

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

September 6, 2024 – 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>Rules back from public comment:</u> <ul style="list-style-type: none"> • CJA 1-205. Standing and ad hoc committees • CJA 2-102. Council agenda • CJA 3-422. Tribal Liaison Committee (NEW) • CJA 3-501. Insurance benefits upon retirement • CJA 4-202.08. Fees for records, information, and services 	Action	Tab 2	Keisa Williams Daniel Meza Rincon Keri Sargent
	CJA 3-302. Clerk of the court	Action	Tab 3	Keri Sargent
	CJA 9-105. Justice court hours	Action	Tab 4	Jim Peters
	CJA 3-303. Justice court clerks	Action	Tab 5	Jim Peters
	CJA 4-401. Proceedings conducted by remote transmission (NEW)	Action	Tab 6	Keisa Williams
	<u>Human Resources:</u> <ul style="list-style-type: none"> • HR04-13. Career Mobility and Career Service • HR06-7. Stipends • HR06-8. Retirement Benefits Clarification • HR07-8. Witness and Jury Leave • HR07-15. Family and Medical Leave “Moonlighting” • HR07-20. Sick Leave Bank • HR07-21. Parental and Postpartum Leave • HR07-23. Safe Leave • HR08-2. Telework Mileage • HR08-22. Out of State and Out of Country Working • HR09-8. Weapon Policy • HR09-15. Preferred and Legal Name • HR10-1, HR06-6. Pay for Performance • HR11-3. Discretionary Factors (Discipline) • HR13. Volunteering • Terminology cleanup • Definitions and Policy. Transfer language 		Tab 7	Bart Olsen Jeremy Marsh
1:00	Technology report/proposals	Discussion		Brody Arishita
1:50	Old Business/New Business			
2:00	Adjourn			

2024 Meetings:
October 4, 2024
November 1, 2024
December 6, 2024

<u>2025 Meetings:</u>	
January 3, 2025	July 11, 2025
February 7, 2025	August 1, 2025
March 7, 2025	September 5, 2025
April 4, 2025	October 3, 2025
May 2, 2025	November 7, 2025
June 6, 2025	December 5, 2025

TAB 1

Minutes

August 2, 2024

**UTAH JUDICIAL COUNCIL
POLICY, PLANNING and TECHNOLOGY COMMITTEE
MEETING MINUTES**

DRAFT

Webex video conferencing
August 2, 2024 – 12 p.m.

MEMBERS:

PRESENT

EXCUSED

Judge Samuel Chiara, <i>Chair</i>	✓	
Judge Suchada Bazzelle	✓	
Judge Jon Carpenter	✓	
Judge Michael DiReda	✓	
Judge James Gardner		✓

GUESTS:

Judge Kate Appleby
Judge Jennifer Valencia
Paul Barron
Keri Sargent
Meredith Mannebach
Jace Willard

STAFF:

Keisa Williams
Cindy Schut

(1) Welcome and approval of minutes:

Judge Chiara welcomed committee members to the meeting. The committee considered the minutes from the June 14, 2024, meeting. With no changes, Judge Carpenter moved to approve the minutes as presented. Judge DiReda seconded the motion. The motion passed unanimously.

(2) Rules back from public comment:

CJA 4-601. Selection of indigent aggravated murder and defense fund counsel (REPEAL)
CJA 2-212. Communication with the Office of Legislative Research and General Counsel
CJA 4-907. Divorce education and divorce orientation course
CJA 1-204. Executive Committees
CJA 4-202.01. Definitions

The public comment period on the above rules has closed. No public comments were received. Rules 2-212, 4-601, and 4-907 were approved on an expedited basis and are currently in effect. Following a discussion, the Committee made no additional amendments.

Judge Bazzelle moved to recommend to the Judicial Council that rules 1-204 and 4-202.01 be approved as final with a November 1, 2024 effective date. Judge DiReda seconded the motion. The motion passed unanimously.

(3) CJA 4-206. Exhibits

Rule 4-206 is back from public comment. Court staff submitted two comments. Jace Willard reviewed recent statutory amendments related to the receipt, retention, and disposal of court exhibits and provided an overview of court staff's proposed rule amendments. A detailed memo is included in the meeting materials. In summary, the need to amend the rule goes back to legislation passed in 2023 (SB120), which prohibits courts from

disposing of any evidence admitted in criminal cases and significantly restricts state agencies' disposal of evidence in criminal cases. The 2024 amendments (SB76 and HB328) add to those restrictions. Following a discussion, the committee agreed with the proposed amendments and determined that expedited approval was necessary to ensure the rule reflects the statute. Because the amendments are substantive, the rule must be sent out for a second round of public comments. Adjustments can be made as needed after the comment period.

Judge DiReda moved to recommend to the Judicial Council that 4-206 be approved on an expedited basis with an immediate effective date, followed by a second round of public comments. Judge Bazzelle seconded the motion. The motion passed unanimously.

(4) CJA 6-104. District court water judges

Judge Jennifer Valencia and Senior Judge Kate Appleby reviewed proposed amendments to CJA Rule 6-104 as described in detail in the memo provided to the committee members. In summary, the proposed amendments add a new subsection pertaining to the reassignment of water cases upon the retirement or resignation of a water judge. The intent is to "grandfather in" all currently assigned water cases. Future assignments and reassignments would be made by the Senior Water Judge on a random basis. The Board of District Court Judges supports the amendment.

Following a discussion, the Committee changed (5)(A) to read, "the assignment and reassignment of water law cases to water judges," to further clarify that the supervising water judge is responsible for all reassignments.

Judge DiReda moved to recommend to the Judicial Council that the amendments to CJA rule 6-104 be published for a 45-day comment period. Judge Carpenter seconded the motion. The motion passed unanimously.

(5) CJA 4-202.02. Records classification.

CJA 4-202.03. Records access.

Keri Sargent reviewed the new Utah Office for Victims of Crime (UOVC) statutory requirement to file "nonpublic restitution records" with the court. These records only need to be filed when: 1) there is restitution in a case; 2) UOVC has a restitution claim; and 3) the defendant has requested a hearing regarding restitution. Nonpublic restitution records can only be accessed by the prosecuting agency and defense counsel and should be provided to those parties by UOVC. As such, the proposed amendments to rule 4-202.02 classify nonpublic restitution records as sealed and, in rule 4-202.03, UOVC is authorized to access those records without a court order.

The Board of District Court Judges has been working with adult probation and parole (AP&P) on reclassifying progress/violation (P/V) reports as protected records. P/V reports could include information about a defendant's substance abuse or mental health classes. Currently, P/V reports and proposed orders are submitted to the court as one document. Once the order is signed, the P/V report becomes a public record. AP&P submitted a version of the report that removes the judge's signature block and creates a separate probation order template. The board did not find any concerns with separating the report and order. The proposed amendments to rule 4-202.02 reclassify P/V reports as protected records. AP&P will begin related programming and training on their end.

Judge Carpenter moved to recommend to the Judicial Council that CJA rule 4-202.02 and rule 4-202.03 be published for a 45-day public comment period. Judge Bazzelle seconded the motion. The motion passed unanimously.

(6) CJA 4-905. Restraint of minors in juvenile court.

The proposed amendment to rule 4-905 fixes an incorrect reference in paragraph (4). Ms. Williams noted that clerical changes are needed in several other CJA rules to update statutory references related to the recodification of the Domestic Relations Code in SB 95.

Following a discussion, the committee determined that non-substantive, clerical changes can be made by court staff without sending the rules out for public comment (CJA rule 2-203(3)). Staff must place the rules on the Judicial Council's consent calendar with a memo identifying them as clerical, non-substantive changes.

Judge Bazzelle moved to put clerical, non-substantive changes to CJA rules 4-905, 4-508, 4-510.06, 4-903, 4-907, 10-1-303, and 4-510.06 on the Council's consent calendar. After the Council meeting, staff may update the rules on the webpage. Judge Carpenter seconded the motion. The motion passed unanimously.

Technology report/proposals:

Ms. Williams sought approval of the IT Strategic Plan.

Judge DiReda moved to send the proposed plan to the Management Committee for final approval. Judge Bazzelle seconded the motion. The motion passed unanimously.

(7) CJA Rule 4-101. Manner of Appearance

The public comment period for CJA rule 4-101 ends August 10th. To date, two comments were received and both were from juvenile court staff. The Supreme Court recently adopted related rules of civil, criminal, and juvenile procedure, with a September 1, 2024 effective date. To align with that date, Ms. Williams recommended that the committee review rule 4-101 before the end of the comment period.

The committee discussed the two comments from court staff regarding language on the court's website explaining how to access remote proceedings in juvenile court and whether party names will be included in notices. The committee determined that the rule does not need adjustment, but the website should be updated to include juvenile court information. Party names will be included in the caption of each notice. In juvenile court, the name of the minor is spelled out. If any public comments are received before the 10th, the committee will address them via an email vote prior to the Judicial Council meeting.

Judge Carpenter moved to send CJA Rule 4-101 to the Judicial Council with a recommendation that it be approved as final with a September 1, 2024 effective date. Judge Bazzelle seconded the motion. The motion passed unanimously.

Old Business/New Business: None

Adjourn: With no further items for discussion, the meeting adjourned at 12:54 p.m. The next meeting will be held on September 5, 2024, at noon via Webex video conferencing.

TAB 2

Back from Public Comment:

CJA 1-205. Standing and ad hoc committees

CJA 2-102. Council agenda

CJA 3-422. Tribal Liaison Committee (NEW)

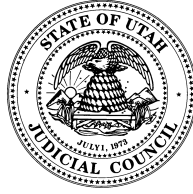
CJA 3-501. Insurance benefits upon retirement

CJA 4-202.08. Fees for records, information, and services

Notes:

No public comments were received.

Keri Sargent and Daniel Meza Rincon will discuss an additional proposed amendment to rule 4-202.08(10)(A)(i). See attached memo for details.



Administrative Office of the Courts

Chief Justice Matthew B. Durrant
Utah Supreme Court
Chair, Utah Judicial Council

August 6, 2024

Ronald B. Gordon, Jr.
State Court Administrator
Neira Siaperas
Deputy State Court Administrator

MEMORANDUM

TO: Judicial Council

**FROM: Daniel Meza Rincón, Deputy Juvenile Court Administrator
Keri Sargent, Deputy District Court Administrator**

RE: Definition of “Minimal” in CJA Rule 4-202.08(10)(A)(i)

This memorandum is being submitted to the Judicial Council to seek approval of the recommendations from the Budget and Fiscal Management Committee to define “minimal” for purposes of UCJA 4-202.08(10)(A)(i) as anything \$10 or less, and to further amend UCJA Rule 4-202.08 so that the fee for copies of audio records shared via the FTR cloud can be reduced. The history behind this request is set forth below.

[UCJA Rule 4-202.08](#) applies to all courts of record and not of record and to the Administrative Office of the Courts (AOC). Its intent is to establish uniform fees for requests for records, information, and services. Subsection (10), “Waiver of fees” has historically been interpreted and applied differently throughout the state. On December 1, 2023, the Trial Court Executive (TCE) group tasked the Clerk of Court (CoC) group to create a proposal to define “minimal” to remedy the disparate interpretations and applications of this rule statewide. Both groups and the AOC agree that uniformity throughout the state in the application of these waivers of fees is important.

UCJA 4-202.08(10)(A) and (10)(A)(i) state:

(10)(A) Subject to (10)(B), fees established by this rule, other than fees for public online services, shall be waived for:

(10)(A)(i) any government entity of Utah or its political subdivisions if the fee is minimal;

The mission of the Utah judiciary is to provide the people an open, fair,
efficient, and independent system for the advancement of justice under the law.

In January of 2024, the CoC group agreed on the following proposed definition of “minimal” and application of the rule: any request for court records, by any government entity of Utah or its political subdivisions, totaling less than \$10 per transaction.¹

The CoC group discussed that this waiver would not apply to requests for either certified or exemplified copies of a document as these fees are not established by UCJA 4-202.08 but rather by [Utah Code 78A-2-301](#).

This proposed definition of the word “minimal” for UCJA 4-202.08(10)(A)(i) was considered and approved by the TCE group on February 2, 2024.

AOC Juvenile Court and District Court administration then collaborated with the Accounting Manual Committee to ensure this direction was memorialized in the manual. The Accounting Manual Committee proposed an update to accounting manual policy [02-10.09 Miscellaneous Payments](#). The proposed update is as follows:

Government agencies requesting copies shall have the fees waived if the fee is minimal. By policy, minimal is defined to mean fees less than \$10.00 per transaction. Certified or exemplified copy fees cannot be automatically waived as they are established by the legislature and not by court rule. This does not prohibit a state agency from filing a motion/order to waive fees.

This proposed accounting manual change, along with the proposed definition of “minimal,” was presented to the Budget and Fiscal Management Committee (Committee) for review and approval on June 10, 2024. The Committee requested more information regarding current practices in order to better assess the impact of this change. The Committee further highlighted the need to give stakeholders ample notice of any potential changes that may result from this policy change. The accounting manual change was not approved at that time.

At the request of the Committee, districts were surveyed and asked the following questions. Their responses and observations from the AOC are as follows:

1. How do you currently define "minimal" when complying with [CJA Rule 4-202.08\(10\)\(A\)\(i\)](#)

Most of the districts treat all requests from a governmental agency as minimal and thus waive the associated fees. One district reported not waiving fees for audio recordings for multi-day trials. Three districts have specific guidelines:

- Anything below \$25 per transaction or request.
- Anything below \$100 in a month per agency.
- Anything below \$50 in a month per agency.

If the definition of “minimal” is set as any request for court records totaling less than \$10 per transaction, this would impact many state agencies in some districts whose requests

¹ In deciding to recommend the \$10 amount, the CoC group observed that this dollar amount is in line with several accounting policies, such as [02-14.00 Credits](#) which allows teams to waive fine/interest on certain cases in the amount of less than \$10, without a court order, and [02-8.00 Overpayments](#), which notes that “all overpayments which are \$10 or less will be retained as revenue and distributed to the miscellaneous revenue account, unless a refund is requested by the payer.”

may be completely waived right now. This survey response also highlights the need for a more consistent approach to the application of CJA Rule 4-202.08(10)(A)(i).

2. What entities do you currently waive fees for under CJA Rule 4-202.08(10)(A)(i)?

Districts reported waiving fees for the following: Prosecutors (County/District Attorneys), Attorney General's Office, Guardian Ad Litem, DCFS, AP&P and other Probation Agencies, FBI, BCI, State Police/Law Enforcement Agencies, Defense Attorneys/Public Defenders (UJDA), ORS, and Out of State Government Agencies.

CJA Rule 4-202.08(10)(A)(i) notes that for "any government entity of Utah or its political subdivisions if the fee is minimal" fees should be waived. Waiving fees for out of state government agencies may be a practice that needs to be corrected.

3. On average how much are you waiving a month per agency? Is this for audio or copy fees? Can you provide a rough estimate? [Please list agency and estimated amount]

There is no uniform way of tracking these waivers across the state. The table below summarizes information provided by the districts. These are averages.

District	Juvenile Court	District Court
1st	Not currently tracking	Not currently tracking
2nd	10 audio requests and 10 copy requests mainly from the Guardian Ad Litem's Office and the Attorney General's Office	AP&P: 5 copies Prosecutors: 100 certified copies, 8-9 audio requests FBI: 85 copies Out of State: 30 copies BCI: 10 copies AG: 2 audio requests, 10 copies
3rd	AG: \$120 in audio, \$20 copies. UJDA: \$45 audio GAL: \$30 audio	Not currently tracking. All copy fees are waived.
4th	On average 40-45 requests per month that includes certified copy requests from DCFS and limited audio requests.	Information not available

5th	On average 10 requests are waived per month.	On average 15 requests are waived per month.
6th	On average around \$50 per month (audio for public defenders, certified copies for AAGs)	
7th	On average \$30 per month for county attorney's offices. (audio fees for prosecutors)	
8th	An estimated \$50 a month [certified/exemplified copies for prosecutors and audio copies for the AAGs and GALs]	

Many districts currently waive requests for audio, and certified/exemplified copies for state agencies. With the proposed definition of “minimal” all state agencies would be impacted as requests for an “electronic copy of audio record or video record of court proceeding” is “\$15.00 for each one-half day of testimony or part thereof.” State agencies have already begun to be impacted as districts realized that UCJA Rule 4.202.08 does not apply to certified and exemplified fees.

4. How do you currently track these requests and waivers?

Six districts do not currently track these waivers or requests. Five districts only track requests for audio outside of the case management systems. One district tracks requests in CARE by creating the fees and then decreasing them. The fact that this is not being tracked appears related to the fact that there are no consistent statewide practices.

HB531, which was passed during the 2023 legislative session, requires the judiciary to report on waived fees, among other things, which adds to the importance of tracking these waived fees.

5. Have you had local conversations with partners about the proposed change and what if any feedback have you received?

Five districts report providing some notification to partner agencies. No district reported receiving any feedback from them. Internal feedback received includes:

- Implementation of this change may result in an increased number of fee waiver requests that require judicial review and staff time that may surpass the financial savings if the minimal amount is too low.
- Outside agencies may think that a \$10 definition of minimal sounds arbitrary because the accounting manual is an internal policy and they may think we set it intentionally below the \$15 audio fee so that we could charge for those.

- The Attorney General's Office understood the change in charging for certified and exemplified copies but noted concerns having to pay for audio fees when they are being asked to prepare orders.
- 6. **It's been reported that providing copies of audio records via FTR cloud is much easier than making copies in CDs/USBs. Copies of audio recordings are \$15 per unit according to Rule 4-202.08(3)(C). How much do you think a copy of a hearing should cost if shared via FTR cloud?**

Districts provided the feedback that copies of audio records shared via the FTR cloud is in fact easier than providing them using CDs or USBs. They recommend these be free or \$5 since they are sent or shared via email. One district noted that fees to send a document by email is \$5.00 for 10 pages or less, and that it takes about the same amount of time to share audio records via the FTR cloud. Districts agreed that if fee payments ought to match work input then the amount charged for these should be lowered.

At the July 8, 2024 Budget and Fiscal Management Committee Meeting, the Committee considered these responses and recommended that this be forwarded to the Judicial Council for final approval. Their recommendations included:

- Defining minimal in the accounting manual as anything \$10 or less. A slight change in definition from the initially proposed definition of "anything less than \$10 per transaction."
- That this change be accompanied by an amendment to CJA Rule 4-202.08(10)(A)(i) so that the fee for copies of audio records shared via the FTR cloud can be reduced.

Based on the foregoing, we respectfully request the Council adopt the recommendations of the Committee.

Rule 4-202.08. Fees for records, information, and services.**Intent:**

To establish uniform fees for requests for records, information, and services.

Applicability:

This rule applies to all courts of record and not of record and to the Administrative Office of the Courts. This rule does not apply to the Self Help Center.

Statement of the Rule:

(1) **Fees payable.** Fees are payable to the court or office that provides the record, information, or service at the time the record, information, or service is provided. The initial and monthly subscription fee for public online services is due in advance. The connect-time fee is due upon receipt of an invoice. If a public online services account is more than 60 days overdue, the subscription may be terminated. If a subscription is terminated for nonpayment, the subscription will be reinstated only upon payment of past due amounts and a reconnect fee equal to the subscription fee.

(2) **Use of fees.** Fees received are credited to the court or office providing the record, information, or service in the account from which expenditures were made. Fees for public online services are credited to the Administrative Office of the Courts to improve data quality control, information services, and information technology.

(3) **Copies.** Copies are made of court records only. The term "copies" includes the original production. Fees for copies are based on the number of record sources to be copied or the means by which copies are delivered and are as follows:

(3)(A) paper except as provided in (D): \$.25 per sheet;

(3)(B) electronic storage medium other than of court hearings: \$15.00 per unit;

(3)(C) electronic copy of audio record or video record of court proceeding: \$15.00 for each one-half day of testimony or part thereof; and

(3)(D) pre-printed forms and associated information: an amount for each packet established by the state court administrator.

(4) **Mailing.** The fee for mailing is the actual cost. The fee for mailing shall include necessary transmittal between courts or offices for which a public or private carrier is used.

(5) **Fax or e-mail.** The fee to fax or e-mail a document is \$5.00 for 10 pages or less. The fee for additional pages is \$.50 per page. Records available on Xchange will not be faxed or e-mailed.

44 **(6) Personnel time.**

45 (6)(A) There is no fee for the first 15 minutes of personnel time required to provide the
46 copy, record, information, or service, unless the person who submits the request:

47
48 (6)(A)(i) is not a Utah media representative; and

49
50 (6)(A)(ii) has submitted a separate records request within the 10-day period
51 immediately prior to the date of the request to which the court or office is
52 responding.

53
54 (6)(B) The fee for time beyond the first 15 minutes is charged in 15 minute increments
55 for any part thereof. The fees for personnel time may be set by the State Court
56 Administrator and the rates charged should be for the least expensive group capable of
57 providing the record, information, or service.

58
59 **(7) Public online services.**

60 (7)(A) The fee to subscribe to Xchange shall be as follows:

61
62 (7)(A)(i) a set-up fee of \$25.00;

63
64 (7)(A)(ii) a subscription fee of \$40.00 per month for any portion of a calendar
65 month; and

66
67 (7)(A)(iii) \$.15 for each search over 500 during a billing cycle. A search is
68 counted each time the search button is clicked.

