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BEVERLY FRANE
CLERK OF SUPERIOR COURT
YUMA, ARIZONA 85364

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YUMA

In the Matter of: AMENDMENT OF THE JUDICIAL MERIT SYSTEM OF THE SUPERIOR COURT IN YUMA COUNTY	Administrative Order 92-2

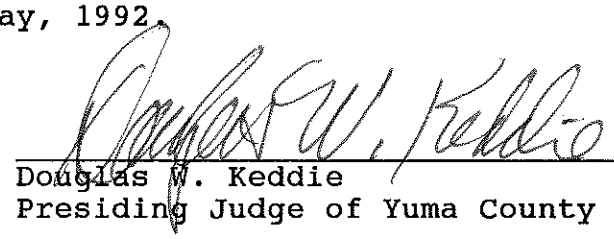
The judges of this court having unanimously resolved that the attached document, RULES AND GUIDELINES OF THE JUDICIAL MERIT SYSTEM FOR CLASSIFIED AND UNCLASSIFIED EMPLOYEES OF THE SUPERIOR COURT SYSTEM IN YUMA COUNTY, be adopted and promulgated immediately as an amendment to the existing Judicial Merit System adopted by administrative order 89-7 dated July 11, 1989, effective July 1, 1989.

It is **ORDERED** that effective May 14, 1992, the attached Rules and Guidelines of the Judicial Merit System for Classified and Unclassified Employees of the Superior Court System in Yuma County, is adopted as an amendment of the Judicial Merit System adopted by this court's administrative order 89-7.

It is further **ORDERED** that this court's administrative order 91-3, by which the sexual harassment policy adopted by Yuma County on December 17, 1990, was adopted with modifications as a

part of the Judicial Merit System, is vacated, this court having adopted a policy on sexual harassment as rule 16 of the rules and guidelines adopted this date.

DATED this 14th day of May, 1992.



Douglas W. Keddie
Presiding Judge of Yuma County

H. Stewart Bradshaw, Judge
Division Three

May 14, 1992
Date

Tom C. Cole, Judge
Division Four

May 14, 1992

FILED
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BEVERLY FRAME
CLERK OF SUPERIOR COURT
YUMA, ARIZONA 85364

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF YUMA

In the Matter of: AMENDMENT OF THE JUDICIAL MERIT SYSTEM OF THE SUPERIOR COURT OF YUMA COUNTY.	RESOLUTION

The undersigned Judges of the Superior Court of the State of Arizona in and for the County of Yuma hereby RESOLVE that this court adopt, by administrative order to be entered by the presiding judge of this county, the attached **RULES AND GUIDELINES OF THE JUDICIAL MERIT SYSTEM FOR CLASSIFIED AND UNCLASSIFIED EMPLOYEES OF THE SUPERIOR COURT SYSTEM IN YUMA COUNTY** effective immediately and as an amendment to the existing Judicial Merit System adopted by this court's administrative order 89-7, entered July 11, 1989, and effective July 1, 1989.

Douglas W. Keddie, Presiding Judge
Division One

May 14, 1992
Date

B. L. Helm, Judge
Division Two

May 14, 1992
Date

RULES AND GUIDELINES OF THE JUDICIAL MERIT SYSTEM FOR CLASSIFIED AND UNCLASSIFIED EMPLOYEES OF THE SUPERIOR COURT SYSTEM IN YUMA COUNTY

RULE 1 - PURPOSE

The purpose of these rules is to implement and effect a uniform and equitable system of personnel administration for all departments of the Superior Court in Yuma County based upon merit principles. The rules shall be the basis for which department heads and appointing authorities shall regulate their personnel procedures and employee management.

RULE 2 - DEFINITIONS

The following words and phrases have these meanings in these rules and guidelines:

2.01 Allocation: The assignment of a position to an appropriate class.

2.02 Appeal: A written request filed with the department head or appointed official by an employee for relief from certain alleged unfair acts or conditions.

2.03 Appellant: The employee filing an appeal.

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

2.05 Appointing Authority: The officer of the superior court under whose appointive authority an employee holds a position within the Judicial Merit System, i.e., Judge, Clerk of Superior Court, Court Administrator, Chief Adult Probation officer, or

Director of Juvenile Court Services.

2.06 Appointment: The acceptance by a person of the offer of a position within the Judicial Merit System.

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

2.08 Board: The Yuma County Board of Supervisors.

2.09 Candidate: An applicant approved by the County Personnel Department for participation in an examination.

2.10 Certification: The referral of the names of qualified and eligible candidates by the County Personnel Department.

2.11 Class: A position, or group of positions, sufficiently similar in duties and responsibilities so that the same requirements for education, experience, knowledge, ability, training, and other qualifications may be demanded of the occupants within the class so that the same compensation schedule can be applied with equity.

2.12 Class Change: The change in assignment of an employee, from one class to another class, having the same range of pay.

2.13 Classification Plan: The orderly arrangement of positions under separate and distinct classes on the basis of current duties and responsibilities.

2.14 Classified Employees: Every employee in the court service except those expressly designated as unclassified.

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

2.16 Compensatory Time: Time off granted to an employee in

lieu of monetary payments for overtime worked.

2.17 County: The Yuma County government.

2.18 County Department: A county governmental or administrative unit under the control of an appointing authority.

2.19 Court Department: A judicial department, unit, or division, under the control of an appointing authority and the presiding judge.

2.20 Demotion: A change in the assignment of an employee from a position in one class to a position in another class having a lower range of pay.

2.21 Discharge or Dismissal: The involuntary separation of a person from court employment for cause.

2.22 Disciplinary Action: The appropriate action taken by an appointing authority against an employee, which may include, but is not limited to, oral or written reprimand, suspension for not more than 60 days, demotion, or dismissal.

2.23 Eligible: A person who has attained a passing score on the examination, and/or has been screened by the County Personnel Department as meeting minimum qualifications, for a specific position within a class.

2.24 Employee: A person who is paid a wage, salary, or stipend from public funds, whose position is designated by the presiding judge as an employee within the Judicial Merit System.

2.25 Examination: The evaluation process used to measure the qualifications and determine relative capabilities of applicants.

2.26 Immediate Family: Spouse, sibling, stepsibling, mother, father, stepparent, grandparent, or any of the aforementioned of

a spouse.

2.27 Military Leave: The leave of absence status of an employee who leaves a position to serve in the armed forces of the United State or of this state in time of national or state emergency or for military training and who has the right (A.R.S. 26-168, 38-298, 38-61) to reinstatement after military service to return to the former position or a like position.

2.28 Pay Plan: A schedule of numbered salary ranges utilized to assign an appropriate salary range to each class of position.

2.29 Permanent Status: The status an employee achieves when retained in a position of the classified service after successful completion of probation.

2.30 Position: A specific employment, whether occupied or vacant, involving duties requiring the services of one person.

2.31 Presiding Judge: The Presiding Judge of Juvenile Court when any rule or guideline applies to an employee within the Juvenile Court department, and, in all other cases, the Presiding Judge of the County.

2.32 Probation: A specified period of employment following appointment, transfer, promotion, or demotion, which is the final step in the examination process of work performance evaluation.

2.33 Probationary Employee: A person who is serving an initial probation period in a permanent position.

2.34 Promotion: A change in the assignment of an employee from a position in one class to a position in another class having a higher rate of pay.

2.35 Reclassification: Changing the classification of an

existing position when a material, substantial, and permanent change in the duties or responsibilities of the position occurs.

2.36 Reduction In Force (RIF): The separation of an employee because of shortage of funds or work, or by reason of abolishment of a position, change in duties and minimum qualifications of the position, or reorganization within the court department.

2.37 Register: An official list of eligible candidates for a particular class, compiled by the County Personnel Department, which shall be used by the appointing authority for selection for appointments to positions in the court classified service.

2.38 Reinstatement: The return to the court classified service of a former employee who resigned in good standing from the court classified service.

