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**Idaho Judicial Branch**  
**Employee Policy Manual**

**Effective July 1, 2014**

**Idaho Judicial Branch  
Employee Policy Manual**

**Welcome**

We are proud of those who work for the Idaho Judicial Branch, and hope you are proud of the position of trust that you hold.

To ensure we are able to carry out our constitutional responsibilities and commitment to the citizens of Idaho, it is critically important that members of the Judicial Branch understand their roles and responsibilities. Our mission statement describes the important work being accomplished by the Idaho courts:

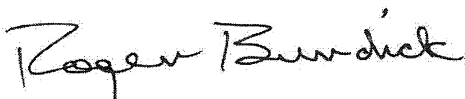
As the third branch of government, we provide access to justice through the timely, fair, and impartial resolution of cases.

All Idahoans, whether in our courtrooms, as co-workers, or others with whom we work, deserve your best work and a personal commitment to treat them with dignity and respect.

The justices, judges and employees of the third branch of government are our most valuable asset and are the means by which we carry out our public service. We must earn trust each and every day in everything we do. As such, we expect the highest degree of integrity and honesty to be upheld. The Idaho Judicial Branch's reputation will be determined by the work we do and by how justices, judges and Judicial Branch employees represent us. Additionally, it is expected that all of our work will be at the highest level, and your ideas on how we can improve are welcomed. Our values reflect these expectations: Integrity, Fairness, Independence, Respect, Excellence, and Innovation.

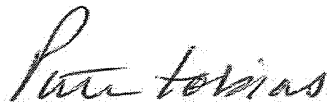
We hope that this policy manual provides useful information and guides you through questions that arise during your career with the Idaho courts.

Thank you for your service,



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Chief Justice



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Administrative Director of the Courts

## **MISSION STATEMENT OF THE IDAHO COURTS**

AS THE THIRD BRANCH OF GOVERNMENT, WE PROVIDE  
ACCESS TO JUSTICE THROUGH THE TIMELY, FAIR, AND  
IMPARTIAL RESOLUTION OF CASES.

## **VALUES OF THE IDAHO COURTS**

- INTEGRITY
- FAIRNESS
- INDEPENDENCE
- RESPECT
- EXCELLENCE
- INNOVATION

## **STRATEGIC GOALS AND MAJOR OBJECTIVES OF THE IDAHO COURTS**

### **I. PROVIDE TIMELY, FAIR, AND IMPARTIAL CASE RESOLUTION**

- Advance justice by resolving cases as early as possible, while guaranteeing the rights of the parties.
- Resolve cases involving children and families through the combined efforts of the courts, the family, and community services in ways that are least adversarial and intrusive.
- Improve the safety and well-being of children and families involved in child protection cases.

### **II. ENSURE ACCESS TO JUSTICE**

- Strengthen and expand both Court Assistance Office services and options for legal representation for persons of limited means while increasing the public's awareness of these services.
- Enhance the ability to efficiently conduct court business by developing technologies, especially electronic filing of all court documents.

### **III. PROMOTE EFFECTIVE, INNOVATIVE SERVICES**

- Assure the highest level of service by recruiting highly-qualified judges and court personnel and advancing their professional development through educational opportunities.
- Enhance court programs and services by actively working with the legislative and executive branches of state government, counties, cities, and stakeholders to foster the necessary resources to meet the evolving needs of Idahoans.
- Provide long-term resolution of cases through effective application of the principles of problem-solving justice.

### **IV. INCREASE PUBLIC TRUST AND CONFIDENCE IN IDAHO COURTS**

- Protect communities, reduce recidivism, and hold offenders accountable through evidence-based sentencing practices.
- Increase awareness of the importance of the jury system—as well as the public's participation in that system—and develop strategies to improve jury service and appreciation.

**Adopted by the Idaho Supreme Court, October 31, 2011**

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**Section 1: Purpose and Scope**

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**1.1 Purpose**

The Constitution of the State of Idaho provides:

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

Article V, Section 2. The Idaho Constitution provides that our state courts shall be operated as a unified system under the overall management of the Idaho Supreme Court. With the authority to manage comes the responsibility to establish uniform policies and procedures to govern court operations. The Judicial Branch Employee Policy Manual sets forth employment policies adopted by the Idaho Supreme Court for state justices, judges and Idaho Judicial Branch employees. These policies have been adopted by order of the Supreme Court and have the effect of superseding any prior employment policy or rule.

The Employee Policy Manual and all policies herein, are limited to employees that are compensated by the State of Idaho.

The Employee Policy Manual does not apply to officials and personnel working in the judicial system who are not compensated by the State of Idaho, such as district court law clerks or staff attorneys, clerks of the district court and their deputies, probation officers, marshals, and court attendants, despite the fact that justices and judges may possess certain direction and control over these individuals and/or they may perform court functions.

The policies outlined in the Employee Policy Manual are intended to provide guidance to employees, supervisors, managers and division directors. Nothing in these policies should be construed as an employment contract or a guarantee of continued employment.

**1.2 At-Will Employment**

All Judicial Branch employees are “at-will” employees. The Judicial Branch seeks to offer rewarding career opportunities to those who qualify. However, it is not possible to guarantee employment for any specific term or under any particular conditions. **The Judicial Branch and the employee have the right to terminate the employment relationship, for any reason, at any time, with or without cause.**

**1.3 Definitions**

Throughout the Employee Policy Manual the terms Judge, Employee, Supervisor, Manager, and Division Director are used. The definitions of these terms are detailed below.

**1.3.1 Judges**

Judges are Supreme Court Justices, Court of Appeals Judges, District Judges, and Magistrate Judges.

**1.3.2 Employees**

Employees are considered to be any person in the employ of the Idaho Judicial Branch who is paid a salary or wage by the State of Idaho other than judges. Employees do not include county-paid district court personnel.



**1.3.3 Supervisor and Manager**

Supervisors and managers are considered to be any judge or employee who officially has supervisory responsibilities over at least one person and has the ability to influence the employment status of employees within their direct line of supervision.

**1.3.4 Division Director**

A division director is considered to be any employee in charge of a division or judicial district within the Idaho Judicial Branch. Trial Court Administrators and Clerk of the Court for the Idaho Supreme Court and Court of Appeals are considered division directors as well as Legal Counsel and Staff Attorney.

**1.4 Judicial Branch Structure**

The Idaho Constitution provides for a unified and integrated judicial system under the administration and supervision of the Supreme Court. As described in Chapter 6 of Title 1 of the Idaho statutes, the Supreme Court appoints the Administrative Director of the Courts to assist it with administration of the Judicial Branch.

To establish the orderly supervision of employees, the Judicial Branch is organized as follows:

**1.4.1 Offices of the Justices**

Each Supreme Court justice is the supervisor of the employees working in the office of that justice.

**1.4.2 Offices of Court of Appeals Judges**

Each Court of Appeals judge is the supervisor of the employees working in the office of that judge. The Chief Judge provides leadership and operational oversight for the administration of the Court of Appeals.

**1.4.3 District Courts**

According to Idaho Code, Section 1-907, the Administrative District Judge or Acting Administrative District Judge in each judicial district, subject to the rules of the Supreme Court, shall have administrative supervision over the operations of the district courts and magistrate division in that district. The Administrative District Judge and Trial Court Administrator jointly administer the district courts in each judicial district. The Administrative District Judge and the Administrative Director of the Courts jointly appoint and supervise each Trial Court Administrator; however, the Administrative Director of the Courts defers daily supervision to the Administrative District Judge. The Administrative District Judge or designee in each judicial district is the supervisor of the judicial employees working in the district, excluding court reporters that are supervised by individual district judges.

**1.4.4 Court Professionals**

The Chief Justice, as the chief executive of the Supreme Court, is the supervisor of court professional staff including the Staff Attorney and Clerk of the Court. The Administrative Director of the Courts supervises employees working in the administrative office of the courts in accordance with Chapter 6 of Title 1 of the Idaho Code. The Clerk of the Court is the supervisor of the employees working in the Office of the Clerk.

Supervisors, managers, and division directors shall be responsible for the direction and supervision of employees reporting to them. Supervisors, managers and division directors are responsible for setting expectations and working with employees to develop individual goals.

### **1.5 Public Information Officer**

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

### **1.6 Official Records of the Judicial Branch**

Openness of judicial proceedings and records is a basic policy of the Judicial Branch. Rule 32 of the Idaho Court Administrative Rules says that the public has a right to examine and copy the judicial branch's declarations of law and public policy and to examine and copy the records of all proceedings that are open to the public. However, the release of some information in court records might endanger public safety; jeopardize vulnerable persons, including children; violate individual privacy; or improperly reveal financial information or trade secrets. For this reason, Rule 32 provides that certain information is exempt from public disclosure. Rule 32 also sets out the procedure for requesting records, for responding to those requests, for reconsideration by a judge of denials of requests for records, and for costs to be charged in some cases for copying records.

### **1.7 Personnel Records**

Personnel records for all employees are maintained by the Human Resources Division. Personnel files are confidential; pursuant to Idaho Court Administrative Rule 32(g)(20), personnel files of employees of the Judicial Branch are exempt from public records disclosure. Access to personnel files is limited to the following individuals:

#### **a. Employee**

Each employee may review his or her own personnel file and request copies of file documents. No materials are to be removed except as specifically authorized by the Administrative Director of the Courts. Idaho Court Administrative Rule 32(c)(4).

#### **b. Persons Other Than the Employee**

Pursuant to Idaho Court Administrative Rule 32(c)(5), other Judicial Branch employees may have access to personnel files only if they have a need to know, so that access is limited to the following persons:

- Human Resources staff as they need access in the course of their normal duties;
- The employee's direct supervisor and those in the employee's chain of command;
- A hiring supervisor or manager considering an employee for promotion or transfer into their division, with the employee's approval.

**1.8 Personnel Data Changes**

It is important that information in personnel files be kept up to date and accurate. Employees have a responsibility to keep Human Resources informed of changes in address, including their emergency contact information.

**1.9 Recruitment**

It is the goal of the Idaho Judicial Branch to assure the highest level of service by recruiting highly-qualified employees. We strive to hire quality employees who will demonstrate personal dedication and professional service to our mission and community.

It is the policy of the Idaho Judicial Branch to conduct recruitment and selection for vacant positions in a timely manner, to ensure selection methodologies are job related, and that positions are filled competitively. Human Resources will ensure compliance with all applicable federal and state laws as they pertain to recruitment and selection of employees. Current employees of the Judicial Branch are strongly encouraged to apply for vacant Judicial Branch positions for which they may be qualified in order to provide professional development opportunities.

**1.10 Reference Checks**

From time to time, employees may be asked to provide letters of recommendation or to serve as a reference.

**1.10.1 Requests Regarding Judicial Branch Personnel**

Employees shall refer all requests for information on current or former employees, interns, externs, and volunteers to the Human Resources Division. Information provided will be limited to public information which includes dates of employment, position title, and salary unless a waiver has been signed for the release of additional information. If a waiver has been signed, the Human Resources Office shall coordinate the reference with the appropriate judicial branch personnel.

**1.10.2 Other Requests**

Employees may write a personal letter of recommendation or serve as a reference indicating the background and character of other individuals based upon the substantial personal knowledge gathered over a period of time in the following situations:

- (1) To a potential employer regarding employment (except applicants for judicial office as indicated below);
- (2) To a licensing organization, such as a state bar, for someone seeking certification or licensure;
- (3) To an educational institution concerning someone seeking to further his or her education; or
- (4) To an organization nominating or supporting an award for someone.

Judicial employees shall refrain, however, from serving as a reference or writing a letter of recommendation with regard to an applicant for a judicial appointment or election.

**1.11 Changes to the Employee Policy Manual**

The Idaho Supreme Court, on behalf of the Judicial Branch, reserves the right to change, modify, suspend, or cancel any of its policies or practices unilaterally without advance notice and at its sole discretion.

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**Section 2: Employment Legal Compliance**

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The Idaho Judicial Branch is dedicated to fairness, integrity, respect and equality for all individuals. The Idaho Judicial Branch values the individual diversity of all judges, employees, applicants, volunteers, and citizens. Differences provide experiences, viewpoints, and ideas that can strengthen and enhance our work. Our goal is to create an environment that is inclusive, respectful, and equitable, and to employ the talents of people with different backgrounds, experiences, and perspectives to accomplish the mission and strategic goals of the Idaho Judicial Branch.

The Judicial Branch will ensure that management, supervisory, and all other personnel comply with the letter and spirit of all federal, state, and local laws, government regulations, and executive orders covering equal employment opportunity. This includes but is not limited to: the Age Discrimination in Employment Act (ADEA), the Americans with Disabilities Act Amendments Act (ADAAA), the Equal Pay Act (EPA), the Fair Credit Reporting Act (FCRA), the Fair Labor Standards Act (FLSA), the Family Medical Leave Act (FMLA), the Genetic Information Nondiscrimination Act (GINA), the Health Insurance Portability and Accountability Act (HIPAA), Idaho Court Administrative Rule 32, the Immigration Reform and Control Act (IRCA), the Pregnancy Discrimination Act (PDA), Title VII of the Civil Rights Act, the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Idaho Worker's Compensation Law.

Anyone who has questions or concerns regarding the above employment laws should contact Human Resources. Anyone believing they have been subject to discrimination shall complete the complaint form located in the appendix. All complaints will be investigated promptly.

**2.1 Equal Employment Opportunity/Title VII of Civil Rights Act**

The Judicial Branch is an equal opportunity employer. The Judicial Branch is committed to fairness and equality of opportunity in the workplace and prohibits discrimination. All recruitment, hiring, training, promotions, transfers, and administration of all personnel policies, procedures, programs, and services shall be conducted or administered without regard to race, color, national origin, sex, age, religion, socioeconomic status, sexual orientation, gender identity, veteran status (other than veteran's preference), disability or any other applicable legally protected status. The Judicial Branch shall continually monitor its employment actions, and identify and eliminate any practices that form barriers to achieving compliance with this policy. The Judicial Branch Equal Employment Opportunity and Diversity Plan is located in the appendix.