69
70 (7)(B) The fee to access public online services without subscribing shall be a transaction
71 fee of \$5.00, which will allow up to 10 searches during a session.

72
73 (7)(C) The fee to access a document shall be \$.50 per document.

74
75 **(8) Bulk Data.** If approved, individuals or entities may subscribe to receive indexed court data
76 authorized under rule 4-202.02(2)(L) electronically in bulk. The fee to receive bulk data may be
77 set by the State Court Administrator. Requests for bulk data should be made to the Office of
78 Judicial Data and Research.

79
80 **(9) No interference.** Records, information, and services shall be provided at a time and in a
81 manner that does not interfere with the regular business of the courts. The Administrative Office
82 of the Courts may disconnect a user of public online services whose use interferes with
83 computer performance or access by other users.

84
85 **(10) Waiver of fees.**

86

(10)(A) Subject to (10)(B), fees established by this rule, other than fees for public online services, shall be waived for:

(10)(A)(i) any government entity of Utah or its political subdivisions if the fee is ~~minimal~~ **\$10.00 or less;**

(10)(A)(ii) any person who is the subject of the record and who is indigent;

(10)(A)(iii) any court appointed attorney acting on behalf of a client, if the client would qualify for a fee waiver under (10)(A)(ii); and

(10)(A)(iv) a student engaged in research for an academic purpose.

(10)(B) Individuals who qualify for a fee waiver under (10)(A)(ii) and (10)(A)(iii) are entitled to one free copy of the record requested. The State Court Administrator may waive the one free copy limit for administrative records or records associated with a case. Clerks of Court or the clerk's designee in courts of record and justice court designees in courts not of record, may waive the one free copy limit for records associated with a case. under this rule for good cause.

(10)(C) Fees for public online services shall be waived for:

(10)(C)(i) up to 10,000 searches per year for a news organization that gathers information for the primary purpose of disseminating news to the public and that requests a record to obtain information for a story or report for publication or broadcast to the general public;

(10)(C)(ii) any government entity of Utah or its political subdivisions;

(10)(C)(iii) the Utah State Bar;

(10)(C)(iv) public defenders for searches performed in connection with their duties as public defenders; and

(10)(C)(v) any person or organization who the XChange administrator determines offers significant legal services to a substantial portion of the public at no charge.

Effective: ~~January~~ November 1, 2024

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); and

(1)(A)(xvi) Tribal Liaison Committee.

(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;

(1)(B)(vi)(e) one state level administrator;

(1)(B)(vi)(f) ~~a state level~~one judicial education representative;

(1)(B)(vi)(g) one court executive;

(1)(B)(vi)(h) one Utah State Bar representative;

(1)(B)(vi)(i) one communication representative;

(1)(B)(vi)(j) one law library representative;

(1)(B)(vi)(k) one civic community representative; and

(1)(B)(vi)(l) one state education representative.

(1)(B)(vi)(m) 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; and

(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 district court judge;

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

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

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

(1)(B)(xiv)(e) two former judges from any court level;

(1)(B)(xiv)(f) the General Counsel or designee;

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

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

(1)(B)(xiv)(i) the Director of Data and Research or designee; and

(1)(B)(xiv)(j) up to two additional qualified individuals.

(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); ~~and~~

(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)(B)(xvi) The Tribal Liaison Committee performs the duties described in rule 3-422 and shall consist of:

(1)(B)(xvi)(a) one district court judge;

(1)(B)(xvi)(b) one juvenile court judge;

(1)(B)(xvi)(c) one justice court judge;

(1)(B)(xvi)(d) one appellate court judge;

(1)(B)(xvi)(e) one federal district court judge or magistrate;

(1)(B)(xvi)(f) one tribal court judge;

(1)(B)(xvi)(g) two representatives of Utah's Indian Tribes or affiliated community groups;

(1)(B)(xvi)(h) the Tribal Liaison;

(1)(B)(xvi)(i) one trial court executive;

(1)(B)(xvi)(j) one clerk of court or designee;

(1)(B)(xvi)(k) one representative from the Utah State Bar Indian Law Section;

(1)(B)(xvi)(l) one representative from the United States Attorney's Office;

(1)(B)(xvi)(m) one representative from the Indigent Defense Commission;
and

(1)(B)(xvi)(n) one representative from the Guardian ad Litem's Office.

(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: ~~November~~June 1, 2024~~3~~

Rule 2-102. Council agenda.**Intent:**

To identify the Management Committee's responsibility for establishing the annual schedule of Council meetings and the agenda for each Council meeting.

To establish a procedure for placing items on the Council agenda for consideration.

Applicability:

This rule shall apply to all meetings of the Council.

Statement of the Rule:

(1) **Management Committee.** The Management Committee is responsible for establishing the agenda for each Council meeting and for establishing an annual schedule of Council meetings.

(2) **Annual schedule.** The annual schedule shall include the date and time of Council meetings and shall provide adequate time to review planning, legislation, ~~and~~ budget issues, Council rules, and other matters identified by the Committee. The schedule shall be published by the Committee on an annual basis.

(3) **Requests.** The ~~agenda for each Council meeting shall be established by the~~ Management Committee, ~~which~~ is responsible for receiving requests for agenda items from the Boards, the Council's standing committees, court staff, and other interested agencies, organizations and individuals.

(3)(A) Boards – Executive Committees – Council members. Any items recommended for placement on the Council agenda by the Boards, an executive committee of the Council, the Council as a whole, or individual Council members shall be placed on the agenda by the Management Committee.

(3)(B) All other requests. The Management Committee shall review all other requests, ~~received, approve appropriate matters for Council consideration and, with the assistance of the Administrative Office, collect the necessary background information for presentation to the Council.~~ Matters ~~which are~~ approved for Council consideration will be placed on the Council agenda as soon as ~~the requisite~~ the necessary background information is available and subject to the scheduling limitations of the Council.

(4) Agenda. Council agendas shall be divided into two parts: the main agenda and the consent calendar. Unless otherwise directed by the Council, the Management Committee shall place approved items on the Council agenda consistent with the following:

(4)(A) Main agenda. The following matters shall be placed on the Council's main agenda, unless otherwise directed by the Council:

(4)(A)(i) standing committee reports;

(4)(A)(ii) standing or ad hoc committee sunset or reauthorization requests;

(4)(A)(iii) requests to certify, recertify, or dissolve justice courts;

(4)(A)(iv) senior judge resource requests and certifications;

(4)(A)(v) judicial retention election certifications;

(4)(A)(vi) court commissioner vacancies, appointments, and retention certifications;

(4)(A)(vii) rules recommended for final approval;

(4)(A)(viii) budget requests;

(4)(A)(ix) grant approvals; and

(4)(A)(x) any other matter deemed appropriate by the Council or the Management Committee.

(4)(B) **Consent calendar.** If approved by the Management Committee, the following matters shall be placed on the Council's consent calendar:

(4)(B)(i) rules recommended for public comment;

(4)(B)(ii) committee member appointments;

(4)(B)(iii) court forms; and

(4)(B)(iv) any other matter deemed appropriate by the Council or the Management Committee.

(5) **Consent calendar procedure.** Upon the request of a Council member, a matter may be moved from the consent calendar to the Council's main agenda for action or discussion. The Council may approve all items on the consent calendar without discussion by majority vote.

~~(4) Any items recommended for placement on Council agenda by the Boards, an executive committee, the Council as a whole or individual Council members shall be placed on the agenda by the Management Committee.~~

Effective: ~~April~~ November 1, 2024~~1997~~

Rule 3-422. Tribal Liaison Committee**Intent:**

To establish the Tribal Liaison Committee to serve as a core leadership team for the Tribal Liaison and to provide subject matter expertise to the Council regarding matters impacting both the judiciary and tribal courts.

Applicability:

This rule applies to the judiciary.

Statement of the Rule:

(1) The Tribal Liaison Committee shall study government-to-government matters which impact both the judiciary and tribal courts and propose policy recommendations concerning such matters to the Council.

(2) Duties of the committee. The committee shall:

(2)(A) provide support and guidance to the Tribal Liaison;

(2)(B) review collaborative tribal and court activities and government-to-government matters which impact the judiciary and tribal courts;

(2)(C) research, develop, and recommend policies and procedures regarding such government-to-government matters and collaborative activities;

(2)(D) identify matters which should be presented to the Council for consideration and recommend individuals with special expertise who could act as a resource for the Council; and

(2)(E) research, develop, and recommend policies and procedures for establishing and maintaining compliance with consultation agreements with Utah's Indian Tribes.

Effective: November 1, 2024

Rule 3-501. Insurance Benefits Upon Retirement.**Intent:**

To establish uniform policies regarding sick leave for all judicial officers of courts of record (justices, judges, ~~active senior judges of courts of record~~, and court commissioners), and conversion of sick leave to paid-up medical, dental, prescription drug, and employer-funded basic life insurance benefits at the time of retirement; and to establish uniform policies for incentive benefits for active senior judges of courts of record.

Applicability:

~~This rule shall apply to all justices, judges, active senior judges of courts of record, and court commissioners of courts of record.~~ Provisions (1) through (4) of this rule apply to all judicial officers, not including active senior judges. Provision (5) and (6) of this rule apply only to active senior judges of courts of record.

Statement of the Rule:**(1) Earned benefits.**

(1)(A) For each year of full-time employment that a ~~justice, judge, or court commissioner~~ judicial officer uses less than four days of sick leave in a calendar year, the ~~judge, justice, or court commissioner~~ judicial officer will be eligible for and accumulate accrues eligibility for eight months of paid-up medical ~~insurance~~, dental ~~insurance~~, prescription drug, ~~insurance~~ and employer-funded basic life insurance benefits at the time of retirement. Dental and employer-funded basic life insurance coverage is dependent upon the judicial officer's age at retirement. Upon retirement, the judicial officer shall declare to the Human Resources Department if they are otherwise covered by a comparable medical insurance policy. If not, the judicial officer shall receive the accrued insurance benefits. ~~submission of an annual application and a showing that the judge, justice, or court commissioner is not otherwise covered by a comparable medical insurance policy, the judge, justice, or court commissioner shall be eligible for and receive the insurance benefits which have accrued.~~

(1)(B) Maternity leave and parental leave is considered sick leave for determining benefits under this rule.

(1)(C) Medical, ~~and~~ dental, and prescription drug insurance coverage provided will be the same as that carried by the ~~justice, judge, or court commissioner~~ judicial officer at retirement, ~~i.e., family, two party, single~~ if the judicial officer is under age 65 at retirement. The judicial officer shall continue to pay their portion of the shared premiums and the judiciary shall continue to pay its portion of the shared premiums.

(1)(D) Medical and prescription drug insurance coverage provided will convert to the PEHP Medicare Supplement and Enhanced Pharmacy insurance benefits if the judicial officer is age 65 or older on the effective date of retirement. Dental and employer-funded basic life insurance benefits shall terminate when the judicial officer is eligible for Medicare. The judiciary covers 100% of the cost of premiums for the PEHP Medicare Supplement and Enhanced Pharmacy plans for the judicial officer and spouse.

(1)(D)(i) If the judicial officer is enrolled in a high deductible plan, it is their responsibility to stop all contributions (employee and employer) six months prior to applying for Medicare benefits to avoid a Social Security (Medicare) penalty

tax. The judicial officer is responsible for contacting the PEHP Flex Department to stop all contributions.

(1)(D)(ii) If the spouse of the judicial officer is not Medicare eligible when the judicial officer retires, the spouse's coverage will remain the same as that carried by the judicial officer at retirement until the spouse is eligible for Medicare or until earned benefits are exhausted, whichever is earlier.

~~(2) Automatic benefits. Notwithstanding the provisions of paragraph (1), a justice, judge, or court commissioner who retires and who is eligible for retirement benefits at the time of retirement shall receive a maximum of five years medical insurance, dental insurance, prescription drug insurance and life insurance.~~

(23) Duration of benefits.

(23)(A) The duration of earned benefits shall be calculated based on the judicial officer's last work day. Active employee insurance coverage ends on the last day of the month in which the judicial officer worked. Retiree insurance coverage or the PEHP Medicare Supplement and Enhanced Pharmacy coverage begins on the first of the month following the judicial officer's last work day. ~~from the effective date of the justice's, judge's or court commissioner's retirement.~~ Earned benefits shall not exceed seven years. Automatic benefits shall not exceed five years. Earned benefits and automatic benefits shall not exceed seven years.

<u>YEARS in which judicial officer used fewer than 4 days of sick leave in the calendar year</u>	<u>TOTAL NUMBER OF MONTHS PAID INSURANCE (1 year --> 8 months)</u>	<u>YEARS OF PAID INSURANCE</u>
<u>1 year</u>	<u>8 months</u>	
<u>2 years</u>	<u>16 months</u>	<u>1 year, 4 months</u>
<u>3 years</u>	<u>24 months</u>	<u>2 years</u>
<u>4 years</u>	<u>32 months</u>	<u>2 years, 8 months</u>
<u>5 years</u>	<u>40 months</u>	<u>3 years, 4 months</u>
<u>6 years</u>	<u>48 months</u>	<u>4 years</u>
<u>7 years</u>	<u>56 months</u>	<u>4 years, 8 months</u>
<u>8 years</u>	<u>64 months</u>	<u>5 years, 4 months</u>
<u>9 years</u>	<u>72 months</u>	<u>6 years</u>
<u>10 years</u>	<u>80 months</u>	<u>6 years, 8 months</u>
<u>11 years</u>	<u>88 months</u>	<u>7 years</u>

(23)(B) If the judicial officer is under age 65 at retirement, when the judicial officer reaches age 65, retiree insurance coverage shall convert to the PEHP Medicare Supplement and Enhanced Pharmacy insurance coverage, and coverage Earned benefits and automatic benefits shall terminate when the justice, judge, or commissioner

is eligible for Medicare, except that prescription drug insurance and supplemental Medicare insurance shall continue for the remaining duration/balance of the term of earned or automatic benefits. Dental and employer-funded basic life insurance benefits shall terminate when the judicial officer reaches age 65.

(23)(C) If the judicial officer is under age 65 at retirement but the spouse is 65 or older, the spouse's coverage will remain the same as that carried by the judicial officer at retirement until the judicial officer becomes eligible for Medicare. The spouse's retiree insurance coverage shall convert to the PEHP Medicare Supplement and Enhanced Pharmacy insurance coverage, and shall continue for the remaining duration of the term of earned benefits. If the spouse of the justice, judge, or court commissioner qualifies for medical insurance, prescription drug insurance or dental insurance under subsection (1)(C), such insurance shall continue for the period of earned or automatic benefits or until the spouse becomes eligible for Medicare, whichever is earlier, except that prescription drug insurance and supplemental Medicare insurance for the spouse shall continue for the balance of the term of earned or automatic benefits.

(23)(D) Earned or automatic benefits for dependents, other than a spouse, of the justice, judge, or court commissioner/judicial officer terminate when the justice, judge, or court commissioner/judicial officer reaches age 65 or until the dependent reaches age 26, whichever is earlier.

(2)(E) Additional life insurance coverage shall terminate for the judicial officer's spouse and dependent(s) when employment ends.

(34) **Recording sSick leave.** As authorized by Utah Code Section 78A-2-107, the state court administrator or designee will develop methods for recording sick leave used each year by judicial officers justices, judges, and court commissioners and for recording sick leave conversion to paid-up medical, dental and life insurance benefits.

(45) Active senior judge incentive benefit.

(45)(A) The judiciary will pay 50% of the cost of medical and dental insurance premiums for a qualifying active senior judge and spouse until the qualifying active senior judge is reaches age 65. The judiciary will pay 50% of the cost of supplemental the PEHP Medicare Supplemental and Enhanced Pharmacy insurance coverage and prescription drugs for a qualifying active senior judge and spouse if the active senior judge and spouse are is age 65 or older.

(45)(B) To qualify for the incentive benefit the active senior judge must:

(45)(B)(i) qualify as an active senior judge pursuant to rule 11-201;

(45)(B)(ii) have exhausted the earned and automatic benefits provided for by this rule;

(45)(B)(iii) submit to the state court administrator or their designee a letter expressing an intent to participate in the incentive benefit program;

(45)(B)(iv) comply with qualifications for reappointment as outlined in rule 11-201 during the active senior judge's term of appointment; and

(45)(B)(v) show good cause to the Council why the active senior judge should not be disqualified for the incentive benefit if the active senior judge has not performed case work for two or more fiscal years.

(45)(C) The ~~State Retirement Office shall deduct from the~~ active senior judge is responsible for their portion of insurance premium deductions and shall coordinate with URS and/or PEHP as applicable's retirement benefit the portion of the cost payable by the active senior judge.

(56) **Inactive status.** If an active senior judge who receives the incentive benefit changes to inactive status, the senior judge shall notify the state court administrator or designee and the Human Resources Department in writing that the active senior judge has converted to inactive status and is receiving the incentive benefit. ~~The state court administrator or designee shall notify Human Resources and URS shall notify PEHP~~ of the change in status.

(67) **Availability of funds.** ~~This policy will be implemented~~ implementation of this rule ised subject to availability of funds.

Effective: August 1, 2024~~5/30/2024~~

TAB 3

CJA 3-302. Clerk of the court

Notes: See attached rule amendment request form. Relevant statutory provisions copied below for convenience:

[78A-5-108](#). Duties of the clerk of the district court.

The clerk of the **district court** shall:

- (1) take charge of and safely keep the court seal;
- (2) take charge of and safely keep or dispose of all books, papers, and records filed or deposited with the clerk, and all other records required by law or the rules of the Judicial Council;
- (3) issue all notices, processes, and summonses as authorized by law;
- (4) keep a record of all proceedings, actions, orders, judgments, and decrees of the court;
- (5) take and certify acknowledgments and administer oaths;
- (6) supervise the deputy clerks as required to perform the duties of the clerk's office; and
- (7) perform other duties as required by the presiding judge, the court executive, applicable law, and the rules of the Judicial Council.

[78A-5a-203](#). Administrative system – Case management – Clerk of the court – Employees

(3) The clerk of the **Business and Chancery Court** shall:

- (a) take charge of and safely keep the court seal;
- (b) take charge of and safely keep or dispose of all books, papers, and records filed or deposited with the clerk and all other records required by law or the rules of the Judicial Council;
- (c) issue all notices, processes, and summonses as authorized by law;
- (d) keep a record of all proceedings, actions, orders, judgments, and decrees of the court;
- (e) supervise the deputy clerks as required to perform the duties of the clerk's office; and
- (f) perform other duties as required by the presiding judge, the business and chancery court administrator, applicable law, and the rules of the Judicial Council.

[78A-6-205](#). Court executives – Selection – Duties (**juvenile court**)

(3)(a) The clerk shall keep a record of court proceedings.

(b) The clerk may issue all process and notices required.

Date of Request *

MM DD YYYY

08 / 08 / 2024

Name of Requester *

Keri Sargent


Requester Phone Number *

4656335549

Name of Requester's Supervisor *

Shane Bahr

Please attach all required documents as outlined above.

 Redline CJA 3-3...

 Add file

Type of
Request *

☒ Policy & Planning

☐ Technology

Policy & Planning Section

Location of the
Rule *

Code of Judicial Administration ▼

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

CJA 3-302

Brief Description of
Proposal *

The Clerk of Court group would like to update this rule to be more in line with current practice, and to help Utah State Court employees understand a Clerk's of Court role. Language and other terms were updated.

Reason Amendment is
Needed *

Update language, be in line with current processes.

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:

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

.....

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

*

None outside of the court.

.....

Rule 3-302. Clerk of the Court**Intent:**

To describe the role of the Clerk of the Court.

To specify the procedure by which the Clerk of the Court is selected.

Applicability:

This rule ~~shall~~will apply to the trial courts of record.

Statement of the Rule:

(1) The Clerk of the Court for district and juvenile courts ~~shall~~will be appointed by the court executive with the concurrence of a majority of the judges assigned to that court location. In locations of the district court administered by contract with the administrative office of the courts, the elected county clerk shall serve as Clerk of the Court.

(2) The Clerk of the Court (or designee) ~~shall~~will:

(A) ~~take charge of and safely supervise the safekeeping of~~ keep the court seal;

(B) take charge of and safely keep or dispose of, according to law, all books, papers and records filed or deposited in the Clerk's Office;

(C) issue all notices, ~~process~~ and summonses where authorized by law;

(D) keep a record of all orders, judgments and decrees as required by law and this Code;

(E) keep minutes of court proceedings;

(F) keep a fee record as provided in this Code;

(G) keep records of jurors' services as provided in this Code;

(H) keep records of witnesses' attendance as provided in this Code;

(I) keep a record of executions as provided in this Code;

(J) take and certify acknowledgments and administer oaths;

(K) keep a record of fines, penalties, costs, and forfeitures as required by law and this Code;

(L) prepare revenue reports, reconcile accounting ledgers to bank statements, maintain and serve as custodian of trust accounts and perform such other accounting duties as assigned by the court executive;

(M) keep a record of court exhibits and ensure the safekeeping of exhibits;

(N) supervise such ~~deputy court~~ clerks or judicial assistants as required to perform the duties specified in this rule;

(O) keep such other records and perform such other duties as assigned by the court executive in accordance with applicable law and the provisions of this Code.

(3) The clerk's office ~~shall~~will be open and available to transact business during business hours on all days except Saturdays, Sundays, and legal holidays. When the clerk's office is open, the court clerk or ~~a deputy judicial assistant~~ ~~shall~~will be physically present or immediately available remotely.

