
I d a h o J u d i c i a l B r a n c h

Employee Handbook



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Current handbook available online at:
<http://www.isc.idaho.gov/links/EMPLOYEEHANDBOOK.pdf>

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I. Purpose and Scope

“The Courts shall constitute a unified and integrated judicial system for administration and supervision by the Supreme Court.”

Article V, Section 2, Constitution of the State of Idaho. The Idaho Constitution provides that the state courts shall be operated as a unified system under the overall management of the Idaho Supreme Court. With the authority to manage, comes the responsibility to establish uniform policies and procedures to govern court operations. This Handbook sets forth the basic personnel policies adopted by the Idaho Supreme Court for state judicial officials and employees. These policies have been adopted by order of the Supreme Court and have the effect of superseding any prior policy or rule.

The Judicial Branch Employee Handbook, and all policies herein, are limited to Judicial Branch employees that are compensated by the State of Idaho, including Supreme Court justices and Court of Appeals judges, their staff, law clerks, and judicial assistants; district judges; magistrate judges; court reporters; the Supreme Court Clerk and staff; the state Law Librarian and staff; the Administrative Director of the Courts, Court Services Director, Staff Attorney, Information Systems Director, and other Supreme Court staff; district Trial Court Administrators and assistant Trial Court Administrators.

The Handbook does not apply to officials and personnel working in the judicial system who are not compensated by the State of Idaho, such as district court law clerks, clerks of the district court and their deputies, county sheriffs and their employees, probation officers, marshals, and court attendants, despite the fact that justices and judges may possess certain direction and control over these individuals. This Handbook also does not apply to persons employed for a specific term or function at a contracted rate and not paid through the state payroll system.

II. General Employment Policies

- A. **Nature of Employment.** Employment with the Judicial Branch is subject to the policies in this Handbook. The Idaho Supreme Court, on behalf of the Judicial Branch, reserves the right to change, modify, suspend, or cancel any of its policies or practices unilaterally. This right extends to both published and unpublished policies, and the Judicial Branch may act without advance notice and at its sole discretion. The Judicial Branch is not required to provide a reason for a change in its policies nor provide consideration to any employee for any change, except as changes may affect vested benefits or salary. Employees are expected to recognize these rights as a condition of employment.

It is the policy of the Judicial Branch to offer rewarding career opportunities to those who qualify and to the greatest extent possible. **However, everyone involved in the hiring process should be aware that, except as specifically provided by this Handbook or unless specifically approved by the Idaho Supreme Court, it is not possible to guarantee employment for any specific term or under any particular conditions.**

- B. **Equal Employment Opportunity Statement.** The Supreme Court of the State of Idaho and the Judicial Branch are committed to the principle of equal employment opportunity. Employees of the Judicial Branch are to be recruited, appointed, assigned, and promoted based upon individual abilities.

Opportunities shall not be denied or limited in any way due to race, color, sex, religion, national origin, age, or disability. All departments of the judiciary must continually monitor their employment actions, and identify and eliminate any practices that form barriers to achieving compliance with this policy.

- C. **Affirmative Action.** If it is determined that past practices have resulted in racial or ethnic minorities or women being under-represented in certain segments of the Judicial Branch, affirmative action should be taken to cure that deficiency when the opportunity arises. “Affirmative action” means those steps appropriate to overcome the effects of past practices or policies which may have created barriers to equal employment opportunities for those groups. Affirmative action measures should be temporary, narrowly tailored to eliminate the vestiges of discrimination, and must not unnecessarily trammel the rights of others. The Supreme Court encourages its personnel to contact racial and ethnic minority organizations when employment opportunities arise so that minority groups represented by these organizations will have a better knowledge and access to job opportunities within the Judicial Branch.
- D. **Immigration Law Compliance.** The Judicial Branch, as an equal opportunity employer, employs persons legally entitled to work in the United States without regard to citizenship, ethnic background, or place of national origin. Candidates offered employment in the Judicial Branch are required to produce satisfactory evidence of their eligibility to work in the United States and assist in completion of the INS Form 1-9 solely for purposes of compliance with the Immigration Reform and Control Act of 1986.
- E. **Nepotism.** The employment of relatives in an organization may cause serious conflicts and problems with favoritism and employee morale. In addition to claims of partiality in treatment at work, personal conflicts from outside the work environment can be carried into day-to-day working relationships. The Judicial Branch prohibits the employment of immediate family members in the same department, except in extreme circumstances necessitated by its business requirements, such as the reorganization of a department’s function or duties.

The Judicial Branch is committed to monitoring situations in which relatives work other than in the same department of the judiciary. In case of actual or potential problems, the Judicial Branch will take prompt action. This can include reassignment or, if necessary, termination of employment for one or both of the individuals involved.

For the purposes of this policy, a relative is any person who is related by blood, marriage or adoption, or whose relationship with the employee is similar to that of persons who are related by blood or marriage. Immediate family members are individuals related by blood, marriage or adoption constituting the relationship of spouse; children; brother; sister; parent; grandparent; grandchildren; father-in-law, mother-in-law; son-in-law, daughter-in-law; step-father, step-mother; step-son, step-daughter; step-brother, step-sister; half-brother, half-sister.

- F. **Americans with Disabilities Act Compliance.**
1. **Policy.** The Judicial Branch complies with the Americans With Disabilities Act, which ensures equal opportunities in employment for all qualified persons with disabilities. The Judicial Branch is committed to ensuring non-discrimination in all terms, conditions, and privileges of employment. All employment practices and activities will be conducted on a non-discriminatory basis. Pre-employment inquiries are made only regarding an applicant’s ability to perform the duties of the position, not any disabling condition. Further, reasonable accommodations are available to all employees and applicants. Employees with disabilities are encouraged to inform their supervisor or the Administrative Director of any reasonable accommodations deemed necessary. This policy is neither exhaustive nor exclusive. The Judicial Branch is committed to taking all other actions necessary to

ensure equal employment opportunity for persons with disabilities in accordance with the Americans With Disabilities Act.

2. **Complaints.** The following complaint procedure is established to provide employees with a specific avenue to provide notice and obtain a resolution of disability complaints or concerns under the Americans With Disabilities Act of 1990. It may be used by anyone who wishes to file a complaint alleging discrimination on the basis of disability in employment practices and policies or the provision of services, activities, and programs in the Judicial Branch.

The complaint should be in writing and contain information about the alleged discrimination, such as name, address, and phone number of the person complaining, and location, date, and description of the problem. (*See Appendix for complaint form.*) Reasonable accommodations, such as personal interviews or a tape recording of the complaint, will be made available for persons who are unable by reason of disability to submit a written complaint. Individuals or classes of individuals who believe they have been subjected to discrimination on the basis of disability have three avenues for obtaining redress:

- a. File a complaint with the Judicial Branch
- b. File a complaint with the Idaho Human Rights Commission (IHRC) and/or the Equal Employment Opportunity Commission (EEOC)
- c. File a lawsuit. (*A complaint filed with the IHRC or EEOC may be a prerequisite.*)

However, it is strongly recommended that the person complaining use the court's complaint procedure to resolve the complaint. The complaint should be submitted by the grievant and/or his/her designee as soon as possible, but no later than sixty (60) calendar days after the alleged discrimination to:

Administrative Director of the Courts	(208) 334-2246
P.O. Box 83720	1-800-377-3529 (TTY/TDD)
Boise, Idaho 83720-0101	1-800-377-1363 (Voice)
Customer Service	1-800-368-6165

Within fifteen (15) days after the receipt of the complaint, the director will respond in writing and, where appropriate, in a format accessible to the complainant, such as audio tape, large print, etc. The response will explain the position of the court and offer options for substantive resolution of the complaint.

- G. **Veteran's Preference.** The Judicial Branch provides preference to similarly qualified veterans in hiring decisions in accordance with the Rights and Privileges of Veterans Act. *Idaho Code § 65-501, et seq.*

H. **Anti-sexual Harassment Policy.**

1. **Policy Statement.** The sexual harassment of any employee or recipient of the services of the Judicial Branch is absolutely forbidden.
 - a. Complaints of sexual harassment against the Supreme Court's central staff and Trial Court Administrators shall be submitted to the Staff Attorney, Staff Attorney's Office, P.O. Box 83720, Boise, Idaho 83720-0101 (208-334-3867), who shall be responsible for receiving and investigating such complaints.

- b. Complaints of sexual harassment against a judge or justice shall be submitted to the Executive Director of the Idaho Judicial Council, P.O. Box 9495, Boise, Idaho 83707, (208-334-5213), who shall be responsible for receiving and investigating such complaints.
- c. Complaints of sexual harassment against an individual employed at the district court level shall be submitted to the Administrative District Judge of the district, who shall appoint a designee who shall be responsible to investigate such complaint.

Any judicial officer, department supervisor or employee who becomes aware of an alleged incident of sexual harassment shall take action to bring the matter to the attention of the Staff Attorney, the Judicial Council, or other person designated by the Administrative District Judge when district court personnel are involved. The department supervisor, Administrative Director, or those individuals designated to receive complaints shall take such steps necessary to prevent further acts or alleged acts of sexual harassment towards a complainant.

- 2. **Definition.** Unwelcome sexual advances, requests for sexual favors, and other verbal, visual or physical conduct of a sexual nature constitute sexual harassment when (1) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; (2) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.
- 3. **Rejection of Unwelcome Behavior.** Employees are encouraged to indicate promptly and firmly to the offender that his or her behavior is unwelcome. This puts the offender on notice that his or her conduct is inappropriate and considered to be harassment. The Judicial Branch recognizes, however, that status disparities or other circumstances may make it difficult or impossible for an employee to confront the harasser, and objecting to the offensive conduct by the complainant is not required as a condition of filing a sexual harassment complaint.
- 4. **Procedure for Complaint.** Employees who believe they are being subjected to illegal sexual harassment should complain to that individual designated to receive such complaints as set forth in this policy statement. This in no way is intended to prohibit or discourage any employee from pursuing any of his or her rights or remedies under state or federal laws, or from filing complaints with the Idaho Human Rights Commission and/or the Equal Employment Opportunity Commission (EEOC).

The complaint may be written or orally submitted to the official having responsibility to receive complaints. Persons submitting complaints will be asked to state exactly what happened that leads to their belief that they have been sexually harassed, including approximate dates and the names of everyone who was involved in the harassment or saw or heard what happened. If there is more than one incident of harassment, the complainant will be asked to describe each incident separately. The complainant will be asked concerning the action he or she requests be taken as a result of the incident. If the complaint is presented orally to the official receiving the complaint, the official will put it into written form and obtain the complainant's signature.

- 5. **Sensitivity and Confidentiality.** Due to the sensitivities associated with this subject and due to the damage that can result to the career and reputation of any person falsely or in poor faith accused of sexual harassment, all investigations and hearings surrounding such matters will be designed to the maximum extent possible to protect the privacy of, and minimize suspicion toward, the accused as

well as the complainant. Only those directly responsible for carrying out this policy will have access to confidential communications.

