

# JUDICIAL COUNCIL MEETING

## AGENDA

**May 22, 2023**

**Meeting held through Webex  
and in person**

**Matheson Courthouse  
Council Room  
450 S. State St.  
Salt Lake City, Utah 84111**

***Chief Justice Matthew B. Durrant, Presiding***

1. 9:00 a.m. Welcome & Approval of Minutes..... Chief Justice Matthew B. Durrant  
(Tab 1 - Action)
2. 9:05 a.m. Chair's Report ..... Chief Justice Matthew B. Durrant  
(Information)
3. 9:10 a.m. State Court Administrator's Report.....Ron Gordon  
(Information)
4. 9:15 a.m. Reports: Management Committee ..... Chief Justice Matthew B. Durrant  
Budget and Fiscal Management Committee ..... Judge Kara Pettit  
Liaison Committee..... Justice Paige Petersen  
Policy, Planning, and Technology Committee ..... Judge Samuel Chiara  
Bar Commission.....Margaret Plane, esq.  
(Tab 2 - Information)
5. 9:25 a.m. Committee on Resources for Self-Represented Parties Report .....  
(Tab 3 - Information) Judge Richard Mrazik  
Nathanael Player
6. 9:40 a.m. Court Facility Planning Committee Report .....  
(Information) Judge Michele Christiansen Forster  
Chris Talbot
7. 10:00 a.m. Board of Appellate Court Judges Report .....  
(Information) Judge Michele Christiansen Forster  
Nick Stiles

- |     |            |   |
|-----|------------|---|
| 8.  | 10:10 a.m. | Board of Juvenile Court Judges Report ..... Judge Craig Bunnell<br>(Tab 4 - Information) Sonia Sweeney  |
| 9.  | 10:20 a.m. | Board of District Court Judges Report..... Judge James Brady<br>(Information) Shane Bahr  |
|     | 10:35 a.m. | Break   |
| 10. | 10:45 a.m. | Budget and Grants..... Karl Sweeney<br>(Tab 5 - Action) Alisha Johnson<br>Melissa Taitano<br>Bart Olsen<br>Mark Urry<br>Brett Folkman<br>Todd Eaton<br>Jace Kinder<br>Jordan Murray |
| 11. | 11:00 a.m. | HR Policies ..... Bart Olsen<br>(Tab 6 - Action) Jeremy Marsh<br>Derick Veater<br>Krista Airam  |
| 12. | 11:30 a.m. | Rules for Final Approval ..... Keisa Williams<br>(Action)   |
| 13. | 11:45 a.m. | Senior Judge Appointment..... Neira Siaperas<br>(Action)  |
| 14. | 11:50 a.m. | Old Business/New Business ..... All<br>(Discussion)   |
| 15. | 12:00 p.m. | Executive Session - there will be an executive session  |
| 16. | 12:15 p.m. | Adjourn   |

### **Consent Calendar**

The consent calendar items in this section are approved without discussion if no objection has been raised with the Administrative Office of the Courts or with a Judicial Council member by the scheduled Judicial Council meeting or with the Chair of the Judicial Council during the scheduled Judicial Council meeting.

- 1) Committee Appointments  
(Tab 7)

Forms Committee – Nathanael Player

Self-Represented Parties Committee – Nathanael Player

Court Facility Planning Committee – Chris Talbot
  
- 2) UCJA Rules for Public Comment  
(Action)

Keisa Williams

# Tab 1

**JUDICIAL COUNCIL MEETING  
Minutes**

**April 24, 2023**

**Meeting held through Webex  
and in person  
Matheson Courthouse  
Council Room  
450 S. State St.  
Salt Lake City, Utah 84111**

**9:00 a.m. – 12:13 p.m.**

***Chief Justice Matthew B. Durrant, Presiding***

**Members:**

Chief Justice Matthew B. Durrant, Chair  
Hon. David Mortensen, Vice Chair  
Hon. Suchada Bazzelle  
Hon. Brian Brower  
Hon. Samuel Chiara  
Hon. Michael DiReda  
Hon. Ryan Evershed  
Hon. Paul Farr  
Hon. James Gardner  
Hon. Elizabeth Lindsley  
Hon. Thomas Low  
Justice Paige Petersen  
Hon. Kara Pettit  
Margaret Plane, esq.

**Excused:**

Hon. Keith Barnes  
Hon. Augustus Chin

**Guests:**

Jonathan Adams, OLRGC  
Hon. Dennis Fuchs, Senior Judge  
Jason Johnson, Probation Supervisor, Fourth District  
Juvenile Court  
Judge Keith Kelly, Third District Court  
Commissioner Gil A. Miller, JPEC  
Hon. Denise Porter, Fourth District Court  
Hon. Rick Romney, Provo Justice Court

**AOC Staff:**

Ron Gordon  
Neira Siaperas  
Michael Drechsel  
Brody Arishita  
Shane Bahr  
Katy Burke  
Stacy Haacke  
Alisha Johnson  
Jessica Leavitt  
Meredith Mannebach  
Jordan Murray  
Bart Olsen  
Jim Peters  
Nathanael Player  
Jon Puente  
Keri Sargent  
Nick Stiles  
Karl Sweeney  
Sonia Sweeney  
Melissa Taitano  
Chris Talbot  
Keisa Williams  
Jeni Wood

**Guests Cont.:**

Cade Stubbs, TCE, Fifth District Court  
Dr. Jennifer Yim, JPEC

**1. WELCOME AND APPROVAL OF MINUTES: (Chief Justice Matthew B. Durrant)**

Chief Justice Matthew B. Durrant welcomed everyone to the meeting.

**Motion:** Judge Suchada Bazzelle moved to approve the March 16, 2023, Judicial Council meeting minutes, as presented. Judge Brian Brower seconded the motion, and it passed unanimously.

**2. CHAIR'S REPORT: (Chief Justice Matthew B. Durrant)**

Chief Justice Durrant recently presented at the Federal District Court Judges Conference in Springdale where the judges expressed gratitude for Utah's high-quality state court judges. Chief Justice Durrant attended Board meetings for the National Center for State Courts in Florida. There was concern expressed about the country's debt limit, which may affect ARPA funds.

**3. STATE COURT ADMINISTRATOR'S REPORT: (Ron Gordon)**

Ron Gordon and other court personnel are preparing for conversations that may arise as to the current and future usage of ARPA funds. Many of the ARPA funds are being used for current projects for the Courts through the AOC.

Judge Michael DiReda felt the senior judges have been underutilized. Some of the Second District Court judges schedule all of their preliminary hearings on Fridays and have been using senior judges to cover these. Mr. Gordon recommended holding a more in-depth conversation about senior judges' usage.

Mr. Gordon and Neira Siaperas thought the Justice Court Judges Annual Conference went very well. He appreciated the hard work of the Education Department.

The Liaison Committee will develop a strategy in terms of educating the public, policymakers, and others about the significance of having an independent judiciary. Court leadership will be involved in these efforts as well. Judge Samuel Chiara wondered if having human interaction with other entities, such as legislators, would help them see the courts in a more personal way. Justice Paige Petersen reminded the Council that in the past some legislators attended court hearings to better understand how the courts operate and wondered if judges and legislators could job shadow each other to gain a better understanding of their respective operations. Margaret Plane said the Utah State Bar has been discussing whether a meeting between the Liaison Committee and the Bar's Governmental Relations Committee would be beneficial.

Chief Justice Durrant appreciated the Courts philosophy of speaking with one voice. He had heard of national trends where legislatures are seeking to gain more control over state courts, possibly by overturning [\*Marbury v. Madison\*, 5 U.S. 137](#), a landmark U.S. Supreme Court case that established the principle of judicial review in the United States.

**4. COMMITTEE REPORTS:  
Management Committee Report:**

The work of this committee is reflected in the minutes.

**Budget & Fiscal Management Committee Report:**

The work of the committee will be discussed later in the meeting.

**Liaison Committee Report:**

The committee has not met recently.

**Policy, Planning, and Technology Committee Report:**

The work of the committee will be addressed later in the meeting.

**Bar Commission Report:**

The Bar's Annual Meeting will be held on June 29, which will include annual reports, awards, and swearing in. The Bar appreciated the collaboration with the Supreme Court on the Office of Innovation. The Bar approved a new debt collection data gathering program, this will ultimately be a decision from the Courts as to whether to expand the pro bono program statewide. Chief Justice Durrant thanked the Bar for their work on the Office of Innovation and the support of the Bar during the last legislative session. The State Auditor attempted to move Bar regulation to the Division of Professional Licensing. An agreement was made for the AOC to audit the Bar and enlist the services of the State Auditor.

**5. PROBLEM-SOLVING COURT FORM AND RECERTIFICATIONS: (Judge Dennis Fuchs)**

Chief Justice Durrant welcomed Judge Dennis Fuchs. Judge Fuchs requested the Council adopt the revised Juvenile Mental Health Court Certification Checklist, as amended per the Council's instructions. Judge Elizabeth Lindsley confirmed that this checklist would be the same for all juvenile mental health courts.

**Motion:** Judge Lindsley moved to approve the adoption of the Juvenile Mental Health Court Certification Checklist, as presented. Judge DiReda seconded the motion, and it passed unanimously.

The following courts meet all Required and Presumed Best Practices:

**Adult Drug Courts**

- Second District Court, Weber County, Ogden, Judge Bean
- Fifth District Court, Iron County, Cedar City, Judge McIff-Allen
- Second District Court, Weber County, Ogden, Judge Valencia

**Adult DUI Court**

- Second District Adult DUI Court, Weber County, Ogden, Judge Neider

**Adult Mental Health Court**

- Fifth District, Washington County, St George, Judge Westfall
- Second District Court, Davis County, Bountiful, Judge Williams

### **Juvenile Mental Health Court**

- Third District Juvenile Mental Health Court, Salt Lake County, Salt Lake City, Judge Elizabeth Knight, meets all Required and Presumed Best Practices contained in the modified checklist.

### **Courts that do not meet all Best Practices**

- Fifth District Adult Drug Court, Washington County, St George, Judge Walton, meets all Required Best Practices. Court meets all Presumed Best Practices except for the following: #30 Clients are placed in the program within 50 days of arrest. A number of participants come into the program from probation. #37 New arrests and convictions are monitored for a minimum of three years. The program to track this information is still being formulated by the IT Department.
- Second District Adult Drug Court, Davis County, Farmington, Judge Edwards, meets all Required Best Practices. Court meets all Presumed Best Practices except for the following: #30 clients placed in the program within 50 days of arrest. Some clients take longer for discovery and some come in as a condition of probation. #37 New arrests and convictions are monitored for a minimum of three years. The program to track this information is still being formulated by the IT Department.
- Second District Adult Drug Court, Davis County, Farmington, Judge Edwards, meets all Required Best Practices. Court meets all Presumed Best Practices except for the following: #30 Clients are placed in the program within 50 days of arrest. A number of participants come in from probation. #37 New arrests and convictions are monitored for a minimum of three years. The program to track this information is still being formulated by the IT Department.
- Third District Adult Drug Court, Salt Lake County, Salt Lake City, Judge Shaughnessy, meets all Required Best Practices when the documentation supplied by the court is considered. This Court meets all Presumed Best Practices when the documentation supplied by the court is considered.
- Fifth District Adult Mental Health Court, Iron County, Cedar City, Judge Bell, meets all Required Best Practices. Court meets all Presumed Best Practices except for the following: #37 New arrests and convictions are monitored for a minimum of three years. The program to track this information is still being formulated by the IT Department.

Judge Fuchs explained that the best practices requirement of matriculating within 50 days of arrest does not include other scenarios, such as, individuals that enter into the drug court as a violation of probation. At the request of the Council, Judge Fuchs will request an amendment that encompasses other scenarios through the Policy, Planning, and Technology Committee.

Judge DiReda informed the Council that Judge Jennifer Valencia was moving to Farmington Courthouse, therefore, there will be a new judge assigned to her Ogden Adult Drug Court.

Chief Justice Durrant thanked Judge Fuchs.

**Motion:** Judge Gardner moved to recertify the Adult Drug Courts: Second District Court, Weber County, Ogden, Judge Bean; Fifth District Court, Iron County, Cedar City, Judge McIff-Allen;



and the Second District Court, Weber County, Ogden, Judge Valencia; the Adult DUI Court: Second District Adult DUI Court, Weber County, Ogden, Judge Neider; the Adult Mental Health Court: Fifth District, Washington County, St George, Judge Westfall the Second District Court, Davis County, Bountiful, Judge Williams; the Third District Juvenile Mental Health Court, Salt Lake County, Salt Lake City, Judge Elizabeth Knight; the Fifth District Adult Drug Court, Washington County, St George, Judge Walton; the Second District Adult Drug Court, Davis County, Farmington, Judge Edwards; the Second District Adult Drug Court, Davis County, Farmington, Judge Edwards; the Third District Adult Drug Court, Salt Lake County, Salt Lake City, Judge Shaughnessy; and the Fifth District Adult Mental Health Court, Iron County, Cedar City, Judge Bell. Judge Chiara seconded the motion, and it passed unanimously.

**6. PROBLEM-SOLVING COURT CERTIFICATION: (Katy Burke and Judge Dennis Fuchs)**

Chief Justice Durrant welcomed Katy Burke and Judge Dennis Fuchs. The Fourth District Juvenile Court located in Provo submitted an application to reorganize the juvenile drug court into two separate courts, one serving juveniles with a primary substance use disorder diagnosis and the second court serving juveniles with a primary mental health diagnosis. Judge F. Richards Smith presides over the juvenile drug court and separated the docket based on the clinical needs of the juveniles. The juvenile mental health court serves youth who have high criminogenic risk and high mental health needs.

The behavioral health court formed during the pandemic has been operational since June 2021, serving 20 youth: 8 of which were successful completions, 3 of which were unsuccessful completions and currently has 9 participants. Judge Lindsley reviewed this plan with Judge Elizabeth Knight, who indicated that she collaborated with Judge Smith on this court.

Chief Justice Durrant thanked Ms. Burke and Judge Fuchs.

**Motion:** Judge Lindsley moved to approve the creation of the Fourth District Juvenile Behavioral Health Court, as presented. Judge Bazzelle seconded the motion, and it passed unanimously.

**7. LANGUAGE ACCESS COMMITTEE REPORT: (Cade Stubbs and Jessica Leavitt)**

Chief Justice Durrant welcomed Cade Stubbs and Jessica Leavitt. Mr. Stubbs believed that the interpreter rate increase that the Council approved last fall helped the Utah Courts be more competitive. However, with the cultural shift to remote work, local interpreters are finding that they can make more money with virtual hearings in other states. After meeting with other court interpreter coordinators and the National Center for State Courts, Ms. Leavitt learned that this is a nationwide issue. Interpreters across the country are seeking higher wages. Some of the ongoing discussions include neighboring states being more uniform with pay.

Mr. Gordon thanked Ms. Leavitt and her team for being proactive. He wasn't sure if continuing to increase the rate to compete with other states was sustainable and thought it was important to review situations such as when trials that get cancelled at the last minute; leaving the interpreters with little compensation and no work to turn to because they blocked their

calendars for the trial. Shane Bahr offered the Board of District Court Judges' assistance, if the Council would like.

Ms. Leavitt recognized that some languages have fewer interpreters available; therefore, creating a problem for hearings and trials. She continues her discussions about assistance with these situations. Judge Chiara would like to continue these discussions to determine more consistency, such as, what amount of pay interpreters should receive if a trial gets cancelled. Mr. Gordon said the Language Access Committee is reviewing current processes and pay.

Chief Justice Durrant thanked Mr. Stubbs and Ms. Leavitt.

## **8. UNIFORM FINE COMMITTEE REPORT AND UNIFORM FINE SCHEDULE: (Judge Jennifer Valencia and Meredith Mannebach)**

Chief Justice Durrant welcomed Judge Denise Porter and Meredith Mannebach. Judge Porter attended on behalf of Judge Valencia. Judge Porter informed the Council that the Uniform Fine Committee (UFC) reviewed and incorporated the proposed changes into the Fine Schedule. The 2023 legislative session resulted in passage of 3 large statutory recodification projects: (1) [HB0046 Criminal Code Recodification and Cross](#) (579 changes); [SB0038 Health and Human Services Recodification - Administration, Licensing, and Recovery Services](#), [SB0039 Health and Human Services Recodification - Health Care Assistance and Data](#), [SB0040 Health and Human Services Recodification - Health Care Delivery and Repeals](#); (2) [SB0041 Health and Human Services Recodification - Prevention, Supports, Substance Use and Mental Health](#) (70 changes); and [HB0030 Wildlife Resources Code Recodification](#) (96 changes). In addition to these recodification projects, another 28 bills (82 changes) also modified entries on the Schedule. Over the last month, AOC staff carefully reviewed each of the relevant bills and generated a detailed list of 412 proposed fine schedule changes.

One proposed substantive change will need further legislative attention before the Schedule can be finalized. During the 2023 session, [HB0046 Criminal Code Recodification and Cross References](#) and [HB0208 Criminal Trespass Amendments](#) each inadvertently made completely unrelated changes to the same newly-created [Utah Code § 76-6-206.5 Criminal trespass on private property for recreational purposes related to use of public waters](#). The Office of Legislative Research and General Counsel (OLRGC) will clarify this on May 3, 2023. The UFC sought authority from the Council to make changes to the Schedule to reflect OLRGC's May 3, 2023, decision.

In addition to the substantive changes to offense entries, the UFC also made some minor substantive revisions to the introduction section of the Schedule, including simplifying language where possible.

HB0030 does not go into effect until July 1, 2023. Those changes were not included in the materials presented to the Council. The UFC will work with the Division of Wildlife Resources prior to finalizing proposed changes based on that recodification, then bring those proposed changes to the Council for approval prior to HB0030's July 1, 2023, effective date.

The Utah Substance Use Advisory Council (USAAV) has traditionally maintained the DUI sentencing matrix schedule. Judges face difficulty in maintaining updated information

because the USAAV schedule is not available until the fall. Judge Valencia was hopeful that a DUI bench card would be available with the most up-to-date information.

Judge Porter explained that the general disposition matrix was distributed by CCJJ. She had not seen any changes as a practical matter, based on criminal history scores. She thought if anything was decided on a sliding scale, it would be an analysis of the ability to pay. The UFC will discuss this further.

Chief Justice Durrant thanked Judge Porter and Ms. Mannebach.

**Motion:** Judge Brower moved to approve the Uniform Fine Schedule and to allow the UFC to edit the schedule based on the OLRGC's May 3 decision, as presented. Judge Lindsley seconded the motion, and it passed unanimously.

#### **9. VETERAN'S JUSTICE COMMISSION: (Meredith Mannebach)**

Chief Justice Durrant welcomed Meredith Mannebach. The Council on Criminal Justice created the Veteran's Justice Commission to assess the extent and nature of Veterans' involvement in the criminal justice system and develop recommendations for policy changes. The Commission is chaired by the former U.S. Defense Secretary and includes U.S. Senator Chuck Hagel and White House Chief of Staff Leon Panetta.

##### **Studies have shown.**

- Deployment-related trauma exposure, combined with increased incidents of mental health and substance use disorders elevate Veterans' risk of contact with the justice system.
- 1 in 3 of the 19 million Veterans reported that they had been arrested.
- More than 181,000 are behind bars (8% of the prison population).

The committee created three councils: a front-end advisory council; an intake to sentencing council; and a prison sentences and re-entry council.

##### **Committee Recommendations**

- Improve definition and identify Veteran's in the criminal justice system, such as asking if a person is a Veteran at booking. A Veteran is defined as someone who swore an oath and entered any branch of the Armed Forces, including the National Guard or Reserves.
- Create a continuum of alternatives to prosecution and incarceration.
- Establish a national center to conduct further research.

Judge Lindsley asked if there had been any discussions regarding child welfare issues with Veterans. Ms. Mannebach informed the Council that this has not been addressed but she will bring it up to the committee.

Chief Justice Durrant thanked Ms. Mannebach.

#### **10. RULES FOR FINAL ACTION: (Keisa Williams)**

Chief Justice Durrant welcomed Keisa Williams. The Policy, Planning, and Technology Committee recommended that UCJA Rule 4-202.02. Records Classification be approved on an

expedited basis with an April 25, 2023, effective date, followed by a 45-day public comment period. The proposed amendments update statutory references and make three substantive changes: 1) classify Court Commissioner Conduct Complaints as private; 2) allow petitioners to submit (8)(C) requests using the same method as (8)(A)&(B) requests; and 3) classify sex designation records as private.

Chief Justice Durrant thanked Ms. Williams.

**Motion:** Judge Low moved to approve UCJA Rule 4-202.02 Records Classification with an effective date of April 25, 2023, followed by a 45-day public comment period, as presented. Judge David Mortensen seconded the motion, and it passed unanimously.

# **11. BUDGET AND GRANTS: (Karl Sweeney, Alisha Johnson, Melissa Taitano, Chris Talbot, Nick Stiles, and Jordan Murray)**

Chief Justice Durrant welcomed Karl Sweeney, Alisha Johnson, Melissa Taitano, Chris Talbot, Nick Stiles, and Jordan Murray.