2.39 Resolution: A resolution of the Judges of the Superior Court of Arizona in Yuma County.

2.40 Rules: The rules as adopted from time to time by Judges of the Superior Court of Arizona in Yuma County.

2.41 Suspension: The temporary separation of an employee from a position for disciplinary reasons.

2.42 Temporary Appointment: Appointment to a classification or position to meet a temporary program need or work task, with a specified duration.

2.43 Transfer: A change in the job assignment of an employee from a position in a court or county department to another position under a different appointing authority.

2.44 Unclassified Employees: Court Administrator, Director of Juvenile Court Services, Chief Adult Probation Officer, Director

of Conciliation Court, Chief Deputy Clerk of the Superior Court, Superior Court Reporters, Superior Court Bailiffs, Superior Court Judges Pro Tempore and Commissioners (including Juvenile Court), and others specifically designated by the presiding judge.

RULE 3 - GENERAL PROVISIONS

3.01 Rules

A. These rules apply to all positions in the court service.

B. Amendments to these rules may be made by the court from time to time, by resolution of a majority of the judges of the superior court.

3.02 Exemptions

The following temporary part-time positions shall be exempted from these rules:

A. Technical experts, consultants, or professionals employed on a fee basis and not engaged in the performance of administrative duties for the appointing authority.

B. Any temporary or seasonal position determined by the presiding judge.

3.03 Performance Evaluations

A. The court administrator shall, with the concurrence of the appointing authorities, develop a performance evaluation instrument, and all employees in the classified service shall be evaluated in accordance with this system at established intervals.

B. Performance appraisals shall be considered in determining training needs, salary adjustments, reductions in force, transfer,

re-employment, and as a means for identifying employees who should be promoted, demoted, or dismissed.

3.04 Employment of the Disadvantaged

The court administrator may establish a placement program for the disadvantaged, and with the approval of the court and appointing authorities, establish procedures that may vary the examination, certification, and selection procedures for the established placement program for the disadvantaged, such as handicapped, minorities, or other groups recognized as being disadvantaged.

3.05 Membership in Organizations

A. Employees in the classified service may join and hold office in any employee organization, labor union, or professional association in which they are eligible for membership, provided that such employee organization, labor union, or professional association is not organized for any illegal purpose or primarily engaged in activities contrary to law, and that membership in such organization does not create a conflict of interest.

B. No person in the court service shall attempt to prohibit or intimidate any employee in the classified service from belonging to or holding office in any lawful organization.

C. Membership in such organization shall not be considered in any personnel action, including promotion, demotion, suspension, or dismissal.

3.06 Grievance Procedure

A. The court administrator, with approval of the presiding judges, shall establish a grievance procedure through which

classified employees may obtain consideration of grievances or problems over which the appointing authority has complete or partial jurisdiction and for which redress is not provided elsewhere in these Rules. The purpose of the grievance procedure is to provide employees a written and systematic means of obtaining further consideration of grievances after every reasonable effort has been made to resolve them through internal discussions initiated with their immediate supervisor.

B. The grievance procedure of each court department shall conform to the established procedure.

C. Matters involving compensation are not subject to the grievance procedure.

3.07 Discrimination in Employment

No court department shall, because of the political affiliation, sex, race, religion, color, national origin, ancestry, age, handicap, or any other non-merit factor of any person:

A. Refuse to appoint or promote any individual.

B. Suspend, demote, or discharge an employee from a position in classified service.

C. Discriminate in compensation or in terms, conditions, and privileges of employment .

D. Refuse to hear any appeal based on discrimination by an applicant or any employee regardless of status.

3.08 Reprisals

A court department shall take no disciplinary or punitive action against an employee because of the employee's exercise of any employee right under these rules.

3.09 Records and Reports

A. Personnel action forms approved by the presiding judge of the county shall be used by court departments to report personnel actions and status changes as required. The court administrator shall inform the court departments which personnel actions and status changes must be reported. In all cases, the court departments will use forms which are the same or similar to county forms, whenever feasible.

B. Department personnel records shall be kept by each court department, and shall contain information in the format as prescribed by the court administrator.

3.10 Severability

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

3.11 Conflict with Federal and State Requirements

Any provision of these rules which conflicts or is inconsistent with Arizona Revised Statutes, Federal Law, any regulations or standards governing the grant of federal funds or state assistance to a court department shall not be applicable to such court department.

3.12 Fingerprinting/Criminal Background Check

At the time of the initial interview, the applicant will be informed that as a condition of employment, he/she will be required to undergo a criminal record check. This will include fingerprinting and a preliminary criminal history check through

ACJIS and NCIC.

If an applicant refuses to allow fingerprinting and a criminal history check, he/she will be removed from consideration for employment.

Should a record of criminal conviction be determined which was not disclosed on the employment application or disclosed by the applicant, the applicant shall be terminated by the appointing authority unless waived by the Presiding Judge.

RULE 4 - EXAMINATIONS

4.01 Examination Announcements

A. All court departments shall use the county administrative services department and its guidelines to announce a classified position.

B. The same information required for public announcements for examinations will be required for internal promotion examinations. The announcements will be distributed to court departments and county departments and agencies, per county personnel procedures.

4.02 Applications

A. Official Forms

All applications for classified positions will be on county application forms.

B. Filing Applications

1. Applications for open competitive examinations must be filed as designated in the announcement on or before the final filing date specified in the announcement. Applications for open continuous examinations may be accepted at any time and examinations held as the appointing authority deems necessary and

desirable for staffing within the court service.

2. The appointing authority may require applicants to furnish such evidence of citizenship or permanent resident alien status, character, education, proof of insurance, or any other qualifications as may be deemed necessary, which evidence shall be furnished by applicants at their own expense.

C. Qualifications

Applications for open competitive examinations shall be open to all citizens of the United States and permanent resident aliens who meet the minimum age requirement of any applicable Arizona Revised Statute, the requirements of the Arizona State Retirement Plan, and the qualifications and standards of the court departmental job description as filed with the county personnel department, the job announcement, and provisions of these rules. All candidates must possess qualifications of good character and physical ability to perform the duties of the position successfully. Admittance to the examination process will not constitute assurance of a passing rating on either qualifications or evaluation of training and experience.

D. Waiver of Requirements

No requirement for examination or appointment may be waived by an appointing authority without the approval of the court administrator and the presiding judge.

E. Disqualification of Applicants

The appointing authority may refuse to examine an applicant, or after examination, may disqualify an applicant, or take steps to remove a person already appointed if it is found that the

applicant:

1. Does not meet any one of the preliminary requirements established for the examination for the class of the position; or

2. Is so disabled as to render the person unfit for performance or unsafe to him or her self, other employees, the public, or the population the person is directly responsible to serve; or uses drugs, narcotics, or alcohol, whether illicit or prescription, to an extent which renders the person unfit for performance of regular duties or unsafe to self or to others; or

3. Made a false statement of material fact in the application or during the interview process; or

4. Has used or attempted to use political pressure or bribery to secure an advantage in the examination or appointment process.

5. Directly or indirectly obtained information regarding the examination to which, as an applicant, he or she was not entitled; or

6. Failed to submit an application correctly or within prescribed time limits; or

7. Has taken part in the compilation,

administration, or correction of the examination for which he or she is an applicant; or

8. Has previously been dismissed from a position in the court services.

9. Has been convicted of a felony or misdemeanor which involves conduct which may bring the court service or judicial department into disrepute.

