

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF MONO**

PERSONNEL POLICIES

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1. INTRODUCTION AND BACKGROUND

These Personnel Policies are intended to comply with California Rules of Court (CRC) Rule 10.670, The Trial Court Employment Protection and Governance Act and with applicable statutes, rules, and standards of judicial administration. Where policies conflict with provisions of the Memorandum of Understanding between the Court and the Union, the Memorandum of Understanding (MOU) provisions will govern as to employees covered by the MOU.

These Personnel Policies apply to represented employees of the Court and are used as a baseline for unrepresented Court employees. Nothing in these policies restricts the Court from applying these policies differently for unrepresented Court employees.

2. SALARY-SETTING PROCEDURE

When establishing a salary range for each of its employee classifications, the Court's considerations shall include, but are not limited to, relevant local market conditions and other relevant local compensation-related issues such as difficulty of recruitment or retention.

The salaries of represented employees are subject to meet and confer requirements under Government Code Section 71634.2.

More specifically:

Salary Ranges: There shall be a salary range for each job classification consisting of seven stepped rates of salary, designated as Steps A, B, C, D, E, F and G. Step A being the minimum rate of salary, Step D the midpoint rate, and Step G the maximum rate.

Placement of New Hires on the Salary Range: New hires shall be placed at Step A of the salary range for the position and its classification for which the employee is hired. If the Court Executive Officer concludes that a qualified applicant cannot be recruited successfully at Step A, or that a specific applicant is especially qualified based on their training or prior experience, the Court Executive Officer may approve a hire at such higher step of the range as they deem appropriate.

Advancement within Salary Range: Salary increase (i.e., advancement to higher steps within the salary range) will be granted to regular employees on the basis of individual performance as measured through evaluation ratings of "meets expectations."

Prior to but no later than each employee's salary anniversary date, which is the date of the employee's last step increase, and annually thereafter until the employee reaches Step G, their supervisor shall complete a performance evaluation of the employee and shall advise the Court Executive Officer, in writing, before or on the employee's salary anniversary date, as to whether the supervisor recommends that the employee be advanced to the next higher step of the range.

2.1 Longevity Salary Increase

Commencing the date on which an employee has completed three (3) years of service at step G of their salary range, each covered employee shall receive a longevity salary increase equal to two and one-half percent (2.5%) of their step G salary. An additional two and one-half percent (2.5%) longevity salary increase shall be paid for each successive three-(3) year period. For any employee who is moved from the employee's present range at step G to another range at a step lower than step G, the employee shall

not forfeit the accrued time already spent at step G. Upon reaching step G in the reassigned salary range, the accrued time previously spent at step G by the employee shall be counted in determining eligibility for a longevity salary increase.

2.2 Increases Not Granted

When a salary increase is not granted, the employee shall not be considered for a salary increase for at least six months, unless the Court Executive Officer deems it appropriate to establish a shorter period and, if a salary increase is granted at such later time, the effective date of the increase shall become the employee's salary anniversary date.

2.3 Promotion

An employee promoted to a position/classification with a higher salary range shall be placed on the lowest step in the new salary range that will provide at least a 5% increase above their former salary and shall begin earning the higher salary on the date of promotion, which will be the new salary anniversary date.

2.4 Salary Adjustment on Upward Reclassification

The change of an employee's current position to a classification having a higher salary range is an upward reclassification. Whenever a position is so reclassified, the salary of the incumbents shall be increased to their corresponding steps in the new salary range and they shall begin earning the higher salary on the date of the upward reclassification, which will be the new anniversary date.

2.5 Salary Adjustment upon Transfer

An employee transferred from one position to another in the same classification shall be compensated at the same step as the previous position. A transfer will not affect the employee's salary anniversary date.

2.6 Salary Adjustment upon Demotion

An employee demoted to a position/classification with a lower salary range shall have their salary reduced to a step in the lower range and shall begin earning the lower salary on the date of demotion. The specific step in the lower range shall depend on the circumstances related to the demotion and upon the employee's employment record. If, after accepting a probationary promotion to a new position, an employee is demoted to their former position for failure to satisfactorily complete the terms of the probationary promotion, the employee shall be returned to the salary step that they would have been earning in the former position at the time of demotion, including any salary step increases that the employee would have received if they had remained in the former position.

2.7 Salary Adjustment on Downward Reclassification

The change of an employee's current position/classification to a lower salary range is a downward reclassification. Whenever a position is so reclassified, the salary of the incumbents shall be set at the same salary rate that they were receiving in the former range, and the employee's salary anniversary date shall not change. If an employee's salary is greater than the maximum step of the lower salary range, the employee's salary shall be frozen until such time that the range maximum of the lower range is increased and exceeds the employee's salary.

2.8 Bilingual Pay

The Court shall provide two tiers of bilingual pay based upon the degree of fluency. Tier I, the lower degree of fluency, shall receive \$75 per month. Tier II, the higher degree of fluency, shall receive a 5% increase to their pay. The Court does retain the right to limit the number of Tier II employees based on the needs of the Court. In the event that there are more Tier II qualified employees than required, the

Court agrees to rotate the Tier II assignments on an equitable basis. Employees who received Tier II bilingual pay and are rotated out of the Tier II assignment are then eligible to receive Tier I bilingual pay until they are eligible to return to their Tier II assignment. In order to be eligible to receive bilingual pay, the Court shall require employees to pass the appropriate tests. These tests will be set by the Court.

3. JOB CLASSIFICATIONS AND TITLES

Job classifications for Court positions are prepared under the authority of the Court Executive Officer. Positions within the Court are allocated to classifications according to the duties and responsibilities assigned.

A position may be reclassified when the Court Executive Officer determines that the duties and responsibilities of the position have changed to the extent that the previously established classification is no longer appropriate. Moreover, existing positions may be removed and new positions may be added upon the approval of the Court Executive Officer.

The Court Executive Officer will periodically review the job classifications and titles of trial Court employees to ensure that:

- (1) they accurately describe the work performed in the position;
- (2) the qualifications required are related to the duties and responsibilities of the position; and
- (3) the classifications and titles of positions are appropriate given their relationship to other Court classifications and titles.

Job classifications and titles are intended to be illustrative and should not be construed as a definition of what the duties or responsibilities of a position are or are not. The following classifications and titles are currently defined by the Mono County Superior Court:

<u>Confidential Employee:</u>	Executive Assistant
<u>Management Employee:</u>	Court Executive Officer, Assistant Court Executive Officer, Court Fiscal Director, Court Operations Manager
<u>Professional Employee:</u>	Court IT Network Administrator
<u>Represented Employees:</u>	Deputy Clerk I Deputy Clerk II Deputy Clerk III Deputy Clerk III-Civil Deputy Clerk III-Criminal Deputy Clerk IV Courtroom Clerk Senior Courtroom Clerk Fiscal Clerk Fiscal Assistant Fiscal Technician

3.1 Definitions

For purpose of the Court's personnel policies, the following terms shall have the meanings indicated:

Confidential employee: Any employee who has access to or is privy to decisions of Court management affecting labor relations, employer-employee relations, or to confidential

information about the administration of the Court, or who stands in a confidential relationship with a judge or the Court Executive Officer. Those classifications that are confidential are listed here: *Executive Assistant*.

Managerial employee: 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 or responsibly direct their work or to adjust grievances or to effectively recommend such action. Those classifications that are managerial are listed here: *Court Executive Officer, Assistant Court Executive Officer, Court Fiscal Director, Court Operations Manager*.

Professional employee: Any employee described in California Government Code §71637(b), as amended. Those classifications that are professional are listed here: *Court IT Network Administrator*.

Limited-term employee: Limited term employee shall mean a person employed in a position for which the Employer has no anticipated long range funding, or has uncertain funding.

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, but may not work any longer than 12 consecutive months. However, the 12-month restriction does not apply to employees whose salaries are funded by grants.

Probationary employee: Any employee who has not successfully completed their probationary period, which is six months from date of employment or subsequent promotion.

Subordinate Judicial Officer: An officer appointed to perform subordinate judicial duties as authorized by Section 22 of Article VI of the California Constitution, including, but not limited to, a court commissioner, probate commissioner, referee, traffic referee, and juvenile referee.

4. EQUAL EMPLOYMENT OPPORTUNITY POLICY

The Court is committed to providing equal employment opportunities to all employees and applicants for employment. The Court does not discriminate on the basis of race, color, religious creed, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, national origin, ancestry, age, physical or mental disability, medical condition, genetic information, family care status, military or veteran status, sexual orientation, or any other basis prohibited by state or federal law, including those listed in Government Code section 12940(a).

All employees are expected to conduct themselves in a manner supportive of the Court's commitment to equal employment opportunity. Employees should, and supervisors must, promptly report any observed or suspected violations of this policy to Human Resources or the Court Executive Officer so that the Court can investigate, respond and take appropriate corrective action in a timely manner.

Employees should guard against and should refrain from engaging in conduct that exhibits discrimination or bias based on the categories above, this includes participating in Court-provided training and compliance with these policies.

5. RECRUITMENT, SELECTION, AND PROMOTION POLICY

5.1 General Provisions

Recruitment, selection, and promotion decisions will be made on the basis of the applicants' relative ability, knowledge, and skills. Such decisions will be made without regard to protected classes identified in the Equal Employment Opportunity Policy. The Court Executive Officer or designee shall be responsible for ensuring that formal job-related selection processes are used when filling positions.

Subordinate judicial officers, confidential, managerial, professional, limited-term, and temporary positions are excluded from the competitive selection and promotion processes in this policy.

Initial appointment shall be through an open, competitive process. In such situations, and where the Court determines that two or more applicants' qualifications for the position are equal, preference shall be given to internal candidate(s).

Employees alleging misapplication, misinterpretation, or violation of the Court's Personnel Rules governing hiring, promotion, transfer, and classification may file a complaint under the complaint procedure in Section 15 Complaint Procedure, except that if the decision of the CEO does not resolve the dispute, the employee may appeal to arbitration using the procedures in *Hearing to Review Disciplinary Decision* within Section 16, Discipline and Discharge Procedures.

5.2 Pay Transparency and Salary History

Employees who have access to the compensation information of other employees or applicants as a part of their essential job functions cannot disclose the pay of other employees or applicants to individuals who do not otherwise have access to compensation information, except as required by law.

In addition, all employees interviewing candidates are prohibited from seeking information regarding an applicant's salary history.

6. POLICY AGAINST HARASSMENT, DISCRIMINATION, RETALIATION, AND INAPPROPRIATE WORKPLACE CONDUCT BASED ON A PROTECTED CLASSIFICATION, AND COMPLAINT RESOLUTION POLICY

Mono County Superior Court prohibits workplace harassment, discrimination, retaliation, and inappropriate workplace conduct based on a protected characteristic. The Court will take prompt and appropriate action in response to all such complaints.

6.1 Purpose of Policy

Mono County Superior Court is committed to providing a workplace free of harassment, discrimination, retaliation, and inappropriate workplace conduct based on a protected classification, and one where all Court employees are treated with dignity and respect. The law prohibits harassment and discrimination based on a protected classification of an employee by managers, supervisors, coworkers, or any third parties in the workplace, and similarly prohibits any retaliation against an employee for reporting such conduct or participating in an investigation of such complaints. Protected classifications include those identified in the Equal Employment Opportunity Policy.

It is the commitment of the Court to take prompt and appropriate action in response to reports of such conduct, and also to reports of inappropriate workplace conduct based on a protected classification, even if that conduct does not rise to the legal standard of discrimination, harassment, or retaliation.

