

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MOHAVE

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ANGELA TIDWELL  
SUPERIOR COURT CLERK

IN THE MATTER OF:

REVISIONS TO JUDICIAL  
MERIT SYSTEM RULES

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ADMINISTRATIVE ORDER  
2003-21

WHEREAS, an update of the Judicial Merit System Rules is necessary to incorporate changes related to the improvements to the judicial employee benefit and leave program implemented January 1, 2003.

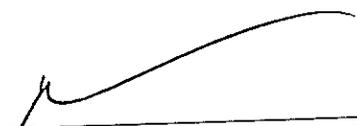
WHEREAS, in an effort to maintain an up-to-date system of personnel administration, a review of the Judicial Merit Rules has been completed and specific revisions recommended.

WHEREAS, the recommended revisions have been reviewed by Court Division Heads, the Judicial Employee Merit Commission of the Superior Court in Mohave County, legal counsel with the Arizona Attorney General's Office, as well as staff from the Mohave County Finance and Human Resource Departments.

IT IS ORDERED, that the revisions to the Judicial Employee Merit System Rules outlined in Attachment #1 be adopted this date, including Judicial Merit Rule 101 'Definitions', Rule 105 'Personnel Records and Reports', Rule 304 'Premium Pay', Rule 401 'Group Insurance', Rule 402 'Paid Time Off', Rule 403 'Extended Illness Bank', Rule 404 'Short-term Disability', Rule 414 'Bereavement Leave', and Rule 802 'Obligations.'

IT IS FURTHER ORDERED, that Superior Court Personnel staff take whatever action necessary to inform judicial employees of the above Merit Rule revisions and to make the revised Rules accessible and available electronically via computer networks in each court division.

DATED this 5th day of June, 2003.

  
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Honorable Robert R. Moon, Presiding Judge  
Mohave County Superior Court

Original filed with the Clerk of the Superior Court in Mohave County

ATTACHMENT #1 (May 30, 2002)  
 SUMMARY OF PROPOSED REVISIONS  
 TO THE JUDICIAL EMPLOYEE MERIT SYSTEM RULES  
 OF THE SUPERIOR COURT IN MOHAVE COUNTY

Article	Rule	Proposed Revision and Reason for Change <del>Deleted language shown as strikethrough, new language shown in bold CAPS</del>
Article I. General Rule 101. Definitions	101.3	<p>Accrued Holiday Leave: Holiday leave accrued and added to the PTO balance of an eligible <b>NON-EXEMPT STATUS</b> employee who is approved to work on a holiday <del>reassigned</del> <b>OBSERVED</b> by the Court.</p> <p><i>Change to clarify that accrued holiday leave is applicable only for non-exempt (overtime eligible) status employees for those holidays observed by the court.</i></p>
	101.20	<p>Civic Duty Leave: Approved periods of absence with pay and related benefits from regularly scheduled work approved in advance while: serving as a juror; responding to a subpoena to appear as a witness; serving as a member of a public service board, commission or similarly constituted body; serving in the Arizona National Guard or Military Reserve; <del>or</del> <b>OR FOR PARTICIPATING AS A VOLUNTEER IN HUMANITARIAN/EMERGENCY RELIEF ACTIVITIES.</b></p> <p><i>Change necessary to update definition to include leave for humanitarian / emergency relief activities which was added to Judicial Merit System Rule 406 in November, 2001.</i></p>
	101.43	<p><del>Full-time EMPLOYEE Position: A position which provides employment for thirty-two (32) or more hours a work week and has a regular schedule on a year-round basis. AN EMPLOYEE ASSIGNED TO WORK A MINIMUM OF THIRTY TWO (32) HOURS PER WEEK IN A BUDGETED, BENEFITS ELIGIBLE POSITION.</del></p> <p><i>Change necessary to remain consistent with Mohave County's definition of Full-time Employee.</i></p>
	101.48	<p><i>Change necessary to remain consistent with Mohave County's definition of Full-time Employee.</i></p> <p>Holiday Benefit: The compensation paid to eligible employees for each of the recognized/<b>OBSERVED</b> holidays. Holiday time for full-time eligible employees is defined as eight (8) hours in duration <del>regardless of the schedule</del> <b>FOR EACH COURT RECOGNIZED/OBSERVED HOLIDAY. HOLIDAY TIME FOR PART-TIME ELIGIBLE EMPLOYEES IS DEFINED AS FOUR (4) HOURS IN DURATION FOR EACH COURT RECOGNIZED/ OBSERVED HOLIDAY.</b></p>
	101.66	<p><i>Change necessary to remain consistent with Mohave County's definition of Holiday Benefit.</i></p> <p><del>Part-time EMPLOYEE Position: A position which provides employment for fewer than thirty-two (32) hours within a work week and which has a regular schedule on a year-round basis. AN EMPLOYEE ASSIGNED TO WORK A MINIMUM OF TWENTY (20) HOURS PER WEEK BUT LESS THAN THIRTY-TWO (32) HOURS PER WEEK IN A BUDGETED, BENEFITS ELIGIBLE POSITION.</del></p> <p><i>Change necessary to remain consistent with Mohave County's definition of Part-time Employee.</i></p>
	101.71	<p><del>Premium Pay: Compensation in addition to an employee's normal pay including overtime pay, compensatory time, call-back pay's and on-call pay, AND PREMIUM HOLIDAY WAGES.</del></p> <p><i>Change necessary to remain consistent with Mohave County's definition of Premium Pay.</i></p>

Article	Rule	Proposed Revision and Reason for Change [Deleted language shown as strikethrough, new language shown in bold CAPS]
Article 1. General Definitions (Continued)	101.74	<p>Probationary Period: A qualifying timeframe following initial appointment, reinstatement, reappointment, transfer, promotion or demotion, which is the final step in the examination process during which an employee's work performance of an employee is evaluated.</p> <p><i>Delete duplicate language</i></p>
Rule 105. Personnel Records and Reports	105(B2b)	<p>Copies of required forms, i.e., Loyalty Oath, 1-9, acceptance of employment form, insurance records, identification documents pertaining to employee name, social security number, employee emergency information, position description, financial records to include W-4, state withholding forms.</p> <p><i>So as to ensure compliance with the non-discriminatory provisions of the Immigration, Reform and Control Act (IRCA) of 1986, judicial employee 19 forms are maintained separate and apart from the master judicial employee personnel file.</i></p>
Article 3. Classification and Compensation Rule 304. Premium Pay	304(E4)	<p>In order to avoid disparity among employees, a day of holiday leave shall be interpreted to mean an eight-hour work day; therefore, <del>an employee (full-time)</del> <b>A FULL-TIME BENEFITS ELIGIBLE EMPLOYEE</b> may be granted eighty-eight (88) hours of holiday time or pay as permitted by these Rules in any calendar year as the holidays accrue. <b>A DAY OF HOLIDAY LEAVE FOR A PART-TIME BENEFITS ELIGIBLE EMPLOYEE SHALL BE INTERPRETED TO MEAN A FOUR (4) HOUR WORK DAY; THEREFORE A PART-TIME EMPLOYEE MAY BE GRANTED FORTY-FOUR (44) HOURS OF HOLIDAY TIME OR PAY AS PERMITTED BY THESE RULES IN ANY CALENDAR YEAR AS THE HOLIDAYS ACCRUE.</b></p> <p><i>Revision is consistent with recent change adopted by Mohave County Board of Supervisors.</i></p>
	304(E5b)	<p>With the exception of hourly juvenile detention officers, eligible part-time probationary and <b>PART-TIME</b> regular status employees not required to work on a legal holiday and who do not work on such holiday, shall be paid <del>a pro-rated amount based on normal hours worked per pay period.</del> <b>HOLIDAY WAGES AT THE EMPLOYEE'S REGULAR HOURLY RATE FOR FOUR (4) HOURS FOR SUCH HOLIDAY.</b></p> <p><i>Revision is consistent with recent change adopted by Mohave County Board of Supervisors.</i></p>
	304(E5d3)	<p>accrued holiday leave added to the employee's PTO balance in an amount equivalent to the number of hours they actually worked on the holiday: <b>UP TO A MAXIMUM OF EIGHT (8) HOURS.</b></p> <p><i>Change is recommended to clarify this section that accrued holiday leave for a full-time employee is limited to the maximum of eight (8) holiday pay hours.</i></p>

Article	Rule	Proposed Revision and Reason for Change [Deleted language shown as strikethrough, new language shown in bold CAPS]
Rule 304. Premium Pay (continued)	304(E5e)	<p>With the exception of hourly juvenile detention officers, if it is not possible for a part-time employee to be given time off on a holiday and the employee is required to work, the employee shall receive:</p> <ol style="list-style-type: none"> <li>1) regular wages for hours actually worked on the holiday, and if applicable, overtime in accordance with Merit Rule 304(A), for hours actually worked on the holiday;</li> <li>2) holiday wages at the employee's regular hourly rate of pay for a number of hours determined by subtracting the hours the employee actually worked on the holiday from the total number of hours they would have regularly worked on such day;</li> <li>3) accrued holiday leave added to the employee's PTO balance in an amount equivalent to the number of hours they actually worked on the holiday, up to the maximum number of hours they would regularly have worked on such day. <b>OF FOUR (4) HOURS.</b></li> </ol> <p><i>Change is necessary to clarify that based upon recent changes adopted by the Mohave County Board of Supervisors accrued holiday leave for a part-time employee is limited to the maximum of four (4) holiday hours.</i></p>
	304(E5g)	<p>Eligible part-time juvenile detention officers who are not required to work on a holiday and who do not work on such holiday, shall be paid <b>FOUR (4) HOURS OF</b> holiday wages at the employee's regular hourly rate <del>for a pre-ated number of hours based on normal hours worked per pay period for such holiday.</del> In addition the employee shall be paid regular wages at the employee's regular hourly rate, and if applicable overtime under Judicial Merit Rule 304(A), for hours actually worked during the normally scheduled work week. The employee shall not have any holiday benefit hours added to the employee's PTO accruals in the form of accrued holiday leave.</p> <p><i>Change is necessary to clarify that based upon recent changes adopted by the Mohave County Board of Supervisors holiday leave for a part-time employee is four (4) holiday hours.</i></p>
	304(E5f)	<p>If it is not possible for an eligible part-time hourly juvenile detention officer to be given time off on a holiday and the employee is required to work, the employee shall be paid:</p> <ol style="list-style-type: none"> <li>1) holiday wages at the employee's regular hourly rate for <b>FOUR (4) HOURS FOR SUCH HOLIDAY</b> a pre-ated number of hours based on normal hours worked per pay period for such holiday;</li> </ol> <p><i>Change is recommended to clarify this section that accrued holiday leave for a part-time employee is limited to the maximum of four (4) holiday pay hours.</i></p>
	304(E5k)	<p><del>All additional PTO hours provided for by this Section may exceed two hundred forty (240) hours per employee in accordance with Merit Rule 402(F), except that at the end of the calendar year (December 31) only 240 accrued PTO hours (including any accrued holiday leave hours) will be carried forward to the new calendar year.</del></p> <p><i>Delete this section as the former 240 limit on accrual of PTO no longer applies.</i></p>

