

**COCHISE COUNTY
JUDICIAL MERIT RULES**



Revised February 23, 2021

Effective March 1, 2021

Foreword

The purpose of the Cochise County Judicial Merit Rules is to ensure all employees are afforded the same rights, terms and conditions of employment. The Court is committed to continually refining and improving itself, therefore, these rules may be changed as deemed appropriate by the Presiding Judge, or designee, and Court Administrator.

These rules are not intended to be construed as a contract of employment between the CCJS and its employees, nor do they create rights or privileges for employees.

A previous version of these rules was adopted on September 24, 1992, with an effective date of October 1, 1992, along with numerous Administrative Orders through the year 2020 which revised, modified, or rescinded certain rules. These rules have undergone a major review and update, making them current as well as relevant in the environment in which they are used. It is the intent of the Court that they will be reviewed and updated on a regular basis to ensure they remain relevant.

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RULE 1 GENERAL PROVISIONS**1.1 Title and Scope**

These rules shall be titled the Cochise County Judicial Merit Rules and will hereinafter be referred to as Rules. These rules shall encompass the employees in the service of the judicial branch of government in Cochise County which includes the following divisions: Superior Court Divisions; Clerk of the Superior Court; Justice of the Peace courts; Court Administration; Adult Probation; and, Juvenile Court Services and Detention.

1.2 Authority

- A. The authority for these rules is derived from Article VI, Section 11 of the Arizona Constitution, wherein the Presiding Judge, or designee, of the Superior Court exercises administrative supervision and is authorized to establish Personnel Policies and Procedures, as well as a Judicial Merit System for court employees.
- B. The Judicial Human Resources Director, under the delegation and direction of the Court Administrator, may be responsible for preparation, maintenance and administration of the personnel rules and policies, a classification system, a compensation plan, and recruitment/selection procedures.
- C. These rules shall be applied and construed consistently with applicable state and federal statutes as well as rules and regulations.

1.3 Delegation of Authority

Unless otherwise stated by law or in these rules, the Presiding Judge may delegate any authority under these rules.

1.4 Administration

The Court Administrator is the administrative authority appointed to have responsibility for the administration of these rules.

These rules shall be so construed and administered as to provide a uniform and equitable system of personnel administration in the court system. These rules and their provisions shall be followed in a manner which will secure and retain well-qualified employees to carry out the court's functions efficiently and effectively. Decisions regarding changes or supplements to these rules shall be approved by a majority vote of the judges of the Arizona Superior Court in Cochise County through administrative order.

1.5 Applicability

- A. Unless otherwise stated in a specific rule, these rules and provisions shall apply to all classified and unclassified employees of the CCJS. Per A.R.S. §23-1501, elected officials and at-will employees are excluded from coverage by these rules but have the responsibility for their administration as provided therein. Excluded positions are listed in Rule 1.6.

Any one rule may contain a specific exemption to a group of employees, or it may specifically apply to a selected group.

- B. None of these rules or provisions are intended by reason of publication to confer any special rights or privileges upon specific individuals or to entitle any person to remain employed for any length of time.
- C. If there is a conflict with these rules, the administration and compensation of persons employed by the court, in a position financed in whole or in part by contract or grant with another Governmental entity, shall be pursuant to the terms of the contract, grant, or applicable law. Otherwise, these rules will apply.
- D. When an employee exercises any rights set forth in these rules, no disciplinary or punitive action shall be taken against the employee for exercising those rights, nor shall any action be taken to impede or interfere with the exercise of any employee's options under these rules.

1.6 Excluded Personnel

The following personnel are excluded from these rules, unless otherwise noted in a specific rule:

- A. The judges of the Superior Court;
- B. The elected Clerk of the Superior Court;
- C. The elected Justices of the Peace;
- D. The Court Administrator;
- E. The Chief Adult Probation Officer;
- F. The Director of Juvenile Court Services;
- G. The Associate Clerk of the Court;
- H. The Law Librarian;
- I. The Chief Court Interpreter;
- J. The Chief of Security;
- K. The ADR/CASA Program Director;
- L. All judicial division staff which includes judicial assistants and court reporters (excluding employees of the clerk's office).

1.7 Compliance

All Elected Officials, Department Directors and employees shall conform to, comply with and aid in carrying out the provisions of these rules.

1.8 Current Rules and Updates

- A. These rules are intended to serve as guidelines of current employment practices. Periodic review of these rules will be necessary to meet the needs of the court. CCJS reserves the right to change, rescind, or add to any rule or policy with or without prior notice.
- B. No Elected Official, Department Director or employee may make any oral or written representation that amends, overrides, reverses or supplants these rules. Only the Presiding Judge, or designee, may take such action, which must be in writing.

- C. Each judicial employee shall be made aware of and given access to these rules and any subsequent change(s), rescission(s) or addition(s). Each employee is expected to review and become familiar with these rules.

1.9 Statement of Intent and Authorities

- A. These rules, as well as all other expressions of the CCJS policy, are not intended to create any contractual rights or obligations and do not promise or imply any fixed term or continuation of employment.
- B. No oral or written statements by any CCJS manager or supervisor that conflict with anything in these rules is binding upon the Presiding Judge, or designee, or Elected Official.

1.10 Modification by the Presiding Judge or Designee

The policies, practices and procedures contained herein or elsewhere may be modified or terminated at any time by the Presiding Judge or designee.

1.11 Principles and Policies

The following personnel principles and policies are established by the Presiding Judge, or designee:

- A. No hiring authority other than the Presiding Judge, or designee, or Department Director has any authority to enter into agreement for employees for any specified period of time or to make any employment agreement contrary to these rules except as ratified by the Presiding Judge or designee.
- B. Employment in the Judicial Branch workforce shall be based on qualifications and free of personal and political considerations.
- C. Employment shall comply with all federal, state and local laws. CCJS provides equal employment opportunities to all employees and applicants and prohibits discrimination and harassment of any type without regard to race, color, religion, sex (including pregnancy, gender identity, sexual orientation and transgender status), national origin, ethnicity, age (40 or older), disability, marital status, socioeconomic status, political affiliation, ancestry, veteran status, genetic information or any other status protected by federal, state or local laws. Any employee or applicant for employment is encouraged to make a complaint regarding discrimination or harassment and is able to do so without fear of retaliation.
- D. Every effort shall be made to comply with these rules and with due consideration given to the rights and interests of employees, consistent with the best interests of the public and the CCJS.

1.12 Replacement of Prior Rules

These rules supersede all previous rules, policies and procedures, which have applied to employees. All rules, policies and procedures adopted on a departmental basis will remain in full force and effect, except to the extent that they conflict with these rules.

1.13 Changes to Rules

Any additions, changes or repeal of these rules may be accomplished by a majority vote of the judges of the Arizona Superior Court in Cochise County.

1.14 Applicability, Supplements, Addenda and Schedules

Supplements, addenda and schedules may be added to these rules from time to time, and shall have the full force and effect of the rules herein, and shall be amended and approved in similar fashion as set forth in Rule 1.13 except in regard to classification, compensation and other matters which are the prerogative of the Presiding Judge.

1.15 Severability

If any provision of these rules or their application to any persons or circumstances is held invalid, the remainder of the rules or the application of such provisions to other persons or circumstances shall not be affected.

1.16 Conflict with Federal and State Laws, Regulations, Statutes or Standards

The provisions of these rules shall be interpreted to be consistent with all federal and state rules, regulations and standards for personnel administration or state law authorizing a state agency to establish minimum standards for personnel or performance in order to be eligible for federal or state grants.

To the extent any provisions of these rules which conflict or are inconsistent with federal and state laws, regulations, statutes or standards, the applicable federal and/or state laws, regulations, statutes or standards shall govern. Said rule shall be deemed severed from and shall not affect the remaining provisions of these rules.

1.17 Reprisals

A Department Director shall take no disciplinary or punitive action against an employee for exercising their rights under these rules, nor impede or interfere with the exercise by the employee of his right to review, appeal or any other employee right under these rules.

1.18 Service of Notice

Unless otherwise provided by law or these rules, any notice, paper or document to be served upon any person, party or agency by the Department Director, may be accomplished by any of the following methods:

- A. Personal service;
- B. Service by certified, registered or first-class mail to the last known address on file;

- C. Service by electronic mail after confirmation of email address and followed by any method in Rule 1.18.
- D. Service by any other method designated by the Department Director which will provide reasonable notice of the matter.

Service is considered complete upon placement in first class mail.

RULE 2 CONDITIONS OF EMPLOYMENT

This rule covers all employees in the classified and unclassified service as defined in these rules without regard to regular, temporary, part-time, probationary or emergency status, although nothing in this rule waives the at-will status of an unclassified employee.

2.1 Purpose

Prior to appointment, all classified and unclassified employees will sign an acknowledgement indicating agreement to and understanding of conditions of employment. By signing this document, the employee signifies that they understand its contents and is willing to accept these conditions of employment. These conditions represent a portion of the responsibilities and expectations as a court employee. Department Directors may impose additional conditions of employment for their individual departments.

Court employees are governed by federal, state or local laws; these rules; the Code of Conduct for Judicial Employees; applicable sections of the Arizona Code of Judicial Administration; CCJS policies; departmental policies/procedures; applicable Administrative Orders; and, county policies/procedures. Non-compliance with any of the aforementioned provisions may result in disciplinary action, up to and including dismissal.

Employees are expected to familiarize themselves with these documents and will receive training on them, as they contain limits and prohibitions involving various topics judicial employees are likely to encounter in the course of their duties. The basic tenets of these documents are that judicial employees are representatives of the court and must conduct themselves in such a manner as to preclude any public embarrassment resulting from their personal or professional actions.

Failure to agree to the conditions of employment may cause the Department Director to disqualify the candidate for employment.

Rule 2.2 Duty to Report

Employees will report violations of policies, procedures, the law, codes, or these rules by fellow employees to their immediate supervisor or any judicial supervisor.

