

**UTAH JUDICIAL COUNCIL
POLICY, PLANNING, & TECHNOLOGY COMMITTEE
MEETING AGENDA**

March 3, 2023 – 12:00 p.m. to 2:00 p.m.

Webex

12:00	Welcome and approval of minutes	Action	Tab 1	Judge Chiara
12:05	<u>Back from public comment:</u> <ul style="list-style-type: none"> CJA 3-403. Judicial Education 	Action	Tab 2	Keisa Williams
12:15	CJA 1-205. Standing and ad hoc committees	Action	Tab 3	Keisa Williams Jon Puente
12:25	CJA 3-117. Committee on Court Forms	Action	Tab 4	Keisa Williams Nathanael Player
12:35	CJA 3-406. Budget and Fiscal Management	Action	Tab 5	Karl Sweeney
12:50	<u>HR Policies:</u> <ul style="list-style-type: none"> HR Definition 63. Hot Spot HR Definition 94. Performance Plan HR 5-4. Career service exempt introductory period HR 6-6. Salary HR 9-11. Conflict of interest HR 9-17. Nepotism and relationship bias prohibitions HR 10. Employee development HR 10-5. Education assistance HR 17-5. Grievance levels and timelines HR 17-8. Mediation 	Action	Tab 6	Bart Olsen Jeremy Marsh
1:35	Technology report/proposals	Discussion		Brody Arishita
1:50	Old Business/New Business			
2:00	Adjourn			

2023 Meetings:

April 7, 2023	September 1, 2023
May 5, 2023 (all day)	October 6, 2023
June 2, 2023	November 3, 2023 (all day)
July 7, 2023	December 1, 2023
August 4, 2023	

TAB 1

Minutes

February 3, 2023

**UTAH JUDICIALCOUNCIL
POLICY, PLANNING and TECHNOLOGY COMMITTEE
MEETING MINUTES**

Webex video conferencing
February 3, 2023: 12 pm

DRAFT

MEMBERS:

PRESENT

EXCUSED

Judge Samuel Chiara, <i>Chair</i>	•	
Judge Suchada Bazzelle		•
Judge Augustus Chin	•	
Judge David Connors	•	
Judge James Gardner	•	

GUESTS:

Paul Barron
Keri Sargent
Allison Barger
Shonna Thomas
Jon Puente
Todd Eaton
Chris Palmer

STAFF:

Keisa Williams
Minhvan Brimhall

(1) Welcome and approval of minutes:

Judge Chiara welcomed committee members to the meeting. The committee considered the minutes from the January 6, 2022 meeting. With no changes, Judge Chin moved to approve the minutes as presented. Judge Chiara seconded the motion. The motion passed unanimously.

(2) Rules back from public comment:

- **CJA 4-503. Mandatory electronic filing in civil and probate cases**
- **CJA 4-603. Mandatory electronic filing in criminal cases**
- **CJA 4-801. Filing small claims cases**
- **CJA 4-901. Mandatory filing in juvenile court**
- **CJA 9-302. Mandatory electronic filing in justice court**

The rules were approved on an expedited basis and posted for public comment. One public comment was received from Judge Hyde and it is applicable to all five rules. The committee discussed the three recommendations made by Judge Hyde, summarized as follows:

1. Pro se email filings should be restricted to a specific email address for each jurisdiction (preferably to be "as directed by each jurisdiction").
2. Court staff should not be expected or required to forward, redirect, or correct emailed documents that are improperly submitted.
3. Pro se email filings should be prohibited for any documents for which a filing fee is required.

Keri Sargent noted that most jurisdictions already have dedicated email addresses to which email filings are being directed. Judicial Assistants (JAs) are assisting court patrons with email filings, including working with patrons to correct filings that are improperly submitted and opening accounts and receipting payments in CORIS, just as they would for court patrons submitting filings at the front counter. The committee discussed Rule 10 of the Utah Rules

of Civil Procedure, noting that it governs a clerks' actions when they receive a non-conforming filing. Any changes to that practice would likely need to be modified through Rule 10.

Following additional discussion, the committee asked Keri Sargent to meet with the clerks of court to clarify the electronic filing process, address the public comment, and seek feedback about whether an amendment is needed to Rule 10 of the Rules of Civil Procedure or any other rule in the Code of Judicial Administration. Ms. Sargent will report back at a future meeting. No motion was made.

(3) CJA 6-507. Court visitors

The Probate Subcommittee presented proposed amendments to CJA 6-507 to PP&T in November 2021. PP&T provided feedback and sent the rule back to the subcommittee for further consideration. The proposed amendments:

1. replace "protected person" and "ward" with "respondent" where applicable;
2. clarify who may receive a court visitor report or notice;
3. require court visitors to use a Council-approved Order on Review form;
4. delete paragraph (5) because language access is addressed elsewhere in the CJA; and
5. provide the court with broad discretion in taking action on a court visitor report.

Following a discussion, Judge Connors moved to forward CJA 6-507 to the Judicial Council with a recommendation that it be published for a 45-day public comment period. Judge Gardner seconded the motion. The motion passed unanimously.

(4) CJA 3-414. Court security

Chris Palmer, Court Security Director, proposed the following amendments to rule 3-414:

1. Currently, some law enforcement officers are entering courthouses in plain clothes and carrying unconcealed weapons. When challenged, the officers state that they are in compliance with their agency duty uniform for plain clothes officers or detectives. In addition, many are not using duty-rated holsters. The proposed amendment would require officers in plain clothes to wear something that identifies them as law enforcement officers. Such identification must be visible from at least three directions. Visible firearms would need to be in a duty-rated holster with a user-operated restraint device to prevent unauthorized access. Alternatively, officers, or others authorized to possess firearms, could use a concealment garment to prevent the public from seeing their weapon. A duty-rated holster would not be required, but the holster would need a retention feature.
2. "Law enforcement official" is defined differently in Utah Code §53-5-711 and §53-13-103. The first includes prosecutors, the second does not. In accordance with §78A-2-203, the Judicial Council has established its own rules and policies regarding court security and determined that prosecutors are not allowed to carry firearms in courthouses. Including the term "law enforcement official" in this paragraph has caused confusion. The proposed amendment provides clarification of an existing policy.
3. Both judge and court commissioner requirements are clearly outlined in §53-5-711, making a separate paragraph unnecessary. Court commissioners have been added to what is now (8)(B)(ii).
4. The proposed amendment would give TCEs the ability to authorize key card access to court staff not assigned to a particular courthouse.
5. All other amendments are non-substantive, intended to streamline the rule or provide clarification.

The committee discussed the proposed amendments and recommended minor language modifications. Line 60 was modified to read "...district court judge, juvenile court and all justice court judges who occupy the courthouse."

With no further discussion, Judge Connors moved to forward CJA 3-414 to the Judicial Council with a recommendation that it be published for a 45-day public comment period. Judge Chin seconded the motion. The motion passed unanimously.

(5) CJA 1-205. Standing and ad hoc committees

The proposed amendments to CJA 1-205(1)(B)(xiv) would expand the membership of the Committee on Judicial Fairness and Accountability (CJFA). The proposal would increase the number of judicial officers from four to seven, add a member from the community, and add the Director of Data and Research. The CJFA feels that it needs input from more sitting judges and several individuals have been attending CJFA meetings that have not been officially appointed. Those individuals are very experienced and provide invaluable feedback. The CJFA would like those individuals to fill some of the new positions and has other individuals in mind to fill the remaining positions. Mr. Puente noted that the work of the CJFA has picked up significantly. The committee needs guidance and direction from key members to move certain projects along.

The committee noted that rules should be amended based on the needs of a committee, rather than a desire to include a particular person or group. Following further discussion, the committee supported adding the proposed membership positions, but expressed concern that individuals are serving without Council appointment. The committee recommended that the proposed rule amendment be forwarded to the Judicial Council for approval on an expedited basis and that Mr. Puente present the individuals the CJFA would like to appoint at the same time to address the committee's concern.

With no further discussion, Judge Gardner moved to forward CJA 1-205 to the Judicial Council with a recommendation that it be approved on an expedited basis, followed by a 45-day comment period, and that Mr. Puente present the Council with the names of the proposed members at the same time. Judge Chin seconded the motion. The motion passed unanimously.

Technology report/proposals:

The Advisory Subcommittee membership is now complete:

Justice Jill Pohlman – Appellate Court
Judge Don Torgerson – District Court, Seventh District
Judge Rick Westmoreland – Juvenile Court, Second District
Judge Barbara Finlinson – Justice Court, Fourth District
Chris Morgan – TCE, Sixth District
Shelly Waite – TCE, Fourth District
Tracy Walker – CoC, Third District
Linda Ekker – CoC, Sixth District
Nick Stiles – Administrator, Appellate Court
Shane Bahr – Administrator, District Court
Sonia Sweeney – Administrator, Juvenile Court
Jim Peters – Administrator, Justice Court
Derick Veater – Chief Probation Officer, Fifth District
Brody Arishita – Chief Information Officer
Chris Palmer – Court Security Director
Judge Derek Pullan – current or former member of the Policy, Planning, and Technology Committee

The subcommittee will be discussing readjusting audio request fees and forms, updating the court's email retention policy, bandwidth usage at courthouses, filtering and putting together a device standard for court employees. Mr. Arishita will provide an update on the subcommittee's progress at a future meeting.

Old Business/New Business: None

Adjourn: With no further items for discussion, the meeting adjourned. The next meeting will be held on March 3, 2023 at 12 PM via Webex video conferencing, unless otherwise noted.

TAB 2

Back from Public Comment:

CJA 3-403. Judicial branch education

Notes: Two public comments were received (attached). Both object to the policy decision behind requiring training on harassment, abusive conduct, inclusion, and elimination of bias.

UTAH COURT RULES – PUBLISHED FOR COMMENT

The Supreme Court and Judicial Council invite comments about amending these rules. To view the proposed amendment, click on the rule number.

To submit a comment or view the comments of others, click on “Continue Reading.” To submit a comment, scroll down to the “Leave a Reply” section, and type your comment in the “Comment” field. Type your name and email address in the designated fields and click “Post Comment.”

Comments cannot be acknowledged, but all will be considered. Comments are saved to a buffer for review before publication.

[HOME](#)
[LINKS](#)

Posted: January 17, 2023

Utah Courts

Search...

SEARCH

Code of Judicial Administration – Comment Period Closes March 3, 2023

CJA03-0403. Judicial branch education (AMEND). Proposed amendments require judicial officers and court employees to complete annual training on harassment and abusive conduct, ethics, inclusion, and elimination of bias. Other amendments are intended to streamline the rule and reflect current onboarding and orientation practices.

This entry was posted in [-Code of Judicial Administration, CJA03-0403.](#)

« [Rules of Juvenile Procedure – Comment Period Closes March 4, 2023](#)

[Code of Judicial Administration – Comment Period Closed February 3, 2023](#) »

To view all comments submitted during a particular comment period, click on the comment deadline date. To view all comments to an amendment, click on the rule number.

CATEGORIES

- [-Alternate Dispute Resolution](#)
- [-Code of Judicial Administration](#)
- [-Code of Judicial Conduct](#)
- [-Fourth District Court Local Rules](#)
- [-Licensed Paralegal Practitioners Rules of Professional Conduct](#)
- [-Rules Governing Licensed Paralegal Practitioner](#)
- [-Rules Governing the State Bar](#)

UTAH COURTS

[View more posts from this author](#)

2 thoughts on “Code of Judicial Administration – Comment Period Closes March 3, 2023”

Eric K. Johnson
January 17, 2023 at 1:24 pm

While sensible people agree that some sincere (as opposed to virtue-signaling, guilt-inducing, reality-distorting, or power grabbing), concise instruction on reasonable and appropriate workplace etiquette and conduct is worthwhile, in all sincerity it is just as worthwhile (perhaps even more so) to teach about proper interaction between superior and subordinate co-workers in the workplace (they are not equals on the job, and for good reason) and the value of emotional toughness and maturity in realizing one’s feelings are one’s own responsibility. It’s ludicrously easy to play the “I feel abused/harassed/excluded/discriminated against/otherwise wronged” card in the workplace with innocent, decent people. The incentives to play those cards for self-serving and illegitimate ends in the workplace with both co-workers and with the consumer must end.

[Reply](#)

J. Michael Coombs
January 20, 2023 at 4:06 pm

Why should “judicial officers and court employees” be “required to complete annual training on harassment and abusive conduct, ethics, inclusion, and elimination of bias?” For what reason?

Are such people systematically harassing and abusing others?
No, they are not.

And why do they need training on “ethics”? Are they inherently unethical people by virtue of their jobs? No, they are not.

