

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SIERRA**

PERSONNEL MANUAL

Revised January 2020

Introduction.....	1
1.0 Employee Definitions	2
1.1 Scope	2
1.2 Applicant	2
1.3 Appointing Authority.....	2
1.4 Appointment	2
1.5 Certification	2
1.6 Class	2
1.7 Classified Service	2
1.8 Day	2
1.9 Demotion	2
1.10 Disciplining Officer.....	2
1.11 Eligibility	3
1.12 Eligibility List.....	3
1.13 Employee	3
1.14 Entry Level Positions.....	3
1.15 Exempt Employee.....	3
1.16 Extra Help Employee.....	3
1.17 Extra Help Position.....	3
1.17.1 Retired Public Employees	
1.18 Hourly Employee.....	3
1.19 Hourly Rate.....	3
1.20 Layoff	4
1.22 Minimum Qualifications.....	4
1.23 Month.....	4
1.24 Non-Exempt Employee.....	4
1.25 Open Examination	4
1.26 Regular Full-Time Employees	4
1.27 Regular Part-Time Employees	4
1.28 Regular Status	4
1.29 Position	5
1.30 Probationary Employee.....	5
1.31 Probationary Period	5
1.32 Professional Employee	5
1.33 Promotion	5
1.34 Promotional Examination	5

1.35 Promotional List5

1.36 Range5

1.37 Reassignment5

1.38 Reclassification5

1.39 Reinstatement6

1.40 Salaried Employees6

1.41 Selection Procedure6

 1.42 Seniority6

1.4 3 Separation6

1.4 4 Series6

1.4 5 Significant Disciplinary Action6

1.4 6 Step7

 1.4 7 Week7

 1.4 8 Year7

 1.49 Longevity Increase7

 1.50 Cost of Living Increase (COLA)7

2.0 Recruitment, Selection and Promotion8

2.1 Equal Employment Opportunity (EEO)/Non-Discrimination Policy8

2.1.1 Status of Employees8

2.2 Employment Selection and Advancement System8

2.2.1 Recruitment of Employees8

2.2.2 Selection Procedures9

2.2.2.1 Job Posting9

2.2.2.2 Employment Applications9

2.2.2.3 Testing9

2.2.2.4 Employment Verification10

2.2.2.5 Disqualification10

2.2.3 Eligibility List10

2.2.4 Certification and Appointment11

2.2.5 Promotions11

2.2.6 Employment of Relatives11

2.3 Probationary Period12

2.3.1 New Employees12

2.3.2 Promoted Employees12

2.3.3 Responsibilities and Procedures12

2.4 Job Classifications13

2.4.1	Classification Plan	13
2.4.2	Amending the Classification Plan.....	13
2.4.3	Allocation of Positions	13
2.4.4	Position Reclassification.....	14
2.5	Job Descriptions.....	14
2.6	Reassignments	14
2.6.1	Reassignments	14
2.6.2	Temporary Reassignments.....	14
2.7	Arbitration	14
2.8	Salary Program Administration	15
2.8.1	Statement of Policy.....	15
2.8.2	Salary Program Elements.....	15
2.8.3	Salary upon Promotion	15
2.8.4	Pay Parity Table.....	15
2.9	Performance Evaluation.....	16
2.9.1	Statement of Policy.....	16
2.9.2	Procedures	16
2.10	Personnel Records Management.....	16
2.10.1	Statement of Policy.....	16
2.10.2	Procedures	17
3.0	Hours of Work, Overtime, and Pay Day.....	19
3.1	Hours of Work and Timekeeping	19
3.1.1	Workweek.....	19
3.1.2	Timekeeping	19
3.1.2.1	Exempt Employees	19
3.1.2.2	Non-Exempt Employees.....	19
3.1.2.3	Submitting Time Reports.....	20
3.2	Overtime Pay	20
3.2.1	Overtime Definitions and Rates of Pay	20
3.2.2	Pre-Authorization	20
3.2.3	Makeup Time.....	20
3.2.4	Compensatory Time.....	21
3.3	Longevity	21
3.3.1	Longevity Increase	21
3.3.2	Continuous Service	21
3.3.3	Effective Date for Longevity Pay	22

3. 4 Other Types of Pay22

3. 4.1 Reporting Pay22

3. 4.2 Callback Pay22

3. 4.3 Holiday Pay22

3.4 .4 Standby Pay22

3. 5 Payday22

3. 5.1 Regular Paydays22

3. 5.2 Payment Upon Resignation or Termination.....23

3. 5.3 Paycheck Distribution.....23

4.0 Expense Reimbursement Policy24

4.1 Scope24

4.2 Definitions24

4.3 Expense Form24

4.4 Lodging and Meals24

4.4.1 Lodging.....24

4.4.2 Meals25

4.5 Attending Conventions, Conferences, or Business Meetings25

4.6 Receipts or Vouchers25

4.7 Advance26

4.8 Transportation Expenses.....26

4.9 Transportation by Aircraft26

4.10 Transportation by Automobile.....26

4.11 Transportation by other Carrier27

4.12 Travel Allowances While on Sick Leave, Vacation, or Compensatory Time Off (CTO).....27

4.13 Non-Travel Expenses.....27

5.0 Court Meeting and Training Expenses Reimbursement Policy28

5.1 Scope28

5.2 Refreshments28

5.3 Facility Rentals28

6.0 Employee Benefits.....29

7.0 Time Off (Paid & Unpaid Leave)30

7.1 Paid Time Off (PTO) Policy.....30

7.1.1 Statement of Policy.....30

7.1.2 Eligibility30

7.1.3 Accrual of PTO.....30

7.1.4 Use of Accrued Hours.....30

7.1.5 Pay in lieu of PTO31

7.1.6 Transfer of PTO.....31

7.2 Holidays.....31

 7.2.1 Holiday Pay Eligibility.....32

 7.2.2 Holiday Pay Amount.....32

 7.2.3 Floating Holiday.....32

7.3 Family Medical Leave Act (FMLA).....32

7.3.1 Eligibility32

7.3.2 Use of FMLA.....33

7.3.3 Duration of FMLA.....33

7.3.4 Use of Paid Leave In Lieu of FMLA33

7.3.5 Effect of FMLA on Pay34

7.3.6 Effect of FMLA on Benefits.....34

7.3.7 Definitions34

7.3.8 Procedures to Request Leave34

7.3.9 Procedures for Reinstatement35

7.4 Pregnancy Disability Leave35

7.4.1 Statement of Policy.....35

7.4.2 Transfers35

7.4.3 Substitution of Paid Leave for Pregnancy Disability Leave36

7.4.4 Effect of Pregnancy Disability Leave on Pay36

7.4.5 Effect of Pregnancy Disability Leave on Benefits.....36

7.4.6 Procedures for Requesting Leave36

7.4.7 Procedures for Reinstatement36

7.5 Workers Compensation Leave/Reasonable Accommodation Leave37

7.6 Fitness for Duty Examinations37

7.7 Miscellaneous Leave38

7.7.1 Military Leave of Absence38

7.7.2 Jury/Witness Duty38

7.7.3 Bereavement Leave38

7.7.4 Time Off to Vote38

7.7.5 Paid Family Leave39

7.7.6 General Leave of Absence39

7.7.7 Administrative Leave.....39

7.7.8 Emergency Paid Leave39

8.0 Employee Conduct.....40

8.1 Professional Behavior40

8.2 Harassment-Free Workplace.....41

 8.2.1 Whistleblower Policy and Protection from Retaliation 41

8.3 Sexual Harassment Prevention Policy42

 8.3.1 Statement of Policy42

 8.3.2 Sexual Harassment Defined.....42

 8.3.3 Reporting43

 8.3.4 Informal Procedures.....43

 8.3.5 Complaint Procedures.....43

8.4 Workplace Security44

 8.4.1 Statement of Policy.....44

 8.4.2 Workplace Violence Defined.....44

 8.4.3 Reporting44

 8.4.4 Investigation45

 8.4.5 Corrective Action and Discipline.....45

8.5 Dress and Grooming Standards45

8.6 Smoking.....45

8.7 Non-Fraternization.....45

8.8 Court Facilities and Resources46

 8.8.1 Court Facilities.....46

 8.8.2 Court Resources.....46

 8.8.3 Obligations Upon Termination46

8.9 Technology Use and Privacy47

 8.9.1 Technology Resources Defined.....47

 8.9.2 Authorization47

 8.9.3 Use.....47

 8.9.4 Improper Use48

 8.9.4.1 Prohibition Against Harassing, Discriminatory & Defamatory Use.....48

 8.9.4.2 Prohibition Against Violating Copyright Laws48

 8.9.4.3 Prohibition Against the Installation of Software.....48

 8.9.5 Court Access to Technology Resources48

 8.9.5.1 Privacy.....48

 8.9.5.2 Passwords48

 8.9.5.3 Data Collection49

 8.9.5.4 Deleted Information.....49

8.9.6 The Internet and On-Line Services49

8.9.6.1 Confidentiality49

8.9.6.2 Monitoring50

8.9.6.3 Prohibited Conduct50

8.9.7 Software Use.....50

8.9.8 Confidential Information50

8.9.9 Security.....50

8.9.10 Audits.....51

8.10 Conflict of Interest and Confidential Information51

8.10.1 Conflict of Interest51

8.10.2 Confidential Information51

8.10.3 Interest in a Case.....52

8.11 Solicitation, Distribution, and Bulletin Boards52

8.12 Media Policy.....52

9.0 Continuing Education and Safety Program.....54

9.1 Continuing Education54

9.2 Safety Program54

9.3 Court Injury and Illness Prevention (IIP) Program.....54

9.3.1 Statement of Policy.....54

9.3.2 Responsibility, Compliance, and Communication.....55

9.3.3 Identifying Workplace Hazards55

9.3.4 Correcting Workplace Hazards.....55

9.3.5 Investigating Injuries and Illnesses56

9.3.6 Training and Instruction.....56

10.0 Grievance and Complaint Procedures.....58

10.1 Open Communication Policy.....58

10.2 Grievance Procedures58

10.2.1 Statement of Policy.....58

10.2.2 Grievance Defined58

10.2.3 Grievance Procedures58

10.2.4 Settlement59

11.0 Employee Discipline.....60

11.1 Discipline Rules and Policies60

11.1.1 Statement of Policy.....60

11.1.2 Grounds for Discipline.....60

11.1.3 Disciplinary Actions60

11.1.4 Administrative Leave.....61

11.1.5 Notice of Proposed Disciplinary Action61

11.1.6	Due Process Evidentiary Hearing	62
11.1.7	Review and Appeal.....	62
11.1.8	Judicial Review; Employee Challenge	63
12.0	Termination of Employment.....	64
12.1	Voluntary Termination	62
12.2	Termination Due to Reduction in Force	64
12.3	Release from the Probationary Period	64
12.4	Involuntary Termination	64
12.5	Exit Interview and Separation Form	64
12.6	Final Payment	65
13.0	Exit Interview	66

Introduction

It is the policy of the Court to comply with the Trial Court Employment Protection and Governance Act (Government Code section 71600 and following) and to base all employment decisions on job-related factors.

1.0 Employee Definitions

1.1 Scope

Unless the context otherwise requires, the definitions and general provisions herein govern the construction of these rules.

1.2 Applicant

A person who has submitted a written application for employment in accordance with these rules.

1.3 Appointing Authority

The Court Executive Officer is the appointing authority for all employees.

1.4 Appointment

The offer of a position with the Court made by the appointing authority.

1.5 Certification

The action by which persons on an eligibility list are certified as eligible for appointment or promotion.

1.6 Class

A position or group of positions having duties and responsibilities sufficiently similar that (a) the same title may be used, (b) the same qualifications may be required, and (c) the same schedule of compensation may be made to apply with equity.

1.7 Classified Service

All positions in the Court service except (a) elective officials, (b) extra-help employees, and (c) other positions specifically designated to be exempt.

1.8 Day

The period of time between any midnight and the midnight following.

1.9 Demotion

A change in classification of any employee in one classification to a position in another classification which has a lower salary or salary range, either on a voluntary or involuntary basis. Requests for voluntary demotions must be made in writing by the affected employee.

1.10 Disciplining Officer

The person who issues a Notice of Proposed Disciplinary Action.

1.11 Eligibility

The condition of having met the minimum qualifications for a specific position and being ranked with other applicants.

1.12 Eligibility List

A list of eligible applicants for a position.

1.13 Employee

Any person employed by the Court. Independent contractors are not employees.

1.14 Entry Level Positions

Those positions having minimum qualifications that do not require previous work experience.

1.15 Exempt Employee

Exempt employees are exempt from earning overtime compensation. Exempt employees are paid on a salary basis and are not required to keep a daily accounting of their hours.

1.16 Extra Help Employee

An employee employed in an extra help position.

1.17 Extra Help Position

A position which is intended to be occupied on less than a year-round basis including, but not limited to, emergencies, extra workloads of limited duration, to fill vacant positions during the recruitment period, and other situations involving a fluctuating staff or workload.

Ordinarily a full-time extra help position will not be authorized for a period exceeding six (6) months in any fiscal year. In unusual circumstances and at the discretion of the Court Executive Officer, a full-time extra help position may be authorized for a longer period. Extra help employees shall be hired at step one of the salary range and shall receive no additional benefits other than those required by law, except with the expressed approval of the Court Executive Officer.

