

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

March 7, 2025 – 12:00 p.m. to 1:30 p.m.

Webex

12:00	Welcome and approval of minutes	Action	Tab 1	Judge Gardner
	<u>Back from public comment - returned by Council:</u> <ul style="list-style-type: none"> • CJA 4-403. Electronic signature and signature stamp use • CJA 4-202.07. Appeals • CJA 4-202.06. Response to request to access or classify a court record 	Action	Tab 2	Keisa Williams
	CJA 4-206. Exhibits	Action	Tab 3	Jace Willard
	URE Committee request: Add feature on webpage to track historical rule changes	Action	Tab 4	Jace Willard
	CJA 4-111. Priority of post-conviction petitions in capital cases	Action	Tab 5	Keisa Williams
	<u>HR Policies:</u> <ul style="list-style-type: none"> • CJA 3-402. Human resources administration • HR 11-1. Disciplinary Action • HR 17-9, 3-5, 17-1 (3-402(6)). Grievance Procedures • HR 17-5, 17-8. Mediation • HR 7-3. Annual Leave Accrual • HR 8-3. Exercise Release 	Action	Tab 6	Bart Olsen
1:00	Technology report/proposals	Discussion		Brody Arishita
1:50	Old Business/New Business			
2:00	Adjourn			

2025 Meetings:

April 18, 2025	September 5, 2025
May 2, 2025	October 3, 2025
June 6, 2025	November 7, 2025
July 11, 2025	December 5, 2025
August 1, 2025	

TAB 1

Minutes

February 7, 2025

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

DRAFT

Webex video conferencing
February 7, 2025 – 12 p.m.

MEMBERS:

PRESENT

EXCUSED

Judge James Gardner, <i>Chair</i>	✓	
Justice Paige Petersen		✓
Judge Angela Fonnesbeck	✓	
Judge Jon Carpenter	✓	

GUESTS:

Lisa Ashman
Anna Rossi
Jon Puente
Daniel Meza-Rincon
Keri Sargent
Jessica Vázquez-Leavitt
Abram Sherrod
Jace Willard

STAFF:

Keisa Williams
Todd Eaton
Cindy Schut

(1) Welcome and approval of minutes:

Judge Gardner welcomed the committee members to the Policy, Planning, and Technology Committee (PP&T) meeting. PP&T considered the minutes from the January 10, 2025 meeting. With no changes, Judge Gardner moved to approve the minutes as presented. Judge Carpenter seconded the motion. The motion passed unanimously.

(2) Rule back from public comment:

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

The public comment period on the above rule has closed. The proposed amendments: 1) set the fee waiver limit for government entities at \$10.00 per transaction to ensure consistent application across the state; 2) set the fee for access to audio records of court proceedings via the FTR Coud at \$10.00 per transaction; 3) allow the State Court Administrator and Clerks of Court to waive the one free copy limit; and 4) identify individuals and entities that qualify for bulk data fee waivers. Two comments were received. The first commenter requested clarification on the definition of “transaction.” The second commenter suggested that all fees for copies of court records and FTR recordings be waived for governmental entities.

Lisa Ashman and Anna Rossi Anderson, representing the Salt Lake District Attorney’s Office (SLDA), attended the meeting to explain their concerns and answer questions. Primarily, SLDA is concerned with the budgetary impact on SLDA if copy and recording fees aren’t waived. Certified copies are presented as evidence in the prosecution of a majority of cases and is oftentimes the primary piece of evidence. SLDA

estimates a cost of \$75,000.00 -100,000.00 per year for certified copies. The SLDA budget cycle just ended and SLDA doesn't have enough funds to cover the anticipated certified copy fees for 2025.

PP&T discussed Utah Code section 78A-2-301(1)(ff) and determined that it only applies to filing fees. Under a plain reading of applicable statutes and court rules, while the judiciary is sensitive to budgetary impacts, it appears that the Council is only authorized to waive fees for expenses associated with *producing* copies of records and may not waive fees for the copies themselves, if those fees are set in statute (i.e. certified copies).

One option to significantly reduce copy fees for certified records is for the 3rd district court to require all judges to take judicial notice of certified court records, as allowed under the 2019 amendments to URE 902(13) and (14). That rule has not been consistently implemented by 3rd district judges. SLDA attorneys are often required to ask clerks to print and certify court records that are already in CORIS. Judge Gardner will speak to the 3rd district presiding judge and administrative group about implementing a district-wide policy.

After further discussion, PP&T determined that a legislative amendment to Utah Code section 78A-2-301 is required before the court may waive certified copy fees for governmental agencies. Ms. Ashman and Ms. Rossi Anderson will ask SLDA's legislative policy advisor to address the issue with members of the legislature this session. After further discussion, SLDA will confer with their policy advisor and provide an update to PP&T.

Judge Gardner moved to take no action on CJA 4-202.08 until the next PP&T meeting. Judge Fannesbeck seconded the motion. The motion passed unanimously.

(3) Rules back from public comment:

- **CJA 4-202.02. Records classification.**
- **CJA 4-202.07. Appeals.**
- **CJA 4-403. Electronic signature and signature stamp use.**
- **CJA 4-202.04. Request to access a record associated with a case; request to classify a record associated with a case.**

The public comment period on the above rules has closed. No public comments were received on rules 4-202.02 or 4.202.07. One public comment was received on rule 4-403 and one comment was received on rule 4-202.04. No amendments were made in response to the comment on rule 4-403. In response to the comment on rule 4-202.04, paragraph (1) was amended to clarify that clerks may waive the written requirement if the requester is seeking a public record or a non-public record to which they are authorized access under rule 4-202.03. However, clerks may not waive the written requirement if the requester is seeking a non-public record to which the requester is not authorized access under rule 4-202.03. All remaining amendments were non-substantive and intended to provide clarity.

Judge Fannesbeck moved to recommend to the Judicial Council that rules 4-202.02, 4-202.07, 4-403, and 4-202.04 be approved as final with a May 1, 2025 effective date. Judge Gardner seconded the motion. The motion passed unanimously.

(4) 3-306.04. Interpreter appointment, payment, and fines.

Jon Puente and Jessica Vázquez-Leavitt presented proposed amendments to rule 3-306.04. The Language Access Program has received numerous complaints regarding attorneys asking court interpreters to provide on-the-spot interpretations of recorded evidence, both audio and video, and on-the-spot translations of written documents. These on-the-spot interpretations and translations are contrary to best practices and may cause interpreters to violate the Code of Professional Responsibility for Court Interpreters. The proposed amendments provide clear guidance regarding on-the-spot interpretations and translations of recorded evidence.

Under Canon (1) of Appendix F (Code of Professional Responsibility for Court Interpreters) in the Code of Judicial Administration, “[i]nterpreters shall render a complete and accurate interpretation or sight translation, without altering, omitting, or adding anything to what is stated or written, and without explanation.” When parties bring in recorded or written evidence and ask interpreters to conduct on-the-spot interpretations or translations, the likelihood of additions, omissions, explanations, or paraphrasing is high. The interpreter’s role is to provide services in the courtroom. Evidence should be translated prior to trial by the party intending to submit it. Parties can prepare before trial by retaining a certified interpreter from the court roster. The court may permit on-the-spot interpretations with the consent of the court interpreter for evidence that is brief or not complex. The court could also permit on-the-spot interpretations or translations in emergency circumstances.

Following discussion, PP&T changed lines 14 and 77 to replace “non-English speaking” to “individuals with a primary language other than English and limited English proficiency (LEP).”

With that change included, Judge Carpenter moved to send rule 3-306.04 to the Judicial Council with a recommendation that it be posted for a 45-day public comment period. Judge Fonnesebeck seconded the motion. The motion passed unanimously.

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

Janine Liebert presented proposed amendments to rule 1-205, adding community representatives to the following standing committees of the Judicial Council:

- Court Facility Planning Committee
- Committee on Children and Family Law
- Committee on Resources for Self-represented Parties
- Language Access Committee
- Committee on Court Forms
- Committee on Fairness and Accountability

The proposed amendments also require the chair of each standing committee to conduct a committee performance assessment every three years and report the results to the Management Committee. Community representatives will provide an outsider perspective on the processes and procedures of the court. PP&T previously recommended that input be gathered from each of the standing committees to assess whether adding a community member made sense. Over the last year, all Judicial Council standing committees were asked for their feedback on this initiative. The proposed amendments include committees that indicated it would be helpful to add members of the community.

PP&T clarified with Ms. Liebert that community representatives would be individuals who already work with members of the public in some capacity and the courts' public outreach coordinator would assist in the search and vetting of those members. To make the language consistent, "at least one of whom are" was replaced with "who are knowledgeable about the needs of self-represented litigants" in Line 303. PP&T rejected and removed proposed amendments to lines 288-290.

Following further discussion, Judge Fonnesebeck moved to recommend to the Judicial Council that CJA rule 1-205 be approved for a 45-day public comment period. Judge Carpenter seconded the motion. The motion passed unanimously.

Technology report/proposals:

The Technology Advisory Subcommittee (TAC) met and discussed essential court functions that could be affected in the event of an emergency. TAC directed IT to present their recommendations to the clerks of court for review and subsequently present them to each court. The Artic Wolf cybersecurity training is ready to be launched at the beginning of March and will include mini trainings that will be documented in LMS.