In keeping with these commitments, the Court will not tolerate any harassment, discrimination, retaliation, or inappropriate workplace conduct based on a protected classification of Court staff by anyone involved with Court operations, including any judicial officer, manager, supervisor, employee, temporary judge, or volunteer, and will take prompt and appropriate action in response to complaints of such conduct. Any employee who violates this policy may be subject to disciplinary action up to and including immediate termination. The Court will provide training and education to all employees about appropriate conduct for the workplace to prevent such incidents from occurring.

Given the nature of the work, Court employees may come in contact with contractors, clients, vendors, visitors, and members of the public. Harassment by these nonemployees is also prohibited, and the Court will take all reasonable steps to protect employees from harassment, discrimination, retaliation, and inappropriate conduct by nonemployees in the workplace.

Any incident of harassment, discrimination, retaliation, or inappropriate workplace conduct based on a protected classification, as described above, will be resolved in accordance with the procedures outlined in this policy. Any incident of other inappropriate workplace conduct not based on a protected classification will be resolved in accordance with the procedures outlined in Section 15, Complaint Procedure of these rules.

6.2 Definitions and Examples

For the purpose of this policy the following terms shall have the meaning indicated.

1. *Discrimination* – the differential treatment in the provision of employment opportunities, benefits, or privileges on the basis of a protected classification. Examples of discrimination include making hiring, termination, promotion/demotion, assignment, or pay decisions, or any other decisions directly impacting the terms and conditions of employment, on the basis of a protected classification.
2. *Harassment* – any verbal, visual, or physical conduct that targets a person on the basis of a protected classification that is designed to threaten, intimidate, or coerce any person working for or on behalf of the Court. Harassment may take many forms, including:
 - Verbal conduct such as epithets, derogatory or degrading jokes or comments, slurs, or repeated innuendoes on the basis of a protected classification;
 - Visual conduct such as derogatory pictures, posters, photography, cartoons, drawings, emails, or gestures on the basis of a protected classification; and
 - Physical conduct such as assault, unwanted touching, leering, blocking of normal movement, or interference with work or physical movement on the basis of a protected classification.
3. *Sexual Harassment* – sexual harassment is a particular type of harassment defined as unwelcome and inappropriate sexual advances, requests for sexual favors, or visual, verbal, or physical conduct of a sexual nature in the workplace when:
 - Submission to such conduct is either explicitly or implicitly made a term or condition of an individual’s employment; or
 - Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting that individual; or
 - Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance; creating an intimidating, hostile, or offensive working environment; or adversely affecting the individual’s performance,

evaluation, assigned duties, or any other condition of employment or career development.

Sexual harassment may take different forms including such examples as:

- Verbal sexual harassment such as innuendoes, suggestive comments, jokes of a sexual nature, sexual propositions, lewd remarks and threats; requests for any type of sexual favor; and repeated, unwelcome requests for dates;
- Nonverbal sexual harassment such as the distribution or display of any written or graphic material, including calendars, posters and cartoons that are sexually suggestive or show hostility toward an individual or group because of sex; suggestive or insulting sounds, leering, or whistling; obscene gestures, emails, photos, text messages, tweets, and internet postings; or other forms of communication that are sexual in nature and offensive; and
- Physical sexual harassment such as unwelcome, unwanted physical touching, tickling, pinching, patting, brushing up against, hugging, cornering, kissing, fondling, and forced sexual contact or assault.

Courteous, mutually respectful, noncoercive interactions that are appropriate in the workplace and acceptable to and welcomed by both parties are not considered to be harassment, including sexual harassment.

4. *Retaliation* – Retaliation is taking an adverse employment action against an employee because of their participation in a protected activity, including making a complaint of harassment of discrimination, or participating as a witness in such action.
5. *Inappropriate Workplace Conduct* – Inappropriate workplace conduct is conduct that is based on a protected classification and is inconsistent with the standards of acceptable behavior for the workplace, but may not rise to the level of unwanted harassment, discrimination, or retaliation.

There is no one definition of inappropriate workplace conduct. This category of conduct is intended to cover conduct based on a protected classification that does not otherwise fall within the definitions of discrimination, harassment, or retaliation in sections 6.2.1-6.2.4 above. Inappropriate workplace conduct is often based on the same types of conduct as listed under the definitions of discrimination, harassment, or retaliation above, but varies in degree and circumstances. Thus, the examples of conduct listed under the definitions of discrimination, harassment, or retaliation would likely meet the definition of inappropriate workplace conduct if the conduct is of a lesser degree or frequency. Similarly, any of the examples of inappropriate workplace conduct listed below may rise to the level of unlawful harassment, discrimination, or retaliation, depending on the degree and circumstances.

For purposes of this policy, inappropriate workplace conduct is limited to conduct that is based on a protected classification. Similar conduct that is not based on a protected classification is not covered by this policy but is addressed under other policies within this PPR or an applicable MOU. Examples of inappropriate workplace conduct based on a protected classification may include:

- Ignoring or ostracizing an employee;

- Unfairly blaming an employee or stealing credit for another's work;
- Imposing unreasonable or unfair job expectations; and
- Shouting at or arguing with an employee

6.3 Reporting Complaints

All employees are responsible for doing their part to foster a work environment free of discrimination, harassment, retaliation, and inappropriate workplace conduct based on a protected classification. Open communication between employees is an effective method for educating each other about expectations and concerns. Employees are encouraged to address any conduct that they experience (or witness) that they feel is unwelcome, offensive, or inappropriate directly with the person exhibiting the conduct, if they feel comfortable doing so.

Regardless, if an employee believes that discrimination, harassment, retaliation, or inappropriate workplace conduct based on a protected classification is occurring, the employee should promptly report the concern to any of the following, either orally or in writing:

- the employee's supervisor, manager, or director;
- another supervisor, manager, or director;
- the Court Executive Officer or other member of the Court's executive staff;
- the executive assistant; or
- the presiding judge.

Supervisors and managers are trained to immediately report all such complaints directly to their own supervisor or manager, executive assistant, or the Court Executive Officer, so long as that person is not involved with the conduct, so that the complaint can be promptly addressed.

Complaints against the Court Executive Officer may be made directly to the presiding judge, either orally or in writing.

For complaints against the presiding judge, the employee may report the complaint, either orally or in writing to the Court Executive Officers.

6.4 Investigation and Corrective Action

Upon receipt of a complaint of discrimination, harassment, retaliation, or inappropriate workplace conduct based on a protected classification, the matter will be assigned to an impartial investigator to conduct a timely investigation.

The Court will handle all situations with confidentiality, to the extent possible, while ensuring that the investigation is conducted thoroughly and objectively. While strict confidentiality cannot be guaranteed, the Court will make every effort to limit both the number of people involved with the investigation and the extent of the discussion with them to a need-to-know basis, while also ensuring that the investigation is conducted thoroughly and objectively.

The investigation will provide the complainant and respondent with an opportunity to respond and will reach factual findings based on the information gathered. The Court Executive Officer, or a designee, will monitor the investigation to help ensure a timely resolution. The Court Executive Officer will serve as a point of contact to address questions about investigation progress and process from the complainant, respondent, and witnesses, and will also follow up with the complainant after the conclusion of the investigation.

If the Court determines, based on the investigation findings, that a violation of policy occurred, the Court will take immediate and appropriate corrective action to remedy the situation and to prevent such conduct in the future. A determination that a violation of policy has occurred does not necessarily indicate a violation of any law prohibiting discrimination, harassment, or retaliation. The intake, investigation, and resolution processes will occur promptly, and the matter will be resolved as quickly as possible, while allowing all parties to be heard and all evidence and findings to be considered.

6.5 Nonretaliation

The Court prohibits retaliation against employees who, in good faith, report what they believe to be discrimination, harassment, retaliation, or inappropriate workplace conduct based on a protected classification, or who participate in the investigation of such complaints, regardless of whether it is ultimately determined that such conduct occurred.

Retaliation can include conduct such as termination, demotion, loss of duties, or disadvantageous transfers or assignments. Retaliation can also include conduct such as expressing hostility, shunning or avoiding an individual, applying unreasonable or unfair job expectations, and real or implied threats or intimidation against the complainant or a participant in the investigation.

Any employee experiencing or witnessing retaliatory conduct should immediately report that conduct consistent with the procedures outlined in Section 6.3. Any person engaging in retaliatory conduct will be subject to discipline, up to and including immediate termination.

6.6 Additional Enforcement Information

At any time before, during, or after using the procedures provided in this policy, Court employees who believe they have been or are being unlawfully discriminated against, harassed, or retaliated against may file a complaint with the U.S. Equal Employment Opportunity Commission or the California Civil Rights Department. These agencies investigate and prosecute complaints of illegal discrimination, harassment, and retaliation in employment and have the authority to seek relief in meritorious cases.

Information regarding these agencies is available on the internet at the following websites:

- U.S. Equal Employment Opportunity Commission, www.eeoc.gov
- California Civil Rights Department, <https://calcivilrights.ca.gov/>

Complaints about judicial misconduct may also be reported to the Commission on Judicial Performance, <https://cjp.ca.gov>.

Because complaints made only to outside agencies may prevent the Court from taking prompt and appropriate action to remedy any situation, the Court requests, but does not require, that employees who make complaints to outside agencies also make a complaint to the Court.

7. REASONABLE ACCOMMODATION POLICY

The Court provides reasonable accommodations consistent with applicable law for qualified employees and applicants with known disabilities or who request accommodation for disabilities; employees who request accommodation for pregnancy, childbirth or related medical conditions; employees who are victims of domestic violence, sexual assault, stalking, or related crime; and for applicant and employees based on their religious beliefs and/or practices.

If an employee believes they need a reasonable accommodation based on disability or a religious belief or practice, the employee should discuss the matter with their supervisor or the Court Executive Officer.

To the extent required by the state and federal law, the Court is committed to evaluating existing facilities, programs, and services available to employees to ensure that no barriers exist to prevent otherwise-qualified employees with known disabilities from performing their jobs or participating fully in Court programs or activities.

Employees who are not eligible for Family Leave or who have exhausted their Family Medical Leave may be eligible for a continuous or intermittent leave as a reasonable accommodation.

The Court may grant an unpaid medical leave of absence to employees in certain circumstances, for example when an employee is temporarily unable to work due to a mental or physical disability, certified in writing by the employee's health care provider. Approved absences of less than two weeks are not treated as medical leaves of absences but rather as excused absences without pay. Employees granted unpaid medical leave have no right to guaranteed reinstatement. Upon return from a medical leave, employees will be required to provide a return-to-work release signed by the employee's health care provider.

Employees who desire either continuous or intermittent leave as a reasonable accommodation should make such a request in writing to the Court Executive Officer.

The Court Executive Officer or designee will engage with the employee in an interactive process to determine what accommodations may be appropriate. The Court may request that the employee submit to a health care provider a Court questionnaire regarding the employee's impairment and a release authorizing the Court to receive medical information.

Whether a reasonable accommodation can be made and what reasonable accommodation will be provided shall be determined on a case-by-case basis.

Unless otherwise required by law, the Court does not continue to pay premiums for health insurance coverage for employees on unpaid leave. However, if eligible, employees may self-pay the premiums under the provisions of COBRA, and subject to CalPERS Direct Pay procedures as applicable.

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 in Section 7.2, below. Employees or applicants also have the right to file a complaint directly with the California Civil Rights Department, the federal Equal Employment Opportunity Commission or other appropriate state or federal agencies.

