

SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS
PERSONNEL ORGANIZATION AND RULES

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CHAPTER ONE

GENERAL DESCRIPTION

1.1 SUPERIOR COURT OF CALIFORNIA, COUNTY OF STANISLAUS

The Superior Court of California, County of Stanislaus is a state trial court with jurisdiction over all trial court matters; criminal felonies and misdemeanors; civil and limited civil cases; juvenile delinquency and dependency; mental health, writs and hearings; family law; probate; guardianship and conservatorship; and traffic matters. The Superior Court has an Appellate Division that hears appeals of misdemeanor and limited civil cases. The Superior Court has multiple locations in the cities of Modesto, Ceres and Turlock where court business is conducted and public services are provided.

The Superior Court of California, County of Stanislaus has twenty (20) judicial positions, four Court Commissioners and two Hearing Officers. Over two hundred and fifty (250) Court employees provide service to the public and support the judicial officers as they provide case adjudication services. Court personnel are defined in state statute.

The Superior Court of California is part of the judicial branch of government and operations. Funding is provided by the State of California through the California Judicial Council.

1.1 This manual provides the policies and rules applicable to the administration and operation of the Court's personnel system for non-judicial Court personnel under the authority of the Executive Officer. It is obviously not possible to anticipate every situation that may arise in the workplace or to provide information that answers every possible question. Additionally, circumstances will undoubtedly arise requiring that policies and rules described in this manual change from time to time. The Court reserves the right to modify, supplement, rescind or revise any provisions of this manual, subject to meet and confer if applicable, in its sole and absolute discretion.

1.2 The policies contained in this manual apply to represented and unrepresented employees. Where policies conflict with provisions of a memorandum of understanding (MOU) between the Court and a recognized employee organization, the MOU provisions will govern as to employees covered by the MOU.

CHAPTER TWO

COURT STRUCTURE AND ORGANIZATION

2.1 Divisions of the Superior Court of California, County of Stanislaus

The Executive Officer is responsible for the oversight of all non-judicial officer duties and services in the Court including:

- Courtroom support personnel
- Calendar management
- Legal document processing in civil, criminal, traffic, appeals, family law, juvenile, probate and mental health
- Legal research
- Probate examinations
- Court investigations in Guardianships and Conservatorships
- Juvenile Court services
- Family Court services
- Traffic services
- Interpreter services
- Jury services
- Agency-wide staff support services in human resources, accounting, administration, judicial, and information technology

Organizational units of the Court are aligned to provide services where the Superior Court conducts business and court sessions in the locations throughout the County of Stanislaus. The Executive Officer is responsible for the development and administration of a personnel classification and compensation structure.

2.2 Organization Charts

The Executive Officer is responsible for the development and amendment of charts of organization that reflect the alignment of staff service units throughout the Court.

2.3 Authority to Appoint

The authority to appoint Superior Court personnel is set as follows:

- a. The Executive Officer shall be appointed by a majority of the Executive Committee. The Executive Committee shall fix the qualifications for, and duties and compensation of the Executive Officer consistent with applicable statutes, California Rules of Court and the policy of the Court.

- b. The Executive Officer/designee shall select and appoint all other non-judicial Court personnel consistent with applicable provisions of these rules.

2.4 Court Executive Officer Rights

The Executive Officer reserves, consistent with applicable laws, regulations, ordinances and Memoranda of Understanding with employee organizations, the right to:

- Determine and modify the Court's organization and its work units;
- Determine the nature, standards, levels and mode of delivery of services to be offered to the public;
- Determine the methods, means, numbers and occupations by which services are to be provided;
- Determine whether goods or services shall be provided by the Court, contracted out, or purchased;
- Direct, schedule, or assign employee work, work hours and overtime;
- Establish employee performance standards and require compliance therewith;
- Discharge, suspend, relieve from duty, demote, reduce in pay, reprimand, or otherwise discipline employees subject to the requirements of applicable law and this manual;
- Implement rules, regulations and directives consistent with law and this manual; and
- Take all necessary actions to protect the Court's employees and the public.

2.5 Absence of Executive Officer

The Assistant Executive Officer – Court Operations shall be designated to serve as the Executive Officer in his/her absence. In the absence of the Assistant Executive Officer – Court Operations, the Assistant Executive Officer – Support Services shall be designated to serve as the Executive Officer in his/her absence.

CHAPTER THREE

EMPLOYEE RECRUITMENT, SELECTION AND PROMOTION

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

The Court will comply with all employment-related requirements of the California Fair Employment and Housing Act and the Americans with Disabilities Act on a case-by-case basis.

Confidential, managerial, professional, limited-term and temporary positions are excluded from this policy. Subordinate judicial officers are also excluded from this policy.

3.1 Definitions

For purposes of this policy, the following terms shall have the meanings indicated:

- a. Subordinate judicial officer – An officer appointed to perform subordinate judicial duties as authorized by Section 22 of Article VI of the California Constitution. Subordinate judicial officers may include court commissioner, probate commissioner, referee, traffic referee, juvenile referee, or pro tem judge.
- b. Confidential employee – Any employee who has access to or is privy to decisions of Court management affecting employee relations, or who stands in a confidential relationship with a judge. Confidential classifications are listed in Exhibit A
- c. Professional employee – Any employee engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including, but not limited to, attorneys. Those classifications that are professional are listed in Exhibit A
- d. Managerial employee – Any employee with responsibility for administering or formulating Court policy or programs and/or the authority to hire, evaluate, assign work to, promote, reward, terminate, suspend, or discipline other

employees or responsibly direct their work or to adjust grievances or to effectively recommend such action. Those classifications that are managerial are listed in Exhibit A:

- e. Limited-term employee – Any employee hired for a specified employment period.
- f. Temporary employee – Any employee who is not a regular full-time or regular part-time employee. A temporary employee may work a full-time, part-time, or as-needed work schedule.

3.2 Open and Promotional Recruitments

The Executive Officer/designee shall determine whether the recruitment for a position shall be open or promotional. Open recruitments shall be open to all applicants, (Court employees and non-Court employees) who meet the minimum qualifications for the position. The Executive Officer/designee has the authority to limit the number of applications accepted by non-Court applicants. Promotional recruitments shall be open to regular Court employees who meet the minimum qualifications for the position.

3.3 Eligibility Lists

An eligibility list consisting of those persons who meet the qualifications of the position being filled shall be established. Placement on an eligibility list does not guarantee that an individual will be chosen for a position.

3.3.1 Procedure for Creating Eligibility Lists

The Executive Officer/designee shall determine the procedure to be used to establish each eligibility list. This may include a review of the applicants' experience and/or education, written examination(s), oral interviews(s), reference checks, and/or any other procedure deemed appropriate. Published job announcements will contain specific procedures to be used for each recruitment.

3.3.2 Life of Eligibility Lists

An eligibility list will usually remain in effect for a minimum of six months from the date the list is established. The Executive Officer/designee has the authority to extend an eligibility list, for up to twelve months from the date the list was established. The Executive Officer/designee also has the authority to abolish an eligibility list within his or her discretion at any time prior to the expiration of the list and to request that a new eligibility list be established.

3.3.3 Removal from Eligibility List

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

- a. When a candidate requests that his/her name be removed;
- b. When a candidate begins employment in any position with the Court;
- c. When a candidate refuses an offer of employment or refuses an interview on *three* occasions; or
- d. When the Executive Officer/designee determines that the candidate is no longer eligible for employment in the position or is no longer eligible for Court employment per Section 3.3.5 below.

3.3.4 Selection

The Director of Human Resources/designee will send to the Court manager/supervisor the names of the top eight candidates on the eligibility list who are available for an interview. For each additional vacancy an additional two names will be added to the list of interviewees. The Court manager/supervisor and/or designee shall interview all such candidates and send a list, in order of preference, to the Director of Human Resources/designee. In the case of an open recruitment, and where the Court manager/supervisor and/or designee determine that two or more applicants' qualifications for the position are equal, preference shall be given to the internal candidate(s).

The Director of Human Resources and/or designee shall complete reference checks, including criminal background checks, on the candidate selected for the position. Candidates who are unwilling to provide references will be disqualified and removed from the eligibility list. Candidates will also be disqualified and removed from the eligibility list if a reference check is unacceptable.

3.3.5 Disqualification

The appointing authority may refuse to consider or appoint an applicant for any one reason or a combination of the following reasons:

- a. The applicant has been convicted of any crime(s) which is substantially related to the qualifications, functions or duties of the particular position for which application is made or to Court employment generally, or any crime(s) involving moral turpitude, dishonesty or corruption;
- b. The applicant lacks the minimum qualifications for the position;

- c. The applicant has a history of less than satisfactory employment;
- d. The applicant uses or attempts to use any personal or political influence to further eligibility (this does not prohibit candidates from submitting letters of support and references);
- e. The applicant makes any material false statement and/or attempts to practice deception or fraud in connection with a Superior Court examination or application for employment.

3.3.6 Regular Appointment

A regular appointment is one made to a full-time regular Superior Court position with benefits. Regular appointments shall be made in the manner set forth in this Chapter.

3.3.7 Conditions of Appointment

Prior to appointment, candidates must agree to the conditions of employment specified for a particular position, including any background investigation deemed appropriate. A candidate may be disqualified from employment with the Court if he/she fails any pre-employment test or examination, or if the results of any background investigation are negative or inconclusive.

3.3.8 Arbitration

In the event that an employee contends that the Court has misapplied, misinterpreted, or violated the policy set forth in this section, the employee may file a grievance. Such a grievance must be submitted in writing within 10 calendar 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 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 10 calendar days), the employee may, within 5 days of receipt of the response (or if there is no response, within 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 experienced labor arbitrators from the State Mediation and Conciliation Service. 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.

3.4 Probationary Period

3.4.1 Duration

The probationary period for regular appointments into Court classifications shall be one year from the date of appointment. Upon the successful completion of the probationary period, an employee is granted regular status unless his/her probationary period is extended. A probationary period may be extended up to an additional six months.

Any absence without pay exceeding fifteen calendar days shall cause the employee's probationary period to be extended by the number of calendar days of such absence.

An employee with regular status who is promoted to a position in a classification with a higher salary allocation shall serve a probationary period of one year in the position to which he/she has been promoted, commencing the date of such promotion unless the probationary period is extended.

A probationary employee who voluntarily demotes to a position in a classification with a lower salary range shall serve a probationary period of one year, unless extended, in the position to which he/she has demoted, commencing the date of such demotion unless the employee previously held regular status in that classification. An employee with regular status who voluntarily demotes to a position in the same classification series shall not again serve a probationary period. Employees with regular status who voluntarily demote to another classification not in the same series shall serve a probationary period of one year, unless extended.

The period of probation for regular part-time positions shall be considered satisfied when such appointees have accumulated in actual service an equivalent to the period of probation (2080 hours), regardless of the number of calendar months over which such accumulated service extends.

An employee with probationary status who is promoted to a position in a different classification shall serve a probationary period of one year in the new classification to which he/she promoted commencing the date of such transfer unless the probationary period is extended or the employee previously held regular status in that classification.

3.4.2 Separation, Suspension, Reduction in Rank or Compensation Before Completion of Probation

The Executive Officer/designee may remove, suspend, or reduce in rank or compensation a probationer at any time with or without cause during the period of probation and

without the right of appeal or hearing. A statement by the appointing authority (see Rule 2.3) will be provided to the probationer at the time the action is taken and be made a part of the employee's personnel file.

A probationary employee so removed, suspended, or reduced in rank or compensation shall have no right to appeal unless he/she alleges that such action was based on discrimination or harassment in violation of Federal or State law (refer to Chapters 5 and 6 of this manual for policy, definitions and procedures). The appeal shall be in writing and shall be filed within five (5) days of the notice of separation, suspension, reduction in rank or compensation as prescribed in section 5 of these policies and rules. An investigation into the allegations shall be conducted as prescribed in section 7.2 of these rules.

An employee removed during the probationary period from a position to which he/she had been promoted who had previously held regular status shall be restored to the position from which he/she had been promoted unless removed from Court service for cause pursuant to Chapter 13 of these Rules. An employee who is in a probationary period for a position to which he/she had been promoted who had previously held regular status may not be suspended or terminated without cause.

