

FILED

BY: D. YELLMAN
IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

2002 AUG 14 PH 3:42

IN AND FOR THE COUNTY OF MOHAVE

SUPERIOR COURT CLERK

IN THE MATTER OF:

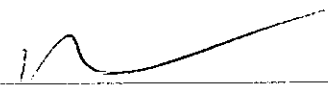
REVISIONS TO JUDICIAL)	
MERIT SYSTEM RULES)	ADMINISTRATIVE ORDER
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WHEREAS, in an effort to maintain an up-to-date system of personnel administration, a review of the Judicial Merit Rules has been completed and specific revisions recommended;

IT IS ORDERED, that the revisions to Judicial Employee Merit System Rule 105 'Personnel Records and Reports', Rule 208 'Promotion, Voluntary Demotion, Transfer, Reassignment, Reappointment and Detail', Rule 303 'General Compensation Provisions', Rule 304 'Premium Pay', Rule 401 'Group Insurance', Rule 402 'Paid Time Off', Rule 403 'Employee Illness Bank', Rule 412 'Education Assistance', Rule 414 'Bereavement Leave', Rule 505 'Harassment Prohibited', Rule 507 'Substance Abuse Program', Rule 509 'Education, Training and Required Education Credits', and Rule 603 'Appeals from Alleged Discrimination, Dismissal, Demotion and Unpaid Suspension' as specified in Attachment #1 be adopted this date.

IT IS FURTHER ORDERED, that Superior Court Personnel staff take whatever action necessary to inform judicial employees of the above Merit Rule revisions and to make the revised Rules accessible and available electronically via computer networks in each court division.

DATED this 14th day of August, 2002.



Honorable Robert R. Moon, Presiding Judge
Mohave County Superior Court

Original filed with the Clerk of the Superior Court in Mohave County

**ATTACHMENT #1
PROPOSED REVISIONS TO THE JUDICIAL EMPLOYEE MERIT SYSTEM RULES
OF THE SUPERIOR COURT IN MOHAVE COUNTY**

Judicial Merit Rule/Reason for change	Proposed Revision (New language is shown in bold, deleted language is shown as strikethrough)
<p><u>Rule 105 'Personnel Records & Reports'</u> Modify this Rule to permit staff of the Superior Court Personnel Office to respond to requests for employee information.</p>	<p>A. GENERAL: 2. In an effort to prevent wrongful disclosure of records pertaining to either current employees or former employees, all inquiries for information should be referred to the Presiding Judge Superior Court Personnel Office.</p>
<p><u>Rule 208.G2 'Detail'</u> Increase the % pay increase for a detail to special duty from 6% to 10% to fit the new FY 02-03 salary schedule.</p>	<p>G. DETAIL: 2. Employees detailed for more than thirty (30) days to a position in a higher classification shall receive a within range salary increase equivalent to the entry of the salary range to which detailed or a six percent (6%) ten percent (10%) within range salary increase as recommended by the Division Head. In no event, should an employee so detailed receive less than a six percent (6%) ten percent (10%) salary increase. Such pay adjustments for details for over thirty (30) days shall be made retroactive to the initial date of detail of the employee. Salary adjustments made as a result of a detail shall terminate when the employee returns to the position normally held.</p>
<p><u>Rule 303 'General Compensation Provisions'</u> Replace all references to the former pay range maximum of '5B' to 'range maximum' which will fit any type of pay plan. Modify the percent pay increase for a classification change from 6% to 10%, and from 9% to 15% to fit the new FY02-03 salary schedule. Replace all references to the former pay range maximum of '5B' to 'range maximum' which will fit any type of pay plan.</p>	<p>G. CLASSIFICATION CHANGES: 1. An employee who is reclassified one to three ranges will generally receive a 6% 10% increase in salary or an equivalent percentage based on existing salary range differential; and an employee who is reclassified four or more ranges will generally receive a 9% 15% increase in salary or an equivalent percentage based on existing salary range differential, provided increasing the salary by 6%, 9%, 10% 15% or equivalent does not result in a new salary that is lower than the entrance salary or higher than Step 5B the maximum of the range. If establishing the reclassification salary would result in a salary level that would be lower than the entrance salary or higher than Step 5B the maximum of the range, the employee's salary shall be established at the entrance salary or at the Step 5B maximum salary of the range, respectively. 3. The salary of an employee in a position which is reclassified to a lower classification or in a classification which is changed to a lower range, and which is higher than Step 5B the maximum of the new pay range, shall remain the same from the date of reclassification until such time as the pay range encompasses the employee's salary. During such period, the employee shall not be eligible for general salary adjustments or merit increases.</p>