Effective: ~~5/1/2016~~November 1, 2024

TAB 4

CJA 9-105. Justice court hours

Notes: See attached rule amendment request form. Relevant statutory provisions copied below for convenience:

[63G-1-301](#). List of state holidays, days celebrated

[78A-2-211](#). All courts of this state are open and judicial business may be transacted on any day, except as provided in Section 78A-2-212.

[78A-2-212](#): Judicial business on Sunday, on any day on which a regular general election is held, or on any legal holiday, is limited to the following purposes:

- (1) to give, upon their request, instructions to a jury when deliberating on the jury's verdict;
- (2) to receive a verdict or discharge a jury;
- (3) for the exercise of the powers of a magistrate in a criminal action, or in a proceeding of a criminal nature; and
- (4) judicial business not involving a trial or hearing unless the judge finds it necessary for the fair administration of justice.

[78A-7-213](#)

(3): **Justice courts** shall be open and judicial business shall be transacted:

- (a) five days per week; or
 - (b) no less than four days per week for at least 11 hours per day.
- (4) The legislative body of the county, city, or town shall establish operating hours for the justice courts within the requirements of Subsection (3) and the code of judicial administration.
- (5) The hours the courts are open shall be posted conspicuously at the courts and in local public buildings.
- (6) The clerk of the court and judges of justice courts shall attend the court at regularly scheduled times.

Date of Request *

MM DD YYYY

08 / 12 / 2024

Name of Requester *

Jim Peters

Requester Phone Number *

801-372-3333

Name of Requester's Supervisor *

Ron Gordon

Location of the Rule *

Code of Judicial Administration ▼

CJA Rule Number or HR/Accounting Section Name *

9-105

Brief Description of Rule Proposal *

Revisions to this rule would require that justice courts add their operating hours to their websites and close for local holidays. If approved, justice courts would no longer be required to notify the AOC on a quarterly basis of changes to their operating hours.

Reason Amendment is Needed *

Justice courts are operated by cities and counties but are required to close for state holidays. These holidays don't always align with local holidays, which oftentimes complicates operations. The Board is asking that holidays be defined by the local jurisdiction to resolve issues with the facilities, but also with staffing and overtime pay.

Is the proposed amendment urgent? *

☐ Yes☒ No

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

An effective date of May 1, 2025 should work fine.

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 and Planning 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
- ☐ Technology Committee
- ☐ Uniform Fine Committee
- ☐ WINGS Committee
- ☐ None of the Above

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

.....

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

This rule will affect all justice court judges, staff and the cities and counties that operate them.

.....

Rule 9-105. Justice Court hours**Intent:**

To establish minimum court hours for Justice Courts.

Applicability:

This rule shall apply to all Justice Courts.

Statement of the Rule:

(1) **Regular Schedule.** Every Justice Court shall establish a regular schedule of court hours to be posted in a conspicuous location at the court site and on the court's website. Court business may also be conducted outside of these hours.

(2) **Availability.** Justice Courts shall be open and available to transact judicial business every business day, Monday through Friday, excluding holidays as defined by the jurisdiction for each justice court and with the consent of the applicable justice court judge~~in Utah Code section 63G-1-301, and unless specifically waived by the Judicial Council.~~ During the scheduled hours of court operation, the Justice Court judge or at least one clerk court staff or local government employee deputized pursuant to Rule 3-303 of the Code of Judicial Administration shall be physically present or immediately available remotely.

(3) **Hours of operation.** Justice Courts shall provide, at a minimum, the following hours of operation:

Number of Average Monthly Filings	Hours Per Day
0-60	1
61-150	2
151-200	3
201-300	4
301-400	5
401-500	6
501 or more	8

(4) The Justice Court judge may schedule the court hours to meet the needs of the litigants and the availability of bailiff and clerk services.

~~(5) Court hours shall be set at least quarterly and the Justice Court judge shall annually send notice to the Administrative Office of the Courts of the hours which have been set for court operation.~~

Effective: ~~May~~ November 1, 2024~~16~~

TAB 5

CJA 3-303. Justice court clerks

Notes: See attached rule amendment request form.

[CJA Appendix B](#). Justice Court Standards for Recertification

[78A-7-103](#). Minimum standards of justice courts – Authority of Judicial Council over justice courts

The Judicial Council shall ensure that:

(1) procedures include requirements that every municipality or county that establishes or maintains a justice court provide for the following minimum operating standards:

(e) sufficient clerical personnel to serve the needs of the justice court;

(f) sufficient funds to cover the cost of travel and training expenses of clerical personnel and judges at training sessions mandated by the Judicial Council;

[78A-7-210](#). Justice court judge administrative responsibilities.

(1) Justice court judges shall comply with and ensure that court personnel comply with applicable county or municipal rules and regulations related to personnel, budgets, and other administrative functions.

(2) Failure by the judge to comply with applicable administrative county or municipal rules and regulations may be referred, by the county executive or municipal legislative body, to the state Justice Court Administrator.

(3) Repeated or willful noncompliance may be referred, by the county executive or municipal legislative body, to the Judicial Conduct Commission.

Date of Request *

MM DD YYYY

08 / 12 / 2024

Name of Requester *

Jim Peters

Requester Phone Number *

801-372-3333

Name of Requester's Supervisor *

Ron Gordon

Location of the Rule *

Code of Judicial Administration ▼

CJA Rule Number or HR/Accounting Section Name *

3-303

Brief Description of Rule Proposal *

This proposal seeks to amend the current rule to better govern the involvement of non-court staff in justice court operations by providing a mechanism to deputize them. It also codifies the Judicial Council's decision to restrict access to CORIS for those who are not current with the Board's training requirements.

Reason Amendment is Needed *

These updates will clarify a number of questions that judges and staff have about the practice of deputizing local government employees to assist with court operations. Resolving those uncertainties will allow the Model 2 accounting practices to be discontinued, as requested by the Judicial Council.

Is the proposed amendment urgent? *☐ Yes☒ No

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

An effective date of May 1, 2025 should work.

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 and Planning 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
- ☐ Technology Committee
- ☐ Uniform Fine Committee
- ☐ WINGS Committee
- ☐ None of the Above

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

.....

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

All justice court judges and staff, together with personnel who work for the cities and counties that operate them.

.....

Rule 3-303. Justice court ~~clerks~~ staff and local government employees serving in the justice courts.

Intent:

To provide for ~~clerical services~~ court staff who, under the direction of the justice court judge, are primarily responsible for operating the in-justice courts, and to establish uniform responsibilities for justice court clerks a process for deputizing local government employees who may assist the justice courts on a limited basis, and to provide access to financial data for counties and municipalities that operate a justice court.

Applicability:

This rule shall apply to all justice courts.

Statement of the Rule:

(1) Counties and municipalities are responsible for bearing the expense of providing staff to the justice courts located within their jurisdictions. Such services shall be provided by no fewer than the number of FTEs required by the Judicial Council's certification standards. Additional support may be provided as set forth in Section 3 below.

(2) Court Staff.

(2)(A) Clerks-Staff shall be provided to each justice court to assist the judge in managing the operation of the courts. ~~The clerk-Staff~~ shall have primary responsibility for performing ~~clerical~~ the following duties ~~including~~:

(42)(A)(i) recordkeeping;

(42)(B)(ii) filing reports;

(42)(C)(iii) scheduling hearings and trials;

(42)(D)(iv) mailing notices;

(42)(E)(v) maintaining case files;

(42)(F)(vi) collecting fines;

(42)(G)(vii) docketing cases;

(42)(H)(viii) taking and certifying acknowledgments and administering oaths; and

(42)(I)(ix) other court-related duties as assigned.

(2)(B) The judge shall concur in the appointment of ~~the clerk~~ all court staff assigned to serve the court and ~~shall may~~ participate in the personnel evaluation process for ~~that clerk~~ court staff, at the judge's discretion.

(3) Local Government Employees.

(3)(A) Deputized Employees.

(3)(A)(i) In addition to the staff described in Section (2) above, a justice court judge with fewer than three full-time staff may, with the concurrence of the local

government executive and the Board of Justice Court Judges, deputize up to four local government employees to perform certain court-related duties on a limited basis. The Board of Justice Court Judges may authorize exceptions to this section upon request by the applicable justice court judge.

(3)(A)(ii) The responsibilities and authority of deputized local government employees shall be detailed in a standing order signed by the judge and provided to the local government executive and the Administrative Office of the Courts.

(3)(A)(iii) Deputized employees shall be supervised by court staff in the performance of court-related duties, but not for the performance of duties unrelated to the court.

(3)(A)(iv) Counties and municipalities shall cover the annual cost of the following for each deputized employee:

(3)(A)(iv)(a) an email account on the utcourts.gov domain, and

(3)(A)(iv)(b) any training that may be required by the Board of Justice Court Judges.

(3)(B) Read-only Employees. In addition to the court staff and the deputized employees described above, cities and counties may involve other employees in the justice court to the extent that financial reports need to be reviewed and reconciled. Such employees will be granted read-only access to review certain reports in CORIS once they have completed the training required by the Board of Justice Court Judges, signed a Memorandum of Understanding and submitted the same to the Administrative Office of the Courts.

~~(34) If the clerk is~~ No court staff or deputized local government employee serving the court in a part-time capacity, ~~the clerk~~ shall ~~not~~ be assigned to other duties which present a conflict of interest or promote an appearance of impropriety regarding court responsibilities. Both court staff and deputized employees shall adhere to separation of duties requirements set forth in Section 01-06.00 of the Courts' Accounting Manual.

~~(4) Counties and municipalities are responsible for bearing the expense of providing clerical services to the justice courts located within their jurisdictions.~~

(5) Court staff and deputized employees shall take an oath that requires them to solemnly swear and promise to support, obey and defend the Constitution of the United States of America and the Constitution of the State of Utah, and to discharge the duties of their office with fidelity to the best of their ability. The oath shall be administered by the judge and be recorded on a form provided by the AOC. A copy of the form must be provided to the Administrative Office of the Courts within one week following an employee's first day with the court.

~~(56) Each clerk~~ Court staff and local government employees who have been deputized pursuant to Section 3(A) above shall be certified ~~on an annual basis for the six months ending June 30 and December 31 each year (each, a "certification period")~~ by demonstrating proficiency with the training required by the Board of Justice Court Judges. The Board may consider a judge's request to waive one or more courses or extend a certification deadline for good cause, provided the request is received at least three weeks prior to the end of the applicable

77 certification period. At the end of each certification period, access to CORIS shall be suspended
78 for court staff and local government employees who are not current with training requirements
79 and who did not receive an extension from the Board. Access to CORIS shall be restored once
80 any such user is current with the Board's requirements.

81 *Effective: ~~4~~5/1/202~~5~~2*

TAB 6

CJA 4-401. Proceedings conducted by remote transmission (NEW)

Notes: The purpose of this proposal is to memorialize the Management Committee's August 5th Administrative Order requiring all remote court proceedings to be held via Webex webinar (attached).

Brody and I discussed including security features in the rule, rather than referring to Webex webinars, meetings, or personal rooms, but believe it would be too confusing for staff. If/when technology changes, we could expedite a rule change.

**MANAGEMENT COMMITTEE
EXECUTIVE COMMITTEE OF THE UTAH JUDICIAL COUNCIL**

**ADMINISTRATIVE ORDER
August 5, 2024**

To ensure the security of remote court proceedings, the Management Committee, acting on behalf of the Utah Judicial Council in accordance with Rule 1-204(2) of the Utah Rules of Judicial Administration, hereby issues the following order applicable solely to district and justice courts:

1. Beginning August 19, 2024, all Webex hearings will be conducted exclusively via webinars. Webex hearings may not be conducted through Webex meetings or personal rooms on or after that date.
2. Webex hearings currently scheduled to take place on or after August 19, 2024, through Webex meetings or personal rooms must be changed to Webex webinars no later than the day immediately preceding the day of the scheduled hearing.
3. Until August 19, 2024, Webex links may not appear on any court's public website.
4. Between now and August 19, 2024, any Webex hearing conducted through Webex meetings or personal rooms must be locked and all participants must be admitted by a judge or court staff.

Nothing in this administrative order overrides the Supreme Court's or Judicial Council's rules on manner of appearance.

DATED this 5th day of August 2024.

A handwritten signature in black ink, appearing to read 'M. B. Durrant', with a horizontal line extending to the right.

MATTHEW B. DURRANT
Presiding Officer, Utah Judicial Council

1 **Rule 4-401. Proceedings conducted by remote transmission**

2
3 **Intent:**

4
5 To ensure the security of remote court proceedings.

6
7 **Applicability:**

8
9 This rule applies to courts of record and not of record.

10
11 **Statement of the Rule:**

12
13 **(1) Definitions.**

14
15 (1)(A) “**Court proceeding**” means any trial, hearing or other matter involving a
16 participant.

17
18 (1)(B) “**Participant**” means the same as that term is defined in Rule 87 of the Utah
19 Rules of Civil Procedure, Rule 17.5 of the Utah Rules of Criminal Procedure, or Rule 61
20 of the Utah Rules of Juvenile Procedure.

21
22 (1)(C) “**Remote**” or “**Remotely**” means a judge, participant, or court staff assisting with
23 the proceeding will appear by video conference or other electronic means approved by
24 the court.

25
26 **(2) Webinars.**

27
28 (2)(A) All remote court proceedings will be conducted exclusively via Webex webinars.

29
30 (2)(B) Remote court proceedings may not be conducted via Webex meetings or Webex
31 personal rooms.

32
33 **(3) Exceptions.**

34
35 (3)(A) The Management Committee may grant exceptions for nonpublic remote court
36 proceedings.

37
38 (3)(B) Courts granted an exception under paragraph (3)(A) must ensure the Webex
39 meeting or Webex personal room is locked.

40
41 **(4) Links.**

42
43 (4)(A) **Nonpublic proceedings.** Links to nonpublic remote court proceedings conducted
44 via Webex meetings or Webex personal rooms may not be posted publicly, but judges
45 may grant permission to share links with participants or other interested individuals.

46

47 (4)(B) **Public proceedings.** Links to public remote court proceedings must be made
48 available to the public unless otherwise ordered by the court.

49

50

51 *Effective: November 1, 2024*

TAB 7

Human Resource Policies

Notes: See attached memo



The Utah Judicial Branch
Department of Human Resources



Memorandum

From: Bart Olsen, Director of HR, Administrative Office of the Courts
Human Resources Policy Review Committee

To: Policy, Planning, and Technology Committee

Re: Summary of Draft HR Policy Amendments

This memorandum summarizes the context, rationale, and intended impacts of proposed amendments to HR Policy.

BACKGROUND

Consistent with [Rule 3-402\(5\)](#), the Human Resources Policy Review Committee (HRPRC) meets regularly to review suggestions for policy amendments and assist the Policy, Planning & Technology Committee, and the Judicial Council to keep policies current and effective.

The HRPRC recommends the attached proposed amendments to HR Policy and seeks approval from the Policy, Planning and Technology Committee to forward them with a favorable recommendation to the Judicial Council. The HRPRC recommends an effective date of October 1, 2024, for all of the following amendments, unless otherwise noted as required by legislation.

1. HR04-13 Career Mobility and Career Service

For context on this proposed amendment, the judiciary moved away from creating and filling positions that lead to “career service” status, which status establishes property rights requiring extensive procedural work, with policy amendments that went into effect on July 1, 2022.

Although somewhat similar terminology is used, a “career mobility assignment” is distinct from career service status. Career mobility assignments temporarily move an employee from one position to another, when mutually agreeable between the employee and judiciary management, for purposes of professional development or in response to specific business needs.

The July 2022 policy amendments to career service provisions of policy HR05 inadvertently preserved language describing requirements for a career mobility assignment to become “permanent” in policy HR04. This amendment removes the outdated language in HR04 to clarify that career mobility assignments are temporary in nature and will not lead to any previously unestablished career service status.

[HR Policy: HR04-13](#)

2. HR06-7(5) – Stipends

In May 2023, the Judicial Council approved funding to designate up to 30 court employees as IT Tech Subject Matter Experts (TSMEs) in addition to their regular duties. These TSMEs are vital



in supporting District and Juvenile courts across the state with various IT-related tasks, such as account troubleshooting and networking. To fairly compensate for these additional responsibilities, selected employees receive a stipend for being a TSME. To ensure that only qualified individuals receive this stipend with approval from district TCEs, IT implemented a rigorous vetting process that includes both an application and an examination.

Second Language stipends and their similarly thorough approval processes have already been in place for many years. Therefore, this amendment would replace the current subheading for policy HR06-5(7) from "Second Language Stipends" to "Stipends," and includes the proposed IT stipend section. These amendments clarify that the Trial Court Executive has the authority to approve stipends, and employees must apply, demonstrate an acceptable knowledge level, and complete a formal agreement. There is also a provision that a stipend may be paused when an employee is on leave for more than 30 continuous calendar days.

[Policy: HR06-7](#)

3. HR06-8 - Retirement Benefits Clarification

This amendment removes language in HR Policy that appeared to independently establish employee eligibility requirements for retirement benefits under the Utah Retirement Systems. The updated language instead points to the statutorily authorized entity for establishing eligibility requirements under the Utah State Retirement and Insurance Benefits Act ([Title 49](#)) which is the Utah Retirement Systems (URS). Should the Legislature make changes to that section of code at any point in the future, this amendment ensures HR Policy aligns with Title 49.

[Policy: HR06-8](#)

4. HR07-8 – Witness and Jury Leave

Previously, the policy language governing procedures for both witness leave and jury leave were the same, leading to some confusion in some cases as to whether an employee had to use their own individually accrued leave if serving as a witness, and whether jury leave could be used if an employee was not actually selected to serve as a juror. This amendment creates two distinct subheadings under HR07-8: "Witness Leave" and "Jury Leave," and includes language to clarify those pieces of confusion.

Witness Leave:

Employees appearing as witnesses in connection with their job duties are eligible for a full day's pay when serving as a witness. However, any compensation for this service must be returned to the courts.

Jury Leave:

The existing jury leave policy was unclear if "serving" referred to being summoned or selected as a juror. This amendment clarifies that employee using Jury Leave—coded as "OJ" on their timesheet—are covered for jury summons and service if doing so requires an absence from work. Additionally, any compensation received for jury duty must be returned to the



organization. If the employee uses their personal leave balances, they are not required to return the compensation.

[Policy: HR07-8](#)

5. HR07-15 – Family and Medical Leave “Moonlighting”

The Family and Medical Leave Act (FMLA) allows eligible employees to take up to 12 weeks of unpaid, job-protected leave per year for specific family and medical reasons, ensuring continued health insurance coverage during the period of leave.

Over the past few months, HR learned of more than one instance where an employee worked a second job while on FMLA leave without receiving supervisory approval, a practice known as “moonlighting.” The FMLA does not categorically prohibit moonlighting, nor does it exempt an employee from abiding by the Employee Code of Ethics and Conduct established in policy HR09. After consulting with the General Counsel’s office, the HRP RC developed this policy amendment to make it abundantly clear that an employee on FMLA must adhere to secondary employment requirements under HR09-10.

[Policy: HR07-15](#)

6. HR07-20 - Sick Leave Bank

The current sick leave bank policy allows management to grant an employee up to 240 hours in a calendar year for events like a catastrophic illness or injury. This creates unjust advantages and disadvantages to employees based solely on the timing of the event. (One employee might be eligible to use 240 hours from the sick leave bank from November until December 31, then immediately become eligible for another 240 hours on January 1.) The disparate impacts on eligibility based solely on the calendar year end date are unintentional. This amendment establishes the date an employee first uses sick leave bank hours as the beginning of the year in which up to 240 hours of sick leave bank may be used.

The amendment also equalizes the impact of the benefit between part-time and full-time employees by prorating the amount of hours an employee may use based on the number of hours normally worked per week.

[HR Policy: HR7-20](#)

7. HR07-21 - Parental and Postpartum Leave

This amendment would create consistency between the current policy and a bill that recently passed in the General Legislative Session. [HB75](#) addresses parental and postpartum recovery leave for state employees. It clarifies that an employee must be employed at the time of the qualifying event to be eligible for parental leave. It also specifies that the purpose of parental leave is for bonding. Additionally, the bill adds foster care as a qualifying reason for parental leave and specifies that postpartum recovery leave is only available when the birth occurs at 20 weeks gestation or later.



The Utah Judicial Branch
Department of Human Resources



[HR Policy: HR07-21](#)

8. HR07-23 - Safe Leave

This amendment comes from [SB174](#) which establishes a type of leave for state employees that is separate from individually accrued leave and referred to as “safe leave.” It requires safe leave to be granted to a victim of domestic violence and some other similarly situated employees who have exhausted all of their own accrued leave. The bill becomes effective on January 1, 2025. The HR Department plans to provide additional details about the administration of this leave benefit to judicial branch employees in the coming months.

The bill requires managers to allow an employee described above to use up to one week of paid safe leave per calendar year under certain conditions for a reason related to:

- The employee having been the victim of domestic violence, sexual assault, stalking, or human trafficking.
- The employee's immediate family member having been the victim of an incident described above.

[HR Policy: HR07-23](#)

9. HR08-2 - Telework Mileage

The State Division of Finance recently adjusted its policies and no longer prohibits mileage reimbursement for travel of less than 50 miles. The judiciary's Accounting Manual reflects the same update. This amendment also more precisely defines routine teleworking.