CHAPTER FOUR

EMPLOYEE CLASSIFICATION AND ASSIGNMENT

4.1 Job Descriptions

4.1.1 Written job descriptions

The Superior Court shall maintain, in written form, a job description for each classification and position. The job description shall include the job title, a non-inclusive list of duties that are typically performed by incumbents in the position, and the minimum qualifications of the position.

4.1.2 Copy to employee

Each new employee of the Superior Court shall be given a copy of his/her job description and the supervisor shall review the description with the employee to ensure he/she understands job expectations and responsibilities.

4.2 Regular Review of Job Classifications and Titles

The Executive Officer/designee shall study the duties and responsibilities of a position and/or its title, and their relationship to other classes and/or titles in the following circumstances:

- a. When requested by a senior or executive manager as a result of significant changes in the division/unit affecting the duties and responsibilities of any position/classification;
- b. When an employee requests reclassification of his or her position/classification by submitting such a request in writing to the division/unit manager, and the manager concurs that reclassification is appropriate;
- c. When the Executive Officer/designee provides written authorization for the establishment of a new position/classification;
- d. When conducting regular, periodic review of job positions/classifications and their titles; and
- e. When the Executive Officer/designee identifies a need to study an existing position/classification or group of positions/classifications.

4.3 Work Assignments

Individuals employed by the Superior Court are hired into a job classification, not for a specific position. At the discretion of the Executive Officer/designee, employees under his/her authority may be assigned to any area or work location within the Court to meet the needs and best interests of the Court as long as the position is within the employee's job classification.

4.4 Voluntary Transfers

The Court has the authority, in the sole discretion of the Executive Officer/designee, to assign employees to vacant positions. If the Court does not assign an employee to a vacant position, the Court will give employees in the same classification as the vacant position and who have completed one year of employment in that classification the opportunity to request a *voluntary* transfer. Whether a request for transfer will be granted and/or who is selected for transfer if more than one employee requests the transfer, is within the sole discretion of the Executive Officer/designee. Transfer requests will be considered with applicants on an existing eligibility list.

Employees interested in a voluntary transfer must submit a completed "Request to Transfer" form to Human Resources. This request may be submitted at any time. When a position in the employee's classification is vacated, all eligible employees on the Court's "Transfer Request List" for that classification will be contacted and asked if they are interested in competing for the position. Employees "eligible" for transfer are those who have been rated at a minimum of "Meets Expectations" on all areas of their most recent performance evaluation. To be considered, employees must be on the "Transfer Request List" when the recruitment process for the position begins. Employees will remain on the eligibility list until they have either chosen not to be interviewed on three separate occasions or refused a transfer if offered. Transfer requests are good for one year only.

In the event that no eligible employee requests a transfer to a vacant position, the Court has authority, in the sole discretion of the Executive Officer/designee and based on his/her assessment of the Court's needs, to transfer an employee to the vacant position.

4.5 Voluntary Demotion

Subject to Executive Officer/designee approval, an employee who is promoted to a higher classification from a lower classification in the Court may return to the classification from which he/she was promoted, provided that the employee was a non-probationary employee in the lower classification and that a vacancy in the lower classification exists.

4.6 Rehire Following Resignation

Upon application, a regularly appointed employee who resigned from the Court in good standing within the last six months may be rehired in a vacant Court position in the class from which he/she resigned or in a position in another class for which he/she may be eligible as determined by the appointing authority (see Rule 2.3). Requests for reappointment must be made in writing to the Director of Human Resources. Appointments by rehire following resignation are subject to the Court probationary period established for the class.

4.7 Rehire following a Service Connected Disability Retirement

A regularly appointed employee who was granted and received a service connected disability retirement through Stanislaus County Employees' Association and who has been deemed as no longer disabled upon application may be rehired in a vacant Court position in the class from which he/she resigned. Requests for reappointment must be made in writing to the Director of Human Resources. Reinstatement is not automatic. An applicant will be given consideration as an in-house applicant. Appointments are subject to the Court probationary period established for the class.

CHAPTER FIVE

EQUAL EMPLOYMENT OPPORTUNITY

5.1 Policy

The Superior Court is committed to ensuring equal opportunity with respect to employees and applicants for employment in all aspects of its employment practices. The Court does not discriminate against qualified employees or applicants for employment on the basis of race, color, religion, gender, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, sexual orientation, or any other basis protected by law, or on the basis of a perception that an individual has any characteristic protected by law, or on the basis of a perception that an individual is associated with a person who has, or is perceived to have, any of these characteristics.

Employees who believe they have experienced denial of employment opportunity or discrimination are encouraged to report this experience immediately to the Court Executive Officer, Assistant Executive Officer the Director of Human Resources, or any Court manager. The Court will promptly investigate the report under the Complaint Procedure for Complaints of Discrimination and Harassment, described in Section 7.2 of these rules.

5.2 Duties of the Equal Employment Opportunity Coordinator

The Equal Employment Opportunity Coordinator shall be a Court management employee designated to:

- a. Answer questions or queries regarding the Court's policies and procedure on equal employment opportunity;
- b. Coordinate training plans and dissemination of information to implement the Court's policies; and
- c. Attend meetings, for information purposes only, to keep current on legal requirements.

CHAPTER SIX

REASONABLE ACCOMMODATION

6.1 Policy

In accordance with the California Fair Employment and Housing Act (FEHA) and the Americans with Disabilities Act (ADA), the Court will provide reasonable accommodation to the known physical or mental impairments that rise to the level of a disability of otherwise qualified disabled employees and applicants.

Disabled employees/applicants who desire a reasonable accommodation should make such a request in writing to the Executive Officer/designee. The request must identify 1) the impairment for which the person is seeking reasonable accommodation (e.g., hearing impairment, vision impairment); and, 2) for each impairment, how it affects the person's daily activities, including but not limited to how it affects the person's ability to do his or her job at the Court.

The Director of Human Resources will review the reasonable accommodation request and determine whether it appears that the employee/applicant may be disabled within the meaning of the FEHA and/or the ADA. The Court may request that the employee/applicant submit to his or her treating physician a questionnaire regarding the employee's impairment and a release authorizing the Court to receive medical information. The Director of Human Resources will also meet with the employee/applicant to evaluate whether the person is disabled within the meaning of the FEHA and/or the ADA and to discuss possible reasonable accommodations. Whether a reasonable accommodation can be made and what reasonable accommodation will be provided shall be determined on a case-by-case basis. Reasonable accommodations may include, but are not limited to, a leave of absence, the purchase of assistive devices, a change in work schedule, and elimination of nonessential job functions.

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

6.2 Procedure for Complaints of Denial of Reasonable Accommodation

Complaints of denial of reasonable accommodation shall be directed to the Executive Officer. Applicants and employees are encouraged to bring such complaints to the Court's attention promptly so they may be addressed immediately.

The Executive Officer or designee shall investigate the complaint.

The Executive Officer shall make a determination regarding whether a reasonable accommodation shall be provided. The Executive Officer may require the applicant/employee and a Court representative to meet to discuss potential reasonable accommodations and to try and agree to a specific reasonable accommodation. The Executive Officer shall have the authority to determine which reasonable accommodation, if any, shall be provided.

CHAPTER SEVEN

UNLAWFUL DISCRIMINATION AND HARASSMENT POLICIES AND PROCEDURES

7.1 Policy and Definitions

It is the policy of the Superior Court that invidious discrimination and harassment are unacceptable behaviors and will not be tolerated in the workplace or in a work-related situation based on an individual's race, color, religion, sex (including gender, pregnancy, childbirth, breastfeeding, or related medical conditions) gender, national origin, ancestry, age, marital status, physical disability, mental disability, medical condition, genetic information, family care status, military and veteran status, sexual orientation, or any basis protected by law, or based on a perception that an individual has any of these characteristics, or based on a perception that an individual is associated with a person who has, or is perceived to have, any of these characteristics.

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

Impermissible conduct also includes, but is not limited to:

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

Impermissible conduct by Court employees, or non-employees, will not be tolerated when the conduct is directed at or involves an applicant for Court employment, a Court employee, or a contractor.

Harassment and discrimination are unlawful. They debilitate morale and interfere in the work productivity of the victims and their co-workers. It is the policy of the Court to provide a

work environment free from invidious discriminatory acts and harassment. Further, it is Court policy to respond to all such complaints expeditiously and in accordance with the procedures set forth in these policies and rules.

Any Court employee, applicant, or contractor who believes he/she has been harassed in connection with employment at the Court, or is aware of harassment, should immediately notify the Executive Officer, Assistant Executive Officer, Director of Human Resources, his/her immediate supervisor, or any Court supervisor/manager to whom the employee is comfortable reporting this conduct. A prompt and, to the extent possible, discreet investigation will be conducted under the Court's Complaint Procedure for Complaints of Discrimination and Harassment, and appropriate corrective action will be taken for any conduct deemed to violate this policy or otherwise to be inappropriate. There will be no retaliation against anyone for complaining of, reporting, or participating in any investigation of harassment.

Any Superior Court employee who violates this policy, or whose conduct is found otherwise to be inappropriate, will be subject to appropriate corrective action, including possible termination of employment.

7.2 Procedure for Complaints of Discrimination and Harassment

7.2.1 To Whom Complaints Should Be Submitted

Complaints or reports of harassment or discrimination shall be directed to the Executive Officer, Assistant Executive Officer, Director of Human Resources, immediate or other supervisor, or any Court manager. Persons are encouraged to immediately bring such complaints to the Court's attention so that they can be promptly addressed.

7.2.2 Who Conducts the Investigation

Complaints of harassment or discrimination shall be promptly and, to the extent possible, discreetly investigated. The Executive Officer/designee shall designate who will conduct the investigation. The investigator may be an outside investigator. For purposes of this policy, the person conducting the investigation will be referred to as the investigator.

7.2.3 Timelines for Conducting the Investigation

To the extent reasonably possible, the Court shall complete the investigation of a complaint within 30 days of the date that the Executive Officer/designee is notified of the complaint.

7.2.4 Confidentiality

Investigations will be conducted in a manner that is as discreet as is reasonably possible consistent with the need to conduct a thorough and complete investigation and the need for proper administration of the Court.

7.2.5 Conducting the Investigation

The scope of each investigation, and whether some or all of the steps listed here are followed, will depend on the facts of each situation. In all cases in which it is alleged that a particular individual has engaged in harassment or discrimination, that individual shall be interviewed and given an opportunity to respond to the allegations.

- a. Review documentation (e.g.; personnel files, personnel rules).
- b. Interview the complainant or person most knowledgeable to ascertain the facts alleged.
- c. Interview the alleged wrongdoer to obtain a response to the complaint/allegations.
- d. Interview witnesses (e.g.; those identified by the complainant/reporting party) to ascertain relevant facts.
- e. Obtain other necessary information (e.g.; visit site of alleged conduct, conduct follow-up interviews).
- f. Reach a decision about what occurred (e.g.; that the complaint has no merit or the report is unfounded; that the conduct occurred but the context or circumstances show that it was not improper or inappropriate; that the conduct occurred and was improper or inappropriate; or if the evidence is truly inconclusive, that the investigator is unable to make a determination regarding whether the alleged events occurred).

7.2.6 Investigative Report

The investigator shall prepare and submit an investigative report containing his/her factual findings to the Executive Officer/designee. If the Executive Officer is the subject of the complaint, the investigative report shall be submitted to the Presiding Judge. The investigator will not make recommendations regarding corrective action in the report.

7.2.7 Corrective Action

The Executive Officer/designee will decide what corrective action will be taken by the Court, if any. If the Executive Officer is the subject of the complaint, the determination will be made by the Presiding Judge.

7.2.8 Advise Alleged Wrongdoer of Conclusion of the Investigation

When the investigation is concluded, the Executive Officer/designee will advise the alleged wrongdoer about the findings of the investigation and the corrective action, if any, to be imposed. Corrective action that results in disciplinary action will be imposed pursuant to the Court's disciplinary procedure as outlined in Chapter 13.

7.2.9 Advise Complainant/Reporting Party of Conclusion of the Investigation

The Executive Officer/designee will advise the complainant/reporting party that the investigation has concluded and whether the allegations were found to have merit. The Court need not disclose to the complainant/reporting party what corrective action, if any, will be taken.