## **FY 2023 One-time Turnover Savings**

#		Funding Type	Actual
			Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 03/17/2023)	Internal Savings	2,745,855.59
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 03/17/2023)	Reimbursements	695,780.93
3	Est. One Time Savings for 600 remaining pay hours (\$2,000 / pay hour)	Internal Savings (Est.)	1,200,000.00
<b>Total Potential One Time Savings</b>			<b>4,641,636.52</b>

## **FY 2023 Ongoing Turnover Savings**

#		Funding Type	Actual	Forecasted
			Amount YTD	Amount @ YE
1	Carried over Ongoing Savings (from FY 2022, includes unallocated ongoing appropriation)	Internal Savings	250,392	250,392
2	Ongoing Turnover Savings FY 2023	Internal Savings	619,736	769,736
3	<b>TOTAL SAVINGS</b>		<b>870,128</b>	<b>1,020,128</b>
	2023 Hot Spot Raises		(181,498)	(200,000)
	2023 Authorized Ongoing for Performance Based Raises (will be used at the end of the FY)		-	(450,000)
4	<b>TOTAL USES before YE Requests</b>		<b>(181,498)</b>	<b>(650,000)</b>
<b>Actual Turnover Savings for FY 2023 as of 03/30/2023</b>			<b>\$ 688,631</b>	<b>\$ 370,128</b>

## **ARPA Expenses**

	A	B	C	D	E
	Judicial Council Approved Amount	Actual FY 2022 Expended Amount	Actual FY 2023 Expended Amount	Total Expended Amount (B + C)	Balance Available (A - D)
<b>Last Period Total</b>					<b>7,614,581.13</b>
IT Access to Justice - Part I + II	12,373,400	3,042,467.67	3,289,677.90	6,332,145.57	(a) 6,041,254.43
Courts Case Backlog - Part I + II	2,000,000	707,963.11	720,364.46	1,428,327.57	571,672.43
COVID-19 Supplies	302,100	-	-	-	302,100.00
Legal Sandbox Response to COVID	324,500	-	100,218.88	100,218.88	224,281.12
<b>TOTAL</b>	<b>15,000,000</b>	<b>3,750,430.78</b>	<b>4,110,261.24</b>	<b>7,860,692.02</b>	<b>7,139,307.98</b>

**Matheson Public Electronic Directories  
\$43,101 one-time funds**

The Matheson Courthouse needs the outdated directory signs replaced on each floor with an electronic system that will include improved graphics for wayfinding throughout the courthouse and will provide additional public information to court patrons.

**Motion:** Judge Low moved to approve the Matheson Public Electronic Directories \$43,101 one-time funding request, as presented. Justice Petersen seconded the motion, and it passed unanimously.

**Proposed Court Commissioner FY 2024 Salary  
\$183,326 (funded from 5% COLA and 5% JD required funding)**

Per [UCJA Rule 3-201\(9\)\(A\) Court Commissioners](#), “The Council shall annually establish the salary of court commissioners. In determining the salary of the court commissioners, the Council shall consider the effect of any salary increase for judges authorized by the Legislature and other relevant factors. Except as provided in paragraph (6), the salary of a commissioner shall not be reduced during the commissioner's tenure.” The Legislature approved a salary increase for district and juvenile court judges to \$203,700 effective July 1, 2023 (a 10% increase). This request will be entirely funded through legislative appropriations for FY 2024; no use of Court internally generated ongoing turnover savings is needed.

**Motion:** Judge Gardner moved to approve setting the Court Commissioner FY 2024 Salary at \$183,326 funded from 5% COLA and 5% JD required funding, as presented. Judge DiReda seconded the motion, and it passed unanimously.

Mr. Murray reported that the grant funds have been secured from NCSC to support eviction procedures.

**Office of Innovation**

Mr. Stiles stated that the Supreme Court will begin the process of transitioning the Office of Legal Services Innovation (Office) to the Utah State Bar, along with any remaining ARPA funds approved by the Council. [UCJA Rule 3-411 Grant Management](#) provides guidance where the courts are the “pass-through recipient,” but not when the courts are the pass-through agency. Additionally, ARPA funding has not traditionally been considered grant funding. In consultation with the Finance Department and with the lack of guidance in court rule, the Supreme Court wanted to provide the Council with notice of their intent to pass through the funding. Mr. Stiles said the Bar agreed to fund the Program Director position. Chief Justice Durrant said the Council has had many discussions on where to house the Office, such as housing it through the AOC, however, it made more sense to house the Office in the Bar because the regulation of practice of law lies with the Bar.

**Motion:** Judge Chiara made a motion to approve the transfer of the remaining ARPA funds to the Bar once the agreement has been signed. Ms. Plane seconded the motion, and it passed unanimously.

Chief Justice Durrant thanked Mr. Sweeney, Ms. Johnson, Ms. Taitano, Mr. Talbot, Mr. Stiles, and Mr. Murray.

## **12. BOARD OF JUSTICE COURT JUDGES REPORT: (Judge Rick Romney and Jim Peters)**

Chief Justice Durrant welcomed Judge Rick Romney and Jim Peters. Judge Romney appreciated Mr. Peters dedication to the justice courts. Judge Romney mentioned that there are 107 justice courts with 68 judges (53 males and 15 females). Fifty-one of the justice court judges have law degrees. Mr. Peters reminded the Council that those without law degrees have been grandfathered in. With the passage of [HB0210 Justice Court Changes](#), all new justice court judges will be required to have law degrees. There are 24 full time judges, 21 <sup>3</sup>/<sub>4</sub> time judges, 18 part time judges, and 5 less than part time judges.

HB0210 clarified that a justice court is part of the state judiciary; addressed the independence of a justice court from other branches of government for a municipality or county; amended the eligibility requirements for a justice court judge so that, going forward, applicants can apply from anywhere in the state and will be required to have a law degree; amended provisions regarding the salary of a justice court judge so that full-time justice court judges must be paid at least 70% of a district court judge's salary (which, as of July 1, 2023, will be \$203,700); and created a legislative task force to develop additional recommendations for Justice Court Reform.

The Justice Court Clerks' Conference was held in Provo this year. JoDe Neer was recognized as Justice Court Employee of the Year; the Logan Justice Court was recognized as Justice Court of the Year; and 181 clerks have completed the clerk certification training.

The Justice Court Judges Conference was a success. Judge Romney thanked Mr. Gordon and Ms. Siaperas for attending. Roger Tew received the Friend of the Court award; Judge Paul Farr received a Service Award; and Judge Mark McIff received the Justice Court Judge of the Year award.

### **Board goals**

- Strengthen data integrity
  - Classify justice courts differently
  - Review the judicial workload formula
  - Finish the clerical workload study
  - Develop some policies to be more consistent with data entry, particularly as it pertains to case dispositions.
- Collect salary data for justice court clerks
- Develop a plan to eliminate Accounting Model II

Chief Justice Durrant thanked Judge Romney and Mr. Peters.

## **13. EXPANSION OF HOLLADAY JUSTICE COURT: (Jim Peters)**

Chief Justice Durrant welcomed Jim Peters. Mr. Peters stated that the Holladay Justice Court was requesting an expansion to a Level I justice court due to the adopted resolution that

would include the city of Millcreek. Holladay currently has 450 case filings per month and anticipated an additional 250 with the added territory of Millcreek. The population with the expanded area consists of 128,393 residents. The court has four full-time clerks and expected that they will need one additional clerk. Millcreek cases are currently being handled through the Salt Lake County Justice Court. Mr. Peters explained that the Council does not typically get involved in the funding aspect, rather, this is addressed in the interlocal agreement.

Chief Justice Durrant thanked Mr. Peters.

**Motion:** Judge Gardner moved to approve the expansion request of the Holladay Justice Court, as presented. Judge Low seconded the motion, and it passed unanimously.

**14. NEW JUSTICE COURT JUDGE CERTIFICATION: (Jim Peters)**

Chief Justice Durrant welcomed Jim Peters. Mr. Peters explained that Kelly Laws successfully passed New Judge Orientation and was hired to be a judge in the Blanding Justice Court. Judge Romney mentioned that the number of justice court judges has declined approximately 20% recently. Some are due to court closures and some have been due to currently sitting judges taking on additional courts when a judge leaves.

Chief Justice Durrant thanked Mr. Peters.

**Motion:** Judge Farr moved to approve Kelly Laws as a judge in the Blanding Justice Court, as presented. Judge Brower seconded the motion, and it passed unanimously.

**15. JUDICIAL PERFORMANCE EVALUATION COMMISSION (JPEC) REPORT: (Dr. Jennifer Yim and Commissioner Gil A. Miller)**

Chief Justice Durrant welcomed Dr. Jennifer Yim, Commissioner Gil A. Miller (JPEC Chair), and Judge Keith Kelly.

**2022 Retention Judge Feedback Survey**

JPEC conducted an anonymous survey of judges retained in the 2022 election to solicit feedback about several aspects of JPEC's evaluation process. Of the 58 judges who received surveys, 48 responded. Overall, including the quality, accuracy, and helpfulness of the evaluations, most surveyed judges expressed satisfaction with their performance evaluation experience with JPEC. Compared to 2020 survey results, judge feedback showed an increase in negative feedback, especially involving the "evaluation results" category. A few examples: in 2022 87% of judges found their reports to look professionally produced compared to 100% in 2020; in 2022 72% found the report easy to understand compared to 98% in 2020; and in 2022 83% said the numeric data was helpful to receive compared to 90% in 2020. But overall satisfaction with the JPEC evaluation process remained similar, 85% in 2022 and 89% in 2020.

The 2022 survey identified concerns about the amount of negative feedback the evaluation reports contained, especially from survey respondents. While no major changes have been made to JPEC's evaluation report process, the class of 2022 retention judges had a much broader range of evaluation scores compared to the class of 2020. Newer judges who experienced JPEC's evaluation process for the first time tended to express stronger agreement

about many aspects of their evaluation, whereas more long-standing judges tended to “agree” rather than “strongly agree”.

## **Survey results**

### *Introduction*

- According to JPEC’s data, the 2022 general election was the first retention election for 35% of the 63 judges.

### *Communication*

- 94% of judges reported that they understood the overall JPEC process, and 64% said they would not find it helpful to receive additional information about it.
- 14 comments resulted in 2 main themes.
  - Judges requested to receive updates, such as reminders on the evaluation timeline or immediate feedback on a concerning aspect of their evaluation.
  - Some judges indicated they would like to better understand specific aspects of JPEC’s evaluations including their narratives, surveys, and justice court evaluations.

### *Evaluation Results*

- 87% of judges agreed that JPEC’s report looked professionally produced.
- 72% percent of judges felt the report was easy to understand.
- 83% said the numeric data in the report was helpful.
- 44% of judges reported finding written comments more helpful than numeric data.
- In terms of courtroom observation:
  - 71% of judges found the courtroom observation summary helpful and
  - 87% found the individual courtroom observation reports helpful.
- In terms of the accuracy of the assessment provided by JPEC:
  - 75% of judges surveyed agreed the assessment was accurate.
  - Of the 10 comments, many indicated concern about negative comments, including the role they played in their overall evaluation and the number of them present.
- 86% of judges found that the performance evaluation process provided them with useful feedback they can use to improve their performance. Significantly, of the remaining 14%, only 2% disagreed with the statement.

### *Commission Process*

- 35% of judges were aware that JPEC used a modified blind review process during its deliberations.
- 31% thought the use of blind review improved the evaluation process, while 67% were unsure whether it improved evaluations, and 2% disagreed.
- Most judges who commented found blind review to be a positive addition to deliberations. Two were concerned about bias from survey respondents.
- 90% rated the quality of work on their Voter Information Pamphlet page to be of high quality.

### *JPEC Website*

- 96% of judges found their evaluation results easy on JPEC’s website.



- 91% of judges found the website's summary information to be accurate.

#### *Improvements*

- 10% of all evaluated judges agreed that JPEC should consider other sources of information in its review.
- 5 judges provided substantial comments. Most suggestions related to wanting additional emphasis on juror feedback.

#### *Overall Evaluation*

- 85% of all evaluated judges expressed satisfaction with their retention evaluation experience with JPEC. 11% of judges expressed neither satisfaction nor dissatisfaction, and 5% were unsatisfied.

#### **Equitable Scoring Evaluation**

JPEC conducted an evaluation addressing scoring discrepancies between judges with and without juries. They found that judges who have few or no jury trials have a scoring disadvantage. It was clear that juries are effectively scoring judges using a different scale than all other survey respondents. JPEC created a criteria for a solution with this issue that includes: easy to understand for both judges and voters; use standard statistical techniques; all respondent groups score on a standardized scale; juries have a proportional impact on scoring; avoid distortion or overemphasis of some scores over others; and create an evaluation system with more equity across judges.

Dr. Yim explained that in order to calibrate juror scores, JPEC will use a mathematical solution called “normalization”, which takes a subset of data and calibrates it to match the same scale as the rest of the data. The next step would then be to cap juror surveys at 30% of a judge’s overall scores. She noted that using this process will not result in any judge falling below the standards. For example, if a jury peer average is 4.9 and an attorney/staff average is 4.5, the difference would be -.4. With an original score of 5.0 as the base, the new individual jury score would be calculated to 4.6. JPEC estimated that 69% of all judges with juries would not be impacted, 17% would have a .1 impact, 14% would have had more if JPEC didn’t cap it at 30%.

This will address disparities between district and justice courts. However, Dr. Yim noted, there are still inequities between other court levels. Juvenile courts may survey all groups, including parents and youth. Appellate courts may potentially add a survey of district and juvenile court judges. JPEC will report the results and future plans to the Council at a later date. These changes may be done by the 2024 retention elections but more likely will be done for the 2026 retention elections.

Judges thought if remote hearings were problematic for JPEC observers then they could attend an in-person hearing. Judges didn’t feel they should be rated poorly because of Webex issues. JPEC observers are happy to attend in-person hearings throughout the state. Dr. Yim said some of the observer volunteers have been with JPEC for 10 years and have a significant amount of experience with observations.

Dr. Yim announced that after 7 years with JPEC, she will be leaving next month. She said it has been an honor to work with the Council and Utah judges. Judge Lindsley appreciated Dr. Yim's transparency. Chief Justice Durrant mentioned that JPEC had a difficult start, but the relationship has improved significantly with Dr. Yim's work on procedural fairness. He said her contribution has been enormous and she will be missed. Chief Justice Durrant thanked Dr. Yim, Commissioner Miller, and Judge Kelly.

**16. OLD BUSINESS/NEW BUSINESS: (All)**

No additional business was discussed.

**17. EXECUTIVE SESSION**

**Motion:** Judge Mortensen moved to go into an executive session for the purpose of discussing pending litigation. Judge Chiara seconded the motion, and it passed unanimously.

**18. CONSENT CALENDAR ITEMS**

- a) Committee Appointments: Reappointment of Guy Galli to a third term on the Forms Committee; Reappointment of Ricky Shelton and appointment of John Macfarlane and Michael Litchfield to the MUJI Civil Committee; Appointment of Judge Amy Oliver to the Judicial Outreach Committee; Appointment of Judge Keith Kelly as Chair and the appointment of Judge Brian Cannell to the WINGS Committee; and the Appointment of Judge Matthew Bates to the MUJI Criminal Committee. Approved without comment.
- b) Probation Policy: Intake and Formal Probation Policy. Approved without comment.
- c) UCJA Rules 4-202.03, 4-202.05, 4-404, and 6-501 for Public Comment. Approved without comment.
- d) Forms Committee Forms: Motion for Temporary Order – With Children; Order on Motion for Temporary Order - With Children; Petition for Name or Sex Change Order on Petition for Name Change or Sex Change; Petition for Minor's Name or Sex Change (and appointment of Private Guardian Ad Litem); Order Changing Minor's Name or Sex; and Order to Appoint Private Guardian Ad Litem. Approved without comment.

**19. ADJOURN**

The meeting adjourned.

# Tab 2

**JUDICIAL COUNCIL'S  
MANAGEMENT COMMITTEE**

**Minutes**

**May 9, 2023**

**12:05 p.m. – 12:41 p.m.**

**Meeting held through Webex  
and in person  
Matheson Courthouse  
Council room  
450 S. State St.  
Salt Lake City, Utah 84111**

***Chief Justice Matthew B. Durrant, Presiding***

**Committee Members:**

Chief Justice Matthew B. Durrant, Chair  
Hon. David Mortensen, Vice Chair  
Hon. Paul Farr  
Hon. Elizabeth Lindsley  
Hon. Kara Pettit

**Excused:**

Michael Drechsel

**Guests:**

**AOC Staff:**

Ron Gordon  
Neira Siaperas  
Brody Arishita  
Shane Bahr  
Stacy Haacke  
Jim Peters  
Nathanael Player  
Nick Stiles  
Sonia Sweeney  
Keisa Williams  
Jeni Wood

**1. WELCOME AND APPROVAL OF MINUTES: (Chief Justice Matthew B. Durrant)**

Judge David Mortensen welcomed everyone to the meeting. Chief Justice Matthew B. Durrant arrived late to the meeting.

**Motion:** Judge Paul Farr moved to approve the April 11, 2023 Management Committee minutes, as presented. Judge Elizabeth Lindsley seconded the motion, and it passed unanimously.

**2. STATE COURT ADMINISTRATOR'S REPORT: (Ron Gordon)**

Ron Gordon discussed efforts to proactively address the importance of the independence of the Judiciary. Local gatherings that include statewide administrative leadership, Chief Justice Durrant, local legislators, and local judges and court staff will be reconvened. These will be held over the summer and fall to allow more time for engaging conversations. Other possible outreach efforts include meetings with local business leaders – such as through the Chambers of

Commerce. This would be an ideal time to hold those discussions with the new Business Chancery Court. The AOC Directors discussed partnering with the other two branches of government to create writing, art, or video contests for youth and students in the area of civics education, focusing on separation of powers and checks and balances. Legislators have in the past been invited to observe hearings to better understand how the Courts operate. This may also be a good opportunity to restart that initiative. Judge Kara Pettit fully supported these ideas. Mr. Gordon appreciated the idea of visiting multiple counties in some districts.

Chief Justice Durrant attended the reception for Dr. Jennifer Yim. He felt the Courts were very fortunate to have worked with her.

### **3. COMMITTEE APPOINTMENTS: (Jeni Wood)**

The Self-Represented Parties Committee recommended the appointment of Danielle Stevens, Dawn Hautamaki, and Judge Jeri Allphin. Jim Peters clarified that Judge Allphin is replacing Judge Katherine Peters.

The Court Facility Planning Committee recommended the appointment of Judge Michele Christiansen Forster as Chair.

**Motion:** Judge Farr moved to approve the appointment of Danielle Stevens, Dawn Hautamaki, and Judge Jeri Allphin to the Self-Represented Parties Committee and the appointment of Judge Michele Christiansen Forster as Chair to the Court Facility Planning Committee, as presented and to add this to the Judicial Council's consent calendar. Judge Pettit seconded the motion, and it passed unanimously.

The Forms Committee recommended the appointment of Judge Chelsea Koch as Chair, Professor Jackie Morrison, Dr. LaReina Hingson, and Kirsten Shumway. There was concern as to why Judge Koch was listed twice in the memo. Nathanael Player clarified that Judge Koch would fill one of the two district court judges' position and the Chair position and that Judge Marvin Bagley is the other district court judge on the committee.

**Motion:** Judge Lindsley moved to approve the appointment of Judge Chelsea Koch as Chair, Professor Jackie Morrison, Dr. LaReina Hingson, and Kirsten Shumway to the Forms Committee, as presented and to add this to the Judicial Council's consent calendar. Judge Farr seconded the motion, and it passed unanimously.

### **4. APPROVAL TO ADD RULES AS STANDING JUDICIAL COUNCIL ITEMS: (Neira Siaperas)**

Neira Siaperas requested the Management Committee approve the creation of two Judicial Council standing items: Rules for Final Approval to the Council agenda and Rules for Public Comment to the Council's consent calendar.

**Motion:** Judge Pettit moved to approve adding Rules for Final Approval as a standing item to the Judicial Council agenda and Rules for Public Comment as a standing item to the Judicial Council consent calendar. Judge Farr seconded the motion, and it passed unanimously.

**5. APPROVAL OF THE JUDICIAL COUNCIL AGENDA: (Chief Justice Matthew B. Durrant)**

Chief Justice Durrant addressed the Judicial Council agenda.

**Motion:** Judge Farr moved to approve the Judicial Council agenda, as presented. Judge Pettit seconded the motion, and it passed unanimously.

**6. OLD BUSINESS/NEW BUSINESS**

No additional business was discussed.

**7. EXECUTIVE SESSION**

An executive session was held.

**Motion:** Judge Pettit moved to approve the commissioners' exclusion of selected attorneys, as discussed in the executive session. Judge Lindsley seconded the motion, and it passed unanimously.

**8. ADJOURN**

The meeting adjourned.

**JUDICIAL COUNCIL'S  
BUDGET & FISCAL MANAGEMENT COMMITTEE ("BFMC")**

**Minutes  
April 10, 2023  
Meeting held virtually through WebEx  
12:00 p.m. – 1:35 p.m.**

**Members Present:**

Hon. Kara Pettit, (Chair)  
Hon. Elizabeth Lindsley  
Justice Paige Petersen  
Margaret Plane, Esq.

**Excused:**

Hon. Keith Barnes

**Guests:**

Mark Urry, TCE, Fourth District Court  
Brett Folkman, TCE, First District Courts  
Jessica Vazquez- Leavitt  
Travis Erickson  
Jon Puente  
Lauren Andersen  
Nini Rich  
Shelly Waite

**AOC Staff Present:**

Ron Gordon  
Neira Siaperas  
Sonia Sweeney  
Chris Talbot  
James Peters  
Shane Bahr  
Lauren Andersen  
Bart Olsen  
Jeremy Marsh  
Brody Arishita  
Todd Eaton  
Nathanael Player  
Nick Stiles  
Jordan Murray  
Karl Sweeney  
Alisha Johnson  
Melissa Taitano  
Suzette Deans, Recording Secretary

**1. WELCOME AND APPROVAL OF MINUTES (Judge Kara Pettit – “Presenter”)**

Judge Kara Pettit welcomed everyone to the meeting and called for a motion to approve the minutes from the last meeting.

**Motion:** Justice Paige Petersen moved to approve the March 3, 2023 minutes, as presented. Judge Elizabeth Lindsley seconded the motion, and it passed unanimously.

**2. FY 2023 Financials / Turnover Savings / ARPA Update (Melissa Taitano – “Presenter”)**

Ongoing Turnover Savings (“OTS”) – Melissa Taitano reviewed the period 9 financials and gave an update on OTS. At the end of FY22 we ended with \$250,392 of OTS that has been carried forward into FY23. These ongoing turnover savings carried forward into FY23 were to hedge against risks of lower turnover in FY23. So far in FY23 we have earned \$619,736 of ongoing

turnover savings. Forecasted FY23 OTS is \$769,736, and when combined with the \$250,392 carried over from FY22, the forecasted YE 2023 OTS is conservatively estimated to be \$1,020,128.

As of 03/30/2023, the OTS schedule shows all but \$19,000 of the \$200,000 of hot spot raises as used with balance expected to be used by the end of FY 2023. The \$450,000 in 2023 performance-based raises were authorized by the Judicial Council and will also be used by the end of FY23. AOC Finance is forecasting that we will have \$370,128 in OTS available for discretionary use. Requests to use these funds will be approved in the June Judicial Council meeting.



