

# *PERSONNEL POLICIES AND PROCEDURES*



Superior Court of California  
County of San Luis Obispo

Approved:

\s\ Martin J. Tangeman  
Martin J. Tangeman, Presiding Judge

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## **INTRODUCTION AND BACKGROUND**

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### **Authority**

The Court's Personnel Policies were developed to comply with California Rules of Court, Rule 10.670 and the Trial Court Employment Protection and Governance Act. Together with the Court's Employer-Employee Labor Relations Rules and the various Memoranda of Understanding between the Court and its represented employee bargaining units, these Personnel Policies constitute the Court's Personnel Plan.

### **Employee Labor Relations**

Nothing contained in the Personnel Policies is intended to preclude Court employees from continuing to be included in the collective bargaining process outlined in the Court's Employer-Employee Labor Relations Rules.

Nothing in the Personnel Policies shall prohibit any Court employee from appearing on their own behalf regarding employment relations with the Court.

The Court shall not interfere with, intimidate, restrain, coerce, or discriminate against Court employees because of their exercise of any rights they may have under these policies or applicable sections of state law.

### **Definitions**

For purposes of these Personnel Policies, the following terms shall have the meanings indicated:

- **Regular Employee:** A regular employee is an employee who has been appointed to an allocated and budgeted position that, unless eliminated as a budget-related reduction in force, is intended to be allocated on a "permanent" basis.
- **Confidential employee:** Any employee who has access to or is privy to decisions of Court management affecting employee relations. Job classifications under this definition are assigned to the unrepresented Confidential Unit.
- **Subordinate Judicial Officer:** This class of employee is comprised of the positions of Commissioner.
- **Managerial employee:** Any employee with responsibility for administering or formulating Court policy or programs and/or the authority to hire, evaluate, assign work to, promote, reward, fire, suspend, transfer, or discipline other employees or responsibly direct their work or to adjust grievances or to effectively recommend such action. Job classifications under this definition are assigned to the unrepresented Management Unit.
- **Temporary employee/Retired Annuitant:** Any employee who is not a regular full-time or regular part-time employee. A temporary employee or retired annuitant may work a full-time, part-time, or as-needed work schedule as long as they do not work beyond 960 hours in any fiscal year.
- **Probationary employee:** Any employee who has not successfully completed their introductory probationary period. Probationary employees serving their initial probationary period are exempt from the employment protection system articulated in the Trial Court Employment Protection and Governance Act as well as from miscellaneous provisions of these policies.
- **Limited Term Employee:** Any employee hired for a specified employment period or promoted from one Court position to another for a specified project and/or a specified period of time.

## **POLICY 1 – SALARY SETTING PROCEDURE**

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### **Basic Pay Plan**

The Court maintains multiple job classifications, and a salary range exists for each one. The range for each classification consists of five steps. With the exception of the Court Attorney positions, the salary for each successive step is five percent (5%) higher than the previous step. The salary range for Court Attorney is broader than for other Court positions, and the Court Executive Officer, subsequent to consultation with the Presiding Judge, may place incumbents in this job classification at any point within the range.

- Step One: The first step in each range is the minimum rate and shall normally be the hiring rate for the class. In cases where it is difficult to secure qualified personnel or an unusually qualified person is engaged, the Court Executive Officer or designee may approve appointment at a higher step.
- Step Two: Employees shall advance to the second salary step at the successful conclusion of their probationary period.
- Step Three: Employees shall advance to the third salary step after the accumulation of twelve months of satisfactory service at the second step.
- Step Four: Employees shall advance to the fourth salary step after the accumulation of twelve months of satisfactory service at the third step.
- Step Five: Employees shall advance to the fifth salary step after the accumulation of twelve months of satisfactory service at the fourth step.

### **Time for Salary Adjustment**

Salary adjustments associated with step increases shall be made on the first day of the pay period following the pay period in which the required accumulation of months of satisfactory service occurs.

### **Effect of Promotion, Demotion or Transfer on Salaries**

#### **Promotion**

An employee who is appointed to a position of a class with a higher salary range/grade than they previously occupied shall be placed at the step in the new salary range that is closest to five percent (5%) but not less than four percent (4%) higher than their previous salary level.

#### **Demotion**

Upon demotion of a non-probationary employee, that employee's salary shall be adjusted to the highest step in the new class that does not exceed the salary received in the former class.

#### **Voluntary Demotion**

In the event of a voluntary demotion, the employee's salary shall be placed at the step in the range that corresponds most closely to the salary received by the employee in the former classification. In the event that such a voluntary demotion would result in a salary loss of more than ten percent, the employee's new salary shall be set at the rate closest to, but not more than, ten percent below the employee's salary in the former classification. The Court Executive Officer or designee may approve a "Y" rating (i.e., freezing the salary range for a specified period) of an employee as deemed appropriate and depending upon circumstances.

#### **Transfer**

Upon transfer to a classification in the same pay range, an employee's salary shall remain unchanged.

**No Loss of Time-in-Step**

Notwithstanding other provisions of this policy, no salary adjustment upon promotion, demotion or transfer shall affect a loss of time acquired in the former salary step. Time acquired in the former salary step shall be included in computing the accumulation of the required months of service to be eligible for further salary increases.

Any time spent in a leave without pay status shall not be counted as time spent in a salary step for purposes of computing the eligibility of an employee for further salary increases, except that all time spent on industrial injury leave shall be counted.

**Working Out of Class**

An employee is working “out of class” when they spend more than fifty percent (50%) of their time over the course of more than ten (10) consecutive workdays performing assigned duties and responsibilities associated with an existing higher-level classification that do not overlap with the classification in which the employee currently holds an appointment.

No employee will receive pay for working out of class unless the assignment to work out of class has been made by the employee’s supervisor. If an employee is assigned to work out of class, the Court will appoint the employee to the higher classification on an interim or provisional basis, effective the first Monday on or following the eleventh (11<sup>th</sup>) consecutive day of the employee’s assignment to the work associated with the higher job class.

**POLICY 2 – REGULAR REVIEW OF JOB SPECIFICATIONS AND TITLES**

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From time to time, and not less than once every three (3) years, the Court Executive Officer will review the job classifications and titles of trial Court employees to ensure that (1) they accurately describe the work performed in the position, (2) the qualifications required are related to the duties and responsibilities of the position, and (3) the classifications and titles of positions are appropriate given their relationship to other Court classifications and titles.

**POLICY 3 – EQUAL EMPLOYMENT OPPORTUNITY**

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The Court does not discriminate against qualified employees or applicants for employment on the basis of race, color, religion, gender, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, sexual orientation, or any other basis protected by law, or on the basis of a perception that an individual has any characteristic protected by law, or on the basis of a perception that an individual is associated with a person who has, or is perceived to have, any of these characteristics. The Court will afford equal employment opportunity to all qualified applicants or employees with respect to compensation and all terms and conditions of employment, including hiring, training, promotion, transfer, discipline, and termination.

Employees who believe they have experienced denial of employment opportunity or discrimination are encouraged to report this experience immediately to the Court Executive Officer, the Assistant Court Executive Officer, the Human Resources Director, or any Court Manager. The Court will promptly investigate the report.

## **POLICY 4 – RECRUITMENT, RETENTION AND PROMOTION**

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### **Exclusions**

Confidential, managerial, limited-term, temporary positions and Subordinate Judicial Officers are excluded from all but the Selection and Provisional Appointments sections of this policy.

### **General Provisions**

Recruitment, selection, and promotion decisions will be made on the basis of the applicants' relative ability, knowledge, and skills. Such decisions will be made without regard to race, color, religion, gender, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, sexual orientation, or any other basis protected by law, or on the basis of a perception that an individual has any characteristic protected by law, or on the basis of a perception that an individual is associated with a person who has, or is perceived to have, any of these characteristics.

### **Open and Promotional Recruitments**

The Court Executive Officer or designee shall determine whether the recruitment for a position shall be open or promotional. Open recruitments shall be available to all applicants (Court employees and non-Court employees) who meet the minimum qualifications for the position. Promotional recruitments shall be available to all regular Court employees who meet the minimum qualifications for the position. Regular Court employees currently holding the classification for which a recruitment is being conducted must place their names on the transfer list to be considered for the position.

### **Announcements**

Announcements of available positions will be posted a minimum of two weeks prior to the application deadline. Positions which may be filled without posting include, but are not limited to:

- 1) In-place promotions resulting from the expansion of duties and responsibilities of the incumbent and reclassification of the position;
- 2) Positions to be filled by transfer or reassignment of an employee due to a reorganization, demotion or other special circumstances deemed necessary by the Court Executive Officer or designee;
- 3) Positions filled by using existing, previously qualified personnel provided by Human Resources; and
- 4) Recall of previous Superior Court of California, County of San Luis Obispo employees that were laid off and have been established on the rehire list.

Persons appointed by any of the above methods must meet the minimum qualifications of the position.

### **Eligibility Lists**

An eligibility list, consisting of those people who meet the qualifications of the position being filled, shall be established. Placement on an eligibility list does not guarantee that an individual shall be chosen for a position. The Court Executive Officer or designee shall determine the procedure to be used to establish each eligibility list. This may include a review of applicants' experience and/or education, written examination(s), oral examination(s), oral interview(s), reference checks, and/or any other procedure deemed appropriate. An eligibility list will usually remain in effect for six months from the date the list is established, or until there are fewer than three (3) names on the list, whichever occurs first. The Court Executive Officer has the authority to extend an eligibility list, from time to time, for up to one (1) year from the date the list was established. The Court Executive Officer or designee also has the authority to disestablish an eligibility list within their discretion at any time prior to the expiration of the list and to request that a new eligibility list be established.

### **Removal from Eligibility List**

The Court Executive Officer or designee may remove a name from an eligibility list (open or promotional) for any of the following reasons:

1. In the event that the candidate requests that their name is removed;
2. In the event that a candidate begins employment in any position with the Court;
3. In the event that a candidate does not respond, within 10 calendar days, to either a request for an interview or offer of employment/promotion on three occasions;
4. In the event that a candidate refuses an offer of employment **or** refuses an offer of employment/promotion on two occasions; or
5. In the event that the Court Executive Officer or designee determines that the candidate is no longer eligible for employment in the position or is no longer eligible for Court employment.

### **Selection**

The Human Resources Department will send to the department director the names of the top candidates on the eligibility list who are available for an interview. The department director and/or designee may interview the first three, four, five or six candidates. If the recruitment is to fill two vacancies, the hiring authority may interview up to the top seven candidates; if there are three vacancies, the hiring authority may interview up to the top eight candidates, and so on. At the conclusion of those hiring interviews, after the Court has conducted reference checks to the extent deemed necessary, an offer will be made to the chosen candidate(s). Candidates who are unwilling to provide references will be disqualified and removed from the eligibility list.

### **Advancement within a Job Classification Series**

A job class series is defined as “a group of jobs/classifications that perform the same general function but have duties that require progressively more responsibility and higher levels of qualification. Each job in a series is also called a level”. The Court routinely uses job class series to distinguish between entry level duties and journey worker level duties within a functional area of Court work. Employees will not automatically advance to higher levels within a series simply with the passage of time. Advancement within a series is a promotion without competitive examination as employees successfully perform increasingly complex and independent work, consistent with the distinguishing characteristics outlined in the applicable job class specification. Incumbent employees so advancing are not placed on probation.

While they might appear to be, lead worker (e.g. Courtroom Clerk III and Legal Process Clerk III) and supervisory (e.g. Legal Process Supervisor and Courtroom Operations Supervisor) job classes are not part of the legal process and courtroom clerk series.

### **Provisional Appointments**

The Court Executive Officer may on occasion make a provisional appointment to a position which is temporarily vacant due to an extended leave of absence. In such a case, no competitive recruitment process is required. An incumbent in a provisionally appointed position holds no rights to the position and serves in that capacity at the will and pleasure of the Court Executive Officer.

### **Appointment to a Limited Term Position**

A limited term position is defined as one created and filled for a limited period of time or for the duration of a specific project with a limited term. Limited term positions will be filled by the normal competitive recruitment process described in this policy. However, an employee appointed to a limited term position will accrue no length of service, or “time in service points”, for purposes of establishing seniority in their job class if a layoff is required. If an employee is promoted from one Court position to a limited term position, the employee will continue to accrue time in service in their originating job classification throughout the time they hold the limited term position.



### **Temporary Appointments**

Temporary appointments are limited to a maximum of 960 hours in a fiscal year. Temporary appointments shall be made, when possible, from the eligible list. In the absence of a suitable eligible list, temporary appointments may be made of qualified persons. To appoint a temporary employee other than from the eligible list, a copy of the employment application shall be submitted to the Human Resources Office or designee for approval.

### **Probationary Period**

Each newly hired employee shall serve a probationary period of six (6) months that may be extended in the Court's discretion by three (3) months not more than twice (not to exceed a total of twelve (12) months). The employee shall be provided with advance notice of any extension of their probation. A leave of absence without pay shall not be credited toward completion of the employee's probationary period. Probationary employees do not have the right to the disciplinary action procedures contained in Policy 14 – Discipline and Discharge.

Employees promoted to a new position shall serve a probationary period of six (6) months that may be extended in the Court's discretion by three (3) months not more than twice (not to exceed a total of twelve (12) months). The employee shall be provided with advance notice of any extension of their probation. Prior to the end of the probationary period, an employee receiving an unsatisfactory evaluation shall be returned to a position in their previous classification, if available, at their previous rate of pay bumping out any less senior incumbent employee in the classification, if necessary. If the employee is returned to their former position or another position in the employee's previous classification, the employee will receive seniority credit in the former position for all time spent in the promoted position.

Employees who transfer to another classification shall serve a probationary period of six (6) months that may be extended in the Court's discretion by three (3) months not more than once (not to exceed a total of nine (9) months). The employee shall be provided with advance notice of any extension of their probation. Prior to the end of the probationary period, an employee receiving an unsatisfactory evaluation shall be returned to a position in their previous classification, if available, bumping out any less senior incumbent employee in the classification, if necessary. If the employee is returned to their former position or another position in the employee's previous classification, the employee will receive seniority credit in the former position for all time spent in the promoted position.

If employee is transferring to the same classification, no probationary period is required.

## **POLICY 5 – HARASSMENT PREVENTION**

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The Court prohibits harassment based on an individual's race, color, religion, gender, national origin, ancestry, age, marital status, physical disability, mental disability, medical condition or sexual orientation, or any basis prohibited by law. Harassment in any form, including verbal, physical, and visual harassment, is prohibited.

Impermissible conduct includes, but is not limited to, making unwelcome sexual advances and requests for sexual favors where (1) submission to such conduct is made an explicit or implicit term or condition of employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an employee's work performance or creating an intimidating, hostile, or offensive work environment.