The policies and principles of equal employment opportunity also apply to the treatment of any persons doing business for or with the Judicial Branch.

**2.1.1 Discrimination and Harassment**

It is the policy of the Judicial Branch to provide a work environment that is free from discrimination and harassment. All employees are responsible for creating and sustaining a harassment-free environment by respecting the rights of others to be free from harassment and acts of retaliation.

**a. Discrimination Based Harassment**

Harassment based on an individual's sex, age, color, race, national origin, religion, sexual orientation, gender identity, or disability is a form of discrimination and is a violation of this policy.

Sexual harassment is defined as unwelcome sexual advances, request for sexual favors, and other verbal or physical conduct of a sexual nature when:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment.
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individuals.
- Such conduct has the purpose or effect of substantially interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

**b. General Harassment**

General harassment is conduct that is insulting, degrading, and shows hostility toward an individual such that it interferes with the individual's work environment and performance. General harassment is conduct that is so severe or occurs with such sufficient frequency to create a hostile or offensive work environment. General harassment does not include management actions including duty assignments, disciplinary actions, and performance appraisals.

Prohibited general harassment includes the following types of behavior:

- Verbal or written communication that contains degrading comments or jokes.
- Intimidating or threatening conduct directed at an individual.

**2.1.2 Retaliation**

Retaliation against someone who reports harassment or discrimination, or who participates in an investigation, is strictly prohibited. Retaliatory acts may include but are not limited to: unsubstantiated negative performance appraisals, inappropriate changes in job assignments or duties, exclusion from meetings, or negative treatment by coworkers. Retaliation does not include disciplinary actions taken against an employee for filing a fabricated claim of harassment, nor does it include disciplinary actions taken against an employee for performance issues not related to the harassment complaint or investigation.

Employees should report acts of retaliation to their supervisor or manager, division director, the Human Resources Director or the Administrative Director of the Courts. Reports of retaliation will be promptly investigated. Appropriate follow-up measures may be taken as necessary. Disciplinary action, up to and including termination, may be taken against employees who violate this retaliation policy.

**2.1.3 Management Information**

All supervisors, managers and division directors are responsible for ensuring an atmosphere free of harassment, sexual and otherwise. Supervisors, managers, and division directors of the Judicial Branch are required to take prompt, appropriate action upon observing or becoming aware of harassing behavior. The failure of a supervisor or manager to respond promptly to an observed or reported instance of harassment may result in disciplinary action.

**2.1.4 Reporting**

Anyone who believes that he or she has been denied employment opportunities or

benefits or who has been harassed because of race, color, national origin, sex, age, religion, socioeconomic status, sexual orientation, gender identity, veteran status, disability, or any other applicable legally protected status may file a complaint in accordance with the Idaho Judicial Branch's Discrimination and Harassment Policy. Complaints may be submitted to the appropriate Administrative District Judge, Trial Court Administrator, Division Director, the Human Resources Division of the Administrative Office of the Courts, or the Administrative Director of the Courts.

If an individual feels he or she has experienced harassment or discrimination, the individual may address the offending party either in person or in writing. However, this resolution will not constitute notice to the Judicial Branch of the alleged harassment or discrimination. If the individual feels uncomfortable confronting the offending party, or if after doing so the behavior has not stopped, he or she must report the conduct as soon as possible to the appropriate Administrative District Judge, Trial Court Administrator, Division Director or any of their subordinates, the Human Resources Division or the Administrative Director of the Courts. If a complaint is made verbally, the individual will be asked to confirm the written notes of said report to ensure accuracy and completeness. Complaint forms are located in the appendix.

When discrimination or a report of such conduct comes to the attention of a supervisor, manager, or division director, that individual must act promptly and contact the Human Resources Division to ensure the situation is assessed, thoroughly investigated, and that the appropriate resolution measures are implemented. Management is responsible for assisting and cooperating in any investigation that is conducted, and maintaining confidentiality on a need-to-know basis. Human Resources will coordinate with the Judicial Council if a harassment situation involves a judicial officer.

#### **2.1.5 Investigation**

Human Resources will promptly conduct an investigation into any reports of harassment or discrimination. The Judicial Branch may place employees on leave, either with or without pay, pending investigation.

#### **2.1.6 Confidentiality**

In order to maintain fairness during an administrative review, confidentiality is of paramount importance. Employees should refrain from discussing the situation with others who are not tasked with either investigating or resolving the situation. Employees are required to keep confidential the fact that they have been interviewed, the questions asked, and their responses to questions. The confidentiality requirement applies to verbal, written, or electronic information. Management is responsible for assisting and cooperating in any administrative review that is conducted, and maintaining confidentiality on a need-to-know basis.

## **2.2 Americans with Disabilities Act Amendments Act (ADAAA)**

The Idaho Judicial Branch is dedicated to the goals of fairness, equality, courtesy, and respect for all individuals. The Idaho Judicial Branch values the individual diversity of all judges, employees, applicants, volunteers, vendors, and citizens. Our goal is to create an environment that is inclusive, respectful, and equitable and employs the talents of people with different backgrounds.

All employees are expected to comply with the Americans with Disabilities Act Amendments Act (ADAAA) which prohibits discrimination against qualified individuals

with a disability. The ADA covers both applicants and employees who meet the qualification requirements for the position (education, experience, etc.), who can perform the essential functions of the position with or without reasonable accommodation, and have a disability as defined by the ADA.

### **2.2.1 Request for Accommodation**

Employees may submit a request for accommodation to their supervisor, manager, Division Director, Human Resources or the Administrative Director of the Courts. The request may be verbal or in writing but must contain enough information for the Judicial Branch to determine that an accommodation is needed due to an underlying long-term medical condition or impairment. Request for accommodation forms are located in the appendix.

Division directors shall work with Human Resources to determine the essential functions of the position and discuss possible reasonable accommodations. Human Resources will work with the division director and the applicant or employee to engage in an interactive process to see if the individual qualifies under the ADA, and if a reasonable accommodation is available to enable the individual to safely and successfully perform the essential functions of the position. The Human Resources Director will respond to the request within fifteen (15) days after receipt of the request.

The Judicial Branch may request additional information from the employee and health care provider to verify the disability and obtain possible recommendations of ways to accommodate the disability. The ADA requires an interactive process between the employee and the employer. If the employee fails to provide the necessary information for the request to be reviewed, the request for accommodation may be delayed or denied pending more information.

Accommodations that result in undue hardship for the Judicial Branch will be denied. However, alternative accommodations may be suggested in lieu of the requested accommodation. Accommodations may be implemented on a trial basis to determine if the accommodation is effective and does not disrupt the workplace. All accommodations should be periodically reviewed to ensure they are still necessary and still allow the employee to successfully perform the essential functions of the job.

Employees who pose a direct threat to the health or safety of themselves or others will be placed on leave with or without pay until the threat can be eliminated by reasonable accommodation or until a decision has been made in regard to the employee's continued employment.

## **2.3 Fair Labor Standards Act (FLSA)**

The Idaho Judicial Branch will comply with all provisions of the Fair Labor Standards Act (FLSA), which established the federal minimum wage, overtime pay, recordkeeping, and child labor.

All job descriptions are reviewed by the Human Resources Division to determine their FLSA status. Positions are determined to be covered, exempt, or excluded based on federal law and are categorized by Human Resources based on job duties and responsibilities, not by job titles. Employees will be notified of the FLSA status of their position upon hire. Job descriptions will be regularly reviewed by Human Resources.

Anyone who has questions or concerns in regard to hours of work or overtime compensation is encouraged to discuss the problem with their supervisor, Human Resources, or the Administrative Director of the Courts. If any employee has concerns that their position has been improperly designated as either covered or exempt from the FLSA, they should contact the Human Resource Division.

### **2.3.1 Non-Exempt (Covered) Positions**

The Judicial Branch will compensate non-exempt employees one and one-half (1.5) times their regular rates of pay for all hours worked in excess of forty (40) hours in a workweek. Paid leave time such as vacation, sick and holiday hours do not count towards the forty (40) hour threshold for overtime. Non-exempt employees shall earn compensatory time in lieu of overtime compensation up to two-hundred forty (240) hours. All overtime hours must be approved in advance by an employee's supervisor. At separation of employment, non-exempt employees shall receive monetary compensation for any unused compensatory time they have accrued.

### **2.3.2 Exempt Positions (A,P,C)**

Judicial Branch employees in positions considered Administrative, Professional or Computer exempt and therefore not subject to the overtime provisions of the FLSA are ineligible for cash compensation for hours worked over forty (40) but shall be allowed to accrue compensatory time. Such compensatory time shall be earned and allowed on a one (1) hour for one (1) hour basis, not to exceed two-hundred forty (240) hours. Paid leave time such as vacation, sick and holiday hours do not count towards the forty (40) hour threshold for compensatory time.

### **2.3.3 Exempt Positions (E)**

Employees who are designated Executives under the FLSA do not receive monetary compensation or accrue compensatory time for any hours worked over forty (40) in a work week.

### **2.3.4 Excluded (Elected Officials and their Personal Staff)**

Judges and employees who meet the requirements for the personal staff exception under the FLSA are not subject to the requirements of FLSA pursuant to its terms. Employees who are categorized under the FLSA as personal staff of an elected official are ineligible for cash compensation for hours worked over forty (40) but shall be allowed to accrue compensatory time. Such compensatory time shall be earned and allowed on a one (1) hour for one (1) hour basis, not to exceed two-hundred forty (240) hours. Paid leave time such as vacation, sick and holiday hours do not count towards the forty (40) hour threshold for compensatory time. At separation of employment, employees meeting the requirements for the personal staff exception will not receive monetary compensation for any unused compensatory time they have accrued.

### **2.3.5 Recording of Time**

The Judicial Branch values all employees and wants to fairly compensate them for time spent performing their jobs. In addition, the Fair Labor Standards Act requires employers to compensate employees for all hours worked. Employees are required to accurately document all hours worked and leave taken on their timesheet.

### **2.3.6 FLSA Workweek**

For the purpose of calculating overtime and compensatory time, the standard FLSA



workweek covers seven consecutive days beginning on Sunday at 12:01 a.m. and ending on Saturday at 12:00 p.m. Employees who work alternative work schedules may have workweeks with different starting and ending times.

### **2.3.7 Cash Compensation for Overtime or Compensatory Time**

In extraordinary circumstances, the Administrative Director of the Courts may approve cash compensation for accrued overtime or compensatory time for employees. The employee's supervisor or manager shall submit the request to their Division Director and Human Resources. The request will be considered, taking into account the amount of vacation and compensatory time accumulated by the employee, court operations and workload demands in the foreseeable future, and the essential nature of the duties performed. Depending on the available budget, exempt employees may receive all or a partial amount of compensatory time as cash compensation.

### **2.3.8 Management Information**

Supervisors, managers and division directors are responsible for ensuring that all employees maintain accurate time records and do not fail to record hours worked. Employees are compensated for all hours worked whether or not the employee had prior authorization to work the hours in question. Members of management may not allow employees to fail to record hours worked. An employee may be disciplined for working without prior authorization but said discipline may not include refusal or failure to pay for time worked.

### **2.3.9 Nursing Mothers**

The Judicial Branch will designate private, sanitary locations to express breast milk for those employees nursing a baby during the first twelve (12) months after delivery. The employee will be granted flexible and reasonable breaks to meet their lactation needs. The employee should keep their supervisor, manager, or Human Resources informed of their needs so that appropriate accommodation can be made to satisfy the needs of both the employee and the Judicial Branch.

### **2.3.10 Retaliation**

Retaliation against someone who reports concerns regarding any of the above FLSA policies is strictly prohibited. Retaliatory acts may include but are not limited to: unsubstantiated negative performance appraisals, inappropriate changes in job assignments or duties, exclusion from meetings, or negative treatment by coworkers.

Employees should report acts of retaliation to their supervisor or manager, division director, the Human Resources Director, or the Administrative Director of the Courts. Reports of retaliation will be promptly investigated. Appropriate follow-up measures may be taken as necessary. Disciplinary action, up to and including termination, may be taken against any employee who violates this retaliation policy.

## **2.4 Family and Medical Leave Act (FMLA)**

The FMLA attempts to balance an employee's need for time off for family and medical reasons and the employer's need for a stable work force. The purpose of the FMLA policy is to provide employees with a general description of their FMLA rights. In the event that specific details are not included in this policy, the federal law will be used to provide assistance. Please see the FMLA policy in the Compensation and Benefits section for further information.

**2.5 Immigration Reform and Control Act (IRCA)**

The Judicial Branch, as an equal opportunity employer, employs persons legally entitled to work in the United States without regard to citizenship, ethnic background, or place of national origin. Candidates offered employment in the Judicial Branch are required to produce satisfactory evidence of their eligibility to work in the United States and assist in completion of the United States Citizenship and Immigration Services (USCIS) Form I-9 solely for purposes of compliance with the Immigration Reform and Control Act of 1986.

**2.6 Uniformed Services Employment and Reemployment Rights Act (USERRA)**

The Uniformed Service Employment and Reemployment Rights Act (USERRA) applies to persons who perform duty, voluntarily or involuntarily, in the "uniformed services," which includes the Army, Navy, Marine Corps, Air Force, Coast Guard, and Public Health Service commissioned corps, as well as the reserve components of each of these services. Federal training or service in the Army National Guard and Air National Guard also provides rights under USERRA. Uniformed service includes active duty, active duty for training, inactive duty training (such as drills), initial active duty training, and funeral honors duty performed by National Guard and reserve members. USERRA prohibits employment discrimination against a person on the basis of past military service, current military obligations, or intent to serve.