And why would they need training on “inclusion,” whatever that means? Inclusion of what exactly? And for what reason? How does that word relate to carrying out their jobs in the court system?

- [-Rules of Appellate Procedure](#)
- [-Rules of Civil Procedure](#)
- [-Rules of Criminal Procedure](#)
- [-Rules of Evidence](#)
- [-Rules of Juvenile Procedure](#)
- [-Rules of Professional Conduct](#)
- [-Rules of Professional Practice](#)
- [-Rules of Small Claims Procedure](#)
- [ADR101](#)
- [ADR103](#)
- [Appendix B](#)
- [Appendix F](#)
- [CJA Appendix F](#)
- [CJA01-0201](#)
- [CJA01-0204](#)
- [CJA01-0205](#)
- [CJA01-0205](#)
- [CJA01-0302](#)
- [CJA01-0303](#)
- [CJA01-0304](#)
- [CJA01-0305](#)
- [CJA010-01-0404](#)
- [CJA010-1-020](#)
- [CJA02-0101](#)
- [CJA02-0103](#)
- [CJA02-0104](#)
- [CJA02-0106.01](#)
- [CJA02-0106.02](#)
- [CJA02-0106.03](#)
- [CJA02-0106.04](#)
- [CJA02-0106.05](#)
- [CJA02-0204](#)
- [CJA02-0206](#)
- [CJA02-0208](#)
- [CJA02-0208](#)
- [CJA02-0211](#)
- [CJA02-0212](#)
- [CJA03-0101](#)
- [CJA03-0102](#)
- [CJA03-0103](#)
- [CJA03-0103](#)
- [CJA03-0104](#)
- [CJA03-0105](#)
- [CJA03-0106](#)
- [CJA03-0106](#)
- [CJA03-0107](#)
- [CJA03-0108](#)
- [CJA03-0109](#)
- [CJA03-0111](#)
- [CJA03-0111.01](#)

And why would they need training on “eliminating bias”? Are these particular state employees inherently biased about something that we do not know about? How does the Utah State Bar or the Utah Supreme Court define or measure “bias” and who exactly is qualified to define or measure it?

The fact is that this proposed rule does not address any identifiable problem, other than what might be in the imagination of its proponents, nor does it achieve any benefit that is measurable or quantifiable.

More importantly, it is not the job of the Bar or the Utah Supreme Court to engage in political indoctrination of anyone, let alone public employees.

The Utah State Bar and Utah Supreme Court have promoted this Diversity and Inclusion gobbledygook for 25 years now. It is delivered in Code so most of us do not understand what is being done or why. The lack of clarity is intentional. We now have a Woman’s Bar Section, a [Racial] Minority Bar Section, a Gay or LGBTQXYZ Bar Section. When I have attended their functions, which I have done on occasion over the years, I do not feel “included” at all. I am perceived as an outsider and intruder. These groups serve to segregate and carve everyone up and put them into distinct and disparate categories or cubbyholes. The pursuit of this highly political segregation model is anything but “inclusive.”

As a member of the Bar for over 40 years, I object to this proposed rule and those like it. It treats grownups as little children and packages such a regressive agenda as “progress.” When I use the court system as a lawyer, I would like to think that I am relying on responsible, rational adults, not little children who have been politically brainwashed, via mandated “annual training,” into believing that individual feelings are more important than truth, facts, accuracy, efficiency, and competency.

On Jan. 13, the Bar sponsored a 1½ hour CLE Webinar on the upcoming legislative session. It was interesting to hear various legislators speak directly on bills coming before the legislature. Towards the end, however, an employee of the Utah State Bar issued a directive during the online streaming reminding everyone to “be civil” to one another. The fact is that no one was being the least uncivil. When no one is being uncivil, there is no reason to have a Speech and Thought Policewoman from the Utah State Bar chime in to demand that everyone be “civil” to one another. Such silliness is not just offensive to intelligent, rational adults but is itself juvenile and immature.

The foregoing is not to ignore that the proposed rule, and others like it, is also illegal because the Utah State Bar and the Utah Supreme Court have not been empowered by the legislature to engage in the political indoctrination of public employees. Nowhere is that permitted in Utah or federal law. Moreover, the proposed rule is also unconstitutional because nowhere in the Utah or federal constitutions can someone be forced to submit to regular “social justice warrior” political indoctrinations as a

- CJA03-0111.02
- CJA03-0111.03
- CJA03-0111.04
- CJA03-0111.05
- CJA03-0111.06
- CJA03-0112
- CJA03-0113
- CJA03-0114
- CJA03-0115
- CJA03-0116
- CJA03-0117
- CJA03-0201
- CJA03-0201.02
- CJA03-0202
- CJA03-0301
- CJA03-0301.01
- CJA03-0302
- CJA03-0303
- CJA03-0304
- CJA03-0304.01
- CJA03-0305
- CJA03-0306
- CJA03-0306.01
- CJA03-0306.02
- CJA03-0306.03
- CJA03-0306.04
- CJA03-0306.05
- CJA03-0401
- CJA03-0402
- CJA03-0403
- CJA03-0404
- CJA03-0406
- CJA03-0407
- CJA03-0408
- CJA03-0410
- CJA03-0411
- CJA03-0412
- CJA03-0413
- CJA03-0414
- CJA03-0415
- CJA03-0418
- CJA03-0419
- CJA03-0420
- CJA03-0421
- CJA03-0501
- CJA03-0501
- CJA04-0103
- CJA04-0106
- CJA04-0110
- CJA04-0201
- CJA04-0202
- CJA04-0202.01
- CJA04-0202.02
- CJA04-0202.03
- CJA04-0202.04
- CJA04-0202.05
- CJA04-0202.06

condition to getting—and keeping—a job with state government. What surprises me here is that no one on the Bar Rules Committee realizes the obvious illegality of what they are proposing. To be sure, if this proposed rule is approved and implemented, it will most assuredly give rise to a class action lawsuit by state employees under 42 USC § 1983, namely, for violating their civil and constitutional rights “under color of state law.” Such statute also provides for an award of costs and attorney’s fees to a successful plaintiff, not to mention damages. Is the Bar or are its employees or the people on the Rules Committee going to foot those 1983 fees and costs personally if they are imposed by a federal court? What about any damages? Who will pay for those?

[Reply](#)

Leave a Reply

Your email address will not be published. Required fields are marked *

Comment *

Name *

Email *

Website

POST COMMENT

- [CJA04-0202.07](#)
- [CJA04-0202.08](#)
- [CJA04-0202.09](#)
- [CJA04-0202.10](#)
- [CJA04-0202.12](#)
- [CJA04-0203](#)
- [CJA04-0205](#)
- [CJA04-0206](#)
- [CJA04-0208](#)
- [CJA04-0302](#)
- [CJA04-0401](#)
- [CJA04-0401.01](#)
- [CJA04-0401.02](#)
- [CJA04-0401.03](#)
- [CJA04-0402](#)
- [CJA04-0403](#)
- [CJA04-0404](#)
- [CJA04-0405](#)
- [CJA04-0408](#)
- [CJA04-0408.01](#)
- [CJA04-0409](#)
- [CJA04-0410](#)
- [CJA04-0411](#)
- [CJA04-0501](#)
- [CJA04-0502](#)
- [CJA04-0503](#)
- [CJA04-0508](#)
- [CJA04-0509](#)
- [CJA04-0510](#)
- [CJA04-0510.01](#)
- [CJA04-0510.02](#)
- [CJA04-0510.03](#)
- [CJA04-0510.04](#)
- [CJA04-0510.05](#)
- [CJA04-0510.06](#)
- [CJA04-0601](#)
- [CJA04-0602](#)
- [CJA04-0603](#)
- [CJA04-0609](#)
- [CJA04-0610](#)
- [CJA04-0613](#)
- [CJA04-0701](#)
- [CJA04-0702](#)
- [CJA04-0704](#)
- [CJA04-0801](#)
- [CJA04-0901](#)
- [CJA04-0902](#)
- [CJA04-0903](#)
- [CJA04-0904](#)
- [CJA04-0905](#)
- [CJA04-0906](#)
- [CJA04-0907](#)
- [CJA05-0101](#)
- [CJA05-201](#)
- [CJA06-0101](#)
- [CJA06-0102](#)
- [CJA06-0104](#)

Rule 3-403. Judicial branch education.**Intent:**

To establish the Judicial Branch Education Committee's responsibility to develop and evaluate a comprehensive education program for all ~~judges, commissioners~~ **judicial officers** and court staff.

To establish education standards for ~~judges, commissioners~~ **judicial officers** and court staff, including provisions for funding and accreditation for educational programs.

To ensure that education programs, including opportunities for job orientation, skill and knowledge acquisition, and professional and personal development, are available to all members of the judicial branch and that such programs utilize the principles of adult education and focus on participative learning.

To emphasize the importance of participation by all judicial branch employees in education and training as an essential component in maintaining the quality of justice in the Utah courts.

Applicability:

This rule shall apply to all ~~judges, commissioners~~ **judicial officers** and court staff, except seasonal employees and law clerks.

Statement of the Rule:**(1) Organization.**

(1)(A) **Judicial branch education committee.** The Judicial Branch Education Committee shall submit to the Council for approval proposed policies, standards, guidelines, and procedures applicable to all judicial branch education activities. It shall evaluate and monitor the quality of educational programs and make changes where appropriate within the approved guidelines for funding, attendance, and accreditation.

(1)(B) **Responsibilities of members.** Committee members shall propose policies and procedures for developing, implementing, and evaluating orientation, continuing skill development, and career enhancement education opportunities for all judicial branch employees; formulate an annual education plan and calendar consistent with the judicial branch education budget; and serve as advocates for judicial branch education, including educating the judiciary about the purpose and functions of the Committee.

(1)(C) Committee meetings.

(1)(C)(i) The Committee shall meet twice a year. Additional meetings may be called as necessary. A majority of voting members in attendance is required for official Committee action.

(1)(C)(ii) The chairperson may recommend to the Council that a Committee member be replaced if that member is absent without excuse from two consecutive Committee meetings or fails to meet the responsibilities of membership as outlined in paragraph (1)(B).

(2) Administration.

Judicial Education Officer. The Judicial Education Officer, under the direction of the Court Administrator, shall serve as staff to the Committee and be responsible for the administration of the judicial education program consistent with this rule.

(3) Education Standards for ~~judges and court commissioners~~ judicial officers.

(3)(A) ~~Program~~ Requirements for judicial officers (judges, court commissioners, active senior judges and active senior justice court judges).

(3)(A)(i) ~~All judges and court commissioners~~ new judicial officers shall participate in the first designated orientation program offered after the date the judge is administered the oath of office, unless attendance is excused for good cause by the Management Committee.

All ~~judges, court commissioners, active senior judges, and active senior justice court judges~~ **judicial officers** shall complete 30 hours of pre-approved education annually, to be implemented on a schedule coordinated by the Committee. **To satisfy annual program requirements judicial officers will complete training on harassment and abusive conduct prevention; ethics; inclusion and elimination of bias.**

~~Judges of courts of record and court commissioners~~ **Judicial officers** may attend a combination of approved local, state, or national programs. Active and inactive senior judges and retired judges may attend approved local or state programs and the annual Utah Judicial Conference, but an inactive senior judge or retired judge must pay all expenses.

(3)(A)(ii) Active senior judge. If an active senior judge applies to be reappointed and will have completed at least 60 total education hours in the two years preceding the effective date of reappointment, the Management Committee may, for good cause shown, excuse the judge from having to complete the annual 30 hour education requirement.

(3)(A)(iii) Inactive senior judges and retired judges. If an inactive senior judge or a retired judge applies to be an active senior judge, the judge shall demonstrate that:

(3)(A)(iii)(a) less than three years has passed since he or she last complied with the continuing education requirements of an active senior judge;

(3)(A)(iii)(b) he or she has complied with the MCLE requirements of the Utah State Bar for at least three years before the application;

(3)(A)(iii)(c) he or she has attended 30 hours of approved judicial education within one year before the application; or

(3)(A)(iii)(d) he or she has attended the new judge orientation for judges of the courts of record within one year before the application.

(3)(B) **Program components.** Education programs for ~~judges and court commissioners~~ **judicial officers** shall include: a mandatory new judge orientation program; a variety of programs addressing substantive and procedural law topics, aimed at skill and knowledge acquisition; and programs geared to professional and personal development, to meet the continuing needs of ~~judges and court commissioners over the long term.~~ **judicial officers.**

(3)(C) **Annual conferences.** Justice court judges and active senior justice court judges shall attend the annual justice court conference unless excused by the Board of Justice Court Judges for good cause. Because the annual judicial conference represents the only opportunity for judges to meet and interact as a group and to elect their representatives, ~~judges, active senior judges and court commissioners of the courts of record~~ **judicial officers** are strongly encouraged to attend that conference.