Impermissible conduct also includes, but is not limited to:

- Verbal harassment, e.g., epithets, derogatory comments, or slurs on any protected basis [race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, or sexual orientation];
- Physical harassment, e.g., assault, impeding or blocking movement, or any physical interference with normal work or movement, when directed at an individual on any protected basis;
- Visual forms of harassment, e.g., posters, cartoons, or drawings derogatory on any protected basis; or
- Sexual favors, e.g., unwanted sexual advances that condition an employment benefit upon an exchange of sexual favors.

Impermissible conduct by Court employees, or by persons with whom the Court contracts to do business such as independent contractors, will not be tolerated when the conduct is directed at or involves an applicant for Court employment, a Court employee, or a contractor.

Anyone who believes they have been harassed in connection with their employment at the Court, or is aware of harassment, should notify their immediate supervisor. If the employee does not feel comfortable discussing the matter with their immediate supervisor, they should report the matter to the Director of Human Resources or the Assistant Court Executive Officer. A prompt and, to the extent possible, discreet investigation will be conducted under the Court's Procedure for Complaints of Discrimination and Harassment regarding all complaints, and appropriate corrective action will be taken for any conduct deemed to violate this policy or otherwise to be inappropriate. There will be no retaliation against anyone for complaining of, reporting, or participating in any investigation of harassment.

Anyone who is found by the Court to have violated this policy, or whose conduct is found otherwise to be inappropriate, will be subject to appropriate corrective action, including possible termination of employment, and may be personally liable to the offended party under tort law.

Employees are also advised that State and Federal enforcement agencies are available to provide protection to victims of discriminatory harassment. Those agencies are cited below:

California Civil Rights Department	800-884-1684
United States Equal Employment Opportunities Commission	800-669-4000

## **POLICY 6 – REASONABLE ACCOMMODATION**

In accordance with the California Civil Rights Department (CRD) and the Americans with Disabilities Act (ADA), the Court will provide reasonable accommodation to the known physical or mental impairments that rise to the level of a disability of otherwise qualified disabled employees.

Disabled employees who desire a reasonable accommodation should make such a request in writing to the Court Executive Officer or designee. The request must identify (1) the impairment for which the employee is seeking reasonable accommodation (e.g., hearing impairment, vision impairment); and (2) the effect of each impairment on the employee's daily activities, including but not limited to ability to perform the essential functions of the job.

The Court Executive Officer or designee will review the reasonable accommodation request and determine whether it appears that the employee may be disabled within the meaning of the CRD and/or the ADA. The Court may request that the employee submit to their treating physician a questionnaire regarding the employee's impairment and a release authorizing the Court to receive medical information. The Court Executive Officer or designee will also meet with the employee to evaluate whether the employee is disabled

within the meaning of the CRD and/or the ADA and to discuss possible reasonable accommodations. Whether a reasonable accommodation can be made and what reasonable accommodation will be provided shall be

determined on a case-by-case basis. Reasonable accommodations may include, but are not limited to, a leave of absence, the purchase of assistive devices, a change in work schedule, and elimination of non-essential job functions.

An employee or applicant who alleges a denial of a reasonable accommodation may file a complaint pursuant to the Court's Procedure for Complaints of Denial of Reasonable Accommodation.

## **POLICY 7 – COMPLAINT RESOLUTION**

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### **Complaints or Reports of Harassment or Discrimination**

Complaints or reports of harassment or discrimination shall be directed to the Court Executive Officer (CEO), either directly or through the Human Resources Department. People are encouraged to bring such complaints to the Court's attention promptly, so that the Court can address them promptly.

Complaints of harassment or discrimination shall be promptly and, to the extent possible, discreetly investigated. The CEO shall designate an individual to investigate the complaint. The investigation will be tailored to the facts and issues involved. The investigation will include an interview with the person against whom the complaint has been made, if applicable, to give that person an opportunity to respond to the allegations made. There will be no retaliation against anyone for complaining of, reporting, or participating in any investigation.

At the conclusion of the investigation, the investigator shall report their findings to the CEO, who will make the final determination regarding what occurred and what corrective action (including discipline), if any, is appropriate.

The CEO or designee shall advise the complainant and any subject of the complaint that the investigation has concluded and, depending upon the circumstance and interests involved, of the results of the investigation.

### **Complaints Regarding Court Policy or Practice**

This complaint procedure shall be used to process and resolve employment-related complaints. A complaint is a dispute of one or more employees involving the application or interpretation of a written Court rule or policy or a Court practice. The purposes of this procedure are:

- To resolve complaints informally at the lowest possible level, and
- To provide an orderly procedure for reviewing and resolving grievances and complaints promptly.

As used in this procedure, the term "immediate supervisor" means the individual identified by the department head. The term "party" means a union, an employee, or the Court. A "union representative" refers to a union steward or staff representative.

### **Time Limits**

Each party involved in a complaint shall act quickly so that the complaint may be resolved promptly. Every effort should be made to complete each action within the time limits contained in this procedure. However, with the mutual consent of the parties, the time limitation for any step may be extended.

### **Waiver of Steps**

The parties may mutually agree to waive any step of this procedure.

## **Representation**

At any step of the complaint procedure, the Court representative may determine it desirable to hold a complaint conference. If such a conference is scheduled, the complainant or a Union steward, or both, may attend without loss of compensation. A union representative or job steward may request a meeting at the first or second step.

## **Informal Complaint**

An employee's complaint shall initially be discussed with the employee's immediate supervisor within ten (10) working days of the occurrence or discovery of the alleged violation to attempt to resolve the matter without the need for a formal complaint. Within ten (10) working days, the immediate supervisor shall give their decision or response in writing.

### **Formal Complaint, Step 1**

- A. If an informal complaint is not resolved to the satisfaction of the complainant, a formal complaint may be filed no later than fifteen (15) working days from the date of receipt of the written response to the informal complaint.
- B. A formal complaint shall be initiated in writing on a form provided by the Court and shall be filed with the person designated by the department head as the first formal level of appeal. Said complaint shall include a statement as to the alleged violation, the specific act(s) causing the alleged violation and the specific remedy, or remedies being sought.
- C. Within fifteen (15) working days after receipt of the formal complaint, the person designated by the department head as the first formal level of appeal shall respond in writing to the complaint.

### **Formal Complaint, Step 2**

- A. If the complainant is not satisfied with the decision rendered pursuant to Step 1, the complainant may appeal the decision within fifteen (15) working days after receipt to the department head or designee.
- B. Within fifteen (15) working days after receipt of the appeal, the department head or designee shall respond in writing to the complaint.

### **Formal Complaint, Step 3**

- A. If the complainant is not satisfied with the decision rendered at Step 2, the complainant may appeal the decision within twenty (20) working days after receipt to the Court Executive Officer or designee.
- B. Within twenty (20) working days after receipt of the appealed complaint, the Court Executive Officer or designee shall respond in writing to the complaint.

## **Response**

If the Court fails to respond to a complaint within the time limits specified for any step, the complainant shall have the right to appeal to the next step.

### **Formal Complaint, Step 4**

- A. If a complaint is not resolved at Step 3 within twenty (20) working days after receipt of the third level response, the complainant shall have the right to submit the complaint to the Court to initiate review by an independent arbitrator. If the complaint is not submitted to such review within twenty (20) working days after receipt of the third level response, it shall be considered withdrawn.
- B. Within five (5) working days after the notice requesting third party review has been served on the Court or at a date mutually agreed to by the parties, the parties shall meet to select an impartial arbitrator. If, at this meeting, the parties are unable mutually to select an arbitrator, they shall request a list of seven experienced labor arbitrators from the State Mediation and

- Conciliation Service, from which the Court and the complainant shall alternately strike names until one name remains and this person shall be the arbitrator.
- C. The arbitration hearing shall be conducted in accordance with the Voluntary Labor Arbitration Rules of the American Arbitration Association. The cost of arbitration shall be borne equally between the complainant and the Court.
  - D. An arbitrator may, upon request of the complainant and the Court, issue their decision orally upon submission of the arbitration. Either party may request that the arbitrator put their decision in writing and that a copy be provided.
  - E. In the event of a dispute over whether an issue is a proper subject of arbitration, the arbitrator shall hear that issue prior to opening the record on the merits of the dispute. If the arbitrator determines the issue is not a proper subject of arbitration, the complaint will be dismissed, and the matter considered closed. If the arbitrator determines the issue raised in the complaint is a proper subject of arbitration, the matter will be heard on the merits.
  - F. The arbitrator shall not have the power to add to, subtract from, or modify any written Court rule or policy or any Court practice. In all arbitration cases involving a complaint as defined in this policy, the decision of the arbitrator shall not be binding upon the parties.
  - G. Upon review of the decision of the arbitrator, the Court Executive Officer or designee shall respond in writing to the complainant, either affirming or altering the decision reached at the end of Step 3. The CEO's decision at this point in the procedure is final. In the event the CEO modifies or sets aside the decision of the arbitrator, the Court shall pay all costs of the arbitration. The CEO will provide a written explanation to the complainant as to their rationale for their decision.

## **POLICY 8 – EMPLOYEE BENEFITS**

### **Health Insurance**

The Court makes medical, vision and dental insurance available to Court employees, and contributes a monthly amount - a cafeteria plan contribution - to each employee to offset their cost of the health insurance plan(s) they select. For employees in represented bargaining units, the monthly cafeteria plan contribution amount is specified in their respective MOUs. For unrepresented employees, the amount is set periodically by the Court.

The cafeteria plan requires that Court benefit contributions be spent in the following order: employee-only medical insurance, employee and/or dependent vision, if any, employee and/or dependent dental, if any, and dependent medical, if any. Domestic Partners are eligible for dependent coverage under the Court's health insurance programs. The Court's obligation to make these contributions shall not exceed the total cafeteria plan contribution.

Employees may opt not to participate in Court-provided group medical insurance by providing proof of alternative insurance coverage. In those cases, the Court shall contribute a monthly waive amount toward the cost of benefits. For employees in represented bargaining units, the monthly waive amount is specified in their respective MOUs. For unrepresented employees, the amount is set periodically by the Court. Any portion of the Court contribution not needed for employee and/or dependent coverage shall be applied to an employee cash-out.

### **Cafeteria Plan Contribution while on Leave**

For an employee who is on a leave of absence without pay while on protected leave under the California Civil Rights Department and/or the US Department of Labor, the Court shall make the Court cafeteria plan contribution which is used to maintain the employee's health, dental and/or vision benefits. During this period, the Court will not make any contribution under its cafeteria plan benefit which is necessary to provide the employee any benefits other than health, dental and/or vision insurance benefits, unless the employee codes a minimum of forty (40) hours of paid leave time per pay period, as described below.

Any employee who is on approved leave of absence without pay shall be eligible to request to use paid leave balances, if available. In any case in which an employee chooses to use 40 or more hours of paid leave time per pay period, the Court will make the full monthly cafeteria plan contribution to that employee necessary to maintain the employee's benefits, including any cash out amount if applicable. An employee desiring to use

paid leave time to maintain their benefits while on a leave of absence must submit a written request to do so to their department head.

### **Life Insurance**

The Court provides each employee with a group Life Insurance Plan. The death benefit amount for represented employees is set by the terms of their respective MOUs. The benefit amount for unrepresented employees is set by the Court.

### **Retirement**

All regular employees of the Court participate in the San Luis Obispo County Retirement Plan, a private pension plan administered by the San Luis Obispo County Pension Trust. Employees hired prior to January 1, 2013, will continue in the Tier I benefit plan, while employees hired on or after January 1, 2013, shall receive Tier 3 benefits consistent with the Public Employees' Pension Reform Act (PEPRA). Required contribution amounts vary based on employee age at entry into the system. Future adjustments made to the retirement plan by the County Pension Trust Board of Trustees and/or the County Board of Supervisors will be attributed fifty percent (50%) to the Court's share and fifty percent (50%) attributed to the employee's share.

The basic plan benefit for Tier 1 is "2% at 55" and "2% at 62" for Tier 3. An employee is vested in the system at five years of service and may retire at age fifty-five (Tier 1) or sixty-two (Tier 3). For employees in the Technical, Supervisory and Miscellaneous bargaining units, there is an eighty percent (80%) cap on the maximum retirement benefit percentage. For employees in the remaining employee units, the cap is one hundred percent (100%).

Any employee contemplating retirement may contact the Pension Trust Office and make an appointment for a pre-retirement planning session. At this session, an employee will be provided information about their specific retirement benefits, information on income tax, health benefits, beneficiary rights and responsibilities, social security and other areas related to retirement.

### **Social Security**

All Court employees are members of the Social Security System. The employee pays percentage rates set by the Social Security Administration and are based on earnings up to the applicable taxable income. The employee also pays the applicable percentage on all earnings for the Medicare tax.

### **Deferred Compensation**

The Court maintains a deferred compensation plan. Employee participation in the program is voluntary. The Court makes no contributions on behalf of employees.

### **Disability Insurance**

Miscellaneous, Technical and Supervisory Unit Employees are covered by State Disability Insurance (SDI). This insurance provides low-cost disability protection for any non-job-related illness or injury that prevents an employee from working. Employees pay a fee to cover the cost of the program. Employees receiving SDI benefits have the choice of integrating sick and/or vacation time with SDI benefits to maximize their total compensation consistent with the terms of their MOUs. In addition to SDI, Technical Unit Employees are covered by Long Term Disability insurance provided by the Court.

Managerial, Professional, Attorney's and Confidential Employees are covered by Short Term Disability and Long Term Disability insurance provided by the Court.

### **Bilingual Differential**

Employees designated by the Court to perform bilingual duties will receive a monthly stipend to compensate for the additional skill demands on them associated with those duties. The stipend is eighty dollars (\$80) per month for frequent but intermittent use, and one hundred fifty dollars (\$150) for daily or intense use that is a

primary element of the employee's job duties. An additional stipend of thirty dollars (\$30) per month will be paid to employees who are proficient in their ability to translate correspondence and are called on by the Court to do so as needed.

In any case, the Court must make a determination that bilingual skills are necessary for the successful performance of that job, and that the employee is sufficiently skilled in the non-English language in question. The Court reserves the right to test the employee's ability to interpret or translate proficiently enough to perform the duties satisfactorily. The final determination of whether an employee will or will not be paid a bilingual differential will be made by the Court Executive Officer or designee.

### **Mileage Reimbursement and Use of Private Vehicles**

Employees who are authorized and use personal automobiles, vans or trucks on official Court business shall be eligible for reimbursement for such use at the maximum allowable rate of reimbursement provided by Government Code Section 69505, as amended. The deductible amount, not covered by the employee's insurance, which becomes an actual expense to the employee because of an accident while on Court business shall be reimbursed by the Court up to a maximum of five hundred dollars (\$500) per accident. Necessary tolls and parking fees are also reimbursable. Claims for deductible reimbursements shall be documented. Reimbursement of out-of-county trips shall not exceed the cost of reasonable public transportation; i.e., air, train, bus.

Each employee who wishes reimbursement for the authorized use of a personal vehicle on Court business shall file a claim with the Court, utilizing the forms and procedures designated by the Court.