Article	Rule	Proposed Revision and Reason for Change [Deleted language shown as strikethrough, new language shown in bold CAPS]
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Article 4. Benefit and Leave Programs Rule 401. Group Insurance	401(C)	<p><b>ELIGIBILITY:</b>          Except as provided for in Rule 411 regarding FMLA, eligible employees must work at least thirty-two (32) hours per week in order to retain insurance coverage. A part-time employee hired to work a minimum of thirty-two (32) hours per week regardless of the actual number of hours worked is eligible. A part-time employee who works less than thirty-two (32) hours per week for three (3) consecutive work periods shall have his or her insurance coverage canceled. AN EMPLOYEE ASSIGNED TO WORK A MINIMUM OF THIRTY-TWO (32) HOURS PER WEEK IN A BUDGETED, BENEFITS ELIGIBLE POSITION IS ELIGIBLE FOR INSURANCE COVERAGE. A FULL-TIME EMPLOYEE WHO WORKS LESS THAN THIRTY-TWO (32) HOURS PER WEEK FOR THREE (3) CONSECUTIVE WORK PERIODS SHALL HAVE HIS OR HER INSURANCE CANCELED. PART-TIME, Temporary, emergency fill or intermittent status employees are not eligible for benefits INSURANCE COVERAGE except as may be otherwise provided by written understanding as authorized and approved by the Presiding Judge.</p> <p><i>Revision necessary to align rule with definition of full-time employee as one who works 32 to 40 hours per week.</i></p>
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Rule 402. Paid Time Off	402(B1)	<p><b>ELIGIBILITY AND ACCRUAL:</b>          1. Employees, except temporary, emergency and intermittent employees and probationary and regular employees hired prior to the effective date of this Rule as revised on May 2, 1994, who work at least thirty-two (32) hours per week are eligible to accrue PTO leave credits from the date of employment.</p> <p>Probationary and regular employees hired prior to the effective date of this Rule as revised on May 2, 1994, FULL AND PART-TIME BENEFITS ELIGIBLE EMPLOYEES who work at least twenty (20) hours per week are eligible to accrue PTO leave credits from the date of employment.</p> <p><i>Revision is consistent with recent change adopted by Mohave County Board of Supervisors to once again provide leave accrual to employees filling positions budgeted a minimum of 20 but less than 32 hpw, as was County policy prior to May 2, 1994.</i></p>
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402(C1)	<p>RATE OF ACCRUAL: An eligible employee shall accrue PTO leave as follows:</p> <p>1. Eligible full-time employees shall accrue PTO leave credits at the following rates:</p>			
	Years of Continuous Service	Hours per Pay Period	Years of Continuous Service	Hours Accrued Per Payperiod
	1	5.23	1	8
	2	5.38	2 through 4	9
	3	5.846	5 through 9	10
	4	6.153	10 through 14	11
	5 thru 7	6.769	15 and over	12
	8 thru 9	7.076		
	10 thru 11	7.384		
	12 thru 14	7.692		
	15 and over	8.307		

*Revise rates of accrual match increased PTO accrual rates implemented by Mohave County.*

Proposed Revision and Reason for Change  
 Deleted language shown as strikethrough, new language shown in bold CAPS]

Article Rule Rule  
 Rule 402. Paid Time Off (continued) 402(C2)

Eligible part-time employees shall accrue PTO leave **CREDITS AT THE FOLLOWING RATES, for each two (2) week period they are in a pay status as established by the Mohave County Finance Department as follows:**

Hours per Pay Period Regularly Scheduled	Percent of Regular Accrual	Years of Continuous Service	Hours Accrued Per Payperiod
40 but less than 48	50%	1	4.00
48 but less than 56	60%	2 through 4	4.50
56 but less than 64	70%	5 through 9	5.00
64 but less than 72	80%	10 through 14	5.50
72 but less than 80	90%	15 and over	6.00

Revise this section to add new 50% PTO accrual for part-time regular employees who work a minimum of 20 to less than 32 hours per week on a regular continuous basis as implemented by Mohave County.

402(D1) With exception of accrued holiday leave, an eligible employee may be allowed to use accrued PTO leave credits after completion of six (6) months continuous employment. IS REQUIRED TO SERVE THREE (3) CONTINUOUS, NON-INTERRUPTED FULL MONTHS OF SERVICE AS A BENEFITS ELIGIBLE EMPLOYEE BEFORE USING ACCRUED PTO LEAVE.

Revision necessary to match the waiting period adopted by Mohave County specifying that an original probationary employee is required to wait three (instead of six) months before being eligible to request the use of PTO leave.

402(D8) PTO leave will be allowed only to the extent that will ensure payment for a full forty-hour work week **APPLICABLE TO THE BUDGETED POSITION.**

Revise this section to include part-time status employees in the scope of its coverage.

402(F) **FORFEITURE OF PTO LEAVE:** Throughout the calendar year, total PTO leave accruals may exceed two hundred forty (240) hours per employee. At the end of the calendar year (December 31) only two hundred forty (240) total PTO leave accruals (including accrued holiday leave hours) will be carried forward to the new calendar year and accrued hours in excess of the aforementioned limit are forfeited. THERE SHALL BE NO LIMIT ON THE AMOUNT OF PTO ACCRUED BY AN EMPLOYEE, HOWEVER THE MAXIMUM PAYOUT A REGULAR STATUS EMPLOYEE CAN RECEIVE UPON SEPARATION IS FOUR HUNDRED (400) HOURS OF UNUSED ACCRUED PTO LEAVE. UPON SEPARATION, ANY ACCRUED PTO HOURS ABOVE FOUR HUNDRED (400) WILL BE FORFEITED. ADDITIONALLY, AN EMPLOYEE SHALL WORK THE TWO (2) WEEKS PRIOR TO RESIGNATION UNLESS OTHER ARRANGEMENTS ARE MADE IN ACCORDANCE WITH RULE 802(A4).

Clarify this section to follow action taken by Mohave County to remove the 240 hour limit on the accrual of PTO, and to increase the payout of PTO for regular status employees upon separation from 240 to 400 hours.

Article	Rule	Proposed Revision and Reason for Change Deleted language shown as strikethrough, new language shown in bold CAPS]
Rule 402. Paid Time Off (continued)	402(G)	<p><del>AVOIDING FORFEITURE OF PTO LEAVE. In instances wherein employees are not allowed to use accumulated PTO leave due to bona fide emergency situations requiring the presence of an employee or employees, accruals in excess of the limits established by these Rules may be carried over temporarily upon approval of the Presiding Judge.</del></p> <p><b>Delete section of this Rule that no longer applies with the removal of the 240 hour limit of PTO hours an employee can accrue.</b></p>
	402(K)	<p><del>SEPARATION: A regular employee who separates from Judicial service shall be paid for up to a maximum of two hundred forty (240) FOUR HUNDRED (400) hours of unused PTO leave at the employee's current rate of pay.</del></p> <p><b>Follow action taken by Mohave County to increase the payout upon separation of a regular status employee from up to 240 hours to 'up to 400 hours' of unused accrued PTO leave.</b></p>
Rule 403. Extended Illness Bank	403(A)	<p><del>GENERAL: The purpose of the Extended Illness Bank (EIB) is to acknowledge an employee's accumulated sick leave hours while ACCRUED PRIOR TO transitioning into the new Paid Time Off (PTO) policy. Accumulated sick leave hours have been WERE deposited into EIB for employees who work 20 hours or more per week. No additional time will be deposited and no additional accruals will accrue.</del></p> <p><b>Revision to better clarify that EIB is the old sick leave accrued prior to the current Paid Time Off (PTO) leave program.</b></p>
	403(BI)	<p><b>USE OF EIB:</b></p> <p><b>EIB MAY ALSO BE USED IN EMERGENCY RELIEF/HUMANITARIAN SITUATIONS IN ACCORDANCE WITH THE PROVISIONS OF RULE 406(I).</b></p> <p><b>Add the above section to allow the use of EIB leave for humanitarian / emergency relief activities which was added to Judicial Merit System Rule 406 in November, 2001.</b></p>
Rule 404. Short-term Disability	404(A)	<p><del>GENERAL: Employees, except temporary, emergency and intermittent employees and probationary and regular employees hired prior to the effective date of this Rule as revised on May 2, 1994, REGULAR AND PROBATIONARY EMPLOYEES who are scheduled to work at least 32 or more hours per week who have completed one year SIX (6) MONTHS of continuous service are eligible for participation in the Short-Term Disability Program (STD) effective January 1, 1994 who are probationary and regular employees hired prior to the effective date of this Rule as revised on May 2, 1994, who are scheduled to work at least 20 or more hours per week who have completed one year of continuous service are eligible for participation in the short-term disability program. This is currently provided at no charge to employee. Short Term Disability provides income replacement at 60% of base salary WEEKLY EARNINGS for approved NON-OCCUPATIONAL personal illness or non-occupational injury starting on the THIRTY-FIRST (31st) eighth continuous full calendar day of disability. SHORT-TERM DISABILITY BENEFITS ARE PROVIDED ACCORDING TO THE TERMS OF THE GROUP POLICY PLAN DOCUMENT OF WHICH COPIES ARE AVAILABLE FROM THE SUPERIOR COURT PERSONNEL OFFICE.</del></p> <p><b>Revisions necessary to align this section with changes in the Mohave County Short-term Disability Plan effective January 1, 2003.</b></p>

Article	Rule	Proposed Revision and Reason for Change [Deleted language shown as strikethrough, new language shown in bold CAPS]
Rule 404. Short-term Disability (continued)	404(B1)	<p>Disability or disabled means that because of an illness or injury an employee IS LIMITED FROM PERFORMING SOME OR ALL OF THE <del>cannot perform each of the material AND SUBSTANTIAL duties or essential functions of his/her job-REGULAR OCCUPATION AND HAS AT LEAST A 20% LOSS OF HIS OR HER PRE-DISABILITY EARNINGS.</del> Employees are considered to be disabled if they are not actively at work and are under the regular care and treatment of a licensed physician who is practicing within the scope of his/her license during the entire period of disability.</p> <p><i>Revision necessary to align this section with changes in the Mohave County Short-term Disability Plan effective 01-01-03</i></p>
	404(B3)	<p><b>MATERIAL AND SUBSTANTIAL DUTIES MEANS DUTIES THAT ARE NORMALLY REQUIRED FOR THE PERFORMANCE OF THE OCCUPATION AND CANNOT BE REASONABLY OMITTED OR CHANGED.</b></p> <p><i>Definition added to clarify changes in the Mohave County Short-term Disability Plan effective January 1, 2003.</i></p>
	404(C1)	<p>STD begins on the eighth (8th) THIRTY-FIRST (31st) full calendar day of illness with physician's verification and may extend through the end of the sixth month for an eligible disability. FOR A MAXIMUM OF 26 WEEKS.</p> <p><i>Revisions necessary to increase the short-term disability start date from the previous 8<sup>th</sup> calendar day of disability to the 31<sup>st</sup> day of disability as approved by Mohave County effective January 1, 2003.</i></p>
	404(E)	<p><b>LEAVE ACCRUALS:</b> Employees who are receiving approved short-term disability benefits are considered to be in a non-active work status and are not eligible to DO NOT accrue PTO leave during the time that they are on short-term disability, UNLESS THEY ARE SUPPLEMENTING STD BENEFITS WITH EIB, COMP TIME, AND/OR PTO LEAVE.</p> <p><i>Clarify that employees may supplement STD with the use of accrued PTO, EIB, or comp-time, and in such case the employee would continue to accrue PTO leave.</i></p>
Rule 414. Bereavement Leave	414 (A)	<p><b>GENERAL:</b> Bereavement leave is paid leave granted to an employee to attend services and handle matters related to the death of a member of the employee's immediate family. For purposes of this Rule, employees may use bereavement leave for their spouse or significant life partner, child (including adopted, foster, ex-nuptial, or step child OR LEGAL WARD), parent (including foster parent, step parent, or legal guardian), grandparent, grandchild or sibling. An employee may also use bereavement leave for children, parents and grandparents of their spouse or significant life partner, or any other relative who is a member of the employee's household.</p> <p><i>Clarify that a judicial employee may also use bereavement leave for a child for whom the employee serves in the capacity of legal guardian.</i></p>
	414(B)	<p><b>ELIGIBILITY:</b> FULL AND PART-TIME, BENEFITS ELIGIBLE, Regular and probationary status employees, except temporary, emergency and intermittent, are eligible to receive bereavement leave.</p> <p><i>Revisions necessary to align eligibility statement with County eligibility statement.</i></p>