Rule 2.3 Employee Disclosure of Citations, Arrests and Convictions

- A. If any employee becomes the subject of a misdemeanor or felony arrest, conviction, order of protection, warrant or DCS investigation, they must notify their immediate supervisor within 24 hours. The employee will also provide a written notification to their immediate supervisor the next business day following the incident. The employee will also provide a copy of the police report, citation, order of protection, or arrest warrant, when made available by the appropriate agency.

- B. The supervisor will forward the written notification with any attachments to the Department Director and Judicial Human Resources.
- C. An employee charged, cited, or arrested on a felony or a misdemeanor offense involving moral turpitude shall be placed on administrative leave with pay pending an investigation of the charges. Conditions of continued employment or reassignment of duties will be determined by the Presiding Judge based upon the facts of the situation. Time off for court appearances shall be charged to the employee's personal leave.
- D. An employee charged with a felony offense or cited and or/arrested on a misdemeanor offense may be placed on administrative leave with pay pending disposition of the case. Conditions of continued employment or reassignment of duties will be determined by the Department Director. Time off for court appearances will be charged to the employee's personal leave.
- E. Disclosures made under this section will be reviewed and any further action deemed appropriate will be consistent with federal, state or local laws; these rules; the Code of Conduct for Judicial Employees; applicable sections of the Arizona Code of Judicial Administration; CCJS policies; departmental policies/procedures; applicable Administrative Orders; and, county policies/procedures.
- F. Any disciplinary action imposed will follow procedures set forth in Rule 8.

Rule 2.4 Annual Training

- A. Pursuant to the Arizona Code of Judicial Administration and the Code of Conduct for Judicial Employees, each employee must complete continuing education each calendar year to include a course in ethics, network security and other subject areas as designated by the Arizona Supreme Court.
- B. Committee on Judicial Education and Training (COJET) mandated hours and subject matter may change from year to year. An employee who has fulfilled yearly training requirements is said to be COJET compliant. The court provides numerous training opportunities throughout the year to ensure all employees are able to meet this requirement. It is each employee's responsibility to register for training and keep track of their accrued hours.

Non-compliance:

Given both the importance of maintaining a high functioning work force and of complying with the Arizona Supreme Court training mandate, the court will consider failure to comply with COJET mandated hours and subject matter requirements to be cause of discipline.

- C. In addition to COJET mandated hours and subject matter, Department Directors may mandate additional hours and/or subject matter to be completed during the year. These hours may or may not be accredited for COJET credit. Non-compliance with the additional hours and subject matter imposed by the Department Director in regard to training that is beyond the minimum COJET requirement may cause an employee to be subject to disciplinary action.

D. In addition to the requirements specified by the Arizona Supreme Court, all employees:

1. Must complete their annual training hours by November 15th of each year. Employees who are non-compliant at that time will have a grace period until December 31st to remedy this deficiency.
2. COJET certificates or other acceptable course attendance documentation must be forwarded to the department's Training Coordinator within 30 days of training completion. The department Training Coordinator shall submit a training compliance report no later than January 31 of each calendar year to the Arizona Supreme Court.

RULE 3 APPOINTMENT AND TERMINATION OF DEPARTMENT DIRECTORS

Except for the Clerk of the Court and Justices of the Peace, the appointment or termination of a Department Director shall be made by the Presiding Judge. If the Adult Probation Department and Juvenile Court Services are combined, the Presiding Judge will appoint a Chief Probation Officer. Otherwise, the Presiding Juvenile Court Judge shall appoint and terminate the Director of Juvenile Court Services. Termination of a Department Director may be without cause and shall be without the right of appeal.

RULE 4 RECRUITMENT, SELECTION, APPOINTMENT AND REHIRE

4.1 Equal Employment Opportunity

- A. Advertisement and job postings of employment opportunities shall contain a statement that CCJS is an Equal Employment Opportunity Employer (EOE).
- B. All decisions and procedures regarding recruitment, selection, promotion and other terms and conditions of employment shall be made without discrimination based on race, color, religion, sex (including pregnancy, gender identity, sexual orientation and transgender status), national origin, ethnicity, age (40 and older), disability, marital status, socioeconomic status, political affiliation, ancestry, veteran status, genetic information or any other status protected by federal, state or local laws. All decisions and procedures shall be in compliance with Equal Employment Opportunity laws and the Americans with Disabilities Act as amended and all other applicable federal and state laws.

4.2 Recruitment of Personnel

- A. Vacant positions shall be posted publicly and externally, unless an internal-only posting (either court-wide, county-wide, or department-specific) is approved by the Judicial Human Resources Director. Department Directors seeking such approval shall make a request of the Judicial Human Resources Director justifying the reason an internal only announcement has been recommended.
- B. Recruitment for positions may begin upon receipt of the employee's resignation or the date the position is vacated, whichever occurs first.

- C. At a minimum, job announcements shall be:
1. Posted for five (5) business days; and
 2. Posted on/at the Cochise County website; Cochise County Department of Human Resources; Judicial Human Resources Department; and, such other places as the Judicial Human Resources Director deems appropriate; and,
 3. Provide basic information about the job classification, including minimum qualifications, salary and/or hiring ranges and examples of duties.
 4. Additional qualifications shall be added to the job posting if such qualifications are required under applicable Arizona Revised Statutes, regulations, retirement or employee benefit systems.
- D. Applications for employment received from a job posting may be used for up to 180 days from the date the recruitment ended.
- E. Extension of an additional 180 days may be approved at the discretion of the Judicial Human Resources Director, in consultation with the Department Director, with appropriate justification.
- F. Applications for employment received from a previous recruitment may be used for other positions within the same classification, grades and position status for up to 180 days from the date the previous recruitment ended, at the discretion of the Judicial Human Resources Director, in consultation with the Department Director, with appropriate justification.

4.3 Application Process

An applicant shall, within the time specified in the job posting:

1. Submit a completed Judicial Department Application for Employment to the online application system or person specified on the job posting, and
2. Include copies of licenses, registrations, certifications or other information required in the job posting.

4.4 Screening of Applications

Upon closing of an announcement or, if open continuous or open-until-filled recruitment, and when the Judicial Human Resources Director deems appropriate, the Judicial Human Resources Department will screen all applications for the position announced.

The Judicial Human Resources Director or designee shall establish a list of qualified candidates certified to meet the minimum qualifications, whenever a requirement exists.

- A. An application shall be rejected if:

1. The application is not on the required form or is incomplete; or
 2. The application does not include copies of all information requested in the job posting; or
 3. The application is not submitted timely; or
 4. The applicant does not meet minimum qualifications; or
 5. The applicant has provided false statements or documentation; or
 6. The applicant is not eligible for rehire.
- B. Voluntary information on gender, ethnicity, age and/or military experience of an applicant shall be utilized only for affirmative action and other non-discriminatory purposes.

4.5 Interview Process

- A. Departments shall utilize a non-discriminatory process, in consultation with the Judicial Human Resources Director, which objectively evaluates a candidate's knowledge, skills and abilities in order to select applicants for interviews.
- B. An Equal Employment Opportunity (EEO) representative shall be present during the initial interview. If subsequent interviews are necessary, the Judicial Human Resources Director will determine whether an EEO representative is required.
- C. Interviews for selected applicants shall be conducted in a manner that does not unlawfully discriminate.
1. All examinations, evaluations, ratings, and other selection methods shall be rated impartially and in a non-discriminatory manner.
 2. Examinations used in the process shall be job-related.
- D. The department shall utilize a variety of job-related assessments, including an interview panel, in order to determine an applicant's knowledge, skill level and ability to perform the essential job functions of the position. Whenever reasonably possible, interview panel members shall be at the level of or higher than the position being filled.
- E. A release of information form shall be signed by the applicant at the time of their interview.

4.6 Pre-employment Background Investigation

- A. Prior to initiating a pre-employment background investigation on an applicant, a release of information form signed by the applicant must be on file.

- B. Personal and professional reference checks shall be completed and documented on the selected applicant(s).
- C. Pre-employment background investigations may verify applicable employment history without regard to a specific timeframe. Some positions may require a more extensive background as outlined in the Arizona Code of Judicial Administration.
- D. Credit checks may be conducted at the discretion of the Department Director for a particular classification or position based upon job relatedness and with the approval of the Judicial Human Resources Director.
- E. Applicants selected for a pre-employment background investigation will be fingerprinted prior to a criminal history check. The Judicial Human Resources Director shall submit the completed applicant fingerprint card to the Department of Public Safety. The Department of Public Safety is authorized to exchange the submitted applicant fingerprint card information with the Federal Bureau of Investigation for national criminal history records check.
- F. All offers of employment are contingent upon successful completion of the pre-employment background investigation.

4.7 Disqualification of Applicants

The Department Director may refuse to consider an applicant or may disqualify an applicant if it is found that the individual:

- A. Does not meet the minimum requirements established for the position; or
- B. Has made a false statement of material fact or an omission of material fact in a current or prior application for employment with the court or county; or
- C. Is determined to be physically or mentally unable to effectively or safely perform the essential functions of the classification applied for, with or without reasonable accommodation; or
- D. Is addicted to the use of controlled substances or other substances in a manner which would affect the ability to safely, effectively and dependably perform the duties of the classification applied for; or
- E. Has used, or attempted to use, political pressure or bribery to secure an advantage in the examination process or in the appointment to a position in court employment; or
- F. Has directly or indirectly obtained or attempted to obtain information regarding the selection process to which the candidate is not entitled or the examination to which they are competing; or
- G. Has taken part in the compilation, administration or any part of the selection process or in the appointment to a position in court employment; or

- H. Has previously been dismissed for a disciplinary reason from a position in court employment; or
- I. Has been convicted of a crime or has a record of convictions, the nature of which would affect the applicant's suitability for employment; or
- J. Has failed to appear for a scheduled examination or interview; or
- K. Has failed any phase of the background investigation process; or
- L. Has a record of unsatisfactory work performance; or
- M. Has been determined by the Department Director to be unsuitable for employment for any other job-related reason; or
- N. Has been convicted of a felony or misdemeanor, taking into consideration the recency and number of convictions, indications of rehabilitation or the lack thereof, and the potential liability to the court; or
- O. Has been dismissed for cause by CCJS, Cochise County, or resigned in lieu of dismissal within the past five (5) years; or
- P. Has otherwise violated federal, state or local laws; these rules; the Code of Conduct for Judicial Employees; applicable sections of the Arizona Code of Judicial Administration; CCJS policies; departmental policies/procedures; applicable Administrative Orders; and, county policies/procedures.
- Q. Has not met any requirement as outlined in the Arizona Code of Judicial Administration.

