office if the judicial employee is authorized to take an unpaid leave of absence. A leave of absence must be approved by the judicial employee's appointing authority, i.e. presiding judge, chief judge, chief justice or elected clerk of court. The leave of absence must begin before the judicial employee makes a public announcement of candidacy, declares or files as a candidate with the election authority, authorizes or engages in solicitation or acceptance of contributions or support, or is nominated for election to office. 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.
(B) Non-partisan. Such a judicial employee may be a candidate for nonpartisan elective office without taking a leave of absence or separating from court employment if:

(1) The judicial employee first seeks permission from the chief justice, chief judge, presiding judge of the court or clerk of superior court;

(2) That judicial officer or clerk of superior court determines the office sought is consistent with judicial employment; and

(3) The judicial employee otherwise complies with this code.

(C) A person may continue to serve as a volunteer while campaigning for an elective office if continued service is approved by the respective clerk of superior court or the presiding judge, chief judge, or chief justice of a court consistent with other provisions of this code and the Code of Judicial Conduct.

RULE 4.5

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, candidate for political office or ballot measure. 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.

Comment

A personal vehicle parked in a space or a parking lot reserved and identified for court employees is covered by these work place limitations. Where such reserved parking exists, displaying political materials on vehicles brings political advocacy to the workplace because the parking lot is part of the workplace.

RULE 4.6

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.

RULE 4.7

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.

RULE 4.8

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.

703 DRUG, ALCOHOL AND SUBSTANCE USE

It is the Superior Court's desire to provide a drug-free, healthful, and safe workplace. 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.

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 Director without fear of reprisal.

Probation department employees must also conform to the drug testing requirements listed in §6-106 of the Arizona Code of Judicial Administration. All Court Personnel must comply with any other Arizona Code of Judicial Administration, Administrative Order(s) and/or Policies that the Administrative Office of the Courts adopt relating to drug, alcohol and substance use.

A. PROHIBITED ACTIVITIES

The following activities are prohibited:

1. Reporting to work under the influence of a prohibited drug or alcohol.
2. The use, consumption, sale, purchase, transfer or possession of any prohibited drug by any employee during work hours, on work assignment, in or on County property, including County vehicles or personal vehicles used for County business, at any time.
3. The consumption of alcohol by any employee during working hours, on work assignments, or on County property, including County vehicles or personal vehicles used for County business, at any time.

B. NOTIFICATION REQUIREMENT FOR ANY DRUG STATUTE CONVICTION FOR VIOLATION IN THE WORKPLACE

1. Condition of Employment

It is a condition of employment with the Court that its employees agree to abide by the terms of the policy and to notify their supervisor of any drug statute conviction for violation in the work place no later than five days after such a conviction. The

supervisor is to immediately notify the Department Director. Every possible effort will be made to hold such information in confidence with the County, but such information will have to be reported within ten days of receiving actual notice from the employee to a State or Federal agency if grant or contract funding is involved.

2. Discipline and Sanctions for Employee Failure to Report
 - a. The County will deal fairly and firmly with anyone who violates this policy. Violators are subject to disciplinary action, up to and including termination from employment.
 - b. Sanctions may include, but are not limited to, a requirement that the employee participate in and successfully complete a drug abuse or alcohol abuse assistance or rehabilitation program at the employee's expense and/or a requirement that the employee undergo random drug testing at the employee's expense following return to employment.
 - c. Disciplinary decisions shall be made by the Department Director in consultation with the Human Resources Director.
 - d. Under federal law, the County must take disciplinary action against the employee within 30 days of receiving notice of a conviction.

C. SUBSTANCE ABUSE TESTING

The following situations mandate drug and alcohol testing. It is required of the County that supervisors accompany an employee to a collection site. Following a post-accident or reasonable suspicion test, an employee should be transported to their home following testing. Probation department employees must also conform to the drug testing requirements listed in §6-106 of the Arizona Code of Judicial Administration.

1. Reasonable Suspicion of Impairment

All employees are subject to reasonable suspicion of alcohol and/or illegal drugs and other controlled substances testing. Regardless of how the information concerning impairment of any employee is received, the decision to test for alcohol and/or illegal drugs and other controlled substances for reasonable suspicion will be based upon objective observation by a supervisor who has been appropriately trained to make such a determination. Whenever possible, the determination shall be made by two trained personnel. Employees testing positive will be subject to disciplinary action, up to and including dismissal. Impairment as defined by A.R.S. § 23-493 et seq. states:

“Symptoms that a prospective employee or employee while working may be under the influence of drugs or alcohol that may decrease or lessen the employee's performance of the duties or tasks of the employee's job position, including symptoms of the employee's speech, walking, standing, physical dexterity, agility, coordination, actions, movement, demeanor, appearance, clothing, odor, irrational or unusual behavior, negligence or carelessness in operating equipment, machinery or production or manufacturing processes, disregard for the safety of the employee or others, involvement in an accident

that results in serious damage to equipment, machinery or property, disruption of a production or manufacturing process, any injury to the employee or others or other symptoms causing a reasonable suspicion of the use of drugs or alcohol.”