6. **Investigation.** An investigator may be appointed by the Staff Attorney, Executive Director of the Judicial Council, or an Administrative District Judge. Sexual harassment complaints will be promptly and carefully investigated and will include interviews with all persons having relevant information, including the complainant, the alleged offender, and other potential witnesses. The investigator will document the facts surrounding the alleged incident and will prepare a written report concerning the validity of the alleged sexual harassment for the confidential review of the Staff Attorney, Judicial Council, or Administrative District Judge.
 7. **Sanctions.** If the investigation reveals that the complaint or report of sexual harassment appears to be valid, appropriate corrective action will be taken to stop the harassment and prevent its recurrence. Sanctions against a justice or judge for sexual harassment will be as provided and set forth in the law governing the Idaho Judicial Council. *Idaho Code § 1-2013*. Sanctions against an employee for sexual harassment (excluding a justice or judge governed by the Idaho Judicial Council) may include, singly or in combination, the following:
 - a. Counseling concerning the seriousness of sexual harassment, its harmful effects, the Supreme Court's policy absolutely prohibiting such conduct, and the Supreme Court's commitment to enforce that policy;
 - b. A letter of warning to the offender, with a copy placed in the offender's official personnel file;
 - c. A letter of reprimand to the offender, with a copy placed in the offender's official personnel file;
 - d. Withholding of a promotion or imposing a demotion, reassignment, or temporary suspension;
 - e. Termination of employment;
 - f. Other sanctions deemed appropriate.
 8. **Retaliation Prohibited.** The Supreme Court will not tolerate retaliation against anyone who has reported sexual harassment or assists in a sexual harassment investigation. Offenders will be subject to the same disciplinary action as for harassment itself, including termination of employment (see paragraph 7, "Sanctions"). If the retaliator is the same person who causes the harassment, the disciplinary action will be harsher than what would have been imposed for the sexual harassment alone.
 9. **Harassment Complaint Form.** The form included in the attached Appendix should be used to file complaints of harassment.
- I. **Recruitment.** The Supreme Court encourages the active recruitment of qualified applicants for employment with the Judicial Branch. Department supervisors are encouraged to advertise, publish, and post notice of vacant employment positions in the Judicial Branch. Notice of a vacant position should be published in a local newspaper of general circulation and in such other areas and by such other means as necessary to attract qualified applicants. The Supreme Court further encourages providing notice to present Judicial Branch employees of vacant positions and the internal promotion of qualified employees to a vacant Judicial Branch employment position.

- J. Public Information Officer.** The Administrative Director of the Courts is designated as the Public Information Officer of the Supreme Court. All requests for information from the media should be referred to the Administrative Director. Inquiries concerning the appellate process and cases on appeal should be referred to the Clerk of the Supreme Court. The Administrative District Judge, or designee, is considered the public information officer for each judicial district.

III. Employment Status and Records

- A. **Employment Categories.** Judicial employees, as members of the Judicial Branch of the Idaho state government, are not governed by the Idaho State Classified Employee System under Idaho law. The Judicial Branch has established five separate categories of judicial employees, dependent upon the nature and status of their employment position. The categories and the identified employment status for all judicial employees are defined as follows:
1. **Judicial Officers.** The employment status of Supreme Court justices, Court of Appeals judges, district court judges, and magistrate judges are governed by the state constitution, statutes and administrative rules of the court and may only be changed in accordance with the terms and conditions of the constitution, relevant statutes and rules.
 2. **Administrative Employees.** These positions include the Administrative Director of the Courts, Trial Court Administrators, assistant Trial Court Administrators, Information Systems Director, Court Services Director, Supreme Court Clerk, Staff Attorney to the Supreme Court, librarian of the Idaho State Law Library, court-appointed masters, court reporters, and judicial law clerks and judicial assistants of the Idaho Court of Appeals and of the Supreme Court. **The employment status of these employees is at-will and they may be dismissed at the discretion of the Supreme Court without cause**, unless their at-will status is specifically changed through a written contract approved in writing by the Supreme Court or, in the case of a law clerk, a written contract of employment approved by a justice of the Supreme Court or judge of the Court of Appeals. Court reporters serve at the pleasure of the district judge, as provided in Section XII of the Idaho Judicial Branch Employee Handbook.
 3. **For-Cause Employees - All Other Employees.** All other employees not included in the above categories are “for-cause” employees. Their employment with the Judicial Branch may be terminated involuntarily only for sufficient cause, unless the Supreme Court determines that budgetary considerations necessitate the elimination of certain positions.
 4. **Probationary Employees.** All employees, except Supreme Court justices, Court of Appeals judges, and district court judges, are probationary employees during the first one hundred eighty (180) days of employment, or during a longer or shorter period if such a period is set by the employee’s supervisor at the beginning of employment. The employment status of these employees is always “at-will” until the probationary period is over, at which time the other employment category descriptions and status herein will control.
 5. **Part-time Employees.** Employees working less than 20 hours per week are considered part-time employees. A part-time employee may be removed from employment at any time, for any reason, with or without cause. Part-time employees working less than 20 hours per week are not eligible for benefits.
- B. **Personnel Supervision and Records.** To establish orderly supervision of judicial employees and to address leave and other employment issues, the departments of the Judicial Branch and the supervisor of each department is as follows:

1. **Offices of the Justices.** Each justice is the department supervisor of the employees working in the office of that justice.
2. **Central Staff.** (Clerk of the Court, Administrative Director of the Courts, Law Librarian, and Staff Attorney). The Chief Justice, as the chief executive of the court, is the department supervisor of the central staff.
3. **Offices of Court of Appeals Judges.** Each Court of Appeals judge is the department supervisor of the employees working in the office of that judge.
4. **District Courts.** (District Judges, Magistrate Judges, Trial Court Administrators, and Court Reporters). The Administrative District Judge of each judicial district is the department supervisor of the judicial employees working in the district courts of that district.
5. **Office of the Clerk.** The Clerk is the department supervisor of the employees working in the office of the Clerk.
6. **Administrative Office.** The Administrative Director is the department supervisor of the employees working in the administrative office, including the Information Systems Director and the Court Services Director.
7. **Law Librarian.** The Law Librarian is the department supervisor of the employees working in the state law library.
8. **Office of Staff Attorney.** The Staff Attorney is the department supervisor of the employees working in the office of the Staff Attorney.

The supervisors of each department shall be responsible for the direction and supervision of the employees and their work within their department. Each department supervisor, or their designee, shall be responsible for the preparation and proper recording of personnel records and information regarding their employees. Each department supervisor, or their designee, shall develop, maintain, and update the job description for each employment position in their department.

The administrative judge for each judicial district, or the Trial Court Administrator as designee, will provide accurate personnel records for state judicial officers and employees within the district to the Court Services Director, who shall be responsible to maintain such records. Reports of employee leave and other records regarding their employment shall be submitted monthly to the Court Services Director so as to ensure an accurate recording of vacation, sick leave, over-time, compensatory time, and any other matters contained in these personnel policies. Personnel records for employees of the Supreme Court, Administrative Office of the Courts, Supreme Court Clerk's Office, and State Law Library will be provided to and maintained by the Court Services Director.

C. **Access to Personnel Files.** Employee personnel files are confidential and are to be treated as such. Access to employees' files is limited to the following individuals:

1. **The Employee.** Each employee may inspect his or her own personnel file and request copies of file documents. No materials are to be removed except as specifically authorized by the Administrative Director of the Courts.
2. **Persons Other Than the Employee.** Other Judicial Branch employees may have access to personnel files only if they have a need to know, so that access is limited to the following persons:
 - a. Court services staff as they need access in the course of their normal duties; and
 - b. Potential supervisors and department managers, and administrators considering an employee for promotion or transfer into their departments.

Except as provided in Rule 32(n), Idaho Court Administrative Rules, access to information in a personnel file is governed by Rule 32(d)(16), Idaho Court Administrative Rules and as provided in the policy on references set forth in paragraph III. D., below.

D. **Employment Reference Checks.** Because of the serious legal consequences that can result from a careless or unfavorable job reference, the Judicial Branch will provide limited responses to requests for information about current or former employees. Except for justices or judges responding to references for their law clerks or judicial assistants, all such requests must be referred to the Court Services Director, who will provide the following:

Dates of employment
Title(s) or positions(s)
Wage or salary level(s)
Work location

No one is to be given an opinion or assessment of a former or current employee's job performance or attitude without express authorization from the former or current employee or from the Idaho Supreme Court or its appointed officer.

E. **Performance Evaluations.** Supervisors and employees are strongly encouraged to discuss job performance and goals on an informal, day-to-day basis. Formal performance evaluations are conducted at the end of an employee's probationary period in any new position. The performance evaluation allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the new position. Additional formal performance evaluations are generally conducted annually to provide both supervisors and employees the opportunity to discuss job tasks, identify and correct weaknesses, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting goals. The failure to conduct a performance evaluation, or the failure of a supervisor to specify areas of weakness needing improvement, shall not impact the Judicial Branch's right to discipline or terminate an employee.

F. **Official Records of the Judicial Branch.** The Judicial Branch creates and processes numerous records and documents in the course of its duties. The public has a right to examine, inspect, and copy the Judicial Branch's declarations of law and public policy and to examine, inspect, and copy the records of all proceedings open to the public. However, certain kinds of detailed, factual inquiries (particularly those involving children or which disclosure might endanger or lead to the harassment, embarrassment

or humiliation of innocents) have traditionally been exempt from disclosure to the public and will continue to be. The Supreme Court has adopted Idaho Court Administrative Rule 32 which reconciles these competing policies by providing for the public's access to the former records while categorically preserving the confidentiality of certain kinds of proceedings and certain records which would endanger innocents, invade privacy, defame, humiliate or ridicule innocent individuals, disclose proprietary business records or trade secrets, or otherwise inappropriately make public certain private facts. Administrative Rule 32 not only establishes certain types of records as exempt from public disclosure, but establishes the procedures for the examination, inspection, and copying of public records maintained by the Judicial Branch.

IV. Employee Benefits

Except where mandated by law, these benefits are subject to change and will not extend beyond the employment relationship.

- A. **Workers' Compensation.** The Judicial Branch provides a comprehensive workers' compensation insurance program at no cost to employees. This program covers any injury or illness sustained in the course of employment that requires medical, surgical, or hospital treatment. Subject to applicable legal requirements, workers' compensation insurance provides benefits after a short waiting period or, if the employee is hospitalized, immediately.

Employees who sustain work-related injuries or illnesses shall inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible.

Before returning to work from an absence due to an injury on or off the job, an employee must provide a physician's verification that he or she may safely return to work.

- B. **Family Medical Leave Act Compliance.** An employee (who has had at least 1,250 hours of service during the previous twelve month period) shall be entitled to a total of twelve work weeks of unpaid leave during any twelve month period for one or more of the following reasons:
1. Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.
 2. Because of the placement of a son or daughter with the employee for adoption or foster care.
 3. In order to care for the spouse, or a son, daughter, or parent of the employee, if such spouse, son, daughter, or parent has a serious health condition.
 4. Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.

The employee shall give thirty (30) days notice of request for leave under subparagraphs 1 and 2, or reasonable notice if thirty (30) days is impracticable, and shall provide proof of entitlement to the leave.

The entitlement to leave under subparagraphs 1 and 2 for a birth or placement of a son or daughter shall expire at the end of the twelve (12) month period beginning on the date of such birth or placement. Leave under subparagraphs 1 and 2 shall not be taken intermittently or on a reduced leave schedule unless the employee and his or her supervisor agree otherwise or unless it is medically necessary.

Accrued vacation and sick leave may be used during this leave period for pay purposes, and the balance of the leave time shall be without pay. All terms of this section shall be interpreted in accordance with the Family and Medical Leave Act of 1993 (FMLA) of the United States.

