

UTAH JUDICIAL COUNCIL
POLICY, PLANNING and TECHNOLOGY COMMITTEE
MEETING MINUTES
Webex video conferencing
September 5, 2024 – 12 p.m.

MEMBERS:

PRESENT

EXCUSED

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

GUESTS:

Daniel Meza Rincon
Keri Sargent
Jim Peters
Bart Olsen
Jeremy Marsh
Paul Barron
Tucker Samuelson
Kim Zimmerman
Shannon Treseder

STAFF:

Keisa Williams
Brody Arishita
Cindy Schut

(1) Welcome and approval of minutes:

Judge Chiara welcomed committee members to the meeting. The committee considered the minutes from the August 2, 2024 meeting. With no changes, Judge DiReda moved to approve the minutes as presented. Judge Gardner seconded the motion. The motion passed unanimously.

(2) Rules 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

The public comment period on the above rules has closed. No public comments were received. Rules 1-205, 2-102, 3-422, 3-501 are ready to send to the Judicial Council with a recommendation that they be approved as final.

Daniel Meza Rincon and Keri Sargent reviewed additional proposed amendments to rule 4-202.08 as provided in the detailed memo included in the meeting materials. In summary, the word “minimal” has been applied differently across the state and there is a need for consistency. The Budget and Fiscal Management Committee recommended that “minimal” in CJA 4-202.08(10)(A)(i) be defined as anything \$10 or less, and to further amend rule 4-202.08 to ensure the fee for copies of audio records shared via the FTR cloud can be reduced.

The committee discussed what would qualify as “minimal” for purposes of audio records and whether there should be a cap on the number of transactions that qualify for a fee waiver. The committee asked where the money from the fees currently go and whether the revenue received could be used to pay for licensing, software, or increased usability.

Tucker Samuelson noted that the proposed amendments could affect Data and Research because the rule as drafted would include requests for data. Currently, the Data and Research Department provides data services for several government agencies and does not charge for personnel time. Given the rates for employees in the data department, even 15 minutes of personnel time would be more than the \$10 “minimal” limit.

Following further discussion, the committee agreed that it makes sense to define “minimal” so that it is uniform across the state. The overarching policy question regarding the \$10 limit is on the Judicial Council’s September 11, 2024 agenda. Depending on what the Council decides, a rule draft could be presented to PP&T in October.

Judge DiReda moved to recommend to the Judicial Council that the amendments to CJA rules 1-205, 2-102, 3-422, and 3-501 be adopted as final with a November 1, 2024 effective date. Judge Gardner seconded the motion. The motion passed unanimously. Following further discussion, PP&T took no action on CJA rule 4-202.08 at this time.

(3) CJA 3-302. Clerk of the court

Keri Sargent and Shannon Treseder reviewed proposed amendments to CJA Rule 3-302. In summary, the Clerks of Court would like to update the rule to be more in line with current practice, to help court employees understand a Clerk of Court’s role, and to update language and other terms.

Following discussion, Judge Gardner moved to send 3-302 to the Judicial Council with a recommendation that it be published for a 45-day public comment period. Judge Carpenter seconded the motion. The motion passed unanimously.

(4) CJA 9-105. Justice court hours

James Peters reviewed amendments proposed by the Board of Justice Court Judges. The proposed amendments would require justice courts to add operating hours to their websites, allow them to close for local holidays, and no longer require them to notify the AOC on a quarterly basis of changes to their operating hours.

The committee discussed concerns with the amendments. Under 78A-7-213(3), justice courts “shall be open and judicial business shall be transacted” 5 days per week or no less than four days per week for at least 11 hours per day. Local governing bodies can establish operating hours, provided they comply with the statute and the Code of Judicial Administration. Local holidays that do not align with state holidays could be recognized if the statutory requirements are met. Following further discussion, the committee recommended that the proposed amendments be sent back to the Board of Justice Court Judges with the committee’s concerns.

PP&T took no action on CJA 9-101 at this time.

(5) CJA 3-303. Justice court clerks

James Peters reviewed amendments proposed by the Board of Justice Court Judges. The proposed amendments would address the evolution of clerk certification, codify the Judicial Council's decision to remove CORIS access from those who aren't current with certification, and address training needs based on a clerk's role.

Judge Carpenter moved to send to CJA 3-303 to the Judicial Council with a recommendation that it be published for a 45-day public comment period. Judge DiReda seconded the motion. The motion passed unanimously.

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

This new rule memorializes the Management Committee's August 5th Administrative Order on the use of Webinars. Ms. Williams incorporated changes recommended by Judge Gardner prior to the meeting. Mr. Arishita noted that his team has been working with Cisco for feature requests, add-ons, and other fixes so that there will be fewer disruptions. He also noted that they are looking at software specifically for court operations, but cost may be a factor. The committee discussed whether a rule was needed.