2. Post-Accident

Post-accident drug/alcohol testing is required for employees if an accident occurs while they are driving a County vehicle and there is reasonable suspicion that drug or alcohol use contributed to the incident. Reasonable suspicion includes erratic or abnormal behavior consistent with the use of drugs or alcohol which is documented by a responding officer of the law, or behavior or conduct observed by at least two Court employees either immediately before, during, or immediately after the accident or incident which is documented and reported to Human Resources.

After the sample collections are obtained, the employee shall be placed on Administrative Leave with Pay, pending the results. IN this case the employee will be transported home to address safety concerns associated with driving under the influence.

3. Random

Employees who are in positions that have been designated as a non-DOT safety sensitive position will be subject to random testing (Please refer to County policy 3.9 for those positions). A computer-generated random number selection shall be used to select the appropriate percentage of employees to be tested. These percentages are subject to change under federal regulations. The purpose of random testing is to deter prohibited drug use and to detect drug use in the workplace. Employees testing positive will be subject to disciplinary action up to and including dismissal.

D. DRUG AND ALCOHOL AWARENESS TRAINING PROGRAM

In support of this policy, the County will, through Human Resources, conduct a drug and alcohol awareness program to inform employees about the dangers of drug and alcohol use in the workplace, the penalties for noncompliance with this policy, and drug and alcohol counseling through the County’s Employee Assistance Program (EAP) and other counseling and rehabilitation services in the community.

704 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. 2018-65.

Discrimination and harassment, including sexual harassment, in the workplace are prohibited. Employment discrimination and harassment based on race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation are forbidden. Such conduct is grounds for discipline of judicial branch employees, up to and including dismissal; grounds for discipline of judges by the Commission on Judicial Conduct; and grounds for termination of vendor contracts when the conduct is by a vendor employee.

Every judge and judicial branch employee must strive to create a work environment free of discrimination and harassment. As required by the Code of Judicial Conduct and the Code of Conduct for Judicial Employees, all judges and judicial branch employees must avoid bias, prejudice and harassment in the performance of their duties, treat other judicial branch employees, court users, and the public with dignity and respect, and comply with this policy.

Sexual harassment is sex discrimination that violates individual rights and state and federal law. Sexual harassment is also a form of misconduct that undermines the integrity of the employment relationship and of the court itself. All judges and judicial branch employees must be able to work in an environment that is free from unsolicited and unwelcome sexual overtures and innuendo. Sexual harassment debilitates morale and interferes with productivity. Therefore, sexual harassment is unacceptable conduct in the workplace.

A. PROHIBITED CONDUCT

1. Discrimination

It is prohibited in differing treatment of an individual, involving any term or condition of employment, based on that individual's race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, marital status, socioeconomic status, or political affiliation. Discrimination based on these protected classes is prohibited by state and federal law. Courts have held discrimination against an individual because of sexual orientation or because of gender identity, including transgender status, is discrimination because of sex in violation of Title VII.

2. Harassment

Harassment of any kind, which is verbal or physical conduct or any form of communication that is directed at an individual because of his or her race, sex, gender, religion, national origin, ethnicity, disability, age, sexual orientation, or political affiliation. Discrimination based on these protected classes is prohibited by state and federal law. Courts have held discrimination against an individual because of sexual orientation or because of gender identity, including transgender status, is discrimination because of sex in violation of Title VII.

Examples of harassment include, but are not limited to:

- a. Derogatory remarks about a person's membership in a protected class;
- b. Visual messages (e.g. posting of cartoons) that are demeaning;
- c. Jokes and/or nicknames that stereotype or make fun of an individual; or,
- d. Verbal or no-verbal (e.g. mimicking or imitating) innuendoes that have a negative connotation.

3. Sexual Harassment

Sexual Harassment includes unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, other verbal or physical conduct or any other form of communication of a sexual nature when:

- a. Submission to that conduct or communication is made an explicit or implicit term or condition of obtaining or continuing employment.
- b. Submission to or rejection of that conduct or communication by an individual is used as a factor in employment decisions affecting the individual.
- c. The conduct or communication has the purpose or effect or substantially interfering with an individual's' employment or of creating an intimidating, hostile, or offensive environment.