(4) **Standards for court staff.**

(4)(A) **State employees.**

(4)(A)(i) **Program requirements.** All court staff employed by the state shall complete 20 hours of approved coursework annually. ~~To satisfy annual program requirements state employees must complete training on harassment and abusive conduct prevention; ethics; inclusion and elimination of bias.~~

(4)(A)(ii) **Program components.** Education programs for court staff employed by the state shall include: ~~on-the-job orientation onboarding~~ for new employees as well as ~~semi-annual Orientation Academies~~ **new employee orientation**; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth within the organization.

(4)(B) **Local government employees.**

(4)(B)(i) **Program requirements.** All court staff employed by the justice courts shall complete 10 hours of approved coursework annually. ~~All other court staff employed by local government shall complete 20 hours of approved coursework annually.~~

(4)(B)(ii) **Program components.** Education programs for court staff employed by local government shall include: annual training seminar; skill development programs that teach technical and job-related competencies; and enhancement programs that promote personal and professional growth. ~~Professional and personal development programs may include ethics, elimination of bias, harassment prevention and diversity and inclusion.~~

(5) **Reporting.**

(5)(A) ~~Judges, commissioners~~ **Judicial officers** and court staff governed by these standards shall report participation in education programs on a form developed by the Committee.

(5)(B) For court staff, compliance with judicial branch education standards shall be a performance criterion in the evaluation of all staff.

(5)(B)(i) Supervisory personnel are responsible to ensure that all staff have an opportunity to participate in the required education. Failure of a supervisor to meet the minimum education standards or to provide staff with the opportunity to meet minimum education standards will result in an unsatisfactory performance evaluation in the education criterion.

(5)(B)(ii) Failure of staff to meet the minimum education requirements will result in an unsatisfactory evaluation on the education criterion unless the employee provides documented reasons that the employee's failure to meet the education standards is due to reasons beyond the employee's control.

(6) **Credit.** Judicial education procedures shall include guidelines for determining which programs qualify as approved education within the meaning of these standards.

(7) **Funding.**

(7)(A) **Budget.** In preparing its annual request for legislative appropriations, the Council shall receive and consider recommendations from the Committee. The Committee's annual education plan shall be based upon the Council's actual budget allocation for judicial education.

(7)(B) **In-state education programs.** Judicial branch funds allocated to in-state judicial education shall first be used to support mandatory in-state orientation programs for all judicial branch employees and then for other education priorities as established by the Committee with input from the Boards of Judges and Administrative Office.

(7)(C) **Out-of-state education programs.** To provide for diverse educational development, to take advantage of unique national opportunities, and to utilize education programs which cannot be offered in-state, the annual education plan shall include out-of-state education opportunities. The Committee shall approve national education providers and shall include in the education procedures, criteria to be applied by the Administrative Office to out-of-state education requests. Criteria shall include relevance to the attendee's current assignment and attendance at in-state programs. Disagreement with a decision to deny an out-of-state education request may be reviewed by a quorum of the Committee at the applicant's request.

(7)(D) **Tuition, fees, and travel.** The Committee shall develop policies and procedures for paying tuition, fees, per diem, and travel for approved programs. State funds cannot be used to pay for discretionary social activities, recreation, or spouse participation. The Committee may set financial limits on reimbursement for attendance at elective programs, with the individual participant personally making up the difference in cost when the cost exceeds program guidelines.

(8) Mentoring.

(8)(A) Within seven business days after a new district or juvenile judge has been sworn in, the Presiding Judge shall appoint a mentor to the new judge.

(8)(B) Within fourteen business days after a new district or juvenile judge has been sworn in, the mentor and the new judge shall meet and review the Judicial Mentoring Guidelines and Best Practices Recommendations, complete the Mentors' Checklist contained therein and the mentor, within that same fourteen business day period, shall provide the completed Mentor's Checklist to the Judicial Education Officer.

Effective: May/November 1, 202_0

TAB 3

CJA 1-205. Standing and ad hoc committees

Notes: The Judicial Council declined to adopt the proposed amendments to CJA 1-205 on an expedited basis and sent the rule back to PP&T with the following directives:

1. Add a judge from each court level.
2. Fix the following terminology: “sitting” vs. “current” and “judge or justice” vs. “judicial officer.”
3. Seek feedback from the Committee on Judicial Fairness and Accountability on the revised amendments.
4. Bring the rule back to the Judicial Council.

The Council intends to send the rule out for public comment and directed committee staff to follow the appropriate member solicitation and appointment process for standing committees outlined in 1-205(3)(A).

Rule 1-205. Standing and Ad Hoc Committees.**Intent:**

To establish standing and ad hoc committees to assist the Council and provide recommendations on topical issues.

To establish uniform terms and a uniform method for appointing committee members.

To provide for a periodic review of existing committees to assure that their activities are appropriately related to the administration of the judiciary.

Applicability:

This rule shall apply to the internal operation of the Council.

Statement of the Rule:**(1) Standing Committees.**

(1)(A) **Establishment.** The following standing committees of the Council are hereby established:

(1)(A)(i) Uniform Fine Committee;

(1)(A)(ii) Ethics Advisory Committee;

(1)(A)(iii) Judicial Branch Education Committee;

(1)(A)(iv) Court Facility Planning Committee;

(1)(A)(v) Committee on Children and Family Law;

(1)(A)(vi) Committee on Judicial Outreach;

(1)(A)(vii) Committee on Resources for Self-represented Parties;

(1)(A)(viii) Language Access Committee;

(1)(A)(ix) Guardian ad Litem Oversight Committee;

(1)(A)(x) Committee on Model Utah Civil Jury Instructions;

(1)(A)(xi) Committee on Model Utah Criminal Jury Instructions;

(1)(A)(xii) Committee on Pretrial Release and Supervision; and

(1)(A)(xiii) Committee on Court Forms;

(1)(A)(xiv) Committee on Judicial Fairness and Accountability; and

(1)(A)(xv) Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)

(1)(B) Composition.

(1)(B)(i) The **Uniform Fine Committee** performs the duties described in rule 4-302 and shall consist of:

(1)(B)(i)(a) one district court judge who has experience with a felony docket;

(1)(B)(i)(b) three district court judges who have experience with a misdemeanor docket; and

(1)(B)(i)(c) four justice court judges.

(1)(B)(ii) The **Ethics Advisory Committee** performs the duties described in rule 3-109 and shall consist of:

(1)(B)(ii)(a) one judge from the Court of Appeals;

(1)(B)(ii)(b) one district court judge from Judicial Districts 2, 3, or 4;

(1)(B)(ii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;

(1)(B)(ii)(d) one juvenile court judge;

(1)(B)(ii)(e) one justice court judge; and

(1)(B)(ii)(f) an attorney from either the Bar or a college of law.

(1)(B)(iii) The **Judicial Branch Education Committee** performs the duties described in rule 3-403 shall consist of:

(1)(B)(iii)(a) one judge from an appellate court;

(1)(B)(iii)(b) one district court judge from Judicial Districts 2, 3, or 4;

(1)(B)(iii)(c) one district court judge from Judicial Districts 1, 5, 6, 7, or 8;

(1)(B)(iii)(d) one juvenile court judge;

(1)(B)(iii)(e) the education liaison of the Board of Justice Court Judges;

(1)(B)(iii)(f) one state level administrator;

(1)(B)(iii)(g) the Human Resource Management Director;

(1)(B)(iii)(h) one court executive;

(1)(B)(iii)(i) one juvenile court probation representative;

(1)(B)(iii)(j) two court clerks from different levels of court and different judicial districts;

(1)(B)(iii)(k) one data processing manager; and

(1)(B)(iii)(l) one adult educator from higher education.

(1)(B)(iii)(m) The Human Resource Management Director and the adult educator shall serve as non-voting members. The state level administrator and the Human Resource Management Director shall serve as permanent Committee members.

(1)(B)(iv) The **Court Facility Planning Committee** performs the duties described in rule 3-409 and shall consist of:

- (1)(B)(iv)(a) one judge from each level of trial court;
- (1)(B)(iv)(b) one appellate court judge;
- (1)(B)(iv)(c) the state court administrator;
- (1)(B)(iv)(d) a trial court executive;
- (1)(B)(iv)(e) two business people with experience in the construction or financing of facilities; and
- (1)(B)(iv)(f) the court security director.

(1)(B)(v) The **Committee on Children and Family Law** performs the duties described in rule 4-908 and shall consist of:

- (1)(B)(v)(a) one Senator appointed by the President of the Senate;
- (1)(B)(v)(b) the Director of the Department of Human Services or designee;
- (1)(B)(v)(c) one attorney of the Executive Committee of the Family Law Section of the Utah State Bar;
- (1)(B)(v)(d) one attorney with experience in abuse, neglect and dependency cases;
- (1)(B)(v)(e) one attorney with experience representing parents in abuse, neglect and dependency cases;
- (1)(B)(v)(f) one representative of a child advocacy organization;
- (1)(B)(v)(g) the ADR Program Director or designee;
- (1)(B)(v)(h) one professional in the area of child development;
- (1)(B)(v)(i) one mental health professional;
- (1)(B)(v)(j) one representative of the community;
- (1)(B)(v)(k) the Director of the Office of Guardian ad Litem or designee;
- (1)(B)(v)(l) one court commissioner;
- (1)(B)(v)(m) two district court judges; and
- (1)(B)(v)(n) two juvenile court judges.
- (1)(B)(v)(o) One of the district court judges and one of the juvenile court judges shall serve as co-chairs to the committee. In its discretion the committee may appoint non-members to serve on its subcommittees.

(1)(B)(vi) The **Committee on Judicial Outreach** performs the duties described in rule 3-114 and shall consist of:

(1)(B)(vi)(a) one appellate court judge;
(1)(B)(vi)(b) one district court judge;
(1)(B)(vi)(c) one juvenile court judge;
(1)(B)(vi)(d) one justice court judge; one state level administrator;
(1)(B)(vi)(e) a state level judicial education representative;
(1)(B)(vi)(f) one court executive;
(1)(B)(vi)(g) one Utah State Bar representative;
(1)(B)(vi)(h) one communication representative;
(1)(B)(vi)(i) one law library representative;
(1)(B)(vi)(j) one civic community representative; and
(1)(B)(vi)(k) one state education representative.
(1)(B)(vi)(l) Chairs of the Judicial Outreach Committee's subcommittees shall also serve as members of the committee.

(1)(B)(vii) The **Committee on Resources for Self-represented Parties** performs the duties described in rule 3-115 and shall consist of:

(1)(B)(vii)(a) two district court judges;
(1)(B)(vii)(b) one juvenile court judge;
(1)(B)(vii)(c) two justice court judges;
(1)(B)(vii)(d) three clerks of court – one from an appellate court, one from an urban district and one from a rural district;
(1)(B)(vii)(e) one representative from a social services organization providing direct services to underserved communities;
(1)(B)(vii)(f) one representative from the Utah State Bar;
(1)(B)(vii)(g) two representatives from legal service organizations that serve low-income clients;
(1)(B)(vii)(h) one private attorney experienced in providing services to self-represented parties;
(1)(B)(vii)(i) two law school representatives;
(1)(B)(vii)(j) the state law librarian; and
(1)(B)(vii)(k) two community representatives.

(1)(B)(viii) The **Language Access Committee** performs the duties described in rule 3-306.02 and shall consist of:

- (1)(B)(viii)(a) one district court judge;
- (1)(B)(viii)(b) one juvenile court judge;
- (1)(B)(viii)(c) one justice court judge;
- (1)(B)(viii)(d) one trial court executive;
- (1)(B)(viii)(e) one court clerk;
- (1)(B)(viii)(f) one interpreter coordinator;
- (1)(B)(viii)(g) one probation officer;
- (1)(B)(viii)(h) one prosecuting attorney;
- (1)(B)(viii)(i) one defense attorney;
- (1)(B)(viii)(j) two certified interpreters;
- (1)(B)(viii)(k) one approved interpreter;
- (1)(B)(viii)(l) one expert in the field of linguistics; and
- (1)(B)(viii)(m) one American Sign Language representative.

(1)(B)(ix) The **Guardian ad Litem Oversight Committee** performs the duties described in rule 4-906 and shall consist of:

- (1)(B)(ix)(a) seven members with experience in the administration of law and public services selected from public, private and non-profit organizations.