**2.6.1 Basic Requirements**

- The individual must have held a non-temporary job with the Idaho Judicial Branch prior to entry into the uniformed service for active duty or training.
- The individual must have given notice to the Idaho Judicial Branch that he or she was leaving the job for service in the uniformed services.
- The cumulative period of service must not have exceeded five years.
- The individual must not have been released from service under dishonorable or other punitive conditions.
- The individual must have reported back to the job with the Idaho Judicial Branch in a timely manner or have submitted a timely application for reemployment.

**2.6.2 Time Limits**

Under USERRA, restoration rights are based on the duration of military service. The time limits for returning to work are as follows:

- Less than 31 days of service: By the beginning of the first regularly scheduled work period after the end of the calendar day of duty, plus time required to return home safely and an eight hour rest period.
- 31 to 180 days: The employee must apply for reemployment no later than 14 days after completion of military service.
- 181 days or more: The employee must apply for reemployment no later than 90 days after completion of military service.
- Service connected injury or illness: Reporting or application deadlines are extended for up to two years for persons who are hospitalized or convalescing.

**2.6.3 Benefits**

USERRA guarantees pension plan benefits that accrued during military service, and allows service members activated for duty to elect to extend their employer-sponsored health coverage for up to twenty-four (24) months.

**2.7 Veterans Preference**

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

**2.8 Whistleblower**

The whistleblower policy is intended to encourage and enable employees to raise serious concerns such as waste, a violation of a law, rule or regulation to a supervisor, division director, Human Resources or the Administrative Director of the Courts. The employee is not responsible for investigating the activity or for determining fault or corrective measures. As much as possible, the confidentiality of the whistleblower will be maintained. However, identity may have to be disclosed to conduct a thorough investigation and comply with the law.

The Idaho Judicial Branch shall not take adverse action against an employee because he/she communicates in good faith the existence of waste or a violation or suspected violation of a law, rule or regulation. The employee must communicate the information in a timely manner to allow the Judicial Branch reasonable opportunity to correct the violation.

An employee is considered to have communicated in good faith if there is a reasonable basis in fact for the communication. Good faith is lacking where the employee knew or reasonably ought to have known that the report is malicious, false or frivolous. An employee who intentionally files a false or frivolous report of wrongdoing will be subject to discipline up to and including termination of employment.

The Idaho Judicial Branch shall not take adverse action against an employee because an employee participates in an investigation, hearing, court proceeding, legislative or other inquiry. Any employee who believes he/she has been subjected to adverse action in violation of this policy must contact Human Resources or the Administrative Director of the Courts immediately. The protection against adverse action does not include immunity for any personal violations of policy or law. For more information about the protection of public employees who report waste and violations of law, please see Idaho Code § 6-2101 and § 6-2109.

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**Section 3: Compensation and Benefits**

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**3.1 Employee Compensation**

The Idaho Judicial Branch is committed to providing a compensation and classification plan that promotes equity, recruitment, and retention, as well as career and organizational development.

The salary range for positions is determined based upon the major duties and responsibilities of the position; the amount of know-how, problem solving, and accountability required for the position; and the value of the position in the labor market. Individual pay is determined based on an individual's relevant work experience and education as well as internal equity within the Judicial Branch.

**a. Payroll**

Employees are paid monthly. Employees hired subsequent to the payroll deadline date set by the State Controller's Office shall not receive a paycheck until the regular payroll period of the following month. There shall be no pay advances allowed for any employee. Direct deposit into a bank account is required for all judicial employees.

The law requires that the Judicial Branch make certain deductions from every employee's compensation. Deductions include income and Social Security taxes, retirement benefits, or any other deduction which may be authorized by the employee including those that are deposited directly into banks, credit unions, or insurance companies.

**b. Salary Increases**

Permanent increases to an employee's base salary are based on an employee's meritorious performance and subject to available funding.

In addition to a salary increase, an employee may be granted a short-term commendable (STC) increase which is a short-term, non-permanent increase. An STC increase may be granted to recognize and compensate an employee for a specific accomplishment or extraordinary performance over and above expected performance levels.

Other types of salary increases such as performance bonuses, temporary merit increases, and retention bonuses may be considered on a case by case basis.

**c. Reclassification**

The Idaho Judicial Branch recognizes that the duties performed by an incumbent in a position can change over time. Supervisors and managers are responsible for notifying Human Resources when the responsibilities of a job have significantly changed so that the Human Resources Division can conduct a review of the position and develop an appropriate job description if necessary. A reclassification may or may not involve an increase in salary.

**3.2 Work Schedules**

The traditional work week for employees is forty (40) hours. The traditional work day is

eight (8) hours for hourly employees although some employees may work more or less than eight (8) hours depending on the needs of the division/office. Starting and ending times may vary within divisions and office locations and will be determined by each division/office supervisor.

### **3.3 Alternative Work Arrangements**

The Judicial Branch understands that many employees balance the demands of their careers with outside commitments. Therefore, it offers its employees the opportunity to propose alternative work arrangements when it is in the best interests of the Judicial Branch and will not negatively affect the employee's performance. Not all positions are suitable for alternative work arrangements, and there is no guarantee that an alternative work arrangement proposal will be granted or continue. The Judicial Branch's primary consideration in considering proposals for alternative work arrangements is to ensure that its staffing needs are met. Alternative work arrangements may be discontinued by the Division Director (in consultation with Human Resources) at any time, without prior notice.

#### **3.3.1 Provisions**

Alternative work arrangements—such as job-sharing, part-time employment, reduced work schedules, flexible hours, telecommuting, and alternative schedules—may be desirable for both the employee and the Judicial Branch, for certain positions and under certain circumstances. Any employee(s) wishing to propose such an arrangement should discuss it with his or her supervisor.

A proposal should then be submitted in writing through the employee's supervisor and also a copy given to the Human Resources Director. The employee's Division Director shall, in consultation with the Human Resources Director, make a determination based on job related factors including whether the requested alternative work arrangement will interfere with the efficient performance of the employee's regular duties, the needs of the Judicial Branch, and taking into account any technology requirements. Court reporter requests shall be approved by their supervising judge and any other district court staff requests shall be approved by the Trial Court Administrator in conjunction with Human Resources.

Any approved arrangement will have a specific schedule established for reviewing its workability. In the event that the arrangement is perceived to present problems for the Judicial Branch or the Judicial Branch's needs change, the arrangement will be terminated at the earliest possible date. Examples that may cause arrangements to be terminated or changed include the alternative work arrangement creating problems with meeting performance expectations or if overtime is regularly incurred as a result of the alternative work arrangement.

#### **3.3.2 Examples of Alternative Work Arrangements**

There are a variety of options available for employees such as those listed below. All work arrangements must occur on a set schedule:

- Four, ten-hour days (4x10s).
- Four, nine-hour days, plus a four-hour half day (4x9s+4)
- Nine, eighties (9/80s), or over the course of a two-week period, working four nine-hour days one week and an eight-hour day one of those days and then in the next workweek, working four, nine-hour days and having one day off:

Monday	Tuesday	Wednesday	Thursday	Friday
9	9	8	9	9
9	9	off	9	9
9	9	8	9	9
9	9	off	9	9

The day off/eight-hour day can occur on any day of the week (Monday – Friday), but once elected, that day cannot change.

**Traditional Schedule:** 5x8s (five, eight-hour days).

**Flextime:** This arrangement offers flexibility in arrival, departure, and/or lunch times.

**Telecommuting:** This arrangement allows for a portion of the job to be performed off-site on a regular, occurring basis. The majority of work time is spent at the office and the off-site work is typically done at home.

From time to time, employees may wish to work from an alternative location. Occasional work off-site must be approved by the Division Director. Court Reporters must receive approval in accordance with ICAR 27(i).

**Job-sharing:** This arrangement allows two employees to share the responsibilities of one full-time position. Typically, one employee will be part-time, less than 20 hours a week with no benefits while the other employee will be part-time, greater than 20 hours a week with benefits. For those benefits-eligible employees in a job-share arrangement, the remainder of the benefits are available and are afforded based on the hours worked or compensation earned, depending on the benefit (sick/vacation/holiday accruals, deferred compensation, PERSI benefits, etc.).

### 3.3.3 Sick/Vacation/Holiday Accruals and Usage:

Alternative schedules will impact how vacation and sick leave time is accrued and used as well as how workweeks with a holiday in it will be scheduled. Employees working an alternative schedule will use sick and vacation leave based on their regularly-scheduled day (i.e., an employee working four, ten-hour days will use 10 hours of leave for each day absent while an employee working four, nine-hour days plus a four-hour day will use either nine or four hours, depending on the day).

Alternative schedules will also impact workweeks when a holiday occurs to ensure equity of compensation and hours worked for all employees, regardless of schedule. When a holiday falls on an employee's regular day off due to an alternative schedule, the employee will receive 8 hours of holiday pay (the same amount that would have been received if the employee worked a traditional schedule). The balance of their 40 hours/week should be allocated among the other days worked, or, the employee may use vacation hours to cover any difference between the eight hours of holiday pay and the normal schedule.

**Example 1:** When working a regular schedule of four, ten hour days, and a holiday falls on one of those days, the employee will be paid 8 hours of regular

pay for the holiday and may either use vacation for the remaining two hours, or work two additional regular hours on another work day. When the holiday falls on a day off, the employee will work a total of only 32 hours during their four regular work days and be paid 8 hours of regular pay for the holiday.

**Example 2:** When working a regular schedule of four, nine hour days and one, four hour day, and a holiday falls on one of the nine hour days, the employee will be paid 8 hours of regular pay for the holiday and may either use vacation for the remaining one hour, or work an additional regular hour on another work day. When the holiday falls on the four hour day, the employee will work a total of only 32 hours during the other four days and be paid 8 hours of regular pay for the holiday.

### **3.4 Benefits - Group Health, Life and Disability**

Employees working a minimum of 20 hours per week are eligible for health and wellness benefits. Benefits plans are administered by the State of Idaho's Department of Administration and include group health, life insurance, voluntary term life insurance, short and long-term disability insurance, flexible spending account, and employee assistance program. The Department of Administration also administers the health benefits continuation plan for qualified individuals. Information regarding the benefits offered by the State of Idaho and contact information is located at [www.ogi.idaho.gov](http://www.ogi.idaho.gov).

### **3.5 Retirement**

Employees receive retirement benefits through the Public Employees System (PERSI). Idaho Code § 59-1302, et seq. Eligibility for retirement benefits under PERSI is governed by the PERSI Policy Manual and by state laws governing PERSI. Information about retirement benefits through PERSI are located on their website at [www.persi.state.id.us](http://www.persi.state.id.us).

### **3.6 Holidays**

The following are paid holidays for benefits-eligible employees:

New Year's Day (January 1)  
Martin Luther King, Jr. Day (3<sup>rd</sup> Monday in January)  
Presidents' Day (3<sup>rd</sup> Monday in February)  
Memorial Day (Last Monday in May)  
Independence Day (July 4)  
Labor Day (1<sup>st</sup> Monday in September)  
Columbus Day (2<sup>nd</sup> Monday in October)  
Veterans' Day (November 11)  
Thanksgiving Day (4<sup>th</sup> Thursday in November)  
Christmas Day (December 25)

Any other day appointed by the president of the United States or by the governor of this state as an official holiday.

Whenever any legal holiday falls on Saturday, the preceding Friday shall be a holiday, and whenever any legal holiday falls on a Sunday, the following Monday shall be a holiday.

### 3.7 Leave Benefits

The leave policies set forth below apply to all benefits-eligible employees of the Judicial Branch. Employees who work less than the standard forty (40) hours per week, are subject to the same leave standards set forth in this section for full-time employees however, their leave accrual amounts will be in proportion to the number of hours worked.

Employees who regularly work less than twenty (20) hours per week are not eligible for leave benefits except in the case of jury duty. If an employee is summoned to jury duty on a day they are normally scheduled to work, the employee shall receive compensation for the regularly-scheduled hours that day.

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

#### 3.7.1 Vacation Leave

The Judicial Branch recognizes that time away from work for individuals to relax, recharge, and relieve stress enhances individual well-being. Benefits-eligible employees are eligible for vacation leave. Vacation leave begins accruing in the first month worked if the individual worked at least 15 days during the first month. Employees are encouraged to use their accrued vacation leave.

##### a. **Accruals**

Vacation leave for employees of the Judicial Branch defined as exempt executive (E) accrue at the rate of sixteen point sixty-six (16.66) hours per month.

Vacation leave for employees of the Judicial Branch who are defined as exempt professional (P), administrative (A), computer worker (C), or personal staff of an elected official under the federal Fair Labor Standards Act accrues as follows: ten (10) hours per month during the first five (5) years of employment; twelve (12) hours per month during the second five (5) years of employment; and fourteen (14) hours per month after ten (10) years of employment.

Vacation leave for all other employees accrues as follows: eight (8) hours per month during the first five years of employment; ten (10) hours per month during the second five years of employment; twelve (12) hours per month during the third five years of employment; and fourteen (14) hours per month after fifteen (15) years of employment.

Individuals may accrue and carry over vacation leave limited to three hundred, thirty six (336) hours. There is no accrual of vacation leave while an individual is on an unpaid leave of absence; individuals on a paid leave of absence accrue vacation leave at their regular accrual rate.



**b. Use of Vacation Leave**

Employees wanting to use their earned vacation leave must receive approval from their supervisor in advance. With the written approval of the employee's supervisor, an employee may be allowed to take vacation leave in advance of earning that leave in a later month. If an employee leaves the Judicial Branch for any reason prior to earning vacation leave taken in advance, the taken unearned vacation leave will be deducted from the employee's final paycheck. Supervisors are responsible for encouraging their employees to use their accrued vacation leave each year.