Authorization to use a personal vehicle on official Court business shall be obtained in advance from the Court Executive Officer or designee.

Court employees who are transferred on a temporary basis between branches may request mileage from their regular work location to the temporary work location and back, less the mileage from the employee's normal commute from home to their regular work location. Temporary assignment is identified as any assignment which is less than three (3) months.

### **Evidence of Insurance**

Prior to operating a personal vehicle on Court business, employees shall file evidence of insurance with the Court Executive Officer or designee which reflects that the employee holds vehicle insurance of at least the following levels of coverage:

- Personal Injury: \$15,000 per person/\$30,000 aggregate.
- Uninsured Motorist: \$15,000 per person/\$30,000 aggregate.
- Property Damage: \$5,000.

Employees may elect not to purchase either comprehensive or collision coverage on their vehicle, but the Court's maximum liability for "deductible" claims in the event of non-recoverable loss because of lack of coverage shall be limited to a total of one hundred dollars (\$100) per accident.

### **Administrative Leave**

Subordinate Judicial Officers, Attorney's and Managerial employees shall receive a maximum of 48 hours paid administrative leave per fiscal year. Professional and Confidential employees shall receive a maximum of 32 hours paid administrative leave per fiscal year. Eligible employees hired after July 1, 2010, shall receive

paid administrative leave hours prorated from the date of hire and according to their time base allocation. Employees have no property right to these paid leave hours, and the Court will reduce any eligible employee's annual allocation of administrative leave hours by the number of unused hours remaining at the end of the prior fiscal year. Employees are compensated at their current rate of pay for any unused hours remaining at

the time they separate from employment with the Court. An employee must use their administrative leave before using a full day of vacation leave.

### **Vacation Leave**

With the exception of subordinate judicial officers (Commissioners), Court employees accrue vacation leave time at the following rates:

- From the start of employment to the completion of the fourth year of service at the rate of three and seven tenths (3.7) hours per two-week pay period of full-time service (96 hours/year),
- From the start of the fifth year of service to the completion of the ninth year of service at the rate of four and ninety-two one hundredths (4.92) hours per two-week pay period of full-time service (128 hours/year),
- From the start of the tenth year of service to the completion of the fourteenth year of service at the rate of six and forty-six one hundredths (6.46) hours per two-week pay period of full-time service (168 hours/year).
- From the start of the fifteenth year of service at the rate of seven and seven tenths (7.7) hours per two-week pay period of full-time service (200 hours/year).

Subordinate judicial officers will accrue vacation leave time at the rate of four and ninety-two one hundredths (4.92) hours per two-week pay period from the start of employment to the completion of the fourth year of service, and at the rate of six and forty-six one hundredths (6.46) hours per two-week pay period from the start of the fifth year of service to the completion of the ninth year of service, and at the rate of seven and seven tenths (7.7) hours per two-week pay period after that point.

Employees with previous experience as an employee of either the Court or any other California Superior Court, either before or after the effective dates of the Trial Court Funding Act and the Trial Court Employment Protection and Governance Act, or as an employee of the California Traffic School Institute assigned to the Court, or as an employee of a Federal, State, City or County agency within the County of San Luis Obispo will receive credit for that time served only for purposes of determining vacation accrual rates. There is a waiting period of six months before a new employee may take vacation leave, generally coinciding with their initial probationary period. For represented employees, the total number of vacation hours which may be accrued is 400 hours. For unrepresented employees, that amount is determined by the Court, and is currently 400 hours.

Employees are compensated at their current rate of pay for any accrued vacation hours remaining at the time they separate from employment with the Court.

Requests for vacation shall be submitted to the employee's immediate supervisor in writing in a reasonable amount of time in advance of the requested date(s) and shall be approved or denied in writing within a reasonable amount of time after submission. Denial of a request to use accrued vacation shall not be arbitrary or capricious, but rather shall require a finding that approval would disrupt the operations of the Court. Approval, once granted, shall not be subsequently rescinded unless, in the determination of the Court Executive Officer or designee, an unforeseen disruption of Court operations would result.

### **Vacation Cash-Out**

Employees with more than five years of continuous service may - no more frequently than once every fiscal year and at the sole discretion of the Court Executive Officer - request pay for up to eighty (80)



hours of accrued vacation in lieu of time off. Vacation conversion will not be considered unless the employee would still have maintained an accrued vacation balance of at least two hundred (200) hours after the conversion. Such vacation conversion shall be at the employee's hourly rate in effect at the

time of payment. The availability of the vacation cash out program will be applied equally to all eligible employees on a fiscal year basis.

### **Sick Leave**

Court employees accrue twelve days of sick leave per year with a maximum accrual of 260 days. Available sick leave benefits are indicated on the employee's biweekly pay stub. Employees with more than five years of service are paid for one half of their accrued sick leave, to a maximum of 90 days, upon termination at the employee's rate of pay as of the date of termination. Employees who have more than five (5) years of service with the Court as a regular employee shall be entitled to exchange two hours of sick leave for one hour of vacation. The maximum number of hours that can be exchanged during a calendar year shall be eighty (80) sick leave hours for forty (40) vacation hours; provided, however, that such employees must maintain a minimum balance of two hundred and forty (240) hours of sick leave.

### **Bereavement Leave**

The Court Executive Officer or designee shall authorize a leave of absence with pay to an employee due to the death of their parent, parent-in-law, spouse, child, sister, brother, brother-in-law, sister-in-law, grandchild, grandparent, grandparent-in-law, domestic partner, step-relationships and the corresponding relative by affinity, or the death of any person residing in the immediate household of the employee at the time of death. An intervening period of absence for medical reasons shall not be disqualifying when, immediately prior to the absence, the person resided in the household of the employee. Such bereavement leave shall be authorized for up to five (5) eight-hour days (40 hours) per occurrence. The employee shall give notice to their immediate supervisor as soon as possible and shall, if requested by the employee's supervisor, provide substantiation to support the request upon the employee's return to work.

Bereavement Leave can be used for a reproductive loss event, as defined in Government Code section 12945.6, by employees who have been employed for at least 30 days prior to the commencement of the time off. Government Code section 12945.6, subject to legislative change, currently defines a reproductive loss event as a failed adoption, failed surrogacy, miscarriage, stillbirth, or unsuccessful assisted reproduction. Employees are entitled to a maximum of five days of leave per event. If an employee experiences more than one reproductive loss event within a 12-month period, the Court is not obligated to grant a total amount of leave time in excess of 20 days within a 12-month period. Leave for reproductive loss need not be consecutive and shall be completed within three months of the event.

### **Promotional Exams**

- A. Represented employees shall be entitled to necessary time off with pay from their duties for the purposes of taking qualifying or promotional examinations from the Court. This shall include resulting hiring interviews for which they may be eligible.
- B. For the purposes of this section an employee who participates in a promotional examination shall return to work as soon as possible at the conclusion of the examination or resulting hiring interview.

### **Benefits for Part-Time Employees**

All regular employees working half-time or greater receive the same monthly cafeteria plan contribution (toward the cost of medical, dental, and vision insurance benefits) as those provided to regular full-time employees. Sick and vacation leave time accrues to all employees on the basis of their time worked. For purposes of determining retirement benefits, time-in-service units also accrue on the basis of hours paid.

### **Other Statutorily Prescribed Leaves of Absence**

The Court provides leaves of absence to eligible employees in a variety of circumstances. In all cases, the Court intends to comply with applicable federal and state laws. Additional information concerning legal requirements applicable to leaves of absence is electronically posted on the Court's intranet.

*Eligibility:* There are different eligibility rules for different types of leave. Employees may be eligible for an unpaid leave of absence for work-related illness or injury, or pregnancy disability, no matter how long they have been employed by the Court and no matter how many employees are at the worksite. (See specific provisions.)

Employees with at least one year of service and who have worked a minimum of 1,250 hours over the previous 12 months may be eligible (subject to other rules and conditions) for medical and/or family leave as provided by law.

Employees also may be eligible for leaves of absence for personal reasons other than those described in the preceding paragraphs. Approval of such leaves will be based on considerations such as the reason for the request, the Court's needs, and the employee's performance/length of service with the Court, and level of responsibility. The granting or denying of such leaves shall be at the discretion of the Court. (See "Personal Leave" or Leave without Pay.)

*Requests for Leave:* As soon as an employee learns of the need for a leave of absence, the employee should submit a written request for leave to their supervisor. Request forms are available by contacting one's supervisor or the Human Resources Department. If the need for the leave is foreseeable, employees are asked to provide as much notice as possible.

Approval of the leave may be delayed if timely notice is not provided. If the employee learns of the need for leave less than 30 days before the leave is needed, the request must be made as soon as possible.

If the employee fails to return upon the expiration of the approved leave of absence and fails to notify the Court of any reason for this continued absence, the employee, absent special circumstances, will be deemed to have voluntarily resigned their employment with the Court.

*Maximum Duration of Family Care/Medical Leave:* The maximum combined amount of family care/medical leave that an eligible employee may take is 12 workweeks (480 hours) within a rolling 12-month period (measured forward from the date the leave begins).

### **Medical Leave**

Medical leave is leave due to a serious health condition, other than pregnancy-related disability, that prevents the employee from performing the functions of the job. It includes time off needed for ongoing treatment of a serious health condition. Special rules apply to work-related injuries and pregnancy-related disability. (See "Workers' Compensation Leave" and "Pregnancy Disability Leave.")

*Eligibility:* To be eligible to request medical leave, the employee must:

- Have worked with the Court for at least one year;
- Have worked at least 1,250 hours within the last 12 months.

*Certification:* Medical certification of the need for leave is required. The Court may request a second certification and, if necessary, a third, at the Court's expense. The certification must verify that leave is required because of a "serious health condition," which is defined as "an illness, injury, impairment, or physical or mental condition" that involves any of the following:

- Inpatient care in a hospital or other treatment facility and related treatment;

- Continuing treatment by a health care provider plus a period of incapacity of more than three consecutive calendar days related to the treatment;
- Continuing treatment or supervision by a health care provider following periods of incapacity;
- Any period of incapacity or treatment due to a chronic serious health condition (such as severe asthma, diabetes, epilepsy, etc.); or
- Any period of absence to receive multiple treatments for post-accident or injury restorative surgery or for a condition that would result in a period of incapacity in the absence of medical treatment (such as chemotherapy or radiation treatments for cancer or dialysis for kidney disease).

Medical certification that the employee is released to return to work is required before the employee will be permitted to return.

*Duration:* An employee eligible for a medical leave under this policy may take up to a maximum of 12 workweeks (480 hours) of medical leave within a rolling 12-month period (measured forward from the date the leave begins). The length of each absence will depend on the medical necessity for the leave, as certified by the employee's health care provider. As an alternative to a leave, an employee may request a part-time schedule if medically necessary and if certified by the health care provider.

*Benefits:* Health insurance will continue to be paid by the Court when an employee is out on protected leave for the length of time required by the California Civil Rights Department and/or the US Department of Labor as if the employee on leave were actively employed. Employees will remain responsible for any insurance co-payments during any period of leave.

*Use of Accrued Paid Leave:* Employees are not necessarily required to exhaust all accrued vacation and sick leave prior to a period of use of personal leave (leave without pay) during a medical leave. The Court Executive Officer or designee retains the authority to approve or deny any request for leave without pay, whether during a period of medical leave or not. If the Court Executive Officer denies a request for leave without pay during a period of medical leave, the employee must use accrued paid leave time. If the employee has no leave balances, leave without pay will be approved through the period of medical leave.

*Accrual of Seniority and Benefits:* Seniority and benefits do not continue to accrue during a medical leave, except that seniority and benefits *will* continue to accrue during any period that paid leave is used and will accrue pro-rata during any reduced-schedule leave. Employees' accrual level will not be negatively affected by the leave.

*Transfer:* If the employee's medical condition requires an intermittent or reduced-schedule leave, the employee may be transferred to another position that better accommodates recurring leaves for the duration of the leave.

### **Family Care Leave**

Family Care Leave is leave for either of the following reasons: (1) to care for a new child (whether by birth, adoption, or placement for foster care) during the first year after the birth, adoption, or placement; or (2) to care for the child, parent, or spouse of the employee with a "serious health condition" (see the definition that follows).

*Eligibility:* To be eligible to request Family Care Leave, the employee must:

- Have worked for the Court for at least one year;
- Have worked at least 1,250 hours within the last 12 months.

*Certification:* Medical certification of the need for leave is required for a leave due to the serious health condition of a family member. The certification must verify the family member's serious health condition and

that the condition warrants the participation of the employee to provide care. A “serious health condition” means an illness, injury, impairment, or physical or mental condition that involves any of the following:

- Inpatient care in a hospital or other treatment facility and related treatment;
- Continuing treatment by a health care provider plus a period of incapacity of more than three consecutive calendar days related to the treatment;
- Continuing treatment or supervision by a health care provider following periods of incapacity;
- Any period of incapacity or treatment due to a chronic serious health condition (such as severe asthma, diabetes, epilepsy, etc.); or
- Any period of absence to receive multiple treatments for post-accident or injury restorative surgery or for a condition that would result in a period of incapacity in the absence of medical treatment (such as chemotherapy or radiation treatments for cancer or dialysis for kidney disease).

*Duration:* Eligible employees may take up to 12 workweeks (480 hours) of Family Care Leave within a rolling 12-month period (measured forward from the date the leave begins). The length of each absence will depend on the medical necessity for the leave, as certified by the health care provider of the employee’s family member. As an alternative to a leave, an employee may request a part-time schedule if medically necessary and if certified by the family member’s health care provider.

Leave taken for the birth or adoption/foster care placement of a child must be taken in periods of a minimum of two weeks, except that on two occasions the leave may be for shorter periods. Leave taken for these purposes must also be completed within one year of the birth or placement of the child.

*Benefits:* Health insurance will continue to be paid by the Court when an employee is out on protected leave for the length of time required by the California Civil Rights Department and/or the US Department of Labor as if the employee were actively employed. Employees remain responsible for any insurance co-payments during any period of leave.

*Use of Accrued Paid Leave:* Employees are not necessarily required to exhaust all accrued vacation and sick leave prior to a period of use of personal leave (leave without pay) during a Family Care Leave. The Court Executive Officer or designee retains the authority to approve or deny any request for leave without pay, whether during a period of Family Care Leave or not. If the CEO denies a request for leave without pay during a period of Family Care Leave, the employee must use any available accrued paid leave time. If the employee has no paid leave time balances, leave without pay will be approved through the period of Family Care Leave.

*Accrual of Seniority and Benefits:* Seniority and benefits do not continue to accrue during a Family Care Leave, except that seniority and benefits *will* continue to accrue during any period that paid leave is used and will accrue pro-rata during any reduced-schedule leave. Employees’ accrual level will not be negatively affected by the leave.

