SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN JOAQUIN

PERSONNEL RULES

REVISED AND ADOPTED

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SECTION 1 - CLASSIFICATION AND COMPENSATION

A. Classification of Positions

Each position in the classified service shall be classified after recommendation of the Court Executive Officer and approval of the Presiding Judge and shall be allocated to the appropriate class in accordance with the character, difficulty and responsibility of its assigned duties. Positions shall be allocated to the same class when their duties are sufficiently similar that:

a. The same descriptive title may be used to designate each position in the class.

b. The same level of education, experience, knowledge, ability and other qualifications may be required of incumbents.

c. Similar tests of fitness may be used to select incumbents.

d. The same schedule of compensation will apply equitably under substantially the same employment conditions.

The class titles established in the Classification Plan shall be used in all official records of the Court relating to personnel transactions. This does not preclude the use of working titles for other purposes.

B. Amendment and Maintenance of Classification Plan

Whenever one or more new positions are to be established or whenever because of any change in organization or method a significant change in the duties or responsibilities of any existing position is to be made which requires the amendment to the Classification Plan, such revision and amendment of the Classification Plan shall be made in the manner as provided by this section.

a. Whenever a manager determines that a significant change has been made in the duties and responsibilities of an existing position, he/she shall forthwith report the significant facts in writing to the Director. Thereupon the Director shall make a study of the duties and responsibilities of any such position and of the qualifications required for filling the same, and of the relationship of such positions to other classes of positions in the Classification Plan.

b. The Director, upon written request of the Manager, or any employee, or upon his/her own initiative, may review the allocation of any existing position.

c. Whenever a new position is created and it is classified before it is occupied, such position shall be subject to review to determine if it is correctly classified after the position is occupied.

d. Upon completion of such review or study, the Director shall render a full report of his findings to the Court Executive Officer. The Court Executive Officer shall have the authority to determine whether the duties of any existing or proposed position have been changed, added to or eliminated, and shall allocate the position to a different class or maintain the allocation of the position to the same class, and if appropriate, shall make changes that should be made in the salary schedules affected. The manager and the incumbents of the positions so acted upon shall be notified of the Court Executive Officer's actions or recommendations within ten days.

e. The manager or the incumbent may appeal such allocation in writing to the Presiding Judge not later than its next regularly scheduled meeting following the date of the allocation at which time the Presiding Judge shall set a hearing for the appeal. Upon hearing of the appeal and upon sustaining or denying the appeal, or in the absence of the appellant, the allocation of the Presiding Judge shall be final and a classification review of the position shall not be requested by the manager or the incumbent for a period of one year from the date of the final action by the Presiding Judge unless the manager shall have first certified in writing to the Presiding Judge any significant changes that have been made in the duties and responsibilities assigned to the position. The Presiding Judge shall take the certification under advisement and determine whether the changes in duties and responsibilities are so significant that a classification review of the position is warranted prior to the one-year limitation set forth in this rule. The determination of the Presiding Judge shall be final.

f. Whenever a position is reallocated to a different class, the incumbent may continue in the position only if he meets the minimum qualifications established for the latter (different) class and passes the examination which may be required by the Director of Human Resources. Whenever such reallocation is made because of a change in duties which is found by the Presiding Judge to have not been reported as required by Section 2, Paragraph (a) of this rule, the incumbent may continue in the position only in accordance with the rules governing original appointments, promotions, transfer, or demotion to a position in the class to which the position is reallocated.

C. Class Specifications

The Court Executive Officer or designee shall prepare and maintain a written specification for each class of positions in the Courts, which, when approved and adopted by the Courts, shall constitute the official specifications of classes in the Court service. The official copy of the specifications for each class of positions shall be maintained in Human Resources and shall indicate the date of adoption of the last revision or amendment.

The specifications shall include: The class title, a brief description of the scope, nature and responsibility of the class; a description typical, but not necessarily restrictive, of tasks or

duties ordinarily performed in the positions allocated to the class; a statement of education, experience, knowledge, skills, abilities, and additional factors or features considered necessary.

Specifications are not restrictive and shall not be construed as declaring that duties and responsibilities shall not be changed or that the Court may not temporarily assign other duties and responsibilities to or otherwise direct and control the work of employees under his supervision.

SECTION 2 - DEFINITIONS

For purposes of this policy, the following terms shall have the meanings indicated:

1) Regular Employee – An employee occupying an allocated position, which is filled through the recruitment, selection and promotion policy.

2) Probationary employee – A regular employee who is serving a probationary period, either initial or as a result of a promotion.

3) Contract employee – An employee hired under a contract between the court and the employee. Contract employees generally perform work for a grant funded program of limited duration, or perform specialized work. Contract employees are not regular employees and are exempt from this recruitment process.

4) Part-time employee – An employee who is working less than three-quarters time (defined as less than 1560 hours in a calendar year) in a position that is ongoing in nature and anticipated to exceed six months' duration.

5) Temporary employee – An employee hired into a position which is either seasonal in nature (not to exceed seven months in a calendar year) or who covers peak workloads or regular employee absences (not to exceed nine months in a calendar year) in a position which is not ongoing in nature.

6) Confidential employee – Any employee who is required to develop or present management positions with respect to employer-employee relations or if in the regular course of his/her duties, employee has access to or possesses information relating to his/her employer's employer-employee relations. Those classifications that are confidential are included in the Confidential representation unit.

7) Managerial employee – Any employee in a position having significant responsibility for formulating Court policies or administering Court programs.

8) Supervisory employee – Any employee, regardless of job description, having authority in the interest of the Court to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to assign work to and direct them, or to adjust their grievances, or effectively

recommend such action, if, in connection with the foregoing functions, the exercise of such authority is not merely routine or clerical in nature, but requires the use of independent judgement.

SECTION 3 – RECRUITMENT AND SELECTION

Recruitment, selection, and promotion decisions will be made on the basis of the applicants' relative ability, knowledge, and skills. Such decisions will be made without regard to race, color, religion, gender, national origin, ancestry, citizenship, age, marital status, physical disability, mental disability, medical condition, sexual orientation, or any other basis protected by law, or on the basis of a perception that an individual has any characteristic protected by law, or on the basis of a perception that an individual is associated with a person who has, or is perceived to have, any of these characteristics.

The court executive officer or designee shall be responsible for ensuring that formal job-related selection processes are used when filling positions. Selection procedures shall conform to all applicable federal and state laws and regulations. The Court may use contractors or consultants as necessary.

Initial appointment shall be through an open, competitive process. In such situations, and where the court determines that two or more applicants' qualifications for the position are equal, preference shall be given to the internal candidate(s). For positions that were subject to the San Joaquin County Civil Service hiring rules prior to January 1, 2001, the procedures below will govern the hiring process. For positions that were exempt from that process prior to January 1, 2001, the Court will continue to follow its current processes for filling such vacancies.

A. Filing of Applications

No candidate shall be admitted to an examination unless that candidate has prepared and filed an application for the examination on a form approved by the Court, and the application has not been rejected for cause in accordance with the provisions of these rules. Unless otherwise noted in the examination announcement, applications must be filed with the Court not later than the final filing date or extension thereof prescribed in the examination announcement. If mailed, the envelope must bear a post mark before midnight of that date. If faxed or e-mailed, the application must be transmitted to the Court by the close of business on the final filing date. The Court Executive Officer may determine specific locations for filing of applications, and may require the application to be transmitted in person rather than by mail, facsimile, etc., by incorporating such requirement in the examination announcement. The applicant shall certify as to the correctness of all statements made on his application.

B. Health and Physical Ability

The Court may establish medical and physical standards for the various classes of positions in the Courts. Each applicant or eligible shall be required to meet the medical and physical standards prescribed by the Court and may be required to take a mental examination,

physical examination, or both mental and physical examination to determine whether or not he or she meets such standards; provided, however, that the Court Executive Officer may allow appointment without such examination in the case of a temporary appointment or in the event it is impractical for the Court to provide such an examination. The Court shall designate the physician to make such examination. If the applicant or eligible is found by a designated physician not to meet the prescribed standards, his or her name shall be:

a. Withheld from placement on the eligible list by the Court, or

b. Removed from the eligible list, or

c. Withheld from certification by the Court until the eligible does meet the required standards unless the medical and physical standards are set aside.

In the event of employment in advance of a medical or physical examination or in the event employment subject to attainment of the required medical or physical standards with a specified time, such employee shall not be granted permanent status but shall be separated from the Court Employment on order of the Court Executive Officer.

C. Health and Physical Ability of Transferred, Promoted, Demoted, or Reinstated Employees

In the event that a former employee is to be re-instated to a class of positions in which he held permanent status, his physical condition must not be worse than at the time of separation from service and any physical impairment present must be found to be not disabling in fact upon return. In the event that a former employee is to be reinstated to a position other than to a class of positions in which he held previous status, he shall be required to meet the medical and physical standards prescribed by the Court for that class and may be required to take a mental examination, physical examination, or both mental and physical examinations, to determine whether or not he meets such standards.

In the event that a permanent employee is to be promoted, demoted, or transferred to a class of positions which has materially different medical and physical standards than the class from which he is being promoted, demoted, or transferred, he shall be required to meet the medical and physical standards prescribed by the Court for the new class.

The Court shall establish a program providing for physical examinations, mental examinations or both mental and physical examinations for the purpose of determining the physical, mental, or both physical and mental ability of employees as related to their work. This program shall be in the form of a policy statement by the Court and may provide that certain treatment or correction be performed, or the placement of employees in positions in keeping with their physical and mental abilities and for the separation from the Court of those employees who cannot meet medical and mental standards. This program shall cover all employees in those classes designated by the Court.

D. Special Qualifications

The Court may certify eligibles who have special qualifications. The certification must state:

1) the specific qualifications desired and the special duties of position(s) which necessitate these qualifications;

2) the number of positions to be filled with specially qualified eligibles.

The Court will approve and grant such status when circumstances clearly demonstrate that the need for special qualifications is based on the duties and requirements of the position(s) and is in conformance with court personnel rules and equal employment opportunity principles. The special qualifications shall become a part of the examination announcement.

E. Selective Certification

Eligibles who possess special qualifications, when such qualifications are approved in accordance with Section 4 of this rule, shall be certified ahead of other eligibles on the eligible list. When there are not sufficient eligibles to fill the positions authorized, additional eligibles may be certified in accordance with, and to the limits authorized by the Court Personnel Rules.