**c. Unused Vacation Leave at Separation**

Employees may be compensated for up to three hundred, thirty-six (336) hours of unused vacation leave at time of termination unless extraordinary budget circumstances do not allow.

**3.7.2 Sick Leave**

Benefits-eligible employees are eligible for sick leave. Sick leave begins accruing in the first month worked if the employee worked at least 15 days during the first month. All sick leave shall be forfeited at the time of termination. No employee shall be reimbursed for earned but unused sick leave. Any former state employee who returns to full-time employment with the Judicial Branch within three (3) years of separation will receive full credit for accrued sick leave accumulated at the time of separation.

**a. Accruals**

Sick leave accrues for all employees with the exception of part-time employees at the rate of eight (8) hours for each month. Sick leave shall accrue without limit.

**b. Use of Sick Leave**

Sick leave is to be used for absences related to illness or injury, except for bereavement leave as provided. Sick leave may be used in conjunction with an employee's family medical leave. With the approval of the Administrative Director of the Courts, employee sick leave may be taken in advance of earning that leave in a later month.

Employees may use sick leave when, under compelling and necessary circumstances, they must care for an immediate family member due to illness or injury. For purposes of sick leave usage, immediate family members will include spouse, child, parent, sibling, grandparent, grandchild, or the same relation by marriage, or a household member over whom the employee has charge and is living with them on a permanent or temporary basis.

**c. Unused Sick Leave at Retirement**

Employees who are members of the Idaho Public Employees Retirement System (PERSI) are entitled to certain credit for unused sick leave time upon retirement under Idaho law. Upon separation from state employment by retirement, an amount equal to one-half (1/2) of the monetary value of a employee's unused sick leave, up to a certain maximum, will be added to the their sick leave account maintained by PERSI. Such sums shall be used by the Idaho Public Employee's Retirement Board to pay premiums for such

group health, accident, and life insurance programs as may be maintained by the state, to the extent of the funds credited to the employee's sick leave account pursuant to this section. Upon the death of the employee, any unexpended sums remaining in the account shall revert to the sick leave account. Idaho Code § 67-5333.

### **3.7.3 Donation of Leave**

Employees suffering from a serious illness or injury or who need to take time off to care for a family member suffering from a serious illness or injury may be eligible to received donated vacation leave, up to one hundred sixty (160) hours per fiscal year. Donated leave recipients must have exhausted all accrued sick and vacation leave.

An employee may donate accrued vacation leave, up to a maximum of forty (40) hours per fiscal year, to be used as sick leave. An employee shall not be eligible to transfer vacation leave unless the vacation leave balance exceeds eighty (80) hours, and in no event may an employee transfer an amount of accrued leave which would result in a remaining accrued balance of less than eighty (80) hours.

### **3.7.4 Family Medical Leave Act (FMLA)**

The Family Medical Leave Act (FMLA) attempts to balance an employee's need for time off for family and medical reasons and the employer's need for a stable workforce. The purpose of this policy is to provide Judicial Branch employees with a general description of their FMLA rights. In the event details are not contained in this policy, the federal law will be used to provide additional guidance.

#### **a. Eligibility**

To be eligible for FMLA leave, an employee must have worked for the State of Idaho for at least (12) months (consecutive or nonconsecutive) and worked at least 1,250 hours during the twelve (12) months prior to the start of leave. Employment periods preceding a break in service of seven (7) years or more must not be counted in determining whether the employee has been employed by the State of Idaho for at least twelve (12) months.

An employee (who has had at least 1,250 hours of service during the previous twelve month period) shall be entitled to a total of twelve workweeks of unpaid leave during any twelve month period for one or more of the following reasons:

- Because of the birth of a son or daughter of the employee and in order to care for such son or daughter.
- Because of the placement of a son or daughter with the employee for adoption or foster care.
- In order to care for the spouse, or a son, daughter, or parent of the employee, if such spouse, son, daughter, or parent has a serious health condition.
- Because of a serious health condition that makes the employee unable to perform the functions of the position of such employee.
- Any qualifying exigency arising out of the fact that the employee's spouse, son, daughter, or parent is on active duty or has been notified of an impending call or order to active duty in the U.S. National Guard or Reserves in support of a contingency operation.

In addition, employees needing leave to care for a military member may receive up to twenty-six (26) workweeks of leave during a single 12-month period to care for a covered service member with a serious injury or illness resulting from military service, if the employee is the spouse, son, daughter, parent, or next of kin of the service member.

**b. Requesting Leave**

To request leave under the FMLA, the employee should complete and submit an FMLA Leave Request Form, located in the appendix.

- Employees must provide at least thirty (30) days' advance notice of the need to take FMLA leave when the need is foreseeable (e.g. childbirth or adoption, planned surgery).
- When thirty (30) days' notice is not possible, the employee must provide notice as soon as practicable. It should be practicable for the employee to provide notice of the need for leave either the same day or the next business day.
- Failure to provide advance notice of the need for FMLA leave could result in the delay of FMLA coverage.
- In some circumstances, the supervisor may identify an employee's leave as being eligible for FMLA leave when the employee has not requested it.

**c. During FMLA Leave**

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

During a period of family or medical leave, an employee will be retained on the Judicial Branch's health plan under the same conditions that applied before leave commenced. To continue health coverage, the employee must continue to make any contributions that he or she made to the plan before taking leave. Failure of the employee to pay the health insurance premium may result in loss of coverage.

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

**d. Return to Work**

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

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

The failure of an employee to return to work upon the expiration of a family or medical leave of absence will subject the employee to immediate termination unless an

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

**e. Retaliation**

Retaliation against an employee for use of Family Medical Leave is strictly prohibited. Retaliatory acts may include but are not limited to: unsubstantiated negative performance appraisals, inappropriate changes in job assignments or duties, exclusion from meetings, or negative treatment by coworkers. Employees should report acts of retaliation to their supervisor or manager, division director, the Human Resources Director, or the Administrative Director of the Courts. Reports of retaliation will be promptly investigated. Appropriate follow-up measures may be taken as necessary. Disciplinary action, up to and including termination, may be taken against any employee who violates this retaliation policy.

**3.7.5 Workers' Compensation Leave**

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

Employees who sustain work-related injuries or illnesses shall inform their supervisor immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately. This will enable an eligible employee to qualify for coverage as quickly as possible. For information regarding reporting a workers' compensation claim please refer to Section 6 of the Employee Policy Manual, Workplace Safety and Security.

Employees may choose to utilize a portion of accrued sick and/or vacation leave to supplement workers' compensation benefits in order to maintain their normal income level while disabled. Voluntary utilization of accrued sick and vacation leave to supplement workers' compensation benefits shall be undertaken in conformity with Idaho Code § 72-318 and valid orders adopted by the Industrial Commission of the State of Idaho pursuant to that statute. Nothing in this policy shall be construed to be an agreement by an employee to waive their rights to workers' compensation benefits.

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

**3.7.6 Health Care Leave**

Benefits-eligible employees are entitled to leave to facilitate personal or family medical, dental, and optical appointments. Employees shall request approval for health care leave from their supervisors. Such leave shall not exceed twenty-four (24) hours in a calendar year. Every effort should be made to make doctor appointments during non-working hours. Supervisors may ask the employee for verification of appointments at any time. Health care leave hours do not carry over from year to year.

**3.7.7 Jury/Witness Duty**

Employees are expected to fulfill their civic responsibilities by serving on jury duty when required. Benefit eligible employees will be paid their regular salary and will continue to accrue vacation, sick leave, and holiday benefits during jury duty leave. Employees must show the jury duty summons to their supervisor as soon as possible so that they may make arrangements to accommodate their absence. Of course, employees are expected to report for work whenever the court schedule permits.

Employees are expected to appear and testify as a witness in their official capacity in a judicial proceeding when requested, or subpoenaed, to testify. Employees testifying in their official capacity shall treat that time as hours worked. Employees will be granted unpaid time off to appear as a witness when not testifying in their official capacity. Employees are free to use vacation leave or accrued compensatory time to receive compensation for any period of witness duty absence that would otherwise be unpaid. Any subpoena received by an employee must be shown to their supervisor immediately after it is received, to allow the supervisor time to plan for the employee's absence. The employee is expected to report for work whenever released from testifying.

**3.7.8 Military Leave**

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

**3.7.9 Bereavement Leave**

Employees are entitled to use up to forty (40) hours of sick leave upon the death of a family member by blood, marriage, or adoption. If circumstances necessitate longer bereavement leave, employees may request to use additional sick days, with permission from their Division Director.

**3.7.10 Time Off to Vote**

Employees are encouraged to fulfill their civic responsibility by voting in public elections. Individuals are encouraged to vote either before or after their scheduled work time. In the event that is not feasible, they may take up to two hours away from work to vote. Employees will be charged vacation time for these hours.

**3.7.11 Closed Facility**

On occasion, inclement weather or some other unforeseen occurrence will necessitate official closure of a Judicial Branch facility or County Courthouse during a workday. Employees will be paid their regular work hours for that day without having to use accrued compensatory or vacation time. If an employee cannot make it to work due to inclement weather, poor roads, or other conditions, and the facility has not been closed, the employee must make up the work hours or use accrued compensatory or vacation time. If the facility closure occurs during work hours, those employees at work and sent home will be paid their regularly scheduled work hours for that day. Employees who are gone during the closure on vacation or sick leave, must use the appropriate vacation or sick leave, and will not be eligible for regular pay.

**3.7.12 Unpaid Leave of Absence**

In extraordinary circumstances employees may request an unpaid leave of absence. The requests will be reviewed on a case by case basis and the employee must have exhausted all vacation leave.

**3.8 Professional Development**

All employees are encouraged to maintain and improve their professional competence through attendance at job related educational conferences and seminars. Attendance at approved educational programs shall be considered a part of the employee's job duties, and not subject to vacation leave.

Attendance at conferences and seminars must be approved in advance. All requests will be reviewed and approval shall be based on benefit to the employee and the judicial branch, work schedules, and the availability of funds.

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

Attendance at educational conferences and seminars offered by the Supreme Court is limited to those registered and employees, unless approved in advance by the Court Management Division or the Administrative Director of the Courts.

**3.8.1 Tuition Reimbursement**

When in the best interest of the Judicial Branch and the employee, the Judicial Branch will pay limited tuition expenses for employees of the Judicial Branch. The Judicial Branch's reimbursement of tuition for college courses shall be at the discretion of the Judicial Branch, subject to available funds and limited to full-time employees who attend an accredited college or university course that is (a) directly related to the performance of their current job or (b) a professional development opportunity that is anticipated to develop a skill set from which the Judicial Branch would benefit. Employee requests to participate in the tuition reimbursement program must be approved by the employee's supervisory chain of command up through the Administrative Director of the Court and in consultation with the Human Resource Division.

To request reimbursement for tuition of college courses, the employee shall submit all necessary college course documentation to justify their request. Participation in the program must be approved before submitting a request for reimbursement. Employees must demonstrate a grade of an A or B, or comparable performance rating, to continue to be eligible for tuition expense reimbursement from the Judicial Branch. If an employee leaves employment with the Judicial Branch within twelve (12) months of the tuition reimbursement by the Judicial Branch, the employee must re-pay the Judicial Branch the entire amount paid to the employee for tuition reimbursement.

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**Section 4: Travel Expense Reimbursement**

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The purpose of the Travel Expense Reimbursement Policy is to provide broad guidelines for incurring and reimbursing travel expenses connected with Idaho Judicial Branch business in accordance with applicable regulations and sound business practices. The Idaho Judicial Branch will incur or reimburse travel expenses that are reasonable and necessary, for a court business purpose, and that have been documented, approved and submitted properly.

Any questions regarding travel policies and for specific information about travel allowances and expense reimbursement should be directed to the Finance and Operations Division.

**4.1 Supreme Court Travel Guidelines****4.1.1 Definitions**

**Official Station:** As defined in the Idaho State Policy Section 11 “as the work area or office assigned to the employee” or in certain circumstances the Director of Finance and Operations may further define the “official station” of employees with unique work assignments or responsibilities. An exception may be made when the Director of Finance and Operations determines that due to unusual circumstances it is in the best interest of the state that the employee not return home each night, or these expenses are prepaid as part of a registration for a conference, or when the employee's job description requires that employee to be on call for emergencies during meal time. The Supreme Court further defines the official station as the county to which an employee is assigned.

**4.1.2 Policy Statement**

Requests for reimbursement for travel and other expenses for all employees of the Judicial Branch shall be governed by the Supreme Court Travel Guidelines.

The Supreme Court will reimburse for travel while on court business on a per diem basis for meals and incidentals, and actual expenses for other travel related costs. Travel vouchers must be submitted within thirty (30) days after the last day of travel.

When traveling, it is the expectation, that all travel expenses, including mode of transportation, be the most economical and cost effective.

All employees are to fully utilize *Travel Express* for more timely and efficient reimbursement of expenses. Travel Express is a web enabled application designed to reduce the amount of time and effort to process travel reimbursements and provide a complete audit trail. Travel claims that are held for extended periods of time may cross County, State, or Federal Fiscal budget years. To ensure travel claims are reimbursed timely, submit claims within thirty (30) days after the last day of travel and by June 15<sup>th</sup> of each year.

Receipts are required for any airfare, lodging expenses paid by the traveler, checked baggage, taxis, buses, and parking. If a receipt is lost, those expenses will be reviewed for appropriateness of reimbursement on a case-by-case basis.

**4.1.3 Types of Expenses**

**a. Type of Travel**

Employees shall use the most practical mode of travel from the standpoint of time and expense. When unusual circumstances preclude adhering to this procedure, the Director of the Finance and Operations Division may allow an exception. Supporting documentation shall be attached to travel claims.