1.17.1 Retired Public Employees

Retired public employees who are covered by the Public Employment Retirement System (CalPERS) are limited in their employment by any public agency that participates in CalPERS as follows, and more specifically described in AB 1028, Statutes of 2011:

PERS retirees may not be employed in any position unless conformity with Government Code Sections 21221, et. seq., has been established by the Court Executive Officer

1.18 Hourly Employee

Hourly employees are paid by the hour. Wages may fluctuate according to the number of hours worked.

1.19 Hourly Rate

The amount of individual compensation, for a full hour's service, as set forth in the Job Classifications.

1.20 Layoff

Termination of service without fault on the part of the employee because of lack of work, lack of funds, or other causes unrelated to the employee's job performance.

1.22 Minimum Qualifications

The minimum qualifications of education, experience, ability, knowledge, licenses, and other requirements for entrance examinations, for appointments, or for promotion.

1.23 Month

A calendar month.

1.24 Non-Exempt Employee

Non-exempt employees are those who are eligible to be paid for overtime work in accordance with the provisions of applicable wage and hour laws. This classification of employees is paid hourly and must receive additional pay for overtime work.

1.25 Open Examination

A competitive examination which shall be open to all applicants who meet the minimum qualifications for the particular classification for which the examination is to be held.

1.26 Regular Full-Time Employees

Employees who have successfully completed the probationary period, and are scheduled to work forty (40) or more hours per week are considered full-time and are eligible for the Court's benefit package, subject to the terms, conditions, and limitations of each benefit program.

1.27 Regular Part-Time Employees

Employees who have successfully completed the probationary period and are regularly scheduled to work less than forty (40) hours per week and at least twenty (20) hours per week, are considered part-time and are eligible for the

Court's benefit package, subject to the terms, conditions, and limitations of each benefit program.

1.28 Regular Status

The status of an employee, following the successful completion of his/her probationary period, which entitles him/her to appeal any disciplinary action which he/she believes was made without reasonable cause.

1.29 Position

A specific office, employment, or job calling for the performance of certain duties and the carrying of certain responsibilities by one individual either on a full-time, part-time, or extra help basis.

1.30 Probationary Employee

Employees who are within the probationary period.

1.31 Probationary Period

The period of time following his/her appointment during which an employee demonstrates satisfactory performance in order to justify his/her right to hold regular status, as defined in Section 2.3, below.

1.32 Professional Employee

An employee, who, is engaged in work requiring specialized knowledge and skills attained through the completion of a recognized course of instruction, including, but not limited to, attorneys.

1.33 Promotion

The movement of an employee from one class to another class having a higher maximum rate of pay.

1.34 Promotional Examination

A competitive examination which shall be open to current employees of the Court who meet the minimum qualifications for the particular classification for which the examination is to be held.

1.35 Promotional List

A list of names of Court employees who have passed a promotional examination for a class in the classified service, ranked in the order of score earned.

1.36 Range

A sequence of salary steps used to identify the minimum, maximum, and intermediate salary rates which may be paid to employees within a class.

1.37 Reassignment

Movement of an employee from one assignment to another within the same class.

1.38 Reclassification

A change in the allocation of a position by raising it to a higher class, reducing it to a lower class, or changing the title on the basis of substantial changes in the kind, difficulty, or responsibility of duties performed.

1.39 Reinstatement

The return of a discharged employee to his or her former position as a result of the appeal process.

1.40 Salaried Employees

Salaried employees are paid a fixed compensation on a periodic basis and not by the hour. A non-exempt employee paid on a salary basis will, however, receive overtime pay.

1.41 Selection Procedure

The process of testing, evaluating, and/or investigating the fitness and qualification of applicants based on merit procedures, validity, and reliability.

1.42 Seniority

Length of service with the Court is measured from the employee's date of hire. For the purposes of determining the order of layoff, retirement credit, vacation accrual, and longevity, seniority shall include employment with the County of Sierra for those employees who transferred to the Court from the County by operation of law on January 1, 2001, pursuant to the Trial Court Employment Protection and Governance Act, Government Code Sections 71600 and following, or who were previously employed by the County, as defined in section 3.3.2. Length of service shall have the same meaning as "continuous service" as defined in Section 3.3.2

1.43 Separation

Any termination of employment. Termination may include death, discharge, layoff, resignation, retirement, or work completion.

1.44 Series

Means two (2) or more classes of positions with duties substantially similar in nature and character, but differing in level of difficulty, responsibility, and perhaps supervision.

1.45 Significant Disciplinary Action

Includes discharges, involuntary demotions, and suspensions of more than five (5) days.

1.4 6 Step

A step increase is a percentage increase in pay as the employee moves from one level in a classification series to the next, (to wit, A through E) and is based on both time and meritorious service.

1.4 7 Week

A period of seven (7) consecutive days running from 12:01 a.m. Sunday to 12:00 midnight Saturday.

1.4 8 Year

A year is a calendar year. For the purpose of calculating continuous service, a year is 2080 hours of work-time.

1.49 Longevity Increase

Longevity increase refers to the adjustment in pay made for employees who reach certain continuous employment milestones. Currently, longevity increases are awarded to employees after 7, 10, 15, and 20 years of continuous service.

1.50 Cost OF Living Increase (COLA)

Salary adjustments that are subject to meet and confer obligations

2.0 Recruitment, Selection and Promotion

2.1 Equal Employment Opportunity (EEO)/Non-Discrimination Policy

Employment practices shall not be based upon an applicant or employee's race, color, religion, sex, age, national origin, marital status, sexual orientation, ancestry, physical or mental disability, medical conditions, political affiliation, veteran's status, or citizenship, 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. This policy applies to all areas of employment including recruitment, hiring, training, promotion, compensation, benefits, and transfer.

The Court will comply with the Americans with Disabilities Act (ADA).

Any applicant or an employee who requires an accommodation to perform essential functions of a job should contact the Personnel Officer or designee (hereafter Personnel) and request accommodation. The employee should specify what accommodation is needed to perform the job. If the accommodation is reasonable and will not impose an undue hardship or pose a threat to the health and safety of others, the Court will make the accommodation. The Court reserves the right to require an employee to submit to a mental or physical examination, at the Court's cost, to determine fitness for duty, identify any job-related disability, or the employee's ability to perform job functions and identify reasonable accommodations.

The Court is committed to providing a work environment that is free from discrimination. In keeping with its commitment, the Court maintains a strict policy prohibiting unlawful harassment on the basis of any of the protected classes stated above; this includes sexual harassment. It is the responsibility of every manager and employee to follow this policy.

2.1.1 Status of Employees

All employees are subject to the Trial Court Employment Protection and Governance Act (Government Code section 71600 and following) except those employees who are "at will". The Court has the right to terminate the employment of an "at will" employee at any time and for any reason not prohibited by law.

2.2 Employment Selection and Advancement System

2.2.1 Recruitment of Employees

Hiring and promotion shall be done in a nondiscriminatory manner based on job-related factors. Recruiting, selecting, transferring, and advancing employees shall be on the basis of their relative ability, knowledge, and skills. Initial appointment shall be through an open, competitive process. Preference shall be given to qualified internal candidates.

When a vacancy occurs, the Court will develop a list of eligible applicants. Subordinate judicial officers, managerial, confidential, temporary, and limited-term positions are excluded from this policy.

2.2.2 Selection Procedures

Personnel shall develop appropriate selection procedures for positions as they become available and as current and anticipated needs require. Selection procedures may include written applications, oral interviews, testing, personal and employment references, background check, drug and alcohol testing, physical examination, credit history, DMV history, and criminal history. Only those procedures determined by Personnel to be appropriate for the position will be used and some procedures may not be used for individual positions. Procedures will be uniformly applied. Scheduled selection procedures may be postponed, canceled, or modified and the closing date for any position may be extended. Personnel will notify all persons affected and post public notice of the changes.

2.2.2.1 Job Posting

Personnel will prepare a Job Posting form for general circulation and display to all employees. The steps to apply for any posted position and the necessary qualifications for the position appear at the bottom of the posting form.

2.2.2.2 Employment Applications

All employment applications must be filed in Personnel in the time and manner specified in the posting. The time for filing applications may be extended by Personnel after consultation with the appointing authority and notice shall be given in the same manner as the original announcement. All applications shall be signed. Applications will not be returned to the applicants. The names of the applicants shall not be made public unless permission is granted in advance by the applicant.

2.2.2.3 Testing

Testing procedures shall be uniform, competitive and of such a nature to fairly test and determine the qualifications, fitness, and ability of applicants to perform the duties of positions for which they have applied. This may include written tests, oral tests, performance or skill tests, tests of physical strength, stamina, and dexterity and any other test reasonably related to the requirements of the position. A test shall be deemed competitive if applicants are tested as to their relative qualifications and abilities or if a single applicant is scored against a fixed standard. No test shall be administered unless it is previously approved by Personnel.

Each applicant shall be notified by mail of the result of his or her test.

Supplemental questions attached to an employment application and hypothetical job-related questions posed to an applicant during an interview shall not be considered tests and may be incorporated into the selection process at the discretion of the Court.

2.2.2.4 Employment Verification

To ensure that individuals who work for the Court are well qualified, it is Court policy to check employment references. Background checks appropriate to the position will be conducted and employment history will be verified. Verification processes may include, but are not limited to: physical examination, drug/alcohol testing, review of credit history, and criminal or DMV reports. Applicants shall provide Personnel with waivers as necessary to authorize the disclosure of background or employment history information.

2.2.2.5 Disqualification

When permitted by law, Personnel may disqualify any person whose qualifications warrant such action. Personnel may refuse to examine or, after selection procedures, may refuse to declare as eligible, or may withhold or withdraw from certification prior to appointment, anyone who comes under any of the following categories which are job-related to any given position:

- (a) Lacks any of the minimum qualifications established for the examination or position for which he or she applied.
- (b) Has been dishonest or deceptive in the application, in the selection procedure, or in securing eligibility.
- (c) Has failed to reply within a reasonable time, as specified by Personnel, to communications concerning availability for employment.
- (d) Has been made unavailable for employment by withdrawing from consideration.

2.2.3 Eligibility List

Personnel shall establish an eligibility list of persons who have successfully completed a selection procedure for a position. In establishing the eligibility list, the names of the applicants shall be placed on the list in the order of final ranking. The final ranking shall be determined by the scores of each applicant for each part of the selection process, based upon the value assigned to each part of the procedure, and totaled.

A name may be removed from the eligibility list:

- (a) For any cause set forth in Policy 8.0.

- (b) On evidence that the applicant cannot be located by the postal authorities.
- (c) On receipt of a statement from the applicant declining an appointment or stating that he or she no longer desires consideration for a position with the Court.
- (d) After the applicant refuses three offers of appointment to the class for which the eligibility list was established.
- (e) For failure to respond within the specified time after notice of certification, without suitable explanation.

Applicants whose names are placed on the eligibility list shall be responsible for keeping Personnel informed of changes to their address.

2.2.4 Certification and Appointment

Whenever any position is to be filled, the Court shall certify eligible applicants. For each vacancy or new position, the Court shall certify at least three (3), if possible, and no more than ten (10) of the top-ranked applicants from the eligibility list. The Court shall interview all certified applicants and may offer employment to any of them.

2.2.5 Promotions

Every person at the Court shall be given the opportunity to advance according to his or her qualifications.

Promotional selection procedures will be announced and conducted whenever requested by the Court or when the needs of the Court so require.

Employees may not participate in a promotional selection procedure unless they can competently perform the functions specified under “desirable qualifications” of the specific job descriptions and possess any license, certificate or other evidence of fitness as prescribed for the class for which the selection procedure is given.

2.2.6 Employment of Relatives

Relatives of employees may be hired by the Court only if the individuals will not work in a direct supervisory relationship and the employment will not pose difficulties for supervision, security, safety, or morale. For the purposes of this policy a relative is defined to include the employee’s spouse, children, parents, siblings, grandparents, aunts, uncles, nieces, and nephews, who have this relationship with the employee either by blood or marriage, as well as someone who shares a domestic partner relationship with the employee.

Employees who marry will be permitted to continue employment with the Court only if they do not work in a direct supervisory relationship with one another, or otherwise pose difficulties for supervision, security, safety, or morale. If employees who marry work in a direct supervisory relationship with one another, the Court will attempt to reassign one of the employees to another position for which he or she is qualified, if such a position is available. If no such position is available, then one of the employees will be required to terminate employment with the Court. The decision as to which employee terminates will be left solely to the spouse-employees. In the event that no alternative position is available and neither employee voluntarily leaves the Court, the employee with lesser seniority will be terminated.

If a judge or the Court Executive Officer becomes related by marriage, adoption, or guardianship to a Court employee during the course of that employee's employment with the Court, the employee will be asked to resign. In the alternative the judge or Court Executive Officer to which the employee is related may choose to resign their position with the Court, in which case the employee may continue in their employment with the Court.

2.3 Probationary Period

2.3.1 New Employees

The Court attempts to hire the most-qualified employee for each position. To ensure this, the Court requires an probationary period of six (6) months beginning on the date of hire, with the option at the Court's discretion, to extend for an additional period of six (6) months. This period is used to determine whether the employment relationship should continue.