Old Business/New Business:

Judge Gardner noted that during the Judicial Council's discussion of proposed amendments to the Interim Rules on the Use of Generative AI, the Council created a workgroup to study the issue and report back. Judge Gardner suggested including a member of PP&T on the workgroup to relay information from the workgroup to PP&T. Judge Gardner asked Ms. Williams to reach out to Justice Petersen about her interest and availability to serve on the workgroup.

Adjourn: With no further items for discussion, the meeting adjourned at 1:26 p.m. The next meeting will be held on March 7, 2025, at noon via Webex video conferencing.

TAB 2

Back from Public Comment:

CJA 4-202.07. Appeals

CJA 4-403. Electronic signature and signature stamp use

CJA 4-202.06. Response to request to access or classify a court record

Notes: Rules 4-403 and 4-202.07 were removed from the Council's agenda in February and sent back to PP&T for additional consideration. The proposed amendments to rule 4-403 were requested by Judge McCullagh. His concerns are attached.

The Council asked for clarification on paragraph (1) of rule 4-202.07: ***How would a person whose interests are protected by closure get notice of the appeal contemplated in paragraph (1)?*** Records associated with a case are governed by rule [4-202.04](#) and those requests are made to the court in the form of a motion or petition. Rule 4-202.07 does not apply to records associated with a case.

Rule 4-202.07 governs appeals related to requests for administrative court records, aggregate court records, and court records for the purpose of research. Those requests are governed by rules [4-202.05](#) and [4-202.06](#) and are made to the custodian of the record, which will always be someone in the judiciary. For 4-202.07 to make sense, it must be read in conjunction with 4-202.05.

For example, a court patron submits a request to access Brody Arishita's personnel file. Personnel files are private court records and the person making the request is not authorized to access private records under rule 4-202.03. Under 4-202.05(2)(A), the requester must submit the request to the custodian of the record, the state court administrator.

Let's assume Ron says, "Brody didn't reset my password in a timely fashion, so I am going to authorize the release of his personnel file!" Under 4-202.05(2)(B), before allowing access, Ron must send notice of the request to "any person whose interests are protected by closure" and give them an opportunity to respond. Because Brody has an interest in protecting his personnel file, he must receive notice and an opportunity to argue in favor of closure. If Ron persists, Brody could appeal Ron's decision to the Management Committee under 4-202.07(4)(B).

In short, the onus is on the AOC to determine whose interests are protected by closure and give them notice. Such notice is contemplated in paragraph (5) with the reference to Rule 4-202.05(2)(B). Rule 4-202.06 is a bit of a mess, so I'm proposing amendments to it as well.

Judge McCullagh Feedback

Signature Rule changes explained

Some background first. I checked with the Chair of the committee that shepherds these rules, and he indicated that there was specific direction from the Council towards allowing more document types to be signable upon direction. However, there needed to be some norming and standardization (at least across districts) of those kinds of documents.

Hence the language of the new rule. It keeps the explicit list in section 1, then creates a new section 2 (lines 33-54 of the redline) that allows for new document types. There are two processes:

1. trial courts of record (lines 34-45) basically the PJ of the district decides what can be done, and keeps a list.
2. Trial courts not of record, (lines 46-54).

This process provides that individual judges will make standing rules for their courts, and then submit them to us for approval. We then have to keep track of those, and I suppose when we rescind the approval.

It is these lines 46-54 I have issue with.

First, this is a whole new power to JC Pjs than we have ever had. Our PJ rule as written is an advise, counsel and, if necessary, correct type rule. Our job is to ensure our bench is following the rules. We take a given standard and make sure everyone is following that standard. This rule is different, it lets us substitute our discretion for that of another judge. Essentially giving us a substantive veto over that judge's discretion. We are creating the rule out of whole cloth, substituting our unfettered discretion in place of another judge's unfettered discretion. I am not super comfortable with that.

Second, there are no standards by which judges should propose to identify worthy document types. Nor is there any standard for us to use in deciding to approve a given rule. I don't like rules with no standards, and this is as squishy as it gets.

Third, it doesn't achieve what they wanted. Which was a group of document types consistent across districts. What we get here are a number of single judge (not single court, but single judge) orders, for which we need to keep track across a district. One tab in the folder for each judge. Because these are voluntary rules, a judge does not have to grant the clerk the authority, even if the rule allows for it, this seems kind of silly. If the option makes sense, it should be available to everyone district wide, not just when that judge gets around to sending me a draft order that I have already approved for by one or more other judges.

So, I propose rewriting the court not of record section as attached. It gives us the power to adopt standing rules, and then judges can take advantage of any document type covered by the standing rule. It is silent about how we figure out which document types we want on the list, but I figure that amount of granularity is unwarranted. The reality is a judge who wants to sign X document

type, will send us their logic and we will adopt it if it meets the standard. I am hoping to get the rest of you to support this, so I can let the Board, and later the Council, know that we are all good with this approach.

Thanks for taking the time to look through this.

Comments on the proposed language in the rule:

1. This harmonizes the practice across all trial courts.
2. How a presiding judge gets the idea to create a standing order is not covered here. It may very well be that the idea comes from another judge who wants to try it out. But if the idea is a good one, let every judge use it. As long as we can say it passes the smell test, which is pretty much the standard I chose, we adopt it for everyone to use if they want to.
3. I am not interested in keeping a list of orders for each judge, nor for each court. This list of standing orders could be maintained on the UtCourts Intranet site and available to any judge who wants to use them. If a judge doesn't want to delegate that authority, nothing requires that they do so.
4. I recognize the use of the gender-neutral possessive pronoun "their" and am happy to use it in lieu of an undetermined gender of a judge or commissioner; or trying to make everything plural; and to avoid continually having to type out " judge or commissioner."

Rule 4-403. Electronic signature and signature stamp use.**Intent:**

To establish a uniform procedure for the use of judges' and commissioners' electronic signatures and signature stamps.

Applicability:

This rule ~~shall apply~~applies to all trial courts of record and not of record.

Statement of the Rule:

(1) **Approved document types.** A clerk may, with the prior approval of the judge or commissioner, use an electronic signature or signature stamp in lieu of obtaining the judge's or commissioner's signature on the following document types:

(1)(A) bail bonds from approved bondsmen;

(1)(B) bench warrants;

(1)(C) civil orders for dismissal when submitted by the plaintiff in uncontested cases or when stipulated by both parties in contested cases;

(1)(D) civil orders for dismissal pursuant to Rule 4-103, URCP 3 and URCP 4~~(b)~~;

(1)(E) orders to show cause and orders to appear/attend under URCP 7A~~(e)(4)~~ and URCP 7B~~(e)(4)~~;

(1)(F) orders to take into custody;

(1)(G) summons;

(1)(H) supplemental procedure orders;

(1)(I) orders setting dates for hearing and for notice;

(1)(J) orders on motions requesting the Department of Workforce Services (DWS) to release information concerning a debtor, where neither DWS nor the debtor opposes the motion;

(1)(K) orders for transportation of a person in custody to a court hearing, including writs of habeas corpus ad prosequendum and testificandum; and

(1)(L) orders appointing a court visitor.

~~(2) When a clerk is authorized to use a judge's or commissioner's electronic signature or signature stamp as provided in paragraph (1), the clerk shall sign his or her name on the document directly beneath the electronic signature or stamped imprint of the judge's or commissioner's signature.~~

(2) Approval of additional document types.

~~(2)(A) Trial courts of record. In a court of record, a judge or commissioner may authorize a clerk to use the electronic signature or signature stamp of the judge or commissioner, in lieu of obtaining the judge's or commissioner's signature, on document types listed in paragraph (1) and on document types authorized by a standing order issued by the presiding judge of that district.~~

~~(2)(A)(i) **Standing order.** The presiding judge of a juvenile or district court may, by standing order, authorize clerks to use the electronic signature or signature stamp of a judge or commissioner in the district, in lieu of obtaining the judge's or commissioner's signature, on document types not listed in paragraph (1).~~

~~(2)(A)(ii) **Retention.** Standing orders and documentation of the authorization must be maintained in accordance with the Utah State Courts Records Retention Schedule.~~

~~(2)(B) **Trial courts not of record.** In courts not of record, a clerk may, with the prior approval of the judge, use an electronic signature or signature stamp in lieu of obtaining the judge's signature on document types not listed in paragraph (1). Judges may grant such approval by standing order, listing each approved document type.~~

~~(2)(B)(i) **Presiding judge approval.** All document types in the standing order must be pre-approved, in writing, by the presiding judge of the district.~~

~~(2)(B)(ii) **Retention.** Standing orders and documentation of the presiding judge's approval must be maintained in accordance with the Utah State Courts Records Retention Schedule.~~

**** Judge McCullagh recommends replacing everything in (2) with the following language:**

(2)(A) Standing Orders. A presiding judge of a juvenile, district or justice court may issue a standing order authorizing judges and commissioners to allow clerks to use an electronic signature or signature stamp in lieu of a signature on specific document types other than those listed in paragraph (1). Before issuing such an order for a document type, the presiding judge shall determine that there is a benefit in administrative convenience, and be satisfied that there are minimal concerns about record accuracy or integrity in allowing stamp or electronic signature use instead of judicial signature

(2)(B) Judge Authorization. When a presiding judge has issued a standing order allowing for a specific document type to be signed electronically, or by stamp in lieu of judicial signature, a judge or commissioner within that presiding judge's authority may authorize a clerk to use their electronic signature or signature stamp, in lieu of obtaining their signature.