4.8 Selection and Appointment

- A. Prior to a selection, a Department Director may:
 - 1. Request additional information before making a final decision; or
 - 2. Accept the recommendation; or
 - 3. Reject the recommendation and request additional interviews be made from the current group or candidates; or
 - 4. Request a new recruitment be initiated.
- B. Once an applicant is selected, the Department Director, or designee, shall contact the selected applicant to make a job offer. Any job offer shall be subject to the terms specified in the offer letter.

- C. Within a reasonable length of time, the Department Director, or designee, shall notify the remaining applicants that the position has been filled.
- D. Any applicant approved to be hired by a Department Director or the Judicial Human Resources Director shall be processed in a timely manner. Submittal of hiring documentation for processing shall be considered approval by the Department Director to process the candidate for hire.

4.9 Rehire

A qualified regular status employee who resigned in good standing in accordance with these rules shall be eligible for rehire to the same job classification for a period of one (1) year from the date of separation. Completion of an employment application is required in order to be identified/certified. An employee that is rehired within nine months of separation shall be reinstated with any previously accrued Sick Leave that was not used.

Request for rehire must be approved by the Presiding Superior Court Judge and Judicial Human Resources Director.

Employees rehired by the court shall serve applicable probationary periods regardless of previous court and/or county employment.

RULE 5 PROMOTION, RECLASSIFICATION, DEMOTION, TRANSFER AND REINSTATEMENT

5.1 Promotion

Vacancies in court employment may be filled by promotion of any qualified classified or unclassified employee through a competitive process or appointment for at-will positions.

- A. An employee promoted to a higher classification will be subject to promotional probation pursuant to Rule 6.2, with the exception of at-will appointments.
- B. An employee promoted to a higher classification shall receive a salary increase commensurate with a higher salary band.

5.2 Temporary Promotional Appointment

A Department Director may grant an employee a temporary salary increase, also known as a Special Work Assignment (SWA), when temporarily assigned duties of a higher classification.

- A. A temporary salary increase or acting pay may be awarded only to an employee who is temporarily performing higher-level job duties that are assigned to a job classification with a higher pay range.
 - 1. A temporary salary increase or Special Work Assignment is limited to use for a vacant or an effectively vacant position.
 - 2. The temporary salary increase or acting pay is limited to: not less than thirty (30) calendar days; and not to extend beyond the time such temporary condition ceases; or not be for more than twelve (12) consecutive months.

- B. At the conclusion of the temporary salary increase or temporary promotion, the employee's pay rate shall revert to the previous pay rate plus any pay increases the employee would have received during the period of temporary salary increase.
- C. The employment status of the individual receiving a temporary salary increase or temporary promotion shall remain the same.

5.3 Reclassification

A Department Director may request a change in the level of responsibility assigned to a position that is occupied by reclassifying the position to a classification in a higher or lower salary range. Such change must be justified and approved by the Judicial Human Resources Department Director and Judicial Budget Director.

Reclassifications in place are not considered open competitive processes.

5.4 Underfilling

- A. If no qualified applicants apply for the recruitment, the position may be re-opened with an option for underfill. When a vacancy is to be filled and it is anticipated that due to the minimum qualifications of the position it may be difficult to fill, the Department Director may request Judicial Human Resources to also recruit for underfill qualifications.
- B. In order to consider underfill candidates, the job announcement must clearly indicate that underfill candidates will be considered if no fully qualified candidates apply and meet the qualifications for the announced position. Fully qualified candidates must be considered prior to the Department Director receiving underfill applications. The minimum qualifications for determining eligibility for underfill will be stated in the announcement.
- C. If the minimum qualifications for a position are established by the Arizona Supreme Court, the Department Director shall obtain prior approval from the Presiding Judge and the Arizona Supreme Court in order to proceed with underfilling the position.
- D. Individuals hired as underfills shall have one (1) year from the date of appointment to qualify for the original position. A specified period of time for an extension must be approved in advance by the Court Administrator, or designee. If at any time during the year, the Department Director determines that the underfill is performing satisfactorily and meets all requirements of the original position, the underfill may be advanced to the original position. In the event that the individual does not qualify for the original position within one (1) year the Department Director shall either:
 - 1. Take action to change the department organization chart to reflect authorization for the lower position, or
 - 2. Take action to terminate the individual. An action shall be completed within one (1) year from the date of appointment. This action is not appealable under these rules.

5.5 Demotion

A regular status employee may be demoted by the Department Director, for cause or reorganization otherwise provided by these rules, after certification by the Judicial Human

Resources Director that the employee meets the minimum qualifications of the lower classification. Procedures set forth in Rule 8.3F shall apply to involuntary demotion.

An employee may request to be demoted voluntarily to a vacant position upon approval by the Department Director and Judicial Human Resources Director. The employee shall be required to participate in the competitive recruitment process.

An employee who receives a disciplinary demotion shall be assigned a salary commensurate with the new position.

Employees who are demoted voluntarily or involuntarily but not due to disciplinary action are eligible for promotion during their demotion probationary period.

5.6 Transfer

A transfer of an employee may be made between comparable positions within a department or from a position in another court department to a position for which the employee is qualified.

An employee's transfer from one position to another position within the same assigned pay range shall not result in a pay rate change.

Organizational changes requiring transfer of functions between departments will be considered as approved administrative transfers of positions and appointments of employees filling them.

An employee with accrued compensatory time who transfers to another department or a position not entitled to accrue compensatory time, must either use or be paid for the accrued compensatory time prior to transfer at the discretion of the Department Director.

5.7 Reassignments

A Department Director has the authority to make reassignments within their department, to include changes in assigned duty stations. The employee will be notified a minimum of ten (10) days prior to the effective date of reassignment.

RULE 6 PROBATIONARY PERIODS

Probation permits an on-the-job evaluation of an employee's adjustment to and performance in a new position. Completion of probation is the final requirement for any appointment, promotion, under-fill, demotion, or transfer. The Department Director shall provide written notification to the employee of successful completion of or failure of the probationary period.

6.1 Initial Probation

- A. All classified employees will be on probation for one year following initial appointment to a regular status position.
- B. Probationary employees will be evaluated by their immediate supervisor after completion of half of the probationary period using a form provided by the Judicial Human Resources Director.

- C. The employee will achieve regular status in court employment upon successful completion of the initial probationary period, including any extension; thereof, and must have received a satisfactory performance appraisal for the period.
- D. Employees in unclassified service who change positions and move to classified service shall be required to serve a probationary period. However, when a position is reclassified from unclassified service to classified service and there is no material change in duties, no probationary period shall be required.
- E. An employee on initial probation may be terminated for any or no reason at any time without notice during their probationary period. This action is not appealable under these rules.

6.2 Extension of Probationary Period

A Department Director may extend an employee's initial probationary period for the purpose of further monitoring unsatisfactory performance or conduct for up to six (6) months. Prior to the expiration of the employee's initial probationary period, the Department Director or designee will provide the employee with a written notice advising of the extension. The notification shall specify the unsatisfactory performance or conduct; goals to be achieved; length of the extension; and, notice that the employee will be dismissed if the performance or conduct does not improve and/or the goals are not achieved.

6.3 Promotional Probation

An employee who is selected to fill a vacancy or fills a vacancy by promotion shall have a probationary period of one (1) year.

An employee may be terminated or reduced to their prior grade within the probationary period by a Department Director with no right of appeal unless there is a showing of discrimination on the part of the Department Director. Employees seeking promotion shall be informed in writing, that failure of the promotional probationary period may result in dismissal.

The employee shall be notified in writing, that the period of probation has been either completed successfully or extended. An extension shall state the reasons and the length of time the probationary period has been extended.

6.4 Underfill Probation

An employee hired as an underfill shall serve a probationary period of one (1) year. An employee on underfill probation may be terminated for any or no reason at any time without notice during their probation. This action is not appealable under these rules.

6.5 Demotion Probation

- A. Employees who are demoted involuntarily due to reorganization will not be subject to a demotion probationary period. All other demotions will serve a one (1) year probationary period.

- B. An employee that accepts a voluntary demotion through a competitive recruitment process will serve a one (1) year probationary period.
- C. An employee on demotion probation may be terminated for any or no reason at any time without notice during their probation. This action is not appealable under these rules.

6.6 Transfer Probation

- A. If a regular status employee transfers to a position within the same pay range within their department or a different department, the employee shall serve a probationary period of one (1) year.
- B. An employee on transfer probation may be terminated for any or no reason at any time without notice during their probation. This action is not appealable under these rules.

6.7 Rehire Probation

Employees rehired by the court shall serve applicable probationary periods regardless of previous court and/or county employment.

6.8 Reinstatement Probation

- A. An employee on regular status, terminated as the result of a layoff, may be required to serve a probationary period if reinstated. One of the following shall apply:
 - 1. Same classification and same department and the employee already served required probation prior to layoff – no probation will be required upon reinstatement.
 - 2. Same classification and different department - the employee will serve a probationary period of one (1) year.
 - 3. New classification and different department - the employee will serve a probationary period of one (1) year.
 - 4. New classification and same department - the employee will serve a probationary period of one (1) year.
- B. A terminated employee reinstated by an appeal will not be required to serve a probationary period unless directed by the Presiding Judge.
- C. An employee on reinstatement probation may be terminated for any or no reason at any time without notice during their probation. This action is not appealable under these rules.