#### FY 2023 Ongoing Turnover Savings as of 03/30/2023

#		Funding Type	Actual	Forecasted
			Amount YTD	Amount @ YE
1	Carried over Ongoing Savings (from FY 2022, includes unallocated ongoing appropriation)	Internal Savings	250,392	250,392
2	Ongoing Turnover Savings FY 2023	Internal Savings	619,736	769,736
3	<b>TOTAL SAVINGS</b>		<b>870,128</b>	<b>1,020,128</b>
	2023 Hot Spot Raises		(181,498)	(200,000)
	2023 Authorized Ongoing for Performance Based Raises (will be used at the end of the FY)		-	(450,000)
4	<b>TOTAL USES before YE Requests</b>		<b>(181,498)</b>	<b>(650,000)</b>
	<b>Actual Turnover Savings for FY 2023 as of 03/30/2023</b>		<b>\$ 688,631</b>	<b>\$ 370,128</b>
Prior Report Totals (dated 03/01/23)			\$ 632,958	\$ 345,960

One-Time Turnover Savings - One-time TOS are generated from position vacancies and reimbursements of payroll expenditures with ARPA funds. Our forecast of one-time TOS before any uses are deducted is estimated to be \$4.6M.



#### FY 2023 One Time Turnover Savings

Updated as of Pay Period Ending 03/17/2023 (1,488 out of 2,088 hours)

#		Funding Type	Actual
			Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 03/17/2023)	Internal Savings	2,745,855.59
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 03/17/2023)	Reimbursements	695,780.93
3	Est. One Time Savings for 600 remaining pay hours (\$2,000 / pay hour)	Internal Savings (Est.)	1,200,000.00
	<b>Total Potential One Time Savings</b>		<b>4,641,636.52</b>

Prior Report Totals (as of PPE 02/03/23) \$ 4,777,160.99



Melissa Taitano walked the committee through the new Ongoing Turnover Savings Analysis Worksheet. This sheet is a snapshot in time showing the breakdown of where our OTS is coming from and also serves as a proof point that our calculations are correct. New hires have 90 days to select benefits. That means the salary component of OTS can be included in our OTS calculation several weeks/months before the benefits component of OTS is known. Thus, the numbers shown below are a “point in time” calculation. Our forecast is \$50,000 per period of ongoing savings. This number comes from a historical trend of 25 positions being filled and each of those positions saving about \$2000.

<b>Ongoing Turnover Savings Analysis by Fiscal Period</b>										
	July Period 1	August Period 2	September Period 3	October Period 4	November Period 5	December Period 6	January Period 7	February Period 8	March Period 9	TOTAL
Total TOS Amount	\$94,157	\$117,331	\$137,089	\$102,318	\$22,489	\$61,202	-\$73,069	\$93,833	\$64,386	\$619,736
Cumulative TOS	94,157	211,487	348,576	450,894	473,383	534,586	461,517	555,350	619,736	
Headcount Turned Over	32	37	22	23	14	25	40	21	59	273
TOS Amount/Headcount	\$2,942	\$3,171	\$6,231	\$4,449	\$1,606	\$2,448	-\$1,827	\$4,468	\$1,091	\$2,270
Total for Period (check)	\$94,157	\$117,331	\$137,089	\$102,318	\$22,489	\$61,202	-\$73,069	\$93,833	\$64,386	\$619,736
Above / (Below) Amount	\$44,157	\$67,331	\$87,089	\$52,318	-\$27,511	\$11,202	-\$123,069	\$43,833	\$14,386	
Above / (Below) Count	7	12	-3	-2	-11	0	15	-4	34	
Above / (Below) Amount / Count	\$942	\$1,171	\$4,231	\$2,449	-\$394	\$448	-\$3,827	\$2,468	-\$909	
Target \$ TOS Amount/Mo.	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	
Target Headcount Filled	25	25	25	25	25	25	25	25	25	
Target TOS Amount / Headcount	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	
Volume Variance (Headcount)										
Target	25	25	25	25	25	25	25	25	25	
Actual	32	37	22	23	14	25	40	21	59	
Variance	7	12	-3	-2	-11	0	15	-4	34	
x Target TOS Amount	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	
= Volume Variance	\$14,000	\$24,000	-\$6,000	-\$4,000	-\$22,000	\$0	\$30,000	-\$8,000	\$68,000	
Rate Variance (\$ TOS/Headcount)										
Target Savings/Headcount	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	\$2,000	
Actual TOS/Headcount	\$2,942	\$3,171	\$6,231	\$4,449	\$1,606	\$2,448	-\$1,827	\$4,468	\$1,091	
Variance	\$942	\$1,171	\$4,231	\$2,449	-\$394	\$448	-\$3,827	\$2,468	-\$909	
x Actual Headcount that Turned Over	32	37	22	23	14	25	40	21	59	
= Rate Variance	\$30,157	\$43,331	\$93,089	\$56,318	-\$5,511	\$11,202	-\$153,069	\$51,833	-\$53,614	
Total TOS Variance to Target (Rate + Volume)	\$44,157	\$67,331	\$87,089	\$52,318	-\$27,511	\$11,202	-\$123,069	\$43,833	\$14,386	
Check to Total TOS										
Target	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	\$50,000	
Actual for the Period	\$94,157	\$117,331	\$137,089	\$102,318	\$22,489	\$61,202	-\$73,069	\$93,833	\$64,386	
Check (should be 0)	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	

ARPA Expenditures – We have expended \$7,860,692 of ARPA funds as of March 30, 2023. This leaves an available balance of \$7,139,308 of the \$15 million that was awarded to the courts.



### ARPA Expenses as of 3/30/2023 (prior to the close of period 9)

	A	B	C	D	A - D		
	Judicial Council Approved Amount	Actual FY 2022 Expended Amount	Actual FY 2023 Expended Amount	Total Expended (B + C)	Balance Available	Activity Code	Description
IT Access to Justice - Part I + II	12,373,400	3,042,467.67	3,289,677.90	6,332,145.57	6,041,254.43	ITCV + ITC2	Projects will extend thru 12/31/24
Courts Case Backlog - Part I + II	2,000,000	707,963.11	720,364.46	1,428,327.57	571,672.43	BKLG	See detail below.
COVID-19 Supplies	302,100	-	-	-	302,100.00	CV19	
Legal Sandbox Response to COVID	324,500	-	100,218.88	100,218.88	224,281.12	LSCV	
<b>TOTAL</b>	<b>15,000,000</b>	<b>3,750,430.78</b>	<b>4,110,261.24</b>	<b>7,860,692.02</b>	<b>7,139,307.98</b>		

Expenditures added since last report: \$ 475,273.15

ARPA spending cut off date is 12/31/2024.

#### BKLG FY 2023 Details

FY 2023 Expenses Include as of PPE 3/17/2023

Personnel Expenses:	\$ 695,755.36
Mileage Expenses:	\$ 1,816.08
Sr. Judge Travel Expenses:	\$ 495.62
	\$ 698,067.06
COVID Testing Kit purchase:	\$ 22,297.40
	<b>\$ 720,364.46</b>

#### BKLG Run Rate Calculation

Usage for Last 3 Pay Periods			
2/17/2023	3/3/2023	3/17/2023	
\$ 36,433.44	\$ 39,311.10	\$ 41,474.47	
Average last 3 Pay Periods: \$ 39,073.00			
Balance Available (from table above): \$ 571,672.43			
Remaining Pay Periods at Last 3 Average: 15			
Anticipated Last Pay Period End Date: 10/13/2023			
Prior report anticipated last pay period: 10/13/2023			

#### Historical Trends (period 9 not yet closed)

IT Access to Justice Use - Last 3 Periods

Period 7	Period 8	Period 9
\$ 463,518.94	\$ 343,793.94	\$ 292,724.89

BKLG - Last 3 Periods

Period 7	Period 8	Period 9
\$ 76,776.44	\$ 84,287.16	\$ 117,542.65

Legal Sandbox - Last 3 Periods

Period 7	Period 8	Period 9
\$ 17,244.10	\$ 51,440.99	\$ 31,533.49

### 3. Ongoing, Reserve and Year End Spending Requests (Karl Sweeney – “Presenter”)

Alisha Johnson reviewed the FY 2023 Year End Request and Forecasted Available One-Time Funds. As of period 9, the turnover savings was \$3,441,637 and the estimate for the rest of the year is forecasted at \$1,200,000 going forward. Since last month there have been some positive revisions to our operational savings from TCE and AOC budgets of \$757,970. This amount increased \$302,800 since last month's amount of \$455,170. The majority of this is coming from savings from IT spending less than the \$270,000 in staff augmentation requested for this fiscal year. Our carry-forward dollar expectation for 2023 is \$3,200,000. We have a total potential one-time savings available of \$2,547,683. Judicial Council has approved all requests so far and that total is \$2,391,577. That leaves a balance of \$156,106 in forecasted funds available that can be requested in future periods.



## FY 2023 Year End Requests and Forecasted Available One-time Funds - Period 9

Forecasted Available One-time Funds			#	One-time Spending Plan Requests	Current Requests Amount	Judicial Council Approved Amount
Description	Funding Type	Amount				
<b>Sources of YE 2023 Funds</b>						
* Turnover Savings as of PPE 3/17/2023 (including anticipated ARPA reimbursement)	Turnover Savings	3,441,637	1	Q1 / Q2 Performance Bonus Payments		\$ 450,000
** Turnover savings Estimate for the rest of the year (\$2,000 x 600 pay hours)	Turnover Savings	1,200,000	2	St. George Courtroom Audio		\$ 141,000
<b>Total Potential One Time Turnover Savings</b>		<b>4,641,637</b>	3	Adobe E-Signatures		\$ 260,000
			4	IT Equipment for new JA Clerks		\$ 5,872
(a) <b>Operational Savings From TCE / AOC Budgets</b>	<b>Internal Operating Savings</b>	<b>757,970</b>	5	Build-out of Replacement for Courts' Access Revenue System		\$ 40,000
Reserve Balance (balance from FY 2022 Carryforward)	Judicial Council Reserve	500,076	6	Online Water Law Curriculum for Judges		\$ 40,000
Anticipated Reserve Uses - including previously approved and pending requests	Jud. Council Reserve Uses	(152,000)	7	Transcription Training Production		\$ 900
			8	Q3 / Q4 Performance Bonus Payments		\$ 450,000
			9	Out of State Employee Set Up Fees		\$ 3,400
<b>Uses of YE 2023 Funds</b>			10	Supplemental - Secondary Language Skills		\$ 27,200
Carryforward into FY 2024 (Request has been made to Legislature for \$3,200,000)	Historical Carryforward	(3,200,000)	11	Summit Jury Deliberation Room Improvements		\$ 150,000
			12	American Fork Courthouse Lease Increases (revision)		\$ 172,905
			13	Matheson Carpet Replacement - Phase 3		\$ 100,000
			14	Mobile AED Kit		\$ 2,300
<b>Total Potential One Time Savings = (a) + (b) + (c) less Carryforward</b>		<b>2,547,683</b>	15	Education Room A/V Upgrade to Hybrid Use		\$ 10,000
			16	IT Windows 10 Enterprise Upgrades and Software Assurance		\$ 135,000
			17	IT Google Licensing for Enterprise Plus		\$ 148,000
			18	IT Adobe Pro Licenses for all Staff		\$ 120,000
			19	IT Microsoft M365 Additional 630 Licenses		\$ 90,000
			20	IT Survey Monkey Subscription		\$ 45,000
<b>Less: Judicial Council Requests Previously Approved</b>		<b>(2,391,577)</b>		<b>Current Month One-time Spending Requests</b>		
<b>Less: Judicial Council Current Month Spending Requests</b>		<b>-</b>		<b>Previously Approved 1x FY 2023 YE Spending Request</b>		<b>2,391,577</b>
<b>Remaining Forecasted Funds Available for FY 2023 YE Spending Requests</b>		<b>156,106</b>				

Updated 4/3/2023

The total available funding for carryforward and ongoing turnover savings uses as of April 5, 2023 was one-time \$3.22 million and ongoing \$633,328. Alisha stated that some fiscal note ongoing funding were from Juvenile court legislation and the committee can expect some ongoing requests coming in the next two month for juvenile court needs.



## FY 2024 Carryforward and Ongoing Requests - 2023 Year End

4/5/2023

Funding Sources		One Time	Ongoing
Total Case Processing Amounts from 2023 General Session Fiscal Notes		\$ 21,300	\$ 263,200
Expected Carryforward Amount from Fiscal Year 2023 (as of 3/10/2023)		\$ 3,200,000	\$ -
Ongoing Turnover Savings		\$ -	\$ 370,128
<b>Total Available Funding</b>		<b>\$ 3,221,300</b>	<b>\$ 633,328</b>

Ongoing Requests		Presented	Judicial Council Approved
		One Time	Ongoing
2 7th District Administrative Assistant - Travis Erickson		\$ 53,200	
3 Child Welfare Mediator - Nini Rich		\$ 39,000	
4 Reduce Education Budget Deficit - Lauren Andersen		\$ 100,000	
5 Increase Performance Raise Pool - Bart Olsen & Karl Sweeney		\$ 185,000	
<b>Subtotal</b>		<b>\$ -</b>	<b>\$ 377,200</b>
<b>Balance Remaining Inclusive of Presented</b>			<b>\$ 256,128</b>

One Time Requests		Presented	Judicial Council Approved
		One Time	Ongoing
1 Secondary Language Bonus - Jonathan Puente		\$ 166,400	
2 ICJ Annual Funding - Sonia Sweeney		\$ 26,950	
3 Matheson Public Electronic Directory - Chris Talbot		\$ 43,101	
4 Summit Deliberation Room - 2nd Request - Chris Talbot		\$ 204,000	
5 Employee Incentive Awards - Bart Olsen		\$ 280,000	
6 Education Assistance - Alisha Johnson		\$ 85,000	
7 Provo Conference Room Hybrid Upgrade - Mark Urry & Shelly Waite		\$ 99,000	
8 Courts EcoPass Program - Chris Talbot & Melissa Taitano		\$ 60,000	
9 Contract Court Sites - Shane Bahr		\$ 10,000	
10 Applicant Tracking & Onboarding Software - Bart Olsen & Jeremy Marsh		\$ 19,000	
11 IT Replacement Inventory - Todd Eaton		\$ 364,000	
12 American Fork Courthouse Rent Increase - Chris Talbot & Karl Sweeney		\$ 389,000	
13 Education Budget Shortfall - Lauren Andersen		\$ 224,700	
14 Crisis Services - Pilot Program - Ron Gordon		\$ 35,000	
15 IT - Retain Contract Developers Support - Brody Arishita		\$ 682,000	
16 AOC 2nd Floor Upgrade to Usable Workspace - Chris Talbot		\$ 235,000	
17 IT Staff Augmentation - Todd Eaton & Chris Talbot		\$ 50,000	
<b>Subtotal</b>		<b>\$ 2,973,151</b>	<b>\$ -</b>
<b>Balance Remaining After Judicial Council Approvals</b>			<b>\$ 3,221,300</b>
<b>+ Balance Remaining Inclusive of "Presented"</b>		<b>\$ 248,149</b>	<b>\$ 256,128</b>

## Ongoing Requests Presented for Approval to Forward to Judicial Council

### 2. 7th District Administrative Assistant (Travis Erickson – “Presenter”)

Travis Erickson is requesting \$53,200 of ongoing funds for a part-time Administrative Assistant. Seventh District has identified a need for additional administrative personnel to accomplish the following ongoing duties:

- Payroll Processing
- Revenue Reports Processing
- Daily Journal Reviews
- Meeting Agendas & Minutes
- District Calendar Management
- Fleet Management

Historically these duties have been completed by the Support Services Coordinator (SSC) because the district does not have an Administrative Assistant (AA). In recent years the Support Services Coordinator has assumed additional duties to facilitate important internal audit processes. A part-time (20 hours per week, benefitted) Administrative Assistant to perform some of the AA duties previously assigned to the Support Services Coordinator will ensure proper time and attention is available for the Audit, Budget, Purchasing, and other important duties of the SSC.

**Motion:** Judge Elizabeth Lindsley made a motion to approve, Justice Paige Petersen seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

### 3. Child Welfare Mediator (Nini Rich “Presenter”)

Nini Rich is requesting \$39,000 for a Child Welfare Mediator to increase the current benefitted part-time position to a full-time position. Referrals to the Child Welfare Mediation Program have increased by 16%, from an annual average of 1,416 mediations to 1,646. Additional funding is being requested for the incremental cost to move a benefitted half-time position to a full-time position in order to meet the increased demand for mediation services in Juvenile Court cases involving child abuse and neglect allegations.

**Motion:** Judge Elizabeth Lindsley made a motion to approve, Margaret Plane seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

### 4. Reduce Education Department Budget Deficit (Lauren Andersen – “Presenter”)

Lauren Andersen is requesting \$100,000 of ongoing funds to cover the Education Department’s budget deficit. Beginning in FY 2021 when the Education Department made ongoing general fund budget cuts of \$24,000 and also reduced its funding from the JCTST fund by \$94,000 to recognize lower JCTST fund revenues over time (exacerbated by the pandemic), the Education Department has been operating at a deficit which was funded through carryforward funds, as follows:

Education Carryforward \$

FY 2021	\$127,000
FY 2022	\$168,500
FY 2023	\$224,700

Although part of the deficit was intended to be offset through the purchase and use of the Learning Management System (LMS), since the ending of the COVID restrictions, the direction of the Boards of Judges and the Judicial Council has been to hold in-person conferences while offering hybrid participation to those who desire to participate virtually. This means that the all-in costs for conferences have not been reduced – and inflation on lodging, meal and hotel connectivity expenses (which are not subject to state per diems) have increased to the point that obtaining conference lodging at state per diem rates is increasingly difficult. There are indications that state per diem rates will rise substantially in FY 2024, but without more ongoing funds, Education will be faced with ever growing deficits.

**Motion:** Margaret Plane made a motion to approve, Justice Paige Petersen seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

**5. Increase Performance Raise Pool – Phase 1 (Bart Olsen & Karl Sweeney – “Presenter”)**

Bart Olsen and Karl Sweeney are requesting \$185,000 of ongoing funds for increase in performance raises. The performance raise pool of \$450,000 provides funds for Courts managers statewide to reward performance with pay increases. The pool of employees with the potential for receiving a raise is approximately 900 individuals, in contrast to a much smaller number of employees potentially eligible for an increase under the former Career Ladder program.

Previously, the \$450,000 in ongoing turnover savings (OTS) under Career Ladder were reserved for entry level employees typically in their first 3 – 6 years of employment who had also completed required Career Ladder milestones of training and years of service. Annually, the number of employees who met Career Ladder eligibility was approximately 155 persons, receiving an increase of about \$1.00 per hour on average. Most Career Ladder participants had two milestones that would qualify them for an increase (advancement to a Level II or Level III) Three years after that transition away from the Career Ladder program, TCEs and AOC Directors are finding it understandably difficult to effectively reward deserving staff for high performance via salary increases. If we assumed that 3/4 of the workforce (675) performed well, enough to merit a salary increase, the current funding would only allow 163 people per year to receive a \$1.00 performance increase leaving 4+ years between raises. This simply does not give Courts management a sufficiently effective tool to meaningfully progress good performers through their salary range. Thus, management is concerned about our long-term ability to retain the personnel who most significantly contribute to the advancement of the Courts’ mission.

**Motion:** Justice Paige Petersen made a motion to approve, Judge Elizabeth Lindsley seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve. Committee wants this request forwarded to the Judicial

Council's May meeting to tie in with the \$450,000 previously approved so that performance raises are granted as a single more impactful increase and not two smaller components at different times.

## **Carryforward Requests Presented for Approval to Forward to Judicial Council**

### **1. Secondary Language Bonus (Jonathan Puente – “Presenter”)**

Jonathan Puente is requesting \$166,400 of carryforward funds for a secondary language bonus. In the March 2023 Judicial Council meeting, we received approval to increase the pay of those employees who offer interpreting services to court patrons in situations for which a certified, registered or approved interpreter is not required from \$50 per pay period to \$100 per pay period.

Any court employee may apply for a Secondary Language Bonus by demonstrating a required level of proficiency for a non-English language. In order to qualify for this benefit, employees must complete the Secondary Language Bonus application and Agreement with the appropriate information and approving signatures and submit to the Court Interpreter Program Coordinator and complete and pass the Oral Proficiency Exam. Employees are required to recertify their skills no less than once every three years.

**Motion:** Judge Elizabeth Lindsley made a motion to approve, Margaret Plane seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

### **2. Interstate Compact for Juveniles (ICJ) Operations Funding (Sonia Sweeney – “Presenter”)**

Sonia Sweeney is requesting \$26,950 of carryforward funds for interstate compact for juveniles (ICJ) operation funds. This represents an increase from last year's carryforward request.

Details are as follows:

	Current Year	Last Year
• Annual Dues	\$22,950	\$17,000
• Extradition Expenses	\$3,000	\$3,000
• Training/Annual Business meeting	\$1,000	\$1,000
Total	\$26,950	\$21,000

ICJ dues are calculated based on the criteria outlined in ICJ Rule 2-101 and the calculations for each state are revised every five years. Notwithstanding this process, ICJ dues did not increase between 2008 and 2022 as the ICJ dues recalculation was postponed to FY23. The recalculated amount of ICJ dues was determined at the 2022 Annual Business Meeting in October 2022, when the Commission approved an increase in ICJ dues. Utah's ICJ dues were increased from \$17,000 to \$22,950/year.

**Motion:** Judge Elizabeth Lindsley made a motion to approve, Margaret Plane seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

### **3. Matheson Public Electronic Directories (Chris Talbot – “Presenter”)**

Chris Talbot is requesting \$43,101 of carryforward funds for Matheson public electronic directories. To cover the cost of upgrading the existing Courthouse directories. Matheson needs the old signage directories replaced on each floor with an electronic system that will include improved graphics for wayfinding throughout the courthouse and provide additional public information messages to visitors.