(1)(B)(x) The **Committee on Model Utah Civil Jury Instructions** performs the duties described in rule 3-418 and shall consist of:

- (1)(B)(x)(a) two district court judges;
- (1)(B)(x)(b) four lawyers who primarily represent plaintiffs;
- (1)(B)(x)(c) four lawyers who primarily represent defendants; and
- (1)(B)(x)(d) one person skilled in linguistics or communication.

(1)(B)(xi) The **Committee on Model Utah Criminal Jury Instructions** performs the duties described in rule 3-418 and shall consist of:

- (1)(B)(xi)(a) two district court judges;
- (1)(B)(xi)(b) one justice court judge;
- (1)(B)(xi)(c) four prosecutors;
- (1)(B)(xi)(d) four defense counsel; and
- (1)(B)(xi)(e) one person skilled in linguistics or communication.

(1)(B)(xii) The **Committee on Pretrial Release and Supervision** performs the duties described in rule 3-116 and shall consist of:

- (1)(B)(xii)(a) two district court judges;
- (1)(B)(xii)(b) two justice court judges;
- (1)(B)(xii)(c) one prosecutor;
- (1)(B)(xii)(d) one defense attorney;
- (1)(B)(xii)(e) one county sheriff;
- (1)(B)(xii)(f) one representative of counties;
- (1)(B)(xii)(g) one representative of a county pretrial services agency;
- (1)(B)(xii)(h) one representative of the Utah Commission on Criminal and Juvenile Justice;
- (1)(B)(xii)(i) one commercial surety agent;
- (1)(B)(xii)(j) one state senator;
- (1)(B)(xii)(k) one state representative;
- (1)(B)(xii)(l) the Director of the Indigent Defense Commission or designee;
- (1)(B)(xii)(m) one representative of the Utah Victims' Council;
- (1)(B)(xii)(n) one representative of a community organization actively engaged in pretrial justice issues;
- (1)(B)(xii)(o) one chief of police; and
- (1)(B)(xii)(p) the court's general counsel or designee.

(1)(B)(xiii) The **Committee on Court Forms** performs the duties described in rule 3-117 and shall consist of:

- (1)(B)(xiii)(a) two district court judges;
- (1)(B)(xiii)(b) one court commissioner;
- (1)(B)(xiii)(c) one juvenile court judge;
- (1)(B)(xiii)(d) one justice court judge;
- (1)(B)(xiii)(e) one court clerk;
- (1)(B)(xiii)(f) one appellate court staff attorney;
- (1)(B)(xiii)(g) one representative from the Self-Help Center;
- (1)(B)(xiii)(h) the State Law Librarian;
- (1)(B)(xiii)(i) the district court administrator or designee;

(1)(B)(xiii)(j) one representative from a legal service organization that serves low-income clients;

(1)(B)(xiii)(k) one paralegal;

(1)(B)(xiii)(l) one educator from a paralegal program or law school;

(1)(B)(xiii)(m) one person skilled in linguistics or communication;

(1)(B)(xiii)(n) one representative from the Utah State Bar; and

(1)(B)(xiii)(o) the LPP administrator.

(1)(B)(xiv) The **Committee on Fairness and Accountability** performs the duties described in rule 3-420. The committee shall include members who demonstrate an interest in, or who have experience with, issues of diversity, equity, and inclusion and shall consist of:

(1)(B)(xiv)(a) one sitting district court judge;

(1)(B)(xiv)(b) one sitting juvenile court judge;

(1)(B)(xiv)(c) one sitting justice court judge;

(1)(B)(xiv)(d) one sitting appellate court judge;

(1)(B)(xiv)(~~eb~~) three ~~current-sitting~~ or former ~~judicial-officers~~judges or justices from any court level;

(1)(B)(xiv)(~~fe~~) the General Counsel or designee; ~~and~~

~~(1)(B)(xiv)(g) one representative of the community;~~

(1)(B)(xiv)(~~hd~~) the Director of the Office of Fairness and Accountability; and

(1)(B)(xiv)(i) the Director of Data and Research.

(1)(B)(xv) The **Working Interdisciplinary Network of Guardianship Stakeholders (WINGS)** performs the duties described in rule 3-421, and shall consist of:

(1)(B)(xv)(a) **Judiciary** representatives:

(1)(B)(xv)(a)(i) two or more district court judges;

(1)(B)(xv)(a)(ii) two or more district court judicial support staff with experience in guardianship matters;

(1)(B)(xv)(a)(iii) one representative from the Guardianship Reporting and Monitoring Program (GRAMP)

(1)(B)(xv)(a)(iv) one representative from the Court Visitor Program; and

(1)(B)(xv)(a)(v) the General Counsel or designee.

(1)(B)(xv)(b) **Community stakeholder** representatives:

(1)(B)(xv)(b)(i) one representative from Adult Protective Services;

(1)(B)(xv)(b)(ii) one representative from Disability Law Center;

(1)(B)(xv)(b)(iii) one representative from Adult and Aging Services;

(1)(B)(xv)(b)(iv) one representative from Office of Public Guardian;

(1)(B)(xv)(b)(v) one representative from the Utah State Bar;

(1)(B)(xv)(b)(vi) one representative from Office of the Attorney General;

(1)(B)(xv)(b)(vii) one representative from the Utah legislature;

(1)(B)(xv)(b)(viii) one representative from the Utah Commission on Aging;

(1)(B)(xv)(b)(ix) one representative from Utah Legal Services; and

(1)(B)(xv)(b)(x) the Long-Term Care Ombudsman or designee.

(1)(B)(xv)(c) **Individual community** representatives. Three or more community stakeholders representing:

(1)(B)(xv)(c)(i) mental health community;

(1)(B)(xv)(c)(ii) medical community;

(1)(B)(xv)(c)(iii) private legal community that specializes in guardianship matters;

(1)(B)(xv)(c)(iv) aging-adult services community;

(1)(B)(xv)(c)(v) educator from a legal program or law school;

(1)(B)(xv)(c)(vi) organization serving low-income, minorities, or marginalized communities;

(1)(B)(xv)(c)(vii) citizens under or involved in guardianship; and

(1)(B)(xv)(c)(viii) other organizations with a focus including, but not limited to guardianship, aging, legal services, or disability.

(1)(C) **Standing committee chairs.** The Judicial Council shall designate the chair of each standing committee. Standing committees shall meet as necessary to accomplish their work. Standing committees shall report to the Council as necessary but a minimum of once every year. Except for the Committee on Judicial Fairness and Accountability, council members may not serve, participate or vote on standing committees. Standing committees may invite participation by others as they deem advisable, but only members designated by this rule may make motions and vote. All members designated by this rule may make motions and vote unless otherwise specified. Standing committees may form subcommittees as they deem advisable.

(1)(D) **Committee performance review.** At least once every six years, the Management Committee shall review the performance of each committee. If the Management Committee determines that committee continues to serve its purpose, the Management Committee shall recommend to the Judicial Council that the committee continue. If the Management Committee determines that modification of a committee is warranted, it may so recommend to the Judicial Council.

(1)(D)(i) Notwithstanding subsection (1)(D), the Guardian ad Litem Oversight Committee, recognized by Section 78A-6-901, shall not terminate.

(2) **Ad hoc committees.** The Council may form ad hoc committees or task forces to consider topical issues outside the scope of the standing committees and to recommend rules or resolutions concerning such issues. The Council may set and extend a date for the termination of any ad hoc committee. The Council may invite non-Council members to participate and vote on ad hoc committees. Ad hoc committees shall keep the Council informed of their activities. Ad hoc committees may form sub-committees as they deem advisable. Ad hoc committees shall disband upon issuing a final report or recommendations to the Council, upon expiration of the time set for termination, or upon the order of the Council.

(3) **General provisions.**

(3)(A) **Appointment process.**

(3)(A)(i) **Administrator's responsibilities.** The state court administrator shall select a member of the administrative staff to serve as the administrator for committee appointments. Except as otherwise provided in this rule, the administrator shall:

(3)(A)(i)(a) announce expected vacancies on standing committees two months in advance and announce vacancies on ad hoc committees in a timely manner;

(3)(A)(i)(b) for new appointments, obtain an indication of willingness to serve from each prospective appointee and information regarding the prospective appointee's present and past committee service;

(3)(A)(i)(c) for reappointments, obtain an indication of willingness to serve from the prospective reappointee, the length of the prospective reappointee's service on the committee, the attendance record of the prospective reappointee, the prospective reappointee's contributions to the committee, and the prospective reappointee's other present and past committee assignments; and

(3)(A)(i)(d) present a list of prospective appointees and reappointees to the Council and report on recommendations received regarding the appointment of members and chairs.

(3)(A)(ii) **Council's responsibilities.** The Council shall appoint the chair of each committee. Whenever practical, appointments shall reflect geographical, gender, cultural and ethnic diversity.

(3)(B) **Terms.** Except as otherwise provided in this rule, standing committee members shall serve staggered three year terms. Standing committee members shall not serve more than two consecutive terms on a committee unless the Council determines that exceptional circumstances exist which justify service of more than two consecutive terms.

(3)(C) **Expenses.** Members of standing and ad hoc committees may receive reimbursement for actual and necessary expenses incurred in the execution of their duties as committee members.

(3)(D) **Secretariat.** The Administrative Office shall serve as secretariat to the Council's committees.

Effective May/November ~~123~~, 202~~32~~

TAB 4

CJA 3-117. Committee on Court Forms

Notes: The Committee on Court Forms recommends the following proposed amendments:

1. Remove the requirement that the General Counsel conduct a legal review of every form prior to committee approval. The Court Forms Committee is made up of experienced judges and attorneys that are more than capable of ensuring court forms are legally correct. Adding an extra step is unnecessary and slows progress. The General Counsel's Office may be consulted as needed.
2. Acknowledge the Committee's responsibility to continue to review and assess existing forms.
3. Add new form requirements, including user-testing where practicable.

Rule 3-117. Committee on Court Forms**Intent:**

To establish a committee to determine the need for forms and to create forms for use by litigants in all court levels.

Applicability:

This rule shall apply to the judiciary.

Statement of the Rule:

(1) The committee shall conduct a comprehensive review of current court forms and assess the need for new court forms to assist parties and practitioners in all court levels.

(2) The committee shall create forms as it deems necessary for use by parties and practitioners, including forms for the Online Court Assistance Program.

(3) Process for form creation.

(3)(a) The committee shall adopt procedures for creating new forms or making substantive amendments to existing forms, procedures for eliminating obsolete and outdated forms, procedures for recommending which forms should be translated into other languages, and procedures for expediting technical or non-substantive amendments to forms.

(3)(b) Forms should be:

(3)(b)(i) written in plain language and reference the statutes and rules to which the forms apply;

(3)(b)(ii) reviewed for legal correctness;

(3)(b)(iii) standardized across the state where practicable;

(3)(b)(iv) developed to promote and expand access to justice;

(3)(b)(v) structured to eliminate redundancy and unnecessary steps; and

(3)(b)(vi) user-tested when practicable.

(3)(c) The committee shall solicit input from other interested groups as it deems appropriate. The committee may establish subcommittees using non-committee members to facilitate its work.

(3)(d) The committee may recommend to the Judicial Council mandatory use of particular forms. However the Judicial Council's designation of a form as mandatory is not binding on a decision-maker asked to review the legal correctness of the form.

~~(3)(e) The Office of General Counsel shall staff the committee and shall review all forms for legal correctness before final approval by the committee.~~

(4) The State Law Librarian shall be responsible for maintaining and archiving the forms.

Effective: May ~~122~~, 20~~23~~¹⁷

TAB 5

CJA 3-406. Budget and Fiscal Management

Notes: PP&T sent rule 3-406 to the Judicial Council in January, with a recommendation that it be published for comment. The Council pulled it from the consent calendar at the request of the Budget and Fiscal Management Committee's chair and sent it to BFMC for further consideration. BFMC made a few minor amendments, primarily to terminology (i.e., changing "judicial priorities" to "budget requests," etc.).

Rule 3-406. Budget and fiscal management.**Intent:**

To ~~develop and maintain~~accomplish the ~~policies and programs~~mission of the judiciary through sound fiscal management.

To provide ~~for~~ sound fiscal management ~~through the coordinated and cooperative effort of central and local authorities within the judiciary.~~ by financially supporting both existing programs and creating new programs that enable the Courts to effectively provide an open, fair, efficient and independent system for advancement of justice under the law.

To maintain accountability for appropriated funds, and to maintain a balanced budget.

To cooperate with the Governor and the Legislature in managing the fiscal resources of the state.

Applicability:

This rule shall apply to the management of all funds appropriated by the state to the judiciary, as well as grant funds used by the judiciary.