10. Has been convicted of any crime involving the use of narcotics, habit-forming drugs, or paraphernalia; or

11. Is charged with or under indictment for any crime which upon conviction would cause denial of eligibility under this rule; or

12. Is known to engage in behavior which is in conflict with the law, philosophy or goals of the court, or which would tend to place the individual or the court in a position of compromise, embarrassment, undue criticism, or loss of public credibility; or

13. Who otherwise willfully violated the provisions of these rules.

4.03 Nature of Examinations

A. Content and Nature of Examinations: Examinations shall be practical in nature and constructed or designed to reveal the

traits, abilities and capacity of the applicant appropriate to the position. Such examinations may include but are not limited to:

1. Written;

2. Oral;

3. Demonstration or performance;

4. Evaluation of experience, educational background, and skills;

5. Previous performance while an employee in court services;

6. Any other valid method of examination.

B. Objectivity of Ratings: All examinations, evaluations, ratings and other selection devices shall be rated impartially and as objectively as possible.

C. Employee Examinations: All applicants shall be required to meet the qualifications and standards in effect at the time of application. Promotional examinations shall be conducted either on a qualifying or competitive basis.

D. Oral Examinations: When an oral examination is part or all of the examination process, the oral examination shall be conducted using a proposed rating made by a panel of two or more qualified individuals selected by the appointing authority. Any member of such oral examination panel who is related to an applicant being interviewed, or who has any possible conflict of interest with the applicant, shall request disqualification as a panel member.

4.04 Evaluating Results and Rating Examinations

In any examination, the minimum rating or standing through which eligibility on a register may be earned shall be determined by the county personnel department, with the use of norms and standards when practical. Such final rating shall be based upon a weighted average of the various parts of the examination process.

4.05 Reference Checks and Investigations

Individual court departments may conduct reference and background checks of an individual candidate's education, work history, and personal background as related to specific job requirements and standards relative to court employment. If the results of these checks and investigations bring out information which would disqualify an individual for court employment or disqualify them from the position for which they are applying, the appointing authority may request county personnel to remove that applicant's name from eligibility.

4.06 Notice of Examination Results

Written or oral notification of examination results shall be the acceptable notification at the conclusion of the examination process.

4.07 Administrative Review

The appointing authority shall provide an administrative review of an applicant's training, experience, and/or oral board score or rating or disqualification, if any, upon written request from the applicant stating the reasons therefore. Such requests must be received within fifteen (15) calendar days from the applicant's notification of examination results. The appointing authority will prepare a packet of all relevant documents regarding

the examination of the appellant, and forward to the presiding judge for administrative review. The judge will take whatever steps deemed necessary to complete the review, and provide the result of the review to both the appointing authority and appellant. The decision of the judge is final.

RULE 5 CERTIFICATION AND SELECTION OF ELIGIBLE CANDIDATES

5.01 Request for Certification of Eligible Candidates

Appointing Authorities shall request certification of eligible candidates in order to fill vacant positions in the classified service by submitting an official request to the county personnel department on the form and in the manner prescribed by the county.

5.02 Certification of Eligible Candidates

A. Upon receipt of a written request from the appointing authority, the county personnel department shall certify to the court department a list of five, but not more than ten, qualified candidates. If there are less than five candidates for a position, then the number available may be certified.

B. If more than one position is to be filled in the same class at the same time, then the number of names certified shall be increased by one name for each additional position, if available.

5.03 Availability of Eligible Candidates

Eligible candidates will be certified on the basis of their indicated availability for employment consideration. It shall be the responsibility of the candidates to notify the county personnel department in writing of any change of address or other change affecting availability for employment.

RULE 6 - TYPES OF APPOINTMENT

6.01 Appointment to Court Service

Vacant classified positions may be filled by:

1. Current employees through promotion, demotion, reassignment, transfer, or class change.

2. Former employees by RIF return or reinstatement and other qualified applicants by probationary appointment.

6.02 Reduction in Force Return

A former permanent status employee separated because of a reduction in force may be reemployed subject to the successful completion of a probationary period in accordance with the rules.

6.03 Reinstatement to Court Services

Former classified permanent status employees from the court services who resigned in good standing, as evidenced by performance evaluations of satisfactory or above, shall be eligible for placement on a competitive register of applicants for the same class or lower from which they resigned. Placement must be requested to the county personnel department in writing within one year of separation from court service, or for each vacancy the employee wishes to apply for. They will be ranked by the personnel department based on their current qualifications, and must follow the normal application, examination, and if selected, hiring procedures. If appointed, this will constitute a reinstatement, and can receive a salary up to the salary attained prior to

separation at the sole discretion of the appointing authority. Annual leave will be computed as if a beginning employee, not as a reinstated one.

6.04 Probationary Appointment

The selection and appointment of an individual through certification in accordance with these rules from a register of candidates provided by the county personnel department shall constitute a probationary appointment.

RULE 7 - PROBATIONARY PERIOD

7.01 Nature, Duration, and Purpose of Probation

A. The probationary period shall be utilized for a new, transferred, promoted, or demoted employee, and for the release of any probationary employee, whose performance is unsatisfactory, in the judgment of the appointing authority.

B. The probationary period shall be 12 months for all classified positions. No probationary extensions will be allowed.

C. The court administrator, in consultation with the judges of the superior court and department heads, will issue instructions regarding frequency and format of performance evaluations for all classified employees. At least one evaluation will be required prior to completion of any probationary period, or upon termination of an employee from court service.

7.02 Initial Probation

A. A new classified employee shall serve a probationary period of twelve months. The employee shall achieve permanent status, subject to these Rules contained herein, after the

successful completion of the probation period.

B. If a new employee does not successfully complete probation, the appointing authority must terminate the employee. The employee must be given written notice of the termination by the appointing authority not later than 20 days following the probationary period.

C. If no action is taken per 7.02B. above, the employee will be considered to have achieved permanent status.

D. After a probationary employee has been terminated, the employee shall not be eligible for a vacancy of the same position class within the same court department from which they were separated, unless the appointing authority requests it.

7.03 Promotional Probation

A. An employee who is promoted shall serve a promotional probation period of 12 months in the new position.

B. A promoted employee who fails to complete the promotional probationary period satisfactorily may revert to a position in the class previously occupied. If there is no such vacancy, the appointing authority must attempt to place the employee in another suitable position. If all reasonable efforts to find another suitable position are unsuccessful, the employee may be terminated.

7.04 Other Applications of Probation

A. In addition to the requirements of rules 7.02 and 7.03, a probation period may be required for other classifications or personnel actions.

B. A person who transfers to court service from a county agency will achieve permanent status in the court service after 12

months of continuous service with a county agency or a combination of 12 months service within a county agency and court service unless the appointing authority, with the approval of the presiding judge, imposes an appropriate probation period and the employee is so advised before the transfer occurs.

RULE 8 - PROMOTIONS, TRANSFERS, DEMOTIONS

8.01 Promotions

A. Vacancies of classified positions in the court service shall be filled by competitive promotion whenever practicable and in the best interest of court service. Promotions shall be based on merit and shall be made according to procedures established within these rules.

B. An employee who is promoted shall be required to serve a probationary period per these Rules.

8.02 Transfer

A. Upon proper notice of at least one week and not more than 30 days, an employee may transfer from one court or county department to a position in another court or county department in the same or similar class. The transfer must be mutually agreed upon by each respective department's appointing authority who is affected, and must be in writing. The department who receives the transfer should provide as closely as possible the same salary as was paid by the transferring department. The receiving appointing authority will have sole discretion to determine the salary rate, while considering the affect on the employee and the interest of the court service.

8.03 Reassignment

Employees may be reassigned from one position to another position in the same class under the same appointing authority at any time at the discretion of the appointing authority.

8.04 Demotion

A. Until a promoted employee successfully completes the prescribed probationary period and attains permanent status, the employee may be returned or demoted to a former or like position or class by the appointing authority, and shall have no right to appeal such demotion.

B. If an employee requests in writing to be assigned to a position of a lower pay grade and/or class, the appointing authority may make such a demotion. It will be considered a voluntary demotion, and there will be no right of appeal. The salary of a permanent status employee who is voluntarily demoted shall be determined per rule 12.04c. Written requests for a voluntary reduction must be kept in the employee's personnel file maintained by the appointing authority.

