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**Idaho Courts**  
**Judicial Policy Manual**

**Effective August 19, 2015**

**Idaho Courts  
Judicial Policy Manual**

**Welcome**

We are proud of those who are a part of the Idaho Courts, and hope you are proud of the position of trust that you hold.

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 Courts' reputation will be determined by the work we do and by how justices, judges and 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 service 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

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*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

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## Strategic Goals and Major Objectives of the Idaho Courts

### GOAL 1 - To 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.

### GOAL 2 - Ensure Access to Justice

- Strengthen and expand Court Assistance Office services options for legal representation for persons of limited means, language access services, and disability assistance while increasing the public's awareness of these services.
- Enhance the ability to efficiently conduct court business by using technology to increase access to and integration of information, as well as to improve business practices.

### GOAL 3 - 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.

### GOAL 4 - 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.
- Protect and empower vulnerable individuals under guardianship or conservatorship through education, monitoring, enforcement, and community support.

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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 Policy Manual sets forth policies adopted by the Idaho Supreme Court for justices and judges. These policies have been adopted by order of the Supreme Court and have the effect of superseding any prior policy or rule.

The policies outlined in the Judicial Policy Manual are intended to provide guidance to justices and judges.

**1.2 Definitions**

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

**1.2.1 Judges**

Judges refers to Supreme Court Justices, Court of Appeals Judges, District Court Judges, and Magistrate Judges.

**1.2.2 Employees**

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

**1.2.3 Supervisor and Manager**

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

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.

**1.2.4 Division Director**

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

**1.3 Structure of the Idaho Courts**

The Idaho Constitution provides that the state courts shall be operated as a unified

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 Idaho Courts.

To establish the orderly supervision of employees, the Idaho Courts are organized as follows:

### **1.3.1 Offices of the Justices**

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

### **1.3.2 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.

### **1.3.3 District Courts**

Idaho Code section 1-907, provides that 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 judges in the 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 employees working in the district, excluding court reporters who are supervised by individual district judges.

### **1.3.4 Court Professionals**

The Chief Justice, as the chief executive of the Supreme Court, supervises 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. A current directory of court professional staff is located in Employee Self Service under the Idaho Judicial Branch Documents tab.

## **1.4 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.

## **1.5 Official Records of the Idaho Courts**

Openness of judicial proceedings and records is a basic policy of the Idaho Courts. Access to court records is governed by Rule 32 of the Idaho Court Administrative Rules.

**1.6 Judicial Records**

Records for all judges are maintained by the Human Resources Division; these records are confidential and are exempt from public records disclosure. Access to these files is limited to the following individuals:

**a. The Judge**

Each judge may review his or her own 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 Judge**

Pursuant to Idaho Court Administrative Rule 32(c)(5), employees with a need to know have access to judicial records (i.e. Human Resources Division staff in the course of their normal duties).

**1.7 Data Changes**

It is important that information in files be kept up to date and accurate. Please inform the Human Resources Division of any changes in address, including emergency contact information.

**1.8 Recruitment**

It is the goal of the Idaho Courts to assure the highest level of service by recruiting highly-qualified judges and court personnel who will demonstrate personal dedication and professional service to our mission and community.

**1.9 Changes to the Judicial Policy Manual**

The Idaho Supreme Court 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 Courts are dedicated to fairness, integrity, respect and equality for all individuals. The Idaho Courts value 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 Courts.

The Idaho Courts will ensure that judges, 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 with questions or concerns regarding the above employment laws should contact the Human Resources Division. All complaints will be investigated promptly.

**Judges who supervise employees should refer to Section 2 of the Employee Policy Manual (see appendix) for more detailed information regarding the employment of those supervised as well as any forms that may be needed for reporting purposes.**

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**Section 3: Compensation, Benefits, and Leave Policies**

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**3.1 Judicial Compensation**

The salaries of judges are set by the Idaho Legislature.