After further discussion, the committee decided to address the issue with the Judicial Council and asked Ms. Williams to send the rule draft to the Council solely to guide the Council's discussion, not for approval.

(7) Human Resources

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. and HR06-6. Pay for Performance
HR11-3. Discretionary Factors (Discipline)
HR13. Volunteering
Terminology cleanup
Definitions and Policy. Transfer language.

The Human Resources Policy Review Committee recommends approval of the proposed amendments to HR policies as provided in the detailed memo in the materials.

HR04-13 Career Mobility and Career Service

The proposed amendments remove outdated language to clarify that career mobility assignments are temporary in nature and will not lead to any previously unestablished career service status.

HR06-7. Stipends

The proposed amendments clarify that the Trial Court Executive has the authority to approve stipends, that employees must demonstrate an acceptable knowledge level, and complete a formal agreement. There is also a provision for when a stipend may be paused.

HR06-8 Retirement Benefits Clarification

The proposed amendments update language to point to the statutorily authorized entity for establishing eligibility requirements under the Utah State Retirement and Insurance Benefits Act (Title 49).

HR07-8 Witness and Jury Leave

The proposed amendments update policy language to clarify when an employee is eligible to receive a full day's pay for witness or jury leave.

HR07-15 Family and Medical Leave "Moonlighting"

The proposed amendments clarify that an employee on FMLA must adhere to the secondary employment requirements under HR09-10.

HR07-20 Sick Leave Bank

The proposed amendments establish 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 and equalizes the impact of the benefit between part-time and full-time employees.

HR07-21. Parental and Postpartum Leave

The proposed amendments create consistency between the current policy and HB75, a bill that recently passed in the General Legislative Session. The bill clarifies that an employee must be employed at the time of the qualifying event, specifies that the purpose of parental leave is for bonding, adds foster care as a qualifying event, and specifies that postpartum recovery leave is only available when the birth occurs at 20 weeks gestation or later.

HR07-23. Safe Leave

The proposed amendments come from SB174 which establishes a type of leave for state employees that must be granted to a victim of domestic violation and some other similarly situated employees who have exhausted all of their own accrued leave.

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 proposed amendment reflects this update and more precisely defines routine teleworking.

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

The proposed amendments include TCEs in the line of approval for out-of-state work and support a more logical line of approval.

HR09-8. Weapon Policy

Amends Weapon and Court Security HR Policy to maintain consistency with Rule 3-414. Court Security

HR09-15. Preferred and Legal Name

Amends language allowing employees to use a preferred name and identifies circumstances when a legal name must be used.

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

The proposed amendments formalize policies related to the legislature's allocation of funds specifically to the judiciary for implementing pay-for-performance increases. The extensive amendments to HR10 aims to ensure practices surrounding setting performance expectations and evaluating job performance enable the judiciary to provide accountability. The amendments to HR06 governing salary aim to clarify and provide reasonable consistency in the judiciary's pay for performance program.

HR11-3. Discretionary Factors (Discipline)

The proposed 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.

HR13. Volunteering

The proposed amendments clarify 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 Employee Resource Groups

Terminology cleanup

The proposed amendments replace "Rule" with "Policy" when used in reference to HR Policy for consistency and to avoid confusion.

Definitions and Policy. Transfer language.

The proposed amendments define other state entities for purposes of procedures for employment transfers between the judiciary and other state entities. Also, a thorough review of the HR Policy was made to clarify whether each instance of the term “transfer” referred to an “external” or “internal” transfer.

The committee did not recommend additional amendments. As the HR policies are internal policies, they do not go out for public comment.

With no further discussion, Judge DiReda moved to recommend to the Judicial Council that HR policies HR04-13, HR06-6, HR06-7, HR06-8, HR07-8, HR07-15, HR07-20, HR07-21, HR07-23, HR08-2, HR08-22, HR09-8, HR09-15, HR10-1, HR11-3, HR13, and certain terminology and definitions be approved as proposed. Judge Gardner seconded the motion. The motion passed unanimously.

Technology report/proposals:

The IT Strategic plan was approved at the last committee meeting. Mr. Arishita will present it to the Management Committee in October for final approval.

The Technology Advisory Group is researching cybersecurity awareness training. Staff recently attended a workshop on disaster recovery and cybersecurity. Mr. Arishita provided information on a statewide phishing campaign to increase cybersecurity knowledge across the State.

Old Business/New Business: None

Adjourn: With no further items for discussion, the meeting adjourned at 1:55 p.m. The next meeting will be held on October 4, 2024, at noon via Webex video conferencing.