7.1 Lactation Accommodation

The Superior Court of California County of Mono provides reasonable accommodation to lactating employees in accordance with state law.

Lactation Break – The Court will provide a reasonable amount of break time to accommodate employees desiring to express breast milk. If possible, the lactation break time should run concurrently with any break time already provided to the employees.

Lactation Facilities – The Court will provide employees the use of a room near the employees' work area to express milk in private, as required by state law. The location may be the employees' usual work area, if it is adequately private.

The lactation room will comply with requirements of state law, including having access to electricity or alternative devices needed to operate an electric or battery-powered breast pump. The Court will provide access to a sink with running water and a refrigerator suitable for storing milk or, if a refrigerator cannot be provided, another suitable cooling device in close proximity to the employee's workspace.

Request for Accommodation – Employees are entitled to request lactation accommodation for each time they have a need to express breast milk. Employees who wish to express breast milk while at work may make arrangements with their supervisor to do so. If the Court is unable to provide break time or a location to accommodate the request, it will provide a written response to the requesting employee.

The Court prohibits retaliation against employees who exercise or attempt to exercise their right to request lactation accommodation in the workplace, or for raising concerns related to their right to lactation accommodation.

Reporting Concerns – Employees who believe their right to lactation accommodation has been violated should immediately report the matter to the Court Executive Officer. Employees may also file a complaint with the California Labor Commissioner.

7.2 Complaint Procedure for Complaints of Denial of Reasonable Accommodation

Complaints of denial of reasonable accommodation shall be directed to the Court Executive Officer. Applicants and employees are encouraged to bring such complaints to the Court's attention promptly, so that the Court can address them promptly.

The Court Executive Officer or designee shall investigate the complaint and make a determination, in accordance with applicable state and federal law, as to whether a reasonable accommodation shall be provided. The Court 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.

8. TIME OFF

8.1 Leaves of Absence Policy

The Court provides leaves of absence to eligible employees in a variety of circumstances. In all cases, the Court intends to comply with applicable federal and state laws.

1. General Provision

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

The Court provides eligible employees with Family and Medical Leave Act (FMLA) and California Family Rights Act (CFRA) leave, which provide eligible employees the opportunity to take unpaid leave for specified purposes.

In addition, other non-medical, paid and unpaid leaves under California and federal law available to eligible employees are included in "Other Leaves."

Employees also may be eligible for leaves of absence for medical reasons other than a work-related illness or injury or a pregnancy disability, to care for a family member, or for other personal reasons through Personal Leave. 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.")

Request 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 Court Executive Officer. 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.

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.

Employee returning from a leave due to their own serious health condition are required to provide medical certification that they are released to return to work. In some circumstances, the Court may require an employee to obtain further medical evaluation for the employee's own serious health condition, at the Court's expense. If the employee fails to return upon the expiration of the approved leave of absence and fails to notify the Court of any reason for this continued absence, the employee, absent special circumstances, will be deemed to have voluntarily resigned their employment with the Court.

Direct Pay – CalPERS requires employees who wish to maintain health benefit coverage during their unpaid leave of absence to do so by enrolling under direct pay to continue payment of the employee portion of the premium or the entire premium, as applicable. Employees should contact the Court Executive Officer or designee to enroll in direct pay. The employee in direct pay is responsible for making the monthly premium payments directly to CalPERS. If an employee does not elect direct pay, the employee must cancel their CalPERS health coverage and may later need to re-enroll in a CalPERS health plan.

8.2 Sick Leave Policy

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, their family member the Court provides a paid sick leave program to eligible employees in accordance with applicable law.

Full-time employees are eligible for up to 108 hours of paid sick leave per calendar year. These benefits accrue pro rata (9 hours) for each complete pay cycle of service. Limited-term, part-time and/or temporary employees are not eligible for paid sick leave benefits under this program, but may be eligible for sick leave under California's Paid Sick Leave Law, including 24 hours of sick leave per year, with carryover of hours to the following year capped at 48 hours.

Sick leave may be taken for the diagnosis, care, or treatment of an existing health condition of the employee or the employee's family member. Sick leave may also be taken for preventive care for the employee or the employee's family member. Under this policy, "family member" is defined as the child (including child of registered domestic partner and stepchild), parent (including parent-in-law and

stepparent), grandparent, grandchild, sibling, spouse or registered domestic partner of the employee, or a designated person. For the purposes of this policy, "designated person" is defined as a person identified by the employee at the time the employee requests paid sick days. Employees are limited to one designated person per calendar year.

In addition, an employee who is the victim of crime or abuse may take sick leave to seek relief to help ensure the health, safety, or welfare of the employee or the employee's child, including for court proceedings, services from a domestic violence shelter, program, rape crisis center, or victim services organization or agency, counseling or mental health services, medical attention, and participation in safety planning programs. Employees may also take sick leave to attend judicial proceedings related to certain "serious crimes," as defined in Other Leaves.

If an employee who has exhausted accrued sick leave benefits remains unable to return to work because of illness or injury, the Court may permit the employee to use any accrued vacation benefits. Use of paid sick leave for family members under this provision is intended to comply with California Labor Code section 233 and is limited to 54 hours per calendar year.

Employees absent from work for three consecutive days may be required at the discretion of the Court Executive Officer to provide a doctor's note. Employees who have used more than 56 hours of sick leave in a calendar year may be required at the discretion of the Court Executive Officer to provide a doctor's note after being absent from work for two consecutive days.

Unused sick leave benefits may be carried over into the following calendar year. Upon termination, an employee will be paid at their current hourly pay rate for up to 400 hours of unused, accrued sick leave as follows:

- If the employee has been employed with the Court for less than three (3) years, no amount shall be paid for any unused, accrued sick leave;
- If the employee has been employed with the Court for three (3) years or more but less than five (5) years, then the employee shall be paid twenty-five percent (25%) of the dollar value of their unused accrued sick leave up to the maximum of 400 hours;
- If an employee has been employed with the Court for 5 years or more, but less than 10 years, 75% of the dollar value of their unused, accrued sick leave up to the maximum of 400 hours will be paid.
- If an employee has been employed with the Court for 10 years, or more, 100% of the dollar value of their unused, accrued sick leave up to the maximum of 400 hours will be paid;
- If an employee is terminated by layoff, 100% of the dollar value of their unused, accrued sick leave up to the maximum of 400 hours will be paid, regardless of how long the employee has been employed with the Court.

8.3 FMLA/CFRA Leave

The Court provides eligible employees family care and medical leave for up to 12 or 26 weeks per year, depending on the reason, in accordance with the federal Family Medical Leave Act (FMLA) and the State California Family Rights Act (CFRA). FMLA and CFRA leaves will run concurrently to the maximum extent permitted by law. CFRA child bonding leave will be provided to eligible employee in addition to any entitlement of pregnancy disability leave (PDL) due to an employee's own pregnancy-related disability.

1. Eligibility

To be eligible for family care and medical leave, an employee must have:

- Completed at least one year of service with the Court; and
- Worked at least 1,250 hours in the 12-month period preceding the start of the leave.

2. Reasons for Leave

Family care and medical leave may be taken for the following reasons:

- The birth, adoption, or foster care placement of an employee's child within 12 months following birth or placement of the child ("bonding leave");
- To care for an employee's parent, spouse, or child with a serious health condition and additionally specifically under CFRA, to care for an employee's adult child, grandparent, grandchild, or sibling with a serious health condition ("family illness leave"), or one designated person every 12 months who is of blood relation to the employee or whose association with the employee is that of a close family relationship, and who is designated by the employee at the time of request for leave;
- The employee's own serious health condition that renders the employee unable to perform the essential functions of the job ("serious health condition leave");
- A "qualifying exigency", as defined for this purpose under the FMLA and CFRA, for military operations arising out of the fact that the employee's spouse, registered domestic partner, child or parent is on covered active duty, or has been notified of an impending call or order to covered active duty in the Armed Forces ("military emergency leave"); or
- To care for a spouse, child, parent, or next of kin who is a covered service member ("military caregiver leave")

A serious health condition is one that requires either in-patient care in a medical facility or continuing treatment or supervision by a health-care provider.

3. Length of Leave

Maximum Leave

The FMLA and the CFRA provide for a maximum of 12 workweeks leave in a 12-month period. Where the reasons for leave are covered by both the FMLA and CFRA, leave will run concurrently, for a maximum of 12 work weeks. Leave will run concurrently for: (1) bonding leave, (2) family illness leave, except as indicated below, (3) serious health condition leave, and (4) military emergency leave, except as indicated below. Parents who are both employed by the Court may each take a maximum of 12 weeks in a 12-month period for CFRA-qualifying bonding leave.

In addition to these leaves, the CFRA provides: (1) family illness leave for an employee's grandparent, grandchild or sibling, (2) family illness leave for an employee's child of any age, including non-dependent adult children, and a child of a registered domestic partner, and (3) military emergency leave for the registered domestic partner or child of a registered domestic partner. These CFRA-only leaves will not run concurrently with FMLA leave. Employees taking leave for these CFRA-only qualifying reasons are entitled to take up to 12 workweeks of leave in addition to any approved FMLA leave in a 12-month period.

For the purposes of FMLA and CFRA leave, the 12-month period is measure on a rolling basis backward from when the leave begins.

Example: If an employee has taken eight weeks of leave during the past 12 months, an additional four weeks could be taken. If an employee used four weeks beginning February 1, 2021, four weeks beginning June 1, 2021, and four weeks beginning December 1, 2021, the employee would not be entitled to any additional leave until February 1, 2021. The employee would then be entitled to one additional day of leave each day for four weeks, commencing February 1, 2022.

Military emergency leave includes up to 15 days of unpaid leave to spend time with a military member who is on short-term, temporary rest and recuperation leave during deployment.

The maximum amount of leave for an employee eligible for military caregiver leave is 26 workweeks in a 12-month period. Spouses or under the CFRA, registered domestic partners, both employed by the Court may take a maximum combined total of 26 weeks in a 12-month period for military caregiver leave. For purposes of military caregiver leave, the 12-month period begins on the first date of such leave and ends 12 months after that date.

Example: An employee takes 16 workweeks off for military caregiver leave. Later, in that same 12-month period, the employee wishes to take time off for bonding leave. Because the law allows up to 26 workweeks off in a 12-month period for military caregiver leave, or a combination of military caregiver leave and other types of FMLA leave, the employee will be allowed to take up to 10 workweeks off to bond with the new child in that same 12-month period, so long as the employee otherwise qualifies for FMLA leave.

4. *Intermittent and Reduced Schedule Leave*

When it is medically necessary, employees may take family care and medical leave either intermittently or on a reduced work schedule. Intermittent leave is leave taken in separate blocks of time due to a single illness or injury. A reduced work schedule is a schedule that reduces the number of hours in the employee's usual workday or workweek.

Bonding leave may also be available on an intermittent or reduced schedule basis. Bonding leave taken on an intermittent basis generally must be taken in blocks of at least two weeks. The Court will, however, provide employees with bonding leave of less than two weeks' duration on any two occasions.

Military emergency leave may also be taken on an intermittent or reduced schedule basis.

5. *Transfers During Leave*

If the need for intermittent leave or reduced work schedule is due to a foreseeable, planned medical treatment, or when permitted for bonding leave, the Court may require the employee to transfer temporarily to an alternative position that better accommodates the intermittent leave or reduced work schedule, so long as the employee is provided equivalent pay and benefits in the alternative position, and the employee is qualified for the alternative position.