Article	Rule	Proposed Revision and Reason for Change <i>[Deleted language shown as strikethrough, new language shown in bold CAPS]</i>
Rule 414. Bereavement Leave (continued)	414(C1)	<p><b>USE OF BEREAVEMENT LEAVE:</b>  A full-time employee may be absent with pay for up to three consecutive working days based upon normally scheduled hours, not to exceed twenty-four (24) hours. Upon request, bereavement leave may be extended for two more working days not to exceed sixteen (16) hours if travel distance of 200 or more miles is required. Requests for bereavement leave must be made as soon as possible and be approved by the Division Head. <del>Bereavement leave for eligible part-time employees shall be pre-rated based upon normal hours worked in the pay period.</del></p> <p><i>Remove section related to bereavement leave for part-time employees as new paragraph 2 below provides clarification.</i></p>
	414(C2)	<p><b>A PART-TIME EMPLOYEE MAY BE ABSENT WITH PAY FOR UP TO THREE CONSECUTIVE WORKING DAYS NOT TO EXCEED TWELVE (12) HOURS TO BE USED AT THE RATE OF FOUR (4) HOURS PER DAY. UPON REQUEST, BEREAVEMENT LEAVE MAY BE EXTENDED FOR UP TO TWO (2) ADDITIONAL DAYS NOT TO EXCEED A TOTAL OF EIGHT (8) MORE HOURS TO BE USED AT THE RATE OF FOUR (4) HOURS PER DAY IF TRAVEL DISTANCE OF 200 OR MORE MILES IS REQUIRED. REQUESTS FOR BEREAVEMENT LEAVE MUST BE MADE AS SOON AS POSSIBLE AND APPROVED BY THE DIVISION HEAD.</b></p> <p><i>Add this section to provide 50% bereavement leave benefits to part-time judicial employees who work a minimum of 20 but less than 31 hours per week, following action taken by Mohave County effective January 1, 2003.</i></p>
Article 8. Separations  Rule 802. Obligations	802(B1)	<p><b>PTO LEAVE:</b>  a. <b>SEPARATION:</b> All regular employees shall receive payment for PTO leave hours accrued through the pay period in which the effective date of separation occurs, up to a maximum of <del>two hundred forty (240)</del> <b>FOUR HUNDRED (400)</b> hours. While on original probation, a separating employee shall receive no payment for accrued PTO leave.  b. <b>LAYOFF:</b> All accrued PTO leave hours (up to a maximum of <del>240</del> <b>400</b> hours) shall be paid to the laid-off employee.  c. <b>DEATH:</b> All accrued PTO leave hours (up to a maximum of <del>240</del> <b>400</b> hours) shall be paid to any surviving spouse or to the estate of the deceased.  <i>Revise this section to increase the payout of PTO upon separation from 240 to 400 hours following action taken by Mohave County effective January 1, 2003.</i></p>

The following words and terms as used in these Rules shall have the meaning indicated unless the context clearly indicates otherwise:

1. **Abandonment of Job:** The separation from Judicial service of an employee who has been absent from his/her position for three (3) or more consecutive days without authorized leave.
2. **Access:** To have permission or ability to examine, obtain information from or add to personnel records.
3. **Accrued Holiday Leave:** Holiday leave accrued and added to the PTO balance of an eligible **NON-EXEMPT STATUS** employee who is approved to work on a holiday **recognized OBSERVED** by the Court.
4. **Actively at Work:** An employee who is working their regularly scheduled work hours and days and paid regular earnings.
5. **Administrative Suspension:** An involuntary leave with or without pay in the best interest of the Court imposed upon an employee who is under investigatory or judicial proceedings or for other good reason as determined by the Division Head and upon approval of the Presiding Judge.
6. **Allocation:** The assignment of a position to a classification on the basis of the duties and responsibilities assigned to the position.
7. **Appeal:** A request of the Hearing Officer to investigate a complaint alleging improper administrative suspension without pay, disciplinary suspension, demotion, or dismissal or alleged illegal discrimination.
8. **Appellant:** An employee whose appeal is pending through the Appeal Process.
9. **Applicant:** A person seeking Judicial employment in a position covered by these Rules or an employee seeking a transfer, reappointment, reinstatement, detail, promotion or demotion who has completed and returned, on a timely basis, an official Mohave County Court application form according to instructions.
10. **Appointing Authority:** Appointed or elected official serving in the capacity of Division Head or designee.
11. **Appointment:** The official offer of employment and acceptance by an eligible in accordance with these Rules.

ARTICLE 1.  
RULE 101.

GENERAL  
DEFINITIONS

EFFECTIVE DATE: 05/04/98  
REVISED DATE:

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12. **Armed Forces:** The United States Air Force, Army, Navy, Marine Corps, Coast Guard or Arizona National Guard.
13. **ARS:** Arizona Revised Statutes.
14. **Assignment:** A position (duty assignment and work location assignment) to which an individual is appointed.
15. **At Will Employee:** An employee who is appointed by and reports to an elected official and/or who is otherwise so designated, and whose employment may be terminated at any time, with or without cause.
16. **Board of Supervisors (also "Board"):** The Mohave County Board of Supervisors.
17. **Candidate:** An applicant approved for participation in an examination process.
18. **Certificate of Eligibles:** An official list of eligibles placed in order of suitability for a particular position which is submitted to the hiring division for selection.
19. **Child:** An individual who has not yet attained their eighteenth (18th) birthday.
20. **Civic Duty Leave:** Approved periods of absence with pay and related benefits from regularly scheduled work approved in advance while: serving as a juror; responding to a subpoena to appear as a witness; serving as a member of a public service board, commission or similarly constituted body; serving in the Arizona National Guard or Military Reserve; ~~or~~ for voting, **OR FOR PARTICIPATING AS A VOLUNTEER IN HUMANITARIAN/EMERGENCY RELIEF ACTIVITIES.**
21. **Classification:** A title assigned to a position or group of positions with similar duties and responsibilities which require similar training, experience, knowledge, and skills.
22. **Classification Plan:** The orderly arrangement of positions under separate and distinct classifications on the basis of current duties and responsibilities.
23. **Classification Series:** Jobs involving work of the same nature, but requiring different skill and responsibility levels. For example, Probation Officer is a classification series; Probation Officer I is a classification (skill/responsibility level) within that series.
24. **Classification Specification:** The official description of positions assigned to a classification defining the type and level of duties and responsibilities and the acceptable

- qualifications necessary for successful performance.
25. **Classified Employee:** An employee who is appointed to a position which is covered under the provisions of these Rules.
26. **Commission:** The Judicial Employee Merit System Commission of the Superior Court in Mohave County.
27. **Compensation:** The salary, wage, allowances, and all other forms of valuable consideration earned by or paid to an employee except reimbursement for necessary expenses which have been authorized and incurred.
28. **Compensatory Time:** Earned time recorded on an employee's pay record in lieu of overtime pay which must be taken in the same pay period as worked.
29. **Consecutive Calendar Years:** A twenty-four (24) month consecutive period of time including the current and previous calendar years.
30. **County:** Mohave County Government.
31. **Court:** The Superior Court in Mohave County and all Divisions thereof, individually and collectively, which are covered by these Rules.
32. **Demotion:** A change in the assignment of a regular employee from a position in one classification to a position of another classification having a lower salary range.
33. **Detail:** The assignment of an employee to temporary duty which exceeds thirty (30) working days to a position other than the position to which regularly assigned.
34. **Disability:** A physical, mental, emotional or psychological illness or injury which temporarily or permanently renders an employee or applicant unable to perform the essential functions of their position, with or without reasonable accommodation.
35. **Dismissal:** The involuntary termination of a person from Judicial employment for disciplinary reasons.
36. **Disposable Earnings:** The compensation paid or payable for personal services, less any amount required to be withheld by law.

37. **Division:** A unit of the Superior Court which falls under the purview of these Rules and is under the control of a Division Head.
38. **Division Head:** An elected or appointed official responsible for directing and coordinating the functions of a Division including supervising assigned personnel.
39. **Eligible:** An applicant who has been determined to meet the acceptable qualifications for a specific classification.
40. **Employee:** A person who has been appointed to and is currently filling a budgeted position falling under the purview of these Rules. Temporary and contractual hires are excluded from this definition unless the terms of a contract permits inclusion under the Judicial Merit Rules.
41. **Exempt Status Employee:** Executive, administrative and professional employees who are considered exempt from the overtime and reporting provisions of the Fair Labor Standards Act (FLSA) and/or applicable provisions of the A.R.S.
42. **Fair Labor Standards Act (FLSA):** The Fair Labor Standards Act of 1938 as amended.
43. **Full-time EMPLOYEE Position:** ~~A position which provides employment for thirty two (32) or more hours a work week and has a regular schedule on a year round basis.~~ **AN EMPLOYEE ASSIGNED TO WORK A MINIMUM OF THIRTY TWO (32) HOURS PER WEEK IN A BUDGETED, BENEFITS ELIGIBLE POSITION.**
44. **Garnishment:** Retention of wages or property pursuant to legal process by an employer or other person to satisfy a debt owned to a creditor.
45. **Grievance:** A complaint (excluding alleged improper suspension, demotion, dismissal or illegal discrimination) alleging misinterpretation, misapplication or unequal enforcement of Judicial Merit System Rules, Personnel Policies or Administrative Procedures.
46. **Grievant:** An employee who has filed a grievance through the general grievance process included in these Rules.
47. **Hearing Officer:** An individual retained by the Court to hear and make written findings of fact, applicable law, policy and/or procedure; and recommendations on disposition of appeals filed under the provisions of these Rules.

48. **Holiday Benefit:** The compensation paid to eligible employees for each of the recognized/OBSERVED holidays. Holiday time for full-time eligible employees is defined as eight (8) hours in duration ~~regardless of the schedule.~~ **FOR EACH COURT RECOGNIZED/OBSERVED HOLIDAY. HOLIDAY TIME FOR PART-TIME ELIGIBLE EMPLOYEES IS DEFINED AS FOUR (4) HOURS IN DURATION FOR EACH COURT RECOGNIZED/OBSERVED HOLIDAY.**
49. **Illegal Discrimination:** Discrimination, including harassment, based on race, religion, color, gender, age, disability, national origin or veteran's status.
50. **Immediate Family Member (or Relative):** Spouse, parent (whether biological or step), child, stepchild, siblings, father-in-law, mother-in-law, grandparents of an employee or grandparents of an employee's spouse, grandchildren of an employee or employee's spouse. Employees living together and who consider themselves life partners but who are not legally married are considered within this definition.
51. **Intermittent Employee:** An eligible who has been hired for seasonal, on-call as-needed employment.
52. **Internal Register:** The official file containing applications of eligibles, for a specific classification, who are current employees.
53. **Intradivision Announcement:** The official notice to employees of a specific division of employment opportunity in that division.
54. **Judicial Service:** The Superior Court and all divisions thereof falling under the purview of these Rules.
55. **Layoff:** The conditional separation of an employee due to lack of funds, lack of work, reorganization (causing cutbacks and reductions), abolition of position or other reasons specified in these Rules.
56. **Maintain:** Includes collect, file, update, use or disseminate.
57. **Management Leave:** Time off with pay during an exempt employee's normal working hours to offset unaccruable extraordinary hours worked in unusual circumstances as determined by the Division Head.
58. **Manifest Error:** An act or failure to act which is, or clearly has caused, a mistake of commission or omission to occur.

