

2016

COURT PERSONNEL PLAN



**THE SUPERIOR COURT OF
CALIFORNIA,
COUNTY OF SONOMA
PERSONNEL PLAN
OUTLINES POLICIES AND
PROCEDURES
THAT APPLY TO ALL COURT
EMPLOYEES,
EXCEPT WHERE SPECIFICALLY
EXCLUDED.**

Revised May 8, 2014

**THE SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SONOMA PERSONNEL PLAN
OUTLINES POLICIES AND PROCEDURES
THAT APPLY TO ALL COURT EMPLOYEES,
EXCEPT WHERE SPECIFICALLY EXCLUDED.**

**THE SEIU MOU OUTLINES
POLICIES AND PROCEDURES THAT ARE APPLICABLE
TO THOSE EMPLOYEES REPRESENTED BY THE UNION.**

**THE SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SONOMA
SALARY AND BENEFITS POLICIES
OUTLINES POLICIES AND PROCEDURES
THAT ARE APPLICABLE TO
ADMINISTRATIVE MANAGEMENT, COURT COMMISSIONERS,
SUPERVISORS, CONFIDENTIAL, AND UNREPRESENTED
EMPLOYEES.**

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Section 1000

INTRODUCTORY POLICIES

1001 INTRODUCTION

The Trial Court Funding Act of 1997 transferred trial court funding responsibility from the counties to the State and reorganized the structure of the California trial courts. As part of the reorganization, it established the Task Force on Trial Court Employees to recommend “an appropriate system of employment and governance for trial court employees.” The Task Force was comprised of representatives of the trial courts, the counties, state agencies and recognized employee organizations.

The Task Force issued its final report to the legislature in December 1999. SB 2140, the Trial Court Employment Protection and Governance Act, was subsequently drafted to implement the Task Force recommendations. The bill was enacted by the legislature, signed by the Governor, and became effective on January 1, 2001.

The Act established the authority and responsibility of the trial courts to create and implement a system of personnel management. It required the Courts to establish a personnel plan and set forth mandatory components and minimum standards that must be included in each Court’s personnel plan.

This document is intended to provide employees with a general understanding of the Superior Court of California, County of Sonoma personnel policies. However, it cannot anticipate every situation or answer every question about employment. This document is not intended to be an employment contract, express or implied. This document supersedes and replaces all previous policies, practices and guidelines of the Court, except for those provisions contained in the Salary and Benefits Policies, SEIU Memorandum of Understanding (MOU), or any other applicable MOU. This Personnel Plan is subject to any limitations that may be set forth in any applicable agreement between the Court and any affected employee organization.

The provisions of this policy may be modified in whole or in part by the Court’s Executive Committee. For this reason, we urge employees to check with their supervisor or Court Administration to obtain current information regarding the status of any particular policy, procedure or practice.

1002 APPLICABILITY

The provisions of the Personnel Plan shall apply to all Court employees, except Court Commissioners and the Court Executive Officer. Judges are State employees and are also

excluded from these policies. It is the responsibility of the Court Executive Officer to ensure that these policies are adhered to by all Court employees and applied in a fair and consistent manner.

1003 EQUAL EMPLOYMENT OPPORTUNITY POLICY

The Court does not unlawfully discriminate against qualified employees or applicants for employment 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, genetic information, family care status, military and veteran status, citizenship, age, union activity, marital status, physical disability, mental disability, medical condition, sexual orientation, or any other basis protected by law. The Court will afford equal employment opportunity to all qualified applicants or employees with respect to compensation and all terms and conditions of employment including hiring, training, promotion, transfer, discipline, and termination.

When the need arises, the court makes reasonable accommodations for disabled employees and for pregnant employees who request an accommodation for pregnancy, childbirth, or related medical conditions. Employees who would like to request reasonable of a disability or pregnancy-related condition should contact their supervisor or Human Resources.

Employees who believe they have experienced denial of equal employment opportunity or discrimination are encouraged to report this experience immediately to the Court Executive Officer, the Deputy Court Executive Officer, HR, or any other Court manager or supervisor. The Court will promptly investigate the report under the Complaint Procedure for Complaints of Harassment and/or Discrimination (Section 1005).

1004 HARASSMENT PREVENTION POLICY

The Court prohibits harassment based on an individual's race, color, religious creed, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions, gender, gender identity, gender expression, national origin, ancestry, age, union activity, marital status, physical or mental disability, medical condition, genetic information, family care status, military and veteran status, sexual orientation, or any other basis prohibited by law. Harassment in any form, including verbal, physical, and visual harassment, is prohibited. The law prohibits harassment of employees by supervisors, managers, coworkers, or any third parties in the workplace. The court also will take all reasonable steps to protect employees from harassment by nonemployees in the workplace. Harassment of these nonemployees by court employees is also strictly prohibited.

Prohibited conduct includes, but is not limited to, making unwelcome sexual advances and requests for sexual favors where either:

1. Submission to such conduct is made an explicit or implicit term or condition of

-
- employment;
 2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
 3. Such conduct has the purpose or effect of unreasonably interfering with an employee's work performance, or creating an intimidating, hostile, or offensive work environment.

Prohibited conduct also includes, but is not limited to:

1. Verbal harassment, e.g., epithets, derogatory comments or slurs on any protected basis [race, religious creed, color, national origin, ancestry,

physical disability, mental disability, medical condition, marital status, or sexual orientation];

2. Physical harassment, e.g., assault, impeding or blocking movement, or any physical interference with normal work or movement, when directed at an individual on any protected basis;
3. Visual forms of harassment, e.g., derogatory posters, cartoons, or drawings on any protected basis; or
4. Sexual favors, e.g., unwanted sexual advances that condition an employment benefit upon an exchange of sexual favors.

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

Employees who believe they have been harassed in connection with their employment at the Court, or are aware of harassment, should notify immediately the Court Executive Officer, designee, or any manager to whom the employees feel comfortable reporting the matter in accordance with the courts Complaint Procedure for Complaints of Harassment and/or Discrimination. A prompt and, to the extent possible, confidential investigation will be conducted regarding all complaints, and appropriate corrective action will be taken for any conduct deemed to violate this policy or otherwise to be inappropriate. Retaliation against anyone for complaining of, reporting, or participating in any investigation of harassment will not be tolerated.

Sexual harassment is illegal. Retaliation against any person for opposing sexual harassment or for participating in an investigation of sexual harassment is also illegal. In addition to notifying Court management about harassment or retaliation complaints, affected employees may also direct their complaints to the California Department of Fair Employment and Housing (DFEH), which has the authority to conduct investigations of the facts. The deadline for filing complaints with the DFEH is one year from the date of the alleged unlawful conduct. If the DFEH believes that a complaint is valid and settlement efforts fail, the DFEH may file a lawsuit in court. Employees can contact the nearest DFEH office at the location listed in the Court's DFEH poster or by checking the state government listings in the local telephone directory.

Anyone who is found by the Court to have violated this policy, or whose conduct is found otherwise to be inappropriate, will be subject to appropriate corrective action, including possible termination of employment.

**1005 COMPLAINT PROCEDURE FOR COMPLAINTS OF HARASSMENT,
RETALIATION AND/OR DISCRIMINATION AND COMPLAINT
RESOLUTION POLICY**

In keeping with the court's commitment to providing a work environment free of discrimination,

harassment and retaliation (Equal Employment Opportunity Policy, 1003; Harassment Prevention Policy, 1004) the Court will take prompt and appropriate action in response to complaints of such conduct. The goal of this policy is to address complaints as soon as they arise while maintaining a cooperative and collegial work environment.

This Complaint policy applies to complaints of discrimination or harassment based on race, color, religious creed, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, national origin, ancestry, citizenship, age, union activity, marital status, physical or mental disability, medical condition, genetic information, family care status, sexual orientation, military and veteran status or any other basis prohibited by law. This complaint policy also applies to complaints of retaliation for filing a complaint of discrimination or harassment, or participating in an investigation of such complaints. For all other complaints, please refer to the court's Open Door Policy.

All employees are responsible for doing their part to foster a work environment free of discrimination, harassment, and retaliation. If an employee believes that discrimination, harassment, or retaliation in violation of the court's policy is occurring, whether by another employee or by a contractor, client, vendor, visitor, or any member of the public, the employee must promptly report his or her concerns by one of the following options:

Complaint to Employee's Supervisor or Manager

Employees may inform their supervisor or manager of the complaint, in writing or orally. Upon receipt of the complaint, the supervisor or manager will report the matter to the Human Resources Manager.

Complaint to Human Resources Manager

As an alternative, an employee may submit a complaint directly to the Human Resources Manager, in writing or orally.

The Human Resources Manager or designee will review the complaint of discrimination, harassment, or retaliation and ensure the case remains confidential, to the extent possible, while ensuring that the investigation is conducted thoroughly and objectively.

The investigation will include an interview with the person against whom the complaint has been made, if applicable, in order to give that person an opportunity to respond to the allegations made.

At the conclusion of the investigation, the Court Executive Officer, or designee, shall report the findings to the Court Executive Officer. The Court Executive Officer shall make the final determination regarding what occurred, and what corrective action (including discipline), if any, is appropriate.

The Court Executive Officer, or designee, shall advise the complainant and any subject of the complaint that the investigation has concluded and, depending upon the circumstances and interests involved, the results of the investigation.

At any time before, 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 Federal Equal Employment Opportunity Commission or the California Department of Fair Employment and Housing. These agencies investigate and prosecute complaints of illegal discrimination, harassment, and retaliation in employment and have the authority to seek relief in meritorious cases. The nearest office of each of these agencies is listed in the telephone book. Information regarding these agencies is available on the Internet at the following websites:

Federal Equal Employment Opportunity Commission: www.eeoc.gov

California Department of Fair Employment and Housing: www.dfeh.ca.gov

1006 REASONABLE ACCOMMODATION POLICY

The Court will comply with the employment-related reasonable accommodation requirements of the California Fair Employment and Housing Act and the Americans with Disabilities Act (ADA). Requests for accommodation should be directed to the ADA Coordinator.

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 (Section 1007).

1007 COMPLAINT PROCEDURE FOR COMPLAINTS OF DENIAL OF REASONABLE ACCOMMODATION

Complaints of denial of reasonable accommodation shall be directed to the Court's designated ADA Coordinator. Applicants and employees are encouraged to bring such complaints to the Court's attention promptly.

The ADA Coordinator shall investigate the complaint and make recommendations to the Court Executive Officer as to whether a reasonable accommodation can be provided. The Court encourages the applicant/employee and a Court representative to meet and discuss potential reasonable accommodations to try and agree to a specific reasonable accommodation. The Court Executive Officer shall have the authority to determine which reasonable accommodation, if any, shall be provided.

1008 OPEN DOOR POLICY

The purpose of this section is to make clear the “Open Door” philosophy of the Court. Employees are encouraged to raise work-related concerns with their immediate supervisors as soon as possible.

If an employee believes that the immediate supervisor is not the appropriate person with whom to raise the concern, he or she may raise it with the division manager. Employees are also encouraged to pursue discussion of a work-related concern with their immediate supervisor or the division manager until the matter is fully resolved. If employees are not comfortable discussing the issue with either their respective supervisor or manager, they may bring the issue directly to the attention of the Court Executive Officer or the Deputy Court Executive Officer.

The Court will attempt to ensure employee and subject matter confidentiality. Dissemination of information to others will be made on a “need to know” basis only, except as otherwise required by law. It may not always be possible to achieve the result requested by the employee, but if not, the Court will attempt in each case to explain why. The Court believes that employee concerns are best addressed through informal and open communication.

Participation in the Open Door process is optional and does not extend or shorten the time limits within which an employee may file a grievance under any applicable MOU or otherwise alter any grievance provisions contained in such MOU (see current SEIU MOU, Article 18 – Grievance Procedure).

Section 2000

EMPLOYMENT POLICIES AND PRACTICES

2001 STATUS OF EMPLOYEES AND CATEGORIES OF EMPLOYMENT

Persons elected or appointed to the office of Judge or Commissioner of the Superior Court shall be considered judicial personnel and are exempt from the provisions of this document. Judges are considered State employees and are subject to all the rules and requirements of Judges under statute, California Rules of Court, California Judicial Administration Rules and State employment policies. Their salary levels are set by the State Legislature. Court Commissioners are employees of the Court, are appointed by a majority of the judges concurring, and serve at-will.

As provided by Government Code section 71620, the Court may employ a Court Executive Officer who shall be selected by a majority of the judges concurring and serve at-will pursuant to

a written contract. The Court Executive Officer also serves as Jury Commissioner and Clerk of the Court. Such contract shall define the terms and conditions of the Court Executive Officer's employment, and therefore, all subsequent sections of this policy shall not apply to the Court Executive Officer except as otherwise provided herein or in the employment contract.

All other Court personnel are subject to the policies and guidelines contained in this Plan.