If the complainant/reporting party is not a Court employee, the Executive Officer/designee will notify the complainant of the disposition of the complaint, consistent with any legal or policy limitations on the disclosure of confidential employee information.

CHAPTER EIGHT

PROFESSIONAL BEHAVIOR AND CODE OF ETHICS FOR COURT EMPLOYEES

8.1 Courtesy/No Discrimination

The public and other Court personnel should be treated in a professional manner. Court employees should exercise courtesy and tact when interacting with others, whether in person, on the telephone, or by electronic mail. If an employee has difficulty with a member of the public, he/she should request assistance from his/her supervisor.

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

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

8.2 Personal Appearance

Maintaining a professional appearance reflects positively on the Court and its employees. Toward this end, it is the policy of the Court that each employee's dress and grooming should be professional and appropriate to a court setting and to his or her work situation.

8.2.1 Hygiene

Employees should be well groomed and adhere to acceptable standards of personal hygiene. Body should be clean and free from offensive odors. Hair should be clean and well maintained. Clothing should be clean and in good condition.

8.2.2 Professional Dress

Employees are expected to dress in a professional manner and are expected to wear proper business attire.

a. Proper and appropriate business attire includes: dress slacks, dress shirts, dresses, suits, coordinated outfits, cropped pants (no more than four (4) inches above the ankle) and business-like shoes. Skirts, coordinated business short sets, and dresses should be no shorter than three inches above the knee. Blouse straps should be a minimum of two (2) inches in width from the thinnest point. Tank tops may ONLY be worn under shirts.

b. Unacceptable attire includes: Sportswear such as denim (regardless of style or color), five pocket pants, bib overalls, cargo pants, fatigues, dungarees, Capri pants, shorts, jogger style pants, jogging or sweat suits, sweatshirt style hoodie, athletic wear, form-fitting pant leggings, T-shirts worn as outer garments, halter tops, tank tops, tie dye, and tops exposing the midriff and/or back.

c. On the days deemed by the Management Team to be “Casual Day,” business casual denim, pants, dresses, or skirts are considered appropriate **only** if the Superior Court Shirt is worn and the emblem is visible. Clothing may not have any holes or ragged hems. Cargo pants and Capri pants (mid-calf length) may be worn on “Casual Day” **only** if worn with a Court shirt. Clean tennis shoes that are in good condition may also be worn. T-shirts with logos or advertisements are not permitted.

d. Footwear must be worn. Footwear should be selected for safety and comfort and should be secured to the employee’s foot so as not to impede an employee’s ability to perform his or her job duties. All footwear is expected to be appropriate to the employee’s position. Shoes are to be neat, clean, and in good repair. It is important that shoes be consistent with the professional appearance of the Court.

Prohibited Footwear:

- Thongs with or without heel straps, flip flops of any material and in-between the toe/toe strap shoe;
- Slippers of any kind;
- Tennis/athletic shoes;
- Sandals without ankle or heel straps AND less than one inch heel;
- Rubber shoes of any kind (i.e. Crocs);
- Ugg style shoes or boots;
- Birkenstock style shoes;
- Moccasins;
- Boots above the knee;
- Stiletto’s and heel cap diameters of less than ½ inch;
- Heels in excess of 4 inches in height;
- Military/combat style boots or shoes; and
- Cowboy boots.

e. Exceptions to prohibited clothing or footwear may be made for medical reasons upon submission of medical verification. Any additional exceptions must be approved in advance by the supervisor/manager.

f. The list of appropriate/prohibited clothing and footwear above is not all inclusive. Employees are encouraged to ask a supervisor/manager if they are unsure of the appropriateness of an item.

8.3 Performance of Duties

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

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

No Court employee shall recommend the names of private attorneys/law firms to any member of the public.

8.4 Confidentiality

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

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

This policy is not to be interpreted as prohibiting Court employees from responding to questions about court procedures. However, a Court employee is not to give legal advice. (See Tenet 7, Code of Ethics for Court Employees of California.)

8.5 Misuse and Abuse of Position

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

No Court employee shall solicit or accept any gift, favor or thing of value from any member of the public.

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

8.6 Conflicts of Interest

The Court’s policy regarding conflicts of interest is addressed in Chapter 9.

8.7 General Statement of Conduct

All Court employees are expected to observe and demonstrate the highest standards of conduct and professionalism. As a result, the Court adopts the Judicial Council of California’s Code of Ethics for the Court Employees of California (Section 8.7.1; Code of Ethics for the Court Employees of California); this document may be amended from time to time.

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

8.7.1 Code of Ethics for the Court Employees of California

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

Tenet One: Provide impartial and evenhanded treatment of all persons;

Tenet Two: Demonstrate the highest standards of personal integrity, and honesty, in all our professional and personal dealings, avoiding the misuse of court time, equipment, supplies or facilities for personal business;

Tenet Three: Behave toward all persons with respect, courtesy, patience, and responsiveness, acting always to promote public esteem in the court system;

Tenet Four: Safeguard confidential information, both written and oral, unless disclosure is authorized by the Court, refusing ever to use such information for personal advantage, and abstain at all times from public comment about pending court proceedings, except for strictly procedural matters;

Tenet Five: Refrain from any actual impropriety such as violating the law, soliciting funds on the job, receiving gifts or favors related to court employment, accepting outside employment that conflicts with the employee's duties, recommending private legal service providers to the public on the job, or using position at court to benefit self, friends, or relatives;

Tenet Six: Avoid any appearance of impropriety that might diminish the integrity and dignity of the Court;

Tenet Seven: Serve the public by providing accurate information about court processes that is as helpful as possible without taking one side over the other, or appearing to favor one side of a case giving legal advice;

Tenet Eight: Provide responsible and accountable stewardship of public resources;

Tenet Nine: Provide accurate information as requested in a competent, courteous, and timely manner. Improve personal work skills and performance through continuing professional education and development;

Tenet Ten: Guard against and, when necessary, repudiate any act of discrimination or bias based on race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, age or sexual orientation;

Tenet Eleven: Renounce any use of positional or personal power to harass another person sexually or in any other way based on that person's race, religion, color, national origin, ancestry, physical or mental disability, medical condition, marital status, sex, age, sexual orientation, or other personal choices and characteristics; and,

Tenet Twelve: Protect the technological property of the Court by preserving the integrity of electronically stored information.

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

Guidelines

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

Guideline for Tenet One – Impartiality:

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

Guideline for Tenet Two – Personal Integrity

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

Guideline for Tenet Three – Professionalism

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

Guideline for Tenet Four – Confidentiality

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

Guideline for Tenet Five – Impropriety

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

Guideline for Tenet Six – Appearance of Impropriety

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

Guideline for Tenet Seven – Prohibition Against Giving Legal Advice

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

Guideline for Tenet Eight –Public Resources

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

Guideline for Tenet Nine – Service and Competency

A major responsibility of all court employees is to provide accurate and timely information. When providing information whether orally or in writing, present it in as easily understandable a format as the inquiry allows, and avoids legal jargon whenever possible.

The laws and rules under which the courts operate are continually changing as a result of legislative actions, higher court decisions, and evolving values and technologies. Court employees are encouraged to participate in professional activities and associations. Court employees must participate in educational programs to stay abreast of changes and to improve their personal and professional skills. Court managers at all levels of the California court system should initiate and oversee ongoing professional growth programs for all court employees including study of ethics-related issues.

Guideline for Tenet Ten – Discrimination

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

Guideline to Tenet Eleven – Harassment

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

Guideline for Tenet Twelve – Technology

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

CHAPTER NINE

CONFLICTS OF INTEREST AND INCOMPATIBLE ACTIVITIES

9.1 General Policy

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

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

9.2 Interest in a Case

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

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

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

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

9.3 Outside Employment

Prior to accepting any outside employment, the employee must notify Human Resources in writing. Notification shall include the employee's name, job title & department, the name of the outside employer, and a description of the duties of the outside position..

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

CHAPTER TEN

OFFICE HOURS AND EMPLOYEE WORK SCHEDULES

10.1 Office Hours

Employees should be at work, ready to work, promptly at the start of their assigned shift and immediately at the end of their assigned lunch and break times, unless they have received other instructions from their supervisor.

10.2 Timekeeping and Payroll Policy

Payday is every other Friday. All Court employees will be required to submit an electronic time card at the conclusion of each pay period that accurately reflects the employee's hours worked via Employee Self Serve (ESS). Payroll records will be handled and retained by Human Resources Division in accordance with Court policy and applicable state and federal law.

10.3 Work Breaks

All full-time employees are entitled to two twenty-minute breaks, one in the morning and one in the afternoon. Such rest periods for courtroom personnel shall be scheduled at the discretion of the Judge/subordinate judicial officer. Break periods may not be attached to the beginning or end of the day, or to an employee's lunch break. Break time may not be accrued; a break missed or skipped is not time available for future use.

10.4 Alternate/Flexible Work Schedule

Employees may request an alternate/flexible work schedule. Flexible work schedules for employees under the authority of the Executive Officer may be approved by the Executive Officer/designee if it is determined that the requested schedule does not interfere with the operation of the Court.

An employee of the Court who is interested in a flexible work schedule must submit a completed request for the proposed schedule to his/her immediate supervisor. The proposed schedule will be reviewed and a recommendation for approval/disapproval made by the employee's operational supervisors/managers. Approved work schedules are to be forwarded to Human Resources. The decision of the supervisor/manager shall be final.

10.5 Overtime Compensation

10.5.1 Eligibility for Overtime Compensation

There are occasions when it may be necessary to work over 40 hours in a workweek. Employees occupying classifications that are not exempt under the Fair Labor Standards Act are eligible for overtime compensation, either in pay or in compensating time off.

Requests to work overtime must be submitted to the supervisor in advance, and approval to work overtime must be obtained from the Executive Officer or designee prior to the time being worked. Work beyond 40 hours in a workweek is to be avoided whenever possible.

Employees who work on a holiday will receive equivalent vacation time credit.

While off duty, employees shall not perform any work or take action on email/text communications unless such action is an operational necessity and overtime has been approved by the employee's supervisor.

10.5.2 Use of Compensatory Time

Compensatory time off shall be taken as soon as possible after the date it is earned. All compensatory time off not taken shall be cashed out at the end of the last pay period of every calendar year, giving employees a zero balance of compensatory time on the books at the beginning of each year. An employee may not accrue more than 240 total hours of compensatory time for overtime hours worked; therefore, any compensatory time in excess of the 240 maximum allowed must be paid immediately. The amount of compensatory time earned and used by each employee is recorded on the payroll record and appears on the employee's check stub.

CHAPTER ELEVEN

SALARY, BENEFITS AND LEAVES OF ABSENCE

11.1 Salary-Setting Procedure

In setting and revising salary ranges for Court classifications, the Executive Officer or designee shall gather and consider necessary data including, but not limited to, local market conditions and other local compensation-related issues such as difficulty of recruitment or retention.

In setting and revising salary ranges, and to the extent that funds are made available for such purposes, the Executive Officer shall use the following salary-setting guidelines:

- Consider what salary ranges will enable the Court to recruit successfully and to retain employees;
- Recognize differences among classes such as skills required, difficulty of duties, and levels of responsibility;
- Consider the cost of living and local market conditions;
- Consider recommendations of Court supervisors/managers; and
- Consider other relevant factors.

Every salary range shall have a minimum and maximum salary figure. New employees will generally be hired at the minimum rate established for the position. Regular employees will generally be eligible to advance to higher salary rates within the range if they have received a satisfactory or better performance evaluation for the preceding year and are recommended for salary advancement by their Court supervisor/manager.

11.1.1 Increases Within Range

Salary advancement shall not be automatic, but shall be given only on the affirmative recommendation of the Executive Officer/designee. Such recommendation may be made only on the basis of an overall rating of “Meets Requirements” on the last performance rating of the employee.

Employees shall be eligible for advancement to the next step of their salary range on their salary anniversary date after one (1) year of satisfactory continuous service at the first step. Eligibility for advancement to subsequent salary steps will thereafter be based on one (1) year of satisfactory continuous service at the prior step until the employee reaches the maximum salary step of the appropriate salary range.

11.1.2 Special Merit Increase

The Executive Officer/designee may grant a special merit increase within the salary range for employees with outstanding performance. A special merit increase may be for up to five percent (5%) of the employee's base salary and is in addition to the employee's regular step increase. A special merit increase shall be granted not more than once during a twelve-month period.