**Motion:** Margaret Plane made a motion to approve, Judge Elizabeth Lindsley seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

### **4. Summit Deliberation Room – 2nd Request (Chris Talbot – “Presenter”)**

Chris Talbot is requesting \$204,000 of carryforward funds for the Summit deliberation room. This is the second and final funding request to modify the existing jury assembly room for use as a second deliberation room. An initial Budget Surplus request of \$150,000 was approved in February 2023 to get this renovation project started with the County while acknowledging that it would only fund a portion of the overall cost. This second funding request will make it possible to complete the project by the fall of 2023. Preliminary estimates provided by architects hired by the County place the total project cost at \$344,000. That leaves the project with a 2nd funding requirement of \$194,000, however the request amount has been increased to \$204,000 to provide a small contingency amount to cover unforeseen issues that could arise during the renovation.

**Motion:** Margaret Plane made a motion to approve, Judge Elizabeth Lindsley seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

### **5. Employee Incentive Awards (Jeremy Marsh – “Presenter”)**

Jeremy Marsh is requesting \$280,000 of carryforward funds for employee incentive awards. Prior to FY 2019, employees who received these awards were not “grossed up” for the impact of payroll taxes (FICA, Federal and State personal taxes) on the awards. This lessened the value to the recipient. The Executive Branch’s incentive policy adds 30% to the incentive award to mitigate the impact of personal taxes on the recipient. The Courts matched the Executive Branch’s policy starting in FY 2019.

The FY 2024 request is identical to the FY 2023 request and provides:

- \$200,000 for cash or gift card awards +
- \$60,000 for the funds required to cover assumed personal taxes at 30% +
- \$20,000 for the funds required to cover retirement costs and employer FICA (32%) for cash incentive payments. Incentive awards issued as gift cards do not incur the retirement fund contribution. The extra \$20,000 covers up to \$60,000 of incentive awards given out as cash payments.

**Motion:** Judge Elizabeth Lindsley made a motion to approve, Justice Paige Petersen seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

#### **6. Education Assistance Program Funding (Alisha Johnson – “Presenter”)**

Alisha Johnson is requesting \$85,000 of carryforward funds for educational assistance program funding for FY2024. All benefitted Court employees are eligible to apply for this benefit. HR policy currently in effect specifies the educational pursuit must be an evident benefit to the Courts and have approval of the Court Executive or Director. The employee enters into an Education Assistance Contract prior to the beginning of the course and may be reimbursed for their costs (tuition and fees) at the successful conclusion of the course (successful means a final GPA of 2.0 or better). If the employee leaves the Courts within 12 months of receiving an Educational Assistance reimbursement, HR policy allows the Courts to ask that the departed employee repay any education assistance money received within a 12-month period after departure. The policy also aligns with the code 127 of section 127 IRS limit code which limits reimbursements to any person at \$5,250 per calendar year per employee as a tax-free benefit.

**Motion:** Justice Paige Petersen made a motion to approve, Judge Elizabeth Lindsley seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

#### **7. Provo Conference Room Hybrid Upgrade (Mark Urry & Shelly Waite – “Presenter”)**

Mark Urry is requesting a \$99,000 one-time request of carryforward funds for Provo Courthouse conference rooms upgrade to hybrid capability. The new Provo Courthouse is centrally located in the state and as such has become a very popular facility for conducting statewide meetings and trainings. This facility is easy to get to and has several hotels within walking distance, thus making statewide trainings and meetings very appealing to be hosted from this location. During 2019 there were 116 uses. During the first two months of 2023 uses are running at calendar year 2022 pace (forecasted to be 60 for full year 2023). If the conference rooms are upgraded with hybrid capability, the forecast increases to total uses of 110 for calendar year 2023. The Hybrid upgrade would greatly increase the opportunity for future years’ uses.

**Motion:** Margaret Plane made a motion to approve, Justice Paige Petersen seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

#### **8. Courts Public Transit Reimbursement Program (Karl Sweeney – “Presenter”)**

Karl Sweeney is requesting a \$60,000 one-time use of carryforward funds to provide up to 94 Court employees state-wide with an opportunity to receive a 90% reimbursement of the costs paid for utilizing public transit until the funds are depleted. Our current total participants are approximately 75.

This public transit reimbursement program is (1) open to all employees but targeted to benefit those who use public transportation most, (2) state-wide (not just UTA), and (3) has a manageable



administrative cost. The onus is on the UTA EcoPass participants to pay for their portion of the transit pass via credit card and for non-UTA users (there are none at present) to provide a receipt and request reimbursement through an expense report.

**Motion:** Judge Elizabeth Lindsley made a motion to approve, Margaret Plane seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

### **9. Contract Court Sites – Adjustment Funds (Shane Bahr – “Presenter”)**

Shane Bahr is requesting a \$10,000 one-time use of carryforward funds to provide supplemental funding for 6 contract court sites. These court sites are funded from the district court base budget, however certain miscellaneous expenses for “travel, books and subscriptions, misc. & equipment” can be reimbursed by AOC as requested by the counties.

The most common type of expense to be reimbursed is related to new photocopier machines. This carryforward funding supplements the base budget which funds office expenses and supplies, equipment supplies & maintenance, telephone, postage, copier operating expenses, other miscellaneous expenses, credit card fees, salaries and benefits.

**Motion:** This request was deferred until next meeting. Shane Bahr will take it to the TCEs for their input.

### **10. Applicant Tracking and Onboarding Software (Jeremy Marsh – “Presenters”)**

Jeremy Marsh is requesting a \$19,000 one-time use of carryforward funds for Applicant Tracking (ATS) and Onboarding Software to provide one more year of funding for the ApplicantPRO subscription - a more secure and independent ATS/Onboarding software application and process. Because these two apps are designed to work cohesively, this request for funds will be sufficient to continue with an additional year’s license for both.

**Motion:** Judge Elizabeth Lindsley made a motion to approve, Justice Paige Petersen seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

### **11. IT Replacement Inventory (Todd Eaton – “Presenter”)**

Todd Eaton is requesting \$364,000 of one-time use of carryforward funds for computer, printer, scanner and other peripherals replacements.

The IT Division has established an annual laptop replacement schedule that provides for each unit to be replaced once every five years. The Division previously requested \$250,000 per year for the program. Starting in FY 2024 we anticipate the cost will increase to approximately \$364,000 as laptops are more expensive to replace than the desktops we used to use.

**Motion:** Margaret Plane made a motion to approve, Justice Paige Petersen seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

## **12. American Fork Courthouse Rent Increase (Chris Talbot & Karl Sweeney – “Presenters”)**

Chris Talbot is requesting a \$389,000 one-time use of carryforward funds for American Fork Courthouse rent increase. The original 20-year lease expired in September 2022 and rent increases were required by the City of American Fork (the “City”) as part of their agreement to extend the lease.

The YE 2022 request for \$173,000 covered the rent increases for the last 6 months of FY23 (January- June). This new request will cover the rent increases for FY 2024 which total \$389,000. This is an increase of approximately \$214,000 over last year’s annual rent. FY 2024’s increase of \$214,000 + FY 2023’s increase of \$173,000 + the FY 2024 O&M increase of \$2,000 equals the \$389,000 cumulative increase.

The delay by the city in proposing the higher lease rates resulted in no request to the legislature for the 2023 session. However, should Judicial Council approve, we will submit a request to the legislature for \$447,000 of 1x funds for FY 2025 (July 2024 – June 2025). For FY 2026 we will submit an ongoing legislative funding request for the final 7 years of the lease for approximately \$602,200 which is the average increased rent due after we give back 10,000 square feet of space to the city and complete the shell space for AF District Court to move to the Provo Courthouse.

**Motion:** Margaret Plane made a motion to approve, Justice Paige Petersen seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

## **13. Education Department Budget Shortfall (Lauren Andersen – “Presenter”)**

Lauren Andersen is requesting a \$224,700 one-time use of carryforward funds to support in-person conferences, Education team training and employee manager training. This request seeks to fund the shortfall in Education’s budget for FY 2024 to enable Education to be responsive to the requests of the various Boards of Judges to continue to offer in-person and hybrid (or streaming) conferences, as well as additional professional development needs for court employees.

The detail of the Education request is (1) \$172,200 in one-time funding to support five hybrid conferences (All Judicial, Appellate, District, Juvenile and Employee), (2) \$30,000 in one-time funding be allocated to out-of-state training scholarships and (3) \$22,500 to continue developing performance based, soft-skilled, collaboration and team building courses for all districts in response to requests by TCEs for their employees. If the Education ongoing turnover savings request for \$100,000 is approved, this request will be reduced by that same amount.

**Motion:** Margaret Plane made a motion to approve, Justice Paige Petersen seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

#### **14. Crisis Services – Pilot Program (Ron Gordon – “Presenter”)**

Ron Gordon is requesting a \$35,000 one-time use of carryforward funds to establish a pilot program for crisis services for jurors. This request was originally submitted last fiscal year and the money has not been spent. This request is being renewed for \$35,000 to be spent in FY 2024 to fund a pilot program whereby the Courts would offer (1) limited counseling to jurors who experience trauma during their service as a juror and (2) a video for jurors (and Court employees/judges) discussing vicarious trauma and self-care. The type of cases that would be offered counseling services are jury trials related to offenses in Utah Criminal Code Title 76 Chapter 5 – “Offenses Against the Individual” - which includes murder, rape, human trafficking and assault.

**Motion:** Margaret Plane made a motion to approve, Justice Paige Petersen seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

#### **15. IT – Retain Contract Developers Support (Brody Arishita– “Presenter”)**

Brody Arishita is requesting a \$682,000 one-time use of carryforward funds. This request is to retain 4 current experienced contract developers to assist the Sr. Project Managers/Developers (SPMs) on critical projects and development tasks. Keeping these contract developers is key in order to keep delivering development projects for the courts across the following areas: CORIS Rewrite, Judicial Workspace, Xchange, Voice, OCAP, Guided Interview, Forms, Web Services, Modernization and Database improvements for applications.

**Motion:** Margaret Plane made a motion to approve, Justice Paige Petersen seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

#### **16. AOC 2nd Floor Upgrade to Usable Workspace (Chris Talbot– “Presenter”)**

Chris Talbot is requesting a \$235,000 one-time use of carryforward funds for AOC second floor upgrade to usable workspace. The Matheson AOC cubicle area on the second floor needs to be replaced with new furniture that provides a more open environment with greater flexibility for hoteling space staff usage.

**Motion:** Margaret Plane made a motion to approve, Judge Elizabeth Lindsley seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

#### **17. IT Staff Augmentation (Todd Eaton & Chris Talbot– “Presenters”)**

Todd Eaton is requesting a \$50,000 one-time use of carryforward funds for network/system maintenance – staff augmentation. In this final 18 months of ARPA-focused IT work with approximately 40% of IT’s ARPA spend left to do, this request establishes a fund for maintenance/repairs and other non-technical work throughout the state that optimizes the use of

IT employees by providing funds for this work to be done by vendors on state contract. These funds will cover labor costs, travel and any hardware required for this work.

**Motion:** Margaret Plane made a motion to approve, Justice Paige Petersen seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

#### **4. Annual Setting of Commissioner Salary (Karl Sweeney– “Presenter”)**

Karl Sweeney is proposing Court Commissioner FY24 new annual pay be set at \$183,326. Historically, court commissioners’ pay was 90% of the pay of district/juvenile judges. This percentage is not set in rule or statute. Per the 2023 Legislative session S.B. 8, district and juvenile judge salaries are scheduled to increase from \$185,200 to \$203,700 effective July 1, 2023 which is a 10% increase. We are seeking to set the salary for all 10 court commissioners for FY 2024 to also increase 10% from \$166,700 to \$183,326 to maintain the 90% ratio. This request will be entirely funded through legislative appropriations for FY 2024; no use of Court internally-generated ongoing turnover savings (TOS) is needed.

**Motion:** Margaret Plane made a motion to approve, Justice Paige Petersen seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

#### **5. Accounting Manual Policy Change – Group Gatherings (Karl Sweeney– “Presenter”)**

The Accounting Manual Group Gatherings policy is being updated. Because of increases in room rates at the few hotels that are large enough to host our events, there are not as many bids as there have been in the past. The policy has been revised to include group gathering procurement procedure and an increase in the per diem rates. The new group gatherings policy will:

1. Add a connection to the purchasing policy
2. Give more latitude to finding a vendor if you meet the small purchasing rules
3. Add more flexibility to larger group gathering per diems for both food and lodging

State Finance will be making similar changes to their group gathering policy in July. Approving the updates to our policy now will allow Education to address the lack of competitive bids with finding venues for all 2024 conferences.

**Motion:** Justice Paige Petersen made a motion to approve, Margaret Plane seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

#### **6. Grants Update (Jordan Murray– “Presenter”)**

Jordan Murray gave a grant update and stated that last month the Judicial Council recommended a grant application proposal that was put together by Nathanael Player to the National Center for State Courts, conviction, diversion initiative program. This grant application proposal involves working with a local nonprofit, People's Legal Aid (“PLA”), along with the Access to Justice

Office with the Utah State Bar to fund a temporary position at the PLA office. Jordan stated the first year of that grant is funded 100% by the National Center for State Courts (“NCSC”). The second year NCSC funding is reduced by 50%. The PLA will work with its partners to find pledges to cover 50% of the cost of the position for year 2 or the proposal will not be advanced to NCSC.

## **7. Old Business/New Business**

Nick Stiles presented an informational memo of the Supreme Court’s intent to make available the balance of what remains of \$324,500 in American Rescue Plan Act (“ARPA”) funds previously approved by the Judicial Council for use by the Office of Legal Services (“Innovation Office”).

The Supreme Court will begin the process of transitioning the Office of Legal Services (Innovation Office) to the Utah State Bar in the next few months. The Supreme Court intends to make available on a reimbursement basis any remaining Innovation Office ARPA funds to the Utah State Bar.

In September 2021, the Innovation Office requested \$649,000 in ARPA funding. While the funding request was approved by the Legislature, the Utah State Courts did not receive enough funding to cover all approved requests. After the prioritization process the Innovation Office fell just outside the appropriated funding. However, due to higher priority items not spending all of their allotted funding, BFMC and the Judicial Council approved a request from the Innovation Office in its June 2022 Judicial Council meeting to access the first ½ of the available funding for \$324,500. The Innovation Office began using the \$324,500 to fund operations in January of 2023. It is anticipated that when the Innovation Office moves to the Utah State Bar there will be funds remaining.

The agreement document will be ready in May.

**Motion:** Justice Paige Petersen made a motion to approve, Margaret Plane seconded the motion, and it passed unanimously. Will be forwarded on to the Judicial Council with a favorable recommendation to approve.

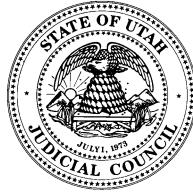
## **ADDENDUM:**

Subsequent to this meeting a request was sent via email to the BFMC (Subject: Special BFMC Vote – Moving Matheson Public Electronic Directory to FY 2023 YE Request) on April 12, 2023 to reclassify the request from Carryforward (request #3) to 2023 YE (request #21) for \$43,101. This request was approved unanimously via email by Judge Elizabeth Lindsley, Justice Paige Petersen, Margaret Plane, Judge Kara Pettit, and Judge Keith Barnes.

Meeting adjourned 1:35 p.m.

Next meeting via WebEx May 8, 2023.

# Tab 3



# Administrative Office of the Courts

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

April 26, 2023

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

## MEMORANDUM

**TO:** Utah Judicial Council

**FROM:** Judge Rich Mrazik and Nathanael Player, on behalf of the Standing Committee on Resources for Self-represented parties

**RE:** Annual Report of Standing Committee on Resources for Self-represented Parties

The Standing Committee on Resources for Self-represented Parties (the Self-rep Committee) provides its annual update to the Council, pursuant to CJA 1-205(1)(c).

The Self-rep Committee is authorized and guided by CJA 3-115, which says (in relevant part):

- (1) The committee shall study the needs of self-represented parties within the Utah State Courts, and propose policy recommendations concerning those needs to the Judicial Council.
- (2) Duties of the committee. The committee shall:
  - (2)(A) provide leadership to identify the needs of self-represented parties and to secure and coordinate resources to meet those needs;
  - (2)(B) assess available services and forms for self-represented parties and gaps in those services and forms;
  - (2)(C) ensure that court programs for self-represented litigants are integrated into statewide and community planning for legal services to low-income and middle-income individuals;
  - (2)(D) recommend measures to the Judicial Council, the State Bar and other appropriate institutions for improving how the legal system serves self-represented parties; and
  - (2)(E) develop an action plan for the management of cases involving self-represented parties.

The Self-rep Committee is currently comprised of the following members, as dictated by CJA 1-205(1)(B)(viii):

Name	Position
Honorable Rich Mrazik	District court judge and chair

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

Honorable Ann Marie Mciff Allen	District court judge
Honorable Annette Jan	Juvenile court judge
Honorable Jeri Allphin*	Justice court judge
Honorable Danalee Welch-O'Donnal	Justice court judge
Nicole Gray	Appellate clerk of court
Shannon Treseder	Urban clerk of court
Dawn Hautamaki*	Rural clerk of court
Nathanael Player	Self-Help Center representative
Charles Stormont	Utah State Bar
Peter Strand	Legal services organization that serves low-income clients
Danielle Stevens*	Legal services organization that serves low-income clients
VACANT	Social services organization providing direct services to underserved communities
Alison Satterlee	Private attorney
Professor Leslie Francis	Law school representative
Bethany Jennings	Law school representative
Kaden Taylor	State law librarian
Shawn Newell	Community representative
Brooke Robinson	Community representative
Amy Hernandez	Ex Officio Domestic Violence Coordinator
Pamela Beatse	Ex Officio Utah State Bar Access to Justice Office

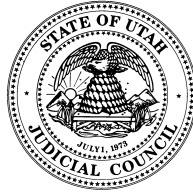
\* Pending approval by Management Committee and the Council

Last year we reported that the committee's work was reactive to the challenges and opportunities the pandemic presented. Now that things have been somewhat less volatile, the committee has been able to operate more strategically. Highlights of our work include:

- Reviewing the landscape of legal issues for self-represented litigants,
- Conducting a strategic review of what committee members identified as major issues to address,
- Homing in on two priorities: developing a court navigator program to help self-represented litigants, and improving educational materials regarding information and advice,
- Visiting with social service providers to better understand their needs and challenges regarding a navigator program,
- Discussing a possible navigator program with funders and other partners, and
- Working with the Self-Help Center to develop training for social service providers and court staff regarding legal information and advice.



# Tab 4



# Administrative Office of the Courts

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

May 9, 2023

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

## MEMORANDUM

**TO: Judicial Council**

**FROM: Judge Craig Bunnell, Chair, Board of Juvenile Court Judges**

**RE: Report to the Judicial Council**

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The Board of Juvenile Court Judges reports the following work on new initiatives and ongoing projects:

### **1. Initiative to Increase Parent/Family Time in Child Welfare Cases**

The Board selected this new initiative for the 2022-2023 year. For many years, the Division of Child and Family Services (DCFS) has been limited to a standard of just one-hour per week supervised parent-time in most child welfare cases, even when child-safety was not necessarily a primary issue. DCFS has also had a difficult time providing parents a way to attend their children's medical, educational, and extracurricular activities. To initiate a formulation of strategies and recommendations on these challenges, the Board invited DCFS, AG's Office, GAL Office, the Utah Family Defenders Association, the Indigent Defense Commission, treatment professionals, a parent who has experienced the child welfare process, and Juvenile Court Judges to participate in a collaborative workgroup.

The work group was able to identify some of the apparent barriers involved (e.g., lack of funding, personnel, and resources) and provide some creative and key recommendations going forward. The Board decided to pass the recommendations onto the Court Improvement Program (CIP) Committee to continue the workgroup's involvement and working toward implementing new guidelines and practices in the child welfare system. Two particular items were identified by the Board for the CIP to help the Juvenile Bench with: a) a parent/family-time risk assessment tool; and b) a list of specific questions that all role-players in the system can ask to help problem-solve parent/family-time issues in each child welfare case.

### **2. Racial, Equity and Fairness (REF) Workgroup**

Phase I of the Board's juvenile justice data-analysis project was completed in April 2021. The Phase I results indicated that minority youth were generally: a) being referred to juvenile court at a disproportionately higher rate than non-minority youth; b) diverted to non-judicial agreements

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

with probation at a lower rate; and c) typically sanctioned with a higher level of probation/JJYS supervision.

Since then, the Office of Fairness and Accountability and Georgetown Mass Data Institute (GMDI) have agreed to assist us in completing Phase II of the project. A sample of the Phase I data is currently being analyzed by GMDI to determine what more might be needed to generate the most reliable and accurate results. Once that is completed, GMDI will be able to do a full analysis and report of their findings.

The AOC Education Department has assisted the REF in providing more cultural competency courses to be offered several times during the year and cover a range of topics, with the goal of decreasing possible bias and disparate treatment by the bench.

REF is working with court interpreters to overcome challenges experienced by court patrons. The group is currently working on the following:

1. court-generated instruction documents being translated into more languages;
2. developing more efficient ways to help patrons access programs and services;
3. developing training for court-employees on working with interpreters;
4. developing certification levels for interpreters; and
5. developing an interpreter code of ethics.

### **3. Judicial Weighted Caseload Study**

The Juvenile Court Bench was able to provide a timely and 100%-response rate for the Juvenile Court's updated weighted caseload study in 2022. The study results were instrumental in the Board's and Council's successful bid to the Utah Legislature for an additional judge in the Fourth District Juvenile Court. The AOC Data and Research Department will now determine if any alterations are necessary for the regularly scheduled/updated Juvenile Court weighted caseload studies going forward.