During a period of family or medical leave, an employee will be retained on the Judicial Branch's health plan under the same conditions that applied before leave commenced. To continue health

coverage, the employee must continue to make any contributions that he or she made to the plan before taking leave. Failure of the employee to pay his or her share of the health insurance premium may result in loss of coverage.

If the employee fails to return to work after the expiration of the leave, the employee will be required to reimburse the Judicial Branch for payment of health insurance premiums during the family leave, unless the reason the employee fails to return is the presence of a serious health condition which prevents the employee from performing his or her job or circumstances beyond the employee's control.

During the leave, an employee is not entitled to the continued accrual of any seniority or employment benefits that would have accrued if the employee had not taken leave. An employee who takes family or medical leave will not lose any seniority or employment benefits that accrued before the date leave began. An FMLA leave period will not be counted as a break in service for purposes of vesting or eligibility to participate in benefit programs.

When required by law, an employee eligible for family and medical leave will be restored to his or her old position *or* to a position with equivalent pay, benefits, and other terms and conditions of employment. The Judicial Branch cannot guarantee that an employee will be returned to his or her original job. A determination as to whether a position is an "equivalent position" will be made by the Judicial Branch.

If an employee wishes to return to work prior to the expiration of a family or medical leave of absence, notification must be given to the employee's supervisor at least five (5) working days prior to the employee's planned return.

The failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to immediate termination unless an extension is granted. An employee who requests an extension of family leave or medical leave due to the continuation, recurrence or onset of her or his own serious health condition, or of the serious health condition of the employee's spouse, child or parent, must submit a request for an extension, in writing, to the employee's immediate supervisor. This written request should be made as soon as the employee realizes that she or he will not be able to return at the expiration of the leave period.

- C. **Insurance.** In addition to earned vacation and sick leave, Judicial Branch employees receive state-paid term life insurance, state-paid disability insurance, federal social security benefits, retirement benefits, and group health and accident insurance.

1. **Term Life Insurance.** Term life insurance benefits are provided to each judicial employee in an amount equal to the annual salary of each employee, until age 70. Conversion privileges are also offered to provide for whole life policies at group rates with an employer contribution. After retirement in service, Supreme Court justices, Court of Appeals judges, district court judges, magistrate judges, and Administrative Employees (as designated by the Supreme Court), continue to receive term life insurance coverage equal to the current amount of the salary for the position from which they retired; at age 65, this coverage is reduced to 75 percent of salary; and at age 70, the coverage is reduced to 50 percent of salary. The specific requirements for qualification for term life insurance can be obtained from the Court Services Director.

2. **Disability Insurance.** Disability benefits are also provided to judicial employees by the state of Idaho. Each employee is entitled to a monthly benefit of sixty percent (60%) of salary (or Three Thousand Dollars (\$3,000.00), whichever is less) for a period of twenty-six (26) weeks for loss of time due to disability. Employees receive a monthly benefit, including social security and retirement system payments, at sixty percent (60%) of salary beginning with the seventh month of disability and continuing during such period of disability until the disability ends or until age 65. Accrued sick and vacation leave may be used to maintain normal income levels and reduce the 26-week period. The specific requirements for qualification for disability insurance can be obtained from the Court Services Director.
3. **Health and Accident Insurance.** Medical/surgical/hospital benefits are provided to individual judicial employees for a variety of treatments and up to certain payment limits. Health and accident insurance is also available for dependent coverage at group rates. After retirement, all judicial employees and their dependents may purchase continued health and accident insurance coverage at reduced group rates. The specific requirements for qualification for health and accident insurance can be obtained from the Court Services Director.

- D. **Overtime.** The Judicial Branch fully complies with the minimum wage and overtime requirements of the Fair Labor Standards Act (FLSA). The justices and judges are not subject to the requirements of the FLSA pursuant to its terms. The Administrative Employees are deemed exempt from the overtime provisions of the FLSA as executives, administrators, or professionals. Employees of the Judicial Branch who are not exempt from the overtime provisions of the FLSA are entitled to be compensated for overtime work in excess of forty (40) hours per work week at a rate of one and one-half times their regular hourly salary. *29 USC §201 et seq.* However, nonexempt employees shall earn compensatory time in lieu of overtime compensation. (*See Compensatory Leave, Section V.C.*) Employees entitled to overtime shall accurately record all hours worked. All overtime work must be approved in advance by an employee's supervisor. In accordance with I.C. 59-1607 all employees deemed exempted under FLSA are ineligible for cash compensation for overtime work, but shall be allowed compensatory time off from duty for overtime work. Such compensatory time shall be earned and allowed on a one (1) hour for one (1) hour basis, not to exceed two-hundred forty (240) hours.

In extraordinary circumstances, the Chief Justice may approve cash compensation for overtime at the request of the supervisor, and after consideration of the amount of vacation and compensatory time accumulated by the employee, court operations and workload demands in the foreseeable future, and the essential nature of the duties performed.

- E. **Retirement.** Supreme Court justices, Court of Appeals judges, district court judges, and the Administrative Director of the Courts are provided with retirement benefits through the statutory Judges' Retirement Fund. *Idaho Code §1-2001, et seq.* Contributions to this fund are made from judges' salaries, from the state of Idaho, and from a portion of the filing fees for civil court cases. The fund provides for differing benefits, depending upon years of service, and also may provide benefits to surviving spouses.

All other state judicial employees receive retirement benefits through the Public Employees Retirement System (PERSI). *Idaho Code §59-1302, et seq.* Eligibility for retirement benefits under PERSI is governed by the PERSI Policy Manual and by state laws affecting PERSI.

- F. **Benefits Continuation (Cobra).** The federal Consolidated Omnibus Budget Reconciliation Act (COBRA) gives employees and their qualified beneficiaries the opportunity to continue health insurance coverage under the Judicial Branch's health plan when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in an employee's hours or a leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements. Under COBRA, the employee or beneficiary pays the full cost of coverage at the Judicial Branch's group rates plus an administration fee. The State of Idaho Office of Insurance Management provides each eligible employee with a written notice describing rights granted under COBRA when the employee becomes eligible for coverage under the State of Idaho's health insurance plan. The notice contains important information about the employee's rights and obligations.

V. General Leave Policies

The leave policies set forth below shall apply to all full-time judicial employees. In interpreting these standards, "month of service" is defined as any calendar month in which the employee is employed at least fifteen (15) calendar days, including regular days off and holidays.

Employees who are paid on a monthly salary basis, but work less than the normal full-time daily or weekly schedule, are subject to the same leave standards as set forth in this section for full-time employees; provided, however, that the amount of benefit received shall be in such proportion to full time benefits as the number of hours worked weekly bears to full time employment.

Employees who regularly work less than twenty (20) hours per week, and are paid solely on the number of hours worked during each payroll period are exempt from all leave policies, except that if an employee is summoned or serving Jury Duty, as specified in Section H, on a normally scheduled workday, or if a holiday, as specified in Section E, falls on a day of the week that would have been a normally scheduled workday, the employee will be entitled to his normally scheduled compensation for that day. Part-time, hourly employees are also exempt from the benefit provisions of this Handbook, except as designated and as required by law.

The Supreme Court encourages its employees to participate in civic and family activities through the use of earned vacation leave, compensatory leave, and flexible arrival and departure schedules as approved by their department supervisor.

- A. **Vacation Leave.** Vacation leave for judges of the Court of Appeals, district court judges, magistrate judges, the Administrative Director of the Courts, Clerk of the Court, Law Librarian, Staff Attorney, Court Services Director, Information Systems Director, and Trial Court Administrators accrues at the rate of 2.083 days per month, except Court of Appeals, district and magistrate judges who have served at least ten (10) years shall accrue two and one-half (2.5) days per month.

Vacation leave for employees of the Judicial Branch who are defined as exempt professional, administrative or computer worker under the federal Fair Labor Standards Act accrues as follows: one and one-fourth (1 ¼) days per month during the first five (5) years of employment; one and one-half (1 ½) days per month during the second five (5) years of employment; and one and three-quarters (1 ¾) days per month after ten (10) years of employment.

Vacation leave for all other Judicial Branch employees accrues as follows: one (1) day per month during the first five years of employment; one and one-fourth (1-1/4) days per month during the second

five years of employment; one and one-half (1-1/2) days per month during the third five years of employment; and one and three-fourths (1-3/4) days per month after fifteen (15) years of employment.

An individual must work at least six (6) months before being eligible to take earned vacation leave. With the written approval of the employee's supervisor, an employee may be allowed to take vacation leave in advance of earning that leave in a later month.

Individuals may accrue and carry over vacation leave limited to forty-two (42) working days. There is no accrual of vacation leave while an employee is on a leave of absence without the approval of the employee's department supervisor. An individual may be compensated for up to forty-two (42) days unused vacation leave at time of termination, if budget conditions allow. Judicial law clerks with less than three (3) years with the Supreme Court shall not be compensated for unused vacation leave. No compensation will be paid for unused vacation leave if an employee is terminated for cause or resigns to avoid termination for cause.

While vacation leave is earned in the manner stated above, because of the professional nature and special consideration involved in the operation of the courts, the taking of earned vacation time is subject to the approval of the employee's department supervisor, both in terms of vacation duration and dates, to ensure that judicial responsibilities are discharged adequately. It is expected, however, that under normal conditions, individuals will be allowed to take earned vacation leave when requested.

- B. Sick Leave.** Sick leave accrues for all judicial employees at the rate of one (1) day for each month of service and begins accruing in the first month worked. Sick leave shall accrue without limit. All sick leave shall be forfeited at the time of termination. No employee shall be reimbursed for earned but unused sick leave. Any employee who returns to full-time employment with the Judicial Branch within three (3) years of separation will receive full credit for accrued sick leave accumulated at the time of separation.

Sick leave is to be used only in cases of actual sickness or disability, except for funeral leave as provided. A departmental supervisor may require a physician's statement. Sick leave may be used in conjunction with an employee's family medical leave. With the approval of the Administrative Director of the Courts, sick leave may be taken in advance of earning that leave in a later month.

Judicial Branch employees who are members of the Judges' Retirement System as of 07-01-00, and those employees who are members of the Idaho Public Employees Retirement System are entitled to certain credit for unused sick leave time upon retirement under Idaho law. Upon separation from state employment by retirement, an amount equal to one-half (1/2) of the monetary value of an employee's unused sick leave, up to a certain maximum, will be added to the employee's retirement account maintained by the Idaho Public Employees Retirement System. Such sums shall be used by the Idaho Public Employee's Retirement Board to pay premiums for such group health, accident, and life insurance programs as may be maintained by the state, to the extent of the funds credited to the employee's retirement account pursuant to this section. Upon an employee's death, any unexpended sums remaining in the account shall revert to the sick leave account. *Idaho Code §67-5339.*

Upon the approval of the department supervisors of both the transferring and receiving state employee, or upon the approval of the Administrative District Judge for a judge or Trial Court Administrator, a judicial employee may transfer accrued vacation leave, up to a maximum of five (5) days per fiscal year, to another judicial employee to be used as sick leave in the event the receiving judicial employee or a family member suffers from a serious illness or injury. A judicial employee shall not be allowed to

receive more than twenty (20) days of transferred leave per fiscal year and a transfer shall not be permitted until the receiving judicial employee has exhausted all of his or her accrued sick and vacation leave. A judicial employee shall not be eligible to transfer vacation leave unless his or her vacation leave balance exceeds ten (10) days, and in no event may a judicial employee transfer an amount of accrued leave which would result in a remaining accrued balance in his or her account of less than ten (10) days.