59. **May:** Used to express customary action.
60. **Merit System:** The uniform and equitable system of personnel administration under the federal guidelines and rules.
61. **Moral Turpitude:** Act or behavior that gravely violates moral sentiment or accepted moral standards of the community.
62. **Non-Active Work Status:** An employee who has been and continues to be absent from their job beyond the lesser of ten (10) consecutive work days or two (2) consecutive pay periods.
63. **Non-Exempt Status Employee:** Employees covered by the overtime and reporting provisions of the Fair Labor Standards Act and/or applicable provisions of the A.R.S. Non-exempt employees are compensated in pay or compensatory time at the discretion of the Division Head and consistent with the provisions of the Fair Labor Standards Act, applicable provisions of the A.R.S., and these Rules.
64. **Official Position Review:** The examination of the required duties and responsibilities of a budgeted position in order to determine proper allocation.
65. **Overtime:** Time worked by non-exempt employees in excess of forty (40) hours in any work week unless a different definition is allowed by law and established by the Court.
66. **Part-time EMPLOYEE Position:** ~~A position which provides employment for fewer than thirty-two (32) hours within a work week and which has a regular schedule on a year-round basis.~~ **AN EMPLOYEE ASSIGNED TO WORK A MINIMUM OF TWENTY (20) HOURS PER WEEK BUT LESS THAN THIRTY-TWO (32) HOURS PER WEEK IN A BUDGETED, BENEFITS ELIGIBLE POSITION.**
67. **Pay Period:** A two consecutive calendar week period of time commencing at 12:01 a.m. on Saturday and ending at 12:00 midnight the second Friday thereafter, during which hours worked, paid and unpaid leave are recorded for purposes of calculating payrolls. There are twenty-six (26) pay periods in each calendar year.
68. **Personnel Department:** The Mohave County Department known as the Personnel and Risk Management Department or such other Mohave County or Superior Court Department or Division so designated by the Presiding Judge.

69. **Personnel Record:** Any personnel information maintained in the official employee record or file.
70. **Position:** A group of duties and responsibilities normally performed by one employee in order to provide a necessary service as identified by a Division Head and authorized by an approved budget.
71. **Premium Pay:** Compensation in addition to an employee's normal pay including overtime pay, compensatory time, call-back pay, ~~and~~ on-call pay, **AND PREMIUM HOLIDAY WAGES.**
72. **Presiding Judge:** The person appointed by the Arizona Supreme Court who is responsible for the overall supervision of the Superior Court including personnel of Judicial Divisions, Court Administrator's Office, Conciliation Court, and Adult and Juvenile Probation Departments.
73. **Probationary Employee:** An employee serving either an original, promotion, reappointment, transfer, demotion or certain types of reinstatement, probationary period immediately following employment. An employee who fails any type of probationary period has no right of appeal, except in instances of alleged illegal discrimination as provided in these Rules. Original probationary employees do not have grievance, appeal or hearing rights, except as otherwise provided in these Rules.
74. **Probationary Period:** A qualifying timeframe following initial appointment, reinstatement, reappointment, transfer, promotion or demotion, which is the final step in the examination process during which an employee's work performance ~~of an employee~~ is evaluated.
75. **Promotion:** A change in the assignment of an employee from a position in one classification to a position in another classification having a higher salary range.
76. **Public Announcement:** The official notice to the public of an employment opportunity in a Division falling under the purview of these Rules.
77. **Public Register:** The official file containing applications of eligibles for a specific classification.
78. **Reallocation:** A change in the classification of an existing position.

ARTICLE 1.  
RULE 101.

GENERAL  
DEFINITIONS

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79. **Reasonable Suspicion:** A belief based on objective and articulated facts sufficient to lead a person to suspect that an employee is under the influence of drugs or alcohol or has committed a criminal act.
80. **Reassignment:** A noncompetitive change in the assignment of an employee from one position to another of the same classification and salary range within the employee's division.
81. **Reclassification:** A change in the classification of an incumbent employee when his or her position has been reallocated.
82. **Record:** Any information maintained about an individual containing a name or other identification.
83. **Register:** An official list of eligibles for a particular classification or group of classifications.
84. **Regular Employee:** An employee who, through a selection process, has been chosen to fill a position in the classification system and has completed the original probationary period for the position. Appointed, contractual, temporary, and original probationary employees are excluded from definition.
85. **Reinstatement:** The appointment of a laid-off employee to a position of the same or lower classification from which laid-off, or the return of an employee as ordered by the Presiding Judge.
86. **Reinstatement Register:** The official file containing applications of employees who have been laid-off from a specific division and specific classification.
87. **Relative:** Any person related by affinity or consanguinity within the third degree as defined by A.R.S. § 38-481.
88. **Respondent:** The Division Head or the other individual named by the Appellant whose interests are adverse to those of the Appellant who will be directly affected by an appeal decision.
89. **Separation:** Separation of an employee from a position falling under the purview of these Rules.
90. **Shall:** Used to express what is mandatory; must; will.

91. **Should:** Used to express future expectations; future tense of shall.
92. **Statutory Payroll Deduction:** Those deductions which are mandated by or under color of applicable state and/or federal law or regulation and include, but are not limited to, social security and state retirement employee contributions, garnishments, court-ordered deductions, state and federal taxes, and similar items.
93. **Superior Court:** The Superior Court in Mohave County and all Divisions falling under the purview of these Rules.
94. **Suspension:** An involuntarily imposed leave with or without pay of a regular status employee.
95. **Temporary Employee:** An employee who has been appointed on a full-time, part-time or variable-time basis for a time-limited period not to exceed twenty-four (24) months unless extended an additional twelve (12) month period.
96. **Transfer:** The noncompetitive change in the assignment of an employee to another classification in the same pay range or to a position of the same classification in another division.
97. **Unclassified Position:** A position which is exempt from the provisions of these Rules.
98. **Under the Influence of Alcohol:** Anything greater than .00 percent of alcohol as measured by blood, breath or urine tests while the employee is on duty or subject to be called back to duty in a paid standby status.
99. **Under the Influence of Drugs:** Any measurable amount of drugs which is unlawful to possess under Arizona law (unless the same is being taken by the employee pursuant to instructions of a licensed medical doctor) as measured by blood or urine tests while the employee is on duty or subject to be called back to duty in a paid standby status.
100. **Vacant Position:** A position currently under recruitment or not filled by an employee.
101. **Voluntary Payroll Deduction:** Dollars which are voluntarily authorized by an eligible employee and are deducted from their paycheck.
102. **Wage Assignment:** The transfer of property (wages) to be held in trust or to be used for the benefit of creditors.

ARTICLE 1.  
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103. **Work Period:** A work period is any established and regularly recurring period of work which cannot be less than seven (7) consecutive days nor more than twenty-eight (28) consecutive days.
104. **Work Week:** All time within a seven (7) day period which an employee is required to be on the employer's premises for the performance of prescribed duties, at a prescribed work place or on duty and begins at 12:01 a.m. Saturday and ends at 12:00 midnight the following Friday.

A. GENERAL:

1. Effective personnel administration requires the gathering and use of information concerning employees. Personnel records shall be established and maintained in a manner designed to reasonably protect the privacy of all concerned.
2. In an effort to prevent wrongful disclosure of records pertaining to either current employees or former employees, all inquiries for information should be referred to the Superior Court Personnel Office.

B. PERSONNEL RECORDS:

1. The official personnel records shall be maintained by the Court Administrator's Office and are the property of the Superior Court.
2. The official employee master personnel file should contain at least the following information:
  - a. The job application/resume for the employee's current position.
  - b. Copies of required forms, i.e., Loyalty Oath, I-9, acceptance of employment form, insurance records, identification documents pertaining to employee name, social security number, employee emergency information, position description, financial records to include W-4, state withholding forms.
  - c. Copies of personnel action forms or other source documents and supporting documentation authorizing changes in employment status, position, classification, pay or leave status.
  - d. Copies of Arizona State Retirement benefit plan enrollment form; application for return of contributions form; and/or change of beneficiary designation form.
  - e. Copies of performance appraisal reports.
  - f. Copies of commendations or disciplinary actions or objections filed thereto; relevant background information and documentation of all formal disciplinary and grievance actions.
  - g. Education and training records.

- C. **SEPARATE FILE:** Separate from the official personnel master file, the Court Administrator shall maintain files involving discrimination or harassment claims, complaints, or charges, investigation matters (civil or criminal), and immigration matters.
- D. **PERSONNEL ACTION FORMS:** The Court Administrator shall prescribe personnel documents and action forms and procedures which shall be used to report personnel actions and status changes. The Court Administrator shall inform the divisions as to which actions and status changes must be reported.
- E. **ACCESS TO PERSONNEL RECORDS:**
1. Personnel files shall be protected from access by persons other than the following:
    - a. The Presiding Judge for employment related reasons;
    - b. The Court Administrator and staff of the Court Administrator for employment related reasons;
    - c. The employee or the employee's designated representative who has written authorization from the employee;
    - d. The Division Head or designee for employment related reasons;
    - e. Law enforcement and investigative organizations' staff in the course of their duty, when required, and only after presentation of proper identification and a release signed by the employee, or a subpoena calling for release of the records;
    - f. Legal representatives of the Arizona Attorney General's Office and/or the Mohave County Attorney's Office or a member of a law firm hired by or on behalf of the Court in a matter involving the Court or Mohave County;
    - g. Internal, State, and Federal Auditors in the course of their duty, when required, and only after presentation of proper identification and notification of an audit;
    - h. Employees of Mohave County as approved by the Presiding Judge for employment related reasons.
  2. The Court Administrator may provide access to persons other than those cited in this policy if the Court Administrator determines that such persons in the course of their

official duties have a valid need-to-know or are operating under authority of a proper request for public records as determined by the Court's legal counsel.

3. The Court Administrator shall require reasonable identification of individuals requesting information to assure that records are disclosed only to the proper persons.
4. Civil subpoenas for any personnel records will be responded to in a timely manner as follows:
  - a. Notify the affected employee, and
  - b. Seek, through the Attorney General's Office, a protective order restricting dissemination to only such materials as are necessary and proper.
5. Each employee and/or their authorized representative has, with reasonable notice, the right to review the employee's personnel record at the Court Administrator level or the Division level in the presence of authorized staff.
6. Employees will be provided copies of individual personnel records and may be charged a nominal fee.
7. Personnel records may only be removed from the Court Administrator's Office by the Presiding Judge or Court Administrator.
8. Disclosure: The following information may be released to requesting individuals subject to verification of the identity of such individuals:
  - a. Verification of employment.
  - b. Employee's classification title.
  - c. Current salary.
  - d. Employee's home address and worksite (to be given only to commissioned law enforcement officers on official duty whether in person or over the telephone after verification of the requesting parties identification).
9. Nondisclosure: Certain information is considered confidential and not subject to disclosure; nor is it accessible under Rule 105(E)(1) above. Confidential information includes, but is not limited to, employment reference or referral information, medical information (unless written authorization is given by the

employee), drug/ alcohol test results (unless written authorization is given by the employee), and materials contained in separate files.