### **Pregnancy Disability Leave**

Pregnancy Disability Leave (PDL) is leave because of medical disability due to pregnancy, childbirth, or related reasons preventing the employee from performing the functions of their job. It includes time off needed for prenatal care.

*Eligibility:* Any employee who is disabled due to pregnancy, childbirth, or a related medical condition is eligible for PDL. An employee is “disabled” if, in the opinion of their health care provider, they are unable because of a pregnancy-related reason to work at all or is unable to perform any one or more of the essential functions of their job or to perform these functions without undue risk to themselves, to the successful completion of their pregnancy, or to other persons.

*Certification:* Medical certification of the need for leave is required. Medical certification that the employee is released to return to work is required before the employee will be permitted to return.

*Duration:* PDL may be taken for the period of disability up to a maximum of four months per occurrence. This leave is in addition to any nonpregnancy-related medical leave or family leave available to eligible employees.

For employees on PDL who are also eligible for leave under the Family and Medical Leave Act, the first 12 workweeks of PDL are considered medical leave, in that (1) health insurance will continue to be paid by the Court during the leave to the extent that the employee has not already taken the maximum amount of medical leave/family leave, and (2) PDL counts against the amount of leave required to be provided under the federal Family and Medical Leave Act, but not under the California Family Rights Act (CFRA).

The length of each PDL will depend on the medical necessity for the leave, as certified by the employee's health care provider. As an alternative to a leave, the employee may request a part-time schedule if medically necessary and if approved by the health care provider.

*Benefits:* Health insurance will continue to be paid by the Court when an employee is out on protected leave for the length of time required by the California Civil Rights Department. Employees remain responsible for any insurance co-payments during any period of leave.

*Use of Accrued Paid Leave:* Employees are not necessarily required to exhaust all accrued vacation and sick leave prior to a period of use of personal leave (leave without pay) while on PDL. The Court Executive Officer or designee retains the authority to approve or deny any request for leave without pay, whether or not during a period of PDL. If the Court Executive Officer denies a request for leave without pay during a period of PDL, the employee must use any available accrued paid leave time. If the employee has no paid leave time balances, leave without pay will be approved through the period of PDL.

*Accrual of Seniority and Benefits:* Seniority and benefits do not continue to accrue during a PDL, except that seniority and benefits *will* continue to accrue during any period that paid leave is used and will accrue pro-rata during any reduced-schedule leave. Employees' seniority or accrual level will not be negatively affected by the leave.

*Transfer:* If the employee's pregnancy-related disability requires an intermittent or reduced-schedule leave, the employee may be transferred to another position for the duration of the leave. In addition, if the employee's health care provider certifies that it is medically advisable because of pregnancy, the employee will be transferred to a less strenuous or hazardous position or to less strenuous or hazardous duties, provided the transfer can be reasonably accommodated.

*Reasonable Accommodation:* An employee may request a reasonable accommodation of a condition related to pregnancy, childbirth, or related medical conditions. Such requests must be based on the advice of the employee's healthcare provider.

### **Workers' Compensation Leave**

Workers' compensation leave is leave available to any Court employee who is temporarily unable to work as a result of a work-related injury or illness.

*Eligibility:* All employees are eligible for Workers' compensation leave as needed for work-related illness or injury.

*Certification:* As with all medical leaves of absence, the employee must provide medical verification regarding the status of the medical condition, including the expected date of return to work and any changes in

medical condition that may affect a return to work. Medical certification that the employee is released to return to work is required before the employee will be permitted to return.

*Duration:* The employee will be retained on work-related medical leave status until one of the following circumstances occurs:

- The employee is released to work with no restrictions;
- The employee is released to work with some restrictions and work is offered by the Court that is consistent with those restrictions;
- Medical evidence establishes that the employee is permanently unable to return to usual duties; or
- The employee informs the Court of the intent not to return to work (either by directly communicating this intent to the Court or by actions inconsistent with intent to return, such as moving out of the area or accepting other employment).

An employee returning to work must provide the employer with reasonable advance notice of release to return. The employee must also provide a health care provider's statement indicating fitness to perform the former duties. An employee returning to work will be returned to the former position if available. If such position is not available, the employee will be offered an available position for which the employee is qualified.

*Benefits:* Benefits such as vacation and sick leave will not accrue while on a Workers' compensation leave. Medical insurance premiums while on leave will be treated in the same manner as with other medical leaves of absence.

*Use of Accrued Leave:* Sick leave and vacation benefits that the employee uses during the leave will be coordinated with workers' compensation benefits, such that the total amount received by the employee will not exceed their regular wages.

*Use of FMLA/CFRA Benefits:* Leaves of absence for work-related illness or injury will be counted as leave in accordance with federal and state family/medical leave laws (FMLA/CFRA) if the employee is eligible for such leave. (See "Medical Leave.")

### **Personal Leave (Leave without Pay)**

An unpaid personal leave of absence, or "leave without pay", may be available for leaves for personal reasons other than those reasons qualifying as family/medical leave or pregnancy disability leave. For example, an employee may request leave without pay to care for an in-law or to further their education. Requests for partial leave (intermittent or reduced schedule) for personal reasons also will be considered. Approval of such leaves will be based on a combination of factors, including the reason for the request, the length of requested leave, the Court's needs, and the employee's performance/length of service with the Court, and level of responsibility. Personal leaves will be granted or denied at the Court's discretion.

*Eligibility:* All regular employees are eligible to request a period of personal leave/leave without pay.

*Benefits:* Personal leaves are without employer-paid benefits. Employees may elect to continue group health coverage in accordance with the law.

*Use of Accrued Paid Leave:* Employees are not necessarily required to exhaust all accrued vacation leave prior to a period of use of personal leave/leave without pay. The Court Executive Officer or designee retains the authority to approve or deny any request for personal leave/leave without pay.

*Accrual of Seniority and Benefits:* Seniority and benefits do not continue to accrue during leave without pay, except that seniority and benefits *will* continue to accrue during any period that paid leave is used and will

accrue pro-rata during any reduced-schedule leave. Employees' accrual level will not be negatively affected by the leave.

## **POLICY 9 – TIME KEEPING**

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### **Nonexempt Employees**

An employee's timecard is the record of hours worked from which the employee's paycheck is calculated. Employees should take care to ensure that their timesheets are accurate records.

The following rules must be observed regarding timesheets:

- Employees are not to work earlier than seven minutes before their shift begins or work later than seven minutes after their shift concludes, except with prior approval.
- Employees may only record time on their own timesheets.
- Unless assigned by a bench officer in a courtroom, overtime must be authorized by the employee's supervisor in writing before it is worked.
- Any modifications or alterations to an employee's timesheet must be approved by the employee's supervisor.
- Employees must certify the accuracy of their timesheet at the end of each work week and must then submit the timesheet to their supervisor for approval.
- Employees are not allowed to use more paid leave time than they have accrued prior to the day it is to be used. Employees must check on and, if necessary, compute balances available to avoid coding time that is not available.
- For scheduled holidays, regular part-time employees shall take holiday time on the same pro rata basis as their part-time schedule bears to the full work schedule of their department. For the floating holiday, regular part-time employee will accrue the time on the same pro rata basis.
- For purposes of timesheet coding, minutes worked will be rounded to the nearest 15-minute increment, as follows:
  1. 0 – 7 minutes worked = 0 compensable minutes (0.00 hr)
  2. 8 – 22 minutes worked = 15 compensable minutes (0.25 hr)
  3. 23 – 37 minutes worked = 30 compensable minutes (0.50 hr)
  4. 38 – 52 minutes worked = 45 compensable minutes (0.75 hr)
  5. 53 – 67 minutes worked = 60 compensable minutes (1.00 hr)

### **Exempt Employees**

Court employees who are exempt from the overtime provisions of the Fair Labor Standards Act (FLSA) are considered salaried employees. Compensation received by exempt employees is based on the premise that they are expected to work as many hours as is necessary to provide the public services for which they were hired. Consistent with the professional status of these employees, they are accountable for their work product, and for meeting the objectives of the department for which they work.

The minimum workweek standard guideline for full-time exempt employees is forty (40) hours per week. The minimum workweek standard guideline for half-time exempt employees is twenty (20) hours per week. All exempt employees are expected to work as many hours within reason as necessary to accomplish their assignments or fulfill their responsibilities.

FLSA-exempt employees who are absent for part of a workday (less than four (4) hours for full-time employees and less than two (2) hours for half-time employees) will not be required to charge such absences against any accrued leave balances, nor will the employees' pay be reduced.

FLSA-exempt employees must notify their supervisors when they will be absent from work for part of the day (less than four hours).

FLSA-exempt employees must obtain written approval from their supervisor to record use of any applicable leave (sick leave, vacation, bereavement leave, leave without pay, etc.) when absent from work for any period of time equaling or exceeding four (4) hours for full-time employees and two (2) hours for half-time employees.

FLSA-exempt employees are required to code only hours of leave time used and will do so in 4-hour increments (i.e., 4 or 8). FLSA-exempt employees are not required to code time worked. In weeks in which a FLSA-exempt employee uses no leave hours, they are still required to sign off on their timesheet at the end of the workweek, even though no hours have been coded. This sign-off serves as the employee's affirmation that they have accurately recorded any leave time used or not used, consistent with this policy.

Deductions may not be made from an FLSA-exempt employee's salary for absences caused by jury duty, attendance as a witness or temporary military leave. The Court may, however, offset any amounts received by an FLSA-exempt employee as jury or witness fees or military pay for a particular work week against the salary due for that particular work week. The employee is required to report such earnings to their supervisor or designee.

### **Payroll**

Payday is every other Friday. When a regular payday falls on a holiday, paychecks typically will be available on the last workday preceding the holiday.

## **POLICY 10 – PERSONNEL RECORDS MANAGEMENT**

### **Maintenance of Files**

The Court shall maintain a personnel file for each employee. Employees shall have the right to review their personnel files at reasonable times during normal working hours and make copies of material(s) contained within their personnel files. No adverse material may be placed into an employee's personnel file without a copy also being furnished to the employee at the same time.

### **Additional Material**

Employees shall have the right to respond in writing to adverse material placed in their personnel files and to have their written response placed in the file. In addition, employees may place in their personnel files a reasonable amount of correspondence originating from other sources that is directly related to their job performance.

### **Length of Time in File**

Reports of unfavorable performance or conduct shall be removed from an employee's personnel file after two years, provided no additional related reports have been issued during that period. Reports involving gross misconduct or a criminal act shall not be removed from the file.

Materials relating to suspensions that have become final will be removed from an employee's personnel file after eight years provided no other suspensions have occurred during the eight-year period. Suspension for gross misconduct or a criminal act shall not be removed from the file. Materials relating to disciplinary actions recommended but not taken, or disciplinary actions overturned at any step or on appeal, shall be removed from the file immediately.

Reports of unfavorable performance or conduct and materials relating to suspensions may be removed from an employee's personnel file sooner than provided in this section by agreement of the Court and the employee.



## **POLICY 11 – JOB-RELATED TRAINING AND CONTINUING EDUCATION**

The Court will periodically provide training to employees on its harassment prevention and equal employment opportunity/discrimination policies. The purpose of these training sessions is to inform and remind employees of the Court's policies on these matters. These training sessions are mandatory.

Employees will receive safety training as part of the Court's Injury and Illness Prevention program.

### **Tuition Reimbursement**

Employees will be eligible for a maximum reimbursement of three hundred dollars (\$300) per fiscal year. The reimbursement will be paid in the following manner.

- Prior to enrolling in a course, employees must secure department head approval that the course work is job-related and submit to the department a proposed expenditure request. The department head must then obtain expenditure approval from the Court Executive Officer.
- Upon conclusion of the coursework, the employee must submit proof of a "C" grade or better, "Pass" or other appropriate notice of successful completion to their department head along with an expenditure claim for fees, tuition, books, or other required course materials. Such claims shall be forwarded by the department head through the Director of Human Resources to the Court Accounting Division for payment to the employee.

## **POLICY 12 – PROFESSIONAL BEHAVIOR**

### **General Statement of Conduct**

All Court employees are expected to observe and demonstrate the highest standards of conduct and professionalism. As a result, the Court adopts in its entirety the Judicial Council of California's Code of Ethics for the Court Employees of California, as that document may be amended from time to time. A copy of the Code of Ethics is attached to these policies and is incorporated herein by reference. (Attachment A)

The Code of Ethics outlines the responsibility of all Court employees to engage at all times in professional behavior. It does not describe all prohibited conduct, however, and employees may be disciplined for inappropriate conduct that is not addressed in the Code of Ethics.

### **Courtesy/No Discrimination**

The public and other Court personnel should be treated in a professional manner. Court employees should exercise tact when interacting with others, whether in person, on the telephone, or by electronic mail. Be polite. If an employee has difficulty with anyone from the public, the employee should request assistance from their supervisor.

When answering questions, employees should make sure they fully understand the question being asked. If an employee does not know the answer to a question or is uncertain of the answer, the employee should inform the other person of this and offer to find the answer. Information should be provided in a timely manner.

No Court employee shall discriminate against or harass any other person on the basis of race, color, religion, gender, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, sexual orientation, or any basis prohibited by law. Court employees must refrain from offensive conduct or comments that reflect bias or harassment on any of these bases.

**Performance of Duties**

All Court employees shall perform their duties diligently, thoroughly, and properly.

No Court employee shall alter, falsify, destroy, mutilate, or backdate any records or fail to make required entries on any records. This shall not apply to records that are ordered to be altered or expunged pursuant to a Court order.

No Court employee shall give legal advice or recommend to any member of the public the names of private attorneys/law firms or any individuals/firms providing legal services.

**Confidentiality**

For purposes of this policy, “confidential information” includes, but is not limited to, information on pending cases that is not a matter of public record as well as information concerning the work product of any judge, commissioner, law clerk, or other Court employee (for example, notes, papers, memoranda, drafts).

No Court employee shall disclose confidential information to any unauthorized person. Confidential information that must be disclosed pursuant to statute or a Court order shall be provided only to the person(s) authorized to receive such information.

This policy is not to be interpreted to prohibit Court employees from responding to questions about Court procedures. However, a Court employee is not to give legal advice.

**Misuse and Abuse of Position**

No Court employee shall use or attempt to use their position with the Court to obtain privileges or exemptions, whether for the employee or for another person or organization.

No Court employee shall solicit or accept any gift, favor, or thing of value from any member of the public. However, employees may accept small gifts of flowers or food (not including alcohol) when they can be and are consumed at the workplace and are made available to all Court personnel.

No Court employee shall give preference to anyone appearing before the Court, nor shall any Court employee give the impression that anyone appearing before the Court is receiving or has received preferential treatment.

**POLICY 13 – CONFLICTS OF INTEREST AND INCOMPATIBLE ACTIVITIES**

No employee shall engage in any activity that is inconsistent, incompatible, in conflict with or inimical to their duties as an employee of the Court or with the duties, functions, or responsibilities of the Court. All employees shall devote all of their time and efforts during their assigned work hours to their assigned duties.