Supervisors/Managers must submit written justification supporting outstanding performance along with special merit increase recommendations. The granting of a special merit increase shall not change an employee's salary anniversary date.

11.2 Other Compensation

11.2.1 Bilingual Pay

The Executive Officer/designee will review requests by units for bilingual pay for a position and shall be authorized to approve bilingual pay. Bilingual pay provisions do not apply to management and temporary employees.

In recommending positions, it is important to remember that a position need not be designated simply because the incumbent is bilingual and occasionally uses his/her skills in the normal course of work. Positions approved for bilingual pay will generally be those rendering services linking the Court with clients who are largely monolingual in a language other than English.

To be eligible for the bilingual pay designation, employees must pass a bilingual exam administered by the Court designated provider and there must be an opening for a bilingual pay designation in the employee's assigned unit.

11.2.2 Out of Class Assignment

Employees temporarily assigned by the Executive Officer/designee to perform the full range of duties of a higher level position are eligible for additional pay when: (1) the employee receives a formal, written assignment by a Court manager to perform the work characteristic of a higher classification; and (2) such work is satisfactorily performed for the majority of work days in a calendar month or for five consecutive working days. Employees so assigned shall be paid at the appropriate promotional pay rate of the higher classification (approximately five percent), but no higher than the 5th step of the salary range of the temporary assignment.

Out-of-class assignments recommended by the division/unit manager may include special projects or assignments of a limited duration as reason for pay in a higher classification.

11.2.3 Supervisory Pay Differential

Any employee occupying a supervisory position shall receive approximately 10 percent base salary differential between the supervisory classification and the classification of the highest paid subordinate.

11.2.4 Mileage Reimbursement

The Court shall reimburse employees for mileage incurred as the result of their attendance at required meetings, authorized training and changes in normal work assignment location. The procedure to request mileage reimbursement for these reasons may be obtained from the Human Resources Division.

11.3 Employee Benefits

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

- Health, dental and vision care plans for employee and eligible dependents
- Retirement plan
- Life insurance
- Deferred compensation plan
- Employee Assistance Program
- Management benefits plan for employees occupying positions in management/confidential/professional-designated classifications
- Credit Union

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

11.4 Leaves of Absence

11.4.1 General

The Court provides leaves of absence to eligible employees in a variety of circumstances. In all cases, the Court will comply with applicable federal and state laws. Additional information concerning legal requirements applicable to leaves of absence is available from the Court's Human Resources staff.

Eligibility: There are different eligibility rules for different types of leave.

Employees may be eligible for an unpaid leave of absence for work-related illness or injury or pregnancy disability, no matter how long they have been employed by the Court and no matter how many employees are at the worksite.

Employees with at least one year of service with the Court and who have worked at least 1,250 hours during the previous 12 months may be eligible for medical leave and family leave as provided by law.

Employees also may be eligible for leaves of absence for personal reasons other than those described in the preceding paragraphs. Approval of such leaves will be based on considerations such as the reason for the request, the Court's needs, and the employee's performance/length of service with the Court, and level of responsibility. The granting or denying of such leaves shall be at the discretion of the Court. (See "Personal Leave.")

Registered Domestic Partner: For purposes of this chapter, Registered Domestic Partner is defined pursuant to California Family Code, Section 297.

Requests for Leave: As soon as an employee learns of the need for a leave of absence, the employee should submit a written request for leave to the unit manager/supervisor. Request forms are available from the Human Resources Division. If the need for the leave is foreseeable, employees are required to provide at least 30 days' notice. Approval of the leave may be delayed if timely notice is not provided. If the employee learns of the need for leave less than 30 days before the leave is needed, the request must be made as soon as possible.

If the employee is absent due to a reason that the employee believes qualifies for protected leave under federal and/or state law, the employee must notify the Court within two business days of returning to work. If the employee does not provide timely notice, the employee may not later assert that the absence was for a protected reason. Additional information about leave eligibility, rules and conditions under the Family Medical Leave Act (FMLA), California Family Rights Act (CFRA), California Pregnancy Disability Leave (PDL), State Disability Insurance (SDI), Paid Family Leave (PFL), Workers' Compensation, or any other applicable federal or state mandated law is available from the Human Resources Division.

Reinstatement: An employee returning from a leave of absence ordinarily will be returned to the same or a comparable position, unless the position has been eliminated due to a reduction in force or reorganization, or unless the employee would have been terminated for some other business reason unrelated to the leave, or for any other lawful reason.

If the employee fails to return at the end of the approved leave of absence and fails to notify the Court for three consecutive work days of any reason for this continued absence, the employee, absent special circumstances, will be deemed to have resigned voluntarily from his or her employment with the Court. An employee who does not return to work following a leave of absence may be required to reimburse the Court for medical premiums paid while the employee was on leave.

11.4.2 Medical Leave

Medical leave is leave due to an employee's own serious health condition which prevents the employee from performing the functions of the job. It includes time off needed for ongoing treatment of a serious health condition.

Federal and State Protected Leaves: Each leave has different eligibility and medical certification requirements. The length of the leave protection and the affect on benefits continuation also varies depending on the leave. Some leaves require the use of accrued benefits. In many cases, mandated leaves are used concurrently. The most common leaves are:

- Family Medical Leave Act (FMLA) – For an employee's own serious health condition as defined by the federal statute. Provides up to 12 weeks unpaid leave during which employee position is protected and benefit coverage may continue. During FMLA leave, the Court will maintain the employee's health coverage on the same terms as if the employee had continued to work. Employee must provide notice and medical certification in addition to meeting specific eligibility criteria.
- California Family Rights Act (CFRA) – For an employee's own serious health condition as defined by California statute. CFRA specifically excludes pregnancy. Provides up to 12 weeks unpaid leave during which employee position is protected. During CFRA leave, the Court will maintain the employee's health coverage on the same terms as if the employee had continued to work. Employee must provide notice and medical certification in addition to meeting specific eligibility criteria.
- Pregnancy Disability Leave (PDL) – For an employee's medical disability due to pregnancy, childbirth, or related reasons preventing the employee from performing the functions of her job. It includes time off for prenatal care. Provides up to 4 months of unpaid leave during which the employee's position is protected and benefit coverage may continue. During PDL leave, the Court will maintain the employee's health coverage on the same terms as if the employee had continued to work. Employee must provide notice and medical certification.
- Worker's Compensation – For any Court employee who is temporarily unable to work as the result of a work related injury or illness.

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

11.4.3 Family Care Leave

Family Care Leave is leave for either of the following reasons:

1. To care for a new child (whether by birth, adoption, or placement for foster care) during the first year after the birth, adoption, or placement;
2. To care for the child, parent, spouse or domestic partner of the employee with a “serious health condition” as defined by the law.

Federal and State Protected Leaves

Each leave has different eligibility and medical certification requirements. The length of the leave protection and the effect on benefits continuation also varies depending on the leave. Some leaves require the use of accrued benefits. In many cases, the mandated leaves are used concurrently.

- Family Medical Leave Act (FMLA) - For an employee to care for a covered family member with a serious health condition as defined by federal statute or to bond with a new child. Provides up to 12 weeks unpaid leave during which employee position is protected and benefit coverage may continue. Eligible employees with a spouse, son, daughter, or parent on active duty or call to active duty status in the National Guard or Reserves in support of a contingency operation may use their 12-week leave entitlement to address certain qualifying exigencies. Also includes a special leave entitlement that permits eligible employees to take up to 26 weeks of leave to care for a covered service member during a single 12-month period. During FMLA leave, the Court will maintain the employee’s health coverage on the same terms as if the employee had continued to work. Employee must provide notice and medical certification in addition to meeting specific eligibility criteria.
- California Family Rights Act (CFRA) - For an employee to care for a covered family member with a serious health condition as defined by California statute or to bond with a new child. CFRA specifically excludes pregnancy. Provides up to 12 weeks unpaid leave during which employee position is protected. During FMLA leave, the Court will maintain the employee’s health coverage on the same terms as if the employee had continued to work. Employee must provide notice and medical certification in addition to meeting specific eligibility criteria.

11.5 Paid Leave

Leaves will be granted with first consideration given to the operating requirements of the Court. Failure to submit a leave request and obtain prior approval may result in disciplinary action. Any false or misleading information presented to obtain time off or to justify an absence is grounds for disciplinary action, up to and including termination.

11.5.1 Vacation

The Court provides paid vacation time for its eligible full-time employees. Accrual rates are based on continuous Court employment and the employee’s respective employee group. Please refer to your Memorandum of Understanding or Employee Benefit Sheet for rates of accrual. Accrual rates are based on 80 hours of paid time. To ensure that

eligible employees enjoy a period of rest and relaxation away from work, the Court encourages employees to use vacation in the year in which it is accrued. Each eligible employee may accrue vacation up to a maximum cap based on their employee group (represented employees should refer to their current MOU). Once the employee reaches the cap, he/she will cease accruing vacation time until sufficient vacation is used to bring the total remaining accrual below the cap. At that point, the employee will once again begin accruing vacation at the normal rate until the cap is reached. If vacations are denied or canceled for employees at or close to the maximum, the Court may, within its sole discretion, allow such employees to cash out up to 80 hours of their accrued vacation time.

Eligibility: Employees begin accruing at the specified rate upon their date of full-time employment with the Court. New employees may not use vacation before completing thirteen (13) pay periods of continuous service unless written permission is received from the Court Executive Officer/designee. *Procedures for Requesting Vacation:* The Executive Officer or designee shall approve or deny requests for vacation as soon as possible, but not later than 7 working days after receipt of the request. Requests for vacation must be submitted to the employee's immediate supervisor at least three working days prior to the requested leave via the electronic time and attendance system or other means as deemed appropriate by the immediate supervisor.

Approval or Denial of Request: The appointing authority or designee may modify, limit or deny any request for vacation if the employee's absence would adversely affect the proper functioning of the Court.

Cash Conversion of Vacation: Employees with 100 or more hours of accrued vacation may request conversion into cash payment once in a fiscal year. Cash conversion of vacation requires the approval of the Executive Officer or designee. Cash out limits are determined by your employee group.

11.5.2 Sick Leave

To minimize the economic hardship that might otherwise result to employees due to time off taken because of the short-term illness or injury of the employee or in some circumstances, his or her family member, the Court provides a paid sick leave program to eligible employees.

Sick leave means leave of absence of an employee because of illness or injury which renders the employee incapable of performing his/her work or duties; the employee's exposure to contagious disease; or routine medical or dental appointments of the employee.

Full-time employees shall accumulate sick leave with pay entitlement at the rate of 3.7 hours for each bi-weekly pay period on paid status, for a total of 12 days per year (based on 80 hours paid in a pay period). All unused sick leave is automatically carried over to the following year. Paid sick leave may be used only in the event of an illness or injury of

the employee or the employee's immediate family member. Under this policy, "immediate family member" is defined as the parent, step-parent, spouse, registered domestic partner, child, stepchild, sister, brother, grandparents, grandchildren, father-in-law, mother-in-law, great grandparents and great grandchildren of the employee; however, for reasons held to be sufficient by the Executive Officer/designee may expand this definition to include other persons with whom the employee had enjoyed a parent or family-like relationship. (Employees, who are not full time, please see the Paid Sick Leave Policy for Part-Time, Limited Term & Temporary Employees)

Pursuant to California's Healthy Family Act, employees may also use sick leave for the following purposes:

To obtain any relief or services related to being a victim of domestic violence, sexual assault, or stalking including the following with appropriate certification of the need for such services including temporary restraining order or restraining order; other injunctive relief to help ensure the health, safety or welfare of themselves or their children; to seek medical attention for injuries caused by domestic violence, sexual assault, or stalking; to obtain services from a domestic violence shelter, program or rape crisis center as a result of domestic violence, sexual assault, or stalking; to participate in safety planning and take other actions to increase safety from future domestic violence, sexual assault, or stalking, including temporary or permanent relocation.