### **4. Gault Center Juvenile Justice Defense Evaluation**

The Gault Center is currently doing an evaluation of representation for youth in delinquency cases. Some initial district site visits have been in process. The Gault Center staff interviews system role players to gather information and opinions on youth defense services within each district and then observes court proceedings and tours detention/secure-care facilities. After information is gathered, they will complete a report and recommendations, anticipated to be completed in early 2024. The components of the evaluation include:

1. Access to Counsel and Quality of Representation
2. Indigent Defense Structural Overview
3. System Impacts to Justice and Fairness
4. Promising Practices
5. Recommendations for the State System
6. Recommendations for Local Systems

# Tab 5

**Budget and Grants Agenda  
for the May 22, 2023  
Judicial Council Meeting**

1. Turnover Savings / ARPA Update .....Melissa Taitano  
(Tab 1 - Discussion)
2. Ongoing & Year End Spending Requests ..... Alisha Johnson  
(Tab 2 – Action)

**Ongoing Spending Request Presented for Judicial Council Approval**

2. Increase Performance Raise Pool – Phase 2....Bart Olsen, Karl Sweeney, Mark Urry, Brett Folkman

**Year End Spending Requests Presented for Judicial Council Approval**

22. IT Stipend for Tech Subject Matter Experts ..... Todd Eaton and Jace Kinder
  23. IT Equipment for New AOC and District Employees ..... Shane Bahr, Melissa Taitano
- 
3. Grants Reporting – Grant Request & Update ..... Jordan Murray and Nick Stiles  
(Tab 3 – Action/Information)

# Tab 1



## FY 2023 One Time Turnover Savings

Updated as of Pay Period Ending 04/14/2023 (1,648 out of 2,088 hours)

			Actual
#		Funding Type	Amount
1	One Time Turnover Savings (from actual payroll data versus budget as of PPE 03/17/2023)	Internal Savings	2,839,691.96
2	YTD Amount Anticipated to be Reimbursed through ARPA Funding (as of PPE 03/17/2023)	Reimbursements	794,221.36
3	Est. One Time Savings for 440 remaining pay hours (\$2,000 / pay hour)	Internal Savings (Est.)	880,000.00
<b>Total Potential One Time Savings</b>			<b>4,513,913.32</b>

Prior Report Totals (as of PPE 03/17/23) \$ 4,641,636.52

- \* Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$1,390.07, \$2,393.52, \$1,270.38, and \$1,146.87. The average per hour turnover savings YTD was \$2,205.04. These numbers do include ARPA reimbursements. Versus \$2,000/pay hour forecast, decline due to (1) higher incentive payments as managers clear out their incentive awards before YE (\$330), (2) lower ARPA reimbursements (\$125), (3) higher overtime (\$20) and (4) higher wages due primarily to IT dept. hot spot increases to bring key positions closer to market pay (\$380). We expect to receive operational savings between now and period 13 to offset these reductions.



### FY 2023 Ongoing Turnover Savings as of 05/01/2023

#		Funding Type	Actual	Forecasted
			Amount YTD	Amount @ YE
1	Carried over Ongoing Savings (from FY 2022, includes unallocated ongoing appropriation)	Internal Savings	250,392	250,392
2	Ongoing Turnover Savings FY 2023	Internal Savings	828,677	928,677
3	TOTAL SAVINGS		1,079,069	1,179,069
	2023 Hot Spot Raises		(187,077)	(200,000)
	2023 Authorized Ongoing for Performance Based Raises (will be used at the end of the FY)		-	(450,000)
4	TOTAL USES before YE Requests		(187,077)	(650,000)
<b>Actual Turnover Savings for FY 2023 as of 04/28/2023</b>			<b>\$ 891,992</b>	<b>\$ 529,069</b>

Prior Report Totals (dated 03/30/23) \$ 688,631 \$ 370,128

- \* Ongoing turnover savings only happens when a vacant position is filled at a lower rate and / or with lower benefits.
  - \* There are currently 26 positions that have turned over within the past 90 days that are currently listed as having unknown benefits. As those employees select their benefits, if they select lower benefits, there will be additional savings.
  - \* Currently, 56.6 FTE are vacant.
- 1 Line 1 includes the previously allocated \$150,000 set aside for performance raises and the \$82,000 set aside for hot-spot (listed in the uses section)
  - 2 We are currently estimating \$50,000 of ongoing savings a month for the remainder of the fiscal year.
  - 3 When the carried over and appropriated amount (line 1) with the YE forecast (line 2), the grand total for YE 2023 increases to ~ \$1,179,069
  - 4 With all hot spot and performance raises money is expended (a total of \$650,000), the YE available ongoing OTS is reduced to ~ \$529,069







## ARPA Expenses as of 5/1/2023 (prior to the close of period 10)

	<b>A</b>	<b>B</b>	<b>C</b>	<b>D</b>	<b>E</b>
	<b>Judicial Council Approved Amount</b>	<b>Actual FY 2022 Expended Amount</b>	<b>Actual FY 2023 Expended Amount</b>	<b>Total Expended Amount (B + C)</b>	<b>Balance Available (A - D)</b>
<b>Last Period Total</b>				<b>7,860,692.02</b>	<b>7,139,307.98</b>
IT Access to Justice - Part I + II	12,373,400	3,042,467.67	3,633,637.28	6,676,104.95	5,697,295.05
Courts Case Backlog - Part I + II	2,000,000	707,963.11	820,978.27	1,528,941.38	471,058.62
COVID-19 Supplies	302,100	-	-	-	302,100.00
Legal Sandbox Response to COVID	324,500	-	127,595.33	127,595.33	196,904.67
<b>TOTAL</b>	<b>15,000,000</b>	<b>3,750,430.78</b>	<b>4,582,210.88</b>	<b>8,332,641.66</b>	<b>6,667,358.34</b>

Expenditures added since last report:

\$ 471,949.64

ARPA spending cut off date is 12/31/2024.

### BKLG FY 2023 Details

FY 2023 Expenses Include as of PPE 4/147/2023

Personnel Expenses:	\$ 794,785.91
Mileage Expenses:	\$ 2,081.44
Sr. Judge Travel Expenses:	\$ 1,813.52
	\$ 798,680.87
COVID Testing Kit purchase:	\$ 22,297.40
	<b>\$ 820,978.27</b>

### BKLG Run Rate Calculation

#### Usage for Last 3 Pay Periods

3/17/2023	3/31/2023	4/14/2023
\$ 41,587.38	\$ 54,813.85	\$ 43,891.94
Average last 3 Pay Periods:	\$ 46,764.39	
Balance Available (from table above):	\$ 471,058.62	
Remaining Pay Periods at Last 3 Average:	10	
Anticipated Last Pay Period End Date:	9/1/2023	
Prior report anticipated last pay period:	10/13/2023	

### Historical Trends (period 10 not yet closed)

#### IT Access to Justice Use - Last 3 Periods

Period 8	Period 9	Period 10	Average
\$ 343,793.94	\$ 307,908.35	\$ 328,775.92	<b>326,826</b>
			<b>5,697,295</b>
			<b>17</b>

Average Burn Rate

Balance Available

Estimated months to Spend Balance Available

20 months left to 12/31/2024

#### BKLG - Last 3 Periods

Period 8	Period 9	Period 10
\$ 84,287.16	\$ 117,881.38	\$ 98,705.79

#### Legal Sandbox - Last 3 Periods

Period 8	Period 9	Period 10
\$ 51,440.99	\$ 31,533.49	\$ 27,376.45

\$ 454,858.16

True up for Period 9 \$ 17,091.48

TOTAL INCREASE FROM PRIOR: \$ 471,949.64

# Tab 2



## FY 2023 Year End Requests and Forecasted Available One-time Funds - Period 10

Forecasted Available One-time Funds			
Description	Funding Type	Amount	
<b>Sources of YE 2023 Funds</b>			
* Turnover Savings as of PPE 4/14/2023 (including anticipated ARPA reimbursement)	Turnover Savings	3,633,913	
** Turnover savings Estimate for the rest of the year (\$2,000 x 440 pay hours)	Turnover Savings	880,000	
(a) <b>Total Potential One Time Turnover Savings</b>		4,513,913	
Operational Savings From TCE / AOC Budgets (through period 10)	Internal Operating Savings	757,970	
Forecasted Additional Operational Savings by end of Fiscal Year (periods 11-12)	Internal Operating Savings	100,000	
Reserve Balance (balance from FY 2022 Carryforward)	Judicial Council Reserve	500,076	
Anticipated Reserve Uses - including previously approved and pending requests	Jud. Council Reserve Uses	(152,000)	
(b) <b>Total Operational Savings and Reserve</b>		1,206,046	
(c) <b>Total of Turnover Savings &amp; Operational Savings = (a) + (b)</b>		5,719,959	
<b>Uses of YE 2023 Funds</b>			
(d) <b>Carryforward into FY 2024 (Legislature has approved \$3,200,000)</b>	Historical Carryforward	(3,200,000)	
<b>Total Potential One Time Savings = (c) + (d)</b>		2,519,959	
<b>Less: Judicial Council Requests Previously Approved</b>			
		(2,434,678)	
<b>Less: Judicial Council Current Month Spending Requests</b>			
		(33,490)	
<b>Remaining Forecasted Funds Available for FY 2023 YE Spending Requests</b>			
		51,791	

Updated 5/2/2023

\* Actual turnover savings as calculated on a pay period basis through 04/14/2023. Data can be found in the Budget Summary Excel workbook on the Personnel tab.

\*\* Actual per hour turnover savings for the last 4 pay periods (oldest to newest) are \$1,390.07, \$2,393.52, \$1,270.38, and \$1,146.87. The average per hour turnover savings YTD was \$2,205.04. These numbers do include ARPA reimbursements.

(b) This amount includes updated forecasts from budget managers (TCEs, AOC Directors, etc) received in January/February/March 2023.

#	One-time Spending Plan Requests	Current Requests Amount	Judicial Council Approved Amount
1	Q1 / Q2 Performance Bonus Payments		\$ 450,000
2	St. George Courtroom Audio		\$ 141,000
3	Adobe E-Signatures		\$ 260,000
4	IT Equipment for new JA Clerks		\$ 5,872
5	Build-out of Replacement for Courts' Access Revenue System		\$ 40,000
6	Online Water Law Curriculum for Judges		\$ 40,000
7	Transcription Training Production		\$ 900
8	Q3 / Q4 Performance Bonus Payments		\$ 450,000
9	Out of State Employee Set Up Fees		\$ 3,400
10	Supplemental - Secondary Language Skills		\$ 27,200
11	Summit Jury Deliberation Room Improvements		\$ 150,000
12	American Fork Courthouse Lease Increases (revision)		\$ 172,905
13	Matheson Carpet Replacement - Phase 3		\$ 100,000
14	Mobile AED Kit		\$ 2,300
15	Education Room A/V Upgrade to Hybrid Use		\$ 10,000
16	IT Windows 10 Enterprise Upgrades and Software Assurance		\$ 135,000
17	IT Google Licensing for Enterprise Plus		\$ 148,000
18	IT Adobe Pro Licenses for all Staff		\$ 120,000
19	IT Microsoft M365 Additional 630 Licenses		\$ 90,000
20	IT Survey Monkey Subscription		\$ 45,000
21	Matheson Public Electronic Directory		\$ 43,101
22	IT Stipend for Tech Subject Matter Experts	9,000	
23	IT Equipment for new AOC and District Employees	24,490	
<b>Current Month One-time Spending Requests</b>		<b>33,490</b>	
<b>Previously Approved 1x FY 2023 YE Spending Request</b>			<b>2,434,678</b>



## FY 2024 Carryforward and Ongoing Requests - Period 10 Forecast 2023 Year End

**5/1/2023**

### Funding Sources

	One Time	Ongoing
OTS carried over from FY 2022		\$ 250,392
Current YTD OTS from FY 2023		\$ 828,677
Forecasted Remaining Ongoing Turnover Savings (2 periods x \$50,000 per period)		\$ 100,000
Unobligated Fiscal Note Funds - District Court	\$ 6,500	\$ 20,000
Unobligated Fiscal Note Funds - Juvenile Court	\$ 14,800	\$ 243,200
Expected Carryforward Amount from Fiscal Year 2023	\$ 3,200,000	\$ -
Total Available Funding	\$ 3,221,300	\$ 1,442,269
Less: Judicial Council Delegated to State Court Admin for discretionary use		\$ 200,000
<b>1 Performance Raises Approved in September 2022</b>		<b>\$ 450,000</b>
Net Ongoing TOS Available for Use		\$ 792,269

### Ongoing Requests

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
<b>2 Increase Performance Raise Pool - Bart Olsen &amp; Karl Sweeney</b>		<b>\$ 185,000</b>		
Subtotal	\$ -	\$ 185,000	\$ -	\$ -
Balance Remaining Inclusive of Presented		\$ 607,269		

### One Time Requests - will be presented in June Judicial Council

	Presented		Judicial Council Approved	
	One Time	Ongoing	One Time	Ongoing
Subtotal	\$ -	\$ -	\$ -	\$ -
Balance Remaining After Judicial Council Approvals			\$ 3,221,300	\$ 792,269
+ Balance Remaining Inclusive of "Presented"	\$ 3,221,300	\$ 607,269		

#### LEGEND

Highlighted items are currently being presented to the Budget and Fiscal Management Committee.

Highlighted items have been approved by the BFMC and are on track for being presented to the Judicial Council.

Highlighted items have been previously approved by the Judicial Council.

\* - items have been presented and approved in prior years.

+ - One-time balance remaining is available to go into Judicial Council reserve. Ongoing balance remaining will be included in the beginning balance for ongoing turnover savings.

## 2. FY 2023 Ongoing Turnover Savings Spending Request – Increase Performance Raises

The Judicial Council approves uses of Ongoing Turnover Savings. This is a request to the Budget and Fiscal Management Committee and the Judicial Council to allocate the use of some of these Ongoing Turnover Savings for ongoing personnel needs that will be utilized in FY 2024.

**Date:** 5/8/2023

**Department or District:** TCEs and AOC Administration

**Requested by:** Bart Olsen, Karl Sweeney, Mark Urry, Brett Folkman

**Request title:** Increase Performance Raise Pool – Phase 2

<b>Amount requested:</b>	<b>One-time \$</b>	<b>N/A</b>
	<b>Ongoing \$</b>	<b>\$185,000 seeking as phase 2</b>
	<b>Ongoing \$</b>	<b>\$450,000 previously approved by JC 9/2022 as phase 1</b>
		<b>\$635,000 Proposed Combined phases 1 and 2 into one payout</b>

**Purpose of funding request:**

*The BPMC has approved forwarding to the Judicial Council this proposal to add \$185,000 of available ongoing turnover savings to the \$450,000 in ongoing turnover savings (approved by Judicial Council in September 2022) to make a single combined performance raise pool of \$635,000, which would give managers the funding needed to provide mid-to-high performers a \$1.00 per hour performance raise once every 4 years. Due to the incremental impact of a single performance raise pool and our need to communicate these raises in connection with annual performance reviews in late May/early June, BPMC has approved our request to seek approval in the May Judicial Council meeting ahead of other ongoing requests which will be deferred to June.*

The \$450,000 currently approved in September 2022 as funding for FY 2023 performance raises is reduced to \$340,000 after taking out retirement and taxes. Assuming 75% of our 900 person workforce are mid-to-high performers (675 persons) who need meaningful performance raises at a frequency of no less than every third year ( $675/3 = 225$  persons annually) to get them to mid-point of their salary range in 5-10 years, the \$340,000 will only yield an average performance raise of \$0.72 per hour ( $\$340,000/225 = \$1,511/2080$  hours = \$0.72 per hour).

While appreciated, because Career Ladder pools of eligible employees were smaller (155 per year since they were limited to certain JAs and POs) and were paid \$1.00 per hour in performance raises, we seek to match the \$1.00 per hour and use it for the 225 mid-to-high performers who would receive a performance raise every third year ( $900 \text{ total} \times .75 \text{ mid to high performers} = 675 \text{ eligible}/3 = 225$ ). To do this we need to increase the pool size as follows:

$$225 \text{ persons} \times \$1 \text{ per hour} \times 2080 \text{ hours} \times 1.32\% \text{ retirement/taxes} = \$631,800$$

This request would increase total funding for performance-based salary increases to \$635,000.

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.**

The performance raise pool of \$450,000 provides funds for Court managers statewide to reward performance with pay increases. The pool of employees with the potential for receiving a raise is

## 2. FY 2023 Ongoing Turnover Savings Spending Request – Increase Performance Raises

approximately 900 individuals, in contrast to a much smaller number of employees potentially eligible for an increase under the former Career Ladder program.

Previously, the \$450,000 in ongoing turnover savings (OTS) under Career Ladder were reserved for entry level employees typically in their first 3 – 6 years of employment who had also completed required Career Ladder milestones of training and years of service. Annually, the number of employees who met Career Ladder eligibility was approximately 155 persons, receiving an increase of about \$1.00 per hour on average. Most Career Ladder participants had two milestones that would qualify them for an increase (advancement to a Level II or Level III). After that, no other compensation tool existed to provide employees advancement through their job's salary range. Employee knowledge that salary increases would max out after 3-6 years on the job (aside from Legislative COLAs) did not prove to be effective for talent retention purposes.

In May 2020, the BFMC approved the beginning steps of a transition away from the Career Ladder program in favor of a performance-focused compensation plan. The first step was to repurpose Career Ladder funds for performance-based salary increases and a portion of one-time turnover savings (1xTS) for limited performance-based pay bonuses. However, the long-term goal of a performance-focused compensation plan was always more than just repurposing Career Ladder funds. Long-term retention of high-performing staff would require a longer term ability to move these performers through their salary range. But in 2020, amidst pandemic-related budget cuts required by the Legislature, it was impossible to realistically allocate any other immediate funding to the program at the time.

Under the previous Career Ladder program, only about 17% of the total Courts workforce was eligible for a Career Ladder increase on a given year, so our ability to provide \$1.00 per hour increases for that number of staff was within reach. Three years after that transition away from the Career Ladder program, TCEs and AOC Directors are finding it understandably difficult to effectively reward deserving staff for high performance via salary increases. If we assumed that 3/4 of the workforce (675) performed well enough to merit a salary increase, the current funding would only allow 163 people per year to receive a \$1.00 performance increase leaving 4+ years between raises. This simply does not give Courts management a sufficiently effective tool to meaningfully progress good performers through their salary range. Thus, managers are concerned about our long-term ability to retain the mid-to-high personnel who most significantly contribute to the advancement of the Courts' mission. The added \$185,000 will provide 225 personnel an average of \$1.00 per hour in performance raise funds, and the impact is accentuated by making a single payment.

We believe further steps including a legislative request would be advisable in the future.

### **Alternative funding sources, if any:**

None.

### **If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

The \$185,000 in ongoing funds will either be used for a second payment in June, for other priorities, or carried forward to FY 2024.

## 22. FY 2023 YE Spending Request – IT Stipend for Tech Subject Matter Expertise

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2023 are to be spent between July 1, 2022 and June 30, 2023; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2023.**

**Date:** 4/18/2023

**Department or District:** Information Technology

**Requested by:** Todd Eaton and Jace Kinder

**Request title:** IT Stipend for Tech Subject Matter Expertise(TSME)

**Amount requested:** \$9,000

**One-time Turnover Savings funds**

**Purpose of funding request:**

IT requests permission to designate up to 30 court employees as TSMEs who can assist throughout the state in District and Juvenile courts with a specific set of IT skills/functions. This is a cost-effective use of our current court employees who can use their technical skills to assist with providing basic IT services where we do not have an IT remote technician or IT staff onsite.

IT is recommending \$100 per pay period to align with what The Office of Fairness and Accountability (“OFA”) does for court interpreters. We recommend this increase go into effect May 15th, 2023. The incremental impact in FY 2023 will be 3 pay periods x 30 employees x \$100 increase = \$9,000.

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents.**

IT leadership has identified the need for basic technology support at court locations. The need ranges from assisting with login and setup of our newer cloud apps, to making sure the correct cables for peripherals are properly seated in a dock or desktop. It also includes activating a network jack and assisting with mapping a printer. This change will also enable new hires to be up and running much faster with the help of a TSME who can get a workspace set up properly. Addressing simple issues requiring hands-on support by TSMEs will result in a notable reduction in time required for resolution. Less downtime for court staff will help to keep daily activities in line with the needs of the court's mission.

TSMEs will be selected and tracked by senior IT leaders who will test prospects for required skills. TSMEs will also be given continuing tech education from court staff. Although TSMEs are not required to have the full technological background of IT Service Desk personnel, they will have a basic knowledge of how computer hardware and software connect and function.

Requirements to be a TSME are as follows:

- Basic understanding of applications (M365/MS Office, Adobe, WebEx, Google Workspace, etc.)
- Basic understanding of network connections (Ethernet, Wi-Fi, VPN)
- Ability to troubleshoot issues within a Windows environment (Windows devices, file shares, etc.)
- Basic understanding of machine staging (hardware placement, peripherals)
- Drive to advance their own knowledge of current and new technology.



**22. FY 2023 YE Spending Request – IT Stipend for Tech Subject Matter Expertise****Alternative funding sources, if any:**

None

**If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

Continue to utilize the main Service Desk channels for support and hardware drop-off and pick-up.

### 23. FY 2023 YE Spending Request – IT Equipment for New AOC and District Employees

The Judicial Branch receives budget funds through the Legislative appropriations process. Funds appropriated for FY 2023 are to be spent between July 1, 2022 and June 30, 2023; however current spending forecasts indicate the Courts will not fully expend our appropriations by June 30, 2023. This is a request to the Budget and Fiscal Management Committee/Judicial Council to allocate the use of some of these anticipated unspent funds for **one-time projects that could be delivered prior to June 30, 2023.**

**Date:** 4/28/2022

**Department or District:** AOC and Various Districts  
**Requested by:** Shane Bahr and Melissa Taitano

**Request title:** IT Equipment Funding for Newly Hired AOC and District Employees

**Amount requested:** One time: **\$24,490**

**Purpose of funding request:**

As a result of legislative funding approved to hire 13 additional employees, these new hires will also need IT equipment to perform their jobs. Since the legislature did not provide funding for these new hires, we will need to fund IT purchases out of YE funds.

	Location	Positions	Legis. Request #	# of New Employees	Laptop w/ 2 power supplies	Monitors	Docking Station	
	Unit Cost				\$1,400 ea.	\$200 ea.	\$130 ea.	
1	3 <sup>rd</sup> District Jury Dept.	Judicial Assistants	#9	3	3	6	3	
	Cost				\$4,200	\$1,200	\$390	\$5,790
2	Domestic Violence	Program Manager	#5	1	1	2	1	
	Cost				\$1,400	\$400	\$130	\$1,930
3	District Court	Law Clerk Attorneys	#7	7	7	14	7	
	Cost				\$9,800	\$2,800	\$910	\$13,510
4	Self Help Center	New Forms Attorney	#3	1	1	0	1	
	Cost				\$1,400		\$130	\$1,530
5	ODR	ODR Administrator	#10	1	1	1	1	
	Cost				\$1,400	\$200	\$130	\$1,730
	Total #				13	23	13	
	Unit Cost				\$1,400 ea.	\$200 ea.	\$130 ea.	
	Total \$				\$18,200	\$4,600	\$1,690	\$24,490

**Executive summary (include background/history, expected outcomes, relation to performance measures and court mission). Attach supporting data or documents:**

Traditionally, the legislature does not fund equipment and supplies for new hires, only ongoing personnel funds. This request will fund the IT equipment needed for the 13 new FTEs that are being hired as a result of legislation passed in the 2023 general sessions.