2001.1 Definitions

1. Administrative Management/Managers – Any employee with responsibility for administering or formulating court policy or programs and/or the authority to hire, evaluate, assign work to, promote, reward, fire, suspend, transfer, or discipline other employees or responsibly direct their work or to adjust grievances or to effectively recommend such action. Those classifications that are managerial are listed below (this list may be modified upon approval of the Court Executive Officer and Court Executive Committee):

- Court Financial Manager
- Court Human Resources Manager
- Director of Information Technology
- Court Operations Manager
- Deputy Court Executive Officer
- Director Court Operations
- Family Law Facilitator
- Court Facilities Manager
- Information Technology Network Manager
- Court Human Resources Analyst
- Management Analyst

2. Confidential Employee – Any employee who has access to or is privy to decisions of court management affecting employee relations or who stands in a confidential relationship with a judge. Those classifications that are confidential are listed below (this list may be modified upon approval of the Court Executive Officer and Court Executive Committee):

- Court Executive Assistant
- Court Human Resources Assistant
- Court Training Coordinator/Recruiter
- Judicial Assistant
- Judicial Assistant – Presiding Judge
- Judicial Assistant – Supervising Judge
- Judicial Assistant Supervisor
- Court Payroll Technician

-
3. **Union-Represented Employee** - Some classifications are represented by the Service Employees' International Union (SEIU) and are subject to the rights and benefits of the union contract. (Refer to the SEIU MOU for particular benefits and rights and the classifications represented by the union.)
 4. **Unrepresented Employee** – An employee who is neither a Management nor a Confidential employee and who is not represented by a union.
 5. **Contract Employee** - These positions are hired by the Court on a contractual basis and are subject to the provisions included in their particular contract and are not subject to salary and benefits provisions of regular Court employees.
 6. **Full-Time Employee** - An employee who is hired to fill a permanently allocated position to work on a regular basis for 40 hours per week.
 7. **Part-Time Employee** - An employee who is hired to fill a permanently allocated position and to work on a regular basis for less than 40 hours per week.
 8. **Permanent Employee** – An employee who has permanent status.
 9. **Permanent Status** – The status of an employee who has been retained in a permanently allocated position after the completion of the probationary period.
 10. **Temporary/Extra-Help** - An employee who is hired for the purpose of meeting some emergency or unusual situation, such as:
 - To cover for regular employees on vacation or leave of absence
 - To augment the work force on a limited-term basis
 11. **Limited-Term Employee** – In certain circumstances (e.g., special projects, multi-year grant-funded position) it may be desirable to allocate a position with a specified ending date. The position classifications are the same as used for permanent positions, however, the allocation is for a specified time period with an estimated “date certain” expiration date. The reason for the time limit must be clearly stated in the allocation request. The allocation, and authorization to employ a person in such position, automatically expires on the date certain, unless an extension is granted. Limited-term positions should not be used where extra-help would be appropriate.

Employees hired into limited-term positions should be advised in writing of the estimated expiration date for their position during the hiring process. These employees have all the same rights and are subject to the same rules, including layoff, as employees in a permanent position. It is the responsibility of the supervisor to initiate a personnel action (e.g., assignment to a vacancy in another position of the same class, voluntary demotion to a vacancy in another qualified class, layoff, etc.) on an incumbent in a limited-term position prior to the expiration date. An employee

laid off from a limited-term position may displace an employee with less seniority in a permanent position of the same class.

12. Probationary Employee – An employee who is serving a probationary period.

The employment probationary period lasts for a minimum of 1040 hours for all non-management employees and a minimum of 2080 hours for management employees. The Court Executive Officer may extend the probationary period for any non-management position for a period which shall not cause the total probationary period to exceed one year. A probationary employee cannot be considered to fill a vacancy of the same job classification in another division, should one become available, without special approval by the Court Executive Officer.

A probationary period is not required when a permanent employee transfers to another position in the same class within the same or different department.

During a promotional probationary period, promoted employees may be demoted to the classification held immediately prior to the promotion if their job performance does not meet the work standards of the classification to which the promotion was made. The employee does not have to serve another probationary period.

A probationary employee may be released at any time during the probationary period, if in the judgment of the manager or supervisor a dismissal is in the best interests of the Court.

2002 RECRUITMENT, SELECTION, AND PROMOTION PROCEDURES

2002.1 Personnel Appointments

Appointment to the following positions shall be by a majority of the judges concurring:

- Court Commissioner
- Court Executive Officer

For all other direct judicial-related personnel, the appointing authority will be the Director of Court Operations and/or the Deputy Court Executive Officer and the Court Executive Officer, who will jointly recommend to the Court Executive Committee appointment and selection plans that ensure sufficient judicial officer involvement in the decision-making process. The judicial-related activities of the Family Law Facilitator, Research Attorney II, and Judicial Assistants shall be directly supervised by the Presiding Judge in consultation with the Executive Committee.

For all other positions not outlined above, the Court Executive Officer will be the appointing authority.

2002.2 Recruitment, Selection, and Promotion

General Provisions

Recruitment, selection, and promotion decisions will be made on the basis of the applicants' relative ability, knowledge, and skills. Such decisions will be made without regard to race, color, religion, gender, national origin, ancestry, union activity, citizenship, age, marital status, physical disability, mental disability, medical condition, sexual orientation, or any other basis protected by law.

Position Recruitments

Upon a request to fill a position submitted by court management and approved by the Court Executive Officer, a formal recruitment will be initiated. The Court Executive Officer or designee will make a determination as to whether the recruitment will be an open recruitment or a court only recruitment.

All submitted applications received by the appropriate deadline will be reviewed for determination in meeting the minimum qualifications of the position. Those that pass the initial screening will be ranked based on a review of the applicant's experience, education, supplemental question responses, written or oral tests, oral interview, reference checks and any other procedure deemed appropriate. The highest-ranking candidates will be invited to an interview. The number of candidates invited to an interview will be at the discretion of court management.

The highest ranking candidates not selected may be included in an eligibility list for the same positions. This will be at the discretion of the Court Executive Officer or designee based on such factors that include length of time from initial submission of application, or results from initial interviews.

In the case of an open recruitment, if it is determined that two or more applicants' qualifications for the position are equal, including but not limited to interview score, education or experience, preference will be given to the internal candidate(s).

Mediation

Section 71644 of SB 2140 states that disputes between a trial court and its employees regarding the alleged misapplication, misinterpretation, or violation of the Court's recruitment, selection and promotion procedures shall be resolved by binding arbitration. Prior to an evidentiary due process hearing, the parties, by mutual agreement, may request the assistance of a mediator from the State Conciliation Service in an attempt to resolve the grievance. The mediator shall have no authority to resolve the grievance except by agreement of the Court and the employee. In the event the grievance is not resolved, neither stipulations, admissions, settlement proposals nor concessions agreed to or offered during mediation shall be admissible at a subsequent hearing.

Arbitration

In the event that an employee contends that the Court has misapplied, misinterpreted, or violated the policy set forth in this section, the employee may request mediation as outlined in the preceding paragraph, or the employee may file a grievance in accordance with this paragraph. Such a grievance must be submitted in writing to the Court Executive Officer within 10 calendar days of the date the employee knew, or should have known of, the alleged misapplication, misinterpretation, or violation. The grievance shall set forth the employee's name, the date the grievance is submitted, and the alleged facts upon which the grievance is based. The Court Executive Officer shall respond to the grievance in writing within 10 calendar days of the date it is submitted to the Court. If the employee is not satisfied with the Court Executive Officer's response (or if the Court Executive Officer does not respond in writing within 10 calendar days), the employee may, within five calendar days of receipt of the response (or, if there is not response, within five calendar days of the due date of the response), request in writing that the matter be submitted to binding arbitration. The parties may mutually agree to an arbitrator. If the parties are unable to mutually select an arbitrator, they shall request a list of seven experienced labor arbitrators from the Federal Mediation and Conciliation Service or American Arbitration and mutually agree to one of the arbitrators on the list. The arbitrator shall issue a binding decision. The arbitrator's authority and jurisdiction is limited to the issue of whether the Court misapplied, misinterpreted, or violated this section in the manner set forth in the grievance.

The arbitrator shall have no authority to add to, detract from, alter, amend, or modify any of the Court's rules, policies, or procedures.

2002.3 Employee Background Check

California Code of Regulations (CCR 703(d)) requires that record checks shall be conducted on all personnel hired after July 1, 1975 who have access to criminal offender record information. The record checks consist of a Department of Motor Vehicles (DMV) check, Department of Justice fingerprint check, and FBI fingerprint check. The background check also includes a DMV vehicle record check, secondary education information verification, and a reference check with former employers.

Job candidates will receive a Background Check Requirement Candidate Information Sheet, and will be required to complete an Authorization and Release Form and a Consumer Report Disclosure and Release. Results of record checks will be kept in a secure location to guarantee confidentiality. The Court Executive Officer or designee will be responsible for maintaining the confidentiality of the record check results. If information contained in the background checks results in a candidate's disqualification for a position, the Court Executive Officer or designee will not reveal the information contained in the reports to the manager/supervisor who made the offer of employment. The only information shared will be that the applicant did not have a satisfactory background check.

2003 REDUCTIONS IN FORCE

The Court Executive Officer may lay off an employee based upon the organizational necessity of the Court. A layoff for organizational necessity means a termination based on the needs or resources of the Court, including, but not limited to, a reorganization or reduction in force or lack of funds. As a general rule, layoff procedures should be applied on a Court-wide basis. However, where appropriate, after meeting and conferring with SEIU, the Court Executive Officer may authorize that layoff procedures be restricted to employees of one or more units of the Court.

An employee may be laid off from his or her job class and regular Court service three weeks (21 calendar days) after formal, written notice has been presented or mailed to the employee at his or her last known address.

Employees who have received formal written layoff notices, and who are unable to displace other Court employees or secure other regular Court employment, with the approval of the Court Executive Officer, may separate from Court service after the eighth work day of the three-week notice period and receive their normal base salary for the hours they would have normally been scheduled to work during the remainder of the three-week period.

1. Order of Layoff

Whenever it is necessary to layoff one or more employees, the Court Executive Officer shall identify which classifications in which divisions(s), section(s), or unit(s) shall be subject to layoff. Within each such affected classification, employees shall be laid off in the following order:

- a. Temporary employees.
- b. Probationary, part-time and full-time employees who have less than 1040 hours of continuous Court service in the affected classification.
- c. Part-time and full-time employees with more than 1040 hours of continuous Court service in the affected classification.

Employees with less total continuous Court service in the affected class shall be laid off before those with greater total continuous Court service in the affected class. Continuous part-time service shall be pro-rated on an hour-for-hour basis in its relationship to full-time work.

Continuous Court service in the class in which the layoff occurs or in any other class having at the date layoff notice is served the same or higher salary allocation shall be counted as service in the affected class.

An employee who is laid off shall have the right to displace a less senior employee in a lower classification (i.e., one with a lower salary/wage range) in which the employee who is displacing had previously achieved regular status.

The employee who is displaced shall be the employee with the least seniority in the lower classification. An employee who is displaced shall also have the right to displace a less senior employee in a lower classification in which the employee who is displacing had previously achieved permanent status. Employees who exercise these displacing rights shall receive the pay, benefits, and terms and conditions of employment of the classification to which they displace and shall have rights under the Restoration section of this policy.

2. Restoration

A permanent employee who has been laid off or displaced from, or who has in lieu of layoff been demoted voluntarily from a position which the employee occupied in good standing shall, in writing, by certified mail return receipt requested, be offered restoration to a vacant position in the classification from which the employee was laid off which the Court determines to fill within two years after the date the employee is laid off or displaced. The Court Executive Officer shall make a reasonable attempt to notify an employee who is eligible for restoration. If an employee cannot be reached within 20 calendar days from the date such offer is mailed, the right to restoration shall be forfeited. Should an employee not accept restoration within five regular working days after the receipt of the offer or should the employee decline to begin work within 15 regular working days after the receipt of the offer, the employee shall be declared unavailable and shall forfeit the right to restoration unless further offer of restoration is granted by the Court Executive Officer.

Whenever more than one person has been laid off or displaced in the same classification at the Court, the order of restoration shall be in the reverse order of layoff. An employee, who has restoration rights in more than one classification because of layoff or displacement in more than one classification, shall have restoration rights in each of the classifications from which the employee was laid off or displaced. Refusal to accept restoration in one classification does not eliminate the right to restoration in the other classification or classifications.

Whenever a person is unavailable for restoration, the next senior person who is eligible for restoration shall be offered restoration in the same manner and under the same conditions. Should there be no person eligible and available for restoration, the position may be filled by the Court Executive Officer in any manner consistent with this policy.

A person who has forfeited an opportunity for restoration may, within 10 calendar days after forfeiture, request in writing to the Court Executive Officer that the employee be considered for a further offer of restoration, should such an opportunity occur within one year after layoff or displacement. The employee's request shall contain a full explanation of the reason for the employee's unavailability. Within 30 calendar days after the request is filed, the Court Executive Officer shall either grant

or deny the request. The Court Executive Officer may specify conditions under which a further offer of restoration may be granted.

3. Benefits

While on layoff, an employee will not continue to accrue benefits. However, for employees who continue to be laid off from Court service, the Court will make its usual medical insurance contribution for the first six pay periods following layoff and one-half its normal contribution for the next six pay periods following layoff. Beginning on pay date 13 following layoff, laid off employees may elect to continue medical insurance by utilizing COBRA for the remainder of the 18-month period. Employees who are laid off shall receive all benefits, including vacation benefits, that would be payable in the event of an actual termination of their employment as of the date of layoff. No distribution will be made of benefits that would not be paid in the event of a termination.

4. Appeals

Implementation of a layoff decision may be appealed by the affected employee, however, the decision to layoff may not be appealed. Any formal written notice to an employee stating that the employee is subject to layoff or layoff resulting from displacement may be appealed as follows:

- a. Within ten regular Court business days from the date of the receipt of the notice, an employee may appeal the action in writing to the Court Executive Officer.
- b. Within ten regular Court business days after receiving the appeal, the Court Executive Officer shall give a written decision to the employee.
- c. If the employee is not satisfied with the decision in (2) above, the employee may, within ten regular Court business days after receiving the decision, request in writing that the matter be submitted to binding arbitration (the Court will follow the arbitration process outlined in Section 2002.2, Recruitment, Selection, and Promotion).