F. Investigation and Fingerprints

In any examination for employment, the Court may require the taking of fingerprints of all applicants and the Court Executive Officer may make special inquiries into past records of all applicants and any other investigations as deemed necessary. Any person whose record or reputation, which in the judgement of the Court or Court Executive Officer, so warrants, shall be disqualified from taking such examination; or, having taken such examination and whose name appears on the eligibility list, shall be withheld from certification or removed from said list.

G. Disqualification

The Court Executive Officer may refuse to examine or after examination refuse to certify as eligible or may remove from the eligibility list any person:

a. Who lacks any of the minimum qualifications established by the Court for the examination or position to which he seeks appointment;

b. Who is physically unable to perform the duties of the position to which he seeks appointment;

c. Who is addicted to the use of narcotics or the use of intoxicating liquors to excess;

d. Who has been convicted of a misdemeanor or felony;

e. Who has made a false statement of material facts in his application;

f. Who has been previously dismissed for good cause from public service;

g. Who has resigned from public service not in good standing or in order to avoid dismissal;

h. Who has used, or attempted to use, any personal or political influence to further his eligibility or appointment;

i. Who has failed to submit his application correctly or within the prescribed time limits;

j. Who has failed a background or psychological examination and whose status has not changed since the disqualification. The Court agrees to provide the SEIU Staff Director with a list of classifications subject to background or psychological examination fifteen (15) calendar days prior to submission of any proposed rule change affecting the status of such positions.

k. Who has otherwise violated provisions of these rules.

H. Notification of Disqualified Applicant

A disqualified applicant shall be promptly notified by the Court of the reasons for his or her disqualification. In the case of disqualification or failure to meet the established requirements, the applicant shall be notified by the Court in writing to the last known address or by most efficient means to ensure delivery in advance of the examination to allow for submission of additional evidence.

I. Residence and Citizenship

a. All United States citizens, regardless of residence, are eligible for employment consideration. In addition, legal alien residents of the United States are eligible for employment consideration, except when the requirement of United States citizenship is imposed by Federal or State law.

b. Employees may be required by the Court to establish residence in an area within reasonable proximity to their work site if the nature of their position requires them to be on call, standby, or otherwise be available to return to duty on an emergency basis. The Court rule shall be based on reasonable proximity requirements and shall not specifically require the employee to establish residence within the geographic boundaries of San Joaquin County or any specific part thereof except as this may relate to "reasonable proximity." Such departmental rules shall be adopted as herein.

SECTION 4 - EXAMINATIONS

A. Call for Examinations

The Court shall call examinations to fill vacancies in applicable classifications or to provide eligibility lists for classes of positions where vacancies are likely to occur and shall prepare, announce, and conduct examinations in the same manner hereinafter provided.

B. Character and Preparation of Examinations

Examinations shall be impartial and shall test fairly and practically the ability of the applicant to fulfill the requirements of the classification in which he seeks appointment.

Except as written, examinations may be required by state or federal regulation, for classes of positions which receive federal or state grants-in-aid, examinations may be unassembled, written or oral, or both written and oral, or in the form of a practical demonstration of skill and ability or rating of education, training, experience or any combination of these as shall be determined by the Court, and shall be rated as provided in this rule.

Examinations shall be prepared under the direction of the Court Executive Officer or designee and when deemed advisable, he or she may request or employ persons of recognized attainments, other personnel agencies, personnel consultants or experts, officers or employees of the Court, or such other assistants as deemed necessary to assist in the preparation conduct, grading, and rating of such examinations. Test results of other agencies may be accepted if approved by the Court.

Whenever practicable, an oral board shall be selected as follows:

1) The chair shall be an individual selected by the Court Executive Officer who is trained in conducting oral boards.

2) A representative selected by the Court Executive Officer. In a closed promotional examination, a member who is not a court employee.

3) A member of the public who is familiar with the field of work for which interviews are being held.

C. Weighting and Rating Examinations (Added by Rev. 10/4/66)

When an examination consists of more than one part, the various parts shall count toward the total percentage score of the applicant when they are assigned various relative weights or they shall count only as qualifying parts of the examination when not assigned relative weights. Examinations having only one weighted part shall have a weight of 100%, and the total of

weights of examinations having more than one weighted part shall be 100%. The relative weights given to the various parts of an examination may be set according to the weight it is deemed the parts should bear to the total percentage score. In examinations having only written and oral portions, the oral portion shall be weighted at least 30%.

The passing grade for qualifying parts of an examination are to be determined in the same manner as passing grades on written examinations as provided in Section 6 of this rule, except that a minimum grade below which any grade attained shall disqualify the applicant may be established by announcing such required minimum grade in the examination announcement.

The passing grades in those parts of an examination having relative weights, except as hereinafter provided for ratings in the oral board procedure, are to be determined in the same manner as passing grades on written examinations as provided in Sections 6 and 7 of this rule and the passing grades shall be assigned a rating of 70 and all other grades shall be assigned a rating proportionately. The rating of 70 referred to may be the same or other than an arithmetic 70% of the total possible grade.

The grades of candidates in the oral procedure shall be the average of the ratings assigned by each individual rater and shall be known as the oral rating. A candidate shall be deemed to have achieved a passing grade in the oral procedure if he receives a majority of ratings of at least 70, provided that his average rating is at least 70; and conversely, if he does not receive a majority of ratings of at least 70, he shall be deemed to have failed the oral procedure even though his average rating is at least 70

D. Maximum Number of Qualified Persons

The Court may limit the maximum number of qualified persons which shall constitute an eligibility list.

E. Repeated Competition in Examinations

Candidates may retake an examination, provided such examination is open for filing, sixty (60) days following the date of their last examination for that class. (Rev. 1/74)

F. Notice of Examinations

Examination announcements shall be in written form and shall contain:

a. The title, class, salary range and minimum rate of pay for the job to be filled.

b. The tentative date and place where the examination will be held.

c. The period during which applications for examinations will be received.

d. The subjects of examinations and their respective weights and a statement of the scope and nature of the job termed "typical duties".

e. The minimum qualifications as to education, training or experience required of applicants as set forth in the class specifications.

f. Any special physical or medical requirements and examinations where such requirements are included in the examination.

g. Restrictions, if any, as to previous service, age, sex, residence, or number of eligibles to be placed on the eligibility list.

h. Special skills, experience, or conditions of employment which are of a reasonable and justifiable nature.

i. A statement which shall read as follows: The rating of 70 referred to may be the same or other than an arithmetic 70% of the total possible grade.

Notice of examination shall be given at least ten days prior to the closing date fixed for filing applications by posting copies of the announcement on a bulletin board designated by the Court, by sending announcements to outlying San Joaquin County Courts and by publicly announcing the same in such manner as will in the judgment of the Court attract qualified persons to compete therein. The posting may limit the filing period to a length of time and to a location determined by the Court Executive Officer or designee. Examinations may be postponed or canceled by order of the Court.

G. Competition

All open examinations for positions in the Court shall be public, competitive and shall be open to all applicants who meet the requirements as provided by the Court Personnel Rules and who have not been debarred for cause in accordance with the provisions of said rules.

Any applicant appearing late for a written examination shall not be admitted thereto after any candidate has completed his work and left the examination room.

The Court Executive Officer shall determine whether the recruitment for a position shall be open or promotional.

H. Written Examination Procedure

Unless otherwise ordered by the Court or provided for in these rules, all examinations shall be conducted under the supervision of the Court Executive Officer. The Court Executive Officer may, when deemed advisable, appoint competent persons to direct all or any part of an examination and to rate the persons participating therein.

The passing grade on written examinations shall be determined by the Court Executive Officer or designee after giving consideration to test difficulty, quality of competition, needs of service and other pertinent factors.

After the Court Executive Officer has determined the minimum passing grade for a particular examination, said grade shall be assigned a rating of 70 on a 100 point scale and all other grades on that written examination shall be assigned proportionate ratings using standard statistical methods. The rating of 70 referred to may be the same or other than an arithmetic 70% of the total possible grade.

Written examinations shall be so conducted that no examination paper will disclose the name or identity of any participant until after the examination papers of all participants have been marked and passing grades determined. Each participant shall write his name and address and other such information as may be requested upon an identification sheet provided for that purpose.

Any examination paper bearing a name, number, sign, mark or character of any kind other than the official identification numbers stamped thereon which might identify the participant shall be rejected by the examiner. No explanation of any question shall be made to any individual competitor and no remarks relative thereon which might assist in the solution of the examination shall be made by an examiner. Any explanation which may be deemed necessary shall be made to the entire group.

No conversation or communication between competitors shall be permitted during an examination. Unless otherwise authorized, no competitor shall be permitted to retain in his possession any written or printed matter which might serve to aid him in the examination. Copying or collusion by a competitor shall constitute cause for the rejection of his examination papers and his debarment from future examinations.

Copies of the questions in an examination shall not be made nor shall they be taken from the examination room.

I. Determination of Total Percentage Scores

The various weighted parts of an examination shall be combined into a total percentage score. The weights shall represent the value of each part of the whole examination and the total percentage score shall be computed by multiplying the ratings of each weighted part of the examination by the weight assigned to that part and adding their products into a single score which shall be the applicant's total percentage score. The final results shall be rounded to the nearest whole number.

Example:

	Rating		Relative Weight	
Written	75.00	X	.70	= 52.50%
Oral	80.00	X	.30	= 24.00%
		Total Percentage Score		76.50%

Any applicant who achieves a rating of less than 70 on any of the various weighted parts of the examination, including the written part, shall be eliminated from competition in the examination and a total percentage score need not be computed. Any candidate so eliminated shall be notified in writing.

The minimum passing total percentage score shall be 70 % and the maximum passing total percentage score which can be obtained shall be 100%.

J. Notice of Results of Examination

As soon as the rating of an examination has been completed and the eligibility list established, each applicant shall be notified in writing of the results of his examination and, if successful, of his or her score upon the eligibility list. The Court shall provide the score and rank to each applicant.

K. Inspection and Review of Examination Papers

The application and examination papers of the candidate shall be treated as confidential records of the Court.

The candidate may, inspect his written examination papers. Such inspection or review shall be under the supervision of and under the conditions set forth by the Court.

During this period, an examinee may appeal to the Court in writing for the exclusion of any item or portion of the test or from the answer indicated as correct for any item. The examinee shall state the item, page number and the reasons or authority in support of his contention. Thereafter no further appeals will be accepted which are concerned with the examination content or answers indicated as correct for items in said written test. An appeal which fails to set forth the reason or authority for a contention will not be considered. The Court Executive Officer or designee shall submit the appeals to the examining team for consideration. The examining team shall state that the appeal will be granted or denied and give reasons for its decision. The Court Executive Officer shall make a final ruling and the examination papers will be scored according to this decision.