Sexual harassment may involve relationships of unequal power. Such situations might contain elements of coercion, such as when compliance with requests for sexual favors becomes a criterion for granting or denying privileges or for favorable or unfavorable treatment on the job; however, sexual harassment also might involve relationships among peers, such as when repeated unwelcome advances or unwelcome sexual comments by one co-worker toward another co-worker has a harmful effect on the latter's ability to perform his or her job. Sexual harassment also might involve employee behavior directed at non-employees or non-employee behavior directed at employees. Sexual harassment may occur when it is directed at members of the opposite gender or when it is directed at members of the same gender.

Examples of conduct that may constitute sexual harassment include, but are not limited to:

- Sexually suggestive calendars, posters, and cartoons;
- Sexual innuendoes, suggestive comments, jokes of sexual nature, sexual propositions, lewd remarks, threats;
- Requests for any type of sexual favor, including repeated, unwelcome requests for dates;
- Verbal abuse or "kidding" that is oriented toward a prohibitive form of harassment, including that which is sexually oriented and considered unwelcome;
- Suggestive or insulting sounds;
- Leering, staring, whistling, or using obscene gestures;
- Content in letters and notes, facsimiles (faxes, e-mails, text messages, social networking, and other content that is sexual in nature; or,

- Unwelcome, unwanted physical contact, including but not limited to: touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, forced sexual activity or assault.

Due to the potential for sexual harassment allegations, the County strongly discourages consensual romantic or sexual relationships between employees, especially between a supervisor and their direct or indirect subordinate(s). If such relationship become disruptive to the organization appropriate actions may be taken to create a positive work environment.

4. Violent/Physical Threats

All employees are responsible to ensure that the workplace is free from conduct or activities that are or may be perceived to be threatening to an individual's physical safety. Employees are prohibited from engaging in the following conduct through any method or means, including the use of a workplace telephone or other electronic equipment:

- a. Any threat, whether verbal or physical, or any behavior that has the effect of creating an intimidating work environment; or,
- b. Inappropriate behavior that adversely impairs an employee's work performance, creates fear for one's physical safety, or impairs the ability of other employees to function effectively.

Violators of this policy will be subject to disciplinary action, up to and including dismissal.

5. Bullying

The court considers workplace bullying unacceptable and it will not be tolerated under any circumstances. All employees should be able to work in an environment free from bullying. Workplace bullying is a repeated behavior that harms, intimidates, offends, degrades or humiliates another employee. Workplace bullying may cause the loss of trained and talented employees, leading to overall reduced productivity, low morale and could potentially create legal risks.

6. Retaliation

Retaliation which is an adverse action (e.g., termination, denial of promotion, refusal to hire, unjustified discipline or evaluation, etc.) taken against an individual to deter protected activity or for engaging in protected activity is prohibited. Protected activity consists of: (1) opposing conduct reasonably believed to constitute discrimination, including harassment, which violates a nondiscrimination statute, this code section, or court policy; (2) reporting such conduct; or (3) testifying, assisting, or participating in any manner in an investigation or other proceeding related to a discrimination complaint.

The County provides employees with broad range of options for presenting allegations. However, complaints determined to be false or malicious, following an investigation, will be in violation of this policy and will be subject to disciplinary action.

B. DUTY TO REPORT

Employees, applicants, and other persons discriminated against or harassed or who have personal knowledge of discrimination or harassment by judges or judicial branch employees in the course of their duties or by anyone in court facilities are responsible for promptly reporting such conduct in accordance with the procedures applicable to each court. Each employee has an affirmative duty to maintain a workplace free of discrimination, harassment, and intimidation. Any form of retaliation against an individual for reporting discrimination or harassment truthfully to the best of that person's knowledge is prohibited and shall be grounds for disciplinary action, which may include termination. A false and malicious report of harassment, discrimination or retaliation (as opposed to a report that, even if erroneous, is made in good faith) will be the subject of appropriate disciplinary action.

1. Reporting Process

- a. If an employee is the recipient of any unwelcome gesture or remark, they are asked not to remain silent. It is traditionally best to resolve issues directly with the harasser by making it clear that such conduct is offensive and unwelcome. The employee should clearly state they want the offensive conduct to cease;
- b. If the employee is unable to confront the harasser or feels unsafe in doing so, they can contact their immediate supervisor or manager; or,
- c. An employee may submit a complaint, either verbally or in writing, to the Department Director and/or Human Resources at any time.

Any supervisor or employee that becomes aware or observes a situation of harassment shall notify the Department Director.

If the alleged misconduct is coming from a Judge, the Department Director or Human Resources will refer the complaint to the Commission on Judicial Conduct for investigation of alleged misconduct of a judge.

