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BY MM  
DEPUTY

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF PINAL

IN THE MATTER OF UPDATING AND )  
REPLACING THE JUDICIAL MERIT )  
RULES )

ADMINISTRATIVE ORDER

No. 2017 - 00039  
(Replacing Admin Order 98-13)

**WHEREAS** the Presiding Judge of the Superior Court of Arizona in and for Pinal County is the chief judicial officer of the County and has administrative authority over all courts in Pinal County, pursuant to Article VI, Section 11 of the Arizona Constitution, Rule 92 of the Arizona Rules of the Supreme Court; and

**WHEREAS** pursuant to Arizona Supreme Court Administrative Order No. 2017-79, Section C (3), the presiding judge of the superior court "may develop and implement judicial branch personnel systems for the courts in their county" and there is a need to update the existing judicial merit rules; and

**WHEREAS** the Judicial Merit Rules have not been significantly revised since their adoption in 1998; and

**WHEREAS** employees of the Superior Court and its departments in Pinal County are not subject to the personnel policies of Pinal County, except as adopted by the Presiding Judge of the Superior Court; and

**WHEREAS** a revised personnel system is necessary to secure, retain, and promote well qualified employees to carry out Judicial Branch functions effectively and efficiently, and provide reasonable stability of employment in the Judicial Branch;

**IT IS HEREBY ORDERED** adopting the Judicial Merit Rules, effective September 1, 2017 (attached as Exhibit A). The Judicial Merit Rules shall apply to all Superior Court employees. Any revision to Section 1.10, Unclassified Positions, shall apply to all Superior Court employees hired or promoted on or after September 1, 2017, or as otherwise stated in 1.10 of the Judicial Merit Rules.

**IT IS FURTHER ORDERED** repealing Administrative Order No. 98-13.

Dated this 28 day of July, 2017.

  
\_\_\_\_\_  
Honorable Stephen F. McCarville,  
Presiding Judge

Original: Clerk of the Superior Court  
Copies: Judges, Pinal County  
Amanda Stanford, Clerk of the Court  
Greg Stanley, County Manager  
Todd D. Zweig, Court Administration  
Rod McKone, Adult Probation Department  
Tracy McElroy, Conciliation Court Director  
Denise Smith, Juvenile Court Services Director  
Adrienne Ward, Court Human Resources



**Superior Court of Arizona**  
PINAL COUNTY

**Judicial Merit System Rules**  
**Revised 2017**

## Superior Court in Pinal County Judicial Merit Rules

### Foreword

The purpose of the Pinal County Judicial Merit Rules is to ensure that all employees enjoy the same rights, terms and conditions of employment. The Court is committed to continually refining and improving itself, therefore, these rules may be changed as deemed appropriate by the Presiding Judge, or designee, and Court Administrator.

These Rules are not intended to be construed as a contract of employment between the Pinal County Superior Court and its employees, nor do they create rights or privileges for employees.

A previous version of these rules was adopted April 22, 1998 and has undergone a major review and update to make them both current and relevant in the environment in which they are used. It is the intent of the Court that they will be reviewed and updated on a regular basis to ensure they remain relevant.

All employees are encouraged to submit written suggestions for improvements to these rules to the Court Administration Human Resources Division.

Effective September 1, 2017

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## RULE 1 GENERAL PROVISIONS

### 1.1 Applicability

- A. Unless otherwise stated in a specific rule, these rules shall apply to all employees of the Arizona Superior Court in Pinal County. By statute, [A.R.S. §23-1501](#), elected officials and at-will employees are excluded from coverage by these rules but have the responsibility for their administration as provided herein.

### 1.2 Authority

- A. The authority for these rules is derived from Article VI, Section 11 of the Arizona Constitution, wherein the Presiding Judge, or designee, of the Superior Court exercises administrative supervision and is authorized to establish Personnel Policies and Procedures and a Judicial Merit System for court employees. These rules shall be known as the Judicial Merit Rules of the Arizona Superior Court in Pinal County and may be cited as JMR or Rules, interchangeably.
- B. The Court Administrator is the administrative authority appointed to have responsibility for the administration of the JMR personnel system.
- C. The head of the Court Human Resources Division, under the delegation and direction of the Court Administrator, may be responsible for preparation, maintenance and administration of the personnel rules and polices, a classification system, a compensation plan and recruitment and selection procedures.
- D. Elected Officials and Appointing Authorities are responsible and accountable to the Presiding Judge, or designee, in the exercise of their administrative authority and supervision over their respective departments of the Superior Court and are responsible for the equitable administration of these rules and applicable personnel policies within said departments. Nothing in these rules shall preclude an Appointing Authority from developing departmental policies and procedures, as long as they are not in conflict with the Administrative Code, statute or these Judicial Merit Rules.
- E. These rules shall be applied and construed consistently with applicable state and federal statutes, rules and regulations.

### 1.3 Current Rules and Updates

- A. These rules are intended to serve as guidelines of current employment practices. Periodic review of these rules will be necessary to meet the needs of the court. The Superior Court in Pinal County reserves the right to change, rescind, or add to any personnel rule or policy with or without prior notice.
- B. No Elected Official, Appointing Authority or employee, may make any oral or written representation that amends, overrides, reverses or supplants these rules. Only the Presiding Judge, or designee, may take such action, which must be in writing.
- C. Each employee of the Superior Court shall be made aware of and given access to these rules and any subsequent change(s), rescission(s) or addition(s). Each employee is expected to review and become familiar with these rules.

### 1.4 Statement of Intent and Authorities

- A. These Rules, as well as all other expressions of Superior Court policy, are not intended to create any contractual rights or obligations and do not promise or imply any fixed term or continuation of employment.

- B. No oral or written statements by any Superior Court manager or supervisor that conflict with anything in these Rules is binding upon the Presiding Judge, or designee, or Elected Official.
- C. These Rules cover all employees in the classified and unclassified service as defined in the Rules without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at-will status of an unclassified employee.

#### **1.5 Modification by the Presiding Judge, or Designee**

The policies, practices and procedures contained herein or elsewhere may be modified or terminated at any time by the Presiding Judge, or designee.

#### **1.6 Principles and Policies**

The following personnel principles, policies and procedures are established by the Presiding Judge, or designee:

- A. No hiring authority other than the Presiding Judge, or designee, Elected Official, Appointing Authority has any authority to enter into any agreement for employees for any specified period of time or to make any employment agreement contrary to these Rules except as ratified by the Presiding Judge, or designee, Elected Official, or Appointing Authority.
- B. Employment in the Superior Court workforce shall be based on qualifications and free of personal and political considerations.
- C. Employment shall comply with the Equal Opportunity Employment Act of 1972, the Fair Labor Standards Act of 1985 as amended, the Immigration Reform and Control Act of 1986, the Americans with Disabilities Act of 1990 as amended, the Civil Rights Act of 1991, as well as other Federal and State laws, rules, regulations and orders, which prohibit discrimination on the basis of race, sex, color, age, religion, disability, national origin, disabled veteran status, and applicable state statutes.
- D. Positions having similar duties and responsibilities shall be classified and compensated on an equitable basis.
- E. Every effort shall be made to comply with these Rules with due consideration given to the rights and interests of employees, consistent with the best interests of the public and the Superior Court.

#### **1.7 Replacement of Prior Rules**

These Rules supersede all previous rules, policies and procedures, which have applied to employees. All rules, policies and procedures adopted on a departmental basis will remain in full force and effect, except to the extent that the same are in conflict with these Rules.

#### **1.8 Severability**

If any provision of these Rules or their application to any persons or circumstances is held invalid, the remainder of the Rules or the application of such provisions to other persons or circumstances shall not be affected.

#### **1.9 Conflict with Federal and State Laws, Regulations, Statutes, or Standards**

To the extent any provisions of these Rules which conflict or are inconsistent with Federal and State laws, regulations, statutes or standards, the applicable Federal and/or State laws, regulations, statutes, or standards shall govern.

#### **1.10 Unclassified Positions**

These Rules shall apply to all classified positions in the Court service. Unclassified positions are not covered by these Rules unless otherwise specified. Superior Court unclassified positions include but are not limited to:

- A. Elected Officials;
- B. Court Administrator;
- C. Deputy Court Administrator;
- D. Treatment Services Program Manager;
- E. Chief Probation Officer;
- F. Director of Juvenile Court Services;
- G. Deputy Directors of Adult and Juvenile Court Services;
- H. Division Managers of Adult and Juvenile Court Services;
- I. Judge Pro Tempores;
- J. Court Commissioners appointed pursuant to A.R.S.§12-211 and A.R.S.§12-213;
- K. Director of Conciliation Services;
- L. Judicial Administrative Assistants;
- M. Chief Deputy of the Clerk of the Superior Court;
- N. Deputy Directors of the Clerk of the Superior Court;
- O. Jury Commissioner for the Clerk of the Superior Court;
- P. Initial probationary, disciplinary probation, part-time and temporary employees;
- Q. Contract providers or persons working on a fee or claim basis.

Should any position covered by these Rules become an unclassified position under these Rules, either by operation of law or amendment done pursuant to these Rules, any employee occupying such position as of the effective date of this policy will remain covered by the Rules.

Upon a vacancy in the position, the position will be unclassified and future employees in the position will be considered unclassified employees.

### **1.11 Delegation of Authority**

Unless otherwise stated by law or in these Rules, the Presiding Judge, may delegate any authority under these Rules.

### **1.12 Service of Notice**

- A. Unless otherwise provided by law or these Rules, whenever any notice, paper or document is to be served upon any person, party or agency by the Appointing Authority, such service may be accomplished by any of the following methods:
  - 1. Personal service;
  - 2. Service by certified, registered or first class mail to the last known address on file;
  - 3. Service by electronic mail after confirmation of current validity;

4. Service by any other method designated by the Appointing Authority which will provide reasonable notice of the matter.
5. Service is complete upon mailing.

## RULE 2 CONDITIONS OF EMPLOYMENT

### 2.1 Purpose

To provide clear and consistent direction to all staff; this policy shall extend its coverage to all employees in the classified and unclassified service as defined in the Rules without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at-will status of an unclassified employee.

It is the policy of the Court that all employees review and sign an Acknowledgement form indicating they understand their conditions of employment. This represents a portion of the responsibilities as an employee of the Superior Court in Pinal County. These responsibilities are not limited to the adherence of the above, but also extend to compliance with the applicable Judicial Merit Rules, Code of Conduct for Judicial Employees, Administrative Orders, Pinal County and Departmental Policies, Procedures and Regulations.

### 2.2 General Policies

- A. As a representative of the Superior Court in Pinal County, my conduct, manner, appearance and demeanor shall preclude any criticism of my personal, as well as, professional actions and integrity. I understand and will comply with the Code of Conduct for Judicial Employees.
- B. As an employee of the Court, I understand that the initial six (6) months, or one (1) year for probation, surveillance detention and security officers (safety sensitive), will be probationary. Until I have successfully completed my probationary period, I understand that I am an at-will employee and my employment can be terminated for any reason. This is not appealable to the Pinal County Presiding Superior Court Judge. I understand that I will not be allowed to take any vacation leave until *three (3) months* of employment have been completed.
- C. Normally, I will work forty (40) hours per week. There may be times when I will work hours other than 8:00 a.m. - 5:00 p.m. There may be times when I will work other than Monday - Friday and there may be times when I may work over forty (40) hours per week. For non-exempt employees, Supervisory approval must be sought prior to working over forty (40) hours in a week.
- D. I will keep my department informed of my current telephone number and residential address, and will update my supervisor with any changes within ten (10) business days.
- E. I understand that changes in my job assignment may be required to further my professional development and/or meet the needs of the department. I agree to accept such changes when the department deems them necessary.

### 2.3 Equipment/Departmental Resources

- A. Departmental Property  
I may be assigned a badge, keys, and/or other departmental equipment necessary to complete my job duties. Should the Appointing Authority determine that any loss or damage of this equipment was due to my negligence, I will reimburse their value to the department. Upon my separation from employment, I will return all equipment to my supervisor.
- B. Personal Property  
I understand that the department is not responsible for personal items I bring to the office that are used or damaged in the performance of my duties.
  - 1. I may be required to use my private vehicle in my position. I will maintain proper insurance coverage as required by the State of Arizona. I will possess a valid operator's license issued by the State of Arizona. If I am unable to operate a vehicle for any reason,

I will notify my immediate supervisor immediately. It is mandatory to notify my Appointing Authority within 24 hours if my driver's license is revoked or suspended.

2. I will abide by all regulation and procedures for travel reimbursement. The claims I submit will be legitimate. I acknowledge that the department has the right, by means it deems appropriate, to verify these claims.
3. I will not use departmental mail service (postage) for personal use. I will not use the department address for personal mail. I also will not use the department computer or telephone for excessive personal use.

## 2.4 Standards of Conduct

- A. I will be given professional discretion in the discharge of my duties. Final responsibility and authority for any decision rests with my chain of command.
- B. Conflicts between myself and co-workers, when not resolved between ourselves, should be brought to my supervisor/chain of command for resolution. If the unresolved conflict interferes with department function, it will be considered a failure to meet professional requirements of the position.
- C. The Appointing Authority has the right to require standards of dress and grooming, which it deems appropriate.
- D. My position with the Court will give me access to confidential information. I will not discuss specific cases with others within or outside of the agency who have no professional need to know.
- E. I will not act as the spokesperson for the Court or my department, unless it is with the Appointing Authority's prior written permission. I will be held responsible for any public statements I make, either verbal or written.
- F. Use of my position to gain special treatment, gifts or favors is strictly prohibited.
- G. I will notify my supervisor of any absence from work due to illness, injury or emergency as directed by my department. In my supervisor's absence, I will follow my chain of command. Vacation time must be pre-approved by my supervisor.
- H. I will not hold secondary employment without prior written approval from my Appointing Authority. Secondary employment request forms must be submitted to my supervisor, who will forward them to the Court Human Resources Representative. Secondary employment must not present a conflict of interest, nor the appearance of a conflict of interest. I understand my position with the Court is my primary job. The Appointing Authority may revoke approval of my secondary employment at any time.
- I. If arrested, summoned, or field cited for a felony or misdemeanor offense, I will notify my supervisor of such incident on or prior to the next business day.
  1. **Felony Arrest**  
An employee charged with a felony offense may be suspended from work pending disposition of the case. Determination of whether the employee will be paid during the suspension will be made by the Appointing Authority. Conditions of continued employment or reassignment of duties will be determined by the Appointing Authority.
  2. **Misdemeanor Arrest**  
An employee cited and/or arrested on a misdemeanor offense may be suspended from work pending disposition of the case. Determination of whether the employee will be

paid during the suspension will be made by the Appointing Authority. Conditions of continued employment or reassignment of duties will also be determined by the Appointing Authority. An employee who is not suspended from work will appear in court as scheduled and will provide proof of court appearance to his/her immediate supervisor. Time off for court appearances will be charged to the employee's vacation time.

## **RULE 3 WORKPLACE VIOLENCE**

This policy covers all employees in the classified and unclassified service as defined in the Rules without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at-will status of an unclassified employee.

### **3.1 Policy**

- A.** It is the Superior Court's policy to promote a safe environment for its employees. The Superior Court is committed to working with its employees to maintain a work environment free from violence, threats of violence, harassment, intimidation, and other disruptive behavior.
- B.** Violence, threats, harassment, intimidation, and other disruptive behavior in the workplace will not be tolerated.
  - 1.** All reports of incidents will be taken seriously and dealt with appropriately. Such behavior can include oral or written statements, gestures, or expressions that communicate a direct or indirect threat of physical harm.
  - 2.** Individuals who commit such acts may be removed from the premises and may be subject to disciplinary action, criminal penalties, or both.

### **3.2 Reporting**

- A.** If you observe or experience violent, threatening, harassing, intimidating, or other disruptive behavior by anyone in the workplace, whether an employee or not, report it immediately to a supervisor or manager.
- B.** Supervisors and managers who receive such reports must notify the Appointing Authority immediately.
- C.** The Appointing Authority will expedite an investigation of the incident and take appropriate action.
- D.** Threats or assaults that require immediate attention should be reported to Court Security and/or local law enforcement.



## **RULE 4 PROHIBITION AGAINST HARASSMENT, DISCRIMINATION AND RETALIATION**

This policy covers all employees in the classified and unclassified service as defined in the Rules without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at-will status of an unclassified employee.

### **4.1 Policy**

The Court shall not discriminate against an individual in violation of State or Federal law or regulation in terms of race, color, religion, sex, age, national origin, disability or any other category protected by law. All individuals are to be treated in a fair and non-discriminatory manner throughout the employment process. The Court adheres to all Federal and State laws prohibiting unlawful harassment and/or discrimination.

- A. It is the policy of the Court to treat each employee equitably, to provide communication channels to resolve harassment and discrimination concerns, and thereby support a safe and productive work environment for all Court employees.

### **4.2 Discipline**

Any employee found to have subjected another employee to discrimination as defined by this Rule shall be subject to disciplinary action, up to and including dismissal, in accordance with the provisions of these Rules.

### **4.3 Retaliation**

- A. An employee shall not take any adverse employment action against another employee for reporting or for participating in an investigation related to a complaint of discrimination, retaliation or harassment.
- B. Any employee or agency representative that retaliates against an employee as a result of the exercise of the employee's protected rights will be subject to disciplinary action, up to and including dismissal.