During the probationary period, frequent informal and formal employee performance evaluations will be held. If the Court determines that a satisfactory performance level cannot be achieved during the probationary period, employees will be released from employment immediately.

Upon satisfactory completion of the probationary period, the probationary employee will become a regular employee. Employee benefits begin on the first day of hire.

2.3.2 Promoted Employees

Any employee who is promoted will serve a probationary period of six (6) months in their new position.

2.3.3 Responsibilities and Procedures

Supervisors will be responsible for training and evaluation during the probationary period.

Formal performance appraisals will be conducted after three (3) months, and one (1) pay period before six (6) months, and before completion of the probationary

period (if extended). Informal performance appraisals should be provided as needed.

Personnel is responsible for notifying supervisors thirty (30) days prior to an employee completing his/her probationary period. If the employee's performance is unsatisfactory, the employee may be released from employment. Upon satisfactory completion, employees move to regular status and are subject to the standard performance appraisal process and other Court policies.

2.4 Job Classifications

2.4.1 Classification Plan

All positions shall be included in a classification plan except the Court Executive Officer. The classification plan shall be maintained by Personnel so that all positions substantially similar in duties, responsibilities, authority, and qualifications are so classified that schedules of compensation may be applied equitably. Each classification shall have a written specification setting forth the title of the class, defining the class, describing duties and responsibilities of the positions in the class, and setting forth qualifications of applicants for positions in the class.

2.4.2 Amending the Classification Plan

The Court Executive Officer may create new classes and revise or abolish existing classes.

2.4.3 Allocation of Positions

The number and classifications of regular positions shall be as approved by the Court Executive Officer, who shall not appoint more employees to a class of positions than is provided, except that a new employee may be appointed to a position before an employee being replaced is separated.

2.4.4 Position Reclassification

The Court Executive Officer may reclassify a position when it appears that there has been a significant change in the duties and responsibilities of the position. Promotions will typically occur in conjunction with the employee's annual performance evaluation.

2.5 Job Descriptions

The job descriptions listed in Appendix A shall be the descriptions for positions in the Court.

2.6 Reassignments

2.6.1 Reassignments

The Court Executive Officer may reassign employees from one position to another position within the Court, provided the positions are in the same salary range and the employee possesses the minimum qualifications for the new position.

2.6.2 Temporary Reassignments

The Court Executive Officer may temporarily reassign a regular employee to a regularly authorized position in a class having a higher salary range when an employee is absent or there is no employee currently in that position. A temporary reassignment shall not exceed 180 days unless the Court Executive Officer specifically authorizes a longer period. The salary of the employee during the temporary reassignment shall be determined in accordance with this Manual.

2.7 Arbitration

In the event that an employee contends that the Court has misapplied, misinterpreted, or violated the policies governing hiring, promotion, transfer, and reclassification, the employee may file a grievance. Such a grievance must be submitted in writing within ten (10) working days of the date the employee knew, or should have known of, the alleged misapplication, misinterpretation, or violation. The grievance shall set forth the employee's name, the date the grievance is submitted, and the alleged facts upon which the grievance is based. The Court shall respond to the grievance in writing within ten (10) calendar days of the date it is submitted to the Court. If the employee is not satisfied with the Court's response (or if the Court does not respond in writing within ten (10) calendar days), the employee may, within five (5) days of receipt of the response (or, if there is not a response, within five (5) calendar days of the due date of the response), request in writing that the matter be submitted to binding arbitration. The parties may mutually agree to an arbitrator. If the parties are unable to mutually select an arbitrator, they shall request a list of seven (7) experienced labor arbitrators from the State Mediation and Conciliation Service and alternately strike names from the list until an arbitrator is selected. The arbitrator shall issue a binding decision. The arbitrator's authority and jurisdiction is limited to the issue of whether the Court misapplied, misinterpreted, or violated this section in the manner set forth in the grievance. The arbitrator shall have no authority to add to, detract from, alter, amend, or modify any of the Court's rules, policies, or procedures.

2.8 Salary Program Administration

2.8.1 Statement of Policy

The Court provides a salary program that is designed to stimulate employee productivity, reward performance, and ensure equity. All positions except subordinate judicial officers and the Court Executive Officer shall be included in the salary program.

The salary program is administered by the Court Executive Officer. The program will be reviewed periodically and adjusted consistent with local market conditions and other local compensation-related issues such as, difficulty of recruitment or retention and available resources. This review determines the competitiveness of the salary structure. Recommendations for changes are made to the Court Executive Officer who may make adjustments as appropriate.

2.8.2 Salary Program Elements

Each position has been placed in a salary grade which establishes the value of the position in relation to other positions in the Court.

Each salary grade has been assigned a salary range. Within this framework, an employee's salary will be related to demonstrated performance. Employees will receive a salary that is within the range limits of the applicable grade. The minimum of the appropriate salary range is paid to all qualified employees. New employees are generally hired at rates within the first quartile of the applicable range.

The mid-point in the pay range for each position establishes the rate that a fully qualified employee is ordinarily able to achieve. A fully qualified employee is one who demonstrates sustained performance that "meets requirements" of the position, as well as all Court criteria. Pay levels above the mid-point are intended for those employees who demonstrate sustained performance that exceeds the "meets requirement" level.

The maximum of a salary range provides an upper limit to the rate employees in that grade may be paid.

If an employee is paid over the maximum at the time the classification is established, the salary will not be reduced. Rather, the employee will be ineligible for an increase in pay ("y rated") until an adjustment in the salary structure is made.

2.8.3 Salary upon Promotion

Promotions within the same classification usually occur concurrently with performance evaluations.

2.8.4 Pay Parity Table

A pay parity table showing the relationship between the job classifications is attached.

2.9 Performance Evaluation

2.9.1 Statement of Policy

Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted annually to provide supervisors and employees the opportunity to discuss job tasks, training needs, identify and correct weaknesses, encourage and recognize strengths, discuss positive, purposeful goals and objectives, and approaches for meeting those goals and objectives.

Written performance evaluations and any written response to the evaluation will be included in the employee's personnel file.

Satisfactory performance reviews will not necessarily result in wage increases. The decision to make an adjustment, and the amount of the adjustment, depends on the information documented by the review process as well as budgetary constraints.

2.9.2 Procedures

Each supervisor is responsible for conducting performance evaluations for each subordinate employee.

Supervisors should complete the performance evaluation at least thirty (30) days prior to each employee's anniversary date. The Court Executive Officer must approve every performance evaluation before it is discussed with the employee. After approval, supervisors must meet with the employee regarding the evaluation. The discussion shall be held at a private location which is free from interruptions.

The employee will be asked to comment on the evaluation and acknowledge it by signing where indicated. A copy of the signed evaluation shall be given to the employee before the end of the evaluation. If the employee declines to sign the form, he or she should be encouraged to discuss any concerns and write comments where indicated on the form. If the employee still declines to sign the evaluation, the supervisor should write "employee declined to sign" at the bottom of the form, add his or her initials and the date, have another supervisor and/or Personnel verify that the employee refuses to sign the form and give the employee a copy. The supervisor should then notify Personnel of the situation.

2.10 Personnel Records Management

2.10.1 Statement of Policy

Personnel records will be maintained on each Court employee at their location of

employment or shall be made available to the employee at their location of employment within a reasonable time.

Changes of address, telephone number and/or family status (births, marriage, death, divorce, legal separation, etc.) must be reported within five (5) working days to Personnel as an employee's income tax status and group insurance may be affected by these changes.

Access to personnel files is restricted to authorized employees of Personnel and the Court Executive Officer. Personnel files are the property of the Court and may not be removed from Personnel. Employees who wish to review their personnel files must first make arrangements with Personnel. The file must be viewed in the presence of a Personnel employee at a mutually convenient time during regular business hours.

Requests for information from employee personnel files received from other departments and/or inquiries from outside the Court will be directed to Personnel. Supervisors and other employees are prohibited from providing employment references on either former or current employees. All requests for references should be forwarded to the Court Executive Officer.

2.10.2 Procedures

When the Court hires an employee, a personnel file will be established and may contain the following information:

1. Application for employment and related hiring documents such as resumes and course transcripts.
2. Personnel action notices of pay and employment status changes.
3. Performance documents including performance appraisals.
4. Personal information changes and employee history updates including recent education, records of outside achievements, changes affecting withholding tax, etc.
5. Other documents pertaining to employment such as appreciation letters, corrective action reports, employment contracts, record of automobile insurance, employment verifications, and training records.

Medical records (including ADA medical information) and documents necessary for the administration of Court benefit programs will be kept in a separate confidential file. I-9 forms are also kept in a separate file. References from previous employers and background checks are also kept in a separate file. Only appropriate officials conducting an investigation may examine these files.

Inspection of an employee's personnel file may be accomplished at reasonable times during office hours under the following conditions:

1. Employees may examine their files at reasonable times, and upon prior notice. The file must be viewed in the presence of a Personnel employee at a mutually convenient time during regular business hours.
2. The Court generally will cooperate with federal, state and local government agencies investigating an employee if the investigators furnish proper identification and proof of legal authority to investigate. However, the Court may first seek advice of legal counsel. The Court may permit a government investigator to review a personnel file on Court premises, but the investigator will not be allowed to remove or reproduce this information without consent from Personnel and/or the Court's attorneys.

If employees want the Court to verify information requested by outside sources for credit or other purposes, a release form with the employee's signature must accompany the request.

Employment references on former employees will be provided only by the Court Executive Officer, as follows:

- (1) Salary history, job chronology and performance information may be released with written approval of the employee or ex-employee. This information will be released in writing and a copy retained in the employee's personnel file.
- (2) Information will be verified by the Court Executive Officer via telephone (after reasonable caller identification) but will be limited to the following: (1) date of hire, (2) date of separation, (3) job title(s), and (4) confirmation of salary stated by caller.

A summary of the conversation should be written using the appropriate form. This should be included in the employee's personnel file.

- (3) If the request for information is in writing, it should be copied before it is returned and the copy should be retained in the employee's file.

Original personnel files will be maintained by Court Executive Officer and will be retained for five (5) years after an employee's separation date.

3.0 Hours of Work, Overtime, and Pay Day

3.1 Hours of Work and Timekeeping

3.1.1 Workweek

Work hours are from 8:00 a.m. to 5:00 p.m., Monday through Friday, with up to a one-hour unpaid lunch. Employees may be permitted to work other hours with the approval of the Court Executive and their supervisor.

Employees are provided two fifteen-minute paid break periods, one in the morning and one in the afternoon.

Part-time employees are provided breaks and lunch according to their schedule.

For purposes of computing overtime pay, each workweek begins at 12:01 a.m. on Sunday.

3.1.2 Timekeeping

3.1.2.1 Exempt Employees

All exempt employees are to report on a biweekly timesheet any regularly scheduled hours not worked. Timesheets should be given to Payroll on a weekly basis.

3.1.2.2 Non-Exempt Employees

Accurately recording time worked is the responsibility of every non-exempt employee. The Court is required to keep an accurate record of time worked in order to calculate employee pay and benefits. Time worked is defined as the time actually spent on the job performing assigned responsibilities.

Non-exempt employees are required to record accurately the time they begin and end their work as well as the beginning and ending time of any split shift or departure from work for personal reasons. Altering, falsifying, or tampering with any time records may result in disciplinary action, up to and including immediate termination of employment.

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

3.1.2.3 Submitting Time Reports

Each employee's manual time sheets will be submitted for approval to the supervisor before the end of the pay period. The supervisor will then submit the signed time sheets or time reports to Payroll. Any changes or corrections noted on the time sheets must be initialed by the employee and the supervisor or department head.

Time sheets may be submitted on a group or individual basis. Each Supervisor is responsible for informing employees of the submission procedures.

3.2 Overtime Pay

3.2.1 Overtime Definitions and Rates of Pay

When operating requirements or other needs cannot be met during regular working hours, employees may be scheduled to work overtime hours.

All non-exempt employees who work more than forty (40) hours in one workweek, will receive overtime pay computed at the rate of one and one-half (1 1/2) times the employee's regular rate of pay for all hours worked in excess of forty (40) hours in any one workweek.

Only those hours that are actually worked are added together to determine an employee's pay. Paid time off for holidays, vacation, sick leave, bereavement leave, compensatory time off, jury duty, time off to vote, or for any other leave of absence, will not be counted as hours worked for the purposes of determining overtime for non-exempt employees.

3.2.2 Pre-Authorization

Non-exempt overtime work must be approved before it is performed. The employee must complete a written request to work additional hours, and submit it to the appropriate supervisor for signature. Approved written requests should be attached to the employees' biweekly timesheet.

Authorization shall be implied if the employee is in a situation where pre-authorization is not possible (e.g. ongoing court proceedings).

Failure or refusal to work scheduled overtime or working overtime without prior authorization from the supervisor, may result in disciplinary action, up to and including, termination of employment.

3.2.3 Makeup Time

Non-exempt employees may make up work time that is or would be lost as a result of personal obligations if the makeup time is performed during the same workweek in which the work time is lost. A non-exempt employee will only be permitted to make up work time if the employee submits a signed written request

and the employee's direct supervisor approves the makeup time in advance. Any non-exempt employee who performs makeup work will not be paid overtime unless more than forty (40) hours is worked in the workweek.