[HR Policy: Definitions, HR08-2\(5\)](#)

10. HR08-22 - Out of State and Out of Country Working

During the pandemic, the State Division of Finance created specific procedural and approval requirements for state employees working outside of Utah due to concerns about security, payroll taxes, and other related matters. The judiciary's HR policies supported these requirements but unintentionally omitted TCEs in the line of approval for out-of-state work. These amendments support a more logical line of approval, including the TCE/AOC Director and State Court Administrator or Deputy Court Administrator, in consultation with HR and IT, as those who can approve out-of-state and outside-of-the-country work.

[HR Policy: HR08-22](#)

11. HR09-8 - Weapon Policy

Amends Weapon and Court Security HR Policy to maintain consistency with [Rule 3-414. Court Security](#).

[HR Policy: HR09-8](#)



12. HR 09-15 - Preferred and Legal Name

Amends language allowing employees to use a preferred name and identifies circumstances when a legal name must be used (such as when required by externally controlled information systems).

[HR Policy: HR09-15](#)

13. HR10-1 and HR06-6 - Pay for Performance

In the 2024 General Legislative session, the legislature allocated funds specifically to the judiciary for implementing pay-for-performance increases. The HR Department quickly published helpful information for employees and guidance for managers via email, information sessions, and on a [Pay for Performance](#) page of the HR website, but in order to facilitate even greater consistency and transparency moving forward, formalized policies need to accompany the more informal guidance currently published.

Additionally, we expect continued funding will require some accountability from the judiciary to legislative bodies to verify the judiciary used the funds as intended. The extensive amendments to HR10 governing employee development aims to ensure practices surrounding setting performance expectations and evaluating job performance enable the judiciary to provide that accountability to the legislature if/when it is requested. The amendments to HR06 governing salary aim to clarify and provide reasonable consistency in the application of the judiciary's pay for performance program.

[HR Policy: HR10-1; HR06-6](#)

14. HR11-3 - Discretionary Factors (Discipline)

The amendments clarify that when a manager considers an appropriate disciplinary action for cases of misconduct or poor performance, the manager should only consider similar cases under the current State Court Administrator's tenure. Disciplinary decisions made under prior administrations can needlessly perpetuate practices that are outdated and misaligned with the vision of the current State Court Administrator.

[HR Policy: HR11-3](#)

15. HR13 - Volunteering

The judiciary's Employee Resource Groups (ERGs) are still relatively new, and the current policy governing time records for volunteer ERG participation allows one hour per month of that volunteer time to be counted as "work time." The intent of that language was simply to allow one hour of that volunteer time to be compensated without requiring an employee to use their own accrued leave, rather than to inflate or inaccurately capture hours actually worked. Authorizing non-work hours to be counted as work hours conflicts with policy HR08-8(1) which requires employees to submit a "...time record that accurately reflects the hours actually worked, including ... approved leave time."



This amendment clarifies that up to an hour of Administrative Leave per month, rather than an hour of work time, should be recorded on the employee's timesheet when voluntarily participating in ERGs.

[HR Policy: HR13](#)

16. Terminology Cleanup: Replacing “Rule” with “Policy”

Carryover language in the HR Policy Manual from many years past uses the word “rule” and “policy” interchangeably, which causes unnecessary confusion. Cleanup amendments throughout HR Policy to replace the word “rule” with “policy” when used in reference to HR Policy to avoid confusion.

[HR Policy: HR09-2; HR09-11; HR09-14; HR11-3; HR14-2; HR14-4; HR15-1; HR17-1](#)

17. HR Definitions and Policy - Transfer Language Update

Previous versions of HR Policy addressed procedures for employment transfers between the judiciary and other state entities without defining or listing those entities, making it unclear whether the transfer procedures applied only state employees in the executive and legislative branches (which it does) or if it also applied other independent state entities or quasi state agencies (which it does not). The amended policy language makes this abundantly clear, and adds definitions of “External Applicant” and “External Transfer” to clarify these transfers are executive or legislative branch employees transferring to the judiciary, or judiciary employees transferring to the executive or legislative branch. Consequently, we conducted a thorough review of the HR Policy to clarify whether each instance of the term “transfer” referred to an “external” or “internal” transfer.

[HR Policy: HR Definitions 51, 52, 53, 125; HR04-4,HR-04-5;HR05-1;HR06-6,HR06-8](#)



1. HR04-13 Career Mobility and Career Service

Policy HR05-1. Career Service Status.

- 1) Only an employee hired through a competitive, pre-approved HR process and having completed a probationary period defined in the job descriptions is eligible for career service status.
- 2) Effective July 1, 2022, the judicial branch ~~will~~ no longer create s career service positions.
 - a) When a career service position is vacated for any reason, the position shall convert to at-will before announcing a vacancy, making an appointment, or selecting a candidate through a competitive process as described in [HR04](#) governing provisions of filling positions.
 - b) A vacated career service position may continue to be a career service position only if management initiates a reassignment, as defined in [HR01\(109\)](#), of a career service employee to the vacant position consistent with [HR04\(5\)\(2\)](#).
- 3) An employee has the right to maintain previously attained career service status so long as the employee remains in the current career service position, or is moved by a management-initiated reassignment as described in HR05-1(3)(b).
- ~~1.4)~~ When an employee initiates a move to a different position such as applying for and receiving a promotion as defined in HR01(104), applying and being selected for any other position vacancy, or requesting a transfer as defined in HR01(125), the employee shall convert to an at-will ~~employee-employment~~ status.

HR04-13. Career Mobility Programs.

- 1) A career mobility is a temporary assignment of an employee to a different position for purposes of professional growth or fulfillment of specific organizational needs. Career mobility assignments may be to any salary range.



- 2) Management may provide career mobility assignments inside or outside state government in any position for which the employee qualifies.
- 3) An eligible employee or the employee's management may initiate a career mobility action in consultation with HR.
- a) Career mobility assignments ~~may be made without going through the competitive process but shall remain~~ are temporary.
- ~~o Career mobility assignments shall only become permanent if:~~
- ~~▪ the position was originally filled through a competitive recruitment process; or~~
 - ~~i) a competitive recruitment process is used at the time the organization determines a need for the assignment to become permanent.~~
- 4) Managers shall use written career mobility contract agreements between the employee and the supervisor to outline all program provisions and requirements. The career mobility shall be both voluntary and mutually acceptable.
- 5) A participating employee may choose to retain all rights, privileges, entitlements, career service status subject to [HR05-2](#), and benefits from the previous position while on career mobility.
- a) If a reduction in force affects a position vacated by a participating employee, the participating employee shall be treated the same as other RIF employees.
- b) If a career mobility assignment ~~does not become permanent at its conclusion~~ ends, the employee shall return to the previous position or a similar position at a salary rate described in [HR06-6\(10\)](#).
- ~~An employee who has not attained career service status prior to the career mobility program cannot permanently fill a career service position until the employee obtains career service status through a competitive process.~~



2. HR06-7 - Second Language Stipends

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85 **HR06-7. Incentive Awards, Bonuses, Language/IT Stipends and**
86 **Bonuses.**

87

88

89 **5) Second Language Stipends**

90 **6)**

91 Management may award regularly occurring ~~bonus~~ payments, also
92 known as stipends, to qualifying employees based on need and
93 available budget.

94 (1) After approval from the Trial Court Executive (TCE) or
95 department director an employee may apply for the following
96 stipends:..who s

97

98 a) Second Language Stipend

99 (1)i) An employee may qualify to receive a Second
100 Language Stipend to give informal interpretation
101 to court patrons seeking court services and
102 needing interpretation if they:

103 (1) Speak a second language

104 (2) Apply in writing to the Trial Court
105 Executive (TCE) or department director and
106 receive approval to continue the application
107 process.

108 (3) Apply in writing through the Language
109 Access Program Coordinator or designee;

110 (4) Demonstrate an acceptable level of
111 second language proficiency through a
112 language assessment test as determined by
113 the Language Access Program.

114 (5) Complete any formal agreement as
115 required by the TCE or department head;

116

117 —speak a second language and give informal
118 interpretation to court patrons seeking
119 court services and needing
120 interpretation..

121 b) Employees must meet the following eligibility criteria:



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~~(1)(6) -and receive approval~~Apply in writing
through the Language Access Program
Coordinator or designee;

~~(7) Complete any formal agreement as
required by the Language Access Program;~~

~~(2) -~~

~~• Demonstrate an acceptable level of second
language proficiency through a language
assessment test as determined by the
Language Access Program.~~

ii) Records, tracking, and distribution of stipend
payments and payment recipients are coordinated
and monitored by district management, the
Language Access Program and the Department of
Finance.

b) IT Stipend

i) An employee may qualify to receive an IT Stipend
to provide IT-related support in their own
district or department if they:

(1) Apply in writing to the Trial Court
Executive (TCE) or department headdirector
to move forward in the application process.

(2) Demonstrate an acceptable level of IT
knowledge through an IT assessment test as
determined by IT.

(3) Complete anythe formal agreement as
required by the TCE or department head.

~~-Demonstrate an acceptable level of IT
knowledge through an IT assessment test as
determined by IT.~~

ii) Records, tracking, and distribution of IT stipend
payments and payment recipients are coordinated
and monitored at the district or department level
and the Department of Finance.

2) Stipends shall be paused when an employee is on continuous
leave of more than 30 calendar days.



3. HR06-8 – Retirement Benefits Clarification

Policy HR06-8. Employee Benefits.

- 1) An employee shall be eligible ~~for benefits when~~for:
 - a) Retirement benefits according to Title 49, Utah State Retirement and Insurance Benefit Act.
 - i) Courts HR shall provide eligible employees with information regarding available options for Utah Retirement Systems (URS) retirement programs.
 - ii) An employee shall communicate directly with URS regarding retirement system options, changes in employee contributions, beneficiaries, and investment strategies.
 - b) Non-retirement benefits when:
 - ~~1.i)~~ In a position designated as eligible for benefits; and
 - ~~2.ii)~~ In a position which normally requires working a minimum of 40 hours per pay period (or 20 hours per week).
- 2) An eligible employee has 30 days from the hire date to enroll in or decline one of the traditional medical insurance plans and 60 days from the hire date to enroll in or decline one of the HSA-qualified medical insurance plans or other tax-advantaged arrangement offered by PEHP and authorized under the Internal Revenue Code for the benefit of the employee.
 - a) An employee shall only be permitted to change medical plans during the annual open enrollment period for all state employees.
- 3) An eligible employee has 60 days from the hire date to enroll in insurance plans for dental and vision benefits, and in a flexible spending account.
- 4) An employee shall enroll in guaranteed issue life insurance within 60 days of the hire date to avoid having to provide proof of insurability.
 - a) An employee may enroll in additional life insurance and accidental death and dismemberment (AD&D) insurance at any time.
 - b) If an employee chooses to enroll in additional life and/or AD&D insurance, the employee may be required to provide proof of insurability.



- 206
207
208 5) An employee eligible for retirement benefits shall be
209 electronically enrolled using the URS online certification
210 process as follows:
211 a) An employee with any service time with Utah Retirement Systems
212 (URS) prior to July 1, 2011, from any URS eligible employer,
213 shall be automatically enrolled in the Tier I defined benefit
214 plan and the Tier I defined contribution plan.
215 i) Eligibility for Tier I shall be determined by Utah
216 Retirement Systems
217 ii) An employee eligible for Tier I shall remain in the Tier
218 I plan, even after a break in service.
219 b) An employee with no previous service time with Utah Retirement
220 Systems in Tier I shall be enrolled in the Tier II retirement
221 plan.
222 i) An employee has one year from the date of eligibility to
223 elect participation in the Tier II hybrid retirement plan
224 or the Tier II defined contribution plan.
225 ii) If the employee makes no selection, the employee shall
226 be automatically enrolled in the Tier II hybrid retirement
227 plan.
228 iii) An employee eligible for the Tier II retirement plan has
229 one year from the date of eligibility to change the
230 election. If no change to election is made, the choice is
231 irrevocable after that year.
232 c) Changes in employee contributions, beneficiaries, and
233 investment strategies shall be submitted electronically to
234 URS through the URS website.
235
236
237 6) A reemployed veteran under USERRA shall be entitled to the same
238 employee benefits given to other continuously employed eligible
239 employees to include seniority based increased pension benefits
240 and leave accrual benefits.
241
242
243 7) All insurance coverage, excluding COBRA, shall end:
244 a) At midnight on the last day of the pay period in which the
245 employee receives a paycheck for employees hired prior to
246 February 15, 2003; or
247 b) At midnight on the last day of the pay period in which the
248 employment termination date became effective for employees
249 hired on February 15, 2003, or later.



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252 8) An employee who is not eligible for benefits under [HR06-8\(1\)](#)
253 but does meet the minimum qualifications under the Affordable
254 Care Act shall be eligible for medical insurance only.



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4. HR07-08 - Witness and Jury Leave

HR07-8. Witness and Jury Leave.

Witness Leave

- 1) An employee is entitled to a leave of absence from a regularly scheduled work day with full pay when, in obedience to a subpoena or direction by proper authority, the employee is required to:

(a) Return any witness checks received, consistent with Finance Department Accounting Manual Section 10-02(13); and

~~(a)-(b)~~ Appear as a witness as part of the employee's position for the federal government, the State of Utah, or a political subdivision of the state; or

(c) Serve as a witness in a grievance hearing as described in HR17_.

~~(b) —~~

~~Serve on a jury.~~Jury Leave

- 1) An employee may use Jury Leave (usually coded as "OJ" in payroll) to cover absences from work for official jury summons or to serve on a jury.

- 2) An employee on ~~j~~Jury ~~L~~Leave may accrue excess hours in the same pay period during which the ~~j~~Jury ~~L~~Leave is used.

- 3) An employee who does not use a leave of absence or chooses to use their own accrued leave ~~or while on~~ in lieu of jJury ~~duty~~ Leave shall be entitled to keep juror's fees; otherwise, juror's fees received shall be returned to the judicial branch consistent with the Finance Department Accounting Manual governing Jury Payments, Section 10-01.

An employee who is absent from work in order to litigate in matters unrelated to state employment shall use eligible accrued leave or leave without pay.



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5. HR07-15 - Family and Medical Leave

HR07-15. Family and Medical Leave.

- 1) An eligible employee is allowed up to 12 workweeks of family and medical leave (FMLA) each calendar year for any of the following reasons:
- a) Birth of a child;
 - b) Adoption of a child;
 - c) Placement of a foster child;
 - d) A serious health condition of the employee; or
 - e) Care of a spouse, child, or parent with a serious medical condition.
 - f) A qualifying exigency arising as a result of a spouse, son, daughter or parent being on active duty or having been notified of an impending call or order to active duty in the Armed Forces.
- 2) An employee is allowed up to 26 workweeks of FMLA during a 12-month period to care for a spouse, son, daughter, parent or next of kin that is a covered servicemember as defined by the National Defense Authorization Act.
- 3) An employee on FMLA leave shall continue to receive the same health insurance benefits the employee was receiving prior to the commencement of FMLA leave provided the employee pays the employee share of the health insurance premium.
- 4) An employee on FMLA leave shall receive any administrative leave given for non-performance based reasons if the leave would have been given had the employee been in a working status.
- ~~4~~5) An employee on FMLA leave is still subject to the secondary employment policy under HR09-10.
- ~~5~~6) To be eligible for FMLA, the employee shall:
- a) Be employed by the state for at least 12 months;



- b) Be employed by the state for a minimum of 1,250 hours worked, as determined under FMLA, during the 12-month period immediately preceding the commencement of leave.

~~6~~7) To request FMLA leave, the employee or an appropriate spokesperson, shall notify management of the need for leave:

- a) 30 days in advance for foreseeable needs; or
b) As soon as practicable in an emergency.

~~7~~8) An employee may use accrued annual leave, sick leave, converted sick leave, excess hours and compensatory time prior to going into leave without pay status for the FMLA leave period.

- a) An employee who chooses to use accrued annual leave, sick leave, converted sick leave, excess hours and compensatory time prior to going into leave without pay status for the FMLA leave period shall notify the employee's direct supervisor and/or member of management in the employee's line of management.

- b) If an employee fails to notify management as described under this section, accrued leave will be used to pay the employee's payroll deductions in the following order:

i) Program III sick leave

ii) Other accrued leave in this order:

(1) Compensatory time;

(2) Excess leave; or

(3) Annual leave;

iii) Existing leave balances with potential retirement benefits in this order:

(1) Converted sick leave;

(2) Program II sick leave; or

(3) Program I sick leave.

~~8~~9) When an employee chooses to use FMLA leave, management shall designate, in consultation with the HR Department, all absences related to the qualifying event as FMLA leave.

~~9~~10) Any period of leave for an employee with a serious health condition that is determined by a health care provider to be incapable of applying for FMLA and has no agent or designee shall be designated as FMLA leave.



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~~10)~~11) An employee with a serious health condition covered under workers' compensation may use FMLA leave concurrently with the workers' compensation benefit.

~~11)~~12) If an employee in a leave without pay status fails to return to work after FMLA leave has ended, the judicial branch may recover, with certain exceptions, the health insurance premiums paid by the judicial branch on the employee's behalf. An employee is considered to have returned to work if the employee returns for at least 30 calendar days.

a) Exceptions to this provision include:

i) An FLSA exempt, at-will employee in a high level management position such as court executive, director, court level administrator, or position of similar stature or authority that has been denied restoration to employment upon expiration of leave time;

ii) An employee with circumstances that changed unexpectedly and beyond the employee's control during the leave period preventing the return to work at the end of 12 weeks.

~~12)~~13) Leave taken after childbirth or placement of a healthy child for adoption or foster care may not be taken intermittently or on a reduced leave schedule unless:

a) The employee makes a written request for an exception in writing; and

b) Approval is granted in agreement with the employee's line of management and the court level administrator.

~~13)~~14) Medical records created for the purposes of FMLA and the Americans with Disabilities Act (ADA) shall be maintained in accordance with confidentiality requirements of [HR02-5](#).

~~14)~~—Leave without pay taken under the FMLA may result in service credit limitations or reductions with Utah Retirement Systems.



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6. HR07-20 - Sick Leave Bank

Policy HR07-20. Leave Bank.

- 1) General utilization of a leave bank program is subject to the approval of the Judicial Council.
 - a) Access to the leave bank is not an employee right and shall be authorized at management discretion.
 - b) Requests for leave bank hours shall be supported by administratively acceptable documentation from a healthcare provider.
 - c) Leave donors, supervisors, managers, and management teams are prohibited from reviewing an employee's medical certifications or physician statements.
 - d) An employee may not receive donated leave until all individually accrued leave is exhausted.
 - e) Leave shall be accrued if an employee is on sick leave donated from the leave bank.
 - f) An employee using donated leave shall not work a second job without written consent of the court level administrator.
 - g) Only compensatory time earned by an FLSA nonexempt employee, annual leave, excess hours, and converted sick leave hours may be donated to the leave bank.
 - h) Only employees of state agencies with approved leave bank programs may donate leave hours to an employee of the judicial branch or employees of the judicial branch to other state agencies with approved leave bank programs, if mutually agreed on by both organizations.
- 2) All medical records created for the purpose of a leave bank shall be maintained in accordance with confidentiality requirements of [HR02-5](#).
- 3) Eligibility for an employee to receive leave bank donations is reviewed and determined by the HR Department and is subject to the following eligibility criteria:
 - a) Healthcare provider documentation provides evidence of a catastrophic illness or injury; meaning an illness, acute physical condition, or injury that is life-threatening or incapacitating and that reasonably requires the employee to be absent from work.



b) The employee has used or will soon have used all individually accrued leave.

4) Leave bank donation approval may be granted by the court executive, court level administrator, director, deputy state court administrator, or designee and shall be subject to the following limitations:

a) The number of hours granted shall not exceed 80 hours per pay period (40 hours per week), nor shall it exceed a cumulative total of more than 240 hours in the 12 months following the first use of leave bank hours. in a calendar year.Hours will be pro-rated based on regular hours worked.

b) An employee participating in the Short Term Disability Insurance (STDI) program shall only be eligible for enough leave bank hours to cover payroll deductions.

c) The employee does not misuse or abuse leave privileges or benefits.

5) Annual leave hours unused by classified employees by the end of the calendar year shall be automatically donated to the general leave bank.

6) Employees may also donate annual leave, excess leave, converted sick leave, or compensatory leave hours to the general leave bank or to a specific employee who has been approved by HR and by the employee's management to receive donated leave bank hours.

7) The HR Department shall notify employees of the judicial branch when management approves an employee to receive donated leave and shall include instructions on how to donate leave to the employee.

8) Any leave hours donated to an employee who end up not being used by the employee shall be donated to the general leave bank unless the donating employee specifically requests otherwise.



7. HR07-21 – Parental and Postpartum Leave

Policy HR07-21. Parental and Postpartum Recovery Leave.