### **4.4 Harassment**

- A. The Court prohibits harassment based upon protected class/status. Harassment is a form of employment discrimination based on race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information that violates Title VII of the Civil Rights Act of 1964, the Age Discrimination in Employment Act of 1967 (ADEA) and the Americans with Disabilities Act of 1990 (ADA).

The Court also prohibits, pursuant to anti-harassment laws, harassment against individuals in retaliation for filing a discrimination charge, testifying, or participating in any way in an investigation, proceeding, or lawsuit under these laws; or opposing employment practices that they reasonably believe discriminate against individuals, in violation of these laws.

- B. Harassment becomes unlawful where 1) enduring the offensive conduct becomes a condition of continued employment, or 2) the conduct is severe or pervasive enough to create a work environment that would be considered intimidating, hostile, or abusive. Petty slights, annoyances, and isolated incidents (unless extremely serious) will not rise to the level of illegality. To be unlawful, the conduct must create a work environment that would be intimidating, hostile, or offensive to a reasonable person.
- C. Harassment in any form will not be tolerated. Unlawful harassment shall be grounds for disciplinary action, up to and including dismissal. Unlawful harassment by judges shall be grounds for complaint to the Commission on Judicial Conduct pursuant to the rules of the

Commission on Judicial Conduct. Unlawful harassment by vendor employees shall be grounds for termination of vendor contracts within the Court.

**D.** Harassment can include “sexual harassment” or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature. Harassment constitutes sexual harassment when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision. Such as:

1. Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual’s employment;
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
3. Such conduct has the purpose or effect of unreasonably interfering with an individual’s work performance or creating an intimidating, hostile or offensive working environment;
4. Harassing behavior that rises to the level of “sexual harassment” may include, but is not limited to, unwelcome or unwanted sexual advances including petting, pinching, brushing up against, hugging, cornering, kissing, fondling or any physical conduct considered unacceptable by another individual; unwelcome or unwanted requests or demands for sexual favors and/or verbal abuse, bantering or teasing that is sexually oriented and is considered unacceptable by another individual. This includes but is not limited to:
  - a. innuendoes, jokes, sexually oriented comments that offend others;
  - b. displaying an intimidating, hostile or offensive attitude because of rejected sexually oriented demands, requests, physical contact or attention;
  - c. interfering with a co-worker’s performance by exchanging unwanted sexual attentions, or sexually oriented conduct that reduces personal productivity or safety on working time;
  - d. condoning a working environment that is not free of sexually oriented innuendoes or any other actions of a sexual nature that could offend others; and
  - e. harassment not of a sexual nature, such as offensive remarks about a person’s sex. For example, it is illegal to harass a woman by making offensive comments about women in general.

**E. Reporting a Complaint**

1. Every employee of the Court has an affirmative duty to maintain a workplace free of unlawful harassment and intimidation.
  - a. An employee (complainant) who believes they have been subjected to discrimination, unlawful harassment, or retaliation in violation of these rules should present their complaint promptly in writing or orally to their immediate supervisor, an Appointing Authority, or the Superior Court Administrator and/or the Superior Court Presiding Judge, if the complaint is against the Appointing Authority.
  - b. Supervisors or department heads who receive complaints or reports of unlawful harassment must immediately inform the Appointing Authority of such complaints.

- c. The Appointing Authority shall meet with the complainant at the earliest practicable time to discuss the complaint thoroughly and objectively. The complainant will be advised by the Appointing Authority that the complaint is to be treated confidentially to the extent possible and should not be discussed with others, including other employees, to preserve the integrity of any investigation into the allegations
- d. The Appointing Authority shall conduct an investigation into the allegations. Confidentiality of all parties involved in the investigation shall be respected to the extent that such confidentiality does not interfere with the Court's legal obligation to investigate allegations of misconduct and to take appropriate action.
- e. The Appointing Authority shall make a final determination as to whether the report of discrimination, harassment, or retaliation was substantiated.
  - i. If misconduct is substantiated, the Appointing Authority shall make recommendations of disciplinary action, up to and including dismissal of the offending party, in accordance with the provisions of the Rules.
  - ii. The Appointing Authority shall notify the complainant of the conclusion of any review or investigation under this rule. The notice shall advise the complainant in writing whether the allegations were substantiated. The notice shall also advise the complainant whether remedial measures have been put in place; however, the details concerning specific measures (such as disciplinary action) may or may not be disclosed.
  - iii. The decision of the Appointing Authority is final and is not subject to grievance or appeal.

**F. Discipline**

Any employee found to have subjected another employee to unlawful harassment as defined by this policy shall be subjected to disciplinary action, up to and including dismissal, in accordance with the provisions of the Superior Court in Pinal County Merit System Rules and Policies.

**G. Responsibility**

1. All employees have a duty to report any known instances of unlawful harassment, discrimination, or retaliation against themselves or another employee to their supervisor, an Appointing Authority or Court Human Resources Representative.
2. Supervisors who become aware – formally or informally – of situations which could potentially involve harassment must notify the Appointing Authority or Court Human Resources immediately.
3. Retaliation, in any form, against any complaining employee or participating witness shall not be tolerated and shall be grounds for disciplinary action, up to and including dismissal.
4. It shall be the responsibility of all Elected Officials and Appointing Authorities, in coordination with the Court Human Resources Representative, to ensure compliance and enforcement of the provisions of this policy within their respective departments.

**4.5 Education**

Appointing Authorities shall provide educational opportunities for employees within their department regarding this policy and any forms of harassment and unlawful discrimination.

- A. Judges, managers and supervisors shall receive education which enables them to recognize harassment and to take appropriate action pursuant to this policy and procedures.

## RULE 5 AMERICANS WITH DISABILITIES ACT (ADA)

### 5.1 ADA Non-Discrimination

This policy covers all employees in the classified and unclassified service as defined in the Rules without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at-will status of an unclassified employee.

- A. The Court does not discriminate against qualified individuals with disabilities in recruitment, employment, job assignment, compensation, benefits, performance evaluation, promotion, demotion, training, leaves, layoffs, terminations and in other actions and practices affecting applicants and employees.
- B. The Court does not discriminate against applicants or employees due to their relationship or association with an individual with a known disability.
- C. For the purposes of this policy, individuals with disabilities include:
  - 1. Persons with one or more physical or mental impairments that substantially limit one or more major life activities;
  - 2. Persons who have a record of such an impairment; or
  - 3. Persons who are regarded as having such an impairment.

### 5.2 Reasonable Accommodation

- A. The Court Human Resources Representative will work with all qualified individuals with disabilities to determine what reasonable accommodations are appropriate to enable the employee to perform his or her essential job functions. Employees who believe that they are limited from performing any essential job function as a result of a physical or mental impairment are encouraged to make requests for reasonable accommodations.
- B. Potential reasonable accommodations(s) will be evaluated based on their effectiveness in facilitating safe and successful job performance as well as associated costs of the accommodation(s).
- C. The Court will not undertake accommodations(s) that would cause or result in an undue hardship to the Court, or that would pose a direct threat to Court employees and/or the public.
- D. It may be necessary for the Appointing Authority and the employee to engage in an interactive process, in conjunction with the Court Human Resources Representative, to determine what accommodations are reasonable and effective. In those situations, both the Appointing Authority and the employee share responsibility to cooperate in the interactive process toward an ultimate goal of finding reasonable and effective accommodations.
- E. If an employee or prospective employee has a disability that is covered by the ADA, they may request a reasonable accommodation for four (4) purposes:
  - 1. To complete the pre-employment application process.
  - 2. To take an examination.
  - 3. To perform essential function(s) of the job.
  - 4. To have the same benefits and privileges of non-disabled employees.

- F. Requests for reasonable accommodation should be submitted to the Court Human Resources Representative.
- G. When the Court Human Resources Representative is not involved in the interviewing process and an applicant requests a reasonable accommodation for any reason, the Court Human Resources Representative should be consulted prior to any accommodation being given.
- H. No reasonable accommodation should be granted by a department before it is discussed with the Court Human Resources Representative.
- I. Some reasonable accommodation(s) may require the approval of the Presiding Judge, or designee, prior to being granted.

### **5.3 Reassignment of Current Employees**

- A. In the event a current employee has a disability that interferes with performance of his or her essential job functions, the Court will work with the employee to determine if there are any reasonable accommodation(s) that will enable the employee to perform his or her essential job functions.
- B. If a current employee becomes unable to perform their essential job functions due to a disability, and there is no reasonable accommodation available that will enable the employee to perform those job functions, the employee may be considered for other current job openings within the Court for which the employee is qualified and is able to perform, even if the position is not in the same job classification and grade. If job transfer is used as a reasonable accommodation, the employee does not have to be the most qualified for the position, and the employee shall not be required to apply for the position for which they are minimally qualified.
- C. In the event that a position is offered but refused by the employee, the employee's employment may be terminated.

### **5.4 Responsibility**

It shall be the responsibility of the Court Human Resources Representative to assure that this policy is adhered to.

- A. If an employee or prospective employee believes they have a legally protected disability and feel they have been discriminated against due to that disability, or feel they have been discriminated against due to their relationship or association with an individual with a known disability, they may contact the Superior Court Human Resources Representative.
- B. All complaints will be treated confidentially and thoroughly investigated. Each employee or prospective employee will be notified as to the outcome of the investigation and any action that will be taken as a result.
- C. An employee or prospective employee will in no way be adversely impacted or retaliated against for reporting their concern to the Court Human Resources Representative.

## RULE 6 CLAIMS OF CONSTRUCTIVE DISCHARGE ([A.R.S. §23-1502](#))

This policy covers all employees in the classified and unclassified service as defined in the Rules without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at-will status of an unclassified employee.

### 6.1 Definition

A. Constructive Discharge is shown by either of the following:

1. Evidence of objectively difficult or unpleasant working conditions to the extent that a reasonable employee would feel compelled to resign on the basis of protected category or conduct.
2. Evidence of outrageous conduct by the employer or a managing agent of the employer, including sexual assault, threats of violence directed at the employee, a continuous pattern of discriminatory harassment by the employer or by a managing agent of the employer, or other similar kinds of conduct, if the conduct would cause a reasonable employee to feel compelled to resign.

### 6.2 Required Actions

As a precondition to the right to bring a constructive discharge claim against the Court, employees are required to take each of the following actions before deciding whether to resign:

- A. The employee must notify the Appointing Authority or Court Human Resources Representative, in writing, of a constructive discharge situation as defined by [Rule 6.1](#).
- B. Once filed with the appropriate Court representative, the Court will have fifteen (15) calendar days to respond, in writing, to the employee's written communication.
  1. The Court's response is *not* deemed an admission by the Court that it committed any act that gives rise to any claims or cause of action by the employee.
- C. The employee must read and consider the Court's response.

### 6.3 Compensatory Time

An employee may use available vacation or compensatory time of up to fifteen (15) calendar days while waiting for the employer to respond to the employee's written communication about their working condition. If no leave is available, an employee may take unpaid leave of up to fifteen (15) days.

### 6.4 Notice

Employees are encouraged to communicate to the Employer whenever the employee believes working conditions exist that may become intolerable to the Employee and may cause the Employee to resign. Under [Arizona Revised Statutes §23-1502](#), an Employee may be required to notify an appropriate representative of the Employer in writing that a working condition exists that the Employee believes is intolerable, that will compel the Employee to resign or that constitutes a constructive discharge, if the Employee wants to preserve the right to bring a claim against the Employer alleging that the working condition forced the Employee to resign.

Under the Law, an Employee may be required to wait for fifteen (15) calendar days after providing written notice before the Employee may resign if the Employee intends to preserve the right to bring a constructive discharge claim against the Employer. An Employee may be entitled to paid or unpaid leave of absence for up to fifteen (15) calendar days while waiting for the Employer's response to the Employee's written communication about the working conditions as described above.

## RULE 7 DRUGS AND ALCOHOL

This policy covers all employees in the classified and unclassified service as defined in the Rules without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at-will status of an unclassified employee.

### 7.1 Definitions

A. In this section the following definitions apply:

1. “Alcohol” means the intoxicating agent in a beverage, ethyl, or other low molecular weight drink, including methyl and isopropyl, and includes any medication, food, or other products containing intoxicants.
2. “Alcohol use” means the consumption of any beverage, mixture or preparation, including any medication containing intoxicants.
3. “Employee Assistance Program” (EAP) means an agency-based counseling program that offers assessment, short-term counseling and referral services to employees for a wide range of drug, alcohol, and mental health problems, and monitors the progress of employees while in treatment.
4. “Illegal drugs” means a controlled substance included in Schedule I or II, as defined by section 802(6) of Title 21 of the United States Code, the possession of which is unlawful under chapter 13 of that Title and as defined in [A.R.S. § 13-3401](#). The term "illegal drugs" does not mean the proper use of a controlled substance pursuant to a valid prescription or other uses authorized by law.
5. “On duty” means the time period during which the employee is involved in performing the employee’s respective court duties or functioning at the direction of the department.
6. “Off duty” means the time period during which the employee is not involved in performing the employee’s respective court duties or functioning at the direction of the department.
7. “Reasonable suspicion” is a belief based on specific objective facts and logical inferences drawn from those facts.
8. "Safety sensitive duties" means duties that involve assigned responsibilities for direct community or custodial supervision of probationers, defendants or juveniles pending adjudication or that involve authorization to carry and to use a firearm in the performance of other assigned responsibilities.
9. “Safety sensitive positions” means officers, community service coordinators and other employees as designated by the Court Administrator, Chief Probation Officer or Director of Juvenile Court Services who provide direct supervision or services to adult or juvenile offenders who are subject to the jurisdiction of the Court. Additionally, those employees responsible for ensuring the safety and security of the court building are also designated positions.

### 7.2 Purpose

To establish and maintain a drug-free and alcohol-free workplace in the Court.

- A. The unlawful manufacture, distribution, dispensation, possession, or use of an illegal drug by any court employee at any time is absolutely prohibited.



- B. Reporting to work or, while on duty, having any detectable or measurable presence of alcohol or illegal drug is absolutely prohibited.
- C. Violations of this policy shall result in appropriate disciplinary action, up to and including termination, and may also result in legal consequences.

### 7.3 Procedure

- A. All employees shall be notified of:
  - 1. The department's intent to maintain a drug and alcohol-free workforce;
  - 2. The availability of substance abuse treatment and employee assistance programs;
  - 3. The penalties that may result from illegal drug use violations;
  - 4. The requirement to abide by the terms of this policy as a condition of employment; and
  - 5. Random testing, that shall apply to safety sensitive positions or any other employee who requests to be included in random testing.
  - 6. Probation, Surveillance and Juvenile Detention Officer Testing Procedures
    - a. For all probation, surveillance and juvenile detention officers, the Court will abide by all requirements of Arizona Code of Judicial Administration, Section 6-106 (L), Personnel Practices.

### 7.4 Authorized Testing Conditions

- A. Pre-employment drug testing shall be conducted only for positions that involve the performance of safety sensitive job duties. These positions include those required to carry firearms and/or defined by the Arizona Code of Judicial Administration.
- B. Reasonable Suspicion Testing
  - 1. All employees shall submit to a drug test based upon reasonable suspicion of prohibited or illegal use of drugs or alcohol.
  - 2. Reasonable suspicion that an employee uses alcohol or illegal drugs may be based upon, but not limited to, the following situations:
    - a. Direct observation of drug or alcohol use or the physical symptoms of being under the influence of drugs or alcohol; for example, slurred speech or odor of alcohol.
    - b. A pattern of abnormal conduct or erratic behavior.
    - c. Arrest, summons, field citation or conviction for a drug or alcohol-related offense, or the identification of an employee as the focus of a criminal investigation of illegal drug possession, use or trafficking.
    - d. Information provided by reliable or credible sources or by admission of the employee.
    - e. Evidence that the employee tampered with a previous drug test.
    - f. When any Court employee is involved in an accident while operating a county, state or personal vehicle on Court business, the employee may be required to submit to drug and alcohol testing.





- g. Aiding, abetting or conspiring to commit offenses listed herein.
- 8. Failure to notify the supervisor of an arrest or citation for an offense involving drug or alcohol violation by the next business day.

**C. Employee Assistance Program (EAP)**

- 1. In situations where an employee who tests positive for any illegal substance is not terminated from employment, the employee shall be referred to the EAP and be given the opportunity to successfully undertake treatment. The ultimate responsibility to be drug and alcohol-free rests with the employee.
- 2. An employee needing help in addressing drug or alcohol dependency is encouraged to use, and may be directed to use, the confidential services of the EAP or the substance abuse treatment program provided within the employee's health insurance coverage.

**7.7 Reporting Requirements**

**A. Violations While On Duty**

- 1. Immediately upon committing or learning that another employee has committed a violation of this policy while on duty, an employee shall report that violation to his or her supervisor or other management personnel.
- 2. The knowing failure to report an "on duty" violation of this policy is, by itself, a violation of the policy and subjects an employee to disciplinary action, up to and including termination.
- 3. The supervisor or manager shall document and forward the documentation to the Appointing Authority for review and authorization of testing, if needed.