**a. Salary Affidavits**

In accordance with Article V, Section 17, of the Idaho Constitution, in order for judges to cash a paycheck, they must subscribe an oath that there is not in their hands any matter in controversy not decided by them which has been finally submitted for their consideration and determination, thirty days prior to taking and subscribing such oath. It is the policy of the Supreme Court that this oath will be subscribed and submitted to the Human Resources Division prior to salary warrants being redeemed.

**b. Payroll**

Judges are paid monthly, on the first of the month. Judges are not required to have direct deposit. If a judge desires to have direct deposit, a salary affidavit must be submitted to the Supreme Court monthly by the 20<sup>th</sup> of the month for direct deposit to be completed. If an affidavit is not filed by the 20<sup>th</sup> of the month, no direct deposit will occur for that month, and a manual payroll warrant will be issued and mailed to the address of record.

The law requires that the State of Idaho make certain deductions from every judge's compensation. Deductions include income and Social Security taxes, retirement contributions, health insurance premiums, or any other deduction which may be authorized by the judge including those that are deposited directly into banks, credit unions, or insurance companies. Because of the provisions of law requiring judges to submit a salary affidavit prior to receiving their salary, they are required to submit a Vacation Leave Authorization Form indemnifying the State of Idaho with regard to these deductions. If a salary affidavit is not submitted as required, an appropriate amount of vacation leave will be set aside to cover these deductions. If a judge does not have a sufficient amount of accrued vacation leave for this purpose, they will be required to submit the funds needed to satisfy these obligations. Upon receipt of the salary affidavit, any accrued vacation leave set aside for the payment of these payroll deductions will be reinstated.

**3.2 Benefits - Group Health, Life and Disability**

Judges receive a benefits package that includes group health, life insurance, voluntary term life insurance, short and long-term disability insurance, flexible spending account, and employee assistance program. Benefits plans are administered by the State of Idaho's Department of Administration which 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).

**3.3 Retirement**

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

Supreme Court justices, Court of Appeals judges, and district court judges are provided with retirement benefits through the statutory Judges' Retirement Fund (JRF) or if already vested in PERSI, may irrevocably elect to continue participation in PERSI. Idaho Code § 1-2001, et seq. Contributions to the JRF are made from judges' salaries and from the State of Idaho; civil filing fees offset a portion of the State of Idaho contributions. The JRF is governed by state law and provides for differing benefits, depending upon years of service, and also may provide benefits to surviving spouses.

In addition, the State of Idaho offers three voluntary deferred contribution plans. Please contact the Human Resources Division regarding participation in those plans.

The Idaho Courts recognize that judges have many factors to consider when contemplating retirement. The Idaho Courts request retiring judges provide at least a six month notice of retirement to allow the lengthy recruitment, selection, and appointment process take place.

### **3.4 Holidays**

The following are paid holidays:

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.

### **3.5 Leave Policies**

#### **3.5.1 Vacation Leave**

The Idaho Courts recognizes that time away from work for individuals to relax, recharge, and relieve stress enhances individual well-being. Court of Appeals Judges, District Judges, and Magistrate Judges are eligible for vacation leave and are encouraged to use their accrued vacation leave.

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

Vacation leave accrues at the rate of sixteen and sixty-six hundredths (16.66) hours per month, except Court of Appeals, District Judges, and Magistrate Judges who have served on the bench at least ten (10) years shall accrue

twenty (20) hours per month. Supreme Court Justices do not accrue vacation leave.

Individuals may accrue and carry up to three hundred thirty-six (336) hours of vacation leave. If an individual has three hundred thirty-six (336) hours of vacation leave, there will be no vacation leave accrual for each month that the individual is at the maximum accrual or only a partial accrual up to the three hundred thirty-six (336) hour maximum. 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**

Judges shall coordinate their vacation leave with their Trial Court Administrator to ensure coverage if necessary.

**c. Unused Vacation Leave at Separation**

Court of Appeals Judges, District Judges, and Magistrate Judges may be compensated for up to three hundred, thirty-six (336) hours of unused vacation leave at time of separation unless extraordinary budget circumstances do not allow. Court of Appeals, District, and Magistrate Judges who are appointed or elected to the Idaho Supreme Court shall be compensated for their unused vacation time at the time they take office as a Supreme Court Justice.