6. *Impact of Leave on Pay*

Family care and medical leave is unpaid, except to the extent that accrued paid time off is used during the leave. Employees must use all applicable accrued paid time off before placement on unpaid

status. If any additional paid time off is accrued during the leave of absence, that paid time must also be used before the employee is placed on unpaid status.

Use of paid time does not extend the total duration of family care and medical leave to which an employee is entitled. Similarly, leave hours donated through the Voluntary Leave Transfer program (below) for illness or injury may be used during the leave but will not extend the employee's leave entitlement.

Wage replacement benefits may be available to employees during family care and medical leave, depending on the reason for leave through programs of the State of California Employment Development Department, or through workers' compensation.

7. *Impact of Leave on Benefits*

The Court maintains employer-paid health, dental, and vision insurance for employees (and, if applicable, dependents) during an employee's family care and medical leave, to the same extent and under the same terms and conditions as would apply had the employee not taken the leave, up to a maximum of 12 workweeks (except where FMLA and CFRA do not run concurrently as discussed "*Length of Leave*" in this policy, up to a maximum of 24 workweeks, or for military caregiver leave, up to a maximum of 26 weeks) within a 12-month period. Employees may choose to continue other benefits at their own expense. Employees on leave remain responsible for the employee's portion of health insurance premiums during any period of leave for which health insurance is paid by the Court, including as applicable, through direct pay arrangements.

Employees on family care and medical leave accrue employment benefits such as sick leave and vacation only when paid time off is used during the leave and only if the employee would otherwise be entitled to accrual.

8. *Procedures for Requesting Leave*

Notice Requirements

As soon as an employee learns of the need for a family care or medical leave, a written request should be submitted to the employee's supervisor. The request should include the reason for the leave, the anticipated dates of the leave, and whether the employee plans to use any accrued paid leave time.

If the need for the leave is foreseeable, at least 30 days' advance notice is required. If 30 days' notice cannot be provided, the request must be made as soon as practicable. The leave may be delayed if proper notice was not provided.

Supervisors must notify the Court Executive Officer or designee when an employee's absence involves an overnight hospital stay or lasts for more than three consecutive calendar days, even if the absence is covered by paid leave credits. The Court Executive Officer or designee will determine whether the absence qualifies as family care or medical leave and will provide appropriate notification to the employee.

Medical Certification

Any request for leave based on family illness, the employee's own serious health condition, or military caregiver status must be supported by medical certification from a health-care provider. The certification must be submitted to the Court Executive Officer or designee, and include (1) the date on

which the serious health condition or, for a covered service member, serious injury or illness, began, (2) the probable duration of the condition or injury or illness, (3) the health-care provider's estimate of the amount of time needed for leave, and (4) for family illness or military caregiver leave, the health-care provider's assurance that the condition warrants the participation of the employee to provide family care.

Certification for leave based on the employee's own serious health condition must also include a statement that, due to the serious health condition, the employee is unable to perform the essential functions of his or her position. Any request for an extension of leave must be supported by an updated medical certification. If the leave is requested in connection with a planned, nonemergent medical treatment, the employee may be asked to reschedule the treatment so as to minimize disruption of business.

The Court may require an employee to resubmit medical certification.

Any requests for military emergency leave must be supported by certification of the covered active duty status or call to covered active duty.

9. *Maintaining Time Records*

When an employee submits their timesheet, the employee must designate any time that related directly to the approved leave.

8.4 **Pregnancy Disability Leave**

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

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

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

Duration: PDL may be taken for the period of disability up to a maximum of four months per occurrence. The length of each PDL will depend on the medical necessity for the leave, as certified by the employee's health care provider. As an alternative to a leave, the employee may request a part-time schedule if medically necessary and if approved by the health care provider.

Benefits: The employee on PDL may be eligible for employer-provided health insurance for a period of time. Employees remain responsible for regular insurance co-payments, if any, during any period of leave in which health insurance is maintained. CalPERS Direct Pay arrangements for continuation of co-payments may be required while an employee is on an extended leave.

Use of Accrued Paid Leave: Employees may elect whether to use accrued vacation and/or sick leave time during a PDL. Pregnancy disability leaves otherwise are unpaid, unless the employee is receiving wage replacement benefits such as California Short-Term Disability Insurance or Paid Family Leave.

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

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

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

Employee Notice of Return to Work after Pregnancy Disability Leave: If the employee is absent due to a reason that the employee believes qualifies for pregnancy disability leave, as set forth in these policies, 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.

8.5 Workers' Compensation Leave

Workers' Compensation Leave is leave available to any Court employee who is temporarily unable to work as a result of a work-related injury or illness. If an employee is injured or becomes ill as a result of their employment, they must report the injury to the Court as soon as possible.

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

Certification: The employee must provide medical verification regarding the status of the medical condition, including the expected date of return to work and any changes in medical condition that may affect a return to work. Medical certification that the employee is released to return to work is required before the employee will be permitted to return.

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

- The employee is released to work with no restrictions;
- The employee is released to work with some restrictions and work is offered by the Court that is consistent with those restrictions;
- Medical evidence establishes that the employee is permanently unable to return to usual duties; or

- The employee informs the Court of the intent not to return to work (either by directly communicating this intent to the Court or by actions inconsistent with intent to return, such as moving out of the area or accepting other employment).

An employee returning to work must provide the employer with reasonable advance notice of release to return. The employee must also provide a health care provider's statement indicating fitness to perform the former duties.

An employee returning to work will be returned to the former position if available. If such position is not available, the employee will be offered an available position for which the employee is qualified.

Benefits: Benefits such as vacation and sick leave will not accrue while on a workers' compensation leave, except on a pro-rated basis applied to any accrued leave used in coordination with workers' compensation partial wage replacement benefits, or when FMLA or CFRA and workers' compensation leave runs concurrently.

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

8.6 Family Death/Critical Illness Leave of Absence

Whenever any permanent full-time employee (excluding probationary employees) is compelled to be absent from duty by reason of the death of the employee's father, mother, brother, sister, spouse, registered domestic partner, child, grandparent, grandchild, or the father or mother of the employee's spouse or registered domestic partner, the employee shall be entitled to be absent, with pay, for not more than five working days. This shall include step-father, mother, brother, sister, or child. Whenever any permanent full-time employee (excluding probationary employees) is compelled to be absent from duty by reason of the critical illness of any of the above-named persons, the employee shall be entitled to be absent, with pay, for not more than five working days for each such critical illness.

The Court Executive Officer may require confirmation of such death or critical illness within thirty (30) days after said employee returns to work and the Court Executive Officer or designee shall consider such death or illness confirmed should the employee produce any public record of such death, or any correspondence or certificate from a licensed physician attesting to such critical illness.

Critical Illness shall mean an illness or injury that, because of its severity or the advance age of the family member suffering there from, is likely to result in that person's death.

Paid leave under this provision shall be limited to a maximum of fifteen (15) working days in any 12-month period. In addition, another employee or employees in the same or a higher job classification may donate one or more of his/her /their vacation days to extend such leave to an individual to a maximum of twenty days in a 12-month period. The 12-month period is a rolling 12 months looking back from the date of the proposed leave.

8.7 Personal Leave

An unpaid personal leave of absence may be available for leaves for other medical reasons than those set forth above, to care for a family member, or for personal reasons. For example, an employee may request a personal leave because of a serious health condition of the employee which is not work-related or a

pregnancy disability, to care for a family member with a serious health condition, or to further his or her education.

Requests for partial leave (intermittent or reduced schedule) for such reasons also will be considered. Approval of such leaves will be based on a combination of factors, including the reason for the request, the length of requested leave, the Court's needs, and the employee's performance/length of service with the Court, and level of responsibility.

Personal leave will be granted or denied at the Court's discretion and will not exceed 60 calendar days.

Eligibility: Employees with at least one year of employment are eligible to request a personal leave.

Benefits: Personal leaves are without employer-paid benefits. Employees may elect to continue group health coverage in accordance with the law and subject to applicable payroll procedures, including CalPERS Direct Pay.

Use of Accrued Paid Leave: All accrued vacation 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 that seniority and benefits will continue to accrue during any period that paid leave is used and will accrue pro-rata during any reduced-schedule leave. Employees' seniority or accrual level at the start of a leave will not be negatively affected by the leave.

8.8 Other Leave

In addition to paid time off and unpaid leaves of absence described elsewhere in this policy, the Court provides additional paid and unpaid time off to eligible employees for various reasons, consistent with applicable law. For purposes of this policy, accrued paid time off is defined as vacation, sick leave, and personal holidays.

1. Military Leave

The following leave is available to eligible employees in addition to the military-related family care and medical leaves described in FMLA/CFRA, above.

The Court will grant employees a military leave of absence to the extent required by law. Eligible full-time employees who are called to temporary or active military duty are entitled to thirty (30) calendar days paid leave for military duty per fiscal year, pursuant to California Military and Veteran Code section 395.01. A request for military leave of absence shall be made to the Court Executive Officer or designee and shall include a copy of the employee's military orders, the date such military leave is to begin and the probable date of return. All employees shall be entitled to military leave of absence and compensation as provided in the California Military and Veterans Code section 395-395.02.

Upon approval of the employee's supervisor, employees called to inactive duty may change their scheduled days off to coincide with the dates of inactive duty. Because of the many variables connected with military leave and to help ensure that all applicable benefits are provided, employees must contact the Court Executive Officer or designee, if they are called for active military duty.

2. *Jury Duty*

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. If an employee is called upon for jury duty, the employee must notify their supervisor immediately.

Employees serving jury duty will continue to receive their regular pay for each full working day missed due to such duty. As public employees, Court employees serving on a jury, while receiving regular pay, are required to sign a jury fee waiver and will not receive jury duty fees from the court. Employees may retain any other payments received from the court for jury service – related travel and expenses.

Evidence of jury duty 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 when such duty does not conflict with the employee's work schedule. For example, employees on jury duty who are released from such duty one (1) or more hours before the end of any regular workday, or who are not scheduled to begin jury duty earlier than one (1) hour after the employee is scheduled to begin the workday, are expected to report to work.

3. *Witness Duty*

The Court provides employees time off to appear in court or other legal proceedings as witnesses.

Employees are granted paid time off if:

- Directed to appear on behalf of the Court in their capacity as a Court employee; or
- Ordered to appear by a valid subpoena or other court order, except when the employee is a party to the action or is appearing as an expert witness not in the interest of the Court.

Otherwise, the time off is unpaid. Paid time off will not exceed the employee's regular pay.

In order to receive paid time off under this policy, employees must submit any witness fees received for witness duty to the Finance Director along with documentation of the required appearance. Whether witness fees are submitted or not, the employee will receive full salary.

If time off is unpaid, the employee may elect to use accrued paid time off as applicable (except sick leave). Exempt employees, however, will not have their pay reduced for a partial week's absence due to witness duty. Employees may retain any witness fees when the time off is unpaid.

Employees must provide their supervisor with reasonable advance notice of the need for time off for witness duty. Employees are expected to report to work each day or portion of the day they are not performing witness duty.

4. *Required K-12 School Attendance Leave*

An employee who provides reasonable notice of a requirement under Education Code 48900.1 to attend a class or classes their child or ward was suspended from will be granted unpaid leave for which employees may use accrued paid time off (except sick leave), as applicable.

5. *Voting Time Off*

Employees who do not have sufficient time outside of their regular working hours to vote in a statewide election may request time off to vote. Up to two hours of paid time off is provided at the

beginning or end of the employee's regular shift, whichever allows the most free time for voting and the least time off from work.