2004 DISCIPLINE AND DISCHARGE PROCEDURES

Exclusions

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 it is determined 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” means a fair and honest cause or reason, regulated by good faith on the part of the Court.

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

1. Misstatement of facts contained in the employee’s application/resume or otherwise during the hiring process, no matter when discovered;
2. Falsifying or making a material omission on any Court document (e.g., time card, Court records);
3. Disclosure of confidential information;
4. Insubordination;
5. Excessive absence/tardiness or absence without leave;
6. Discourteous or rude conduct;
7. Possessing or bringing firearms, weapons or hazardous or dangerous devices on Court property;
8. Being at work while under the influence of alcohol or illegal drugs, or possessing illegal drugs while on Court property;
9. Theft of Court property or unauthorized possession of property that belongs to the Court or another employee;
10. Misconduct;
11. Unsatisfactory job performance; or
12. Violation of any Court rule, policy, or procedure.

Minor Discipline

1. Written Reprimand

Within ten calendar days of the date an employee receives a written reprimand, he or she may submit a written response to the reprimand, which will be maintained in the employee’s personnel file along with the reprimand.

2. Suspension Without Pay for Five Days or Less

In the event the Court imposes disciplinary action consisting of a suspension without pay of five days or less, the affected employee may appeal such discipline in the manner set forth in Steps One and Two below. Any appeal of suspension shall be maintained in the employee’s personnel file (unless it is decided that the suspension was not warranted).

When the Court has decided to take disciplinary action consisting of a suspension without pay for five days or less, the affected employee shall be given written notice of the disciplinary action. The notice of disciplinary action shall include:

- a. The action taken, the date it will be effective, and the specific grounds and particular facts upon which the disciplinary action is being taken;
- b. The materials upon which the action is based or a statement indicating where the materials upon which the action is based are available for inspection, or a combination of the two; and
- c. A statement informing the employee of his or her right to appeal in the manner set forth in this section.

a. Step One

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

b. Step Two

If the employee is not satisfied with the Step One response, he/she may appeal to the Court Executive Officer or designee. The appeal must be submitted within ten calendar days of the Step One response and shall consist of the employee's Step One appeal, the Step One response, and a statement from the employee explaining his/her disagreement with the Step One response. The Court Executive Officer or designee shall schedule a meeting with the employee and, where applicable, his/her representative, to discuss the appeal.

Within ten calendar 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.

However, if the Court Executive Officer or designee upholds the suspension, the employee may challenge the propriety of such discipline in a subsequent post-disciplinary hearing where the minor disciplinary suspension has been used by the Court to support the major discipline that is being reviewed in the hearing. This challenge is solely limited to the question of whether the minor disciplinary suspension was warranted or not and thus whether it can be relied upon by the Court to support the major discipline in issue. The arbitrator shall have no authority to award any damages (such as back pay)

to compensate the employee for the suspension period even where the arbitrator concludes that the minor disciplinary suspension was not warranted.

If an employee does not file a timely appeal at either Step One or Step Two, the right to appeal shall be considered waived.

Major Discipline

1. Notice of Discipline/Discharge

When the Court is considering taking disciplinary action consisting of a suspension without pay for more than five days, a termination, or a demotion, or a reduction in pay, 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 his/her right to respond, either orally or in writing, to the charges, by the date specified in the notice.

The Court Executive Officer may place the employee on paid administrative leave during the response period. If the employee requests additional time in which to prepare a response, the Court Executive Officer will consider the circumstances and grant additional time, if warranted.

If the employee does not respond to the charge(s) within the time specified in the notice of proposed disciplinary action, the proposed disciplinary action will be considered conclusive and shall take effect as described in the notice of proposed disciplinary action.

If the employee does respond to the charge(s) within the time specified in the notice of proposed disciplinary action, the Court Executive Officer shall consider the employee's response and all of the information upon which the charge(s) is based. The Court Executive Officer shall then issue a determination, either affirming or modifying the proposed disciplinary action, and the action shall then take effect. If the determination consists of a suspension, a termination, or a demotion, or a reduction in pay, the employee may file a written appeal, within ten calendar days of the date the Court Executive Officer issued the determination, to the Court Executive Officer to have a post-disciplinary hearing. If no such appeal is timely filed, the determination of disciplinary action shall stand.

2. Hearing to Review Disciplinary Decisions

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

Within 10 calendar days of the date 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 an impartial hearing officer as required by Government Code section 71653. 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 either the Federal Mediation and Conciliation Service or the American Arbitration Association and mutually agree to one of the arbitrators on the list.

The proceedings shall conform to the due process provisions of Government Code section 71653 (b) through (f). Generally, this requires: a written decision that contains findings of fact and conclusions; that the parties may call witnesses and present evidence and also that the Court must release employees to testify at the hearing; that the arbitrator will have the authority to issue witness subpoenas and subpoenas duces tecum; that the employee will have the right to representation; and that, if the arbitrator disagrees with the Court's disciplinary decision, the Court shall furnish to the employee, without cost, a record of the proceedings before the arbitrator. 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 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 under Government Code section 71653(c) shall be released with pay.

2005 HOURS OF WORK

2005.1 Work Hours

Work hours are typically from 7:45 a.m. to 4:45 p.m., or 8:00 a.m. to 5:00 p.m., Monday through Friday, unless otherwise authorized by the employee's immediate supervisor.

Each employee is expected to show up for work on time. Employees who will be absent on a scheduled work day must notify their supervisors within at least 30 minutes of their usual starting time. If the supervisor is not available, the employee should speak with the assistant supervisor, division manager or someone in Court Administration. Employees shall not leave a voice mail as the only means of notification. Failure to notify a person by the method outlined above shall be considered an unauthorized absence.

Employees shall be granted rest breaks, except where unusual operational demands prevent a rest break. Rest breaks will not be unreasonably or consistently denied. Rest periods shall not exceed 15 minutes in any four consecutive hours of work and shall be considered as time worked.

Employees shall be granted a duty-free meal period during each work shift which exceeds six consecutive hours. The duration of the meal period may be not less than 30 minutes nor greater than 60 minutes and will be scheduled as near to the middle of the work shift as reasonably possible. Different meal periods may be assigned to different Court units. Duty-free meal periods shall not be considered as time worked.

2005.2 Overtime

The Court Executive Officer and/or an employee's supervisor may require an employee to work overtime. In order for employees to work overtime, they must receive prior approval from their supervisor; approval by the Court Executive Officer or a Deputy Court Executive Officer is required for overtime worked in excess of eight hours per pay period. For more details on overtime policies, refer to the overtime provisions in either the Salary and Benefit Policies or applicable MOU.

2006 PAY PERIODS, PAY DAYS, AND TIMEKEEPING

Each pay period shall cover 14 consecutive calendar days and shall start on a Tuesday and end with the second Monday thereafter. Employees shall be paid for each hour of pay status and other compensation nine calendars days following the last day of the pay period. If a holiday falls on said day, payment shall be made on the preceding working day. Each permanent employee shall be considered to have pay status whenever the employee is at work, on vacation, absent on a paid holiday, absent on leave with pay, or absent on authorized compensatory time off.

Employees are required to turn in a completed time sheet to their immediate supervisor by 8:30 a.m. on every other Monday at the end of the pay period. When a holiday falls on a Monday, time sheets are due the preceding Friday morning.

Employees are responsible for recording their work time on the time sheet on a daily basis. Supervisors are responsible for checking all time sheets for accuracy prior to signing. Supervisors shall maintain records to verify the accuracy of time sheets. Supervisors are responsible for forwarding completed time sheets to the payroll technician on the day they are due.

2007 PERFORMANCE APPRAISALS

Employees shall receive a written performance evaluation from their supervisor at the end of their probationary period (six months following hire or promotion) and once yearly thereafter.

Performance evaluations are intended to help Court employees work to their greatest potential, comparing performance with assigned duties and planning for the future. Evaluations also serve to address and correct marginal or unsatisfactory performance.

The performance evaluation process is intended to:

1. Encourage staff to perform their duties as effectively as possible.
2. Improve work performance by reinforcing to each employee what is expected.
3. Provide a basis for recognizing employee achievement.
4. Serve as a tool for constructive communication between supervisors and employees.
5. Identify individual employee training needs.

The employee's performance evaluation describes positive aspects of the employee's performance. It also identifies specific areas that may need improvement or additional training, documents progress, and describes specific corrective steps or additional training needed to improve performance. Interim progress reports may also be prepared in accordance with Court policy.

While the written evaluation is the formal process for rating employee performance, supervisors are expected to provide feedback to employees on a regular basis.

Evaluations must be reviewed and approved by the division manager prior to the employee's evaluation meeting with the supervisor.

If employees do not agree with their performance evaluations, they have the right to submit a written response to the evaluation. Such response will be maintained in the employee's personnel file, along with the original evaluation, unless it is determined that the original evaluation should be amended to reflect the employee's input.

2008 NEPOTISM

No person shall be employed without written approval of the Court Executive Officer in any position in which the employee will directly or indirectly supervise or in which the employee will be directly or indirectly supervised by an employee who is his or her husband, wife, registered domestic partner, parent, stepparent, brother, sister, child, stepchild, grandchild, grandparent, mother-in-law, father-in-law, daughter-in-law, son-in-law, or any person with

whom the employee has a relationship in loco parentis. In making a decision, the Court Executive Officer will take into account whether such employment poses difficulties for supervision, security, safety or morale.

2009 STAFF DEVELOPMENT

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

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

2009.1 Purpose

2009.1.1 Develop a training, education, and staff development program that promotes the following long-term strategic goals of the Court:

- a) Create a unified Superior Court organization largely by (1) fostering a common, unified court organizational culture that promotes a comprehensive set of values and strategic priorities, (2) clarifying the Court's role, functions, and strategic priorities for all court personnel, and (3) developing a well-trained professional workforce committed to the unique justice role of the courts in California;
- b) Increase the Court's capacity for providing effective and efficient justice, in part by (1) reengineering critical work processes that do not meet performance standards and/or provide effective service, and (2) identifying and developing approaches that lead to the most effective outcomes;
- c) Build effective justice system collaboration and partnerships.

2009.2 Background

2009.2.1 California trial courts have undergone unprecedented system wide changes during the last 10 years. The changes in trial court funding, community-focused strategic planning, collaborative justice courts, developing and administering a unique court employee personnel system, facilities management, and greater emphasis on customer service have drastically changed the way courts operate and are expected to operate by the public and all those that depend on services and information from the court.

2009.2.2 These organizational and systemic changes have also directly increased the need for an improved staff development program. The overriding goal for this program

is to develop a highly professional and competitive labor force through enhancement of employees' skills, knowledge and abilities. The Court recognizes this critical need and opportunity to create a learning organization anchored on excellence, professionalism, and accountability. This program will be embedded into our Human Resources Division as a means to attract, retain, train, educate and develop employees and attain organizational excellence.

2009.3 Program Overview

- 2009.3.1 Objective is to restructure the Staff Development program by providing meaningful opportunities for personal and professional growth and development that furthers the Court's strategic goals and improves overall court performance.
- 2009.3.2 This program will apply to all court personnel regardless of classification and will be administered fairly;
- 2009.3.3 This program will reimburse pre-approved training, education or development courses based on established criteria (see next section on Eligibility) and within the funding capability of the court;
- 2009.3.4 This program is core to the mission and vision of the Court;
- 2009.3.5 The overarching goal is to create a highly professional and well-trained work force to provide excellent service and justice.

2009.4 Eligibility /Criteria

- 2009.4.1 All Court full-time and part-time regular (probationary period completed) employees are eligible under this program;
- 2009.4.2 Employees participating in this program will be required to maintain continuous Court employment for a specified period of time to be established, as a condition of reimbursed coursework. If an employee terminates his/her employment with the Court prior to the specified time (i.e. one year) following completion of reimbursed coursework, the employee may be required to reimburse the Court at some pro-rata share based on the initial cost and reasons for departure.
- 2009.4.3 Reimbursement for pre-approved coursework will be based on successful completion.
- 2009.4.4 If a letter grade is given, then the course must be passed with a C grade or better, if pass/fail – a P, if credit/no credit – credit.
- 2009.4.5 For workshops, seminars or certificate programs, a certificate of completion or signed Proof of Attendance will be required.

2009.5 Eligible Courses

- 2009.5.1 The Court will be responsible for developing, implementing, managing, and evaluating education, training and development programs. Human Resources will be the primary unit coordinating this effort and will collaborate with court management and staff in providing meaningful and ongoing training and development opportunities. This will be accomplished through continuous evaluation and needs assessment and managing of an annual training, education, and staff development plan. The scope of courses should be job-related and shall maintain or enhance the employee's skills in current job or to gain additional skills or knowledge required for a promotional process within the normal career path for the position and/or mandatory training as required by statute or Rule of Court based on job classification.
- 2009.5.2 The Court's annual training and education plan will be the primary educational source for staff development and other sources will be considered secondary;
- 2009.5.3 Reimbursement under this plan shall be limited to educational assistance as defined by the IRS and for secondary sources will be limited to tuition and textbook costs only. The benefits provided under this program must consist solely of educational assistance as defined by IRS Code Section 1.127-2(c).
- 2009.5.4 Reimbursement for training and education for Court Interpreters will be limited to and governed by the Region Two Court Interpreter Agreement.