RULE 9 - DISCIPLINARY ACTION

9.01 Employee with permanent status

Except as otherwise provided in these rules, the tenure of an employee with permanent status shall continue during good behavior and the satisfactory performance of duties.

9.02 Dismissal, Suspension, and Demotion of classified, permanent employees

A classified employee with permanent status may be dismissed,

suspended or demoted by the appointing authority of the employee for violation of the Code of Ethics (Rule 14) or other good cause.

A. A classified employee with permanent status may only be suspended with pay for cause by a person who has been designated as an acting appointing authority because the appointing authority is temporarily absent. That action will be referred to the appointing authority upon return for action pursuant to rule 9.03.

B. An employee may be suspended with pay by the employee's supervisor if the supervisor believes an employee is in an impaired state rendering the employee unable to perform his or her duties or rendering the employee a danger to self or others, or for other good cause requiring immediate suspension. The supervisor must file a written report of the suspension and the reasons for it with the appointing authority the next working day. The appointing authority will implement Rule 9.03 upon receipt of the report.

9.03 Disciplinary Procedure

A. Before any disciplinary action is taken against any classified employee, the employee shall be given reasonable opportunity to meet with the appointing authority to hear the allegations giving rise to contemplation of that action and to rebut them.

B. The appointing authority may relieve or exclude an employee from the employee's official position or place of employment pending investigation of allegations giving rise to possible disciplinary action, but no pay of the employee may be withheld before the effective date of the disciplinary action, if any.

C. If the appointing authority takes disciplinary action, the authority shall give written notice to the employee of the action taken. Within 5 calendar days of the effective date of the action, the notice shall be hand delivered to the employee or posted in the mail to the employee by registered mail at the last known address of the employee shown in the records of the county personnel office. Within the same time a copy of the notice shall be delivered to the presiding judge.

D. The notice of action taken shall state the reasons for the action in sufficient detail to apprise the employee and the presiding judge fully. If the employee has a right of appeal, the notice shall state the employee must exercise that right by filing a written statement of appeal with the appointing authority and the presiding judge within 10 days of the employee's receipt of the notice of action taken and that the employee will lose that right if the appeal notice is not filed within that time.

E. The filing of a statement of appeal shall not stay any disciplinary action taken by the appointing authority, except that any action terminating employment or suspending pay of the employee shall be stayed from the date of filing the statement of appeal with the presiding judge through the date the appeal is resolved by order of the presiding judge or by voluntary dismissal.

9.04 Dismissal or Demotion During Probationary Period

A new classified employee on probation may be dismissed at any time during the probationary period without the right to appeal except for a dismissal alleged to be in violation of rule 3.07 (discrimination). A promoted employee serving a probationary

period may be demoted at any time during the probationary period without right of appeal except for a demotion alleged to be in violation of rule 3.07.

9.05 Resignations

An employee who desires to terminate employment in court service is expected to submit a written resignation to the appointing authority at least two weeks prior to the effective date of resignation. An employee who submits a resignation may not retract the resignation unless the appointing authority finds that a retraction is in the best interest of the court department.

9.06 Retirement

An employee with permanent status who retires as provided under the state retirement system is deemed separated without prejudice and has no appeal rights.

RULE 10 -- APPEAL.

10.01 Matters Which May Not Be Appealed

A. An unclassified employee serves at the pleasure of his or her appointing authority, and no disciplinary action taken by that official concerning the unclassified employee is subject to appeal.

B. A probationary employee has no right of appeal from any disciplinary action taken by an appointing authority, except a probationary employee may appeal any action alleged by the employee to have been taken in violation of rule 3.07 (discrimination).

C. Any action taken by an appointing authority on a grievance is not appealable, except an employee may appeal from any action taken by the authority on a grievance which alleges a violation of

rule 3.07 or from any action taken on any grievance if the employee alleges the action violates rule 3.07.

10.02 Matters Which May Be Appealed

A. A classified employee with permanent status may appeal any disciplinary action taken by an appointing authority.

B. A promoted classified employee serving a promotional probationary period may only appeal a disciplinary action resulting in termination or demotion below the employee's last permanent status position; however, a demotion alleged by the employee to be a violation of rule 3.07 may be appealed.

10.03 Appeal Procedure

A. All appeals shall be taken by the employee from the appointing authority to the presiding judge. The employee shall be described in the appeal as the appellant and the appointing authority as the respondent.

B. To appeal the appellant must file a written statement of appeal with the judge within 10 calendar days of appellant's receipt of the written notice of action taken. The judge shall promptly furnish a copy to the respondent.

C. The statement of appeal shall:

1. State the action of the respondent from which the appeal is taken;

2. State the reasons for the appeal and the facts the appellant believes support the appeal;

3. Identify all persons and agencies involved;

4. State the action requested of the judge; and,

5. State the address at which any answer of the

respondent, any notice and any decision may be served on the appellant.

D. An answer to the statement of appeal need not be made, but any answer shall be written and filed with the judge and served on the appellant within 5 calendar days after respondent's receipt of the statement. A response shall not be required, but the appellant may respond in writing filed with the judge within 5 calendar days after service of the answer on the appellant. A copy shall promptly be delivered by the judge to the respondent.

E. The judge shall set a hearing of the appeal not earlier than 15 days nor later than 20 calendar days after the date the statement of appeal was filed with the judge.

F. Written notice of the time and place of the hearing shall be delivered by the judge to the respondent and by the respondent to the appellant at the address designated in the statement of appeal. The notice must be delivered to the parties not later than 5 calendar days before the date of the hearing.

10.04 Nature of Hearing

Each hearing shall be private. Parties may represent themselves or be represented by legal counsel or non-attorney representation of their choosing. The hearings shall be informal and technical rules of evidence do not apply except that irrelevant, immaterial, incompetent, or unduly repetitious evidence or evidence protected by the rules of privilege recognized by law may be excluded.

10.05 Findings of Fact, Conclusions of Law, and Order

The presiding judge, at the conclusion of the appeal hearing,

may make a verbal finding, effective immediately. However, any findings of fact, conclusions, and decisions must be in writing and served on the parties within 15 calendar days of the conclusion of the hearing.

10.06 Withdrawal of an Appeal

The appellant may submit a written request to withdraw an appeal at any time prior to the decision of the judge.

10.07 Compliance of Appointing Authority/Appellant

A. In the event the presiding judge orders the respondent to reinstate the appellant with or without back pay for such period as the presiding judge deems appropriate, the respondent shall immediately do so.

B. The presiding judge has full authority to review all alternatives, including reinstatement, suspension, demotion, or termination, and to allow reinstatement of the appellant with certain remedial actions with which the appellant must comply such as counseling, a probationary period, etc.

C. The decision of the presiding judge is final, and the appointing authority must immediately comply with such decision.

RULE 11 - CLASSIFICATION PLAN

11.01 Classification Plan - Nature

A. The classification plan, as approved by the presiding judge, shall include for each class of positions an appropriate title and a class specification.

B. Changes in Plan: The presiding judge of the county may establish new classes and divide, combine, alter or abolish

existing classes.

11.02 Interpretation of Class Specifications

A. Class specifications (job descriptions) are descriptive and explanatory; they are not restrictive. Individual illustrations of a class shall indicate typical duties and responsibilities, but shall not be used to indicate exclusion of other appropriate duties and responsibilities which may be deemed in the best interest of the court service by the appointing authority.

B. "Minimum qualifications" are comprehensive statements of the minimum requirements as to education, experience and other qualifications required to meet statutory requirements or to help determine an appointee's ability to perform the work properly.

1. When minimum qualifications are increased, incumbents shall be "grandfathered", unless an incumbent will be unable to comply with law.

2. All persons applying or holding any position in the classified service shall be required to meet the following general qualifications: integrity, honesty, sobriety, dependability, industry, thoroughness, accuracy, good judgment, initiative, resourcefulness, courtesy, ability to work with others, ability to assure and fulfill duties and responsibilities of employment, good health and mental and physical abilities

compatible with the work assignment.