(2)(C) Retention of Standing Orders. Standing orders issued pursuant to this authority must be maintained in accordance with the Utah State Courts Records Retention Schedule.

(3) Automatic. The electronic signature of a judge may be automatically affixed to the following documents without the need for specific direction from the assigned judge when issued using a form approved by the Judicial Council;

(3)(A) a domestic relations injunction issued under URCP 109;

(3)(B) an automatic expungement order issued under Utah Code; and

(3)(C) automated orders related to deferred traffic prosecution cases under Utah Code Section§ 77-2-4.2.

(4) Approval on a document-by-document basis. All ~~other~~ documents not covered under paragraphs (1), (2), or (3) that requireing atthe judge's or commissioner's signature ~~shall must~~ be personally signed by the judge or commissioner, unless the judge or commissioner, on a

document~~-by-~~document basis, authorizes the clerk to use the judge's or commissioner's electronic signature or signature stamp in lieu of the judge's or commissioner's signature. The judge or commissioner must review the document prior to granting such authorization.

(5) Documentation in the case. Authorization granted under paragraph (4) must be documented in writing in the case. Authorization granted under paragraphs (1), (2), or (3) does not need to be documented in the case.

(6) Clerk signature. When a clerk is authorized to use a judge's or commissioner's electronic signature or signature stamp under this rule, On such documents, the clerk ~~shall~~ must indicate in writing that the electronic signature or signature stamp was used at the direction of the judge or commissioner and shall sign ~~his or her name~~ directly beneath the electronic signature or stamped imprint of the judge's or commissioner's signature.

Effective: ~~October~~ May 1, 202~~5~~2

Rule 4-202.06. Response to request to access or classify a court record not associated with a case.

Intent:

To establish the steps required for responding to a court records request submitted under Rule 4-202.05.

Applicability:

This rule applies to requests to access or ~~to~~ classify a court record, other than a motion or petition under Rule 4-202.04.

Statement of the Rule:

(1) Response time. Unless otherwise provided in this rule, ~~t~~The person to whom a court records request is submitted under Rule 4-202.05 must court shall take all steps necessary for responding to thea request for records as soon as reasonably possible within 10 business days. The judge presiding over a trial may withhold the names of jurors for up to 5 business days after trial.

(2) Expedited response.

(2)(A) The person to whom a written court records request is submitted ~~shall~~must respond within ~~10 business days, or within 5~~ business days if the requester demonstrates that:

(2)(A)(i) an expedited response benefits the public rather than the requester and an urgent response is warranted; or

(2)(AB)(ii) the record is for an urgent story or report for publication or broadcast to the general public and the story or report must be published or broadcast in less than 10 business days.

(23)(2)(B) If a requester claims the request qualifies for an expedited response, the person to whom the request is submitted ~~shall~~must, within ~~5five~~ business days after receiving the request, respond to the request or notify the requester that they have not demonstrated that the request ~~benefits the public rather than the person and that the response will not be expedited~~meets the requirements in paragraph (2)(A).

(34) Responses.

(3)(A) Response. The person to whom the request is submitted ~~must~~shall respond by:

(34)(A)(i) providing the record;

(34)(AB)(ii) denying the request; or

(34)(AG)(iii) notifying the requester that the court does not maintain the record and providing, if known, the name and address of the governmental entity that does maintain the record.

(35)(B) Extraordinary circumstances. Under extraordinary circumstances, the person to whom the request is submitted may respond by identifying the circumstances s that

preventing~~ing~~ the request from being timely approved or denied and the estimated date ~~when~~ the final response will be ~~made~~provided. The following constitute extraordinary circumstances:

(~~35~~)(~~BA~~)(i) another governmental entity is using the record;

(~~35~~)(B)(ii) the request is for a large number of records;

(~~35~~)(~~BE~~)(iii) the court is currently processing a large number of requests for records;

(~~35~~)(~~BD~~)(iv) the court must locate the records;

(~~35~~)(~~BE~~)(v) the court must separate records that the requester may access from records the requester may not access;

(~~35~~)(~~BF~~)(vi) the court must provide notice of the request to a person whose interests are protected by closure; or

(~~35~~)(~~BG~~)(vii) the court must seek legal advice on whether to allow access.

~~(6) A written request to access a court record or to classify a court record as private or protected is deemed denied if the initial response is not mailed within 10 business days after receiving the written request or the final response is not mailed within the time estimated in the initial or subsequent response.~~

(~~37~~)(C) Denials. ~~The response shall be mailed to the requester.~~ If the request is denied, the response ~~shall~~must:

(~~37~~)(~~CA~~)(i) describe the record or portions of the record to which access is denied in a manner that does not disclose information other than public information;

(~~37~~)(~~CB~~)(ii) refer to the authority under which the request is being denied;

~~(7)(C) make findings and conclusions about specific records;~~

(~~37~~)(~~CD~~)(iii) identify and balance the interests favoring opening and closing the record; and, if the record is closed, determine there are no reasonable alternatives to closure sufficient to protect the interests favoring closure;

(~~37~~)(~~CE~~)(iv) state that the requester may appeal or seek judicial review; and

(~~37~~)(~~CF~~)(v) state the time limits for filing an appeal or petition for judicial review and the name and address of the person to whom the appeal or petition must be directed.

(4) Failure to respond. A written request to access a court record or to reclassify a court record is deemed denied if the initial response is not provided within 10 business days after receiving the request or the final response is not provided within the time estimated in the initial or subsequent response.

(~~58~~)(A) Sealed records. If the request is to access ~~an adoption~~sealed records, the person to whom the request is submitted ~~may provide the records in accordance with Rule 4-202.03.~~ shall

75 ~~Individuals not authorized to access sealed records under Rule 4-202.03 must respond by~~
76 ~~providing only the case number~~ file a motion or petition under Rule 4-202.04.

77
78 ~~(8)(B) If the request is to access a sealed record or a record in which the name of a person is~~
79 ~~the interest protected by closure, the person to whom the request is submitted shall respond,~~
80 ~~without indicating whether the record exists, that such records are not accessible.~~

81 ~~(8)(C) If the request is to access a record of a Children's Justice Center investigative interview,~~
82 ~~the person to whom the request is submitted shall follow the procedures in Section 77-37-4.~~

83 ~~(69)~~ **Appeals.** The court ~~shall~~ must retain custody of and keep safe any record to which access
84 is denied until the period for an appeal has expired or the appeal process has concluded.

85 ~~(740)~~ A document required to be sent by mail may be sent by email, fax or hand-delivery.

86
87 *Effective: ~~April~~ May 1, 20~~25~~11*

Rule 4-202.07. Appeals**Intent:**

To establish the rights and procedures in an appeal of a record request.

Applicability:

This rule applies to requests to access or ~~to~~ classify a court record, other than a motion or petition under Rule 4-202.04.

Statement of the Rule:

(1) **Access – Extraordinary circumstances.** A person requesting access to a court record may appeal a denial of the request, a claim of extraordinary circumstances, or the time claimed necessary to address the extraordinary circumstances. A person whose interests are protected by closure may appeal a decision to permit access to a court record.

(2) **Classification.** A person requesting that a court record be classified as private or protected may appeal a denial of the request. ~~A person whose interests are protected by closure may appeal a decision to permit access to a court record.~~

(3) **Time for filing appeal.** An appeal ~~must~~shall be made in writing within 30 days after the decision giving rise to the appeal, or within 30 days after a request is deemed denied under Rule 4-202.06(6). ~~A person described in this subsection may petition for judicial review as provided by statute.~~

(4) Notice of appeal.

(4)(A) The notice of appeal ~~must~~shall contain the appellant's name, email address, mailing address, daytime telephone number, the relief sought, and a statement of facts, authority and argument in support of the appeal.

(4)(B) If the original request was to the custodian of the record, the appeal is to the state court administrator. If the original request was to the state court administrator, the appeal is to the Management Committee ~~of the Judicial Council~~. The appeal of a decision by the state court administrator is to the Management Committee.

(4)(C) The notice of appeal must be delivered to the state court administrator, including appeals to the Management Committee.

(5) **State court administrator.** ~~An appeal to~~ the state court administrator may mail a decision within 5 business days after receiving the appeal, or within 15 business days after mailing a notice under Rule 4-202.05(2)(B). If the state court administrator does not mail a decision is deemed denied unless a decision on the appeal is mailed within 5 business days after receiving the appeal or within 15 business days after mailing notice under Rule 4-202.05(2)(B), the appeal is deemed denied.

(6) Management Committee.

(6)(A) **Initial review.** The Management Committee will review an appeal at its first meeting held no fewer than 15 business days, but not more than 45 business days, after receiving the appeal. After reviewing the appeal, the Management Committee will

determine whether to issue a decision denying the appeal, schedule a hearing on the appeal, or take no action on the appeal, in which case the appeal is deemed denied. An appeal to the Management Committee is deemed denied unless a decision on the appeal is mailed within 5 business days after the first meeting of the Management Committee's initial review held more than 15 business days after receiving the appeal.