Continuous examinations and standardized test sections shall not be subject to review by the candidate.

L. Review of Oral Rating

The Court shall consider appeals from the decisions and ratings of the oral boards solely for the reasons and upon the conditions as follows:

a. For alleged irregularity, bias or fraud in the conduct of the investigation or interviews, or

b. For alleged erroneous interpretation and application of the minimum qualifications prescribed for the examination, and

c. In either case, upon receipt by the Court Executive Officer or designee, within ten days of the sending out of the notice of test results, of a written statement by the competitor setting forth the facts upon which he bases his appeal and the determination by the Court Executive Officer or designee whether good cause exists for the consideration of the appeal.

If, upon considering such an appeal, the Court Executive Officer or designee decides the competitor possesses the minimum qualifications of education, experience, personal traits and fitness for the classification and merits a passing rating, it shall, in the absence of fraud on the part of the oral board, give him a rating on education, experience and/or personal qualifications not in excess of the minimum passing grade prescribed for the examination.

A rating in any part of an examination shall not be changed unless compliance with the foregoing conditions has been made and unless it is found by the Court that a substantial error has been made. The Court's decision with respect to a review or change shall be final and shall be noted in writing. A correction in the rating shall not affect a certification which may already have been made from the eligible list.

M. Continuous Examinations

A series of open examinations for the same class of positions may be announced by a single notice. Such examinations may be administered from time to time as applicants are available or as appointments are necessary.

SECTION 5. - ELIGIBLE LIST

A. Creation of Eligible Lists

The Court Executive Officer or designee shall have a statement prepared of the results of each examination showing names of all applicants including those whose applications were rejected, names of candidates taking the examination, and total percentage scores of each examinee for all who passed the examination.

The Court shall then have listed the names in order of total percentage scores attained in the examination, for all those who successfully completed the examination process.

B. Resolving of Tie

If two or more eligibles have the same total percentage standing on the eligibility list, they shall be ranked in order of their scores in that portion of the examination having the greatest weight. In case this fails to break the tie, the Eligible who first filed his application shall be listed first.

C. Duration of Lists

a. Re-employment Lists: The eligibility of an individual extends for a period of three years from the effective date of layoff. No extension is possible.

b. Continuous, Open, and Promotional Lists: Eligibility extends from the promulgation date, for a period of one year unless extended by the Court for a longer period which shall not exceed two additional years.

c. Reinstatement Lists: The eligibility of an individual extends from the date on which the Court approved the reinstatement for a period not to exceed three years beyond the date on which he or she resigned from court service. No extension is possible.

D. Revision of Eligibility Lists

Whenever it becomes evident that an error or mistake has occurred in the preparation of an eligibility list, the Court Executive Officer or designee shall revise, add to or remove names from eligibility lists in the manner herein prescribed. No such correction, addition or deletion shall invalidate any appointment already made from the list.

E. Addition of Names to Eligibility Lists

The Court Executive Officer may add names to the eligibility lists for any of the following reasons:

a. By examination.

b. Because of being in a laid-off or demoted status (for other than disciplinary reason).

c. Having been on an eligibility list and subsequently separated from the employment with the Court for reasons other than dismissal or resignation to avoid dismissal.

d. Transfer.

e. Reinstatement to a list after withdrawal of name from such list.

f. Any other reason acceptable to the Court.

F. Removal of Names from Eligibility Lists

The name of an Eligible may be removed from an eligibility list by the Court Executive Officer or designee for any of the following reasons. The Eligible shall be so notified in writing.

a. For any of the causes set forth in Section 3 G, Disqualification.

b. In the event that the Eligible cannot be located by the appointing authority or designee and fails to respond to written notice from the Court Executive Officer or designee.

c. On receipt of a written or oral request from the Eligible that his name be temporarily or permanently removed.

d. If an offer of appointment to the class has been declined by the Eligible.

e. If the Eligible without suitable explanation does not respond within the specified time after transmission of notice to him by the Court.

f. If certification has failed to result in appointment, and the Eligible has been certified and interviewed three times.

g. If the eligible has been on a continuous eligibility list for a period exceeding one year.

G. Open Eligibility Lists

An open eligibility list is one which is created from an open examination.

H. Continuous Eligibility Lists

This type of list shall be made up of names from continuous examinations in the same manner as for the open examinations as above, except that as names become available from each new examination, they shall be interpolated where their scores place them immediately after results of the examination are available.

I. Re-employment Eligibility Lists

This type of list shall include names of employees having permanent status in the Court who have been laid off or demoted for other than disciplinary reasons.

In addition to being entitled to return to the position in which he was when laid off, if and when the position becomes activated again, each employee laid off or demoted for other than disciplinary reasons, shall receive consideration as set forth in the personnel Rule governing Reduction in Staff.

The Court Executive Officer may remove the name of any eligible from a Re-employment List for any reasons listed in Section 5 F.

J. Promotional Eligibility Lists

The Court Executive Officer or designee shall determine whether the recruitment for a position shall be open or promotional. Such lists shall be made up of names from promotional examinations.

K. Comparable Eligibility Lists

If a vacancy exists in a class for which there is no eligibility list, the Court may order certification made from an eligibility list that is considered to be comparable.

A list shall be considered comparable when:

a. There is no eligibility list for the class concerned, and administration of a new test may be avoided by using the comparable list.

b. Use will not infringe upon rights of employees to compete for promotion.

c. List to be substituted is for classes with:

   1) The same or higher pay range, and

   2) Substantially similar or higher level of knowledge, abilities, qualifications, and specialized requirements (i.e. licenses and certificates).

d. Examination for the two classes concerned are similar or more difficult.

An appointment from a comparable list for a higher class shall not remove the name of appointee from such list.

L. Combining of Eligible Lists

If a new examination is necessary during the life of an eligible list, the resulting eligibles will be integrated with the names on the existing list in the order of final grades. This combination of eligibles will not in any way alter the original established eligibility expiration dates for the eligibles thereon, except an eligible who has re-taken the examination. If he achieves a passing score, that score will replace his previous one and will confer a new eligibility period according to the provisions of the examination announcement. If he fails the new examination, he will be permitted to retain the eligibility and score from the previous examination. This section shall not apply to promotional eligible lists.

SECTION 6 - CERTIFICATION AND WAIVERS

A. Certification of Names

The Court shall certify names on the list in accordance with the order specified in this section, below:

a. Order of Lists: The order of certification of Eligibles from eligible lists shall be:

1) Re-employment Eligible Lists

2) Promotional Eligible Lists

3) Open Eligible Lists

4) Eligible Lists for a higher class in the same series

5) Comparable Eligible Lists as determined by the Court

6) Suitable Lists as determined by the Court

b. Certification from a Higher List: Whenever a request for personnel is made to fill a position in a class for which there is no appropriate eligible list or there are insufficient eligibles on the eligible list to certify the number of names as provided in the Court Personnel Rules, an Eligible or Eligibles from an eligible list for a higher class in the same series may be certified.

c. Number of Names to be Certified: Except as otherwise provided in these Rules, five names shall be certified for each request for personnel, except that in case more than one position is to be filled in any class in a department at the same time, then the number of names certified shall be equal to the number of positions to be filled plus four.

A manager may request certification of additional names to replace eligibles who waive certification or do not respond to certification provided that there are sufficient names on the eligible list. If there are not sufficient eligibles on the eligible list to certify the number of names provided herein, the Manager may, for good cause shown, request in writing that a new examination be given. The Director of Human Resources may: (a) declare the certification complete if three (3) eligibles (plus one (1) for each additional position in the same class) have been certified; or (b) order a new examination.

A valid certification shall exist whenever the total number of names meets the above standards, or whenever a manager agrees to accept a certification of less than three names.

B. Notifying Eligibles of Certification

Upon receipt of the names and applications of eligibles, the Court Executive Officer or designee shall review those certified and contact a minimum suitable number of five candidates (plus one for each additional vacancy) for interview. The eligibles contacted for interview shall be informed of the fact of certification, the title of the position, the place of work, the salary range and the starting pay. Such notice shall state that failure to report to the Court Executive Officer or designee for an interview within three working days or failure to give written notice of waiver or other satisfactory reason may result in removal of the eligible's name from the list. The eligible shall be notified of the potential or actual removal.

C. Waivers of Certification

a. Temporary Withdrawal from the List: An Eligible may, at any time, have his name withdrawn from an eligible list for a specified period of time or until further notice, providing he makes a written request giving satisfactory reasons to the Court Executive Officer. His name may be restored to the list according to his examination score, also after written request, during the period that the list is effective.

b. Waivers of Particular Certification: An Eligible may waive his right to certification to any particular position or after certification may waive appointment by written statement to the Court giving satisfactory reasons in writing for the requested waiver.

c. Waiver after Appointment: The appointment of an Eligible to a position in the Court shall, for its duration, be deemed an automatic waiver of certification of such person from any other eligible list on which his name appears for a class of positions, the salary of which is equal or lower than the salary of the position to which he has been appointed unless the person requests, in writing, that he be certified from such list.

d. Failure to Respond to Certification: Failure of an Eligible to respond within the prescribed time shall be deemed an automatic waiver of certification, and the name of such Eligible may be removed from the list.

D. Repeated Interview not Mandatory

The Court may determine that an Eligible need not be interviewed again when he or she has been previously interviewed and rejected for a position in the same class.

E. Conditional Certifications and Appointments

In the event that an eligible is certified and appointed prior to the completion of an investigation and evaluation to determine whether the eligible meets the employment standards of Policy 2 Section 5.5, the certification and appointment shall be made subject to completion of such investigation and evaluation. In the event that the results of the investigation and evaluation are of such a nature as would have caused the removal of a name from an eligibility list as provided in the Personnel Rules, the results of the investigation shall be presented to the Presiding Judge by the Court Executive Officer who shall make a determination as to whether or not the eligible's name should be permanently removed from such eligibility list. In the event that the Presiding Judge determines that the eligible's name should be removed from the eligibility list, the certification and appointment shall be deemed null and void, and the employee shall be separated from the service of the Court, provided that:

1) It shall be noted after the eligible's name at the time of the creation of the eligible list that the eligible is placed on the list subject to completion of such investigation and evaluation.

2) The eligible shall be notified that his place on the eligibility list is subject to such investigation and evaluation upon being notified of his final examination results.

3) The eligible shall be notified in writing at the time of certification that his certification and appointment are subject to such investigation and evaluation.

4) The investigation and evaluation shall be completed within ninety days after the appointment.

SECTION 7 - APPOINTMENTS

A. Appointment after Certification

Upon receipt of the certification of Eligibles, the Court shall proceed with any interview and investigations they may deem necessary.