No employee shall engage in any activity that would impair the employee’s independent judgment in the performance of their duties, or which would have the appearance of so doing.

**Interest in a Case**

Employees shall not process, handle, or in any manner be involved with any case filed in the Court in which the employee is a party or witness.

Employees shall not process, handle, or in any manner be involved with any case filed in the Court in which a relative or friend of the employee is a party, alleged victim, or witness. For purposes of this section, the term “relative” includes the employee’s spouse, children, parents, siblings, grandparents, grandchildren, first cousins, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, and domestic partner.

If an employee is a party to a case filed in the Court, the employee shall not use their work time to address any matter relating to that case. If time off is needed to attend to the employee's Court case (for example, to make an appearance or to pay a fine), the employee must use the Court's usual time-off procedures.

If an employee is a party to or witness in a case filed in the Court or has a relative or friend whose case is filed in the Court, the employee should report this to their supervisor.

### **Outside Employment**

Prior to accepting any outside employment, the employee must notify their supervisor or department head. Outside employment cannot be incompatible with the employee's duties and/or responsibilities for the Court and may not fall within any of the categories described in Government Code section 1126(b), as amended from time to time. An employee's work for the Court must not be adversely affected by any outside employment.

## **POLICY 14 – DISCIPLINE AND DISCHARGE**

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Managerial, professional, confidential, temporary, and probationary employees, as well as Subordinate Judicial Officers, are excluded from this policy.

With the exception of layoffs for organizational necessity, discipline, up to and including termination, shall be for cause. For purposes of this policy, "for cause" shall have the same meaning as that set forth in Government Code section 71651(b).

No anonymous complaints/comments may be used in any disciplinary action against an employee. Complaints/comments that are signed or identified may be used for employee evaluations, or as a basis for disciplinary action.

Examples of misconduct that may lead to discipline for cause include, but are not limited to, the following:

- Misstatement of facts contained in the employee's application/resume or otherwise during the hiring process;
- Falsifying or making a material omission on any Court document (e.g., timecard, Court records);
- Disclosure of confidential information;
- Insubordination;
- Excessive absence/tardiness or absence without leave;
- Discourteous or rude conduct;
- Possessing or bringing firearms, weapons, or hazardous or dangerous devices onto Court property;
- Being at work while under the influence of alcohol or illegal drugs, or possessing illegal drugs while on Court property;
- Theft of Court property or unauthorized possession of property that belongs to the Court or another employee;
- Unsatisfactory job performance;
- Violation of any Court rule, policy, or procedure.

### **Minor Discipline**

In the event that the Court imposes disciplinary action consisting of a suspension without pay of five days or less or written reprimand, the discipline shall be considered “minor”. Within ten (10) calendar days of the date an employee receives a notice of minor discipline, they may submit a written response to the discipline, which will be maintained in the employee’s personnel file along with the notice.

The affected employee may appeal such discipline in the manner set forth below:

#### **Step One**

Within ten (10) calendar days of the date the employee received the disciplinary notice, the employee may file a written appeal with their department head. The department head shall schedule a meeting with the employee and, where applicable, their representative, to discuss the appeal. Within ten (10) days after that meeting, or such longer period as the department head may determine is required to investigate the matter, the department head shall provide the employee with a written response to the appeal.

#### **Step Two**

- A. If the issue of minor discipline is not resolved at Step 1, within twenty (20) working days after receipt of the first level response, the employee shall have the right to submit the appeal to the Court to initiate review by an independent arbitrator. If the appeal is not submitted to the Court within twenty (20) days after receipt of the first level response, the appeal shall be considered withdrawn.
- B. Within five (5) working days after the notice requesting third party review has been submitted to the Court, or at a date mutually agreed to by the parties, the parties shall meet to select an impartial arbitrator. If, at this meeting, the parties are unable mutually to select an arbitrator, they shall request a list of seven experienced labor arbitrators from the State Mediation and Conciliation Service, from which the parties shall alternately strike names until one name remains and this person shall be the arbitrator.
- C. The arbitration hearing shall be conducted in accordance with the Voluntary Labor Arbitration Rules of the American Arbitration Association. The cost of arbitration shall be borne equally between the employee and the Court.
- D. An arbitrator may, upon request of the employee and the Court, issue their decision orally upon submission of the arbitration. Either party may request that the arbitrator put their decision in writing and that a copy be provided.
- E. The arbitrator shall not have the power to add to, subtract from, or modify any written Court rule or policy or any Court practice. In all arbitration cases involving an appeal of minor discipline, the decision of the arbitrator shall not be binding upon the parties.
- F. Upon review of the decision of the arbitrator, the Court Executive Officer or designee shall respond in writing to the employee, either affirming or altering the decision reached. In situations involving minor discipline, the CEO’s decision at this point in the procedure is final. In the event the Court Executive Officer modifies or sets aside the decision of the arbitrator, the Court shall pay all costs of the arbitration. The Court Executive Officer will provide a written explanation to the employee as to their rationale for their decision.

### **Major Discipline**

The Court may, at any time during the time when a charge(s) is pending against an employee, place the employee on paid administrative leave.

### **Notice of Discipline/Discharge**

When the Court is considering taking disciplinary action consisting of a suspension without pay for more than five days, a termination, or a demotion/reduction in pay, the discipline shall be considered “major” and the affected employee shall be given written notice of the proposed disciplinary action. The notice of proposed disciplinary action shall include (a) the proposed action to be taken, the date it is intended to become effective, and the specific grounds and particular facts upon which the proposed disciplinary action will be taken; (b) the materials upon which the charge(s) is based or a statement indicating where the materials upon which the charge is based are available for inspection, or a combination of the two; and (c) a statement informing the employee of their right to respond, either orally or in writing, to the charge(s), by the date specified in the notice.

- If the employee does not respond to the charge(s) within the time specified in the notice of proposed disciplinary action, the proposed disciplinary action will be considered conclusive and shall take effect as described in the notice of proposed disciplinary action.
- If the employee does respond to the charge(s) within the time specified in the notice of proposed disciplinary action, the Court shall consider the employee’s response and all of the information upon which the charge(s) is based.
- The Court shall then issue a determination on the notice of proposed disciplinary action.
- If the determination includes disciplinary action consisting of a suspension of more than five (5) days, a termination, or a demotion/reduction in pay, the employee may appeal such determination in writing, within ten (10) calendar days of the date that the Court issued the determination.
- If no such appeal is filed in a timely manner, the determination of disciplinary action shall stand.

### **Hearing to Review Disciplinary Decisions**

In the event that an employee files a timely appeal as described above, an evidentiary due process hearing within the meaning of Government Code section 71653 will take place. Within ten (10) days of the date that the employee files the notice of appeal, the Court and the employee shall attempt mutually to agree to an experienced labor arbitrator to serve as the Government Code section 71653 impartial hearing officer. The parties may extend this date by mutual consent. If the parties are unable mutually to select an arbitrator, they shall request a list of seven experienced labor arbitrators from the State Mediation and Conciliation Service/Federal Mediation and Conciliation Service/American Arbitration Association.

The arbitration hearing shall be conducted in accordance with the Voluntary Labor Arbitration Rules of the American Arbitration Association. The cost of the arbitration shall be borne equally between the employee and the Court.

The proceedings shall conform to the provisions of Government Code sections 71653 (b) through (f). The arbitrator shall issue a final decision, which shall be binding on the parties. Such decision may be reviewed only pursuant to the California Code of Civil Procedure, section 1280, et seq.

The arbitrator’s report shall be limited to the issue of whether “cause” existed for the discipline imposed. The arbitrator shall have no authority to add to, detract from, alter, amend, or modify any of the Court’s rules, policies, or procedures.

Court witnesses released to testify at the hearing shall be released with pay.

## **POLICY 15 – JURY DUTY**

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### **Response to Summons**

An employee shall be allowed to take leave from their duties without loss of wages, vacation time, sick leave or benefits to respond to a summons for jury selection or to serve on a jury for which the employee has been selected. Said employee must execute a written waiver of all compensation other than the mileage allowance that they would otherwise receive for such jury duty. No employee shall be paid more than their regular shift pay or regular workweek pay for jury duty service. The employee must notify their supervisor upon receipt of a jury summons and upon completion of jury service.

### **Witness Pay**

Time spent by an employee serving as a witness in a case related to the employee's job will be considered leave with pay. Whenever any full time regular employee is required to be absent from work by a proper subpoena, issued by a Court or commission legally empowered to subpoena witnesses, which compels their presence as a witness, unless they are a grievant, party or an expert witness, they shall be allowed the time necessary to be absent from work at their regular pay to comply with such subpoena.

### **Return to Work**

For the purpose of this section, an employee who responds to a summons to jury duty and is not selected as a juror shall not be deemed to have performed jury duty and shall return to work as soon as practical. An employee excused from Court after testifying in response to a subpoena shall also return to work as soon as practical.

## **POLICY 16 – REDUCTIONS IN FORCE**

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### **Reduction in Work Force**

In the event that the Court determines that a layoff for organizational necessity within the meaning of Government Code section 71652 is required, the Court will determine how and when layoffs will be conducted. Layoffs may occur on a Court wide basis, in one or more departments or classifications; or as a result of the elimination of one or more Court programs.

Within the class of layoff, employees will be separated from the Court based on the following order:

- A. Temporary employees
- B. Probationary employees
- C. Regular employees

### **Leave of Absence**

Employees on authorized leave of absence will be notified if a position in the employee's classification is abolished. The employee will be advised of such abolishment and may be laid off or displaced in accordance with these rules. If an employee is on leave and displaced by another employee with longer service, the leave will be considered revoked on the date of displacement and such employee may exercise rights under this article.

### **Length of Service Defined (Seniority)**

For purposes of layoff, length of service will be computed from the most recent date of the employees' appointment into regular Court service. For those employees who have transferred from the County to the Court pursuant to the provisions of the Trial Court Funding Act of 1997, with no break in employment status associated with said transfer, length of service will be computed from the most recent date of the employees' appointment into regular service with the County.

The Court's payroll system tracks length of service, or "time in service," in units of hours. Units are earned for hours paid, with the exception of overtime hours, which do not contribute to time in service. Leave without pay hours also do not contribute to time in service totals.

### **Notice**

Prior to implementation of any layoff plan, the Court shall notify the Union and provide information regarding the proposed layoff plan, including the tentative date of layoff, the number of employees anticipated being affected, and the affected job classes.

Seniority lists for classes anticipated for layoff will be published and provided to the Union and potentially affected employees as soon as possible, but no later than sixty (60) calendar days prior to anticipated layoff dates. Within five (5) calendar days employees may appeal their relative position on the Seniority list(s) to the Court Executive Officer or designated representative, who will respond in writing to the employee. The decision of the Court Executive Officer is final.

Subsequent to review of the seniority list, and no later than thirty (30) calendar days in advance of the effective date of layoff, the Court will notify those individual employees who are to be laid off. Where notices are mailed, the 30 calendar day time period will begin to run on date of mailing of the notice.

### **Order of Layoff and Displacement**

#### **Order**

Employees occupying positions in the affected class with the shortest length of service will be laid off or displaced first. In the event two or more employees with the same length of service occupy positions in the same class, the employee with the most recent date of appointment to the class will be laid off or displaced first. If a tie still exists, the determination of the order of layoff or displacement will be made by coin toss. The Court Executive Officer or designee shall develop and distribute a list of ties to the recognized employee organizations and notify them of the time and place for the tie breaking activity. The Union shall have the right to have a representative present.

#### **Displacing to a Lower Class**

For purposes of this section, "lower class" shall mean any other full or part-time position that is in a class that has a salary grade not greater than the salary grade of the displacing employee's present class. If an employee who is laid off had regular status in a lower class in the Court, they may displace an employee in the Court who has less seniority in that class than the displacing employee did in that class, regardless of the department. In the same manner, the employee thus displaced may likewise displace another employee. Should an employee have the right to displace in more than one class, they shall displace first in the highest class in which they held regular status.

#### **Status of Employee upon Displacing**

An employee displacing another employee must accept the salary, hours and working conditions of the lower position to which assigned. An employee displacing another employee in a lower class shall receive the highest salary in the new range that does not exceed the displacing employee's rate of pay immediately prior to displacing. The displacing employee shall also retain the merit increase eligibility date to which they were entitled prior to displacing.

An employee who is displaced and has greater seniority over another employee in another Court department may displace that employee. An employee in a full-time position who displaces an employee in part-time position shall cease to be a full-time employee and shall become part-time employee, receiving the compensation and benefits of part-time employees. An employee who is being laid off or displaced and is eligible to displace another employee may waive the right to displace into that position by so stating in writing to the Court Executive Officer within ten (10) calendar days after the employee's first notice of layoff. An

employee who waives displacement rights within the time limits shall not be considered to have resigned and shall be placed on the recall list. An employee waiving displacement rights shall be laid off as scheduled.

### **Recalling Employees Separated or Displaced to another Class through Layoff**

A recall list will be created listing by job class those employees who have been laid off. Recall of employees will be in the reverse order of layoff. Employees separated or displaced through layoff will be certified to positions in any class in which they had obtained regular status. Certifications in this manner will be made from the layoff eligible list in the reverse order in which the employees were laid off, the last to be laid off or displaced being the first to be certified.

### **Single Recall List for Each Class**

One recall list will be established for each class in the Court. Names on such lists will be in reverse order in which employees vacated the class. This includes both the separation from service and the displacement from a higher to a lower class.

### **Recall List Exhausted**

A laid off employee shall remain on the recall list until that employee refuses an offer of employment or until eighteen (18) full calendar months have elapsed from the date of that employee's original layoff, whichever occurs first.

### **Order of Eligible Lists**

Recall lists take precedence over any other lists (i.e. promotional list, open list) until the recall list is exhausted or abolished.

### **Refusal of Employment**

Laid off employees whose names appear on a valid recall list shall have their names removed from that list whenever:

- An employee refuses an offer of reemployment in the Court to a position equivalent to the one they held previously; or
- An employee fails to respond in writing to a written notice of recall to work within fifteen (15) calendar days. In that event, the laid off employee shall be mailed written notification of name removal within five (5) calendar days of the removal. Such notification shall include the basis for removal. The removal of an employee's name from a layoff eligible list shall not constitute disciplinary action. It may be appealed to the Court Executive Officer.

### **Notification to Employee Representatives**

The Court Executive Officer shall notify, in writing, within ten (10) calendar days, the appropriate employee representative of either an employee's recall or removal from the layoff eligibility list. Such notification shall include the basis for action.

### **Temporary Work**

No temporary help employee(s) will be retained in a job classification where there are employees on a recall list for the same position, unless the employee(s) on the recall list refuse the extra help work or do not possess the necessary specialized skills for the position.

### **Temporary Work for Laid-Off Employees**

Laid off employees who elect to be available for temporary work shall be given preference for temporary work in the classification from which they were laid off or any other vacant position for which they qualify. The election to be available for temporary work may be made at the time of layoff, or in writing at any time. Laid off employees may decline to be available for temporary work and may decline such work itself without affecting any rights under this Article.