Statement of the Rule:

(1) ~~Fiscal offices and programs and program directors established.~~ For purposes of fiscal management, the judiciary is divided into offices (which generally provide services to other areas within the judiciary) and programs (which generally provide services to court patrons). Each office and program budget is managed by a ~~program director~~budget manager who has approval authority from the Administrative Office's finance group ("AOC Finance") to authorize disbursements. This approval authority is granted based on AOC Finance's periodic review to ensure adequate separation of duties (as defined by generally accepted accounting principles) for each budget manager. The budget manager is designated by the state court administrator and approved by the ~~theor~~ designee. AOC Finance periodically reports to the Budget and Fiscal Management Committee- ("BFMC") on the adequacy of separation of duties. The budget of a geographic division shall be managed by the court executive subject to the general supervision of the program director.

(2) Budget management.

(2)(A) **Responsibility of the ~~council~~Council.** The responsibility of the Council is to:

(2)(A)(i) cooperate with the Governor and the Legislature in managing the fiscal resources of the state;

(2)(A)(ii) assure that the budget of the judiciary remains within the limits of the appropriation set by the Legislature; and

(2)(A)(iii) allocate funds as required to maintain approved programs and to assure a balanced judicial budget.

(2)(B) Responsibility of the state court administrator. It is the responsibility of the state court administrator to:

(2)(B)(i) implement the directives of the Council;

(2)(B)(ii) ~~direct the management of~~manage the judiciary's budget, ~~including recommendations to reduce or redirect allocations~~; and

(2)(B)(iii) negotiate on behalf of the Council the position of the judiciary with the executive and legislative branches.

(2)(C) Responsibility of ~~the administrative office~~. AOC Finance. It is the responsibility of ~~the administrative office~~AOC Finance to:

(2)(C)(i) ~~clear all warrants and other authorizations for the~~ensure timely payment of all accounts payable ~~for the availability of funds~~;

(2)(C)(ii) monitor all expenditures and collections versus budget;

(2)(C)(iii) provide monthly ~~expenditure financial~~ reports ~~by court to court executives, program directors to budget managers~~, the state court administrator, ~~Boards of Judges~~the BFMC and the Council; and

(2)(C)(iv) develop a manual of procedures ("Accounting Manual") to govern ~~the payment of accounts receivable~~, accounts payable, trust accounts, the audit thereof, and the audit ~~thereof of administrative procedures generally~~. The procedures shall be in conformity with generally accepted principles of budgeting and accounting and budget management shall, at a minimum, conform to the requirements of this rule and state law.

(2)(D) Responsibility of the ~~program directors~~. budget managers. Within their respective ~~programs~~areas of responsibility, it is the responsibility of the ~~program directors~~budget managers to:

(2)(D)(i) comply with the directives of the Council and the state court administrator;

(2)(D)(ii) administer the reduction or redirection of allocations;

(2)(D)(iii) monitor all expenditures and collections versus budget;

(2)(D)(iv) supervise and manage ~~court~~ budgets in accordance with the ~~manual of procedures~~ Accounting Manual; and

(2)(D)(v) develop recommendations for ~~fiscal priorities, budget requests to be funded by the allocation of funds, and the reduction of~~ Legislature and changes to programs or ~~redirection of offices that create efficiencies that reduce or redirect~~ allocations.

(2)(E) **Responsibility of court executives.** Within their respective courts, it is the responsibility of court executives to:

(2)(E)(i) comply with the directives of the Council, the state court administrator, ~~and the program director or designee~~, and to consult with the presiding judge and the individual judges of that jurisdiction concerning budget management;

(2)(E)(ii) develop work programs that encumber no more funds than may be allocated, including any reduction in allocation;

(2)(E)(iii) amend work programs as necessary to reflect changes in priorities, spending patterns, or allocation;

(2)(E)(iv) credit and debit accounts that most accurately reflect the nature of the planned expenditure;

(2)(E)(v) authorize expenditures;

(2)(E)(vi) prepare warrants and other authorizations for payment of accounts payable for submission to the ~~Administrative Office~~ AOC Finance;

(2)(E)(vii) monitor all expenditures; and revenues to budget for variances; and

(2)(E)(viii) develop recommendations for ~~fiscal priorities, budget requests to be funded by the allocation of funds, and the reduction of~~ Legislature and changes to programs or ~~redirection of offices that create efficiencies that reduce or redirect~~ allocations.

(2)(F) **Process.** After the legislative general session the ~~BFMC and~~ state court administrator shall consider all sources of funds and all obligated funds and develop a recommended spending plan that most closely achieves the priorities established by the Council at the prior annual planning meeting. The ~~state court administrator~~ BFMC shall ~~review~~ present the recommended spending plan ~~with the Management Committee and present it~~ to the ~~Judicial~~ Council for approval.

(3) Budget development.

(3)(A) **Responsibility of the Council.** It is the responsibility of the Council to:

(3)(A)(i) establish responsible ~~fiscal priorities~~ budget requests to be funded by the Legislature that best enable the judiciary to achieve the goals of its policies;

(3)(A)(ii) develop the budget of the judiciary based upon the needs of organizations and the priorities established by the Council;

(3)(A)(iii) communicate the budget of the judiciary to the executive and legislative branches; and

(3)(A)(iv) allocate funds to the ~~geographic divisions of courts~~ budget managers in accordance with priorities established by the Council.

(3)(B) **Responsibility of the juvenile, district, and appellate boards ("Boards").** It is the responsibility of the Boards to:

(3)(B)(i) develop recommendations for ~~funding priorities~~ budget requests to be funded by the Legislature; and

(3)(B)(ii) review, modify, and approve program and office budgets for submission to the ~~Council-BFMC~~.

(3)(C) **Responsibility of the state court administrator.** It is the responsibility of the state court administrator to:

(3)(C)(i) negotiate on behalf of the Council the position of the judiciary with the executive and legislative branches; ~~and~~

(3)(C)(ii) implement the Council's fiscal priorities and allocation of funds; ~~and~~

(3)(C)(iii) ~~work with the BFMC and the Boards of judges to manage the judiciary's budget, including recommending (1) budget requests to be funded by the Legislature and (2) changes to programs or offices that create efficiencies that reduce or redirect allocations.~~

(3)(D) **Responsibility of ~~the administrative office~~-AOC Finance.** It is the responsibility of ~~the Administrative Office~~ AOC Finance to:

(3)(D)(i) develop a schedule for the timely completion of the budget process, including the completion of all intermediate tasks;

(3)(D)(ii) assist ~~program directors~~ budget managers and court executives in the preparation of budget requests, including those funded by the Legislature; and

(3)(D)(iii) compile the budget of the judiciary.

(3)(E) **Responsibility of the ~~program directors~~ budget managers.** Within their respective ~~programs~~ areas of responsibility, it is the responsibility of ~~program directors~~ budget managers to review, modify, and approve budget requests.

(3)(F) **Responsibility of court executives.** Within their respective courts, it is the responsibility of court executives to:

(3)(F)(i) work closely with presiding judges, judges, and staff to determine the needs of the organization; and

(3)(F)(ii) develop arecommendations for budget requests s that adequately and appropriately meets those needs.

(3)(G) Process.

(3)(G)(i) Each Board of Judges, each court and committee and each department of the Aadministrative Ooffice ~~of the courts~~ may develop, prioritize and justify a budget request to be funded by the Legislature. The courts shall submit their requests to the appropriate Board ~~of Judges~~. The committees and the departments of the Administrative Office AOC shall submit their requests to the state court administrator.

(3)(G)(ii) The state court administrator shall deliver to the Boards the Administrative Office requests and the Boards shall consolidate and prioritize the requests from the courts ~~and the requests originated by the Board. The state court administrator shall consolidate and prioritize the requests from the,~~ committees and departments. AOC Finance shall consolidate all of the Boards' prioritized lists for review by the BFMC.

(3)(G)(iii) The ~~state court administrator~~ BFMC shall review and analyze all prioritized budget requests and develop a recommended budget request and funding plan. The ~~state court administrator~~ BFMC shall review the analysis and the recommended budget request and funding plan with the Council.

(3)(G)(iv) At its annual planning meeting the Council shall consider all prioritized requests and the analysis and recommendations of the ~~state court administrator~~ BFMC and approve a prioritized budget request and funding plan for submission to the governor and the legislature.

(4) General provisions.

(4)(A) Appropriations dedicated by the Legislature or allocations dedicated by the Council shall be expended in accordance with the stated intent.

(4)(B) All courts and the Administrative Office shall comply with the provisions of state law and the ~~manual of procedures~~ Accounting Manual.

213

|214

215

216

217

218

219

220

|221

(4)(C) Reductions in allocations, reductions in force, and furloughs may be ordered by the state court administrator with notice to the Council. In amending the work program to reflect a budget cut, reductions in force and furloughs shall be used only when absolutely necessary to maintain a balanced budget. If reductions in force are necessary, they shall be made in accordance with approved personnel procedures. If furloughs are necessary, they should occur for no more than two days per pay period.

Effective: ~~5/1/2020~~ May 1, 2023

TAB 6

Human Resources Policies

Notes: The HR Policy Review Committee recommends amendments to the HR policies listed below. The proposed amendments are predicated upon policy or practice changes, changes to state code, or feedback from employees and supervisors.

- HR Definition 63. Hot Spot
- HR Definition 94. Performance Plan
- HR 5-4. Career service exempt introductory period
- HR 6-6. Salary
- HR 9-11. Conflict of interest
- HR 9-17. Nepotism and relationship bias prohibitions
- HR 10. Employee development
- HR 10-5. Education assistance
- HR 17-5. Grievance levels and timelines
- HR 17-8. Mediation

Policy, Planning & Technology - Request Form

Instructions

Unless the proposal is coming directly from the Utah Supreme Court, Judicial Council, or Management Committee, this Request Form must be submitted before it will be considered by the Policy, Planning & Technology Committee. If you are requesting a rule, form, or policy amendment, you must attach a draft of the proposed rule, form, or policy in the format outlined below. A brief memo may also be required. The staff attorney will let you know. If this is a technology request, please attach a brief memo summarizing your proposal, along with any supporting documentation.

Rule, policy, and form drafts must be submitted in Word with redlined formatting. The current version of the rule, policy, or form must be included in its entirety. Code of Judicial Administration (CJA) rules can be found on the court's webpage (<https://www.utcourts.gov/rules/ucja.php>). Simply cut and paste the current rule into a Word document and use track changes for redlines. Rule drafts must be in 11pt. Arial font with 1.15 spacing, headings in bold, and include line numbers.

A screenshot example is provided below:

Keisa Williams, Staff attorney

keisaw@utcourts.gov

385-227-1426

HR15-3, HR15-4, HR15-5, HR15-6

Redline from current HR Policy effective July 1, 2021

Section 15 – Workplace Harassment Prevention

HR15-3. Complaint Procedure.

~~Management shall permit employees~~ Employees or judicial officers who allege workplace harassment, discrimination, or retaliation, ~~or both shall be permitted~~ to file complaints and engage in a review process free from bias, collusion, intimidation or retaliation. Complainants shall be provided a reasonable amount of work time to prepare for and participate in internal complaint processes.

- 1) ~~Any employee~~ Employees or judicial officers who believe they have been subject to, have witnessed, or are aware of discrimination, harassment, or retaliation, by any employee, commissioner, judge or justice, individual or entity ~~is strongly encouraged to report the incident as described in this policy. Additionally, the employee~~ should do the following:

- a) Document the occurrence;
- b) Continue to report to work; and
- c) Identify a witness or witnesses, if applicable.

- 2) All employees and judicial officers can report discrimination, harassment, or retaliation verbally or in writing by any of the following methods:

- a) By contacting directly any supervisor or member of management with whom ~~the employee is~~ they are comfortable reporting such matters.
- b) By contacting any member of the Human Resources Department.
- c) By contacting directly, any member of AOC management, including any court-level administrator.
- d) By contacting the State Court Administrator, Deputy State Court Administrator, or Assistant State Court Administrator.
- e) By contacting any commissioner, judge or justice.
- f) By contacting any member of the ~~Management Committee~~ Judicial Council, who shall immediately report the complaint to the Council's Management Committee.

Date of Request *

MM DD YYYY

02 / 24 / 2023

Name of Requester *

Jeremy Marsh

Requester Phone Number *

801-578-3804

Name of Requester's Supervisor *

Bart Olsen

Please attach all required documents as outlined above.



Proposed HR Pol...



Proposed HR Pol...



Proposed HR Pol...



Proposed HR Pol...



Proposed HR Pol...