The Court shall be permitted to examine applications and any reports of investigation of the Eligible(s) certified.

B. Provisional Appointments

Whenever there are sufficient reasons for filling a vacancy in a position for which no eligibility list exists, the Court may appoint any person who has filed an application and meets the minimum qualifications to fill the vacancy for a period not to exceed six (6) months. Whenever practicable the Director of Human Resources shall publicly announce an examination within thirty (30) days of the provisional appointment, but in no case shall the announcement of the examination be delayed longer than ninety (90) days from the date of provisional appointment without prior approval of the Presiding Judge.

Provisional appointments to a position shall be terminated by the Court within thirty (30) days after date of certification of eligibles from an appropriate eligibility list. Provisional appointees are subject to removal at the will of the Court Executive Officer and no time served as a provisional appointee shall contribute toward completing the probationary period. With the approval of the Presiding Judge, successive provisional appointments of the same individual to different positions and successive provisional appointments to the same position may be made subject to the following conditions:

a. That recruitment difficulties exist evidenced by the lack of qualified applicants applying for the positions.

b. That an examination is publicly announced or will be announced by the Court within ninety (90) days after the beginning date of the provisional appointment.

c. That in the absence of a definite examination date, the examination is placed on the continuous examination schedule.

In no case shall a provisional employee be given a probationary appointment unless he places among the top three on the eligibility list for that position.

C. Appointments in Emergencies

In an emergency situation when appointments are found necessary to prevent stoppage of public business, loss of life, or damage to persons or property, the Court Executive Officer may appoint a person without reference to eligibility lists for a period not to exceed three calendar weeks.

D. Permanent Appointments

An appointment from an eligibility list to a position which it is contemplated will not be temporary but will continue indefinitely, is referred to as a permanent appointment subject to the probationary period as provided in these rules.

Any appointment to a permanent position in the Court upon certification from an eligibility list shall be a permanent appointment subject to the probationary period as provided in these rules.

E. Temporary Appointments

A temporary appointment is one made from a suitable list or upon authorization by the Court HR Director to appoint any person who meets the minimum qualifications of the class to a position which is temporary in character and which it is contemplated will continue for a limited time only. A temporary appointment may not continue for a period exceeding one day less than nine months in any twelve month period. Service in a temporary appointment shall give no right or preference to regular or permanent appointment.

F. Nepotism

a. Prohibited Appointment or Assignment: The Court Executive Officer shall not appoint, promote, or transfer into or within the Court anyone related to him within the third degree whether by blood or marriage. The degree of relationship shall be determined according to the approved relationship chart.

   In addition, the Court Executive Officer shall not appoint, promote, or transfer into or within the Court any relative of an employee so related when such action would result in one of them supervising, completing or checking the work of the other.

   This section shall not be applied retroactively to any current assignment, but shall be applied in the event that the related employees are to be promoted, demoted, or transferred into or within the Court. The Court may waive this portion of the rule with an acceptable showing of unusual or exceptional circumstances when an in-law relationship would otherwise prohibit the promotion, transfer, or demotion of a

permanent employee. To be considered such action must be initiated by the employee, and recommended by the Court Executive Officer.

Appointees in violation of this rule shall be separated from the Court or reassigned by the Court Executive Officer.

b. Certification of Relatives from Eligible Lists: The Court Executive Officer shall determine the degree of relationship, as stated on the application forms, of persons on eligible lists before certification is made. He shall not certify eligibles when it appears that their appointment would result in a violation of this rule.

SECTION 8 - PROBATIONARY PERIOD AND PERMANENT STATUS

A. Purpose of Probation

The probationary period is the final phase of the examination and selection process. The probationary period shall be used by the Court to determine newly hired or promoted employees that will be successful in the job and to remove from the position any probationary employee whose performance does not meet the required standard of work.

B. Duration of Probation

The probationary period begins on the date of appointment to probationary status. It shall not include the time served as provisional, temporary, or emergency appointee, nor time off during suspension or other leave without pay. Individuals entering regular employment with the Court, or promoting within the Court, serve a probationary period of one (1) year in the position.

a. Promotion:

1) Employees who promote while still serving a probationary period in the pre-promotion class will attain permanent status in the pre-promotion class after completion of one year of service in the combination of pre-promotion and promotion classes. Such employees must serve a full one (1) year probationary period in the promotion class to attain permanent status in that class.

2) Employees who are returned to their pre-promotion class for failure to complete probation in the promoted class, must complete a combined total of one year of service before attaining permanent status in the pre-promotion class or the class to which they are demoted. Any employee so returned who had permanent status in the pre-promotion class shall resume permanent status in that class.

b. Voluntary Demotion:

Employees who voluntarily demote and have less than one (1) year of service must complete the balance of the probationary period in the demotion class prior to

attaining permanent status in that class. Demoted employees with permanent status shall retain that status in the demotion class.

c. Transfer:

Probationary employees who have permanent status but serving a probationary period in a higher level class and transfer, will attain permanent status in the transfer class after completing a combined total of one (1) year of service in the pre-transfer and transfer classes. Permanent employees who transfer will retain their permanent status in the transfer class.

d. Layoff:

A probationary employee who is laid off in accordance with these Rules during the probationary period, in the event of re-employment in the same classification, shall be required to complete only the balance of the one year probationary period. Permanent employees who are laid off and then re-employed in the same classification or lower classification in the same series shall resume their permanent status in that classification.

e. Status After Reinstatement:

Employees reinstated to a position in a class in which they held permanent status within one year from the date of their separation from Court service shall be granted permanent status. All others must serve a new probationary period.

f. Disciplinary Demotion or Suspension:

Employees permanently demoted in accordance with these Rules shall have permanent status in the demotion class and any promotions from that class shall be in accordance with these Rules. An employee who returns to work following a disciplinary suspension shall resume the status held in that class prior to the suspension.

C. Separation of Probationer

A probationary employee may be separated from the position by the Court Executive Officer or designee any time during the probationary period without right of appeal or hearing. An employee who has probationary status in the class but permanent status in the courts may be separated from the service only in accordance with these Rules. Promoted employees serving a probationary period may be demoted in accordance with Section 8Ba(2) above.

SECTION 9 - TRANSFERS TO THE COUNTY —(Section 9 is deleted – no longer applicable effective 12/31/02)

SECTION 10 - INTERDEPARTMENT TRANSFERS

A. Internal Court Transfer

An eligible employee may apply to the Court Executive Officer for transfer to another position in the same class the employee currently occupies or to a position in any class which is at a salary range which is the same (lateral transfer), or lower (transfer-demote) than that of the employee's present class.

When a permanent opening occurs in any division, the Manager shall notify, by e-mail, all other Superior Court Managers or Supervisors. Upon receipt of said e-mail, the Manager or Supervisor shall post a notice on the Employee Bulletin Board of each division.

B. Eligibility to Transfer for Internal Court Transfer

To be eligible for transfer to a class at the same salary range, the employee must meet the following standards:

a. Meet the minimum qualifications of the class.

b. Hold permanent Status in the present class.

c. Have a rating of satisfactory or better on the last performance evaluation. Names of employees approved for such transfer shall be maintained, without rank, in a transfer request file.

C. Internal Court Transfers

The Court may transfer any Court employee in the department from one position in a class to another position in the same class at any time. Upon approval of the Executive Officer the Court may also agree to employee requests for transfer to equivalent classes within the Courts (including from Court to Court within the San Joaquin County Courts), providing there is no increase in salary and the employee meets the minimum requirements.

D. Consideration of Transfer Requests Prior to Use of Eligible Lists

The Court may request to consider internal transfer employees prior to certification of eligibles from an open competitive eligible list or in lieu of certification from an open competitive eligible list for that class. The Court shall then refer all or selected names of employees of eligibles who have requested transfer provided that:

a. There are no available eligibles on a departmental re-employment list.

There is not a valid department applicable promotional eligible list of five or more names.

E. Status and Rights After Transfer

Employees transferred in accordance with the above sections have no rights to return to their former positions.

Notwithstanding these transfer provisions, the Court has the authority, in the sole discretion of the Court Executive Officer, to assign employees to vacant positions. Whether a request for transfer will be granted and/or who is selected for transfer, if more than one employee requests a transfer, is within the sole discretion of the Court. Where appropriate, the Court will take steps to publicize transfer opportunities.

SECTION 11 – PROMOTIONS OR DEMOTION

A. Promotion to Vacant Positions

Promotion of employees to vacant positions in the Classified Service shall be based on competitive examination. Candidates who obtain a passing score in a promotional examination shall have their names placed on a promotion list and appointment shall be made therefrom as provided in Section 6A.

B. Kinds of Promotional Examinations

The Director shall determine when a position can best be filled by promotion and may order a promotional examination or certification as follows:

a. Court-wide Promotional Examination:

Competition restricted to eligible employees in several specified departments or in the entire Classified Service.

b. Promotional Certification from an Open Eligible List:

As provided by Section 7D.

SECTION 12 - ELIGIBILITY FOR PROMOTIONAL EXAMINATIONS

To compete in a promotional examination, an employee must:

a. Meet the minimum qualifications of the class on or before the final filing date for filing applications.

b. Meet one of the following qualifying service requirements:

1) Have permanent status in the Classified Service.

2) A probationary employee in Classified Service, must have served twelve (12) continuous and consecutive months immediately prior to the final filing date. Qualifying service under this rule may have been in either the Classified Service or in any combination of Classified Service and service under a public employment program.

3) Public employment program employees who have served at least twelve (12) continuous and consecutive months immediately prior to the final filing date are eligible to compete in promotional examinations for entry level classes or a class equivalent to their current public employment class. For the purpose of this rule, an entry level class is defined as the lowest class in each class series excluding classes designated as trainee classes in the class title.

4) Employees in the Classified Service who have six (6) continuous and consecutive months service in trainee classes or entry level classes, as defined above, shall be eligible for promotional examinations to the next higher class in that same series.

5) Temporary, contract, or exempt employees who have at least six (6) months of full-time service with the Court within the last twenty-four (24) months and are currently employed with the Court immediately prior to the final filing date are eligible to compete in promotional exams for entry level or trainee classes.

6) Contract or exempt incumbents of positions which are converted to classified service are eligible to compete in promotional exams for the classes of positions which they occupy if they have served 2080 continuous and consecutive payroll hours (equivalent to one (1) year) in the same or related classes of positions as the promotional class immediately prior to the final filing date.

c. Have a rating of satisfactory or better on the last performance evaluation, if applicable.

d. If a person whose name is on a promotional list is separated (except for layoff) the name shall be removed from the promotional list.