(6)(B) Notice of hearing. If the Management Committee determines to hold a hearing on the appeal, the state court administrator will:

(6)(B)(i) notify the Office of General Counsel no fewer than 15 business days before the hearing to submit a written statement of facts, authority and argument in opposition to the appeal and to appear before the Management Committee to present its argument. The Office of General Counsel shall submit its written statement of facts, authority and argument to the state court administrator and the Petitionerappellant at least 7 business days before the meeting; and

(6)(B)(ii) notify the Petitionerappellant no fewer than 5 business days after the initial review that a hearing will be held. 15 business days before the hearing to appear before the Management Committee to present their argument.

(6)(C)(5) Hearing. The state court administrator shall mail notice of the Management Committee meeting to all participants at least 10 business days before the meeting. At least 7 business days before the meeting, all participants shall mail to the state court administrator and to the other participants a written statement of facts, authority and argument in support of or opposition to the appeal.

(6)(C)(i) The Management Committee may permit any other person whose interests are substantially affected by a decision to participate. The order of presentation will be decided by the Management Committee.

(6)(C)(ii) Discovery is prohibited, but the Management Committee may compel the production of evidence. The Management Committee may review a record in a closed meeting.

(6)(C)(iii) The deliberations of the Management Committee are closed, but the balance of the hearing on the appeal is an open and public meeting of which notice will be given in accordance with Rule 2-103.

~~(6) The Management Committee shall allow the participants a reasonable opportunity to present facts, authority and argument in support of or opposition to the appeal. The order of presentation shall be decided by the Management Committee. The Management Committee may review the record in a closed meeting. Discovery is prohibited, but the Management Committee may compel the production of evidence.~~

(6)(D)(7) Decision. Following the hearing or the initial review of the appeal, the Management Committee may issue a written decision on the appeal. The state court administrator willshall mail the decisionwritten decisions on an appeal to all participants. The decision shall:

~~(7)(A) describe the record or portions of the record to which access is granted or denied in a manner that does not disclose information other than public information;~~

~~(7)(B) refer to the authority under which access to the record or portions of the record the request is being denied;~~

~~(7)(C) make findings and conclusions about specific records;~~

~~(7)(D) identify and balance the interests favoring opening and closing the record; and, if the record is closed, determine there are no reasonable alternatives to closure sufficient to protect the interests favoring closure;~~

~~(7)(E) state that the requester may appeal or seek judicial review; and~~

~~(7)(F) state the time limits for filing an appeal or petition for judicial review, and the name and address of the person to whom the appeal or petition must be directed.~~

~~(87)~~ **Time.** The time periods in this rule may be extended by mutual agreement. A document required to be sent by mail may be sent by email, fax or hand-delivery. The duties of the state court administrator may be delegated.

(8) Judicial review. Nothing in this rule prevents an individual from filing a petition for judicial review as provided by statute.

Effective: ~~November 1, 2018~~May 1, 2025

TAB 3

CJA 4-206. Exhibits

Notes: Rule 4-206 was [amended in November 2024](#) to reflect statutory changes concerning the receipt, retention, and exposal of court exhibits. Primarily, the 2024 amendments referred parties to the statute regarding their retention obligations in criminal cases and required that all exhibits in the court's custody in criminal cases be given to the prosecuting agency.

Court staff received feedback from Judge McCullagh and the SLDA's office expressing concerns about giving bulky or sensitive exhibits that require law enforcement chain of custody (i.e., weapons) and defense exhibits to prosecuting agencies. The proposed amendments in paragraphs (2)(A), (3), and (5) were made in response to that feedback. Anna Rossi Anderson noted that the changes would adequately address the SLDA's concerns.

Rule 4-206. Exhibits.**Intent:**

To establish a uniform procedure for the receipt, maintenance, and release of exhibits.

Applicability:

This rule ~~shall apply~~ applies to all trial courts of record and not of record, except small claims court. In the discretion of the court, this rule may apply to any proceeding in which exhibits are introduced.

Statement of the Rule:**(1) Marking exhibits.**

(1)(A) **Marking Exhibits.** Prior to trial, or at a time specified by the judge, each party must mark all exhibits it intends to introduce ~~by utilizing~~ with exhibit labels in the format prescribed by the clerk of court. Labels or tags must include, at a minimum, a case number, exhibit number/letter, and an appropriate party designation. With approval of the court, a photograph may be offered by the submitting party as a representation of the original exhibit.

(1)(B) **Digital Exhibits.** Digital exhibits must be marked as provided in paragraph (1)(A) and submitted to the court as prescribed by the clerk of court. Exhibits should not be eFiled.

(1)(C) **Courts not of record.** Courts not of record may exempt parties from the requirements outlined in paragraphs (1)(A) and (1)(B) and prescribe an alternative process for marking exhibits.

(2) Exhibit custody during trial.

(2)(A) **Custody of the Parties.** During the trial, bulky and sensitive exhibits, and exhibits that require law enforcement chain of custody, will remain in the custody of the party offering the exhibit ~~or in the custody of the appropriate law enforcement agency~~. Such exhibits include, but are not limited to: biological evidence, biohazards, controlled substances, paraphernalia, firearms, ammunition, explosive devices, pornographic materials, jewelry, poisonous or dangerous chemicals, intoxicating liquors, money or articles of high monetary value, counterfeit money, original digital storage media such as a hard drive or computer, and documents or physical exhibits of unusual bulk or weight. The clerk of court or designee must list these exhibits in the exhibit list and note that the original exhibit is in the custody of the party ~~or agency~~.

(2)(B) **Custody of the Court.** Physical exhibits offered, other than those in paragraph (2)(A), must be placed in the custody of the clerk of court or designee. Digital exhibits offered ~~shall~~ will be stored electronically or on digital media such as a thumb drive and stored in accordance with paragraph (2)(C). The clerk of court or designee must list all exhibits in the exhibit list, and the list ~~shall~~ will be made a part of the court record. An

exhibit list may be the court's designated case management system or a form approved by the Judicial Council.

(2)(C) Secured Storage.

(2)(C)(i) Upon daily adjournment, the clerk of court or designee must compare the exhibit list with the exhibits offered that day. Digital exhibits in the custody of the court ~~shall~~will be stored electronically in a manner meeting the requirements outlined in paragraph (3)(A)(ii). Physical exhibits in the custody of the court must be stored in an envelope or container, marked with the case number, and stored in a secured storage location that meets the requirements outlined in paragraph (3)(A)(ii).

(2)(C)(ii) Exhibits may be stored in a temporary secured location for no more than 72 hours, provided the temporary location is sufficient to prevent access by unauthorized persons, and the location is secured with a key lock, combination lock, or electronic lock. Access to the temporary storage location ~~shall~~will be limited to the clerk of court, judge, or a designee.

(3) Exhibit custody prior to disposition.

(3)(A) **Pending Disposition.** Exhibits in the court's custody pursuant to paragraph (2)(B) may not be taken from the custody of the clerk of court or designee until final disposition of the case, except upon order of the court and execution of a receipt that identifies the material, the party or law enforcement agency to whom the exhibit is released, and the date and time of the release. The receipt ~~shall~~will be made a part of the court record.

(3)(A)(i) **Exhibit Manager.** The clerk of court ~~shall~~will appoint an exhibit manager with responsibility for the security, maintenance, documentation of the chain of custody, and disposition of exhibits. The clerk of court may also appoint a person to act as exhibit manager during periods when the primary exhibit manager is absent. Unaccompanied or unauthorized access to secured storage locations by anyone other than the exhibit manager, acting exhibit manager, or the clerk of court is prohibited without a court order.

(3)(A)(ii) **Secured Storage Location.** Each court must provide physical and electronic secured storage locations within their facility for storing exhibits retained by the court under subsection (2)(B), and ~~shall~~will maintain a current inventory list of all exhibits in the court's custody. The physical secured storage location must be sufficient to prevent access from unauthorized persons, secured with a key lock, combination lock, or electronic lock, and protected from theft or damage. The electronic secured storage location should be sufficient to prevent access from unauthorized persons. Prior to use, physical and electronic secured storage locations must be certified by the Court Security Director. Requests for certification must be made in writing and ~~shall~~will fully describe the secured storage location, local access procedures, and security controls. Any changes to

the location, access procedures, or security controls require recertification by the Court Security Director.

(3)(B) Exhibit custody post disposition.

(3)(B)(i) **Courts of record.** In courts of record, upon final disposition of the case, exhibits in the court's custody ~~shall~~will be disposed of or returned to the offering parties or appropriate law enforcement agency pursuant to paragraph (5). The clerk of court, exhibit manager, or designee ~~shall~~will execute a receipt identifying the material taken, the party to whom the exhibit is released, and the date and time of the release. The receipt ~~shall~~will be made a part of the court record.

(3)(B)(ii) **Courts not of record.** In civil cases in courts not of record, upon final disposition of the case, all exhibits in the court's custody ~~shall~~will be returned to the parties. In criminal cases in courts not of record, upon final disposition of the case, all exhibits in the court's custody ~~shall~~will be given to the offering party or appropriate law enforcement agency~~prosecuting agency~~, which must comply with Utah Code Title 77, Chapter 11c, Retention of Evidence. The clerk of court, exhibit manager, or designee ~~shall~~will execute a receipt identifying the material taken, the party or law enforcement officer to whom the exhibit is released, and the date and time of the release. The receipt ~~shall~~will be made a part of the court record.