**b. Automobile Rentals**

Automobile rentals will be approved and encouraged, when the rental is the most economical mode of transportation. All rentals must be approved in advance by the Director of the Finance and Operations Division, and a receipt must be attached to the travel claim.

**c. Commercial Airfare**

Commercial airfare is reimbursed when considered the most economical mode of transportation at the standard rate and may be directly billed to the Finance and Operations Division through the travel agency when approved by the Division Director. Travel by air may be the most economical means of travel, but travelers are encouraged not to make unnecessary changes to arrangements incurring additional change fees and additional flight costs. Total cost of airfare, baggage, airport parking, taxis, and/or rental car (if approved) cannot exceed the maximum of reimbursable mileage for a personal car.

**d. Meal Reimbursement**

The Supreme Court uses the State of Idaho per diem rate of a maximum of \$30 per day when an overnight stay is required. When traveling, you may be reimbursed for meal expenses, including tips and tax, up to the following limits:

	In-State	Federal Example	Time Requirement
Full Day	\$30.00	\$60.00	Departure time – 7 am or before and return time after 7 pm
Breakfast 25%	\$ 7.50	\$15.00	Departure time – 7 am or before, or return time is 8 am or after
Lunch 35%	\$10.50	\$21.00	Departure time is 11 am or before or return time is after 2 pm
Dinner 55%	\$16.50	\$33.00	Departure time is 5 pm or before or return time is after 7 pm

\*The out-of-state meal reimbursement rate base is on the Federal per diem rate per day. The link to the federal guidelines is: [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem)

Reimbursement will not be made for expense of meals or lodging provided by relatives or other parties unless the relative or other party is in the business of providing such services and advertises such to the general public.

Reimbursement will not be made for meal expenses when the employee left their home station earlier than reasonably necessary to meet an airport’s recommended pre-departure time.



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

**e. Home Station Meal Reimbursement**

Meals may be reimbursed at the current approved rate, while traveling on work assignments, out of the home county or away from the official station. Any travel between home and the "official station" does not qualify for any meal reimbursement.

Reimbursement for meals at the home station is not allowable for informal meetings (i.e. over a casual breakfast, lunch, or dinner) between staff members of an agency or other agencies; other state and federal employees; legislators, etc. However, with the Administrative Director of the Court's approval, formal home station meals may be reimbursed where necessary.

The Finance and Operations Division will interpret all meetings to be informal unless documented proof is submitted with the travel expense voucher showing otherwise. In order for reimbursement for meals in the home station to be considered, a formal meeting must have occurred as demonstrated by the related agenda and list of attendees. The meals must meet State meal per diem allowances. All exceptions to state meal allowances require prior approval from the Administrative Director of the Courts.

**f. Home Station Mileage Reimbursement**

Mileage may be reimbursed at the current approved rate, while traveling on work assignments, out of the home county or away from the official station. Any travel between the employees' home and their "official station" does not qualify for mileage reimbursement. Mileage must correspond to Idaho Transportation Department maps. Odometer readings may be used if the mileage is not included on the Department of Transportation map.

**g. Courtesy Vans**

Travelers are encouraged to use courtesy vans and discount van services whenever possible for travel to and from airports. Receipts are required if the traveler is required to pay for those services.

**h. Hotel Stays**

You may be reimbursed up to the State approved rate for a hotel room on all in-state travel and Federal approved rate for all out-of-state travel. Anything over this amount will be the responsibility of the individual. Original receipts must be submitted with the travel voucher, with the room rate indicated on the receipt. All employees are also instructed to ask for government rates when traveling on official state business. Employees traveling with a spouse and/or family members will be responsible for the part of the lodging expense that exceeds the single room rate and for all other incidentals on the bill. When lodging is directly billed to the Supreme Court, all extra charges must be paid by the traveler upon check out. Lodging costs within an employee's official station are not allowable.

\*The out-of-state hotel room reimbursement rate base is on the Federal rate. The link to the federal guidelines is: [www.gsa.gov/perdiem](http://www.gsa.gov/perdiem)

**i. Taxi Service**

Taxi services may be reimbursed with a receipt attached to a travel claim.

**j. Tips**

Reimbursement for tips for sky caps, bell hops, etc. is allowed with receipts. This authorization does not include tips for meals, which is included in the meal reimbursement.

**k. Parking**

Parking may be reimbursed with a receipt attached to a travel claim.

**l. Laundry**

Laundry service may be reimbursed if traveling five (5) days or longer away from official work station.

**4.1.4 Expenses Not Allowed**

**a. Travel Routes and Stop-Overs**

Expenses of a personal nature incurred for the convenience of the traveler including travel by indirect routes or stop-overs for personal reasons; or leaving earlier or returning later than necessary will not be reimbursed.

**b. Travel Between Home and Office**

Expenses for travel between home and office or for other non-official purposes will not be reimbursed. Expenses may be incurred by a judicial employee to participate in a department commuting plan if approved by the Administrative Director of the Courts.

**c. Use of State Vehicles**

The use of state vehicles for personal or other non-official business is strictly prohibited.

**d. Leave**

Expenses incurred by an employee while on leave will not be reimbursed.

**4.1.5 Categories of Travel**

**a. In-District Travel**

In-district travel may be reimbursed within travel guidelines when assigned by the Trial Court Administrator or Supreme Court to hear case(s).

**b. Out-of-District Travel**

Out-of-district travel may be reimbursed within travel guidelines when assigned by Supreme Court to hear case(s).

**e. In-State Conferences**

In-state conferences shall be reimbursed within travel guidelines and budget parameters established when attending in-state education conferences such as New

Judges' Orientation, Magistrate and District Judges' Conferences, Judicial Conference, and Administrative Conference.

**f. Out-of-State Travel**

Out-of-state travel costs will be reimbursed after the attendance is approved in advance on the out-of-state travel request form.

**g. Travel for Committee Meetings**

Travel for committee meetings may be reimbursed within guidelines when attending meetings of judicial or other government committees.

**4.2 Long-Term Lodging**

Long-term lodging may be required when court related work assignments require an employee to be physically away from their official station for an extended period of time and when it is not practical to return home each night.

**4.2.1 Policy Statement**

In extraordinary circumstances, an employee who otherwise qualifies for travel, lodging, and related expenses may be on an extended court-related work assignment when the employee is physically away from their official station.

In making long-term lodging arrangements, it is necessary to provide the employee with the same basic amenities that would be received if they were to stay in a hotel. (Power, internet, etc.)

Any long-term lodging arrangements will be approved by the Administrative Director of the Courts. An analysis will be completed in each instance to determine whether long-term lodging (rental) and amenities or daily travel is most cost effective.

Reimbursement will not be made to an employee for expense of lodging provided by relatives or other parties unless the relative or other party is in the business of providing such services and advertises such to the general public.

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**Section 5: Employee Conduct**

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All employees must follow the Code of Conduct for employees of the Judicial Branch, which has been adopted by the Supreme Court and is set forth below. Among other things, the Code of Conduct prohibits abuse of court positions, disclosure of confidential information, conflicts of interest, and inappropriate political activity. All employees are expected to be familiar with the Code of Conduct that applies to them and to strictly adhere to the letter and the spirit of the Code. Any employee whose licensure or certification requires adherence to a professional code of ethics should also abide by that code. Attorneys employed by the Judicial Branch must also conform to the Model Rules of Professional Conduct for Attorneys. Employees who work directly for judges should also be familiar with the Judicial Code of Conduct. Employees are encouraged to discuss any questions or concerns they have regarding the code of conduct and ethical issues with the Human Resources Director.

**5.1 Code of Conduct for Employees of the Judicial Branch****5.1.1 Avoiding Impropriety and the Appearance of Impropriety in All Court Activities****a. Performance of Court Duties**

Employees shall faithfully carry out all appropriately assigned duties striving at all times to perform the work diligently, efficiently, equitably, thoroughly, courteously, honestly, truthfully, and with transparency. Employees shall carry out properly issued court orders and rules, not exceeding the employee's authority.

**b. Avoiding Impropriety**

Employees of the Judicial Branch are to remember that, at all times, their actions will reflect upon the Judicial Branch. Employees shall avoid both impropriety and the appearance of impropriety. Employees shall avoid improper influences from business, family, position, party, or person. Employees shall avoid activities that would impugn the dignity of the court.

**c. Fairness**

Employees shall work without bias or prejudice including, but not limited to, bias or prejudice based upon race, color, national origin, sex, age, religion, socioeconomic status, sexual orientation, gender identity, veteran status, or disability.

**d. Respect for Others**

Employees shall treat litigants, coworkers, and all others interacting with the court with dignity, respect, and courtesy.

**e. Involvement in Actions Before a Court**

Employees shall notify the appropriate authority whenever he or she, anyone in his or her family, or anyone with whom he or she has a close personal relationship has been arrested, named as a party, or is otherwise formally involved in any action pending in an Idaho court.

**f. Avoiding Privilege**

Employees shall use his or her official position solely for its intended purpose. No employee shall use his or her position (intentionally or unintentionally) to secure

unwarranted privileges or exemptions for himself, herself, or others. Employees shall not dispense special favors to anyone, whether or not he or she was offered remuneration.

**g. Assisting Litigants**

Employees shall be responsive to inquiries regarding standard court procedures but shall not give legal advice unless it is required as part of one's official position.

**5.1.2 Performing the Duties of the Position Impartially and Diligently**

**a. Independent Judgment**

Employees shall avoid relationships that would impair one's impartiality and independent judgment. Employees shall be vigilant of conflicts of interest and ensure that outside interests are never so extensive or of such nature as to impair one's ability to perform court duties.

**b. Personal Relationships**

Employees shall recruit, select, and advance personnel based on demonstrated knowledge, skills, abilities, and bona fide work-related factors, not on favoritism. Employees shall avoid appointing, assigning, or directly supervising a family member, or attempting to influence the employment or advancement of a family member. Refer to Section 5.3.3 of the Employee Policy Manual for further information regarding nepotism.

**c. Misconduct of Others**

Employees should expect fellow professionals to abide by the policies set out in this code. Employees shall report to the appropriate authority the behavior of any Judicial Branch employee who violates this code including, but not limited to, potential conflicts of interest involving one's duties and attempts to inappropriately influence one in performing one's duties.

**d. Attempts at Influence**

Employees shall immediately report to the appropriate authority any attempt to compel one to violate any of these policies.

**e. Properly Maintain Records**

Employees shall not inappropriately destroy, alter, falsify, mutilate, backdate, or fail to make required entries on any records within the court's control.

**f. Legal Requirements**

Employees shall maintain the legally required confidentiality of the court, not disclosing confidential information to any unauthorized person, for any purpose. Employees shall properly provide confidential information that is available to specific individuals authorized to receive such by reason of statute, court rule, or administrative policy.

**g. Discretion**

Employees shall be respectful of litigants, the public, applicants, and employees' personal lives; disregard information that legally cannot or should not otherwise

be considered; use good judgment in weighing the credibility of Internet data; and be cautious about verifying identities. Employees shall treat personal or sensitive information with the same discretion that one would wish others to have if one were involved in a similar case.

**h. Proper Use of Public Resources**

Employees shall use the resources, property, and funds under one's official control judiciously and solely in accordance with prescribed procedures.

**5.1.3 Conducting Outside Activities to Minimize the Risk of Conflict with Official Position**

**a. Outside Business**

The court shall be an employee's primary employment. Employees shall avoid outside activities, including outside employment, business activities, even subsequent employment and business activities after leaving the judicial branch that reflect negatively upon the judicial branch and on one's own professionalism.

Employees shall notify the appropriate authority prior to accepting work or engaging in business outside of one's court duties. Employees shall not request or accept any compensation or fee beyond that received from their employer for work done in the course of their public employment. However, employees may engage in outside employment as long as it does not conflict with the performance of their official responsibilities or violate this code.

**b. Compensation and Post-Employment Restrictions**

During or following employment with a court, employees shall not represent a commercial interest to, or do business with, that same court unless both the employment and commercial interest are fully disclosed to and approved by the court's appropriate management authority.

**c. Avoiding Gifts**

Employees shall not solicit, accept, agree to accept, or dispense any gift, favor, or loan either for oneself or on behalf of another based upon any understanding, either explicit or implicit, that would influence an official action of the court.

**d. Financial Disclosure**

Judicial employees shall dutifully disclose all financial interests and dealings required by law, rule, or regulation.

**5.1.4 Refraining from Inappropriate Political Activity**

Employees retain their right to vote and are encouraged to exercise it as a part of citizenship. Engaging in any political activity is done strictly as a private citizen and only in accordance with state law or court rules. Employees shall participate only during non-court hours, using only non-court resources. Employees shall not use one's position or title within the court system to influence others. Employees shall campaign during non-work hours or take an unpaid leave of absence upon declaring the intent to run for office. If elected, the employee shall resign from his or her position with the court unless the employee is holding a political office that clearly does not entail a conflict of interest, and does not interfere with the ability to perform court duties.

## 5.2 Pro Bono Policy

*If we are to keep our democracy, there must be one commandment: Thou shalt not ration justice.* **Judge Learned Hand**

### 5.2.1 Vision Statement

The Idaho State Judiciary encourages all employees who are attorneys to participate in the provision of voluntary pro bono legal service to persons who lack the means to gain access to justice. This policy implements that vision.

Rule 6.1 of the Idaho Rules of Professional Conduct states: "Every lawyer has a professional responsibility to provide legal service to those unable to pay. A lawyer should render at least (50) hours of pro bono publico service per year." Rule 6.1 further states that every lawyer "should voluntarily contribute financial support to organizations that provide legal services to persons of limited means."

The Idaho State Judiciary has determined that the provision of pro bono legal services is consistent with and furthers the Idaho State Judiciary's interests by providing access to justice for the needy, broadening the experience of our attorneys, and enabling them to fulfill the professional responsibility assumed by their oath and licensure by the Idaho State Bar.