<p>Judicial Merit Rule/Reason for change</p> <p><u>Rule 303 'General Compensation Provisions' (continued)</u></p> <p>Modify Subsection 1 to fit new FY 02-03 salary schedule as follows:</p> <p>The salary for an employee who competitively promotes or reappoints can be established up to Step 2 upon Division Head approval. Such appointments at Step 3 and 4 can be made upon request of the Division Head with Court Administrator approval. Such appointments above Step 4 of the pay range can be made upon request of the Division Head with Presiding Judge approval.</p> <p>Modify Subsection 1 to allow Division Head authority to request initial appointment up to Step 2, at Step 3 or 4 with Court Administrator approval, and above Step 4 in conformance with new FY 02-03 salary schedule.</p> <p>Modify Subsection 11 to allow Division Head authority to request initial appointment up to Step 2, at Step 3 or 4 with Court Administrator approval, and above Step 4 in conformance with new FY 02-03 salary schedule.</p> <p>Replace all references to the former pay range maximum of '5B' to 'range maximum' which will fit any type of pay plan.</p>	<p>Proposed Revision (New language is shown in bold, deleted language is shown as struckthrough)</p> <p>I. PROMOTION AND REAPPOINTMENT TO A CLASSIFICATION WITH HIGHER SALARY RANGE:</p> <ol style="list-style-type: none"> 1. Except in those instances wherein the current salary level, education, training, experience or some other pertinent factor exists which warrants appointment at a level above entry level Band 1; Step 2, employees receiving competitive promotions or reappointments to a classification with a higher salary range in the classified service shall receive appointment to Step A, B, or C 1 or 2 of Level Band 1 as recommended by the Division Head. 2. In those instances where, in the opinion of the Division Head, reason exists to justify the promotional appointment or reappointment at a level above entry level Band 1 at Step 3 or 4, the Division Head may make a request for such appointment above entry level Band 1 to the Court Administrator. Requests for promotional appointment or reappointment up through Level Band 2 at Step 3 or 4 may be made upon prior approval of the Court Administrator. Requests for appointment up through Level Band 5 above Step 4 of the salary range requires prior approval by the Presiding Judge. <p>L. SALARY ADJUSTMENTS:</p> <ol style="list-style-type: none"> 1. INITIAL APPOINTMENT: <ol style="list-style-type: none"> a. Except in those instances wherein the education, training or some other pertinent factor exists which warrants appointment at a level above level Band 1; Step 2, individuals receiving appointments to positions in the classified service shall be employed at Step A, B or C 1 or 2 of Level Band 1 for the classification to which appointed as recommended by the Division Head. b. In those instances where, in the opinion of the Division Head, reason exists to justify the appointment at a level above the entry level Band 1 at Step 2, the Division Head may make a request for appointment above level Band 1 Step 2. Requests for appointment up to Level Band 2 at Step 3 or 4 may be made upon prior approval of the Court Administrator. Requests for appointment up to Level Band 5B above Step 4 of the salary range requires prior approval by the Presiding Judge. c. No individual may receive appointment to a position when such appointment would have the effect of causing that individual's salary to exceed the Step 5B maximum compensation level of the classification to which appointed. 5. MERIT INCREASES <ol style="list-style-type: none"> b. No salary increase provided for by this Section shall have the effect of causing any employee to exceed the Step 5B maximum compensation level for the classification in which employed.
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<p>Judicial Merit Rule/Reason for change</p> <p><u>Rule 303 'General Compensation Provisions' (continued)</u> Modify Subsection 6 so as to:</p> <p>1) not give the impression that pay increases pursuant to this section are automatic or mandatory;</p> <p>2) enable the potential for other forms of salary increases to occur such as lump sum., and</p> <p>3) replace all references to the former pay range maximum of '5B' to 'range maximum' which will fit any pay plan.</p>	<p>Proposed Revision (New language is shown in bold, deleted language is shown as stricken through)</p> <p>6. PAY LEVEL ADJUSTMENTS:</p> <p>a. Individuals appointed to regular positions in the classified service who have satisfactorily completed the original probationary period as recommended in writing by the Division Head staff may receive a percentage within range salary increase as defined in the salary policy approved by the Presiding Judge for the relevant fiscal year.</p> <p>b. Employees who through completion of their annual performance evaluation have demonstrated:</p> <p>1) fully successful job performance as recommended in writing by their Division Head staff may receive a percentage within range salary increase as defined in the salary policy approved by the Presiding Judge for the relevant fiscal year.</p> <p>2) minimally successful job performance as recommended in writing by the Division Head staff may receive a reduced percentage within range salary increase as defined in the salary policy approved by the Presiding Judge for the relevant fiscal year.</p> <p>d. No salary increase as provided for by this Section shall have the effect of causing an employee of the Court to exceed the Step 5B maximum compensation level for the classification in which employed.</p>
<p><u>Rule 304 'Premium Pay'</u> Modify Rule as indicated because it is not customary practice for non-exempt judicial staff to report the start and end time of their shift on their timesheet.</p>	<p>A. OVERTIME</p> <p>6. EMPLOYEE RESPONSIBILITY: It shall be the responsibility of each non-exempt employee to:</p> <p>a. Accurately record all hours worked and leave taken on their timesheet including beginning and ending time of standard, split and other shifts, as well as any time taken for personal or other non-compensable activity, and</p>
<p><u>Rule 401 'Group Insurance'</u> Modify Rule as indicated to fit new procedure necessary to implement FY 02-03 benefit plan changes.</p>	<p>D. ENROLLMENT AND EFFECTIVE DATE:</p> <p>1. An eligible employee electing insurance coverage will enroll through Mohave County Personnel Department Superior Court Personnel within the first fifteen (15) calendar five (5) working days of appointment ...</p> <p>2. Insurance coverage becomes effective the first day of the month following completion of ninety (90) calendar days of eligibility or as provided in the insurance policy. Insurance coverage for an eligible employee hired between the first (1st) and fifteenth (15th) of the month shall be effective the first of the month immediately following the employee's date of hire. Insurance coverage for an eligible employee hired between the sixteenth (16th) and thirty-first (31st) of the month shall be effective the first day of the second month following the employee's date of hire.</p>