### **3.5.2 Sick Leave**

Judges are eligible for sick leave. Sick leave begins accruing in the first month worked if the judge worked at least 15 days during the first month. There is no compensation for earned but unused sick leave at separation except at retirement as described in section (c). Any former state employee who returns to full-time employment with the Courts 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 judges 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 by judges for absences related to illness or injury, except for bereavement leave as provided. Judges 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 judge has charge and is living with the judge on a permanent or temporary basis.

**c. Unused Sick Leave at Retirement**

Judges 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 judge's unused sick leave, up to a certain maximum, will be deposited to the a sick leave account maintained by PERSI. Such sums shall be used by the Idaho Public Employee 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 judge's sick leave account pursuant to this section. Upon the death of a judge, any unexpended sums remaining in the account shall revert to the sick leave account. Idaho Code § 67-5333.

### **3.5.3 Donation of Leave**

Judges 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.

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

### **3.5.4 Workers' Compensation Leave**

The State of Idaho provides a comprehensive workers' compensation insurance program at no cost to judges. 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 judge is hospitalized, immediately.

Judges who sustain work-related injuries or illnesses shall inform their Trial Court Administrator immediately. No matter how minor an on-the-job injury may appear, it is important that it be reported immediately to ensure an eligible judge qualifies for coverage as quickly as possible.

Judges 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 a judge to waive their rights to workers' compensation benefits.

### **Reporting a Work-Related Injury**

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

- a. Report the incident or injury to your Trial Court Administrator or the Human Resources Division as soon as possible.
- b. Complete the First Report of Injury or Illness form available from the Human Resources Division.
- c. Participate in any investigation, as requested.

If an individual 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 the individual is of the utmost important to the Courts.
- b. Inform your Trial Court Administrator or the Human Resources Division of the injury immediately.
- c. If an injury or illness, for which an individual has received medical attention, requires an individual to be absent from work, they must notify their Trial Court Administrator and provide written work restriction information. By doing this, the Courts can obtain information from the treating physician to anticipate the duration the judge will be away from their job.
- d. Whenever the judge visits their attending physician or a referred physician, they should provide their Trial Court Administrator with updated written work restriction information.

### **3.5.5 Health Care Leave**

Judges are entitled to leave to facilitate personal or family medical, dental, and optical appointments. Such leave shall not exceed twenty-four (24) hours in a calendar year. Health care leave hours do not carry over from year to year.

### **3.5.6 Military Leave**

Judges 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. Such leave does not affect normal vacation or sick leave in any way. Idaho Code § 46-216.

### **3.5.7 Bereavement Leave**

Judges 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, judges shall coordinate the time off with their Trial Court Administrator.

### **3.5.8 Administrative Leave**

From time to time it may be necessary to place a judge on administrative leave with pay. A judge may be placed on administrative leave in the following circumstances:

- a. When a justice or judge is arrested or charged with a criminal offense, the Supreme Court may place the justice or judge on administrative leave until further order of the Supreme Court. Included in the appendix is the Court's suggested protocol of actions to be taken when a judge is charged with a crime.
- b. The Supreme Court may place justices and judges on administrative leave if the Supreme Court finds that there is reason to believe that the judicial officer has committed willful misconduct, or that the judge has a disability that seriously interferes with the performance of their duties. Willful misconduct is action or inaction that indicates a deliberate or knowing disregard of an order of the Idaho Supreme Court or the Code of Judicial Conduct. A disability may arise due to a mental or physical condition, serious illness, or as a result of substance abuse.

Such administrative leave shall continue until further order of the Supreme Court. The Supreme Court may place a justice or judge on administrative leave under the provisions of this section during or prior to any initial inquiry, preliminary investigation or formal proceedings by the Judicial Council or Magistrate Commission, or any review of the Judicial Council's determination or recommendation by the Supreme Court.