3. If the position requires driving, the applicant or employee must have a valid Arizona driver's license, minimum liability insurance per state law, and is expected to drive safely.

4. The foregoing general qualifications shall be deemed to be minimum qualifications of each class specification, and need not be specifically listed on any job description.

RULE 12 - PAY PLAN

12.01 Purpose

To provide salaries which are consistent within a class of positions and which are fair and equitable considering the functions required by the specifications for a class, each class shall be assigned a grade, and the salary range for that grade shall be established by steps within it.

12.02 Basic Pay Plan

The basic pay consists of grade and salary steps adopted with these rules and guidelines. The court administrator, in conjunction with the affected appointing authorities, may make recommendations to the presiding judge of the county for periodic changes or adjustments of the basic pay plan due to factors such as comparable pay for similar positions within the county and state, the county's financial resources, labor market and other relevant factors.

12.03 Entry Salary

The entry salary for a position will be that for step one of the grade for the position. However, the appointing authority may appoint a new employee at step two or three, if the employee's education and experience justify it. Under unusual circumstances the appointing authority may apply in writing to the presiding judge for approval of placement of a new employee above step three.

12.04 Salary Adjustments

A. Range Adjustment: If a different salary range is applied to a class of positions, all persons employed in that class shall have their ranges adjusted on the same effective date. Employee salaries will be adjusted to at least the base of the new range.

B. Promotion: The salary of an employee who is promoted will be increased 2.5% per pay grade, to a maximum of 10%, except that the new salary must be within the pay range for the new class.

C. Demotion: The salary of a demoted employee may be reduced 2.5% for each pay grade difference, to a maximum of 10%, except that the new salary cannot exceed the maximum range for the lower class.

D. Transfer: The salary of an employee who is reassigned or transferred to a position in the same class, or to another class with the same pay range shall receive the same salary prior to transfer. If a county employee from another class with a different pay grade is transferred to judicial service, the appointing authority will make the salary's similar, within 2.5%, except that the new salary must be within the range of the class being transferred into.

E. Unsatisfactory Promotional Probation: The salary of an unsuccessful promotional probation employee who is returned to the previous position shall be returned to the previous salary, plus any pay range adjustment which would have occurred subsequent to promotion.

12.05 Performance/Step Increases

A. Nature: The Judicial Merit System uses a system which establishes pay grades for each class, with incremental step increases based on performance and longevity. Step increases should be preceded by a performance evaluation, to demonstrate adequate performance of duties and responsibilities. A step increase is not a right of an employee, but is a salary increase tied to job performance and time on the job. The appointing authority will have exclusive authority to approve step increases.

B. Step Increase Eligibility

An employee shall become eligible for consideration of a step increase from stp one to step two after the first six months of employment, to step three after the first year of employment, to step four after the first two years of employment, and to further step increases every two years thereafter. Step increases can be withheld up to 180 days, if the employee's performance evaluation indicates corrective action is needed, or/or a step increase is not meritoriously deserved. Subsequent step increases, if meritoriously appropriate, will be based on the end of the extended period for the withheld step increase, not on the employee's hiring anniversary date.

12.06 Overtime

A. Officers and employees whose salaries are set by state law and governed by A.R.S. 38-601 shall not receive overtime, compensatory time or any compensation in excess of the salary provided.

B. The presiding judge of the county, in consultation with the court administrator, court appointing authorities, or anyone deemed appropriate shall designate each class of positions in the court service as one of the following:

1. Positions ineligible for overtime compensation; and

2. Managerial or supervisory positions eligible for compensatory time only; or

3. Professional, clerical, or technical positions eligible for compensatory time or overtime pay not to exceed one and one half times the employee's normal rate of pay.

C. Subject to the availability of appropriated funds, law, or the interest of the court service, an appointing authority may offer professional, clerical, or technical employees the option of overtime pay or compensatory time.

D. In general, all unclassified positions designated in these rules are ineligible for compensatory time or overtime.

E. In general, all supervisors, professionals who do not manage a caseload, or administrative staff are eligible for overtime or compensatory time at a rate at which they are currently paid.

F. In general, professionals who manage a caseload, clerical,

or technical employees are eligible for overtime compensation or compensatory time at one and one half times their rate of pay for all time worked over 40 hours in a work week, excluding holidays, sick and vacation leave.

G. No employee shall work overtime unless authorized to do so by an immediate supervisor or the appointing authority. Certain classes may be able to work beyond normal work hours based on specific circumstances preapproved by the appointing authority or immediate supervisor.

H. Overtime shall consist of hours worked by a full time employee in excess of 40 hours per week.

I. Holidays and any type of leave do not count as hours worked for the purpose of time and a half compensation for overtime. Overtime accrues only where the employee actually works more than 40 hours.

J. No compensatory time will be accrued over 40 hours.

K. Supervisors and appointing authorities should minimize overtime and compensatory time accruals through good management techniques, but will never allow employees to work under any circumstances more than 40 hours per week without compensation per these Rules.

12.07 Pay Periods

Pay periods shall be bi-weekly (26 per year).

12.08 Separation Pay

A. In addition to any wages due at the time employees are separated from court employment, they shall be paid at their regular hourly rate (overtime rate shall not be used) all accrued

vacation credits and accumulated compensatory time.

B. Wages, vacation credits and accumulated compensatory time shall be paid to the heir, beneficiary or estate of a deceased employee.

C. Upon separation, all accrued sick leave credits will be forfeited except that an employee eligible for participation in the State Employees Retirement System and who has accumulated one thousand hours or more of sick leave is eligible on retirement to receive seven hundred fifty dollars.

D. No severance pay shall be permitted.

RULE 13 - ATTENDANCE, HOLIDAYS, AND LEAVE

13.01 Basic Work Week and Hours of Work

Except as otherwise provided in these Rules, the regular basic work week for full time court employees shall be forty hours, normally consisting of eight (8) hours per day, Monday through Friday. Modifications of this provision may be made for specific job requirements by the appointing authority, with the approval of the presiding judge, or the presiding juvenile court judge for juvenile court, subject to any federal or state statutory or constitutional limitation relating to hours of work.

13.02 Holidays

A. All employees, except temporary employees, shall be allowed time off with pay for any holiday provided in A.R.S. 1-301 (except those listed in paragraphs 1, 5, 7, 9, and 11 of subsection A) unless required by a court department to work to maintain essential court services.

B. Employees who ordinarily work forty hours per week, and are required to work on a legal holiday, or whose normally scheduled day off falls on a holiday, shall be compensated (as provided in A.R.S. 38-608) by either:

1. Commensurate compensatory time off with pay; or

2. Commensurate wages.

C. Permanent part-time employees shall be compensated for time off on holidays as follows:

Hours Per Pay Period Regularly Scheduled	Eligible Hours
40 but less than 48	4.0
48 but less than 56	4.8
56 but less than 64	5.6
64 but less than 72	6.4
72 but less than 80	7.2

13.03 Coverage and Administration of Leave

A. Coverage and Exclusions: Employees occupying permanent positions are eligible to accrue leave with pay under these rules from the date of appointment. The following employees are excluded from the leave provisions of these rules, and are not eligible to accrue or be given any type of leave with pay:

1. Seasonal appointees.

2. Temporary appointees.

3. On-call appointees.

B. Eligibility for Leave:

1. An employee must complete six months of service in a permanent position (or positions) to be eligible to use annual leave with pay. Sick leave may be used upon accrual.

2. Permanent part-time employees may use leave as allowed in

number 1 above.

3. Any employee working less than twenty hours per week is not eligible for annual or sick leave.

4. Prior to appointment, an appointing authority may grant a waiver to number 1 above, if special circumstances warrant such a waiver, and the employee receives approval prior to appointment.