10. Employees may prepare a written response to any document in their personnel file and have such response included in the personnel file.
11. No information or documents are to be removed from the personnel file except upon approval of the Presiding Judge. Similarly, no documents contained therein are to be altered.

**F. PERSONNEL DATA CHANGES:**

1. Employees shall promptly notify the Court Administrator of changes in personnel data. Personal mailing addresses, telephone numbers, names of dependents, individuals to be contacted in case of emergency, educational accomplishments and other such status reports should be accurate and current at all times.

A. OVERTIME:

1. **COVERAGE:** This Rule extends coverage to those employees in the classified non-exempt and unclassified non-exempt services without regard to regular, temporary, emergency or intermittent status. Employees in the classified exempt and unclassified exempt service are not eligible for overtime compensation except as provided under Rule 304(A)(4).
2. **SCHEDULING, ALLOCATION AND APPROVAL OF OVERTIME:** All employees may be scheduled and required to work overtime when directed to do so.
3. **METHODS OF COMPENSATING FOR OVERTIME - NON-EXEMPT EMPLOYEES:** Overtime which can be foreseen must be scheduled and pre-approved by the employee's supervisor. In scheduling overtime, supervisors may seek to schedule such time using staff who have volunteered for such overtime. When extraordinary circumstances arise which precludes prior approval of overtime, employees who have worked such time shall, within one hour of the beginning of their next work day, so notify their supervisor. A non-exempt status employee who is required to work overtime, shall be compensated for such overtime by either one of the following methods at the discretion of the Division Head:
  - a. By payment at one and one-half (1.5) times the employee's current hourly rate.
  - b. By compensatory time at a rate of one and one-half (1.5) hours off for each hour of overtime worked and not paid.
4. **MANAGEMENT LEAVE:** An exempt employee who is required to work extraordinary hours in unusual circumstances may be authorized management leave time. Authorization of this time may be granted up to a maximum of three (3) working days at any one time at the discretion of the Division Head and Presiding Judge. Under no circumstances is an exempt employee to be granted management leave time on an hour-for-hour basis for extra hours worked.
5. **DIVISIONAL RESPONSIBILITY:** It shall be the responsibility of each Division Head to:
  - a. Schedule time among employees in such a manner as to require little or no overtime;
  - b. Monitor and review the reporting of time by subordinate personnel to ensure accuracy of time claimed; and

- c. Sign timesheets, thereby attesting to their accuracy, prior to submitting them for payroll processing.
  
  - 6. **EMPLOYEE RESPONSIBILITY:** It shall be the responsibility of each non-exempt employee to:
    - a. Accurately record all hours worked on their timesheet, and
    - b. Not work overtime hours except as may be authorized and approved by their supervisor; and
    - c. Sign their timesheet, thereby attesting to their accuracy, prior to submitting them to the Division Head for payroll processing.
  
  - 7. **MODIFICATION OF TIMESHEET ENTRIES:** If corrections or modifications to a timesheet are made, the employee, supervisor and Division Head must verify the accuracy of the changes by initialing and dating each such change.
  
  - 8. **ADMINISTRATIVE PAY CORRECTIONS:** If there is an error in the amount of pay on a paycheck, the employee shall promptly notify their Division Head so that corrections can be made.
  
  - 9. **MODIFICATION OF WORK WEEK:** Modifications to the work week established by this Section may only be made upon formal action of the Presiding Judge.
  
  - 10. **OFFICIAL RECORDS:** For purposes of record keeping and determination of eligibility for compensation for hours worked, timesheets (as approved by the Presiding Judge) shall be the official and only document of the Court Divisions covered under these Rules.
  
  - 11. **DISCIPLINARY ACTION:** Failure of any employee to follow the guidelines established by this Section may result in disciplinary action up to and including dismissal. Altering, falsifying or tampering with any timesheets or recording time on another employee's timesheet may also result in disciplinary action up to and including dismissal for cause.
- B. COMPENSATORY TIME:**
- 1. Compensatory leave must be taken in the pay period wherein hours are worked.

2. If circumstances exist which do not allow accrued compensatory leave to be used within the pay period during which such leave accrued, all such time shall be paid as overtime.
3. Divisions are not to maintain or allow the maintenance of logs indicating the working of compensatory hours which have not been reported on timesheets. An employee who does not report compensatory time during a work week is in violation of these Rules and may be subject to disciplinary action.
4. Nothing in the Section shall be interpreted to circumscribe, modify or otherwise impinge on the authority of Division Heads to modify work schedules as needed for efficient operation of the division within the scope of the Fair Labor Standards Act.

**C. CALL-BACK PAY:**

1. **COVERAGE:** This Section extends coverage to all employees occupying either probationary or regular positions in the classified non-exempt service.
2. **CALL-BACK PERIOD AND PAY:**
  - a. A non-exempt employee who is called-back to work in a non-scheduled or emergency situation on any given day and who returns to work after having left the place of work and after having otherwise completed their shift whether it was of an extended duration or not, shall be compensated at the rate of one and one-half (1.5) times that employee's regular hourly rate for whatever time is worked during such call-back.
  - b. Employees who are called-back to work on a scheduled day off shall also be compensated as provided in Rule 304(C)(2)(a) above.
  - c. In no case shall an employee who responds to such call-back receive compensation for less than one (1) hour of time worked at the rate established in Rule 304(C)(2)(a) above.
  - d. The provisions of this Section shall apply without regard for whether or not the called-back employee has worked hours in excess of the maximum hours stipulated by the Fair Labor Standards Act and these Rules after which overtime is required to be paid.

- e. Time credited for call-back shall include any such time during which a called-back employee is actively engaged in compensable activity and reasonable travel time to the work site to which called-back.

**D. ON-CALL (OR STAND BY) PAY:**

1. Exempt and non-exempt employees may be required to be on an on-call status. Such status shall be interpreted as a period of time during which an employee is subject to being required to return to a work status. The compensability of on-call time shall be determined by factors including the exempt or non-exempt status of the on-call employee, the degree of restriction placed on the employee's time and activities while on-call and any additional considerations imposed under applicable provisions of the Fair Labor Standards Act.
2. Exempt employees who are on an on-call status are not eligible for any form of premium pay for time spent on such status, regardless of the degree to which their ability to use such time for personal activities is restricted.
3. Non-exempt employees placed on an on-call status who are required to remain on Court or other specific premises and/or whose use of personal time is otherwise so restricted as to render the on-call time as falling under the definition of hours worked as provided for under the Fair Labor Standards Act, shall be compensated in accordance with the provisions of such Act and these Rules.
4. A non-exempt employee placed on an on-call status whose time is not so restricted as to render it compensable, shall receive no additional compensation for hours spent in on-call status.
5. On-call status and time spent working is not subject to any of the provisions of call-back pay as otherwise provided for under this Rule.
6. Non-exempt employees who are called to work from an on-call status shall receive their regular wage for all such hours worked except in these cases wherein the total of all hours previously worked in that work week, and those worked when called to work from an on-call status, exceed forty (40) in any single work week. In instances when the total hours worked under this section exceed forty (40) in any work week, the overtime provisions of this Rule shall apply.

**E. HOLIDAYS:**

1. Employees, occupying regular positions shall be allowed time off with pay as provided for by these Rules for those holidays observed/recognized by the Court. The holidays observed by the Court are as follows:
 

a. January 1	New Year's Day
b. Third Monday in January	Martin Luther King Jr./Civil Rights Day
c. Third Monday in February	Lincoln/Washington Presidents Day
d. Last Monday in May	Memorial Day
e. July 4	Independence Day
f. First Monday in September	Labor Day
g. Second Monday in October	Columbus Day
h. November 11	Veteran's Day
i. Fourth Thursday in November	Thanksgiving Day
j. December 25	Christmas Day
  
2. Unless otherwise necessary due to circumstances, Judicial offices shall be closed on each of the 10 holidays listed above. If holidays a, e, h or j fall on a Sunday, the holiday shall be observed on the following Monday. If holidays a, e, h or j fall on a Saturday, the holiday shall be observed on the preceding Friday. "Observed" means that Judicial offices shall be closed.
  
3. The Court recognizes an additional holiday wherein employees may be scheduled to take off and receive holiday pay for either
  - a. The Day after Thanksgiving (the fourth Friday in November), or
  - b. Christmas Eve, which is recognized as the day preceding the Christmas Day holiday (if Christmas Eve falls on a Sunday, the holiday shall be recognized the day following the observed Christmas Day holiday, or, if Christmas Eve falls on a Saturday, the holiday shall be recognized on the preceding Friday.), or
  - c. New Year's Eve, which is recognized as the day preceding the New Year's holiday (if New Year's Eve falls on a Sunday, the holiday shall be recognized the day following the observed New Year's Day holiday, or, if New Year's Eve falls on a Saturday, the holiday shall be recognized on the preceding Friday.)

It is the responsibility of each Division Head to schedule and allow each of their employees who occupy regular positions time off with pay as provided for by County Rules for either one of the holidays listed in Rule 304,E3 above. In instances where it is not operationally feasible for an employee to take their additional holiday on one

of the holidays listed in Rule 304,E3 above, the Division Head may schedule the employee's additional holiday for a mutually acceptable future date, provided the alternative date is prior to the following April 1. Each Division Head shall insure their department/offices remain open to public access and adequate staff coverage within their divisions and offices is provided during those holidays listed in Rule 304,E3 above.

4. In order to avoid disparity among employees, a day of holiday leave shall be interpreted to mean an eight-hour work day; therefore, ~~an employee (full-time)~~ **A FULL-TIME BENEFITS ELIGIBLE EMPLOYEE** may be granted eighty-eight (88) hours of holiday time or pay as permitted by these Rules in any calendar year as the holidays accrue. **A DAY OF HOLIDAY LEAVE FOR A PART-TIME BENEFITS ELIGIBLE EMPLOYEE SHALL BE INTERPRETED TO MEAN A FOUR (4) HOUR WORK DAY; THEREFORE A PART-TIME EMPLOYEE MAY BE GRANTED FORTY-FOUR (44) HOURS OF HOLIDAY TIME OR PAY AS PERMITTED BY THESE RULES IN ANY CALENDAR YEAR AS THE HOLIDAYS ACCRUE.**
  
5. All employees shall, if possible, be given time off with pay for each observed/recognized holiday. Temporary, intermittent or emergency employees are not eligible for holiday pay.
  - a. With the exception of hourly juvenile detention officers, eligible full-time probationary and regular status employees, who are not required to work on a legal holiday and who do not work on such holiday, shall be paid wages at the employee's regular hourly rate for eight (8) hours for such holiday.
  
  - b. With the exception of hourly juvenile detention officers, eligible part-time probationary and **PART-TIME** regular status employees not required to work on a legal holiday and who do not work on such holiday, shall be paid ~~a prorated amount based on normal hours worked per pay period.~~ **HOLIDAY WAGES AT THE EMPLOYEE'S REGULAR HOURLY RATE FOR FOUR (4) HOURS FOR SUCH HOLIDAY.**
  
  - c. No work shall be scheduled by an employee on a holiday unless approved in advance by the Division Head in writing. Work on a holiday shall only be scheduled as a result of an emergency or unusual and extraordinary circumstances or in cases where the nature of the Court's operation cannot be interrupted by the observance of the holiday.