- 1) An employee is eligible for parental or postpartum recovery leave when:
 - a) The employee accrues paid leave benefits that can be used in the current and future calendar years as described in [HR07-1](#), and
 - b) Is in a position that receives retirement benefits under [Title 49, Utah State Retirement and Insurance Benefit Act](#), and
 - c) The employee is not reemployed post-retirement as defined in [UCA §49-11-1202](#).
- 2) Parental Leave
 - a) An employee is qualified for parental leave when the employee is assuming a parental role for a child or incapacitated adult and:
 - ~~i) is a birth parent as defined in the child's biological birth parent UCA § 78B-6-103;~~
 - ~~ii) is the spouse of the person who gave birth to the child;~~
 - ~~iii) is the adoptive parent of the child Legally adopts a minor child,~~ unless the employee is the spouse of the pre-existing parent;
 - ~~iv) Is the intended parent of a child born under a validated gestational agreement; or~~
 - ~~v) Is appointed the legal guardian of a minor child or incapacitated adult; or~~
 - ~~vi) Is the foster parent of the child.~~
 - b) Management shall grant up to three weeks of paid parental leave to an employee who gives notice that they intend to use paid parental leave.
 - c) Management calculates the amount of leave for each employee based on the number of hours the employee would have worked per week if they had not taken parental leave.
 - d) An employee may use parental leave within the six months immediately following the qualifying event from Subsection (2) (a).
 - ~~i) The birth of the employee's child;~~
 - ~~ii) The adoption of a minor child; or~~
 - ~~iii) The appointment of legal guardianship of a minor child or incapacitated adult~~
 - e) An employee may use parental leave intermittently when:



- 544 i) The employee and management have written mutual consent
545 for intermittent use; or
546 ii) A health care provider certifies the need for
547 intermittent leave due to the child's serious health
548 condition.
- 549 f) Parental leave:
- 550 i) Runs concurrently with leave under the Family and Medical
551 Leave Act (FMLA);
552 ii) Runs consecutively with postpartum recovery leave
553 consistent with HR07-21(3)(ii);
554 iii) Is limited to three weeks within any 12-month period;
555 iv) Does not increase when:
556 (1) More than one child is born from the same pregnancy;
557 (2) More than one child is adopted;
558 (3) The employee is appointed legal guardian of more
559 than one minor child or incapacitated adult; or-
560 ~~(3)-(4) More than one foster child is placed in the~~
561 ~~employee's care.~~
- 562 3) Postpartum Recovery Leave
- 563 a) An employee is qualified for postpartum recovery leave when
564 the employee gives birth at 20 weeks or greater gestation.
565 b) Management shall grant up to three weeks of paid postpartum
566 recovery leave to an employee who gives notice that they
567 intend to use paid postpartum recovery leave.
568 c) Management calculates the amount of leave for each employee
569 based on the number of hours the employee would have worked
570 per week if they had not taken postpartum recovery leave.
571 d) Postpartum recovery leave begins on the date the employee
572 gives birth unless a health care provider certifies the
573 medical necessity of an earlier start date.
574 e) An employee shall use postpartum recovery leave in a single
575 continuous period, unless authorized in writing by the
576 Director of Human Resources.
577 f) Postpartum recovery leave:
578 i) Runs concurrently with leave under the Family and Medical
579 Leave Act (FMLA);
580 ii) Runs consecutively with parental leave under HR07-21(2)
581 with postpartum recovery leave used first pursuant to
582 restrictions in HR07-21(3)(d); and
583 iii) Does not increase when more than one child is born from
584 the same pregnancy.
- 585 4) An employee or a spokesperson shall notify management of their
586 plan to use parental or postpartum recovery leave:
587 a) Thirty days in advance; or
588 b) As soon as practicable in emergencies.



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- 589 5) Management may not charge parental or postpartum recovery leave
590 against any accrued leave balance on the employee's record
591 6) No person may interfere with an employee's intent to use
592 postpartum recovery leave or retaliate against an employee who
593 receives postpartum recovery leave.



8. HR07-23 – Safe Leave

594

595 **HR07-22. Safe Leave.**

596 1) Effective January 1, 2025, an employee is eligible for safe
597 leave when:

598 a) The employee accrues paid leave benefits that can be used
599 in the current and future calendar years as described in
600 HR07-1, and

601 b) Is in a position that receives retirement benefits under
602 Title 49, Utah State Retirement and Insurance Benefit Act,
603 and

604 c) The employee is not reemployed post-retirement as defined
605 in UCA §49-11-1202.

606 d) the employee has exhausted all annual, compensatory, and
607 excess leave.

608 2) An employee shall notify management of the intended start and
609 stop dates of safe leave:

610 a) seven days in advance; or

611 b) as soon as practicable when circumstances beyond the
612 employee's control prevent seven days of notice.

613 3) Management may not charge safe leave against any accrued leave
614 balance on the employee's record.

615 4) No person may interfere with an employee's intent to use safe
616 leave or retaliate against an employee who receives safe
617 leave.

618 5) Safe leave is administered as follows:

619 a) An employee is qualified for safe leave when the employee
620 or their immediate family member is the victim of
621 domestic violence, sexual assault, stalking, or human
622 trafficking. Immediate family members are parents,
623 spouse, child, sibling, or any other individual whom the
624 employee may claim as a dependent for purposes of state
625 or federal income tax.

626 b) Management shall grant up to one week of paid safe leave
627 to an employee who gives notice that they intend to use
628 safe leave.

629 c) Management calculates the amount of leave for each
630 employee based on the number of hours the employee would
631 have worked per week if they had not taken safe leave.

632 d) An employee may not use safe leave more than two years
633 after the qualifying event from Subsection (5)(a) except



634 to participate in a criminal proceeding related to the
635 event.
636 e) An employee may use safe leave intermittently.
637 f) Safe leave:
638 i) runs concurrently with leave under the FMLA, if
639 applicable;
640 ii) is limited to one week within a calendar year; and
641 iii) does not increase when more than one qualifying
642 event occurs in a single calendar year
643



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9. HR08-2 - Telework Mileage

644 **HR Policy HR08-2 Telework Mileage**

645
646 **(90) Occasional Teleworking:** Permission granted from
647 management to an employee when warranted, to perform work from
648 a location other than the normal work location - usually in
649 the employee's home. Permission is usually granted on an ad
650 hoc basis due to an irregular need arising, and is not granted
651 in connection with any required reimbursement or equipment
652 setup to be provided by the judicial branch.

653 ~~(116) — **Routine Teleworking:** An arrangement made between~~
654 management and an employee allowing an employee to
655 routinely perform work in a location other than the
656 assigned work location of the employee's position.~~where the~~
657 ~~primary work location is somewhere other than a traditional~~
658 ~~office setting, or a combination of a traditional office~~
659 ~~setting and another location.~~

660 (125) **Telework:** The performance of work duties from a location
661 apart from the traditional or standard work location. (See
662 also "Routine Teleworking" and "Occasional Teleworking.")

663 **Policy HR08-2. Teleworking.**

664
665 1) Teleworking is an option that may be considered by management
666 for a variety of reasons, including but not limited to
667 maximizing efficiency of judicial branch business, meeting
668 needs of court patrons, leveraging cost-savings measures, etc.
669 It is not a universal employee benefit and may be terminated
670 by management at any time.

671
672
673 2) Before beginning a routine teleworking arrangement, management
674 and an employee shall establish a written agreement specifying
675 the conditions of the routine teleworking work status,
676 including the expectation to comply with this policy and any
677 other applicable expectations the district, office, or team
678 may require.

679 a) The written agreement shall be endorsed by management
680 and by the employee.



- 681 b) Management shall send the endorsed agreement to HR for
682 maintenance in the official personnel file, or
683 alternatively, upload the agreement directly in the
684 employee's Utah Performance Management (UPM) account.
685 c) Any amendments to this agreement shall require a new
686 written agreement endorsed by management and by the
687 employee to supersede the old agreement and shall be
688 maintained by HR in the official personnel file.
689
690
691 3) All teleworkers are required to protect confidential and/or
692 sensitive information in accordance with federal and state
693 regulations and in accordance with judicial branch rules and
694 policies.
695 a) Unauthorized disclosure of such information is subject
696 to penalties provided by law.
697 b) Unauthorized disclosure of information may also result
698 in disciplinary action up to and including termination
699 of employment.
700 c) Teleworkers must adhere to the Acceptable Use of
701 Information Technology Resources policy found in [HR09-](#)
702 [15](#).
703
704
705 4) Management shall establish and monitor performance standards
706 in order to monitor how the needs of court patrons and other
707 judicial branch stakeholders are either met or exceeded by a
708 routine teleworking arrangement.
709
710
711 5) Management may require a routine teleworker to attend in-
712 person meetings, conferences, or other activities away from
713 the ~~teleworking work location~~ assigned work location of the
714 employee's position.
715 a) Mileage to and from the required activity will be
716 reimbursed according to the Utah State Court Accounting
717 Manual 12-00-00.~~when the location of the activity is~~
718 ~~more than 50 miles from the primary work site, but only~~
719 ~~for such mileage in excess of 50 miles in each direction~~
720 ~~of travel.~~
721 b) Time spent traveling during the normal work schedule
722 shall be counted as work hours.
723 c) Travel time outside of the normal work schedule shall
724 ~~only~~ be counted as hours worked.~~work hours if the~~



~~activity is more than 50 miles from the primary work site.~~

- 6) Routine teleworkers are responsible to establish and provide home internet and telephone services for the purposes of teleworking.
 - a) The quality of internet service must be able to support all work-related applications, systems, and devices.
 - b) All initial set-up costs or costs associated with a teleworker changing teleworking work locations are the responsibility of the teleworker.
- 7) Routine teleworkers are required to use state-owned computer equipment and software.
 - a) They may not install unauthorized hardware or software on state-owned equipment nor copy or distribute state provided software.
 - b) All state owned equipment shall be returned to the judicial branch at the time the teleworking arrangement is terminated, including by termination of employment.
- 8) Occasional teleworkers using their own computer equipment or software acknowledge that they do so at their own risk and agree to release the judicial branch from any and all liability associated with business use of personal items. The judicial branch will not reimburse occasional teleworkers for damage to their own computer equipment incurred when the employee is teleworking.
- 9) No travel, equipment, or service-related reimbursements will be provided for occasional teleworking.
- 10) Teleworking employees must abide by all time-keeping policies and restrictions against working unauthorized overtime.



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10. HR08-22 - Out of State and Out of Country Working

768 Policy HR08-22. In-State and Out-of-State Work.

769
770
771 ~~2~~1) This policy establishes the conditions under which judicial
772 branch employees may work outside of the state, provides that
773 employees' tax withholdings be paid to the state, and provides
774 for the security of judicial branch information technology
775 systems.

776 ~~3~~2) The intent of this policy is to provide mutually beneficial
777 outcomes to the judicial branch and its employees, including
778 but not limited to the following ways:

779 a) Providing employment opportunities to citizens of the
780 state;

781 b) Allowing out-of-state employment when doing so is in the
782 best interest of the judicial branch;

783 c) Retaining within the state that state income tax paid by
784 judicial branch employees with minimal exceptions;

785 d) Minimizing costs borne by the state to provide workers'
786 compensation and liability coverage for out-of-state
787 workers.

788 ~~4~~3) General Requirements.

789 a) An employee may perform work only while physically within
790 the state's borders.

791 b) An employee's state employment-related tax withholdings
792 are paid to the state, and the employee acknowledges that
793 any compensation paid by the judicial branch is deemed
794 earned within the state.

795 c) An employee may not take property or equipment owned by
796 the judicial branch outside of the United States without
797 prior approval from a-the court executive or AOC

798 director~~Court Level Administrator~~.

799 d) When an employee is sent outside of the state for
800 business reasons and the duration of time is fewer than
801 30 days within a calendar year, the employee shall follow
802 business travel policies established by the Department of
803 Finance, found in the Accounting Manual.

804 e) An employee traveling outside of the state for judicial
805 branch business reasons may perform work outside the
806 state if the duration of time is fewer than 30 days.

807 ~~5~~4) Exceptions.

808 a) An employee is ultimately responsible for paying the
809 proper amount of tax to the appropriate taxing



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- authorities when an exception is granted under this section.
- b) An employee who travels to another state for personal reasons and the duration of time is fewer than 30 days within a calendar year may not perform work in that state without prior approval from the employee's supervisor, court executive or AOC director.
- c) An employee who desires to work in another state for more than 30 days within a calendar year shall seek prior written approval from management—the court executive or AOC director to work in that state.
- d) A manager seeking to allow or to require an employee to work for more than 30 days outside of the state within a calendar year, including the possibility of living outside of the state, shall do the following:
- 1.i) Obtain written approval from a Court Level Administrator the court executive or AOC director or designee;
 - 2.ii) Inform the HR Department that the employee will be working outside of the state and provide the employee's new out-of-state address;
 - 3.(1) HR shall ~~N~~otify and request the Division of Finance in the Utah Department of Government Operations to set up tax withholdings to be paid to the state in which the employee is working;
 - 4.(2) HR shall ~~n~~otify and request the Division of Risk Management in the Utah Department of Government Operations to ensure the employee will be protected by workers' compensation insurance and other appropriate and available travel and liability coverage or insurance; and
 - i)iii) The court executive or AOC director shall ~~R~~eimburse at the established rate the Division of Finance, Division of Risk Management, or other state entity for costs incurred to research and establish tax withholdings, workers' compensation, travel, and liability policies, or any other requirements to cover the employee while working outside the state.
- e) An employee who plans to travel outside of the United States and who will be required or desires to work while outside of the United States shall obtain prior written approval to work from the State Court Administrator or Deputy State Court Administrator from the court executive or AOC director.



f) An employee who plans to travel outside of the United States and desires to take equipment or property owned by the judicial branch shall obtain prior written approval from court executive or AOC director, the Chief Information Officer (CIO) or designee, and the Deputy Court Administrator or designee, who shall assess the security and legal issues of accessing systems on judicial branch owned equipment while the employee is outside of the United States.

i) After obtaining court executive or AOC director, CIO or designee, and the Deputy Court Administrator or designee approval, ~~approval, the employee's Court Level Administrator or designee shall~~HR shall:

(1) Notify and request the Division of Risk Management in the Utah Department of Government Operations to assess the availability of workers' compensation insurance coverage and the need for travel insurance and general liability coverage;

(2) Notify and request the Division of Finance in the Utah Department of Government Operations to review potential tax implications if the employee would be working outside of the United States for more than 30 days within a calendar year.

~~1. ; and~~

~~(2)~~(3) The court executive or AOC director shall

~~R~~reimburse at the established rate the Division of Risk Management or other state entity for costs incurred to research workers' compensation, travel, and liability policies, or any other requirements to cover the employee while working outside the United States.

~~6)5)~~ Any other exemption to HR08-22 must be granted in writing by the State Court Administrator or designee.



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11. HR09-8 - Weapon Policy

887 Policy HR09-8. Weapons and Court Security

888

889

890 1) Employees shall be familiar and comply with UCJA 3-414 and local
891 court security plans.

892

893

894 2) Employees shall comply with all directives from court security
895 officers, including the Court Security Director.

896

897

898 ~~3) Other than employees identified in UCJA 3-414, employees may~~
899 ~~not possess weapons in courthouses, probation offices, other~~
900 ~~buildings used for employee work spaces, off premises court-~~
901 ~~sponsored meetings or conference sessions, and state~~
902 ~~vehicles.—~~

903 ~~a) This provision does not apply to personal vehicles in~~
904 ~~employee parking areas.~~

905 ~~b) Possession of a weapon includes on the person and in~~
906 ~~areas within the immediate control of the employee.~~

907

908

909 ~~4)3)~~ Other than employees identified in UCJA 3-414, an employee
910 who has a concealed weapons permit is not excused from complying
911 with these policies.

912



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12. HR09-15 - Preferred and Legal Name

913 Policy HR09-15. Acceptable Use of Information Technology
914 Resources.

915

916 Information technology (IT) resources are provided to employees
917 to assist in the performance of assigned tasks and in the
918 efficient day to day operations to further the mission of the
919 judicial branch.

920

921

922 1) Providing IT resources to an employee does not imply an
923 expectation of privacy. Management may:

924 a) View, authorize access to, and disclose the contents of
925 electronic files or communications as required for legal,
926 audit, or legitimate state operational or management
927 purposes;

928 b) Monitor the network or email system including the content
929 of electronic messages, including stored files, documents,
930 or communications as are displayed in real-time by
931 employees, when required for state business, and within
932 the officially authorized scope of the person's employment.

933

934 2) By default, a Courts IT system profile is built using an
935 employee's legal name.

936 a) An employee may designate a preferred first name in
937 coordination with the departments of HR and IT.

938 b) A designated preferred name may be used for internal and
939 external communications, email, directory listings,
940 employee badges, and some internal systems, where feasible.

941 c) A preferred name shall not be used in lieu of legal names
942 when prohibited by state or federal regulations, or when a
943 legal name is required by externally controlled systems such
944 as payroll or human resource information systems.

945

946 ~~2)~~3) An employee may engage in incidental and occasional personal
947 use of IT resources provided that such use does not:

948 a) Disrupt or distract from the conduct of judicial branch
949 business due to volume, timing, or frequency;

950 b) Involve solicitation;

951 c) Involve for-profit personal business activity;

952 d) Involve actions, which are intended to harm or otherwise
953 disadvantage the judicial branch; or



e) Involve illegal and/or activities prohibited by this policy.

~~3)4)~~ An employee shall:

- a) Comply with UCJA rules governing privacy of information when transmitting information with state provided IT resources.
- b) Report to management any computer security breaches, or the receipt of unauthorized or unintended information.
- c) Login to the court supplied Virtual Private Network (VPN) at least weekly to obtain security updates, when not regularly connected to the courts network.
- d) Utilized "courtquest" Wifi for all personal devices.

~~4)5)~~ While using state provided IT resources, an employee may not:

- a) Access private, protected, or controlled records regardless of the electronic form without data owner authorization;
- b) Divulge or make known his/her own password(s) to another person;
- c) Distribute offensive, disparaging or harassing statements including those that might incite violence or that are based on race, national origin, sex, sexual orientation, gender identity, age, disability or political or religious beliefs, or any harassing statements based on any other class protected by state or federal law;
- d) Distribute information that describes or promotes the illegal use of weapons or devices including those associated with terrorist activities;
- e) View, transmit, retrieve, save, print or solicit sexually-oriented messages or images;
- f) Use state-provided resources to violate any local, state, or federal law;
- g) Use state-provided IT resources for commercial purposes, product advertisements, or "for-profit" personal activity;
- h) Use state-provided IT resources for religious or political functions, including lobbying as defined according to [UCA §36-11-102](#) and [Administrative Rule R623-1](#);
- i) Represent oneself as someone else including either a fictional or a real person;
- j) Knowingly or recklessly spread computer viruses, or act in any way that compromises court IT security;



- 998 k) Create and distribute or redistribute "junk" electronic
999 communications such as chain letters, advertisements, or
1000 unauthorized solicitations;
1001 l) Knowingly compromise the confidentiality, integrity, or
1002 availability of the state's information resources.
1003 m) Utilize court technology accounts for personal or non-court
1004 related activities.
1005 n) Install any software or hardware licensed or unlicensed
1006 without approval from management and IT.
1007
- 1008 ~~5-6)~~ Employees shall complete annually assigned Cybersecurity
1009 training and adhere to all principles and practices outlined
1010 therein.
1011
- 1012 ~~6-7)~~ An employee who violates this policy may be disciplined
1013 according to [HR11](#).
1014
1015



The Utah Judicial Branch
Department of Human Resources



13. Pay for Performance

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) The judicial branch performance year begins on April 1 and concludes the following calendar year on March 31.

~~a)b)~~ Performance expectations and feedback shall be established and measured against the effectiveness in advancing the overall mission of the judicial branch.

c) ~~Specific~~ performance standards and expectations for each employee shall be provided in writing no later than July 30-31 of the performance year for those employed with the judicial branch by April 1, or no later than three months after a new employee's hire date.

(i) Management shall ensure general performance expectations for the performance year are added to the employee's official personnel file when provided in writing to the employee.

~~1.~~(ii) Specific performance expectations that apply only to items such as time limited projects or unique and temporary situations should be provided in writing but are not required to be included in the official personnel file.

~~b)d)~~ Managers or supervisors Management shall notify employees in writing when performance ~~standards or~~ expectations are added, implemented or modified.

~~e)e)~~ Managers or supervisors Management shall provide employees with regular verbal and written feedback based on established performance expectations and effectiveness in advancing the mission of the judicial branch.

f) Management shall regularly seek and consider feedback from judicial officers about an employee's job performance as appropriate to the nature of the employee's job.

~~2.g)~~ As a guideline, it is recommended that a supervisor meet with each of their direct report employees at least quarterly to discuss overall job performance. This meeting is also known as a "check-in."