- C. **Compensatory Leave.** Employees who accrue overtime under the FLSA or I.C. 59-1607 shall be entitled to take compensatory time off in lieu of overtime compensation. (*See Overtime, Section IV.D.*) Compensatory time off may not be taken, or for a length of time, which would unduly disrupt the operations of the employee's department. All compensatory time off must be approved and scheduled by the employee's supervisor. Any compensatory time which is unused at the time of termination of employment still eligible for use will be compensated through monetary payment in accordance with the FLSA. 29 U.S.C. §207(o)(4). Employees with compensatory leave under I.C. 59-1607 shall be ineligible for cash compensation for overtime, except where such cash compensation is approved by the Chief Justice as provided in Section IV. D. All accrued compensatory time shall be forfeited at the time of transfer or separation. No employee may accrue more than two hundred forty (240) hours of compensatory time.

Elected officials, the Administrative Director of the Courts, Clerk of the Court, Law Librarian, Staff Attorney, Court Services Director, Information Systems Director, and Trial Court Administrators are ineligible for compensatory time for overtime work. Unused compensatory time balances in excess of two hundred forty (240) hours as of July 1, 2006 shall be forfeited on December 31, 2008. Unused compensatory time balances of two hundred forty (240) hours or less shall be forfeited on December 31, 2006.

- D. **Leaves of Absence.** Leaves of absence, except as specified herein, may be granted only upon recommendation of the supervisor and with the approval of the Supreme Court.
- E. **Holiday Leave.** The following are paid holidays (except for Sundays) and non-judicial days for judicial employees:

Every Sunday;
January 1 (New Year's Day);
Third Monday in January (Martin Luther King, Jr.-Idaho Human Rights Day);
Third Monday in February (Presidents' Day);
Last Monday in May (Decoration Day);
July 4 (Independence Day);
First Monday in September (Labor Day);
Second Monday in October (Columbus Day);
November 11 (Veterans Day);
Fourth Thursday in November (Thanksgiving Day);
December 25 (Christmas Day);

Every day appointed by the president of the United States, or by the governor of this state, for a public fast, thanksgiving or holiday.

In addition, whenever any legal holiday falls on Saturday, the preceding Friday shall be a holiday, and whenever any legal holiday falls on a Sunday, the following Monday shall be a holiday. *Idaho Court Administrative Rule 44.*

- F. Non-Judicial Days.** The first Tuesday after the first Monday in November of every even-numbered year (General Election Day) is a non-judicial Day.

As stated in *Idaho Court Administrative Rule 44*, on non-judicial days, the Idaho courts shall not conduct judicial business and do not have to attend their courts except they may:

- a. Give upon request, instructions to a jury when deliberating on a verdict;
- b. Receive a verdict or discharge a jury;
- c. Issue injunctions and writs of prohibition;
- d. Hear proceedings to recover personal property;
- e. Issue a warrant of arrest or search warrant;
- f. Arraign a defendant as required by law;
- g. Set or modify bail of a defendant;
- h. Issue an order in a domestic violence matter;
- i. Issue any emergency order in any civil or criminal case in the discretion of the district judge or magistrate.

Provided, the office of the Clerk of the Court shall be open to conduct business on a general election day.

- G. Leave as Supplement to Workers' Compensation.** State judicial employees may voluntarily choose to utilize a portion of accrued sick and vacation leave to supplement workers' compensation benefits in order to maintain their normal income level while disabled; provided, however, that such voluntary utilization of accrued sick and vacation leave shall be with the approval and under the direction of the Administrative Director of the Courts, and shall be applied in individual cases as individual circumstances merit. Voluntary utilization of accrued sick and vacation leave to supplement workers' compensation benefits shall be undertaken in conformity with Idaho Code §72-318 and valid orders adopted by the Industrial Commission of the State of Idaho pursuant to that statute. Nothing in this policy shall be construed to be an agreement by an employee to waive his rights to workers' compensation benefits.

- H. Jury / Witness Duty.** State judicial employees are expected to fulfill their civic responsibilities by serving jury duty when required. Eligible employees will be paid their regular salary and will continue to accrue vacation, sick leave, and holiday benefits during jury duty leave. Employees must show the jury duty summons to their supervisor as soon as possible so that the supervisor may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits.

Employees are expected to appear and testify as a witness in their official capacity in a judicial proceeding when requested, or subpoenaed, to testify. Employees testifying in their official capacity will receive paid time off for the entire period of witness duty. Employees will be granted unpaid time off to appear as a witness when not testifying in their official capacity. Employees are free to use

vacation leave to receive compensation for any period of witness duty absence that would otherwise be unpaid. Any subpoena should be shown to the employee's supervisor immediately after it is received so that operating requirements can be adjusted, where necessary, to accommodate the employee's absence. The employee is expected to report for work whenever he or she is released from testifying.

- I. **Military Leave.** State judicial employees who are members of the National Guard or who are reservists in the Armed Forces of the United States and are directed by proper military authority to participate in ordered and authorized field training under the National Defense Act shall receive military leave with pay for a maximum period of fifteen (15) calendar days annually. Part-time employees will be granted military leave with pay in proportion to those hours that they would have worked. Such leave does not affect normal vacation or sick leave in any way. *Idaho Code §46-216.*

State judicial employees who leave a position either voluntarily or involuntarily to perform active military duty and who are relieved or discharged from such duty under conditions other than "dishonorable," shall be, upon application, re-employed in their former position, or a comparable position, without loss of seniority, status or pay. The re-employment application must be made within ninety (90) days after separation from military service or from hospitalization continuing after discharge for a period of not more than one year. *Idaho Code §65-511, 512.*

- J. **Funeral Leave.** State judicial employees are entitled to use sick leave to attend the funeral of their relatives by blood, marriage, or adoption as approved by the employee's supervisor.
- K. **Health Care Leave.** State judicial full-time employees are entitled to leave to facilitate personal or family medical, dental, and optical appointments. Employees shall request approval for health care leave from their supervisors. Such leave shall not exceed twenty-four (24) hours in a calendar year. Every effort should be made to make doctor appointments during non-working hours. Supervisors may ask the employee for verification of appointments at any time. Health Care Leave hours do not carry over from year to year.
- L. **Judges -Administrative Leave.**

(1) When a judge of the Court of Appeals, district judge or magistrate judge is charged with a criminal offense, the Supreme Court may place such judge on paid administrative leave until further order of the Supreme Court.

(2) The Supreme Court may place a judge of the Court of Appeals, district judge or magistrate judge on paid administrative leave if the Supreme Court finds that there is reason to believe that such judge has committed willful misconduct in office, or that such judge has a disability that seriously interferes with the performance of the judge's duties. Such paid administrative leave shall continue until further order of the Supreme Court.

(3) The Supreme Court may place a judge on paid administrative leave under the provisions of this section during or prior to any initial inquiry, preliminary investigation or formal proceedings by the Judicial Council, or any review of the Judicial Council's determination or recommendation by the Supreme Court.

(4) Any judge who is placed on paid administrative leave under the provisions of this section shall not exercise judicial powers during such paid administrative leave, but shall continue to be bound by the Code of Judicial Conduct.

VI. Continuing Training and Education

A. **Judicial Conferences and Seminars.** All judges are encouraged to maintain and improve their professional competence through attendance at educational conferences and seminars. All judges should have the opportunity to attend an out-of-state educational program at least once every three (3) years for programs funded in whole or in part by the Supreme Court. Attendance at an educational program at the request of the Idaho Supreme Court shall not be considered when determining eligibility. New judges are required to attend a comprehensive residential program at the National Judicial College, Reno, Nevada, within six (6) to twenty-four (24) months of appointment. Attendance at all conferences and seminars during normal working hours must be approved in advance. Attendance at a judicial education program is considered a part of the official duties of a judge, and not subject to vacation leave.

1. **State Reimbursed Expenses.** All requests to attend an out-of-state educational program shall first be submitted to the Administrative District Judge, or if delegated by the administrative judge, to the Trial Court Administrator, who will prepare a request. The request shall include the date(s) and description of the program and the date of the last out-of-state educational program attended, as well as estimated expenses. If a judge wishes to attend a program comparable to one offered at the National Judicial College, funding may be authorized up to the amount required for the National Judicial program. Attendance at judicial education programs and conferences outside the continental United States may be approved by the Chief Justice upon a showing of the unique opportunity and benefits to the Idaho judiciary.

The Administrative District Judge, or the Trial Court Administrator, shall review the request to determine if a judge or judges within the district can be assigned to hear the scheduled calendar during the absence of the requesting judge. The Administrative District Judge shall note that determination on the request and forward the request to the Administrative Director with a recommendation.

The Administrative Director shall review the request, the date of the last out-of-state educational program attended, available funds, and the number of judges statewide who have not yet had an opportunity to attend an out-of-state judicial education program.

The Court Services Director shall notify the requesting judge and Administrative District Judge or the Trial Court Administrator of the action taken. If approval is granted, the Court Services Director shall mail a copy of the approved request, along with a letter indicating the options of payment for registration and travel.

Registration and travel arrangements may then be made by the requesting judge in conformity with the Idaho Supreme Court Travel Guidelines. Copies of these guidelines may be obtained from the court services office. Expense vouchers requesting reimbursement for travel, lodging, and meal expenses while attending educational programs shall be submitted in accordance with the

guidelines. Judges shall forward to the Supreme Court a copy of the program agenda and evaluation along with the request for reimbursement of expenses.

Attendance at a judicial education program is considered a part of the official duties of a judge, and not subject to vacation leave.

A limited number of judges at any time shall have the opportunity to participate in the Masters of Judicial Studies program at the National Judicial College or comparable program. Decisions will be based on the trial judge's acceptance into the program, potential for making continued contributions to the judiciary and legal profession, willingness to make every effort to reduce the costs of the program, availability of a judge or judges within the district to hear any scheduled calendars during the absence of the requesting judge, and available funding.

2. **Non-State Reimbursed Expenses.** Judges are also encouraged to take advantage of educational programs other than those funded by the Idaho Supreme Court. If the program and travel expenses are paid for by the individual or some entity other than the Supreme Court, the individual judge shall coordinate with the Administrative District Judge or Trial Court Administrator for calendar coverage. Absence for the purpose of attending a program(s) for more than ten (10) days in a calendar year shall be approved in advance by the Chief Justice.
3. **Educational Conferences and Seminars provided by the Idaho Supreme Court.** Attendance at educational conferences and seminars offered by the Supreme Court is limited to those registered and employees, unless approved in advance by the Chief Justice.

B. Faculty Development Policy. Judges are encouraged to participate in faculty development programs offered by the National Judicial College or other comparable entities. Decisions for funding will be based on the availability of funds and the judge's willingness to serve as faculty at future Idaho judicial education programs.

C. Employee Training and Development. All judicial employees are encouraged to maintain and improve their professional competence through attendance at educational conferences and seminars. All full-time employees (excluding justices and judges) are encouraged to attend educational programs periodically. Attendance at educational programs shall be considered a part of the employee's job duties, and not subject to vacation leave.