(3)(C) **Exhibits in the custody of the parties.** Unless otherwise ordered by the court, exhibits identified in paragraph (2)(A) ~~shall~~will remain in the custody of the parties or law enforcement agency until they are eligible for disposal pursuant to paragraph (5)(A)(i) or (5)(B)(i). Parties are responsible for preserving exhibits in the same condition as when they were first admitted into evidence.

(3)(D) **Access to exhibits by parties.** Parties may file a motion requesting access to an exhibit in the custody of the court or another party. Upon order of the court, the clerk of court, exhibit manager or designee, or party or law enforcement agency with custody of the exhibits ~~shall~~will promptly make available for examination exhibits, or original or true copies of the exhibits.

(4) **Appeals.** Exhibits and exhibit lists ~~shall~~will be provided upon appeal in accordance with the Utah Rules of Appellate Procedure.

(5) **Disposal of exhibits.** Exhibits ~~shall~~will be disposed of as follows:

(5)(A) **Criminal.** In criminal and juvenile delinquency cases:

(5)(A)(i) **Party custody.** Parties and law enforcement agencies with custody of evidence must comply with Utah Code Title 77, Chapter 11c, Retention of Evidence.

(5)(A)(ii) **Court custody.** Exhibits in the court's custody ~~shall~~will be transferred to the offering party or appropriate law enforcement agency~~prosecuting agency~~ no earlier than 365 days after the time for appeal has expired, provided no

116 appeal has been filed and there are no pending post-conviction relief actions or
117 pending appeals of post-conviction relief actions.

118 (5)(B) **Civil.** In cases that are not criminal in nature:

119 (5)(B)(i) **Disposal time.** Provided no appeal has been filed, parties may dispose
120 of, and exhibit managers, clerks of court, or designees ~~shall~~will dispose of any
121 exhibits in their custody no earlier than 90 days after the time for appeal has
122 expired.

123 (5)(B)(ii) **Court custody.** Exhibits in the court's custody ~~shall~~will be disposed of
124 as follows:

125 (5)(B)(ii)(a) **No monetary value.** Property having no monetary value ~~shall~~
126 will be destroyed by the exhibit manager, clerk of court, or designee. The
127 exhibit manager ~~shall~~will create a certificate of destruction including a
128 description of the exhibit, the case and exhibit numbers, and the date and
129 time of the destruction. The certificate of destruction ~~shall~~will be made a
130 part of the court record.

131 (5)(B)(ii)(b) **Monetary value.** Property having monetary value ~~shall~~will be
132 returned to its owner or, if unclaimed, ~~shall~~will be given to the ~~offering~~
133 ~~partyprosecuting agency~~, sheriff of the county, or other law enforcement
134 agency to be sold in accordance with Utah Code. The receiving agency
135 ~~shall~~will furnish the court with a receipt identifying the receiving agency,
136 the exhibit received, and the date and time the exhibit was received. The
137 receipt ~~shall~~will be made a part of the court record.

138 (5)(C) **Time Period.** Upon receipt of remittitur from an appellate court, the time period for
139 all cases is reset.

140 *Effective: ~~9/1/2024~~ November 1, 2025*

TAB 4

URE Committee Request – Add rule tracking feature

Notes: The Supreme Court’s Advisory Committee on the Utah Rules of Evidence (URE) is requesting to add a feature to the courts' website to make it easier to track changes to the rules and their source (i.e., what changes occurred when and whether a given change occurred due to legislative or Supreme Court amendment).

Right now, other than the committee notes in the rules, someone looking for this information can search the [approved amendments page](#). Sometimes the posts on that page include a note regarding associated legislative amendments, but that is rare. You can search by rule number if a tag was included in the post, which should bring up all amendments to the rule. The posts include dates and redlined changes. In addition, the [committee webpages](#) allow you to search committee meeting agendas and materials for changes regarding specific rules tagged on each post.

However, we don't have a feature similar to the legislature's [historical code page](#). The URE Committee is requesting the new feature, but it would be pertinent to all court rules, not just the URE.

Because the request would likely require court funds and programming time, I recommend sending this to the Technology Advisory Subcommittee for review.

TAB 5

CJA 4-111. Priority of post-conviction petitions in capital cases

Notes: At its February meeting, the Judicial Council sent rule 4-111 back to PP&T to discuss whether there is continued utility in expediting procedures in capital cases above all other cases. If so, the Council asked PP&T to determine whether the policy needs to be memorialized in rule. If not, the rule can be repealed.

The next step would be to send the rule amendments out for public comment.

As a reminder, the BDCJ submitted a proposed amendment to PP&T eliminating the requirement to prepare monthly reports. The AOC compiles the report manually and the Capital Litigation Research Attorney, Chief Justice Durrant, and judges on the BDCJ agreed that the report creates unnecessary work and is no longer needed. The Capital Litigation Research Attorney does not believe eliminating the rule would change how judges prioritize those cases. The sentiment from the BDCJ is that the policy statement is a reflection of best practices, but there are not enough capital cases to necessitate a rule.

Rule 4-111. Priority of post-conviction petitions in capital cases.**Intent:**

To provide for the just and speedy resolution of post-conviction petitions in capital cases.

Applicability:

This rule ~~shall apply~~applies to the Supreme Court, District Court, and Administrative Office ~~of the Courts.~~

Statement of the rule:

(1) ~~The e~~Courts ~~shall~~must expedite the procedures, hearings, and disposition of post-conviction petitions in capital cases above all other cases, except the trial and appeal of capital felonies.

~~(2) The Administrative Office of the Courts shall prepare a monthly report that identifies:~~

~~(A) all pending post-conviction petitions in capital cases;~~

~~(B) the name of the judge or judges assigned to each case;~~

~~(C) the names of counsel for the parties;~~

~~(D) the prior and next calendared event of each case;~~

~~(E) the age of each case from filing of the petition; and~~

~~(F) the age of each case from filing of the notice of appeal.~~

~~(3) The Administrative Office of the Courts shall provide the report to any judge assigned to a pending post-conviction petition in a capital case, to the presiding judge of that court, and to the presiding officer of the Judicial Council.~~

Effective: ~~November 1, 1996~~May 1, 2025

TAB 6

CJA 3-402. Human resources administration

HR Policies:

- **HR 11-1. Disciplinary Action**
- **HR 17-9, 3-5, 17-1. Grievance Procedures**
- **HR 17-5, 17-8. Mediation**
- **HR 7-3. Annual Leave Accrual**
- **HR 8-3. Exercise Release**

Notes: See attached memo

Memorandum

Date: February 28, 2025

From: Bart Olsen, Director of HR, Administrative Office of the Courts
Jeremy Marsh, Deputy Director of HR, Administrative Office
of the Courts
[Human Resources Policy Review Committee](#)

To: Keisa Williams, General Counsel, Administrative Office of the Courts
Policy, Planning & 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 suggested policy amendments. The HRPRC assists the Policy, Planning & Technology Committee and the Judicial Council to keep HR policies relevant and effective.

1. HR11-1 Disciplinary Action

These proposed amendments intend to help facilitate consistency between HR10 (Employee Development) and HR11 (Discipline). The header to HR10 encourages managers to use similar employee development procedures for at-will employees as those that are required for career service employees. In contrast, HR11 mentions nothing about whether or not managers are encouraged to follow procedures similar to due process for at-will employees prior to taking disciplinary action. While due process procedures should not be rigidly required for at-will employees prior to discipline, due process procedures certainly tend to result in better employee morale.

HR Policy: [HR11-1](#)

2. HR17-9, HR03-5, HR17-1, & Judicial Code 3-402(6) Grievance Provisions

HR17-9 Grievance Review Panel Membership:

Actions grievable to the Grievance Review Panel (GRP) almost always originate from an employee whose line of management points to one of the currently established GRP members (Administrators of the Appellate, District, and Juvenile Court Levels and the Assistant State Court

Administrator). The best practice is to exclude the person in the original decision-making line of authority as a voting member of the panel reviewing the grievance. The remaining panel members are already required by policy to consider the perspectives of managers who made the original decision to take the action being grieved.

Additionally, a best practice would be to ensure the panel consists of an odd number to avoid a tied decision on a grievance. For the sake of transparency and employee trust in the process, we recommended these practices be formally adopted in policy with the amendments proposed.

HR03-5 Position Classification Grievances

Prior to the major HR policy manual overhaul in July 2021, job classification decisions were not eligible to be grieved to the level of the Grievance Review Panel - a body that has little knowledge of or expertise in job classification.

This amendment would restore the procedure in place prior to July 2021, that a job classification decision made by a member of the HR Department could be grieved to the HR Director, and a final decision could be made by the State Court Administrator if necessary.

HR17-1 Eligibility and Procedural Requirements

Proposed amendments would clear up confusion about the process for reviewing allegations of retaliation. All employees are subject to the provisions of HR15-2 prohibiting retaliation and all employees may use the complaint procedures outlined in HR15-3. The amendments also eliminate unnecessary repetition of language provided in UCJA Rule 3-402(6) and instead point directly to that rule.

Judicial Code 3-402(6)

Provision (6) of the rule currently appears to protect much more than is generally seen in government career service protections. Most career service systems provide grievance procedures for adverse actions taken against career service employees, but the rule currently allows for grievances on any kind of personnel action.