RULE 7 SEPARATION OF SERVICE**7.1 Resignation**

- A. An employee who desires to resign from judicial employment shall submit a written resignation to the Department Director at least ten (10) working days prior to the effective date of the resignation.
- B. Employees who voluntarily resign have until the effective date of the resignation to request approval to rescind their resignation from the Department Director. The Department Director has the discretion to either accept or reject the request. The denial of rescinding a resignation is not subject to appeal.
- C. An employee does not have the right to appeal any type of resignation.

All personnel records related to a former employee's performance and resignation shall be maintained by Judicial Human Resources according to record retention schedules. These records will be available for review by a hiring manager for consideration on any future hiring decision.

7.2 Layoff

- A. A layoff is an unavoidable termination of employment as a result of a shortage of work or funds, reorganization, reduced demands for services, elimination of position, or change in the duties of a position.
 - 1. Employees who are terminated from their position due to the elimination of grant funding, either partially or entirely, shall not be eligible for layoff provisions under these rules.
 - 2. If there are any temporary or initial probationary employees serving in the department on the date of the layoff in the same, equal, or lower positions, an employee with regular status must be offered opportunity for appointment to such positions, if the employee meets the minimum qualifications for the position prior to the layoff.
 - 3. If a funded vacancy exists within the CCJS that the department intends to fill, and if the employee meets the minimum qualifications of the position, a reasonable attempt will be made to place the employee in the existing vacancy in the same department or elsewhere in the CCJS.
 - 4. If an employee returns to CCJS employment in any position prior to the expiration of 365 calendar days from the date of layoff, the employee is considered reinstated. However, if an employee is reemployed after the expiration of 365 calendar days after a layoff, the employee is considered rehired and not subject to reinstatement provisions.
 - 5. An employee does not have the right to appeal a layoff.

B. Pre-layoff Procedure

1. Before a layoff action is taken, the Department Director and Judicial Human Resources Director shall consult with the Court Administrator.
2. The decision as to which classification(s) shall be affected by layoff and when layoff is effective shall be made by the Department Director.
3. The Department Director shall prepare a memorandum containing the layoff information which shall be submitted to the Court Administrator and approved by the Presiding Judge before the effective layoff date. The memorandum will include the reason for the layoff, effective date and list of employees affected by the layoff.
4. The Department Director will provide a list of employees to the Judicial Human Resources Director and together they shall establish the order in which employees shall be laid off. In determining regular status employees' order of the layoff, the Judicial Human Resources Director and Department Director shall consider such factors which may include, but are not limited, to the following:
 - a. Funding source,
 - b. Criticality of position;
 - c. Employee qualifications, skill sets;
 - d. Seniority;
 - e. Performance ratings (may include work performance, conduct, attendance, customer service feedback, adherence to these rules, policies, procedures and the Code of Conduct for Judicial Employees);
 - f. The needs of the organization.

The above factors may be given more or less weight depending on the situation.

5. The employee shall be notified, in writing, of the layoff not less than sixty (60) days prior to the effective date of layoff. The written notice shall be hand delivered or sent by certified mail. A copy shall be sent to the Judicial Human Resources Director.
6. The notice shall inform the employee of:
 - a. The reason for layoff;
 - b. The effective date of layoff;
 - c. The requirement to use all compensatory time;
 - d. The amount of annual leave to be paid out, if applicable;
 - e. The termination date for benefits;
 - f. The right to continue certain benefits under COBRA (Consolidated Omnibus Budget Reconciliation Act of 1985); and,
 - g. Pre-layoff reappointment and reinstatement procedures.

C. Pre-layoff Reappointment

Prior to the effective date of a layoff, an employee may be appointed non-competitively by the Department Director in consultation with the Court Administrator or Judicial Human Resources Director into a vacant position in which the employee meets the minimum

qualifications or, with approval by the Court Administrator or Judicial Human Resources Director, can be placed in the position as an underfill (i.e., meets minimum qualifications within one (1) year).

D. Competitive Reassignment in Lieu of Layoff

The following process will be followed for competitive reassignment in lieu of layoff:

1. The Judicial Human Resources Director establishes a list of vacant positions which are funded and intended to be filled.
2. The Judicial Human Resources Director notifies the employee of vacant positions for which the employee may qualify.
3. The employee may submit a judicial application that demonstrates their minimum qualifications for the position to the Judicial Human Resources Department.
4. The Judicial Human Resources Director will determine if the employee meets the minimum qualifications for the position. This information is forwarded to the Department Director to affect the transition.
5. The salary will be set at the salary range for the vacant position.
6. The reassignment effective date will be prior to the effective layoff date.
7. An employee must use all accrued compensatory time prior to the effective date of the reassignment, or it will be paid out by the department.
8. Any employee who is reassigned to a different classified position may serve a probationary period for the new position as outlined in Rule 6.7.
9. An employee will retain accrued annual and sick leave balances.

E. Layoff Reinstatement Procedure

Reinstatement occurs when the appointment of a laid off employee to a position with the CCJS results in the:

1. Appointment to the same position in the same department from which laid off; or
2. Appointment to a position in a different classification or judicial department.
 - a. The Judicial Human Resources Director shall maintain a register of regular status employees who have been laid off and requested placement on a reinstatement list. This register shall include the employees' job classification, date of layoff and length of service. A reinstatement list shall be used prior to the recruitment process.

- b. Laid off employees shall remain on the register and be eligible for reinstatement to a position in the same job classification from which laid off for a period of one (1) year from date of layoff. If positions become available in the same job classification, the Department Director shall offer to reinstate such employees to fill these vacancies before such positions are offered to other applicants. Offers of reinstatement to employees shall be made in order of seniority of the department. Reinstatement salary shall be set at the salary range for the vacant position.
- c. This listing shall be used to determine eligibility for reinstatement. Employees who are laid off are subject to reinstatement rights, as listed below, within 365 days of the effective date of layoff. The following criteria shall be used when reinstating employees after layoff:
 - i. Should a vacancy occur, employees on the reinstatement list shall be contacted before a recruitment is opened, to inquire about their interest, availability, or options.
 - ii. It shall be the responsibility of the employee to keep the Judicial Human Resources Director advised of their current mailing and email address throughout the period during which the employee remains eligible for reinstatement. Notice of job openings and offers to reinstate employment shall be mailed by the Judicial Human Resources Director to the employee's mailing address on file. The Judicial Human Resources Director shall have no duty to investigate or determine the whereabouts of an eligible employee who cannot be contacted at the address on file which they have maintained with the Judicial Human Resources Director.
 - iii. Any former employee who is interested in reinstatement to that position shall submit an updated judicial application within five (5) working days to the Judicial Human Resources Director that demonstrates their qualifications for the position.
 - iv. The Judicial Human Resources Director will determine which employee are qualified for reinstatement in the vacant position and will coordinate placement with the hiring department.
- d. If the employee is reinstated, the employee:
 - i. Shall receive credit for prior service to determine leave accrual rates.
 - ii. May enroll for benefits after the normal waiting period, only if eligible for benefit.

- iii. May or may not receive the same rate of pay upon reinstatement as at the time of layoff.
 - iv. May be required to serve a probationary period as outlined in Rule 6.7.
 - v. May be subject to a criminal history background check and fingerprinting upon return.
- e. Former regular status employees shall be removed from the reinstatement register one year after the effective date of their layoff and are thereafter not eligible for reinstatement. An employee who refuses an offer of reinstatement shall be removed from the reinstatement register at the time of such refusal.
- f. A laid off employee who is reinstated or reemployed within nine months shall regain their sick leave which was accrued at the time of the layoff and shall accrue leave time at the same rate as was in effect at the time of layoff.

7.3 Furlough

1. A furlough is a planned event requiring employees to take unpaid leave to absorb reduced funding, lack of work, or any budget shortfall.
2. Any furlough action shall be authorized by the Presiding Judge.
3. Affected employees shall be notified in writing of the furlough as soon as possible, but no less than sixty (60) working days prior to the effective date. The notice shall contain information regarding the intended duration of the unpaid leave due to furlough. Duration shall not be for more than six (6) months. An employee does not have the right to appeal a furlough to the Presiding Judge.
4. Employees shall neither perform any work for the CCJS nor attend work-related scheduled training while on furlough.
5. Exempt employees may only be furloughed without pay in full-week increments, in accordance with the Fair Labor Standards Act.
6. An employee shall not be involuntarily terminated while on furlough, regardless of status.
7. Health benefit premiums for enrolled employees and dependents shall be paid by the county when the furlough duration covers an entire pay period.
8. Personal leave accrual is suspended when an employee is furloughed for an entire pay period. If the furlough duration is for part of a biweekly pay period, then the employee's leave accrual shall not be affected for that pay period.

9. All previously scheduled and approved personal leave shall be canceled.
10. Holiday pay shall be awarded when employees meet the paid status eligibility requirements as noted in Cochise County Judicial System Policy 4003, Holidays.
11. Cochise County Judicial System Policy 3002, Outside Employment and Volunteer Activities, continues to apply. Before engaging in other employment, employees should review this policy and consult with Judicial Human Resources.

7.4 Dismissal

A dismissal is any involuntary termination of an employee from court employment. The employee's eligibility for rehire is conditional based on the violation(s) of federal, state or local laws; these rules; the Code of Conduct for Judicial Employees; applicable sections of the Arizona Code of Judicial Administration; CCJS policies; departmental policies/procedures; applicable Administrative Orders; and, county policies/procedures. The Department Director, with approval from the Judicial Human Resources Director, will determine eligibility for rehire. The provisions involved in a dismissal for a disciplinary reason are covered in Rule 8.