**23. FY 2023 YE Spending Request – IT Equipment for New AOC and District Employees**

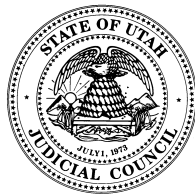
**Alternative funding sources, if any:**

None.

**If this request is not funded at this time, what are the consequences or is there an alternative strategy?**

Used equipment could be utilized to meet this need, but that is generally reserved for emergency uses only.

# Tab 3



# Administrative Office of the Courts

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

May 2, 2023

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

## MEMORANDUM

**TO: The Budget & Fiscal Management Committee (BFMC)**

**FROM: Jordan Murray, Grant Coordinator**

**RE: Utah Bar Foundation Grant Application Proposal (GAP) "Urgent Request"**

Dear Budget & Fiscal Management Committee:

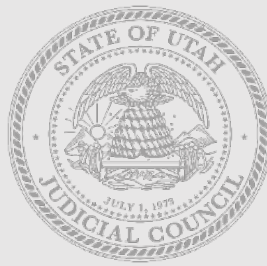
The following GAP constitutes an "urgent request" as incorporated in UCJA Rule 3-411 (5)(B)<sup>1</sup> due to the exigent nature of the grantor's invitation to apply and the deadline established for submission (May 15, 2023). The requester (Mr. Nick Stiles) has asked the grantor for a submission extension to accommodate Judicial Council review at the upcoming regularly scheduled meeting (May 22, 2023).

These funds are deemed appropriate for consideration by the BFMC and the Judicial Council accordingly: (1) funds sought are non-federal; (2) funds sought do not exceed \$150,000 inclusive of matching requirements; (3) funds sought shall not be used in the hiring of new employees; and (4) the urgent nature of the request is not due to an "emergency of one's own causing."

If recommended to the Judicial Council for review, an "urgent" GAP request requires a three-quarters affirmative vote among a quorum of the Judicial Council.

Thank you.

<sup>1</sup> UCJA Rule 3-411 (5)(B) *No Grant Application Proposal or grant shall be approved unless it is first presented for approval in a regularly scheduled meeting of the Judicial Council as provided in the annual Judicial Council Meeting Schedule and in compliance with Rule 2-103 and Rule 2-104. "Urgent" requests (GAPs with less than an 8-week period between notice and application due date) must also comply with paragraph (5)(A) and may be considered only if the grant funds are non-federal, do not exceed \$150,000 inclusive of matching funds, and do not include the hiring of new employees. For an urgent request to be approved it must (1) secure a three-quarters supermajority vote among a Quorum of the Judicial Council in a regular meeting as provided in the Judicial Council Annual Meeting Schedule – ad hoc convenings will not be considered for the purpose of grant or Grant Application Proposal review, and (2) the urgency of the matter must not be precipitated by an "emergency of one's own causing."*



# Administrative Office of the Courts

## Grant Application Proposal (GAP) Non-Federal Grant

May 2, 2023

A. Contact Information	
AOC Contact:	Nick Stiles, Appellate Court Administrator
Phone:	385-303-3305
Grant Administering Unit:	Utah Appellate Courts (2310, 2100)

B. Grant Details	
Grantor:	Utah Bar Foundation
Application Deadline:	May 15 <sup>th</sup> , 2023 (an extension has been requested so this request may be seen by the Judicial Council)
Amount Requested:	\$10,000
Title of Grant:	Utah Appellate Court's Pilot Pro Bono Program
Grant Period:	Start: June 1, 2023      End: June 1, 2024
Award Type:	<input checked="" type="checkbox"/> Recipient <input type="checkbox"/> Subrecipient

C. Legislative Reporting: Statutory Grant Impact <sup>1</sup>	
Tier 1 – Low	<input checked="" type="checkbox"/>
At least \$10k but less than \$50k per year, and no new permanent full or part time employees; and no new state monies required as match (report GAP with Judicial Council approval to LFA and EAC only).	
Tier 2 – Med	<input type="checkbox"/>
Greater than \$50k but less than \$1M per year; or adds more than zero but less than 11 permanent full or part time employees; or requires state to expend up to \$1M per year in new state monies as match (submit GAP with Judicial Council approval to EAC for review and recommendations).	
Tier 3 – High	<input type="checkbox"/>
Greater than \$1M per year; or adds more than 11 permanent full or part time employees; or requires state to expend greater than \$1M per year in new state monies as match (submit GAP with Judicial Council approval to the Legislature for review to approve or reject the grant).	

Reference: Accounting Manual §11-07.00 Exhibit A(II)(a-c) & UCA 63J-7-§202 & §203

<sup>1</sup> Grant funds awarded through the Commission on Criminal & Juvenile Justice (CCJJ), Utah Office for Victims of Crime (UOVC), or other authorized State Administering Agency, are appropriated by the legislature prior to the issuing of subawards; accordingly, subawards are not reported by the recipient to the LFA for EAC/EOCJ review. "Impact Tier" may still be assigned for completeness and purposes of GAP assessment.

**D. GAP Narrative**

UCJA Rule 3-411 (5)

1. Explain **(a)** the issues to be addressed by this project and describe how the grant funds will contribute to their resolution, and **(b)** how the grant will assist the Utah Courts to solve problems and promote innovations that cannot be accomplished with existing resources.

This grant will provide initial funding for an Appellate Court's Pilot Pro Bono Program. The aim of the program during the initial one-year pilot is to develop a roster of pro bono counsel, conduct training sessions through free CLE's, and serve 20 pro se parties on appeal. There are currently over 200 pro se parties with cases on appeal. This accounts for roughly 20% of the appellate courts' caseload. The purpose of this initial trial period is to test whether providing pro bono attorneys to pro se parties increases access to justice while decreasing the administrative burden that staff and judges face in dealing with unrepresented parties.

2. Describe **(a)** how this grant will support the mission of the Utah Courts to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law; and **(b)** how this grant provides measurable benefits to marginalized, minority, pro se, or similar underserved individuals or communities.

Providing counsel to unrepresented parties will increase court efficiency. Additionally, this program will directly impact pro se parties on appeal as they will potentially receive a pro bono attorney.

3. Describe the court resources required to carry out the project in the post-award phase and subsequent to grant closeout once funds are expended.

During the grant period the majority of the work will be handled by the Appellate Court Administrator. After the grant period, the Appellate Courts will evaluate the impact of the program, and if favorable, look to hiring a Pro Bono Coordinator or Pro Se Law Clerk to help with the administration. If that is not possible at the time, the program may still be able to operate but will be limited in capacity.

4. Explain whether additional state funding shall be required to maintain or continue this program, or its infrastructure, when the grants concludes. **If yes**, will the funds required to continue this program come from within your existing budget?

If the program proves successful, the Appellate Courts will explore hiring a Pro Bono Coordinator or a Pro Se Law Clerk to administer the program. There are not currently any funds in our existing budget to hire any additional staff. If there is not any available funding for the program it may still operate but will be limited to 10-20 parties each year as that is what can be supported with current staff levels.

5. How many **new permanent** full or part-time employees are required for the grant project at peak levels of grant-funded employment? If none, write "N/A."

N/A – zero during the funded pilot period

6. How many **new temporary** full or part-time employees are required for the grant project at peak levels of grant-funded employment? If none, write "N/A."

N/A – zero during the funded pilot period

**E. Anticipated Budget Tables & Narrative**

Complete the following tables as applicable with estimated expenditures for up to three state fiscal years. **If no matching contributions are required, complete only Table (C).**

**Table A. Cash Match****Not Applicable** ☒

State Fiscal Year		Funds Disbursed	Matching State Dollars (Cash)					
			General Fund	Dedicated Credits	Restricted Funds	Other (describe)	Maintenance of Effort	Totals
FY	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
FY	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
FY	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
<i>Provide details below for each match, or "N/A" if no match is required</i>								
N/A								

**Table B. In-Kind Match****Not Applicable** ☒

State Fiscal Year		Funds Disbursed	Matching State Dollars (In-Kind)					
			General Fund	Dedicated Credits	Restricted Funds	Other (describe)	Maintenance of Effort	Totals
FY	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
FY	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
FY	-	\$-	\$-	\$-	\$-	\$-	\$-	\$-
<i>Provide details below for each match ("N/A" if no match is required)</i>								
N/A								

**Table C. No Match Requirement** **Not Applicable** ☐

State Fiscal Year		Funds Disbursed	Totals
FY	2024	\$ 10,000	\$ 10,000
FY	-	\$-	\$-
FY	-	\$-	\$-



**F.****Resource Impact Assessment***This section completed by Grant Coordinator*

UCJA Rule 3-411 (4)

Title of Grant:	Utah Appellate Court's Pilot Pro Bono Program
Applicant Name:	Nick Stiles, Appellate Court Administrator
Grant Administering Unit:	Utah Appellate Courts
Court Resource Areas:	Utah Appellate Courts
Partnering Entities:	N/A

**Summary:**

This grant constitutes a low-impact non-federal request (less than \$50,000 in funds, does not require the hire of new permanent or part-time employees, and requires no matching cash nor in-kind support). Current staffing levels are adequate to perform the work described during the pilot period. No additional resources are required to maintain the pilot project's level of services. The possibility of securing an additional 1.0 FTE will be explored (as permitting) if the Appellate Courts have deemed the project successful and wish to expand the provision of services to levels beyond that of the project period.

**Components Assessed:**

1. Capacity of impacted court areas to successfully support the grant at current staffing levels.  
(UCJA Rule 3-411 (4)(a)(i))

**Response:** The Appellate Court Administrator will perform the work indicated during the pilot project/grant term (June 1, 2023 – June 1, 2024). A screening group of appellate court central staff attorneys and two clerks of court will help screen for cases which is already active practice and consistent with their roles. The Appellate Practice Section of the Utah State Bar will provide training support. No other court areas or resources are required during the project period.

2. Anticipated incremental impacts to AOC resources once grant funds are expended.  
(UCJA Rule 3-411 (4)(a)(ii))

**Response:** Following the project period the Appellate Courts will assess the program, and if deemed successful, shall explore possibilities for hiring a permanent 1.0 FTE position (Pro Bono Coordinator or a Pro Se Law Clerk) to provide ongoing administration of the program. If funds are not available to permit this hire, the program may continue providing services at levels consistent during the one-year pilot project (10-20 individuals served annually) with no additional court resources required.

This proposal has been reviewed and approved by the following (select all that apply):

- ☒ Applicable Board of Judges & Court-Level Administrator  
Titles & Dates: Board of Appellate Court Judges (4/27/2023)
- ☒ AOC Grant Coordinator & Finance Director
- ☐ Utah Supreme Court (UCJA Rule 3-105)

Click or tap to enter a date.

**Date Approved by the Judicial Council**

State Court Administrator Signature:



**UTAH BAR FOUNDATION**  
**2023 ONE-TIME SPECIAL GRANT CYCLE**

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**DEADLINE: MAY 15, 2023**

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The Utah Bar Foundation is opening a special grant cycle to allocate some one-time funding consistent with our funding priorities below. This funding will be ONE-TIME funding and we do not anticipate being able to offer ongoing support for these proposed projects.

Applications for funding from this one-time special grant cycle from the Utah Bar Foundation are considered by the Board of Directors and may be made by completing and submitting **an emailed copy AS A WORD DOCUMENT, not a PDF**, of this grant application form and any necessary attachments (which can be pdf documents) to:

Kim Paulding, Executive Director  
kim@utahbarfoundation.org  
For questions, call Kim at 801-297-7046

Grant Applications must be consistent with one or more of the following purposes of the IOLTA program:

1. To promote legal education and increase the knowledge and awareness of the law in the community.
2. To assist in providing civil legal aid to lower-income Utahns.
3. To improve the administration of justice.
4. To serve other worthwhile law-related public purposes.

**PLEASE KEEP YOUR RESPONSES BRIEF AND YOUR TOTAL GRANT APPLICATION SHORT.**

**Please attach the following information:**

- Financial Information: A copy of your financials that includes YTD revenue and expenses compared to YTD organization budget. If your organization provides broader programming beyond civil legal aid, please provide the YTD revenue and expense information compared to YTD budget only for the legal portion of your organization.
- Attach a list of the organization's officers and directors and their primary affiliation.
- Attach a copy of your IRS determination letter.

The Utah Bar Foundation may contact you if there are any questions or we need additional information. We anticipate notifying applicants about award decisions by the end of June 2023.

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**UTAH BAR FOUNDATION**  
**2023 ONE-TIME SPECIAL GRANT CYCLE APPLICATION COVER SHEET**

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Name of Organization/Applicant: Utah Appellate Courts

Address: 450 South State Street, Salt Lake City, UT 84111

Contact Person and Email: Nick Stiles, Appellate Courts Administrator, [Nicks@utcourts.gov](mailto:Nicks@utcourts.gov)

Executive Director and Email: Nick Stiles, [nicks@utcourts.gov](mailto:nicks@utcourts.gov)

Phone Number: 385-303-3305

Total Amount of Funding Requested: **\$10,000**

1. Please provide a brief description of the mission and law related services offered by your organization.

The Utah State Court System is comprised of two appellate courts—the Supreme Court and Court of Appeals; trial courts including the District, Juvenile, and Justice Courts; and two administrative bodies—the Judicial Council and the Administrative Office of the Courts. The mission of the Utah State Courts is to provide the people an open, fair, efficient, and independent system for the advancement of justice under the law.

2. Please provide a description of the prioritized funding needs that are included in this request for your organization. Please include information about how your organization determined that this is a needed project that will increase access to justice.

The funding request is in support of the newly creating Appellate Court's Pilot Pro Bono Program. An increasing number of jurisdictions have created similar programs to assist pro se parties through the appellate process. Similarly to trial courts, navigating the appellate process without the assistance of specifically trained appellate counsel can be very challenging. This pilot program will be conducted over the course of one year to study the impact of the program. We anticipate that provide pro bono counsel to pro se parties on appeal will increase access to justice similarly to other pro bono and low bono programs found in the trial courts.

3. In one paragraph, please describe the geographic impact and the number of individuals that will be reached through the project being proposed in this grant application.

The Utah Appellate Courts receive cases from all over Utah. Likewise, the geographic impact will be statewide. During the pilot program the objective is to serve 20 pro se parties. This number will of course increase if the program is permanently implemented. The pilot program is currently limited to 20 participants at this time because of staff resources and the administrative requirements of getting the pilot program started. This includes the creation of training continuing legal education (“CLE”) classes, the pro bono roster, and establishing guiding principles for the program.

4. Please describe how the proposed project will be implemented and supervised and the proposed timeline for completing the project.

This is a one-year pilot project. The pilot project will be implemented by the Appellate Courts. The Appellate Court Administrator will oversee the pilot program for the one-year trial period. The Appellate Courts will provide a committee to review potential cases for the pilot program. The Appellate Practice Section of the Utah State Bar will provide training support. While difficult to predict a timeline concerning the program’s launch, it is anticipated that the initial development of the program will take place this summer. The needed CLE’s and roster development will take place this summer and fall, and the program will begin assisting pro se parties by September, 2023.

5. Please include a budget breakdown that itemizes how the requested funds will be spent on your organization’s prioritized needs. Please include information on if your agency will charge fees for any proposed activities included in this grant request. (Please attach a copy of your fee schedule).

The grant funds will be used for the fixed costs that cannot be waived by the Appellate Courts. Largely, this includes two items, transcription costs, and CLE costs. A third less likely expense will be binding of briefs on appeal.

**Transcription costs:** Average cost \$300 x 20 cases = \$6,000

**CLE costs:** \$3,000 to support the initial recruitment CLE, then a multi-part CLE similar to Utah Legal Services’ Domestic Lawyers’ Academy.

**Potential Brief Binding Funds:** \$1,000

Total: \$10,000.

[Utah State Court fees.](#)

6. Please include any other potential sources of funding that have been committed or requested for the needs as outlined in this grant request.

No other sources of funding have been committed or requested.

7. If the Utah Bar Foundation isn't able to fund your full request, please let us know if it would be helpful for us to provide partial funding towards this request.

Yes, it would be helpful to receive even partial funding for the pilot program. We would still need to find alternative funding but would appreciate any support the UBF is able to provide.

8. Please let us know how funding this request will assist your organization.

The Utah Appellate Courts have recognized a gap in services for individuals that may benefit from a pro bono attorney. In the trial courts, there are a plethora of resources for individuals to receive limited advice, pro bono, or low bono representation. Those services often don't extend to appeals. If this pilot program is successful, the Appellate Courts will explore hiring a pro bono coordinator or pro se law clerk to increase the number of individuals the program is able to assist.

9. Please let us know how you will measure the impact and usefulness of this grant for your organization. Please give specific examples or use specific metrics. (i.e. Because of a decrease in federal funding, we have had to cut services by XXX number of clients. This funding will allow us to serve approximately XXX number of clients over the next XXX number of months.

OR

This funding will allow us to upgrade our technology in our office by purchasing XXX number of laptops for our XX attorneys and XX legal assistants. We expected to have the equipment purchased and in use by our employees within XX number of months of grant fund receipt.)

During the first year of the program, we will strive to provide pro bono counsel to 20 parties. We are limited in our initial roll-out of the program due to current staff capacity. Our aim with exploring the program through a one-year pilot is to test the efficacy of the program. If after the initial one-year pilot, the program is able to show a benefit to both the courts and the public, we will look at mechanisms to keep the program going, and potentially expand it. Some jurisdictions have full-time staff in their appellate courts to help administer their appellate court pro bono programs. In preparing our program we explored many other jurisdictions found in the [ABA's Manual on Pro Bono Appeals Programs](#).

10. Please add anything else that you think would be helpful for the Utah Bar Foundation to know about your organization as we consider our grant funding.

Thank you for opening up another round of funding. Please let me know if I can respond to any questions about the proposal or provide additional information.

# UTAH STATE COURTS

## COURT GRANTS UPDATE

JANUARY-MARCH 2023



ADMINISTRATIVE OFFICE OF THE COURTS  
FINANCE DEPARTMENT

MAY 2023

## TABLE OF CONTENTS

GRANT PORTFOLIO SUMMARY .....	3
UPDATES FROM GRANT ADMINISTERING UNITS .....	4
GRANT FINANCIAL SUMMARY .....	6



## Active Grants

As of March 31, 2023 the Administrative Office of the Courts holds eight (8) active grants comprised of three (3) federally awarded and five (5) non-federally awarded grants.

## New Grants

In March 2023, the Commission on Criminal & Juvenile Justice (CCJJ) awarded the courts \$25,000 supporting attendance at the annual treatment court conference ("Rise23" in Houston, TX) scheduled for June 2023 (approved for submission by the Judicial Council February 2023).

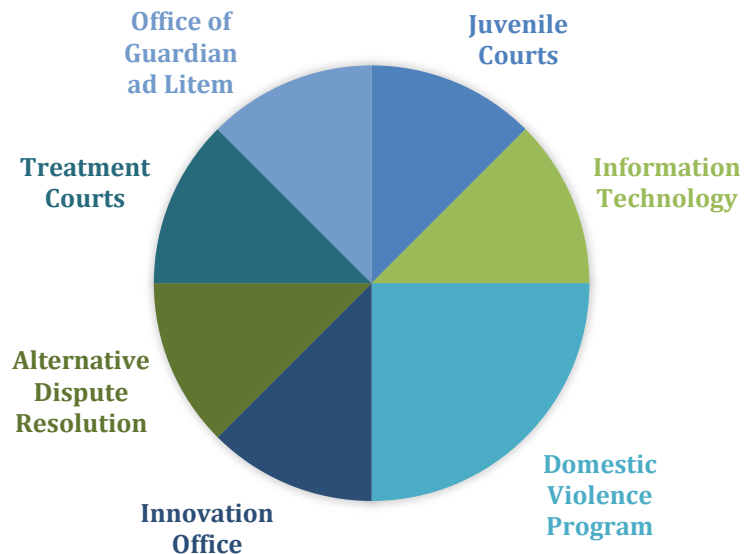
## Grants Under Consideration

The National Center for State Courts (NCSC) Eviction Diversion Initiative grant application was approved for submission by the Judicial Council in March 2023.