SECTION 13 - PROMOTION IN MULTI-ALLOCATED POSITIONS

Probationary or permanent employees who are incumbents of multi-allocated positions may be promoted in such positions through regular certification from an appropriate eligible list or after passing a qualifying examination.

At the discretion of the Director the qualifying examination may be unassembled and is not competitive. The examination process will include a certification from the appointing authority that the candidate is satisfactorily performing the duties of current classification and is ready and recommended for promotion.

SECTION 14 - FAILURE TO COMPLETE PROBATION

A promoted employee who fails to complete the probationary period in the promotion class shall have the right to be returned to the pre-promotion classification and department subject to the seniority provisions of Section 8Ba(2), unless the employee is discharged for misconduct.

SECTION 15 - VOLUNTARY DEMOTION

An employee may, at any time, demote to any position throughout the Court which has a lower salary range, provided the employee meets the minimum qualifications of the class, requests the demotion, and the action is approved by the Court Executive Officer and the manager of the department to which the demotion is made. Demotions which are not voluntary must be completed in accordance with Section 8Bb.

SECTION 16 - STATUS AFTER PROMOTION OR VOLUNTARY DEMOTION

Any Court employee who is certified and appointed to a higher level position in any Court department from an open or promotional eligible list or who voluntarily demotes shall retain the benefits of continuous and consecutive service, including seniority for layoff purposes. The status of such employees shall be determined as provided in Section 8Ba 2).

SECTION 17 - INTERDEPARTMENT ACTION AGREEMENTS

The employees, the managers, and the Court Executive Officer or designee must all have indicated agreement in writing to any inter-department promotion or voluntary demotion before the change is made. The agreement shall contain a statement of the employees' rights, benefits, and status upon completion of the action.

SECTION 18 - EQUAL EMPLOYMENT OPPORTUNITY POLICY

The Court is an equal opportunity employer. The court provides equal employment opportunity at all times and does not discriminate in violation of any applicable law.

Employees who believe they have experienced denial of employment opportunity or discrimination are encouraged to report this experience immediately to the court executive officer or designee. The Court will promptly investigate the report under the Complaint Procedure for Complaints of Discrimination and Harassment of this personnel plan.

A. Equal Employment Opportunity

The Court is committed to a policy of equal employment opportunity for all applicants and employees. The Court does not discriminate on the basis of race, color, religious creed, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, national origin, ancestry, age, physical or mental disability, medical condition, genetic information, family care status, military and veteran status, marital status, sexual orientation, or any other basis prohibited by law.

The Court prohibits sex harassment and harassment of any individual on any of the other bases listed above. For information about the types of conduct that may be considered impermissible harassment, please refer to the Section 19 Harassment Prevention Policy . For information about the Court's internal procedures for addressing complaints of harassment or discrimination, please refer to the Court's Discrimination, Harassment, and Retaliation Complaint Resolution Policy, Section 39.

B. Reasonable Accommodation

When the need arises, the Court makes reasonable accommodations for disabled employees and for pregnant employees who request an accommodation for pregnancy, childbirth, or related medical conditions. Employees who would like to request reasonable accommodation of a disability or pregnancy-related condition should contact their supervisor or Human Resources.

The Court welcomes the religious and spiritual diversity of its employees. Employees requesting a reasonable accommodation because of religious observances should bring a request to the attention of their supervisor or Human Resources.

The Court will also provide reasonable accommodation for employees who have been the victim of domestic violence, sexual assault, or stalking who request accommodation for their safety at work. Employees requesting a reasonable accommodation for workplace safety for these reasons should bring a request to the attention of their supervisor or Human Resources.

C. Application

The Court’s equal employment opportunity policy applies to all areas of employment including hiring, training, promotion, compensation, benefits, transfer, discipline, termination,

and participation in Court sponsored events. It is the responsibility of every manager and employee to conscientiously follow this policy.

SECTION 19 - HARASSMENT PREVENTION POLICY

A. Purpose of Policy

The Court is committed to providing a workplace free of harassment, which includes harassment based on race, color, religious creed, sex (including pregnancy, childbirth, breastfeeding, or related medical conditions), gender, gender identity, gender expression, national origin, ancestry, age, physical or mental disability, medical condition, genetic information, family care status, military and veteran status, marital status, sexual orientation, or any other basis prohibited by law, or based on a perception that an individual has any of these characteristics, or based on a perception that an individual is associated with a person who has, or is perceived to have, any of these characteristics. The law prohibits harassment of employees by supervisors, managers, coworkers, or any third parties in the workplace.

The Court will not tolerate harassment of employees by managers, supervisors, or coworkers. Given the nature of our work, Court employees may come in contact with contractors, clients, vendors, visitors, and members of the public. The Court also will take all reasonable steps to protect employees from harassment by nonemployees in the workplace. Harassment of these nonemployees by Court employees is also strictly prohibited.

B. Harassment Defined

Harassment may take many forms, including, but not limited to:

- Verbal conduct such as epithets, derogatory jokes or comments, slurs, or unwanted sexual advances, invitations, or comments;
- Visual conduct such as derogatory or sexually oriented posters, photography, cartoons, drawings, or gestures;
- Physical conduct such as assault, unwanted touching, blocking of normal movement, or interference with work; and
- Threats and demands to submit to sexual requests as a condition of continued employment or to avoid some other loss, and offers of employment benefits in return for sexual favors.

All such conduct is prohibited, regardless of whether it rises to the level of unlawful harassment.

C. Reporting Conduct That Conflicts With Policy

Anyone who believes he or she has been harassed in connection with his or her employment at the Court, or is aware of harassment, should notify immediately his or her supervisor or manager, or the court Human Resources Manager. A prompt and, to the extent possible, discreet investigation will be conducted under the Court's Discrimination, Harassment,

and Retaliation Complaint Resolution Policy, Section 39 and appropriate corrective action will be taken for any conduct deemed to violate this policy or otherwise to be inappropriate. The Court prohibits retaliation of any kind against an employee who in good faith reports harassment or participates in the investigation of such complaints. If employees believe they have been subject to retaliation for the aforementioned reasons, they must promptly report their concerns in accordance with Section 39.

SECTION 20 - LEAVE OF ABSENCE

A. Leave Without Pay, General Provisions

a. Administrative Leave: A leave of absence not to exceed thirty (30) calendar days may be granted by the Court Executive Officer or designee to an employee occupying a permanent position for reasons acceptable to the Court (except maternity leaves). Successive administrative leaves are not permissible.

b. Leaves over Thirty (30) Days: An employee may be granted a leave of absence in excess of thirty (30) days if recommended by the Court Executive Officer.

B. Reasons for Granting Leave

Leave of absence without pay may be granted to an employee for the following reasons:

a. Illness or disability not covered by sick leave.

b. Education or training which will benefit the Court.

c. Personal reasons which do not cause inconvenience to the Court.

C. Duration and Eligibility for Leave

a. Any probationary or permanent status employee is eligible for administrative leave (up to thirty (30) days) or leave without pay up to sixty (60) days (including any administrative leave).

b. Maximum leave of one year (except for educational leaves): an employee with permanent status in present classification, or an employee who has had twelve continuous and consecutive months of probationary service is eligible. An additional one year may be granted for the attainment of bona fide educational goals of value to the Court, when approved by the Court Executive Officer.

c. Last overall performance evaluation must be "satisfactory" or better. An employee who is ineligible for a leave of absence and who is unable to work may resign or be terminated in accordance with these Rules.

D. Procedure and Form of Request

a. Requests for leaves shall be submitted on the forms specified by the Court. Request for a leave shall be submitted sufficiently in advance of the proposed effective date to permit the Court Executive Officer to take action prior to that date. Information included on the request shall include the reasons for absence, beginning and terminal dates, signature of the employee, or in the event he is incapable of doing so, the signature of his representative.

b. Requests for illness or disability leave shall be accompanied by a statement from the employee's physician specifying the nature of the illness or disability, the prognosis, and the anticipated time of release for return to active duty.

E. Extension

The Court Executive Officer may extend a leave subject to the limitations in these rules. A total leave, including extensions, may not exceed one year. The procedure in requesting and granting extensions shall be the same as that for the original leave.

F. Return from Illness or Disability

Prior to his return to active duty, the employee shall submit a statement from his physician certifying that he is able to resume the duties of his position.

G. Early Return from Leave

Whenever an employee has been granted a leave without pay and desires to return before the expiration of such leave, he shall notify the Court Executive Officer who shall determine whether to authorize the early return.

H. Failure to Return at Scheduled Time

Failure to report for duty after a leave of absence has expired, or has been disapproved, or revoked, or any failure to report for duty as scheduled, is cause for disciplinary action, or after three (3) days absence may be considered an automatic resignation. (See Section 24B)

I. Revocation of Leave

Any leave of absence may be revoked by the Court Executive Officer upon receipt of evidence that the reason for granting leave was misrepresented or has ceased to exist.

J. Leave for Compensable Disability

Notwithstanding any provisions of this Rule, an employee who, as a result of injury during employment, is ruled eligible for Workman's Compensation Insurance shall have an

automatic leave until it is ruled that recovery from disability is sufficient to release the employee as recovered.

A leave shall be considered canceled when permanent disability is established. If, later, a recovery is made to the point where the employee can work again, his name shall be placed on appropriate lists to facilitate return to work.

K. No Accruals While on Leave Without Pay

No employee who has been granted a leave without pay shall accrue any vacation, sick leave, or holiday during the time of such leave, nor shall such time count towards gaining permanent status.

L. Appointments for Duration Of Leave Of Absence

In the event that any employee is granted a leave of absence or military leave in excess of sixty (60) days, his position may be filled in the same manner as any other vacant position, subject only to the right of the original holder of the position to return to the position. In the latter event, the person so appointed may without loss of any rights which may have accrued and subject to the provisions of these rules replace another employee within the same department with less seniority or be separated from Court employment. If such appointee to a leave-of-absence vacancy is subsequently displaced from the leave-of-absence position by the return of the original holder, the Reduction in Staff provisions shall apply.

M. Compulsory Leave

If the Court Executive Officer believes that one of his employees is unable to properly perform his regular duties because of mental or physical illness or disability, he may require the employee to be examined by a physician designated by the Court. If the physician's report indicates that the employee is not physically or mentally capable of performing his regular duties, the Court Executive Officer may, subject to the approval of the Presiding Judge, compel said employee to take a leave of absence until he does meet the physical and mental requirements of his position.