2. Investigation

- a. All reported allegations of misconduct under this policy will be reviewed by the Human Resources Department.
- b. The Human Resources Department in conjunction with the Department Director will determine if the alleged misconduct meets the criteria outlined in this policy and should be investigated.
 - i. The incident/misconduct will have a prompt, thorough, and impartial investigation of employees conducted by a trained investigator.

- ii. A statement will be given to those involved that any information gathered as part of an investigation will be kept confidential to the extent possible consistent with thorough and impartial investigative and disciplinary processes.
- iii. Immediate and appropriate corrective action will be taken.
- iv. The reporting and investigated employees will be informed of the investigation result.
- v. Any reporting or witnessing employee will be protected from retaliation.

Alleged misconduct of a Judge will be investigated by the Commission on Judicial Conduct.

3. Threat Management

When any of the following situations are brought to the attention of a Department Director, the Department Director should immediately report the situation to Human Resources for the purpose of convening the Threat Management Team.

- a. Any person involved in a situation where someone has made verbal threats of physical violence or where they fear that physical retaliation may take place, should immediately discuss it with their supervisor or Department Director.
- b. Similar situations could also occur as an employee comes into contact with the public. While the County has strong commitment to customer service, we do not intend for employees to be subjected to threats or continuous verbal abuse by the customer. When a customer is abusive, a supervisor should intervene. If there is concern over the possibility of physical violence, it should be immediately discussed with the Department Director.
- c. An employee may be involved in a personal dispute outside the workplace. If the situation escalates, individuals may secure an “Order of Protection” pursuant to A.R. S. § 13-3602 et seq., or an “Injunction Against Harassment” pursuant to A.R.S. § 12-1809 et seq., or similar orders from the court. If an employee requests a court order, they must include the work location as well as place of residence. The employee should inform the supervisor, as soon as practical, of the issuance of such an order and provide a description of the individual cited in the order.

A Threat Management Team has been appointed to assist departments to respond to potentially violent situations by assessing the threat, developing a response, bringing in outside assistance as needed (i.e. police, counselors, etc.) and helping to control the situation. The team consists of representatives from the Sheriff’s Office, County Attorney, Facilities, Human Resources and Risk Management.

4. Education

Educational opportunities will be offered for judges and judicial branch employees regarding this policy. Judges, managers, and supervisors must receive education regarding their role and responsibility to identify discrimination and harassment and

take appropriate action pursuant to this policy.

705 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.

706 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.

707 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 director.

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 director for approval. All approved messages will be posted by the department director.

708 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:

Non-compliance with the law

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

Failure to immediately disclose to the employee's supervisor any of the following:
citation for a misdemeanor or felony, arrest, conviction, order of protection, and/or
warrant.

709 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 director 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

Note: Adult and Juvenile Probation, Pretrial, Surveillance, and Juvenile Detention Officers
See Section 1400

The purpose of this section is to state the Superior Court's position on administering equitable and consistent discipline for unsatisfactory performance or 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 coaching, documented verbal coaching, written reprimand, suspension with or without pay, reinstatement of introductory period, special observation period, involuntary demotion, or dismissal 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 Director.

VERBAL COACHING

A supervisor may engage in verbal coaching with an employee at any time for problem resolution, to advise an employee of improper performance or conduct, and to identify the actions the employee can take to correct the situation. The supervisor shall document the date and nature of this coaching.

DOCUMENTED VERBAL COACHING

A supervisor or manager may conduct a documented verbal coaching with an employee at any time to identify and correct or improve performance or conduct. This action involves meeting to discuss the problem, asking the employee to sign a memorandum documenting the meeting and clarifying the steps that will be taken to correct the problem. The documented verbal coaching memorandum shall be kept in the supervisor's working file. If there is another occurrence, the memorandum may be used as the basis for further disciplinary action.

WRITTEN REPRIMAND

A Department Director or his/her designee may issue a written reprimand to admonish an employee for serious or repetitive improper performance or conduct. The written reprimand shall be signed by the employee and the Department Director, with the original sent to Human Resources for placement in the employee's official personnel file. The written reprimand may be removed after one year and only upon approval of the Department Director. Written reprimands shall include:

- a. A description of the violation(s);
- b. The specific policy violation(s);
- c. The impact of the violation(s);
- d. The date of any verbal coaching or other corrective or disciplinary actions that occurred prior to the incident;
- e. Expectations detailing what the employee must do to solve the problem(s); and,
- f. The consequences of further violations.