## Grant Type & Distribution

Administration among eight active grants in the AOC portfolio:

- 1 (13%) Juvenile Courts;
- 1 (13%) Information Technology;
- 2 (22%) Domestic Violence Program;
- 1 (13%) Innovation Office;
- 1 (13%) Alt. Dispute Resolution;
- 1 (13%) Guardian ad Litem;
- 1 (13%) Treatment Courts



Unit	Grant Title	F	NF	Grant Administering Unit
2957	State Court Improvement Program			Juvenile Courts
2962	State Access & Visitation Program			Alternative Dispute Resolution
2972	Innovation Office-ARPA			Innovation Office
2935	Online Dispute Resolution Enhancements			Information Technology
2936	Stop Violence Against Women Act			Domestic Violence Program
2920	State Asset Forfeiture Grant			Treatment Courts
2967	Victims of Crime Act			Office of Guardian ad Litem
2999	Tribal Outreach Coordinator			Domestic Violence Program

Active Grants Total 3 5

Federal (F)  
Non-Federal (NF)

## Alternative Dispute Resolution

**Grant:** State Access & Visitation Program

**Grantor:** Federal Administration for Children & Families **Unit:** 2962

*The Co-Parenting Mediation Program had 51 referrals between 01/01/2023 and 03/31/2023.*

## Domestic Violence Program

**Grants:** STOP Violence Against Women Act (VAWA)& Subaward from the Domestic Violence Coalition (UDVC)

**Grantors:** Utah Office for Victims of Crime and Utah Domestic Violence Coalition **Units:** 2936, 2999

*The Domestic Violence Program completed the following activities using VAWA Stop Abuse and rural OVW grant funds: Trained 507 individuals about domestic violence, trauma, protective orders, and sexual violence; updated the criminal protective order forms in accordance with 2023 legislation; worked on the Domestic Violence Criminal Compliance Docket Pilot Program; worked on drafting a sexual violence bench card; and worked to strengthen the Utah Courts' relationship with Utah eight Native American Tribes.*

## Information Technology

**Grant:** Online Dispute Resolution (ODR)

**Assessment & Enhancements Grantor:** The State Justice Institute **Unit:** 2935

*Activities this quarter include ongoing planning meetings and mockups for ODR requirements; preparing a programming release for ODR/MyCase that is tentatively scheduled for April 29, 2023; creating functionality for ODR facilitators to reauthorize a Settlement Agreement if it's been rejected by a party; preparations to add the Notes screen to the Documents screen to increase efficiency for ODR facilitators and a visual indicator to the*

*Chat screens for ODR facilitators allowing them to easily differentiate between read and unread messages. A new "Court Referral Form" will be available for the ODR facilitators which will replace the "Trial Preparation Document." The new form will be more user-friendly for facilitators and will more clearly describe the issues of the case when referred to the court.*

## Utah Supreme Court

### Office of Legal Services Innovation

**Grants:** Innovation Office & Regulatory

**Sandbox Grantors:** The State Justice Institute and the Hewlett Foundation

**Units:** 2938, 2940, 2972

*As of March 31, 2023 the Office of Legal Services Innovation has received 105 total applications of which 63 have been recommended for authorization. Through February 2023, almost 45,000 legal services were provided to nearly 25,000 separate clients by the 49 non-traditional providers authorized by the Utah Supreme Court. With more of those providers coming online, the growth rate in services provided continues to be strong. The number of services provided each month has increased an average of 4% each month over the past six months, with an overall increase of 30% in that period.*

*Despite these growing numbers, there were no new complaints of any kind reported during February. All authorized entities are currently in the Green status under the Office's enforcement policy, meaning all are compliant with the reporting and other requirements imposed on them by the Court. Most services provided to date have been provided by lawyers. During February, 80% of the services were provided by lawyers working in some non-traditional business structure. Only 20 % of the services were provided by non-lawyers. The*

Committee's analysis is that for innovation through regulatory reform to make a real and lasting impact on the access to justice gap, it is necessary for non-lawyers, artificial intelligence, and other technologies to take on a larger role in the direct provision of services. These are referred to in the Office Manual as HALPs (Human Alternative Legal Providers) and SALPs (Software Alternative Providers.) Under the policy recently adopted by the Court, such providers can most easily obtain authorization if they utilize a Utah lawyer or LPP to direct an ongoing quality assurance process. We continue communications with several applicants with HALP models to facilitate their use of such a quality assurance process [March 2023 Activity Report].

### Juvenile Court Administration

**Grant:** Court Improvement Program (CIP)

**Grantor:** Federal Administration for Children & Families **Unit:** 2957

In January the CIP helped organize and support the hiring and onboarding of a new Juvenile Court Management Analyst who will dedicate 50% of their time to CIP data and research efforts for projects moving forward.

In February the CIP resumed work on developing an interface between CARE and UTREx which will allow our information system to access timely and accurate education information for court-involved youth. Additional efforts have been made by the CIP to partner with the Utah State Board of Education to foster communication and collaboration that include inviting a USBE representative to join the CIP Committee Multidisciplinary Task Force.

In February and March, the CIP was involved in a work group convened at the request of the board of Juvenile Court Judges to address concerns regarding parent-time (visitation) for youth in foster care. The board has recently asked that the work continue under the CIP and efforts are underway to organize the project and goals.

### Office of Guardian ad Litem

**Grant:** Victims of Crime Act (VOCA)

**Grantor:** Utah Office for Victims of Crime

**Unit:** 2967

We were able to serve 201 child victims with the positions the grant funds. We trained 27 new volunteers (CASAs) and assigned CASAs to 71 new cases/children during this quarter under these volunteer coordinators.

We submitted reimbursements for salary and fringe benefits for three volunteer coordinator staff positions. One part-time position in Utah County, and two full time positions in Salt Lake County and one in Davis County. The grant also funds their cell phones, volunteer training manuals and support for our website.

### Treatment Courts

**Grant:** State Asset Forfeiture Grant (SAFG)

**Grantor:** Commission on Criminal & Juvenile Justice

**Unit:** 2920

The Treatment Courts Coordinator is preparing for AOC/court personnel to attend the annual treatment court conference in Houston, Texas scheduled for late June.

# Financial Summary

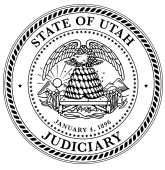
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## State Fiscal Year 2023

Data as of March 31, 2023

			Actual		Budget	
Unit	Grant Administering Unit	Grant Title	Expenditures (Fiscal Quarter)	Expenditures (LTD)	Award (Grant Total)	Balance
Federally Awarded						
2957	Juvenile Courts	Court Improvement Program (CIP) - Basic	\$ 77,416	\$ 138,327	\$ 440,918	\$ 302,591
		CIP Data Sharing & Collaboration (30%)	\$ -	\$ -	\$ 135,879	\$ 135,879
2962	Alternative Dispute Resolution	State Access & Visitation Program	\$ 35,016	\$ 89,057	\$ 100,000	\$ 10,943
2972	Innovation Office	American Rescue Plan Act (ARPA)	\$ 142,264	\$ 142,264	\$ 324,500	\$ 182,236
Subtotals Federal			\$ 254,696	\$ 369,648	\$ 1,001,297	\$ 631,649
Non-Federally Awarded						
2936	Domestic Violence Program	Violence Against Women Act (VAWA)	\$ 46,140	\$ 96,111	\$ 126,270	\$ 30,159
2920	Treatment Courts	State Asset Forfeiture Grant (SAFG)	\$ -	\$ -	\$ 25,000	\$ 25,000
2967	Guardian ad Litem	Victims of Crime Act (VOCA)	\$ 486	\$ 206,834	\$ 215,516	\$ 8,682
2935	Information Technology	Online Dispute Resolution (ODR) Enhancements	\$ 2,400	\$ 181,360	\$ 185,000	\$ 3,640
2999	Domestic Violence Program	Tribal Outreach Coordinator	\$ 14,360	\$ 82,922	\$ 233,350	\$ 150,428
Subtotals Non-Federal			\$ 63,386	\$ 567,227	\$ 785,136	\$ 217,909
TOTAL			\$ 318,082	\$ 936,875	\$ 1,786,433	\$ 849,558

# Tab 6



# Memorandum

**From:** Bart Olsen, Director of HR, Administrative Office of the Courts  
Keisa Williams, General Counsel, Administrative Office of the Courts  
Policy, Planning, and Technology Committee  
Human Resources Policy Review Committee

**To:** Judicial Council

**Re:** Summary of draft HR Policy amendments

This memorandum summarizes the context and intended impacts of proposed amendments.

## BACKGROUND

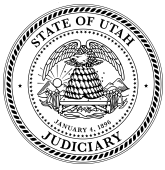
Consistent with [Rule 3-402\(5\)](#), the Human Resources Policy Review Committee (HRPRC) meets regularly to review suggestions for policy amendments and assist the Policy, Planning & Technology Committee and the Judicial Council to keep policies current and effective.

This memo briefly summarizes each proposed HR Policy amendment and the accompanying reasoning. On March 3, 2023 and May 5, 2023, The Policy, Planning & Technology Committee approved submitting these recommended amendments to the Judicial Council.

## EMPLOYEE PERFORMANCE EXPECTATIONS

Both managers and employees too often conflate the terms “performance plans” and “performance improvement plans,” which are entirely different in purpose. A “performance improvement plan” is designed to help employees who are not meeting current expectations and can lead to discipline. In contrast “performance expectations” are designed to establish the basic standards of performance used to measure the success of an employee. In practice, most managers and supervisors already use the term “performance expectations” for the document currently referred to in policy as a “performance plan.” Changing “performance plan” to “performance expectations” reduces confusion between the two terms and syncs policy with practice.

Policy: Definitions



# The Utah Judicial Branch Department of Human Resources



## CAREER SERVICE EMPLOYMENT LANGUAGE

Last year, the Council approved a proposed policy amendment from the HRP RC ending the practice of creating and filling “career service” positions effective July 1, 2022. A “probationary period” of 12 months needed to remain in place and properly reflected in policy for anyone hired into a career service position prior to and through June 30, 2022. New hires after that date do not have a probationary period which was only required in order to obtain career service status. Therefore, cleanup language will be needed throughout HR Policy effective July 1, 2023, to align with the move away from career service employment. These proposed amendments remove the terms “probationary” and “probation period” throughout HR policy and, where appropriate, make disclaimers or clarifying language to distinguish at-will and career service employees.

The HRP RC also proposed amendments to all instances of the term “career service exempt” with “at-will” to reduce confusion between “career service exempt” and “FLSA exempt.”

Although the proposed amendments would remove “probation” and “probationary period” from policy, the HRP RC still recommends a practice of closer supervision and more detailed performance evaluation for new hires during their first year of employment nearly identical to the former practice during a probationary period. To avoid confusion and distinguish between “probationary” employees who become eligible for career service status, the term “introductory period” is proposed in policy to help management adopt consistent practices in evaluating new at-will employees.

Policy: Definitions, HR04-5, HR04-14, HR05-1, HR05-2, HR05-4, HR06-9, HR 10, HR10-1, HR11-2, HR12-3, HR17-1

## SALARY INCREASES

For historical context: on July 1, 2021, the policy authorizing management to use discretion in awarding administrative salary increases for performance purposes became effective for the first time. Managers and supervisors monitored employee performance during that fiscal year and made performance-based salary increase recommendations for the first time in the spring of 2022. The first performance-based salary increases were awarded effective July 2022.

A few months later, the Appellate Courts Administrator inquired about salary increases for temporary appellate law clerks for retention purposes. Outstanding performance was not the motivator, but anticipated increases for these temporary clerks were already built into the Court’s budget and would not obligate indefinite ongoing funds, because there was no intent for any of these law clerks to remain in their positions longer than a total of 24 months.





# The Utah Judicial Branch Department of Human Resources



This brought to light that the HR policy governing administrative salary increases did not yet distinguish between performance based increases and non-performance based increases. One of those non-performance based practices was intended to help a Court retain a temporary law clerk up to 24 total months. The practice was to award no more than three incremental salary increases in an 18 month period, at a cadence of about every 6 months. Proposed policy HR06-6(8)(b)(i), (ii), and (iii) appropriately places this practice in policy.

The other non-performance based salary increase already known widely in practice and approved by the Judicial Council but not yet memorialized in HR policy is a “hot-spot increase.” Proposed policy HR06-6(11) would govern the administration of hot spot increases consistent with what is already in practice today, and is clarified by a proposed addition to HR01(65) which defines the term “hot-spot.”

Policy: Definitions, HR06-6(8)(b)

## BACKGROUND CHECKS

For several years there have been questions on using internal court systems such as CARE or CORIS to help screen job applicants. This amendment clarifies that the only authorized background check system is through the Utah Bureau of Criminal Investigation. No internal Courts case management or records retention systems will be used to determine job candidate eligibility for employment.

Policy: HR04-15

## SICK LEAVE

Mental health and wellness have become critical components of workplace culture, and the current verbiage authorizing the conditions for which management may grant approval for sick leave appears to disallow authorization for mental health care purposes when using qualifiers “preventative” and “dental” with health care. After much discussion, including input from the State and Deputy State Court Administrators, the proposed amendment clarifies that employees may use sick leave hours for all health care issues, including mental health and wellness.

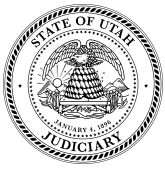
Policy: HR07-4

## BEREAVEMENT LEAVE

Minor adjustments to better organize the policy section and provide more precise instructions to employees and management. No major substantive changes.

Policy: HR07-9





# The Utah Judicial Branch Department of Human Resources



## COMPENSATORY LEAVE PAYOUTS

Employees eligible for overtime pay under the Fair Labor Standards Act (FLSA) may opt to accrue leave time instead of immediate overtime pay. Currently, HR policy only allows compensatory time payouts when an employee leaves Judicial Branch employment. This proposed amendment enables management the flexibility to approve compensatory time payouts upon request as needed.

Policy: HR08-5

## CODE OF CONDUCT: ACCEPTABLE USE OF IT RESOURCES

Since the pandemic, telecommuting has become more standard practice throughout the courts. The Information Technology Department (IT) identified security risks and practical gaps in HR Policy related to telecommuting. HR and IT collaborated to create an updated HR policy aligning with IT best practices and requirements.

Policy: HR08-2(3)(c) and HR09-15

## CONFLICT OF INTEREST

This amendment aligns HR Policy with the Courts' Accounting Manual by expanding guidance regarding exceptions for accepting certain types of gifts as a Courts employee.

Policy: HR09-11(9)

## NEPOTISM

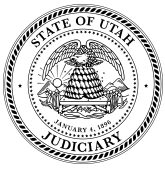
This amendment is more consistent with [UCA §52-3-1](#) governing nepotism and provides a process for managers in the Courts to report potential violations. It also expands what types of relationships may be prohibited.

Policy: HR09-17

## WRITTEN WARNINGS AND GRIEVANCE PROCESS

This amendment fixes an apparent disparity with what is grievable to the Grievance Review Panel. HR10-3 appears to remove written warnings and MOU's from the grievance process entirely. Whereas, HR17-3 states that any item not listed can be grieved up to Level 3 (TCE or AOC Director). This amendment clarifies that written warnings and MOU's can be grieved but only up to Level 3 as outlined in HR17-3.

Policy: HR10-3



The Utah Judicial Branch  
Department of Human Resources



## VOLUNTEER PROGRAMS

The Volunteer Programs policy has been in place for many years, in part to support what is required by [UCA §67-20](#) and applies to all state officers and employees (including those of the judicial branch). The act ensures that volunteers are covered under worker's compensation and identifies fees, expenses, and other benefits. This amendment simply cites that code and helps ensure our policy aligns with any future changes to the code.

Policy: HR13-1

# **EMPLOYEE PERFORMANCE EXPECTATIONS**

~~(86)~~ (89) **Nonfeasance:** Failure to perform either an official duty or legal requirement.

~~(87)~~ (90) **Occasional Teleworking:** Permission granted from management to an employee when warranted, to perform work from a location other than the normal work location - usually in the employee's home. Permission is usually granted on an ad hoc basis due to an irregular need arising, and is not granted in connection with any required reimbursement or equipment setup to be provided by the judicial branch.

~~(88)~~ (91) **Pay for Performance Award:** A type of cash incentive award where an employee or group of employees may receive a cash award for meeting or exceeding well-defined annual production or performance standards, targets and measurements.

~~(89)~~ (92) **Pay for Performance:** A plan for incentivizing employees for meeting or exceeding production or performance goals, in which the plan is well-defined before work begins, eligible work groups are defined, specific goals and targets are determined, measurement procedures are in place, and specific incentives are provided when goals and targets are met.

~~(90)~~ (93) **Performance Evaluation:** A evaluation of an employee's work performance.

~~(91)~~ (94) **Performance Improvement Plan:** A documented administrative action to address substandard performance of an employee under [HR10](#).

~~(92)~~ (95) **Performance Management:** The ongoing process of communication between the supervisor and the employee which defines work standards and expectations, and assesses performance which may inform a performance evaluation.

~~(93)~~ (96) **Performance ~~Plan~~Expectations:** A written summary of the standards and expectations required for the successful performance of job responsibilities. These standards may include completion dates and qualitative and quantitative levels of performance expectations.

# **CAREER SERVICE EMPLOYMENT LANGUAGE**

(10) **Appointing Authority:** The person or group of persons authorized to make appointments in a district, court, or office.

(11) **At-Will Employee:** An employee appointed to work at the will of the appointing authority, who may be separated from state employment at any time without just cause in compliance with applicable local and federal labor laws.

~~(10)~~ (12) **At-Will Position:** A position exempted from provisions of career service as identified in HR05-3

~~(11)~~ (13) **Break in Service:** A point at which an individual has an official separation date and is no longer employed by the State of Utah.

~~(12)~~ (14) **Budgeted FTE:** The total number of full-time equivalents budgeted by the Legislature and approved by the Judicial Council.

~~(13)~~ (15) **Bumping:** A procedure that may be applied prior to a reduction in force action (RIF). It allows employees with higher retention points to bump other employees with lower retention points as identified in the work force adjustment plan, as long as employees meet the eligibility criteria outlined in interchangeability of skills.

~~(14)~~ (16) **Career Mobility:** A temporary assignment of an employee to a different position for purposes of professional growth or fulfillment of specific organizational needs.

~~(15)~~ (17) **Career Service Employee:** An employee selected via a publicly competitive process and who has successfully completed a probationary period in a career service position.

~~(16)~~ (18) **Career Service Exempt Employee:** An employee appointed to work for a period of time, serving at the pleasure of the appointing authority, who may be separated from state employment at any time without just cause.

~~(17)~~ **Career Service Exempt Position:** A position exempted

~~from provisions of career service as identified in HR05-3.~~

~~(18)~~ (19) **Career Service Status:** Status granted to employees who successfully complete a probationary period for career service positions.

~~(19)~~ (20) **Category of Work:** A job series within a district or work unit designated by the court administrator as having positions to be eliminated statewide through a reduction in force. Category of work may be further reduced as follows:

- (a) unit number;
- (b) cost centers;
- (c) geographic locations;
- (d) court programs;
- (e) positions identified by a set of essential functions, including:
  - (i) position analysis data;
  - (ii) certificates;
  - (iii) licenses;
  - (iv) special qualifications;
  - (v) degrees that are required or directly related to the position.

~~(20)~~ (21) **Change of Workload:** A change in position responsibilities and duties or a need to eliminate or create particular positions in an organization caused by judicial council action, financial circumstances, or administrative reorganization.

~~(21)~~ (22) **Classification Grievance:** The approved procedure by which a career service employee may grieve a formal classification decision regarding the classification of a position.

~~(22)~~ (23) **Classification Study:** A classification review conducted by the HR department under HR03. A study may include single or multiple job or position reviews.

~~(23)~~ (24) **Classified Employee:** An employee of the judicial branch who is not a judge, justice, commissioner, or time-limited law clerk.

~~(24)~~ (25) **Classified Service:** Category of work performed by a classified employee.

~~(71)~~ **Intern:** An individual working for the courts to fulfill an educational program's on-the-job requirement.

~~(69)~~ ~~(72)~~ **Introductory Period:** A period of time considered part of the selection process, identified at the job level, the purpose of which is to allow management to evaluate an employee's ability to perform assigned duties and responsibilities.

~~(70)~~ ~~(73)~~ **Job:** A group of positions similar in duties performed, in degree of supervision exercised or required, in requirements of training, experience, or skill and other characteristics. The same salary range is applied to each position in the group.

~~(71)~~ ~~(74)~~ **Job Description:** A document containing the duties, distinguishing characteristics, knowledge, skills, and other requirements for a job.

~~(72)~~ ~~(75)~~ **Job Family:** A group of jobs that have related or common work content, that require common skills, qualifications, licenses, etc., and that normally represents a general occupation area.

~~(73)~~ ~~(76)~~ **Job Requirements:** Skill requirements defined at the job level.

~~(74)~~ ~~(77)~~ **Job Share:** a working arrangement in which employees share the duties and responsibilities of one full-time position.

~~(75)~~ ~~(78)~~ **Job Series:** Two or more jobs in the same functional area having the same job title, but distinguished and defined by increasingly difficult levels of skills, responsibilities, knowledge and requirements; or two or more jobs with different titles working in the same functional area that have licensure, certification or other requirements with increasingly difficult levels of skills, responsibilities, knowledge and requirements.

~~(76)~~ ~~(79)~~ **Judicial Council:** The policy-making body of the judicial branch consisting of the Chief Justice as chair, a Supreme Court Justice, a Court of Appeals judge, five District Court judges, two Juvenile Court judges, three Justice Court judges, and a state bar representative.



- (c) there is reasonable suspicion that the employee had been driving while under the influence of alcohol or a controlled substance.

~~(100)~~ (103) **Preemployment Drug Test:** A drug test conducted on:

- (a) final applicants who are not current employees;
- (b) final candidates for a highly sensitive position;
- (c) employees who are final candidates for transfer or promotion from a non-highly sensitive position to a highly sensitive position; or
- (d) employees who transfer or are promoted from one highly sensitive position to another highly sensitive position.

~~(101)~~ **Probationary Employee:** ~~An employee hired into a career service position who has not completed the required probationary period for that position.~~

~~(102)~~ **Probationary Period:** ~~A period of time considered part of the selection process, identified at the job level, the purpose of which is to allow management to evaluate an employee's ability to perform assigned duties and responsibilities and to determine if career service status should be granted.~~

~~(103)~~ (104) **Proficiency:** An employee's overall quality of work, productivity, skills demonstrated through work performance and other factors that relate to employee performance or conduct.

~~(104)~~ (105) **Promotion:** An action moving an employee from a position in one job to a position in another job having a higher salary range maximum and a substantially greater scope of work or responsibility.

~~(105)~~ (106) **Protected Activity:** Opposition to unlawful discrimination or participation in proceedings covered by antidiscrimination statutes or the grievance process established in [UCJA Rule 3-402](#).

~~(106)~~ (107) **Reappointment:** Return to work of an individual from the reappointment register after separation from employment.