Attendance at conferences and seminars must be approved in advance. All requests to attend an educational program shall first be submitted to the departmental supervisor or his or her delegate who will prepare a request form. The request shall include the date(s) and description of the program and the date of the last educational program attended, as well as estimated expenses. The value and benefits of the program to the employee's job performance and the Judicial Branch shall also be stated.

The departmental supervisor, or his or her delegate, shall review the request to determine the date of the last educational program attended, the benefits of the program to the employee's job performance and the Judicial Branch, and if work schedules can be adjusted to permit the absence of the requesting employee. The departmental supervisor shall note that determination on the request, and forward the request to the Administrative Director of the Courts with a recommendation.

The Administrative Director shall review the request, available funds, and the number of employees who have not yet had the opportunity to attend an educational program. The Court Services Director shall notify the requesting employee and departmental supervisor of the action taken.

Employees are also encouraged to take advantage of programs other than those funded by the Judicial Branch. If the program and travel expenses are paid for by the individual or some entity other than the Judicial Branch, the individual shall coordinate with the departmental supervisor for approval, and to schedule absences. Use of work time to attend such programs may be approved if the program enhances the employee's knowledge, skills, and abilities to perform present or future job duties. Flexible arrival and departure schedules may be approved to permit attendance at educational programs.

Employee requests for payment of tuition of college courses by the Judicial Branch may also be submitted to the Administrative Director. The Judicial Branch's payment of tuition for college courses shall be at the discretion of the Judicial Branch, subject to available funds and limited to full-time employees who attend an accredited college or university course that is directly related to the performance of their job position. The employee shall submit all necessary college course documentation to justify their request.

VII. Work Conditions, Payroll, Hours and Reimbursement of Expenses

- A. **Compensation.** Judicial Branch employees are paid monthly. If an employee is not enrolled in the direct deposit program, payroll checks will be distributed or mailed to employees to be received on the first calendar day of the month following the monthly payroll period. Employees hired subsequent to the payroll deadline date set by the State Controller's Office shall not receive a paycheck until the regular payroll period of the following month unless all payroll information has been submitted to the court services office. There shall be no pay advances allowed for any employee.

Pursuant to its constitutional authority to supervise and manage the court system, the Idaho Supreme Court establishes the compensation for each employment position. The Supreme Court sets the compensation for each employment position based upon its skill level, duties, requirements, and other factors. Further, upon a showing of a substantial change in duties and upon recommendation of the

direct supervisor, the Chief Justice may at any time adjust an employee's salary subject to budgetary constraints.

In addition to salary increases or adjustments, employees other than elected officials whose salaries are fixed by law may be granted any of the following by and with the approval of the Supreme Court:

- (1) an award not to exceed two thousand dollars (\$2,000) in any given fiscal year based upon meritorious service;
- (2) an award not to exceed two thousand dollars (\$2,000) in any given fiscal year based upon suggestions or recommendations made by the employee which resulted in taxpayer savings as a result of cost savings or greater efficiencies to the Judicial Branch in excess of the award; or

- (3) award pay for recruitment or retention purposes based upon affirmative certification or meritorious service after completion of at least six (6) months of service.

- B. Salary Affidavits.** In accordance with Article V, Section 17, Idaho Constitution, in order for Justices, Judges, or Court Reporters to receive a paycheck, they must subscribe an oath that there is not in their hands any matter in controversy not decided by them which has been finally submitted for their consideration and determination, thirty days prior to taking and subscribing such oath. It is the policy of the Supreme Court that this oath will be subscribed and submitted to the Court Services Office prior to redeeming their salary warrants.
- C. Payroll Deductions.** The law requires that the Judicial Branch make certain deductions from every employee's compensation. Deductions include income and Social Security taxes, retirement benefits, deferred compensation, health and life insurance benefits, or any other deduction which may be authorized by the employee including those that are deposited directly into banks, credit unions, or insurance companies. Because of the provisions of law requiring Justices, Judges, and Court Reporters to submit a salary affidavit prior to receiving their salary, these persons are required to submit a Vacation Leave Authorization Form indemnifying the State of Idaho with regard to these deductions. If a salary affidavit is not submitted as required, an appropriate amount of vacation leave will be set aside to cover these deductions. If a Justice, Judge, or Court Reporter does not have a sufficient amount of accrued vacation leave for this purpose, they will be required to submit the funds needed to satisfy these obligations. Upon receipt of the salary affidavit, any accrued vacation leave set aside for the payment of these payroll deductions will be reinstated.
- D. Direct Deposit.** Direct deposit into a bank account from the Controller's Office will be allowed for all judicial employees. If a Justice, Judge, or Court Reporter desires to have direct deposit, he or she must agree to submit their salary affidavit to the Supreme Court by the 20th of each month for direct deposit to be completed. If an affidavit is not filed by the 20th of each month, no direct deposit will occur for that month, and a manual payroll warrant will be issued and mailed to the address of record.
- E. Work Schedules.** Supervisors will advise employees of their individual work schedules. Staffing needs and operational demands may necessitate variations in starting and ending times, as well as variations in the total hours that may be worked each day and week. A flexible work schedule, as approved by the department supervisor, is encouraged so long as it does not disrupt the operations of the department or the Judicial Branch.
- F. Reimbursement of Expenses**

Travel Allowances.

All travel must be approved in advance including both in-state and out-of-state travel. The administrative district judge or trial court administrator shall prepare and submit forms for anticipated travel of judges and court employees. Actual travel expenses incurred while traveling on approved, official court business, may be reimbursed after submitting a travel expense voucher (Form #SA-43A).

- 1. Travel Voucher.** To obtain a travel voucher form, or if you have questions regarding a travel expense voucher, or if you have any questions regarding reimbursement of any expenses, please contact the Court Services offices at 334-2248. Travel vouchers must be submitted for reimbursement within ninety (90) days of travel or they may not be reimbursed.

2. Categories of Travel.

- (a) **In-District Travel.** May be reimbursed within guidelines when assigned by the trial court administrator or Supreme Court to hear case(s) and approved in advance.
- (b) **Out-of-District Travel.** May be reimbursed within guidelines when assigned by Supreme Court to hear case(s) and approved in advance.
- (c) **Magistrate Commission Meeting.** May be reimbursed within guidelines when members of the Magistrate Commission are meeting pursuant to Idaho Code 1-2205, 1-2206 and approved in advance.
- (d) **In-State Conferences.** May be reimbursed within guidelines when attending in-state education conferences such as New Judges' Orientation, Magistrate Judges' Institute, District Judges' Seminar, Judicial Conference, and Administrative Conference.
- (e) **Out-of-State Conferences.** May be reimbursed when approved by the administrative director as described in the Out-of-State Education Policy. The attendance must be approved in advance.
- (f) **Committee Meetings.** May be reimbursed within guidelines when attending meetings of judicial or other government committees.

3. Types of Expenses.

- (a) **Automobile Rental.** Automobile rental may be reimbursed when considered the most economical mode of transportation and approved in advance. A receipt must be attached to the travel voucher.
- (b) **Commercial Airfare.** Commercial airfare is reimbursed at the standard rate and may be directly billed to the Court Services Office through the travel agency when approved.
- (c) **Laundry.** Laundry service may be reimbursed if traveling five (5) days or longer away from official work station.
- (d) **Meals.** When traveling, you may be reimbursed for actual meal expenses, including tips and tax, up to the current per diem established by the Supreme Court.

Meal reimbursement at the higher federal allowance, rather than the current per diem, will be allowed in those locations published in IRS Publications. The link to the federal guidelines is:

<http://policyworks.gov/org/main/mt/homepage/mtt/perdiem/perd05d.html>. If you have questions regarding the meal reimbursement, please call the Court Services Office.

A full day of travel is generally considered as leaving your official work station before 8:00 a.m. and returning after 7:00 p.m. If a conference provides a catered meal, you may

not be reimbursed separately for that meal.

Some meal reimbursements are considered a taxable fringe benefit under IRC § 162(a)(2). Taxable reimbursements are defined as any reimbursement an employee receives when there is not an overnight stay away from their home. Meals included in conference registration fees are not considered taxable.

- (e) **Meals (Official Work Station)**. Reimbursement for meals at the official work station is allowed up to the daily limit while attending a meeting or educational program approved in advance.
 - (f) **Mileage**. Mileage may be reimbursed at the rate approved by the Supreme Court, while traveling on work assignments. Mileage must correspond to Idaho Transportation Department maps. Odometer readings may be used if the mileage is not included on the Department of Transportation map.
 - (g) **Parking**. May be reimbursed if you submit a receipt.
 - (h) **Registration Fees**. May be reimbursed if attendance at the education program has been approved in advance by the administrative director. Fees will be reimbursed upon submission of a travel voucher with a receipt or paid directly to the educational program, if requested by attendee.
 - (i) **Rooms**. You may be reimbursed up to the rate established by the Supreme Court for a motel room. Anything over this amount will be the responsibility of the individual. If you have any questions regarding this policy, please call the Court Services Office. Motel receipts must be submitted with the travel voucher, with the room rate indicated on the receipt. All personnel are also instructed to ask for commercial or government rates when traveling on official state business. Personnel traveling with a spouse and/or family members will be responsible for the part of the lodging expense that exceeds the single room rate and for all other charges on the bill. When lodging is billed directly to the Supreme Court, all extra charges must be paid by the traveler upon check out.
 - (j) **Taxi**. Traveler must submit a receipt with the travel voucher for the fare to be reimbursed.
 - (k) **Telephone Calls**. One personal long distance telephone call per day is allowed when traveling away from the official work station.
 - (l) **Tips**. Reimbursement for tips for sky caps, bell hops, etc. is allowed. This authorization does not include tips for meals, which is included in the meal reimbursement.
4. **National Judicial College Policies**. If you are attending a program at the National Judicial College, you will ordinarily stay at the University Inn. If you do not wish to stay at the University Inn, you are responsible for the difference between the amount charged by the University Inn for your room and meals and the accommodations you select. Please note that the University Inn includes five (5) breakfast meals and three (3) dinner meals per week in their customary charge, and that luncheons are served at the National Judicial College.

Therefore, if you are not staying at the University Inn, you may submit a travel voucher for meals and accommodations up to the amount that would have been paid to the University Inn.

Direct any questions concerning why deductions were made from your pay check or how they were calculated, to the Director of Court Services.

- G. **Smoking.** Smoking in any state owned judicial building or facility is prohibited. This policy applies equally to all employees and members of the public.

VIII. Employee Conduct

The Idaho Code of Judicial Conduct guides the conduct of judges and judicial officers. All other employees must follow the Code of Conduct for Non-Judicial Employees, which has been adopted by the Idaho Supreme Court and is set forth in VIII N. Attorneys employed by the Judicial Branch must also conform their conduct to the Model Rules of Professional Conduct for Attorneys. In addition, the following guidelines should be observed by all Judicial Branch officers and employees.