### 5.2.2 Definition of Pro Bono Legal Services

Pro bono legal work is broadly defined by IRPC Rule 6.1 to include provision of legal services to:

- Persons of limited means or other disadvantaged persons;
- Charitable, religious, civic, community, governmental and educational organizations in matters that are designed primarily to address the needs of persons of limited means or other disadvantaged persons, or to further their organizational purposes;
- Individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights; or
- Activities seeking to improve the law, the legal system or the legal profession.

Examples of pro bono representation that fulfill the pro bono responsibility of Rule 6.1 include, but are not limited to:

- Providing legal assistance to persons of limited means
- Assisting nonprofit entities enumerated in Rule 6.1
- Assisting and counseling clients in family law cases, in domestic violence cases or in cases seeking legal status for immigrant women and children who are victims of domestic violence
- Counseling clients in landlord/tenant disputes, public benefits and veterans' benefits cases, consumer protection and bankruptcy
- Drafting wills, guardianships and conservatorships, or otherwise serving low-income persons in those matters
- Assisting a non-profit organization in the process of incorporation and filing for 501(c)(3) status
- Working with the Idaho Volunteer Lawyers Program and/or Idaho Legal Aid Services to otherwise provide legal services and assistance to low-income persons

Examples of pro bono service that do not involve creating an attorney-client relationship, but that are within the scope of Rule 6.1, include, but are not limited to:

- Providing advice at pro se workshops or clinics
- Staffing sessions for pre-screened pro se litigants, helping them navigate through the interactive court-assistance forms
- Serving on the board of a legal services organization
- Staffing “street law” clinics on Law Day and other occasions
- Making law-in-the-classroom or other public legal education presentations
- Presenting at CLE’s on indigent law and pro bono issues, and mentoring attorneys who take cases in those areas
- Mediating Small Claims Court cases or neighborhood disputes
- Participating on state or district bar committees and projects related to the delivery of legal services and pro bono legal services

### **5.2.3 Authorization to Perform Pro Bono Work**

#### **a. Approval Procedures**

Prior to performing any pro bono legal work, an employee who is a law clerk must seek and obtain the approval of his or her supervising judge, while other judicial employees must seek and obtain the approval of the chief administrative judge of the court in which the judicial employee works.

#### **b. General Standards for Approval of Involvement in Pro Bono Legal Services**

In general, approval of an attorney’s request to engage in pro bono legal work shall be granted if the work complies with Canon 4(G) of the Idaho Code of Judicial Conduct, as well as this Policy, and would not:

- Violate any federal or state law or bar rule
- Interfere with the proper and effective performance of the attorney’s official duties, including the time and availability requirements of his or her position
- Create or appear to create a conflict of interest

#### **c. Conflicts of Interest**

Attorneys’ pro bono legal or volunteer services cannot create or appear to create a conflict of interest with their work for the Idaho State Judiciary. A conflict of interest generally exists where services would:

- Require the recusal of the employee or that employee’s supervising judge from their official duties
- Create an appearance that the employee’s duties were performed in a biased or less than impartial manner
- Create a public perception of Idaho State Judiciary sanction or endorsement in high-profile or controversial matters involving the Idaho State Judiciary or the employee’s supervising judge.

Attorneys may not engage in criminal defense work. If assistance of a client involves potential criminal issues, or issues related to criminal issues, the supervisor will determine whether the representation can be undertaken.



**d. Other Issues**

Attorneys must have malpractice insurance in order to perform certain pro bono legal work. The Idaho State Judiciary does not provide such insurance. The Idaho Volunteer Lawyers Program (IVLP) and Idaho Legal Aid Services (ILAS) provide malpractice coverage for work done through their programs and IVLP provides malpractice coverage for cases it refers.

An attorney may not accept a case that requires creation of a trust account.

**5.2.4 Use of Official Position or Public Office**

Attorneys who provide pro bono legal services may not indicate or represent in any way that they are acting on behalf of Idaho State Judiciary or in their official capacity on behalf of Idaho State Judiciary. The incidental identification of the attorney's position or office—for example, when an office phone number, street address, or email address is given for contact purposes—is not prohibited. Attorneys may list or provide their office, street or mailing address, telephone number, and email address on official documents and correspondence so that courts and other persons may reach them during business hours, but cannot use their official title or the name of the office on any official documents or correspondence.

The attorney may not use Idaho State Judiciary letterhead, business cards or fax cover-sheets, or otherwise identify himself or herself as an Idaho State Judiciary employee in any communication, correspondence or other document connected with pro bono legal activities. When using email, the attorney must state that the e-mail is being sent in his or her personal capacity and not in the official capacity of an Idaho State Judiciary employee.

The attorney is responsible for ensuring that there is no misunderstanding by the client, or others involved in the pro bono activity, that the attorney is acting in an individual capacity as a volunteer and is not acting as a representative of, or on behalf of, the Idaho State Judiciary.

**5.2.5 Use of Idaho State Judiciary Resources**

The Supreme Court has declared that service by individual attorneys in a pro bono capacity is a professional duty of Bar members and serves a public purpose and need. Thus, the provision of such services by government attorneys, although incidentally benefitting the individual client, primarily serves an overall public purpose.

**f. Hours of Work**

Attorneys are expected to seek pro bono legal opportunities that can be done outside their scheduled work hours. However, pro bono legal work may in limited circumstances occur during work hours. Supervisors are urged to be flexible and to accommodate where feasible the efforts of attorneys to do pro bono work.

Full-time attorneys must continue to account for all required work hours during each week (excluding leave that they are otherwise entitled to use), plus whatever additional time is needed to provide the service the Idaho State Judiciary expects. Part-time attorneys must account for the number of hours provided in their part-time agreement. Pro Bono work is undertaken in addition to, not in lieu of, these core responsibilities.

Attorneys providing small amounts of pro bono time during the work day should be allowed to take advantage of flexible work schedule arrangements rather than being required to take leave. Significant blocks of time spent on a pro bono matter—i.e., amounts in excess of one hour—should be recorded as leave. Leave can be of any type including accumulated comp time, vacation time, or work without pay.

**g. Use of Public Resources**

As a general rule, employees may use government property only for official business. This Policy authorizes the limited use of governmental resources, as follows:

- Personal uses that involve only negligible expense to Idaho State Judiciary (such as electricity, ink, small amounts of paper, ordinary wear and tear) and that does not interfere with the conduct of official business
- Personal telephone and fax use that has minimal impact on Idaho State Judiciary phone cost
- Use of electronic research and databases is authorized when there is no extra cost. Use of other databases, such as LexisNexis, which do generate additional cost is not authorized
- An attorney providing pro bono services shall not meet with a client on Idaho State Judiciary premises except in situations where exigent circumstances provide no practical alternative
- Employees of the appellate courts who are on temporary assignment to the Idaho State Law Library may assist patrons with research, referral and related services.

**h. Professional Support Staff**

Pro bono legal work may not be required of support staff. On the other hand, the Idaho State Judiciary is aware of the commitment on the part of the National Federation of Paralegal Associations and other professional groups to support pro bono service on the part of paralegals and legal secretaries. Professional support staff who volunteer to assist attorneys involved in pro bono work may provide limited support services during the work day so long as the work does not interfere with performance of their primary duties.

**5.3 General Workplace Policies**

**5.3.1 Personal Use of Work Time**

Use of compensable work time for employee personal business or other matters that are not court business is prohibited and may result in discipline, up to and including termination of the employee.

**5.3.2 Attendance and Punctuality**

To maintain an efficient work environment, the Judicial Branch expects employees to be reliable and to be punctual in reporting for scheduled work. Absenteeism and tardiness place a burden on other employees and on the Judicial Branch. In the rare instances when employees cannot avoid being late to work or are unable to work as scheduled, they should notify their supervisor as soon as possible in advance of the anticipated tardiness or absence. Attendance is an essential job function of all positions in the Judicial Branch. Excessive absences and/or tardiness may be subject to disciplinary action up to and including termination of employment.

### **5.3.3 Nepotism**

The employment of family members in an organization may lead to an actual or perceived conflict of interest. The Judicial Branch prohibits the direct supervision of immediate family members in accordance with Idaho Code § 18-1359.

Where actual or potential conflicts are identified, the Judicial Branch will take prompt action and work with the parties involved to resolve the conflict. This may include reassignment or, if necessary, termination of employment for one or both of the individuals involved.

Immediate family members are individuals related by blood, marriage or adoption constituting the relationship of spouse; children; brother; sister; parent; grandparent; grandchildren; father-in-law, mother-in-law; son-in-law, daughter-in-law; step-father, step-mother; step-son, step-daughter; step-brother, step-sister; half-brother, half-sister.

### **5.3.4 Personal Relationships**

The Personal Relationships policy is established to address potential conflicts of interest arising from interpersonal relationships not otherwise covered by existing policies or law. Although this policy does not prevent the development of personal relationships, it does establish boundaries for relationships that affect the working environment. Employee off-duty conduct is generally regarded as private, as long as such conduct does not create problems within the workplace.

If a romantic, sexual or other personal relationship develops between judicial employees such that a conflict of interest or potential conflict of interest exists, the employee(s) shall immediately notify their Division Director, Human Resources or the Administrative Director of the Courts. Any disclosure made will be treated as confidential.

Where actual or potential conflicts are identified, the Judicial Branch will take prompt action and work with the parties involved to resolve the conflict. This may include reassignment or, if necessary, termination of employment for one or both of the individuals involved. Refer to Employee Policy Manual Section 5.1.3, Conducting Outside Activities to Minimize the Risk of Conflict with the Official Position.

### **5.3.5 Drug and Alcohol Use**

It is the Judicial Branch's desire and intent to provide a drug and alcohol free, healthy, and safe workplace. Employees will work drug and alcohol free in order to perform their jobs in a safe and efficient manner. No employee may use, possess, distribute, sell, or be under the influence of alcohol or illegal drugs while on court property or operating court vehicles or equipment, conducting court business, or in the scope and course of court employment.

The legal use of prescribed drugs is permitted on the job only if it does not impair an employee's ability to perform the essential functions of the job effectively and in a safe manner that does not impair their abilities or create a safety risk for themselves, other employees or the public. Employees may be subject to drug testing based upon an individualized, reasonable suspicion. All drug testing information will be maintained in separate, confidential files in Human Resources.

Violations of this policy may lead to disciplinary action up to and including immediate

termination of employment and/or required participation in a substance abuse, rehabilitation, or treatment program. Violations of this policy may also have other legal consequences.

Employees with questions or concerns about substance abuse or dependency are encouraged to discuss these matters with their supervisor or the Human Resources Director to receive assistance or referral to appropriate resources in the community. Employees with drug or alcohol problems that have not resulted in and are not the immediate subject of disciplinary action may, at their own initiative, request time off to participate in a rehabilitation or treatment program.

#### **5.3.6 Smoke-Free Workplace**

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

#### **5.3.7 Confidentiality/Nondisclosure**

Employees shall not communicate any confidential information and/or information exempt from public discourse to any person or entity unless the recipient of the information is a judge or employee and disclosure of the information is necessary for the performance of one's employment duties. If an employee has any question about whether a matter is confidential or exempt from public disclosure, the employee should discuss the issue with his or her supervisor and review Idaho Court Administrative Rule 32. Please also refer to the Model Rules of Professional Conduct for Attorneys and Code of Conduct for Employees of the Judicial Branch, as applicable.

#### **5.3.8 Dress Code**

The professional appearance and proper hygiene of employees presents a positive public image. As such, employees should practice good hygiene and report for work in appropriate apparel, in keeping with the work environment. Employees shall observe common norms of business attire and grooming while carrying out their duties. In addition, scented colognes, aftershaves, perfumes, lotions and other similar products may cause a distraction in the workplace and are subject to this policy. Employees, when authorized and approved by their supervisor, may dress in a casual manner when their attire will not disrupt or reflect poorly upon the Judicial Branch. Employees who are in violation of this policy may be required to leave work to correct the problem.

#### **5.3.9 Solicitation**

The Judicial Branch does not allow solicitation by non-employees. Judicial Branch employees may not engage in solicitation during work hours or in work areas.

#### **5.3.10 Notification Regarding Illnesses and Deaths**

The Idaho Judicial Branch recognizes there may be situations that arise in an employee's personal life such as the death of an immediate family member or a medical event (i.e. surgery) for which co-workers would like to provide comfort and support. If such an event arises, the employee may contact their supervisor or Human Resources and, with the permission of the employee, a notification will be sent to co-workers who have elected to receive notification regarding the situation.

Those co-workers who have elected to receive notification will receive an e-mail so they may sign a card. They may choose to contribute money to the fund that Human

Resources maintains to purchase flowers, but contributing money is not required to sign the card.

#### **5.4 Use of Judicial Branch Resources**

Judicial Branch resources, including time, material, equipment and information, are provided for Judicial Branch business use. Employees and those who represent the Idaho Judicial Branch are trusted to behave responsibly and use good judgment regarding Judicial Branch resources.

##### **5.4.1 Computer and Telephone Use**

The Judicial Branch's communication systems, including but not limited to computers and telephones are for the furthering of Idaho Judicial Branch business. This equipment may be used for personal, non-commercial, non-political communications on an employee's personal time, as long as such use does not involve any additional cost to the state or interfere with other office business. All electronic communications and voice mail messages are subject to monitoring and the Judicial Branch reserves the right to access all electronic or voice mail communications at any time without notice to the recipient or sender. The Judicial Branch also reserves the right to disclose the contents of any electronic and voice mail messages to others within the Judicial Branch or elsewhere if necessary.

##### **5.4.2 Personal Communication**

The Judicial Branch recognizes that employees will occasionally need to engage in personal communication including phone calls, texting, and e-mails during the workday. Personal communication shall be minimal. Personal cell phones should be in silent mode or turned off while employees are at work, unless used for court business. Excessive work time spent on personal communication is disruptive to others and is considered a misuse of employee's work time and is subject to disciplinary action.