- d. With the exception of hourly juvenile detention officers, if it is not possible for a full-time employee to be given time off on a holiday and the employee is required to work, the employee shall receive:
- 1) regular wages for hours actually worked on the holiday, and if applicable, overtime in accordance with Merit Rule 304(A), for hours actually worked on the holiday;
  - 2) holiday wages at the employee's regular hourly rate of pay for the number of hours determined by subtracting the hours the employee actually worked on the holiday from the allowable eight (8) hours of holiday benefit; and
  - 3) accrued holiday leave added to the employee's PTO balance in an amount equivalent to the number of hours they actually worked on the holiday: **UP TO A MAXIMUM OF EIGHT (8) HOURS.**
- e. With the exception of hourly juvenile detention officers, if it is not possible for a part-time employee to be given time off on a holiday and the employee is required to work, the employee shall receive:
- 1) regular wages for hours actually worked on the holiday, and if applicable, overtime in accordance with Merit Rule 304(A), for hours actually worked on the holiday;
  - 2) holiday wages at the employee's regular hourly rate of pay for a number of hours determined by subtracting the hours the employee actually worked on the holiday from the ~~total number of hours they would have regularly worked on such day~~; **ALLOWABLE FOUR (4) HOURS OF HOLIDAY BENEFIT; AND**
  - 3) accrued holiday leave added to the employee's PTO balance in an amount equivalent to the number of hours they actually worked on the holiday, up to the maximum ~~number of hours they would regularly have worked on such day~~. **OF FOUR (4) HOURS.**
- f. Eligible full-time juvenile detention officers who are not required to work on a holiday and who do not work on such holiday, shall be paid holiday wages at the employee's regular hourly rate for eight (8) hours for such holiday. In addition the employee shall be paid regular wages at the employee's regular hourly rate, and if applicable overtime in accordance with Merit Rule 304(A), for hours actually worked during the normally scheduled

ARTICLE 3.  
RULE 304.

CLASSIFICATION AND  
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work week. The employee shall not have any holiday benefit hours added to their PTO accruals.

- g. Eligible part-time juvenile detention officers who are not required to work on a holiday and who do not work on such holiday, shall be paid **FOUR (4) HOURS OF** holiday wages at the employee's regular hourly rate ~~for a prorated number of hours based on normal hours worked per pay period for such holiday~~. In addition the employee shall be paid regular wages at the employee's regular hourly rate, and if applicable overtime under Judicial Merit Rule 304(A), for hours actually worked during the normally scheduled work week. The employee shall not have any holiday benefit hours added to the employee's PTO accruals in the form of accrued holiday leave.
- h. If it is not possible for an eligible full-time hourly juvenile detention officer to be given time off on a holiday and the employee is required to work, the employee shall be paid:
- 1) holiday wages at the employee's regular hourly rate for eight (8) hours for such holiday;
  - 2) regular wages at the employee's regular hourly rate, and if applicable overtime in accordance with Merit Rule 304(A) for the hours actually worked during the normally scheduled work week, except for hours actually worked on the holiday; and
  - 3) premium holiday wages at the rate of one and one-half (1.5) times the employee's regular hourly rate, for each hour actually worked on the holiday. The employee shall not have any holiday benefit hours added to the employee's PTO accruals in the form of accrued holiday leave.
- i. If it is not possible for an eligible part-time hourly juvenile detention officer to be given time off on a holiday and the employee is required to work, the employee shall be paid:
- 1) holiday wages at the employee's regular hourly rate for **FOUR (4) HOURS FOR SUCH HOLIDAY** ~~a prorated number of hours based on normal hours worked per pay period for such holiday~~;
  - 2) regular wages at the employee's regular hourly rate, and if applicable overtime in accordance with Merit Rule 304(A) for the hours actually worked during the normally scheduled work week, except for hours actually worked on the holiday; and
  - 3) premium holiday wages, at the rate of one and one-half (1.5) times the employee's regular hourly rate for each hour actually worked on the

holiday. The employee shall not have any holiday benefit hours added to the employee's PTO accruals in the form of accrued holiday leave.

- j. Use of accrued holiday leave hours provided for under this Section may be scheduled and used as any other accrued PTO leave.

~~k. All additional PTO hours provided for by this Section may exceed two hundred forty (240) hours per employee in accordance with Merit Rule 402(F), except that at the end of the calendar year (December 31) only 240 accrued PTO hours (including any accrued holiday leave hours) will be carried forward to the new calendar year.~~

F. **LUNCH PERIOD:** Non-exempt employees will receive an unpaid work-free lunch period to assure that employees have an uninterrupted lunch period. Supervisors should encourage employees to leave their work stations during lunch periods.

G. **TRAVEL TIME:** The compensability of travel time shall be determined by applicable provisions of the FLSA. This Rule is provided to provide a general description of compensable and non-compensable travel time as a guide for supervisory and non-supervisory personnel.

1. Ordinary commuting time between home and work before and after work is not compensable.
2. Home to work travel by an employee acting under the call-back provisions of this Rule is compensable. Work to home travel upon release from work after call-back is non-compensable.
3. Travel time between work locations which occurs by non-exempt employees during the employee's scheduled work shift is compensable.
4. Travel time which falls outside the scheduled work hours of a non-exempt employee shall be considered compensable except:
  - a. When such time is spent on a commercial transport or carrier (air carrier, boat, auto or bus); or
  - b. Is for purposes unrelated to the current job; or
  - c. Participation is voluntary; or

- d. The employee does not otherwise perform compensable work during the travel time.
5. Travel to training which is directly related to an employee's current position, and time spent in such training, is compensable.

**H. OCCASIONAL OR SPORADIC WORK:** Non-exempt employees should not perform work in addition to their regular assignments without prior approval of their Division Heads. Upon authorization, the Division Head must add those additional hours to the employee's regular work hours to determine overtime compensation due. Exceptions to this Rule are provided for under the FLSA, and may be approved by the Presiding Judge provided that all four of the following Rules are met:

1. The additional work must be part-time. An employee cannot hold two full-time jobs in the Judicial service in the same work week or work period unless the hours worked in the two jobs are totaled in determining the overtime compensation due.
2. The additional work can only be done on an occasional and sporadic basis. If the work is occasional (i.e., work performed in connection with seasonal activities), it may be excludable even if regularly scheduled. If the work does not occur on an occasional or seasonal basis, it must be sporadic.
3. The occasional or sporadic work must be solely at the employee's option.
4. Occasional or sporadic work must be different from the employee's regular work.

ARTICLE 4. BENEFIT AND LEAVE PROGRAMS  
RULE 401. GROUP INSURANCE

EFFECTIVE DATE: 05/04/98  
REVISED DATE: 08/14/02

A. **APPLICATION:** Eligible employees are provided a wide range of benefits through their employment with the Court. These benefits include those which are mandated by law, such as workers compensation and state retirement, as well as those which are elective. This category includes all group insurances without regard to employee contributions. None of the benefits or leaves are intended by reason of their publication to confer any rights, privileges or entitlements to employees. Certain of the benefits or leaves in this Section may apply to contractual and/or temporary hires as determined by the terms of hire with the Court. For additional information regarding this Section, contact the Court Administrator.

B. **COVERAGE:**

1. The Court, in consultation with the Board of Supervisors, may offer Group Insurance coverage for its employees and their dependents as follows:
  - a. Medical Insurance;
  - b. Dental Insurance;
  - c. Life Insurance;
  - d. Additional Plans, as approved by the Presiding Judge, in consultation with the Board of Supervisors.
2. An employee may be required to share some or all of the cost of insurance.

C. **ELIGIBILITY:**

1. ~~Except as provided for in Rule 411 regarding FMLA, eligible employees must work at least thirty-two (32) hours per week in order to retain insurance coverage. A part-time employee hired to work a minimum of thirty-two (32) hours per week regardless of the actual number of hours worked is eligible. A part-time employee who works less than thirty-two (32) hours per work week for three (3) consecutive work periods shall have his or her insurance coverage canceled.~~ AN EMPLOYEE ASSIGNED TO WORK A MINIMUM OF THIRTY-TWO (32) HOURS PER WEEK IN A BUDGETED, BENEFITS ELIGIBLE POSITION IS ELIGIBLE FOR INSURANCE COVERAGE. A FULL-TIME EMPLOYEE WHO WORKS LESS THAN THIRTY-TWO (32) HOURS PER WEEK FOR THREE (3) CONSECUTIVE WORK PERIODS SHALL HAVE HIS OR HER INSURANCE CANCELED. PART-TIME, ~~T~~temporary, emergency fill or intermittent status employees are not eligible for ~~benefits~~ INSURANCE COVERAGE except as may be otherwise provided by

**ARTICLE 4. BENEFIT AND LEAVE PROGRAMS**  
**RULE 401. GROUP INSURANCE**

**EFFECTIVE DATE: 05/04/98**  
**REVISED DATE: 08/14/02**

written understanding as authorized and approved by the Presiding Judge.

2. Employees hired prior to the effective date of this Rule as revised on May 2, 1994, are not subject to the 32 hour working requirement for insurance coverage and must work a minimum of twenty (20) hours per week in order to retain insurance coverage. Part-time employees hired prior to the effective date of this Rule as revised on May 2, 1994, who work less than twenty (20) hours per week for three (3) consecutive work periods shall have their insurance canceled.
3. Employees electing coverage may choose to cover eligible dependents under medical coverage and/or under any additional plans provided.
4. A dependent child is insurable up to the age of nineteen (19) or, age twenty-three (23), if a full-time student. Upon reaching the age of nineteen (19), a dependent child is no longer covered under the employee's plan unless proof is provided to the insurance carrier that the dependent is a full-time student; in which case, coverage shall continue as long as the dependent is a full-time student or reaches the age of twenty-three (23), whichever occurs first.
5. A reinstated employee shall be eligible for insurance coverage immediately.

**D. ENROLLMENT AND EFFECTIVE DATE:**

1. An eligible employee electing insurance coverage will enroll through the Superior Court Personnel Office within the first five (5) working days of appointment or at the new employee orientation provided for such enrollment or the employee must wait until the next annual Open Enrollment Period to obtain insurance coverage. If enrolled at the Open Enrollment Period, the employee and/or dependents may be required to submit Evidence of Insurability to the insurance company for approval at no expense to the Court or Mohave County.
2. Insurance coverage for an eligible employee hired between the first (1<sup>st</sup>) and fifteenth (15<sup>th</sup>) of the month becomes shall be effective the first of the month immediately following the employee's date of hire. Insurance coverage for an eligible employee hired between the sixteenth (16<sup>th</sup>) and thirty-first (31<sup>st</sup>) of the month shall be effective the first day of the second month following the employee's date of hire.

- E. OPEN ENROLLMENT:** Open Enrollment for group insurance is held at least once a year and is scheduled by the Mohave County Personnel Department in consultation with the Court Administrator. This is a specified period during which the benefits package adopted for the upcoming fiscal year is presented to eligible employees, during which time such employee

**ARTICLE 4. BENEFIT AND LEAVE PROGRAMS**  
**RULE 401. GROUP INSURANCE**

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may change, add to, delete or cancel insurance coverages. Open Enrollment is the only time an employee may change coverage except in the event of a change in family status (i.e. marriage, divorce, death of spouse or child, birth or adoption of child, and change in employment of spouse). These changes must be made within thirty (30) calendar days of the date of occurrence on the appropriate forms.

Employee and/or dependents may be required to submit Evidence of Insurability to the insurance company for approval at no cost to the Court or Mohave County.