Type of Request *



Policy & Planning



Technology

Policy & Planning Section

Location of the Rule *

Human Resource Policies



CJA Rule Number, HR/Accounting Section Name, Court Form Name *

Definition 63 and 94, HR05-4 and HR10, HR06-6, HR09-11, HR09-17, HR10-5, HR17-5 and 17-8

Brief Description of Proposal *

The changes were approved by our HR Policy Review Committee. There are a variety of changes and adjustments.

Reason Amendment is Needed *

Each change is predicated upon practice changes, other policy changes, state code, and feedback from employees and supervisors.

Is the proposed amendment urgent? *

☐

Yes

☒

No

If urgent, please provide an estimated deadline date and explain why it is urgent.

Select each entity that has approved this proposal. *

- ☐ Accounting Manual Committee
- ☐ ADR Committee
- ☐ Board of Appellate Court Judges
- ☐ Board of District Court Judges
- ☐ Board of Justice Court Judges
- ☐ Board of Juvenile Court Judges
- ☐ Board of Senior Judges
- ☐ Budget and Fiscal Management Committee
- ☐ Children and Family Law Committee
- ☐ Clerks of Court
- ☐ Court Commissioner Conduct Committee
- ☐ Court Facility Planning Committee
- ☐ Court Forms Committee
- ☐ Ethics Advisory Committee
- ☐ Ethics and Discipline Committee of the Utah Supreme Court
- ☐ General Counsel
- ☐ Guardian Ad Litem Oversight Committee
- ☐ HR Policy and Planning Committee
- ☐ Judicial Branch Education Committee
- ☐ Judicial Outreach Committee
- ☐ Language Access Committee
- ☐ Law Library Oversight Committee
- ☐ Legislative Liaison Committee
- ☐ Licensed Paralegal Practitioner Committee
- ☐ Model Utah Civil Jury Instructions Committee

- ☐ Model Utah Criminal Jury Instructions Committee
- ☐ Policy, Planning, and Technology Committee member
- ☐ Pretrial Release and Supervision Committee
- ☐ Resources for Self-Represented Parties Committee
- ☐ Rules of Appellate Procedure Advisory Committee
- ☐ Rules of Civil Procedure Advisory Committee
- ☐ Rules of Criminal Procedure Advisory Committee
- ☐ Rules of Evidence Advisory Committee
- ☐ Rules of Juvenile Procedure Advisory Committee
- ☐ Rules of Professional Conduct Advisory Committee
- ☐ State Court Administrator
- ☐ TCE's
- ☐ Uniform Fine Committee
- ☐ WINGS Committee
- ☐ None of the Above
- ☐ Justice Court Reform Task Force
- ☐ Appellate Representation Committee
- ☐ Deputy State Court Administrator
- ☐ Judicial Fairness and Accountability Committee

☒ Other: HRPRC

If the approving entity (or individual) is not listed above, please list it (them) here.

HRPRC

List all stakeholders who would be affected by this proposed amendment. *

Employees, Management, AOC, Judicial Officers, and Candidates for employment.

Technology

Brief Description of Technology Request *

Reason Technology request is Needed *

Is this technology request urgent? *

☐ Yes

☐ No

If urgent, please provide an estimated deadline date and explain why it is urgent.

Select each entity that has approved this proposal. *

- ☐ Juvenile Core Team
- ☐ District/Justice Courts Core Team
- ☐ Appellate Court Core Team
- ☐ Accounting Manual Committee
- ☐ Board of Appellate Court Judges
- ☐ Board of District Court Judges
- ☐ Board of Justice Court Judges
- ☐ Board of Juvenile Court Judges
- ☐ Clerks of Court
- ☐ TCE's
- ☐ None of the Above

List all stakeholders who would be affected by this request. *

.....

Thank you, form completed. Click the button to submit.

This form was created inside of Utah State Courts.

Google Forms

(59) **Grievance Procedures:** The procedures established in [HR17](#).

(60) **Gross Compensation:** Employee's total earnings, taxable and nontaxable, as shown on the employee's pay statement.

(61) **Highly Sensitive Position:** A position approved by the Director of Human Resources in consultation with the State Court Administrator that includes the performance of:

(a) safety sensitive functions:

i. directly related to law enforcement;

ii. involving direct access or having control over direct access to controlled substances;

iii. directly impacting the safety or welfare of the general public;

(b) data sensitive functions permitting or requiring an employee to access an individual's highly sensitive, personally identifiable, private information, including:

i. financial assets, liabilities, and account information;

ii. social security numbers;

iii. wage information;

iv. medical history;

v. public assistance benefits; or

vi. driver license

(62) **Hiring List:** A list of qualified and interested applicants who are eligible to be considered for appointment or conditional appointment to a specific position created in the HR approved recruitment and selection system.

(63) **Hot-Spot:** A salary circumstance, unrelated to individual employee performance, with evidence that suggests a need to adjust an actual salary rate. Examples include but are not limited to issues such as compression, recruiting a candidate or retaining an employee with a rare but required skill set, etc.

standards, targets and measurements.

- (90) **Pay for Performance:** A plan for incentivizing employees for meeting or exceeding production or performance goals, in which the plan is well-defined before work begins, eligible work groups are defined, specific goals and targets are determined, measurement procedures are in place, and specific incentives are provided when goals and targets are met.
- (91) **Performance Evaluation:** A evaluation of an employee's work performance.
- (92) **Performance Improvement Plan:** A documented administrative action to address substandard performance of an employee under [HR10](#).
- (93) **Performance Management:** The ongoing process of communication between the supervisor and the employee which defines work standards and expectations, and assesses performance which may inform a performance evaluation.
- (94) **Performance ExpectationsPlan:** A written summary of the standards and expectations required for the successful performance of job responsibilities. These standards may include completion dates and qualitative and quantitative levels of performance expectations.
- (95) **Performance Standard:** Specific, measurable, observable and attainable objectives that represent the level of performance to which an employee and supervisor are committed during an evaluation period.
- (96) **Phased Retirement:** Employment on a half-time basis of a retiree immediately following the retiree's retirement date. During phased retirement a retiree will receive a reduced retirement allowance.
- (97) **Prohibited Political Activity:** Running for or holding political or elective public office; making or influencing governmental policy unrelated to the

1
2 at the will and pleasure of the judicial branch. The
3 following principles relating to the nature of the job
4 also result in exemption from career service provisions
5 whether or not the positions were vacated on or after July
6 1, 2022:

- 7
8 1) The employee reports directly to the state court
9 administrator.
10
11 2) The employee is in a management position and reports
12 directly to a court executive or a court level
13 administrator.
14 a) Employees in a Clerk of Court or a Chief Probation
15 Officer position prior to July 11, 2008, and had
16 already attained career service status in those
17 positions are considered "legacy career service"
18 employees and retain career service status.
19 b) The rights of "legacy career service" Clerks of
20 Court and Chief Probation Officers do not supersede,
21 but are consistent with, the provisions of
22 [HR05-1\(5\)](#). [R05-1\(4\)](#) and
23
24 3) The employee is in a law clerk or an attorney position
25 for the judicial branch.
26
27 4) The employee is an employee of the Information Technology
28 Department.
29 a) Employees hired into the IT department prior to
30 January 1, 2019, and who had already attained career
31 service status are considered "legacy career
32 service" employees and retain career service status.
33 b) The rights of a "legacy career service" IT employee
34 does not supercede, but is consistent with, the
35 provisions of [HR05-1\(4\)](#) and [HR05-1\(5\)](#).

36
37 **HR05-4. Career Service Exempt Introductory Period.**
38

- 39 1) Each career service exempt position shall start with an
40 introductory period consistent with its job.
41 a) During the introductory period, an employee
42 may be separated from state employment in
43 accordance with HR11-2(1).
44 b) Using the principles outlined in HR10-1, management

45 shall use the introductory period to evaluate the
46 employee's performance, conduct, and ability to
47 fulfill the mission of the courts.

48 c) Unless otherwise determined by
49 management, in consultation with HR:

50 i) New employees or employees moving to a new
51 position should receive formal written
52 performance expectations within 30 days of
53 assignment.

54 ii) Employees should receive a formal written
55 evaluation at the conclusion of their
56 introductory period, typically 12 months.

57 d) At a minimum, the evaluation should indicate
58 overall successful or unsuccessful completion of
59 performance expectations during the introductory
60 period.

61 e) Management shall give a copy of the written
62 evaluation to the employee and to HR.

63 f) The evaluation shall be maintained in the
64 personnel file.

65
66
67 **HR05-45. Policy Exceptions.**

68
69 The HR Director may authorize exceptions to this
70 policy consistent with [HR02-2\(1\)](#).

71
72 **Authorizing, and Implemented or Interpreted Law or Code:** [UCJA](#)
73 [§3-402](#)

Section 10 - Employee Development

For this policy, the word employee refers to a career service employee, unless otherwise indicated. Management is encouraged ~~to follow similar practices and principles for career service exempt employees. to utilize the Utah Performance Management (UPM) system for employee performance expectations and evaluations. UPM provides and assists with transparency, consistency, facilitation of HR support, transfer of performance expectations from supervisor to supervisor, and other efficiencies.~~

HR10-1 Performance Expectations and Evaluation.

- 1) Management shall identify performance expectations and provide performance feedback and evaluation regularly and in accordance with the following criteria:
 - a) Performance expectations and feedback shall be established and measured against the effectiveness in advancing the overall mission of the judicial branch.
 - b) Specific performance standards and expectations for each employee shall be provided in writing.
 - c) Managers or supervisors shall notify employees when performance standards or expectations are implemented or modified.
 - d) Managers or supervisors shall provide employees with regular verbal and written feedback based on established performance expectations and effectiveness in advancing the mission of the judicial branch.
- 2) An employee may request a formal, written performance evaluation on a regular or ad hoc basis, not to exceed a cadence of once per fiscal year. Management may provide

1
2 **HR06-4. Additional Compensation for Unclassified Employees**
3 **Designated as Presiding Judges, Associate Presiding Judges, and**
4 **the Presiding Officer.**

- 5
6 1) Additional compensation for the presiding officer is set
7 forth in [UCA §78A-2-106](#).
8
9 2) Additional compensation for presiding judges and associate
10 presiding judges are set forth in [UCA §78A-5-106](#) and [UCA](#)
11 [§78A-6-203](#).
12

13
14 **HR06-5. Appointments and USERRA placements.**

- 15
16 1) All appointments shall be placed within the HR-approved
17 salary range for the job.
18
19 2) Qualifying military service members returning to work under
20 USERRA shall be placed in their previous position or a similar
21 position. Reemployment shall include the same seniority
22 status, wage, including any cost of living adjustments,
23 general increases, reclassification of the service member
24 preservice position, or market comparability adjustments that
25 would have affected the service member's preservice position
26 during the time spent by the most affected service member in
27 the uniformed services. Performance related salary increases
28 are not included.
29

30
31 **HR06-6. Salary.**
32

33 **1) Promotions.**

- 34 a) An employee not designated as indefinite part-time or in
35 a time-limited position as described in [HR04-2](#) and is
36 promoted to a job with a salary range maximum exceeding
37 the employee's current salary range maximum shall
38 receive a wage increase of at least 5%.
39 b) An employee who is promoted may not be placed higher
40 than the maximum or lower than the minimum of the new
41 salary range except as provided ~~44~~ [R06-6\(3\)](#) governing
42 longevity salary increases.
43

- 45
- 46 c) To be eligible for a promotion, an employee shall meet
- 47 the minimum requirements for the position as established
- 48 by management and in consultation with HR.
- 49

50 **2) Reclassifications.**

- 51 a) At management's discretion an employee reclassified to
- 52 a job with a salary range maximum exceeding the
- 53 employee's current salary range maximum may receive a
- 54 wage increase up to the salary range maximum. An employee
- 55 shall be placed within the new salary range. An
- 56 employee's eligibility for a longevity salary increase
- 57 shall be consistent with [HR06-6\(3\)](#).
- 58 b) An employee whose job is reclassified to a job with a
- 59 lower salary range shall retain the current wage.
- 60

61 **3) Longevity Salary Increase.**

- 62 a) An employee shall receive an initial longevity salary
- 63 increase of 3% when:
- 64 i) The employee has been in state service for eight
- 65 years or more (the employee may accrue years of
- 66 service in more than one district, unit, or branch
- 67 of state government, and such service is not
- 68 required to be continuous); and
- 69 ii) The employee has been at or above the maximum of
- 70 the current salary range for at least one year; and
- 71 iii) The employee has not been formally disciplined or
- 72 placed on a performance improvement plan within the
- 73 12-month period preceding the longevity increase.
- 74 b) An employee who has received the initial longevity
- 75 increase is then eligible for an additional 3% increase
- 76 every three years. Eligibility for additional longevity
- 77 increases are the same as [HR06-6\(3\) \(a\) \(iii\)](#).
- 78 c) An employee with a wage that is above the maximum salary
- 79 range because of a longevity salary increase:
- 80 i) Shall retain the current actual wage if receiving
- 81 an administrative adjustment or is reassigned or
- 82 reclassified to a job with a lower salary range
- 83 maximum.
- 84 ii) Shall, if reclassified to a job with a higher salary
- 85 range maximum, only receive a wage increase

- 86
87 if the current actual wage is less than the salary
88 range maximum of the new job. The amount of the
89 wage increase is subject to management discretion,
90 dependent upon available funds, and shall not
91 exceed the salary range maximum of the new job.
- 92 **iii)** Shall, if promoted, only receive a wage increase if
93 the current actual wage is less than the salary
94 range maximum of the new job. The wage increase is
95 subject to management discretion, dependent upon
96 available funds, and shall not exceed the salary
97 range maximum of the new job.
- 98 **iv)** Shall, if promoted, reclassified, transferred,
99 reassigned, or is receiving an administrative
100 adjustment and remains at or above the salary range
101 maximum, receive the next longevity salary increase
102 three years from the date the most recent longevity
103 increase was received.
- 104 **d)** An employee with a wage that is not at or above the
105 salary range maximum and is reclassified, transferred,
106 reassigned, or receives an administrative adjustment and
107 has a current actual wage that is above the salary range
108 maximum of the new job is considered to be above maximum
109 and may be eligible for a longevity salary increase after
110 meeting the requirements of
111 [HR06-6\(3\)\(a\)](#).