7.5 Separation Without Prejudice / Inability to Perform Duties

An employee may be involuntarily terminated when it is determined by the Department Director, with approval of the Judicial Human Resources Director, that the employee is unable to perform the duties or meet requirements of the position for health reasons (including, but not limited to the exhaustion of FMLA (Family Medical Leave Act) or other ADA (Americans with Disabilities Act) reasons after reasonable accommodation has been requested by the employee and explored by the court. This separation is not disciplinary in nature and an employee does not have the right to appeal.

7.6 Termination During Probation

An employee may be terminated without the right of appeal at any time during an initial or promotion probationary period. If unlawful discrimination is alleged, the employee may file a grievance in accordance with Rule 9.8.

7.7 Retirement

Retirement occurs when an employee with regular status meets eligibility criteria and retires as provided under the Arizona State Retirement Plan, Public Safety Personnel Retirement System, Correction Officers Retirement Plan or the Elected Officials Retirement Plan.

Employees who retire have until the effective date of the retirement to request approval to rescind their retirement from the Department Director. The Department Director has the discretion to either accept or reject the rescinded retirement. The employee shall be eligible for rehire. The employee is responsible to adhere to any restrictions that their retirement benefit may impose upon them.

7.8 Termination for Other Reasons

If under the ADA (Americans with Disabilities Act), accommodation cannot be reasonably accomplished, an employee may be involuntarily terminated without prejudice but with the right of appeal when it is determined that the employee is unable to maintain minimum job requirements or perform the minimum required duties of the position.

7.9 Temporary Employees

A temporary employee may be terminated at any time with no right of appeal.

7.10 Termination Obligations

A. Employee Obligations

The employee shall adhere to checkout procedures as outlined by the Department Director, including but not limited to:

1. Written letter of resignation, if applicable.
2. Return of all equipment and supplies which have been furnished by the court. This includes but is not limited to all keys, identification cards, uniforms, badges, procedural manuals and job specific equipment.
3. Reimbursement of any outstanding financial obligations such as educational reimbursement, travel advances, etc. An employee can make arrangements, with the Department Director's approval, to have obligations withheld from their final paycheck.
4. Arrangements for final paycheck from the Department Director or their designee.
5. An employee shall work the two (2) weeks prior to the effective date of resignation, unless other arrangements are made with the Department Director.

B. Court Obligations

1. While on initial probation or extended initial probation, a terminating employee shall not receive payment for accrued annual leave. All other regular status employees shall receive payment per Cochise County Personal Leave Policy, Number 2210.
 - a. Payment of annual leave hours shall not include shift differential and special assignment pay in effect at the time of termination.
 - b. An employee who is temporarily assigned to a higher position at the time of termination shall be returned to their previous position as of the effective date of termination and shall be paid for accrued annual leave hours at the rate of the previous position.

- c. Exit interview, when applicable.

RULE 8 CAUSE FOR DISCIPLINE, DISCIPLINARY ACTIONS AND ADMINISTRATIVE LEAVE

8.1 Purpose

The purpose of the disciplinary process and action is to assure a fair, as well as consistent, procedure for the prevention, correction, and discipline of employee performance and behavioral deficiencies. Further, guidance and assistance will be provided to the employee in correcting improper conduct or inadequate performance. A disciplinary action may be used for serious or pervasive misconduct or repetitions of improper performance or conduct.

8.2 Cause for Discipline

Reasons for which a Department Director or designee may initiate disciplinary action include, but are not limited to any of the following:

1. Violations of federal, state or local laws; these rules; the Code of Conduct for Judicial Employees and applicable sections of the Arizona Code of Judicial Administration; CCJS policies; departmental policies/procedures; applicable Administrative Orders; and, county policies/procedures.
2. Fraud in securing appointment including falsification or omission of employment application.
3. Willful, knowing or reckless falsification or omission of records, reports, forms, information or any other document, public or otherwise, submitted by an employee or unauthorized use of court records.
4. Dishonesty.
5. Performance deficiencies which include incompetency, inefficiency, neglect of duty, failure to perform assigned job duties, or continued performance deficiencies after previous disciplinary action.
6. Failure to be respectful, cooperative or courteous.
7. Insubordination, willful disobedience, failure to follow reasonable order or direction from a supervisor, or promoting work unit insubordination.
8. Unauthorized possession, use, consumption, abuse, manufacture, distribution, or dispensing of alcohol, illegal drugs, or other substances while on duty, during the scheduled work day or on court or county property; abuse of legal drugs or distribution or use of illegal drugs, or unauthorized possession of a controlled substance, or reporting to work while impaired in the ability to perform one's job by legal drugs, illegal drugs or alcohol; or reporting to work while impaired in the ability to perform one's job by legal drugs, illegal drugs or alcohol.
9. Unapproved absence without leave; chronic or excessive absenteeism or tardiness in reporting to work, including abuse of sick leave.
10. Failure to report to work without notification to the employee's supervisor or designee concerning absence from work for one (1) day.
11. Job abandonment (absence from work for three (3) consecutive workdays without notification to the employee's supervisor).
12. Misuse or theft of court or public property, equipment, funds or information.

13. Failure to obtain and maintain required licenses or certification, to include revocation, suspension or loss of Arizona driving privileges where such certification or privileges are a mandatory requirement for the position.
14. Failure to comply with annual COJET and departmental training requirements.
15. Engaging in conduct, on or off duty, that is of such a nature that it would tend to bring discredit to the court.
16. Unauthorized possession of firearms, weapons or explosives on court property.
17. Conduct which is a violation of public policy or trust, or is corrupt.
18. Inappropriate use of social media.
19. Negligence with, or misuse or loss of court or county property or equipment.
20. Engaging in workplace violence.
21. Vulgar or disrespectful conduct.
22. Interference with other employees' efforts to perform their assigned job duties.
23. Conduct which is a conflict of interest or a conflict in the performance of duties.
24. Engaging in improper political activity.
25. Working at outside employment while on medical leave, industrial accident leave, or Family and Medical Leave without prior approval.
26. Violation of court policies governing outside employment.
27. Commission or conviction of a felony or misdemeanor involving moral turpitude which adversely reflects on the court or affects the employee's suitability for continued employment.
28. Violation of safety laws, regulations or guidelines that risks the safety or health of employees, or the public or risks damage to property, or carelessness resulting in injury or damage.
29. Violation of a professional standard of conduct applicable to the employee with respect to his or her employment duties.
30. Any form of reprisal or retaliation.
31. Engaging in discrimination or harassment based on race, color, religion, sex (including pregnancy, gender identity, sexual orientation and transgender status), national origin, ethnicity, age (40 or older), disability, marital status, socioeconomic status, political affiliation, ancestry, veteran status, genetic information or any other status protected by federal, state or local laws.
32. Seeking to obtain financial, sexual or political benefit from another employee with their consent induced by wrongful use of force or fear.
33. Improper use of position, character or confidential information for personal benefit (the benefit may be financial or any other benefit) or for the benefit of others.
34. Permitting oneself to be placed under any kind of personal obligation which could lead any person to expect official favors.
35. Refusal to perform reasonable light duty that is assigned because of an illness, injury or disability.
36. Failure to report contact with any law enforcement agency within twenty-four (24) hours of contact, regardless of the contact resulting in a criminal offense.
37. Disclosure of confidential information that is either defined by law as confidential or is designated confidential by the court.
38. Any other improper conduct or performance of such severity which constitutes cause for disciplinary action.

8.3 Types of Disciplinary Action

Several types of progressive disciplinary actions are available to Department Directors or designees in order to address an employee's improper performance or conduct. The Department Director or designee may select whatever action is appropriate for the circumstances. Except for verbal counseling and letters of counseling, the Department Director or designee shall consult with the Judicial Human Resources Director prior to issuing disciplinary action. Depending on the nature and gravity of the performance or conduct, a disciplinary action, up to and including dismissal may be appropriate, even for a first offense.

A. Verbal Counseling

A Department Director or supervisor may engage in a verbal disciplinary counseling session with an employee at any time to advise an employee of improper performance or conduct, and to identify the actions the employee should take to correct the situation. If a memorandum describing the counseling is generated, a copy should be placed in the Supervisor's Working Personnel File. Any written employee response to the verbal counseling shall be placed in the employee's Official Personnel File. Verbal counseling is neither subject to the grievance procedure nor appealable.

B. Letter of Counseling

A Department Director or supervisor may issue a Letter of Counseling to an employee in an effort to correct or improve improper performance or conduct. The letter shall contain the specifics of the improper performance or conduct and the actions the employee must take to correct the situation. A copy with the employee's acknowledgement of receipt shall be placed in the employee's Official Personnel File. A copy of the letter and acknowledgement will be given to the Judicial Human Resources Director for placement in the employee's file. A Letter of Counseling is neither subject to the grievance procedure nor appealable, however, the employee may respond in writing within five (5) working days and the response shall be placed in the employee's Official Personnel File.

C. Letter of Reprimand

A Department Director or supervisor may issue a Letter of Reprimand to an employee for cause. The letter shall contain the specifics of the improper performance or conduct and a copy with the employee's acknowledgement of receipt shall be placed in the employee's Official Personnel File. A Letter of Reprimand is not appealable but may be the subject of a grievance pursuant to the provisions of Rule 9.8.

D. Special Observation Period

1. An employee may be placed on a Special Observation Period for the purpose of closely monitoring the employee's performance or conduct deemed unacceptable by the Department Director during a specified period of time, not to exceed 180 calendar days. This may or may not be in conjunction with a disciplinary action.

2. The notice of the Special Observation Period shall be provided to the employee in writing upon the effective date, and shall specify the conduct involved, the purpose of the observation period, the goals to be achieved, and the length of the observation period. At the end of the special observation period, the employee's supervisor shall prepare a special performance evaluation report and provide it to the Department Director.
3. Failure of the employee to successfully complete the Special Observation Period may result in disciplinary action, up to and including dismissal.