- A. **Political Activity.** Political activity on the part of Supreme Court justices, Court of Appeals judges, district court judges, and magistrate judges is governed by the Code of Judicial Conduct, as approved by the Idaho Supreme Court, and any such additional canons or codes that may be adopted or may be amended from time to time by the Idaho Supreme Court. Political activity of all other judicial employees shall be governed by the Code of Conduct for Non-Judicial Employees.
- B. **Personal Use of Work Time.** Personal use of work time is discouraged and may result in discipline or termination of the employee.
- C. **Personal Conduct.** Employees of the Judicial Branch are to remember that, at all times, their actions will reflect upon the Judicial Branch. They shall avoid impropriety and the appearance of impropriety in their work and personal lives. Employees shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity of the judiciary.
- D. **Attendance and Punctuality.** To maintain an efficient work environment, the Judicial Branch expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the Judicial Branch. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence.
- E. **Conflicts of Interest.** Conflicts of interest on the part of Supreme Court justices, Court of Appeal judges, district court judges, and magistrate judges are governed by the Code of Judicial Conduct and additional canons and codes as may be adopted by the Supreme Court. Conflicts of interest of all other judicial employees are governed by the Code of Conduct for Non-Judicial Employees (see Section VIII, N.). Attorneys employed by the Judicial Branch are also governed by the Model Rules of Professional Conduct for Attorneys.
- F. **Drug and Alcohol Use.** It is the Judicial Branch's desire and intent to provide a drug and alcohol-free,

healthful, and safe workplace. To promote this goal, judicial employees are required to report to work in an appropriate mental and physical condition to perform their job in a satisfactory manner.

While on court premises, no judicial employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs. The legal use of prescribed drugs is permitted on the job only if it does not impair a judicial employee's ability to perform the essential functions of the job effectively and in a safe manner that does not endanger fulfilling their judicial responsibilities or other individuals in the workplace.

Violations of this policy may lead to disciplinary action up to and including immediate termination of employment and/or required participation in a substance abuse, rehabilitation, or treatment program. Such violations may also have other legal consequences.

Judicial employees with questions or concerns about substance abuse or dependency are encouraged to discuss these matters with their supervisor or the Administrative Director of the Courts to receive assistance or referral to appropriate resources in the community. Employees with drug or alcohol problems that have not resulted in and are not the immediate subject of disciplinary action may request approval to take unpaid time off to participate in a rehabilitation or treatment program. Leave may be granted if the judicial employee agrees to abstain from use of the problem substance, abides by all judicial policies, rules, and prohibitions relating to conduct in the workplace, and if granting the leave will not cause the Judicial Branch any undue hardship.

- G. Return of Property.** Employees are responsible for all property, materials, or written information issued to them or in their possession or control. Employees must return all Judicial Branch or state property immediately upon request or upon termination of employment. Where permitted by applicable laws, the Judicial Branch may withhold from the employee's check or final paycheck the cost of any items that are not returned when required. The Judicial Branch may also take all action deemed appropriate to recover or protect state property.
- H. Confidentiality/Nondisclosure.** Judicial Branch employees shall not communicate any confidential information about matters before the courts to any person or entity unless the recipient of the information is a Judicial Branch employee and disclosure of the information is necessary for the performance of one's employment duties. Please also refer to the Code of Judicial Conduct, Model Rules of Professional Conduct for Attorneys, and Code of Conduct for Non-Judicial Employees, as applicable.
- I. Personal Appearance.** Judicial Branch employees shall observe common norms of business attire and grooming while carrying out their duties, and shall refrain from immodest, inappropriate, or outrageous dress or grooming. Judicial employees, when authorized and approved by their supervisor, may dress in a casual manner when their attire will not disrupt or reflect poorly upon the Judicial Branch.
- J. Security/Inspections.** All persons and their belongings which enter a courthouse, law library, or other Judicial Branch facility are subject to warrantless search at any time for the security of all Judicial Branch employees. All threats or perceived threats to the safety or security of any person or any Judicial Branch property shall be immediately reported to the employee's supervisor and the Administrative Director of the Courts.
- K. Solicitation.** Solicitation regarding any non-court business directed toward any Judicial Branch

employee is forbidden during working hours and on state or county property.

- L. **Visitors in the Work Place.** To provide for the safety and security of employees and the facilities of the Judicial Branch, only authorized visitors are allowed in the workplace. Employees are responsible for the conduct and safety of their visitors. If an unauthorized individual is observed on Judicial Branch's premises, employees should immediately notify their supervisor.
- M. **Use of Judicial Branch Equipment.** Telephones, computers, computer files, the Internet, the E-mail system, and software furnished to employees are state or county property intended for business use. However, this equipment and property may be used for personal use consistent with the Judicial Branch's equipment policy, outlined in this section. Employees should not use a password, access a file, or retrieve any stored information without authorization. To ensure compliance with this policy, computer and E-mail usage may be monitored.

The Judicial Branch strives to maintain a workplace free of harassment and sensitive to the diversity of its employees. Therefore, the Judicial Branch prohibits the use of computers, the E-mail system, or its equipment in ways that are disruptive, offensive to others, or harmful to morale. For example, the display or transmission of sexually explicit images, messages, and cartoons is not allowed. Other such misuse includes, but is not limited to, ethnic slurs, racial comments, off-color jokes, or anything that may be construed as harassment or showing disrespect for others. Inappropriate use of Judicial Branch equipment or property can result in an employee's discipline.

The policy of the Idaho Supreme Court for the use of office telephones, fax equipment, the Internet, e-mail, computers and copiers outlined below is designed to guide effective and appropriate use of these resources.

1. **Telephone Communications:** Employees are allowed to use office phones for personal, non-commercial, non-political communications on their personal time, as long as such use does not involve any additional cost to the state or interfere with other office business. Local calls of a personal nature may be made, but any long distance calls must be made collect or made with the use of calling or credit cards.
2. **Faxes:** Like telephones, office fax equipment may be used for personal, non-commercial, non-political communications by employees on their own personal time, as long as such use does not involve any additional cost to the State or interfere with other office business. Local call faxes may be sent from office fax machines. Office fax machines may be used to send long distance faxes when the user reimburses the State through the Court Services Office at twenty-five (25) cents per page. Personal, non-commercial, non-political faxes may be received on office fax machines, as long as they do not consume unreasonable office resources or cause congestion or disruption of office operations.
3. **Internet and Electronic Mail (E-mail):** Personnel of the Idaho Supreme Court are encouraged to use the Internet to its fullest potential to:
 - Further the operation of the judiciary
 - Provide effective service to the public
 - Identify innovative and creative methods to utilize resources and improve service
 - Promote professional development

Personnel may use the Internet to conduct official business. Additionally, the Internet may be used for personal, non-commercial, non-political purposes on personal time. Because a flat fee is paid by the State for all Internet access, no additional costs are incurred through personal use of the Internet. Conversely, personal use of the Internet offers staff an opportunity to develop skills and identify valuable Internet resources. The public and the judiciary benefit by permitting personnel to use their own time to enhance these skills.

4. **General Guidelines for Internet Usage:** The following guidelines are provided to assist personnel in the appropriate use of the Internet and e-mail. Disregard for these guidelines or other improper use of these resources may result in the removal of these resources from a workstation or other appropriate corrective action.

- Users have an obligation to utilize the Internet and communicate via e-mail in a professional and responsible manner, conforming to network etiquette, general office courtesies and behaviors.
- Each user is individually responsible for the content of any communication sent via e-mail or placed on the Internet.
- Users are not allowed to download onto State-owned computers executable files or application software (including, but not limited to, utility software, freeware, and shareware) without obtaining prior authorization from the Director of Information Systems. If authorization for a download is approved, the download must be made to diskette to allow for the checking of the file for viruses.
- Users shall respect applicable copyright and software licensing agreement.

5. **Inappropriate Conduct or Use of Internet and E-Mail**

- Use of the Internet or e-mail that violates United States or Idaho laws.
- Use of the Internet or e-mail to transmit or obtain threatening, obscene, harassing or malicious materials.
- Use of abusive or objectionable language in either public or private messages.
- Misrepresentation of oneself or the Idaho Supreme Court.
- Activities or uses that may cause congestion or disruption of networks or systems including, but not limited to, such activities as the distribution of chain letters or unsolicited advertising.
- Use of the Internet or e-mail for commercial or political purposes.

To ensure compliance with these policies, a department supervisor may request that the Director of Information Services monitor Internet and e-mail usage of staff suspected of abusing these resources.

6. **Personal Computers or Network Workstations:** Personal computers, network workstations, and their attendant software provided to personnel of the Idaho Supreme Court are state property. Personnel may use their personal computers or workstations for personal, non-commercial, non-

political purposes on their personal time. Such use offers personnel the opportunity to develop skills and familiarity with software that ultimately benefits the operation of the judiciary.

7. **General Guidelines:**

- Only approved software may be used on personal computers. The installation of other

- software, including screen savers and entertainment software, on a personal computer is allowed only if prior approval is obtained from the Director of Information Services
- Personnel recognize that all files stored on their personal computers or network servers are not private and may be examined.
 - Personnel are prohibited from duplicating software and related documentation provided on State-owned computers or workstations.
8. **Copiers:** Personnel may use office copiers for personal, non-commercial, non-political purposes on their personal time as long as such use does not cause a disruption to office operations. Users must keep track of the number of copies made and reimburse the State through the Court Services Office at five (5) cents a copy.
9. **Color Printer:** A color printer is available in the Supreme Court building. Due to its special configuration, all requests for printing color copies should be directed to the Court Services Office, for scheduling and reimbursement costs.
10. **Distance Learning Equipment:** Distance learning equipment is available in the Supreme Court building. All requests for use of the distance-learning equipment should be directed to the Court Services Office, for scheduling and for reimbursement costs.

N. Code of Conduct for Non-Judicial Employees

1. **Abuse of Position**

- a. No employee shall use or attempt to use his or her official position to secure unwarranted privileges or exemptions for the employee or others.
- b. No employee shall accept, solicit, or agree to accept any gift, favor or anything of value based upon any understanding, either explicit or implicit, that the official actions, decisions or judgment of any employee would be influenced thereby. Gifts that do not violate this prohibition against abuse of position are further regulated in Section Three, Subsection B.6.
- c. No employee shall discriminate by dispensing special favors to anyone, whether or not for remuneration, nor shall any employee so act that the employee is unduly affected or appears to be affected by kinship, rank, position or influence of any party or person.
- d. No employee shall request or accept any fee or compensation, beyond that received by the employee in his or her official capacity, for advice or assistance given in the course of his or her public employment.
- e. Each employee shall use the resources, property and funds under the employee's official control judiciously and solely in accordance with prescribed statutory and regulatory procedures.
- f. Each employee shall immediately report to the appropriate authority any attempt to induce him or her to violate any of the standards set out above.

2. Confidentiality

- a. No employee shall disclose to any unauthorized person for any purpose any confidential information acquired in the course of employment, or acquired through unauthorized disclosure by another.
- b. Confidential information includes, but is not limited to, information on pending cases that is not already a matter of public record and information concerning the work product of any judge, law clerk, staff attorney or other employee including, but not limited to, notes, papers, discussions and memoranda.
- c. Confidential information that is available to specific individuals by reason of statute, court rule or administrative policy shall be provided only by persons authorized to do so.
- d. Every employee shall report confidential information to the appropriate authority when the employee reasonably believes this information is or may be evidence of a violation of law or of unethical conduct. No employee shall be disciplined for disclosing such confidential information to an appropriate authority.
- e. Supervisors should educate employees about what information is confidential and, where appropriate, should designate materials as confidential.
- f. Employees are not precluded from responding to inquires concerning court procedures, but an employee shall not give legal advice. Standard court procedures, such as the method for filing an appeal or starting a small claims action, should be summarized in writing and made available to litigants. All media requests for information should be referred to the employee designated for that purpose.
- g. No employee shall either initiate or repeat ex parte communications from litigants, witnesses or attorneys to judges, jury members or any other person.
- h. A former employee should not disclose confidential information when disclosure by a current employee would be a breach of confidentiality.