SUSPENSION

Suspension is a significant disciplinary action and may be used by a Department Director for serious incidents or habitual improper performance or conduct. Employees who are non-exempt under the Fair Labor Standards Act (FLSA) may be disciplined with suspension without pay for up to 30 days. Employees who are exempt under the FLSA shall not be subject to suspension without pay unless the suspension is in full-day increments (please see below regarding A.R.S. §38-1101 for Probation Officers). Suspensions without pay of more than 3 days require that the employee be given written notice of the intent to suspend.

INVOLUNTARY DEMOTION

Demotion of an employee to a lower grade in the classification system for a disciplinary reason may be used by a Department Director for serious incidents or repetitions of improper performance or conduct. Involuntary demotion requires the employee be given preliminary written notice of the intent to demote and a salary reduction (see Coconino County's Personnel Policy 2.3, Salary Plan Administration). Please see below regarding A.R.S. §38-1101 for Probation Officers.

DISMISSAL

Dismissal is the most significant disciplinary action and may be used by a Department Director for serious incidents or repetitions of improper performance or conduct. Dismissal requires the

employee be given preliminary written notice of the intent to dismiss. Employees dismissed for disciplinary reasons may be considered ineligible for rehire. Please see below regarding A.R.S. §38-1101 for Probation Officers.

WRITTEN NOTICE OF INTENT

Before suspending for more than three days without pay, involuntary demotion, or dismissal of a regular merit employee, the Department Director must give the employee a 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. A copy of this notice shall be sent to Human Resources to be placed in the employee's official personnel file.

The employee must be given no less than three working days to respond to the notice either orally or in writing (or both) to the Department Director. If no response is received, the original action date provided in the notice is final.

After considering the employee's response, the Department Director will decide whether to make the suspension, involuntary demotion, or dismissal final. The Department Director has a minimum of 24 hours, but no more than three working days, to consider the response. The employee will receive notice of the action to be taken and will be informed of his/her right to appeal the action to the Hearing Officer.

ADMINISTRATIVE OBSERVATION PERIOD

Administrative observation period is a serious disciplinary tool used to help monitor and improve work performance and employee conduct. The Department Director may place an employee on an Administrative Observation Period for a specified period of time not less than 30 or more than 180 days. A work plan is required when an employee is placed on an Administrative Observation Period. A written performance appraisal detailing the employee's success or failure in completing the Administrative Observation Period is required at the end of the Administrative Observation Period. Failure of the employee to successfully complete the probationary period may result in more serious disciplinary action, up to and including dismissal.

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. The employee or the supervisor may also seek the advice or assistance of the Human Resources Department at any time during the problem resolution process.

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

**Note: Adult and Juvenile Probation, Pretrial, Surveillance, and Juvenile Detention Officers
See Section 1401**

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;

Dismissal.

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. The hearing must be held within 90 calendar days from the filing of the appeal unless all parties agree to a continuance.
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/or 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. The standard of review is that the department head's decision will be sustained unless it's arbitrary, capricious, or an abuse of discretion.
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.
17. During the appeal process, the original discipline will be in effect.

1005 CONSTRUCTIVE DISCHARGE

Employees are strongly encouraged to communicate to the Human Resources Department whenever they believe working conditions are becoming intolerable and may cause the employee to resign.

In accordance with A.R.S. §23-1502, in order to preserve the right to bring a claim against the State/County alleging that working conditions forced an employee to resign, the employee must provide adequate notice of “difficult or unpleasant” working conditions before deciding whether to resign. An employee must:

1. Notify the Human Resources Director, in writing, that a work condition exists that the employee believes is objectively so difficult or unpleasant that the employee feels compelled to resign or intends to resign.
2. Allow the Court 15 calendar days to respond in writing to the alleged matter; and
3. Read and consider the Court’s response to the employee’s written complaint.

Employees who reasonably believe they cannot work while their complaints are investigated may be entitled to paid or unpaid leave of up to 15 calendar days or until the time when the Court provides a written response to the complaint, whichever occurs first.

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
ARIZONA JUDICIAL DEPARTMENT

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Administrative Order
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 list serves, 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

1201 PERSONAL INFORMATION BREACH POLICY

Purpose

This procedure provides direction for performing various notifications in the event of a loss of a computer or personal storage device or breach of a computer security system containing personal information as defined by A.R.S. § 44-7501.

Definitions

A.R.S. § 44-7501 limits its definition of “Personal Information” to mean an individual’s first name or first initial and last name in combination with any one or more of the following data elements, when the data element is not encrypted, redacted or secured by any other method rendering the element unreadable or unusable:

- a. The individual’s social security number.
- b. The individual’s number on a driver license issued pursuant to section A.R.S. § 28-3166 or number on a non-operating identification license issued pursuant to section A.R.S. § 28-3165.
- c. The individual’s financial account number or credit or debit card number in combination with any required security code, access code, or password that would permit access to the individual’s financial account.