If time off is necessary in order to vote, employees should submit a written request to their supervisor at least two working days before the election. The request should address why voting before or after regular working hours or by absentee ballot is not possible.

6. Leave for Victims of Crime or Abuse

As required by Labor Code sections 230, the Court provides time off to an employee who has been the victim of crime or abuse to seek any relief to help ensure the health, safety, or welfare of the employee or the employee's child.

California law defines "victim" for this purpose to include (a) a victim of stalking, domestic violence, or sexual assault, (b) a victim of a crime that caused physical injury or that caused mental injury and a threat of physical injury, or (c) a person whose immediate family member is deceased as a direct result of a crime. California law also defines "crime" for this purpose to mean any crime or public offense that would constitute a misdemeanor or felony if committed in California by a competent adult, regardless of whether any person is arrested, prosecuted, or convicted for committing the crime. The Court requires reasonable advance notice of the leave, when possible. If advance notice is not possible, the employee may be required to provide certification (such as a police report, court order, documentation from a health care provider, victims' advocate, or counselor, or any other form of documentation that reasonably verifies that the crime of abuse occurred including a written statement signed by the employee or employee's representative) establishing the need for the leave.

Time off for these reasons is unpaid, but employees may use accrued paid time off, as applicable. Affected employees may also seek workplace accommodations for their safety while at work through the Court's Reasonable Accommodation Policy.

7. Judicial Proceedings Leave for Crime Victims

In addition to witness leave, above, the Court provides time off to an employee to attend judicial proceedings related to a crime if the employee or an immediate family member of the employee is a victim of a serious crime. Two such types of leave are available, depending on the crime:

a. Leave for Victims of "Serious Crimes" (Labor Code Section 230.2)

California law defines "serious crime" for this purpose to include violent or serious felonies, including felonies involving theft or embezzlement. California law also defines "immediate family member" for this purpose as a spouse, child, stepchild, sibling, stepsibling, parent, stepparent, registered domestic partner, or child of a registered domestic partner.

The Court requires reasonable advance notice of the leave, when possible. If advance notice is not possible, the employee may be required to provide documentation of the judicial proceeding (such as from a court, prosecuting attorney's office, or victim or witness advocate's office).

Time off for these reasons is unpaid, but employees may use accrued paid time off, as applicable, during this otherwise unpaid leave.

b. Leave for Victims of Specified Offenses (Labor Code section 230.5)

The offenses covered include vehicular manslaughter while intoxicated, felony child abuse, felony physical abuse, and certain other felonies. California law defines “victim” for this purpose to cover any person who suffers direct or threatened physical, psychological, or financial harm as a result of the commission or attempted commission of the crime or delinquent act. The term “victim” also includes the person’s spouse, parent, child, sibling, or guardian.

The Court requires reasonable advance notice of the leave, when possible. If advance notice is not possible, the employee may be required to provide documentation of the judicial proceeding (such as from a court, prosecuting attorney’s office, police report, or health-care provider or counselor).

Time off for these reasons is unpaid, but employees may use accrued paid time off as applicable during this otherwise unpaid leave.

8. *Administrative Leave*

The Court may provide limited administrative leave when deemed appropriate by The Court Executive Officer or designee. Examples of circumstances that may warrant administrative leave include:

- A state of emergency that prevents the employee from working;
- Personnel-related matters, as determined by the employee’s supervisor in consultation with the Court Executive Officer; or
- Other highly unusual circumstances that involve the security or safety of the workplace.

Administrative leave may be paid or unpaid, at the discretion of management. During administrative leave, access to Court premises, equipment, and technology may be suspended.

8.9 Voluntary Leave Transfer Program

The purpose of this procedure is to set forth the requirements for the Voluntary Leave Transfer Program (VLTP). This program is created to provide for the donation of accumulated, but unused vacation and sick leave hours to another employee who is or who has an immediate family member suffering from a serious illness or injury that incapacitates the employee or an immediate family member of the employee and will require a lengthy convalescence, hereinafter referred to as a “medical emergency.”

The Court Executive Officer (CEO) has the responsibility for overall administration of the VLTP, including publishing a memorandum announcing a recipient’s need for donated leave. The CEO, or designee, will notify the recipient of the amount of leave being transferred to their account.

Definitions: Immediate Family Member: spouse, registered domestic partner, and child/step-child who reside with the employee. Children/step-children who are under the age of twenty four years old and are full-time college students are included regardless of residence.

Eligibility: Any employee who has been continuously employed by the Court for more than twelve months in a regularly funded position and is not in probationary status. Employees who are on promotional probation are eligible for the purposes of this program.

Medical Emergency: Any medical condition of an employee or an immediate family member of the employee and is likely to require an employee's absence from duty for a prolonged period of time, either on a continuous or intermittent basis, and would result in a substantial loss of income to the employee because of the unavailability of paid leave. The medical emergency must be of an involuntary nature and be beyond the control of the employee or immediate family member.

Leave Donor: An employee who has voluntarily donated leave to the leave account of a leave recipient.

Leave Recipient: An employee for whom the CEO has approved an application to receive leave from the accounts of one or more leave donors.

Application for Leave Recipient: An eligible employee may apply by submitting the completed application from to the CEO, with medical certification from the treating physician.

Approval Process: The CEO shall approve an employee's participation in the program based on whether or not:

- The purpose and reasons for the requested leave is consistent with the provisions of this policy;
- The purpose and reasons constitute a medical emergency as defined herein and;
- The CEO determines if the impact to the Court's operation can be sufficiently mitigated;

Application Process for Leave Donor: An employee who desires to donate leave may donate by making a written request to the CEO. The written request shall state the type of leave being donated and include the number of hours being donated.

Donors may donate vacation or sick leave or a combination of both. However, donations must be made in eight hour increments from either vacation or sick leave.

General Provisions:

- An approved leave recipient may not receive any donated leave until they have exhausted all personal holidays and may not have combined total of any other paid leaves in excess of twenty four hours. For the purpose of administering this policy, if the requesting employee's need for leave exceeds their available leave accruals, the Court may request donations prior to the employee actually exhausting their leave accruals.
- In the event the medical emergency is covered by Section 8.6 Family Death/Critical Illness Leave of Absence, the provisions of Section 8.6 must be exhausted prior to receiving donated leave.
- A leave recipient will be entitled to payment for donated leave at the rate of their own pay rate. The donated rate of pay shall be calculated on an hour for hour basis.
- A leave recipient may receive no more than four hundred and eighty (480) hours of donated leave per year. The term year refers to a floating date beginning with the first day donated leave is paid.

- Donated leave will be credited to a leave recipient’s account each monthly payroll period. The first donations received will be the first credited. Once a leave recipient has received a sufficient amount of donated leave to meet their medical emergency needs or the maximum amount of donated leave has been credited, all subsequent donations will be returned to the donors.

If an employee is receiving payments from state disability or workers’ compensation insurance, the total amount of the insurance payment and the integrated leave credits will not exceed their regular wages.

- Leave donors may not donate vacation if their accrued vacation would fall below forty (40) hours. Leave donors may not donate sick leave if their accrued sick leave would fall below eighty (80) hours.
- All donations are on a voluntary basis and the identity of the donor(s) will not be disclosed to the recipient.
- An employee may not directly or indirectly, nor attempt to intimidate, threaten, or coerce any employee for the purpose of interfering with any right such employee may have with respect to donating, receiving, or using leave under this program. Fraudulent use of donated leave is subject to disciplinary action up to and including termination.

8.10 Vacation Policy

The Court provides vacation benefits to eligible employees for purposes of rest and relaxation away from work. Employees regularly scheduled to work at least 40 hours per week are eligible to earn vacation benefits beginning the employee’s first day or employment. Limited-term, part-time and/or temporary employees are not eligible for, and will not receive, vacation.

Eligible employees will earn vacation leave accruals in accordance with the following schedule:

<u>Length of Service</u>	<u>Monthly Accrual Rate</u>
Up to 3 years of employment	06.667 hour per calendar month (10 days per year)
After 3 years of employment	10.000 hours per calendar month (15 days per year)
After 6 years of employment	11.333 hours per calendar month (17 days per year)
After 10 years of employment	13.33 hours per calendar month (20 days per year)

An employee may not accrue unused vacation in excess of 2 ½ times their annual vacation allowance. Once an employee’s accrued-but-unused vacation equals 2 ½ times their annual vacation allowance, the employee shall not earn any further vacation until their accrued-but-unused vacation is less than 2 ½

times their annual vacation allowance. The employee will begin to accrue vacation again once they have used, or otherwise have been paid for, enough accrued vacation to bring their total accrued-but-unused vacation to less than 2 ½ times their annual vacation allowance.

Employees eligible to accrue vacation will be paid the dollar value of all accrued-but-unused vacation upon termination of their employment with the Court. Moreover, provided that an employee has used at least 40 hours of accrued vacation during a calendar year, the employee, upon written request made between December 1 and December 31 of each calendar year, will be paid the dollar value of up to 40 additional hours of accrued-but-unused vacation.

8.11 PAID HOLIDAY POLICY

Judicial Branch holidays are established by Government Code Section 6700 and Coded of Civil Procedure Section 135, as amended. The Court shall be closed on the following holidays, subject to legislative change, and permanent full-time employees who are employed on the working days immediately preceding and following these holidays shall be paid for the following holidays:

- | | |
|--|---------------------------------|
| 1. January 1 | New Year's Day |
| 2. The 3 rd Monday in January | Martin Luther King Jr. Birthday |
| 3. February 12 | Lincoln's Birthday |
| 4. The 3 rd Monday in February | President's Day |
| 5. March 31 | Cesar Chavez Day |
| 6. The Last Monday in May | Memorial Day |
| 7. June 19 | Juneteenth |
| 8. July 4 | Independence Day |
| 9. The 1 st Monday in September | Labor Day |
| 10. The 4 th Friday in September | Native American Day |
| 11. November 11 | Veteran's Day |
| 12. The 3 rd Thursday in November | Thanksgiving Day |
| 13. The Friday immediately following
Thanksgiving Day | Day After Thanksgiving |
| 14. December 25 | Christmas Day |

When January 1, February 12, March 31, June 19, July 4, November 11, or December 25 falls on Saturday, the immediately preceding Friday shall be celebrated as that holiday. When any of said dates falls on a Sunday, the immediately following Monday shall be celebrated as that holiday.

In addition, each permanent full-time employee (excluding probationary employees) shall be entitled to three personal holidays during each calendar year. The Court may require five working days advance notice before an eligible employee takes a personnel holiday and may limit the number of employees taking a personal holiday on any given working day.

9. RETIREMENT

9.1 PERS Retirement Benefits and Contributions

The Court shall maintain the Public Employees Retirement System (PERS) retirement contract that is in effect with the County of Mono, so long as it may legally do so. The Court shall maintain a retirement calculation formula consistent with the County of Mono. As such, the Court will adhere to retirement calculation formula changes by the County of Mono during the term of this agreement. As of the ratification of this MOU, CalPERS benefit formulas are as follows: Qualifying employees holding CalPERS membership as of December 31, 2012 are Classic members. Unless otherwise provided for in statute or in the County's PERS Contract, Classic members hired by the Court on or after January 1, 2012 shall have PERS retirement benefits calculated at a formula of 2.5% at 55 years of age and employees hired by the Court prior to January 1, 2012 maintain a retirement formula of 2.7% at 55 years of age. Unless otherwise provided for in the County's PERS Contract, Classic members use a "single highest year" of the employee's service years of court employment for calculation of retirement benefits of that employee. Qualifying employees hired after January 1, 2013 are CalPERS New Members. New Members retire at a formula of 2% at 62 years of age, and must use a three-year compensation period calculation to determine retirement benefits.