C. Forfeiture of Leave:

1. Any accumulated annual leave in excess of 240 hours at the end of December shall be forfeited.

2. Unused sick leave credits shall accrue without limitation.

3. Probationary employees who do not complete their probationary period shall be paid for their accrued annual and compensatory leave upon separation, but shall forfeit all accrued sick leave.

D. Reporting and Recording Leave:

Each court department shall maintain a leave record showing the earned, used, and unused leave for each category of leave for each of its employees. The forms and manner of maintaining such records shall be determined and approved by the appointing authority and the presiding judge.

E. Leave Requests:

1. Leave shall be approved in advance of the time it is taken. Court departments shall establish requirements to cover requests for leave in emergency situations when advance approval cannot be obtained.

2. Any leave which has not been earned shall not be approved for payment.

F. Disposition of Accrued Leave Upon Transfer:

An employee who transfers from one court or county department to another shall retain any accumulated annual or sick leave. The sending department shall certify in writing to the receiving department the accumulated leave balances as of the date of transfer, within five working days from the transfer. The receiving department shall credit the certified amounts to the employee's leave record.

13.04 Annual Leave

Annual leave is a broad category of leave which shall include vacation time as well as other periods of approved absence with pay from work which are not chargeable to any other category of leave.

A. Rates of Accrual:

1. Permanent full-time employees shall accrue annual leave in which they are in completed continuous pay status as follows:

Years of Continuous Service	Hours Per Month	Days Per Year
1-4 (0 through 48 months)	8	12
4-10 (49 through 120 months)	10	15
10+ (121 or more months)	12	18

2. Permanent part-time employees shall accrue annual leave time as follows:

Hours Per Pay Period Regularly Scheduled	Percent of Regular Accrual
40 but less than 48	50%
48 but less than 56	60%
56 but less than 64	70%
64 but less than 72	80%
72 but less than 80	90%

3. Time elapsed while an employee is on any authorized leave,

except leave without pay or suspension, shall be considered hours worked under these Rules.

B. Use of Annual Leave

1. Leave will be granted according to the needs of the court department and the approval of the employee's immediate supervisor.

2. Annual leave shall not be charged against an employee's accrued balance for an authorized holiday which occurs while an employee is using annual leave.

3. If two or more employees request annual leave on the same date or dates, and both or all are not able to be absent due to departmental needs, the person with the earliest written request shall be approved. In the case of requests being submitted on the same day, the employee with the most seniority will be given the first choice.

13.05 Sick Leave

A. Purpose

Sick leave shall include any approved period of absence with pay of an employee under the following conditions:

1. Illness or injury.

2. Medical, maternity, optical, or dental examinations or care.

3. Exposure to contagious disease and possible endangering of others by attendance on duty.

4. Not to exceed 5 working days for illness, required medical care, injury or death in the immediate family (bereavement

leave) which requires the presence of the employee for assistance, participation or care.

B. Rates of Accrual

1. Permanent full-time employees shall accrue without limitation 8 hours sick leave each month.

2. Permanent part-time employees shall accrue sick leave at the following rates:

Hours Per Pay Period	Percent of Regular Accrual
40 but less than 48	50%
48 but less than 56	60%
56 but less than 64	70%
64 but less than 72	80%
72 but less than 80	90%

3. Sick leave will accrue during any approved leave of absence, other than suspension or leave without pay, for the purposes of these Rules.

C. Use of Sick Leave

1. Employees eligible to accrue sick leave pursuant to these Rules may use such sick leave they have accrued since date of employment.

2. Sick leave shall not be charged against an employee's accrued balance for an authorized holiday which occurred while using sick leave.

D. Verification of Need for Sick Leave

The appointing authority shall approve sick leave for any period of time after having ascertained that the absence was for an authorized reason. The appointing authority may require the employee to submit substantiating evidence, including, but not

limited to, a certificate from a licensed physician or other licensed health care practitioner after three (3) consecutive working days absence, or the working day before or after a holiday. If the appointing authority does not consider the evidence adequate, it shall disapprove the sick leave request and change the time taken to annual leave, compensatory leave, or leave without pay. Any abuse of sick leave is grounds for disciplinary action.

13.06 Special Leaves of Absence with Pay

Any of these special leaves of absence of an employee from regularly scheduled work shall be with pay and shall not be charged to annual, sick, or compensatory leave of the employee:

A. Administrative Leave

1. Administrative leave may be granted by the appointing authority for an employee to attend training, trade, or professional meetings or other meetings directly related to official duties.

2. Administrative leave may be granted at the discretion of the judge of a superior court division for a member of the staff of that division or at the discretion of the presiding judge for any employee in the court system.

B. Emergency Leave

1. Leave may be granted by the appointing authority in emergency situations such as extreme weather conditions, fire, flood, or malfunction of publicly owned or controlled equipment or offices.

2. Leave may be granted on a declaration by the board or the governor of the State of Arizona that a state of emergency,

disaster, or grief exists.

C. Jury Duty Leave

Leave shall be granted to an employee to serve on jury duty in a court within this county, on the state grand jury, or on a federal court jury. Jury pay received by the employee for days he or she would otherwise have performed duties of employment within the court department shall be paid to the county.

D. Voting Leave

An employee entitled to vote at a general election must be granted three hours leave to vote in it if the leave is requested by the employee before the day of the election. The appointing authority may specify the hours for exercise of the leave. (A.R.S. sec. 16-402)

13.07 Military Leave for Active Service

A. Long Term

As provided in A.R.S. 38-298, employees having been inducted or ordered into active duty after August 1, 1939, shall, upon completion of their service, be restored to their position held prior to induction or reporting, or to a position similar or other duties which they are qualified to discharge, and of like status or pay, if such employees:

1. Possess a certificate of satisfactory training and service or honorable discharge issued by the proper military or naval authority.

2. Are still qualified to perform duties of the position.

3. Apply in writing for restoration within ninety days after separation from the armed forces.

4. Has either served in the armed forces during time of war or was called to service because of his status as an active or inactive member of the reserve.

B. Short Term

1. Military leave shall include authorized periods of absence of an employee who is a member of the Arizona National Guard or military reserve for active duty, to attend camps, maneuvers, formations, or armory drills or other activities per A.R.S. 26-168, 26-171, and 38-610.

2. Employees who are members of the national guard or military reserve who are engaged in field training per A.R.S. 26-168, 26-271, and 38-610, shall be granted military leave with pay for up to thirty working days in two calendar years. Employees shall be granted military leave without pay or may take accrued annual and/or compensatory leave for absences from court service positions for required activities exceeding 30 working days every two calendar years with pay. Such employees shall retain all employee benefits while on such leave, providing the court department is notified in advance by submission of a request for military leave accompanied by a copy of the employee's military orders.

13.08 Absence Without 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. An unauthorized absence shall constitute grounds for disciplinary action by the appointing authority.

C. An employee who is absent three or more consecutive work days without authorization, is considered to have resigned. However, if the appointing authority finds there are extenuating circumstances concerning the absence, the appointing authority may designate the absence as leave with or without pay.

13.09 Injury Leave

A. All on-the-job accidents or job related illnesses or injuries must be reported to the appointing authority immediately.

B. Any employee injured by accident arising out of and in the course of employment is eligible for Workers' Compensation benefits.

C. When the employee's sick leave and vacation leave are depleted or if the employee chooses not to utilize vacation or sick leave, the employee shall be placed on leave without pay, and shall receive Workers' Compensation checks only. Sick leave and vacation leave are not accrued while an employee is off on injury leave.

D. To continue group hospitalization insurance coverage and Arizona State Retirement contributions while on injury leave, the following will apply:

1. Single or family coverage premium will continue to be deducted as usual from the wage difference portion paid by the county to employee.

2. Retirement contributions to the Arizona State Retirement System will be deducted and matched as usual on the wage difference portion paid by the county to the employee.