2009.6 License, Bar Dues, and Continuing Education Reimbursement

- 2009.6.1 Annual California Shorthand Reporting license renewal fees limited to \$125.00; Annual State Bar Dues required for Research Attorneys and Family Law Facilitator limited to \$410, and biennial license renewal fees for Child Custody Evaluator limited to \$140, and/or LCSW limited to \$110.
- 2009.6.2 Reimbursement for Court Interpreter state certification and licenses will be limited to and governed by the Region Two Court Interpreter Agreement

2009.7 Application Process

- 2009.7.1 Employees will be responsible for maintaining their own training and educational records with assistance from the Human Resources database;
- 2009.7.2 Supervisors and managers will be responsible for jointly identifying needs and developing training and education priorities for their respective units through staff development plans. Staff development plans will be a part of the annual performance evaluation for each employee.

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- 2009.7.3 Human Resources will use these priorities or needs assessments to develop an annual schedule for training, educational opportunities and programs;
- 2009.7.4 Reimbursement for courses will be limited per fiscal year and will be based on the Court's annual funding. The Court agrees to allocate \$15,000 for fiscal year 2011-2012. All reimbursements will be subject to approval by the supervisor, manager, director, Deputy CEO and CEO.
- 2009.7.5 See Staff Development Application for instructions.

2010 RECORDS MANAGEMENT POLICY

2010.1 Personnel Files

1. Maintenance of Official Personnel Files

- a. The Court will maintain an official personnel file for each employee. Employees should inform the Court Human Resources designee of any changes in personal information, such as home address, home telephone number, number of dependents for tax withholding purposes, and person(s) to notify in event of an emergency.
- b. Except as provided in section 4, information contained in an employee's personnel file will be disclosed internally only to persons with a need to know or pursuant to a proper legal request.

2. Inspection of Official Personnel Files

- a. An employee, upon written request to the Court Human Resources designee, may at reasonable times and intervals inspect his or her official personnel file that is used or has been used to determine the employee's qualifications for employment, promotion, additional compensation, or termination or other disciplinary action. An employee may inspect only his or her official personnel file. At the employee's request, the employee shall be provided one copy of any document placed in the employee's file.
- b. 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 after the employee has made a request for his or her official personnel file.

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- c. 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 2.a. and 2.b.
 - d. Should an employee wish to have a union representative review the employee's own personnel records, the employee will provide the union representative with a signed letter indicating the employee's consent to have the employee's records reviewed. The union representative shall present said consent letter to the Court Executive Officer, or designated representative, prior to reviewing the employee's records. The Court Executive Officer shall keep the official personnel records of all employees within Court Human Resources.
 - e. No employee shall have any comment adverse to the employee's interest entered in the employee's official personnel records file which may be used for disciplinary action without the employee having first read and signed, or initialed the document containing the adverse comment. Except that such entry may be made if after reading the document, the employee refuses to sign or initial it. (The employee shall have 30 calendar days from receipt to file a response.) Should an employee refuse to sign or initial the document, that fact shall be noted on the document and signed or initialed by the supervisor. In the event an employee is not available due to resignation, termination, or leave of absence longer than 30 days, to read and sign or initial the document, a copy of the document with a notation stating "cc: Personnel file" will be mailed to the employee's last known address. For purposes of this Section, "adverse" shall refer to comments critical of any aspect of the employee's performance of job duties.
 - f. Positive comments regarding an employee's performance may be maintained in the employee's personnel file as determined by the CEO or designee.

3. Retention of Official Personnel Files

- a. 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 final date of employment.
- b. In the event of litigation involving an employee, the employee's official personnel file will be retained until the final disposition of the matter, or seven years, whichever is greater.

4. Miscellaneous

Reference checks regarding current or former employees must be directed to either the Court Human Resources designee or the Court Payroll Technician.

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, dates of employment, and current or final rate of pay.

2010.2 Payroll Records

Payroll records reflecting each employee's name, address, occupation, hours worked each day and week, wages paid and date of such payment, amounts earned as straight-time and overtime, and deductions will be retained for at least three years. Earning records and wage rate tables will be retained for at least two years.

2010.3 Medical Information

1. Maintenance of Medical Information

Medical records will be maintained separately from each employee's official personnel file in the Court Human Resources Department. Only Court Human Resources personnel shall have access to the information. Medical records include, but are not limited to, the following:

- a. Pre-employment/post-offer medical examination records;
- b. Medical examination records (e.g., fitness for duty examinations);
- c. Documents relating to any reasonable accommodation considered under the Americans with Disabilities Act and/or under the California Fair Employment and Housing Act;
- d. Documents relating to an employee's request for a family and medical leave for the employee's serious health condition and/or for a covered family member's serious health condition, if eligible under the Family Medical Leave Act or the California Family Rights Act; and
- e. Any documents from the employee's healthcare provider including, but not limited to, sick leave verification notes.

2. Retention of Medical Information

Medical records will be retained for a period of three years.

2010.4 Immigration and Naturalization Service Form I-9

INS Form I-9s and supporting documentation will be maintained separately from each employee's official personnel file. These documents will be retained for a minimum of three years, or for one year after termination of employment, whichever is longer.

Section 3000

REVIEW OF JOB CLASSIFICATION AND TITLES, SALARY-SETTING PROCEDURE, SALARY SCHEDULE, AND ALLOCATION OF POSITIONS

3001 REGULAR REVIEW OF JOB CLASSIFICATIONS AND TITLES

From time to time, the Court Human Resources designee will review the job classifications and titles of 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.
3. The classifications and titles of positions are appropriate given their relationship to other Court classifications and titles.

Court job classifications and titles shall be developed by the Court Human Resources designee in consultation with managers, Court Administration, and the State Trial Court Model Classification Listing, and shall be approved by the Court Executive Officer and the Court Executive Committee.

Whenever a significant and long-term change is made in the duties and responsibilities of a position, such changes should be reported to the Court Human Resources designee (such changes may be reported by any Court employee or SEIU through the employee's manager to the Court Human Resources Manager for review by the Court Executive Officer). A reclassification study shall be conducted if the Court Executive Officer, in consultation with the Court Human Resources designee, determines that a significant change in the duties of the position has occurred.

At the conclusion of a study, any recommended changes shall be presented by the Court Executive Officer to the Court Executive Committee for review and approval/disapproval.

The Court Executive Officer may provide that the incumbent of a reclassified position may retain the position when he/she finds that the incumbent has satisfactorily performed the duties of that position for a continuous 12-month period. The Court Executive Officer may shorten the 12-month period due to needs of the Court. Upon recommendation of the Court Human Resources

designee and approval of the Court Executive Officer, the probation period after a reclassification may be waived when the following criteria are met:

1. Employees have performed a substantial portion of the essential duties in the new classes for at least six months (1,040 hours) or a full work cycle – full work cycle might be up to 12 months, if work has essential duties that are periodic (e.g., annual budget); and
2. Employees have completed the probation period for their current class; and
3. The employing unit confirms satisfactory performance of such employees in writing via a performance evaluation completed within the last 6-12 months (or full work cycle) before waiver request is granted.

3002 SALARY-SETTING PROCEDURE

In setting and revising salary ranges for Court positions, the Court Human Resources designee, upon approval of the Court Executive Officer, shall gather and consider necessary data including, but not limited to, local market conditions and other local compensation-related issues such as difficulty of recruitment or retention. The Court may retain an outside consultant for this purpose.

The Court Human Resources designee will review the salary ranges as dictated by the ability to recruit qualified candidates to ensure that they are kept current, using relevant market and cost-of-living data, and will revise them as necessary, subject to meet and confer with the recognized employee organizations.

Every salary range shall have a minimum, midpoint, and maximum salary figure. New employees will generally be hired at the minimum rate established for the position. The Court may appoint an employee to a salary step above the minimum rate if approved by the Court Executive Officer. Regular employees will generally be eligible to advance to higher salary rates within the range if they have received a satisfactory or better performance evaluation for the preceding year, and are recommended for salary advancement by their supervisor.

3002.1 Salary - Consideration Upon Reappointment or Return

A full-time or part-time employee who resigns in good standing and is reappointed on a full-time or part-time or extra-help basis in the same or a closely related class in the same or a lower salary range within two years of resignation shall not be paid less than two steps below the salary step paid at the time of resignation. Approval of the Court Executive Officer is only required if the person is rehired at a salary step which exceeds the salary step paid at the time of resignation.

A full-time or part-time employee who resigns in good standing and, within one month of the date of resignation, is appointed to an extra-help job in any unrelated class may, with approval of the Court Executive Officer, receive the salary step which is closest to but does not exceed the step rate received upon resignation.

3002.2 Salary - Extra-Help to Extra-Help or Permanent Appointment

An extra-help employee who is appointed to an allocated part-time or full-time position or on an extra-help basis in any class and without a break in service, shall be paid at a salary step in the appropriate salary range which is nearest in amount to that of the step received in the classification held immediately prior to such appointment. Employment at a higher salary step not to exceed the maximum of the range may be authorized upon recommendation of the Court Human Resources designee and approval of the Court Executive Officer. This provision does not apply to simultaneous extra-help employment in more than one extra-help position.

3002.3 Salary - Upon Return of Extra-Help Employees

When an extra-help employee returns within one year from the date of termination to a classification which the employee previously occupied, the employee shall receive the same salary step of the range as the employee received upon separation. Such employee shall be considered for merit increase when the employee's total hours in pay status before and after separation and restoration equal the number of hours required for a merit increase.

3002.4 Salary - Upon Reappointment Following Layoff

Any full-time or part-time employee displaced, laid off, or voluntarily demoted in lieu of layoff and reappointed within two years from date of layoff in the same class from which separated or in a closely related class in the same salary range or in a lower salary range than the class from which separated, shall be paid at the same salary step in the salary range as the employee was paid at the time of displacement, layoff, or voluntary demotion, or the salary step of the range which is closest to but not exceeding the salary step at which the employee is currently being paid as a Court employee, whichever is greater. Such employee shall be considered for a merit increase when the employee's total hours in pay status before and after separation and restoration equal the number of hours required for a merit increase.

3002.5 Salary - Upon Promotion

Except as otherwise provided herein, any full or part-time employee who is promoted to a position or a class allocated to a higher salary range than the class from which the employee was promoted shall receive the salary step of the appropriate range which would constitute an increase of salary of at least five (5) percent of the employee's salary step before promotion, but not less than the minimum salary range of the new class nor greater than the maximum salary

step of the new class. If a promotion occurs on the same day a merit increase is due and approved, the merit increase shall be computed first and subsequently the increase due to promotion.

An employee who is promoted shall be considered for a merit increase when the employee's total hours in pay status, exclusive of overtime subsequent to promotion, equals 2080 hours. The effective date of the merit increase shall be in accordance with Section 3002.14.3.

3002.6 Salary - Upon Promotion - Advanced Salary Step

Upon promotion of a full-time or part-time employee to a new class, the Court Human Resources designee may recommend to the Court Executive Officer that the person being promoted shall receive a base hourly rate of pay which is higher than that to which the employee is entitled, but which does not exceed the top salary step of the range.

3002.7 Salary - Upon Demotion During Probation

Any full-time or part-time employee who, during the employee's probationary period, is demoted to a class which the employee formerly occupied in good standing during the same period of continuous employment in paid or unpaid status shall have the employee's salary step rate reduced to the salary the employee would have received if the employee had remained in the lower class throughout the employee's period of service in the higher class. The employee's eligibility for merit advancement shall be determined as if the employee had remained in the lower class throughout the period of service in the higher class.

3002.8 Salary - Upon Involuntary Demotion

A full or part-time employee, to whom the circumstances described in Section 3002.7 above do not apply, who is demoted involuntarily to a position of a class which is allocated to a lower salary range than the class from which the employee is demoted shall have the employee's salary step rate reduced to the salary step in the range for the new class which is the next lower than, or not more than five (5) percent less than the salary step received before demotion, except that such employee shall not be paid more than the maximum of the range of the class to which the employee is demoted. The employee's eligibility for merit advancement shall not change as a result of demotion.

3002.9 Salary - Upon Voluntary Demotion

A full or part-time employee, to whom the circumstances described in Section 3002.7 above do not apply, who is demoted voluntarily or who displaces as a result of layoff to a position in a class which is allocated to a lower salary range than the class from which the employee is demoted or displaced as a result of layoff shall receive the highest salary step in the range for the

new class which does not exceed the salary received before demotion or displacement but not exceeding the maximum of the salary range for the new class. The employee's eligibility for merit advancement shall not change as a result of demotion or displacement.

3002.10 Salary - Upon Reappointment From Voluntary Demotion

Any full-time or part-time employee who is demoted voluntarily and who is reappointed on a full-time or part-time basis in the same class within two years, shall be reappointed at either the same salary step the employee received at the time of demotion or the salary step nearest the amount of the employee's present salary step, whichever is greater.

3002.11 Salary - Upon Transfer

A full-time or part-time employee who transfers from one allocated position to another allocated position in the same class or in another class to which the same salary range is applicable, shall continue to receive the same salary step.

3002.12 Salary - Upon Reallocation of Class

An employee in a position of a class which is reallocated from one salary range to another shall continue to receive the same salary step.

3002.13 Salary - Upon Reclassification of Position

3002.13.1 Salary - Upon Reclassification - Same Salary Range

Whenever a position is reclassified to a class which is allocated to the same salary range, the incumbent shall retain the same salary step received prior to the reclassification.

3002.13.2 Salary - Upon Reclassification - Higher Salary Range

Except as otherwise provided herein, whenever a position is reclassified to a class which is allocated to a higher salary range, the salary step of the incumbent shall be as provided by Section 3002.5.