The employee may request a voluntary demotion to a class of position for which he is physically fit and otherwise qualified in lieu of accepting the compulsory leave of absence if such a position is vacant. The Court Executive Officer shall make every effort to place the employee in a position within his department for which the employee is physically and otherwise qualified. In the event that such a position is not vacant, he may be placed on a re-employment list for such class upon recommendation of the Court Executive Officer and approval of the Presiding Judge.

SECTION 21 - EMPLOYEE PERFORMANCE REPORTS

A. Employee Performance Reports

The performance of each regular employee in the classified service shall be regularly evaluated by the Court Executive Officer or designee.

B. Frequency of Reports

a. Permanent Status Employees: Reports shall be prepared and submitted by the employee's immediate supervisor or manager at least once each year. Supervisors must meet with the employee regularly during the 12 month evaluation period to discuss the status of their job performance.

b. Probationary Status Employees: Reports shall be prepared and submitted at the end of the 4th, 7th, and 11th months of the probationary period. The supervisor or manager shall provide clear expectations of the job duties at each step of the probationary period.

c. Special Reports: The appointing Court may also submit special reports on any employees at any time.

C. Preparation of Reports

Whenever possible, reports shall be prepared by the immediate supervisor. Each employee shall be given a copy of his Performance Evaluation Report following a discussion of the report with the rater. The employee will sign the report as an indication that it was discussed with him by the rater. Signature of the ratee does not necessarily indicate agreement with the rating.

D. Uses of Reports

Employee Performance Reports shall become a part of the official personnel record of the employee. Employee Performance Reports may be considered along with other pertinent information when salary step increase or a disciplinary action is being contemplated.

The Employee Performance Reports shall be used for layoff purposes in accordance with these rules.

In addition, the last available Performance Report must have an overall rating of at least satisfactory if the employee is:

a. To be granted a Leave of Absence.

b. To participate in a promotional examination.

c. To be transferred, transfer-promoted, promoted, reinstated, or restored to an eligible list.

SECTION 22 - STANDARDS OF CONDUCT AND PERFORMANCE

The Court Executive Officer shall establish specific regulations governing the conduct, appearance and performance of employees. These standards shall be expressed in specific terms which can be easily understood by employees, readily applied by those in supervisory positions and readily available to all the employees. Employees are expected to treat each other with mutual respect in the workplace. Meetings to discuss employee conduct and performance shall take place in a private office. Evidence of failure to meet prescribed standards of conduct, appearance and performance may constitute cause of disciplinary action or dismissal, both in accordance with rules governing disciplinary actions.

SECTION 23 - IN-SERVICE AND JOB-RELATED TRAINING

It shall be the duty of the Court to develop courses of In-Service Training to instruct employees in the better performance of their duties and the policies and objectives of the court, in good safety practices, in supervisory methods, and to prepare those in the lower ranks for advancement into positions of higher responsibility. The Court will periodically provide training to employees on its harassment prevention and equal employment opportunity/discrimination policies. The purpose of these training sessions is to inform and remind employees of the court's policies on these matters. These training sessions are mandatory. Employees will receive safety training as part of the Court's Injury and Illness Prevention program.

This training shall be considered as an integral part of the activities of each of the divisions and ample time during working hours shall be permitted for this purpose.

SECTION 24 - RESIGNATION AND REINSTATEMENT

A. Voluntary Resignation

a. Resignation in Good Standing: Normally a written notice of two weeks must be given; however, for reasons acceptable to her, the Court Executive Officer may accept a resignation with less notice as being in good standing. An employee who does not resign in good standing is ineligible for reinstatement and may be ineligible for re-employment.

b. Resignation Not in Good Standing: An employee who leaves his position without written notice, or who gives notice of less than two weeks without acceptable reasons, or who terminates his employment by automatic resignation has not resigned in good standing.

B. Automatic Resignation

Absence without leave, whether voluntary or involuntary, is an automatic resignation from court service as of the last day on which the employee worked when the employee is absent for three (3) consecutively scheduled eight-hour working days.

a. Reinstatement by Court Executive Officer for Good Cause: Within twenty (20) calendar days after the effective date of the automatic resignation, an individual may file with the Court Executive Officer a written request for reinstatement. The Court Executive Officer shall reinstate the person if he finds that the absence was caused by bona fide illness, injury, or similar circumstances beyond his/her control.

b. Effective of Reinstatement on Status of Employee: Except for sick leave, accrued vacation or compensatory time which an employee would have been otherwise eligible to receive, an employee who is reinstated in accordance with paragraph (a) of this section shall not be paid salary for the period of his/her absence. The period of absence not covered by paid sick leave, accrued vacation, or compensatory time shall be a retroactive leave of absence without pay.

C. Reinstatement After Resigning in Good Standing

Upon application to the Court Executive Officer, an individual may be reinstated to a class (or to a lower class in the same series) in which he had permanent status within three (3) years from the date of his resignation in good standing, providing that:

1. There is a vacancy in the class.

2. His reinstatement is recommended by the Court Executive Officer.

3. There are less than three (3) names on a promotional eligible list for the class in which he is making application for reinstatement.

4. Acceptance of reinstatement to any class is a waiver of any potential reinstatement to other classes. Reinstatement will be granted in only one class.

SECTION 25 - TIME-KEEPING POLICY

All employees should be at work, ready to work, promptly at the start of their assigned shift and immediately at the end of their assigned meal and break times, unless they have received other instructions from their supervisor.

Employees who will be absent without prior approval must notify the supervisor within 15 minutes of regular start time. If the employee is unable to reach the supervisor, the employee must contact the designated manager, assistant court executive officer or court executive officer. Employees are required to speak with a person directly and not leave such information on the voicemail system. Failure to promptly notify the supervisor may result in the absence being recorded as unauthorized leave.

All regular court employees will be required to submit requests for time off in advance of taking such time. When advance notice is not possible, as in the case of sick leave, a leave request documenting the time used must be submitted on the first day the employee returns to work. Forms documenting overtime worked and holidays worked must be submitted the day following the overtime or holiday worked. Overtime must be authorized by the employee's supervisor or manager in advance of the employee working overtime. Courtroom staff are authorized to work overtime when Court extends into the lunch hour or end of shift, until Court is adjourned.

All part-time and temporary Court employees must submit a timecard documenting all hours worked.

To ensure proper payment, time cards must be legible, correct, and complete and must be signed both by the employee and the supervisor. Payroll records will be handled and retained by designated payroll staff in accordance with Court policy and applicable state and federal law.

SECTION 26 - RECORDS MANAGEMENT POLICY

1) The court will maintain an official personnel file for each employee.

2) Except as provided in section 6 below, information contained in an employee's personnel file will be disclosed internally only to persons with a need to know and to outside third parties pursuant to a proper legal request.

3) An employee, upon written request to the Court Executive Officer or designee, may, at reasonable times and intervals, inspect his or her official personnel file that is used or has been used to determine the employee's qualifications for employment, promotion, additional compensation, or termination or other disciplinary action. An employee may inspect only his or her official personnel file.

4) An employee's representative may inspect the contents of an employee's personnel files upon signed, dated authorization by the employee. Authorization shall be valid for sixty (60) calendar days from the date of signature.

5) The Court will keep a copy of each employee's official personnel file at the place where the employee reports to work, or shall make the employee's official personnel file available where the employee reports to work within a reasonable period of time after the employee has made a request for his or her official personnel file.

6) Records of a Court employee relating to the investigation of a possible criminal offense, letters of reference, pre-employment physical examinations and other matters protected by constitutional, statutory, or common law provisions shall be excluded from the provisions of sections 3 and 4 above for purposes of this policy.

7) Reference checks regarding current or former employees must be directed to the Assistant Court Executive Officer, Human Resources Manager or designee. Unless the current or former employee signs an authorization and release regarding the disclosure of specific further information, the only information that will be disclosed is the employee's current or final job title, dates of employment, and current or final rate of pay.

8) Each employee's official personnel file will be retained during the time of employment and for a minimum of seven years from the employee's last date of employment.

9) Employees shall have the right to, at their own expense, obtain copies of their personnel file.

10) Employees shall be given an opportunity to read and initial any report to be added to their personnel files, but an employee shall not be required to sign any such report. An employee's signature on a report shall be understood to be acknowledgment of receipt and shall not be construed as agreement or disagreement with its content. If the employee refuses to sign any report, a notation to that effect may be entered on the document. A copy will be provided to the employee upon request.

11) An employee shall have the right to submit written comments regarding any document in his/her personnel file and to have such comments included in his/her personnel file along with the document.

SECTION 27 - EDUCATION REIMBURSEMENT PROGRAM

The Court shall provide an Education Reimbursement Program in support of continuing education to eligible employees for career-related course work. The Court is committed to investing in and maintaining a highly skilled, well trained workforce.

In accordance with the Court's Education Reimbursement Program, eligible employees may be reimbursed for career-related course work taken on the employee's own time. The minimum amount of reimbursement is $10.00 and the maximum is $450 per semester for a maximum of $900 per fiscal year.

SECTION 28 - CONFLICTS OF INTEREST AND INCOMPATIBLE ACTIVITIES

A. Policy Statement

No employee shall engage in any activity that is inconsistent, incompatible, in conflict with or inimical to his or her duties as an employee of the Court or with the duties, functions, or responsibilities of the Court. All employees shall devote all of their time and efforts during their assigned work hours to their assigned duties.

No employee shall engage in any activity that would impair the employee's independent judgment in the performance of his or her duties, or which would have the appearance of so doing.

B. Interest In A Case

Employees shall not process, handle, or in any manner be involved with any case filed in the court in which the employee is a party or witness.

Employees shall not process, handle, or in any manner be involved with any case filed in the court in which a relative or friend of the employee is a party, alleged victim, or witness. For purposes of this section, the term "relative" includes the employee's spouse, children, parents, siblings, grandparents, grandchildren, first cousins, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, and daughter-in-law.

If an employee is a party to a case filed in the court, the employee shall not use his or her work time to address any matter relating to that case. If time off is needed to attend to the employee's court case (for example, to make an appearance or to pay a fine), the employee must use the Court's usual time-off procedures.

If an employee is a party to or witness in a case filed in the court, or has a relative or friend whose case is filed in the court, the employee should report this to his or her supervisor or manager.

C. Outside Employment

Prior to accepting any outside employment or as soon as possible thereafter, the employee must notify his or her supervisor or manager. Outside employment cannot be incompatible with the employee's duties and/or responsibilities for the Court and may not fall within any of the categories described in Government Code section 1126(b), as amended from time to time. An employee's work for the Court must not be adversely affected by any outside employment.