E. Suspension

A Department Director may suspend an employee without pay or with reduced pay in one (1) day increments up to a maximum of thirty (30) working days for cause. An employee is not allowed to substitute or forfeit any form of paid time off during the suspension without pay. Such action may be appealed as set forth in Rule 9.

F. Involuntary Demotion

An employee may be involuntarily demoted to a lower job classification for cause. The employee must meet the minimum qualifications for the lower position. Such action may be appealed as set forth in Rule 9.

G. Dismissal

A non-probationary employee with regular status may be dismissed from employment for cause. Such action may be appealed as set forth in Rule 9.

8.4 Records Retention of Disciplinary Action

Any written disciplinary action will be kept in the Supervisor's Working Personnel File and Judicial Human Resources Department's Official Personnel File for the duration of the employee's employment with the court.

8.5 Procedure for Implementing Suspension without Pay, Involuntary Demotion, Disciplinary Probation and Dismissal

A. Pre-Action Notice of Charges

The Department Director, or designee, shall provide a regular status employee with written Notice of Charges in person or by certified mail when the intent is to suspend without pay, involuntarily demote, or dismiss the employee. The written notice of charges shall contain:

1. The specific acts or omissions of the employee giving rise to proposed disciplinary action;
2. The specific Judicial Merit Rule, statute, law, policy, ACJA code, regulation, or procedure allegedly violated;

3. The identification of all facts which the Department Director believes justifies disciplinary action, up to and including dismissal. If additional facts are discovered after notice has been given, the Department Director may amend the written notice accordingly;
4. Notice that the employee has the right to request a pre-action meeting;
5. Notice that any response to the allegations must be submitted in writing to the Department Director within three (3) working days of receipt of the Notice of Charges;
6. A copy of Judicial Merit Rule 8, Disciplinary Actions and Administrative Leave; and, Judicial Merit Rule 9, Appeal and Grievance Procedures.

B. Employee Response

The employee may respond, in writing, to the Department Director within three (3) working days of receiving the Notice of Charges.

C. Pre-Action Meeting

If requested by the employee, the Department Director or a designated representative shall meet with the employee prior to a final decision on the disciplinary action. The meeting should be held at a time that the employee is reasonably able to attend but no less than three (3) working days after receiving the Notice of Charges. This meeting is intended to provide an explanation of the department's facts and to give the employee an opportunity to respond to the facts of the situation prior to a final decision being made by the Department Director. If no meeting is requested, the employee may respond in writing within three (3) working days after receiving the notice of charges.

Any relevant information presented by the employee shall be considered prior to any final action being taken by the Department Director. The employee may appeal the action using the appeals procedure specified in Rule 9.

The employee shall be given written notice of the final decision per Rule 1.14. A copy shall be provided to the Court Administrator and the Judicial Human Resources Director. If the Judicial Human Resources Director is the subject of the disciplinary action, the final decision will be provided to the Court Administrator. A copy will be kept in the Supervisor's Working File of the employee and the Official Personnel File.

8.6 Administrative Leave

If a Department Director determines that it is in the best interest of the court, an employee may be immediately placed on Administrative Leave with pay and without prior notice regardless of the other provisions of this Rule. Such employees shall be provided written notice of said leave.

- A. The Department Director or designee may give the employee verbal notice of leave with pay to be followed by written notice within 24 hours or as soon as practicable thereafter.

A copy of the written notice shall be placed in the supervisor's working personnel file of the employee and the employee's Official Personnel File.

- B. The Department Director or designee shall authorize the employee's return to work, or initiate dismissal, or other disciplinary proceedings as soon as practicable thereafter or, in any event, within three (3) working days of the following:
1. The Department Director or designee's receipt of the results of an investigation; or
 2. The Department Director or designee's determination that the hazard requiring the administrative leave with pay no longer exists; or
 3. The Department Director or designee's determination that the interests of the court are best served by concluding the leave.

RULE 9 APPEAL AND GRIEVANCE PROCEDURE

9.1 Appeal

An employee who has passed an initial probationary period and who, for cause pursuant to Rule 8 is demoted, suspended without pay or with reduced pay, or dismissed, may within ten (10) working days of imposition of discipline appeal the disciplinary decision.

9.2 Process to Initiate/File an Appeal

- A. An employee may initiate an appeal by submitting a signed written notice, to the Court Administrator. An employee filing an appeal is known as an appellant. The notice of appeal shall state the specific reason(s) why the disciplinary action should not have been taken, including the alleged misinterpretation or misapplication of federal, state or local laws; these rules; the Code of Conduct for Judicial Employees; applicable sections of the Arizona Code of Judicial Administration; CCJS policies; departmental policies/procedures; applicable Administrative Orders; and, county policies/procedures, as well as the remedy requested. A copy of the notice and all relevant materials shall be provided to the Presiding Judge, the Department Director and the Judicial Human Resources Director. An appeal that is not submitted in a timely manner shall be dismissed unless good cause is shown for the delay in submission.
- B. The Judicial Human Resources Director shall provide the Presiding Judge with all documentation and other information used to support court management's decision to discipline.
- C. The Presiding Judge shall refer the matter to a Hearing Officer for a hearing and transmit all documents received from the parties to the Hearing Officer. The Hearing Officer shall be an individual who has appropriate experience in employment matters or a Superior Court Judge. In the absence of an assigned hearing officer, the Presiding Judge may hear the matter.
- D. All subsequent pleadings and documents shall be filed with the Judicial Human Resources Director.

9.3 Hearing Officer and Hearings

- A. The Hearing Officer shall schedule a hearing to occur within thirty (30) days of receipt of the referral (unless a longer time is stipulated to by the parties and accepted by the Hearing Officer). The Hearing Officer shall promptly send notice of the hearing date, time, and place to both the employee and the supervisor initiating the discipline (the initiating supervisor), with a copy to all supervisory personnel to whom the decision has been appealed.
- B. The appellant may request a change of Hearing Officer only on a showing to the Presiding Judge that a fair and impartial hearing cannot be obtained due to the prejudice of the assigned Hearing Officer.
- C. The Hearing Officer shall hold a hearing, hear the evidence, prepare a record, and issue a recommendation to the Presiding Judge for final decision. The Hearing Officer shall also have the authority to issue subpoenas pursuant to Section 12-2212 of the Arizona Revised Statutes upon a showing that the witness testimony will be relevant.

1. Pre Hearing Procedures

- a. If requested by the appellant, the Judicial Human Resources Director will provide the appellant with a copy of their Official Personnel File no later than five (5) business days after the employee makes such request.
- b. Within ten (10) business days after management's receipt of a written request from the appellant, accompanied by a copy of the filed notice of appeal, management shall provide the appellant with a copy of the investigative file, if any, as well as the names and contact information of all persons interviewed within the course of any such investigation, after redacting any confidential information contained in those materials. The investigative file may include any/all of the following: a final report by the investigator reporting their findings; any written statements received in the investigation; any audio tape recordings that were made during the investigation; summaries of the investigator's steps in processing the investigation; and, any documents that the investigator used in preparing the investigation report.
- c. Prior to the hearing, the Hearing Officer will receive all relevant documents received by the Presiding Judge; all documents filed by the parties; a copy of management's investigative file, if such a file exists; and, any other information described in this rule.
- d. Not less than ten (10) days before the hearing, the appellant and management shall provide each other and the Hearing Officer with a list of witnesses who may be called at the hearing and any documents they plan to admit into evidence, together with their contact information and a brief description of their expected testimony.

- e. All exhibits shall be submitted no later than three (3) business days prior to the hearing. Parties shall file a joint statement indicating which exhibits have been stipulated and objection(s), if any, to the remaining exhibits and the basis for the objection(s).
- f. The Hearing Officer, in their discretion, may order additional disclosure by either party and may require the attendance of witnesses. Any evidence or witness not properly disclosed may be excluded.
- g. Both the appellant and management may be represented at the hearing by an attorney licensed to practice in the State of Arizona and shall provide the Hearing Officer with the names, addresses and telephone numbers of their attorneys, if any, no less than ten (10) days before the hearing. The appellant shall be responsible for payment of their own attorney's fees and costs and shall not be entitled to an award of attorney's fees/costs at any time.

9.4 Hearing Procedures

- A. The appellant and management representative(s) shall appear personally at the hearing, unless physically unable to do so or unless otherwise excused by the Hearing Officer for good cause. The hearing shall be closed to the public unless the employee requests that it be open. At the request of either party, non-party witnesses, other than the appellant and any management-designated representative(s), may be excluded from the hearing except when testifying. The hearing shall be recorded by digital recording equipment. The Hearing Officer is not bound by rules of evidence or procedure but may use the Arizona rules of Evidence as guidance, in his or her discretion, to maintain order during the hearing. If either party fails to appear at the hearing, the Hearing Officer may recommend a decision in favor of the opposing party.

The Hearing Officer will limit the scope of the review to such information which is relevant to consider whether the discipline imposed by management was arbitrary or without reasonable cause.

- B. The hearing will be conducted in the sequence described below to give each party a reasonable opportunity to present their position.
 - 1. The Hearing Officer will call the hearing to order, introduce all parties and outline the hearing sequence.
 - 2. Management or management's attorney may make an opening statement.
 - 3. The appellant or the appellant's attorney may make an opening statement.
 - 4. Management or management's attorney may present documentation and any other evidence and may present witnesses. Each witness shall be sworn and, following questioning by management or management's attorney, may be questioned by both the hearing officer and the employee or their attorney.

5. The appellant or their attorney may present documentation and any other evidence and may present witnesses. Each witness shall be sworn and, following questioning by the appellant and their representative, may be questioned by both the Hearing Officer and management or management's attorney.
6. Management or management's attorney may present any rebuttal evidence.
7. Management or management's attorney may make closing remarks.
8. The appellant or their attorney may then make closing remarks.
9. The burden of proof shall be on management to prove by preponderance of the evidence that the disciplinary action was not arbitrary or without reasonable cause.