3.2.4 Compensatory Time

For each pay period in which a non-exempt employee works authorized overtime, he or she may earn compensatory time off (one and one half hour for each hour of overtime waived) at the discretion of the Court Executive Officer. This election is made each pay period, and must be included on the employee time sheet. Employees may accrue compensatory time off up to eighty (80) hours.

Employees must provide reasonable advance notice of the date or dates upon which they wish to take compensatory time off. Upon separation, the employee will be paid for any outstanding compensatory time off. The Court retains the right to require employees to use compensatory time off within twelve (12) months of its accrual or to pay employees for the compensatory time off at the overtime rate.

3.3 Longevity

3.3.1 Longevity Increase

The salary of a full time classified employee shall be increased by five percent (5%), after seven (7), ten (10), fifteen (15), and twenty (20) years of continuous service.

3.3.2 Continuous Service

"Continuous Service", as used in this section, shall include time spent in paid status and shall not include time spent in unpaid status, whether approved or not.

Any County employee who transferred to the Court by operation of law on January 1, 2001 pursuant to the Trial Court Employment Protection and Governance Act, Government Code Sections 71600 and following shall receive credit for their County employment for the purpose of accruing continuous service.

Any Court employee who was a full time employee of the County prior to August 9, 2004, and who was hired by the Court prior to that date, shall receive credit for the time in County employment for the purpose of accruing continuous service.

3.3.3 Effective Date for Longevity Pay

A longevity increase shall be effective when an employee completes the required hours of continuous service and shall be calculated to the nearest whole dollar.

3.4 Other Types of Pay

3.4.1 Reporting Pay

An employee who reports to work at the Court's request, for work at other than a scheduled shift, will be paid a minimum of two (2) hours pay at their regular rate of pay, without regard to the number of hours actually worked.

3.4.2 Callback Pay

Any employee who is called back to work for a second work period in any one workday will be paid a minimum of two (2) hours pay at their regular rate of pay, without regard to the number of hours actually worked.

3.4.3 Holiday Pay

Employees are paid their regular wages for Court-paid holidays as set forth under the policy entitled "Holidays." To receive holiday pay, the employee must work the regularly scheduled workdays immediately preceding and following the Court holiday, or receive prior approval from their supervisor to take the time off, or be on authorized paid leave. Non-exempt employees who work during a Court-paid holiday are paid at one and one half (1 1/2) times their regular rate of pay.

3.4.4 Standby Pay

Any employee assigned by the Court to be on call during non-duty hours shall receive standby compensation at the minimum wage rate during such standby period, provided the employee is available for, and responds to, all calls for work. If the employee is not available or fails to respond to a call for work, the employee shall receive no compensation for the entire period.

3.5 Payday

3.5.1 Regular Paydays

Employees are paid on a biweekly basis, or on an alternate schedule developed by the Sierra County Auditor. Each paycheck will include earnings for all work performed through the end of the current payroll period. If a regularly scheduled payday falls on a day off (e.g., a weekend or holiday), employees will be paid on the first workday preceding the regularly scheduled payday.

Each December, Personnel will distribute the time sheet deadline and payday schedule to all employees for the following year. In addition, Personnel will provide employees with the deadlines for submittal of deduction changes for the month's payroll.

3.5.2 Payment Upon Resignation or Termination

If an employee resigns, his or her paycheck will be available on the next scheduled payday or by regular mail, at the request of the employee. If an employee fails to return to work, the paycheck will be mailed by regular mail to the employees' last known address on the next scheduled payday after the date when the employee is considered to have terminated.

If an employee is terminated involuntarily, his or her paycheck will be mailed to the last known address on the next scheduled payday. The employee's final paycheck will include payment for all wages due, and eligible leave, minus authorized deductions.

3.5.3 Paycheck Distribution

Payroll distributions will be made by direct deposit to an account designated by the employee.

Employees are responsible for providing the Court with an accurate mailing address for payroll purposes.

4.0 Expense Reimbursement Policy

4.1 Scope

It is the purpose of this policy to authorize reimbursement for reasonable and necessary out-of-pocket expenses incurred by employees because of approved travel on official Court business. This policy applies to all Judicial Officers, employees, and persons in the service of the Court.

4.2 Definitions

- (a) **Expenses:** Expenses include the reasonable costs of meals incurred while on approved travel; the reasonable costs of necessary telephone calls and fax transmissions; the reasonable costs of mileage and other transportation expenses; and all other reasonable charges necessary to the transactions of official Court business.
- (b) **Employee:** Includes all Judicial Officers, employees, and persons in the service of the Court.

4.3 Expense Form

No expense shall be paid unless requested on the approved Expense Form. All expenses shall be separately itemized and accompanied by vouchers or receipts. Reimbursements should be requested within thirty (30) days, and in no event later than ninety (90) days, of the date the expense is incurred. All reimbursement for travel and meal expenses shall conform to the provisions of Government Code Section 69505.

4.4 Lodging and Meals

4.4.1 Lodging

- (a) Reimbursement for the cost of lodging is limited to the actual cost incurred up to a maximum amount of \$110.00, excluding tax, per day. The Court will not reimburse for upgrades (e.g., ocean views, king-size beds, suites, etc.) to the basic room.
- (b) Additional allowances for lodging may be authorized by the Court Executive Officer, on a case-by-case basis, when less costly accommodations are not reasonably available.
- (c) When a spouse travels with an employee, the Court will not reimburse for lodging expenses in excess of the single-occupancy rate. It is the responsibility of the employee to obtain

the lodging rate for both single- and double-occupancy and indicate them on the Expense Form.

- (d) The employee should request a government or reduced rate (unless a group or conference rate is less) and request a Transient-Occupancy Tax exempt form at the time of arrival. A Court identification or business card is generally sufficient identification.
- (e) Hotel cancellations are the responsibility of the employee and cancellation charges will not be reimbursed unless proper justification is provided.
- (f) Original itemized receipts must accompany completed Expense Forms.

4.4.2 Meals

Reimbursement for meals shall be made only when the meal was actually purchased by the employee and the employee is more than 25 miles away from the Court and/or residence on an approved trip lasting at least four (4) hours.

The amount of reimbursement will be \$6.00 for breakfast, \$ 10.00 for lunch and \$16.00 for dinner. These amounts may from time to time be revised. Because of new Internal Revenue Service (IRS) requirements, employees should keep a record of these expenses for Federal Income Tax purposes. The record should include:

- The name and location of establishment where the meal took place.
- Exact amount and date of the expense.
- Specific business discussed.

Per diem amounts shall be as determined by the Court as needed.

4.5 Attending Conventions, Conferences, or Business Meetings

Approval of reimbursement for registration fees in excess of \$50.00 must be requested in advance. Where more than two individuals from the same department are attending the same convention, conference, or meeting, the Court Executive Officer must approve each claim.

4.6 Receipts or Vouchers

- (a) No reimbursement shall be approved without a supporting receipt or voucher except as follows:

- (1) Per diem expenses.
 - (2) Streetcar, ferry fares, bridge and road tolls.
 - (3) All reasonable and necessary expenses of \$3.00 or less.
- (b) If a receipt cannot be obtained or is lost, a statement to that effect shall be attached to the Expense Form.

4.7 Advance

Employees may request an advance of estimated expenses. To request an advance employees must submit an Expense Form to the Court Executive Officer that describes the anticipated expense and the reason it will be incurred.

4.8 Transportation Expenses

- (a) Reimbursement will be made for the method of transportation that is in the best interest of the Court, considering direct expense and the employee's time. Provided the mode of transportation selected does not conflict with the needs of the Court, the employee may use a more expensive form of transportation and be reimbursed at the amount for a less expensive form of transportation. Both modes of transportation must be reported on the Expense Form. Reimbursement will only be made for expenses that are actually incurred.
- (b) Reimbursement will not be made for transportation expenses between an employee's place of residence and the Court. For the purpose of calculating mileage, the distance traveled shall be computed from either the employee's residence or the Court, whichever is less.
- (c) Reimbursement will not be made for a damage waiver on a rental car. In the discretion of the Court Executive Officer, reimbursement may be made to an employee for any loss sustained because of not having purchased such waiver.

4.9 Transportation by Aircraft

Reimbursement for airline travel will be allowed for the most inexpensive class of travel. Employees may not travel by private plane or non-scheduled airline without prior approval of the Court Executive Officer.

4.10 Transportation by Automobile

- (a) An employee who drives their personal automobile on approved Court business will be reimbursed for mileage at the rate approved by the Internal Revenue Service.
- (b) Expenses for gasoline or routine repairs shall not be allowed.
- (c) Reimbursement will be allowed for necessary parking while on Court business.

4.11 Transportation by other Carrier

- (a) Reimbursement will be allowed for travel by railroad or bus if approved in advance by the Court Executive Officer.
- (b) Meals incurred while on overnight train or bus travel will be reimbursed in accordance with Section 4.4.2.

4.12 Travel Allowances While on Sick Leave, Vacation, or Compensatory Time Off (CTO)

Reimbursement for expenses incurred by employees while on sick leave, vacation, or compensatory time off shall not be allowed without approval of the Court Executive Officer.

4.13 Non-Travel Expenses

Reasonable and necessary non-travel expenses will be allowed for business expenditures approved by the Court Executive Officer.

5.0 Court Meeting and Training Expenses Reimbursement Policy

5.1 Scope

It is the purpose of this policy to authorize reimbursement for the reasonable and necessary expenses incurred by the Court for refreshments and meals for on-site training and for facility rentals. This policy is applicable to all Judicial Officers, employees, and persons in the service of the Court.

5.2 Refreshments

The Court Executive Officer shall be authorized to expend Court funds for refreshments and meals in connection with administrative meetings or training sessions for Court employees. The costs for any refreshments or meals shall be submitted to the Court Executive Officer at least two (2) working days in advance of the meeting or training session. Under no circumstances shall the costs for any meeting or session exceed the amount established by the Court.

5.3 Facility Rentals

The Court Executive Officer shall be authorized to expend funds for facility rental fees in connection with administrative meetings or training sessions for Court employees. The costs associated with any facility rental shall be submitted to the Court Executive Officer at least ten (10) working days in advance of the meeting or training session. Under no circumstances shall an off-site facility be rented when an adequate Court facility is available.

6.0 EMPLOYEE BENEFITS

The Court provides a variety of benefit plans and programs in which employees may participate, including:

- Health, dental, and vision care plans
- Retirement
- Life insurance
- Deferred compensation plan
- Employee Assistance Program

Information about eligibility and enrollment is available through the Court Executive Officer. The Court reserves the right to eliminate and/or change benefit plans and programs.

7.0 Time Off (Paid & Unpaid Leave)

7.1 Paid Time Off (PTO) Policy

7.1.1 Statement of Policy

The Court recognizes that there are a variety of circumstances for which an employee should receive paid time off from work. A Paid Time Off (PTO) program combines both sick leave and vacation into one lump sum or “bank” of PTO hours that may also be used for personal reasons.

7.1.2 Eligibility

Regular full and part-time employees are eligible for this benefit as they accumulate PTO time. For the purpose of this section, any person rehired within three (3) years of his or her separation from Court employment will be entitled to have his or her prior service counted in computing continuous service for the purposes of accruing PTO.

7.1.3 Accrual of PTO

Accrual begins on the first day worked and is based on the number of hours worked each pay period. The accrual rate increases with an employee's length of service. PTO hours accrue on regular hours worked, hours worked on a holiday, jury duty, bereavement leave, Court approved educational days, and PTO. At this time, Payroll and accruals are processed by the Sierra County Auditors Office. Under the current Sierra County payroll processing, employee accruals are based on 2,080 hours a year.

In recognition of years of service, the accrual rate increases with the length of service at the Court. The table below outlines the accrual rates for eligible employees:

Years of Employment	Max Annual Accrual (in days)	Accrual Rate Hours earned/hours worked
0-5	22	11.86
6-10	27	9.66
11-15	32	8.15
16 +	37	7.05

All eligible employees are assigned an hourly accrual rate corresponding to their years of service with the Court. The annual accrual is pro rated for part-time employees.

Employees may accrue a maximum of one year’s annual accrual.

7.1.4 Use of Accrued Hours

Employees may begin to schedule and use their accrued hours as they accumulate PTO time. A supervisor's approval is required before any PTO is taken.

When possible, at least two weeks advance notice is required to schedule PTO. In cases involving emergency or illness, it is often not possible to request time off in advance. In such instances, the employee is to call in as soon as possible in accordance with the departmental procedures. However, this requirement may vary depending upon departmental scheduling procedures.

Accrued PTO may be used at a rate not to exceed regularly scheduled hours in each pay period.

Each employee must take not less than five (5) consecutive days off each calendar year. This time must include at least three (3) PTO days. In some cases, internal control procedures may require the use of specified time off periods annually.

7.1.5 Pay in lieu of PTO

Payment for accrued PTO will only be made in an employee's final paycheck or if the employees' status is changed to a benefits ineligible position. Payment is contingent upon the completion of 90 days of employment in regular status.

Employees who have accumulated PTO hours in excess of their annual maximum accrual (see above chart) shall receive an annual "pay back" for those excess hours based on their regular rate of pay. The calculation will be made after the final pay period in June. A separate payroll check will be distributed to eligible employees in July of each year. The employees' PTO bank will be reduced accordingly.