After the use of 24 hours of sick leave in a calendar year, The Executive Officer, as a condition of granting sick leave with pay, may require medical evidence of sickness or injury from a medical provider and/or a medical clearance to return to work. After the use of 24 hours of sick leave in a calendar year, a medical provider's certification is mandatory when the illness requires the employee to be absent three or more consecutive days.

a. Exempt Causes: An employee shall not be entitled to sick leave while absent due to sickness or disability sustained while on Leave of Absence without Pay.

b. Reporting Illness/Injury: All employees must report absenteeism due to illness or injury to their supervisor prior to the start of the employee's shift, or as directed by their supervisor in writing, to explain the reason for the absence and the expected date/time of return. Leaving only a voice mail message or leaving a message with a co-worker is not acceptable. If the supervisor is not available, then the employee must speak with another supervisor or lead worker in that unit.

Failure to do so may result in sick leave not being paid and/or discipline for abuse of sick leave. (Please see Sick Leave Guidelines for Supervisors in policies)

c. Exhausted Sick Leave: Employees who are absent due to illness and have exhausted all sick leave time will have the additional time deducted from vacation.

d. Sick Leave Cash Out: Employees who leave Court service as a result of death, disability, retirement or service retirement shall receive cash for up to 600 hours or the individual cap as described below, of unused accrued sick leave at the rate determined by their employee group.

Employees with more than six years of service as a “regular” employee shall receive cash for up to 600 hours of unused accrued sick leave at the rate of 25 percent of the salary equivalent of such sick leave upon terminating Court service for any reason other than retirement or death as described above.

Employees in a “regular” employment status for six years or less who terminate Court service for all other reasons, including but not limited to deferred retirement, resignation and discharge, are not eligible to receive any cash out of unused sick leave.

“Regular” employees with one year or more of service who are laid off due to a reduction-in-force action shall be eligible for 25 percent sick leave cash out up to 600 hours or as described below.

Any employee, regardless of the length of service, who is discharged from Court service for cause shall not be eligible for any cash from unused accrued sick leave.

e. Cash Out Cap: Employees who have accrued sick leave in excess of 600 hours upon leaving Court service may cash out the amount of time accrued as of the pay period ending January 6, 1995, or the end of the last pay period in October 1994, whichever is greater. Total sick leave accrual as determined above shall become the employee’s individual maximum, or ‘cap’ for sick leave cash out purposes while the employee remains in the continuous employment

11.5.3 Bereavement Leave

A leave of absence with pay because of a death in the immediate family of a Court employee may be granted by the appointing authority for up to five days. For purposes of this section, “immediate family” means parent, step-parent, spouse, registered domestic partner, child, stepchild, parent-in-law, sibling, grandparent, grandchildren, great grandparent, or great grandchildren. The Executive Officer/designee may expand this definition to include other persons with whom the employee has enjoyed a parent or family-like relationship (i.e.; lived in their home).

11.5.4 Catastrophic Leave Bank

The Court has a catastrophic leave bank that is designed to assist Court employees who have exhausted all paid leave accruals (including vacation and sick leave) and are unable to work and experiencing financial hardship as the result of a catastrophic illness, injury or other such condition.

Catastrophic illness or injury is defined as an illness or injury which is monumental, unusual, unexpected, immediate in nature, life threatening or debilitating, and which incapacitates the employee or a member of his/her immediate family and creates a financial hardship for the employee because he/she has exhausted all paid leave balances.

Immediate family member is defined as the employee's parent, sibling, spouse, registered domestic partner, or child (including natural, step-, foster, or adopted child).

A recipient employee is eligible to receive up to 90 working days of donated time per catastrophic event.

Eligibility: To be eligible to request leave bank hours, the employee must: (1) be a regular employee; and, (2) have an approved absence including a medically verifiable need for a leave; and (3) expect to exhaust all paid leave credits (paid leave credits include all sick leave, vacation, annual leave, and CTO); and (4) the request may be initiated prior to the date leave balances are exhausted.

Process: Employees who wish to receive donations must submit a request in writing to the Director of Human Resources. Decisions regarding requests for leave bank hours will be made by a three-member committee composed of a manager, a supervisor and a member of the employee's labor organization. Members to this committee will be appointed annually. Labor organizations will provide a list of one primary member and two alternates to serve as their committee representative no later than December 31st of each calendar year. The committee will make determinations as to the appropriateness of the request and the number of hours, if any, to grant to the requesting employee. The committee will not be provided the name of the requesting employee during its deliberations.

All requests for participation in the program must include:

- a. Name and work division/unit of employee;
- b. Reason for the request, including a confidential medical verification containing prognosis and estimated date of return to work;
- c. Statement of what information may be included about the employee's situation in the general announcement soliciting donations.

Leave Donations: Employees may donate unlimited amounts of accrued vacation and/or compensatory time. Donations shall be made in full-day or 4 hour increments and are irrevocable.

Any Court employee who wishes to contribute to the Leave Bank may so authorize in writing on the Catastrophic Leave Bank – Request to Donate form, subject to approval by the Director of Human Resources, that a designated portion of the employee's accrued paid vacation leave and/or compensatory time be deducted from the employee's account and deposited into the Catastrophic Leave Bank. Upon approval by the Court-Union

committee, accrued paid leave time that has been deposited in the Leave Bank may be transferred to an eligible requesting employee's sick leave account so that the employee may remain on paid leave status for a longer period of time, thus partially alleviating the financial impact of the catastrophic illness, injury or other such condition.

No employee has any entitlement to catastrophic leave benefits. Any award of Leave Bank hours will be at the sole discretion of the Court-Union committee. By making a request for catastrophic leave benefits, the employee agrees that he or she cannot challenge the denial or the request by grievance, claim, charge, or any other action.

11.5.5 Military Leave

Every employee shall be entitled to military leaves of absence as specified in Chapter 7, Part 1, Division 2 of the California Military and Veterans Code. If the employee has been employed continuously by the Court and/or the County for at least one year prior to the date such absence begins, he/she shall be entitled to receive pay for up to thirty (30) days during ordered military leave (including weekend days and travel time) during any fiscal year at the rate he/she would have received, and for scheduled work days and paid holidays had the employee not been on military leave. Time spent on military leave shall be included in determining eligibility to occupy a job classification based upon length of service.

11.5.6 Leave for Jury Duty or in Answer to a Subpoena

It is the policy of the Court to enable its employees to fulfill their civic obligations. Toward that end, all employees are eligible for a leave of absence to attend to jury duty or to answer a subpoena. If an employee is called upon for jury duty or to answer a subpoena, the employee must notify his or her supervisor immediately.

Employees serving jury duty or answering a subpoena for a court, county or governmental agency will continue to receive their regular pay for each full working day missed due to such duty. Because this is a paid leave, employees must waive the jury/witness fee, except mileage if assigned jury duty at a location other than their normally assigned place of duty (if greater distance than normal commute).

Evidence of jury duty/court attendance must be presented to the Court. Employees are expected to report for work on those days or parts of days when excused from jury duty or required court appearances, or when such duty does not conflict with the employee's work schedule.

Employees subpoenaed to appear on behalf of a private party or who volunteer to serve as a witness may elect, during the time of absence, to use accrued compensatory time and/or vacation and are entitled to retain the witness fee and mileage.

11.5.7 Leave Pending Possible Removal

The Executive Officer/designee may place a Superior Court employee under his/her authority on administrative leave pending possible removal. Such leave is at the discretion of the Executive Officer/ designee in accordance with Section 13.7 of these Rules.

11.5.8 Holidays

The Court observes the following holidays for which employees will be compensated. If a holiday falls on a Saturday, the Friday before will be observed. If a holiday falls on a Sunday, the Monday after will be observed. Court observed holidays include:

New Year's Day	January 1
Martin Luther King Day	3rd Monday in January
Lincoln's Birthday	February 12
President's Day	3rd Monday in February
Cesar Chavez Day	March 31
Memorial Day	Last Monday in May
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	
Christmas	Day December 25

Columbus Day, the second Monday in October, is a state holiday that is observed by the judges. Court employees are required to work this day "behind closed doors."

11.6 Personal Leave

An unpaid personal leave of absence (leave without pay) may be available for leaves for personal reasons other than those reasons qualifying as medical leave, pregnancy disability leave, or family care leave. For example, an employee may request a personal leave to care for an in-law or to further his/her education in an area that will assist his/her job performance for the Court. Requests for partial leave (intermittent or reduced schedule) for personal reasons also will be considered. Approval of such leaves is based on a combination of factors, including the reason for the request, the length of requested leave, the Court's needs, the employee's level of responsibility, and performance and length of service with the Court. Personal leaves will be granted or denied at the Court's discretion. Personal leaves will not exceed one year.

Eligibility: Employees who have permanent or probationary status may be granted a leave of absence without pay upon written request and approval by the Executive Officer or designee. As a condition for a leave of absence without pay to continue, the Executive Officer/designee may require the employee to provide periodic status reports demonstrating that the conditions for which the leave of absence was initially requested

and approved still exist. The request for personal leave of absence must be approved prior to the beginning date of the leave, except in the case of illness or disability when such action is impossible.

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

Use of Accrued Paid Leave: All accrued vacation, CTO, and sick leave (if applicable) time must be used during a period of personal leave. Personal leaves are unpaid except for any period during which accrued paid leave is used.

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

CHAPTER TWELVE

EMPLOYEE DEVELOPMENT AND RECORDS MANAGEMENT

12.1 Performance Appraisals for Employees

12.1.1 Policy

It is the policy of the Court to regularly review employee performance and to encourage communication between employees and supervisors concerning the performance of employees in the accomplishment of their assigned duties and responsibilities, the establishment of specific work-related goals and objectives, and the preparation of individual plans to further each employee's professional development.

12.1.2 Rating and Reports

Employees shall be evaluated periodically on the basis of their individual performance. The Executive Officer/designee shall have the responsibility for ensuring proper and timely preparation of the performance appraisals and shall develop necessary forms and procedures.

12.1.3 Report Cycle

Performance appraisals for new employees shall be completed after the first three, six, nine and twelve months of employment. Thereafter, the Court shall try to complete each employee's evaluation on or about the employee's anniversary date.

At the discretion of the Executive Officer/designee, supplemental appraisals may be administered to maintain a record of an employee's work performance, or upon transfer or termination of employment.

Employees who receive an overall performance rating of "needs improvement" will not receive a step increase until such time as their performance rating "meets" or "exceeds" requirements.

12.1.4 Appraisal Responsibility

The immediate supervisor or manager of the employee shall have responsibility for preparing the appraisal and may consult with other supervisors, managers and judges with whom the employee has worked.

All evaluations will contain a written narrative by the supervisor. Generally, the performance evaluation will be discussed orally between the supervisor and the

employee. Employees have the right to respond in writing to any performance evaluation. Such responses should be brief, to the point and given to the supervisor for further review.

12.2 Job-Related Training and Continuing Education Program

12.2.1 General Training

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

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

12.2.2 Other Job-Related Training

Employees may request to attend training sessions on topics that are directly related to the employee's current job and that are likely to maintain or upgrade the employee's skills on the job, and/or prepare the employee for promotional opportunities. Requests to attend training must be submitted in writing to the Executive Officer or designee. It is within the sole discretion of the Court whether to grant a training request, but the following factors will be considered:

- The training must be directly related to the employee's current job and be likely to improve the employee's job knowledge and skills, and/or prepare the employee for promotional opportunities;
- The employee must submit a request to attend the training seminar within a reasonable time prior to the seminar to allow review of the request, approval/disapproval of the request, and rescheduling of other employees to provide sufficient coverage for the employee;
- The time spent at the training seminar must not interfere with or in any way negatively affect Court operations; and,
- The employee must have satisfactory job performance and attendance as determined by the Executive Officer or designee, unless the purpose of the training is to improve unsatisfactory job performance.

Where the training request requires the expenditure of Court funds, funding will also be considered in the determination of whether to grant the training request.

12.2.3 License/Certification Training

An employee who attends training at a cost to the Court of \$1000 or greater (excluding travel costs) leading to a license or certification shall continue to work for the Court for a minimum of two (2) years from the date of their successful completion of the training program. Those terminating employment prior to the completion of two years and those who fail to successfully complete the training must refund the costs paid by the Court under this section. Reimbursement to the Court shall be made on a pro-rated basis determined by the length of employment after completion of the training. Prior to commencing this training, employees must sign a statement acknowledging their understanding of these requirements.