9.2 Deferred Compensation Plan

Effective January 1, 2023, Court employees may elect to participate through the Court's enrollment procedures in Section 457 plans offered through the County of Mono and subject to requirements within the County of Mono's plan and statute. The Court will match a portion of an employee's contributions into the applicable County of Mono 457 plan as follows:

- The Court will determine by June 1, 2022 how large a fund balance is available to apply to a match, subject to the timelines of employment below, of bargaining unit employees' contributions to their elected Court/County 457 plan for the period following February 16, 2022 through June 30, 2022, up to the equivalent of no more than 4% of the contributing employee's pre-tax base salary shown on the salary schedule. The Court will notify eligible employees by June 30, 2022 of any available 457 matching funds which will be processed in a lump sum by the County of Mono as a match for the employee's contributions between the date of ratification and June 30, 2022. The Court contribution for each employee shall be further capped so as to comply with total annual contribution limits set by regulation or statute.
- Effective as soon as after January 1, 2023 as is practicable to allow for employee election procedures and payroll processing timelines, the Court will match, subject to the timelines of employment below, an employee's contribution to their elected Court/County 457 plan up to the equivalent of no more than 2% of the contributing employee's pre-tax base salary shown on the salary schedule, and the Court contribution for each employee shall be further annually capped so as to comply with total annual contribution limits set by regulation or statute.
- When vested at five years of Court employment, employees will receive 100% match of their employee contributions to their 457 plan retroactive to their Court employment start date.

457 Plan vesting shall be as follows:

- Less than 2 years – 0
- 2 year, less than 3 years – 25%
- 3 years, less than 4 years – 50%
- 4 years, less than 5 years – 75%
- 5+ years – 100%

10. HEALTH AND DISABILITY INSURANCE

10.1 Health and Welfare Benefits

The Court shall offer the same medical insurance as the County of Mono until December 31, 2025. Effective January 1, 2014, the Court’s contribution into the Cafeteria Plan will be minus the statutory amount prescribed by Government Code Section 22892 paid by the Employer directly to PERS on behalf of an employee. Employees opting out of the Court-offered medical plan must show proof of other coverage in order to receive a taxable in-lieu payment of \$150 per pay period.

Effective in 2022, the Court contribution into the Cafeteria Plan for medical premium costs will be the equivalent of the Employee+1 PERS Platinum Level annual premium cost for the term of this MOU. The Court’s contribution will be no more than the premium for the employee’s elected medical insurance plan and coverage level.

Effective the first full pay period following ratification, former Tier 1 employees who have no break in service are eligible to receive a cash-out above their health premium cost only when in paid status as follows: the cash-out amount ceiling will be \$2,068.48 monthly and these employees’ pro-rated biweekly cash-out amount shall be capped at 75% of the difference between their elected plan premium amount and \$2,068.48.

Effective January 1, 2023, former Tier 1 employees who have no break in service are eligible to receive a cash-out above their health premium cost only when in paid status as follows: the cash-out amount ceiling will be \$2,068.48 monthly and these employees’ pro-rated biweekly cash-out amount shall be capped at 50% of the difference between their elected plan premium amount and \$2,068.48

Effective January 1, 2024, former Tier 1 employees who have no break in service are eligible to receive a cash-out above their health premium cost only when in paid status as follows: the cash-out amount ceiling will be \$2,068.48 monthly and these employees’ pro-rated biweekly cash-out amount shall be capped at 25% of the difference between their elected plan premium amount and \$2,068,48.

Effective January 1, 2025, former Tier 1 employees will not receive cash above the premium cost of their chosen health plan.

10.2 Dental Care Plan

The Court shall offer the same benefits as the County of Mono, until December 31, 2025.

10.3 Vision Care Plan

The Court shall offer the same benefits as the County of Mono, until December 31, 2025.

10.4 Health Care Coverage for Retirees

Each retired employee who was on the Court payroll prior to January 1, 2003 will be eligible at the time of retirement for a flexible credit allowance.

“Retired employee” means a former Court employee who was aged fifty (50) or older and held permanent employment status on the date of their retirement and who had accrued at least fifteen (15) years’ continuous service prior to retirement; or, if the employee was hired after January 1, 1996, who was age fifty-five (55) or older and held permanent employment status on the date of retirement, and who had accrued at least twenty (20) years continuous service immediately prior to retirement.

The amount of the flexible credit allowance shall be computed as follows: The monthly amount contributed by the Court for each active employee for the medical insurance as set forth in section A. immediately above, minus the statutory requirement prescribed by Government Code Section 22892 paid by the Court directly to PERS if the retired employee is enrolled in CALPERS medical insurance, plus the Court contribution toward dental and vision coverage. The credit allowance will vary as the Court’s contributions vary for active employees.

For employees who retire after January 1, 2003, the Court will continue as required by statute the Public Employees’ Medical and Hospital Care Act (PEMHCA) Minimum Employer Contribution to medical insurance premiums of eligible Court retirees under the County of Mono’s contract with CalPERS and who are enrolled in CalPERS medical insurance plans.

10.5 Disability Insurance

The Court shall ensure that all covered employees are enrolled in the State Disability Insurance (SDI) program at the Court’s expense. The Court shall pay all such premiums as are necessary to provide SDI benefits to covered employees.

11. TIME KEEPING POLICY

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

To ensure proper payment, time sheets must be legible, correct, and complete and must be signed both by the employee and the supervisor. Payroll records will be handled and retained by the payroll department in accordance with Court policy and applicable state and federal law.

12. PAYROLL POLICY

Employees are paid on a bi-weekly basis every other Friday. When a regular payday falls on a holiday, paychecks typically will be available on the last workday preceding the holiday.

13. RECORDS MANAGEMENT POLICY

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

2. Except as provided for below, information contained in an employee's personal file will be disclosed internally only to persons with a need to know and to outside third parties pursuant to a proper legal request.
3. An employee, upon written request to the Court Executive Officer may, at reasonable times and intervals, inspect or request a copy of their 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 or their representative may inspect or request a copy only of their official personnel file and/or records related to any grievance involving the employee.
4. 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 within a reasonable period of time but no later than 30 days after the employee has made a request for their official personnel file.
5. 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 3 and 4 above for purposes of this policy.
6. Reference checks regarding current or former employees must be directed to the Court Executive Officer. Unless the current or former employee signs an authorization and release regarding the disclosure of specific further information, the only information that will be disclosed is the employee's current or final job title, and dates of employment.
7. 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.

14. JOB-RELATED TRAINING AND CONTINUING EDUCATION PROGRAM

14.1 General Training

The Court will periodically provide training and make resources available to employees on workplace safety, bias identification and prevention, and on the Court's 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.

14.2 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 improve the employee's job knowledge and skills. Requests to attend training must be submitted to the Court Executive Officer. 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;

- The employee must submit a request to attend the training seminar within a reasonable time prior to the training 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 Court Executive Officer, 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.

14.3 Tuition Reimbursement

Employees may request reimbursement for courses offered through accredited colleges, universities, and technical schools that, in the Court's opinion, will be of benefit to the Court.

Guidelines: Reimbursement will cover actual costs of tuition and registration only and is limited to \$1000 per fiscal year. 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:

Application: Prior to registering for a course, the employee must apply to the Court Executive Officer for approval of the tuition reimbursement.

The Court Executive Officer will review the information regarding the course provided by the employee and will 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 Court Executive Officer will also consider whether the employee has been reimbursed for other courses, and whether other employees in the department 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.

After the employee successfully completes the course (C work or better), the employee must submit to the Court 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.

15. PROFESSIONAL BEHAVIOR

15.1 General Statement of Conduct

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

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, as well as inappropriate conduct as set forth in the Code of Ethics.

15.2 Performance of Duties

All court employees shall perform their duties diligently, thoroughly, and properly in accordance with established procedures.

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

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

15.3 Confidentiality

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

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

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

15.4 Misuse and Abuse of Position

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

No court employee shall 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.

16. CONFLICTS OF INTEREST AND INCOMPATIBLE ACTIVITIES

16.1 Policy Statement

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

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

16.2 Gifts

To avoid any possible conflict of interest or appearance of impropriety, it is the policy of the Court that, with the following limited exceptions, Court employees shall not accept a gift, bequest or favor from any individual, or public or private organization or entity if the gift could reasonably be perceived as intended to influence the employee in the performance of Court duties.

Exception: Standard business gifts for the entire office such as calendars, ball point pens, boxes of candy or cookies, etc., which do not constitute a conflict of interest or give the appearance of impropriety.

Any gift of thing of value received by an employee that would constitute a breach of Court policy as defined above will immediately returned by the employee to the sender with a courteous acknowledgment of the gift and an explanation of the Court policy.

Any Court employee who is found to have accepted a gift or thing of value as defined will be subject to appropriate disciplinary action up to and including dismissal.

16.3 Interest in a Case

Employees shall not process, handle, or in any manner be involved with any case filed in the Court in which the employee is a party or 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 purpose of this section, the term "relative" includes the employee's spouse, domestic partner, children, parents, siblings, grandparents, grandchildren, first cousins, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, and daughter-in-law, and foster, guardianship and step-relationships. If an employee is a party to or witness in a case filed in the Court, or has a relative or friend whose case is filed in the Court, the employee should report this to their supervisor.

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

16.4 Outside Employment

Prior to accepting any outside employment, the employee must notify the Court Executive Officer. 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.

17. COMPLAINT PROCEDURE

A complaint is an allegation that the Court has violated, misinterpreted or misapplied a specific written Court policy, workplace rule, or regulation. Represented employees may bring a complaint forward under the terms of the applicable MOU. The complaint procedure below is available to all employees.

The Section 17 complaint procedures do not apply to an allegation of sexual harassment or discrimination. The procedures for such complaints are set forth in Section 6 of these Personnel Policies.

An employee's complaint regarding the effect of a Court policy or decision upon them or an employee's concern regarding treatment received from a Court employee may be raised through the Court Complaint Procedure.

A complainant is an employee who files a complaint alleging adverse action by a co-worker, supervisor or manager.

Every officer, employee and supervisor of the Court is prohibited from denying an employee the opportunity to present the employee's complaint, or subjecting an employee who has or is about to file a complaint to threats, duress, harassment or any overt or covert act(s) of reprisal.

Complaint Process

All complaints filed by an employee under the authority of the Court Executive Officer are subject to the following procedure:

Filing of Complaint: If a complainant and their immediate supervisor have been unsuccessful in resolving a work-related problem, the complainant may file a written complaint with the Court Executive Officer or designee within ten (10) working days of the date the problem occurred or within ten (10) working days of the date that the employee became aware of the problem. The Court Executive Officer or designee will respond in writing within fifteen (15) working days to the written complaint.

Content of Complaint: In filing a written complaint, the employee shall set forth the following information:

- The specific rule(s) allegedly violated, misinterpreted or misapplied.
- The specific act of omission that gave rise to the alleged violation, misinterpretation or misapplication.
- The date(s) on which the alleged violation, misinterpretation or misapplication occurred.
- Documents, witnesses or other evidence substantiating the complaint.
- The date(s) on which the matter was discussed with the immediate supervisor.
- The proposed remedy.