This would include, for example, the action of setting an employee's work schedule as Monday-Friday 8 am to 5 pm; the action of issuing work performance expectations; or the action of asking a more seasoned employee to train a newer employee on a job task.

The Grievance Review Panel (GRP) has not yet received grievances on more trivial matters such as these, but the HR Department has received a couple of questions from employees about grieving such things. No formal grievance like this has yet materialized, but the questions did draw attention to a potential problem that can be easily resolved before it becomes an actual problem. The proposed rule amendments would clarify that the Grievance Review Panel has

authority to review adverse actions taken against career service employees and defines what constitutes an adverse action.

HR Policy: [HR17-9](#), [HR03-5](#), [HR17-1](#), & [Judicial Code 3-402\(6\)](#)

1. HR17-5 & HR17-8 Mediation

In the past five years, 20 formal grievances have been filed with the HR Department, and 3 of them requested mediation. Despite the low number, all three mediations were quite costly in terms of time, financial cost, or both. Additionally, none of the mediated cases led to a single change in case outcomes.

HR Policy: [HR17-5](#), [HR17-8](#)

2. HR07-3 7 Hour Annual Leave Accrual

The practice of granting the maximum amount of annual leave (seven hours per pay period) for new hires in the IT Department began in January 2019 under the previous State Court Administrator, HR Director, and IT Director. The argument at the time was that IT needed a standing exception for job offers in order to be competitive in the job market and reduce turnover. The practice was adopted without approval from the State Court Administrator and prior to the practice of bringing HR policies to a review committee. It then extended to the Research & Development Department when that department was separated from the IT Department.

However, current policy allows for exceptions as needed, and when the State Court Administrator learned the IT/R&D Departments had a blanket exception for all new hires, he expressed concern and requested that the HRPRC consider a policy amendment discontinuing that practice.

HR Policy: [HR07-3](#)

3. HR08-3 Exercise Release

The State Court Administrator expressed support for expanding Exercise Release Time into Wellness Release Time, allowing for activities that promote mental health as well as physical health. For this reason, the HRPRC recommends amendments to HR008-3 to reflect this support.

Some examples of wellness activities that might not currently be approved under Exercise Release but would more likely be approved under Wellness Release include meditation, yoga, quiet reading, listening to calming music with headphones, etc.

HR Policy: [HR08-3](#)

Section 11 - Discipline

HR11-1 Disciplinary Action.

1. Management may discipline any employee for any of the following causes or reasons:
 - a. Non-compliance with these policies or other local/applicable policies, including but not limited to the laws of the State of Utah or the United States (other than minor traffic offenses), safety policies and procedures, professional standards, ethical violations, etc.;
 - b. Work performance that is inefficient or incompetent;
 - c. Failure to maintain skills and adequate performance levels;
 - d. Insubordination or disloyalty to the orders of a supervisor or member of management;
 - e. Mifeasance, malfeasance, or nonfeasance;
 - f. Any incident involving intimidation, physical harm, or threats of physical harm against co-workers, management, or the public;
 - g. No longer meeting the requirements of the position;
 - h. Conduct, on or off duty, which creates a conflict of interest with the employee's public responsibilities or impacts the employee's ability to perform job assignments;
 - i. Failure to advance the mission of the judicial branch or the good of public service, including conduct on or off duty which demeans or harms the effectiveness or ability of the judicial branch to fulfill its mission;
 - j. Dishonesty; or
 - k. Misconduct, which may include but is not limited to:
 - i. Violation of the Employee Code of Ethics and Conduct as described in [HR09](#)
 - ii. Violation of the rules of procedure or the Code of Judicial Administration
 - iii. Conduct which endangers the peace and safety of others or poses a threat to the public interest
 - iv. Unjustified interference with the work of other court employees
 - 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. Management is strongly encouraged to follow similar procedures for at-will employees in consultation with the HR Department. The disciplinary process for career service employees 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;
- d. Dismissal in accordance with [HR11-2](#).

5 99
6 100
7 101 5. If management determines that an employee endangers or
8 102 threatens the peace and safety of others or poses a grave
9 103 threat to the public service or is charged with aggravated
0 104 or repeated misconduct, management may impose the following
1 105 actions pending an investigation and determination of
2 106 facts:

- 3 107 a. Paid administrative leave; or
4 108 b. Temporary reassignment to another position or
5 109 work location at the same current actual wage.
6 110
7 111

8 112 6. When disciplinary action is imposed, the employee
9 113 shall be notified in writing of the discipline, the reasons
0 114 for the discipline, the effective date, and the length (if
1 115 applicable) of the discipline.
2 116
3 117

4 118 7. Imposed disciplinary actions are subject to grievance
5 119 and appeals procedure for career service employees, as
6 120 outlined in [HR17](#). The employee and management may agree in
7 121 writing to waive or extend any grievance step, or the time
8 122 limits specified for any grievance step.
9 123

124 **HR17-9. Grievance Review Panel.**

125

126 **Panel Membership**

127
128

129 1. A grievance review panel is established consistent
130 with [UCJA 3-402\(6\)](#).

131 a. The panel membership includes Court Level
132 Administrators of Juvenile, District, and Appellate
133 Courts, ~~and~~ the Assistant Court Administrator, and may
134 include an AOC Director as needed.

135 b. The number of panelists reviewing a grievance shall be
136 an odd number of at least three but no more than five
137 members.

138 c. The number of panel members and their selection to
139 review a specific grievance shall be determined by the HR
140 Director or designee, who may consult with the State
141 Court Administrator, Deputy State Court Administrator, or
142 General Counsel to finalize the composition of the
143 panel.

144 a. -

145 2. In consultation with the State Court Administrator or
146 General Counsel, if a member of the panel is unable or
147 unavailable to participate in a grievance review, or is the
148 subject of the grievance brought to the panel, or holds a

potential conflict of interest by participating in the grievance review, a designee may be appointed by the HR Director or HR Manager designee.

Panel Procedures

3. The HR Department shall notify panel membership established in HR17-9(1) of the request for a Level 4 review within five (5) business days of receipt of the request.

4. The grievance review panel shall have 15 business days to establish a grievance review meeting date with grievant.

a. The grievance review meeting date shall be set no later than 30 calendar days after the panel receives the request for a Level 4 review unless mutually agreed upon by grievant and the panel.

b. A representative assistant may be appointed by the panel to coordinate and communicate logistics such as date, time, meeting location, etc.

5. Grievant shall have an opportunity to present relevant facts and/or evidence to the panel during the grievance review meeting.

6. The panel shall consider the following items in its review of the employment action being grieved:

a. The testimony of grievant, relevant evidence, witness statements, and so forth as described in HR17-1(5) and HR17-1(6).

b. Testimony, relevant evidence, witness statements and so forth provided by individuals with decision-making authority over grievant at the time the action being grieved was taken.

c. Relevant organization policies, including but not limited to the human resources policies in this manual.

7. The panel shall have 10 business days following the grievance review meeting to issue a written review of the employment action being grieved, and shall provide a copy to the HR Director, General Counsel, and State Court Administrator.

8. The panel's written review shall include the

following:

- a. An analysis of all information presented to the panel during the grievance review process from grievant and other relevant stakeholders such as grievant's line of management, including credibility analyses of testimony and evidence, if applicable.
- b. An analysis of relevant human resources policies, including discretionary factors under [HR11-3](#) for disciplinary actions, and the degree to which the panel believes the action being grieved complies with or does not comply with those policies.
- c. The recommended course of action to remedy noncompliance, if the panel believes the action being grieved does not comply with relevant human resources policies.

9. The State Court Administrator (SCA) or designee shall have 10 business days to certify the panel's written review.

- a. If the SCA or designee agrees with the panel's written review, the SCA or designee shall issue a written consent and send a copy of the review and consent to grievant, the grievance review panel, management, and to the HR Director.

2. If an employee is dissatisfied with the Director's written review, the employee may request a final review from the State Court Administrator.

- a. The employee must submit a written request for final review to the State Court Administrator within fifteen business days from the date the employee received the Director's written review.
- b. The State Court Administrator or designee shall issue a final decision to uphold or overturn the position classification decision in writing no later than 60 calendar days from the date the employee submits the written request for final review.

~~1. Formal service for classification grievance communication to employees shall be made by:~~

- ~~a. certified mail to the employee's address of record,~~
- ~~and~~
- ~~a. email to the employee's state email account.~~

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.~~

a. Employees may only grieve matters identified under UCJA Rule 3-402(6) to the Grievance Review Panel, which includes:

~~i. a dismissal;~~

~~i. a demotion;~~

~~i. a suspension;~~

~~i. a reduction in force;~~

~~i. a dispute concerning abandonment of position;~~

~~i. a wage grievance if an employee is not placed within the salary range of the employee's current position;~~

~~i. a position classification decision;~~

~~i. equitable administration of insurance, retirement,~~

~~or leave benefits;~~

~~i. violations of human resources policies by management regarding matters outlined in HR17-1(a). employee~~

~~promotions, dismissals, demotions, wages, salary,~~

~~violations of human resources policies, benefits,~~

~~reductions in force and disciplinary actions..~~

a. All other matters may be grieved up to Level 3, as identified in HR17-5.