3002.13.3 Salary - Upon Reclassification - Lower Salary Range

Whenever a position is reclassified to a class which is allocated to a lower salary range, the salary of the incumbent shall be as provided by the Section 3002.9. Whenever the effect of reclassification is to reduce the salary of an incumbent appointed to the position, the Court Executive Officer may, upon recommendation by the Court Human Resources designee, direct that the incumbent shall continue to receive the previously authorized salary until termination of

employment in the position, or until a percentage increase in pay may be authorized, whichever first occurs. Appropriate records shall show such an incumbent as being paid at a special fixed rate (Y rate) of the salary range for the employee's class.

3002.14 Merit Advancement Within Salary Range

3002.14.1 Merit Increase - Not Automatic

Merit increases within a range shall not be automatic. They shall be based upon merit and shall be made only upon written approval by the employee's supervisor as expressed in a completed performance evaluation with an overall rating of satisfactory or better. Failure to complete a performance evaluation in a timely manner, assuming an overall rating of satisfactory or better, will not result in loss of salary for the employee due to a delay in the evaluation process. Merit increases shall be made within the appropriate salary range for the class by computing the new salary step rate which is most closely equivalent to five percent (5%) higher than the previous base hourly rate.

3002.14.2 Merit Increase - Total Hours Required

Each employee shall be considered for an initial merit increase when the employee's total in-service hours within the current class equals 2080 hours. Each such employee shall be considered for subsequent merit increases when the employee's total in-service hours at each step to which advanced equals 2,080 hours.

3002.14.3 Merit Increase - Effective Date

An employee's merit increase shall be effective on the day that the employee reaches the required number of in-service hours, as specified in Section 3002.14.2.

3002.15 Salary - Reduction in Pay Upon Discipline

For a full-time and part-time employee who has his/her pay reduced in accordance with the Court Personnel Plan, the reduction in pay shall apply to regular hours worked, including hours treated as hours worked (currently paid administrative leave, jury duty, military leave, and compassionate leave). The rate reduction excludes premiums, overtime, the usage of sick leave, vacation leave and compensatory time accrued. Also excluded are the buyback or payoff of sick, vacation and compensatory accrued leaves. A reduction in pay shall not exceed five (5) percent of the employee's salary step prior to the reduction and shall not exceed 1040 hours in duration.

3002.16 Temporary Assignment to a Higher Class

An employee assigned by the Court Executive Officer to perform the majority of the duties of a higher classification to fill a vacancy caused by resignation, termination, promotion, or an approved leave of absence, must meet the minimum qualifications of the higher classification. Such employee who serves continuously in such assignment for more than 96 actual work hours shall be paid retroactive to the first hour worked and thereafter according to the salary step of the range for the new class at least five percent (5%) greater than the employee's salary step before promotion, but not less than minimum salary step of the new class, nor greater than the maximum salary step of the new class. The employee shall receive this salary step as long as the employee continues to serve in such assignment and shall be entitled to receive increases for the higher class as described in Section 3002.18, below.

3002.17 Temporary Assignment - Subsequent Assignments

An employee who has met the minimum qualifications may be subsequently reassigned by the Court Executive Officer to fill a vacancy in the higher class. Any such employee must serve in such capacity for more than two (2) consecutive days of work prior to receiving the salary step as described in Section 3002.16.

3002.18 Temporary Assignment - Merit Increase Eligibility

Temporary assignments shall be administered in the following manner:

- a) If an employee assigned to a higher class has not yet reached the I step in the lower class, in-service hours while temporarily assigned to a higher class shall count as time served in the lower class for purposes of merit increase(s). If an employee reaches the I-step of the lower class while temporarily assigned, all subsequent in-service hours worked while assigned to the higher class will begin counting toward a merit increase in the higher class.
- b) If an employee is at the I-step of the lower class when assigned to the higher class, in-service hours while temporarily assigned to a higher class shall count as time served in the higher class for purposes of merit increase(s) beginning with the first hour assigned in the higher class.
- c) An employee who is subsequently reassigned by the Court Executive Officer within 12 months of the ending date of the most recent temporary assignment, shall be considered for a merit increase in the higher class when the employee's total cumulative hours in the higher class are in accordance with Section 3002.14.2.

However, if the employee received credit toward a merit increase in the lower class for hours worked in a temporary assignment as provided in Section 3002.18.a, such hours shall not also count toward a merit increase in the higher class.

3002.19 Bilingual Pay

When a Manager designates a position within the bargaining unit which requires bilingual skills on the average of at least 10 percent of the employee's work time, such an employee in the designated position shall first demonstrate a language proficiency of job-related terminology acceptable to Court Human Resources. The Court shall pay the employee in a designated position a premium of one dollar (\$1.00) per hour in addition to the employee's base hourly rate of pay for each hour worked in a bilingual designated position. Bilingual skills shall include translating, answering phone calls, research, and speaking or corresponding with clients in a language other than English.

3002.20 Bilingual Pay - Termination of

When a Court Operations Manager determines that a designated bilingual employee is no longer utilizing his/her bilingual skills at least 10% of the employee's time for three consecutive pay periods, said employee may be removed from the list of designated bilingual employees. Thereafter, the employee will no longer be entitled to receive Bilingual Pay, unless redesignated by the Court Operations Manager at a later date.

3002.21 Bilingual Pay - Daily Assignment

When

- (a) A Court Operations Manager has designated a position within the bargaining unit which requires bilingual skills on the average of at least 10 percent of the employee's work time, and
- (b) An employee has been assigned on an on-going basis to carry out such assignment, and
- (c) The employee so assigned becomes absent by virtue of temporary leave such as sick leave, vacation, compensatory time off, or assignment to other duties, then the Court Operations Manager may assign an employee to carry out the required bilingual duties of the assigned position on a daily basis. This back-up person, having first demonstrated a proficiency of job-related terminology acceptable Court Human Resources, shall be entitled to the payment of \$1.00 per hour for all hours actually worked in a daily assignment.

3002.22 Premium and Differential Pay - Overtime Computation

Premium or differential pay will not be added to an employee's regular base hourly rate for computing overtime or any other differential except as required by law. Premium or differential pays shall be compensated in cash in the pay period in which they are earned.

3002.23 Intermittent Assignment - Courtroom Clerk

An employee in the classification of Senior Legal Processor who is assigned and performs Courtroom Clerk duties shall receive a 10% premium pay over the employee's base hourly rate for hours actually worked in the courtroom as a Courtroom Clerk.

3002.24 Intermittent Assignment - Assistant Supervisor/Lead Worker

Absent an assistant supervisor and/or lead worker job classification, an employee who is assigned and performs assistant supervisor or lead worker duties shall receive a 5% premium pay above the employee's base hourly rate to be included in base salary for purposes of retirement.

3002.25 Standby Duty and Compensation

Standby Defined

Standby duty requires that an employee designated by the Court Executive Officer, or his/her designee, be ready to respond as soon as possible, be reachable by telephone or pager, be able to report to work in a reasonable amount of time, and refrain from activities which might impair his/her ability to perform assigned duties. An employee who is released from duty and is assigned by the department to be on standby shall be eligible for standby pay. Standby time is not to be construed as work time.

Standby - Court Technical Services Center (CTSC) – Compensation

An employee of the CTSC assigned to standby duty shall receive premium pay for each hour the employee actually stands by, as follows: effective May 5, 2003, \$4.00 per hour; in FY 2003-04, \$4.15 per hour; in FY 2004-05, \$4.30 per hour. The employee shall receive this compensation for being on standby and for processing any related paperwork. Standby time is not construed as work time.

3003 SALARY SCHEDULE

3003.1 Salary Ranges

Each salary range shall consist of nine salary steps, which shall be known as Steps A, B, C, D, E, F, G, H, and I. Each step represents a 2-1/2 percent increase from the previous step and shall be expressed in cents per hour. The salary range for each class which is allocated to a salary range

is listed in either the Salary and Benefit Policies (for Administrative Management, Confidential and other Unrepresented classes) or in the applicable MOU (for classifications represented by recognized employee organizations) in terms of cents per hour at Step A. A table shall be published setting forth the value of each step of each salary range.

3003.2 Flat Rates

The salary for each class that is to be paid at a flat rate is listed in the Salary and Benefit Policies and MOU in terms of cents per hour of the flat rate.

3003.3 Base Hourly Rate

The base hourly rate for employees whose class is allocated to a salary range shall be the hourly rate for the step of the salary range at which they are paid.

3003.4 Pay Status

Each employee shall be considered to have pay status whenever the employee is at work, on vacation, absent on a paid holiday, absent on leave with pay, or absent on authorized compensatory time off.

3004 ALLOCATION OF POSITIONS

3004.1 Number of Positions

The number of allocated full-time or part-time positions in the Court will be determined by the Court Executive Officer with the approval of the Court Executive Committee. The number of positions assigned to each Court division shall be determined by the Court Executive Officer.

3004.2 Position Allocation List

The Court Human Resources designee shall provide for maintenance of a Position Allocation List which shall contain the number and classification of each permanent position which has been or may be allocated.

3004.3 Substitute Position

Each position that is contained on the Position Allocation List may be filled by the employment of a qualified person in the class in which the position is authorized. With approval of the Court Executive Officer, it may be filled on a substitute basis by the employment of a qualified person in a closely related class which is allocated to the same or a lower salary or salary range.

3004.4 Dual Position

With the approval of the Court Executive Officer, a position vacated, or to be vacated, through retirement or other separation of an employee, or which is occupied by a person on an extended leave of absence, may be filled as a dual position prior to the date of separation, and thereafter for the duration of the unused leave or overtime which is paid to the employee upon separation or of the leave of absence of the employee.

3004.5 Extra Help

The Court may employ extra-help employees as needed in accordance with established employment procedures.

Section 4000 MISCELLANEOUS LEAVES

4000 MISCELLANEOUS LEAVES

4000.1 Leaves of Absence Without Pay Usage Reference Tables

Employees will be required to use paid leaves before a leave of absence without pay as shown in the following tables:

REPRESENTED EMPLOYEES

Paid leave required to be used before leave without pay (LWOP) is approved.

Event	Sick	Vacation	CTO	Comment
Employee's own illness	Yes, may keep 40 hrs.	No	No	
Employee's pregnancy disability	Yes, may keep 40 hrs.	No	No	
Illness of a relative (as qualified in Section 14.2)	Yes, may keep 40 hrs. (refer to Section 14.2(d))	Yes	Yes	May keep 40 hrs. Any combination of Vac. & CTO
Illness of a relative as defined in FMLA/CFRA* (not Art. 14.2 qualified)	No	Yes	Yes	May keep 40 hrs. Any combination of Vac. & CTO

Paid leave required to be used before leave without pay (LWOP) is approved.				
Non-sick FMLA/CFRA qualifying event (e.g., child bonding leave)	No	Yes	Yes	May keep 40 hrs. Any combination of Vac. & CTO
Undisclosed reason or extended vacation	No	Yes	Yes	Must use all Vac. & CTO

*Family & Medical Leave Act (FMLA)/California Family Rights Act (CFRA)

UNREPRESENTED EMPLOYEES

Paid leave required to be used before leave without pay (LWOP) is approved.				
Event	Sick	Vacation	CTO	Comment
Employee's own illness	Yes	No	No	Must use all sick leave
Employee's pregnancy disability	Yes.	No	No	Must use all sick leave
Illness of a relative (as defined in Section A below)	Yes,	Yes	Yes	Must use all leave
Illness of a relative as defined in FMLA/CFRA* (not Sec. 4.4A qualified)	No	Yes	Yes	Must use all vacation/CTO
Non-sick FMLA/CFRA qualifying event (e.g., child bonding leave)	No	Yes	Yes	Must use all vacation/CTO
Undisclosed reason or extended vacation	No	Yes	Yes	Must use all vacation/CTO

*Family & Medical Leave Act (FMLA)/California Family Rights Act (CFRA)

4000.2 Leaves - Extra-Help Employees

Other than where specifically stated, extra-help employees are not covered by Section 4000, Miscellaneous Leaves.

4000.3 Leaves of Absence - No Break in Service

No absence under any paid leave provision of the MOU or Court Personnel Plan shall be considered as a break in service for any employee who is in pay status during each absence. All benefits which, under the provisions of the Memorandum and Court Personnel Plan, accrue to employees who are in pay status shall continue to accrue during such absence.

4000.4 Leave of Absence Without Pay

1. Leaves of absence without pay will not exceed 18 months unless required under applicable federal or state law (e.g., Workers' Compensation Laws).
2. If an employee has advance knowledge of the need for an unpaid leave of absence, the employee must submit the request to the employee's supervisor at least ten business days in advance of the proposed leave date (a **Leave of Absence Request form is available on the Court intranet**). In the case of an emergency, the employee must give as much notice as possible to the supervisor. The Court Executive Officer must approve all requests for leave without pay.
3. All requests for leave without pay for the employee's own illness, injury or pregnancy disability are effective only after the employee has exhausted all but 40 hours of accrued sick leave (represented employees) and exhausted all accrued sick leave (unrepresented employees).
4. All requests for leave without pay for an employee to care for a spouse, child or parent, as defined by the Court Personnel Plan, may be approved only after all but 40 hours of the employee's vacation and compensatory time off has been exhausted (represented employees) and all vacation and compensatory time has been exhausted (unrepresented employees).
5. All requests for leave without pay for reasons other than illness, injury or pregnancy disability, may be approved only after the employee's vacation and compensatory time accruals have been exhausted.
6. Federal and State Family Leave shall run concurrently with paid or unpaid leaves of absence if the reason for the leave of absence is also a qualifying event under FMLA/CFRA (with the exception of Pregnancy Disability Leave).