Personal information does not include publicly available information that is lawfully made available to the general public from federal, state, or local government records or widely distributed media.

"Breach", "breach of a computer security system", or "security breach" means an unauthorized acquisition of and access to unencrypted or un-redacted computerized data that materially compromises the security or confidentiality of personal information maintained by a person as part of a database of personal information regarding multiple individuals and that causes or is reasonably likely to cause substantial economic loss to an individual. Good faith acquisition of personal information by an employee or agent of the person for the purposes of the person is not a breach of the security system if the personal information is not used for a purpose unrelated to the person or subject to further willful unauthorized disclosure.

“Portable storage devices” means flash-memory-based “thumb” or “jump” drives, portable audio players, or external hard drives.

Procedure

1. A court, clerk, or probation employee who first learns of the actual loss or security breach or event having the potential of perpetrating a breach shall notify his or her immediate supervisor and provide details of loss or breach immediately upon discovery. Loss can include portable storage devices as well as portable computers. The specifics of security problems should not be discussed widely but should instead be shared on a need-to-know basis.
2. The immediate supervisor of the employee reporting actual loss or data breach or potential breach shall notify their Department Head, as well as the Clerk of Court and Court Administrator of any other court whose data may likely have been lost or compromised without delay.
3. The Department Head responsible for the data impacted by the loss or breach shall verify whether a breach or loss has actually occurred along with the scope of the damage and notify the Presiding Judge of the court.
4. The Presiding Judge or Department Head responsible for the data impacted by the loss or breach shall notify Karl Heckart at the Administrative Office of the Court Information Technology Division (602-452-3350), and Dave Byers, Administrative Director of the AOC (602-452-3307), by phone or high priority e-mail within 24 hours of being notified of the loss of breach.
5. Local law enforcement shall be notified to begin an investigation into the scope of loss and provide advice about whether notification to affected persons would negatively impact a criminal investigation.
6. The Department Head responsible for the data impacted by the loss or breach shall draft communication to affected persons using the content of sample letters attached to AO 2008-68 as a guideline as soon as possible. No communication shall be released until law enforcement provides authorization to publicize the loss or breach.
7. When fewer than 100,000 people are affected by the loss or breach or the cost of notification is under \$50,000, communication shall be made in writing to each individual affected. When more than 100,000 people are affected by the loss or breach or the cost of notification is above \$50,000, the draft communication shall be forwarded to the AOC Executive Office. AOC's Public Information Officer then communicates appropriate notice using statewide mass media outlets.

**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.
- C. Before commencing an interview that could result in dismissal, demotion or suspension the department must supply the employee with a written notice containing the following:

- The specific nature of the investigation.
- The employee's status in the investigation.
- All known allegations of misconduct that are the reason for the interview.
- The employee's right to have a representative present at the interview.

The department shall not be required to stop the interview to issue another notice for allegations obtained during the interview or disclose any facts to the employee that would impede the 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.

1400 DISCIPLINARY ACTIONS-- Adult and Juvenile Probation, Pretrial, Surveillance, and Juvenile Detention Officers

The purpose of this section is to state the Superior Court's position on administering equitable and consistent discipline for unsatisfactory performance or 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 coaching, documented verbal coaching, written reprimand, suspension with or without pay, reinstatement of introductory period, special observation period, involuntary demotion, or dismissal 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 Director.

VERBAL COACHING

A supervisor may engage in verbal coaching with an employee at any time for problem resolution, to advise an employee of improper performance or conduct, and to identify the actions the employee can take to correct the situation. The supervisor shall document the date and nature of this coaching.

DOCUMENTED VERBAL COACHING

A supervisor or manager may conduct a documented verbal coaching with an employee at any time to identify and correct or improve performance or conduct. This action involves meeting to discuss the problem, asking the employee to sign a memorandum documenting the meeting and clarifying the steps that will be taken to correct the problem. The documented verbal coaching memorandum shall be kept in the supervisor's working file. If there is another occurrence, the memorandum may be used as the basis for further disciplinary action.

WRITTEN REPRIMAND

A Department Director or his/her designee may issue a written reprimand to admonish an employee for serious or repetitive improper performance or conduct. The written reprimand shall be signed by the employee and the Department Director, with the original sent to Human Resources for placement in the employee's official personnel file. The written reprimand may be removed after one year and only upon approval of the Department Director. Written reprimands shall include:

- g. A description of the violation(s);
- h. The specific policy violation(s);
- i. The impact of the violation(s);
- j. The date of any verbal coaching or other corrective or disciplinary actions that occurred prior to the incident;
- k. Expectations detailing what the employee must do to solve the problem(s); and,
- l. The consequences of further violations.