**B. Violations While Off Duty**

- 1. Immediately upon committing, or learning that another employee has committed a violation of this policy while off duty, an employee shall report that violation to an immediate supervisor or other management personnel.
- 2. The knowing failure to report an "off duty" violation of this policy is, by itself, a violation of the policy and subjects an employee to disciplinary action, up to and including termination.
- 3. All reports received shall be held in confidence to the extent possible to conduct a fair investigation and determine the appropriate action to be taken.
- 4. The supervisor or manager shall document and forward the documentation to the Appointing Authority for review and authorization of testing, if needed.

**C. Violations Resulting in Arrest or Arraignment**

- 1. Any employee arrested, summoned, field cited or convicted of any criminal charge involving any drug or alcohol violation, shall report the matter to their immediate supervisor on the next business day.
- 2. The supervisor shall report the incident to the Appointing Authority. The Appointing Authority shall initiate an administrative investigation and may reassign the employee,

place the employee on administrative leave and take disciplinary action, up to and including termination, prior to the final legal disposition of the criminal case.

## 7.8 Confidentiality of Test Results

- A. Employees and the drug testing laboratory involved in any aspect of the Court's drug testing program shall maintain strict standards of confidentiality of test results and related medical and treatment records. This includes:
  - 1. Maintaining maximum respect for individual privacy consistent with safety and security issues.
  - 2. Handling of test results.
  - 3. All contacts with medical and health personnel, counselors, employee assistance program coordinators and administrators.

## 7.9 Records

- A. Records maintained in connection with this program that contain the identity, diagnosis, prognosis, or treatment of any person shall be kept confidential.
- B. Records shall be disclosed under limited circumstances and for specific purposes by consent of the employee.
  - 1. Written consent shall be obtained from the person to be tested to disclose results of tests administered and related medical and rehabilitation records to the Appointing Authority, or designee.
  - 2. This consent shall be obtained prior to the test itself.
  - 3. Refusal to consent to the release of this information shall be considered a refusal to take the test.
- C. Drug abuse or alcohol treatment records may be disclosed without the consent of the employee:
  - 1. To medical personnel, to the extent necessary, to meet a genuine emergency.
  - 2. To qualified personnel for conducting scientific research, management audits, financial audits, or program evaluations, with all identifying information removed from data.
  - 3. When authorized by an appropriate court-order granted after application showing good cause.
  - 4. Other disclosure may be made only with the written consent of the employee. Such consensual disclosure may be made for verification of treatment or a general evaluation of treatment progress.

## 7.10 Arrest, Summons, Field Citation or Conviction for Alcohol and/or Drug-Related Crime

- A. If an employee is arrested, summoned, field cited or convicted of any alcohol and/or drug-related crime, the Court will investigate the circumstances, and the Appointing Authority may utilize drug-testing procedures if reasonable suspicion exists as a result of the investigation. In most cases, an arrest for a drug-related crime constitutes reasonable suspicion under this policy.
- B. As a condition of employment, an employee shall notify the Appointing Authority of any criminal drug statute conviction or for any plea of guilty, *nolo contendere* or suspended imposition of

sentence that has been entered on a criminal drug statute charge. The employee must give notice, in writing, to the Court within three working days of any such conviction.

**7.11 Confidentiality**

Results of an applicant's or employee's test for the use of illegal drugs or alcohol shall be transmitted to the Appointing Authority or designee. In order to effectively address the employee with drug or alcohol problems, it will be necessary for the Appointing Authority to consult with other persons in the process. However, such results may be disseminated only on a need-to-know basis.

## **RULE 8 EMPLOYEE ATTENDANCE AND LEAVE**

This policy covers all employees in the classified and unclassified service as defined in the Rules without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at-will status of an unclassified employee.

### **8.1 Work Week**

- A. Except as otherwise provided, the regular work week of full-time Court employees shall be forty (40) hours. Some positions work a traditional eight (8) hours per day, Monday through Friday; other positions have a varied schedule.
- B. Modifications to this provision, in order to provide essential Court services, may be made subject to any federal, state or constitutional limitations relating to hours of work.

### **8.2 Reporting and Recording Leave**

- A. The Appointing Authority for each department shall be responsible for ensuring that all leave used is properly recorded as established by the Court Human Resources Division.

### **8.3 Vacation and/or Compensatory Time Leave Requests**

- A. Requests to use accrued leave time shall be approved in advance of usage.
  - 1. An employee may use vacation accruals for any reason.
    - a. Use of vacation accruals must be authorized, in advance, by the appropriate Appointing Authority or designee. Periods may be established during which no vacation time may be taken if necessary to maintain the efficient function of the Court, except under extenuating circumstances.
    - b. Vacation accruals may be used for sick leave once all sick leave accruals have been exhausted.
  - 2. An employee who wants to use vacation accruals shall request written authorization, in advance of usage and in accordance with the department policy as established by the Appointing Authority.
  - 3. Departments should establish procedures for emergency requests for leave.
  - 4. No unearned leave shall be approved for usage.
  - 5. An employee shall not be granted the use of any accruals during any period of disciplinary suspension.

### **8.4 Leaves of Absence with Pay**

Employees may be granted leaves from work with pay under the following provisions. Pay granted shall not be charged to the employee's accrued sick, vacation, or compensatory leave credits.

- A. Regular status Court employees called to serve upon a jury during their work hours. Any federal jury pay (excluding reimbursement for miles traveled, food, and/or lodging) received by such employee must be turned over to the Treasurer's Department and a Treasurer's receipt furnished to the Court Human Resources Division. Court jury pay is mileage only.
- B. Leave with pay up to two (2) hours of duty time may be utilized for voting by an employee who is qualified to vote on primary and general election days, if their work schedule coincides with polling location hours.

- C. Leave with pay for Court business requiring an employee to be absent from the Court more than one day, except for established or routine duties, may be granted with approval of the Appointing Authority.
- D. Leave with pay to attend trade, professional, or other meetings which directly relate to official duties may be granted with approval from the Appointing Authority.
- E. An Appointing Authority may authorize an employee to be absent with pay on administrative leave during a state of emergency declared by the Governor, or in other emergency situations such as extreme weather conditions, fire, flood, or malfunction of publicly-owned or controlled machinery or equipment.
- F. An Appointing Authority may grant administrative leave to relieve an employee of duties temporarily during the investigation of alleged wrongdoing by the employee, pursuant to [Rule 17](#).
- G. In the event of the death of a member of the immediate family, up to twenty-four (24) hours of paid Bereavement Leave may be granted. Up to forty (40) hours of paid leave may be allowed for circumstances requiring out of state travel.
  - 1. For the purposes of Bereavement Leave, Immediate Family means spouse, child, adopted child, stepchild, ward, mother, father, brother, sister, aunt, uncle, niece, nephew, in-laws, domestic partner, and grandparents or grandchildren or an individual who stands or stood in loco parentis of either employee or spouse.

#### **8.5 Leaves of Absence without Pay**

- A. The Court retains the exclusive discretion to approve or deny an employee's request for leave without pay.
  - 1. An employee shall apply in writing, in advance, for leave without pay upon approval of the Appointing Authority.
    - a. Leave may be approved, in writing, by the Appointing Authority.
- B. Such leave may be granted without the guarantee of a position being available at the end of the leave.

#### **8.6 Sick Leave**

- A. Use of Sick Leave

An employee's use of sick leave shall be limited to illness, injury or treatment of the employee or care of the employee's immediate family member or domestic partner; or for an extension of bereavement leave for an employee's immediate family member or domestic partner with approval from the Appointing Authority.

  - 1. If the employee's reason for sick leave is known in advance, request for approval shall be made in advance; otherwise, a request for sick leave approval must be made as soon as possible, and in accordance with any notification requirements established by the Appointing Authority.
  - 2. An Appointing Authority, in consultation with the Court Human Resources Representative, may require a medical release prior to an employee's return to work.
- B. Medical Certification for Sick Leave



The Appointing Authority or designee may at any time request or require medical certification before approval of sick leave.

1. The Appointing Authority may investigate an alleged illness, injury or treatment any time the improper use or abuse of sick leave is suspected.
    - a. The Appointing Authority or designee may deny the use of sick leave if the employee fails to provide medical documentation if there is a reasonable belief that the employee is improperly using or is abusing sick leave.
  2. Upon request of documentation, the employee shall provide documentation from a health care provider verifying the illness, injury or treatment.
  3. If the requested documentation is not provided, sick leave may be denied and the employee ordered to return to work on a specific date. Unauthorized absences shall not be compensated.
- C. Sick Leave Without Pay  
In cases where the employee does not have sufficient leave time accrued to cover an illness, injury, treatment or disability, the employee may request unpaid leave in accordance with [8.5 Leaves of Absence without Pay](#) above.
- D. Modified or Light Duty  
In cases where the employee requires Modified or Light Duty to return to work, the employee shall provide such documentation from a health care provider and the temporary accommodation will be handled in accordance with [Rule 8, Worker's Compensation, Section 8.9\(D\) 1 – 4](#).
- E. Inability to Return to Work  
In cases where the employee is unable to return to work and unable to perform their essential job functions, the employee shall provide documentation from a health care provider and it will be handled in accordance with [Rule 19, Terminations, Section 19.6](#).

## 8.7 Family and Medical Leave Act (FMLA)

- A. The FMLA permits eligible employees to take up to twelve (12) workweeks of unpaid, FMLA job-protected leave during any twelve (12) month period for the following reasons:
1. The birth of a child or placement of a child with the employee for adoption or foster care, provided the leave concludes within 12 months
  2. to care for the employee's spouse, son, daughter or parent due to a serious health condition; or
  3. the employee is unable to work due to his or her own serious health condition.
- B. In addition, eligible employees whose spouse, son, daughter or parent is on covered active duty or called to covered active duty status may use their 12-week leave entitlement to address certain qualifying exigencies.
1. Qualifying exigencies may include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings in accordance with USERRA.
- C. FMLA also includes a special leave entitlement that permits eligible employees who are the spouse, son, daughter or next of kin of a covered service member, to take up to 26 weeks of leave

to care for a covered service member, during a single 12-month period. A covered service member is:

1. a current member of the Armed Forces, including a member of the National Guard or Reserves, who is undergoing medical treatment, recuperation or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness\*; or
2. a veteran who was discharged or released under conditions other than dishonorable at any time during the five-year period prior to the first date the eligible employee takes FMLA leave to care for the covered veteran, and who is undergoing medical treatment, recuperation, or therapy for a serious injury or illness.

*\*The FMLA definitions of “serious injury or illness” for current service members and veterans are distinct from the FMLA definition of “serious health condition.”*

#### D. Eligibility

1. All Court employees are eligible for Family and Medical Leave if they have been employed with the Court/County for:
  - a. at least twelve (12) months; and
  - b. performed at least 1,250 hours of work for the Court/County during the twelve (12) month period immediately preceding the leave. Paid leave and unpaid leave are generally not counted toward the calculation of the 1250 hours eligibility requirement.
  - c. Under certain circumstances, key employees (those highest paid 10% of the work force) may be denied reinstatement rights if such reinstatement would cause substantial and grievous economic injury to the Court’s operations.
2. FMLA leave may be taken intermittently or on a reduced schedule if medically necessary.
  - a. Employees must make reasonable efforts to schedule leave for planned medical treatment so as not to unduly disrupt the employer’s operations.
  - b. The Court, in its discretion, may transfer the employee temporarily to an alternative job with equivalent pay and benefits that accommodate reoccurring periods of leave better than the employee’s regular job.

#### E. Definitions

1. For the purposes of this Rule, a “serious health condition” shall be defined as “an illness, injury, impairment or physical or mental condition” that involves either an overnight stay in a medical care facility, or continuing treatment by a health care provider for a condition that either prevents the employee from performing the functions of the employee’s essential job duties or prevents the qualified family member from participating in school or other daily activities.
2. Subject to certain conditions, the continuing treatment requirement may be met by a period of incapacity of more than three (3) consecutive calendar days combined with at least two (2) visits to a health care provider or one (1) visit and a regimen of continuing treatment, or incapacity due to pregnancy, or incapacity due to a chronic condition.
3. Other conditions may meet the definition of continuing treatment.

**F. Paid/Unpaid Leave**

1. Employees are required to use any available accrued paid sick leave, vacation leave, and compensatory time concurrent with approved FMLA leave and prior to unpaid leave.

**G. Employee Notice**

1. If the necessity for FMLA is foreseeable by an employee (i.e. scheduled surgery, expected childbirth, adoption) an employee must provide their Court Human Resources Representative with not less than a thirty (30) day notice before the date the leave is to begin.
  - a. When a 30 day notice is not possible, the employee must provide notice as soon as practicable and must also follow normal call-in procedures.
2. If FMLA Leave is based on foreseeable and/or planned medical treatment of a spouse, child (son and/or daughter), parent, or an employee's own treatment, an employee must:
  - a. Make a reasonable effort to schedule such treatment as to not disrupt essential operations of the department.
  - b. Provide their Appointing Authority and Court Human Resources Representative with not less than a thirty (30) day notice before the date the leave is to begin, to the extent possible.
  - c. Provide sufficient information for the Court Human Resources Representative to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave.
    - i. Sufficient information may include that the employee is unable to perform job functions, the family member is unable to perform daily activities, the need for hospitalization or continuing treatment by a health care provider, or circumstances supporting the need for military family leave.
  - d. Employees must also inform the Court Human Resources Representative if the requested leave is for a reason for which FMLA leave was previously taken or certified. Employees also may be required to provide a certification and periodic recertification supporting the need for leave.

**H. Spouses – Both Court Employees**

1. If spouses are both employed by the Court, the total aggregate number of workweeks of FMLA Leave for both spouses will be limited to twelve (12) total workweeks during any twelve (12) month period for the purposes of caring for a new child or caring for a parent with a serious health condition.

**I. Medical Certification**

1. In order for an employee to be granted FMLA Leave due to a serious health condition of a spouse, child (son and/or daughter), parent or an employee's own serious health condition, a certificate from the health care provider is required. The certificate must include:
  - a. The date on which the condition commenced;
  - b. the appropriate medical facts of the condition;

- c. a statement that the employee is needed to provide the care if the FMLA Leave is to be granted for the care or assistance in the recovery from an illness of a child, parent, or spouse; or
      - d. a statement that the employee is unable to perform the duties of his/her position, if the FMLA Leave is to be granted for an employee's own treatment;
      - e. the dates and duration of each period, what treatment is expected, and a statement of the medical necessity for planned employee intermittent leave or reduced work schedule; or
      - f. a statement that the leave is necessary for planned intermittent or reduced work schedule time for the care or assistance in the recovery from illness of a child, parent, or spouse.
2. Statements from health care providers shall be given to the Court Human Resources Representative for review and approval.
  - a. The Court reserves the right to have the employee obtain a second opinion, or third opinion if necessary, at Court expense, regarding certifications by providers as permitted by the FMLA when there is reason to doubt the validity.
3. Employees on FMLA leave are required to inform their Appointing Authority and Court Human Resources Representative at least every pay period as to their status and possible return to work.
  - a. The Court reserves the right to require an employee to obtain subsequent re-certification(s) from a health care provider on a reasonable basis as deemed necessary by the Appointing Authority and Court Human Resources Representative and where permitted under the FMLA.

## J. Employer Responsibilities

1. The Court Human Resources Representative shall inform employees requesting leave whether they are eligible under the FMLA.
  - a. If the employee is eligible, the notice must specify any additional information required as well as the employee's rights and responsibilities.
  - b. If the employee is not eligible, the employer must provide a reason for the ineligibility.
2. The Court shall abide by the FMLA and shall not:
  - a. interfere with, restrain, or deny the exercise of any right provided under the FMLA; and
  - b. discharge or discriminate against any person for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under or relating to the FMLA.

## K. Return from FMLA Leave

1. As a condition of restoration, an employee returning from FMLA Leave must provide Court Human Resources Representative with a certification from the attending health care provider that they can return to work.

- a. The certification must outline what duties and restrictions, if any, the returning employee can assume (i.e. normal duties, can lift only 10 pounds, etc.).
2. An employee returning from FMLA Leave shall be:
    - a. Restored to the same position held when the leave commenced, or;
    - b. Restored to an equivalent position with equivalent benefits, pay, etc.
  3. Use of FMLA cannot result in the loss of any employment benefit that was accrued prior to the start of the employee's FMLA leave.
  4. The Court may engage in an interactive process as stipulated in Rule 5 Americans with Disabilities Act (ADA) to determine what reasonable accommodations are appropriate to enable the employee to perform his or her essential job functions. This may include additional leave time beyond that which is allotted under FMLA, although not a guarantee, each situation will be evaluated on a case by case basis.

**L. Health Benefits**

**1. Employee Coverage**

- a. For an employee on FMLA Leave, the Court shall maintain and continue to pay for the employer's medical/dental insurance premiums shall remain at the same level and under the same conditions that coverage would have been provided if the employee continuously remained on the job coverage under the County's employee benefit plan. The employee's share of any medical/dental insurance premium will continue to be the employee's responsibility. In the case of unpaid leave, the employee should contact the Pinal County Compensation and Benefits Manager or designee to make arrangements for payment of any benefits that would normally have been paid through payroll deduction.
- b. If the employee is released by his/her health provider and fails to return from FMLA Leave after the period of leave expires, all medical/dental insurance premiums paid for group health coverage during the period of unpaid FMLA leave may be recovered from the employee.