3. Conflict of Interest

- a. Every employee shall avoid conflicts of interest, as defined below, in the performance of professional duties. Even though no misuse of office is involved, such a conflict of interest involving an employee can seriously undermine the community's confidence and trust in the court system. Therefore, every employee is required to exercise diligence in becoming aware of conflicts of interest, disclosing conflicts to the designated authority and ending them when they arise.
 - (1) A conflict of interest exists when the employee's objective ability or independence of judgment in the performance of his or her job is impaired or may reasonably appear to be impaired or when the employee, or the employee's immediate family, as defined below, or business would derive financial gain as a result of the employee's position within the court system.

- (2) No conflict of interest exists if any benefit or detriment accrues to the employee as a member of a profession, business or group to the same extent as any other member of the profession, business or group who does not hold a position within the court system.
- (3) For the purposes of this Code, "immediate family" shall include the following, whether related by marriage, blood or adoption: spouse; dependent children; brother; sister; parent; grandparent; grandchildren; father-in-law, mother-in-law; son-in-law, daughter-in-law; stepfather, stepmother; stepson, stepdaughter; step-brother, stepsister; half-brother, half-sister.

b. Prohibited Activities:

- (1) No employee shall enter into any contract with the court system for services, supplies, equipment, leases or realty, apart from the employment contract relating to the employee's position, nor use that position to assist any member of his or her immediate family in securing a contract with the court system in a manner not available to any other interested party.
- (2) No employee shall receive tips or other compensation for representing, assisting or consulting with parties engaged in transactions or involved in proceedings with the court system.
- (3) No employee shall participate in any business decision involving a party with whom either the employee or any member of the employee's immediate family is negotiating for future employment.
- (4) No former employee shall engage in transactions or represent others in transactions or proceedings with the court system for one (1) year after termination of employment in any matter in which the former employee was substantially involved or in any dealings with offices or positions that the former employee once held.
- (5) No employee shall knowingly employ, advocate or recommend for employment any member of his or her immediate family within the judicial branch.
- (6) No employee shall solicit, accept or agree to accept any gifts, loans, gratuities, discounts, favors, hospitality or services under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the employee in the performance of official duties.
 - (a) Nothing in this section shall prohibit an employee from accepting a public award presented in recognition of public service.
 - (b) Nothing in this section shall prohibit an employee from receiving a commercially reasonable loan made as part of the ordinary transaction of the lender's business.
 - (c) Nothing in this section shall prohibit any person from donating a gift to a group of employees, e.g. all the employees of an office or unit of the court system, provided that the value and circumstances of the gift are such that it could not be reasonably inferred that the gift would influence the employees in the performance of their

official duties or that such influence was the purpose of the donor, and provided that any employee accepting such a gift promptly reports the gift to the supervisor, who shall be responsible for its proper distribution. Gifts received with the understanding that they will influence employees' official actions, decisions or judgments are prohibited as abuse of office in Section One, Subsection B.

- (d) Nothing in this section shall prohibit any person or group from donating a gift of historical or other significant value that is given for the benefit of the court system, provided that such a gift is received on behalf of the court system by the appropriate designated authority.
- c. Each full-time employee's position with the court system must be the employee's primary employment. Outside employment is permissible only if it complies with all the following criteria:
- (1) The outside employment is not with an entity that regularly appears in court or conducts business with the court system, and it does not require the employee to have frequent contact with attorneys who regularly appear in the court system; and
 - (2) The outside employment is capable of being fulfilled outside of normal working hours and is not incompatible with the performance of the employee's duties and responsibilities; and
 - (3) The outside employment does not require the practice of law; and
 - (4) The outside employment does not require or induce the employee to disclose confidential information acquired in the course of and by reason of official duties; and
 - (5) The outside employment shall not be within the judicial, executive or legislative branch of government without written consent of both employers; and
 - (6) Where a conflict of interest exists or may reasonably appear to exist or where the outside employment may reflect adversely on the integrity of the court, the employee shall inform the appropriate designated authority prior to accepting the other employment.

4. Political Activity

- a. Each employee retains the right to vote as the employee chooses and is free to participate actively in political campaigns during non-working hours. Such activity includes, but is not limited to, membership and holding office in a political party, campaigning for a candidate in a partisan election by making speeches and making contributions of time or money to individual candidates, political parties or other groups engaged in political activity. An employee who chooses to participate in political activity during off-duty hours shall not use his or her position or title within the court system in connection with such political activities.
- b. With the exception of officers of the court who obtain their position by means of election, no employee shall be a candidate for or hold partisan elective office. With the same exception, an employee who declares an intention to run for partisan elective office shall take an unpaid leave of absence upon the filing of nomination papers. If elected, he or she shall resign. An

employee may be a candidate for non-partisan elective office or may be appointed to a non-partisan office without separating from employment, provided that the employee complies with the requirements in this Code concerning performance of duties, conflicts of interest, etc.

- c. No employee shall engage in any political activity during scheduled work hours, or when using government vehicles or equipment, or on court property. Political activity includes, but is not limited to:
 - (1) Displaying campaign literature, badges, stickers or vehicle bumper stickers, signs or other items of political advertising on behalf of any party, committee, agency or candidate for political office;
 - (2) Using official authority or position, directly or indirectly, to influence or attempt to influence any other employee in the court system to become a member of any political organization or to take part in any political activity;
 - (3) Soliciting signatures for political candidacy or political issues;
 - (4) Soliciting or receiving funds for political purposes.
- d. No employee shall discriminate in favor of or against any employee or applicant for employment on account of political contributions or permitted political activities.

5. Performance of Duties

- a. Every employee shall endeavor at all times to perform official duties properly and with diligence. Every employee shall apply full-time energy to the business and responsibilities of the employee's office during working hours.
- b. Every employee shall carry out responsibilities as a servant of the public in as courteous a manner as possible.
- c. Every employee shall maintain or obtain current licenses or certificates as a condition of employment as required by law or court rule.
- d. No employee shall alter, falsify, destroy, mutilate, backdate or fail to make required entries on any records within the employee's control. This provision does not prohibit alteration or expungement of records or documents pursuant to a court order.
- e. No employee shall discriminate on the basis of nor manifest, by words or conduct, bias or prejudice based on race, religion, national origin, gender, sexual orientation or political affiliation in the conduct of service to the court.
- f. No employee shall give legal advice or recommend the names of private attorneys.
- g. No employee shall refuse to enforce or otherwise carry out any properly issued rule or order of court, nor shall employees exceed that authority. No employee shall be required to perform any duties outside the scope of the assigned job description.

- h. Every employee shall immediately report violations of this Code to the appropriate designated authority.
- i. Employees who are law students, attorneys or members of other professional groups are also bound by the appropriate professional duties of those roles.

6. Supervisors

- a. Supervisors regularly shall update their education.
- b. Supervisors shall require employees subject to their direction and control to observe the ethical standards set out in this Code.
- c. Supervisors shall diligently discharge their administrative responsibilities, maintain professional competence in judicial administration and facilitate the performance of other court employees.
- d. Supervisors shall take action regarding any unethical conduct of which they may become aware, initiating appropriate disciplinary measures against an employee for any such conduct and reporting to appropriate authorities evidence of any unethical conduct by judges or lawyers.
- e. Supervisors shall not act as leaders in or hold office in any political organization, make speeches for any political organization or publicly endorse a candidate for political office.

- O. Safety.** Each employee is expected to obey safety rules and to exercise caution in all work activities. Employees must immediately report any unsafe condition to the department supervisor. Employees who violate safety standards, who cause hazardous or dangerous situations, or who fail to report or, where appropriate, remedy such situations, may be subject to disciplinary action, up to and including termination of employment.

In the case of accidents that result in injury, regardless of how insignificant the injury may appear, employees should immediately notify the appropriate supervisor and Court Services Director. Such reports are necessary to comply with laws and initiate insurance and workers' compensation benefits procedures.

IX. Employee Discipline

- A. Some Grounds for Discipline or Termination.** To ensure orderly operations, superior performance of duties, and provide the best possible work environment, the Judicial Branch expects its employees to follow rules of conduct that will advance and protect the interests and safety of all employees of the Judicial Branch.

It is not possible to list all the forms of behavior that are considered unacceptable in the workplace. The following are examples of conduct that is deemed unacceptable:

1. Theft or inappropriate removal or possession of property.
2. Falsification of timekeeping or other employee records.
3. Working under the influence of alcohol or illegal drugs, or testing positive for alcohol or illegal drugs while on the job, regardless of when or where the exposure to such alcohol or drugs occurred.
4. Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment.
5. Fighting or threatening violence in the workplace.
6. Boisterous or disruptive activity in the workplace.
7. Negligence or improper conduct leading to damage of employer-owned or public-owned property.
8. Insubordination or other disrespectful conduct.
9. Violation of the applicable Code of Conduct for Non-Judicial Employees or other rules governing employee conduct.
10. Smoking in prohibited areas.
11. Sexual or other unlawful or unwelcome harassment.
12. Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace, with the exception of judicial officers authorized to carry concealed weapons.
13. Excessive absenteeism or any absence without notice.
14. Unauthorized absence from work station during the workday.
15. Unauthorized use of Judicial Branch resources or equipment.
16. Unauthorized disclosure of confidential information.
17. Violation of the policies set forth in this Handbook or those incorporated by reference.
18. Unsatisfactory job performance or conduct.

The above-stated list of grounds for employee discipline or termination does not include all, or even most, of the possible grounds for employee discipline or termination. By setting forth the above-stated grounds, the Judicial Branch in no way limits its discretion to discipline or terminate employees for other grounds, or for no grounds at all in the case of at-will employees. The above-stated policies regarding employee discipline and termination do not modify either the at-will nature of employment for at-will employees, nor the for-cause nature of the employment of for-cause employees.

- B. Progressive Discipline.** The purpose of this policy is to state the Judicial Branch's position on administering equitable and consistent discipline for unsatisfactory conduct in the workplace. The best disciplinary measure is the one that does not have to be enforced and comes from good leadership and fair supervision at all employment levels. The Judicial Branch's own best interest lies in ensuring fair treatment of all employees and in making certain that disciplinary actions are prompt, uniform, and impartial. The major purpose of any disciplinary action is to correct the problem, prevent recurrence, and prepare the employee for satisfactory service in the future. The Judicial Branch may use progressive discipline at its discretion; but it reserves the right to forego progressive discipline and to carry out any disciplinary actions it deems appropriate.

Disciplinary action may call for any of four steps—verbal warning, written warning, suspension with or without pay, or termination of employment—depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed. If progressive discipline is applied, these steps will normally be followed: a first offense may call for a verbal warning; a next offense may be followed by a written warning; another offense may lead to a suspension; and, still another offense may then lead to termination of employment.

The Judicial Branch recognizes that there are certain types of employee problems that are serious

enough to justify either a suspension or, in serious situations, termination of employment, without going through the usual progressive discipline steps. While it is impossible to list every type of behavior that may be deemed a serious offense, those disciplinary grounds set forth include examples of problems that may result in immediate suspension or termination of employment. However, the problems listed are not all necessarily serious offenses, but may be examples of unsatisfactory conduct that will trigger progressive discipline. By using progressive discipline, we hope that most employee problems can be corrected at an early stage, benefiting both the employee and the Judicial Branch. However, the Administrative Employees who are found to have committed a violation of the policies of this Handbook shall not be subject to disciplinary suspensions without pay (except for major safety violations) shorter in duration than a full work week as mandated by the FLSA.