**F. LEAVE WITHOUT PAY:** Except as provided for in Rule 411, Family and Medical Leaves of Absence, the following pertain:

1. An employee starting a leave of absence without pay who wishes to continue coverage under any of the group insurance programs must submit a leave of absence insurance form, prior to such leave, to the Benefits Division of the Mohave County Personnel and Risk Management Department for the employee to pay the full cost of the premiums; that is, both the employee's and employer's shares.
2. An employee on a leave of absence without pay who terminates prior to the end of such leave shall be responsible for payment of insurance premiums up to the date of termination.
3. An employee starting a leave of absence without pay who does not wish to continue insurance coverage during such leave may cancel the coverage. A waiver to that effect must be provided to the Benefits Division of the Mohave County Personnel and Risk Management Department prior to the taking of the leave in that instance. The employee shall not be eligible to enroll in any coverage upon return from the leave of absence and must wait until the next regularly scheduled Open Enrollment period. The employee and/or dependents may have to submit Evidence of Insurability for approval by the insurance company at no cost to the Court.

**G. CANCELLATION OF COVERAGE:**

1. An employee may cancel any insurance coverages during Open Enrollment except the basic life insurance.
2. An employee may cancel any dependent insurance coverage due to a bona fide change in family status (i.e. marriage, divorce, death of spouse or child, birth or adoption of child and termination of employment of spouse) within thirty (30) calendar days of the date of occurrence.
3. Employee/dependent insurance coverage ceases on the last day of the month in which

the employee terminates.

4. Cancellation of coverage shall occur for nonpayment of premiums while on leave of absence without pay.
  5. An employee whose coverage has been canceled in the current plan year may re-enroll for insurance coverage during the next regularly scheduled Open Enrollment. The employee and/or dependents may be required to submit Evidence of Insurability for approval by the insurance company at no cost to the Court.
- H. **RETIREMENT:** An employee retiring from Judicial service and who is receiving a monthly income from one of the Arizona State Retirement Plans may be eligible for medical coverage through the State or through a conversion policy under the medical carrier at the full cost of premiums. Retiring employees who wish medical coverage must make arrangements within thirty (30) calendar days prior to retirement.
- I. **CONTINUATION OF GROUP MEDICAL, DENTAL AND OTHER INSURANCE COVERAGE:** The Federal Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) gives employees and their qualified dependents the opportunity to continue group health insurance coverage when a "qualifying event" would normally result in the loss of eligibility. Some common qualifying events are resignation, termination of employment, or death of an employee; a reduction in the employee's hours or leave of absence; an employee's divorce or legal separation; and a dependent child no longer meeting eligibility requirements. Under COBRA, the employee pays the full cost of coverage at the group rate plus an administration fee.

**ARTICLE 4. BENEFIT AND LEAVE PROGRAMS**  
**RULE 402. PAID TIME OFF**

**EFFECTIVE DATE: 05/04/98**  
**REVISED DATE: 08/14/02**

A. **GENERAL:** Paid Time Off (PTO) provides employees flexibility and the responsibility to manage their Paid Time Off for personal illness or injury, illness, injury or death of a family member, medical and dental appointments, personal business, vacations, and holidays not observed by the Court.

B. **ELIGIBILITY AND ACCRUAL:**

1. ~~Employees, except temporary, emergency and intermittent employees and probationary and regular employees hired prior to the effective date of this Rule as revised on May 2, 1994, who work at least thirty-two (32) hours per week are eligible to accrue PTO leave credits from the date of employment.~~

~~Probationary and regular employees hired prior to the effective date of this Rule as revised on May 2, 1994,~~ **FULL AND PART-TIME BENEFITS ELIGIBLE EMPLOYEES** who work at least twenty (20) hours per week are eligible to accrue PTO leave credits from the date of employment.

2. PTO leave shall accrue during any approved leave of absence with pay or suspension with pay. An employee on an approved leave of absence with pay who is using PTO, EIB, and/or comp time accruals to supplement income replacement through short-term disability is eligible to accrue PTO leave during such paid leave of absence.

3. PTO leave shall not accrue during any leave of absence without pay when such leaves have a duration of one or more pay periods. PTO leave shall not accrue during the time that an employee is receiving short-term disability benefits or donated leave.

4. PTO leave shall not be advanced to an employee.

C. **RATE OF ACCRUAL:** An eligible employee shall accrue PTO leave as follows:

1. Eligible full-time employees shall accrue PTO leave credits at the following rates:

Years of Continuous Service	Hours per Pay period
1	5.230
2	5.538
3	5.846
4	6.153
5 thru 7	6.769
8 thru 9	7.076
10 thru 11	7.384
12 thru 14	7.692
15 and over	8.307

ARTICLE 4. BENEFIT AND LEAVE PROGRAMS  
 RULE 402. PAID TIME OFF

EFFECTIVE DATE: 05/04/98  
 REVISED DATE: 08/14/02

Years of Continuous Service	Hours Accrued Per Payperiod
1	8
2 through 4	9
5 through 9	10
10 through 14	11
15 and over	12

2. Eligible part-time employees shall accrue PTO leave CREDITS AT THE FOLLOWING RATES. ~~for each two (2) week period they are in a pay status as established by the Mohave County Finance Department as follows:~~

<del>Hours per Pay Period</del> <u>Regularly Scheduled</u>	<del>Percent of</del> <u>Regular Accrual</u>
<del>40 but less than 48</del>	50%
<del>48 but less than 56</del>	60%
<del>56 but less than 64</del>	70%
<del>64 but less than 72</del>	80%
<del>72 but less than 80</del>	90%

Years of Continuous Service	Hours Accrued Per Payperiod
1	4.00
2 through 4	4.50
5 through 9	5.00
10 through 14	5.50
15 and over	6.00

D. USE OF PTO LEAVE:

1. ~~With exception of accrued holiday leave, an eligible employee may be allowed to use accrued PTO leave credits after completion of six (6) months continuous employment.~~ IS REQUIRED TO SERVE THREE (3) CONTINUOUS, NON-INTERRUPTED FULL MONTHS OF SERVICE AS A BENEFITS ELIGIBLE EMPLOYEE BEFORE USING ACCRUED PTO LEAVE.
2. PTO leave shall not be charged against an employee's accrued leave balance for an authorized holiday which occurs while an employee is using PTO leave.
3. PTO leave accrued during an absence with pay may not be used until the employee has returned to work from the absence and has worked at least one (1) full day.
4. The Division Head has the authority to approve or disapprove PTO leave requested by an employee for good cause.

ARTICLE 4. BENEFIT AND LEAVE PROGRAMS  
RULE 402. PAID TIME OFF

EFFECTIVE DATE: 05/04/98  
REVISED DATE: 08/14/02

5. A Division Head may require that an employee postpone or change scheduled PTO leave for good cause.
  6. PTO leave will not be used in any manner which generates paid hours in excess of the normal work week.
  7. PTO leave will be allowed only to the extent that will ensure payment for a full ~~forty~~ **hour** work week **APPLICABLE TO THE BUDGETED POSITION.**
  8. PTO leave may be used to supplement Short Term Disability (STD) and Workers' Compensation up to 100% of base salary.
- E. **VERIFICATION OF NEED FOR SICK RELATED PTO LEAVE:** The Division Head may require an employee requesting sick related PTO leave or having used sick related PTO leave to submit documents substantiating the need for such leave in accordance with these Rules. Such evidence may include, but is not limited to, a certificate from a licensed physician or practitioner and/or an examination by a physician designated by the Court. The Division Head has the authority to approve or disapprove sick related PTO leave requested by an employee. The Division Head may disapprove the request for sick related PTO leave if such Division Head does not consider the documentation received adequate or if the designated physician determines that the request for sick related PTO leave is not a valid request. In such instance, for any time taken as sick related PTO leave, the employee's time shall be charged first to compensatory leave if available, or leave without pay.
- F. **FORFEITURE OF PTO LEAVE:** ~~FORFEITURE OF PTO LEAVE: Throughout the calendar year, total PTO leave accruals may exceed two hundred forty (240) hours per employee. At the end of the calendar year (December 31) only two hundred forty (240) total PTO leave accruals (including accrued holiday leave hours) will be carried forward to the new calendar year and accrued hours in excess of the aforementioned limit are forfeited.~~ **THERE SHALL BE NO LIMIT ON THE AMOUNT OF PTO ACCRUED BY AN EMPLOYEE, HOWEVER THE MAXIMUM PAYOUT A REGULAR STATUS EMPLOYEE CAN RECEIVE UPON SEPARATION IS FOUR HUNDRED (400) HOURS OF UNUSED ACCRUED PTO LEAVE. UPON SEPARATION, ANY ACCRUED PTO HOURS ABOVE FOUR HUNDRED (400) WILL BE FORFEITED. ADDITIONALLY, AN EMPLOYEE SHALL WORK THE TWO (2) WEEKS PRIOR TO RESIGNATION UNLESS OTHER ARRANGEMENTS ARE MADE IN ACCORDANCE WITH RULE 802(A4).**
- Original probationary employees who do not complete their probationary period shall forfeit accrued PTO leave excluding accrued holiday leave hours which the employee will not forfeit.
- G. ~~**AVOIDING FORFEITURE OF PTO LEAVE:** In instances wherein employees are not allowed to use accumulated PTO leave due to bona fide emergency situations requiring the presence of an employee or employees, accruals in excess of the limits established by~~

ARTICLE 4. BENEFIT AND LEAVE PROGRAMS  
RULE 402. PAID TIME OFF

EFFECTIVE DATE: 05/04/98  
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~~these Rules may be carried over temporarily upon approval of the Presiding Judge.~~

- H. **LEAVE REQUEST:** With the exception of emergencies, injuries or illness, PTO leave must be scheduled at least one (1) week in advance and approved by the Division Head. Division Heads may approve leave requests received on less than one (1) week's notice at their discretion. In all cases, a PTO Request Form must be filled out by the employee and submitted for approval.
- In the event of emergency, injury, or illness, employees must notify their supervisor in accordance with provisions of Rule 504(C).
- I. **REPORTING AND RECORDING LEAVE:** The Division Head shall be responsible for ensuring that all leave used is properly recorded.
- J. **DISPOSITION OF ACCRUED LEAVE:** An employee who transfer from one division to another Judicial Division or from Mohave County to Judicial service, or vice versa, shall retain any accumulated PTO leave. An employee who changes from one employment type to another employment type shall retain any accumulated PTO leave and shall be eligible to use and/or accrue in accordance with his/her current employment type.
- K. **SEPARATION:** A regular employee who separates from Judicial service shall be paid for up to a maximum of ~~two hundred forty (240)~~ **FOUR HUNDRED (400)** hours of unused PTO leave at the employee's current rate of pay.

**ARTICLE 4. BENEFIT AND LEAVE PROGRAMS**  
**RULE 403. EMPLOYEE ILLNESS BANK**

**EFFECTIVE DATE: 05/04/98**  
**REVISED DATE: 08/14/02**

A. **GENERAL:** The purpose of the Extended Illness Bank (EIB) is to acknowledge an employee's accumulated sick leave hours ~~while~~ **ACCRUED PRIOR TO** transitioning ~~into~~ the ~~new~~ Paid Time Off (PTO) policy. Accumulated sick leave hours ~~have been~~ **WERE** deposited into EIB for employees who work 20 hours or more per week. No additional time will be deposited and no additional accruals will accrue.

B. **USE OF EIB:**

1. EIB may be used in the case of illness or injury suffered by an employee or as provided below for an employee's immediate family member.

EIB may also be used for illness, injury or death of a member of the immediate family which requires the presence of the employee for assistance or care. In the case of serious illness or death of a member of the immediate family, up to twenty four (24) hours of EIB credits may be granted. Up to forty (40) hours of accrued EIB credits may be allowed for illness or death of a member of the immediate family which requires substantial travel.