**M. Leave Accruals**

1. Vacation and sick leave shall not accrue during a period of unpaid FMLA Leave.
2. The twelve (12) month period is a "rolling" twelve (12) month period measured backward from the date an employee uses any leave under the Act.

**N. Modified or Light Duty**

In cases where the employee requires Modified or Light Duty to return to work, the employee shall provide documentation from a health care provider and the temporary accommodation will be handled in accordance with [Rule 8, Worker's Compensation, Section 8.9\(D\) 1 – 4](#).

**O. Inability to Perform Job Duties**

In cases where the employee is unable to return to work at the expiration of an approved FMLA, the employee shall provide documentation from a health care provider to determine whether or not the employee qualifies for a leave under the American's with Disabilities Act as outlined in Rule 5. If the employee is unable to return to work indefinitely following an FMLA leave, it will be handled in accordance with [Rule 19, Terminations, Section 19.6](#).

**8.8 Military Leave**

An employee who requests a leave of absence with pay pursuant to the Uniformed Services Employment and Reemployment Rights Act (“USERRA”) or A.R.S. §26-168, 26-171, or 38-610, shall submit a copy of the orders for duty with the request for military service.

## 8.9 Workers Compensation Leave

### A. Use of Leave

1. An employee who sustains a job-related injury as defined under the Workers’ Compensation statute under [A.R.S. Title 23, Chapter 6](#) shall be required to use any available sick or vacation leave when receiving medical treatment during the employee’s normal working hours unless the employee has been directed by the Court to report to the treatment facility (as in the case of an independent medical examination). In this case, the employee will be paid his/her regular wage from the department budget.
2. An employee who sustains a job-related lost time injury that is compensable under the Workers’ Compensation, [A.R.S. Title 23, Chapter 6](#), shall be placed on sick leave unless the employee has an available compensatory time balance.
  - a. The employee may elect to use compensatory leave, if available. Once available compensatory leave is exhausted or the employee chooses to no longer draw from the account, the employee will be placed on sick leave and finally vacation leave until these leave accounts have been exhausted.
3. If eligible for FMLA, any leave associated with Worker’s Compensation will be concurrently used with the FMLA allotment.
4. After all leave accounts are exhausted, the employee may be placed on leave without pay.

### B. Payments

1. An employee shall use leave in an amount necessary to receive total payments (leave payments plus Workers’ Compensation payments) not to exceed the gross salary of the employee.

### C. Supplemental Benefits

1. In accordance with [A.R.S. §38-961](#) public safety officers, including officers of Adult Probation and Juvenile Court Services, are eligible to be enrolled in supplemental benefits for up to six (6) months from the date of the initial qualifying injury for which they are receiving workers’ compensation benefits.
  - a. The eligible employee will receive approximately the identical base salary less the amount of taxes the public safety employee was paying.
  - b. The Court shall continue to pay the employer portion of the health care benefits that was being paid on behalf of the public safety employee on the date of the employee's injury.
    - i. The public safety employee shall continue to pay the employee’s portion of health care benefit costs, elective health care plan deductions, health related optional deductions or optional life insurance deductions the employee was paying on the date of injury.
  - c. The Court shall pay both the employee and employer contribution to the corrections officer retirement plan and the employee is entitled to accrue credited service for the period of time enrolled in the supplemental benefits plan.



- E. Restriction**  
Sick leave with pay or leave without pay shall not be granted to an employee who fails to accept compensation available pursuant to the industrial injury and disease provisions of [A.R.S. §23-901](#) to [23-1091](#).
- F. Health Benefit Plan Participation**
  - 1. An employee who is on leave without pay due to an industrial disability may continue to participate in the Health Benefit Plan for a maximum of six (6) months by paying the employee contribution.
  - 2. At the end of this six (6) month period, an employee who remains on leave without pay due to industrial disability may continue to participate in the Health Benefit Plan by paying both the employer and employee contributions, until the employee returns to work or is determined to be eligible for Medicare coverage or Long Term Disability, whichever occurs first.
- G. Benefits Plan Termination**  
The insurance coverage of an individual on leave without pay who allows payment of the premiums or contributions to become delinquent shall terminate at 11:59 p.m. on the last day of the period covered by the last premium or contribution paid.
- H. Accrual of Leave**  
An employee shall continue to accrue full leave credits as long as the employee is on paid leave each day.

#### **8.10 Unauthorized Absence or Leave**

- A.** Any unauthorized absence of an employee from duty shall be considered an absence without leave and deduction of pay may be made for such absence.
- B.** Any unauthorized absence shall constitute grounds for disciplinary action up to and including dismissal.
- C.** Any employee who is absent for three (3) or more consecutive days without authorized leave is automatically considered to have abandoned their position.
  - 1. Job abandonment is considered a voluntary action on the part of the employee and will be considered a voluntary resignation of employment. If the employee returns to work and provides a valid reason, appropriate leave time may be allowed at the sole discretion of the Appointing Authority in consultation with the Court HR Representative.
  - 2. When extenuating circumstances are found to have existed, such absence may be covered by leave with or without pay by the Appointing Authority.



## RULE 9 RECRUITMENT AND SELECTION

This policy covers all employees in the classified and unclassified service as defined in the Rules without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at-will status of an unclassified employee.

### 9.1 Equal Employment Opportunity

- A. Advertisements and job postings of employment opportunities shall contain a statement that the Judicial Branch is an Equal Employment Opportunity Employer (EOE).
- B. All decisions and procedures regarding recruitment, selection, promotion and other terms and conditions of employment shall be made without discrimination on the basis of race, religion, sex, age, national origin, ancestry, disability or medical condition, sexual orientation, socioeconomic status or political affiliation, and shall be in compliance with equal employment laws, the Americans with Disabilities Act as amended and all other applicable federal and state laws.

### 9.2 Recruitment of Personnel

- A. Recruitment for positions shall be open by public notice and may be either closed promotional (department only), intra-departmental promotional or open competitive in nature, at the discretion of the Appointing Authority in consultation with the Court Human Resources Representative.
- B. Recruitment for a position may begin upon receipt of the employee's resignation or the date the position is vacated, whichever occurs first.
- C. At a minimum job postings shall be:
  - 1. for three (3) business days,
  - 2. on the Pinal County applicant website OR Judicial Branch web page (internal or external), and
  - 3. shall provide basic information about the job classification, including minimum qualifications, salary and/or hiring ranges and examples of job duties.
    - a. Additional qualifications shall be added to the job posting if such qualifications are required under applicable Arizona Revised Statutes, regulations, retirement or employee benefit systems.
- D. Applications for employment received from a job posting may be used for up to 180 days from the date the recruitment ended.
  - 1. Extensions of an additional 180 days *may be* approved at the discretion of the Court Human Resources Representative, in consultation with the Appointing Authority, with appropriate justification.
- E. Applications for employment received from a previous recruitment may be used for other positions within the same classification, grades and position status for up to 180 days from the date the previous recruitment ended at the discretion of the Court Human Resources Representative, in consultation with the Appointing Authority, with appropriate justification.

### 9.3 Application Process

- A. An applicant shall, within the time specified within the job posting:

1. Submit a completed Judicial Branch Application for Employment form to the online application system or person specified on the job posting, and
  2. Include copies of licenses, registrations, certifications or other information required in the job posting.
- B.** An application shall be rejected if:
1. The application is not on the required form or is incomplete,
  2. The application does not include copies of all information requested in the job posting,
  3. The application is not submitted timely,
  4. The applicant does not meet minimum qualifications,
  5. The applicant has provided false statements or documentation,
  6. The applicant is not eligible for rehire within the Department or County.
- C.** Voluntary information on gender, ethnicity, age and/or military status of an applicant shall be utilized only for affirmative action and other nondiscriminatory purposes.

#### **9.4 Interview Process**

- A.** Departments shall utilize a nondiscriminatory process, in consultation with the Court Human Resources Representative, which objectively evaluates a candidate's knowledge, skills and abilities in order to select applicants for interviews.
1. The selection process shall be documented and submitted to Court Human Resources for retention.
  2. At a minimum five (5) candidates shall be interviewed. If the applicant pool is less than five (5) applicants, all eligible applicants shall be interviewed in accordance with this Rule.
- B.** Interviews for selected applicants shall be conducted in a nondiscriminatory manner, and are considered tests under the EEOC.
1. All examinations, evaluations, ratings, and other selection devices or items shall be rated impartially and in a nondiscriminatory manner.
  2. Examinations used in the process shall be job-related.
- C.** The department shall utilize a variety of job related assessments, including an interview panel, in order to determine an applicant's knowledge, skill level and ability to perform the essential job functions of the position.
1. Whenever reasonably possible, interview panel members shall be at the level of or higher than the position being filled.

#### **9.5 Nepotism**

- A.** Members of an employee's immediate family, whether established by blood, marriage, or other legal action will be considered for employment on the basis of their qualifications. For the purposes of this policy, immediate family includes: spouse, parent, child, sibling, in-law, aunt,

uncle, niece, nephew, grandparent, grandchild and members of household. This also applies to romantic relationships.

- B.** Immediate family may not be hired, however, if employment would:
  - 1. Create a supervisor/subordinate relationship with a family member;
  - 2. Have the potential for creating an adverse impact on departmental operations; or
  - 3. Create either an actual conflict of interest or the appearance of a conflict of interest.
- C.** An employee (or judge) may not participate in any interview, discussion or debate regarding the appointment, transfer, promotion, demotion, dismissal or removal of an employee who is an immediate family member or romantic partner.
- D.** No person shall be appointed, transferred or promoted to a position and no employee shall hold a position in the Court if that person or employee will be in the chain of supervision of a family member, household member or domestic partner. This also applies to romantic relationships.
- E.** A Judicial Officer may not appoint a family member, household member or domestic partner to any position in the Court. This also applies to romantic relationships.
- F.** If an employee is in one of the above prohibited positions, every effort will be made by the Appointing Authority to transfer the affected employee to a comparable position for which the employee qualifies within the Court. If a like position is not available, then the affected employee shall resign or be terminated, without the right of appeal.
- G.** Employees who become immediate family members or establish a romantic relationship may continue employment as long as it does not involve any of the above.
  - 1. In the event that one of the conditions outlined above should occur, attempts will be made to find a suitable position within the Superior Court to which one of the employees will transfer.
  - 2. In the event employees become immediate family members or establish a romantic relationship, the Court will make reasonable efforts to assign job duties so as to minimize problems of supervision, safety, security or morale.
  - 3. If accommodations of this nature are not feasible, the employees will be permitted to determine which of them will resign.
  - 4. If the employees cannot make a decision, the Appointing Authority will decide with sole discretion who will remain employed. The Appointing Authority's decision is final and without the right of appeal.
- H.** This policy does not apply to close relatives who already are employed by the Superior Court as of the effective date of this policy. This waiver, however, may not be used as a basis for further exceptions subsequent to the effective date of this policy.

## **9.6 Recommendation for Appointment**

- A.** An employee shall be selected based on ability, experience, knowledge and skill levels best matched to the position.
- B.** Appointment Recommendation

1. The hiring manager shall make an appointment recommendation to the Appointing Authority.
  2. The Appointing Authority may:
    - a. request additional information before making a final decision,
    - b. accept the recommendation,
    - c. reject the recommendation and request additional interviews be made from the current group of candidates, or
    - d. request a new recruitment be initiated.
  3. The Appointing Authority may also refuse to consider an applicant, or may disqualify an applicant if it is found that the individual:
    - a. is determined to be physically or mentally unable to effectively or safely perform the essential functions of the classification applied for, with or without reasonable accommodation;
    - b. is addicted to the use of controlled substances or other substances in a manner which would affect the ability to safely, effectively and dependably perform the duties of the classification applied for;
    - c. has used, or attempted to use, political pressure or bribery to secure an advantage in the examination process or in the appointment to a position in Court employment;
    - d. has directly or indirectly obtained information regarding any examination to which the candidate is not entitled;
    - e. has taken part in the compilation, administration or any part of the examination process in which he/she is competing;
    - f. has previously been dismissed for a disciplinary reason from a position in Court employment;
    - g. has been convicted of a crime or has a record of convictions, the nature of which would affect the applicant's suitability for employment;
    - h. has failed to appear for a scheduled examination or interview;
    - i. has failed any phase of the examination process;
    - j. has a record of unsatisfactory performance on previous jobs;
    - k. has been determined by the Appointing Authority to be unsuitable for employment for any other job-related reason; or
    - l. any other factor as outlined in [Arizona Code of Judicial Administration Part 6, Chapter 1, Section 1-106: Personnel Practices](#). If viewing policy electronically, you may follow this [link](#) to view document.
- C. Before an offer of employment is extended, reference checks shall be completed and documented on the selected applicant(s).

- D. Background checks will be conducted on all candidates once a contingent offer of employment has been made and accepted.
  - 1. Background checks may verify applicable employment history without regard to a specific timeframe. Some positions may require a more extensive background as determined by statute and/or the Appointing Authority.
  - 2. Credit checks may be conducted at the discretion of the Appointing Authority for a particular classification or position based upon job relatedness.
  - 3. It is recommended a signed release be received from the selected applicant(s) prior to the background and/or credit check being initiated.
- E. As a condition of appointment, all employees of the Court will be fingerprinted no later than their first week of employment.
  - 1. The Court shall submit the completed applicant fingerprint card to the Department of Public Safety. The Department of Public Safety is authorized to exchange the submitted applicant fingerprint card information with the Federal Bureau of Investigation for a national criminal history records check.
- F. All offers of employment are contingent upon successful completion of background checks.

## 9.7 Appointment

- A. Once an applicant is selected, the Appointing Authority, or designee, shall contact the selected applicant to determine if the applicant is interested in the job and the applicant's availability for employment. Any job offer shall be subject to the terms specified in the offer letter.
- B. If the selected applicant indicates an interest in the position, the Appointing Authority, or designee, shall make an offer of employment via a standard form letter approved by the Court Human Resources Representative.
- C. Within a reasonable length of time, the Appointing Authority, or designee, shall notify the remaining applicants that the position has been filled.
- D. Any applicant approved to be hired by an Appointing Authority or the Court Human Resources Representative shall be processed in a timely manner. Submittal of hiring documentation for processing shall be considered approval by the Appointing Authority to process the candidate for hire.

## 9.8 Probation

- A. The probationary period shall be utilized for the most effective adjustment of a new employee and for the release of any employee whose performance does not, in the judgment of the Appointing Authority, meet the required standard of performance. It also is valuable in promotions/demotions to allow the Appointing Authority an opportunity to evaluate the employee in the new assignment.
- B. Types of Probation  
The only types of probation allowed in Court Service are initial probation, promotional probation, demotional probation and disciplinary probation (refer to [Rule 17, Discipline](#) for disciplinary probation period).
  - 1. Initial Probation. An initial probationary period is six (6) months, unless the position is safety sensitive, in which case the initial probationary period is twelve (12) months. An

initial probationary period will apply to any employee outside of the Court transferring to a position within the Court, regardless of whether the transfer is a promotion, demotion or lateral transfer.

- a. The probationary period may be extended, at the discretion of the Appointing Authority in consultation with the Court Human Resources Representative.
  - b. In no case will the probationary period be less than six (6) months or more than eighteen (18) months.
  - c. Calculation of the initial probationary period shall include all continuous employment in a classified position regardless of job classification within the court, except for safety sensitive positions, in which the period shall be calculated from the time employment commenced *in* the safety sensitive position.
    - i. Except for military leave, continuous leave with or without pay in excess of 30 calendar days shall not be counted as time worked in calculating probationary time.
    - ii. Any time worked as an at-will employee shall not be counted toward calculating the initial probationary period.
  - d. If the Appointing Authority determines at any time during an initial probationary period that the services of the probationary employee are no longer required or are unsatisfactory, the employee may be dismissed without advance notice and without the right of appeal.
  - e. The Appointing Authority shall evaluate a probationary employee and submit an evaluation report to the Court Human Resources Representative prior to the expiration of the employee's probationary period.
    - i. In the event an evaluation report is not completed prior to the expiration of the employee's initial probationary period, the employee will have passed the probationary period and has been fully bestowed the due process rights of classified employment, including the right of appeal.
2. Promotional Probation. An employee who is promoted shall serve a promotional probationary period for six (6) months.
- a. An employee who fails to successfully complete a promotional probation may revert to a vacancy in the Court in the class in which regular status was held immediately prior to the promotion, without the right of appeal. If such vacancy does not exist, the employee shall be terminated in accordance with [Rule 19.3\(F\)2](#). A reversion shall not preclude the imposition of any disciplinary action.
3. Demotional probationary period. An Employee *involuntarily* demoted in accordance with these Rules, will be required to serve a probationary period in the position to which demoted in accordance with promotional probationary periods as defined above in B(2).

### C. Reinstatement and Reemployment

1. An Appointing Authority may require a former employee who is reinstated or re-employed to complete a period of initial probation.

## RULE 10 CLASSIFICATION PLAN

This policy covers all employees in the classified and unclassified service as defined in the Rules without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at-will status of an unclassified employee.

### 10.1 Classification Plan

The Classification Plan, as approved by the Presiding Judge, shall include for each class of positions which fall under these Rules an appropriate title and a class specification. The Presiding Judge may establish new classifications and divide, combine, alter or abolish existing classifications.