4000.5 Leave Without Pay for Job-Incurred Disability

Requests for leave without pay for disabilities which are found by the State Worker's Compensation Appeal Board or the Industrial Accident Commission to be incurred as a result of Court employment shall be approved by the Court Executive Officer for the period following expiration of paid sick leave and vacation until discontinuation of disability compensation payments.

4000.6 Leave Without Pay for Military Service

Request for leaves without pay for military service shall be approved by the Court Executive Officer in accordance with applicable laws.

4000.7 Leave for Candidates for Public Office

Any employee who becomes a bona fide candidate for elective public office, may take and be granted leave of absence without pay during all or any portion of the period of his/her candidacy by delivering to the Court Executive Officer a 10-day written notice of intention to do so, specifying the dates upon which such leave shall begin and end. Such an employee may, by further 10-day notice, change the date upon which such leave shall end. Such leave shall not extend beyond the period of time during which such employee is a bona fide candidate for elective public office.

4000.8 Return to Work After Illness or Disability

When employees are absent due to illness or disability, the Court Executive Officer may require that employees be examined by a Court-approved physician at the Court's expense prior to their return to work. After accumulated sick leave is exhausted, the employee may be eligible for further leave without pay. If not eligible for further leave without pay, termination from employment may occur, as may be authorized in accordance with these rules.

4000.9 Court Leave – Response to Subpoena

Full-time or part-time employees, or extra-help employees who are scheduled to work, are entitled to a leave of absence with pay at the employee's base hourly rate to respond to an enforceable subpoena to appear in a court or administrative agency hearing in California other than as a litigant and for reasons other than those caused by the employee's connivance or misconduct. An employee may retain such payment as may be allowed the employee for lodging, meals and travel, but as a condition for entitlement to this Court leave, the employee shall make payable to the Court any and all fees which the employee may receive as payment for the service as a witness. An employee on Court leave will receive the base hourly rate of pay for those hours spent traveling to and from the court or administrative agency hearing and the hours spent attending to the employee's obligation as a witness so long as those hours correspond to the employee's assigned work schedule. Time spent as a witness or travel time that is outside the employee's assigned work schedule shall not be paid. If an employee's obligation as a witness expires on any workday with time remaining on the employee's work schedule, the employee will be obligated to return to work.

4000.10 Court Leave - Line of Duty

These provisions do not apply to employees whose appearances are in the line of duty.

4000.11 Court Leave - Extra-Help Employees

Extra-help employees who are scheduled to work and are subsequently called to court under circumstances in above, qualify under this policy.

4000.12 Court Leave – Compassionate

With respect to this provision, the term “spouse” shall also include domestic partners, and the term “parent” is defined in Article 14.2(d) of the MOU and Section 4.3(B)(iv) of the Salary and Benefits Policies. A full-time or part-time employee shall be granted up to five regular work days of leave, three (3) of which will be paid and the additional two (2) days to be deducted from vacation, comp or sick leave balances, to arrange for and attend funeral services, in the event of death of the employee’s parent or parent of the employee’s spouse, spouse, son, son-in-law, daughter, daughter-in-law, brother, sister, grandparent, great grandparent or grandchild.

The Court understands the deep impact that death can have on an individual or a family. Therefore, employees may request to use accrued sick leave, vacation or comp time if additional time off is needed, or in the event of a death of someone not covered by the categories listed above.

4000.13 Jury Duty

Employees summoned for jury duty shall notify their supervisor as soon as possible. Employees are entitled to a leave of absence with full pay for such period of time as may be required to attend in response to a summons by a court of competent jurisdiction. Court employees are not eligible to receive fees in payment for service as a juror.

Extra-help employees who are scheduled to work and are subsequently called to Jury Duty qualify under Section 4002.

4000.14 Voting

If a voter does not have sufficient time outside of working hours to vote at a statewide election, the voter may, without loss of pay, take off enough working time which when added to the voting time available outside of working hours will enable the voter to vote. No more than two hours taken off for voting shall be with pay. The time off for voting shall be at the beginning or end of the regular working shift, whichever allows the most free time for voting and the least time off from the regular working shift, unless otherwise mutually agreed to the employee and his/her supervisor.

The employee shall give the supervisor at least two working days' notice that time off for voting is needed.

4000.15 Catastrophic Leave/Decedent's Benefit

Definitions

1. Catastrophic Leave is a paid leave of absence due to verifiable, long-term illness or injury such as, but not limited to, cancer and heart attack which clearly disables the individual. Catastrophic leave shall be additional paid leave available from vacation or compensatory leave hours donated by other Court or County of Sonoma employees to a specific, qualified employee.
2. A Decedent's Benefit shall be the accumulation of vacation or compensatory leave hours (up to a maximum of 680 hours) donated by other Court or County of Sonoma employees to the designated beneficiary or estate of a Court employee who dies while an employee of the Court. The decedent's benefit shall be paid to the designated beneficiary or estate of the Court employee in the same manner as payment to the designated beneficiary or estate of the Court employee of the decedent's own vacation and compensatory leave hours.

Coverage

All regular employees of the Court who have successfully completed 2080 hours (one year) in paid status shall be eligible for such leave due to their own serious illness or injury, or the serious illness or injury to a spouse, domestic partner or dependent minor child. The designated beneficiary or estate of an employee who was employed by any of the above-mentioned entities and successfully completed 2080 hours (one year) in paid status and met the criteria set forth shall be eligible to receive any decedent's benefit.

Other Leaves

The employee must first exhaust all accrued sick leave, vacation leave and compensatory time before qualifying for catastrophic leave.

Employees donating vacation or compensatory leave must donate in increments of whole hours. The donating employee must have a vacation leave balance of at least forty hours after the donation of vacation time. Employees may donate all of their accrued compensatory time.

An employee or beneficiary requesting catastrophic leave must receive the approval of the Court Executive Officer. Such leave may initially be approved up to a maximum of 340 donated hours. If the catastrophic illness or injury continues, up to an additional 340 donated hours may be approved.

If the employee is not satisfied with the decision of the Court Executive Officer, the employee may, within 10 calendar days of the decision, request in writing that the matter be submitted to binding arbitration (the Court will follow the arbitration process outlined in Section 2002.2, Recruitment, Selection, and Promotion, page 24).

Employees donating vacation or compensatory leave to a decedent's benefit must donate their vacation or compensatory leave hours no later than 30 days after the employee's death.

The County Auditor-Controller shall account for the donation and disbursement of catastrophic leave hours. At the end of the thirty day period allowed for donations for a Decedent's Benefit, the Auditor-Controller will process adjustments and then disburse to the designated beneficiary or estate all funds for leave time donated.

Catastrophic leave shall not be used in conjunction with any long or short-term disability insurance or Social Security benefits.

While an employee is on catastrophic leave using donated hours, the employee shall not accrue any vacation or sick leave.

4000.16 Family and Medical Leave

The Court recognizes its obligations to employees who meet the eligibility requirements of the Federal Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA).

The Court currently posts and will continue to post the required notices regarding FMLA and CFRA at each court location.

The Court currently provides and will continue to provide information regarding FMLA and CFRA as part of its orientation for new employees.

Any Court employee with any questions or need for FMLA, CFRA, or other leaves, should contact the Court Human Resources office directly.

4000.17 Disaster Leave

Upon approval of the Court Executive Officer, Court employees may donate accrued compensatory time and vacation leave to other Court employees who have lost work time during a Chief Justice or Presiding Judge declared state of emergency. Such donated time will not exceed the total amount of time lost by the receiving employee including vacation, compensatory time used and any unpaid leave incurred. Donations must be made no later than 90 days from the last day lost by the employee.

Section 5000

BUSINESS CONDUCT AND OPERATIONAL CONSIDERATIONS

5001 PROFESSIONAL BEHAVIOR

General Statement of Conduct

All Court employees are expected to observe and demonstrate the highest standards of conduct and professionalism. As a result, the Court has adopted in its entirety the Judicial Council of California's Code of Ethics for the Court Employees of California, as that document may be amended from time to time. A copy of the Code of Ethics is attached to these policies and is incorporated herein. The Code of Ethics outlines the responsibility of all Court employees to engage at all times in professional behavior. It does not describe all prohibited conduct, however, and employees may be disciplined for inappropriate conduct that is not addressed in the Code of Ethics.

Courtesy/No Discrimination

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

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

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

Performance of Duties

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

No Court employee shall alter, falsify, destroy, mutilate, 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, or legal service providers to any member of the public.

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, Court Commissioner, law clerk, or other Court employee (for example, notes, papers, memoranda, drafts).

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

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

Misuse and Abuse of Position

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

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

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

Handling of Personal Court Affairs

Court employees are held in public trust and must follow all local court rules, policies, procedures, codes and statutes when handling any personal (including family members and friends) legal issue within the court. Employees are not to process in any form their own matters or those of a family member or personal friend under any circumstance, and must not give the appearance of differential treatment of staff in the processing of their personal legal issues. Any correspondence or inquiry regarding a legal issue must go through the respective division for appropriate processing and not directly to a judicial officer.

Deviation from established protocols and procedures will result in disciplinary action up to and including immediate termination.

Code of Ethics for the Court Employees of California

A fair and independent court system is essential to the administration of justice in a democratic society. Proper 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. To advance these values and to achieve justice we believe certain moral 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, honesty, and truthfulness 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, 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: breaking the law, soliciting funds on the job, receiving gifts or favors related to Court employment, accepting outside employment that conflicts with the Court's duties, or recommending private legal service providers;

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

Tenet Seven: Serve the public by providing procedural assistance that is as helpful as possible without giving legal advice;

Tenet Eight: Furnish accurate information as requested in a competent, cooperative, and timely manner;

Tenet Nine: 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, gender, age, religion, national origin, language, appearance, 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 religious beliefs, political affiliation, age, national origin, language, appearance, or other personal choices and characteristics; and

Tenet Twelve: Protect the technological property of the Court by preserving the confidentiality of electronically stored information and abstain from personal use of Court computer systems and hardware.

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. We who believe in it will continue to try to cultivate within ourselves the moral sensibilities that will inform and enliven our consciences and make us true servants of justice.

Guidelines

The following guidelines clarify and embellish 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, uneducated, and sometimes deceitful customers the same level of competent and policy-neutral help that they provide to those who are pleasant and appreciative. While every Court employee has the right to freedom of association or 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 a political 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 and truthfulness are paramount: employees should not, for example, knowingly make omissions on time cards or personnel records; backdate a Court document for any reason unless ordered to do so by the Court; falsely claim reimbursement for mileage or expenses; double dip from professional associations or other sources; lie about leaving work early for a doctor's appointment; misuse the telephone, facsimile machine, or copying machine; or take supplies home for private use. Each individual employee should also contribute to the integrity of the entire Court staff by striving to avoid factionalism and inspire mutual loyalty 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 customer at the counter. 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 work "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 should never be revealed until it is made a matter of public record. Sometimes breaches of confidentiality does 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 reasons, and should handle sensational or sensitive cases with great care.

Guideline for Tenet Five – Impropriety

Improprieties can take many forms. Examples of improper behaviors include seeking any favor, soliciting any gift, or actually receiving any gift or the promise of one, whether it be money, services, travel, food, entertainment, or hospitality that could be construed as a reward for past or future services; improperly intervening to expedite administrative processes; or accepting private employment in conflict with the proper discharge of official Court duties. In addition, any mode of conduct that casts doubt upon the integrity and impartiality of the legal system is forbidden. 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 should not, for example, seek or provide special consideration regarding traffic citations or parking violations; 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. To gauge the propriety of an action, consider how it would be reported

in tomorrow's newspaper. Bear in mind that Court employees are required to live up to a higher standard of ethical behavior than the general 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 patiently explain how to file forms and pay fines, and should clarify legal language and the Court's policies attendant to procedural due process. They must not, however, cross the line separating a Court employee from a licensed legal practitioner by giving their opinion on the law or, worse, giving their opinion as the law. Court employees should cite this tenet when pressed by those seeking gratuitous legal advice.

Guideline for Tenet Eight - Duty to Serve

A major goal of all Court employees is to provide accurate and timely information. When giving information to customers, whether orally or in writing, present it in as easily understandable a format as the inquiry allows, and avoid legal jargon whenever possible. Court personnel are employed to serve and should strive to do everything possible to make things easier for customers rather than for themselves or the Court organization. The category of customer should extend not only to the general public but also to attorneys, process servers, staff members of other justice agencies, and especially to fellow Court employees. Colleagues are internal customers and should have their information service needs met with the same level of dispatch and consideration as external customers.

Guideline for Tenet Nine – Competency

Court employees are encouraged to participate in professional activities and associations, and especially to take advantage of internal and external educational programs to improve their personal and professional skills. 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. Courts and their employees must perform efficiently despite this constant state of flux. Professional development may include attending classes, doing outside reading, participating in professional organizations, and soliciting ideas and information from others both during and after the workday. Court managers at all levels of the California court system should initiate and oversee ongoing professional growth programs for all Court employees that include the study of this Code.

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 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 is the cornerstone of the administration of justice. Court employees must expose and discourage discrimination wherever it exists.

Guideline for Tenet Eleven – Harassment

Court employees are to refrain from making sexual advances and insinuations that are inappropriate and offensive, or that could be perceived as such. Harassment may also take non-sexual forms such as verbal, physical, and psychological. The investigation of a harassment complaint is difficult because a determination will often be based on the credibility of the parties. The Court is obligated, however, to conduct a prompt and thorough investigation of any allegation of harassment. If the investigation reveals that harassment has occurred, corrective action should be taken immediately. The Court should then conduct further inquiry to ensure that the action was effective and that the harasser has not retaliated against the complainant.