##### **5.4.3 Copiers, Printers and Fax Machines**

The Judicial Branch's office equipment including fax machines, copiers and printers are to be used for business purposes. The office equipment may be used for personal, non-commercial, non-political purposes on an employee's personal time, as long as such use does not involve any additional cost to the state or interfere with other office business. Employees are expected to track the number of personal copies they make or faxes they receive and contact the Finance and Operations Division for reimbursement costs.

##### **5.4.4 Use of Judicial Facilities**

The Judicial Branch's facilities and equipment must be available to meet the needs of the Judicial Branch, including judicial, legal and civic education. Therefore, the use of the Judicial Branch's offices, courtrooms, meeting rooms, or bulletin boards for non-court purposes is prohibited. Any requests for exceptions to this policy must be submitted in writing to the Administrative Director of the Courts.

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**Section 6: Information Technology**

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This section is reserved for the Information Division.

- 6.1 Acceptable Use (E-mail and Internet)**
- 6.2 Access Management**
- 6.3 Data Storage, Retention, Disposal**
- 6.4 Disaster Recovery and Business Continuity**
- 6.5 Malicious Software Protection**
- 6.6 Mobile Device**
- 6.7 Monitoring**
- 6.8 Password Management**
- 6.9 Physical Security**
- 6.10 Remote Access**
- 6.11 Social Media**
- 6.12 Wireless Network**
- 6.13 Change Management**
- 6.14 Encryption**
- 6.15 Incident Handling**
- 6.16 Patch Management**
- 6.17 Risk Assessment**
- 6.18 Server Hardening**
- 6.19 Software Development**
- 6.20 Web Development**

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**Section 7: Workplace Safety and Security**

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The Judicial Branch is committed to protecting the safety, health and well-being of all employees and other individuals in the workplace. All employees are responsible for following all policies and procedures in regard to safety and security.

Employees are expected to observe the following safety, health and injury reporting requirements. Failure to do so may result in disciplinary action up to and including termination of employment. The following rules are not all-inclusive, but are representative of minimum safety conduct and standards expected of all employees of the Judicial Branch.

**7.1 Workplace Safety**

In order for the Judicial Branch to achieve its objective of providing a safe and healthy workplace, we need the assistance and cooperation of all employees.

**7.1.1 Injury Prevention Guidelines**

Employees are expected to prevent injuries in the workplace by following these guidelines:

- Operate only equipment that you are fully qualified and authorized to use.
- Refrain from fighting, horseplay or distracting fellow workers.
- Observe all hazard and warning signs.
- Report any hazardous conditions and/or unsafe work practices to a supervisor or division director immediately.
- Keep aisles, walkways and working areas orderly, clean, and clear of tripping and slipping hazards. This includes picking up items that can create hazards, or contribute to injuries.
- Walk, not run, on Judicial Branch premises or in other locations while conducting court business.
- Keep emergency equipment in your work area (such as fire extinguishers, fire alarms, exit doors, and first aid kits), clear of obstacles and readily accessible.
- Know and observe emergency action procedures during emergencies.

**7.1.2 Reporting a Work-Related Injury**

The following steps are to be followed in the event employees are involved in a work-related incident or injury:

- a. Report the incident or injury to your supervisor, or the Human Resources Director as soon as possible.
- b. Complete the First Report of Injury or Illness form available from Human Resources.
- c. Participate in any investigation, as requested. Failure of an employee to participate and fully cooperate in an investigation of a workplace accident or illness may result in discipline.

If an employee requires professional medical attention as a result of an injury:

- a. If urgent medical care is needed, obtain necessary medical attention immediately. Safety and comfort of employees is of the utmost importance to the Judicial Branch.

- b. Inform your supervisor, division director, or Human Resources of the injury immediately.
- c. If an injury or illness, for which an employee has received medical attention, requires an individual to be absent from work, they must notify the manager or division director and provide written work restriction information. By doing this, the Judicial Branch can obtain information from the treating physician to determine the availability of work within medical restrictions, and anticipate the duration the employee will be away from their regular job.
- d. Whenever employees visit their attending physician or a referred physician, they must provide their supervisor with updated written work restriction information.

Refer to Worker's Compensation Leave policy in the Compensation and Benefits Section.

### **7.1.3 Driving Safety**

Employees who drive any form of vehicle while performing services for the Judicial Branch are expected to drive in a safe manner at all times and follow all governing laws that relate to the operation of a vehicle. Employees may not allow distractions while driving such as texting and emailing. If an employee talks on a cell phone while driving, the driver is expected to pull over to the side of the road and stop driving or to use a hands-free device. Any violations or citations received by an employee while driving for Judicial Branch purposes are the personal responsibility of the employee, but must be reported to the employee's supervisor within two business days. All employees driving as a part of Judicial Branch business must maintain their own vehicle liability insurance, current Idaho driver's license and reliable transportation.

## **7.2 Workplace Security**

The Judicial Branch is concerned about the personal safety of its employees and the security of their personal belongings. Employees are, therefore, asked to assist in ensuring their own security and safety by observing certain established procedures, by being attentive to their surroundings and by reporting anything unusual or suspicious to administrative staff.

### **a. Security**

In an emergency situation, assistance can be obtained by using any panic button or dialing 911 (or 9-911) and reporting the location and nature of the emergency. In non-threatening situations, assistance can be obtained by contacting a supervisor.

### **b. Personal Property**

Personal items and property of value should be safeguarded. Any item(s) of value should be kept in a lockable work space. The Judicial Branch cannot be responsible for the loss of money or other personal belongings.

### **7.2.1 Security/Inspections**

All persons and their belongings which enter a courthouse, law library, or other Judicial Branch facility are subject to warrantless search at any time for the security of all employees.

All threats or perceived threats to the safety or security of any person or any Judicial



Branch property shall be immediately reported to the employee's supervisor, the Idaho State Police Officer, and the Administrative Director of the Courts.

### **7.2.2 Visitors in the Work Place**

To provide for the safety and security of employees, and the facilities of the Judicial Branch, only authorized visitors are allowed in the workplace. Employees are responsible for the conduct and safety of their visitors; visitors should not be left unattended. Employees may not allow unfamiliar individuals into the secured area of any court facility. If an unauthorized individual is observed on Judicial Branch's premises, they should immediately notify their supervisor or law enforcement, when appropriate. Visits to the Judicial Branch facilities are a privilege.

## **7.3 Workplace Violence**

It is the goal of the Judicial Branch to maintain a work environment free from intimidation, threats or violent acts. To that end, the Judicial Branch has adopted a zero tolerance policy regarding violence in the workplace. This includes, but is not limited to, intimidating, threatening or hostile behaviors, physical abuse, vandalism, arson, sabotage, use of weapons, carrying weapons of any kind onto court property, or any other act, which, in the Judicial Branch's opinion, is inappropriate in the workplace, or while performing court duties.

Employees who feel they have been subjected to any of the behaviors listed above are requested to immediately report the conduct or incident to their supervisor, Human Resources, or the Idaho State Police Officer regardless of whom or what created the threat. Complaints will be fully investigated. Based upon the results, disciplinary action will be taken against the offender, if appropriate. If the threat was created by someone who is not an employee, the Judicial Branch will also take appropriate action.

Employees who observe or have knowledge of any violation of this policy should immediately report it to their supervisor, Human Resources, or the Idaho State Police Officer. The Judicial Branch will take action when unforeseen events transpire and look employees for support of this policy. Employees are expected to contact the proper law enforcement authorities without first informing management if they believe an imminent threat to the safety of others exists.

## **7.4 Obligation to Report Criminal Activity**

If a Judicial Branch employee is arrested or charged with criminal conduct, of any nature and in any location, the employee must report the arrest or charge to the Human Resources Director within one business day.

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**Section 8: Performance Management and Conflict Resolution**

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**8.1 Performance Management**

Supervisors and employees are required to discuss job performance and goals on an informal, regular basis. This on-going dialogue allows the supervisor and the employee to discuss the job responsibilities, standards, and performance requirements of the employee's position. Additionally, formal performance evaluations are encouraged to be conducted on a periodic basis to provide both supervisors and employees the opportunity to discuss the mission statement of the Judicial Branch, the strategic goals of the Judicial Branch, job tasks, identify areas for improvement, encourage and recognize strengths, and discuss positive, purposeful approaches for meeting the courts' strategic goals. A performance evaluation is expected to provide feedback for the employee and supervisor. Also, individual employees should be empowered and encouraged to take ownership of their own job satisfaction. The failure to conduct a performance evaluation, or the failure of a supervisor to specify areas of weakness needing improvement, shall not impact the Judicial Branch's right to discipline or otherwise terminate an employee. The Human Resources Division shall provide ongoing training and resources for use.

**8.2 Rules of Conduct**

To ensure orderly operations, superior performance of duties, and provide the best possible work environment, the Judicial Branch expects its employees to follow rules of conduct that will advance and protect the interests and safety of all employees of the Judicial Branch.

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

- a. Unsatisfactory job performance or conduct.
- b. Violation of the applicable Code of Conduct or other rules governing employee conduct.
- c. Any form of unlawful or unwelcome harassment or discrimination.
- d. Excessive absenteeism or any absence without notice.
- e. Violation of the policies set forth in the Employee Policy Manual or those incorporated by reference.
- f. Unauthorized absence from work station during the workday.
- g. Unauthorized use of Judicial Branch resources, including time, or equipment.
- h. Unauthorized disclosure of confidential information.
- i. Theft or inappropriate removal or possession of property.
- j. Falsification of timekeeping or other employee records.
- k. Working under the influence of alcohol or illegal drugs, or testing positive for alcohol or illegal drugs while on the job, regardless of when or where the exposure to such alcohol or drugs occurred.
- l. Possession, distribution, sale, transfer, or use of alcohol or illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment.
- m. Fighting or threatening violence in the workplace.
- n. Boisterous or disruptive activity in the workplace.
- o. Negligence or improper conduct leading to damage of property.
- p. Insubordination or other disrespectful conduct.

- q. Smoking in prohibited areas.
- r. Possession of dangerous or unauthorized materials, such as explosives or firearms, in the workplace, with the exception of those employees authorized to carry concealed weapons.

The above-stated list does not include all, or even most, of the possible grounds for employee discipline or termination. By setting forth the above-stated grounds, the Judicial Branch in no way limits its discretion to discipline or terminate employees for other grounds, or for no grounds at all in the case of at-will employees. The above-stated policies regarding employee discipline and termination do not modify the at-will nature of employment for Judicial Branch employees.

### **8.3 Progressive Discipline**

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

Disciplinary action may call for any of five steps—verbal warning, written warning, suspension with or without pay, demotion, and/or termination of employment—depending on the severity of the problem and the number of occurrences. There may be circumstances when one or more steps are bypassed.

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

### **8.4 Administrative Leave**

From time to time it may be necessary to place an employee on administrative leave. Any employee of the Judicial Branch may be placed on administrative leave, for any reason, at the discretion of the Administrative Director of the Courts. The leave may be paid or unpaid, depending on individual facts and circumstances necessitating the administrative leave. Some circumstances that may result in an employee being placed

on administrative leave are when the employee is arrested or charged with a criminal offense, when there is reason to believe that the employee has committed willful misconduct, or when the employee has a disability that seriously interferes with the performance of the employee's duties.

## **8.5 Termination of Employment**

Employees are considered at-will and thus may terminate their employment at any time. The Judicial Branch requests that employees give at least two-weeks of notice of their termination in order to transition job duties of the departing employee. However, the Judicial Branch reserves the right to pay earned but unused vacation leave in lieu of regular pay to an employee who has given notice of termination, at the Judicial Branch's discretion.

### **8.5.1 Supervisor/HR Coordination**

Supervisors must coordinate all discipline of employees with their division director and with Human Resources. If a supervisor plans to terminate an employee for any reason, the supervisor must coordinate all actions with the division director and the Human Resources Director, in advance of the termination.

### **8.5.2 Return of Property**

All Judicial Branch property must be returned upon the termination of the employee. Prior to leaving the premises of the Judicial Branch on the last day of employment, the employee must return all the Judicial Branch property in the employee's possession. Employees should use caution while Judicial Branch property is in their care. If an employee damages Judicial Branch property beyond normal wear and tear, or fails to return it, the employee will be held financially responsible for replacing it. Where permitted by applicable laws, the Judicial Branch may withhold from the employee's check or final paycheck the cost of any items that are not returned upon termination of employment. The Judicial Branch reserves the right to bring a civil action against employees, if necessary, to enforce any such financial responsibility.

## **8.6 Informal Dispute Resolution**

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

## **8.7 Formal Dispute Resolution**

It is the intent of the Idaho Judicial Branch to be responsive to employees and their concerns. Conflicts or misunderstandings can arise in any organization and should be resolved before serious problems develop. Employees, supervisors, and managers are strongly encouraged to attempt to address any concerns they may have as soon as possible and with each other directly, either in person or in writing.

The formal dispute resolution policy and procedures are the method by which this may be accomplished if all other efforts to resolve the situation have been exhausted, or if the employee is uncomfortable with handling the situation directly.

**8.7.1 Eligibility to Request Formal Dispute Resolution**

All employees have the right to file a request for formal conflict resolution over any work-related matter, other than compensation (except as to alleged inequities within the Judicial Branch).

**Workplace concerns of discrimination or harassment should be pursued as outlined in the judicial branch's discrimination and harassment policy (Section 2.1.4).**

**8.7.2 Formal Dispute Resolution Process**

The steps describing the dispute resolution process are described below.