SUSPENSION

Suspension is a significant disciplinary action and may be used by a Department Director for serious incidents or habitual improper performance or conduct. Employees who are non-exempt under the Fair Labor Standards Act (FLSA) may be disciplined with suspension without pay for up to 30 days. Employees who are exempt under the FLSA shall not be subject to suspension without pay unless the suspension is in full-day increments (please see below regarding A.R.S. §38-1101 for Probation Officers). Suspensions without pay of more than 3 days require that the employee be given written notice of the intent to suspend.

INVOLUNTARY DEMOTION

Demotion of an employee to a lower grade in the classification system for a disciplinary reason may be used by a Department Director for serious incidents or repetitions of improper performance or conduct. Involuntary demotion requires the employee be given preliminary written notice of the intent to demote and a salary reduction (see Coconino County's Personnel Policy 2.3, Salary Plan Administration). Please see below regarding A.R.S. §38-1101 for Probation Officers.

DISMISSAL

Dismissal is the most significant disciplinary action and may be used by a Department Director for serious incidents or repetitions of improper performance or conduct. Dismissal requires the employee be given preliminary written notice of the intent to dismiss. Employees dismissed for disciplinary reasons may be considered ineligible for rehire. Please see below regarding A.R.S. §38-1101 for Probation Officers.

WRITTEN NOTICE OF INTENT

Before suspending for more than three days without pay, involuntary demotion, or dismissal of a regular merit employee, the Department Director 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. A copy of this notice shall be sent to Human Resources to be placed in the employee's official personnel file.

The employee must be given no less than three working days to respond to the notice either orally or in writing (or both) to the Department Director. If no response is received, the original action date provided in the notice is final.

After considering the employee's response, the Department Director will decide whether to make the suspension, involuntary demotion, or dismissal final. The Department Director has a minimum of 24 hours, but no more than three working days, to consider the response. The employee will receive notice of the action to be taken and will be informed of his/her right to appeal the action to the Hearing Officer.

ADMINISTRATIVE OBSERVATION PERIOD

Administrative observation period is a serious disciplinary tool used to help monitor and improve work performance and employee conduct. The Department Director may place an employee on an Administrative Observation Period for a specified period of time not less than 30 or more than 180 days. A work plan is required when an employee is placed on an Administrative Observation Period. A written performance appraisal detailing the employee's success or failure in completing the Administrative Observation Period is required at the end of the Administrative Observation Period. Failure of the employee to successfully complete the probationary period may result in more serious disciplinary action, up to and including dismissal.

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.

ADULT AND JUVENILE PROBATION, PRETRIAL, SURVEILLANCE, AND DETENTION OFFICERS - PURSUANT TO A.R.S. §38-1101

A. If an employer interviews a probation officer and the employer reasonably believes that the interview could result in dismissal, demotion or suspension, the probation officer may request to have a representative of the officer present at no cost to the employer during the interview. The probation officer shall select a representative who is available on reasonable notice (defined as 2 hours or less) so that the interview is not unreasonably delayed. The representative shall participate in the interview only as an observer. The representative shall be from the same agency and will appear on their own time and shall not be an attorney. The probation officer shall be permitted reasonable breaks of limited duration during any interview for telephonic or in person consultation with others, including an attorney, who are immediately available. An employer shall not discipline, retaliate against or threaten to retaliate against an officer requesting that a representative be present or for acting as the representative of an officer pursuant to this subsection.

B. Subsection A does not apply to an interview of a probation officer that is:

1. In the normal course of duty, counseling or instruction or an informal verbal admonishment by, or other routine or unplanned contact with, a supervisor or any other officer.
2. Preliminary questioning to determine the scope of the allegations or if an investigation is necessary.
3. Conducted in the course of a criminal investigation.
4. Conducted in the course of a polygraph examination.

C. In any appeal of a disciplinary action by an officer, the parties shall exchange copies of all relevant documents and a list of all witnesses pursuant to the following time periods and requirements:

1. Within three business days of the employers receipt of a written request from the officer for a copy of the investigative file that is accompanied by a copy of the filed notice of appeal, the employer shall provide a complete copy of the investigative file as well as the names and home or work mailing addresses of all persons interviewed during the course of the investigation.
2. No later than five business days before the appeal hearing, or, if the appeal hearing is scheduled more than twenty days after the notice of appeal, no later than ten business days before the appeal hearing, the employer and the probation officer shall exchange copies of any documents that may be introduced at the hearing and that have not previously been disclosed.
3. No later than five business days before the appeal hearing, or, if the appeal hearing is scheduled more than twenty days after the notice of appeal, no later than ten business days before the appeal hearing, the employer and the officer shall exchange the names of all witnesses who may be called to testify. A witness may be interviewed at the discretion of the witness. The parties shall not interfere with any decision of a witness regarding whether to be interviewed. An employer shall not discipline, retaliate against

or threaten to retaliate against any witness for agreeing to be interviewed or for testifying or providing evidence in the appeal.