Guideline for Tenet Twelve – Technology

Information retained in electronic files should be treated like any other official Court document. Its confidentiality should be assumed unless otherwise specified. To preserve the integrity of electronic systems, Court employees shall correct any errors or omissions, guard against sabotage in any form, scan and repair viruses when possible, and avoid using Court equipment for purposes other than Court business. Great care should be taken in the transmission of electronic data so that it would not embarrass the Court or the sender if read by an unintended recipient. Court employees may not install personal software or equipment without prior approval of the Court Executive Officer, nor shall they take copyrighted software outside the Court for personal use. Questions about the ownership of intellectual property should be directed to an administrator.

5002 CONFLICT OF INTEREST AND INCOMPATIBLE ACTIVITIES

5002.1 Conflict of Interest

Pursuant to state law, the Court has adopted a Conflict of Interest Code. Under the Code, employees who hold designated positions must file a Statement of Economic Interest with respect to specified disclosure categories. A copy of the Court's Conflict of Interest Code is maintained by Court Administration and is available for review.

Further, employees or agents shall not solicit or accept (directly or indirectly) gratuities, favors, or anything of monetary value from contractors or potential contractors, or parties to subcontractors, and shall not knowingly use confidential information for actual or anticipated personal gain.

Incompatible Activities

The Court has adopted an Incompatible Activities Policy pursuant to Government Code section 1126. This Government Code section prohibits Court employees from engaging in “any employment, activity, or enterprise for compensation which is inconsistent, incompatible, in conflict with, or inimical to his or her duties as a local agency officer or employee or with the duties, functions, or responsibilities of his or her appointing power or the agency by which he or she is employed.”

Section 1126 further prohibits employees from performing work for compensation outside their employment for the Court where their efforts will be subject to approval by another employee or Court Administration.

The Courts must be informed of outside employment that could result in charges of incompatibility based on the following conditions:

1. The outside employment or activity must not involve the use of Court time, facilities, equipment, or supplies or take place on Court/County premises.
2. The outside employment or activity, if of a legal nature, must not involve any work which is subject to the discretionary control, review, inspection, audit or enforcement of the employee, him or herself, or any of his or her subordinates. An example of an unacceptable activity would be:
 - a. Working for an attorney after hours or part-time and preparing documentation, which would come into this Court and be subject to the review and/or discretion of the employee or any of his or her subordinates.
 - b. Employees performing purely ministerial functions involving no exercise of discretion or supervision shall not be subject to this subsection 2.
3. The outside employment must not involve any work on a project under contract with the Court.
4. The outside employment must not involve work time demands that would result in unsatisfactory job performance.

When required, the Court Executive Officer will issue a written determination of activities prohibited under this policy. Employees may appeal this written determination or its application to them as outlined below:

1. The appeal shall be filed by the employee in writing to the Court Executive Officer, and shall contain a statement of the problem together with the solution put forth by the Court Executive Officer, as well as the employee’s statement of appeal.

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2. Within ten days of receipt of the appeal, the Court Executive Officer shall issue a written decision.
 3. If the employee is not satisfied with the decision in 2. above, the employee may, within ten regular Court business days after receiving the decision, request in writing that the matter be submitted to binding arbitration (the Court will follow the arbitration process outlined in Section 2002.2, Recruitment, Selection, and Promotion, page 24).

Employees who violate the Court's policy are subject to disciplinary action, including termination. An employee who is unsure of the policy or needs more information regarding proposed or outside employment shall contact Court Administration for review and further direction.

5002.2 Conflicting Interests – Employee Relationships

The Court recognizes that conflicts of interest may arise in the following situations:

- a) Employees who have influence over the conditions of employment of a relative;
- b) Employees who have a romantic, sexual, or financial relationship with a subordinate or others over whom they have influence over conditions of employment;
- c) Employees who have a romantic, sexual, or financial relationship with a co-worker over whom they have influence over conditions of employment.

5003 USE OF FUNDS

The use of Court funds including, but not limited to, cash, cash equivalent, assets (auto, computer, office supplies, etc.) or any other tangible or intangible asset is strictly reserved for the use to which the funds were awarded by the Federal, State, or local agency in strict adherence with the governing contract. Misuse of these funds may subject the responsible employee to disciplinary action, up to and including termination.

5004 DRUG AND ALCOHOL-FREE WORKPLACE

It is the intent of the Court to maintain a workplace that is free of drug and alcohol abuse. The Court has a vital interest in maintaining safe and efficient working conditions for its employees. Substance abuse is incompatible with health, safety, efficiency and success at the Court. Employees who are under the influence of a drug or alcohol on the job compromise the Court's interests, endanger their own health and safety and the health and safety of others, and can cause a loss of efficiency, productivity, or a disruptive working environment.

5005 INSPECTIONS FOR PROHIBITED MATERIALS AND COURT PROPERTY

The Court must protect against the unauthorized removal of Court property and ensure that there is adequate access at all times to Court property, records, documents, and files. For these reasons, the Court reserves the right to inspect and search for prohibited materials and for Court property on Court premises in accordance with this section and applicable law. This section applies to all Court employees. For purposes of this section:

1. “Prohibited materials” means firearms or other weapons; explosives and/or hazardous materials or articles; illegal drugs, drug-related paraphernalia; and alcoholic beverages or Court property that an employee is not authorized to possess.
2. “Court premises” includes all premises and locations owned or leased by the County of Sonoma which have been designated for Court use, including parking lots.
3. “Reasonable suspicion” includes suspicion that is based on specific personal observations such as an employee’s manner, disposition, muscular movement appearance, behavior, speech, or breath odor; information provided to management by an employee, by law enforcement officials, by a security service, or by other persons believed to be reliable; or a suspicion that is based on other surrounding circumstances.
4. “Possession” means having the substance or property on one’s person or otherwise under one’s control.

Inspection and Searches

Access to Court Property

To assure access at all times to Court property, and because employees may not always be available to produce various documents, records, files or other items of Court property that are properly in their possession when they are needed in the ordinary conduct of Court business, the Court reserves the right to conduct a routine inspection or search at any time for Court property. Routine searches or inspections for Court property may include an employee’s desk, file cabinet, closet or similar places where Court property may be placed, whether or not such places are locked. (The Court will retain keys to such locked places in part for this purpose.) Because even a routine search for Court property might result in the discovery of an employee’s personal possessions, employees are encouraged not to bring into the workplace any item of personal property that they would not wish to be discovered by or revealed to the Court. The Court

reserves the right to take appropriate action to prevent any employee from removing Court property without authorization.

Prohibited Materials

Inspection or searches for prohibited materials on Court premises will be conducted whenever management has reasonable suspicion to believe that an employee may be in possession of such materials in violation of this section. Inspections or searches for prohibited materials may include an employee's office, desk, file cabinet, closet or similar places where an employee may place personal possessions, whether or not such places are locked.

If an employee is found to be in possession of prohibited materials in violation of this section or any other section, he/she will be subject to discipline, up to and including termination, regardless of the Court's reason for conducting the search or inspection. If an employee refuses to cooperate with a search or inspection that is based on reasonable suspicion that he/she is in possession of prohibited materials, management may take that into consideration in determining appropriate disciplinary action. Discipline will be based on all available information, including the information giving rise to the reasonable suspicion.

5006 CONFIDENTIALITY OF COURT PUBLIC RECORDS

The privacy and integrity of all litigants shall be respected by Court employees. Court employees shall not discuss or reveal any aspects of Court business or litigation within the Court's jurisdiction outside of the work environment. A Court employee should not disclose confidential information obtained during the course of employment or utilize confidential information for personal advantage. Court employees must also abstain from public comment about proceedings pending before the Court.

Any person found guilty of stealing, willfully destroying, mutilating, defacing, altering, falsifying, or removing court records may be punished by fine and/or imprisonment. Court employees shall not remove, destroy or alter Court (including computer) records unless authorized to do so by proper legal authority.

5007 ELECTRONIC MAIL

It is the Court's policy that the electronic mail (e-mail) system, like other Court property, be used in a professional and lawful manner and solely for the benefit of the Court.

The Nature of E-Mail

When a message is deleted from the e-mail system, a record of it may remain on the computer system. Because there is the possibility that inappropriate communications on e-mail may be not

only widely published, but also indelibly stored, the Court requires that all employees exercise appropriate discretion in using the e-mail system. Even though e-mail feels like a less formal communication than business letters, employees must remember e-mail messages are business communications and must be treated as such.

Accordingly, the e-mail 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. Chain letter messages are also prohibited.

Access to E-Mail

The e-mail system is not a private mode of communication. When you use e-mail, you are creating Court documents that may be read by others in circumstances including, but not limited to, the following business or legal purposes:

1. During regular system maintenance.
2. When a business need exists to access the employee's mail box.
3. In response to a legal request to disclose e-mail messages from law enforcement officials or in ongoing legal proceedings.
4. When the Court has reason to believe that the employee is using e-mail in violation of Court policies (including, but not limited to, its policies prohibiting discrimination and harassment; misappropriation of Court property; using Court equipment for personal purposes).
5. For periodic, unannounced inspection by the Court for business purposes.

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.

Should employees make incidental use of the e-mail system to transmit personal messages, such messages will be treated no differently than other messages, and may be accessed by the Court under any of the circumstances listed above. E-mail is not a personal bulletin service. Solicitations, offers to buy and sell goods or services and other personal messages to large groups vial the e-mail system are not appropriate use of this Court asset.

Any violation of the Court's Computer Use Policy may result in disciplinary action (refer to Section 5008, Use of Court Resources, Computers, for additional information).

Use of Court E-Mail System for Union Business

The Court and SEIU Local 707(the Union) agree that the Union may use the Court e-mail system, including Internet access, for the following Union business purposes only and with the following limitations:

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1. The Union may notify Union members of meetings. Content of meeting notices is restricted to time, date, location and general listing of agenda items. Comments on agenda items or discussion of Union business are not to be included in such notifications. Issues that are confidential or political in nature are not to be discussed in notifications.
 2. The Court is not responsible for providing access to e-mail where it does not exist.
 3. Pre-approval of content by the Court Executive Officer or designee is required.
 4. The Court reserves the right to revoke the use of the Court e-mail system for any violation of this agreement.
 5. Court e-mail use for joint Union and Court meetings, projects or ventures – e.g., notice of Court/Union meetings or processes – are outside this policy and such use is permitted, according to agreed parameters.

For purposes of this agreement, “SEIU Local 707” means the Union staff, stewards, and SEIU County Governing Council.

5008 USE OF COURT RESOURCES

General Policy

Court equipment including, but not limited to, telephones, computers, facsimile machines, and copying machines, 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 procedures.

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 urgent need. Employees may not charge any personal long distance telephone calls to the Court, and will be charged for any personal calls for which the Court is billed. Employees shall not accept collect calls, unless specifically authorized to do so by their supervisor.

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 employee’s supervisor, in which case the Court’s computers may be used for personal business only during the employee’s non-working 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 insure compliance with this policy, and for other business reasons. Therefore, employees should not assume that personal information they place on the Court's computers is confidential.

Passwords should not be shared with anyone or written down so that others can see it. The network will require passwords to be changed every 90 days. In addition to the network, both the IBM and the Unix (Civil, Criminal and Juvenile Justice Systems) will require a change in passwords every 90 days.

Employees may access data for which they have been authorized in the normal performance of their job duties. Employees must respect the privacy of clients and co-workers by protecting confidential information unless allowed by law and required for business purposes.

Employees who wish to transmit Court business messages of a special, confidential nature should take appropriate measures to assure that confidentiality is maintained, including assessing whether or not it is advisable to send the information by conventional means such as Court courier or U.S. Mail. All employees should take proper measures to ensure messages are sent to the appropriate persons only. If an employee receives a confidential message meant for another employee, the recipient should immediately erase the message and inform the sender of the error. E-mail messages and information which is not promptly deleted from the system may be backed up routinely by staff responsible for management of e-mail and computer systems. Those staff may see e-mail messages and computer information in the course of system maintenance or when diagnosing systems problems.

Employees who believe they require access to e-mail messages or stored computer information of another Court employee for Court business reasons must obtain the approval of the Court Executive Officer before such action is taken.

There may be a significant financial liability to the Court and/or affected employee if software that has not been legally obtained is used on Court-owned equipment. Software shall be used in accordance with the manufacturer's licensing agreements.

Only software that has been installed by Court Computer Services personnel may be used. Employees may not make copies of Court software. Software purchased by the Court may not be loaded on home computers unless specifically authorized by the manufacturer's licensing agreement. Employees who load software purchased by the Court on their home computer without authorization may be subject to individual financial liability by the software manufacturer. Only legally acquired, licensed and approved software will be installed on Court equipment.

There is potential for introducing a virus into a Court-owned system whenever outside software or diskettes previously used in another computer are used. Employees who need to use an outside software program for business purposes must first submit a request through their supervisor, to be reviewed by Court Computer personnel.

Internet e-mail and World Wide Web access should only be used for appropriate Court business. No computer programs may be e-mailed in or out of the Court. All downloads from the Internet should be requested in writing to Court Computer Services. No other Court computer user is authorized to download files from the Internet. Inappropriate use of the Internet will result in Internet blocking.

World Wide Web and Internet e-mail access will only be granted to those employees who can show a job-related need to have it. All requests are to be submitted to the employee's supervisor for consideration by Court Management.

For additional e-mail policies, see Section 5007, Electronic Mail.

Facsimile and Copying Machines

The Court's facsimile and copying machines are for Court business only. Employees may not use the Court's facsimile and/or copying machines for any personal business (unless prior approval has been received from the employee's supervisor, in which case the Court's facsimile/copying machines may be used for personal business only during the employee's non-working time).