7.1.6 Transfer of PTO

Under unusual circumstances, employees may transfer PTO hours to co-workers who are in dire need. The employee transferring the hours must maintain a minimum balance of 40 hours for his or her own personal use. PTO transfer forms may be obtained from Personnel.

7.2 Holidays

The Court shall observe holidays in accordance with the Government Code and the Rules of the Court. All regular full and part-time employees will receive their regular rate of pay for holidays observed by the Court.

7.2.1 Holiday Pay Eligibility

To be eligible for the "holiday time" an employee must be in full paid status (i.e. at work or on an approved paid leave) on the regular work day before and the regular work day after a paid holiday in order to receive pay for the holiday.

7.2.2 Holiday Pay Amount

Regular part-time employees shall be paid for holidays, at their normal rate of pay, in the same ratio as their hourly work schedule bears to the normal work schedule of a full-time employee.

7.2.3 Floating Holiday

- A. Amount: On January 1st of each year, the Court grants two (2) floating holidays (8 hours each holiday) to each regular full-time employee to be used within the calendar year. Failure to request the use of the floating holidays within the calendar year shall result in the loss of the unused floating holidays at the end of the calendar year.
- B. New Hires: Floating holidays shall be granted in regards to new hires as follows:
 - 1. Start Date January 1 through March 31
Employees who began work between January 1 and March 31 of any given year shall receive the full two (2) floating holidays.
 - 2. Start Date April 1 through September 30
Employees who began work between April 1 and September 30 of any given year shall receive two-half days (4 hours each) floating holidays for that year.
 - 3. Start Date October 1 through December 31
Employees hired on or after October 1st will not receive a floating holiday for that year.
- C. Part Time Employees: Part Time employees shall receive the floating holiday with pay based on a pro-rata basis consistent with his/her time base.
- D. Usage: Subject to advance approval by the Court, the floating holidays may be taken at any time during the calendar year but must be taken within the calendar year in which it is given. Failure to take floating holidays within the specified time shall result in the loss of the holidays at the end of the calendar year.
- E. Minimum Charge: Except in the case of a midyear hire, a floating holiday is to be taken 8 hours at a time (or at the full pro-rata basis for part-time staff) and is not to be utilized on a partial basis.

7.3 Family Medical Leave Act (FMLA)

7.3.1 Eligibility

To be eligible for family care and medical leave an employee must have worked for the Court for at least twelve (12) months prior to the date on which the leave is to commence and have worked at least 1,250 hours in the twelve (12) months preceding the leave.

7.3.2 Use of FMLA

“Family care leave” may be taken for (1) the birth of a child of the employee; (2) the placement of a child with the employee in connection with adoption or foster care of a child; or (3) care for the employee’s parent, spouse, grandchild, or child who has a serious health condition.

“Medical leave” may be taken for an employee’s serious health condition. A “serious health condition” is one that requires either in-patient care in a medical facility or continuing treatment or supervision by a health care provider.

7.3.3 Duration of FMLA

Provided all the conditions of this policy are met, eligible employees will be entitled to up to a cumulative maximum of twelve (12) weeks of family and/or medical leave within a 12-month period. The maximum amount of family leave that may be taken in a 12-month period is twelve (12) weeks. The 12-month period is measured backwards from the date an employee’s requested family and/or medical leave will begin. Parents who both work for the Court are entitled to a combined total of twelve (12) weeks leave in a 12-month period for the birth of a child or placement of a child with the employee in connection with adoption or foster care.

Family care leave taken for the birth, adoption, or foster care placement of a child generally must be taken in blocks of at least two (2) weeks duration.

Family care or medical leave for the employee’s own serious health condition, or for the serious health condition of the employee’s spouse, parent, child, or grandchild, may be taken intermittently or on a reduced schedule where medically necessary. If leave is taken intermittently or on a reduced schedule, the Court retains the discretion to transfer the employee temporarily to an alternative position with equivalent pay and benefits, which better accommodates the employee’s leave schedule and the operational needs of the Court.

If the leave is requested in connection with a planned, non-emergency medical treatment, the employee must make a reasonable effort to schedule the treatment to minimize the disruption to the Court’s operations.

7.3.4 Use of Paid Leave In Lieu of FMLA

Employees are required to use all accrued PTO during medical leave for their own serious health condition. Employees may elect to use up to half of their PTO for family care leave.

The use of paid leave during family care or medical leave does not extend the total duration of family care and medical leave to which an employee is entitled beyond twelve (12) weeks in a 12-month period.

7.3.5 Effect of FMLA on Pay

Except to the extent that PTO leave is used, family care and medical leave is unpaid unless Paid Family Leave is used.

7.3.6 Effect of FMLA on Benefits

During an employee's family care or medical leave, the Court shall continue to pay for the employee's participation in the Court's health plans, to the same extent and under the same terms and conditions as if the employee had not taken leave.

If the employee fails to return from the leave for a reason other than the recurrence or continuation of the health condition that brought about the leave, subsequent illness, or other circumstances beyond the employee's control, the employee may be required to reimburse the Court for any health premiums paid on the employee's behalf during any unpaid periods of leave.

Employees on family care or medical leave earn employment benefits, such as PTO, only when paid leave is being used.

7.3.7 Definitions

A child is anyone under 18 years of age who is the employee's biological child, adopted child, foster child, stepchild, legal ward, or an adult legally dependent child. This may also include a child for whom the employee has day-to-day responsibility.

A parent is a biological, foster or adoptive parent, stepparents, legal guardians, or someone who plays or has played the role of parent, but does not include parents-in-law.

A spouse is defined by a legal marital relationship.

A serious health condition is an illness, injury, impairment, or physical or mental condition serious enough to involve hospitalization, in-patient care in a residential health care facility, continuing treatment, or supervision by a health care provider. Before leave is granted, the Court may require appropriate medical certification. In some instances, a second or third medical opinion may also be required.

7.3.8 Procedures to Request Leave

A Leave of Absence Request form must be completed and submitted to the supervisor thirty (30) days prior to the commencement date, except where medical conditions make such a requirement impossible.

When the leave is to care for a sick child, parent, grandchild, or spouse, the requesting employee must submit a letter signed by a physician that states:

- (a) The date the illness or condition began;
- (b) The probable duration of the condition;
- (c) The estimated time the employee will need to care for the family member; and
- (d) A statement that the illness or condition requires the participation of a family member.

When the leave is for planned medical treatment, the employee must attempt where possible to schedule the treatment so as not to disrupt Court operations.

When the leave is for the employee, the employee must submit appropriate medical verification.

7.3.9 Procedures for Reinstatement

Upon return from FMLA, employees will be reinstated to their prior position, or if unavailable, a comparable position for which the employee is qualified.

Employees on leave must notify their supervisor at least two (2) weeks prior to the end of leave to inform the Court of availability to return to work. The Court may require appropriate medical certification before an employee returns to work.

An employee's failure to return from leave, or failure to contact his or her immediate supervisor or Personnel on the scheduled date of return, may be considered a voluntary resignation.

7.4 Pregnancy Disability Leave

7.4.1 Statement of Policy

Any employee who is disabled by pregnancy, childbirth, or related medical conditions may request a pregnancy disability leave. This leave may be used for the period of actual disability up to a maximum of four (4) months. This leave is in addition to any family care or medical leave to which the employee may be entitled under the Court's FMLA policy.

7.4.2 Transfers

Upon request, the Court will provide a reasonable accommodation to an employee disabled by pregnancy, childbirth or related medical condition. Such reasonable accommodation may include a temporary transfer to a less strenuous or hazardous position. A transfer is available (1) if the employee requests it; (2) if the request is supported with a medical certification from her health care

provider; and (3) if she is qualified to perform the job. However, the Court will not create an additional position for such an accommodation nor will the Court discharge any employee or transfer an employee with more seniority.

7.4.3 Substitution of Paid Leave for Pregnancy Disability Leave

An employee taking pregnancy disability leave must use any available PTO for her leave. The use of paid leave does not extend the total duration of the leave to which the employee is entitled.

7.4.4 Effect of Pregnancy Disability Leave on Pay

Except to the extent that paid leave is used, pregnancy disability leave is unpaid.

7.4.5 Effect of Pregnancy Disability Leave on Benefits

During an employee's pregnancy disability leave, the Court shall continue to pay for the employee's participation in the Court's health plans, to the same extent and under the same terms and conditions as if the employee had not taken leave.

If the employee fails to return from the leave for a reason other than complications relating to the pregnancy, or other circumstances beyond the employee's control, the employee may be required to reimburse the Court for any health premiums paid on the employee's behalf during any unpaid periods of leave.

Employees on pregnancy disability leave earn employment benefits, such as sick leave or vacation benefits, only when paid leave is being used for unpaid leave and only if the employee would otherwise be entitled to earn such benefits.

7.4.6 Procedures for Requesting Leave

Requests for pregnancy disability leave or an extension of the leave must be submitted in writing on a Leave of Absence Request form thirty (30) days prior to the commencement date, except when medical conditions make such a requirement impossible. The employee may be required to submit verification of physical condition from a health care professional. Extensions of pregnancy disability leaves are ordinarily not granted, but under serious circumstances may be granted with the Court Executive Officer's approval.

7.4.7 Procedures for Reinstatement

Upon return from pregnancy disability leave, employees will be reinstated to their prior position, or if unavailable, a comparable position for which the employee is qualified.

Employees on pregnancy disability leave must notify their supervisor of their availability to return to work at least two (2) weeks prior to the end of leave.

The Court may require an employee to bring a statement from her doctor indicating that she is physically able to resume her regular work prior to return

from pregnancy disability.

An employee's failure to return from leave of absence, or failure to contact her supervisor or Personnel within three (3) days after the scheduled date of return, may be considered a voluntary resignation.

7.5 Workers Compensation Leave/Reasonable Accommodation Leave

In addition to medical or pregnancy disability leaves, employees may take a temporary leave of absence due to a workplace injury or to reasonably accommodate a qualified disability under the Americans with Disabilities Act (ADA). Any disability leave under this section will run at the same time as any medical leave to which the employee is entitled under this manual. The employee may be required to submit verification of physical condition from a health care professional.

With the exception of worker's compensation benefits, leaves under this section will be unpaid.

7.6 Fitness for Duty Examinations

The Court may require an employee or prospective employee to have a health-related examination including, but not limited to, a medical evaluation under the following circumstances:

- (a) When an employee is returning to work from a leave of absence;
- (b) When the employee's job performance or safety for the employee or others is an issue, as determined by the Court Executive Officer;
- (c) In order for the employee to be eligible for promotion or transfer to a job classification with different physical or mental requirements than the employee's present job classification;
- (d) In order to be eligible for hiring or rehiring; or
- (e) For any other job-related reason.

The Court will provide written notification of the need for the "Fitness for Duty" examination to the employee or prospective employee. The Court Executive Officer will make arrangements for the examination with a licensed healthcare provider and will advise the employee or prospective employee of the name, address, telephone number and the date and time of the appointment. Failure of an employee to keep a scheduled appointment or to cooperate with the healthcare provider may result in disciplinary action, up to and including dismissal. Failure of a prospective employee to keep a scheduled appointment or to cooperate with

the healthcare provider may result in the prospective employee being eliminated from further consideration of employment with the Court.

7.7 Miscellaneous Leave

7.7.1 Military Leave of Absence

The Court will grant employees a military leave of absence to the extent required by law.

7.7.2 Jury/Witness Duty

The Court will provide employees time off to serve, as required by law, on a jury or grand jury. The Court will also provide employees with time off to appear in Court or other judicial proceeding as a witness to comply with a valid subpoena or other Court order or to obtain any relief, including a temporary restraining order, to help ensure the health, safety, or welfare of a domestic violence victim or child.

Employees will receive their regular pay for the working hours lost while on jury duty or while serving as a non-party witness in response to a subpoena, provided that any payment received for service is given to the Court.

This policy does not apply to employees who elect to serve as expert witnesses. If an employee elects to do so, accrued vacation or compensatory time must be used. Depending on the nature of the expert testimony, prior written consent of the Executive Officer may be required.

7.7.3 Bereavement Leave

When a regular full-time or full-time probationary employee is absent due to a death in the family, the employee shall receive up to five days paid leave on the following conditions:

- a. The Court Executive Officer was notified on or before the first day such absence, and
- b. The Court Executive Officer has ascertained that the absence is reasonably related to a member of the employee's family. Family member is defined as spouse, child, mother, father, brother, sister, grandparent, grandchild, domestic partner, and those relationships recognized by law such as, in-law, half, step, adopted and foster family members.

7.7.4 Time Off to Vote

Employees who do not have sufficient time outside of their regular working hours to vote in a statewide election may request time off to vote. If possible, employees should make their request at least two (2) days in advance of the

election. Up to two (2) hours of paid time off will be provided, at the beginning or end of the employee's regular shift, whichever will allow the most free time for voting and the least time off work.

7.7.5 Paid Family Leave

Employees may be eligible for Paid Family Leave wage replacement through the State Employment Development Department (EDD). Employees must refer to EDD directly for eligibility.

7.7.6 General Leave of Absence

A general leave of absence may be granted to employees by the Court Executive Officer. The granting of such a leave is discretionary and will be considered on an a case by case basis. Such leave shall be without compensation or accrual of benefits or seniority. Beginning with the first day of the requested leave period, employees must use any PTO leave time they have accrued. The general leave will become effective once all accrued leave has been taken. Health insurance coverage through the Court may be continued at the employee's expense.