## **POLICY 17 – USE OF COURT RESOURCES**

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### **Telephones**

The Court's telephones are for Court business. Employees must keep all personal telephone calls to a minimum so as not to interfere with Court work. Friends and relatives should be discouraged from calling during working hours unless there is an emergency. Employees may not charge any personal long-distance telephone calls to the Court.

The Court's telephones must be used in a professional and lawful manner and solely for the benefit of the Court.

### **Facsimile and Copying Machines**

The Court's facsimile and copying machines are for Court business. Limited personal use is allowed only on non-work time. Personal use of facsimile and copy machines is limited to projects or events involving ten (10) or fewer pages.

### **Computing Resources**

Court-provided computer systems are not to be used for illegal activities, including those identified in California Penal Code section 502. Because any electronic communication is subject to existing laws governing speech, Court staff could violate the law by electronically communicating libelous or sexually harassing statements.

Violating these policies may be grounds for discipline up to, and including, termination of employment or imposition of penalties set forth in Government Code section 8314.

### **Right of Privacy**

There is no provision for the right of privacy on Court computing resources, and users thereof shall have no expectation of right of privacy. The Court may, as part of its normal course of business, monitor and/or conduct investigations into all activities related to the use of Court computing resources. As the entity providing the electronic communication systems and services, the Court may monitor and/or review all electronic communications that use Court equipment (i.e. e-mail, Internet activity, etc.) as well as search and review stored data on Court computing equipment.

### **Personal Use vs. Business Use**

The Internet and e-mail systems, along with all other systems and applications within the Court's computing environment, are critical tools in the normal and efficient operation of the Court. Court staff has been granted access to these systems and trusted to use these tools in a legal, responsible and professional manner.

Court computer systems should not be used to conduct the business of for-profit or non-profit organizations, to solicit funds, or to advance political, religious, or other ideological causes. Court computer systems may not be used for personal purposes. As defined by Government Code section 8314, "personal purposes" does allow for incidental and minimal use of state resources, such as computer equipment, for non-work activities. Employees are expected to exercise good judgment and restraint in their personal use of the Internet and incidental and minimal use should not interfere with work and should not be done during work hours. Though incidental and minimal use of computing resources for "personal purposes" is allowed, playing computer games, even while on a break, is prohibited.

### **Standardization**

Hardware, software and networking standards will be proactively managed by the Court. Personal data, unauthorized software applications or customized settings may be removed by the Information Technology department at any time, without prior notice to the user. All electronic files should be stored within the network file folder provided to each user. Storing data in personal folders should not and does not create an expectation of privacy.

## **Workstations**

Protecting access to personal workstations is the responsibility of each individual. Care must be taken to ensure no unauthorized persons can use that access. Do not share personal user IDs and passwords with any un-trusted source. Installation of software applications and hardware must be performed or authorized by the Information Technology Department. The following are prohibited:

- Unauthorized installation of any software program, including, but not limited to:
  - o Games
  - o Screen savers
  - o Task bars or quick launch menus
  - o Any other software on portable media or downloaded from the Internet
- Unauthorized installation of, or alteration of, any hardware, including, but not limited to:
  - o Changing hardware settings
  - o Adding memory or other storage devices
  - o Changing hardware drivers
  - o Adding sound cards, speakers or other hardware components (headphones are permitted)

## **Network Usage**

The following are prohibited activities regarding the use of, or access to, the Court's computer network, unless explicitly permitted due to job function:

- Any attempts to bypass, defeat or attack established security mechanisms
- Any activity that would use authorized access to the network in order to 1) attack or cause damages or harm to the network, and/or 2) gain access to resources or services connected to the network for which the individual is not authorized
- Any unauthorized addition or modification to the network (e.g. adding a wireless access point or modem)
- Disruption of, or interference with, network services. This includes, but is not limited to, intentional propagation of computer viruses; excessive use of printing resources
- Destruction of, or damage to, equipment, software, or data belonging to the Court
- Use of Court computing resources to falsely represent yourself or the Court
- Use of Court computing resources for personal or financial gain
- Generating, storing, transmitting or other use of data or other matter which is abusive, profane, or offensive to a reasonable person

## **Remote Access**

An employee may access the Court's network from a remote location (defined as a location other than the site designated for that account) only for Court business and only with approval from the employee's department director and Information Technology Department director.

## **Internet Usage**

The Information Technology Department may review logs of Internet sites visited by Court employees in order to ensure proper usage. This review will be performed by the Court Information Technology Department on an as-needed basis. A review of system use may also be performed in the course of routine system maintenance. Unauthorized Internet usage includes, but is not limited to, the following:

- Downloading, uploading and/or printing files and other resources in violation of applicable copyright laws and licensing agreements. Information should not be transmitted if any doubt exists regarding its copyright status or legality.
- Playing Internet games. Some games can install unwanted software on the workstation or "attract" pop-up advertisements that can disrupt productivity.
- Using instant messaging (IM). The Court does not permit the use of instant messaging technology unless explicitly authorized by a department director. Use of instant messaging services will be monitored.
- Accessing web sites with sexual, pornographic or any other objectionable content, including hate speech, unless required as part of a work requirement. Accessing this type of material for a legitimate, work-related purpose requires advanced approval from a manager or supervisor.

### **E-mail System**

Opening e-mail from unknown senders is very risky due to the possibility of spreading viruses. All unsolicited e-mail received by Court staff should be treated with suspicion; particularly e-mail received from the Internet. If the user is unsure of the authenticity and integrity of an e-mail, it should be deleted or referred to Information Technology staff.

The content of e-mail may have significant business, financial or legal consequences for the Court. Mail shall not disclose personnel or other sensitive information without authorization.

The destruction or alteration of electronic communications with the intent to cause harm or injury to the Court or an employee of the Court is strictly prohibited.

While not an exhaustive list, the following uses of e-mail are considered inappropriate and unacceptable (however, employees may be exempted from these restrictions during the course of their legitimate job duties):

- Mass mailings to large portions of Court staff without approval of a supervisor
- Sending junk e-mail or other advertising material to individuals who did not specifically request such material (e-mail spam)
- Use of e-mail to engage in any communication or action that is threatening, discriminatory or harassing
- Creating or forwarding "chain letters" or other "pyramid" schemes of any type
- Intentionally sending computer viruses or virus hoaxes
- Impersonation of another's user account (spoofing)
- Use for any illegal purposes or use that violates the intellectual property rights of others
- Sending any e-mail containing Protected Health Information (PHI) per HIPAA to unauthorized recipients
- Forwarding e-mail containing sensitive Court data to personal e-mail accounts (such as Yahoo, Hotmail, MSN, AOL, etc.)

**Electronic Data**

Any data created by or stored in the Court computing environment remains the property of the Court.

**Portable Media**

Portable media includes, but is not limited to, floppy disks, compact discs (CDs), digital versatile discs (DVDs), flash memory, USB drives, printed hard-copy information, and any other form of media that allows for the transport of data. Any media purchased by the Court or produced using Court resources remains the property of the Court. Unauthorized duplication or violation of copyright is prohibited.

Media should not leave department premises without explicit departmental permission. Departments may further restrict the transport of data as required by their business needs. Data should only be transported in support of Court business. Transported data shall be returned or destroyed promptly after it is no longer needed. Copying the data, in any form, is expressly prohibited unless explicitly authorized by the owning department. Those to whom the data is entrusted are responsible for securing the data from unauthorized access of any form including physical and electronic. Authorization to view and/or use the transported data is limited only to the intended recipient(s).

**Management Access**

At any time, the Court may review or monitor employee personal computing activity, including Internet usage, for the purpose of preventing illegal or unauthorized activity.

A Court department director or manager may review the computing activity, including Internet usage, of their employees by forwarding a request to the Court Information Technology Department. Court Information Technology Department management personnel will process the request and return the material requested to the original requester. The employee will not necessarily be advised of the review.

A computer usage review request from outside an employee's department must be approved by an employee's department head, the Court Executive Officer or Assistant Court Executive Officer. Court Information Technology Department management personnel will process the request and return the material requested to the original requester. The employee will not necessarily be advised of the review.

The Information Technology Department may monitor or report any suspicious, unusual or unauthorized system usage. Court staff will not necessarily be advised of the monitoring activities.

Management may access an employee's files for any reason and may require that employee to provide logins or passwords for such access.

**Vehicles**

Rules pertaining to the use of Court and personal vehicles on Court business are contained in the Court's Travel Policy.

**POLICY 18 – PERSONAL APPEARANCE**

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In the interests of presenting and maintaining a professional image and atmosphere, the Court requires all employees to observe good habits of grooming and personal hygiene. Employees are expected to dress professionally and in a manner appropriate for a Court setting. Any questions regarding just what constitutes proper attire within a given Court department or work unit should be directed to the employee's immediate supervisor.

## **POLICY 19 – WORKPLACE SAFETY AND SECURITY**

The Court is committed to providing a safe workplace free from acts or threats of violence. In keeping with this commitment, the Court has established the following policy that provides zero tolerance for actual or threatened violence against Court employees, visitors, or any other persons who are either on our premises or who have contact with Court employees in the course of their duties. It is essential that every employee understand the importance of their role in ensuring workplace safety and security.

### **Reporting Unsafe Conditions and Security Risks**

Employees should immediately inform their supervisor about any workplace security hazards. If an employee's supervisor is not readily available, the employee should immediately inform the next person up the line of reporting so that appropriate action can be taken.

Every verbal or physical threat of violence is serious and must be treated as such. Threatening behavior may include, but is not limited to the following:

- Throwing objects at an individual;
- Making a verbal threat to harm another individual or destroy property;
- Making menacing gestures;
- Displaying or expressing an intense or obsessive interest (such as a grudge or romantic interest) in another individual or co-worker that appears to exceed a normal interpersonal interest;
- Attempting to intimidate or harass others;
- Engaging in behavior indicating that the individual is significantly out of touch with reality, and that they may pose a danger to self or to others; or
- Possessing or displaying weapons on Court premises.

Employees who become aware of any threats of workplace violence must report the threats immediately to the employee's supervisor. The Court Executive Officer or designee will assess and investigate the matter. Where a violation of this policy, or other inappropriate conduct, is found, the Court Executive Officer or designee will take appropriate corrective action.

In situations where an employee becomes aware of an imminent act of violence, a threat of imminent violence, or actual violence, the employee should seek emergency assistance immediately. The employee should immediately contact their department head or the Court Executive Officer, and, if appropriate, contact outside emergency assistance by dialing 9, 9-1-1.

### **Employee Photo Identification Badge**

The Court will issue each employee a photo identification badge. Each employee is required to wear the badge during work time. The badge must be worn in some fashion on the front of one's torso, above the waist, with the front of the badge facing outward, in a manner which allows it to be seen by anyone approaching the employee.

### **The Injury and Illness Prevention (IIP) Program**

The Court's IIP program is part of the effort to ensure workplace safety. The IIP program provides for meetings, training programs, and periodic written communications to employees regarding safety matters. The program requires periodic inspections to identify and evaluate potential security hazards, and it calls for the posting of safety notices and safety tips. In addition, the IIP program provides a mechanism for correcting

identified workplace hazards and identifying any incidents of workplace violence. A document describing the Court's Injury and Illness Prevention Program is attached to these policies (Attachment B).

### **Cooperation Is Essential**

Full cooperation by all employees is necessary to accomplish the Court's goal of maximizing the security and safety of its employees and Court visitors. Any questions about the policy should be directed to the employee's department head or the Court Executive Officer. Employees will not be retaliated against in any way for asking questions about, or reporting violations of, this policy.

Employees who violate any of the terms of this policy, or who threaten, engage in, or contribute to violent behavior, will be subject to disciplinary action, up to and possibly including immediate termination.

## **POLICY 20 – CATASTROPHIC LEAVE**

The purpose of this policy is to provide a method for employees to assist fellow employees who have exhausted their paid leave time due to a catastrophic illness or injury. It is not the intent of this policy for any employee to enrich themselves, but to aid only those individuals or their immediate family who are truly in need of financial assistance.

### **Definition of Eligible Employee**

To be eligible, the employee must meet all of the following criteria:

- Must have successfully completed their first probationary period.
- Must be on an approved leave of absence.
- Must have exhausted all paid leave balances.
- Must not be receiving compensation from Workers' Compensation, Disability Insurance, or Social Security.
- Must be disabled due to verifiable, catastrophic injury or illness.

### **Definition of Catastrophic Illness or Injury**

Catastrophic illness or injury is an illness or injury which is expected to incapacitate the employee for an extended period of time, and which creates a financial hardship because the employee has exhausted all of their accumulated leave. Catastrophic illness or injury is further defined as a debilitating illness or injury of an immediate family member that results in the employee being required to take time off from work for an extended period to care for the family member, when this creates a financial hardship because the employee has exhausted all of their accumulated leave. Immediate family shall mean son or daughter including variation of step or foster, spouse, parents, grandparents, brother or sister of the employee, or corresponding relative by affinity.

### **Plan Administrator**

The Director of Human Resources shall be responsible for the following administrative duties:

- Review catastrophic leave applications for satisfaction of all eligibility requirements.
- Receive, evaluate, approve or deny all requests to donate leave hours, and forward all approved requests to the Payroll Administrator (Director of Fiscal Services).
- Maintain the confidentiality of employees donating hours.
- Monitor the number of hours donated to recipient to ensure that accrued hours do not exceed 480, and to process any pending requests to donate hours when the accrual balance reaches 160 hours.

- Coordinate with the Payroll Administrator during the application review process, upon approval of applications, and to facilitate the transfer of leave time.
- Investigate any allegations of pressure or coercion relating to the donation of leave time.
- Forward all appeals resulting from denial of applications to the Court Executive Officer, whose decision shall be final.

The Payroll Administrator will do the following: Provide information to the Director of Human Resources on leave balances and other relevant payroll matters; process all approved requests to donate leave hours; maintain the confidentiality of persons donating hours.

### **Requesting and processing catastrophic leave applications**

- Employees wishing to participate in the catastrophic leave program must complete a Catastrophic Leave Application and submit it to the Director of Human Resources. Employees who are physically unable to complete a Catastrophic Leave Application may request that their supervisor complete the application on their behalf. In extreme cases, the application may be completed and submitted by a family member.
- Employees applying for catastrophic leave must be willing to provide additional information and/or a physician's statement upon request of the Director of Human Resources. Failure to provide this information may result in a denial of the leave application.
- All information regarding the leave application will be kept confidential and the employee will be contacted by Human Resources when a determination has been made regarding the application.
- Any application which is denied may be appealed to the Court Executive Officer or designee. The Court Executive Officer's decision shall be final.
- With the employee's permission, a notice of eligibility will be forwarded to the employee's department when the leave application is approved. The notice will identify the eligible employee and direct any interested employees to complete a Leave Transfer Request.