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

The Chief Justice will ensure that any justice or judge who is placed on administrative leave is provided a copy of the administrative leave order. In the event the judge or justice wishes to provide the Court with any additional information, the justice or judge may do so via correspondence with the Administrative Director of the Courts, who shall provide the Court with the additional information for its consideration.

### **3.5.9 Unpaid Leave of Absence**

In extraordinary circumstances, judges may request an unpaid leave of absence from the Supreme Court. The requests will be reviewed on a case by case basis.

## **3.6 Professional Development**

The Idaho Courts are committed to the ongoing education and advancement of the judiciary in order to ensure accessible, fair, and timely resolution of cases for the citizens of Idaho. Judicial education programs are provided annually for all judges from the time of appointment through retirement. The Court strives to provide the highest quality education programs to keep judges current on the law and other related disciplines that intersect with the law, as well as to provide opportunities to build collegiality and network with other judges throughout the state. Judges attending education programs can provide valuable leadership throughout the Idaho Courts whether serving as judges, faculty, and mentors or engaging in public outreach.

### **3.6.1 Judicial Education Sponsored by the Idaho Courts**

The Idaho Courts traditionally sponsor three core education programs annually: the Idaho Judicial Conference, the District Judges Conference, and the Magistrate Judges Conference. One hundred percent participation in all core education programs is strongly encouraged. Additionally, the Idaho Courts sponsor other educational programs, such as multi-disciplinary conferences, throughout the year that judges are either specifically invited to attend or may request to attend.

New judges are required to attend the New Judge Orientation and the comprehensive General Jurisdiction program at the National Judicial College, Reno, Nevada, ideally within three (3) to eighteen (18) months of appointment. Attending the National Judicial College should take priority over other judicial education.

### **3.6.2 Other Judicial Education**

There is much value to be gained through participation in other judicial education. Judges are able to learn and network with judges from other jurisdictions, share experiences, and bring back new and innovative ideas. Judges attending these

programs may be asked to serve as faculty as well as make recommendations regarding course content and faculty for future Idaho conferences.

All judges should have the opportunity to periodically attend other educational programs.

### **3.6.3 Judicial Education Expenses**

#### **a. Expenses Paid or Reimbursed by the Supreme Court**

All requests to attend other judicial education shall be submitted to the Education Department, which shall consider the request in consultation with the Administrative District Judge and Trial Court Administrator. The request shall include the program agenda and estimated expenses. If a judge wishes to attend a program comparable to one offered at the National Judicial College, funding may be authorized up to the amount for the National Judicial program. Attendance at judicial education programs and conferences outside the continental United States may be approved by the Administrative Director of the Courts upon a showing of the unique opportunity and benefits to the Idaho Courts.

The request shall be reviewed, considering the requesting judge's willingness to make continued contributions to the judiciary and legal profession, the date of the last out-of-state educational program attended, available funds, and the number of judges statewide who have not yet had an opportunity to attend an out-of-state judicial education program. The Education Department shall notify the requesting judge, Administrative District Judge, and the Trial Court Administrator of the action taken. If approval is granted, the Education Department shall provide a copy of the approved request, along with a letter indicating the options of payment for registration and travel.

Registration and travel arrangements may then be made by the requesting judge in conformity with Section 4 of the Judicial Policy Manual, Travel Expense Reimbursement. A judge attending any other educational programs shall coordinate with the Trial Court Administrator to ensure calendar coverage.

#### **b. Expenses Paid or Reimbursed by Others**

Judges are also encouraged to take advantage of educational programs other than those funded by the Idaho Supreme Court. Examples of education programs that are paid or reimbursed by others include those paid for by grants, local court funds, a county or other governmental entity, or a judge. A judge attending any other educational programs shall coordinate with the Trial Court Administrator to ensure calendar coverage and is requested to notify the Education Department of the program attended and make any subject matter and faculty recommendations for education sponsored by the Idaho Courts.



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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 the Idaho Courts in accordance with applicable regulations and sound business practices. The Idaho Courts 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 a judge’s “official station” 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 judge not return home each night, or these expenses are prepaid as part of a registration for a conference. The Supreme Court further defines the official station as resident chambers.