Appointment of a Review Officer:

The Court Executive Officer or designee will serve as the Review Officer. The Court may use an outside investigator instead of internal staff to investigate a complain whenever the available internal investigators have a work-related or personal conflict of interest, or in situations in which the available internal investigators would be required to investigate the actions of higher-ranking employees.

The Review Officer shall be from a department different from that of the employee requesting the complaint review.

The Review Officer shall conduct an investigation of the complaint. Upon conclusion of the investigation, the Review Officer shall prepare a report (verbal or written, as requested by the Court Executive Officer) for consideration by the Court Executive Officer that summarizes the Review Officer's findings.

Review by the Court Executive Officer

After considering the Review Officer's report, the Court Executive Officer shall render a written decision to the employee. The decision of the Court Executive Officer shall be final.

18. DISCIPLINE AND DISCHARGE PROCEDURES

18.1 Definitions

For the purposes of this policy, the terms related to classifications shall have the meanings indicated in Policy 3, Job Classifications and Titles.

18.2 Exclusions

Subordinate judicial officers, as well as confidential, limited-term, managerial, probationary, and temporary employees, are excluded from the disciplinary procedures in this policy. However, standards of conduct for all employees include the Code of Ethics for Court Employees, Appendix A, and the misconduct listed below provides examples for all employees of actions that violate the Court's standards of conduct.

18.3 Discipline and Discharge Standards

Disciplinary actions will usually follow a progressive discipline procedure. Progressive discipline will normally include one or more warnings (oral and/or written) and/or a suspension before a termination is imposed. However, deviations from this procedure may occur whenever the Court 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:

1. Fraud in securing appointment, including but not limited to, misrepresentation or omission of any material fact in any written or oral application for work with the Court; failure to possess any license or certificate required for the performance of the duties and functions of the job applied for; and failure to possess any special skill or ability that may be required by the job.
2. Incompetence or inefficiency, including but not limited to, any neglect of duty and/or failure to meet reasonable work performance standards and requirements;
3. Material neglect of duty;

4. Insubordination, including but not limited to, the refusal or willful failure or refusal to perform a particular duty, function or responsibility required by the position of employment;
5. Dishonesty, including but not limited to, any unauthorized possession or use of property belonging to the Court or another employee;
6. The use or possession of alcoholic beverages while engaged in the performance of duties and/or responsibilities pursuant to employment with the Court;
7. The use, while engaged in the performance of duties, functions or responsibilities pursuant to employment with the Court, of drugs, narcotics or medications such that the performance of those duties, functions and responsibilities by the employee is impaired or such that the safety of other persons or property is impaired or adversely affected;
8. The possession of controlled substances as defined by the Health and Safety Code of the State, while engaged in the performance of duties, functions and responsibilities pursuant to employment with the Court, such that possession constitutes a violation of the laws of the State;
9. Conviction of a felony or conviction of a misdemeanor involving moral turpitude, including but not limited to petty theft. Conviction shall be defined to include a plea of nolo contendere;
10. Repeated, abusive or discourteous treatment of the members of the general public or fellow employees;
11. Political activity during working hours or in the name of the Court;
12. Willful violation of any Court rule, regulation or policy;
13. Willful misuse of Court property or damage to Court property resulting from misuse or negligence;
14. Publication of inaccurate or false information concerning the Court, its officers or employees, which is of such a nature as to bring discredit to the Court or its officers and employees;
15. Misrepresenting oneself as a spokesman for the Court in such a way as to bring discredit to the Court;
16. The possession of firearms, weapons, or hazardous or dangerous devices onto Court property;
17. Disclosure of confidential information;

18. Falsifying or making an intentional omission on any Court document, including but not limited to time cards, expense reimbursement, and Court records.

18.4 Minor Discipline

In the event that the Court imposes disciplinary action consisting of a written reprimand, the affected employee may not appeal such discipline, but may within 5 business days from receiving a copy of the written reprimand provide the Court with a written response which will be attached to the written reprimand and placed in the employee's official personnel file together with the written reprimand.

In the event that the Court imposes disciplinary action consisting of a suspension without pay of two (2) days or less, the affected employee may appeal such discipline in the manner set forth as immediately follows.

Step 1: Within 10 business days of the date the employee receives the notice of proposed disciplinary action, the employee may file a written appeal with the person proposing the action. That person shall schedule a meeting with the employee and, where applicable, their representative, to discuss the appeal. Within 10 days after that meeting, or such longer period as the person proposing the action may determine is required to investigate the matter, that person shall provide the employee with a written response to the appeal.

Step 2: If the employee is not satisfied with the step one response, the employee may appeal to the Court Executive Officer. If the Court Executive Officer is the person proposing the action, the Court Executive Officer will designate a Court manager, or, if the employee requests, will arrange for a designee from the Mono County Counsel's Office to serve as a Step Two confidential appeal designee. The appeal must be submitted within 10 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 or her disagreement with the Step One response.

The Court Executive Officer or designee shall schedule a meeting with the employee and, where applicable, their representative, to discuss the appeal of the Step One response. Within ten (10) days after that meeting, or such longer period as the Court Executive Officer/or designee may determine is required to investigate the matter, the Court Executive Officer or 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.

18.5 Major Discipline

1. *Notice of Discipline/Discharge:* When the Court is considering taking disciplinary action consisting of a suspension without pay for more than two (2) days, a termination, or a demotion (other than a demotion while the employee is within a probationary promotion period), the affected employee shall be given written notice of the proposed disciplinary action. The notice of proposed disciplinary action shall include (a) the proposed action to be taken, the date it is intended to become effective, and the specific grounds and particular facts upon which the proposed disciplinary action will be taken; (b) the materials upon which the charge(s) is based or a statement indicating where the materials upon which the charge is based are available for inspection, or a combination of the two; and (c) a statement informing the employee of their right to respond, either orally or in writing, to the charge(s), by the date specified in the notice.

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 charges(s) within the time specified in the notice of proposed disciplinary action, the proposed disciplinary action will be considered conclusive and shall take effect as described in the notice of proposed disciplinary action.

If the employee does respond to the charge(s) within the time specified in the notice of proposed disciplinary action, the Court shall consider the employee's response and all of the information upon which the charge(s) is based. The Court shall then issue a determination on the notice of proposed disciplinary action. If the determination includes disciplinary action consisting of a suspension, a termination, or a demotion (other than demotion while the employee is within a probationary promotion period), 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 in a timely manner filed, the determination of disciplinary action shall stand.

2. *Hearing to Review Disciplinary Decisions:* In the event that an employee in a timely manner files an appeal as described in Section 1 above, an evidentiary due process hearing within the meaning of Government Code section 71653 will take place,

Within ten (10) days of the date that the employee files the notice of appeal, the Court and the employee, 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 American Arbitration Association. Each party may challenge up to three of the arbitrators in alternating order with the employee making the first challenge, and until at least one arbitrator remains. The last remaining arbitrator, or if more than one arbitrator is not challenged one of the remaining selected by lot, shall be selected as the hearing officer.

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

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

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

19. SOLICITATION AND DISTRIBUTION RULES

To avoid disruption of Court operations, the following rules shall apply to solicitations and distribution of literature on Court property:

Outsiders: Persons who are not employed by the Court may not solicit or distribute literature on Court property at any time for any purpose.

Employees of the Court: Employees of the Court may not solicit during working time for any purpose. Working time is defined in the following section.

Working Time: Working time includes the working time of both the employee doing the soliciting and distributing and the employee to whom the soliciting or distributing is being directed. Working time does not include break periods, meal periods, or any other specified periods during the workday when employees are properly not engaged in performing their work tasks.

Use of Court Equipment: Employees may not use the Court's telephones, electronic mail, voice mail, computers, or other related equipment to solicit or to distribute literature under this rule.

20. REDUCTIONS IN FORCE

20.1 Lay Off

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 classifications or branches. Once the scope of the layoff is determined, employees will generally 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 in the classification from which the layoff is occurring, but not including periods of layoff. A coin toss will break any ties in seniority.

Employees who are selected for layoff and are on a leave of absence at the time of the layoff will be converted to layoff status on the effective date of the layoff.

Bumping: A regular employee who is laid off shall have the right to "bump" a less senior employee in a lower classification (i.e., one with a lower salary range) in which the employee who is bumping had previously achieved regular status. 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.

Benefits: Employees who are laid off shall receive all accrued vacation pay. In addition, employees terminated by layoff will receive 100% of sick leave accrual up to 400 hours.

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. If an employee accepts a recall and in a timely manner reports to work, the employee's anniversary date will be adjusted to reflect the period of layoff.

Recall: The names of employees laid off pursuant to this policy shall be placed on a reemployment list for a period of six months 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 reemployment 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 or 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 (7) 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. 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 or she will be removed from the reemployment list and will not be eligible for further recalls.

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

Represented Employees: The Court will follow any reduction in force procedures for represented employees within the current MOU, including those in Article 24, Furloughs and Layoffs:

"In the event a reduction in force becomes necessary the Court and the Union agree to discuss alternatives prior to any layoff. Court and Union discussions regarding the alternatives to layoffs is not a meet and confer matter. Such alternatives to layoffs may include cost-saving ideas, reduced workweek, furloughs, voluntary layoff, PERS buyout, continuation of medical coverage, and other possible incentives for early separation.

Laid-off employees shall receive not less than a 20 working days' notice prior to being laid-off. Laid-off employees will be recalled for vacancies or new positions for which the employee is qualified, the employee shall be on the recall list for one (1) year from the date of lay-off, the recall notice shall not give the employee less than 21 calendar days to accept the recall."

21. VOLUNTARY FURLOUGH PROGRAM

All employees of the Superior Court of California, County of Mono ("Court") may participate in a Voluntary Furlough Leave (VFL) program. Employees may participate in the program by submitting a VFL election form to the CEO no later than the twentieth (20th) of the month prior to the month during which the employee would like to take VFL. Applications will not be accepted after December 20 of each year.

The VFL program allows employees to trade salary for additional time off with a corresponding reduction in the rate of pay as outlined below.

21.1 VFL Plan A

Under VFL Plan A, employees agree to take off one (1) day ((eight (8) hours for full-time employees and pro-rated for part-time employees)) for each month in the program and to accept a comparable

reduction in pay of approximately 4.62 percent per paycheck. Employees, under VFL Plan A, may utilize VFL in lieu of sick leave. Under VFL Plan A, employees may utilize VFL without needing to exhaust sick and/or vacation accruals. Employees may switch to VFL Plan B or withdraw from participation in VFL Plan A by submitting a written request to the CEO no later than the twentieth (20th) of the month prior to the month during which the change will take effect.

Use of VFL under Plan A

VFL is available for use once the election is made. Use of VFL is subject to the operational needs of the Court and an employee's supervisor's approval. Employees must use VFL during the month their paycheck is being reduced. VFL must be taken as full days ((eight (8) hours for full-time and pro-rated for part-time employees)). Employees may not apply VFL to partial-day absences or to a leave of absence during which they expect to receive temporary disability benefits such as State Disability Insurance (SDI), Paid Family Leave (PFL) or Workers' Compensation.

21.2 VFL Plan B

Under VFL Plan B, employees agree to take off a certain number of days ((eight (8) hours per day for full-time employees and pro-rated for part-time employees)) of VFL and to accept a comparable reduction, following the election, of 4.62 percent per paycheck for a number of months equivalent to the number of days selected ((For example, if an employee elects eight (8) days of VFL, the employee's paycheck for the next eight (8) months will be reduced by 4.62 percent)). Under VFL Plan B, employees may utilize VFL without needing to exhaust sick and/or vacation accrual. Employees may only switch to VFL Plan A from VFL Plan B after the employee has used all elected VFL under VFL Plan B and the corresponding reductions have been made and by submitting a written request to the CEO no later than the twentieth (20th) of the month prior to the month during which the change will take effect. Employees may not withdraw from participation in the VFL Plan B once the election has been made.