SECTION 29 - DISMISSAL, SUSPENSION, DEMOTION, OR REDUCTION OF SALARY

A. Reasons for Dismissal, Suspension, Demotion, or Reduction of Salary

In the event of dismissal, suspension, or demotion or reduction of salary of any employee in the Court, the Court Executive Officer shall state the reasons therefor. The following reasons shall be deemed sufficient for dismissal, suspension, demotion, or reduction in salary, provided that such action shall not be limited to these reasons and provided that they are adequately documented by evaluation reports or supporting data:

a. Absence without leave.

b. Conduct unbecoming an employee in the public service.

c. Disorderly or immoral conduct.

d. Incapacity due to mental or physical disability. A medical examination may be required by the Court Executive Officer. The Court shall, in this case, designate the physician to make such examination.

e. Incompetency or inefficiency.

f. Insubordination.

g. Intoxication while on duty.

h. Neglect of duty.

i. Negligence or willful damage to or misuse of public property or waste of supplies or equipment.

j. Violation of any lawful or reasonable regulation or order made and given by a superior officer.

k. False statements of facts contained in the employee's application/resume or otherwise during the hiring process.

l. Dishonesty.

m. Being at work while under the influence of alcohol or illegal drugs, or possessing illegal drugs while on Court property.

n. Conviction of a misdemeanor or a felony.

o. Falsifying or making a material omission on any court document (e.g. time card, court records).

p. Disclosure of confidential information in violation of the Code of Ethics for Court Employees for California (attached).

q. Possessing or bringing firearms, weapons, or hazardous or dangerous devices onto court property.

r. Willful violation of any Court rule, policy, or procedure.

B. Order of Dismissal, Suspension, Demotion or Reduction in Salary

a. An employee in the Courts may be dismissed, suspended, or reduced in rank or compensation by the Court Executive Officer after appointment or promotion is complete by written order, stating specifically the reasons of the action and the employee's right of appeal. The appointment or promotion shall not be deemed to be complete until the employee has served the required probationary period of one year. The order shall be immediately filed with the Court Executive Officer and a copy thereof shall be furnished to the person to be dismissed, suspended, or reduced in rank or compensation.

b. The Court Executive Officer may not substitute other forms of disciplinary action for dismissal, suspension, demotion, or reduction of salary.

C. Appeal to Arbitration

If the Court is considering disciplinary action against an employee that results in a suspension without pay for five (5) or more days, demotion, reduction in salary or termination, the employee, within seven (7) calendar days after the order is furnished to the employee, may appeal the order in writing to the Court Executive Officer or designee. The employee, in making the appeal, shall designate the matter be submitted to binding arbitration in accordance with this Rule.

D. Scheduling Arbitration

When an employee designates the matter to be determined by arbitration, the timing and procedure of such arbitration shall be established by agreement of the parties to the arbitration. Unless otherwise agreed, the arbitrator shall be selected from a list of five (5) individuals. Each party shall name two (2) such individuals and the fifth individual shall be a member of the State Office of Administrative Hearings. The parties then shall use a striking procedure to select the arbitrator. The Court Executive Officer or designee shall assist the parties in the administration of the arbitration but shall not be a party to the arbitration or otherwise be involved in the arbitration. The costs of the arbitration shall be borne equally by the parties.

E. Enforcement of Arbitration Award

If an award by an arbitrator requires action by the Court before it can be placed in effect, the Court Executive Officer will recommend to the appropriate body that it act to make such award effective.

F. Mediation

The Union and the Court, by mutual agreement may request the assistance of a mediator from the State Mediation and Conciliation Service in an attempt to resolve disciplinary matters resulting in a suspension without pay of five (5) days or less, demotion or a reduction of salary. Mediation shall be scheduled within thirty (30) days of the written order of discipline provided to the employee. The mediator shall have no authority to resolve the matter except by agreement of Union and the Court. Mediation shall be at no cost to the parties.

A tri-party panel shall be convened consisting of one representative from Union, one representative of the Court and a mediator assigned to hear the matter from the State Mediation and Conciliation Service. If the tri-party panel is unable to resolve the matter, the Court Executive Officer, after hearing the facts from both parties shall make a final decision.

G. Withdrawal of Appeal

An appellant or his authorized representative may withdraw his appeal without prejudice provided that such withdrawal is filed with the Court Executive Officer at least twenty-four (24) hours prior to the time set by the Court for the hearing of the appeal to mediation or 10 days notice for arbitration.

H. Exclusivity of Procedure and Appeal

An employee shall have the employee's appeal determined through a mediation process or by arbitration but an employee shall not have the right to have the matter determined by both mediation and arbitration, and a matter determined by one procedure may not be appealed through the alternate procedure, except as provided herein. The arbitrator shall provide a written decision within thirty (30) days of completing the hearing. The determination by arbitration is final and binding upon the parties.

SECTION 30 - JURY DUTY POLICY

It is the policy of the Court to enable its employees to fulfill their civic obligations. Toward that end, all employees are eligible for a leave of absence to attend to jury duty. If an employee is called upon for jury duty, the employee must notify his or her supervisor immediately.

Employees serving jury duty will continue to receive their regular pay for each full working day missed due to such duty. Because this is a paid leave, employees are required to turn in any per diem payment made to them for their service.

Evidence of jury duty attendance must be presented to the Court. Employees are expected to report for work on those days or parts of days when excused from jury duty, or when such duty does not conflict with the employee's work schedule. For example, employees on jury duty who are released from such duty [2] or more hours before the end of any regular workday, or who are not scheduled to begin jury duty earlier than [2] hours after the employee is scheduled to begin the workday, are expected to report to work.

SECTION 31 - REDUCTIONS IN FORCE

PURPOSE: To mitigate the adverse impact a layoff has on individual employees and to provide more detailed information on the layoff process in accordance with provisions contained in the applicable Memorandum of Understanding and Court Personnel Rules.

Methods to reduce staff:

The classification and number of positions to be reduced or deleted will be determined by the Court Executive Officer in consultation with Court Management.

For the purposes of reduction in force, multi-allocated classifications are considered a single classification and are laid off based on seniority hours credit.

Lay-offs shall be made in the following order:

1.) Employees who have temporary or part-time status only
2.) Employees who have a provisional status only.
3.) Permanent and probationary employees:
    a. Among permanent and probationary employees those having the lowest seniority hours credit in continuous service of the Court shall be laid off up to the number necessary.
4.) In the event there is a tie in the number of seniority hours credit, the employee who first filed their application for the position held shall be listed first.

Impact to the individual laid off employee:

Notice:

Any permanent Court employee who is to be laid off or dismissed for other than disciplinary reasons shall be given thirty (30) calendar days notice. This provision does not apply to probationary or temporary employees. Nothing contained herein shall be deemed to require the Court to pay an employee except for services rendered.

Re-Employment:

The name of a laid off employee will be placed on a re-employment list of the classification in which he/she was laid off. The re-employment list shall remain in effect for a period of three (3) years from the date of layoff.

a.) The names of laid off employees placed on the re-employment list by classification shall be arranged in the reverse order of layoff by seniority hours credit.

b.) If a laid off employee accepts or declines a temporary, contract position, or a position in a lower classification with the court, his/her name will remain on the re-employment list for the classification in which he/she held at the time of lay off.

c.) A laid off employee shall be recalled for "as needed" work before the Court offers the assignment to a per diem independent contractor.

Recall from Re-employment List:

Recall notices will be sent by certified mail, return receipt requested, to the employee's last known address as reflected in the Court's records. The employee must, within seven (7) calendar days from the date the notice was served, notify the Court of his/her intent to return to work on the date specified in the recall notice and must thereafter return to work on such date. An employee shall be considered served five (5) days following the date of mailing.

If an employee either:

(a) refuses a recall offer in the same classification, or
(b) does not respond to a recall offer within seven (7) calendar days, or
(c) does not return to work on the date specified in the recall offer,

he/she will be removed from the re-employment list and will not be eligible for further recalls. For purposes of subsection (b), if the seventh (7^{th}) day is a non-business day, the next business day shall be counted as the final day.

Promotions / Transfers:

Laid-off employees who are on a re-employment list shall be considered to be current Court employees for purposes of :

a.) Promotion from a departmental list
b.) Departmental promotion recruitment
c.) Transfers within court departments due to a vacancy

The Court shall post vacant positions that will be filled with the Re-employment List. The Court shall make a list of all openings available on-line (on the Court's website).

Bumping Rights:

A Laid-off employee is entitled to "bump" into a lower classification in which he/she has held permanent status or has a total of one (1) year full-time regular court service and has more seniority hours credit than another employee within the Court in the lower classification; the more senior employee "bumps" the less senior employee. For example, a Courtroom Clerk who receives a lay off notice and has previously held permanent status in the position of Legal Process Clerk or has a total of one (1) year full-time regular court service, they can bump to the Legal Process Clerk classification (at the appropriate skill level) if he/she had more seniority hours credit than the most recent Legal Process Clerk hire.

Salary upon Bumping:

If an employee is demoted to a position having a lower salary range because of lack of work or funds, or in the interest of economy, or for any reason other than discipline, the employee so demoted shall receive the next lower salary in the range assigned to the new position.

Seniority Hours:

If a Laid-off employee is later re-employed **within two (2) years** of the date of layoff, the Court shall reinstate his/her seniority hours credit as of the time of layoff.

Layoff during Probation:

An employee who is laid off during probation, if re-employed in the same class, shall be required to complete only the balance of the required probation. If re-employed in another classification, the employee shall serve a full probationary period.

Salary *Step upon Re-employment*:

The rate of pay would be the same step of the salary range at which they were employed on the effective date of layoff.

Leave Accruals:

If a Laid-off employee is re-employed **within two (2) years** from the date of layoff, he/she shall be entitled to the same vacation accrual rate as at the time of layoff. The laid off employee shall also be entitled to reinstate his/her sick leave accrual balance as of the time of layoff if he/she is re-employed within one (1) year.

SECTION 32 - SOLICITATION AND DISTRIBUTION RULES

To avoid disruption of court operations, the following rules shall apply to solicitations and distribution of literature on court property:

A. Outsiders

Persons who are not employed by the court may not solicit or distribute literature on court property at any time for any purpose.

B. Employees of the Court

Employees of the Court may not solicit during working time for any purpose. Working time is defined in the following section.

Employees of the Court may not distribute literature during working time for any purpose. Working time is defined in the following section.

Employees of the Court may not distribute literature at any time for any purpose in working areas.

C. Working Time

Working time includes the working time of both the employee doing the soliciting and distributing and the employee to whom the soliciting or distributing is being directed. Working time does not include break periods, meal periods, or any other specified periods during the workday when employees are properly not engaged in performing their work tasks.