**4.1.2 Policy Statement**

Requests for reimbursement for travel and other expenses for all judges 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 judges are to utilize *Travel Express* for the timely and efficient reimbursement of expenses. Travel Express is a web-enabled application designed to reduce the time 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 out of the proper fiscal year, all claims must be submitted by June 15 of each year and within thirty (30) days after the last day of travel.

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**

Judges 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, which is currently \$.555/mile

**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.

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. Meal Reimbursement**

Meals may be reimbursed at the current approved rate, while traveling on work assignments, out of the home county or away from resident chambers. Any travel

between home and resident chambers 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 Courts 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. Mileage Reimbursement**

Mileage may be reimbursed at the current approved rate, while traveling on work assignments, out of the home county or away from resident chambers. Any travel between a judge's home and resident chambers does not qualify for any 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 are also instructed to ask for government rates when traveling on official state business. Judges traveling with another 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 at a judge's resident chambers 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.

**I. 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.

**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 a judge 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) and approved in advance.

**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 when approved by the Director of the Court Management Division and the Director of Finance and Operations. The attendance must be approved in advance.

**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 a judge to be physically away from resident chambers 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, a judge who otherwise qualifies for travel, lodging, and related expenses may be on an extended court-related work assignment when the judge is physically away from resident chambers.

In making long-term lodging arrangements, it is necessary to provide the judge 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 a judge 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: Information Technology**

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This section is reserved for the Information Division.

- 5.1 Acceptable Use (E-mail and Internet)**
- 5.2 Access Management**
- 5.3 Data Storage, Retention, Disposal**
- 5.4 Disaster Recovery and Business Continuity**
- 5.5 Malicious Software Protection**
- 5.6 Mobile Device**
- 5.7 Monitoring**
- 5.8 Password Management**
- 5.9 Physical Security**
- 5.10 Remote Access**
- 5.11 Social Media**
- 5.12 Wireless Network**
- 5.13 Change Management**
- 5.14 Encryption**
- 5.15 Incident Handling**
- 5.16 Patch Management**
- 5.17 Risk Assessment**
- 5.18 Server Hardening**
- 5.19 Software Development**
- 5.20 Web Development**

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**Section 6: Acknowledgment**

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I acknowledge that I have received the Judicial Policy Manual for the Idaho Courts of the State of Idaho, dated \_\_\_\_\_.

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

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

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

Judicial District or Division: \_\_\_\_\_

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

# **APPENDIX**



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**Employee Policy Manual Employment Compliance Section 2**

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The Idaho Courts are dedicated to fairness, integrity, respect and equality for all individuals. The Idaho Courts value 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 Courts.

The Courts 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 the Human Resources Division. 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 Courts are an equal opportunity employer 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 Idaho Courts 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 Idaho Courts.

**2.1.1 Discrimination and Harassment**

It is the policy of the Idaho Courts 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 Idaho Courts 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 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 Idaho Courts 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. The Human Resources Division will coordinate with the Judicial Council if a harassment situation involves a judicial officer.

### **2.1.5 Investigation**

The Human Resources Division will promptly conduct an investigation into any reports of harassment or discrimination. The Idaho Courts 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 Courts are dedicated to the goals of fairness, equality, courtesy, and respect for all individuals. The individual diversity of all judges, employees, applicants, volunteers, vendors, and citizens is valued. 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 ADAAA 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 ADAAA.

### **2.2.1 Request for Accommodation**

Employees may submit a request for accommodation to their supervisor, manager, Division Director, the Human Resources Division or the Administrative Director of the Courts. The request may be verbal or in writing but must contain enough information for the Idaho Courts 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 the Human Resources Division to determine the essential functions of the position and discuss possible reasonable accommodations. The Human Resources Division 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 ADAAA, 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 Human Resources Division 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 ADAAA 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 Idaho Courts 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 the Human Resources Division 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 the Human Resources Division.

Anyone who has questions or concerns in regard to hours of work or overtime compensation is encouraged to discuss the problem with their supervisor, the Human Resources Division, 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 Resources Division.