### **Conditions and Procedures for Transferring Donated Leave Hours**

- Employees wishing to donate accrued leave hours to a specific employee must submit a completed Leave Transfer Request to Human Resources.
- Employees may donate vacation, personal holiday, administrative leave and CTO credits hours only.
- The minimum donation is 8 hours.
- Donors must maintain a minimum vacation accrual balance of 80 hours after donation.
- The transfer of leave hours is irreversible. Should the person receiving the transfer not use all transferred leave for the catastrophic illness/injury, any balance will remain with that person. The Human Resources Department will advise employees who are considering making a donation on the likelihood that the person on catastrophic leave will need the donated hours.
- When the recipient has accumulated a donated leave balance of 480 hours, the Director of Human Resources will place any additional leave transfer requests in suspense. When the recipient's leave

balance reaches 160 hours, and there is evidence of the need for continued donations, the Director of Human Resources will process pending transfer requests.

- Leave transferred in accordance with this policy will not be considered wages for the employee who surrenders the leave and will therefore not be included in gross income or subject to withholding.
- Transferred leave shall be changed to its cash value and then credited to the recipient in equivalent hours (at the recipient's base hourly rate) of annual leave and vacation.

## **POLICY 21 – HOURS OF WORK AND ATTENDANCE**

### **Employee Work Hours**

Normal hours of operation are 8:00 a.m. to 5:00 p.m. excluding recognized Court/legal holidays and weekends, unless otherwise designated by the Court Executive Officer.

Work schedules are established and assignments made to meet the operational needs of the Court. The Court Executive Officer may modify the scheduled work schedule as deemed necessary to facilitate the needs of the Court.

Employees may be required to work other schedules, such as adjusted start and end times within a 40-hour week, by the Court Executive Officer or designee to address the needs of the Court. Employees may request adjustments to a regular 8:00 to 5:00 workday to meet their individual personal needs. Such requests must be submitted reasonably in advance and will be approved or denied by the Court Executive Officer or designee.

### **Employee Reporting Time**

All employees are expected to be at their workstations, ready to work, promptly at the start of their assigned shift and immediately at the end of their assigned lunch hours and break time, unless they have received other instructions from their supervisor.

### **Alternate Work Schedule (AWS) Program**

The Court reserves the right to utilize an AWS. Employees may request and the Court Executive Officer or their designee may utilize an AWS whenever such schedule will be beneficial to the Court.

Any AWS must meet the needs of the Court and must not create overtime as required by law. An AWS must be in accordance with a written agreement between the employee and the Court Executive Officer or designee. AWS's will only be approved where operational needs are met, including but not limited to supervision requirements and coverage needs. An AWS request may be denied, or an existing AWS agreement may be discontinued if, at any time, the AWS does not meet the needs of the Court.

### **Absences**

Employees who know they will be absent must personally call their supervisor as soon as practically possible but no later than within thirty minutes after the beginning of their shift. If their supervisor is unavailable, the next person up the line of reporting should be contacted. If neither is available, a co-worker in the same section should be contacted. In an emergency, the notification can be made by someone other than the employee. Employees who fail to call a supervisor or manager may be considered "absent without leave." The Court does not approve the use of paid leave time for the purpose of serving a term of incarceration.

### **Tardiness**

Any employee is tardy when they are not at their workstation, ready to work, within eight (8) minutes from the start of their assigned shift or back from their assigned lunch hour or rest break. Infrequent tardiness due to an emergency or unforeseen event may be made up by "flexing" a portion of the employee's lunch break or staying late, at the supervisor's discretion. Time absent due to infrequent tardiness may also be coded as



vacation, compensatory time, or leave without pay if the employee has no vacation or compensatory time balances.

Once an employee has demonstrated a pattern of chronic tardiness, the employee's supervisor shall notice the employee in writing that they have reached the chronic level, and that any additional events of tardiness cannot be "made up" with flexed hours during the week and must be coded as leave without pay. Once the employee has not been tardy for a six-month period, they will no longer be subject to this "chronic tardiness" provision. Chronic tardiness will be cause for disciplinary action.

### **Absenteeism**

An employee with excessive absences which do not come under the provisions of any program for authorized absences addressed in these Personnel Policies may be subject to disciplinary action, including but not limited to termination.

### **Rest and Lunch Breaks**

Lunch and break periods are scheduled by the supervisor so as to provide for the proper and efficient administration of the Court. Each employee is allowed a break of fifteen minutes for each four hours worked and a lunch period of one hour. Employees returning late from break or lunch periods may be docked for that time.

Lunch breaks: The lunch period will generally be one hour in length and shall not be considered time worked. Supervisors may assign lunch breaks if necessary to assure appropriate work coverage.

Rest breaks: Each employee is entitled to one fifteen (15) minute rest period for each four (4) hours of work performed by the employee in a workday. If not taken, such rest period is waived by the employee. Authorized rest period time taken shall be counted as time worked. If necessary, the supervisor may schedule rest breaks to assure maximum work coverage and not to be disruptive to the functioning of the office.

### **Overtime**

Employees shall receive either compensatory time off or pay calculated at time and one-half for all authorized paid time in excess of forty hours in any workweek. Overtime work must be preauthorized by the employee's immediate supervisor or the immediate supervisor's superior. Depending on classification, employees who work overtime accrue compensatory time or pay, at the employer's option. Request for use of compensatory time must be approved in advance by the supervisor in the same manner that vacation time is approved. When an employee has accumulated the maximum allowable compensatory time, any overtime worked thereafter will be paid at the rate of time and one-half. At the time of separation from service with the Court, unused compensatory time off shall be paid at the rate of the higher of the following: (i) the average regular rate received by the employee during the final three years of their employment; or (ii) the final regular rate received by the employee. Management will not unreasonably deny proper employee requests for use of compensatory time off.

The maximum accumulation of compensatory time by each employee per fiscal year will be established at the discretion of the Court Executive Officer or their designee. In no event can an employee accumulate compensatory time off in excess of one hundred twenty (120) hours for eighty (80) hours worked.

### **Holidays**

Judicial Branch holidays are established by Government Code section 6700 and Code of Civil Procedure section 135, as amended. Employees will receive paid days off for those holidays. By way of example, the current holidays, subject to legislative change, are:

January 1 (New Year's Day)  
Third Monday in January (Martin Luther King Day)  
February 12 (Lincoln's Birthday) \*\*  
The third Monday in February (Washington's Birthday)  
March 31 (Cesar Chavez Day)  
The last Monday in May (Memorial Day)  
June 19th (Juneteenth)  
July 4 (Independence Day)  
The first Monday in September (Labor Day)  
Fourth Friday in September (Native American Day)  
November 11 (Veterans' Day)  
The fourth Thursday in November (Thanksgiving Day)  
The day after Thanksgiving Day  
December 25 (Christmas Day)

Holidays shall be as set forth as above, with one exception:

\*\* Lincoln's Birthday (February 12<sup>th</sup>)

- Employees will now work a regular workday on Lincoln's Birthday, which the Court will use as an employee training day, given that the courthouses are closed to the public on that day.
- In lieu of the paid Lincoln's Birthday holiday, the Court will grant full-time employees one (1) paid eight (8) hour floating holiday at their regular rate of pay, per fiscal year. Part-time employees will receive a floating holiday of fewer hours, pro-rated to their time base. This one (1) paid eight-hour floating holiday is in addition to any Floating Holidays provided below.
- Floating holiday approval and scheduling will take place consistent with the Court's applicable vacation approval/scheduling process.
- If an individual becomes a Court employee after Lincoln's Birthday, said employee will not receive the floating holiday in that fiscal year.
- If an employee is unable to attend work on the identified employee training day, they will use their accruals in accordance with applicable leave policies.

Holidays that fall on a Sunday shall be observed on the following Monday. Holidays that fall on a Saturday shall be observed on the preceding Friday.

### **Holiday Pay**

If an employee is assigned by the Court to work on a holiday, the employee shall be paid for all time worked at the rate of one and one-half the employee's regular rate of pay in addition to any holiday pay to which the employee may be entitled. Holiday work, if authorized, shall be offered first to the regular employees within the work unit.

Regular full-time employees shall be entitled to receive authorized holidays at full pay, not to exceed 8 hours for any one day, provided they are in a pay status during the pay period in which the holiday falls. Regular part-time employees shall receive holiday pay on the same pro rata basis as their part-time schedule bears to the full work schedule of their department, provided they are in a pay status during the pay period in which the holiday falls.

**Floating Holiday (Personal Leave Day)**

Employees will accrue two Floating Holidays (personal leave days) per fiscal year, provided it does not result in an accrual of more than 16 hours of Floating Holidays at any time. Regular part-time employees will accrue the Floating Holiday time on the same pro rata basis.

The Floating Holidays must be the first full days of paid leave used (i.e., before a full day of vacation or full day of compensatory time). An unused Floating Holiday shall be cashed out upon separation from employment.

**POLICY 22 – EMPLOYEE RECOGNITION**

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The Court will administer an employee recognition program, the purpose of which will be to recognize, reward and celebrate outstanding work performance, time in service, and retirements of long-term employees.

The Court will recognize employees for accomplishments in the following categories:

- Time in Service
- Outstanding Work Performance
- Retirement

**Time in Service**

The Court will recognize employees who have been employed for five (5) years, and at each additional five-year intervals.

The Human Resources (HR) Department will determine which employees have achieved a five-year interval service milestone. Employees in this category will be individually recognized and will receive a service pin acknowledging their years of service.

- Employees with five (5) years of service will be given the option of receiving either one hundred dollars (\$100) or one day off with pay.
- Employees who have been employed for ten (10) years, and in five-year increments, thereafter, will have the option of either receiving five-hundred dollars (\$500) or two days off with pay. If days off are selected, the employee will have six months from notification of the milestone to use them.

**Outstanding Work Performance****Employee(s) of the Quarter**

The Court will recognize employees whose work performance has been determined to be outstanding. The HR Department will distribute nomination forms to employees upon request and will make the forms available on the local intranet.

Employees may nominate employees or teams of employees for outstanding work performance recognition each quarter. Nominations should include a brief justification of the employee's outstanding performance or contribution. Nominations may be based on a single event or a sustained effort.

The HR Department will convene a committee to review nominations and recommend performance recognition award recipients to the Court Executive Officer, who will make the final selection. Recognized employees will be announced in each edition of the Court's quarterly newsletter. The Court may recognize up to three (3) employees per quarter.

“Employees of the Quarter” will receive a certificate of appreciation recognizing their outstanding performance, which will also be placed in their personnel file. Individual departments will be encouraged to display a photo of the recognized employee in the workplace, and employees will be recognized in a display on the Court’s intranet site.

### **Employee of the Year**

Each year, the Court will honor one employee as the Employee of the Year for the previous year. While there may be exceptions to this guideline, it is probable that the Employee of the Year will be selected from among the group of employees who had been recognized as an Employee of the Quarter for one of the four quarters of the year in question.

### **Retirement**

The Court will honor any employee retiring after completing ten (10) continuous years of regular Court service.

### **Employee Recognition Event**

The Court will host one annual employee recognition event. All honorees and for that year will be honored and recognized at this event.

END

## Attachment A

### CODE OF ETHICS FOR THE COURT EMPLOYEES OF CALIFORNIA

A fair and independent court system is essential to the administration of justice in a democratic society. Exemplary conduct by court employees inspires public confidence and trust in the courts, and conveys the values of impartiality, equity, and fairness that bring integrity to the court's work. Further, court employees are expected to adhere to a high standard of ethical behavior. To advance these values and to achieve justice we believe certain ethical principles should govern all that we do. We therefore commit ourselves to:

- |                     |  |
|---------------------|--|
| <b>Tenet One</b>    | Provide impartial and evenhanded treatment of all persons;   |
| <b>Tenet Two</b>    | Demonstrate the highest standards of personal integrity and honesty in all our professional and personal dealings, avoiding the misuse of court time, equipment, supplies, or facilities for personal business;  |
| <b>Tenet Three</b>  | Behave toward all persons with respect, courtesy, patience, and responsiveness, acting always to promote public esteem in the court system;  |
| <b>Tenet Four</b>   | Safeguard confidential information, both written and oral, unless disclosure is authorized by the court, refusing ever to use such information for personal advantage, and abstain at all times from public comment about pending court proceedings, except for strictly procedural matters;   |
| <b>Tenet Five</b>   | Refrain from any actual impropriety, such as: <ul style="list-style-type: none"><li>• violating the law,</li><li>• soliciting funds on the job,</li><li>• receiving gifts or favors related to court employment,</li><li>• accepting outside employment that conflicts with the employee's duties,</li><li>• recommending private legal service providers to the public on the job, or</li><li>• using position at court to benefit self, friends, or relatives;</li></ul> |
| <b>Tenet Six</b>    | Avoid any appearance of impropriety that might diminish the integrity and dignity of the court;  |
| <b>Tenet Seven</b>  | Serve the public by providing accurate information about court processes that is as helpful as possible without taking one side over the other, or appearing to favor one side of a case;  |
| <b>Tenet Eight</b>  | Provide responsible and accountable stewardship of public resources;   |
| <b>Tenet Nine</b>   | Provide accurate information as requested in a competent, courteous, and timely manner. Improve personal work skills and performance through continuing professional education and development;  |
| <b>Tenet Ten</b>    | Guard against and, when necessary, repudiate any act of discrimination or bias based on race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, age, or sexual orientation;   |
| <b>Tenet Eleven</b> | Renounce any use of positional or personal power to harass another person sexually or in any other way based on that person's race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, age, sexual orientation, or other personal choices and characteristics; and   |
| <b>Tenet Twelve</b> | Protect the technological property of the court by preserving the integrity of electronically stored information.  |

A code of ethics cannot possibly anticipate every moral dilemma and ethical choice that may arise in the execution of one's day-to-day professional responsibilities. Personal discretion in the interpretation of this Code of Ethics is both necessary and desirable. Court employees should cultivate within themselves the ethical judgment that will foster the fair and impartial administration of justice.

The following guidelines are intended to clarify and provide direction for the application of the tenets to which we subscribe:

Guideline for Tenet One  
**IMPARTIALITY**

All persons coming to the court for assistance are entitled to fair and equitable treatment, regardless of their personal behavior or legal situation. Court employees must remember that they are often dealing with people who may be having one of the worst experiences of their lives. They must offer to angry, confused, and sometimes deceitful court users the same level of competent and impartial help that they provide to those who are pleasant and appreciative. While every court employee has the right to freedom of association and political expression, they do not have the right to take sides in a legal dispute, interject themselves into the legal decision-making process, second-guess a judge's ruling, or give the appearance of partiality on any issue that is likely to come before the court. The procedural integrity of the court must be protected at all times.