3. After the employee has been placed on leave without pay, the employee will assume the total premium for group hospitalization coverage, and a check made out to the group hospitalization insurance carrier will be delivered to the finance department by the 25th day of each month. This may continue until such time as the medical insurance policy dictates termination. No further contributions will be made to the Arizona State Retirement System by either the employee or the County.

13.10 Industrial Leave - Workers' Compensation Benefits

In the event that an employee suffers a bona fide job injury, illness or disease, the county will pay the employee the difference between the employee's normal base pay and the amount to be received from Workers' Compensation, provided the employee has accumulated sufficient sick, compensatory time and/or vacation leave, and the employee has signed a form authorizing the compensation be sent to the employee in care of the County of Yuma.

The personnel department will furnish employees with authorization forms which must be signed by the employee,

authorizing the compensation to be sent to the employee in care of the County of Yuma. The form shall be attached to the supervisor's report of injury. Once the Workers' Compensation check has been received by the county and the amount of the Workers' Compensation benefit verified, the check will be signed over to the county by the employee. The finance department will then prepare a check for the employee's normal base pay. Sick leave, vacation leave and compensatory time will be used at the rate of one-third day for every day of injury leave.

RULE 14 - CODE OF ETHICS

14.01 Conduct and Requirements in General

A. The maintenance of high standards of honesty, integrity, impartiality and conduct by court employees is essential to proper performance of court business and confidence of the public.

B. Employees shall conduct themselves in such a manner that the work of the court is effectively accomplished. As servants of the public, employees shall be courteous, considerate and prompt in dealings with the public and shall conduct themselves in a manner that will not bring discredit or embarrassment to the court.

C. Employees shall observe applicable laws and regulations governing participation in political activities and conflict of interest. Employees shall avoid any discrimination because of race, color, religion, national origin, sex, political affiliation, age or handicap and economically utilize, protect, and conserve property of Yuma County and the State of Arizona entrusted to them.

D. Employees shall conduct all their official activities in

a manner which is above reproach and free from any indiscretions or acceptance of gratuities or favors which would cast doubt or suspicion upon themselves or the court department.

14.02 Specific Conduct and Responsibilities

A. Official position shall not be used by court employees for personal gain. Public influence and confidential or "inside" information must never be turned to personal advantage.

B. Conflict of interest laws (A.R.S. 38-501) must be observed. Employees must disclose their interest, if any, in the official records of the court departments and shall not participate in or vote for any contract, sale, purchase or service in which they have an interest.

C. Employees shall not work in a private capacity which may be construed by the public to be an official act.

D. The employee shall not accept or solicit, directly or indirectly, anything of economic value such as a gift, gratuity, favor, entertainment or loan which is or may appear to be designed to influence official conduct. This provision does not prohibit:

1. Acceptance by an employee of food and refreshments of insignificant value on infrequent occasions in the ordinary course of a meeting, conference or other occasion where the employee is properly in attendance.

2. Solicitation or acceptance by an employee of loans from banks or other financial institutions on customary terms to finance proper and usual activities of the

employees.

3. Acceptance of advertising or promotional materials such as pens, pencils, calendars or other items of little intrinsic or monetary value.

E. The employee shall not directly or indirectly use or allow the use of county or State of Arizona property for other than official approved activities. All employees have a duty to protect and conserve county property, including equipment, supplies and other property entrusted or issued to them.

F. Employees must never permit themselves to be placed under any kind of personal obligation which could lead any person to expect official favors.

G. The employee's official acts must reflect impartiality. all official decisions and actions must be determined by impersonal considerations, free of favoritism, prejudice, personal ambition or partisan demands.

H. Employees shall not engage in outside or other employment or other outside activity which is not compatible with the full and proper discharge of the duties and responsibilities of their court employment or which might impair the capacity to perform their Court duties and responsibilities in an acceptable manner. All employees must get approval of any outside employment from the Department appointing authority.

14.03 Disciplinary Action or Dismissal

The appointing authority shall take appropriate disciplinary action, which may include, but is not limited to, reprimand,

suspension, demotion or dismissal for any employee who is determined by the appointing authority to have violated any provision of this rule.

RULE 15 - UNCLASSIFIED EMPLOYEES

15.01 Appointments of Unclassified Employees

An unclassified employee serves at the pleasure of the appointing authority.

A. The presiding judge of the county shall appoint the Court Administrator, Chief Adult Probation Officer, Director of Conciliation Court, Judges Pro Tempore and Commissioners, including juvenile court Commissioners.

B. The presiding judge of the juvenile court shall appoint the Director of Juvenile Court Services.

C. Each judge of each division shall appoint one bailiff and one court reporter.

15.02 Pay Plan

A. The presiding judge of the county shall assign a grade and salary range for each unclassified position within the grade and steps adopted with these rules and guidelines (basic pay plan, rule 12.02).

B. Entry salary for an unclassified position will be that for step one of the grade for the position. However, the appointing authority may apply in writing to the presiding judge of the county for approval of placement of a new unclassified employee at a higher step.

15.03 Step Increases

Unclassified employees shall be eligible for step increases in the same manner as are classified employees under rule 12.05B.

15.04 Work Hours

Unclassified employees will work such hours as are approved by their appointing authority.

15.05 Sick Leave and Annual Leave

A. Unclassified employees may accumulate 8 hours sick leave and 12 hours annual leave per month upon appointment, regardless of length of previous court tenure.

B. Unclassified employees may accumulate unlimited earned sick leave and carry over from one calendar year to the next a maximum of 240 hours annual leave.

RULE 16 SEXUAL HARASSMENT

16.01 Policy

It is improper and against the policy of the Superior Court for a court employee to ask for or receive sexual favors from another employee or prospective employee in return for or as a condition of granting employment, making a promotion, providing job retention, giving a specific job or duty assignment, or any other action relating to court employment. It is also against the policy of the Superior Court for employees to conduct themselves in a manner which creates a "hostile working environment", such as unwelcome sexual advances, requests for sexual favors, display or transmission of visual forms of harassment such as cartoons or drawings, physical interference with normal work or movement such as blocking or following an employee, and verbal harassment such as

jokes, slurs, derogatory comments, profanity, and obscenity.

16.02 Application

To the extent not inconsistent with state or federal law, this rule applies to all court personnel.

16.03 Procedures for Filing and Handling Complaints

A. An employee (complainant) who believes he/she has been sexually harassed should present that complaint promptly in writing or orally to the appointing authority of the employee.

B. The authority shall meet with the complainant at the earliest practicable time to discuss the complaint thoroughly and objectively. The complainant shall be advised by the authority that the complaint is to be treated confidentially and should not be discussed with co-employees or others due to the sensitivity of the complaint.

C. The authority shall document a complaint as specifically as possible, including instances, dates and places of claimed harassment, names of witnesses to the instances, and names of others who the complainant believes have experienced similar harassment by the respondent. The documents shall be presented to the complainant for review and approval evidenced by signing the documents.

D. The authority shall next meet with the respondent at the earliest practicable time to inform the respondent of the complaint. The respondent shall be given copies of the documents presented by the complainant or prepared by the authority which the complainant signed.

1. If the respondent chooses to respond, he/she may

do so orally or in writing. The response shall be documented by the authority as specifically as possible, and the documents shall be presented to the respondent for review and approval evidenced by the respondent's signature on the documents.

2. The respondent shall be advised by the authority that the complaint and the response are to be treated confidentially and should not be discussed with others except as the respondent finds necessary to prepare a response.

E. Copies of any documents of the response should be given to the complainant who may reply in writing to the authority within a period stated by that authority.

F. A copy of the written reply shall be given to the respondent by the authority.

G. The authority may interview other persons concerning the complaint, which persons shall be advised the proceedings are to be treated confidentially and not discussed with others.

H. The authority shall render a written decision with findings and conclusions, and a copy shall be given to the complainant, the respondent, and the court administrator (if the court administrator has acted in the matter as the appointing authority, a copy shall be given to the presiding judge).