12.2.4 Tuition Reimbursement

Employees may request reimbursement for job-related educational courses offered through accredited colleges, universities and technical schools by submitting a plan to the Executive Officer/designee. Courses considered to be job-related are those that shall maintain or upgrade the employee's skills on the job or prepare the employee for promotional opportunities.

Guidelines: Reimbursement will cover actual costs of tuition and registration only and is limited by the Court's budgetary restrictions. Class attendance and completion of class assignments must be accomplished outside of the employee's regular working hours.

Reimbursement will be provided only to employees who are employed by the Court at the time the Court receives evidence of satisfactory completion of the course.

Any reimbursement will be less other forms of financial aid, including but not limited to scholarships and grants. Thus, employees are eligible for reimbursement under this policy only for the difference between the tuition costs and registration and the amount received from other sources of financial aid.

Procedure for Application: Prior to registering for a course, the employee must apply to the Executive Officer/designee for approval of the tuition reimbursement. The Executive Officer/designee will review the information provided by the employee regarding the course and determine whether the course meets the requirements of this policy. The Court's determination on this matter is final.

In deciding whether to approve the course, the Executive Officer/designee will also consider funding, whether the employee has been reimbursed for other courses and whether other employees in the are receiving tuition reimbursement.

If the course is approved, the employee will be notified of such approval and must disclose other forms of financial aid the employee is receiving.

Reimbursement: Tuition reimbursement will only be provided for course work in which the employee achieves a grade of C or better, or “pass”/“credit” where appropriate.

After the employee successfully completes the course work (C work or better; “pass/“credit”), the employee must submit to the Executive Officer a certified transcript of the grade received and original receipts for reimbursable fees allowed under this policy.

The reimbursement request will be reviewed and if it is satisfactory the employee will receive a reimbursement check.

If the employee does not successfully complete the course, no reimbursement will be provided.

12.3 Employee Personnel Records

The Court will maintain an official personnel file for each employee.

12.3.1 Disclosure of Contents

Except as provided in Section 12.3.5 below, information contained in an employee’s personnel file will be disclosed internally only to persons with a need to know and to outside third parties pursuant to a proper legal request.

12.3.2 Employee Inspection of Personnel File

An employee, upon written request to the Human Resources Manager/designee may, at reasonable times and intervals, inspect his or her official personnel file that is used or has been used to determine the employee’s qualifications for employment, promotion, additional compensation; or termination or other disciplinary action. An employee may inspect only his or her official personnel file.

12.3.3 Employee Access to Personnel File

The Court will keep a copy of each employee’s official personnel file at the place where the employee reports to work or shall make the employee’s official personnel file available where the employee reports to work. To the extent reasonably possible, this will occur within three (3) days of the date of the employee’s request for his or her official personnel file.

12.3.4 Protected Information

Records of a Court employee relating to the investigation of a possible criminal offense, letters of reference and other matters protected by constitutional, statutory, or common

law provisions shall be excluded from the provisions of Sections 12.3.2 and 12.3.3 above for purposes of this policy.

12.3.5 Reference Checks

Reference checks regarding current or former employees must be directed to the Director of Human Resources/designee. Unless the current or former employee signs an authorization and release regarding the disclosure of specific additional information, the only information that will be disclosed is the employee's current or final job title, dates of employment and current or final rate of pay.

12.3.6 Personnel File Retention

Each employee's official personnel file will be retained during the time of employment and for a minimum of seven years from the employee's last date of employment.

CHAPTER THIRTEEN

DISCIPLINE AND APPEAL

13.1 Policy

Subject to the provisions of these Rules, the Executive Officer is authorized to remove, demote, suspend or reprimand an employee. Where reasonably possible, orders of discipline shall be presented to the employee in person and discussed with the employee at that time.

The appointing authority's power to discipline employees is intended to ensure that Court employees conduct themselves properly and perform their duties in a satisfactory manner.

13.2 Exclusions

For purposes of this policy, the definitions listed in Section 3.1 apply. Subordinate judicial officers, Court Executive Officer and Court Administrator as well as, probationary and temporary employees are excluded from this policy.

13.3 Causes for Discipline

Disciplinary actions will usually follow a progressive discipline procedure. Progressive discipline will normally follow one or more oral and written warnings and include a written reprimand and/or a suspension before a termination is imposed. However, deviations from this procedure may occur whenever the Executive Officer determines that circumstances warrant that one or more steps in the progressive discipline procedure be skipped. Accordingly, circumstances may warrant an immediate suspension or termination.

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

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

- a. Misstatement of facts contained in the employee's application/resume or otherwise during the hiring process;
- b. Willfully falsifying or making a material omission on any Court document (e.g.; time card, court records);
- c. Disclosure of confidential information;
- d. Insubordination;
- e. Willful disobedience;

- f. Excessive absence, tardiness or absence without leave;
- g. Discourteous or rude conduct to the public or other employees;
- h. Possessing or bringing firearms, weapons, or hazardous or dangerous devices onto Court property;
- i. Being at work while under the influence of alcohol or illegal drugs, or possessing illegal drugs while on Court property;
- j. Theft, damage or misuse of Court property or unauthorized possession of property that belongs to the Court or another employee;
- k. Misconduct;
- l. Dishonesty;
- m. Unsatisfactory job performance;
- n. Engaging in business or accepting outside employment, while an employee of the Superior Court, which creates a conflict of interest or is inconsistent or incompatible with their position with the Court;
- o. Conviction of a felony or of a misdemeanor involving moral turpitude.
- p. Violation of any Court rule, Code of Ethics tenet, policy or procedure;
- q. Other failure of good behavior either during or outside of duty hours that is of such a nature that it causes discredit to the Superior Court.

13.4 Types of Disciplinary Actions

Disciplinary actions may include, but are not necessarily limited to, the following:

- a. Removal: Termination of employment with the Court.
- b. Demotion: Reduction to a lower job classification with a lower maximum pay or reduction to a lower pay step within the same class.
- c. Suspension: A temporary involuntary absence without pay from Court service.
- d. Reprimand: Written notification that an employee's behavior or performance is unacceptable and that continuation or repetition of that performance may result in suspension, demotion or removal.

13.4.1 Removal

Employees may be removed by the Executive Officer/designee. The order terminating employment shall be in writing. An employee may be placed on leave with pay pending investigation and possible removal.

13.4.2 Demotion

Employees may be demoted by the Executive Officer/designee. The order to demote shall be in writing. The demoted employee may be placed in any step within the range of

the lower classification not to exceed the salary he/she had in the higher position, or the employee may be demoted to a lower step within the same classification.

13.4.3 Suspension

Employees may be suspended by the Executive Officer/designee. The order to suspend shall be in writing.

13.4.4 Reprimand

Employees may be reprimanded by the Executive Officer/designee. The reprimand shall be in writing. Within ten (10) calendar days of the date an employee receives a written reprimand, he/she may submit a written response to the reprimand which will be maintained in the employee's personnel file along with the reprimand. A reprimand is neither grievable nor subject to appeal to the Executive Officer.

13.5 Minor Discipline

When the Court has decided to take disciplinary action consisting of a suspension without pay for five days or less, the affected employee shall be given written notice of the disciplinary action. The notice of disciplinary action shall include: (a) the action taken, the date it will be effective, and the specific grounds and particular facts upon which the disciplinary action is being taken; (b) the materials upon which the action is based or a statement indicating where the materials upon which the action is based are available for inspection, or a combination of the two; and (c) a statement informing the employee of his/her right to appeal in the manner set forth in this section.

- a. *Step One:* Within ten (10) calendar days of the date the employee received the disciplinary notice, the employee may file a written appeal with his or her immediate manager/ supervisor. The Court manager or designee shall schedule a meeting with the employee and, where applicable, his or her representative, to discuss the appeal. Within ten (10) calendar days after that meeting, or such longer period as the Court manager or designee may determine is required to investigate the matter, the Court manager or designee shall provide the employee with a written response to the appeal.
- b. *Step Two:* If the employee is not satisfied with the response, he/she may appeal to the Executive Officer or designee. The appeal must be submitted within ten (10) calendar days of the step one response and shall consist of the employee's step one appeal, the step one response, and a statement from the employee explaining his/her disagreement with the response. The Executive Officer/designee shall schedule a meeting with the employee and, where applicable, his/her representative, to discuss the appeal. Within ten (10) calendar days after that meeting, or such longer period as the Executive Officer/ designee may determine is required to investigate the matter, the Executive Officer/ designee shall provide the employee with a written

decision regarding the appeal. The step two decision shall be final and binding.

If an employee does not in a timely manner file an appeal at either step one or step two, the right to appeal shall be considered waived.

13.6 Major Discipline

13.6.1 Notice of Discipline

When the Court is considering taking disciplinary action consisting of a suspension without pay for more than five days, a demotion/reduction in pay or a removal, the affected employee shall be given written notice of the proposed disciplinary action at least ten (10) calendar days before the effective date of the action. The notice of intended disciplinary action shall include: (a) the proposed action to be taken, the date it is intended to become effective, and the specific grounds and particular facts upon which the intended disciplinary action will be taken; (b) the materials upon which the charge(s) is based or a statement indicating where the materials upon which the charge(s) is based are available for inspection, or a combination of the two; and (c) a statement informing the employee of his/her right to respond, either orally or in writing, to the charge(s), by the date specified in the notice.

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

If the employee does not respond to the charge(s) within the time specified in the notice of proposed disciplinary action, the proposed disciplinary action will be considered conclusive and an Order of Discipline issued.

If the employee responds to the charge(s) within the time specified in the notice of intended disciplinary action, the Court shall consider the employee's response and all of the information upon which the charge(s) is based. The Court shall then issue a determination, or order, on the notice of intended disciplinary action.

If an order of discipline includes action consisting of a suspension, a demotion/reduction in pay or a removal, the employee may appeal such determination in writing within ten (10) calendar days of the date that the Court issued the determination. If no such appeal is filed, the determination of disciplinary action shall stand.

13.6.2 Hearing to Review Disciplinary Decisions

In the event that an employee in a timely manner files an appeal as described in Section 13.6.1 above, an evidentiary due process hearing within the meaning of Government Code section 71653 will take place.

Within 10 days of the date that the employee files the notice of appeal, the Court and the employee, or if the employee is represented, the employee's representative, shall attempt mutually to agree to an experienced labor arbitrator to serve as the Government Code section 71653 impartial hearing officer. The parties may extend this date by mutual consent. If the parties are unable mutually to select an arbitrator, they shall request a list of seven experienced labor arbitrators from the State Mediation and Conciliation Service. The arbitrator shall issue a final decision, which shall be binding on the parties. Such decision may be reviewed only pursuant to the California Code of Civil Procedure, section 1280, et seq.

- a. Arbitration Issues: The parties shall endeavor to exchange summaries of evidence, and a list of witnesses to be used by each side shall be submitted to each other and the arbitrator no less than five (5) working days prior to the arbitration hearing.
- b. Arbitration Expenses Shared: The cost of employing the arbitrator shall be borne equally by both parties to the arbitration. If both parties agree to the use of a Court Reporter, or if the arbitrator requires the use of a Court Reporter or recorder, the cost of the Court Reporter or recorder shall be shared equally. Absent mutual agreement, the side requesting use of the Court Reporter or recorder shall absorb the cost. The cost of the transcript, if one is prepared, shall be absorbed by the party requesting the transcript unless both parties mutually agree to share the cost of the transcript. If the arbitrator requests that a copy of the transcript be prepared, both parties shall equally share the cost of the transcript.
- c. Arbitrator's Report: The arbitrator's report shall be limited to the issue of whether "cause" existed for the discipline imposed. The arbitrator shall have no authority to add to, detract from, alter, amend, or modify any of the Court's rules, policies or procedures.
- d. Arbitrator's Decision Due: Unless the parties agree otherwise, the arbitrator shall render the decision in writing within 30 days following the close of the hearing. A copy of the written decision shall contain findings of fact that may be stated in the language of the pleadings or referenced thereto. If requested by either party, the decision shall be accompanied by findings of fact and conclusions of law.