5009 SOLICITATION AND DISTRIBUTION POLICY

To avoid disruption of Court operations, the following rules shall apply to solicitations and distribution of all literature on court property, except that authorized by the Court and related to Court proceedings:

Court Employees

Court employees may not solicit or distribute literature during working time for any purpose. Working time is defined in the following section.

Court employees may not distribute literature at any time for any purpose in working areas.

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.

5010 POLITICAL ACTIVITY

Although the Court encourages employee participation in civic affairs, there are restrictions limiting political activity. Court employees may not solicit any other Court employee or any person on a Court employment list for a contribution of money or services for a political purpose. No employee can exert any pressure or coercion on another employee to support or oppose any political group.

Employees are not permitted to work on political campaigns during work hours, or work on Court/County premises, or use court equipment or supplies for campaign purposes.

5011 COURT BUSINESS ATTIRE AND FRAGRANCE GUIDELINES

Court employees are required to dress and be groomed in a professional and appropriate manner, reflective of the values and principles of a court setting.

Clothing should be business-like, suitable for the nature of the job performed, neat, clean, and professional. Clothing or shoes should not create a safety hazard or erode the public's trust and confidence in the court system.

The Court Business Attire Guidelines are meant to provide guidance and flexibility as contemporary fashion changes, while at the same time supporting the maintenance of a professional court setting at all times. Employees are expected to use good judgment on this issue. The following list of what is deemed "Inappropriate Business Attire," while not all-inclusive, is set forth and described below:

Inappropriate Business Attire

- Low cut and or revealing attire (front or back), unless covered by other clothing, such as a shirt, sweater or jacket;
- Jeans (any type);
- Overalls;
- Shorts (any kind);
- Leggings or footless tights cannot be worn as pants alone, and must provide appropriate coverage of the body
- Capri pants that are not professionally styled and/or fall above the knee;
- Flip-flops; slippers, or tennis shoes;
- Tee-shirt and tee-shirt style undershirts, with or without logos, sweatshirts, sweatpants and/or jogging style outfits, or other exercise clothing. This does not include dress tees and/or knit jersey tops.

Exceptions

Work exceptions:

Certain work assignments, may require more casual clothing attire such as appropriate jeans, tee-shirts, or tennis shoes. Examples of such tasks might be: custodial tasks, work in storage areas, or moving. The supervisor/manager must pre-approve such work exceptions.

Medical exceptions:

Persons who must wear special shoes or other clothing for medical reasons will be excused from the relevant Court Business Attire guidelines for the duration of the supporting medical condition if they provide their supervisor/manager with a note from a medical professional which sets forth the requirement and the duration of the medical condition.

Casual Days/Casual Fridays

Employees' attire on Fridays must comply with the "Court Business Attire" requirements contained in this Section 5011, with the exception that employees may wear jeans and tennis shoes (which are in good condition, with no holes or faded fabric or canvas).

Staff who are working in the following settings may not wear jeans on casual days/casual Fridays:

- Courtroom;
- Mediations;
- Evaluations;
- Investigations;
- Judicial Assistants
- Administrative staff including but not limited to Human Resources, Executive Assistant, Management Analyst, and Collaborative Justice Assistant.

Determination of Appropriateness

A good rule of thumb to follow is: if an employee is unsure if an article of clothing is acceptable, then most likely it isn't, and it should not be worn.

When an employee comes to work in what is considered inappropriate attire under the Inappropriate Business Attire guidelines, the supervisor/manager will discuss the issue with the employee. The employee may, if necessary, be sent home to change the clothing with an appropriate amount of Court time allotted for the change and return to work. If this happens more than once, the supervisor/manager may approach inappropriate business attire as a job performance issue, which may lead to progressive discipline. This policy will not be applied in an arbitrary or capricious manner.

Fragrances

Upon notification from a Court employee that he/she suffers from a chemical sensitivity, the manager/supervisor will ask other employees in that work unit to refrain from using perfumes, aftershaves, lotions, etc., that are specifically for fragrance purposes.

5012 NO SMOKING

Court and County of Sonoma facilities are smoke-free environments. Smoking is prohibited in any Court and County building and vehicle.

5013 WORKPLACE SECURITY

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

Reporting Unsafe Conditions and Security Risks

Employees should immediately inform their supervisor about any workplace security hazards. If an employee’s supervisor is not readily available, the employee should immediately inform any member of management or Court Administration so that appropriate action can be taken.

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

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

Employees who become aware of or are concerned about any threats of workplace violence must report the threats immediately to the employee’s supervisor. If the employee’s supervisor is not available, the threat should be reported to any member of management, Court Administration, or Court Security. Management and/or security personnel will assess and investigate the matter. Where a violation of this policy, or other inappropriate conduct is found, management will take appropriate corrective action.

In situations where an employee becomes aware of an imminent act of violence, a threat of imminent violence, or actual violence, the employee should seek

emergency assistance immediately. The employee should immediately contact the Court Security and, if appropriate, contact outside emergency assistance by dialing 9-911.

The Injury and Illness Prevention Program (IIPP)

The Court has adopted an IIPP as part of the effort to ensure workplace safety. The IIPP provides for meetings, training programs, and periodic written communications to employees regarding safety matters. The Program requires periodic inspections to identify and evaluate potential security hazards, and calls for the posting of safety notices and safety tips. In addition, the IIPP provides a mechanism for correcting identified workplace hazards and identifying any incidents of workplace violence (see Section 5014, Injury and Illness Prevention Program).

Cooperation is Essential

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

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

5014 INJURY AND ILLNESS PREVENTION PROGRAM

Responsibility

The Court Human Resources Manager is the designated IIPP administrator and has the authority and the responsibility for implementing and maintaining this program for the Court. Managers and supervisors are responsible for implementing and maintaining the IIPP in their work areas and for answering worker questions about the IIPP. A copy of this IIPP is available from each manager and supervisor.

The Safety Committee

The Safety Committee is comprised of employees from all divisions of the Court. At the direction of the Court Human Resources Manager, they ensure that regular inspections of the workplace are conducted and that necessary safety training is provided. Employees are encouraged to bring safety issues to the attention of their designated safety representative.

Compliance

All workers, including managers and supervisors, are responsible for complying with safe and healthful work practices. The system of ensuring that all workers comply with these practices includes:

1. Informing workers of the provisions of the IIPP.
2. Evaluating the safety performance of all workers.
3. Recognizing employees who perform safe and healthful work practices.
4. Providing training to workers whose safety performance is deficient.
5. Disciplining workers for failure to comply with safe and healthful work practices.

Communication

All managers and supervisors are responsible for communicating about occupational safety and health in a form readily understandable by all workers. The communication system encourages all workers to inform their managers and supervisors about workplace hazards without fear of reprisal.

The communication system includes:

1. New workers' orientation, including a discussion of safety and health policies and procedures.
2. Review of the Court's IIPP.
3. Training programs.
4. Regularly scheduled safety meetings.
5. Posted or distributed safety information.
6. A system for workers anonymously to inform management about workplace hazards.

Hazard Assessment

Periodic inspections are performed according to the following schedule:

1. When the IIPP was initially established.
2. When new substances, processes, procedures or equipment which present potential new hazards are introduced into the Court's workplace.
3. When new, previously unidentified hazards are recognized.
4. When occupational injuries and illnesses occur.
5. Whenever workplace conditions warrant an inspection.

Accident/Exposure Investigations

Procedures for investigation of workplace accidents and hazardous substance exposures include:

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

Hazard Correction

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

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

Training and Instruction

All employees shall have training and instruction on general and job-specific safety and health practices. Training and instruction is provided:

1. When the IIP Program is first established.
2. To all new workers.
3. To all workers given new job assignments for which training has not been previously provided.
4. Whenever new substances, processes, procedures, or equipment are introduced to the workplace and represent a new hazard.
5. Whenever the employer is made aware of a new or previously unrecognized hazard.
6. To supervisors to familiarize them with the safety and health hazards to which workers under their immediate direction and control may be exposed.
7. To all workers with respect to hazards specific to each employee's job assignment.

General workplace safety and health practices include, but are not limited to, the following:

1. Implementation and maintenance of the IIP Program.
2. Emergency action and fire prevention plan.
3. Provisions for medical services and first aid, including emergency procedures.
4. Prevention of musculoskeletal disorders, including proper lifting techniques.

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5. Proper housekeeping, such as keeping stairways and aisles clear, work areas neat and orderly, and promptly cleaning up spills.
 6. Prohibiting horseplay, scuffling, or other acts that tend adversely to influence safety.
 7. Proper storage to prevent stacking goods in an unstable manner and storing goods against doors, exits, fire extinguishing equipment and electrical panels.
 8. Proper reporting of hazards and accidents to supervisors.
 9. Hazard communication, including worker awareness of potential chemical hazards, and proper labeling of containers.
 10. Proper storage and handling of toxic and hazardous substances, including prohibiting eating or storing food and beverages in areas where they can become contaminated.

Recordkeeping

Local governmental entities (county, city, district, or any quasi-public corporation or public agency) are required to keep written records of the steps taken to implement and maintain the IIP Program.

5015 COURT IDENTIFICATION CARD POLICY

The Court provides identification cards to all Court employees as a safety precaution to prevent unauthorized persons from entering restricted areas of the Court.

All employees, with the exception of judicial officers, must wear their identification cards at all times, at all court locations. If a card is lost or forgotten, the employee is to obtain a temporary pass from their supervisor. For visitors coming into restricted areas, visitor passes will be issued by designated Court personnel. Uniformed officers and/or agents from other departments who have visible identification may be allowed in the restricted areas without obtaining a visitor pass.

Identification cards are the property of the Court and must be returned to the Court at the time of separation from service.

5016 COURT SECURITY

If employees need to contact Court Security, their extension is 2121. Employees should identify themselves, their exact location (room number), and whether immediate assistance is needed or whether an officer is requested to standby because there may be a potential problem.

5017 KEYS TO THE OFFICE

All permanent employees will be issued a key to their work area. It is the responsibility of each employee to be sure doors are locked during non-business hours.

If an employee's job duties require frequent access to the second floor of the Hall of Justice, their supervisor may request secured access that bypasses the weapons screening stations. Access to the second floor is subject to Court Executive Officer approval.

5018 EMPLOYEE ASSISTANCE PROGRAM (EAP)

Court employees may participate in the Court's Employee Assistance Program, which provides help to employees who seek assistance for drug or alcohol abuse as well as for other personal or emotional problems. If an employee suspects that he or she may have an alcohol or drug problem, even in the early stages, he or she is encouraged to voluntarily seek diagnosis and to follow through with the treatment as prescribed by qualified professionals. Employees should be aware, however, that participation in the Employee

Assistance Program will not necessarily shield them from the imposition of disciplinary action for violation of court policies or performance issues.

All communications between employees and the Employee Assistance Program are treated confidentially.

Any disclosures an employees make to management concerning their use of legal drugs or participation in any drug or alcohol counseling or rehabilitation program will be treated confidentially and will not be revealed to anyone else unless there is an important work-related reason to do so as authorized by law.

Managers and supervisors shall restrict communications concerning possible violations of this section to persons who have an important work-related reason to know. Managers and supervisors shall not disclose the fact of an employee's participation in the Employee Assistance Program or any drug or alcohol counseling or rehabilitation program.

5019 PERSONNEL SUPPORT COMMITTEE

For purposes of improving communications and enhancing the quality of work life and morale, the Court has established a Personnel Support Committee. This Committee consists of representatives from various Court work units to discuss pertinent issues affecting Court

employees. The Committee also plans fundraising activities to support events that promote teamwork, education and a more cohesive and beneficial work environment.

5020 COURT NEWSLETTER

A Court newsletter is also published on a monthly basis and distributed with the first paycheck of each month. Articles of interest may be submitted by any Court employee. The newsletter serves as a tool to disseminate information regarding Court operations, legislative changes and other important information.

5021 FOOD AND BEVERAGES

Employees should only consume food and beverages in areas away from public view. No food or beverages are allowed near any computer equipment. Food should not be consumed in the courtroom during court proceedings. Alcoholic beverages may not be consumed on Court or County of Sonoma property at any time.

5022 EMPLOYEE PARKING

Employees should park in non-permit long-term public parking areas. Permits for carpooling and disabled persons are available by application and must be approved by the Court Executive Officer and the County of Sonoma Parking Enforcement Office.

6000 SONOMA COUNTY EMPLOYEES' RETIREMENT SYSTEM

Membership in the Sonoma County Employees' Retirement System is very important to Court employees. All permanent employees working at least half time of a full-time position for the Court are eligible to participate in the Sonoma County Employees' Retirement Association. Participation in the retirement plan helps employees plan and save for retirement and future financial security. The Plan is designed to reward employees for their service to the Court both during active employment and later when employees reach retirement age.

The Plan Summary is contained in Section 8000, Forms. It outlines the Plan history, management and administration of the Retirement System, eligibility requirements, contributions, retirement benefits, and other areas impacting retirement decisions.

7000 CONFLICT CLAUSE

When a conflict exists between local policies contained herein and State policies and guidelines, State law supercedes. This plan is subject to existing and future State law.

Section 8000 FORMS

8000 FORMS

**Acknowledgment Form
Receipt of Manual**

I hereby acknowledge that I have received a copy of the Superior Court of California, County of Sonoma Personnel Plan and understand that the Plan contains 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. I will familiarize myself with the Plan and understand that I am governed by the contents of the Plan, as amended from time to time.

Employee's Name (Printed)

Employee's Signature

Date