### 10.2 Interpretation of Class Specifications

#### A. Class Specifications

Class specifications are descriptive and explanatory and are not restrictive. The language of class specifications is not all inclusive and shall not be construed as limiting or modifying the authority which Appointing Authorities have to add or delete duties and responsibilities, so long as such changes fall within the general guidelines of the classification of the position involved.

#### B. Title of Position

1. The class specification title of a position shall be used in all financial and personnel documents.
2. For purposes of internal administration, agency correspondence or for any other purpose not involving the personnel processes, abbreviations, code symbols or descriptive adjectival titles may be used in lieu of the class titles.

#### C. Minimum Qualifications

Minimum qualifications are statements of the minimum background as to education, experience, other qualifications and any other special requirements of the position which will be required in all cases as evidence of any appointee's potential to perform the work properly. When minimum qualifications are increased, the additional qualifications shall not be applicable to incumbents of the class as to their eligibility for promotion consideration, unless the added qualification establishes a degree from an educational institution, license, similar added qualification required by law or the duties of the classification. All subsequent applicants for the class must qualify under all minimum qualifications, including those added pursuant to this Rule.

### 10.3 Classification Administration

Court positions are allocated to an individual job class, or to a group of positions having similar duties, levels of skill, and responsibilities based on the position descriptions developed within each department. Class specifications are then developed based on these position descriptions. The group of positions allocated to a common class with a set of specifications, or class description, is then assigned a single pay range within the Court compensation plan.

Elected Officials and Appointing Authorities are responsible for ensuring that the contents and intent of each classification specification assigned to positions under their direction correctly reflect the duties and responsibilities being performed in each position.

### 10.4 Classification Controls

A position shall have been allocated to a specific class before final administrative action can be taken by an Appointing Authority on appointment, transfer, promotion, demotion or change in compensation rate or payment of salary with respect to the position.

## 10.5 Official Copy of Class Specifications (Job Descriptions)

### A. Official Class Specifications

Court Human Resources shall maintain a master set of all approved class specifications. Such specifications shall constitute the official specifications in the Classification Plan. The copies of the specifications for each class indicate the date of adoption or the last revision of the specification for such class.

### B. Issuance of Specifications

Court Human Resources shall provide the Appointing Authority with a set of class specifications appropriate to that agency. Such class specifications shall be open for inspection by the employees or the public under reasonable conditions during business hours.



## RULE 11 COMPENSATION PLAN

This policy covers all employees in the classified and unclassified service as defined in the Rules without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at-will status of an unclassified employee.

### 11.1 Purpose

The Compensation Plan shall provide pay ranges and/or other compensation schedules for the various classes with the salaries consistent with functions outlined in the Classification Plan to ensure equal pay for equal work. The Compensation Plan is established, controlled, and maintained by authority of the Presiding Judge, acting in cooperation with the Board of Supervisors.

### 11.2 Authority

Compensation of Court employees shall be solely within the jurisdiction of the Presiding Judge except where specifically provided by statute. No other Authority shall be entitled to make any decisions as to the Compensation Plan of Court employees without the express consent of the Presiding Judge.

### 11.3 Adoption of Compensation Plans

The Presiding Judge, from time to time, may commission a salary/compensation study be completed for Court classifications. The compensation plan, as approved by the Presiding Judge, may be adopted as official Court policy. A copy of such compensation plan shall be made available to any Court employee.

## RULE 12 PROMOTION, DEMOTION AND TRANSFER

### 12.1 Promotion

The Appointing Authority shall, at a minimum, increase the employee's pay rate to 5% or to the minimum of the new range upon promotion.

A. Vacancies in Court employment may be filled by promotion of any qualified classified or unclassified employee through a competitive process or appointment for at-will positions.

1. An employee promoted to a higher classification will be subject to promotional probation pursuant to [Rule 9](#), with the exception of at-will appointments.

B. Temporary Promotional Appointment

1. An Appointing Authority may grant an employee a temporary salary increase, also known as acting pay, when temporarily assigned duties of a higher classification.

a. A temporary salary increase or acting pay may be awarded only to an employee who is temporarily performing higher-level job duties that are assigned to a job classification with a higher pay range.

i. A temporary salary increase or acting pay is limited to use for a vacant or an effectively vacant position.

ii. The temporary salary increase or acting pay is limited to: not less than thirty (30) calendar days; and not to extend beyond the time such temporary condition ceases; or not be for more than twelve (12) consecutive months.

b. A temporary salary increase may be up to 5% of the employee's current base pay rate or to the minimum of the job classification in which they are acting, whichever is greater.

c. At the conclusion of the temporary salary increase or temporary promotion, the employee's pay rate shall revert to the previous pay rate plus any pay increases the employee would have received during the period of temporary salary increase.

d. The employment status of the individual receiving a temporary salary increase or temporary promotion shall remain the same.

### 12.2 Demotion

When an employee is demoted, the employee's pay shall under no circumstances result in an increase and will be adjusted as follows:

A. Voluntary Demotion

1. If a classified or unclassified employee makes a written request for voluntary demotion within their Department, the Appointing Authority may make the demotion non-competitively upon determination that the employee meets the minimum qualifications. A copy of the employee's written request shall be provided to the Court Human Resources Representative. An employee demoted under this section shall have no right of Appeal.

2. When an employee voluntarily demotes *competitively* to a lower classification, the salary of the employee in the new position shall under no circumstance receive a salary increase. The new rate of compensation shall be within the range of the new classification and not increase the annual rate of pay.

**B. Demotion in Lieu of Layoff**

1. If an employee's position is downgraded voluntarily or involuntarily for non-disciplinary reasons in lieu of layoff, section [12.2\(A\) 2](#), as noted above, shall apply.
2. The salary change shall be effective the first pay period following the position demotion/downgrade effective date. An employee demoted under this section shall have no right of Appeal.

**C. Disciplinary Demotion**

1. A classified regular status employee may be demoted for cause by an Appointing Authority to any regular status position, provided the employee meets the minimum qualifications for such class.
  - a. Before a classified employee with regular status can be involuntarily demoted, the Appointing Authority shall follow the disciplinary process as outlined in [Rule 17](#).
2. Except as otherwise provided in these Rules, a demoted employee shall be required to serve a demotional probationary period in the position to which demoted.
3. When an employee is involuntarily demoted as a result of disciplinary action under [Rule 17](#), the employee's salary may be adjusted at the discretion of the Appointing Authority to any salary in the new salary range which is lower than the salary the employee was paid prior to the disciplinary action.
  - a. Under no circumstances may an involuntary disciplinary demotion result in a salary increase.

**D. Involuntary Position Downgrade**

- b. If an employee's position is downgraded involuntarily due to pay grade adjustment or reclassification of the position, the employee shall be assigned to the new salary range at their present salary. If the present salary exceeds the salary range maximum for the new classification, the new rate of pay shall not exceed the maximum of the new range.

**12.3 Transfers**

**A. Lateral Transfer**

1. A transfer of an employee may be made between comparable positions within a Department or from a position in another Court Department to a position for which the transferee is qualified.
2. An employee's transfer from one position to another position with the same assigned pay range within the Judicial Branch shall not result in a pay rate change.

**B. Division Transfers**

1. In the event that, by action of the Presiding Judge, or designee, part or all of the functions of one Department are transferred to another Department, the affected employees of the transferring Department shall be accepted as transfers by the receiving Department at the same pay grade unless the receiving Department has no need for the particular position or positions. In the latter event, the regulations concerning Reduction in Force will apply, as outlined in [Rule 15](#).

#### **12.4 Reassignments**

An Appointing Authority has the authority to make reassignments within their Department.

## RULE 13 PERFORMANCE STANDARDS AND FEEDBACK

This policy covers all employees in the classified and unclassified service as defined in the Rules without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at-will status of an unclassified employee.

### 13.1 Purpose

- A. The job performance of each employee shall be appraised in accordance with procedures established herein.
- B. Every employee shall maintain high standards of performance, including cooperation, efficiency and economy in their work for the Court. Every employee is responsible for correcting deficiencies in their performance.

### 13.2 Standards of Performance

- A. An immediate supervisor shall, within 30 business days of an employee's start date, set job standards and expectations.

### 13.3 Evaluations

- A. An immediate supervisor shall evaluate an employee at least annually and in the case of a probationary employee, at least once prior to the completion of the probationary period.
- B. The annual evaluation period shall be from July 1st through June 30th.
- C. The evaluation shall be documented on a form approved by the Presiding Judge, or designee.
- D. A copy of the annual or end of probationary period evaluation shall be forwarded to Court Human Resources and become a permanent record of the employee's official personnel file.
  - 1. An employee may submit a written response to be attached to the annual or end of probationary period evaluation.
  - 2. The employee's response shall be made not later than three (3) working days after the employee receives the review and becomes a permanent record of the employee's official personnel file.
  - 3. The annual or end of probationary period evaluations are not subject to grievance or appeal.

### 13.4 Feedback

- A. The Court recognizes and endorses the concept that the most effective means of evaluating an employee is to provide the employee orally with informal, timely and specific feedback when performance, whether positive or negative, is observed. This provides an employee the necessary information as to whether to continue, discontinue or modify specific work-related performance.
- B. An immediate supervisor may provide an employee with oral or written performance feedback any time the supervisor believes it will assist the employee's understanding of performance expectations or will formally recognize outstanding work.
  - 1. Performance deficiencies serious enough to warrant discipline shall be handled in accordance with [Rule 17](#).

2. Written performance feedback is not subject to grievance or appeal.

## RULE 14 PERFORMANCE APPRAISALS

This policy covers all employees in the classified and unclassified service as defined in the Rules without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this policy waives the at-will status of an unclassified employee.

### 14.1 Purpose

Performance appraisals are to be performed once a year for regular status employees to establish performance goals and objectives, determine training needs and to appraise past performance based upon a standard performance review process and to provide merit increases, as applicable.

### 14.2 Administration of System

The Court Human Resources shall be charged with the administration of the system to include distribution and collection of appraisal forms, salary administration and the reporting process.

### 14.3 Appraisal Period

At least one official performance appraisal shall be completed for each regular status Court employee each year. The performance appraisal review period is July 1st through June 30th.

- A. Performance appraisals are to be conducted at the end of the initial six (6) months of employment or at the end of the probationary period whichever is greater and each year thereafter.
- B. Special appraisals may be conducted at any time as deemed appropriate by the Appointing Authority.

### 14.4 Appraisal Forms

Performance appraisals will be completed using forms approved by the Presiding Judge or designee.

### 14.5 Appraisal Procedures

- A. The immediate supervisor will complete the appraisal form(s) and meet with the employee to conduct the performance review. In the course of the review, the employee's job performance will be evaluated during the preceding review period. Measurable goals and objectives will be established for the coming review period and additional training needs will be noted.
- B. Every effort should be made to resolve differences of opinion before the appraisal session is completed.
- C. The employee shall verify that the appraisal has been discussed by signing and dating the form. The immediate supervisor must inform the employee that the signature does not signify agreement with the appraisal, but only that it was discussed with and seen by the employee. If the employee refuses to sign the form, the immediate supervisor shall so note it on the form.
- D. The completed appraisal form will then be submitted to the Appointing Authority or designee for review. The signed performance appraisal form will be submitted to the Court Human Resources for processing.

### 14.6 Appeals

Performance appraisals are not subject to grievance or appeal.

## RULE 15 REDUCTION IN FORCE

### 15.1 Reduction in Force

An employee may be laid off from the Pinal County Superior Court due to lack of funds, work or abolition of position and whereas layoffs will be determined by classification rather than funding source.

- A. In determining the order of layoff, employees will be grouped by classification, not funding source.
- B. The Appointing Authority shall determine which classification job title shall be affected by layoff and when the layoff shall be effective. The plan shall be approved by the Presiding Judge, or designee, before it becomes effective. A copy of the approved plan shall be submitted to Court Human Resources.
- C. When the selected classification is subject to layoff, non-regular (initial probationary employees) status employees within the department shall be terminated before any regular status employee is laid off. Employees on "promotional probation" shall not be included herein.
- D. Regular status employees in a layoff classification shall be scored based on performance, conduct, seniority and other tie breaker factors if necessary.
- E. The Appointing Authority will follow the below procedures for determining Pre-Layoff Reappointment.
  1. Following receipt of notice of layoff, and before the effective date of layoff any Appointing Authority in the Court having a vacant position if the same or lower salary grade for which the employee meets the minimum qualifications may consider the employee for a non-competitive appointment.
  2. If the employee is interested in seeking a pre-layoff appointment, the employee shall submit a request in writing to the Court Human Resources Representative specifying the classification of the vacancy and the department having the vacancy of interest along with a completed application form.
  3. If the Court Human Resources Representative determines the employee meets the minimum qualifications for the classification of the vacancy, then the Court Human Resources Representative shall send the name of the employee to the Appointing Authority for consideration. Any offer of reappointment is at the discretion of the Appointing Authority.
  4. Upon a pre-layoff appointment, if the employee's current salary falls within the salary range of the new position, the employee shall be transferred with no loss in pay. If the current salary is below the range for the new position, the new salary shall be set in the same manner as for recruitment processes. If the salary exceeds the range of the new position, the salary shall be set at the maximum of the range of the new position.
  5. A pre-layoff appointment shall be effective on or before the date on which the layoff would have been effective.
  6. Upon pre-layoff appointment the employee shall be required to successfully complete the applicable probationary period.
  7. If an employee subject to layoff has been offered and accepts a pre-layoff appointment, then the employee forfeits the right to be placed on the re-employment register.
  8. If the employee is not offered or chooses not to accept an offer of pre-layoff appointment prior to the effective date of the layoff, then the employee shall be laid off.



- F. The Appointing Authority will follow the below procedures for determining order of layoff:
1. Within the selected classification, Initial Probationary Status employees will be considered first and layoffs will be based strictly on seniority. Regular Status employees will be considered next and the following criteria will be utilized and weighted as follows: Performance (45), Work Conduct (35) and Seniority (20). The regular status employee in each affected classification subject to layoff with the lowest number of points on the retention Rating Index will be laid off first.
  2. The weight for each scored factor is outlined on the Retention Rating Index and the Rating Criteria Worksheet. These forms will be completed for employees in affected job classifications. Documentation used to measure each scored factor must have been submitted into the official personnel file prior to the effective date of the initiation of the layoff.
    - a. Performance (45). The department shall consider employees most recent performance appraisal filed into the official personnel file within the last year from the effective date of the initiation of the layoff. If a current evaluation is not on file, the employee's performance shall be considered satisfactory.
 

Performance scores shall be adjusted downward for employees receiving a "Needs Improvement " or "Unsatisfactory" rating in an evaluation over the last two (2) years immediately prior to the current evaluation.
    - b. Work Conduct (35). Conduct includes documented disciplinary action taken within the last three (3) years from the effective date of the initiation of the layoff, in the form of suspension, disciplinary demotion and reprimand.
    - c. Seniority (20). Seniority is defined as current continuous time as a regular status employee (including the initial probationary period) of the Superior Court in Final County.
    - d. Optional Tie Breakers. Tie breakers are only used when employees receive the same ranking. Only factors that can be tracked or measured may be included. If additional tie breakers become necessary, they must be approved by the Appointing Authority.
  3. Reductions in Force are not subject to grievance or appeal.

### Rating Criteria Worksheet

<b>PERFORMANCE (45)</b> (Select One)	
Use current Performance Evaluation, scoring the highest category possible.	
# of Points Given	Criteria Selection
0	At least one category is "Unsatisfactory"
1	At least one category is "Does Not Consistently Meet"
3	No ratings below "Meets Standards"
4	Half or more categories "Frequently Exceeds" and/or combination of both "Frequently" and "Far"
5	Half or more categories "Far Exceeds"
Adjustment to Performance Score (submitted within the last two years, including the current evaluation), scoring all categories that apply:	
-1	One or more "Does Not Consistently Meet" rating
-2	One or more "Unsatisfactory" rating

<b>WORK CONDUCT (35) (Select One)</b>	
Work conduct over the last three years considered.	
# of Points Given	Criteria Selection
0	Suspension(s) or disciplinary demotion
2	Two or more formal written reprimands
4	One formal written reprimand
6	No Actions

<b>SENIORITY (20) (Select One)</b>	
Continuous years as regular status employee	
# of Points Given	Criteria Selection
0	Less than one year
1	At least one year, but less than 2 years
1	At least 2 years, but less than 3 years
2	At least 3 years, but less than 4 years
2.5	At least 4 years, but less than 5 years
3	At least 5 years, but less than 6 years
3.5	At least 6 years, but less than 7 years
4	At least 7 years, but less than 8 years
4.5	At least 8 years, but less than 9 years
5	At least 9 years, but less than 10 years
5.5	At least 10 years, but less than 11 years
6	At least 11 years, but less than 12 years
6.5	At least 12 years, but less than 13 years
7	At least 13 years, but less than 14 years
7.5	At least 14 years, but less than 15 years
8	15 or more years

## RULE 16 GRIEVANCE

### 16.1 Purpose

The purpose of the grievance procedure is to secure, at the lowest possible administrative level, a prompt and mutually acceptable solution to grievances that may arise periodically.