D. Use of Court Equipment

Employees may not use the court's telephones, electronic mail, voice mail, computers, or other related equipment to solicit or to distribute literature under this rule.

SECTION 33 - ELECTRONIC MAIL

It is the Court's policy that the electronic mail (e-mail) system, like other court property, be used in a professional and lawful manner and solely for the benefit of the court.

A. The Nature of E-Mail

When a message is deleted from the e-mail system, a record of it may remain on the computer system. Because there is the possibility that inappropriate communications on e-mail may be not only widely published, but indelibly stored, the court requires that all employees exercise appropriate discretion in using the e-mail system. Even though e-mail feels like a less formal communication than business letters, employees must remember that e-mail messages are court communications and must be treated as such.

Accordingly, the e-mail system may not be used to send jokes or other comments to others that may be perceived as discriminatory, harassing, offensive, or disruptive or to send

material that disparages an individual, company, or business entity or discloses personal information without authorization

B. Access to E-Mail

The e-mail system is not a private mode of communication. When you use e-mail, you are creating court documents that may be read by others in circumstances, including, but not limited to, the following business or legal purposes:

- During regular system maintenance;
- When a business need exists to access the employee's mail box;
- In response to a legal request to disclose e-mail messages from law enforcement officials or in ongoing legal proceedings;
- When the Court has reason to believe that the employee is using e-mail in violation of court policies (including, but not limited to, its policies prohibiting discrimination and harassment, misappropriation of court property, or using court equipment for personal purposes); or
- For periodic, unannounced inspection by the court for business purposes.

System security features, including passwords and message delete functions, do not prevent the court from accessing any message at any time. Employees must be aware that the possibility of such access always exists. Should employees make incidental use of the e-mail system to transmit personal messages, such messages will be treated no differently than other messages and may be accessed by the court under any of the circumstances in the preceding list. E-mail is not a personal bulletin service. Solicitations, offers to buy and sell goods or services, and other personal messages to large groups via the e-mail system are not appropriate uses of this court asset.

SECTION 34 - USE OF COURT RESOURCES

A. General Policy

Court equipment, including, but not limited to, telephones, computers, facsimile machines, and copying machines, must be used with care and must not be abused. In addition, employees must use court equipment in conformance with the Court's policies and procedures.

B. Telephones

The Court's telephones are for Court business only. Employees must keep all personal telephone calls to a minimum so as not to interfere with Court work. Friends and relatives should be discouraged from calling during working hours unless there is an emergency. Employees may not charge any personal long distance telephone calls to the Court.

C. Computers

The Court's computers are for Court business only. Employees may not use the Court's computers for any personal business unless prior approval has been received from the employee's supervisor, in which case the Court's computers may be used for personal business only during the employee's non-working time.

The Court's computers must be used in a professional and lawful manner and solely for the benefit of the Court. The court may access and read information on its computers at any time to ensure compliance with this policy and for other Court or business reasons. Therefore, employees should not assume that personal information they place on the Court's computers is confidential.

D. Facsimile and Copying Machines

The Court's facsimile and copying machines are for Court business only. Employees may not use the Court's facsimile and/or copying machines for any personal business unless prior approval has been received from the employee's supervisor, in which case the Court's facsimile/copying machines may be used for personal business only during the employee's non-working time and with appropriate reimbursement for supplies and other costs.

SECTION 35 - PERSONAL APPEARANCE

A. Dress Code – (see Dress Code Policy adopted on 5/14/09)

SECTION 36 - WORKPLACE SECURITY

A. Employee Compliance

The Court is firmly committed to providing a secure workplace free from acts or threats of violence. To achieve this goal, the Court requests the support of all employees. Compliance with this policy and with the Court's commitment to zero tolerance of workplace violence is every employee's responsibility.

Employees are required to report any incident involving a threat or act of violence immediately to their supervisor or manager. The court will review the matter and take necessary corrective action. This may include disciplining, and possibly dismissing, any employee who violates this policy.

Employees who become aware of any workplace security hazard should report that information to their supervisor or manager. The Court will not tolerate retaliation against any employee who provides any information or reports to the Court under this policy.

Any questions regarding this policy may be directed to the Court executive officer or designee.

B. The Injury and Illness Prevention (IIP) Program

The Court's IIP program is part of the effort to ensure workplace safety. The IIP program provides for meetings, training programs, and periodic written communications to employees regarding safety matters. The program requires periodic inspections to identify and evaluate potential security hazards, and it calls for the posting of safety notices and safety tips. In addition, the IIP program provides a mechanism for correcting identified workplace hazards and identifying any incidents of workplace violence.

C. Cooperation Is Essential

Full cooperation by all employees is necessary to accomplish the Court's goal of maximizing the security and safety of its employees and court visitors. Any questions about the policy should be directed to the Court executive officer. Employees will not be retaliated against in any way for asking questions about, or reporting violations of, this policy.

Employees who violate any of the terms of this policy, or who threaten, engage in, or contribute to violent behavior, will be subject to disciplinary action, up to and possibly including, immediate termination.

SECTION 37 - CATASTROPHIC LEAVE BANK

The Court will provide catastrophic leave in accordance with the terms and conditions established by the Court subject to availability within the Court sick leave bank.

SECTION 38 - RELATIONSHIP OF POLICIES TO M.O.U

The policies contained in this plan apply to both represented and unrepresented employees. Where policies conflict with provisions of a memorandum of understanding between the Court and a recognized employee organization, the MOU provisions will govern as to employees covered by the MOU.

SECTION 39 - DISCRIMINATION, HARASSMENT, AND RETALIATION COMPLAINT RESOLUTION POLICY

A. Overview

In keeping with the Court's commitment to providing a work environment free of discrimination, harassment, and retaliation (Section 18 Equal Employment Opportunity Policy; Section 19 Harassment Prevention Policy), the Court will take prompt and appropriate action in

response to complaints of such conduct. The goal of this policy is to address complaints as soon as they arise while maintaining a cooperative and collegial work environment.

B. Application

This Complaint Resolution Policy applies to complaints of discrimination or harassment BASED on race, color, religious creed, sex (including pregnancy, childbirth, or related medical conditions), gender, gender identity, gender expression, national origin, ancestry, age, physical or mental disability, medical condition, genetic information, family care status, military and veteran status, marital status, sexual orientation, or any other basis prohibited by law. This complaint policy also applies to complaints of retaliation for filing a complaint of discrimination or harassment, or participating in an investigation of such complaints.

C. Reporting Complaints

All employees are responsible for doing their part to foster a work environment free of discrimination, harassment, and retaliation. If an employee believes that discrimination, harassment, or retaliation in violation of Court policy is occurring, whether by another employee or by a contractor, client, vendor, visitor, or any member of the public, the employee must promptly report his or her concerns, by one of the following two options:

1. Complaint to Employee's Supervisor or Manager

   Employees may inform their supervisor or manager of the complaint, in writing or orally. Upon receipt of the complaint, the supervisor or manager will report the matter to Human Resources.

2. Complaint to Human Resources Manager

   As an alternative to Section (C)(1), an employee may submit a complaint directly to the Human Resources Manager, in writing or orally.

   The Human Resources Manager or designee will review the complaint and determine whether to refer the matter to the Court Internal Complaint Review Committee.

3. Investigation and Corrective Action

Upon receipt of a complaint of discrimination, harassment, or retaliation as outlined in Section (C) above, Human Resources will conduct a timely investigation. The Court will handle all situations with confidentiality, to the extent possible, while ensuring that the investigation is conducted thoroughly and objectively.

The investigation will provide all parties with an opportunity to respond and will reach factual findings based on the information gathered. The investigator will prepare a report for

review and recommendations. Human Resources will monitor the complaint process to help ensure a timely resolution.

If it is determined that inappropriate conduct occurred, the Court will take immediate and appropriate corrective action to remedy the situation and to prevent such conduct in the future. A determination that inappropriate conduct has occurred in violation of Court policy does not necessarily indicate a violation of any law prohibiting discrimination, harassment, or retaliation.

The Court prohibits retaliation against employees who, in good faith, report what they believe to be discrimination, harassment, or retaliation, or who participate in the investigation of such complaints, regardless of whether it is ultimately determined that inappropriate conduct occurred.

4. Additional Enforcement Information

At any time before, during, or after using the procedures provided in this policy, Court employees who believe they have been or are being unlawfully discriminated against, harassed, or retaliated against may file a complaint with the federal Equal Employment Opportunity Commission or the California Department of Fair Employment & Housing. These agencies investigate and prosecute complaints of illegal discrimination, harassment, and retaliation in employment and have the authority to seek relief in meritorious cases. Information regarding these agencies is available on the Internet at the following websites:

- Federal Equal Employment Opportunity Commission: www.eeoc.gov
- California Department of Fair Employment & Housing: www.dfeh.ca.gov

SECTION 40 - ACKNOWLEDGMENT FORM

A. Receipt of Manual

I hereby acknowledge that I have received a copy of the San Joaquin County Superior Court's Personnel Plan Policies and understand that the Personnel Plan Policies contain important information on the court's general personnel policies and on my privileges and obligations as an employee. I acknowledge that I am expected to read, understand, and adhere to the court's policies, and that my continued employment with the court is contingent on my agreement to do so. I will familiarize myself with the Personnel Plan Policies and understand that I am governed by the contents of the Personnel Plan Policies, as amended from time to time.

_____
Employee's Name (printed)

_____
Employee's Signature

_____
Date

SECTION 41 - RECEIPT OF E-MAIL AND USE OF COURT RESOURCES POLICIES

I hereby acknowledge that I have received a copy of the San Joaquin County Superior Court's Electronic Mail and Use of Court Resources Policies. I agree to abide by the provisions of those policies and consent to the court's exercise of its rights under those policies.

_____
Employee's Name (printed)

_____
Employee's Signature

_____
Date

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN
PERSONNEL RULES

Revised and Adopted on June 1, 2018

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN JOAQUIN

By _____
Rosa Junqueiro, Court Executive Officer

By _____
Adrianne Forshay

By _____
Stephanie Bohrer

By _____
Teresa Provencio

By _____
Nicole Lee

SERVICE EMPLOYEES
INTERNATIONAL UNION
(SEIU) Local 1021

By _____
Timothy Robinson

By _____
Heather Romuar

By _____
Rhonda Todorovitch

By _____
Teresa Trigg

By _____
Dani Jeitz

By _____
Elena Anaya

By _____
Dianna Gonsalves

By _____
Jennifer Whitlock

By _____
Susan Schuman

By _____
Dennis Mallory, Field Representative
SEIU Local 1021

By _____
John Stead-Mendez, Executive Director
SEIU Local 1021