**EIB MAY ALSO BE USED IN EMERGENCY RELIEF/HUMANITARIAN SITUATIONS IN ACCORDANCE WITH THE PROVISIONS OF RULE 406(I).**

2. EIB credits may be used to supplement Short Term Disability (STD) payments up to 100% of base salary.
  3. Employees must complete a Request for EIB Form in accordance with Rule 403,C below.
  4. EIB credits shall not be charged against an employee's accrued leave balance for an authorized holiday which occurs while an employee is using EIB credits.
  5. EIB credits will not be used in any manner which generates compensation and/or paid hours in excess of the normal work week.
  6. EIB credits will be allowed only to the extent that will ensure payment for a full forty hour work week.
- C. **LEAVE REQUEST:** Requests for EIB credits should be submitted to the employee's Division Head at least two (2) weeks in advance, or in the event of an emergency illness or injury as soon as practicable. The Division Head may approve or deny requests for EIB credits if the documentation is inadequate or it is determined that the request is invalid.

- D. **VERIFICATION OF NEED FOR EIB CREDITS:** Employees requesting EIB credits or having used EIB credits will be required to submit documents substantiating the need for such credits in accordance with these Rules. Such evidence may include, but is not limited to, a certificate from a licensed physician or practitioner, and/or an examination by a physician designated by the Presiding Judge. In the event that EIB credits have been taken, and where use of EIB is subsequently been denied, the EIB credits used shall be charged first to compensatory leave if available, then to PTO leave if available, or leave without pay.
- E. **REPORTING AND RECORDING LEAVE:** The Division Head shall be responsible for ensuring that all EIB credits used are properly recorded on the forms provided for this purpose.
- F. **DISPOSITION OF ACCRUED LEAVE:** An employee who transfers from one Judicial Division to another Judicial Division or from Mohave County to Judicial service, or vice versa, shall retain any accumulated EIB credits. An employee who changes from one employment type to another employment type shall retain any accumulated EIB credits and shall be eligible to use such credits in accordance with his/her current employment type.
- G. **SEPARATION:** A regular employee who separates from Judicial service shall receive reimbursement for unused EIB credit hours at a rate of three dollars (\$3.00) per hour of EIB credits up to one hundred (100) hours. The granting of such reimbursement is conditioned upon the employee having been in the Judicial or Mohave County service for five (5) continuous years and the employee providing the Court with ten (10) working days notice of separation. Employees hired prior to May 15, 1991, shall not be required to meet the five (5) continuous years of service requirement in the aforementioned statement.
- H. **ABUSE OF EIB CREDITS:** Employees eligible for use of EIB credits by these Rules may use EIB credits only as provided. EIB credits are a privilege and not a right. Employees are subject to discipline for misuse or abuse of EIB privileges.

ARTICLE 4. BENEFIT AND LEAVE PROGRAMS  
RULE 404. SHORT TERM DISABILITY  
PROGRAM

EFFECTIVE DATE: 05/04/98  
REVISED DATE:

- A. **GENERAL:** ~~Employees, except temporary, emergency and intermittent employees and probationary and regular employees hired prior to the effective date of this Rule as revised on May 2, 1994,~~ REGULAR AND PROBATIONARY EMPLOYEES who are scheduled to work at least 32 or more hours per week who have completed ~~one year~~ SIX (6) MONTHS of continuous service are eligible for participation in the Short-Term Disability Program (STD) effective January 1, 1994 2003. ~~Probationary and regular employees hired prior to the effective date of this Rule as revised on May 2, 1994, who are scheduled to work at least 20 or more hours per week who have completed one year of continuous service are eligible for participation in the short-term disability program.~~ This is currently provided at no charge to employee. Short Term Disability provides income replacement at 60% of ~~base salary~~ WEEKLY EARNINGS for approved NON-OCCUPATIONAL personal illness or ~~non-occupational~~ injury starting on the THIRTY-FIRST (31st) ~~eighth~~ continuous full calendar day of disability. SHORT-TERM DISABILITY BENEFITS ARE PROVIDED ACCORDING TO THE TERMS OF THE GROUP POLICY PLAN DOCUMENT OF WHICH COPIES ARE AVAILABLE FROM THE SUPERIOR COURT PERSONNEL OFFICE.
- B. **DEFINITIONS:**
1. Disability or disabled means that because of an illness or injury an employee IS LIMITED FROM PERFORMING SOME OR ALL OF THE ~~cannot perform each of the material AND SUBSTANTIAL duties or essential functions of his/her job~~ REGULAR OCCUPATION AND HAS AT LEAST A 20% LOSS OF HIS OR HER PRE-DISABILITY EARNINGS. ~~Employees are considered to be disabled if they are not actively at work and are under the regular care and treatment of a licensed physician, who is practicing within the scope of his/her license during the entire period of disability.~~
  2. Disability benefit means the money that is paid as a weekly benefit when an employee's claim for disability has been approved.
  3. MATERIAL AND SUBSTANTIAL DUTIES MEANS DUTIES THAT ARE NORMALLY REQUIRED FOR THE PERFORMANCE OF THE OCCUPATION AND CANNOT BE REASONABLY OMITTED OR CHANGED.
- C. **USE OF STD:**

ARTICLE 4. BENEFIT AND LEAVE PROGRAMS  
RULE 404. SHORT TERM DISABILITY  
PROGRAM

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EFFECTIVE DATE: 05/04/98  
REVISED DATE:

1. STD begins on the ~~eighth (8th)~~ THIRTY-FIRST (31st) full calendar day of illness with physician's verification and may extend ~~through the end of the sixth month for an eligible disability.~~ FOR A MAXIMUM OF 26 WEEKS.
  2. Employees can supplement their disability payment first with EIB credits in accordance with Rule 403(B)(1), comp time if available and then PTO leave up to 100% of their base salary.
  3. Employees must submit a physician's illness verification; a completed STD application, and other appropriate forms to the Carrier.
- D. **VERIFICATION:** The STD Carrier may require an employee to be examined at the Court's expense by an independent physician specialist. Employee's who fail to comply with such examination may receive an interruption in or suspension of STD benefits. STD benefits may also be suspended if the results of the independent examination determine that the employee is not disabled under the definition of the Plan. Employees, at their own expense, will be required to provide periodic proof of their continued disability.
- E. **LEAVE ACCRUALS:** Employees who are receiving approved short-term disability benefits ~~are considered to be in a non-active work status and are not eligible to~~ DO NOT accrue PTO leave during the time that they are on short-term disability, UNLESS THEY ARE SUPPLEMENTING STD BENEFITS WITH EIB, COMP TIME, AND/OR PTO LEAVE.

**ARTICLE 4. BENEFIT AND LEAVE PROGRAMS**  
**RULE 414. BEREAVEMENT LEAVE**

**EFFECTIVE DATE: 11/26/01**  
**REVISED DATE: 08/14/02**

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- A. GENERAL:** Bereavement leave is paid leave granted to an employee to attend services and handle matters related to the death of a member of the employee's immediate family. For purposes of this Rule, employees may use bereavement leave for their spouse or significant life partner, child (including adopted, foster, ex-nuptial, ~~or~~ step child **OR LEGAL WARD**), parent (including foster parent, step parent, or legal guardian), grandparent, grandchild or sibling. An employee may also use bereavement leave for children, parents and grandparents of their spouse or significant life partner, or any other relative who is a member of the employee's household.
- B. ELIGIBILITY: FULL AND PART-TIME, BENEFITS ELIGIBLE,** Regular and probationary status employees, ~~except temporary, emergency and intermittent,~~ are eligible to receive bereavement leave.
- C. USE OF BEREAVEMENT LEAVE:**
1. A full-time employee may be absent with pay for up to three consecutive working days based upon normally scheduled hours, not to exceed twenty-four (24) hours. Upon request, bereavement leave may be extended for two more working days not to exceed sixteen (16) hours if travel distance of 200 or more miles is required. Requests for bereavement leave must be made as soon as possible and be approved by the Division Head. ~~Bereavement leave for eligible part-time employees shall be pro-rated based upon normal hours worked in the payperiod.~~
  2. **A PART-TIME EMPLOYEE MAY BE ABSENT WITH PAY FOR UP TO THREE CONSECUTIVE WORKING DAYS NOT TO EXCEED TWELVE (12) HOURS TO BE USED AT THE RATE OF FOUR (4) HOURS PER DAY. UPON REQUEST, BEREAVEMENT LEAVE MAY BE EXTENDED FOR UP TO TWO (2) ADDITIONAL DAYS NOT TO EXCEED A TOTAL OF EIGHT (8) MORE HOURS TO BE USED AT THE RATE OF FOUR (4) HOURS PER DAY IF TRAVEL DISTANCE OF 200 OR MORE MILES IS REQUIRED. REQUESTS FOR BEREAVEMENT LEAVE MUST BE MADE AS SOON AS POSSIBLE AND APPROVED BY THE DIVISION HEAD.**
  3. A Division Head may require documentation substantiating an employee's need for bereavement leave.
  4. Bereavement leave may not be used in a manner that generates paid hours in excess of the normal work week.
  5. Bereavement leave may not be used while an employee is on an approved unpaid leave of absence.
  6. An employee may, with Division Head approval, use any applicable paid leave accruals for additional time off as necessary.

**ARTICLE 4. BENEFIT AND LEAVE PROGRAMS**  
**RULE 414. BEREAVEMENT LEAVE**

**EFFECTIVE DATE: 11/26/01**  
**REVISED DATE: 08/14/02**

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7. Bereavement leave shall not be counted as hours worked for the purpose of computing overtime.

A. OBLIGATIONS EMPLOYEES HAVE TO THE COURT UPON SEPARATION: All separating employees have certain obligations to the Court:

1. A resigning employee should submit a written resignation to their Division Head at least ten (10) working days before the planned effective date of the resignation, unless the timeframe has been modified or waived by the Division Head. Failure to provide such timely notice could jeopardize consideration for future employment with the Court and shall void payment of any EIB leave incentive pay as provided in Rule 403(H).
2. The employee shall adhere to checkout procedures as outlined by the Court Administrator. Failure to comply may result in a delay in the issuance of an employee's final paycheck and may delay processing of returns from the appropriate retirement system. Checkout procedures to be completed by a separating employee shall include but not be limited to:
  - a. Return of all equipment and supplies which have been furnished by the Court to the designated administrative section or unit charged with their maintenance. This includes, but is not limited to: keys, identification cards, clothing, etc.;
  - b. Pay back of any financial obligations outstanding such as educational reimbursement, travel advances, personal telephone expenses, etc.;
  - c. Arrangement for final paycheck from the Payroll section; ARS 23-353 now states:
    - 1) When an employee is dismissed from the service of an employer, the employee shall be paid wages due within three (3) working days or at the end of the next regular pay period, whichever is sooner.
    - 2) When an employee resigns the service of an employer, the employee shall be paid in the usual manner all wages due no later than the regular payday for the pay period during which the separation occurred. If requested in writing by the employee, such wages may be paid by mail.

employee submits written resignation to the Division Head at least ten (10) working days prior to the effective date of the resignation and works through the last date of employment as provided in Rule 801(A). Employees hired prior to shall not be required to meet the five (5) continuous years of service requirement in the aforementioned statement. While on original probation, a separating employee shall receive no payment for accrued EIB leave.

3. **CALCULATION OF SEPARATION PAY:**

An employee who is detailed to a higher position at the time of separation shall be returned to his/her previous position as of the effective date of separation and shall be paid for accrued PTO leave hours at the rate of the previous position.