<p>Judicial Merit Rule/Reason for change</p> <p><u>Rule 402 'Paid Time Off'</u> Add language to clarify existing procedure.</p> <p>Add verbiage in bold to clarify existing procedure.</p> <p>Delete language in accordance with existing procedure.</p>	<p>Proposed Revision (New language is shown in bold, deleted language is shown as strikethrough)</p> <p>B. ELIGIBILITY AND ACCRUAL:</p> <p>2. PTO leave shall accrue during any approved leave of absence with pay or suspension with pay. An employee on an approved leave of absence with pay who is using PTO, EIB, and/or comp time accruals to supplement income replacement through short-term disability is eligible to accrue PTO leave during such paid leave of absence.</p> <p>3. PTO leave shall not accrue during any leave of absence without pay when such leaves have a duration of one or more pay periods. PTO leave shall not accrue during the time that an employee is receiving short-term disability benefits or donated leave.</p> <p>H. LEAVE REQUEST: With the exception of emergencies, injuries or illness, PTO leave must be scheduled at least one (1) week in advance and approved by the Division Head. Division Heads may approve leave requests on less than one (1) week's notice at their discretion. In all cases, a PTO Request Form must be filled out by the employee and submitted for approval. A copy of this form should be forwarded to the Court Administrator only if the PTO is a prerequisite for Employee Illness Bank (EIB) or Short-Term Disability (STD) approval.</p>
<p><u>Rule 403 'Employee Illness Bank'</u> Remove the restriction that employees must first use four (4) consecutive days of Paid Time Off before being eligible to use accrued EIB leave.</p> <p>Remove section E that no longer applies.</p>	<p>B. USE OF EIB:</p> <p>1. EIB may be used in the case of illness or injury suffered by an employee or as provided below for an employee's immediate family member, but only after using at least four (4) consecutive PTO days for the same illness or injury:</p> <p>E. FORFEITURE OF EIB CREDITS: Original probationary employees who do not complete their probationary period shall forfeit all unused accrued EIB credits.</p>
<p><u>Rule 412 'Educational Assistance'</u> Modify timeframe in which an employee can apply for educational assistance to 2 weeks prior to class. Modify language to allow approval of such requests by the Division Head rather than the Presiding Judge.</p> <p>Delete verbiage to clarify rule.</p>	<p>C. COURSE ELIGIBILITY:</p> <p>2. Requests for educational reimbursement authorization to take a class must be submitted to the Division Head for approval no more than four (4) at least two (2) weeks prior to the beginning of the class. If approved by the Division Head, such Division Head shall forward the request to the Presiding Judge for final approval.</p> <p>D. REIMBURSABLE EXPENSES:</p> <p>1. Up to fifty percent (50%) of tuition, may be reimbursed;</p> <p>2. Up to fifty percent (50%) of required texts, workbooks or required materials and activity expenses may be reimbursed.</p>