### 16.2 Applicability

- A. Employees classified as “at-will” do not have the right of grievance established by this rule, except for grievances involving allegations of unlawful harassment, discrimination or retaliation in violation of the Anti-Harassment Policy, federal or state law.
- B. A grievance is a circumstance, other than layoff, reduction in force, dismissal, demotion or suspension, thought by the employee to be unjust, which has been reduced to writing and for which the Court can provide a remedy.
- C. There shall be no right of grievance for any action for which a right of appeal is provided under these rules or under regulations and procedures developed to implement these rules.
- D. In addition to any other matters excluded from the grievance procedure elsewhere in these rules, the following matters are not subject to the grievance procedure:
  - 1. Issues relating to transfers as defined in these rules and the promotional process and qualifications including, but not limited to, the existence, content, administration and method of scoring examinations;
  - 2. Matters relating to the designation of positions as “at-will,” exempt and nonexempt from the provisions of the Fair Labor Standards Act;
  - 3. Wage survey results and/or reclassifications;
  - 4. Corrective actions;
  - 5. Disciplinary actions;
  - 6. Performance appraisals;
  - 7. Layoffs;
  - 8. Shift and job location assignments and
  - 9. Matters investigated by Court Human Resources
- E. A valid employee grievance must meet the following conditions:
  - 1. Set forth the act or omission, which the employee believes unjustly denied the employee’s rights, privileges, or interests as directed by the Judicial Merit Rules or Departmental Policies and Procedures.
  - 2. Concern a matter within the authority and control of the Court.
  - 3. State the relief sought, which must be within the authority of the Court to grant in whole or in part.

### 16.3 Procedures

- A. Before an employee pursues any other legal remedy, the grievance process outlined in this Rule should be exhausted if the employee’s problem meets the requirements noted above. To resolve a problem, the following steps should be followed until a resolution is reached.
- B. The employee must submit the problem within the time limits specified below for the grievance to be considered. A grievance or appeal shall be considered resolved or abandoned if is not grieved or appealed by the employee to the next organizational level in the time limit indicated. Any answer not provided to the employee in the time limit specified shall permit the employee to proceed to the next organizational level in the process.
- C. Every effort should be made to find an acceptable solution by informal means at the lowest possible level of supervision. If an employee feels that they have a complaint eligible for a grievance, the employee should follow steps one and two (if applicable) of the informal grievance process as outlined below.

<b>Step One – Grievance to the Immediate Supervisor</b>		
<b>Who</b>	<b>Action</b>	<b>Time Limit*</b>
Employee	Notify your immediate supervisor, in writing, that you are initiating the grievance procedure and present the problem.	Within <b>five (5) working days</b> from initiating the grievance.
Immediate Supervisor	Respond to the employee in writing.	Within <b>five (5) working days</b> of receiving the problem in writing.

\*The parties may, by mutual agreement, extend any of the time periods established in this guideline.

<b>Step Two – Grievance through the Chain of Command</b>		
<b>Who</b>	<b>Action</b>	<b>Time Limit*</b>
Employee	Notify the next level in your chain of command, in writing, that a problem exists, it has not been resolved with your supervisor, and request a meeting to resolve your problem. Attach copies of the problem you provided to your supervisor, your supervisor’s response and any additional supporting documentation in your submittal. You must copy your supervisor on the memo.	Within <b>two (2) working days</b> of receiving written response from immediate supervisor
Next level in chain of command	Hold a meeting with the employee, reach a decision, and notify in writing both the employee and the immediate supervisor of the decision.	Within <b>five (5) working days</b> of receipt of the written notice from the employee, the next level in the chain of command must hold the meeting. The next level in the chain of command then has an additional <b>five (5) working days</b> to gather information

Step Two – Grievance through the Chain of Command		
Who	Action	Time Limit*
		if necessary and deliver the response to both the employee and the supervisor.
If problem is not resolved, repeat step two up to the Court Administrator.		

\*The parties may, by mutual agreement, extend any of the time periods established in this guideline.

- D. The decision of the Court Administrator or designee shall be final. In the event the employee reports directly to the Court Administrator, the Court Administrator's decision is final.

## RULE 17 DISCIPLINARY ACTION

### 17.1 General

- A. The purpose of the disciplinary process and action, except for dismissal, is to assure a fair and consistent procedure for the prevention, correction, and discipline of employee performance and behavioral deficiencies while providing guidance and assistance to the employee in correcting improper conduct or inadequate performance.
- B. A process of progressive discipline will be followed in the Superior Court. Such a process ensures that classified employees are afforded adequate notice and opportunity to correct unacceptable behavior. However, the seriousness of the behavior may dictate overriding progressive discipline, and serious offenses may lead to immediate dismissal.

### 17.2 Grounds for Discipline

- A. The decision to impose disciplinary action shall be based upon an Appointing Authority's reasonable finding of an employee's improper conduct and/or inadequate performance. Deficiencies may be related to, but are not limited to, any of the following: performance deficiencies which include neglect or failure to perform assigned job duties, interference with other employees' efforts to perform their assigned job duties, violation of federal, state or local laws and violation of these Rules, the Code of Conduct for Judicial Employees, departmental policies and procedures, applicable Administrative Orders and County policies and procedures.

Verbal and written counseling and other supervisory actions to improve conduct and performance should be used whenever possible before taking formal disciplinary action. All such actions shall be documented by the supervisor and acknowledged by the employee.

The disciplinary action taken should be appropriate to the severity of the performance deficiency, the frequency and consequences. A punitive disciplinary action need not necessarily be preceded by corrective action.

- B. Any of the following constitute cause for disciplinary actions of classified or unclassified employees:
  - 1. Violation of these Rules, State or Federal Law, the Code of Conduct for Judicial Employees, or any other professional rules or standards applicable to the employee's position;
  - 2. Engaging in conduct, on or off duty that is of such a nature that it would tend to bring discredit to the Court;
  - 3. Engaging in discrimination or harassment based upon race, color, religion, sex, age, sexual orientation, national origin or disability;
  - 4. Seeking to obtain financial, sexual or political benefit from another employee with his/her consent induced by wrongful use of force or fear, or under color of official right;
  - 5. Engaging in prohibited political activity;
  - 6. Improper use of position, character or confidential information for personal benefit (the benefit may be financial or any other benefit) or for the benefit of others;
  - 7. Permitting oneself to be placed under any kind of personal obligation which could lead any person to expect official favors;

8. Revocation, suspension or loss of certification issued by a governmental or administrative entity or loss of Arizona driving privileges where such certification or privileges are a mandatory requirement for the position;
9. Performance deficiencies and/or continued performance deficiencies after previous disciplinary action;
10. Insubordination, willful disobedience, or failure to follow reasonable order or direction from a supervisor;
11. Promoting work unit insubordination;
12. Refusal to perform reasonable light duty that is assigned because of an illness, injury or disability;
13. The employee has worked at outside employment while on medical leave, industrial accident leave, or Family and Medical Leave without prior approval;
14. Violation of Court policies governing outside employment;
15. Performing any act in a privately compensated capacity related to the employee's scope of work at the Court which may be construed to be an official act without prior written approval of the Presiding Judge, or designee, or Elected Official;
16. Negligence with, or misuse or loss of, Superior Court, County or other governmental agency's property or equipment;
17. Misappropriation, theft or conversion of property belonging to, or in the possession of, the Court, an employee or the public;
18. Willful and unauthorized removal and control of property belonging to, or in the possession of, the Court, an employee or the public;
19. Negligence or careless job performance;
20. Sleeping while on duty;
21. Discourteous treatment of the public and/or co-workers;
22. Disorderly conduct;
23. Conduct involving dishonesty or untruthfulness;
24. Conduct which is a violation of public policy or trust, or is corrupt;
25. Conduct which is a conflict of interest or a conflict in the performance of duties;
26. Unauthorized possession, use, consumption, abuse, manufacture, distribution, or dispensing of alcohol, illegal drugs, or other substances while on duty, during the scheduled work day or on County property;
27. Being under the influence of alcohol or illegal drugs while on duty or during the scheduled work day;
28. Commission or conviction of a felony or misdemeanor which would affect the employee's suitability for continued employment;

29. Conviction of any criminal offense while employed by the Court;
30. Failure to report contact with any law enforcement agency within twenty-four (24) hours of contact, regardless of if the contact resulted in a criminal offense;
31. Violation of safety laws, regulations or guidelines;
32. Neglect or carelessness resulting in injury or damage;
33. Mishandling of Court funds;
34. Willful, knowing or reckless falsification or omission of records, reports, forms, information or any other document submitted by an employee or unauthorized use of Court records;
35. Fraud in securing appointment;
36. Disclosure of confidential information that is either defined by law as confidential or is designated confidential by the Court;
37. Unauthorized physical restraint or contact, or verbal or physical attack upon another employee or any other person, or the attempt to do so, while on duty or during the scheduled work day;
38. Unauthorized possession of firearms, weapons or explosives on Court property;
39. Unsatisfactory attendance or excessive tardiness;
40. Absences without approved leave;
41. Any other improper conduct or performance of such severity as to constitute cause for disciplinary action.

### 17.3 Types of Disciplinary Action

#### A. Non-punitive disciplinary actions

1. Verbal warnings, documented verbal warnings, letters of concern and/or memorandums of correction.
  - a. These are forms of non-formal notice to a classified or unclassified employee that further disciplinary action will be taken unless their behavior or performance improves. These are considered corrective actions. These actions do not go into the employee's personnel file and are not subject to grievance or appeal.
2. Written reprimands and performance improvement plans
  - a. These are formal notice to a classified or unclassified employee that further disciplinary action will be taken unless their behavior or performance improves. A copy of the written reprimand or performance improvement plan will be placed into the employee's personnel file; these actions are not subject to grievance or appeal.

#### B. Punitive disciplinary actions

1. Disciplinary Suspension



- a. A disciplinary suspension is considered to be a significant disciplinary action and may be used by an Appointing Authority for more serious incidents or repetitions of improper performance or conduct.
- b. An Appointing Authority may, as a disciplinary action, suspend any employee for cause without pay. A Regular Status employee shall be furnished with a written statement from the Appointing Authority of the intent to discipline the employee. The statement, a Notice of Charges, shall provide the employee with the charges, a summary of the Appointing Authority's basis for the charges, and an opportunity for the employee to respond to the charges, verbally or in writing. The Notice of Charges shall contain a date by which the employee must respond and provide notification of their right to a pre-disciplinary review session to respond to the reasons given for the disciplinary action.
- c. The pre-disciplinary review session shall be held no earlier than forty-eight (48) hours after service of the Notice of Charges. An extension may be granted by the Appointing Authority only for good cause. The employee is not entitled to an evidentiary hearing at the pre-disciplinary review session and shall not be entitled to be represented by counsel, to confront and cross examine adverse witnesses, or to present testimony of witnesses on his/her own behalf at the pre-disciplinary review session.
- d. Following the pre-disciplinary hearing, the Appointing Authority may suspend an employee for cause, but not before serving a Notice of Action to the employee personally, or by registered or certified mail, with the specific reasons for suspension in sufficient detail to inform the employee of the facts.
  - i. The Appointing Authority shall include a statement of the employee's right to appeal.
  - ii. The action is not effective until the employee has been served personally or via certified mail.
- e. Except as otherwise provided by Statute or Rule, suspensions shall not exceed a total of thirty (30) working days.
  - i. Employees, both non-exempt and exempt from the overtime provisions of the Fair Labor Standards Act who are suspended must be suspended for a period of not less than eight (8) hours.

**C. Involuntary Demotion**

- 1. This is a formal punitive disciplinary action. This action may be taken for an employee who is unwilling or unable to perform his or her assigned duties at expected performance standards but is able to perform the assigned duties of a lower classified job at expected performance standards.
- 2. An employee may be demoted for cause by an Appointing Authority to any regular status position, provided the employee meets the minimum qualifications for such class.
  - a. An involuntary demotion is considered to be a significant disciplinary action and may be used by an Appointing Authority for more serious incidents or repetitions of improper performance or conduct.
  - b. An Appointing Authority may, as a disciplinary action, involuntarily demote any employee for cause. A Regular Status employee shall be furnished with a written statement from the Appointing Authority of the intent to discipline the employee.

The statement, a Notice of Charges, shall provide the employee with the charges, a summary of the Appointing Authority's basis for the charges, and an opportunity for the employee to respond to the charges, verbally or in writing. The Notice of Charges shall contain a date by which the employee must respond and provide notification of their right to a pre-disciplinary review session to respond to the reasons given for the disciplinary action.

- c. The pre-disciplinary review session shall be held no earlier than forty-eight (48) hours after service of the Notice of Charges. An extension may be granted by the Appointing Authority only for good cause. The employee is not entitled to an evidentiary hearing at the pre-disciplinary review session and shall not be entitled to be represented by counsel, to confront and cross examine adverse witnesses, or to present testimony of witnesses on his/her own behalf at the pre-disciplinary review session.
  - d. Following the pre-disciplinary hearing, the Appointing Authority may involuntarily demote an employee for cause, but not before serving a Notice of Action to the employee personally, or by registered or certified mail, with the specific reasons for demotion in sufficient detail to inform the employee of the facts.
    - i. The Appointing Authority shall include a statement of the employee's right to appeal.
    - ii. The action is not effective until the employee has been served personally or via certified mail.
3. Except as otherwise provided in these Rules, a demoted employee shall not be required to serve a probationary period in the position to which demoted.

#### D. Disciplinary Probation

- 1. This is a formal punitive disciplinary action and allows the Court and the employee to evaluate the future course of the employment relationship. This action will return the employee to initial probationary status. It may be used in cases in which the employee has not corrected performance deficiencies after other disciplinary measures have been implemented. However, it may also be used in severe cases without previous corrective actions and/or disciplinary actions.
  - a. An employee may be placed on disciplinary probation for cause by an Appointing Authority for a period of no less than six (6) months and not longer than twelve (12) months. During the disciplinary probation period, the employee's performance shall be closely monitored in an effort to ensure the performance or behavior leading to the discipline is not repeated. Any new deficiencies that arise during the disciplinary probation period, regardless of their relationship to the circumstances that gave rise to the assessment of disciplinary probation, may result in termination.
    - i. As with all initial probationary employees, an employee on disciplinary probation has no due process rights under these Rules and may be dismissed without the right of grievance or appeal.
  - b. An Appointing Authority may, as a disciplinary action, place on disciplinary probation any employee for cause. A Regular Status employee shall be furnished with a written statement from the Appointing Authority of the intent to discipline the employee. The statement, a Notice of Charges, shall provide the employee with the charges, a summary of the Appointing Authority's basis for the charges, and

an opportunity for the employee to respond to the charges, verbally or in writing. The Notice of Charges shall contain a date by which the employee must respond and provide notification of their right to a pre-disciplinary review session to respond to the reasons given for the disciplinary action.

- c. The pre-disciplinary review session shall be held no earlier than forty-eight (48) hours after service of the Notice of Charges. An extension may be granted by the Appointing Authority only for good cause. The employee is not entitled to an evidentiary hearing at the pre-disciplinary review session and shall not be entitled to be represented by counsel, to confront and cross examine adverse witnesses, or to present testimony of witnesses on his/her own behalf at the pre-disciplinary review session.
- d. Following the pre-disciplinary hearing, the Appointing Authority may place on disciplinary probation an employee for cause, but not before serving a Notice of Action to the employee personally, or by registered or certified mail, with the specific reasons for disciplinary probation in sufficient detail to inform the employee of the facts.
  - i. The Appointing Authority shall include a statement of the employee's right to appeal.
  - ii. The action is not effective until the employee has been served personally or via certified mail.

- 2. Upon successful completion of the disciplinary probation period the employee's due process rights under these Rules are restored.

#### **E. Dismissal**

- 1. Dismissal is the permanent involuntary termination of an employee from employment as a disciplinary measure.
  - a. An Appointing Authority may, as a disciplinary action, dismiss any employee for cause. A Regular Status employee shall be furnished with a written statement from the Appointing Authority of the intent to discipline the employee. The statement, a Notice of Charges, shall provide the employee with the charges, a summary of the Appointing Authority's basis for the charges, and an opportunity for the employee to respond to the charges, verbally or in writing. The Notice of Charges shall contain a date by which the employee must respond and provide notification of their right to a pre-disciplinary review session to respond to the reasons given for the disciplinary action.
  - b. The pre-disciplinary review session shall be held no earlier than forty-eight (48) hours after service of the Notice of Charges. An extension may be granted by the Appointing Authority only for good cause. The employee is not entitled to an evidentiary hearing at the pre-disciplinary review session and shall not be entitled to be represented by counsel, to confront and cross examine adverse witnesses, or to present testimony of witnesses on his/her own behalf at the pre-disciplinary review session.
  - c. Following the pre-disciplinary hearing, the Appointing Authority may dismiss an employee for cause, but not before serving a Notice of Action to the employee personally, or by registered or certified mail, with the specific reasons for dismissal in sufficient detail to inform the employee of the facts.





## RULE 18 DISCIPLINARY APPEALS

### 18.1 General

#### A. Matters That May Be Appealed

1. Any classified regular status employee, except as otherwise provided in these Rules, may appeal any punitive disciplinary action resulting in involuntary demotion, disciplinary probation, suspension or dismissal.
2. Matters not specifically stated in this Rule cannot be appealed.

#### B. Filing the Appeal

1. Appeals should be submitted to the Court Administrator, or designee, in writing within ten (10) calendar days of the receipt of written notice of involuntary demotion, disciplinary probation, suspension or dismissal.
  - a. Failure to file an appeal within the designated time shall constitute a waiver of the right to appeal and shall bar any further proceedings.
2. The Appeal shall state in detail the facts upon which it is based, the identity of all persons concerned in the matter, and the remedy requested.

