

- A. ESTABLISHMENT OF RULES:** These Rules shall be titled "The Judicial Employee Merit System Rules of the Superior Court in Mohave County" and shall include under the scope of their coverage employees of the Superior Court Judicial Divisions, Court Administrator's Office, Clerk of Superior Court, Conciliation Court, Adult and Juvenile Probation Departments, and Juvenile Detention to the extent specified herein.
- B. OBJECTIVE:** The Judicial Employee Merit Rules are established to provide a system of personnel administration that is based on merit principles and designed to promote the following:
1. Competitive recruiting and selection with appointment based on job-related ability and qualifications;
  2. Providing equitable and adequate compensation as determined by the Presiding Judge or designee;
  3. Training and/or retraining employees, as needed, to assure high quality performance;
  4. Retaining employees on the basis of the adequacy of their performance; the correction of inadequate performance; the availability of funds as determined by the Presiding Judge; and separating employees whose inadequate performance cannot be corrected or which impedes or impairs the operation of the justice system as determined by the Presiding Judge or designee;
  5. Assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to political affiliation, race, color, national origin, gender, religious creed, age or disability with reasonable accommodation and with proper regard for their privacy and constitutional rights as citizens; and
  6. Assuring that employees are protected against coercion for partisan political purposes and prohibited from using their official authority to interfere with or affect the result of an election or a nomination for office.
- C. STATEMENT OF MERIT RULES, LEAVES OR BENEFITS:** None of the statements herein are intended by reason of their publication to confer any rights or privileges or entitle employees to remain employed by any division falling under the purview of these Rules.
- D. REPLACEMENT OF PRIOR RULES:** These Rules supersede all previous rules, and policies which applied to employees of any division falling under their purview as defined in Rule 103 of this Article. All rules, policies, and procedures adopted by divisions covered under the purview of these Rules will remain in full force and effect, except to the extent that

the same are in conflict with these Rules. To the extent that any division's rules or policies conflict with these Rules, these Rules shall prevail.

- E. SEVERABILITY:** If any provision of these Rules or their application to any persons or circumstances is held invalid, the remainder of the Rules or the application of such provisions to other persons or circumstances shall not be affected.
- F. SPECIALLY FUNDED EMPLOYEES:** The administration and compensation of persons employed by a program financed in whole or in part by contract with Mohave County, the State of Arizona, the Arizona Supreme Court or another entity shall be pursuant to terms of hire or applicable law if there is a conflict with the Judicial Employee Merit System.
- G. REPRISALS:** A division shall take no disciplinary or punitive action against an employee, nor impede or interfere with the exercising by any employee of rights under these Rules.
- H. CONFLICT WITH FEDERAL AND STATE REQUIREMENTS:** Any provision of these Rules which conflicts or is inconsistent with the Arizona Revised Statutes, Federal Law, regulations or standards governing the grant of federal funds or state assistance to a division shall not be applicable to such divisions.
- I. AUTHORITY FOR AND ADMINISTRATION OF THE MERIT SYSTEM RULES:** The Presiding Judge is the Chief Executive Officer of the Superior Court and administers the Judicial Employee Merit System and any related policies and procedures through the Court Administrator's Office.
- J. DELEGATION OF AUTHORITY:** Unless otherwise stated in these Rules, a Division Head may delegate any authority granted in these Rules to a designee of their choice.
- K. AVAILABILITY OF FUNDS:** The granting of any compensation, benefits and/or leaves in these Rules is contingent upon the availability of funds, as determined by the Presiding Judge in consultation with the Board of Supervisors.
- L. EMPLOYEE HANDBOOK:** Upon approval of the Presiding Judge, the Court Administrator may publish an employee handbook outlining pertinent Rules and make such handbook available to all employees.
- M. JUDICIAL DIVISION OPERATING POLICIES AND PROCEDURES:** These Rules do not preclude Division Heads from implementing policies and procedures pertaining to the operation of their respective divisions, provided that no such policy or procedure may conflict with these Rules. Where any conflict exists between these Rules and the policies or

procedures of any division covered by these Rules, the Judicial Employee Merit System Rules shall be followed.

- N. CORRECTION OF ERRORS:** The Presiding Judge or designee may correct a manifest error or clear an inequity affecting an employee or an applicant for employment.
- O. SPECIAL PROGRAMS:** Where the Court Administrator or Division Head has been granted authority from the Presiding Judge to develop and implement special programs as pilot projects to improve personnel management in the Judicial service, modifications to the Merit System Rules may occur. Special programs will be designed to include a rationale and/or justification of the need for the program, a statement of the fiscal impact, compliance with State and Federal Statutes, an implementation plan, and if appropriate, a proposed trial period not to exceed three (3) years during which a program evaluation will be conducted to determine the feasibility of continuing the program.
- P. DEVIATION FROM AND REVISION TO RULES:** These Rules are established as general guidelines pertaining to judicial employment. No such rules can anticipate every circumstance, situation, or set of facts which may arise. For this reason, the Presiding Judge may authorize deviation from these Rules, as deemed necessary to maintain the effective and efficient operation of the justice system. No such deviation shall be interpreted or relied upon as requiring a repeated deviation in the future for the same or different persons. These Rules may only be revised upon written order of the Presiding Judge.