Employees may elect a maximum of nineteen (19) days (one hundred and fifty-two {152} hours for full-time employees and pro-rated for part-time employees) of VFL starting June 1, 2012. The maximum number of VFL days an employee may elect is proportionally reduced one VFL day per month for the period of this program ending December 21, of each year. For example, the maximum number of VFL days the employee may elect on or before August 1, 2012 is 17 days and the maximum number of VFL days an employee may elect on December 1, of each year.

Use of VFL under Plan B

VFL is available for use once the election is made. Use of VFL is subject to the operational needs of the Court and an employee's supervisor's approval. Unless otherwise approved by the CEO, employees must use VFL during the months their paycheck is being reduced. VFL must be taken as full days ((eight (8) hours for full-time and pro-rated for part-time employees)). Employees may not apply VFL to partial-day absences or to a leave of absence during which they expect to receive temporary disability benefits such as State Disability Insurance (SDI), Paid Family Leave (PFL) or Workers' Compensation.

21.3 Separation from employment while under VFL

If an employee separates from employment before the end of the reduction period, one of two situations may arise:

The employee may have taken less than the elected VFL prior to separation ((Example: Employee elects five (5) VFL days, takes two (2) of the elected VFL days, and separates after five (5) months during which the monthly 4.62 percent reduction was applied.)) In that event, the employee has worked more days than addressed by the smoothing effect, and the Court will owe the employee the difference between the pay actually applied and the amount of pay the employee should have earned based on actual workdays. In such event, the Court agrees that an appropriate amount of pay will be added to the employee's final paycheck to make the employee whole.

The employee may have taken more VFL than the comparable reductions prior to separation ((Example: Employee elects and takes ten (10) furlough days and separates after five (5) months during which the monthly 4.62 percent reduction was applied.)) In that event, the employee has worked fewer days than addressed by the smoothing effect, and the employee will owe the Court the difference between the pay actually applied and the amount of pay the employee should have earned based on actual workdays. In such event, the employee may be subject to reasonable collection efforts if arrangements are otherwise not made to repay the Court the entire amount owed.

21.4 Impact of VFL on employee benefits

VFL will not impact vacation and sick leave accruals other accruals, seniority, step increases, holiday and benefits.

22. USE OF COURT RESOURCES

General Policy: Court automobiles, equipment, and systems, including, but not limited to, telephones, email, computers, facsimile machines, and copying machine, must be used with care and must not be abused. In addition, employees must use Court equipment in conformance with the Court's policies and procedure, and in a manner that is professional and lawful.

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

Email: The Court's email system is for Court business only and there is not expectation of privacy. System security features, including passwords and message delete functions, do not prevent the Court from accessing any message at any time. Employees must be aware that the possibility of such access always exists.

The email system may not be used to send jokes or other comments to others that may be perceived as discriminatory, harassing, offensive, or disruptive or to send material that disparages an individual, company, or business entity or discloses personal information without authorization. Solicitations, offers to buy and sell goods or services, and other personal messages to large groups via the e-mail system are not appropriate uses of this Court asset.

Computers: The Court's computers are for Court business only. Employees may not use the Court's computers for any personal business, unless prior approval has been received from the Court Executive Officer, in which case the Court's computers may be used for personal business only during the employee's nonworking time.

The Court's computers must be used in a professional and lawful manner and solely for the benefit of the Court. The Court may access and read information on its computers at any time to ensure compliance with this policy and for other Court or business reasons. Therefore, employees should not assume that personal information they place on the Court's computers is confidential.

Scanners, Facsimile and Copying Machines: The Court's scanners, facsimile and copying machines are for Court business only. Employees may not use the Court's scanners, facsimile and/or copying machines for any personal business unless prior approval has been received from the Court Executive Officer, in which case the Court's scanners/facsimile/copying machines may be used for personal business only during the employee's nonworking time.

23. PERSONAL APPEARANCE

In the interests of presenting and maintaining a professional image and atmosphere, the Court requires all employees to observe good habits of grooming and personal hygiene. Employees are expected to dress conservatively and in a manner appropriate for a Court setting. Any questions regarding what constitutes proper attire should be directed to the Court Executive Officer or designee. However, extremely casual attire such as sandals, shorts, t-shirts, and ragged jeans may not be worn at any time.

Employees reporting to work improperly dressed or groomed may be sent home by their supervisor to change clothing or until further scheduled for work and may be subject to disciplinary action up to and including termination.

24. WORKPLACE SECURITY

The Court is firmly committed to providing a secure workplace free from acts or threats of violence. To achieve this goal, the Court requests the support of all employees. Compliance with this policy and with the Court's commitment to zero tolerance of workplace violence is every employee's responsibility.

Employees are required to report any incident involving a threat or act of violence immediately to the Court Executive Officer or designee. The Court will review the matter and take necessary corrective action. This may include disciplining, and possibly dismissing, any employee who violates this policy.

Employees who become aware of any workplace security hazard should report that information to the Court Executive Officer or designee. The Court will not tolerate retaliation against any employee who provides any information or reports to the Court under this policy.

Any questions regarding this policy may be directed to the Court Executive Officer or designee.

25. LABOR POLICY

The labor policy in this plan is the Court's Employee Employer Relations Policy and is incorporated herein by reference.

26. TRAVEL POLICY

The purpose of this policy is to define the rules and guidelines applied to claiming reimbursement for travel on Court business.

Mono County Superior Court judges and employees may be required to travel in the course of performing their official duties. The Court will reimburse its judges and employees for reasonable and necessary travel expenses incurred while traveling on court business within the limits of the trial court's maximum reimbursement guidelines.

Policy:

Mono County Superior Court will follow the Trial Court Financial Policies and Procedures outlined in the Trial Court Financial Manual, policy number FIN 8.03, "Travel Expense Reimbursement for Trial Court Judges and Employees" as amended, specifically for travel-related expense reimbursement.

Mono County Superior Court recognizes and understands the desire of its judges and employees to take their personal vehicle on business related travel. There are often safety concerns of driving in a different vehicle (one they are not used to) during inclement weather events. Due to the remoteness of Mammoth Lakes, many business-related travel instances outside of Mono County will include travel of a spouse or others or personal travel to coincide with the business travel. The Court does not allow court-owned vehicles to be used for personal use or transport non-court persons. Therefore, the judge or employee will choose to take their personal vehicle. Per FIN 8.03, 6.2(9), transporting any persons other than those directly involved in official court business is prohibited unless written permission has been obtained in advance for each trip by the employee's appropriate approval level.

Business-Related Travel

In instances where court-owned vehicles are available and the judge or employee chooses to take their personal vehicle for out-of-county travel, expense for mileage will be reimbursed at one half the current federal mileage reimbursement amount.

In instances where court-owned vehicles are not available and the judge or employee take their personal vehicle for out-of-county travel, expense for mileage will be reimbursed at the current federal mileage reimbursement amount.

Availability of court-owned vehicles is determined by the Chief Executive Officer weighing the need and scheduling of vehicle use.

Mileage reimbursement requests must include documentation showing mileage from the Mammoth Lakes courthouse to the business destination. Documentation may include printed directions from wayfinding applications like Google or Apple Maps.

27. RELATIONSHIP OF POLICIES TO MEMORANDA OF UNDERSTANDING

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

Appendix A

Code of Ethics for the Court Employees of California, as Amended

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: <ul style="list-style-type: none">• 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; |

- 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 judgement 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 and 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 reporters confidential information. Such remarks can seriously compromise a case or a person's standing in the community. Court staff should discuss cases only for legitimate court reasons and must handle sensational or sensitive cases with great care.

Guideline for Tenet Five
IMPROPRIETY

Improprieties can take many forms. A court employee who uses 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 role they play in the pursuit of justice. Proper conduct involves daily and scrupulous affirmation of moral principles and observance of all laws, rules, policies, and procedures.

Guideline for Tenet Six
**APPEARANCE OF
IMPROPRIETY**

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

Guideline for Tenet Seven
**PROHIBITION AGAINST
GIVING LEGAL ADVICE**

Given the experience and visibility of court employees, it is natural for those who deal with the court, including attorneys and litigants as well as the general public, to ask questions such as: “Should I fight this?” “How do I fight this?” “To whom should I go for legal assistance?” “What does the law say?” Court employees can and should provide information that is within their own level of professional training and experience, so long as the information does not compromise the neutrality of the court or the court’s appearance of neutrality. For example, court employees can and should patiently explain how to file forms and pay fines, and should clarify legal language and the court’s policies attendant to procedural due process and assist self-represented litigants in court self-help centers.

They should provide litigants with information about non-profit legal services agencies, certified lawyer referral service programs and court-based self-help assistance. They must not, however, cross the line separating court employees, whether licensed attorneys or not, from attorneys practicing law in the community. Court employees must not give any legal or procedural information that tends to favor one side of a case. Court employees should cite this tenet when pressed by those seeking legal advice.

Guideline for Tenet Eight
PUBLIC RESOURCES

Court resources must be used for the benefit of the citizens of our state. These resources include staff time, equipment, facilities, information systems, and the money allocated to the court. Court employees must ensure proper accountability of the court’s resources. Use of these resources must be transparent to the public and beyond reproach.

Resources must not be expended simply for the direct benefit of individual employees or judicial officers. Physical resources must be safeguarded to avoid unnecessary damage or wear. Equipment must be properly maintained and replaced when appropriate. All court employees should constantly look for improved efficiency in job processes.

Deficiencies and safety hazards must be reported and addressed in a timely manner. Sound business practices must be employed in managing contracts to avoid waste of court resources.

Guideline for Tenet Nine
**SERVICE AND
COMPETENCY**

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

levels of the California court system should initiate and oversee ongoing professional growth programs for all court employees, including study of ethics-related issues.

**Guideline for Tenet Ten
DISCRIMINATION**

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

**Guideline for Tenet Eleven
HARASSMENT**

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

**Guideline for Tenet Twelve
TECHNOLOGY**

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

ACKNOWLEDGMENT FORMS

RECEIPT OF MANUAL

I hereby acknowledge that I have received a copy of the Mono County Superior Court's Personnel Policies and understand that the Personnel Policies contain important information on the Court's general personnel policies and on my privileges and obligations as an employee. I acknowledge that I am expected to read, understand, and adhere to the Court's policies, and that my continued employment with the Court is contingent on my agreement to do so. I will familiarize myself with the Personnel Policies and understand that I am governed by the contents of the Personnel Policies, as amended from time to time. I also understand that I may be disciplined for failure to comply with these policies, including but not limited to the policies entitled PROFESSIONAL BEHAVIOR, CONFLICTS OF INTEREST AND INCOMPATIBLE ACTIVITIES, SOLICITATION AND DISTRIBUTION RULES, ELECTRONIC MAIL, USE OF COURT RESOURCES and PERSONAL APPEARANCE.

Employee's Name (printed)

Employee's Signature

Date

PROBATIONARY EMPLOYMENT ACKNOWLEDGEMENT

I hereby acknowledge that I understand that I have been hired as a probationary employee and that probationary employees may be terminated without cause at any time during their probationary period. I also understand that a probationary employee, upon such termination, has no right of appeal.

Employee's Name (printed)

Employee's Signature

Date