112
113 **4) Administrative Adjustment.**

- 114 **a)** An employee whose position has been allocated by HR from
115 one job to another job or salary range for administrative
116 purposes may not receive an adjustment in the current
117 actual wage unless the employee is below the minimum of
118 the new salary range.
- 119 **b)** An employee whose position is changed by administrative
120 adjustment to a job with a lower salary range shall
121 retain the current wage even if the current wage exceeds
122 the new salary range maximum.

123
124 **5) Reassignment.**

125 An employee's current actual wage may not be decreased
126 in a reassignment action except as provided in federal
127 or state law.

128
129 **6) Transfer.**

- 130 a) Management may decrease the current actual wage of an
131 employee who transfers to another job with the same or
132 lower salary range maximum. The amount of the decrease
133 shall be communicated to the employee at the time of the
134 job offer and the employee shall have an opportunity to
135 accept or decline the offer to transfer.
136 b) An employee who applies for a job with a lower salary
137 range maximum shall be placed within the salary range of
138 the new job.
139

140 **7) Demotion.**

141 An employee demoted consistent with [HR11-2](#) shall receive
142 a reduction in the current actual wage at the discretion
143 of management but no lower than the salary range minimum.
144 The employee may be moved to a job with a lower salary
145 range concurrent with the reduction in the current
146 actual wage.
147

148 **8) Administrative Salary Increase.**

- 149 a) Management may authorize an increase in salary up to the
150 salary range maximum.
151 b) Administrative salary increases shall only be granted
152 when there exists sufficient funding within the
153 annualized base budget for the fiscal year in which the
154 increase is given.
155 i) Performance-based salary increases are normally
156 submitted, vetted and approved by an employee's
157 line of management during the last quarter of the
158 fiscal year.
159 ii) Non-performance based increases may be authorized
160 by management up to three occurrences in an 18-
161 month period for retention purposes when the
162 following criteria are met:
163 (1) The employee was hired into a temporary or
164 time-limited job, and
165 (2) The employee's rate of pay will not exceed
166 the first quartile of the employee's job
167 salary range, and
168 (3) The increase is already budgeted in district
169 or unit personnel funds for temporary
170 personnel.

- 171
- 172 c) Justification for administrative salary increases shall
- 173 be:
- 174 i) In writing;
- 175 ii) Approved by the court executive, court level
- 176 administrator, director, deputy state court
- 177 administrator, or the state court administrator;
- 178 and
- 179 iii) Supported by unique situations and/or demonstrating
- 180 a clear connection to the advancement of the mission
- 181 of the judicial branch.
- 182 d) The court executive or court level administrator shall
- 183 answer any challenge or grievance resulting from an
- 184 administrative salary increase.
- 185 ~~e) Administrative salary increases may be given during the~~
- 186 ~~probationary period but may not exceed the salary range~~
- 187 ~~maximum. These increases alone do not constitute~~
- 188 ~~successful completion of the probationary period nor do~~
- 189 ~~they grant career service status.~~
- 190 f) An employee at or above the salary range maximum may not
- 191 be granted administrative salary increases.
- 192 g) Increasing an employee's wage concurrently with a
- 193 transfer or reassignment action must be justified as an
- 194 administrative salary increase in a separate action as
- 195 described in [HR06\(8\)\(c\)\(iii\)](#).
- 196

197 **9) Administrative Salary Decrease.**

198 Management may authorize administrative salary decreases for

199 non-disciplinary reasons according to the following:

- 200 a) Wage decreases shall not place an employee below the
- 201 current minimum of the salary range.
- 202 b) Justification for non-disciplinary administrative
- 203 salary decreases shall be:
- 204 i) In writing;
- 205 ii) Approved by the court executive, court level
- 206 administrator, director, deputy state court
- 207 administrator, or the state court administrator;
- 208 and
- 209 iii) Supported by circumstances such as previous written
- 210 agreements between management and the employee
- 211 including career mobility, reasonable
- 212 accommodation, or other unique situations or
- 213 considerations.

- 214
- 215 c) The court executive or AOC Director shall answer any
- 216 challenge or grievance resulting from a non-disciplinary
- 217 administrative salary decrease.
- 218

219 **10) Career Mobility.**

- 220 a) A wage change at the commencement of a career mobility
- 221 action is governed by the policies governing the
- 222 underlying action including, but not limited to:
- 223 i) Promotion;
- 224 ii) Reassignment; or
- 225 iii) Transfer.
- 226 b) If a career mobility assignment does not become permanent
- 227 at its conclusion, the employee shall return to the
- 228 previous position or a similar position and shall
- 229 receive, at a minimum, the same wage and the same or
- 230 higher salary range that the employee would have received
- 231 without the career mobility assignment.
- 232

233 **11) Hot-Spot Increase.**

234 A salary adjustment recommended by an employee's line of

235 management and in consultation with HR that is unrelated

236 to individual employee performance, unable to be applied

237 with existing funds available to the employee's line of

238 management, and approved by the State Court

239 Administrator, Deputy State Court Administrator or

240 designee from finite Hot-Spot funds authorized by the

241 Judicial Council and consistent with the purposes

242 authorized by the Judicial Council. This

increase is subject to the availability of approved

funds if authorized by the Judicial Council for the

current fiscal year.

243

244 **12) Exceptions.**

245 The HR Director, in consultation with the State Court

246 Administrator or designee, may authorize exceptions for

247 wage increases or decreases and shall report such

248 exceptions with justification to the Judicial Council

249 within thirty (30) days of authorization.

250

251

252 **HR06-7. Incentive Awards and Bonuses.**

1
2 the personal interest of the individual is not shared by the
3 general public.
4

5
6 **HR09-11. Conflict of Interest.**
7

- 8 1) An employee may receive honoraria or paid expenses for
9 activities outside of state employment under the following
10 conditions:
11 a) Outside activities may not interfere with an employee's
12 performance, the interests of the judicial branch, nor
13 of the State of Utah.
14 b) Outside activities may not give reasons for criticism
15 nor suspicion of conflicting interests or duties.
16
17 2) An employee may not use a state position; any influence,
18 power, authority or confidential information received in
19 that position; nor state time, equipment, property, or
20 supplies for private gain.
21
22 3) An employee may not accept economic benefit tantamount to a
23 gift as identified in [UCA §67-16-5](#) nor accept other
24 compensation that might be intended to influence or reward
25 the employee in the performance of official business of the
26 judicial branch.
27
28 4) An employee shall declare to management a potential conflict
29 of interest when required to do or decide anything that
30 could be interpreted as a conflict of interest. Management
31 shall then determine whether to excuse the employee from
32 making decisions or taking actions that may cause a conflict
33 of interest.
34
35 5) An employee shall not dispense special favors under
36 authority of the employee's position to anyone, whether or
37 not for remuneration.
38
39 6) An employee shall not assist any person in securing a
40 contract with the court system in a manner not available to
41 any other interested person.
42
43 7) An employee shall not be influenced in the performance of

44 the employee's duties by kinship, rank, or position.

- 45
- 46
- 47 8) An employee shall not request or accept a fee or
- 48 compensation beyond that received by the employee in an
- 49 official capacity for advice, information, or assistance
- 50 that is otherwise available from the courts.
- 51
- 52 9) An employee shall not solicit, accept, or agree to accept
- 53 any gift, loan, gratuity, discount, favor, hospitality, or
- 54 service under circumstances from which a reasonable
- 55 inference could be made that a major purpose of the donor is
- 56 to influence the court employee in the performance of
- 57 official duties. This provision does not apply to the
- 58 following:
- 59 a) An award presented in recognition of public service;
- 60 b) Any bonafide loan made in the ordinary course of
- 61 business by any institution authorized by state law or
- 62 federal law to make such loans;
- 63 c) Political campaign contributions if used in a political
- 64 campaign of the recipient public officer or public
- 65 employee;
- 66 d) An occasional non-pecuniary gift of nominal value given
- 67 to all of the employees in an office or team;—
- 68 e) Food, refreshments, or meals of limited value;
- 69 f) Opportunities, discounts, rewards and prizes open to
- 70 the general public or all employees of the State of
- 71 Utah;
- 72 g) Attendance or participation at events sponsored by
- 73 other governmental entities;
- 74 h) Travel to and from widely attended events related to
- 75 governmental duties where acceptance of such travel
- 76 would result in financial savings to the State of Utah.
- 77
- 78 10) An employee shall not receive outside compensation for
- 79 the performance of court duties except in cases of:
- 80 a) An award of meritorious public contribution publicly
- 81 awarded;
- 82 b) The receipt of honoraria or expenses paid for papers,
- 83 transcripts, talks, demonstrations, or appearances made
- 84 by an employee during work hours with the approval of
- 85 management; or on the employee's own time for which the
- 86 employee is not compensated by the courts and which is
- 87 not prohibited by these rules;

- 88
- 89 c) The receipt of usual social amenities, ceremonial
- 90 gifts, or insubstantial advertising gifts.
- 91
- 92 11) Consistent with [UCA §63G-6a Utah Procurement Code](#), those
- 93 involved in the purchasing process may not receive any gifts
- 94 or similar favors from vendors.
- 95 a) Vendors should be discouraged from sending any gift of
- 96 any kind.
- 97 b) If a vendor offers or sends a gift, the gift should be
- 98 kindly returned.
- 99 c) Consumable gifts of nominal value such as a box of
- 100 chocolates may be shared widely with others in the
- 101 office or discarded.

102

103 **HR09-12. Political Activity.**

104

- 105 1) An employee may only participate in political activity that
- 106 does not jeopardize the confidence of the public or of
- 107 government officials in the impartiality of the judicial
- 108 branch of government.
- 109
- 110 2) Prohibited political activity includes, but is not limited
- 111 to:
- 112 a) Political activity which conflicts with or otherwise
- 113 affects the mission and activities of the judicial
- 114 branch;
- 115 b) Running for, being appointed to, or holding an elected
- 116 office at any level of government;
- 117 c) Serving on boards, councils, committees, or other
- 118 entities in the executive or legislative branches,
- 119 unless the entity deals with the law, the legal system,
- 120 or the administration of justice (applicable at both
- 121 the state and local levels;
- 122 d) Membership in an organization that practices unlawful
- 123 discrimination;
- 124 e) Political activity during work hours, unless on
- 125 management-approved leave;
- 126 f) Use of any state-owned equipment, supplies or resources
- 127 when engaged in political activity;
- 128 g) Discrimination based on political activities in favor
- 129 of or against any person, including but not limited to
- 130 court patrons, employees, or applicants for employment;

- 1
2 or unauthorized solicitations;
3 1) Knowingly compromise the confidentiality, integrity, or
4 availability of the state's information resources.
5 5) An employee who violates this policy may be disciplined
6 according to [HR11](#).
7
8

9 **HR09-16. Social Media.**

- 10
11 1) An employee who participates in social media for personal
12 purposes may not:
13 a) Claim to represent the position of the judicial branch
14 or of the state of Utah;
15 b) Post or publish the seal of the judicial branch or of
16 the state of Utah;
17 c) Post or publish protected or confidential information,
18 including copyrighted information, confidential
19 information received from court patrons, or court
20 issued documents without permission from the court
21 level administrator; or
22 d) Unlawfully discriminate against, harass, or otherwise
23 threaten another state employee or person doing
24 business with the judicial branch.
25
26 2) Local districts and offices may establish additional policy
27 consistent with this section as desired and with approval of
28 the court level administrator.
29
30 3) An employee may be disciplined according to [HR11](#) for
31 violations of this section and/or local district or office
32 policy.
33
34
35

36 **HR09-17. Nepotism and Relationship Bias Prohibitions.**

37 This policy incorporates by reference [UCA §52-3-1](#) prohibiting
38 employment of relatives by public officers.
39

- 40 1) No employee shall hire, promote, or supervise a relative or
41 household member either directly or indirectly, nor unduly
42 or inappropriately influence any other employment decision
43 affecting a relative or household member.