1.

1. ~~At-will employees may only access the grievance procedures if reporting or alleging retaliatory actions as defined by HR15-2.~~

1.

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 the Office of General Counsel, the HR Director shall make the final decision on employee eligibility to use these procedures.

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

4. A group grievance is admissible, provided that each



Department of Human Resources

aggrieved employee signs the grievance.

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

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

- a. Admitted and disputed allegations;
- b. Any witnesses;
- c. Documented evidence, exhibits, etc.

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

Rule 3-402. Human resources administration.

Effective: 11/1/2020

Intent:

To establish guidelines for the administration of a human resources system for the judiciary.

Applicability:

This rule shall apply to all non-judicial officer employees in the judicial branch.

Statement of the Rule:

(1) A department of human resources is established within the Administrative Office to guide the human resources activities of the judiciary.

(2) The department of human resources shall provide the necessary human resources services to the judiciary in compliance with the state constitution, state statute, and this Code. The department of human resources shall provide all state employees in the judicial branch information regarding benefits, compensation, retirement, and other human resources related matters.

(3) The human resources policies for non-judicial officer employees:

(3)(A) shall include classification of career service exempt (at-will) and non-exempt jobs, designation of FLSA exempt and non-exempt jobs, guidelines governing recruitment, selection, classification, compensation, working conditions, grievances and other areas deemed necessary; and

(3)(B) shall be based upon the following merit principles:

(3)(B)(i) the recruitment, selection and promotion of employees based upon relative ability,



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384 knowledge and skills, including open consideration of qualified applicants for initial
385 appointment;
386 (3)(B)(ii) a salary schedule which provides for equitable and adequate compensation based
387 upon current job market data gathered at least every three years including salary levels of
388 comparable positions in both the public and private sector, local labor market information
389 and trends, other relevant data, and available funds;
390 (3)(B)(iii) employee retention on the basis of performance that enhances and/or advances
391 the mission of the judiciary—where appropriate, provision will be made for correcting
392 performance and separating employees whose performance or misconduct interferes with
393 or fails to advance the mission of the judiciary;
394 (3)(B)(iv) fair treatment in all aspects of human resources administration without regard to
395 sex, gender, age, ancestry, national origin, race, color, religious creed, mental or physical
396 disability or medical condition, sexual orientation, gender identity or expression, marital
397 status, military or veteran status, genetic information, or any other category protected by
398 federal, state or applicable local law; and
399 (3)(B)(v) notification to employees and an explanation of their political rights and prohibited
400 employment practices.
401 (4) The state court level administrator shall be responsible for the day-to-day
402 administration of the human resources system within that court level. A director of human
403 resources, appointed by the State Court Administrator, shall be responsible for effective
404 governance of the human resources department and will assist the state level
405 administrators, court executives and other managers with human resources related
406 matters.
407 (5) Human resources policies, including a Code of Ethics for non-judicial officer
408 employees, shall be adopted by the Council in accordance with the rulemaking provisions
409 of this Code.
410 (5)(A) There is established a Human Resources Policy Review Committee responsible for
411 making and reviewing proposals for human resources policy amendments. The committee
412 shall review human resource policies at least every three years. The committee shall
413 consist of the following voting members, which, where indicated, must be selected by
414 majority vote of the entire body of the specified group:
415 (5)(A)(i) the director of human resources;
416 (5)(A)(ii) two trial court executives, selected by the trial court executives;
417 (5)(A)(iii) three clerks of court (one juvenile, one district, and one appellate), selected by
418 the clerks of court;
419 (5)(A)(iv) a chief probation officer from the juvenile court, selected by the chief probation
420 officers; and
421 (5)(A)(v) a case manager, selected by the clerks of court.
422 (5)(B) The chair of the committee shall be designated by the state court administrator.
423 Other members of the committee shall be appointed in a manner consistent with Rule 1-
424 205. The department of human resources shall provide necessary support to the
425 committee. Other non-voting members may be assigned by the Policy and Planning
426 Committee, as necessary to assist the committee.



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(5)(C) Pursuant to Rule 1-204, new and amended policies, or repeals, recommended by the committee shall be reviewed by the Policy and Planning Committee prior to being submitted by the Policy and Planning Committee to the Judicial Council.

(6) A grievance review panel is established within the grievance process outlined in the judiciary's human resources policies to sit as a quasi-judicial body and review adverse employment ~~any~~ actions taken against a career service employee under the authority of the judiciary's human resources policies. Adverse employment actions include suspensions without pay, demotions, reductions in force, and dismissals from employment.

(6)(A) ~~and which pertains to~~ Only career service employees may submit a grievance to the Grievance Review Panel after following the procedures outlined in human resources policies.

(6)(B) The Grievance Review Panel may not review a matter that management has not had an opportunity to address.

(6)(C) The grievance review panel has authority to review management decisions regarding:

i.a -dismissal;

ii.a demotion;

iii.a suspension;

iv.a reduction in force;

v.a dispute concerning abandonment of position;

vi.a wage grievance if an employee is not placed within the salary range of the employee's current position;

vii.a ~~position classification decision;~~

viii.a equitable administration of insurance, retirement, or leave benefits;

a. ~~a violation of human resources policies~~

(7) An official human resources file for each employee shall be maintained in the Administrative Office and shall include the following records: biographical information, records of official human resources action, standards of performance expectations, corrective actions, records of official disciplinary action and supporting documentation, job applications, and payroll and benefits information.

HR17-5. Grievance Levels and Timelines.

1. For purposes of this chapter, the counting of business days for timelines shall begin on the first day following receipt of the applicable grievance, complaint, or response that is not a Saturday, Sunday, or a holiday under HR07-2.



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2. An employee wishing to advance a formal grievance shall do so within ten (10) days after the event giving rise to the grievance or within ten (10) days after the employee knows, or with exercise or reasonable diligence should have known, of the event giving rise to the grievance.

3. If an employee is dissatisfied with a response at any of the grievance levels outlined below, the employee may advance the grievance to the next level within ten (10) business days.

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

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

Level 1

a. A written grievance shall be submitted to the employee's immediate supervisor.

b. Once submitted, the written grievance is a formal complaint requiring a response.

~~a. If desired, the employee may also request mediation in accordance with HR17-8 in conjunction with Level 1.~~

c. If a supervisor is the subject of a grievance or complaint, the employee may proceed directly to Level 2.

Level 2

d. If the grievance is not resolved at Level 1 within five (5) business days, an employee may ~~request mediation in accordance with HR17-8 or~~ advance a grievance to the direct supervisor's manager.

e. If that manager is the subject of a grievance or complaint, the employee may proceed directly to Level 3.



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Level 3

f. If a grievance is not resolved at Level 2 within ten (10) business days, the employee may ~~request mediation in accordance with HR17-8 or~~ advance the grievance to the Court Executive or Court Level Administrator at Level 3.
g. If that manager is the subject of a grievance or complaint, the employee may proceed directly to Level 4.

Level 4

h. If a grievance is not resolved at Level 3 within fifteen (15) business days, the employee may ~~request mediation in accordance with HR17-8 or~~ advance the grievance to the Grievance Review Panel at Level 4, by submitting the request for Level 4 review to ~~the HR Director or the HR Manager designee~~.

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

~~HR17-8. Mediation.~~

~~1. An employee may choose to request mediation in place of a formal management response at any level of the formal grievance process.~~

~~1. If mediation is requested, management and/or HR will attempt to arrange for a neutral party mediator that is mutually acceptable to both the aggrieved employee(s) and management.~~

HR07-3. Annual Leave.

1. An eligible employee shall accrue leave based on the following years of benefit(s)-eligible state service:
a. Less than 5 years: four hours per pay period;
b. At least 5 and less than 10 years: five hours per pay period;
c. At least 10 and less than 20 years: six hours per pay



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period;

d. 20 years or more: seven hours per pay period.

2. The maximum annual leave accrual rate shall be granted to an employee, effective from the day the employee is appointed through the duration of the appointment under the following conditions:

a. An employee in a court executive, court level administrator, or director level position; or

b. An employee who is FLSA exempt and who has a direct reporting relationship to the deputy state court administrator or state court administrator.

~~a. The employee is a newly hired, FLSA exempt, and at will employee of the IT or Judicial Data and Research departments and has been granted maximum annual leave accrual by the IT or Judicial Data and Research director.~~

3. The accrual rate for an employee rehired to a position that receives leave benefits shall be based on all eligible employment in which the employee accrued leave.

4. For purposes of compliance with UCA §63G-1-301(1)(d), the first eight hours of annual leave used by an employee in the calendar leave year for any reason are considered to be the employee's "personal preference day".

5. Management shall allow every employee the option to use annual leave each calendar year for at least the amount accrued in the year.

6. Unused accrued annual leave in excess of 320 hours shall be forfeited during year end payroll processing for each calendar year and added to the judicial branch's general leave bank.

7. Upon termination of employment, all unused annual leave hours shall be paid in a lump sum on the employee's final paycheck.