**Step 1:** The employee shall submit a written statement of the issue on the request for formal dispute resolution form shown in the Personnel Policy Manual appendix to their supervisor unless the issue specifically concerns the employee's supervisor, and, in such instance, the formal dispute resolution form may be submitted to the division director or the Administrative Director of the Courts and processed under Step 2. A copy should also be forwarded to Human Resources. The request for formal dispute resolution form must be submitted in writing within seven (7) days of the subject of the conflict. The supervisor shall attempt to settle the conflict informally with the participation of the employee. The employee shall be provided with a written statement of any decision made by the supervisor.

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

The Administrative Director of the Courts may require that any formal complaint that comes before him or her be directed to mediation. The mediator will be selected by the Administrative Director and the Judicial Branch shall bear the costs of such mediation. In the event the complaint is not resolved by the mediation, the employee may proceed to the next step in the formal dispute resolution process.

**Step 3:**

If the employee does not accept the decision of the Administrative Director, the employee may appeal to the Chief Justice of the Idaho Supreme Court within fourteen (14) days of receipt of the Administrative Director's written notice of the action taken on the employee's complaint. The Chief Justice may request that additional information be submitted by any party to the dispute, and any party to the dispute may submit additional written information or evidence pertaining to

the dispute with the permission of the Chief Justice, but no evidentiary hearing shall be held. The Chief Justice shall make a final determination as to the resolution of the dispute and the action to be taken, and shall provide a written statement of that determination to the employee and to the Administrative Director and to Human Resources. Any determination by the Chief Justice shall be final and conclusive.

#### **8.7.3 Records**

The result of all dispute resolution processes or appeals will be documented and placed in the employee's personnel file. All records of dispute resolution processes and appeals, and all information gathered or submitted during dispute resolution procedures and appeals, are confidential to the extent provided by Rule 32 of the Idaho Court Administrative Rules.

#### **8.7.4 Retaliation Prohibited**

No supervisor or employee shall deny an eligible employee the opportunity to file a request for dispute resolution or subject an eligible employee who has or is about to file a request for dispute resolution to threats, duress, harassment or any overt or covert acts of reprisal or retaliation. Any conduct that may constitute retaliation must be reported to the Human Resources Director immediately.

#### **8.7.5 Disclaimer of Contract Rights**

The above procedures may vary with individual situations. These procedures create no additional employee rights and may not form the basis of any claim in law or equity.

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**Section 9: Acknowledgment**

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I acknowledge that I have received, read, and understand the Employee Policy Manual for the Judicial Branch of the State of Idaho, dated July 1, 2014. I agree to conform to the policies set forth in the Employee Policy Manual.

I understand that the provisions of this Employee Policy Manual may be amended or revised at any time, with or without notice, at the Judicial Branch's discretion, and that this Employee Policy Manual is not an exhaustive statement of Judicial Branch policies.

As an employee, I understand that neither spoken nor written representations, including this Employee Policy Manual, create an express or implied contract of employment between the Judicial Branch and me. I agree that unless otherwise specified in a formally executed written contract signed by the Administrative Director of the Courts, my employment is voluntary and at-will. Accordingly, I have the right to terminate my employment at any time for any reason and the Judicial Branch has the same right.

Signature: \_\_\_\_\_

Print Name: \_\_\_\_\_

Judicial District or Department: \_\_\_\_\_

Dated: \_\_\_\_\_

# APPENDIX



**Idaho Judicial Branch  
Equal Employment Opportunity & Diversity Plan  
Approved by the Administrative Director of the Courts, effective March 1, 2013**

Statement of Policy

The Idaho Judicial Branch is dedicated to the principles and values of fairness, integrity, respect and equality for all individuals. The Idaho Judicial Branch values the individual diversity of all employees, applicants, volunteers, citizens, and court users. Differences provide experiences, viewpoints, and ideas that can strengthen and enhance our work. Our goal is to create an environment that is inclusive, respectful, and equitable, and to employ the talents of people with different backgrounds, experiences, and perspectives to accomplish the mission and strategic goals of the Idaho Judicial Branch.

Any employee who believes that he or she has been denied employment opportunities or benefits or who has been harassed because of race, color, national origin, sex, age, religion, socioeconomic status, sexual orientation, gender identity, veteran status, disability, or any other applicable legally protected status may:

- File a grievance in accordance with the Idaho Judicial Branch's Employee Policy Manual; or
- File a complaint in accordance with the Idaho Judicial Branch's Discrimination and Harassment Policy; or
- Complaints may be submitted to the appropriate Administrative District Judge, Trial Court Administrator, or Human Resources Division of the Administrative Office of the Courts.

Duties and Responsibilities

*Chief Justice and Administrative Director of the Courts*

The Administrative Director of the Courts has the ultimate responsibility for the overall administration of the EEO/Diversity Plan subject to the direction and approval of the Chief Justice and the Idaho Supreme Court. This includes responsibility for the following:

- Integrating equal opportunity into all parts of personnel management and the development and delivery of court services;
- Reviewing policies and procedures as they affect diversity;
- Ensuring compliance with relevant federal and state constitutions, statutes, laws and regulations; and
- Fostering a work environment that is diverse and culturally sensitive.

*Human Resources Director*

The Human Resources Director, as directed by the Administrative Director of the Courts, has day-to-day responsibility for the implementation of the EEO/Diversity Plan. This includes responsibility for the following:

- Developing and monitoring the Idaho Judicial Branch's personnel policies;
- Communicating and disseminating the elements of the plan internally and externally;
- Identifying corrective measures to remedy identified disparities in the workforce;
- Assisting judges, trial court administrators, and supervisors by providing mechanisms for the resolution of complaints, identifying and developing related training programs, and assisting with the creation and implementation of diversity initiatives; and
- Designing and implementing an internal system for auditing and reporting the plan's effectiveness.

### *Administrative District Judges and Trial Court Administrators*

Administrative District Judges are responsible for the implementation of the EEO/Diversity Plan for Idaho Judicial Branch employees in their respective districts. This includes:

- Local monitoring and supervision to promote equal opportunity for all employees, applicants, and beneficiaries of court services;
- Ensuring fair employment decisions;
- Taking swift and appropriate corrective action when discrimination and/or harassment is discovered;
- Assuring compliance with the Harassment and Discrimination Policy of the Idaho Judicial Branch; and
- Establishing a positive and culturally sensitive work environment

The Administrative Director of the Courts or the Human Resources Director shall perform these functions for the Supreme Court, Court of Appeals, Office of the Clerk of the Court, and the Administrative Office of the Courts. The plan shall be maintained in the Human Resources Division, available to interested parties to review upon request, and updated every two years.

### *Judges and Supervisors*

Judges and supervisors are responsible for:

- Establishing a positive climate for equal employment;
- Assuring that all personnel practices and procedures, including training, hiring, and promotion, are applied equally and in compliance with the Idaho Judicial Branch's Employee Policy Manual;
- Taking swift and appropriate corrective action when discrimination and/or harassment is discovered; and
- Promoting inclusion and cultural sensitivity in the workplace.

### Communication of the Judicial Branch Equal Employment Plan

The Idaho Judicial Branch's EEO/Diversity Plan shall be well publicized internally to all Idaho Judicial Branch employees and externally to the public.

### *Internal Communication Concerning the Plan*

The Idaho Judicial Branch's Statement of Policy contained within this plan description shall be distributed to all Idaho Judicial Branch employees when this program is adopted, and thereafter distributed to each new employee upon hire. It will be made available on the Idaho Judicial Branch's website and shall be distributed to all Administrative District Court Judges, Judges, Trial Court Administrators, and Clerks of Court. Additionally, the Plan shall be available upon request through the Human Resources Division of the Administrative Office of the Courts.

Information concerning the EEO/Diversity Plan shall be featured periodically in the Idaho Judicial Branch's e-news and shall be included in personnel policy manuals. Training related to diversity in the workplace, general harassment, and sexual harassment shall be provided to all judicial officers and employees. The promotion of a diverse workforce will be included as a core criteria and organizational value within the Idaho Judicial Branch's performance appraisal program when implemented.

### *External Communication Concerning the Plan*

To affirm its commitment to EEO/Diversity, the Idaho Judicial Branch's EEO/Diversity Plan shall be published on the Idaho Judicial Branch web site (at [www.isc.idaho.gov](http://www.isc.idaho.gov)). The Human Resources Division shall send job announcements to recruitment sources that have contact with

potential job applicants who would increase the Idaho Judicial Branch's diversity. All Idaho Judicial Branch job vacancy notices and job advertisements shall continue to contain the statement "The Idaho Judicial Branch is an Equal Opportunity Employer."

#### Plan Components:

The Idaho Judicial Branch will maintain a statewide plan to promote a workforce that resembles the labor market through the elimination of barriers and the implementation of proactive programs. On a regular basis, the Idaho Judicial Branch's workforce shall be analyzed to comply with Equal Employment Opportunity Commission reporting requirements to determine whether there are under-represented groups in the workforce as compared to the available labor force. The availability of under-represented groups in the state's labor force shall be determined using job categories as defined by the Equal Employment Opportunity Commission or the Department of Labor.

If such under-representation is found, the Idaho Judicial Branch will attempt to determine if it is the result of barriers limiting equal employment opportunities. The statewide plan includes an equal employment component focused on ensuring fairness and equity in all employment practices, as well as a diversity component that encourages and promotes the idea that differences in the workplace contribute to the success of the Idaho Judicial Branch mission. The plan may also include an employee satisfaction survey. The statewide plan will be evaluated on a regular basis to identify areas of success and areas for improvement.

To increase public trust and confidence in the Idaho Judicial Branch, the statewide plan describes methods to be used to increase diversity in the workforce, and to promote awareness and sensitivity to diversity issues related to employees and those who use the various services and facilities within the Idaho Judicial Branch.

The plan will contain a review of past accomplishments, and suggestions for improvement where needed. Beginning in 2015, and every odd year thereafter, the Idaho Judicial Branch will file an updated EEO/Diversity Plan describing the efforts, accomplishments, and shortfalls of the previous two years, and describing plans for the coming two years. Statistical information will be compiled by the Human Resources Division of the Administrative Office of the Courts and will be summarized in a report and submitted to the Supreme Court and the Administrative Director of the Courts for review.

#### *Training*

Specific training programs will be created to increase awareness and sensitivity to diversity issues for all employees within the Idaho Judicial Branch. All new employees and supervisors hired or promoted after the implementation of this plan will be required to take diversity training within two years of their hire or promotion date. The performance appraisal program, when implemented, will contain evaluation elements focusing on promotion and support of a diverse workforce.

Updated: 12/9/2013

# Idaho Judicial Branch Discrimination or Harassment Complaint Form

Employee Name: \_\_\_\_\_

Today's Date: \_\_\_\_\_

Division: \_\_\_\_\_

Date of Occurrence: \_\_\_\_\_

It is the policy of the Judicial Branch to provide a work environment that is free from discrimination and harassment.

Please describe the series of events that led you to believe you experienced discrimination or harassment. Include details such as to what occurred, why you believe it occurred, and names of any witnesses. You may use the back of this form or another sheet of paper if necessary.

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Requested Resolution:

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Employee Signature: \_\_\_\_\_

**Idaho Judicial Branch  
Request for Reasonable Accommodation**

Employee Name: \_\_\_\_\_ Contact Number: \_\_\_\_\_

Position: \_\_\_\_\_ Judicial District: \_\_\_\_\_

What specific accommodation are you requesting? \_\_\_\_\_

\_\_\_\_\_

Is your accommodation request time sensitive?             Yes             No  
If yes, please explain.

\_\_\_\_\_

\_\_\_\_\_

What, if any, job functions are you having difficulty performing? \_\_\_\_\_

\_\_\_\_\_

What, if any, employment benefit are you having difficulty accessing? \_\_\_\_\_

\_\_\_\_\_

What limitation is interfering with your ability to perform your job or access an employment benefit?

\_\_\_\_\_

Have you had any accommodations in the past for this same limitation?     Yes             No  
If yes, what were they and how effective were they?

\_\_\_\_\_

If you are requesting a specific accommodation, how will that accommodation assist you?

\_\_\_\_\_

Please provide any additional information that might be useful in processing your accommodation request on a separate document and submit along with this request.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## Idaho Judicial Branch Request for Formal Dispute Resolution

Employee Name: \_\_\_\_\_

Today's Date: \_\_\_\_\_

Division: \_\_\_\_\_

Date of Occurrence: \_\_\_\_\_

Please describe the series of events that led you to request Formal Dispute Resolution. Include details such as to what occurred, why you believe it occurred, and names of any witnesses. You may use the back of this form or another sheet of paper if necessary. Information regarding the Formal Dispute Resolution process is available in the Idaho Judicial Branch Employee Policy Manual, Section 8.6.

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Requested Resolution:

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Employee Signature: \_\_\_\_\_

**Idaho Judicial Branch  
FMLA Leave Request Form**

Employee Name \_\_\_\_\_ Judicial District \_\_\_\_\_

**Reason for Leave:**

- Birth of a child, or adoption of a child or placement of a child in foster care
- Due to the employee's own serious health condition
- To care for a qualifying family member with a serious health condition
- To attend to a Qualifying Exigency for a spouse, parent, son, or daughter of a service member who is "on active duty (or notified of an impending call or order to active duty) in the Armed Forces (including the Reserves and National Guard) in support of a contingency operation."
- To care for a qualifying family member who incurred a serious injury or illness in the line of duty while on active duty in the Armed Forces.

Provide description/details as appropriate:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Type of Leave Requested:**

- Continuous       Intermittent       Reduced Hours

If FMLA is approved, do you wish to use available sick leave, vacation time and/or compensatory time while on FMLA?

- Yes       No

If applicable, provide details (which order to use your accrued balance): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Date leave to start: \_\_\_\_\_ Date anticipated return to work: \_\_\_\_\_

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

Received by: \_\_\_\_\_  
Signature of HR Contact

\_\_\_\_\_  
Date