#### C. Procedure

1. The Appellant's Appointing Authority shall be considered the Respondent. The Respondent may serve an amended notice of dismissal, demotion or suspension prior to the beginning of any appeal hearing.
  - a. No answer to the Appeal need be filed by the Respondent.
  - b. If an answer is filed prior to an appeal hearing, a copy shall be sent to the Appellant by the Court Administrator, or designee.
2. Upon receiving an Appeal, the Court Administrator, or designee, shall refer the matter to the Presiding Judge, or designee, of the Superior Court, who shall conduct a hearing within forty-five (45) calendar days of receipt of the appeal to determine if the disciplinary action should be sustained, overruled or amended. The hearing shall be conducted with not less than fourteen (14) calendar days-notice to the Appellant and Respondent. The parties shall disclose the names and provide the contact information of all witnesses the parties intend to call at the hearing, and shall provide a brief statement regarding the testimony the witness is expected to provide. The parties shall disclose all exhibits they intend to introduce at the hearing. The disclosure of witnesses and exhibits shall be made to the opposing party at least ten (10) days prior to the hearing. If the disclosures are not made at least ten (10) days prior to the hearing, those witnesses and proposed exhibits shall be excluded from the hearing, unless otherwise stipulated by the parties. If the Appeal is filed by a law enforcement officer or probation officer, the aforementioned disclosures shall be made no later than fourteen (14) calendar days prior to the appeal hearing in accordance with A.R.S. § 38-1106 and A.R.S. § 38-1136.
  - a. The Presiding Judge, or designee, of the Superior Court may assign another Judge of the Superior Court or appoint a qualified Hearing Officer to conduct any Appeal hearing.

- b. Appeals shall be heard in the Superior Court building in Pinal County, unless a request is filed to have the appeal heard in another location. Both parties and the Presiding Judge, or designee, must agree to such a request.
  - c. The hearing procedures will be informal and technical rules of evidence shall not apply to the proceedings.
  - d. Upon request, a transcript of the proceedings shall be available and the party or parties ordering the transcription shall pay the cost.
  - e. Both the Appellant and Respondent shall be given an opportunity to be heard and to present evidence, including the opportunity to cross-examine adverse witnesses as well as to present evidence and witness testimony on his or her behalf.
  - f. Any party may represent themselves or be represented by legal counsel at their own expense.
  - g. The appeal hearing shall be closed, unless the appellant requests, in writing, that it be open twenty-four (24) hours in advance of the hearing.
  - h. Upon the motion of any Appellant or Respondent, the Hearing Officer or Presiding Judge, or designee, may exclude from the hearing room any witnesses not at the time under examination but a party to the proceedings. The Appellant, Respondent, their attorneys or other representatives, shall not be excluded.
  - i. Witnesses, other than employees, who are subpoenaed to attend a hearing or investigation, are entitled to the same fee as is allowed witnesses in civil cases of the State of Arizona.
    - i. If any Hearing Officer on his/her own motion subpoenas a witness, fees and mileage may be paid from funds of the Court upon presentation of a duly executed claim.
    - ii. If a witness is subpoenaed upon request of the Appellant or Respondent, the requesting party shall pay the fees and mileage of the witness.
    - iii. Reimbursements to Superior Court employees subpoenaed as witnesses shall be limited to payment of mileage, if appropriate, by the party requesting the witness.
    - iv. If a witness does not reside within Pinal County or within one hundred (100) miles of the place where the hearing or investigation is to be held, is out of state, or is too infirm to attend the hearing or investigation, any party, at its own expense, may cause a deposition to be taken. If the presence of a witness cannot be procured at the time of the hearing or investigation, the deposition may be used in evidence by either party or the Superior Court.
3. Within ten (10) calendar days of the conclusion of the appeal hearing, the Judge or Hearing Officer who conducts the proceeding, if not the Presiding Judge, or designee, of the Superior Court, shall submit written findings of fact and conclusions of law and shall make a recommendation to the Presiding Judge, or designee, of the Superior Court as to whether the disciplinary action should be sustained, overruled or amended.
- a. Following receipt of the recommendation from the Hearing Officer, and at any time prior to the final decision by the Presiding Judge, or designee, the Appellant





## RULE 19 TERMINATIONS

### 19.1 Resignation

- A. Any employee may terminate employment with the Court by submitting a written resignation to the Appointing Authority at least ten working days prior to the effective date of the resignation.
- B. If an employee resigns orally, the Appointing Authority shall confirm the resignation in writing.
- C. An Appointing Authority may refuse to accept a resignation and dismiss an employee pursuant to this Rule.
- D. A resignation by an employee shall be final unless both the Appointing Authority and the employee agree that the resignation may be withdrawn.
- E. An Appointing Authority may consider an employee to have voluntarily resigned when the employee is absent from duty for three consecutive work shifts without authorization. Separation under this paragraph is not subject to grievance or appeal.

### 19.2 Dismissal

The provisions involved in a dismissal of a classified employee for a disciplinary reason are covered in [Rule 17, Disciplinary Action](#).

### 19.3 Dismissal during Initial Probation

An employee may be terminated, without the right of Appeal, at any time during the initial probationary period.

### 19.4 Reduction in Force

- A. Reduction in force will be non-discriminatory with regard to race, color, sex, national origin, religion, disability, age, genetic information or any other category protected by law.
- B. Reduction and reassignment of classified and unclassified personnel may involve consideration of multiple options.
- C. An employee affected by a Reduction in Force does not have the right of Appeal.
- D. The provisions involved in a Reduction in force are covered in [Rule 15, Reduction in Force](#).

### 19.5 Reorganization

- A. A planned change in departmental structure as recommended by the Appointing Authority and approved by the Presiding Judge or designee, which affects the duties of one or more positions.
- B. Any Reorganization will be non-discriminatory with regard to race, color, sex, national origin, religion, disability, age, genetic information or any other category protected by law.
- C. An employee affected by a Reorganization does not have the right of Appeal.
- D. The provisions involved in a Reorganization are covered in [Rule 15, Reduction in Force](#).

### 19.6 Inability to Perform Job Duties

An employee who becomes unable to perform their job duties as a result of physical or mental impairment, or any other health condition, may be separated from service under the following procedures. Nothing in this Paragraph shall preclude an Appointing Authority from instituting any disciplinary measures as appropriate under these Rules.

- A. The Appointing Authority shall make a good faith effort in consultation with the Court Human Resources Representative to confer with the employee verbally or in writing in the interactive process to determine whether there are any reasonable accommodations available that are effective to enable the employee to perform his or her job duties.
  
- B. If, after good faith interactive process as defined under [Rule 5, Americans with Disabilities Act](#) procedures, including exhaustion of applicable FMLA Leave, it is determined that there is no reasonable accommodation available that would enable the employee to perform his or her essential job duties, or that an accommodation would create an undue hardship, the employee may be separated from service. The separation shall be considered non-disciplinary in nature. Employees that are subject to a non-disciplinary separation are not entitled to appeal the dismissal or file a grievance regarding the dismissal.

## RULE 20 DEFINITIONS

### 20.1 Appointing Authority

The single administrative or executive head of a Superior Court department, office, authority or governmental budget unit operated within the Court, or designee of same; has the sole authority within the office or unit to appoint or terminate an employee from the Superior Court service.

When an Appointing Authority is, or will be, absent from the workplace, the Appointing Authority may delegate any or all responsibility granted under these Rules, except:

- A. request for classification;
- B. approval of entrance salary more than 5% or the midpoint of any ranges and special salary increases;
- C. issuance of discipline above a written reprimand;
- D. written response to an appeal; and
- E. submission of a Reduction in Force and/or Reorganization plan.

### 20.2 Definitions

The following words and phrases used in these Rules have the defined meanings hereinafter set forth unless clearly indicated otherwise in the context.

**Abandonment of Position:** An employee who is absent for three or more consecutive days without notifying his/her supervisor as to the reason for the absence and/or is deemed to be an unauthorized absence will be deemed to have abandoned their position.

**Administrative Leave:** An administrative, involuntary removal of an employee from the worksite/position with or without pay. Subject to approval by the Presiding Judge, or designee.

**Agency:** Any department, board, office, authority, commission or governmental budget unit operated within the Superior Court in Pinal County.

**Allocation:** The assignment of an employee, a position, or both to an existing classification on the basis of duties, responsibilities, authority and required employment qualifications.

**Annual Salary Increase:** Subject to available funding and approval by the Board and Appointing Authority, an annual salary increase is a pay increase granted to a regular status employee, provided the employee's pay does not exceed the maximum of the current salary range.

**Appeal:** A written request filed with the Court Administrator, or designee, by an employee to challenge a suspension, demotion, disciplinary probation or dismissal.

**Appellant:** The employee filing an Appeal with the Court Administrator, or designee.

**Applicant:** A person who has filed an application for employment.

**Appointing Authority:** The single administrative or executive head of a Superior Court department, office, authority or governmental budget unit operated within the Court, or designee of same; has the sole authority within the office or unit to appoint or terminate an employee from the Superior Court service.

**Appointment:** The offer and acceptance by a person of any position in the Superior Court classified service in accordance with these Rules.

**Armed Forces:** The United States Air Force, Army, Navy, Marine Corps, Coast Guard, or Arizona National Guard.

**At-Will:** Positions in the Superior Court expressly designated as unclassified by these Rules and therefore not covered by portions of the JMRs unless otherwise specified. At-Will employees do not have any right to appeal disciplinary actions.

**Background Check:** The process of reviewing confidential and public information to investigate and authenticate information supplied by an applicant to ensure the candidate has the background claimed. The background check may include, but is not limited to: a review of criminal history records, verifications of employment, reference checks and personnel file reviews. When applicable to the position's job duties, financial records, psychological exams, polygraph and/or voice stress test exams and any other check required by Arizona Code of Judicial Administration may be included in the background check.

**Board:** The Pinal County Board of Supervisors.

**Break In Service:** A break in service is a separation from or interruption of paid employment with the Superior Court that exceeds 14 consecutive calendar days.

**Candidate:** An applicant approved for participation in an examination.

**Certification:** The referral of the names of qualified eligible applicants to the Appointing Authority.

**Class or Classification:** A systematic arrangement of work into category(ies) based on type (occupation) and level of work (difficulty and complexity, independence and authority, and supervisory responsibility). Note: Each employee and position is assigned a classification. Typically the employee and position classification is the same but may differ for administrative reasons.

**Class Specification:** A written description containing, but not limited to, a title and a statement of duties, responsibilities, authority and qualifications that are broadly representative of the type and level of work of the class.

**Classification System:** A uniform and consistent method of identifying, describing and analyzing assigned work through evaluation of specific job factors. The product of the classification system/plan is the allocation of each employee and position to a classification, the assignment of a class title, a written description of the commonly assigned duties and a comparative ranking of all classifications within the court.

**Classified:** All positions in the Superior Court service except those expressly exempted or designated as unclassified (i.e. At-Will) by these Rules or by statute.

**Closed Promotional:** A promotional recruitment process open only to regular status employees within the Court department actively recruiting for the position and therefore closed to the public and employees from other departments of the Court and/or County.

**Compensation:** The salary, wage, allowances and all other forms of valuable consideration earned by or paid to an employee except reimbursement for necessary expenses which have been authorized and incurred.

**Compensation Plan (Pay Plan):** A listing of the designated salary ranges for each classification.

**Compensatory Time:** Paid leave (in lieu of cash payment) accrued at the rate of time and one-half for the overtime hours worked.

**Continuous Recruitment:** Recruitment under which applications are received continuously after announcement has been made to that effect until a sufficient number of applications has been received or the position has been filled.

**Criminal History Check:** A search for criminal convictions conducted on the Arizona Department of Public Safety (AZDPS) system, including the National Criminal Information Center (NCIC).

**County:** The executive branch of government, in Pinal County.

**Court:** The judicial branch of government, in Pinal County.

**Court Human Resources Representative:** The person assigned as the head of the Court Human Resources Division, working under the delegation and direction of the Court Administrator, assigned the responsibility for management and administration of the JMR system. The division head may delegate elements of such management and administration.

**Day:** A 24 consecutive hour period beginning at 12:00:01 a.m. and ending at 12:00 midnight. Note: In these rules where a deadline uses the term “calendar days” (e.g. “30 calendar days”), and where that deadline would fall upon a Saturday, Sunday, or holiday, the deadline will become the next business day.

**Demotion, Involuntary:** An employer-initiated movement of an employee, for disciplinary reasons, from the employee’s classification and position to a classification and position with a lower salary.

**Demotion, Voluntary:** An employee requested (in writing) and appointing authority approved movement of an employee, for non-disciplinary reasons, from the employee’s classification and position to a classification and position with a lower salary.

**Department:** A Superior Court governmental unit under the control of an Appointing Authority which has a separate operating budget approved by the Presiding Judge, or designee.

**Detail to Special Duty:** The assignment of a regular status employee on an interim basis to a position of higher grade to meet a need for a determined time as provided for in these rules.

**Discharge or Dismissal:** An employer-initiated, involuntary separation from Superior Court employment of a regular status or probationary period status employee as a result of improper conduct or inadequate performance, including situations that may be beyond the control of the employee.

**Duty Station:** The primary location of the employee’s duties. May be assigned or changed at the discretion of the Appointing Authority.

**Eligible (Recruitment & Selection):** A person who meets the minimum qualifications for a specific class specification, has attained a passing score on an examination for a specific class and/or has qualified to be placed on a registry for certification.

**Emergency Appointment:** An appointment made during an actual emergency to prevent the impairment of public business.

**Employee:** A person who is paid a wage, salary or stipend from public monies in accordance with official entries as a Superior Court employee with the Pinal County Personnel and/or Finance Department. Includes regular status, temporary, intermittent, part-time, provisional, or probationary employees.

**Examination:** One of the evaluation processes used to measure the qualifications and determine the relative suitability of Candidates.

**Examination Announcement:** The official issuance of a notice to give an Examination.

**Filing:** The receipt of a document by the person or office specified in these rules.

**Fair Labor Standards Act (FLSA):** A federal law that regulates overtime provisions for those positions that are not exempt from the FLSA. “Exempt” positions are not covered by the FLSA and the overtime provisions do not apply as they do for “non-exempt” positions.

**Family Medical Leave Act (FMLA):** A federal law governing eligibility of leave under the Act and protections against discrimination and retaliation.

**Family Member, Qualified (As defined by FMLA):** Spouse, child, parent, parent-in-law, grandparent or grandchild of an employee, or an individual for whom the employee is or was in a relationship of “in loco parentis.” Child, parent, and parent-in-law includes biological, adoptive, step, or foster relationships.

**Grievance:** A formal complaint by an employee of the Court concerning the interpretation and application of policies governing personnel practices and procedures, departmental work rules or unsafe or unhealthy working conditions.

**Gross Negligence:** A knowing or reckless indifference of the need to use reasonable care, which is likely to cause foreseeable grave injury or harm to persons, property, or both. It is conduct that is more severe when compared with ordinary *negligence*, which is a mere failure to exercise reasonable care. This includes demonstrating reckless indifference to the officer’s safety by going beyond the scope of the officer’s duty or violations of policy and procedure that puts the officer or others at risk of injury.

**Hearing Officer:** A Judge of the Superior Court, or other designee appointed by the Presiding Judge, to hear appeals or grievances as provided by these Rules.

**Intermittent Appointment:** An appointment to a position that recurs on a seasonal or intermittent basis.

**Initial Probationary Employment Period:** A specific period of employment following appointment, re-employment, a transfer or promotion from County departments during which the work performance of an employee is evaluated. During this timeframe the employee does not have the right to appeals or file grievances.

**Intra-departmental Promotional:** A recruitment process only open to employees, of any department of the Court, but is closed to the public and County departments.

**Reduction in Force:** An employer-initiated separation of employment due to a shortage of funds, lack of work via a bona fide abolishment of a position, organizational restructuring or other circumstances not related to employee performance.

**Military Leave:** The leave of absence status of a regular status or probationary employee who leaves a position to serve in the Armed Forces of the United States or of this state in time of national emergency or state emergency or for military training and who has the right under statutes relating to reinstatement of a person after military service to return to his/her position or a like position.

**Merit Rules:** The Superior Court in Pinal County Judicial Merit System Rules and Policies/Personnel Rules as adopted from time to time by the Presiding Judge, or designee. May be cited as Rules, Merit Rules or JMR.

**Official Personnel File:** A file established and maintained for each employee upon hire that are housed in the Human Resources Department and are the property of the Court. These files include, but are not limited to: application forms, performance appraisals, written corrective action forms or memoranda, tax forms, benefit forms, employee status forms, training records, documents relating to certification/licensure, and formal commendations.

**Open Competitive:** A recruitment process that is open to the general public as well as any employee of the Court or County.

**Overtime:** Time worked by a FLSA non-exempt employee in excess of 40 hours in a work week, excluding holiday hours.

**Pay Period:** A two (2) calendar week period of time during which an employee is granted compensation according to the actual time worked.

**Personnel Action:** Any action taken with reference to an employee or a position, including but not limited to, appointment, rate of pay, promotion, demotion, transfer, layoff, dismissal or classification.