D. It is unlawful for a person to disseminate information that is disclosed pursuant to subsection C to any person other than the parties to the appeal and their lawful representatives for purposes of the appeal of the disciplinary action. This subsection does not prohibit the use of the information in the hearing or disclosure pursuant to title 39, chapter 1, article 2.

E. The employer or the officer may seek a determination by the hearing officer regarding any evidence that the employer or the officer believes should not be disclosed pursuant to subsection C because the risk of harm involved in disclosure outweighs any usefulness of the disclosure in the hearing. In determining whether evidence will be disclosed, the hearing officer may perform an in camera review of the evidence and may disclose the material subject to any restriction on the disclosure, including the closing of the hearing or the sealing of the records, that the hearing officer finds necessary under the circumstances.

F. In any appeal of a disciplinary action by an officer in which a single hearing officer has been appointed to conduct the appeal hearing, the officer or the employer may request a change of hearing officer. If this option is exercised, the party must submit a written request within 5 business days of receiving notice of the assigned hearing officer. This request must include the reason for the hearing officer change and why a fair and impartial hearing cannot be obtained, and the waiver of time limits for the subsequent hearings. Upon receipt of this request, the Court Administrator, or his/her designee will make a determination whether a showing of prejudice has been made. If so, another hearing officer will be assigned.

G. A party who violates subsection C or D, unless the violation is harmless, shall not be permitted to use that evidence at the hearing, except on a showing of good cause. The hearing officer, on a showing of good cause, may grant the opposing party a continuance, otherwise limit the use of the evidence or make such other order as may be appropriate.

H. If the employer amends, modifies, rejects or reverses the decision of a hearing officer, the employer shall state the employer's reasons for the amendment, modification, rejection or reversal.

I. This section does not preempt agreements that supplant, revise or otherwise alter the provisions of this section, including preexisting agreements between the employer and the probation officer.

J. For the purposes of this section:

1. "Appeal" means a hearing before a hearing officer.
2. "Disciplinary Action" means the dismissal or demotion or the suspension for more than forty hours of an officer that is authorized by statute, charter or ordinance and that is subject to a hearing or other procedure by a hearing officer.
3. "Investigative File" means the law enforcement agency's complete report and any attachments detailing the incidents leading to the disciplinary action.

4. "Officer" means:

(a) An individual, other than an introductory period employee, who is a probation officer, pretrial officer, surveillance officer, or detention youth care worker.

1401 APPEAL PROCEDURE--Adult and Juvenile Probation, Pretrial, Surveillance, and Juvenile Detention Officers

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 eight (8) hours per incident;

Involuntary demotion with reduction in pay;

Dismissal.

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 those issues and pertinent facts on which there is agreement.
 - C. 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, and communicate the name of the hearing officer to both parties. Pursuant to ARS 38-1101, badged probation officers, surveillance officers and detention youth care workers have the right to a change of the hearing officer assigned. If this option is exercised, the party must submit a written request within 20 business days of receiving notice of the assigned hearing officer. This request must include the reason for the hearing officer change and why a fair and impartial hearing cannot be obtained, and the waiver of time limits for the subsequent hearings. Upon receipt of this request, the Court Administrator, or his designee will make a determination whether a showing of prejudice has been made. If so, they will assign another hearing officer.

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. The hearing must be held within 90 days from the filing of the appeal unless all parties agree to a continuance.
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. Pursuant to A.R.S. §38-1101, no later than ten (10) business days before the appeal hearing, each party shall produce and serve on every party the following information:
 - A. The name of each witness whom the disclosing party expects to call at the hearing, with a designation of the subject matter of which each witness might be called to testify.

- B. The name and contact information of each person who has given statements, whether written or recorded, signed or unsigned, regarding matters relevant to the notice of discipline and the custodian of the copies of those statements.
- C. The copies of any documents that may be introduced at the hearing and that have not previously been disclosed.
11. 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.
 12. 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.
 13. 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.
 14. 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.
 15. The department's disciplinary decision will not be changed unless the action was arbitrary or capricious. The standard of review is that the department head's decision will be sustained unless it's arbitrary, capricious, or an abuse of discretion.
 16. 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.
 17. 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.

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