7.7.7 Administrative Leave

The Court Executive Officer may suspend with pay an employee pending initiation and/or imposition of a disciplinary action and/or conclusion of any appeal. Suspension with pay shall be deemed administrative leave with no punitive consequence, and therefore shall not be subject to appeal.

7.7.8 Emergency Paid Leave

Court employees will receive paid leave of up to three (3) days of regularly scheduled hours upon receipt of formal notification of a Proclamation of a State of Emergency and/or road closures by the County of Sierra or State of California, either of which would impact Court operations or prevent employees to gain access to the Court. The paid leave days will be treated as equivalent working days for longevity and benefits purposes, unless otherwise precluded by law.

8.0 Employee Conduct

8.1 Professional Behavior

The Court strives to operate efficiently while providing a safe and pleasant working environment for its employees. To this end, it is necessary to set certain standards of conduct and provide employees with guidance concerning unprofessional behavior. Infractions of these rules will result in disciplinary action, up to and including, termination. This list is not exhaustive and merely contains examples of the types of conduct that is unprofessional. In addition, this list in no way alters the “at will” employment relationship.

The following conduct is unprofessional and unacceptable:

- 1) Falsification of any Court document, including information on an application, a physical examination questionnaire, time record, and personnel records, including falsification by omission;
- 2) The operation of machinery or equipment in an unsafe manner that might endanger the safety of oneself or others;
- 3) Misuse of or intentional damage to Court, state or staff property;
- 4) Altering, falsifying, tampering, removing, or destroying records without permission;
- 5) Insubordination;
- 6) Dishonesty;
- 7) Theft;
- 8) Violating conflict of interest rules;
- 9) Interfering with the work performance of others;
- 10) Altercations;
- 11) Harassment, including sexually harassing employees or members of the public;
- 12) Being under the influence of, using, or possessing alcohol or illegal substances on Court property or while conducting Court business;
- 13) Gambling on Court property or while conducting Court business;
- 14) Sleeping at work or leaving work without authorization;
- 15) Unauthorized possession of weapons on Court property or while conducting Court business;
- 16) Being convicted of a crime that indicates unfitness for the job or raises a threat to the safety or well-being of the Court, its employees or property;
- 17) Misuse of Court funds or property for personal gain or for other unauthorized purposes;
- 18) Violation of any policy contained in this manual; and
- 19) Violation of any provision contained in the Court Employee’s Code of Ethics.

Supervisors at all levels are responsible for ensuring that employees are familiar and comply with the Court’s standards of conduct. In the event of a violation, supervisors are responsible for proceeding with appropriate disciplinary measures.

8.2 Harassment-Free Workplace

The Court is committed to providing a work environment that is free from unlawful harassment. In keeping with this commitment, the Court strictly prohibits the unlawful harassment of an employee, applicant, or any other person with whom the Court has a business, service, or professional relationship on the basis of race, color, religion, sex, age, national origin, marital status, sexual orientation, ancestry, physical or mental disability, medical condition, political affiliation, citizenship, veteran's status, 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. Any incident of discriminatory insult, intimidation, or harassment is strictly prohibited.

This policy prohibits harassment in any form, including verbal and/or written harassment such as epithets, jokes, derogatory comments or slurs, physical harassment, or visual harassment.

Harassment includes conduct that has the purpose or effect of unreasonably interfering with the individual's work performance, creating an intimidating, hostile, threatening, or offensive working environment.

Any employee who engages in this type of conduct will be disciplined. Disciplinary actions may range from verbal reprimand to discharge from employment, depending on the specific circumstances.

Employees are required to attend the Court's educational seminars on harassments.

8.2.1 Whistleblower Policy and Protection from Retaliation

The Court encourages employees to raise concerns of improper governmental activities as soon as possible, without fear of retribution.

The Court is committed to conducting its work ethically and in compliance with applicable law, including ensuring responsible use of public funds. In keeping with this commitment, the Court encourages employees to promptly raise concerns about improper governmental activities – such as waste, fraud, abuse of authority, misuse or abuse of resources, violation of law or rule of Court, noncompliance with judicial branch contracting manual, or threat to public health or safety by the Court, or by an employee, without fear of retribution.

Under the California Whistleblower Protection Act (Gov. Code 8547 et seq.), the State Auditor is authorized to receive and investigate reports of suspected improper governmental activities. If the State Auditor finds that an employee may have engaged in or participated in improper governmental activities, the State Auditor will send a copy of the investigative report to the Administrative Director of the Courts. The State Auditor may also report the results of substantiated allegations to other government authorities, as deemed appropriate by the State Auditor. Information on filing a complaint with the State Auditor can be found at www.auditor.ca.gov/hotline.

Employees who, in good faith, report improper governmental activities or who participate in the investigation of such reports, are protected from retaliation.

Employees who believe they have been retaliated against for reporting improper governmental activities should immediately report the matter to the State Personnel Board. The State Personnel Board will investigate the matter and will make a recommendation regarding the alleged retaliation. Information on filing complaints of retaliation with the State Personnel board can be found at www.spb.ca.gov/legal/appeals/retaliation.htm.

8.3 Sexual Harassment Prevention Policy

8.3.1 Statement of Policy

The Court is committed to providing a workplace free of sexual harassment. The Court will not tolerate sexual harassment of any kind by employees or by supervisors. Similarly, the Court will not tolerate harassment of its employees by persons with whom the Court has a business, service or professional relationship.

8.3.2 Sexual Harassment Defined

Sexual harassment includes, but is not limited to, unwelcome sexual advances, requests for sexual favors, or other verbal, visual, or physical conduct of a sexual nature when:

- a) Submission to the conduct is made either an explicit or implicit condition of employment;
- b) Submission to or rejection of the conduct is used as the basis for employment decisions affecting the individual; or
- c) The conduct has the purpose or effect of interfering with work performance; creating an intimidating, hostile, threatening or offensive working environment; or adversely affecting the employee's performance, evaluation, assigned duties, or any other condition of employment or career development.

Sexual harassment also includes any act of retaliation against an employee for reports of violations of this policy or for participating in the investigation of a sexual harassment complaint.

Harassing conduct can take many forms and can include: slurs, jokes, statements, gestures, assault, impeding or blocking movement of another employee, physically interfering with normal work, and pictures, drawings or cartoons based on another employee's sex.

8.3.3 Reporting

Any incident of sexual harassment should be promptly reported to the Court Executive Officer. Supervisors who receive complaints or who observe harassing conduct should immediately inform the Court Executive Officer, who will be responsible for investigating the matter.

8.3.4 Informal Procedures

Employees who feel they have been subjected to discrimination or harassment, may use any or all of the following steps to try to stop the behavior before making a complaint. Steps may include:

- a) Speaking with the person who is engaged in the inappropriate conduct. Explain as clearly as possible what behavior or conduct is considered discriminatory, unwelcome or offensive and make it clear that the behavior must stop. The statement may be made in writing. Employees should keep a copy of any such written statement.
- b) Maintaining a record of the discriminatory, unwelcome or offensive conduct and the efforts to stop it. This can include a description of the behavior, when and where it occurred, who engaged in it and who, if anyone, witnessed it.

If these efforts are unsuccessful or if the employee does not want to interact with the person who is engaged in the inappropriate conduct, the employee may file a complaint.

8.3.5 Complaint Procedures

If the matter cannot be resolved otherwise or if the employee prefers, a complaint may be submitted to the Court Executive Officer. The Court will promptly conduct an investigation, which shall be confidential. Every employee is required to participate in the investigation process, as directed. This includes truthfully disclosing facts and maintaining confidentiality. When the investigation is completed, the Court will make a determination concerning the conduct that is the subject of the complaint.

If the Court determines that an employee has engaged in inappropriate conduct, the Court will discipline the employee. Discipline may range from oral or written warnings to immediate termination, depending on the circumstances.

When the offender is a member of the public or a vendor or other person with whom employees interact, the Court will take reasonable corrective action under the circumstances to eliminate the hostile or unwelcome behavior.

If the complaint concerns conduct of the Court Executive Officer, the complaint should be submitted to the Presiding Judge of the Court or to any other Judge of the Court.

8.4 Workplace Security

8.4.1 Statement of Policy

The Court recognizes that workplace violence is a growing concern among employers and employees across the country. The Court is committed to providing a safe, violence-free workplace. In this regard, the Court strictly prohibits employees, consultants, visitors, or anyone else on Court premises or engaging in a Court-related activity from behaving in a violent or threatening manner. Moreover, as part of this policy, the Court seeks to prevent workplace violence before it begins and reserves the right to deal with behavior that suggests a propensity towards violence even prior to any violent behavior occurring.

The Court believes that prevention of workplace violence begins with recognition and awareness of potential early warning signs and has established security procedures with Personnel for responding to any situation that presents the possibility of violence.

8.4.2 Workplace Violence Defined

Workplace violence can include the following:

- a) Threats of any kind;
- b) Threatening, physically aggressive, or violent behavior, such as intimidation of or attempts to instill fear in others;
- c) Other behavior that suggests a propensity towards violence, which can include belligerent speech, excessive arguing or swearing, sabotage, or threats of sabotage to Court property, or a demonstrated pattern of refusal to follow Court policies and procedures;
- d) Defacing Court property or intentionally causing physical damage to the facilities; or
- e) With the exception of security personnel, bringing weapons or firearms of any kind on Court premises, in Court parking lots, or while conducting Court business.

8.4.3 Reporting

If any employee observes or becomes aware of any of the above-listed actions or behavior by an employee, consultant, visitor, or anyone else, Personnel should be notified immediately.

Employees should also notify Personnel of any situation that they are aware of which may lead to violence in the workplace.

8.4.4 Investigation

All reports of workplace violence will be taken seriously and will be investigated promptly and thoroughly. In appropriate circumstances, the Court will inform the reporting individual of the results of the investigation. To the extent possible, the Court will maintain the confidentiality of the reporting employee and of the investigation but may need to disclose results in appropriate circumstances, for example, in order to protect individual safety. The Court will not tolerate retaliation against any employee who reports workplace violence.

8.4.5 Corrective Action and Discipline

If the Court determines that workplace violence has occurred, the Court will take appropriate corrective action and will impose discipline on offending employees. The appropriate discipline will depend on the particular facts but may include written or oral warnings, probation, and reassignment of responsibilities, suspension, termination, or the Court may request that the employee participate in counseling.

If the violent behavior is that of a non-employee, the Court will take appropriate corrective action in an attempt to ensure that such behavior is not repeated.

8.5 Dress and Grooming Standards

It is necessary that employees maintain a professional appearance at all times. It is the policy of the Court that each employee's dress, grooming and personal hygiene be appropriate to a Court setting and to the work situation. Hair should be clean and well maintained. Employees must dress in a professional manner appropriate to a Court setting. Designated "casual days", certain projects, or work areas may allow for a more relaxed standard of dress. Undershirts, tank tops, halter tops, bare midriff or tube tops, shorts, t-shirts, sweatsuits, thongs, slippers, athletic apparel or clothing that is torn or has holes may not be worn at anytime. Employees who report to work in violation of these standards may be sent home by their supervisor to change clothing and will not be paid until they return to work, dressed and groomed appropriately.

8.6 Smoking

In keeping with state law and the Court's intent to provide a safe and healthy work environment, smoking is prohibited in the workplace. For the purposes of this policy, the workplace is defined as Court buildings, Court vehicles, or privately owned vehicles used while performing Court business if a non-smoking employee is in the vehicle.

On standard breaks, smoking is allowed outside of the building in areas where smoke will not enter the building.

8.7 Non-Fraternization

The Court is committed to maintaining a professional work environment where all employees are treated fairly and impartially and their performance evaluated on the basis of job-related factors. In order to maintain the integrity of the work environment and the supervisor/supervisee relationship, supervisors are not allowed to date or pursue romantic or sexual relationships with employees they supervise. Violations of this policy will subject the offending employee to discipline, up to and including termination of employment.

8.8 Court Facilities and Resources

8.8.1 Court Facilities

All Court facilities should be kept neat and orderly. Employees are directly responsible for keeping their work area neat and clean at all times. Additionally, employees should keep common areas and walkways near their work area free from trash or other objects. Employees should report any spills or other hazards to maintenance as soon as possible, and should follow the Court Injury and Illness Prevention Program.

Any intentional destruction or damage to Court facilities may result in disciplinary action, up to and including termination of employment.

8.8.2 Court Resources

Equipment essential to accomplishing job responsibilities is expensive and may be difficult to replace. When using Court resources, employees are expected to exercise care, ensure that the equipment is maintained, and follow all operating instructions, safety standards, and guidelines.

Employees are required to notify their supervisors if any equipment, machines, tools, or vehicles appear to be damaged, defective, or in need of repair. Prompt reporting of damages, defects and the need for repairs could prevent deterioration of equipment and possible injury to employees and others. Your supervisor can answer any questions about your responsibility for maintenance and care of equipment or vehicles used on the job.

Personal use of Court resources is prohibited. Any Court equipment assigned to an employee must be returned immediately upon the Court's demand and at its sole discretion.

The improper, careless, negligent, destructive, or unsafe use or operation of equipment may result in disciplinary action, including termination of employment.