9.5 Report of Hearing Officer

- A. The Hearing Officer shall file a written report with the Presiding Judge, based upon the preponderance of the evidence that includes the following: findings of fact, referring to and based upon the evidence presented at the hearing, and a recommended decision to uphold or set aside the discipline imposed.
- B. The Hearing Officer shall recommend that the discipline be upheld if he/she/they find, by preponderance of the evidence, that the discipline was not arbitrary or not without reasonable cause.
- C. The Hearing Officer shall send a copy of the written report and recommendation to the Presiding Judge within ten (10) business days after the hearing.
- D. All time limits referred to in this section, including the time limits imposed on the Hearing Officer, may be modified by stipulation of the parties and accepted by the Hearing Officer or by order of the Hearing Officer.

9.6 Presiding Judge's Decision

The Presiding Judge to whom the report and recommendation is made may accept the factual findings of the Hearing Officer and may:

- A. Implement the Hearing Officer's recommendation as to discipline; or,
- B. Reject or modify the Hearing Officer's recommendations as to discipline; or,
- C. Return the matter to the Hearing Officer for such additional, specific inquiry or proceedings as the Presiding Judge deems necessary. If the matter is returned to the Hearing Officer for additional specific inquiry or proceedings, the Hearing Officer will provide the Presiding Judge with a written report on such additional inquiry or proceedings within fifteen (15) business days of their completion.

- D. Following receipt of the Hearing Officer's original report and the report of such supplemental proceedings, if any, as the Presiding Judge may have ordered, the Presiding Judge shall render a written decision. If the Presiding Judge amends, modifies, or rejects the decision of the hearing officer, the Presiding Judge shall state his or her reasons for the amendment, modification or rejection. If possible, such written decision will be sent to the appellant and management within fifteen business days of the receipt of the Hearing Officer's final report.
- E. If the Presiding Judge determines that procedural error occurred during the appeal process, the judge may: 1) find that the error was not sufficient to warrant overturning the disciplinary action; or 2) find that the procedural error requires overturning the disciplinary action and state whether or not a new disciplinary action may be initiated for the same cause.
- F. The Presiding Judge shall uphold the discipline if he/she/they find, by a preponderance of the evidence, that the discipline was not arbitrary or without reasonable cause. The decision of the Presiding Judge shall be final, and not subject to further appeal.

9.7 Withdrawal of Appeal

An appellant may submit a written notice to withdraw their appeal at any time prior to the final decision of the Presiding Judge.

9.8 Grievance

A formal grievance procedure may be used by any classified employee in cases involving a specific allegation of misinterpretation, misapplication or violation of federal, state or local laws; these rules; the Code of Conduct for Judicial Employees; applicable sections of the Arizona Code of Judicial Administration; CCJS policies; departmental policies/procedures; applicable Administrative Orders; and, county policies/procedures.

The formal grievance procedure may not be used for matters involving compensation and classification of positions, personnel records, performance appraisal, work locations, scheduled work hours and disciplinary actions. For disciplinary actions, see Rule 8.

A. Procedure

The following procedures shall be followed:

1. Within five (5) working days of the incident giving rise to the grievance, the employee shall give written notice to their immediate supervisor of the grievance. The supervisor will investigate and respond, in writing, within five (5) working days of receipt of notice.
2. If the grievance is not resolved within five (5) working days of notice to the supervisor, the employee shall provide a copy of written notice to the Department Director who will investigate and respond, in writing, within five (5) working days. If the grievant reports directly to the Department Director, the grievant shall file the notice with the Court Administrator and Judicial Human Resources.

3. The findings of the Department Director shall be reviewed by the Presiding Judge, or designee, and a final decision shall be rendered in writing.

B. Grievance alleging unlawful discrimination

All employees have the right to file claims of unlawful discrimination. If the grievance is not resolved AND alleges unlawful discrimination based on race, color, religion, sex (including pregnancy, gender identity, sexual orientation and transgender status), national origin, ethnicity, age (40 or older), disability, marital status, socioeconomic status, political affiliation, ancestry, veteran status, genetic information or any other status protected by federal, state or local laws, the employee shall give written notice within five (5) working days to the Court Administrator and Judicial Human Resources. The grievance must state in detail the facts relating to the charges of unlawful discrimination and the remedy requested. The appeal panel shall investigate the incident, attempt to resolve the grievance, and, within thirty (30) working days, report its findings and recommendations to the Presiding Judge. The Presiding Judge may accept the recommendations, modify the recommendations or request further information. The final determination of the Presiding Judge shall be rendered in writing.

All time frames specified in Rule 9.8 must be met. If the Department Director fails to meet the time frame requirements, the employee has the right to take the grievance to the Court Administrator. If the employee fails to meet the time requirements, the grievance shall be deemed abandoned.

RULE 10 DEFINITIONS

The following words and phrases used in these rules and/or CCJS policies have the defined meanings hereinafter set forth unless clearly indicated otherwise in the context:

Administrative Leave: An administrative, involuntary removal of an employee from the worksite/position with or without pay. Granted upon a determination by the Department Director that the employee represents a significant hazard in the workplace or that the employee presents a significant hazard in the workplace or that the employee's continued presence in the workplace would disrupt normal activities.

Appeal: A written request filed with the Court Administrator, or designee, by an employee to challenge a suspension, demotion, or dismissal.

Appellant: The employee filing an Appeal with the Court Administrator, or designee.

Applicant: A person who has filed an application for employment.

Appointment: The offer and acceptance by a person of any position in a CCJS classified service in accordance with these rules.

Armed Forces: Armed forces of the United States means the Army, Navy, Air Force, Marine Corps, Coast Guard, Commissioned Corps of the United States Public Health Services, National Oceanographic and Atmospheric Administration, National Guard and any military reserve unit of any branch of the Armed Forces of the United States.

At-Will: Positions in the CCJS expressly designated as unclassified by these rules and therefore not covered by portions of these rules unless otherwise specified. At-Will employees do not have any right to appeal disciplinary actions.

Candidate: An applicant approved for participation in an examination.

Class or Classification: A systematic arrangement of work into category(ies) based on type (occupation) and level of work (difficulty and complexity, independence and authority, and supervisory responsibility). Note: Each employee and position is assigned a classification. Typically, the employee and position classification are the same but may differ for administrative reasons.

Classification System: A uniform and consistent method of identifying, describing and analyzing assigned work through evaluation of specific job factors. The product of the classification system/plan is the allocation of each employee and position to a classification, the assignment of a class title, a written description of the commonly assigned duties and a comparative ranking of all classifications within the court.

Classified: All positions except those expressly noted or designated as unclassified (i.e. At-Will) by these rules or by statute.

Closed Promotional: A promotional recruitment process open only to regular status employees within the CCJS department actively recruiting for the position and therefore closed to the public as well as employees from other departments of the CCJS and/or Cochise County.

Cochise County Judicial System (CCJS): The judicial branch of government in Cochise County; also referred to as court.

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.

Compensation Plan (Pay Plan): A listing of the designated salary ranges for each classification.

Compensatory Time: Paid leave (in lieu of cash payment) accrued at the rate of time and one-half for the overtime hours worked.

Competitive Recruitment Process: A recruitment process that is open to the general public as well as any employee of the CCJS or Cochise County.

Continuous (Open Until Filled) Recruitment: Recruitment under which applications are received continuously after announcement has been made to that effect until a sufficient number of applications has been received or the position has been filled.

County Business: Any job-related duties performed by an employee on behalf of Cochise County government and/or the Cochise County Judicial System.

County Offices: All facilities owned and operated by Cochise County, including CCJS facilities.

County Vehicle: A vehicle or piece of equipment that is owned, rented, or leased by the county or used by the county through an interagency cooperative agreement.

Criminal History Check: A search for criminal convictions conducted through the Arizona Criminal Justice Information System (ACJIS), including the National Criminal Information Center (NCIC).

Day: A 24 consecutive hour period beginning at 12:00:01 a.m. and ending at 12:00 midnight. Note: In these rules where a deadline uses the term “calendar days” (e.g. “30 calendar days”), and where that deadline would fall upon a Saturday, Sunday, or holiday, the deadline will become the next business day.

Demotion, Involuntary: An employer-initiated movement of an employee, for cause or reorganization, from the employee’s classification and position to a classification and position with a lower salary.

Demotion, Voluntary: An employee requested (in writing) and Department Director approved movement of an employee, for non-disciplinary reasons, from the employee’s classification and position to a classification and position with a lower salary.

Department: A governmental unit under the control of a Department Director which has a separate operating budget approved by the Presiding Judge, or designee.

Department Director: The administrative head of a department, whether elected or appointed, or their designee, authorized by law or delegated authority to make appointments to fill positions.

Designated Smoking Area: Any out-of-doors area on county property where smoking is specifically permitted. A designated smoking area shall be so situated as to allow nonsmoking individuals reasonable opportunity to conduct normal activity in a smoke-free environment.

Dismissal: An employer-initiated, involuntary separation from CCJS employment of a regular status or probationary period status employee as a result of improper conduct or inadequate performance, including situations that may be beyond the control of the employee.

Duty Station: The primary location of the employee’s duties. May be assigned or changed at the discretion of the Department Director.

Election Poll Worker: An individual who is compensated for working at elections administered by the Cochise County Elections Department. Elections are Primary, General and Presidential Preference.

Eligible (Recruitment & Selection): A person who meets the minimum qualifications for a specific class specification, has attained a passing score on an examination for a specific class and/or has qualified to be placed on a registry for certification.

Emergency Status: An appointment made during an actual emergency to prevent the impairment of public business.

Employee: A person in the service of the CCJS under any contract of hire, express or implied, oral or written, where the employer has the power or right to control and direct the employee in the material details of how the work is to be performed.