13.7 Measures Pending Final Determination

The Executive Officer/designee may, while intended disciplinary action is pending, take one or more of the following measures:

- a. Defer the imposition of the punishment until receipt of the arbitrator's decision;
- b. Place the employee on leave of absence with compensation;
- c. Reassign the employee to another unit/division within the Court.
Reassignment without the consent of the employee shall not exceed a period of ninety days if accusations against the employee are under investigation, but such assignment may continue until the action becomes final if the employee has been given notice of removal.
- d. Suspend the employee without pay if accusations against the employee are under investigation and the accusations are such that, if true, immediate removal is essential to avert harm to the Court or the public, provided: (1) the employee shall be accorded the rights provided by this chapter and may appeal the order of suspension at any time during the period of suspension; (2) the period of suspension without compensation shall not exceed forty-five days; (3) that in the event the employee is not served with notice of intended charges during the period of suspension, the employee shall be reinstated in Court service as of the initial date of suspension; (4) that in the event the punitive action taken against the employee does not result in termination of employment, the employee shall be restored to Court service for the period of the preliminary suspension and any disciplinary suspension or reduction in rank or compensation ordered or approved by the arbitrator shall commence on or after the date of the punitive action by the Executive Officer/designee. The Executive Officer/designee may discontinue an employee's leave of absence with compensation or his/her suspension without compensation, giving the employee forty-eight hours' notice in writing to return to duty.

CHAPTER FOURTEEN

REDUCTION IN FORCE

In the event that the Court determines that a layoff for organizational necessity within the meaning of Government Code section 71652 will occur, the following procedures will apply:

The Court will determine whether the layoff will occur on a Court-wide basis or in one or more units or classifications. Once the scope of the layoff is determined, employees will be laid off by seniority in the following order:

1. Temporary employees;
2. Limited-term employees;
3. Probationary employees; and
4. Regular employees.

For purposes of this policy, seniority is defined as length of service with the Court/Stanislaus County, including leaves of absence but not including periods of layoff. A coin toss will break any ties in seniority.

14.1 Written Notice

Written notice of layoff shall be served on affected employees in person or by certified letter mailed to the last address on file with the Court. Notice will be served or mailed at least 21 calendar days prior to the effective date of the separation. Notice shall be deemed served upon return of a delivery receipt or receipt showing attempted delivery.

14.2 Bumping

A regular employee who is laid off shall have the right to “bump” a less senior employee in a lower classification (e.g., one with a lower salary/wage range) in which the employee who is bumping had previously achieved regular status. Bumping may occur within Superior Court classifications only. The employee who is bumped shall be the employee with the least seniority in the lower classification. An employee who is bumped shall also have the right to bump a less senior employee in a lower classification in which the employee who is bumping had previously achieved regular status. Any employee who exercises bumping rights shall enjoy the pay, benefits, and terms and conditions of employment of the classification to which he or she bumps and shall have no rights under the “Recall” section of this policy.

In order to exercise these options, the employee affected must so advise the Executive Officer/designee in writing no later than seven (7) working days after receiving notice of layoff.

14.3 Benefits

Employees who are laid off shall receive all accrued vacation pay. Employees on layoff shall not accrue any benefits during a layoff (such as vacation or sick leave) and will not be eligible for holiday pay while on layoff. Employees shall not accrue seniority while on a layoff.

14.4 Recall

The names of employees laid off pursuant to this policy shall be placed on a re-employment list for a period of one year from the effective date of the layoff. If a position is vacated or established in the classification from which the employee was laid off, such position will be offered to employees on the re-employment list in the reverse order from which the employees were laid off, prior to the position being posted. To be eligible for recall, an employee must keep the Court notified as to his/her current address. Recall notices will be sent by certified mail to the employee's last known address as reflected in the Court's records. The employee must, within seven calendar days from the date the notice was mailed, notify the Court of his or her intent to return to work on the date specified in the recall notice and must thereafter return to work on such date. Such re-employment would be at the same salary step or the salary range assigned such classification and with the same seniority as the employee had earned at the time of layoff. Benefits paid out at the time of separation such as vacation or sick leave may be bought back at employee expense. If an employee accepts a recall and reports to work on the specified date, the employee's anniversary date will be adjusted to reflect the period of layoff.

If an employee refuses a recall offer, does not respond to a recall offer within the time specified in this policy, or does not return to work on the date specified in the recall offer, he/she will be removed from the re-employment list and will not be eligible for further recalls.

14.5 Exclusions

Subordinate judicial officers, as well as confidential, professional, managerial, temporary, and limited-term employees are excluded from this policy.

CHAPTER FIFTEEN

RULES GOVERNING EMPLOYER-EMPLOYEE RELATIONS

15.1 General

15.1.1 Purpose of Chapter

It is the purpose of this Chapter to promote full communication between the Superior Court and its employees regarding wages, hours and other terms and conditions of employment. It is also the purpose of this Chapter to promote the improvement of personnel management and employer-employee relations within the Superior Court in and for the County of Stanislaus by providing a uniform basis for recognizing the right of employees of the Court to join organizations of their own choice and be represented by such organizations in their employment relations with the Court.

15.1.2 Matters of Mutual Interest

Nothing in this Chapter shall be interpreted as precluding or discouraging the discussion of any and all matters of mutual interest, at the appropriate level, to the end that there be full understanding and cooperation among the parties and that problems be resolved expeditiously.

15.1.3 Outside Experts

Nothing in this Chapter shall be interpreted as precluding or discouraging the Superior Court from requesting assistance or advice, whether from outside experts or otherwise, in situations deemed appropriate by the Court.

15.2 Definitions

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

- a. “Court” means the Superior Court of California, County of Stanislaus.
- b. “Employee” shall have the same meaning as that set forth in Government Code section 71611(l) and (m), as amended.
- c. “Confidential employee” means any employee who has access to or is privy to decisions of Court management affecting employee relations or who stands in a confidential relationship with a judge. Those classifications that are confidential are listed in section 3.1.a of these Rules.

- d. Professional employee” shall have the same meaning as that set forth in Government Code section 71637(b), as amended. Those classifications that are professional are listed in section 3.1.c of these Rules.
- e. “Managerial employee” means any employee with responsibility to administer or formulate Court policy or programs and/or the authority to hire, evaluate, assign work to, promote, reward, fire, suspend, transfer or discipline other employees, responsibly direct their work, adjust grievances or effectively recommend such action. Those classifications that are managerial are listed in section 3.1.d of these Rules.
- f. “Supervisory employee” means any employee working in a classification in which a majority of positions: (1) require the incumbent, on a continuing basis, to assign work to and rate work performance of a subordinate employee; and (2) authorize the incumbent to initiate or review recommendations for dismissal or other disciplinary action.
- g. “Limited-term employee” means any employee hired for a specified employment period.
- h. “Temporary employee” means any employee of the Court who is not a regular full-time or regular part-time employee. Temporary employees may work either a full-time, part-time, or as-needed work schedule.
- i. “Subordinate judicial officer” shall have the same meaning as that set forth in Government Code section 71601 (i), as amended.
- j. “Employee organization” means any organization that includes employees of the Court and has as one of its primary purposes the representation of those employees in their employment relations with the Court.
- k. “Mediation” shall have the same meaning as that set forth in Government Code section 71601 (e), as amended.
- l. “Meet and confer in good faith” shall have the same meaning as that set forth in Government Code section 71601 (e), as amended.
- m. “Recognized employee organization” shall mean the employee organization certified to represent a majority of the employees in an appropriate unit pursuant to the election procedures set forth at section 15.7 of these Rules. The recognized employee organization is the only employee organization entitled to meet and confer in good faith on matters within the scope of representation for employees in such a unit.
- n. “Scope of representation” shall have the same meaning as that set forth in

Government Code section 71634, as amended.

15.3 Managerial and Confidential Employees

Managerial and confidential employees shall be designated by the Court based upon the definitions set forth in section 15.2 of these Rules. Such employees may not represent any employee organization that represents other employees of the Court on matters within the scope of representation. No employee organization that is a recognized employee organization representing non-management, non-confidential employees shall be recognized as the representative of any bargaining unit of managerial and/or confidential employees.

15.4 Professional Employees

Professional employees shall be designated by the Court based on the definition set forth in section 15.2 of these Rules. Professional employees shall not be included in a bargaining unit with nonprofessional employees unless approved by the Court and a majority of the professional employees.

15.5 Petitions for Recognition

15.5.1 Grandfather Provision

Any employee organization that, prior to January 1, 2001, was certified by the Court or the County as a recognized employee organization of an appropriate unit that included Court employees shall not, with regard to that unit, be required to file a petition for recognition under this section.

15.5.2 Submission of Petition

An employee organization seeking certification as a recognized employee organization of employees in an appropriate unit shall file a petition with the Executive Officer containing the information identified in subsections (a) and (b) that follow.

- a. Background information
 1. Name and address of the employee organization;
 2. Names and titles of the officers and representatives who are authorized to speak on the behalf of the employee organization;
 3. A statement that the employee organization has, as one of its primary purposes, the representation of employees in their employment relations with the court;

4. A statement that the employee organization's membership includes Court employees;
 5. A statement as to whether the employee organization is a local entity or chapter of any international, national, state, or regional organization and, if so, the name(s) and address(es) of those entities;
 6. A copy of the employee organization's constitution and bylaws and those of any organization with which it is affiliated;
 7. The names and addresses of one or two persons to whom notice sent by regular United States mail will be deemed sufficient notice to the employee organization for any purpose;
 8. A statement that the employee organization has no restriction on membership based on race, color, creed, religion, national origin, citizenship, sex, pregnancy, age disability, marital status, sexual orientation, or veteran status; and
 9. A statement that the employee organization will abide by these Rules.
- b. Unit description and showing of interest
1. A statement that the employee organization wishes to be certified as the exclusive representative of the employees in the unit claimed to be appropriate;
 2. A description, by job titles, of the unit claimed to be appropriate; and
 3. A showing of interest, personally signed and dated by the majority of the employees in the unit claimed to be appropriate, stating that the employees desire the named employee organization to represent them in matters falling within the scope of representation. Any signatures dated more than six months prior to the date the petition is filed will not be counted. The signatures of temporary or limited-term employees may not be used to support the petition.

15.5.3 Processing of Petition

- a. The Executive Officer or designee shall review all petitions to determine if the criteria noted in subsection 15.5.2.b have been met. Within 21 days of receipt of the petition, the Executive Officer/designee shall inform the petitioning employee organization and any other interested employee organization, by United States mail, as to whether the criteria have been met. If the criteria have been met, the Executive Officer/designee shall also post a notice informing employees in the proposed unit of the petition and of any other

information that the Executive Officer/designee deems relevant. Elections shall be conducted as set forth in section 15.7 of these Rules.

- b. In the event that the Executive Officer/designee determines that the petitioned-for unit or the unit under section 15.5.1 above is not appropriate based on the criteria set forth in section 15.6 of these Rules, the petitioner shall be so notified and given 10 days to amend its petition to conform with an appropriate bargaining unit.
- c. In the event that the petitioner disagrees with the Executive Officer's determination regarding the appropriateness of the bargaining unit, the petitioner may request either mediation or a non-binding recommendation from the California State Mediation and Conciliation Service. Such request must be made in writing within 15 days of the notification from the Court responding to the appropriateness of the bargaining unit.

15.5.4 Intervention

Within 30 days from the date any notice to employees under subsection 15.5.3 has been posted, any other employee organization may file a competing petition seeking recognition as the exclusive representative of employees in the same unit. The competing petition must contain the same information as set forth in subsection 15.5.2, except that at least a 30 percent showing of interest is required.

15.6 Bargaining Units

Exhibit D, attached to these Rules, contains descriptions of the appropriate bargaining units of Court employees. In the event of a dispute between an employee organization and the Executive Officer or his/her designee as to the appropriateness of any unit, the dispute shall be submitted to the California State Mediation and Conciliation Service for a non-binding recommendation.

Community of interest among employees, as well as the efficient operation of the Court, shall be the primary factors considered in determining the appropriateness of any bargaining unit. In determining the appropriateness of any bargaining unit, consideration shall be given to avoiding undue proliferation of bargaining units. Nevertheless, managerial, confidential and professional employees shall not be included in any bargaining unit that contains non-managerial, non-confidential or non-professional employees. In addition, no employee organization that is a recognized employee organization representing non-management, non-confidential, or nonprofessional employees shall be recognized as the representative of any bargaining unit of managerial, confidential and/or professional employees. No unit shall be defined solely on the basis of the extent to which employees have previously been organized.