8.8.3 Obligations Upon Termination

Upon termination of employment, whether voluntary or involuntary, all Court documents, computer records, and other tangible Court property in the employee's possession or control must be returned to the Court.

8.9 Technology Use and Privacy

8.9.1 Technology Resources Defined

Technology resources consist of all electronic devices, software, and means of electronic communication including, but not limited to, the following: personal computers and workstations; notebook computers; mini and mainframe computers; computer hardware such as disk drives, servers and tape drives; peripheral equipment such as printers, modems, fax machines, and copiers; computer software applications and associated files and data, including software that grants access to external services, such as the Internet; e-mail; telephones; cellular phones; pagers; and voicemail systems.

Employees who are granted access to any of the Court's technology resources are obligated to comply with this policy. Every time an employee accesses Court technology resources, the employee is acknowledging their obligation to comply with the policies. These policies apply to the Court Executive Officer, all managers, supervisors, and employees including contract employees, extra-help employees, part-time employees, temporary employees and vendors who have authorized access to the Court's technology resources.

8.9.2 Authorization

Access to the Court's technology resources is within the sole discretion of the Court. Generally, employees are given access to the Court's various technologies based on their job functions. Only employees whose jobs require access to the Court's technology resources will be given access. Employees must successfully complete Court approved training before access will be granted.

8.9.3 Use

The Court's technology resources are to be used by employees only for conducting Court business. However, employees may use the Court's technology resources for the following incidental personal uses if such use does not interfere with the employee's duties, is not done for pecuniary gain, does not conflict with the Court's business, and does not violate any Court policy:

- a) To send and receive necessary and occasional personal communications;
- b) To prepare and store incidental personal data (such as personal calendars, personal address lists, and similar incidental personal data) in a reasonable manner;
- c) To use the telephone system for brief and necessary personal calls; and
- d) To access the Internet for brief personal searches and inquiries.

The Court assumes no liability for loss, damage, destruction, alteration, disclosure, or misuse of any personal data or communications transmitted over or stored on the Court's technology resources. The Court accepts no responsibility or liability for the loss or non-delivery of any personal e-mail or voicemail communications or any personal data stored on any Court property. The Court

strongly discourages employees from storing any personal data on any of the Court's technology resources.

8.9.4 Improper Use

8.9.4.1 Prohibition Against Harassing, Discriminatory & Defamatory Use

Employees shall not use the Court's technology resources including, but not limited to, the Internet or e-mail systems in any way that may be considered insulting, disruptive, or offensive to any person or harmful to Court morale. E-mail files or programs containing offensive or harassing statements, including comments based upon race, national origin, sex, sexual orientation, age, disability, religion or political belief, as well as all unwanted or unwelcome e-mail or information is prohibited. Sexually explicit messages, cartoons, jokes, expressions of romantic or sexual interest, love letters, or any other message or information that can be construed as harassing or disparaging to any person or group, are prohibited. Violation of this policy will result in disciplinary action including possible termination of employment.

8.9.4.2 Prohibition Against Violating Copyright Laws

Employees must not use the Court's technology resources to copy, retrieve, forward or send copyrighted materials unless the employee has the author's permission or is accessing a single copy only for the employee's reference.

8.9.4.3 Prohibition Against the Installation of Software

Employees shall not install any software on any Court computer without a prior written authorization from the Court Executive Officer.

8.9.5 Court Access to Technology Resources

8.9.5.1 Privacy

Employees have no right of privacy with respect to any messages or information created or maintained on the Court's technology resources, including personal information or messages. The Court may, at its discretion, inspect all files, messages, or information on its technology resources at any time for any reason.

8.9.5.2 Passwords

All passwords shall remain strictly confidential to each employee. Employees are prohibited from the unauthorized use of the passwords of other employees to gain access to other employee's e-mail messages. Employees shall not reveal their passwords to other employees without authorization of the Court Executive Officer.

8.9.5.3 Data Collection

The best way to guarantee the privacy of personal information is to not store or transmit it on the Court's technology resource. To ensure that employees understand the extent, in which information is collected and stored, below are examples of information currently maintained by the Court:

- (1) Telephone Use and Voicemail: Records are kept of all calls made to and from a given telephone extension. Although voicemail is password protected, an authorized administrator can reset the password and listen to voicemail messages.
- (2) E-mail: E-mail is backed-up and archived. Although e-mail is password protected, an authorized administrator can reset the password and review electronic mail.
- (3) Desktop Facsimile Use: Copies of all facsimile transmissions sent and received are maintained in the facsimile server.
- (4) Document Use: Each document stored on Court computers has a history, which reveals which users have accessed the document for any purpose.
- (5) Internet Use: Internet sites visited, the number of times visited, and the total time connected to each site is recorded and periodically monitored.

The Court, in its discretion, may alter the amount and type of information that it retains.

8.9.5.4 Deleted Information

Deleting or erasing information, documents, or messages maintained on the Court's technology resources is, in most cases, ineffective. Any information kept on the Court's technology resources may be electronically recalled or recreated regardless of whether it may have been "deleted" or "erased" by an employee. Because the Court periodically backs-up all files and messages, and because of the way in which computers re-use file storage space, files and messages may exist that are thought to have been deleted or erased. Therefore, employees who delete or erase information or messages should not assume that such information or messages are confidential.

8.9.6 The Internet and On-Line Services

8.9.6.1 Confidentiality

Some of the information to which the Court has access is confidential. Employees should avoid sending confidential information over the Internet, except when necessary. Employees should verify electronic mail addresses before transmitting any messages.

8.9.6.2 Monitoring

The Court monitors both the amount of time spent using telephone and on-line services and the sites visited by individual employees. The Court reserves the right to limit such access by any means available to it, including revoking access altogether.

8.9.6.3 Prohibited Conduct

Access to sexually oriented web sites or to information that might be considered offensive is prohibited. Employees shall not download anything from the Internet that might compromise the security, integrity or operational performance of any of the Court's technology resources. Employees shall not follow any links or searches that would reflect unfavorably on the Court or embarrass the Court if they were disclosed publicly. Employees shall not accept or assign any charges to the Court or provide any Court account or billing information to any site without authorization from the Court Executive Officer and shall, at all times, conform their usage of the Internet and other online services to the policy that the Court is a public judicial institution that is subject to public scrutiny and must maintain the highest ethical standards. Violation of this policy will result in discipline including possible termination.

8.9.7 Software Use

All software in use at the Court is officially licensed. No software is to be installed or used that has not been duly paid for and licensed appropriately for its intended use. No employee may load any software on the Court's computers, by any means of transmission, unless authorized in writing in advance by the Court Executive Officer or designee. Authorization for loading software onto the Court's computers will not be given until the software to be loaded has been thoroughly scanned for viruses.

8.9.8 Confidential Information

Employees shall protect all confidential Court information and shall not release or disclose it to any member of the public or otherwise compromise its confidentiality without authorization from the Court Executive Officer. All employees shall conform their behavior to the Code of Ethics for Court Employees in California.

8.9.9 Security

The Court has installed a variety of programs and devices to ensure the safety and security of the Court's computers. Any employee found tampering or

disabling any of the Court's security devices will be subject to discipline up to, and including termination.

8.9.10 Audits

The Court may perform auditing activity or monitoring to determine compliance with these policies. Audits of software and data stored on the Court's technology resources may be conducted without warning at any time.

8.10 Conflict of Interest and Confidential Information

8.10.1 Conflict of Interest

Employees are expected to devote their best efforts and attention to the full-time performance of their jobs. Moreover, employees are expected to use good judgment, to adhere to high ethical standards, and to avoid situations that create an actual or potential conflict between their personal interests and the interests of the Court.

An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative because of Court business dealings. For the purposes of this policy a relative is defined to include the employee's spouse, children, parents, siblings, grandparents, grandchildren, aunts, uncles, nieces, and nephews, who have this relationship with the employee either by blood or marriage, as well as someone who enjoys a close personal relationship with the employee.

Any questions regarding a possible conflict of interest or outside work should be discussed with the immediate supervisor or Personnel. The Court Executive shall determine the categories of employees who will be required to complete Conflict Of Interest Statements. Employees are responsible for seeing that the statements are completed and returned to Personnel in a timely manner.

8.10.2 Confidential Information

Employees are expected to keep confidential information secure from the public and from all persons who do not have a right to see or use such information. Employment information, sealed files, and any other Court information designated confidential are examples of confidential information.

Employees must not use or disclose any confidential information that they produce or obtain during employment, except as required by their jobs. This obligation remains even after the employment relationship with the Court ends.

Employees shall not release any Court administrative or business information to the public or to any newspaper or media representative without permission from the Court Executive Officer.

Employees are required to sign a confidentiality agreement as a condition of employment.

8.10.3 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 a 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. (See 8.10.1 for the definition of a relative).

If an employee is a party to a case filed in the Court, the employee shall not use work time to address any matter relating to that case. If time off is needed to address any matter relating to the case, the employee must use the accrued leave in accordance with these policies. If an employee is a party 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 inform the supervisor of the division where the case is being processed.

8.11 Solicitation, Distribution, and Bulletin Boards

In an effort to assure a productive and harmonious work environment, persons not employed by the Court may not solicit or distribute literature in the workplace at any time for any purpose.

The Court recognizes that employees have outside interests in events and organizations. However, employees may not solicit during working time or distribute literature concerning these activities during working time or in work areas. For the purposes of this policy, working time does not include lunch periods, breaks, or the time before and after work. Work areas do not include the employee lounge.

The Court has bulletin boards located throughout the office for the purpose of communication with its employees. Postings on these boards is limited to Court related materials including statutory and legal notices, safety, disciplinary rules, Court policies, memos of general interest relating to the Court, and other items. The posting of non-Court related written notices on Court bulletin boards is restricted. If an employee has a message of interest to other Court employees, it should be submitted to the Court Executive Officer for approval and posting.

8.12 Media Policy

All requests for information from newspaper reporters, television stations, freelance writers, authors, or any representative from the media, shall be referred to the Presiding Judge or Court Executive Officer. No employee shall respond to any such inquiry or request without authorization from the Presiding Judge or Court Executive Officer.

9.0 Continuing Education and Safety Program

9.1 Continuing Education

The Court will make available to its employees continuing education on the subjects of, but not limited to, sexual harassment awareness, discrimination and bias, ethics, and safety. Attendance at specified Court educational programs may be mandatory. Failure to attend mandatory educational programs is cause for disciplinary action, up to and including termination of employment.

9.2 Safety Program

Establishment and maintenance of a safe work environment are the shared responsibility of the Court and all employees of the organization. The Court will take all reasonable steps to assure a safe environment and compliance with the law.

Employees are expected to comply with safety rules and to exercise caution in all their work activities. They must immediately report any unsafe conditions to their supervisor. Employees and their supervisors are expected to correct unsafe conditions as promptly and as safely as possible.

All accidents that result in an injury must be reported to the employee's supervisor and Personnel, regardless of how insignificant the injury may appear. Such reports are necessary to comply with the law and, if appropriate, to initiate insurance and workers' compensation procedures.

All employees are responsible for complying with the safety procedures as outlined in the written Injury and Illness Prevention Program. Violations of safe working procedures are cause for disciplinary action, including termination of employment.

Employees will be trained and given periodic updates in accordance with the Court's Injury and Illness Prevention Program.

9.3 Court Injury and Illness Prevention (IIP) Program

9.3.1 Statement of Policy

It is the policy of the Court to establish and maintain a safe work environment. This responsibility is shared with all employees of the Court. Although it is not possible to eliminate all safety hazards, the Court will take all reasonable steps to ensure a safe environment and compliance with federal, state, and local safety regulations.

9.3.2 Responsibility, Compliance, and Communication

The IIP Program administrator has the authority and responsibility for implementing and maintaining the Court's IIP Program. Managers and supervisors are responsible for implementing and maintaining the IIP Program in their work areas and for answering worker questions about the IIP Program. A copy of the IIP Program is available from each manager, supervisor, and Personnel.

All workers, including managers and supervisors, are responsible for complying with safe and healthful work practices. The Court system of ensuring that all workers comply includes, informing workers of the provisions of the IIP Program, evaluating the safety performance of all workers, recognizing employees who perform safe and healthful work practices, providing training to workers whose safety performance is deficient, and disciplining workers for failure to comply with safe and healthful work practices.

All managers and supervisors are responsible for communicating with workers about occupational safety and health. All workers are encouraged to inform their managers and supervisors about workplace hazards without fear of reprisal. The Court communication system includes, new worker orientation, review of the IIP Program, training programs, posted or distributed safety information, and a system for workers to anonymously inform management about workplace hazards.

9.3.3 Identifying Workplace Hazards

Periodic inspections to identify and evaluate workplace hazards shall be performed by a competent supervisor in the Courthouse and other Court facilities.

Periodic inspections are performed according to the following schedule:

- 1) At the establishment of the IIP Program;
- 2) When new processes, procedures or equipment, which present potential new hazards are introduced into the Court;
- 3) When new, previously unidentified hazards are recognized;
- 4) When occupational injuries and illnesses occur; and
- 5) Whenever workplace conditions warrant an inspection.

9.3.4 Correcting Workplace Hazards

Unsafe or unhealthy work conditions, practices or procedures shall be corrected in a timely manner based on the severity of the hazards. Hazards shall be corrected according to the following procedures:

- 1) When observed or discovered; and
- 2) When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, the Court will remove all exposed workers from the area except those necessary to correct the existing condition. Workers who are required to correct the hazardous condition shall be provided with the necessary protection.