Examination: One of the evaluation processes used to measure the qualifications and determine the relative ability of candidates to perform job duties.

Exempt Employee: This status is assigned to an employee whose duties and functions are primarily executive, professional or administrative in nature and is not restricted to a forty (40) hour work week under the FLSA.

Fair Labor Standards Act (FLSA): A federal law that regulates overtime provisions for those positions that are not exempt from the FLSA. "Exempt" positions are not covered by the FLSA and the overtime provisions do not apply as they do for "non-exempt" positions.

Family and Medical Leave Act (FMLA): A federal law governing eligibility of leave under the Act and protections against discrimination and retaliation. The regulations providing entitlement to twelve (12) work weeks of unpaid leave during a one (1) year period for reasons of the birth and first year care of a child or placement of a child for adoption or foster care; a serious health condition or to care for an immediate family member with a serious health condition; or a qualifying exigency arising out of an immediate family member being ordered to active duty. Up to a total of twenty-six (26) work weeks of unpaid leave may be taken to care for a covered service member with a serious injury or illness

Family Member (Other than FMLA): Per A.R.S. §23-371(H), family member means:

1. Regardless of age, a biological, adopted or foster child, stepchild or legal ward, a child of a domestic partner, a child to whom the employee stands in loco parentis, or an individual to whom the employee stood in loco parentis when the individual was a minor;
2. A biological, foster, stepparent or adoptive parent or legal guardian of an employee or an employee's spouse or domestic partner or a person who stood in loco parentis when the employee or employee's spouse or domestic partner was a minor child;
3. A person to whom the employee is legally married under the laws of any state, or a domestic partner of an employee as registered under the laws of any state or political subdivision;
4. A grandparent, grandchild or sibling (whether of a biological, foster, adoptive or step relationship) of the employee or the employee's spouse or domestic partner; or
5. Any other individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.

Grievance: A formal complaint by an employee of the court concerning the interpretation and application of policies governing personnel practices and procedures, departmental work rules or unsafe or unhealthy working conditions.

Hearing Officer: Appointed by the Presiding Judge to hear appeals or grievances as provided by these rules, a Judge of the Superior Court, or other designee appointed.

Hours Worked: The time during which an employee performs duties (directed, permitted or performed with the supervisor's knowledge) that pertain to CCJS business or that benefit the CCJS. Time spent for an employee to attend meetings, conferences or training that are required by the supervisor and time spent taking examinations or interviews for another CCJS and/or County employment when approved by the supervisor.

Immediate Family Member (FMLA Purposes): Immediate family members defined for leave purposes relating to FMLA are a spouse, parent or child of the employee.

Intern: Any individual who performs a service for, and directly related to, the business of the CCJS without the promise, expectation or receipt of compensation for services rendered in order to receive credit for service hours or school credit.

Internal Only Job Posting: A recruitment process open only to current employees that may be either court-wide, county-wide, or department specific.

Job Abandonment: An employee who is absent for three or more consecutive days without notifying their supervisor as to the reason for the absence and/or is deemed to be an unauthorized absence will be deemed to have abandoned their position.

Job-related Travel: Business travel refers to the actual miles driven while conducting county business, minus commute miles.

Judicial Human Resources Director: The person assigned as the head of the Judicial Human Resources Division, working under the delegation and direction of the Court Administrator, assigned the responsibility for management and administration of the Merit rules. The division head may delegate elements of such management and administration.

Layoff: An unavoidable termination of employment as a result of a shortage of work or funds, reorganization, reduced demands for services, elimination of position, or change in the duties of a position.

Leave Without Pay: Authorized or unauthorized leave of absence for which period the employee shall receive no compensation.

Merit Rules: The Cochise County Judicial Merit Rules as adopted from time to time by the Presiding Judge, or designee. May be cited as rules, Merit Rules.

Military Leave: The leave of absence status of a regular or probationary employee who leaves a position to serve in the Armed Forces of the United States or of this State in time of National emergency or State emergency, or for military training, and who has the right under A.R.S. § 26-168, 38-297, 38-298 or 38-610 of reinstatement after military service to the former position or to a like position.

Non-Exempt Employee: An employee who occupies a position that is covered by the FLSA and is restricted to a 40-hour workweek.

Official Personnel File: A file which is the property of the CCJS, established and maintained by the Judicial Human Resources Department for each employee upon hire.

Overtime: Time worked by a FLSA non-exempt employee in excess of 40 hours in a work week, excluding holiday, sick and personal leave hours. Time worked by a FLSA non-exempt probation, surveillance, or juvenile detention officer in excess of 80 hours in a pay period.

Part-Time Employee: An employee who is scheduled to work less than forty (40) hours per work week.

Pay Period: The fixed two-week cycle for calculating payroll beginning on Sunday at 12:01 a.m. and ending fourteen days later on Saturday at 12:00 a.m.

Performance Assessment: A constructive process to acknowledge the past work, future goals and results of an employee based on job responsibilities.

Personnel Action: Any action taken with reference to an employee or a position, including but not limited to, appointment, rate of pay, promotion, demotion, transfer, layoff, dismissal or classification.

Personal Vehicle: A vehicle, other than a county vehicle, used on county business that is provided by an employee, elected official, contractor or a volunteer.

Policies: The Cochise County Judicial System Policies and Procedures as adopted from time to time by the Presiding Judge, or designee. May be cited as policies or procedures.

Position: A group of duties and responsibilities normally assigned to one employee.

Pre-employment Background Investigation: The process of reviewing confidential and public information to investigate and authenticate information supplied by an applicant to ensure the candidate has the background claimed. The investigation may include but is not limited to: a review of criminal history records, verifications of employment, reference checks and personnel file reviews. When applicable to the position's job duties, financial records, psychological exams, polygraph and/or any other check required by Arizona Code of Judicial Administration may be included in the investigation.

Presiding Judge: For purposes of these rules, the Presiding Judge of the Arizona Superior Court in Cochise County.

Probation: A specified period of employment following appointment, reinstatement, transfer, promotion or demotion in the classified service.

Probationary Employee: A person in classified service who is serving a probationary period in an appropriated position.

Promotion: A change in the assignment of an employee through a competitive process from a position in one class to a position in another having a higher salary range.

Public Safety Employee: (a) An individual who is a member of the Public Safety Personnel Retirement System (PSPRS) or the judicial Corrections Officer Retirement Plan (CORP). (b) A probation officer, surveillance officer or juvenile detention officer who is employed by this state or a political subdivision of this state.

Regular, Full-Time Employee: An employee who is hired to fill an appropriated position in the CCJS service requiring forty (40) hours per week after completing an initial probationary period.

Regular, Part-Time Employee: An employee who is hired to fill an appropriated position in the CCJS service requiring less than forty (40) hours per week after completing a probationary period.

Regular Status Employee: The status an employee achieves when retained in an appropriated position of the classified service after the successful completion of an initial probation period including the receipt of a satisfactory performance appraisal. Unclassified employees (excluding temporary status) are considered regular status upon appointment.

Rehire: An employee who meets the eligibility criteria for reemployment with the CCJS and/or Cochise County.

Reinstatement: The appointment of a laid off employee to a position within county government, either: 1) to the same position in the same department from which laid off, or 2) to a position in a

different classification or department, or 3) the rehiring of an employee as a result of a negotiated settlement of an employment dispute.

Reorganization: A planned change in departmental structure that affects one or more positions, recommended by the Department Director and approved by the Presiding Judge, or designee.

Salary Range: The minimum, mid-point and maximum pay rates to which a classification is assigned.

Selection Method: Any procedure or technique used to assess applicant qualifications for employment in a position.

Service: Written notification from the court which shall be considered complete when the notice is delivered personally, transmitted by email, or placed in first class mail addressed to the employee's last known address.

Smoking: Inhaling, exhaling, burning, carrying or possessing any lighted tobacco product, including cigars, cigarettes, pipe tobacco and any other lighted tobacco product or other substance, including e-cigarettes.

State Vehicle: A vehicle that is owned, rented, or leased by the Arizona Department of Administration.

Status: The employment relationship between an employee and the court. Types of status include regular, temporary or probationary.

Supervisor's Working File: A confidential file that is typically kept in a secure area near the employee's immediate supervisor. This file may contain additional information to manage the employee that may not be in the Official Personnel File.

Suspension: The temporary, involuntary removal of an employee without pay or with reduced pay from the worksite/position for disciplinary reasons.

Temporary Employee: An employee who fills a position on a temporary basis or to accomplish a function of limited duration which requires less than 1,040 hours in any court department for any fiscal year.

Temporary Promotional Appointment (Special Work Assignment): The assignment of an employee on an interim basis to a position of higher grade to meet a need for a determined time as provided for in these rules.

Termination: Cessation of employment for any reason.

Transfer: An action when a regular status employee moves to a position within the same pay range within their department or a different department.

Unclassified Position: A position in the CCJS service expressly designated as Unclassified. Unclassified positions are not subject to the provisions of the Merit System Rules except as noted.

Underfill: The filling of a position at a level below the desired level when there are no qualified applicants for the higher position.

Vacancy: An allocated position in the court service which has become vacant due to the resignation, transfer or termination of an employee; or a newly allocated position which has not yet been filled.

Veteran: Any person separated from active duty in the Armed Forces of the United States (Army, Navy, Air Force, Marine Corps, Coast Guard or National Guard) under honorable conditions following more than six (6) months of active duty.

Volunteer: Any individual who performs a service for, and directly related to, the business of the CCJS without the promise, expectation or receipt of compensation for services rendered.

Wages: Wages as defined in A.R.S. §23-350(5): nondiscretionary compensation due an employee in return for labor or services rendered by an employee, for which the employee has a reasonable expectation to be paid.

Work Week: A seven (7) day (168 consecutive hours) work period as defined by county policy. A work week is used to calculate overtime for non-exempt employees. It may or may not be the same as the calendar week.