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

The Idaho Courts 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)**

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, as elected officials, and their 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 Idaho Courts 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 the Human Resources Division. 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 Idaho Courts 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 the Human Resources Division informed of their needs so that appropriate accommodation can be made to satisfy the needs of both the employee and the Idaho Courts.

### **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 Idaho Courts, 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 Idaho Courts 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 Courts prior to entry into the uniformed service for active duty or training.
- The individual must have given notice to the Idaho Courts 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 Courts 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**

Similarly qualified veterans will be given preference 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, the Human Resources Division 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 Courts 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 a 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 the Human Resources Division 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.



**Idaho Courts  
Discrimination or Harassment Complaint Form**

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

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

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

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

It is the policy of the Idaho Courts 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 Courts 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 Courts 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 Courts  
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

**Suggested Protocol When a Judge is charged with a Crime**

The following is a suggested protocol for what should occur when a Judge is arrested or charged with a crime.

**What the Judge charged with a crime should do or be aware of:**

1. Immediately notify the Executive Director of the Idaho Judicial Council of the situation.
2. Immediately notify both the Administrative District Judge and the Trial Court Administrator of the situation.
3. Comply with all directives of the ADJ and/or TCA relative to work assignments or schedules.
4. Keep ADJ and TCA advised of the procedural status of case.
5. There most likely will be a change in work assignment; in particular, not hearing criminal cases pending resolution of the criminal charge. Additionally, if the criminal charges involve moral turpitude, violence or issues involving fitness, the judge may be placed on administrative leave by the Supreme Court.
6. Understand that all the above are separate and distinct from any action which might be taken by the Idaho Judicial Council.
7. If it is the Administrative District Judge who is charged, substitute the Administrative Director of the Courts for the Administrative District Judge in items #2, 3, and 4 above.

**What the ADJ/TCA should do upon notification:**

1. Promptly notify the Chief Justice, the Administrative Director of the Courts, and the Human Resources Director.
2. Review the charge against the Judge including police reports, affidavits, witness statements, and any other known circumstances. Then decide what case assignment adjustments are warranted. At a minimum, re-assign to a different judge any cases involving the charging police department and/or prosecuting authority.
3. If the criminal charge originates from within the Judge's home judicial district, promptly seek an order appointing a presiding judge to be assigned the case from outside the district.
4. Prepare and publish a written administrative order reflecting the parameters of the Judge's work assignments.
5. Advise the Judge orally and in writing of the change in work assignments. Both the ADJ and the Administrative Director of the Courts will be provided a copy of such notice.
6. Provide the Judge with a copy of this protocol.
7. Advise other judges affected of the changes in work assignments and arrange coverage for any alteration of work load.
8. Be prepared to respond to media inquiries. [Suggested statements – Comment only on the work assignments and assure the press and public that the Court's work will be performed.]
9. For discussion with the Administrative Director, consider whether administrative leave may be appropriate.
10. Consider wellness actions to combat foreseeable consequences such as substance abuse issues, depression, or isolation.

**What the Administrative Director of the Courts will do:**

1. The Administrative Director of the Courts will apprise the Supreme Court of the actions taken by the ADJ and/or TCA and determine if additional measures are appropriate, such as administrative leave. [Reference Court's Order]
2. Any order issued by the Supreme Court will be provided to the Judge, ADJ, TCA, and Human Resources Director.
3. The Administrative Director will contact the Judge from a wellness perspective, provide information about resources, and discuss any other resource needs which may be available under the circumstances. The Administrative Director of the Courts may allocate or designate responsibility for such contacts.
4. Ensure the Judge has been provided with a copy of this protocol.
5. The Administrative or Human Resources Director will ensure that the Judicial Council has been notified of the charges, and any action taken by the Court.

**The role of the Idaho Judicial Council:**

1. Independently review the conduct of and any complaint filed against the judge.
2. Take such action as deemed appropriate under the Canons and the Council's rules of procedure.
3. Notify the judge of any action in accordance with the established Judicial Council rules.