- 2) The direct supervisor of an employee shall be responsible to complete and provide a written evaluation of the employee's overall job performance for that performance year.
- a) An employee performance evaluation shall be completed no later than April 30, immediately following the conclusion of the performance year.
- b) Management may determine another appropriate designee in the employee's line of management if the direct supervisor is unavailable to complete an employee performance evaluation.
- c) The direct supervisor (or designee) shall gather and consider job performance information from previous supervisors or managers during the performance year if supervisory changes occurred during the performance year.
- d) An employee may provide written comments pertaining to the performance evaluation if desired, and may request those comments to be included in the employee's official personnel file.
- 3) An employee may receive a written performance evaluation at the end of the introductory period described in HR***05-3.
- ~~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 performance feedback both formal or informal and both verbal or written as frequently as needed.~~
- ~~a) An employee has the right to include written comments pertaining to a formal, written performance evaluation if desired.~~
- ~~— An employee shall receive a performance evaluation at the end of the introductory period.~~
- 4) An employee may request and schedule an informal performance review or (also known as a "check-in") with management on a regular or ad hoc basis.
- a) Although a quarterly check-in is recommended, the actual frequency or cadence of informal performance reviews is determined by the direct supervisor and may depend on circumstances such as the nature of the job, the amount of time an employee has occupied their position, and number of employees under a supervisor's stewardship.
- b) A written evaluation is not required for an informal performance review.
- ~~— An employee may submit specific job performance items the employee wishes to review with management during the informal performance review.~~
- ~~— Management shall solicit feedback from judicial officers as appropriate about an employee's work product when:~~



~~Judicial officers regularly receive a work product from the employee due to the nature of the employee's job; or~~
~~The employee's written expectations require the employee to interact frequently or regularly provide a work product to a judicial officer.~~
~~3) A judicial officer's feedback regarding an employee's work product shall be considered by management when evaluating an employee's overall work performance but shall not be considered an employee's performance evaluation on its own.~~

HR06-1. Pay Plans.

- 1) The HR Department develops salary ranges for each job, subject to the approval of the State Court Administrator or designee.
 - a) Each job description shall include a salary range.
 - b) Management approved wage increases shall be within or only up to the maximum wage within the salary range.
 - c) Management approved wage decreases shall be within or only down to the minimum wage within the salary range.
 - d) Salary increases and decreases shall not place an employee below the salary range minimum or above the salary range maximum unless criteria for longevity increases have been met.

HR06-6. Salary.

- 1) **Promotions.**
 - a) An employee not designated as indefinite part-time or in a time-limited position as described in [HR04-2](#) and is promoted to a job with a salary range maximum exceeding the employee's current salary range maximum shall receive a wage increase of at least 5%.
 - b) An employee who is promoted may not be placed higher than the maximum or lower than the minimum of the new salary range except as provided in [HR06-6\(3\)](#) governing longevity salary increases.



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

2) Reclassifications.

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

3) Longevity Salary Increase.

- a) An employee shall receive an initial longevity salary increase of 3% when:
- i) The employee has been in state service for eight years or more (the employee may accrue years of service in more than one district, unit, or branch of state government, and such service is not required to be continuous); and
 - ii) The employee has been at or above the maximum of the current salary range for at least one year; and
 - iii) The employee has not been formally disciplined or placed on a performance improvement plan within the 12-month period preceding the longevity increase.
- b) An employee who has received the initial longevity increase is then eligible for an additional 3% increase every three years. Eligibility for additional longevity increases are the same as [HR06-6\(3\)\(a\)\(iii\)](#).
- c) An employee with a wage that is above the maximum salary range because of a longevity salary increase:
- i) Shall retain the current actual wage if receiving an administrative adjustment or is reassigned or reclassified to a job with a lower salary range maximum.
 - ii) Shall, if reclassified to a job with a higher salary range maximum, only receive a wage increase if the current actual wage is less than the salary range maximum of the new job. The amount of the wage increase is subject to management discretion,



1187 dependent upon available funds, and shall not exceed
1188 the salary range maximum of the new job.

1189 iii) Shall, if promoted, only receive a wage
1190 increase if the current actual wage is less than the
1191 salary range maximum of the new job. The wage
1192 increase is subject to management discretion,
1193 dependent upon available funds, and shall not exceed
1194 the salary range maximum of the new job.

1195 iv) Shall, if promoted, reclassified, transferred,
1196 reassigned, or is receiving an administrative
1197 adjustment and remains at or above the salary range
1198 maximum, receive the next longevity salary increase
1199 three years from the date the most recent longevity
1200 increase was received.

1201 d) An employee with a wage that is not at or above the salary
1202 range maximum and is reclassified, transferred,
1203 reassigned, or receives an administrative adjustment and
1204 has a current actual wage that is above the salary range
1205 maximum of the new job is considered to be above maximum
1206 and may be eligible for a longevity salary increase after
1207 meeting the requirements of [HR06-6\(3\)\(a\)](#).
1208
1209

1210 **4) Administrative Adjustment.**

1211 a) An employee whose position has been allocated by HR from
1212 one job to another job or salary range for administrative
1213 purposes may not receive an adjustment in the current
1214 actual wage unless the employee is below the minimum of
1215 the new salary range.

1216 b) An employee whose position is changed by administrative
1217 adjustment to a job with a lower salary range shall retain
1218 the current wage even if the current wage exceeds the new
1219 salary range maximum.
1220

1221
1222 **5) Reassignment.**

1223 An employee's current actual wage may not be decreased in
1224 a reassignment action except as provided in federal or
1225 state law.
1226

1227
1228 **6) Transfer.**

1229 a) Management may decrease the current actual wage of an
1230 employee who transfers to another job with the same or
1231 lower salary range maximum. The amount of the decrease



shall be communicated to the employee at the time of the job offer and the employee shall have an opportunity to accept or decline the offer to transfer.

- b) An employee who applies for a job with a lower salary range maximum shall be placed within the salary range of the new job.

7) Demotion.

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

8) Administrative Salary Increase.

- a) Management may authorize an increase in salary up to the salary range maximum.
- b) Administrative salary increases shall only be granted when there exists sufficient funding within the annualized base budget for the fiscal year in which the increase is given.
- i) Performance-based salary increases are normally submitted, vetted and approved by an employee's line of management during the last quarter of the fiscal year.
- ii) Non-performance based increases may be authorized by management up to three occurrences in an 18-month period for retention purposes when the following criteria are met:
- (1) The employee was hired into a temporary or time-limited job;
- (2) The employee's rate of pay will not exceed the first quartile of the employee's job salary range; and
- (3) The increase is already budgeted in district or unit personnel funds for temporary personnel.
- c) Justification for administrative salary increases shall be:
- i) In writing;
- ii) Approved by the court executive, court level administrator, director, deputy state court administrator, or the state court administrator; and



1275 iii) Supported by unique situations and/or demonstrating
1276 a clear connection to the advancement of the mission
1277 of the judicial branch.

1278 d) The court executive or court level administrator shall
1279 answer any challenge or grievance resulting from an
1280 administrative salary increase.

1281 e) An employee at or above the salary range maximum may not
1282 be granted administrative salary increases.

1283 f) Increasing an employee's wage concurrently with a transfer
1284 or reassignment action must be justified as an
1285 administrative salary increase in a separate action as
1286 described in [HR06\(8\)\(c\)\(iii\)](#).

1287
1288
1289 **9) Administrative Salary Decrease.**

1290 Management may authorize administrative salary decreases for non-
1291 disciplinary reasons according to the following:

1292 a) Wage decreases shall not place an employee below the current
1293 minimum of the salary range.

1294 b) Justification for non-disciplinary administrative salary
1295 decreases shall be:

1296 i) In writing;

1297 ii) Approved by the court executive, court level
1298 administrator, director, deputy state court
1299 administrator, or the state court administrator; and

1300 iii) Supported by circumstances such as previous written
1301 agreements between management and the employee including
1302 career mobility, reasonable accommodation, or other
1303 unique situations or considerations.

1304 c) The court executive or AOC Director shall answer any challenge
1305 or grievance resulting from a non-disciplinary administrative
1306 salary decrease.

1307
1308
1309 **10) Career Mobility.**

1310 a) A wage change at the commencement of a career mobility action
1311 is governed by the policies governing the underlying action
1312 including, but not limited to:

1313 i) Promotion;

1314 ii) Reassignment; or

1315 iii) Transfer.

1316 b) If a career mobility assignment does not become permanent at
1317 its conclusion, the employee shall return to the previous
1318 position or a similar position and shall receive, at a
1319 minimum, the same wage and the same or higher salary range



that the employee would have received without the career mobility assignment.

11) Hot-Spot Increase.

A hot-spot salary adjustment may be granted when:

- a) recommended by an employee's line of management and in consultation with HR;
 - b) unable to be applied with existing funds available to the employee's line of management; and
 - c) approved by the State Court Administrator, Deputy State Court Administrator or designee.
- i) This increase is subject to the availability of approved funds if authorized by the Judicial Council for the current fiscal year.

12) Pay for Performance Increase

~~a) The legislature approves funding for pay for performance increases and the State Court Administrator approves pay for performance increases under~~Subject to the availability of legislative appropriations and/or funds approved by the Judicial Council, the State Court Administrator, Court Level Administrators, Department Directors, and Trial Court Executives may recommend salarypay for performance increases for employees based on job performance in accordance with the following parameters:

i) Eligibility.

(1) The following are ineligible to receive a pay for performance increase:

- (a) Employees with less than 6 months of employment in the judiciary on the last day of the performance year;
- (b) Employees whose employment with the judiciary is terminated prior to the established pay for performance increase effective date;
- (c) Employees who have already met or exceeded the maximum of the salary range for their current job; and
- ~~(a)~~(d) Employees in positions classified as time-limited.
- (e) Employees who received formal discipline within the performance year.

(2) All other nonjudicial officer employees of the judiciary are eligible for consideration.



ii) Performance increase award criteria

(1) An employee shall only receive a pay for performance increase after receiving a performance evaluation as described in HR10-1 indicating a level of performance that qualifies for a salary increase due to effectiveness in advancing the mission of the judiciary.

(2) General qualifying criteria are established by the HR Department and authorized by the State Court Administrator.

(3) Specific qualifying criteria that align with general qualifying criteria may be established by district or department management.

iii) An increase shall be at least 1/2%. Actual salary increase amounts given must be within an approved range authorized by the State Court Administrator for the performance year.

1-13) Exceptions.

The HR Director, in consultation with the State Court Administrator or designee, may authorize exceptions for wage increases or decreases and shall report such exceptions with justification to the Judicial Council within thirty (30) days of authorization.

HR06-7. Incentive Awards and Bonuses.

1) General Discretionary Authority.

~~a.~~ Incentive awards and bonuses are discretionary, are not an entitlement, and are subject to the availability of funds.

~~a-b.~~ Administration of incentive awards and bonuses shall be consistent with standards established by the Department of Administrative Services, Division of Finance rules and procedures.

~~b-c.~~ Individual awards may not exceed \$4,000 per pay period nor \$8,000 per fiscal year except when approved in advance by the State Court Administrator and the Judicial Council.



- 1405 i. A request for a retirement incentive award shall be
1406 accompanied by documentation of affected work units
1407 and any potential cost savings.
1408 ii. A single payment of up to \$8,000 may be granted as
1409 a retirement incentive.
1410 ~~e.d.~~ All cash and cash equivalent incentive awards and
1411 bonuses are subject to payroll taxes.

1412

1413 **2) Performance-Based Incentive Awards.**

1414 a. ~~Cash Incentive Awards~~ Performance-Based Pay Bonuses.

- 1415 i. Management may grant a ~~cash incentive~~
1416 ~~award~~ performance-based pay bonus to an employee or
1417 group of employees who demonstrate exceptional
1418 effort or accomplishment to support or advance the
1419 mission of the judicial branch, beyond what is
1420 normally expected on the job for a unique event or
1421 over a sustained period of time.
1422 ~~ii. Requests for cash incentive awards~~ Management shall
1423 ~~include submit~~ documentation articulating the
1424 ~~extraordinary contribution~~ exceptional effort or
1425 accomplishment to support or advance the mission of
1426 the judicial branch ~~and shall be approved by~~ to the
1427 court executive, court level administrator,
1428 director, deputy state court administrator, or the
1429 state court administrator as applicable for final
1430 approval.
1431 ~~ii.iii.~~ Approval documentation shall be sent to HR and
1432 Finance for processing and shall be maintained in
1433 the HR personnel file.

1434

1435 **b. Non-cash Incentive Awards.**

- 1436 i. Management may recognize an employee or group of
1437 employees with non-cash incentive awards.
1438 ii. Consistent with the Department of Administrative
1439 Services, Division of Finance rules and procedures,
1440 individual non-cash incentive awards may not exceed
1441 a value of \$50 per occurrence nor of \$200 per fiscal
1442 year.



iii. Non-cash incentive awards may include cash equivalents such as gift certificates or tickets for admission. Cash equivalent incentive awards shall be subject to payroll taxes and shall follow standards and procedures established by the Department of Administrative Services, Division of Finance.

3) Cost Savings Bonus

a. Management may establish a bonus policy to increase productivity, generate savings within a district, court level, office, or team, or reward an employee who submits a valuable cost savings proposal.

~~b. Requests for cost savings bonuses~~ Management shall ~~include submit~~ documentation articulating the cost savings involved and the manner in which the effort supports or advances the mission of the judicial branch ~~and shall be approved by~~ to the court executive, court level administrator, director, deputy state court administrator, or the state court administrator as applicable for final approval.

~~b.c.~~ c. Approval documentation shall be sent to HR and Finance for processing and shall be maintained in the HR personnel file.

4) Market Based Bonus

a. Management may award a cash bonus as an incentive to acquire or retain an employee with job skills that are critical to the judicial branch and difficult to recruit in the job market. Categories of market based bonuses may include but are not limited to:

i. Retention bonuses for an employee with unusually high or unique qualifications that are essential to retain in the judicial branch;

ii. Recruitment or signing bonuses to incentivize a qualified candidate to work for the judicial branch;

iii. Scarce skills bonuses to incentivize a qualified candidate with scarce but needed skills to work for the judicial branch;

iv. Relocation bonuses to current employees who must relocate in order to accept a job in a different commuting area;



- 1484 v. Referral bonuses to current employees who refer
1485 qualified candidates who are subsequently selected
1486 for hire in the judicial branch;
1487 vi. Geographic job market bonuses to incentivize a job
1488 candidate to accept a job or a current employee to
1489 continue in a job in a specific geographic area
1490 where filling positions and/or retaining employees
1491 is problematic.
1492 b. Requests for a market based bonus shall include
1493 documentation of how the judicial branch will benefit by
1494 granting the bonus based on:
1495 i. Budget;
1496 ii. Recruitment difficulties;
1497 iii. A mission-critical need to attract or retain unique
1498 or hard-to-find skills in the job market; or
1499 iv. Other job market based reasons.
1500 c. Requests shall be approved by the court executive, court
1501 level administrator, director, deputy state court
1502 administrator, or the state court **administrator**.
1503 **5) Second Language Stipend**
1504 a. Management may award regularly occurring bonus
1505 payments also known as stipends to qualifying
1506 employees who speak a second language and give
1507 informal interpretation to court patrons seeking court
1508 services and needing interpretation.
1509 b. Employees must meet the following eligibility
1510 criteria:
1511 i. Apply in writing through the Language Access
1512 Program Coordinator or designee;
1513 ii. Complete any formal agreement as required by the
1514 Language Access Program;
1515 iii. Demonstrate an acceptable level of second
1516 language proficiency through a language
1517 assessment test as determined by the Language
1518 Access Program.
1519 c. Records, tracking, and distribution of stipend
1520 payments and payment recipients are coordinated and
1521 monitored by the Language Access Program and the
1522 Department of Finance.

1523
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1526

14. HR11-3 - Discretionary Factors (Discipline)

1527 **Policy HR11-1 Disciplinary Action.**

1528

1529

1530 1) Management may discipline any employee for any of the
1531 following causes or reasons:

1532 a) Non-compliance with these policies or other
1533 local/applicable policies, including but not limited to
1534 the laws of the State of Utah or the United States (other
1535 than minor traffic offenses), safety policies and
1536 procedures, professional standards, ethical violations,
1537 etc.;

1538 b) Work performance that is inefficient or incompetent;

1539 c) Failure to maintain skills and adequate performance
1540 levels;

1541 d) Insubordination or disloyalty to the orders of a
1542 supervisor or member of management;

1543 e) Misfeasance, malfeasance, or nonfeasance;

1544 f) Any incident involving intimidation, physical harm, or
1545 threats of physical harm against co-workers, management,
1546 or the public;

1547 g) No longer meeting the requirements of the position;

1548 h) Conduct, on or off duty, which creates a conflict of
1549 interest with the employee's public responsibilities or
1550 impacts the employee's ability to perform job
1551 assignments;

1552 i) Failure to advance the mission of the judicial branch or
1553 the good of public service, including conduct on or off
1554 duty which demeans or harms the effectiveness or ability
1555 of the judicial branch to fulfill its mission;

1556 j) Dishonesty; or

1557 k) Misconduct, which may include but is not limited to:

1558 i) Violation of the Employee Code of Ethics and Conduct as
1559 described in [HR09](#)

1560 ii) Violation of the rules of procedure or the Code of
1561 Judicial Administration

1562 iii) Conduct which endangers the peace and safety of others
1563 or poses a threat to the public interest

1564 iv) Unjustified interference with the work of other court
1565 employees

1566 v) Unauthorized absence



- vi) Falsification or unauthorized alteration of records;
- vii) Violation of court policies
- viii) Falsification of employment application
- ix) Unlawful discrimination in hiring, assignment, or promotion
- x) Workplace Harassment in accordance with [HR15](#)
- xi) Derisive or demeaning behavior
- xii) Use of alcohol or drugs (other than medication as prescribed by a health care provider) that negatively affect job performance.

2) Management shall consult with HR before disciplining an employee.

3) All disciplinary actions of career service employees shall be governed by principles of due process. The disciplinary process shall include all of the following, except as provided in [HR11-1\(5\)](#):

- a) The employee is notified in writing of the proposed discipline, the reasons supporting the intended action, and the right to reply to management or to the HR department within five working days.
- b) The employee's reply shall be received by management or by HR within five working days in order for management to consider the reply before discipline is imposed.
- c) If an employee waives the right to reply or does not reply within the time frame established by management or within five working days, whichever is longer, discipline may be imposed in accordance with these policies.

4) After a career service employee has been informed of the reasons for the proposed discipline and has been given an opportunity to respond and be responded to, management may discipline that employee, or any at-will employee not subject to the same procedural rights, by imposing one or more of the following forms of disciplinary action:

- a) Letter of Reprimand;
- b) Suspension without pay up to 30 calendar days per incident requiring discipline;
- c) Demotion as defined by [HR01\(31\)](#), reducing the employee's current actual wage, as determined by the court level administrator in consultation with the HR Director;



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d) Dismissal in accordance with [HR11-2](#).

5) If management determines that a career service employee endangers or threatens the peace and safety of others or poses a grave threat to the public service or is charged with aggravated or repeated misconduct, management may impose the following actions pending an investigation and determination of facts:

- a) Paid administrative leave; or
- b) Temporary reassignment to another position or work location at the same current actual wage.

6) When disciplinary action is imposed, the employee shall be notified in writing of the discipline, the reasons for the discipline, the effective date, and the length (if applicable) of the discipline.

7) Imposed disciplinary actions are subject to grievance and appeals procedure for career service employees, as outlined in [HR17](#). The employee and management may agree in writing to waive or extend any grievance step, or the time limits specified for any grievance step.

Policy HR11-2. Dismissal or Demotion.

An employee may be dismissed or demoted for cause under [HR10-2\(2\)\(e\)](#) and [HR11-1](#), and through the process outlined in this policy.

1) An at-will employee may be dismissed or demoted for any or for no reason without right of grievance or appeal.

2) No career service employee shall be dismissed or demoted from a career service position unless management has observed the following procedures:

- a) Management shall notify the employee in writing of the specific reasons for the proposed dismissal or demotion.
- b) The employee shall have up to five working days to reply. The employee shall reply within five working days for the



- court executive, court level administrator, administrative office director, or designee to consider the reply before discipline is imposed.
- c) The employee shall have an opportunity to be heard by the court executive, court level administrator or administrative office director as applicable. This meeting shall be strictly limited to the specific reasons raised in the notice of intent to demote or dismiss.
- i) At the meeting the employee may present, either in person, in writing, or with a representative, comments or reasons as to why the proposed disciplinary action should not be taken. The court executive, court level administrator or administrative office director is not required to receive or allow other witnesses on behalf of the employee.
- ii) The employee may present documents, affidavits or other written materials at the meeting. However, the employee is not entitled to present or discover documents within possession or control of judicial branch management that are private, protected, or controlled under UCJA rules.
- d) Following the meeting, the employee may be dismissed or demoted if the court executive, court level administrator, or administrative office director finds adequate cause or reason.
- e) The employee shall be notified in writing of the court executive, court level administrator, or administrative office director's decision. The reasons shall be provided if the decision is a demotion or dismissal.

Policy HR11-3. Discretionary Factors.

- 1) When deciding the specific type and severity of management action, management may consider the following factors:
- a) Consistent application of rules and standards;
- i) Management need only consider those cases decided under administration of the current ~~Court Level Administrator~~ ~~or~~ State Court Administrator as applicable. Decisions in cases prior to the current administration are not binding upon current management and are not relevant in determining consistent application of rules and standards.
- ii) In determining consistent application of rules and standards, the disciplinary actions imposed by one ~~court level administrator~~ state court administrator may



1700 not be binding upon another ~~court-level~~state court
1701 administrator and may not be used for comparison
1702 purposes in ~~hearings~~grievance review panel
1703 recommendations wherein the consistent application of
1704 rules and standards is at issue.
1705 b) Prior knowledge of rules and standards;
1706 c) The severity of the infraction;
1707 d) The repeated nature of violations;
1708 e) Prior disciplinary/corrective actions;
1709 f) Previous oral warnings, written warnings, MOUs and
1710 discussions;
1711 g) The employee's past work record;
1712 h) The potential of the violations for causing damage to
1713 persons or property;
1714 i) The strength of the evidence of conduct;
1715 j) Dishonesty or failure to disclose relevant information;
1716 k) The effect on judicial branch operations, including:
1717 i) How the wrongdoing relates to the employee's job duties;
1718 ii) The potential of the conduct to adversely affect
1719 public confidence in the judicial branch;
1720 iii) The potential of the conduct to adversely affect
1721 morale and effectiveness of the courts and/or its
1722 employees;
1723 l) Willful or intentional misconduct; or
1724 m) Likelihood of recurrence.
1725
1726
1727 2) Other factors not listed in HR11-3(1) may be given
1728 consideration if approved by the HR Director in consultation
1729 with General Counsel.
1730
1731 **HR11-4 Policy Exceptions.**

1732
1733 The HR Director may authorize exceptions to this policy
1734 consistent with HR02-2(1).
1735

1736 **Authorizing, and Implemented or Interpreted Law or Code:** UCJA
1737 3-402



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15. HR13 – Volunteering

Section 13 – Volunteering

HR13-1. Volunteer Programs.