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8. Upon retirement, unused annual leave may either be paid in a lump sum on the employee's final paycheck, or the employee may elect to convert unused annual leave into a 401(k) or 457 account supported by URS and consistent with UCA §63A-17-504

~~1. Timeframes to give notice of a scheduled mediation meeting shall be equal to the timeframe given at each grievance level allowing management to resolve the grievance.~~

~~□ If the aggrieved employee is not satisfied with the proposed mediator, the outcome of mediation or does not receive timely scheduling of a mediation meeting, the employee may advance the grievance to the next level identified in HR17-5.~~

HR08-3. Lunch, Break, Exercise Wellness Release Periods.

1. Management may require a minimum of 30 minutes non-compensated lunch period.

a. Lunch periods may not be used to shorten a work day.

b. This is not a universal requirement, but is at the discretion of local management and mindful of judicial branch business needs.

2. An employee may take a 15-minute, compensated break period for every four hours worked.

a. Break periods may not be utilized to shorten a work day or lengthen a lunch period.

3. Compensated exercise wellness release time may be allowed at management discretion as set forth below.

a. WellnessExercise release time is intended to promote physical and mental health and is not intended to provide extra time for other personal matters.

b. An employee working a typical full time schedule of five days per week may be granted up to three days compensated wellnessexercise time per week for 30 minutes.

c. An employee working a 4/10 work schedule, or a 4/9's and a 4 hour work schedule, or a part-time employee working more than 20 but less than 40 hours per week may be granted up to two days compensated exercise-wellness time per week for 30 minutes.

d. A part-time employee working up to 20 hours per



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week may be granted one day compensated ~~exercise~~
wellness time per week for 30 minutes.

e. ~~Exercise-Wellness~~ release time may be granted as follows, subject to supervisory approval, after considering individual employee circumstances and the needs of the judicial branch in maintaining operations:

i. In conjunction with a scheduled lunch hour, subject to supervisory approval;

ii. At the beginning of the workday, allowing a delayed arrival to work by up to 30 minutes;

iii. At the end of the workday, allowing early departure from work by up to 30 minutes.

f. A participating employee who has been authorized to work from home on one or more days of the week may receive supervisor approval to designate compensated ~~exercise-wellness~~ release time during work hours at home.

g. ~~Wellness~~~~Exercise~~ release time is subject to the following limitations and/or expectations:

i. Supervisory pre-approval must be granted in writing, and should specify the time limits, performance standards, and any other applicable conditions upon which the release time is granted. Use of a written and negotiated agreement between employee and management is encouraged.

ii. Time is not cumulative or accrued. Unused ~~wellness exercise~~ release time shall not be carried over into a subsequent day or week.

iii. Time shall not result in accrual of excess hours.

iv. Employees participating in this program do so at their own risk and are encouraged to consult with a health care provider to ensure their own capability to participate.

v. The judicial branch is not responsible for any injury, illness, or other consequence suffered by the employee as a result of participating in this program.

vi. ~~Exercise~~ Wellness release time used in compliance with this policy shall be recorded as regular work hours in the employee timesheet. 701

vii. Documentation of authorization for ~~exercise~~
wellness time may be maintained by management and shall be maintained in the official HR



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personnel file or documented in UPM.

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4. As requested and after consultation with an employee, reasonable daily break periods shall be granted for the first year following the birth of a child to allow an employee to express breast milk for her child.

a. A private location, other than a restroom, shall be provided.

b. Appropriate temporary storage shall be provided for expressed milk.

Rule 3-402. Human resources administration.**Intent:**

To establish guidelines for the administration of a human resources system for the judiciary.

Applicability:

This rule ~~shall apply~~applies to all non-judicial officer employees in the judicial branch.

Statement of the Rule:

(1) **Department of Human Resources.** A department of human resources is established within the Administrative Office to guide the human resources activities of the judiciary.

(2) **Services.** The department of human resources ~~shall will~~ provide the necessary human resources services to the judiciary in compliance with the state constitution, state statute, and this Code. The department of human resources ~~shall will~~ provide all state employees in the judicial branch information regarding benefits, compensation, retirement, and other human resources related matters.

(3) **Human resources policies.**

(3)(A) Policies generally. Human resources policies, including a Code of Ethics for non-judicial officer employees, will be adopted by the Council in accordance with the rulemaking provisions of this Code.

(3)(B) Non-judicial officer employees. The human resources policies for non-judicial officer employees:

(3)(B)(i) ~~shall will~~ include classification of career service exempt (at-will) and non-exempt jobs, designation of FLSA exempt and non-exempt jobs, guidelines governing recruitment, selection, classification, compensation, working conditions, grievances and other areas deemed necessary; and

(3)(B)(ii) ~~shall will~~ be based upon the following merit principles:

(3)(B)(i)(a) the recruitment, selection and promotion of employees based upon relative ability, knowledge and skills, including open consideration of qualified applicants for initial appointment;

(3)(B)(ii)(b) a salary schedule which provides for equitable and adequate compensation based upon current job market data gathered at least every three years including salary levels of comparable positions in both the public and private sector, local labor market information and trends, other relevant data, and available funds;

(3)(B)(iii)(c) employee retention on the basis of performance that enhances and/or advances the mission of the judiciary—where appropriate, provision will be made for correcting performance and separating employees whose performance or misconduct interferes with or fails to advance the mission of the judiciary;

(3)(B)(iv)(d) fair treatment in all aspects of human resources administration without regard to sex, gender, age, ancestry, national

origin, race, color, religious creed, mental or physical disability or medical condition, sexual orientation, gender identity or expression, marital status, military or veteran status, genetic information, or any other category protected by federal, state or applicable local law; and

(3)(B)(~~iv~~)(e) notification to employees and an explanation of their political rights and prohibited employment practices.

(4) **Human resources director – court level administrators.** ~~The state c~~Court level administrators ~~shall will~~ be responsible for the day-to-day administration of the human resources system within that court level. A director of human resources, appointed by the ~~s~~State ~~c~~Court ~~a~~Administrator, ~~shall will~~ be responsible for effective governance of the human resources department and will assist the ~~state court~~ level administrators, court executives, and other managers with human resources related matters.

(5) **Human Resources Policy Review Committee.** ~~Human resources policies, including a Code of Ethics for non-judicial officer employees, shall will be adopted by the Council in accordance with the rulemaking provisions of this Code.~~

(5)(A) **Duties.** There is established a Human Resources Policy Review Committee responsible for making and reviewing proposals for human resources policy amendments. The committee ~~shall will~~ review human resource policies at least every three years.

(5)(B) **Members.** The committee ~~shall will~~ consist of the following voting members, which, where indicated, must be selected by majority vote of the entire body of the specified group:

(5)(~~BA~~)(i) the director of human resources;

(5)(~~BA~~)(ii) two trial court executives, selected by the trial court executives;

(5)(~~BA~~)(iii) three clerks of court (one juvenile, one district, and one appellate), selected by the clerks of court;

(5)(~~BA~~)(iv) a chief probation officer from the juvenile court, selected by the chief probation officers; and

(5)(~~BA~~)(v) a case manager, selected by the clerks of court.

(5)(C) **Non-voting members.** ~~Non-voting members may be assigned by the Policy, Planning, and Technology Committee (PP&T), as necessary to assist the committee. Other members of the committee will be appointed in a manner consistent with Rule 1-205.~~

(5)(~~DB~~) **Chair.** The chair of the committee ~~shall will~~ be designated by the state court administrator. ~~Other members of the committee shall will be appointed in a manner consistent with Rule 1-205.~~

(5)(E) **Support.** The department of human resources ~~shall will~~ provide necessary support to the committee. ~~Other non-voting members may be assigned by the Policy and Planning Committee, as necessary to assist the committee.~~

(5)(~~FC~~) **Policy amendment process.** Pursuant to Rule 1-204, new and amended policies, or repeals, recommended by the committee ~~shall will~~ be reviewed by ~~the Policy~~

and Planning Committee PP&T prior to being submitted ~~by the Policy and Planning Committee~~ to the ~~Judicial~~ Council.

(6) **Grievance review panel.**

(6)(A) **Quasi-judicial body.** A grievance review panel is established within the grievance process outlined in the judiciary's human resources policies to sit as a quasi-judicial body and review adverse employment ~~any~~ actions taken under the authority of in accordance with the judiciary's human resources policies.

(6)(B) **Career service employees.** ~~and which pertains to Only career service employees may submit a grievance to the Grievance Review Panel, after following the procedures outlined in human resources policies.~~

(6)(C) **Management.** The Grievance Review Panel may not review a matter that management has not had an opportunity to address.

(6)(D) **Authority.** The Grievance Review Panel has the authority to review management decisions regarding:

(6)(D)(i) employee promotions;

(6)(D)(ii) dismissals;

(6)(D)(iii) demotions;

(6)(D)(iv) suspensions;

(6)(D)(v) reductions in force;

(6)(D)(vi) wages/salary grievance if an employee is not placed within the salary range of the employee's current position;

(6)(D)(vii) violations of human resources policies; and

(6)(D)(viii) the equitable administration of insurance, retirement, or leave benefits.

(7) **Files.** An official human resources file for each employee ~~shall~~ will be maintained in the Administrative Office and ~~shall~~ will include the following records:

(7)(A) biographical information;

(7)(B) records of official human resources action;

(7)(C) standards of performance expectations;

(7)(D) corrective actions;

(7)(E) records of official disciplinary action and supporting documentation;

(7)(F) job applications; and

(7)(G) payroll and benefits information.

Effective: ~~11/1/2020~~ November 1, 2025