15.7 Elections

In the event that the Executive Officer/designee receives a petition that conforms with the requirements of section 15.5 or 15.11 of these Rules , a secret-ballot election shall be conducted by a party agreed to by the Court and the concerned employee organization(s). In the event that the parties are unable to agree on the party to conduct an election, the election shall be conducted by the California State Mediation and Conciliation Service.

All regular full-time and regular part-time employees in the unit who were employed during the payroll period immediately prior to the date which ended at least fifteen days before the date the election commences, including those who did not work during such period because of illness, vacation or other authorized leaves of absence, and who are employed by the Court in the same unit on the date of the election shall be eligible to vote. Temporary employees, limited-term employees, and persons who are not employees of the Court shall not be eligible to vote.

The entity that is conducting the election shall consult with the parties participating in the election to set an election date. A pre-election conference shall be scheduled before the election to review the voter eligibility list and the voting sites.

The eligible voters shall be given a choice on the ballot to vote for representation by the petitioning employee organization(s) and no representation. If the parties do not agree on placement of each choice on the ballot, the placement will be determined by coin toss(es).

The Court and each participating employee organization will be allowed to have an equal number of observers at each polling place, but in no event shall the number of observers exceed two per party.

The entity that is conducting the election must challenge anyone whose name is not on the eligibility list. Any observer has the right to make other challenges and can also challenge anyone whose name is not on the eligibility list. The entity that is conducting the election shall make a final decision on all challenged ballots.

The entity that is conducting the election either shall certify that no organization has received a majority of valid votes cast or shall certify the choice receiving a majority of the valid votes cast as the recognized employee organization.

Where three or more choices are on the ballot and none of the choices receives a majority of the valid votes cast, a runoff election shall be held, using the procedures set forth in this section, between the two choices receiving the highest number of votes. The choice receiving a majority of the valid votes cast shall then be certified. The parties shall endeavor to hold this runoff election within 15 calendar days after the date of the original election.

As to each bargaining unit, there shall be no more than one election under these Rules in any 12-month period.

The cost of conducting elections, if any, shall be borne equally by all parties to the election.

15.8 Agency Shop

Per existing law, represented employees are allowed to vote into effect an agency shop arrangement (i.e., an arrangement that requires an employee, as a condition of continued employment, either to join a recognized employee organization or to pay the organization a service fee if he/she decides not to become a member). An employee who is a member of a bona fide religion or other group that historically objects to joining or financially supporting recognized employee organizations can pay, in lieu of dues, initiation fees or agency shop fees, a sum equal to the service fee to a nonreligious, non-labor charitable organization.

Represented employees must petition, per section 15.5.2 of these Rules, for an agency fee arrangement before an agency shop election may be held. The petition must be signed by at least 30 percent of the employees in the applicable bargaining unit requesting an agency shop agreement. If this showing of interest is made, an election must be held.

Agency shop elections are to be conducted by the Division of Conciliation of the Department of Industrial Relations unless within ten (10) days from the filing of the petition, the parties jointly select a neutral person or entity to conduct the election.

If a majority of employees who vote cast ballots in favor of the agency shop agreement, it will be placed in effect.

An election for an agency shop agreement may not be held more often than once a year.

Agency shop agreements do not apply to management, professional or confidential employees, or to subordinate judicial officers.

15.9 Unit Modification

15.9.1 Criteria

A petition for modification of an existing unit may be filed by a recognized employee organization representing employees in the unit(s) affected by the proposed modification or by the Executive Officer or his/her designee.

Petitions for unit modification are timely only if filed either 90 to 120 days prior to the expiration of any Memorandum of Understanding (MOU) covering the bargaining unit or at any time after the expiration date of the MOU.

15.9.2 Contents of Petition

The petition shall contain the following information:

- a. The name of the petitioner;
- b. A description of the current unit;
- c. A description of the proposed modification;
- d. The job classifications of employees affected by the proposed modification;
- e. A statement setting forth the reasons why the petitioner desires the modification; and
- f. Any other relevant information.

15.9.3 Processing of Petition

The Executive Officer/designee shall review all petitions seeking modification filed by recognized employee organizations to determine if the criteria noted in subsections 16.8.1 and 16.8.2 have been met. Within 30 days of receipt of the petition, the Executive Officer/designee shall inform the petitioning employee organization and any other interested employee organization, by United States mail, as to whether the criteria have been met. If the criteria have been met, the Executive Officer/designee shall determine whether to grant the petition for modification. The criteria set forth in section 15.6 of these Rules regarding appropriate bargaining units shall be applicable to determine whether the requested modification is appropriate. In the event that the employee organization disagrees with the unit modification, it may request mediation or a non-binding recommendation from the California State Mediation and Conciliation Service.

The Executive Officer/designee may file a petition to modify an established bargaining unit. This petition must be served upon the recognized employee organization that represents the bargaining unit setting forth the modification desired as well as the rationale supporting the modification. The criteria set forth in section 15.6 of these Rules regarding appropriate bargaining units shall be applicable to determine whether the requested modification is appropriate. In the event that the employee organization disagrees with the unit modification, it may request mediation or a non-binding recommendation from the California State Mediation and Conciliation Service.

15.10 Assignment of Classifications

The Executive Officer or his/her designee shall, where appropriate and with notice to and consultation with affected employee organizations, allocate new position/classifications and delete positions/classifications that no longer exist, consistent with the criteria set forth in section 15.6 of these Rules regarding appropriate bargaining units.

15.11 Petition for Decertification

15.11.1 Criteria

A petition for decertification may be filed by two (2) or more employees or their representative, or an employee organization seeking decertification. No decertification petition may be filed earlier than the thirty (30) day period commencing one hundred eighty (180) days prior to the termination date of a Memorandum of Understanding then in effect, or any time during which no Memorandum of Understanding is in effect between the Court and an organization representing a particular bargaining unit. The bargaining unit for the decertification shall be the same as the existing bargaining unit.

15.11.2 Contents of Petition

The petition shall contain the following information:

- a. The name, address and telephone number of the petitioner;
- b. A description of the current unit;
- c. A showing, personally signed and dated by at least 30 percent of the employees in the unit, that the currently certified employee organization no longer represents the employees in the unit. Signatures must have been obtained no more than six months prior to the date the petition for decertification is filed. The signature of temporary or limited-term employees may not be used to support the petition.
- d. The number of employees in the current unit; and
- e. Any other relevant information.

15.11.3 Processing of Petition

The Executive Officer or his/her designee shall review all decertification petitions filed by employees or by employee organizations to determine whether the criteria noted in subsections 15.11.1 and 15.11.2 have been met. Within 15 days of the receipt of the petition, the Executive Officer/designee shall inform the petitioning employee organization and any other interested employee organization, by United States mail, as to whether the criteria have been met.

If the criteria set forth in subsections 15.11.1 and 15.11.2 have been met, a secret-ballot election, as set forth in section 15.7 of these Rules, shall be held on or about thirty (30) days after such notice to determine the wishes of unit employees as to the question of decertification.

15.11.4 Disclaimer of Interest

A recognized employee organization may disclaim interest in further representation of employees in the unit by filing a statement to that effect with the Executive Officer or his/her designee.

15.12 Meet and Confer

The Court's obligation to meet and confer under Government Code section 71600 et seq., as amended, shall apply only to the employee organization recognized by the Court as representing a majority of employees in an appropriate bargaining unit, pursuant to section 15.7 of these Rules.

The Court and the recognized employee organization shall each appoint a negotiating committee of a reasonable number of representatives. The Court shall provide reasonable release time without loss of pay for up to four unit employees when formally meeting and conferring with the Court's negotiating committee.

Upon written request of either committee, the negotiating committees shall meet and confer in good faith on matters within the scope of representation, as defined in Government Code section 71634, as amended.

When agreement is reached by the negotiating committees, they shall jointly prepare a written memorandum of understanding, which shall not be binding, and present it to the Court for determination.

15.13 Mediation of Disputes

If, after a reasonable period of time, the negotiating committees fail to reach agreement, the Court and the recognized employee organization together may agree upon the appointment of a mediator mutually acceptable to the parties or request the appointment of a mediator by the California State Mediation and Conciliation Service. The costs of the mediation, if any, shall be borne one-half by the Court and one-half by the recognized employee organization.

15.14 Concerted Action

This section does not change any rights to concerted action that employees otherwise possess. However, any employee who engages in an unlawful work stoppage shall be subject to appropriate disciplinary action.

15.15 Use of Court Facilities

Recognized employee organizations shall be allowed to use specific meeting areas at Court facilities for official business of the employee organizations. Such use shall not occur during regular business hours, shall not result in additional cost to the Court and shall not interfere with Court operations. A recognized employee organization desiring to use the Court's facilities shall apply for such use on a form approved by the Executive Officer or his/her designee at least five (5) business days prior to the date of the requested use.

Recognized employee organizations may use designated bulletin board space to post official business of the employee organization. Inappropriate or offensive material will not be permitted. In addition, posted material shall not be of a partisan political nature, nor shall it pertain to public issues that do not involve the Court or its relations with Court employees. The Executive Officer or his/her designee may remove any postings that do not comply with the requirements of this section.

15.16 Enforcement of Violations of Sections 71630 through 71639 of Government Code, as amended

Prior to commencing any enforcement writ pursuant to Government Code section 71639.1, as amended, the aggrieved party must serve written notice on the responding party setting forth the provision(s) of the Government Code alleged to have been violated and fully setting forth the nature of the alleged violation. Such written notice must be served within 15 days from the date the aggrieved party knew or should have known of the alleged violation. The responding party shall respond to the allegation(s) in writing within 15 days. If the aggrieved party is not satisfied with the response, it shall, within 5 days of its receipt of the response, request in writing a meeting between the parties to explore resolution of the dispute. If the matter is not resolved at this meeting, the aggrieved party shall, within 5 days of the meeting, request in writing that the matter be submitted to mediation. The parties may either jointly agree on the appointment of a neutral third party to serve as a mediator for the dispute or request that the State Mediation and Conciliation Service appoint a mediator. The costs of the mediation, if any, shall be split evenly between the parties.

15.17 Enforcement of Alleged Violations of California Rules of Court, Rule 6.702

Prior to commencing any writ proceeding pursuant to Government Code section 71675(a), an aggrieved party must serve written notice on the Court setting forth the provision(s) of California Rules of Court, rule 6.702 alleged to have been violated and fully setting forth the nature of the alleged violation. Such written notice must be served within ten (10) business days from the date of the Court's allegedly deficient response to the aggrieved party's request under rule 6.702. The Court shall respond to the aggrieved

party's allegations in writing within ten (10) business days. If the Court's response does not resolve the matter, the aggrieved party may petition the Superior Court for relief under Government Code section 71675.

15.18 Construction of Rules

These Rules are intended to be consistent with the provisions of Government Code section 71636 et seq., as amended, and should be so interpreted.

If any provision of these Rules or the application of such provision to any person, organization, employee or circumstance shall be held to be invalid, the remainder of these Rules or application of such provision to persons, organizations, employees, or circumstances, other than those held invalid, shall not be affected thereby.

15.19 Amendments to the Rules

It is recognized that the provisions of these Rules may require amendment from time to time. The Executive Officer or his/her designee shall consult in good faith with recognized employee organizations prior to implementing any such amendment. Any amendments shall be in writing.

Exhibit A

List of Confidential, Professional, and Managerial Employees

Confidential Employee Classifications (Definition 3.1b)

- Administrative Assistant
- Executive Assistant
- Information Technology Analyst
- Senior Information Technology Analyst
- Senior Accountant
- Human Resources Technician
- Human Resources Generalist
- Senior Human Resources Generalist

Professional Employee Classifications (Definition 3.1c)

- Research Attorney
- Self Help Attorney
- Family Law Facilitator

Managerial Employee Classifications (Definition 3.1d)

- Executive Management:
 - Executive Officer
 - Assistant Executive Officer
 - Deputy Executive Officer
- Senior Management:
 - Director of Family Court Services
 - Director of Human Resources
 - Director of Information Technology
 - Chief Financial Officer
 - Court Operations Manager
 - Courtroom Services Manager
 - Fiscal Services Manager
 - Family Law Facilitator/Self Represented Litigants Manager
- Management:
 - Buyer