<p>Judicial Merit Rule/Reason for change</p>	<p>Proposed Revision (New language is shown in bold, deleted language is shown as strikethrough)</p>
<p><u>Rule 412 'Educational Assistance' (continued)</u> Modify as specified to clarify Rule.</p>	<p>E. LIMITATIONS:</p> <ol style="list-style-type: none"> 1. Employees who do not maintain remain on the active payroll for the duration of the course, who receive less than a "C" in a graded course or a "Fail" for a "Pass/Fail" class shall be ineligible for reimbursement. 2. Employees who receive education assistance, and who fail for any reason to remain in Judicial or Mohave County employment for less than one (1) calendar year following completion of the class, shall reimburse the Court for the full amount of education assistance provided to them.
<p><u>Rule 414 'Bereavement Leave'</u> When establishing this rule in November, 2001, the definition of immediate family as found in JMR 101.50 pertaining to employment of relatives was utilized. We found this definition to be restrictive and recommend a broader interpretation of family members for which the employee can use bereavement leave.</p>	<p>A. GENERAL</p> <p>Bereavement leave is paid leave granted to an employee to attend services and handle matters related to the death of a member of the employee's immediate family. Judicial Merit Rule 101.50 defines a member of the immediate family as a spouse, parent (whether biological or step), child, stepchild, siblings, father-in-law, mother-in-law, grandparents of an employee or employee's spouse, and employees who live together and who consider themselves life partners but who are not legally married. For purposes of this Rule, employees may use bereavement leave for their spouse or significant life partner, child (including adopted, foster, ex-nuptial or step child), parent (including foster parent, step parent, or legal guardian), grandparent, grandchild or sibling. An employee may also use bereavement leave for children, parents and grandparents of their spouse or significant life partner, or any other relative who is a member of the employee's household.</p>
<p><u>Rule 505 'Harassment Prohibited'</u> Add section establishing non-retaliation provisions.</p>	<p>P. NON-RETALIATION: Any form of retaliation by person(s) against any complaining person, participating witness, and/or person cooperating in an investigation will not be tolerated and shall be grounds for disciplinary action.</p>
<p><u>Rule 507 'Substance Abuse Program'</u> Modify Rule to match existing procedures that require a pre-placement physical for new hires and employees who are moving to another job with greater physical demands.</p>	<p>D. PHYSICAL EXAMINATION AND PROCEDURE FOR APPLICANTS:</p> <ol style="list-style-type: none"> 1. Pre-placement physical examinations are required for all initial appointments and any subsequent appointment by an employee to another position which requires a greater degree of physical activity than the employee's current position. applicants considered for selection for positions with Judicial Divisions including applicants for promotional positions: As part of these examinations, a drug screening shall be given.

<p>Judicial Merit Rule/Reason for change</p> <p><u>Rule 509 'Education, Training, and Required Education Credits'</u> Update this Rule to match current Supreme Court and Mohave County Administrative Orders pertaining to COJET requirements.</p>	<p>Proposed Revision (New language is shown in bold, deleted language is shown as strikethrough)</p> <p>B. REQUIRED EDUCATION CREDITS:</p> <p>1. Arizona Supreme Court Administrative Order 95-45 99-08 requires that full and part-time regular employees complete a minimum of sixteen (16) hours of approved coursework each year including ethics training and designated core curriculum training. Mohave County Administrative Order 97-8 requires that part-time regular and temporary employees also complete a specified number of hours approved coursework. Pursuant to the order, the Presiding Judge has established the following schedule for part-time employees:</p> <table border="0"> <tr> <td>Regularly Scheduled</td> <td>Required Accredited</td> </tr> <tr> <td>Work Hours Per Week</td> <td>Training Hours Per Year</td> </tr> <tr> <td>Less than 20</td> <td>4</td> </tr> <tr> <td>20-29</td> <td>8</td> </tr> <tr> <td>30-39</td> <td>12</td> </tr> <tr> <td>40</td> <td>16</td> </tr> </table>	Regularly Scheduled	Required Accredited	Work Hours Per Week	Training Hours Per Year	Less than 20	4	20-29	8	30-39	12	40	16
Regularly Scheduled	Required Accredited												
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<p><u>Rule 603 'Appeals from Alleged Discrimination, Dismissal, Demotion and Unpaid Suspension'</u> Clarify that an original probationary employee who is dismissed has ten (10) rather than thirty (30) working days to appeal the action if they feel it was based upon some form of unlawful discrimination.</p> <p>Delete duplicate language referenced in Section A2 above.</p>	<p>A. MATTERS WHICH MAY BE APPEALED:</p> <p>2. A probationary employee may appeal an action resulting in administrative suspension without pay or disciplinary suspension, demotion or dismissal within ten (10) working days of the presentation of the notice of such action in cases where such employee believes such the action to be based on illegal discrimination as defined in these Rules.</p> <p>B. APPEAL PROCEDURE:</p> <p>1. FILING THE APPEAL: Appeals to the Hearing Officer must be filed with the Court Administrator in writing within the timeframe specified in Section A above (ten (10) working days of presentation of notice of demotion, suspension or dismissal, in instances of alleged, illegal discrimination or harassment, within thirty (30) days of the most recent alleged discriminatory or harassing behavior. The appeal shall be considered filed when received by the Court Administrator. The appeal shall state in detail the facts upon which it is based, the identify of all persons or divisions concerned in the matter, and the remedy requested. The Court Administrator shall serve a copy of the appeal on the employee's Division Head.</p>												