9.3.5 Investigating Injuries and Illnesses

Procedures for investigating workplace accidents and hazardous substance exposures include:

- 1) Interviewing injured workers and witnesses;
- 2) Examining the workplace for factors associated with the accident/exposure;
- 3) Determining the cause of the accident/exposure;
- 4) Taking corrective action to prevent the accident/exposure from reoccurring; and
- 5) Recording the findings and actions taken.

9.3.6 Training and Instruction

All workers, including managers and supervisors, shall have training and instruction on general and job-specific safety and health practices. Safety training is provided at no cost to the employee and is conducted during the employee's normal working hours.

Training and instruction is provided:

- 1) When the IIP Program is first established;
- 2) To all new workers;
- 3) To all workers given new job assignments for which training has not previously been provided;
- 4) Whenever new processes, procedures or equipment are introduced to the workplace and represent a new hazard;
- 5) Whenever the employer is made aware of a new or previously unrecognized hazard.

Supervisors are required to be trained on the hazards to which the employees under their immediate control may be exposed. Training must also be given to all workers with respect to hazards specific to each employee's job assignment.

Specific topics, which may be appropriate to department personnel but are not limited to, the following:

- 1) Fire prevention techniques and fire extinguisher use;
- 2) Obtaining emergency medical assistance and first aid;
- 3) Disaster preparedness and response, including building evacuation procedures;
- 4) Health and safety for computer users;
- 5) Back care, body mechanics, and proper lifting techniques; and
- 6) Proper housekeeping.

10.0 Grievance and Complaint Procedures

10.1 Open Communication Policy

The Court encourages employee participation in decisions affecting them and their daily professional responsibilities. Employees who have job-related concerns or complaints are encouraged to discuss them with their supervisor or other management representative, including the Court Executive Officer. Although the Court cannot guarantee that in each instance the employee will be satisfied with the result, the Court will attempt in each instance to explain the result to the employee if the employee is not satisfied.

The Court believes that employee concerns are best addressed through this type of informal and open communication. Because no solution is possible without candid discussion, employees are encouraged to speak openly with their supervisor or other management, and are assured that they may use the Court's open door policy without fear of reprisal.

10.2 Grievance Procedures

10.2.1 Statement of Policy

For those issues and concerns that are not resolved through open communications, these grievance procedures are designed to allow employees to voice job-related complaints, to have them considered fairly by the Court and to have them resolved at the lowest level possible.

Any employee who has a grievance shall complete the Grievance Form and submit it to their immediate supervisor, or other management representative. Grievance Forms shall be available from the Court Executive Officer.

Each party involved in a grievance should act quickly so that the grievance can be resolved promptly. Every effort should be made to complete the action within the limits specified in the grievance procedures. The parties may extend the time limitations for any step through mutual consent.

The Court will not take punitive action against any employee for using the grievance procedures.

10.2.2 Grievance Defined

A grievance is an asserted violation, misinterpretation, inequitable application or non-compliance with Court rules, statutes, regulations, or policies.

10.2.3 Grievance Procedures

Whenever an employee believes that he or she has a grievance as defined above, the employee should bring the matter to the attention of his or her supervisor, unless that supervisor is the subject of the grievance, as soon as possible but not later than ten (10) calendar days after the act or event which is the basis of the

grievance. It is the responsibility of the supervisor to investigate the grievance, attempt to resolve it, and communicate a decision to the employee within ten (10) working days. Every Court employee is required to participate in the investigation process, as directed. This includes truthfully disclosing facts and maintaining confidentiality.

If the employee is not satisfied with the supervisor's decision, the employee may appeal the supervisor's decision to the Court Executive Officer by filing a written grievance with the Court Executive Officer, unless the grievance relates to the Officer. In which case, the Court Executive Officer or designee from a court with judicial cross-assignment with the Court, shall consider the grievance. The grievance must be filed within ten (10) days of the supervisor's decision and thirty (30) days of the act or event which is the basis of the grievance.

The Court Executive Officer will review the written grievance and discuss the matter with the persons involved and render a decision. The decision will be in writing and will be given to the employee within thirty (30) days after the complaint was filed. The decision of the Court Executive Officer shall be final.

10.2.4 Settlement

At any time the employee, Union, and the Court may settle a grievance on such terms as are mutually agreeable. Settlement shall resolve the grievance process.

11.0 Employee Discipline

11.1 Discipline Rules and Policies

11.1.1 Statement of Policy

When an employee engages in misconduct or when an employee's job performance is unsatisfactory disciplinary procedures may be initiated.

The possible disciplinary actions that may be taken against an employee include written reprimand, suspension without pay, demotion, and dismissal. A notation or copy of all disciplinary actions will be placed in the employees' personnel file and a copy given to the employee.

The Court has established a process for conducting an evidentiary due process hearing to review disciplinary decisions that require an evidentiary due process hearing pursuant to Government Code section 71653.

11.1.2 Grounds for Discipline

Employees may be disciplined for poor job performance, unsatisfactory work quality, unauthorized absence or tardiness, failure to follow Court procedures, failure to follow safety regulations, violation of these policies and procedures, or violation of any Court policy.

11.1.3 Disciplinary Actions

Types of disciplinary action include the following:

- (a) Verbal Counseling: An oral discussion with a supervisor concerning expected performance and conduct and workplace behavior.
- (b) Verbal Warning: An oral admonition about inappropriate conduct or performance with an oral explanation of expected performance and conduct and workplace behavior.
- (c) Written Warning: A written admonition about inappropriate conduct or performance with an explanation of expected performance and conduct. A copy of the warning will be placed in the employee's personnel file and a copy given to the employee.
- (d) Written Reprimand: The supervisor may give the employee a written disciplinary warning. If the circumstances that led to the written warning are not resolved within a reasonable time, the supervisor may take other disciplinary action. A copy of the reprimand will be placed in the employee's personnel file and a copy given to the employee.

- (e) **Suspension Without Pay:** For circumstances that warrant discipline more severe than a written reprimand, an employee may be suspended without pay. Such a suspension may only be imposed with the authorization of the Court Executive Officer.
- (f) **Demotion:** A demotion is a reduction in or loss of seniority or a reassignment or transfer to a position that results in a loss in or reduction of compensation. A demotion may be ordered by the Court Executive Officer under circumstances that warrant discipline other than a written reprimand or suspension. A demotion is subject to the employee's due process rights as set forth in Sections 11.1.5 and following.
- (g) **Dismissal:** Upon authorization of the Court Executive Officer, an employee may be terminated and dismissed from the Court's employment. Dismissal is subject to the employee's due process rights as set forth in Sections 11.1.5 and following.

The Court shall use progressive discipline unless the behavior at issue constitutes a crime. Progressive discipline shall mean at least two of steps (a) through (f) above. The Court may begin discipline at any level, in the Court's discretion, and is not required to impose discipline at any level or in any sequence. Progressive discipline is not required when the Court believes, in the Court's discretion, that dismissal of the employee is appropriate.

11.1.4 Administrative Leave

Under appropriate circumstances as determined by the Court, an employee may be placed upon administrative leave, with pay. Administrative leave is not disciplinary and, by itself, carries no disciplinary stigma. Administrative leave is not subject to due process rights. The terms and conditions of administrative leave shall be determined on a case-by-case basis by the Court.

11.1.5 Notice of Proposed Disciplinary Action

If the Court is considering disciplinary action against an employee more severe than a suspension, the employee shall be given written notice of the proposed disciplinary action. The notice shall include a description of the proposed discipline, the date it is intended to become effective, a description of the facts and circumstances upon which the proposed discipline is based, and a statement informing the employee of his or her right to respond either orally or in writing to the charge by a specified date. If the proposed discipline is based, in whole or in part, on written materials or documents, the notice shall provide the employee with copies of the materials or documents.

If the employee does not respond to the notice within the time specified, the Court may implement the proposed disciplinary action, without further notice.

If the employee does respond to the notice within the time specified in the notice, the Court shall consider the employee's response and all information relevant to the circumstances. The Court shall thereafter issue a written determination on the

notice of proposed disciplinary action. If the determination recommends the implementation of discipline more severe than a suspension, the employee shall have the right to request an evidentiary due process hearing within five (5) working days of the date that the court issues its written determination.

The Court may place the employee on paid administrative leave at any time while the charges are pending.

11.1.6 Due Process Evidentiary Hearing

If an employee timely requests a hearing on the Court's determination to impose discipline more severe than a suspension, the Court Executive Officer shall request a list of seven (7) experienced labor arbitrators from the State Mediation and Conciliation Service and alternately strike names from the list until an arbitrator is selected.

The employee and the Court shall have the right to call witnesses and present evidence. Upon request of the employee, the Court shall release employees to testify at the hearing. The hearing officer shall have the authority to issue subpoenas for the attendance of witnesses and subpoenas duces tecum for the production of books, records, documents, and other evidence as provided by Code of Civil Procedure section 1282.6.

The employee shall have the right to representation, including legal counsel paid by the employee.

The hearing shall be conducted within thirty (30) days of the date of the employee's request unless the parties agree to some other time. An appropriate record of the hearing shall be made and, at the conclusion of the hearing, the hearing officer shall prepare a written report that includes findings of fact and conclusions that reference the evidence and a recommendation with regard to the proposed discipline within thirty (30) days of the conclusion of the hearing.

The Court shall furnish a certified copy of the record of the hearing to the employee or, if the employee is represented by a recognized employee organization or legal counsel, to that representative without cost.

11.1.7 Review and Appeal

The Court shall have thirty (30) calendar days from receipt of the hearing officer's report and recommendation to issue a written decision accepting, rejecting or modifying the hearing officer's report and recommendation. The Court and employee may agree to a different time in writing. The Court's review of the hearing officer's report and recommendation shall be conducted by an individual other than the disciplining officer.

In making its decision, the Court shall be bound by the factual findings of the hearing officer, except findings that are not supported by substantial evidence.

If the Court rejects or modifies the hearing officer's recommendation, the Court shall provide a written explanation of its reasons for the modification. The Court

may reject or modify the recommendation of the hearing officer only if the material factual findings are not supported by substantial evidence, for any of the following reasons, or for reasons of substantially similar gravity or significance:

- (a) The recommendation places an employee or the public at an unacceptable risk of physical harm.
- (b) The recommendation requires an act contrary to law.
- (c) The recommendation obstructs the Court from performing its constitutional or statutory function.
- (d) The recommendation disagrees with the Court's penalty determination, but the hearing officer has not identified material, substantial evidence in the record that provides the basis for that disagreement.
- (e) The recommendation is contrary to past practices in similar situations presented to the hearing officer that the hearing officer has failed to consider or distinguish.
- (f) The recommendation exposes the trial court to present or future legal liability other than the financial liability of the actual remedy proposed by the hearing officer.

11.1.8 Judicial Review; Employee Challenge

An employee may challenge the final decision of the Court by filing a writ of mandamus pursuant to Code of Civil Procedure section 1094.5 in the appropriate court. Review by that court shall be limited to the record. In reviewing the Court's decision, the reviewing court shall be bound by the hearing officer's factual findings that are supported by substantial evidence.

12.0 Termination of Employment

12.1 Voluntary Termination

The Court will consider an employee to have voluntarily terminated employment if any of the following occur:

- a) Elects to resign from the Court;
- b) Fails to return from an approved leave of absence on the date specified by the Court; or
- c) Fails to report for work without notice to the Court for three consecutive days.

12.2 Termination Due to Reduction in Force

Occasionally, the Court may need to terminate an employee due to a reduction in force necessitated by reorganization, job elimination, economic downturns, or lack of work. Should the Court consider such terminations necessary, the Court will attempt to provide all affected employees with advance notice when practical.

Whenever a reduction will affect more than one employee in a classification, the reduction shall be in order of seniority.

12.3 Release from the Probationary Period

An employee may be involuntarily separated because the employee is not qualified for, or has not adapted to, the type of work assigned and no other assignment is available. Release during the probationary period may be with or without cause and requires no advance notice. No due process rights attach to a release during the probationary period.

12.4 Involuntary Termination

Involuntary termination of an employee shall be effective on the date specified in the notice of proposed disciplinary action, when the employee does not request a due process evidentiary hearing. When the employee does request a due process evidentiary hearing, the date of termination shall be the date specified in the final decision or such other date as determined by the Court and employee, whichever is later.

12.5 Exit Interview and Separation Form

When an employee's employment is terminated, either voluntarily or involuntarily, the employee's supervisor should ask the employee to complete a separation form and participate in an exit interview.

12.6 Final Payment

The employee's final paycheck shall be mailed to his or her mailing address or deposited in the employee's bank account by direct deposit pursuant to the provisions of 3.4.3

13.0 Exit Interview

Employees who leave the Court for any reason may be asked to participate in an exit interview. This interview is intended to permit terminating employees the opportunity to communicate their views regarding their work with the Court. At the time of the interview, employees are expected to return all Court resources, such as equipment, I.D. cards, keys, documents, and handbooks.

Supervisors should notify Personnel of the employee's last scheduled workday at the Court as soon as the separation decision has been made and communicated.

Personnel is responsible for the completion of forms such as health insurance continuation and the retrieval of all Court resources.