**Policies:** The Superior Court in Pinal County Judicial Merit System Rules and Policies/Personnel Rules as adopted from time to time by the Presiding Judge, or designee. May be cited as Rules, Merit Rules or JMR. May also include County or departmental specific policies and procedures.

**Position:** A specific group of duties, authorities and responsibilities assigned by an appointing authority requiring the employment of one person.

**Position Description:** A written description of the specific work assigned to a position.

**Probation:** A specific period of employment following appointment, reemployment, promotion, or demotion during which the work performance of an employee is evaluated.

**Probationary Employee:** An individual who is employed in a position and who has not completed his or her period of probation.

**Promotion:** The movement of an employee from the employee's classification and position to a classification and position with a higher salary range.

**Promotional Review Period/Probation:** A specific period of employment following appointment, or promotion during which the work performance of an employee is evaluated and may be subject to reversion or dismissal without due process.

**Provisional Appointment:** The appointment of a qualified person on an interim basis not to exceed six (6) months to a position under these Rules without a competitive process.

**Provisional Employee:** An employee who has received a Provisional Appointment but has not been examined or certified.

**Re-classification:** Changing the allocation of an employee, a position or both from one existing class to another existing class.

**Re-employment:** The return to the Court Classified Service of a former employee who resigned in good standing from the Court.

**Registry:** An official list of eligible individuals for a particular class or group of classes generally placed in order as a result of an examination or test, which shall be used by the Appointing Authority for selection for appointments to positions in the Court Classified Service.

**Regular Status:** The status an employee achieves after the successful completion of the initial probationary period. Except for transfer into an at-will classification, an employee with regular status retains that status upon transfer to a regular position or promotion to a regular position and successfully completing promotional probation.

**Reorganization:** A planned change in departmental structure that affects one or more positions, recommended by the Appointing Authority and approved of by the Presiding Judge, or designee.

**Representative:** A non-participant observer that may be used in disciplinary actions of a Surveillance, Probation or Juvenile Detention Officer.

**Respondent:** The Court agency or agencies whose interests are adverse to those of the Appellant or who will be directly affected by the Presiding Judge, Elected Official or designee's decision.

**Reversion:** The return of an employee on promotional probation to a position in the class in which the employee held regular status prior to the promotion.

**Rules:** The Superior Court in Pinal County Judicial Merit System Rules and Policies/Personnel Rules as adopted from time to time by the Presiding Judge, or designee. May be cited as Rules, Merit Rules or JMR.

**Salary Range:** The minimum, maximum and intermediate pay rates to which a classification is assigned.

**Selection Method:** Any procedure or technique used to assess applicant qualifications for employment in a position.

**Status:** The employment relationship between an employee and the court. Types of status include regular, temporary or probationary.

**Suspension:** The temporary, involuntary removal of an employee without pay from the worksite/position for disciplinary reasons.

**Temporary Appointment:** Appointment to meet a temporary program need.

**Temporary Promotional Appointment:** The assignment of an employee on an interim basis to a position of higher grade to meet a need for a determined time as provided for in these Rules.

**Termination:** Cessation of employment for any reason.

**Transfer:** A change in the assignment with the same salary range/grade, for reasons other than disciplinary action, where the employee is moving from one department or position to another department or position in the same or different job classification.

**Unclassified:** A position in the Court service which has been designated as unclassified because of the nature of its appointment and/or responsibilities. Unless specified, the policies and procedures set forth in these Rules do not apply to Unclassified Employees. Also known as At-Will.

**Vacancy:** An allocated position in the Court service which has become vacant due to the resignation, transfer or termination of an employee; or a newly allocated position which has not yet been filled.

**Veteran:** Any person separated from active duty in the Armed Forces under honorable conditions.

1. **VETERAN, DISABLED:** A person entitled to disability compensation under laws administered by the United States Department of Veterans Affairs, a person whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty or a person who was awarded the Purple Heart for wounds received in combat. To qualify for veterans' preference points, an applicant must submit documentation with the application to verify the veteran's eligibility. The documentation must confirm the veteran status and the veteran's disability status. Verification documentation typically includes: (1) A copy of the disabled veteran's DD-214/DD-215 form signifying "Service 2," "Service 3," or "Member 4" at the bottom of the form, and (2) A copy of the disabled veteran's "veterans' disability preference" letter from the U.S. Department of Veterans Affairs. Note: If the disability status is confirmed on the DD-214/DD-215 form this letter is not required.



2. **VETERAN, NON-DISABLED:** A person who: (1) Served on active duty with the Armed Forces of the United States: (a) For a period of more than 178 consecutive days and was discharged or released from active duty under honorable conditions; (b) For 178 days or less and was discharged or released from active duty under honorable conditions because of a service-connected disability; or (c) For at least one day in a combat zone and was discharged or released from active duty under honorable conditions; or (2) Received a combat or campaign ribbon for service in the Armed Forces of the United States. To qualify for veterans' preference points, an applicant must submit documentation with the application to verify veteran status. Typically, a copy of the veterans' DD-214/DD-215 form signifying "Service 2," "Service 3," or "Member 4" at the bottom of the form, or a letter from the U.S. Department of Veterans Affairs indicating receipt of a non-service connected pension is sufficient to confirm veteran status.

**Wages:** For the purposes of these Rules, wages shall be defined as provided in [A.R.S. §23-350\(7\)](#).

**Work Period:** A fixed and regularly recurring period upon which overtime compensation may be calculated.

# Appendix A

The Presiding Judge of the Superior Court is authorized to establish personnel policies and procedures and a judicial merit system for court employees pursuant to the Arizona Constitution, Article VI, Section 11, and Rule One of the Uniform Rules of Practice of the Superior Court of Arizona, which sets forth certain additional authority and responsibilities of the Presiding Judge of the Superior Court, including the exercise of general supervision over all court personnel. Furthermore, employees of the Superior Court in Pinal County are not subject to the personnel policies of Pinal County, except as adopted by the Presiding Judge of the Superior Court.

Therefore, this appendix adopts the Policies and Procedures of Pinal County, as referenced below along with any subsequent revisions thereof, with the following stipulations: any references to the County Manager be substituted with the Presiding Judge and any reference to Human Resources or the County Human Resources Director be substituted in practice by the Court Human Resources Representative as designated by the Presiding Judge. Any additions to the Policies and Procedures of Pinal County will be reviewed for inclusion in this section below and adopted as appropriate.

All of the Judicial Merit Rules and Policies of the Superior Court in Pinal County have been adopted via Administrative Order No. 2017-39.

Pinal County Policies and Procedures adopted by the Superior Court in Pinal County, exceptions notated by strikethrough:

<b>Pinal County Policy No./Title</b>	<a href="#"><u>pnp 2.60 Internet Access and Usage</u></a>	<a href="#"><u>pnp 3.90 Separation &amp; Exit Interview Process</u></a>
<b>01.00 General</b>	<del><a href="#"><u>pnp 2.65 Social Media Use Policy</u></a></del>	<del><a href="#"><u>pnp 3.95 Constructive Discharge</u></a></del>
<del><a href="#"><u>pnp 1.05 Ethics in County Employment</u></a></del>	<a href="#"><u>pnp 2.70 Radio Communications</u></a>	<del><a href="#"><u>pnp 3.96 Reduction-In-Force</u></a></del>
<del><a href="#"><u>pnp 1.10 General Provisions and Purpose</u></a></del>	<a href="#"><u>pnp 2.75 Pinal County Geographic Information Systems</u></a>	<a href="#"><u>pnp 3.97 County Owned and Take Home Vehicles</u></a>
<a href="#"><u>pnp 1.20 Employment Eligibility Verification</u></a>	<a href="#"><u>pnp 2.80 Confidentiality and Employee Records</u></a>	<a href="#"><u>pnp 3.98 Calculation of Fringe Benefits on County-Owned and Take Home Vehicles</u></a>
<del><a href="#"><u>pnp 1.30 Political Activity</u></a></del>	<a href="#"><u>pnp 2.85 Cost Recovery for Release of Public Data</u></a>	<b>04.00 Wage &amp; Salary Administration</b>
<del><a href="#"><u>pnp 1.40 Outside Employment</u></a></del>	<a href="#"><u>pnp 2.90 Personnel Record Keeping</u></a>	<a href="#"><u>pnp 4.10 Exempt/Non-Exempt Classifications</u></a>
<del><a href="#"><u>pnp 1.50 Dress Code and Uniforms</u></a></del>	<a href="#"><u>pnp 2.95 Responding to Requests for Public Records</u></a>	<a href="#"><u>pnp 4.20 Wage and Salary Administration</u></a>
<del><a href="#"><u>pnp 1.60 Volunteer Service Program</u></a></del>	<b>03.00 Terms &amp; Conditions of Employment</b>	<a href="#"><u>pnp 4.25 Evaluation and Compensation Plan</u></a>
<a href="#"><u>pnp 1.70 Policy Developments and Review Process</u></a>	<del><a href="#"><u>pnp 3.03 Recruitment and Selection Process</u></a></del>	<a href="#"><u>pnp 4.28 Compensation Plan Maintenance</u></a>
<a href="#"><u>pnp 1.80 Elections Workers</u></a>	<del><a href="#"><u>pnp 3.05 Background Investigations</u></a></del>	<a href="#"><u>pnp 4.30 Shift Differential</u></a>
<a href="#"><u>pnp 1.85 Pinal County Historic 1891 Courthouse Meeting Facility Use Policy</u></a>	<del><a href="#"><u>pnp 3.10 Equal Employment/Affirmative Action</u></a></del>	<a href="#"><u>pnp 4.40 On-Call</u></a>
<a href="#"><u>pnp 1.90 Use of County Issued Cell Phone, Smart Phone or Other Wireless Devices; Use of County Issued Identification/Access Cards</u></a>	<del><a href="#"><u>pnp 3.15 Unlawful Discrimination and/or Harassment</u></a></del>	<a href="#"><u>pnp 4.50 Travel Time</u></a>
<a href="#"><u>pnp 1.95 Strategic Planning and Performance Measurement</u></a>	<del><a href="#"><u>pnp 3.20 Nepotism</u></a></del>	<a href="#"><u>pnp 4.60 Training Funding</u></a>
<b>02.00 Workplace Safety &amp; Security</b>	<del><a href="#"><u>pnp 3.30 Code of Conduct</u></a></del>	<a href="#"><u>pnp 4.80 Personal Vehicle Use and Loss/Damage Reimbursement</u></a>
<a href="#"><u>pnp 2.10 Security</u></a>	<del><a href="#"><u>pnp 3.35 Conflict of Interest</u></a></del>	<a href="#"><u>pnp 4.85 Overtime Compensation</u></a>
<a href="#"><u>pnp 2.20 Searches</u></a>	<del><a href="#"><u>pnp 3.40 Workplace Violence</u></a></del>	<a href="#"><u>pnp 4.90 Overtime Management</u></a>
<a href="#"><u>pnp 2.30 Work Spaces</u></a>	<a href="#"><u>pnp 3.50 Hours of Work</u></a>	<b>05.00 Training and Education</b>
<a href="#"><u>pnp 2.35 Occupant Emergency Plans</u></a>	<a href="#"><u>pnp 3.51 Alternative Work Schedules</u></a>	<a href="#"><u>pnp 5.30 Tuition Reimbursement Program</u></a>
<del><a href="#"><u>pnp 2.40 Computer Software Management</u></a></del>	<a href="#"><u>pnp 3.55 Grant Funded Employees</u></a>	<a href="#"><u>pnp 5.40 Degree Attainment Program</u></a>
<a href="#"><u>pnp 2.45 Use of Login Banners</u></a>	<del><a href="#"><u>pnp 3.60 Progressive Discipline and Problem Solving</u></a></del>	<a href="#"><u>pnp 5.50 Cooperative Education Work Experience Program</u></a>
<a href="#"><u>pnp 2.50 Electronic Mail and Scheduling System</u></a>	<del><a href="#"><u>pnp 3.65 Administrative Investigations</u></a></del>	
	<del><a href="#"><u>pnp 3.80 Gift Policy</u></a></del>	

<b>06.00 Health and Safety</b>
<a href="#">pnp 6.10 Drug Free Workplace</a>
<a href="#">pnp 6.30 Smoking and Tobacco Products</a>
<del><a href="#">pnp 6.40 On The Job Injury and Illness/Workers Compensation</a></del>
<a href="#">pnp 6.41 Blood Borne Pathogen Exposure Control Plan</a>
<a href="#">pnp 6.41 Policy and Procedure: Blood-borne Pathogen Exposure Control Policy</a>
<a href="#">pnp 6.45 Respiratory Protection Program</a>
<del><a href="#">pnp 6.50 Reasonable Accommodation</a></del>
<a href="#">pnp 6.60 AIDS and Other Life-Threatening Illnesses</a>
<a href="#">pnp 6.69 Hazardous Communication Program</a>
<a href="#">pnp 6.70 Employee Assistance Program</a>
<a href="#">pnp 6.80 Vehicle and Equipment Operation</a>
<a href="#">pnp 6.90 Driving Review Board</a>
<b>07.00 Benefits</b>
<a href="#">pnp 7.20 Holidays</a>
<a href="#">pnp 7.30 Vacation Leave</a>
<del><a href="#">pnp 7.40 Family Medical Leave</a></del>
<a href="#">pnp 7.45 Bereavement Leave</a>
<a href="#">pnp 7.50 Sick Leave</a>
<a href="#">pnp 7.60 Miscellaneous Leaves With Pay</a>

<a href="#">pnp 7.65 Leaves of Absence Without Pay</a>
<a href="#">pnp 7.80 Military Leave</a>
<a href="#">pnp 7.85 Victim's Leave</a>
<a href="#">pnp 7.90 COBRA</a>
<del><a href="#">pnp 7.92 Early Retirement Incentive Program</a></del>
<a href="#">pnp 7.94 Van Pool Operations and Public Transit Subsidies</a>
<a href="#">pnp 7.95 Guaranteed Ride Home</a>
<a href="#">pnp 7.96 Employee Recognition and Awards</a>
<b>08.00 Accounting Policies and Procedures</b>
<a href="#">pnp 8.05 Establishing Bank Accounts</a>
<a href="#">pnp 8.10 Cash Receipts</a>
<a href="#">pnp 8.20 Alternate Funding/Grants</a>
<a href="#">pnp 8.30 Signature Authorization</a>
<a href="#">pnp 8.40 Weapons Policy</a>
<a href="#">pnp 8.50 Pinal County Travel Policy</a>
<a href="#">pnp 8.60 Food Guidelines</a>
<a href="#">pnp 8.70 Petty Cash Policy</a>
<del><a href="#">pnp 8.71 Donations and Fundraising</a></del>
<a href="#">pnp 8.72 Employee Discount Program</a>
<a href="#">pnp 8.80 Capital Assets</a>
<a href="#">pnp 8.90 Fund Balance Reporting and Governmental Fund Definitions</a>
<a href="#">pnp 8.91 Vehicle Replacement</a>

<b>09.00 Procurement</b>
<a href="#">pnp 9.10 Article 1 - General Provisions</a>
<a href="#">pnp 9.10 Article 2 - Procurement Organization</a>
<a href="#">pnp 9.10 Article 3 - Source Selection and Contract Award</a>
<a href="#">pnp 9.10 Article 4 - Specifications</a>
<a href="#">pnp 9.10 Article 5 - Construction and Specified Professional Services</a>
<a href="#">pnp 9.10 Article 6 - Contract Clauses</a>
<a href="#">pnp 9.10 Article 8 - Materials Management</a>
<a href="#">pnp 9.10 Article 9 - Legal and Contractual Remedies</a>
<a href="#">pnp 9.10 Article 10 - Intergovernmental Procurement</a>
<a href="#">pnp 9.10 Article 12 - Ethics in Public Contracting</a>
<a href="#">pnp 9.10 Article 13 - On-Line Bidding</a>
<a href="#">pnp 9.20 Procurement Card Policy</a>
<b>10.00 Property</b>
<a href="#">pnp 10.10 Personal Property Donation</a>
<a href="#">pnp 10.20 Real Property Donation</a>
<a href="#">pnp 10.30 Naming of Real Property Assets</a>
<a href="#">pnp 10.40 Vehicle and Equipment Marking</a>
<a href="#">pnp 10.50 Master Facilities Planning and Construction Committee</a>

## UPDATES

February 23, 2018 on Page 80: Policy 5.10 Equipment Operator Advancement Program and Policy 5.20 Professional Certification removed by Pinal County, September 2017.

March 23, 2018 on Page 80: Policy 1.05 Ethics in County Service updated to Ethics in County Employment by Pinal County, September 2017. Policy 1.90 Use of County Issued Cell Phone, Blackberry and/or Other Voice Wireless Devices updated to Use of County Issued Cell Phone, Smart Phone or Other Wireless Devices; Use of County Issued Identification/Access Cards by Pinal County, September 2017. Policy 3.15 Unlawful Discrimination updated to Unlawful Discrimination and/or Harassment by Pinal County, September 2017.



# Appendix B

## Court Policies & Procedures

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# Administrative Orders

The following Administrative Orders of the Superior Court in Pinal County have adopted or revised the Judicial Merit Rules either in totality or in part.

- 2017-39: Adopting the Judicial Merit Rules and select Policies and Procedures of Pinal County as noted in Appendix A of the JMR.