- 1) Local management may establish a volunteer program, including but not limited to law student externships.
 - a) A volunteer program shall include:
 - i) Documented agreement of the type of work and duration for which the volunteer services will be provided;
 - ii) Orientation to the conditions of service to the judicial branch and the volunteer's specific assignments;
 - iii) Adequate supervision of the volunteer; and
 - iv) Documented hours worked by a volunteer if requested by management.
 - v) Compliance with Title 67, Chapter 20, Volunteer Government Workers Act.
- 2) A volunteer may not donate any service to the judicial branch unless the volunteer's services are approved by an administrative office director, or by a court executive or designee in consultation with HR.
 - a) Local management shall approve all work programs for volunteers before volunteers provide service to the judicial branch.
 - b) Volunteers are subject to a criminal background check consistent with HR04-15.
- 3) A volunteer is considered a government employee for purposes of workers' compensation, operation of motor vehicles or equipment, if properly licensed and authorized to do so, and liability protection and indemnification.

HR13-2. Employee Volunteer Service

- 4) An employee of the judicial branch who wishes to volunteer for the judicial branch or for another state agency may only perform services that are distinctly different from their primary work activities with the judicial branch, consistent with 29 CFR Part 553 Subpart B regulating the application of



the Fair Labor Standards Act to Employees of State and Local Governments.

5) When volunteer services are scheduled during business hours, the employee must receive advance supervisory approval pursuant to [HR08-1](#) governing the employee workweek.

6) Usage of leave for volunteering during business hours is subject to the provisions of [HR07](#) governing leave.

HR13-3. Employee Resource Group (ERG) Participation

7) An employee may choose to voluntarily participate in the activities of a judicial branch Employee Resource Group (ERG) under the stewardship of the Office of Fairness and Accountability.

a) When ERG activities are scheduled during business hours, the employee must receive advance supervisory approval pursuant to [HR08-1](#) governing the employee workweek.

b) ~~The employee~~Management may ~~grant~~record up to one hour per month of voluntary ERG participation during business hours as work-timeAdministrative Leave ("OA").

c) An employee may participate in excess of one hour per month in an ERG. However, only one hour per month is eligible to be recorded as work-timeAdministrative Leave.

d) Usage of leave for volunteering in ERG activities during business hours is subject to the provision of [HR07](#) governing leave.

8) A supervisor or manager shall not require an employee to participate in ERG activities.

9) A supervisor or manager shall not prohibit an employee from participating in ERG activities so long as business needs are met.

HR13-4. Policy Exceptions

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

Authorizing, and Implemented or Interpreted Law: [UCJA 3-402](#); [UCA §67-20-3](#); [UCA §67-20-4](#)



1823

16. Terminology Cleanup: Replacing “Rule” with “Policy”

1824

1825 **HR09-2. General Standards**

1826

1827

- 1828 1) Employees shall apply themselves to and shall fulfill their
1829 assigned duties during the full time for which they are
1830 compensated.
- 1831 a) An employee shall:
- 1832 i) Comply with the standards and expectations established in
1833 writing by management;
- 1834 ii) Maintain an acceptable level of performance and
1835 conduct on all other verbal and written job expectations;
- 1836 iii) Report conditions and circumstances, including
1837 impairment caused by an employee’s use of illicit drugs,
1838 controlled substances, alcohol or other intoxicant, that
1839 may prevent the employee from performing their job
1840 effectively and safely; and
- 1841 iv) Inform the supervisor of any unclear instructions or
1842 procedures.
- 1843
- 1844 2) An employee shall make prudent and frugal use of state funds,
1845 equipment, buildings, time, and supplies.
- 1846
- 1847 3) An employee who reports for duty or attempts to perform the
1848 duties of the position while under the influence of alcohol or
1849 other intoxicant, including use of illicit drugs, non-
1850 prescribed controlled substances, and misuse of volatile
1851 substances, shall be subject to administrative action in
1852 accordance with [HR10-2](#), [HR11](#), and [HR14](#).
- 1853 a) Management may decline to defend and indemnify an employee
1854 found violating this policy, in accordance with [UCA §63G-7-](#)
1855 [202](#) of the Utah Governmental Immunity Act.
- 1856
- 1857 4) An employee may not drive a state vehicle or any other
1858 vehicle, on state time, while under the influence of alcohol,
1859 non-prescribed controlled substances, or any controlled
1860 substances known to impair driving ability.
- 1861 a) An employee who violates this ~~rule-policy~~ shall be subject
1862 to administrative action under [HR10-2](#), [HR11](#), and [HR14](#).



b) Management may decline to defend or indemnify an employee who violates this policy, according to UCA §63G-7-202(3)(c)(ii) of the Utah Governmental Immunity Act.

5) An employee shall provide the HR Department a current personal mailing address.

a) The employee shall notify the HR Department in writing of any change in address.

b) Mail sent to the current address on record shall be deemed to be delivered to the employee for purposes of these policies.

6) Employees whose conduct is governed by more than one set of ethical regulations shall conform their conduct to the more stringent standard.

7) Employees shall maintain conduct standards both on and off duty and are obligated to report to management within five days any arrest and/or charge, other than a minor traffic citation, under a state or federal statute.

8) Employees may be subject to a fact-finding administrative review by management, in consultation with HR, if any suspicion or allegation of misconduct arises.

HR09-11. Conflict of Interest.

1) An employee may receive honoraria or paid expenses for activities outside of state employment under the following conditions:

a) Outside activities may not interfere with an employee's performance, the interests of the judicial branch, nor of the State of Utah.

b) Outside activities may not give reasons for criticism nor suspicion of conflicting interests or duties.

2) An employee may not use a state position; any influence, power, authority or confidential information received in that position; nor state time, equipment, property, or supplies for private gain.



- 1907 3) An employee may not accept economic benefit tantamount to a
1908 gift as identified in UCA §67-16-5 nor accept other
1909 compensation that might be intended to influence or reward the
1910 employee in the performance of official business of the
1911 judicial branch.
1912
- 1913 4) An employee shall declare to management a potential conflict
1914 of interest when required to do or decide anything that could
1915 be interpreted as a conflict of interest. Management shall
1916 then determine whether to excuse the employee from making
1917 decisions or taking actions that may cause a conflict of
1918 interest.
1919
- 1920 5) An employee shall not dispense special favors under authority
1921 of the employee's position to anyone, whether or not for
1922 remuneration.
1923
- 1924 6) An employee shall not assist any person in securing a contract
1925 with the court system in a manner not available to any other
1926 interested person.
1927
- 1928 7) An employee shall not be influenced in the performance of the
1929 employee's duties by kinship, rank, or position.
1930
- 1931 8) An employee shall not request or accept a fee or compensation
1932 beyond that received by the employee in an official capacity
1933 for advice, information, or assistance that is otherwise
1934 available from the courts.
1935
- 1936 9) An employee shall not solicit, accept, or agree to accept any
1937 gift, loan, gratuity, discount, favor, hospitality, or service
1938 under circumstances from which a reasonable inference could be
1939 made that a major purpose of the donor is to influence the
1940 court employee in the performance of official duties. This
1941 provision does not apply to the following:
1942 a) An award presented in recognition of public service;
1943 b) Any bonafide loan made in the ordinary course of business
1944 by any institution authorized by state law or federal law
1945 to make such loans;
1946 c) Political campaign contributions if used in a political
1947 campaign of the recipient public officer or public
1948 employee;
1949 d) An occasional non-pecuniary gift of nominal value given to
1950 all of the employees in an office or team;
1951 e) Food, refreshments, or meals of limited value;



- 1952 f) Opportunities, discounts, rewards and prizes open to the
1953 general public or all employees of the State of Utah;
1954 g) Attendance or participation at events sponsored by other
1955 governmental entities;
1956 h) Travel to and from widely attended events related to
1957 governmental duties where acceptance of such travel would
1958 result in financial savings to the State of Utah.
1959
1960 10) An employee shall not receive outside compensation for the
1961 performance of court duties except in cases of:
1962 a) An award of meritorious public contribution publicly
1963 awarded;
1964 b) The receipt of honoraria or expenses paid for papers,
1965 transcripts, talks, demonstrations, or appearances made by
1966 an employee during work hours with the approval of
1967 management; or on the employee's own time for which the
1968 employee is not compensated by the courts and which is not
1969 prohibited by these rulespolicies;
1970 c) The receipt of usual social amenities, ceremonial gifts, or
1971 insubstantial advertising gifts.
1972
1973 11) Consistent with UCA §63G-6a Utah Procurement Code, those
1974 involved in the purchasing process may not receive any gifts
1975 or similar favors from vendors.
1976 a) Vendors should be discouraged from sending any gift of any
1977 kind.
1978 b) If a vendor offers or sends a gift, the gift should be
1979 kindly returned.
1980 c) Consumable gifts of nominal value such as a box of
1981 chocolates may be shared widely with others in the office
1982 or discarded.
1983
1984
1985 **HR09-14. Employee Indebtedness to the State.**
1986
1987
1988 1) An employee indebted to the state because of an action or
1989 performance in official duties may have a portion of salary
1990 that exceeds the minimum federal wage withheld. Overtime
1991 salary shall not be withheld.
1992 a) The following three conditions shall be met before
1993 withholding of salary may occur:
1994 i) The debt shall be a legitimately owed amount which can be
1995 validated through physical documentation or other
1996 evidence.



- 1997 ii) The employee shall know about and, in most cases,
1998 acknowledge the debt. As much as possible, the employee
1999 should provide written authorization to withhold the
2000 salary.
2001 iii) An employee shall be notified of this policy which
2002 allows the state to withhold salary.
2003 b) An employee separating from state service will have salary
2004 withheld from the last paycheck.
2005 c) An employee on leave without pay for more than two pay
2006 periods may have salary withheld from their last paycheck.
2007 d) The state may withhold an employee's salary to satisfy the
2008 following specific obligations:
2009 i) Travel advances where travel and reimbursement for the
2010 travel has already occurred;
2011 ii) State credit card obligations where the state's share
2012 of the obligation has been reimbursed to the employee but
2013 not paid to the credit card company by the employee;
2014 iii) Evidence that the employee negligently caused loss or
2015 damage of state property;
2016 iv) Payroll advance obligations that are signed by the
2017 employee and that the Department of Finance and/or
2018 Division of State Finance authorizes;
2019 v) Misappropriation of state assets for unauthorized
2020 personal use or for personal financial gain. This
2021 includes reparation for employee theft of state property
2022 or use of state property for personal financial gain or
2023 benefit;
2024 vi) Overpayment of salary determined by evidence that an
2025 employee did not work the hours for which the employee
2026 received salary or was not eligible for the benefits
2027 received and paid for by the state;
2028 vii) Excessive reimbursement of funds from flexible
2029 reimbursement accounts;
2030 viii) Other obligations that satisfy the requirements
2031 of [HR09-5\(1\)](#).
2032

- 2033 2) This ~~rule-policy~~ does not apply to state employee obligations
2034 to other state agencies where the obligation was not caused by
2035 their actions or performance as an employee.
2036
2037

2038 HR11-3. Discretionary Factors. 2039 2040



- 1) When deciding the specific type and severity of management action, management may consider the following factors:
- a) Consistent application of policies, rules, and standards;
 - i) Management need only consider those cases decided under administration of the current Court Level Administrator or State Court Administrator as applicable. Decisions in cases prior to the current administration are not binding upon current management and are not relevant in determining consistent application of rules and standards.
 - ii) In determining consistent application of policies, rules, and standards, the disciplinary actions imposed by one court level administrator may not be binding upon another court level administrator and may not be used for comparison purposes in hearings wherein the consistent application of policies, rules, and standards is at issue.
 - b) Prior knowledge of policies, rules, and standards;
 - c) The severity of the infraction;
 - d) The repeated nature of violations;
 - e) Prior disciplinary/corrective actions;
 - f) Previous oral warnings, written warnings, MOUs and discussions;
 - g) The employee's past work record;
 - h) The potential of the violations for causing damage to persons or property;
 - i) The strength of the evidence of conduct;
 - j) Dishonesty or failure to disclose relevant information;
 - k) The effect on judicial branch operations, including:
 - i) How the wrongdoing relates to the employee's job duties;
 - ii) The potential of the conduct to adversely affect public confidence in the judicial branch;
 - iii) The potential of the conduct to adversely affect morale and effectiveness of the courts and/or its employees;
 - l) Willful or intentional misconduct; or
 - m) Likelihood of recurrence.
- 2) Other factors not listed in HR11-3(1) may be given consideration if approved by the HR Director in consultation with General Counsel.

HR14-2. Management Action.



- 1) Under [HR10](#), [HR11](#) and [HR14-2](#), supervisors and managers who receive notice of a workplace violation of these policies shall take immediate action.
- 2) Except as provided in [UCA §26B-4-207](#) and [34A-5-114](#), management may take disciplinary action up to and including dismissal if:
- a) There is a verified positive test for controlled substances [except as allowed under [HR14-1\(2\)](#)];
 - b) Result of a confirmation test for alcohol is verified positive;
 - c) Management determines an employee is unable to perform assigned job responsibilities or tasks, even when the result of a chemical test is reported negative;
 - d) An employee refuses a request to submit to testing under this policy;
 - e) An employee substitutes, adulterates, or otherwise tampers with a drug or alcohol testing sample, or attempts to do so; or
 - f) An employee violates any other portion of this policy.
- 3) An employee who has a verified positive test for use of a controlled substance or alcohol in violation of these ~~rules~~ policies may be required to agree to participate, at the employee's expense, in a rehabilitation program similar to that which is described in [UCA §63A-17-1006\(3\)](#). If this is required, the following shall apply:
- a) An employee participating in a rehabilitation program shall be granted accrued leave or leave without pay for inpatient treatment.
 - b) The employee shall sign a release to allow the transmittal of verbal or written compliance reports between the judicial branch's management as applicable and the inpatient or outpatient rehabilitation program provider.
 - c) All communication shall be classified as private in accordance with [UCJA 4-202.02](#).
 - d) An employee may be required to continue participation in an outpatient rehabilitation program prescribed by a licensed practitioner on the employee's own time and expense.
 - e) An employee, upon successful completion of a rehabilitation program, shall be reinstated to work in the previously held position, or a position with a comparable or lower salary range.



f) An employee who fails to complete the prescribed treatment without a valid reason shall be subject to disciplinary action.

4) An employee who has a verified positive test for use of a controlled substance or alcohol is subject to follow-up testing.

5) An employee who is convicted of manufacturing, distributing, dispensing, possessing, selling or using a controlled substance under federal or state criminal law, shall notify management of the conviction no later than five (5) calendar days after the conviction.

a) Management shall notify the federal grantor or agency for which a contract is being performed within ten (10) calendar days of receiving notice from:

i) The judicial system;

ii) Other sources;

iii) An employee performing work under the grant or

contract who has been convicted of a controlled substance violation.

HR14-4. Smoke-Free Workplace.

1) Court executives shall establish procedures to ensure compliance with the requirements of the [Utah Indoor Clean Air Act](#) and all administrative policies or rules adopted in accordance with the Act.

2) The state court administrator shall establish procedures to ensure that the AOC complies with the requirements of the [Utah Indoor Clean Air Act](#) and all administrative policies or rules adopted in accordance with the Act.

3) Smoking in state owned vehicles shall not be permitted.

4) Employees may be disciplined for violations of this policy in accordance with [HR11](#).

HR15-1. Policy.

The judicial branch is committed to providing a work environment free from all forms of discrimination and harassment based on the following: age, ancestry, color, gender, gender identity or expression, genetic information, marital status, medical condition, mental disability, military status, national origin, physical disability, pregnancy, race, religious creed,



2173 sex, veteran status, or any other category protected by federal,
2174 state or applicable local law.

2175
2176 This policy applies to every employee of the judicial branch,
2177 regardless of their position, including Administrative Office of
2178 the Courts management, as well as commissioners, judges and
2179 justices. This policy also applies to contractors, vendors, and
2180 other third parties who affect the workplace environment. In
2181 addition to the protections provided by this policy,
2182 commissioners, judges and justices are prohibited under the [Utah](#)
2183 [Code of Judicial Conduct](#) from manifesting bias or prejudice or
2184 engaging in harassment. Violation of this policy will be
2185 considered a serious form of misconduct which can result in
2186 disciplinary action up to and including immediate termination of
2187 employment.

2188

2189 1) Workplace harassment.

2190 Workplace harassment in general includes the following
2191 subtypes:

- 2192 a) Conduct in violation of [HR15-1](#) that is unwelcome,
2193 pervasive, demeaning, ridiculing, derisive, or coercive,
2194 and results in a hostile, offensive, or intimidating work
2195 environment;
2196 b) Conduct in violation of [HR15-1](#) that results in a tangible
2197 employment action against the harassed employee.

2198

2199

2200 2) Sexual harassment.

- 2201 a) The judicial branch strictly prohibits and will not
2202 tolerate sexual harassment of any kind by any individual,
2203 employee, commissioner, judge or justice. Sexual
2204 harassment may include: any conduct of a sexual nature that
2205 is unwelcome, intimidating, offensive or hostile; any
2206 conduct of a sexual nature between people of the opposite
2207 sex or the same sex; and non-sexual comments, threats or
2208 actions that display hostility toward a person in the
2209 workplace because of gender.
2210 b) All types of unlawful, offensive, hostile and intimidating
2211 behavior are prohibited by this policy. The following list
2212 is not intended to be all-inclusive, but illustrates kinds
2213 of behavior that may be considered forms of sexual
2214 harassment, and are strictly prohibited:
2215 i) Offering a job benefit in return for sexual favors.
2216 ii) Taking or threatening to take an adverse action
2217 against an individual who refuses sexual advances.



- 2218 iii) Other advances or requests of a sexual nature.
2219 iv) Sexual flirtations.
2220 v) Unwelcome or inappropriate statements about an
2221 individual's body or sexuality.
2222 vi) Sexually degrading words to describe a person.
2223 vii) Gestures of an obscene or sexually suggestive nature.
2224 viii) Humor or jokes of a sexual nature.
2225 ix) Posters, pictures, cartoons, toys or objects of a
2226 sexual nature.
2227 x) Leering or staring that is offensive.
2228 xi) Any unwelcome touching or other physical contact with
2229 an individual.
2230 xii) Hostile comments toward employees in the workplace
2231 because of gender.
2232 xiii) Sexting, texting, messaging, emailing, or any
2233 other form of communication of a sexually suggestive
2234 nature.
- 2235 **3) Other types of harassment.**
- 2236 a) Harassment based on an individual's age, ancestry, color,
2237 gender, gender identity or expression, genetic information,
2238 marital status, medical condition, mental disability,
2239 military status, national origin, physical disability,
2240 pregnancy, race, religious creed, sex, veteran status or
2241 any other category protected by federal, state or local law
2242 is prohibited under this policy and will not be
2243 tolerated.
- 2244 b) All types of unlawful offensive, hostile and intimidating
2245 behavior are prohibited by this policy. The following list
2246 is not intended to be all-inclusive, but illustrates kinds
2247 of behavior that may be considered forms of harassment, and
2248 are strictly prohibited.
- 2249 i) Telling racial, ethnic, disability, age-related or other
2250 types of degrading jokes.
2251 ii) Making racial, ethnic, or religious slurs, and other
2252 forms of degrading name calling.
2253 iii) Making threats or intimidation based on a category
2254 protected by the judicial branch's policies.
2255 iv) Possessing written or graphic material or
2256 communications in the workplace that is offensive based
2257 on a category identified in 3.1 or that violates
2258 universal standards of conduct.
2259 v) Texting, messaging, emailing, or any other form of
2260 communication that is offensive, hostile or intimidating.

2261
2262 **4) Work-Related Discussions or Materials**



- a) The sensitive nature of the court's work may necessitate engaging in verbal or electronic communications, or possessing written or graphic material in the workplace that might be considered offensive.
- b) Communications or written materials made or possessed in the ordinary course of business do not violate this rulepolicy, provided they are necessary to perform work-related functions and are not used or intended to harass, intimidate, or discriminate.

- 5) An employee may be subject to discipline for violating workplace policies, even if:
- a) The conduct occurs outside of scheduled work time or work location; or
- b) The conduct is not sufficiently severe to constitute a violation of the law.

- 6) Once a complaint has been filed, the accused may not communicate with the complainant regarding allegations of harassment.

HR17-1. Eligibility and Procedural Requirements.