Guideline for Tenet Two  
**PERSONAL  
INTEGRITY**

The fundamental attitudes and work habits of individual court employees are of vital importance. Honesty is paramount. Employees should set an example for others and must not misuse the court's resources, including, but not limited to, the telephone, facsimile machine, copying machine, e-mail, or internet access. Employees must not abuse their privileges, and must contribute to the integrity of the entire court staff by striving to avoid factionalism and inspire mutual support and trust.

Guideline for Tenet Three  
**PROFESSIONALISM**

Employment in the court system is a public trust engendered by the citizens' confidence in the professional knowledge and competency and personal integrity of the officers and employees of the judicial branch. A professional knows every aspect of their job and can provide complete, understandable answers to the public's questions. A professional presents a businesslike image of methodical and systematic efficiency and does not abuse the position of power that special knowledge affords. A professional never criticizes a co-worker in public nor denigrates a court user at any time. A professional raises conflict resolution to an art form, always seeking to preserve the dignity of the individuals involved in a dispute, thereby preserving the dignity of the court. The word "respect" is never far from the professional's mind.

Guideline for Tenet Four  
**CONFIDENTIALITY**

Sensitive information acquired by court employees in the course of discharging their official duties must never be revealed until it is made a matter of public record. Sometimes breaches of confidentiality do not involve intentional disclosure of official court records but are the result of 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 confidential information. Such remarks can seriously compromise a case or a person's standing in the community. Court staff should discuss cases only for legitimate court reasons and must handle sensational or sensitive cases with great care.

Guideline for Tenet Five  
**IMPROPRIETY**

Improprieties can take many forms. A court employee who uses their title, badge, court affiliation, or other special access to the judicial system for personal gain or to avoid personal legal consequences is engaged in improper conduct. Examples of improper behaviors include seeking any favor, soliciting any gift, or actually receiving, directly or indirectly, any gift or the promise of one, whether it be money, services, travel, food, entertainment, or hospitality that could be construed as intending to influence the employee in performing their duties or as a reward for past or future services, or accepting outside employment that interferes with the employee's effectiveness or conflicts with the proper discharge of official court duties. A court employee must not, for example, seek special consideration for their traffic citations, jury duty, or parking violations. In addition, any conduct that casts doubt upon the integrity and impartiality of the legal system is forbidden. For example, a court employee must not improperly intervene in expediting administrative processes, facilitate a favorable disposition to a case, or provide access to confidential case information to benefit self, friends, or family members. Moreover, while on the job an employee must not recommend private legal counsel to a member of the public. While court employees cannot regulate the conduct of others, they can conduct themselves in a manner that inspires public confidence in the role they play in the pursuit of justice. Proper conduct involves daily and scrupulous affirmation of moral principles and observance of all laws, rules, policies, and procedures.

Guideline for Tenet Six  
**APPEARANCE OF IMPROPRIETY**

Court employees are expected to refrain from engaging not only in improper behavior but also in behavior that others might perceive to be improper. Any activity that gives the impression that court employees can be improperly influenced in the performance of their official duties is prohibited. A court employee must not, for example, openly discuss the merits of cases pending before the court or be overly solicitous to litigants or counsel, which could give the appearance of preferential treatment. Moreover, a court employee must not be involved in the hiring decision of a relative or close friend, as such involvement may give the appearance of an unfair advantage in the hiring process. To gauge the propriety of an action, consider how it would be viewed by the community if the action were made public.

Guideline for Tenet  
Seven

**PROHIBITION  
AGAINST GIVING  
LEGAL ADVICE**

Given the experience and visibility of court employees, it is natural for those who deal with the court, including attorneys and litigants as well as the general public, to ask questions such as: “Should I fight this?” “How do I fight this?” “To whom should I go for legal assistance?” “What does the law say?” Court employees can and should provide information that is within their own level of professional training and experience, so long as the information does not compromise the neutrality of the court or the court’s appearance of neutrality. For example, court employees can and should patiently explain how to file forms and pay fines, and should clarify legal language and the court’s policies attendant to procedural due process and assist self-represented litigants in court self-help centers. They should provide litigants with information about non-profit legal services agencies, certified lawyer referral service programs and court-based self-help assistance. They must not, however, cross the line separating court employees, whether licensed attorneys or not, from attorneys practicing law in the community. Court employees must not give any legal or procedural information that tends to favor one side of a case. Court employees should cite this tenet when pressed by those seeking legal advice.

Guideline for Tenet Eight  
**PUBLIC RESOURCES**

Court resources must be used for the benefit of the citizens of our state. These resources include staff time, equipment, facilities, information systems, and the money allocated to the court. Court employees must ensure proper accountability of the court’s resources. Use of these resources must be transparent to the public and beyond reproach. Resources must not be expended simply for the direct benefit of individual employees or judicial officers. Physical resources must be safeguarded to avoid unnecessary damage or wear. Equipment must be properly maintained and replaced when appropriate. All court employees should constantly look for improved efficiency in job processes. Deficiencies and safety hazards must be reported and addressed in a timely manner. Sound business practices must be employed in managing contracts to avoid waste of court resources.

Guideline for Tenet Nine  
**SERVICE AND  
COMPETENCY**

A major responsibility of all court employees is to provide accurate and timely information. When providing information, whether orally or in writing, present it in as easily understandable a format as the inquiry allows, and avoid legal jargon whenever possible. The laws and rules under which the courts operate are continually changing as a result of legislative actions, higher court decisions, and evolving values and technologies. Court employees are encouraged to participate in professional activities and associations. Court employees must participate in educational programs to stay abreast of changes and to improve their personal and professional skills. Court managers at all levels of the California court system should initiate and oversee ongoing professional growth programs for all court employees, including study of ethics-related issues.



Guideline for Tenet Ten  
**DISCRIMINATION**

Each day court employees assist users of court services of many races, religions, national origins, languages, sexual orientations, and varieties of personal abilities and appearance. They may deal with accused felons, child abusers, participants in painful dissolutions, those grieving from an injury or loss of a loved one, or people experiencing any one of numerous kinds of human pain or dysfunction. Court employees are expected to treat each other and each user of court services equally and with compassion. Equal access to the court system and equal treatment for all are the cornerstones of the administration of justice. Court employees must expose and discourage discrimination wherever it exists.

Guideline for Tenet  
Eleven  
**HARASSMENT**

All court employees must conduct themselves in a professional manner at all times. Court employees must not engage in inappropriate, offensive, or unwelcome conduct of a sexual nature, or inappropriate or offensive conduct based upon a person's race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, age, sexual orientation, or other personal characteristic, regardless whether it rises to the level of harassment. Court employees are expected to treat all persons with dignity and respect and, by doing so, will foster a work environment that is free from harassment. Court employees should follow their appropriate local reporting procedures in reporting their concerns about inappropriate behavior so that their issues can be addressed.

Guideline for Tenet  
Twelve  
**TECHNOLOGY**

Information retained in electronic files must be safeguarded like any other official court document. Its confidentiality should be assumed unless otherwise specified. To preserve the integrity of electronic systems, court employees must monitor court electronic information and take appropriate steps to ensure that the information is accurate. Great care should be taken in the transmission of electronic data and communications so as not to embarrass the court or the sender if read by an unintended recipient. Court employees may not install personal software or equipment without prior approval, nor may they take copyrighted software outside the court for personal use.

## **Attachment B**

### **Injury and Illness Prevention Program**

#### **RESPONSIBILITY FOR PROGRAM ADMINISTRATION**

The Court Executive Officer is the Court's Injury and Illness Prevention Program (IIPP) Administrator. They may delegate the authority and responsibility for implementing and maintaining this IIPP for the Court.

Department directors, managers, and supervisors are responsible for implementing and maintaining the IIPP in their work areas and for answering worker questions about the IIPP. A hard copy of this Program document will be maintained by the Program Administrator, and an electronic version will be available on the Court Intranet.

#### **EMPLOYEE COMPLIANCE**

Full cooperation by all employees is necessary to accomplish the Court's goal of maximizing the security and safety of its employees and Court visitors. All employees, at every level and in all positions at the Court, are required to comply with safe and healthful work practices.

The Court's system of ensuring that all workers comply with such practices includes the following:

1. Informing all workers of the provisions of our IIPP.
2. Recognizing employees who perform safe and healthful work practices.
3. Providing training to workers whose safety performance is deficient.
4. Undertaking corrective actions with workers who violate safety standards or whose conduct shows a disregard or negligent attitude for safety concerns, including, but not limited to, additional training or counseling regarding safe work practices.

#### **COMMUNICATIONS REGARDING SAFETY ISSUES**

The Court recognizes that open communication between management and staff on health and safety issues is essential to an injury free, productive workplace. All managers and supervisors are responsible for communicating with all workers about these issues in a form readily understandable by all workers. All workers are required to inform their managers and supervisors about workplace hazards or unsafe conditions and may do so without fear of reprisal.

The Court's communication system is designed to facilitate an open flow of communication and includes the following practices and procedures:

1. New workers' orientation includes a discussion of safety and health policies and procedures.
2. The IIPP is available for review by all employees; copies of the Program document will be kept by every supervisor and manager.
3. There will be periodic dissemination of information relating to occupational safety and health by posted notices, memos, emails, newsletters, and/or at employee meetings and training programs.
4. Employees are required to report to their supervisor any hazardous or unsafe condition at the workplace that comes to their attention. Anonymous reporting of unsafe conditions is available, if employees prefer to do so, by calling or writing to the Program Administrator anonymously or by requesting anonymity.
5. Employees will not be retaliated against in any way for any information they report or questions they raise in connection with this IIPP.

## **WORKPLACE INSPECTIONS**

The Court shall conduct periodic inspections to assist in identifying workplace safety hazards and unsafe work conditions. Inspections will be performed according to the following schedule:

1. Upon adoption of this IIPP;
2. Upon introduction to the workplace of new substances, procedures, or equipment that potentially represent safety hazards;
3. When previously unidentified hazards are recognized;
4. Following a workplace accident; and
5. Whenever workplace conditions warrant an inspection. The inspections may be performed by the department director, manager, or supervisor or by the Program Administrator.

## **INVESTIGATION OF WORKPLACE INJURIES OR ILLNESS**

The Court will investigate occupational injuries and illnesses as appropriate. Procedures for conducting these investigations include the following:

1. The injured employee shall fill out the form “Employee’s Report of Injury or Illness” and send the form to their supervisor.
2. The supervisor shall conduct an investigation, following the “Basic Rules for Accident Investigation.” If the supervisor deems it appropriate, the Program Administrator shall be asked to assist in the investigation.
3. The supervisor shall fill out the form “Supervisor’s Report of Injury or Illness” and submit the original form to the Court Human Resources Department within 24 hours of the injury or illness, with a copy sent to the Program Administrator.

## **REMEDICATION OF UNSAFE CONDITIONS**

When the Court finds that an unsafe workplace condition or practice exists, the Court will take appropriate action in a timely manner to correct the problem, taking into account the severity of the hazard and other relevant factors. When an imminent hazard exists that cannot be corrected immediately without endangering employees or property, the Court will remove all exposed workers from the area, except any who may be necessary to correct the existing condition. Any such workers will be provided with appropriate protective equipment.

Directors, managers, supervisors, and the Program Administrator share responsibility for hazard correction. The appropriate individual in each situation shall complete a “Hazard Assessment and Correction Record” and send it to the Program Administrator.

## **TRAINING AND INSTRUCTION**

All Court employees shall receive training and instruction on general and job specific safety and health practices. Training and instruction are provided as follows:

1. When the IIPP is first established;

2. To all new employees and to all employees given new assignments for which training has not previously been provided;
3. Whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent a new hazard;
4. When previously unidentified hazards are recognized;
5. To supervisors regarding the safety and health hazards to which their direct report workers may be exposed; and
6. To all workers with respect to hazards specific, if any, to each employee's job assignment.

General workplace safety and health practices include, but are not limited to the practices set forth in the "Code of Safe Work Practices for the Court," which follows.

### **RECORDKEEPING**

The Court is a public agency and is not required to keep written records of the steps taken to implement and maintain this IIPP.

## **Code of Safe Work Practices**

It is the Court's policy to provide every possible means to protect employees, customers, and visitors from accidents. Safety is a cooperative undertaking requiring participation by every employee. To carry out this policy, all employees shall act in accordance with the following practices:

1. Report all unsafe conditions, equipment, or work practices to their supervisor, IIPP program administrator, or safety officer. Remove and tag any unsafe equipment or furniture (i.e., sharp edges on furniture, obstacles in the aisles, broken computer equipment, etc).
2. Report all occupational accidents, injuries, illnesses and "near misses" to your supervisor or the IIPP program administrator immediately.
3. Emergency Exits shall be kept open, well lit, and unlocked during business hours.
4. In the event of a fire, sound the alarm and evacuate. Only trained workers may attempt to respond to a fire or other emergency. If you have not been trained to respond to a fire or other emergency, follow your emergency action plan.
5. Upon hearing the fire alarm, stop work and proceed to the nearest exit. Gather at the predetermined meeting location. Follow all provisions of the Court's Emergency Action Plan.
6. Stairways should be kept clear of all obstructions and storage, and all areas under the stairs should not be used to store combustibles.
7. Materials and equipment shall not be stored against doors, exits, fire ladders, pull alarms, or fire extinguishers.
8. Aisles should be kept clear at all times.
9. Work areas should be maintained in a neat and orderly manner. Trash and refuse are to be thrown in proper waste containers.
10. All spills should be wiped up immediately.
11. Files and supplies should be sorted in a manner as to preclude damage to the supplies or injury to personnel when moving them. Heavy items should be stored lower, and lighter items should be stored on the higher shelves.
12. All cords running into walk areas must be secured or inserted through rubber cord protectors to prevent tripping hazards.
13. Never stack material precariously on top of lockers, file cabinets, bookcases, or shelves.
14. In order to avoid tripping hazards, never leave lower desk or cabinet drawers open. Use care when opening and closing to avoid pinching fingers.
15. Do not open more than one file cabinet drawer at a time, especially the top two drawers on tall cabinets, as this may cause it to tip over.
16. Always use proper lifting techniques. Never attempt to lift or push an object that is too heavy. You must contact your supervisor when help is needed to move a heavy object.
17. When carrying material, use caution and avoid obstructions, loose material etc.

18. All electrical equipment should be plugged into appropriate wall receptacles or extensions of only one cord of similar size and capacity. Three pronged plugs should be used to ensure continuity of ground.
19. Individual heaters at work areas should be kept clear of combustible materials such as drapes or wastebaskets. Newer heaters with tip-over shutoff devices should be used.
20. Appliances such as coffeepots and microwaves should be kept in working order and inspected for signs of wear, heat, or frayed cords.
21. Portable fans used in work areas should be guarded, and fingers should not be inserted through the guard.
22. Office equipment such as scissors, staplers, hole punches, etc. should be used for their intended purpose only. They are not to be used as hammers, pry bars, or other tools. Misuse can cause damage to the equipment and possible injury to the user.
23. Cleaning supplies should be stored away from food supplies in the kitchen.