- 44
45
46 2) Management may not employ a relative or household member of
47 a justice, judge, or commissioner (judicial officer) to work
48 within the official's level of court within that district.
49 Management may not employ a relative or household member of
50 a judicial officer to work within the same district when the
51 court executive manages all levels of court.
52
53 3) An employee shall immediately disclose any ~~relative family, -~~
54 ~~or household member, or other similar relationship such as~~
55 ~~but not limited to a stepchild/step parent relationship~~
56 that may pose a conflict with this policy to the direct
57 supervisor, or any supervisor or manager, or to anyone in
58 the Human Resource Department.
59
60 4) Any supervisor who has knowledge of or receives information
61 of a relationship as described in [HR09-911\(3\)](#) shall notify
62 the court executive, court level administrator, or state
63 court administrator ~~who may then consult with the Human~~
64 ~~Resources or Legal Department to help determine whether a~~
65 ~~conflict exists.~~
66
67 5) If management determines a conflict exists due to nepotism
68 or other relationship biases as described in this policy,
69 one of the parties must agree to a reassignment or accept an
70 alternative supervisory arrangement established by
71 management within a reasonable period of time.
72
73 6) If an employee refuses to comply with [HR09-9\(5\)](#), the
74 employee is subject to disciplinary action up to and
75 including dismissal from employment.
76
77

78 **HR09-18. Workplace Violence.**

79

- 80 1) Violence, threats, bullying, harassment, intimidation,
81 aggressive or hostile and other disruptive behavior are not
82 tolerated.
83
84 2) Employees engaging in any behavior described in [HR09-18\(1\)](#)
85 shall be subject to disciplinary action up to and including
86 dismissal from employment. Employees who commit such acts

- 3) The Director of HR shall work with management to establish standards to guide the development of statewide activities and to facilitate sharing of resources statewide.
- 4) When management directs an employee to participate in an educational program, the judicial branch shall pay full costs.
- 5) Management is required to provide refresher training and make reasonable efforts to requalify veterans reemployed under USERRA, as long as it does not cause undue hardship to the judicial branch.
- 6) Training shall be presented or made available online unless:
 - a) There is a physical or interactive component impossible or too difficult to facilitate online;
 - b) The training takes place over consecutive, full-day sessions; or
 - c) No attendee travels more than 50 miles from their primary residence or place of employment, whichever is closer to the training site, to attend the training.

HR10-5. Education Assistance.

Management may assist an employee in the pursuit of educational goals by granting administrative leave to attend classes, or a subsidy of educational expenses (subject to availability of funds), or both.

- 1) Prior to granting education assistance, the following conditions must be met:
 - a) The educational program being pursued by the employee must be shown to provide a benefit to the judicial branch.
 - b) The employee shall successfully complete the required course work or educational requirements of a program.
 - c) The employee shall agree to repay any assistance received if the employee resigns from employment with the judicial branch within one year of completing educational work for which reimbursement was received.
 - d) Education assistance may not exceed \$5,250 per employee in any one calendar year unless approved in advance by

- 44
- 45 a court level administrator.
- 46 e) The employee shall disclose all scholarships, subsidies
- 47 and grant monies provided to the employee for the
- 48 educational program.
- 49 i) Except for funding that must be repaid by the
- 50 employee, the amount reimbursed by the judicial
- 51 branch may not include funding received from
- 52 sources in [HR10-5\(1\)\(e\)](#).
- 53
- 54 2) The employee receiving assistance shall be responsible to
- 55 determine the taxable or nontaxable status of educational
- 56 assistance reimbursements.
- 57
- 58 3) Employee eligibility for education assistance includes the
- 59 following provisions:
- 60 a) Both career service and career service exempt employees
- 61 may be eligible.
- 62 b) The employee must be in a benefited position.
- 63
- 64 ~~4) Approval requirements include the following provisions.¶~~
- 65 ~~a) Career service exempt and probationary employees must~~
- 66 ~~have the approval of a court level administrator.¶~~
- 67 ~~5) Career service Employees must have the approval of a court~~
- 68 ~~executive or AOC director as applicable.~~
- 69
- 70 6) Employees are highly encouraged to attend course(s) during
- 71 non-working hours. However, management may grant exceptions
- 72 and allow a temporary flexible work schedule to allow the
- 73 employee to attend course(s) as long as court business needs
- 74 are met. Management may also grant limited exceptions to allow
- 75 administrative leave as part of the education assistance
- 76 program, consistent with [HR07-7](#).
- 77
- 78 7) If management requires an employee to attend an educational
- 79 program or course, costs shall be paid in full with local
- 80 district/court/office funds rather than education assistance
- 81 funds.
- 82
- 83 8) Books are not eligible for reimbursement from education
- 84 assistance funds.
- 85
- 86 9) Reimbursements shall be paid only when the following

requirements have been met:

- a) The employee shall complete an education assistance contract or agreement as established by the Finance Department.
- b) Evidence of course participation and/or successful completion of coursework shall be submitted indicating either a "pass" or a 2.0 grade point on a 4.0 scale or better.
- c) Receipt(s) of tuition costs paid shall be submitted.
- d) All other procedural elements including completion and submission of applicable Division of State Finance forms as required by the Finance Department shall be completed.
- e) All other procedural elements required by the Finance Department including evidence of course participation and/or successful completion of either "pass" or a 2.0 grade point on a 4.0 scale or better, receipt(s) of tuition costs paid, applicable Division of State Finance forms completed, etc.

10) If there are more requests for education assistance than there are available funds to reimburse, requests may be approved on a prorated basis and/or based on value to the judicial branch.

11) If an employee separates from employment with the judicial branch within 12 months from the date an education assistance reimbursement payment was received, the employee may be obligated to repay the amount received within that 12-month period.

HR10-6. Policy Exceptions.

The HR Director may authorize exceptions to this policy consistent with [HR02-2\(1\)](#).

Authorizing, and Implemented or Interpreted Law or Code: [UCJA 3-402](#)

- a) Excusable neglect may be found if an employee's failure to meet timeliness requirements is due to unexpected hindrance or accident.
 - b) An employee's carelessness, inattention, or willful disregard of the grievance process shall not be grounds to establish excusable neglect.
 - c) Questions about excusable neglect shall be resolved at the grievance level in which the question occurs.
- 4) If a grievance claim is withdrawn, abandoned, or otherwise neglected beyond either the established timelines or a reasonable period, the matter no longer qualifies for further processing through these grievance procedures. When an employee intends to withdraw the grievance, it should be withdrawn in writing.
 - 5) An employee who defaults in processing a grievance forfeits further rights granted by these policies.
 - 6) The Grievance Review Panel may administratively transfer a grievance to the Judicial Council or another more appropriate body as necessary to serve the ends of justice and fairness.

HR17-5. Grievance Levels and Timelines.

- 1) For purposes of this chapter, the counting of business days for timelines shall begin on the first day following receipt of the applicable grievance, complaint, or response that is not a Saturday, Sunday, or a holiday under [HR07-2](#).
- 2) An employee wishing to advance a formal grievance shall do so within 60 days after the event giving rise to the grievance or within 60 days after the employee knows, or with exercise or reasonable diligence should have known, of the event giving rise to the grievance.
- 3) If an employee is dissatisfied with a response at any of the grievance levels outlined below, the employee may advance the grievance to the next level within 15 business days.

43
44 4) Grievances alleging retaliatory action and requests to
45 review the findings of an abusive conduct investigation are
46 not subject to levels 1-3 outlined below and may be filed
47 directly to the Grievance Review Panel or the Judicial
48 Council.

49
50 5) At each level, the employee shall provide the HR Department
51 a copy of all grievance documents advanced to management.
52 The employee shall advance the grievance in accordance with
53 the following levels of increasing accountability:

54 **Level 1**

- 55 a) A written grievance shall be submitted to
56 the employee's immediate supervisor.
57 b) Once submitted, the written grievance is a formal
58 complaint requiring a response.
59 ~~c) If desired, the employee may also request mediation~~
60 ~~in accordance with [HR17-8](#) in conjunction with Level~~
61 ~~1.~~
62 ~~d) If a supervisor is the subject of a grievance or~~
63 ~~complaint, the employee may proceed directly to~~
64 ~~Level 2.~~

65 **Level 2**

- 66 e) If the grievance is not resolved at Level 1 within five
67 (5) business days, an employee may request mediation in
68 accordance with [HR17-8](#) or advance a grievance to the
69 direct supervisor's manager.
70 f) If that manager is the subject of a grievance or
71 complaint, the employee may proceed directly to
72 Level 3.
73

74 **Level 3**

- 75 g) If a grievance is not resolved at Level 2 within ten
76 (10) business days, the employee may ~~request~~
77 ~~mediation in accordance with [HR17-8](#) or advance the~~
78 ~~grievance to the Court Executive or Court Level~~
79 ~~Administrator at Level 3.~~
80 h) If that manager is the subject of a grievance or
81 complaint, the employee may proceed directly to
82 Level 4.

83
84 **Level 4**

85 i) If a grievance is not resolved at Level 3 within
86 fifteen (15) business days, the employee may ~~request~~
87 ~~mediation in accordance with HR17-6 or~~ advance the
88 grievance to the Grievance Review Panel at Level
89 4, by submitting the request for Level 4 review to
90 the HR Director or the HR Manager.
91

92 6) The purpose in specifying these four levels is to curtail
93 employees from having to submit their grievances to persons
94 not specified in the above steps or levels. Only the
95 above-listed persons (or their designated representatives)
96 in management are authorized to respond to a career service
97 employee's grievance.
98
99

100 **HR17-6. Appeal of Demotion or Dismissal.**
101

102 1) An aggrieved employee who has been demoted or dismissed by
103 the court executive, court level administrator or
104 administrative office director may appeal the action
105 directly to the Grievance Review Panel.

106 a) An appeal from discipline imposed by the court
107 executive, court level administrator or administrative
108 office director is distinguishable from a grievance.

109 b) A grievance is filed at step 1 and proceeds through
110 steps 2 and 3.

111 c) When an appeal from discipline imposed by a court
112 executive, court level administrator or administrative
113 office director occurs at the step 3 level, it may be
114 appealed directly to the Grievance Review Panel.
115

116 2) When appealed to the Grievance Review Panel, the appeal must
117 be filed within 30 business days from the date an aggrieved
118 employee receives written notification from the level of
119 management that imposed the disciplinary action.
120
121

122 **HR17-7. Appeal of Reduction in Force or Abandonment of Position.**
123

124 An aggrieved employee may appeal a reduction in force or
125 abandonment of position to be considered by the Grievance Review

Panel according to the following:

- 1) Upon receipt of the final written decision, the employee may appeal from a reduction in force by submitting a written appeal to the HR Department within 20 business days of receipt of the decision.
- 2) An employee separated from employment for abandonment of a position may appeal the final written decision by filing a written appeal with the HR Department within 20 business days of receipt of the decision.

~~HR17-8. Mediation.~~

~~An employee may choose to request mediation in place of a formal management response at any level of the formal grievance process.~~

- ~~1) If mediation is requested, management and/or HR will attempt to arrange for a neutral party mediator that is mutually acceptable to both the aggrieved employee(s) and management.~~
- ~~2) Timeframes to give notice of a scheduled mediation meeting shall be equal to the timeframe given at each grievance level allowing management to resolve the grievance.~~
- ~~3) If the aggrieved employee is not satisfied with the proposed mediator, the outcome of mediation or does not receive timely scheduling of a mediation meeting, the employee may advance the grievance to the next level identified in~~

~~[HR17-5.](#)~~

HR17-9. Grievance Review Panel.

Panel Membership

- 1) A grievance review panel is established consistent with [UCJA 3-402\(6\)](#). The panel includes Court Level Administrators of Juvenile, District, and Appellate Courts, and the Assistant Court Administrator.
- 2) In consultation with the State Court Administrator or