- 1) Only judicial branch career service employees or any employee reporting or alleging retaliatory action as defined by HR15-2 may use these grievance procedures.
- a) Pursuant to HR11-2(1), the Grievance Review Panel has no authority to review grievances filed by at-will employees.
- b) Employees may only grieve matters identified under UCJA Rule 3-402(6) to the Grievance Review Panel, which includes employee promotions, dismissals, demotions, wages, salary, violations of human resources rulespolicies, benefits, reductions in force and disciplinary actions.
- c) All other matters may be grieved up to Level 3, as identified in HR17-5.
- 2) Where a question or dispute exists regarding whether an employee qualifies to use these grievance procedures, such controversies must be resolved through an application to the HR Director. In consultation with General Counsel, the HR Director shall make the final decision on employee eligibility



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2308 to use these procedures.

2309

2310 3) Class action grievances are not admissible for consideration
2311 by the Grievance Review Panel under these grievance
2312 procedures.

2313

2314 4) A group grievance is admissible, provided that each aggrieved
2315 employee signs the grievance.

2316

2317 5) An aggrieved employee shall submit a grievance in writing to
2318 the party identified in [HR17-5](#) and shall include the problem
2319 or complaint, a description of the direct harm, and the
2320 requested remedy or relief.

2321

2322 6) The employee shall include all relevant evidence and
2323 affidavits, to the best of the employee's knowledge, to allow
2324 management at the applicable grievance levels to make an
2325 informed decision. This information should include but is not
2326 limited to:

2327 a) Admitted and disputed allegations;

2328 b) Any witnesses;

2329 c) Documented evidence, exhibits, etc.

2330

2331 7) Intentional withholding of relevant information may be grounds
2332 for dismissal of the grievance.

2333



17. HR Definitions and Policy - Transfer Language Update

2334 HR Policy Definitions

- 2335 (50) Excusable neglect: The failure to meet time requirements
2336 which results from an unexpected or unavoidable hindrance
2337 or accident, and not from the employee's carelessness,
2338 inattention, or willful disregard of the grievance process.
- 2339 (51) External Applicant: An applicant that is not a current
2340 judicial branch employee.
- 2341 (52) External Transfer: An action transferring an employee from
2342 an external state entity to the Judicial Branch. Coded as
2343 "Transfer" in HRIS.
- 2344 ~~(50)~~ External State Entity: Utah's Executive or Legislative
2345 Branches, Attorney General's Office, or other similar
2346 department, office, branch, bureau, agency, division, or
2347 organization outside of the Judicial Branch.
- 2348 (53)
- 2349
- 2350 ~~(51)~~ (54) Fitness for Duty Evaluation: Evaluation,
2351 assessment or study by a licensed professional to determine
2352 if an individual is able to meet the performance or conduct
2353 standards required by the position held, or is a direct
2354 threat to the safety of self or others.
- 2355
- 2356
- 2357 (70) **Intern:** An individual working for the courts to fulfill
2358 an educational program's on-the-job requirement.
- 2359
- 2360 (71) Job: A group of positions similar in duties performed, in
2361 degree of supervision exercised or required, in
2362 requirements of training, experience, or skill and other
2363 characteristics. The same salary range is applied to each
2364 position in the group.
- 2365
- 2366 (50) **Preemployment Drug Test:** A drug test conducted on:
2367 (a) final applicants who are not current judicial
2368 branch employees;
2369 (b) final candidates for a highly sensitive
2370 position;
2371 (c) employees who are final candidates for
2372 transfer or promotion from a non-highly
2373 sensitive position to a highly sensitive
2374 position; or



2375 (d) employees who transfer or are promoted from
2376 one highly sensitive position to another highly
2377 sensitive position.
2378

2379 ~~1)~~
2380 ~~(125)~~ **Internal Transfer:** An action not mandated by management
2381 moving an employee from one job or position to another job
2382 or position with an equal or lesser salary range maximum
2383 for which the employee qualifies within the Judicial
2384 Branch. A transfer may include a decrease in actual wage.
2385
2386



2387 **HR04-4. Recruitment.**

- 2388
2389
2390 1) Prior to initiating recruitment, management may administer any
2391 of the following personnel actions:
2392 a) reemployment of a veteran eligible under USERRA;
2393 b) reassignment within the judicial branch initiated by an
2394 employee's reasonable accommodation request under the
2395 ADA;
2396 c) fill a position as a result of return to work from long
2397 term disability or workers compensation at the same or
2398 lesser salary range;
2399 d) reassignment or internal transfer made in order to avoid
2400 a reduction in force, or for reorganization or bumping
2401 purposes;
2402 e) reassignment, internal transfer, or career mobility of
2403 qualified employees to better utilize skills or assist
2404 management in meeting the organization's mission; or
2405 f) reclassification.

2406 **HR04-5. Transfer, Reassignment, Promotion, and Reciprocity**
2407 **Agreement.**

- 2408
2409
2410 1) Positions may be filled through an internal transfer, external
2411 transfer, promotion, or reassignment.
2412 a) The receiving manager shall verify the employee's career
2413 service status and that the employee meets the job
2414 requirements for the position.
2415 b) Managers receiving a transfer, promotion, or reassignment
2416 of an employee shall accept all of that employee's
2417 previously accrued sick, annual, and converted sick leave
2418 on the official leave records.
2419 c) An internal transfer may not include an increase but may
2420 include a decrease in actual wage.
2421 d) A reassignment may not include a decrease in actual wage
2422 except as provided in federal or state law.
2423 e) An employee who is internally transferred or reassigned to
2424 a position where the employee's current actual wage is
2425 above the salary range maximum of the new position, is
2426 considered to be above maximum and may not be eligible for
2427 a longevity increase. Employees may be eligible for a
2428 longevity increase only after they have been above the



2429 salary range maximum for 12 months and all other longevity
2430 criteria are met as established in [HR06-6](#).
2431 f) An employee with a wage that is above the salary range
2432 maximum because of a longevity increase, who is internally
2433 transferred or reassigned and remains at or above the
2434 salary range maximum, may receive their next longevity
2435 increase not earlier than three years from the date they
2436 received the most recent increase, unless job performance
2437 is unsatisfactory as determined by the employee's direct
2438 supervisor.
2439
2440 2) A reassignment or internal transfer may include assignment to:
2441 a) a different job or position with an equal or lesser salary
2442 range maximum;
2443 b) different work location; or
2444 c) a different organizational unit.
2445
2446 3) The judicial branch maintains a reciprocity agreement with the
2447 Utah Department of Human Resource Management (DHRM) which
2448 facilitates an employee's external transfer from one branch of
2449 state government to another by providing continuity of
2450 paychecks, health insurance and retirement benefits, eligible
2451 leave balances, and leave accrual rates.
2452 a) External Applicants and External Transfers.
2453 i) Current employees of ~~Utah's Executive or Legislative~~
2454 ~~Branches~~ external state entities may apply and compete
2455 for any position advertised with the judicial branch,
2456 and are considered external applicants. If hired, such
2457 employees are considered external transfers.
2458 ii) Employees applying from other ~~external branches of~~
2459 ~~state government entities~~ shall be subject to all
2460 provisions of [HR04](#) governing the filling of positions.
2461
2462 b) Benefits for External Transfers.
2463 i) An external transfer to a benefits eligible position
2464 with the judicial branch automatically transfers
2465 health insurance benefits through PEHP, leave accrual
2466 rate, annual leave balance, and all sick leave
2467 balances.
2468 ii) Compensatory time balances for FLSA non-exempt
2469 employee transfers and excess time balances must be
2470 paid out prior to the employee's external transfer to
2471 the judicial branch.
2472 iii) An external transfer to a benefits eligible position
2473 with the judicial branch automatically transfers URS



2474 retirement benefits unless the employee is a current
2475 member of the Public Safety, Firefighters, Utah
2476 Governors & Legislators, or Judges' retirement plan.
2477 If this is the case, the external transfer's
2478 retirement plan is subject to change.
2479 iv) If an external transfer has been employed in more than
2480 one URS retirement plan and the employee's service is
2481 not concurrent, the employee may combine his/her
2482 service credits to determine his/her eligibility to
2483 retire from the system the employee is in at the time
2484 of his/her retirement. The service the employee
2485 rendered in any one year cannot count for more than
2486 one year of service credit.
2487



2488 HR05-1. Career Service Status.

2489

2490 1) Only an employee hired through a competitive, pre-approved HR
2491 process and having completed a probationary period defined in
2492 the job descriptions is eligible for career service status.

2493

2494 2) Effective July 1, 2022, the judicial branch will no longer
2495 create career service positions.

2496 a) When a career service position is vacated for any reason,
2497 the position shall convert to at-will before announcing a
2498 vacancy, making an appointment, or selecting a candidate
2499 through a competitive process as described in [HR04](#)
2500 governing provisions of filling positions.

2501 b) A vacated career service position may continue to be a
2502 career service position only if management initiates a
2503 reassignment, as defined in [HR01\(109\)](#), of a career service
2504 employee to the vacant position consistent with [HR04\(5\)\(2\)](#).

2505

2506

2507 3) An employee has the right to maintain previously attained
2508 career service status so long as the employee remains in the
2509 current career service position, or is moved by a management-
2510 initiated reassignment as described in [HR05-1\(3\)\(b\)](#).

2511

2512

2513 4) When an employee initiates a move to a different position such
2514 as applying for and receiving a promotion as defined in
2515 [HR01\(104\)](#), applying and being selected for any other position
2516 vacancy, or requesting an internal transfer as defined in
2517 [HR01\(125\)](#), the employee shall convert to an at-will employee
2518 status.

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2531 **HR06-6. Salary.**

2532 **1) Promotions.**

2533 a) An employee not designated as indefinite part-time or in a
2534 time-limited position as described in [HR04-2](#) and is promoted
2535 to a job with a salary range maximum exceeding the employee's
2536 current salary range maximum shall receive a wage increase of
2537 at least 5%.

2538 b) An employee who is promoted may not be placed higher than the
2539 maximum or lower than the minimum of the new salary range
2540 except as provided in [HR06-6\(3\)](#) governing longevity salary
2541 increases.

2542 c) To be eligible for a promotion, an employee shall meet the
2543 minimum requirements for the position as established by
2544 management and in consultation with HR.

2545

2546 **2) Reclassifications.**

2547 a) At management's discretion an employee reclassified to a job
2548 with a salary range maximum exceeding the employee's current
2549 salary range maximum may receive a wage increase up to the
2550 salary range maximum. An employee shall be placed within the
2551 new salary range. An employee's eligibility for a longevity
2552 salary increase shall be consistent with [HR06-6\(3\)](#).

2553 b) An employee whose job is reclassified to a job with a lower
2554 salary range shall retain the current wage.
2555

2556 **3) Longevity Salary Increase.**

2557 a) An employee shall receive an initial longevity salary
2558 increase of 3% when:

2559 i) The employee has been in state service for eight years or
2560 more (the employee may accrue years of service in more than
2561 one district, unit, or branch of state government, and such
2562 service is not required to be continuous); and

2563 ii) The employee has been at or above the maximum of the
2564 current salary range for at least one year; and

2565 iii) The employee has not been formally disciplined or placed
2566 on a performance improvement plan within the 12-month
2567 period preceding the longevity increase.

2568 b) An employee who has received the initial longevity increase
2569 is then eligible for an additional 3% increase every three
2570 years. Eligibility for additional longevity increases are the
2571 same as [HR06-6\(3\)\(a\)\(iii\)](#).



- c) An employee with a wage that is above the maximum salary range because of a longevity salary increase:
- i) Shall retain the current actual wage if receiving an administrative adjustment or is reassigned or reclassified to a job with a lower salary range maximum.
 - ii) Shall, if reclassified to a job with a higher salary range maximum, only receive a wage increase if the current actual wage is less than the salary range maximum of the new job. The amount of the wage increase is subject to management discretion, dependent upon available funds, and shall not exceed the salary range maximum of the new job.
 - iii) Shall, if promoted, only receive a wage increase if the current actual wage is less than the salary range maximum of the new job. The wage increase is subject to management discretion, dependent upon available funds, and shall not exceed the salary range maximum of the new job.
 - iv) Shall, if promoted, reclassified, internally transferred, reassigned, or is receiving an administrative adjustment and remains at or above the salary range maximum, receive the next longevity salary increase three years from the date the most recent longevity increase was received.
- d) An employee with a wage that is not at or above the salary range maximum and is reclassified, internally transferred, reassigned, or receives an administrative adjustment and has a current actual wage that is above the salary range maximum of the new job is considered to be above maximum and may be eligible for a longevity salary increase after meeting the requirements of HR06-6(3)(a).



2602 **6) Internal Transfer.**

- 2603 a) Management may decrease the current actual wage of an employee
2604 who internally transfers to another job with the same or lower
2605 salary range maximum. The amount of the decrease shall be
2606 communicated to the employee at the time of the job offer and
2607 the employee shall have an opportunity to accept or decline
2608 the offer to internally transfer.
2609 b) An employee who applies for a job with a lower salary range
2610 maximum shall be placed within the salary range of the new
2611 job.
2612

2613 **8) Administrative Salary Increase.**

- 2614 a) Management may authorize an increase in salary up to the
2615 salary range maximum.
2616 b) Administrative salary increases shall only be granted when
2617 there exists sufficient funding within the annualized base
2618 budget for the fiscal year in which the increase is given.
2619 i) Performance-based salary increases are normally submitted,
2620 vetted and approved by an employee's line of management
2621 during the last quarter of the fiscal year.
2622 ii) Non-performance based increases may be authorized by
2623 management up to three occurrences in an 18-month period
2624 for retention purposes when the following criteria are met:
2625 (1) The employee was hired into a temporary or time-limited
2626 job;
2627 (2) The employee's rate of pay will not exceed the first
2628 quartile of the employee's job salary range; and
2629 (3) The increase is already budgeted in district or unit
2630 personnel funds for temporary personnel.
2631 c) Justification for administrative salary increases shall
2632 be:
2633 i) In writing;
2634 ii) Approved by the court executive, court level
2635 administrator, director, deputy state court administrator,
2636 or the state court administrator; and
2637 iii) Supported by unique situations and/or demonstrating a
2638 clear connection to the advancement of the mission of the
2639 judicial branch.
2640 d) The court executive or court level administrator shall
2641 answer any challenge or grievance resulting from an
2642 administrative salary increase.
2643 e) An employee at or above the salary range maximum may not
2644 be granted administrative salary increases.



2645 f) Increasing an employee's wage concurrently with an internal
2646 transfer or reassignment action must be justified as an
2647 administrative salary increase in a separate action as
2648 described in HR06(8)(c)(iii).
2649
2650

2651 HR07-1. Conditions of Leave and of Leave Reporting.
2652

2653 1) An employee shall be eligible for a traditional leave benefit
2654 (non-traditional leave benefits such as those given to time-
2655 limited law clerk attorneys is addressed elsewhere in this
2656 section) when:

2657 a) In a position designated by HR and in consultation with
2658 judicial branch management as eligible for benefits; and
2659 b) In a position that normally requires working a minimum of 20
2660 hours per week or 40 hours per pay period.
2661
2662

2663 2) An eligible employee accrues annual, sick, and holiday leave
2664 in proportion to the time paid as determined by a leave
2665 accrual table programmed in the state payroll system by the
2666 Division of State Finance.
2667
2668

2669 3) An employee shall use leave in no less than quarter hour
2670 increments.
2671
2672

2673 4) An employee may not use annual, sick, or holiday leave before
2674 it is accrued. Leave accrued during a pay period may not be
2675 used until the following pay period.
2676
2677

2678 5) An employee may not use annual leave, converted leave used as
2679 annual leave, or use excess or compensatory leave hours
2680 without advance approval by management.
2681

2682 6) Management may not require employees to maintain a minimum
2683 balance of accrued leave.



2684
2685

2686 7) An employee may not use any type of leave except military and
2687 jury leave to accrue excess hours.
2688
2689

2690 8) An employee transferring from an external state ~~agency~~entity
2691 may transfer all accrued leave balances in accordance with the
2692 reciprocity agreement in [HR04-5\(3\)](#).
2693

2694 9) An employee separating from state service shall be paid in a
2695 lump sum for all annual leave and excess hours. An FLSA nonexempt
2696 employee shall also be paid in a lump sum for all compensatory
2697 hours.

2698 a) An employee separating from state service for reasons other
2699 than retirement shall be paid in a lump sum for all converted
2700 sick leave.

2701 b) Converted sick leave for a retiring employee shall be subject
2702 to [HR07-7-5](#).

2703 c) Annual, sick, and holiday leave may not be used or accrued
2704 after the last day worked, except for:

2705 i) Leave without pay;
2706 ii) Administrative leave specifically approved by management
2707 to be used after the last day worked;
2708 iii) Leave granted under the FMLA; or
2709 iv) Leave granted for other medical reasons that were
2710 approved prior to the commencement of the leave period.

2711 HR07-22. Compensatory Leave.

2712 ~~2+1)~~ Only employees in positions designated as FLSA non-exempt and
2713 have selected compensatory leave instead of overtime pay shall
2714 accrue compensatory leave.

2715 a) FLSA non-exempt employees may change their overtime selection
2716 by submitting a request to HR in writing no later than the
2717 payroll time entry deadline for a pay period.

2718 b) Changes submitted after the deadline in [HR07-22\(1\)\(a\)](#) will be
2719 effective the pay period following the date the request is
2720 received by HR.

2721
2722 ~~3+2)~~ When an FLSA non-exempt employee's comp leave balance exceeds
2723 80 hours, the amount above 80 shall be paid out at the employee's
2724 current overtime rate.
2725



2726 ~~4)3)~~ Comp leave balances are not subject to use-or-lose provisions
2727 and are paid out at the employee's current overtime rate upon
2728 termination or transfer to another external state ~~agency-entity~~
2729 consistent with HR07-1(9).

2730 **HR08-5. Compensatory Time for FLSA Nonexempt Employees.**

- 2731
2732
- 2733 1) An FLSA non-exempt employee shall sign a prior overtime
2734 agreement authorizing management to compensate the employee
2735 for overtime worked by actual payment or accrual of
2736 compensatory time at time and one half. Management shall not
2737 have influence over an employee's election for overtime
2738 compensation at hire. An FLSA non-exempt employee desiring
2739 to change her/his election for overtime compensation later
2740 on must obtain management approval in consultation with the
2741 HR Department.
- 2742 a) An FLSA non-exempt employee may receive compensatory
2743 time for overtime up to a designated maximum.
- 2744 i) Typically, the comp time maximum is 80 hours.
- 2745 ii) As a rare exception, compensatory time may accrue
2746 up to 240 hours only with prior approval from the
2747 State Court Administrator or designee in
2748 consultation with the HR Director.
- 2749 iii) Once an employee reaches the maximum, additional
2750 overtime shall be paid on the payday for the
2751 period in which it was earned.
- 2752 b) Compensatory time balances for an FLSA non-exempt employee
2753 shall be paid down to zero at the rate of pay in the old
2754 position in the same pay period that the employee is:
- 2755 i) Transferred from the judicial branch to an
2756 external state ~~agency~~entity; or
- 2757 ii) Promoted, reclassified, reassigned, or internally
2758 transferred to an FLSA exempt position.
- 2759 c) Management may pay down any portion of compensatory time
2760 balances for FLSA non-exempt employees at any time.

2761 **HR08-6. Compensatory Time for FLSA Exempt Employees.**

2762

2763 Employees exempt from overtimes standards of the FLSA do not
2764 earn compensatory time in the judicial branch. If an FLSA exempt
2765 employee from another ~~state-agency~~external state entity
2766 transfers to the judicial branch, any comp time balance that may



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2767 exist shall lapse upon transferring to the judicial branch.
2768 Other leave balances do transfer with the employee consistent
2769 with the reciprocity agreement described in [HR04-5\(3\)](#).
2770

2771 HR08-13. Excess Hours.

2772

- 2773 1) An employee may use excess hours the same way an employee may
2774 use annual leave, in accordance with [HR07-1](#).
2775 a) An employee may not work hours that result in the accrual
2776 of excess hours without prior management approval.
2777 b) An employee may not use any leave time other than holiday
2778 and jury leave to result in the accrual of excess hours.
2779 c) An employee may not accumulate more than 80 excess hours.
2780 d) Management shall pay out excess hours:
2781 i) For all hours accrued above the 80 hour limit;
2782 ii) When an employee transfers from the judicial branch
2783 into another external state ~~agency~~entity; and
2784 iii) Upon separation from employment.
2785 e) Management may pay out excess hours:
2786 i) Automatically in the same pay period accrued;
2787 ii) At any time during the year as determined appropriate
2788 and approved by the court executive or AOC director; or
2789 iii) Upon request of the employee and approval by the court
2790 level administrator or designee.

2791

2792



2793 HR14-1. Drug-Free Workplace.

2794

2795

2796 9) Final candidates for an internal transfer or promotion to a
2797 highly sensitive position may be subject to pre-employment
2798 drug testing at management discretion, except as prohibited by
2799 law.

2800 a) An employee internally transferred or promoted from one
2801 highly sensitive position to another highly sensitive
2802 position may be subject to pre-employment drug testing at
2803 management discretion except as prohibited by law.

2804 b) An employee who is reassigned to a highly sensitive
2805 position or assigned the duties of a highly sensitive
2806 position may NOT be subject to pre-employment drug
2807 testing.

2808

2809