1. If sexual harassment is found, the decision shall state the specific remedial action to be taken.

2. If the respondent is a classified employee with permanent status and sexual harassment is found, remedial

action which is disciplinary, i.e., dismissal, suspension or demotion, may not be taken until the procedures stated in rule 9.03 have been completed. Any disciplinary action taken by the appointing authority pursuant to rule 9.03 shall be subject to the employee's right of appeal (rule 10.02 through 10.07).

3. To the extent permitted by procedures established under rule 3.06A, the decision may be pursued as a grievance by either party other than a classified employee having the right of appeal under rule 10.02 through 10.07.

I. An employee's complaint of sexual harassment against the employee's appointing authority shall be presented to the court administrator who shall then follow the procedures required of the appointing authority under this rule.

J. A complaint of sexual harassment against the court administrator shall be presented to the presiding judge of the county who shall then follow the procedures required of the appointing authority under this rule.

K. All documents pertaining to any complaint of sexual harassment shall be maintained in a confidential file in the office of the court administrator.

L. Retaliation in any way by a court employee against another court employee for having made a complaint of sexual harassment or having furnished evidence in an investigation of a complaint of sexual harassment is prohibited and may be the subject of disciplinary proceedings against the retaliating employee.

JUDICIAL MERIT SYSTEM

APPENDIX A

GRIEVANCE PROCEDURE

This grievance procedure is established pursuant to rule 3.06, Judicial Merit System.

A. Policy. Grievances of employees of the superior court system in Yuma County should be resolved as informally as possible at the lowest level and without fear of reprisal.

B. Exclusions. These matters cannot be the subject of a grievance:

1. Disciplinary actions which are subject to the appeal process stated in rule 10.

2. Reductions in force.

3. Issues which challenge rights of administration, including:

a. The right of a court department or the court to direct its employees.

b. The right of a court department or the court to hire, promote, transfer, assign, and retain employees.

c. The right of a court department or the court to determine the methods, means, and personnel necessary to maintain efficiency in the court service.

However, the manner in which any of the excluded matters is exercised may be the subject of a grievance.

C. Confidentiality. The fact that a grievance has been asserted, any documents concerning it, its review and any

response will be treated confidentially by the grievant, the respondent, the reviewer and any others participating in the process. Written grievances, responses, and other documents used in the grievance process shall be circulated only among the grievant, the respondent and any reviewer or any person responsible for taking any action concerning the grievance.

D. Grievance Procedure. A grievance must be presented without unreasonable delay and in no event later than 10 calendar days following an identifiable incident on which it is based or within 10 calendar days of the last identifiable date of a series of incidents on which it is based.

1. Oral Grievance. A grievance must first be presented orally to the immediate supervisor of the grievant.

a. The grievant will advise the supervisor of the grievance and suggest a solution.

b. The supervisor will attempt to resolve the grievance within 5 days of its presentment. If the grievant is not satisfied with any proposed resolution, the grievant may then initiate a written grievance.

2. Written Grievance.

a. Step One. The grievant shall complete and sign the form for step 1 (attached to this grievance procedure) which shall be provided by the department in which the grievant is employed.

1) Documents, including a list of any witnesses, in support of the grievance shall

be included with the form.

2) The form and supporting documents shall be filed with the appointing authority of the grievant. Neither the form nor supporting documents may be amended or supplemented after filing.

3) Within 10 working days of receipt of the form the appointing authority shall interview the grievant and others who the appointing authority determines may have relevant information and issue and deliver to the grievant a written response.

4) If a grievant feels a response of an appointing authority other than the presiding judge does not satisfactorily resolve the grievance, the grievant may seek review of it under step 2.

5) If the grievance is against a department head or appointing authority and an oral discussion does not resolve the problem, a written grievance may be filed with the Presiding Superior Court Judge, on the prescribed form. The response of the Presiding Judge is final.

b. Step Two. A grievant seeking review of the response of an appointing authority shall complete and sign the form for step 2 (attached to this grievance procedure) furnished by the department in which the grievant is

employed. The form, together with a copy of the step 1 form, its attachments, and the response to be reviewed shall be filed with the presiding judge within 5 calendar days of receipt of the response by the grievant.

1) Within 10 working days of receipt of the step 2 form the presiding judge shall interview the grievant and any others the presiding judge concludes may have relevant information, and render and deliver to the grievant a written response.

2) Interviews of the grievant and others may be conducted by someone designated by the presiding judge.

3) The response of the presiding judge is final.

3. A grievance may be withdrawn at any time.

E. Representation. After a written grievance is submitted, the grievant may select a court service employee to act as the grievant's representative to advise and/or speak for the grievant at any meetings. If a representative is chosen, the representative shall be identified as such. Correspondence and appointments for meetings will be directed to and scheduled with the grievant.

COURT ADMINISTRATOR	July 13, 1992 DATE

APPROVED:

PRESIDING JUDGE OF THE COUNTY	July 13, 1992 DATE
PRESIDING JUDGE OF THE JUVENILE COURT	July 13, 1992 DATE

YUMA COUNTY SUPERIOR COURT
GENERAL EMPLOYEE GRIEVANCE
STEP I

CONFIDENTIAL

INSTRUCTIONS: See Appendix A, Judicial Merit System

IDENTIFICATION		
Name:	Job Title:	Work Telephone:
Supervisor's Name:	Supervisor's Work Telephone:	Representative's Name:
Pre-Grievance Discussion Held On:	With:	

STATEMENT OF PROBLEM
Provide a specific complete statement. Grievances may be withdrawn, but not amended. Attach all documentation you wish reviewed to support your position. If necessary, use extra sheets of paper and attach.

SUGGESTED RESOLUTION
What do you suggest to resolve the problem?

Signature of Employee filing grievance:	Date Submitted:

IDENTIFICATION		
Name of Responding Authority:	Job Title:	Work Telephone:

RESPONSE TO PROBLEM STATEMENT
Provide a specific, complete statement. Describe your decision, and attach any additional pages and any supporting documentation to explain decision:

Signature of Responding Authority:	Date Response Provided to Grievant:

ELEVATION TO STEP II

The Step I Response was received on _____ and
(Date)

Step I is being elevated to Step II on _____ for the following reasons:
(Date)

(Specifically state why Step I Response did not resolve the complaint. Statements such as "The Step I Response was not acceptable to me" are not sufficient to elevate a grievance.)

Signature of Employee Filing Grievance:	Date Submitted to Presiding Judge:

RESPONSE OF PRESIDING JUDGE

Signature of Presiding Judge:	Date Provided to Grievant:

DOUGLAS W. KEDDIE
PRESIDING JUDGE
168 SOUTH SECOND AVENUE
YUMA, ARIZONA 85364

Superior Court

DIVISION ONE
YUMA COUNTY
(602) 329-2200
FAX (602) 783-4590

JOYCE SHIPP
COURT REPORTER

FILED
FEB 28 1992
NOEL K. DESSAINT
CLERK SUPREME COURT
BY

February 26, 1992

Honorable Stanley G. Feldman
Chief Justice, Arizona Supreme Court
1501 W. Washington
Phoenix, Arizona 85007

Dear Chief Justice Feldman:

I request the appointment of Carley Preusch as judge pro tempore of this court for the period March 1, 1992, through August 31, 1992, and to serve without compensation or benefit, fiscal or otherwise, other than that to which she is entitled as Court Commissioner. Commissioner Preusch meets all the requirements of A.R.S. 12-142.

Commissioner Preusch is a part-time commissioner and, therefore, is not required to attend the judicial conference. Time limits in juvenile court must be met despite the absence of all of the judges while attending the conference. Appointment of a judge pro tempore will fill the void. The request for a six month appointment will also permit me to assign to Commissioner Preusch to act as a judge in some of those cases where exercises of rule 42(f)1. changes plus personal conflicts eliminate the four of us.

Sincerely,

Douglas W. Keddie

DWK:jep

Enclosure

FEB 27