X. Informal Dispute Resolution

It is recognized that in the course of employment disputes or issues may arise. The Supreme Court encourages judicial employees to attempt to informally resolve employment disputes or issues with their supervisor or other employee or individual involved. In the event an employment dispute or issue cannot be informally resolved, a judicial employee is free to pursue a resolution of the matter pursuant to the Formal Grievance Procedures set forth in Section XI of this Manual.

XI. State Judicial Employee Grievance Procedures

- A. **Disclaimer of Contract Rights.** These procedures are informal, and they may vary with individual situations. These procedures create no additional employee rights and may not form the basis of any claim in law or equity.
- B. **Purpose.** The peaceful resolution of employee grievances and discipline actions is in the best interest of the judiciary, the employee, and the public. Minimizing work disruption enhances the productivity of the judiciary. A grievance procedure furthers these interests.
- C. **Principles.** These grievance procedures will be governed by the principles of fairness and due process to all employees.
- D. **Eligibility to File Grievance.** All state judicial employees have the right to file a written grievance over any work-related matter, except the following:
1. Compensation, except as to alleged inequities within the judicial branch; and,
 2. Termination for failure to complete satisfactorily the entrance probationary period.

GRIEVANCES ALLEGING DISABILITY DISCRIMINATION OR SEXUAL HARASSMENT SHOULD BE PURSUED AS OUTLINED IN THE COURT'S ADA POLICY OR ANTI-SEXUAL HARASSMENT POLICY.

- E. **Grievance and Appeal Process.** The steps describing the grievance procedure are described below.

Step 1. The employee shall submit a written statement of grievance on the form shown in the Handbook appendix to the department supervisor unless the grievance specifically concerns the employee's department supervisor, and, in such instance, the grievance form may be submitted to the

Administrative Director of the Courts and processed under Step 2. The grievance form should contain a complete statement of the grievance, the facts on which it is based, the remedy the employee desires, any rule, regulation, statute, or agreement the employee feels was violated, and shall be signed and dated by the employee. The grievance must be submitted in writing within seven (7) days of the subject of the grievance. The department supervisor shall attempt to settle the grievance informally with the

participation of the employee. The employee shall be provided with a written statement of any decision made by the department supervisor.

Step 2. If the grievance is not settled between the employee and the department supervisor, the employee can appeal in writing to the Administrative Director of the Courts within fourteen (14) days of receipt of the written statement of the decision of the department supervisor. The Administrative Director will review the written grievance and has the discretion, but shall not be required, to appoint a hearing officer and hold a hearing. In the event a hearing is held, the employee shall receive written notice of the time and place and the employee has the right to be present and to be represented by counsel at the employee's own expense. The Administrative Director shall give a written notice to the employee of what action shall be taken on the employee's grievance, setting forth the reasons for such action.

Step 3. If the employee does not accept the decision of the Administrative Director, the employee may appeal to the Chief Justice of the Idaho Supreme Court within fourteen (14) days of receipt of the Administrative Director's written notice of the action taken on the employee's grievance. The Chief Justice may request that additional information be submitted by any party to the dispute, and any party to the dispute may submit additional written information or evidence pertaining to the dispute with the permission of the Chief Justice, but no evidentiary hearings shall be held. The Chief Justice shall make a final determination as to the resolution of the dispute and the action to be taken, and shall provide a written statement of that determination to the employee and to the Administrative Director. Any determination by the Chief Justice shall be final and conclusive.

- F. **Mediation.** The Administrative Director of the Courts may require that any grievance that comes before him or her be directed to mediation. The mediator shall be selected by the Administrative Director and the Judicial Branch shall bear the costs of such mediation. In the event the grievance is not resolved by the mediation, the employee may proceed to the next step in the grievance process.
- G. **Personnel Record.** The result of all grievances or appeals will be documented and placed in the employee's personnel file. All records of grievances and appeals, and all information gathered or submitted during grievance procedures and appeals, are confidential to the extent provided by Rule 32 of the Idaho Court Administrative Rules.
- H. **Denial or Harassment Prohibited.** No judicial employee shall deny an eligible employee the opportunity to file a grievance or subject an eligible employee who has or is about to file a grievance to threats, duress, harassment or any overt or covert acts of reprisal.
- I. **Termination of Grievance.** Failure of an employee to proceed as described in these policies shall terminate the employee's access to the grievance procedure.

XII. Provisions Governing Court Reporters

All provisions of the Idaho Judicial Branch Employees Handbook, including all appendices, apply to district court reporters to the extent they are not in conflict with the provisions of this section.

- A. **Appointment.** District court reporters are appointed by individual district judges, pursuant to Section 1-1101, Idaho Code. District court reporters work under a strict code of confidentiality and serve at the pleasure of the appointing district judge and subject to assignment by the Administrative District Judge to attend court proceedings and perform the duties set forth in Rule 27 of the Idaho Court Administrative Rules.
- B. **Minimum Qualifications.** Pursuant to the Certified Shorthand Reporters Act, Idaho Code Section 54-3101, et seq., a district court reporter must be a certified shorthand reporter, as defined in the act, and must have any additional qualifications as the Supreme Court may prescribe by rule.

The appointment of a state district court reporter who is not a certified shorthand reporter may be made on a temporary basis according to the qualifications for temporary certification set forth in the Certified Shorthand Reporters Act if the appointee has graduated from an accredited high school or has had an equivalent education and supplies proof of having been licensed in another state as a certified shorthand reporter, or its equivalent, or has otherwise demonstrated proficiency by a certificate from an agency of another state [or has graduated from a National Shorthand Reporter Association (NSRA) approved school and meets the experience requirements established by the Certified Shorthand Reporters Board]. In the event a person who is not a certified shorthand reporter is appointed as district court reporter, such reporter must make application for regular certification under Section 54-3101, Idaho Code, within thirty (30) days of such appointment. If the reporter fails to obtain certification as a certified shorthand reporter by the second subsequent consecutive examination date by reason of the reporter's failure to pass the necessary examination, or otherwise, then such person shall be removed as district court reporter and shall not be eligible for reappointment until the reporter obtains a regular certificate as a certified shorthand reporter.

Upon the request of the appointing district judge or the Administrative Director of the Courts, or on its own motion, the Supreme Court may require that a district court reporter appointed on a temporary basis in accordance with Section 54-3104, Idaho Code, be required to pass a special examination to be administered by the Idaho Certified Shorthand Reporters Board in order to continue in said appointment on a temporary basis.

In addition to the minimum qualifications for appointment, it is desirable that a district court reporter have experience as a shorthand reporter in recording and transcribing verbatim proceedings of judicial or quasi-judicial hearings, conferences and meetings.

- C. **Expenses.** Expenses of District Court Reporters are governed by the provisions of Rule 26, Idaho Court Administrative Rule (I.C.A.R.).
- D. **Discipline.** In addition to serving at the pleasure of the appointing judge, if a temporary or regular certified shorthand reporter certificate is suspended or revoked by the Idaho Certified Shorthand Reporters Board, the district court reporter will be removed and discharged immediately. Additionally,

the Supreme Court retains the inherent and overriding authority to remove and/or discipline any district court reporter as may be required for the management of court operations or in the interests of justice.

- E. Merit Awards.** The Court may award merit funds to court reporters based on the following criteria:
- (1) Affirmative certification by the supervising district judge of meritorious service;
 - (2) Reports prepared by the Clerk of the Supreme Court, reviewing the status of all transcripts and pending appeals, to ensure court reporters are current on appellate transcript work; and
 - (3) Reports by the Administrative District Judge and Trial Court Administrator that the court reporter has willingly and regularly made himself/herself available to additional assignments, to attend court proceedings as needed within the judicial district.

APPENDIX TO

IDAHO JUDICIAL BRANCH

EMPLOYEE HANDBOOK

- 1. SEXUAL HARASSMENT COMPLAINT FORM**
 - 2. GRIEVANCE FORM**
 - 3. ADA COMPLAINT FORM (EMPLOYEE)**
 - 4. ADA COMPLAINT FORM (NON-EMPLOYEE)**
 - 5. TRAVEL EXPENSE VOUCHER - FORM #SA-43A**
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GRIEVANCE FORM

To: (Name of Supervisor)	
Date:	
Name:	
Department/Position:	
Please describe the basis and nature of your grievance (you may use the back of this form or another sheet of paper, if necessary):	
Please set forth any rule, regulation, statute or agreement which you allege was violated:	
Please set forth the remedy you desire to resolve your grievance:	
Signature of Complainant:	

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GRIEVANCE FORM

AMERICANS WITH DISABILITIES ACT Employee Complaint Form

To:	Administrative Director of the Courts
Date:	
Name:	
Department/Position:	
Describe Disability:	
Expected Duration of Disability:	
Physical/Mental Limitations:	
Effect Upon Job Duties:	
Requested Accommodation(s):	
Physician:	
Physician's Telephone No.:	
Signature of Complainant:	

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AMERICANS WITH DISABILITIES ACT Non-Employee Complaint Form

To:	Administrative Director of the Courts
Date:	
Name:	
Address:	
Telephone Number:	
Describe Disability:	
Physical/Mental Limitations:	
Describe Discrimination: <i>(include names, dates, and Nature of acts or omissions)</i>	
Requested Accommodation(s):	
Physician:	
Physician's Telephone No.:	
Signature of Complainant:	

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WHITE - Auditor
PINK - Agency

TRAVEL EXPENSE VOUCHER

FOR VALUE RECEIVED I HEREBY ASSIGN ALL RIGHTS AND
TITLE IN THE FOLLOWING CLAIM
ROTARY FUND# 0855 DRAFT # _____

AGENCY NAME Judicial Branch	AGENCY CODE
--------------------------------	-------------

CLAIMANT'S SIGNATURE _____

PLEASE CHECK APPROPRIATE CLASSIFICATION:

SUPREME COURT [] **LAW LIB** [] **DISTRICT** [] **MAGISTRATE** []

JUD COUNCIL [] **COA** [] **SRBA** [] **GRANT/OTHER** []

CLAIMANT'S NAME		OFFICIAL HOME STATION
PRIVATE VEHICLE LICENSE NO.	STATE VEHICLE LICENSE NO.	CLAIMANT'S SOC. SEC. NO.

PURPOSE OF TRAVEL:

I HEREBY CERTIFY THAT THE TRAVEL SERVICES OR SUPPLIES SET OUT IN THE VOUCHER ARE CORRECT AND JUST AND THAT I HAVE NOT RECEIVED PAYMENT.

CLAIMANT'S SIGNATURE _____

DATE	FROM	TO	LEAVE	ARRIVE	MEALS	LODGING	MILES	COMMENTS

MISCELLANEOUS EXPENDITURES	AMOUNT
Tips	
Parking	
TOTALS:	

CURRENT DOCUMENT NO. _____

SFX	TC	SUB-OB	AMOUNT	RVS	PCA
TOTALS:					

MODE OF TRAVEL	AMOUNT
COMMERCIAL AIRFARE	
PRIVATE VEHICLE (X 0.585)	
TRAIN, BUS	
TAXI	
STATE CAR (GAS, OIL)	
OTHER	
TOTALS:	

AGENCY APPROVAL _____