~~(107)~~ (108) **Reappointment Register:** A list of former

- 1348 a) External Applicants and External Transfers.
- 1349 i) Current employees of Utah's Executive or
- 1350 Legislative Branches may apply and compete for
- 1351 any position advertised with the judicial branch,
- 1352 and are considered external applicants. If hired,
- 1353 such employees are considered external transfers.
- 1354 ii) Employees applying from other branches of state
- 1355 government shall be subject to all provisions of
- 1356 [HR04](#) governing the filling of positions.
- 1357 ~~iii) External transfers to the judicial branch shall~~
- 1358 ~~begin a new probationary period.~~
- 1359 b) Benefits for External Transfers.
- 1360 i) An external transfer to a benefits eligible
- 1361 position with the judicial branch automatically
- 1362 transfers health insurance benefits through PEHP,
- 1363 leave accrual rate, annual leave balance, and all
- 1364 sick leave balances.
- 1365 ii) Compensatory time balances for FLSA non-exempt
- 1366 employee transfers and excess time balances must
- 1367 be paid out prior to the employee's transfer to
- 1368 the judicial branch.
- 1369 iii) An external transfer to a benefits eligible
- 1370 position with the judicial branch automatically
- 1371 transfers URS retirement benefits unless the
- 1372 employee is a current member of the Public
- 1373 Safety, Firefighters, Utah Governors &
- 1374 Legislators, or Judges' retirement plan. If this
- 1375 is the case, the external transfer's retirement
- 1376 plan is subject to change.
- 1377 iv) If an external transfer has been employed in more
- 1378 than one URS retirement plan and the employee's
- 1379 service is not concurrent, the employee may
- 1380 combine his/her service credits to determine
- 1381 his/her eligibility to retire from the system the
- 1382 employee is in at the time of his/her retirement.
- 1383 The service the employee rendered in any one year
- 1384 cannot count for more than one year of service
- 1385 credit.

#### 1386 **HR04-6. Rehire.**

- 1387
- 1388 1) A former employee shall compete for career service
- 1389 positions through the HR-approved recruitment and
- 1390 selection system and shall serve a new
- 1391 ~~probationary~~introductory period, as designated in the
- 1392 official job description.

- 1393  
1394 2) Employees rehired under the Phased Retirement Program  
1395 pursuant to UCA §49-11-13 shall be:  
1396 a) Classified as "Time-Limited" consistent with  
1397 HR04-2 for the duration of a phased retirement  
1398 employment period; and  
1399 b) Placed at or below the employee's wage at the  
1400 time of retirement. Employees must not be placed  
1401 below the minimum of the established salary range  
1402 of the job.

1403 **HR04-7. Examinations.**

- 1404  
1405 1) Examinations shall be designed to measure and predict  
1406 applicant job performance and shall be developed by  
1407 management in consultation with HR.  
1408  
1409 2) Examinations shall be based on documented job-related  
1410 criteria and include the following:  
1411 a) an initial, impartial screening of the individual's  
1412 qualifications;  
1413 b) an impartial evaluation and results; and  
1414 c) reasonable accommodation(s) for qualified individuals  
1415 with disabilities.  
1416  
1417 3) Examinations and ratings shall remain confidential and  
1418 secure.  
1419  
1420 4) Examination records for a position shall be sent from  
1421 hiring managers to HR and shall be maintained by HR for at  
1422 least two years after the position is filled.

1423 **HR04-8. Hiring Lists.**

1424  
1425 1) Management evaluations of applicants for positions and  
1426 placement on a hiring list shall be based on job, job  
1427 series, or position related criteria.

- 1428 a) The hiring list shall include a unique identifier  
1429 for each applicant to be considered for  
1430 appointment or conditional appointment to a  
1431 specific job, job series, or position.

1432  
1433 ~~1) The hiring list shall include the names of~~  
1434 ~~applicants to be considered for appointment or~~  
1435 ~~conditional appointment to a specific job, job~~

~~series or position.~~

a)b) An individual shall be considered an applicant when the individual applies for a particular position identified through a specific recruitment.

b)c) Hiring lists shall be constructed using the HR-approved recruitment and selection system.

~~e)d) Applicants for career service positions shall be evaluated and placed on a hiring list based on job, job series or position related criteria.~~

d)e) All applicants included on a hiring list shall be examined with the same examination or examinations.

2) An individual who falsifies any information in the job application, examination or evaluation processes may be disqualified from further consideration prior to hire, or disciplined if already hired.

3) The hiring manager shall demonstrate and document that equal consideration was given to all applicants on a hiring list whose final score or rating is equal to or greater than that of the applicant hired.

4) The hiring manager shall ensure that any employee hired meets the job requirements as outlined in the official job description.

#### **HR04-9. Job Sharing.**

Court executives and/or court level administrators may establish a job-sharing program as a means of increasing opportunities for part-time employment. In the absence of an existing program, individual employees may request approval for job sharing status through their direct line of management.

#### **HR04-10. Internships.**

Interns or students in a practicum program may be appointed with or without competitive selection. Intern appointments shall be to temporary career service exempt positions.

1519 agreements between the employee and the supervisor to  
1520 outline all program provisions and requirements. The  
1521 career mobility shall be both voluntary and mutually  
1522 acceptable.

1523  
1524 5) A participating employee shall retain all rights,  
1525 privileges, entitlements, career service status subject to  
1526 [HR05-2](#), and benefits from the previous position while on  
1527 career mobility.

1528 a) If a reduction in force affects a position vacated by  
1529 a participating employee, the participating employee  
1530 shall be treated the same as other RIF employees.

1531 b) If a career mobility assignment does not become  
1532 permanent at its conclusion, the employee shall return  
1533 to the previous position or a similar position at a  
1534 salary rate described in [HR06-6\(10\)](#).

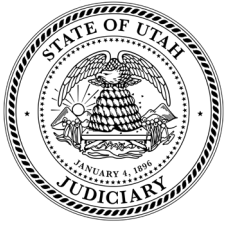
1535  
1536 6) An employee who has not attained career service status  
1537 prior to the career mobility program cannot permanently  
1538 fill a career service position until the employee obtains  
1539 career service status through a competitive process.

1540 ~~HR04-14. Assimilation.~~

1541 ~~An employee assimilated by the state from another government career~~  
1542 ~~service system to fill a career service position shall receive~~  
1543 ~~career service status after completing a new probationary period~~  
1544 ~~if originally selected through a competitive examination process~~  
1545 ~~judged by the HR Director to be sufficiently similar to the process~~  
1546 ~~prescribed in [HR04-4](#).~~

1547  
1548 ~~1) Assimilation agreements shall specify whether there are~~  
1549 ~~employees eligible for reemployment under USERRA in positions~~  
1550 ~~affected by the agreement.~~

1551  
1552 ~~2) An assimilated employee shall accrue leave at the same rate~~  
1553 ~~as other career service employees with the same seniority.~~



## Human Resource Policies

### Section 5 – Career Service Status and Probation

#### HR05-1. Career Service Status.

1) Only an employee hired through a competitive, pre-approved HR process and having completed a probationary period defined in the job description is eligible for career service status. ~~shall be eligible for appointment to a career service position.~~

~~2) An employee shall complete the probationary period defined in the job description prior to receiving career service status.~~

~~3) 2)~~ Effective July 1, 2022, the judicial branch will no longer create career service positions.

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

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

~~4) 3)~~ An employee has the right to maintain previously attained career service status so long as the employee remains in the current career service position, or is moved by a management-initiated reassignment as described in HR05-1(3)(b).

~~5) 4)~~ When an employee initiates a move to a different position such as applying for and receiving a promotion as

defined in [HR01\(104\)](#), applying and being selected for any other position vacancy, or requesting a transfer as defined in [HR01\(125\)](#), the employee shall convert to an at-will ~~career service exempt (at-will)~~ status.

#### ~~HR05-2. Probationary Period.~~

~~The probationary period allows management to evaluate an employee's ability to perform the duties, responsibilities, skills, and other related requirements of the assigned career service position. The probationary period is considered part of the selection process for career service status.~~

- ~~1) An employee shall receive an opportunity to demonstrate competence in a career service position. Performance expectations shall be established and the employee should receive frequent feedback on performance in relation to those expectations.~~
  - ~~a) During the probationary period, an employee may be separated from state employment in accordance with [HR11-2\(1\)](#).~~
  - ~~b) On or shortly before the end of the probationary period, management shall complete a formal, written evaluation of an employee's performance relative to established expectations.~~
  - ~~c) At a minimum, the evaluation should indicate overall successful or unsuccessful completion of performance expectations during the probationary period.~~
  - ~~d) Management shall give a copy of the written evaluation to the employee and to HR.~~
  - ~~e) The evaluation shall be maintained in the personnel file.~~
- ~~2) Each career service position shall be assigned a probationary period consistent with its job.~~
  - ~~a) The probationary period may not be extended except for periods of leave without pay, long-term disability, workers compensation leave, temporary transitional assignment, or donated leave from an approved leave bank; and extensions may only be granted in consultation with the court level administrator and the HR Director.~~
  - ~~b) The probationary period for a position may not be reduced for an individual employee after the employee is hired into the position.~~

~~e) An employee who has completed a probationary period and obtained career service status shall not be required to serve a new probationary period for the judicial branch unless there is a break in service.~~

~~3) An employee in a career service position and works at least 20 hours per week/40 hours per pay period has the same probationary period as a full-time employee in the same or similar position.~~

~~4) Employees in career service positions that normally work less than 20 hours per week or 40 hours per pay period may be subject to a longer probationary period established in writing by management in consultation with HR.~~

~~5) An employee serving probation in a career service position may be reassigned to another career service position including a career mobility assignment.~~

~~a) Reassignment to a career service position shall include a new probationary period unless the court executive or court level administrator, in consultation with the HR director, determines that the required duties or knowledge, skills, and abilities of the old and new position are similar enough not to warrant a new probationary period.~~

~~b) The probationary period shall be the full probationary period defined in the job description of the new position.~~

### **HR05-3. Career Service At-Will Exempt Positions.**

Unclassified jobs identified in [HR06-3](#) are exempt from provisions of career service. Additionally, all vacant positions on July 1, 2022 or vacated after July 1, 2022 are exempt from provisions of career service. Employees are considered to be appointed, serving at the will and pleasure of the judicial branch. The following principles relating to the nature of the job also result in exemption from career service provisions whether or not the positions were vacated on or after July 1, 2022:

1) The employee reports directly to the state court administrator.

2) The employee is in a management position and reports directly



to a court executive or a court level administrator.

- a) Employees in a Clerk of Court or a Chief Probation Officer position prior to July 11, 2008, and had already attained career service status in those positions are considered "legacy career service" employees and retain career service status.
  - b) The rights of "legacy career service" Clerks of Court and Chief Probation Officers do not supersede, but are consistent with, the provisions of [HR05-1\(4\)](#) and [HR05-1\(5\)](#).
- 3) The employee is in a law clerk or an attorney position for the judicial branch.
- 4) The employee is an employee of the Information Technology Department.
- a) Employees hired into the IT department prior to January 1, 2019, and who had already attained career service status are considered "legacy career service" employees and retain career service status.
  - b) The rights of a "legacy career service" IT employee does not supersede, but is consistent with, the provisions of [HR05-1\(4\)](#) and [HR05-1\(5\)](#).

~~b)~~ —

#### **HR05-4. At-Will Introductory Period.**

- 1) Each at-will position shall start with an introductory period consistent with its job.
  - a) During the introductory period, an employee may be separated from state employment in accordance with HR11-2(1).
  - b) Using the principles outlined in HR10-1, management shall use the introductory period to evaluate the employee's performance, conduct, and ability to fulfill the mission of the judicial branch.
  - c) Unless otherwise determined by management, in consultation with HR:
    - i) New employees or employees moving to a new position should receive formal written performance expectations within 30 days of assignment.
    - ii) Employees should receive a formal written evaluation at the conclusion of their introductory period, typically 12 months.
  - d) At a minimum, the evaluation should indicate overall successful or unsuccessful completion of performance

1801 expectations during the introductory period.

1802 e) Management shall give a copy of the written evaluation  
1803 to the employee and to HR.

1804 f) The evaluation shall be maintained in the personnel  
1805 file.

1806 a)g) \_\_\_\_\_

1807 **HR05-54. Policy Exceptions.**

1808  
1809 The HR Director may authorize exceptions to this policy  
1810 consistent with [HR02-2\(1\)](#).

1811  
1812 **Authorizing, and Implemented or Interpreted Law or Code: [UCJA §3-](#)**  
1813 **[402](#)**

- 2302           b) An employee with no previous service time with Utah  
 2303           Retirement Systems in Tier I shall be enrolled in the  
 2304           Tier II retirement plan.  
 2305           i) An employee has one year from the date of  
 2306           eligibility to elect participation in the Tier II  
 2307           hybrid retirement plan or the Tier II defined  
 2308           contribution plan.  
 2309           ii) If the employee makes no selection, the employee  
 2310           shall be automatically enrolled in the Tier II  
 2311           hybrid retirement plan.  
 2312           iii) An employee eligible for the Tier II retirement  
 2313           plan has one year from the date of eligibility to  
 2314           change the election. If no change to election is  
 2315           made, the choice is irrevocable after that year.  
 2316           c) Changes in employee contributions, beneficiaries, and  
 2317           investment strategies shall be submitted electronically  
 2318           to URS through the URS website.  
 2319  
 2320       6) A reemployed veteran under USERRA shall be entitled to the  
 2321       same employee benefits given to other continuously employed  
 2322       eligible employees to include seniority based increased  
 2323       pension benefits and leave accrual benefits.  
 2324  
 2325       7) All insurance coverage, excluding COBRA, shall end:  
 2326           a) At midnight on the last day of the pay period in which  
 2327           the employee receives a paycheck for employees hired  
 2328           prior to February 15, 2003; or  
 2329           b) At midnight on the last day of the pay period in which  
 2330           the employment termination date became effective for  
 2331           employees hired on February 15, 2003, or later.  
 2332  
 2333       8) An employee who is not eligible for benefits under [HR06-8\(1\)](#)  
 2334       but does meet the minimum qualifications under the Affordable  
 2335       Care Act shall be eligible for medical insurance only.  
 2336

2337 **HR06-9. Conversion from Career Service Status to ~~Career Service~~**  
 2338 **~~Exempt~~At-Will Status.**

- 2339       1) If a career service position or group of career service  
 2340       positions is/are approved by the Judicial Council for  
 2341       conversion to at-will career service exempt status, a career  
 2342       service employee shall have 60 days from the date of offer to  
 2343       elect to convert from career service to ~~career service~~  
 2344       exempt at-will status. As an incentive to convert, a career  
 2345       service employee shall be provided the following:  
 2346           a) An administrative salary increase of at least 1% or up

to the current salary range maximum. An employee at or above the current salary range maximum shall receive, in lieu of the salary adjustment, a one-time bonus not to exceed the limits under [HR06-7\(1\)\(b\)](#);

- b) State paid term life insurance coverage if determined eligible by the Group Insurance Office to participate in the Term Life Program, Public Employees Health Plan, as provided in [HR06-10](#).

2) An employee electing to convert to at-will status~~career service-exempt~~ after the 60 day election period may not be eligible for the wage increase, but shall be entitled to apply for the insurance coverage through the Group Insurance Office.

3) An employee electing not to convert to at-will status ~~career service-exempt~~ shall retain career service status; however, when a career service employee vacates an at-will position ~~career service-exempt position~~, subsequent appointments shall be to an career service-exemptat-will status.

~~4) A court level administrator may reorganize in a manner such that a current career service-exempt position no longer meets the criteria for exemption. In this case, the employee of the position no longer exempt shall hold career service status:~~

~~a) Only if the employee had previously earned career service status. However, the employee may not be eligible for a severance package, increased annual leave accrual, or exempt life insurance. Should this be the case, management and the employee shall make arrangements through the Group Insurance Office to discontinue the exempt life insurance coverage.~~

~~b) If previous career service status was not previously earned, the employee shall begin a probationary period on the effective date of the position change, and may not be eligible for a severance package, increased annual leave accrual, or exempt life insurance. Should this be the case, management and the employee shall make arrangements through the Group Insurance Office to discontinue the exempt life insurance coverage.~~

~~5)4)~~ An at-will ~~career service-exempt~~ employee who has not previously earned career service status shall remain ~~career service-exempt~~at-will. When the employee vacates the position, subsequent appointments shall be consistent with [HR04](#).

2393  
 2394 ~~6-5)~~ Management shall communicate to all impacted and future  
 2395 eligible employees the conditions and limitations of this  
 2396 incentive program.

2397 **HR06-10. State Paid Life Insurance.**

2398  
 2399 1) A benefits eligible ~~career service exemptat-will~~ employee may  
 2400 be provided the following benefits if the employee is approved  
 2401 through underwriting:  
 2402 a) State paid term life insurance coverage if determined  
 2403 eligible by the Group Insurance Office to participate in  
 2404 the Term Life Program Public Employees Health Plan:  
 2405 i) Hourly wage \$24.03 or less shall receive \$125,000  
 2406 of term life insurance;  
 2407 ii) Hourly wage between \$24.04 and \$28.84 shall receive  
 2408 \$150,000 of term life insurance;  
 2409 iii) Hourly wage of \$28.85 or higher shall receive  
 2410 \$200,000 of term life insurance.  
 2411  
 2412 2) The state paid life insurance benefits described in this  
 2413 section are subject to availability of funds and are at the  
 2414 discretion of the appointing authority.  
 2415

2416 **HR06-11. Severance Benefit.**

2417  
 2418 1) At the discretion of the appointing authority, a benefits  
 2419 eligible ~~career service exemptat-will~~ employee who is  
 2420 separated from state service through an action initiated by  
 2421 management, including a resignation in lieu of termination,  
 2422 may receive at the time of separation a severance benefit  
 2423 equal to:  
 2424 a) Salary at the rate of:  
 2425 i) One week of salary up to a maximum of 12 weeks for  
 2426 each year of consecutive ~~career service exemptat-~~  
 2427 ~~will~~ service in the judicial branch for court  
 2428 executives; or  
 2429 ii) Two weeks of salary up to a maximum of 24 weeks for  
 2430 each year of consecutive ~~career service exemptat-~~  
 2431 ~~will~~ service for court level administrators,  
 2432 directors, and the state court administrator,  
 2433 deputy administrator, and assistant administrator.  
 2434 b) If eligible for COBRA, the level of medical insurance  
 2435 coverage only at the time of severance shall be provided

2436 at the rate of two pay periods for each year of  
2437 consecutive ~~career service exempt~~at-will service, up to  
2438 a maximum of 13 pay periods.

2439 **HR06-12. Human Resource Transactions.**

2440  
2441 The HR Director shall publicize procedures for processing  
2442 human resource transactions and documents.  
2443

2444 **HR06-13. Policy Exceptions.**

2445  
2446 The HR Director may authorize exceptions to this policy  
2447 consistent with HR02-2(1).  
2448

2449 **Authorizing, and Implemented or Interpreted Law:** UCJA 3-201(9),  
2450 UCJA 3-402, UCA §67-8-2, UCA §78A-2-106, UCA §78A-5-106, UCA §78A-  
2451 6-203  
2452

2453

2582 on a Sunday, the following Monday shall be observed as  
 2583 a holiday.  
 2584 b) Except as described in HR07-2(1)(e): If a holiday falls  
 2585 on a Saturday, the preceding Friday shall be observed as  
 2586 a holiday.  
 2587  
 2588 3) If an employee is required to work on an observed holiday,  
 2589 the employee shall receive appropriate holiday leave, or  
 2590 shall accrue excess hours.  
 2591  
 2592 4) A new hire shall be in a paid status on or before the holiday  
 2593 in order to receive holiday leave.  
 2594  
 2595 5) A separating employee shall be in a paid status on or after  
 2596 the holiday in order to receive holiday leave.  
 2597

2598 **HR07-3. Annual Leave.**

2599  
 2600 1) An eligible employee shall accrue leave based on the following  
 2601 years of benefit(s)-eligible state service:  
 2602 a) Less than 5 years: four hours per pay period;  
 2603 b) At least 5 and less than 10 years: five hours per pay  
 2604 period;  
 2605 c) At least 10 and less than 20 years: six hours per pay  
 2606 period;  
 2607 d) 20 years or more: seven hours per pay period.  
 2608  
 2609 2) The maximum annual leave accrual rate shall be granted to an  
 2610 employee, effective from the day the employee is appointed  
 2611 through the duration of the appointment under the following  
 2612 conditions:  
 2613 a) An employee in a court executive, court level  
 2614 administrator, or director level position; or  
 2615 b) An employee who is FLSA exempt and who has a direct  
 2616 reporting relationship to a deputy court administrator  
 2617 or state court administrator.  
 2618 c) The employee is a newly hired, FLSA exempt, and ~~career~~  
 2619 ~~service-exempt-at-will~~ employee of the IT department and  
 2620 has been granted maximum annual leave accrual by the IT  
 2621 director.  
 2622  
 2623 3) The accrual rate for an employee rehired to a position that  
 2624 receives leave benefits shall be based on all eligible  
 2625 employment in which the employee accrued leave.  
 2626



## Human Resource Policies

### Section 10 - Employee Development

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

#### **HR10-1 Performance Expectations and Evaluation.**

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



pertaining to a formal, written performance evaluation if desired.

- b) An employee shall receive a performance evaluation at the end of the introductory period.~~A probationary employee shall receive a performance evaluation at the end of the probationary period.~~

#### **HR10-2. Performance Improvement.**

When an employee's performance does not meet established expectations due to failure to attain skills, maintain skills, incompetence, or inefficiency, and after consulting with the HR Department, management may place an employee on an appropriate and documented performance improvement plan in accordance with the following:

- 1) The supervisor shall discuss the substandard performance with the employee and:
  - a) Identify the gap(s) between performance expectations and current performance;
  - b) Discuss how current performance interferes with effective advancement of the mission of the judicial branch; and
  - c) Ask the employee for input regarding support that may assist the employee to succeed at closing the gap(s) between performance expectations and current performance.
- 2) Performance improvement plans shall identify or provide for:
  - a) A designated period of time for improvement;
  - b) An opportunity for remediation;
  - c) Performance expectations;
  - d) Closer supervision to include regular, documented feedback of the employee's progress;
  - e) Notice of disciplinary action for failure to improve; and
  - f) A written performance evaluation at the conclusion of the performance improvement plan.
- 3) An employee shall have the right to submit written comments to accompany the performance improvement plan.
- 4) A performance improvement plan may also identify or provide for the following based on the nature of the performance

determine the taxable or nontaxable status of educational assistance reimbursements.

3) Employee eligibility for education assistance includes the following provisions:

- a) Both career service and ~~career service exempt~~at-will employees may be eligible.
- b) The employee must be in a benefited position.

~~4) Approval requirements include the following provisions:~~

- ~~a) Career service exempt and probationary employees must have the approval of a court level administrator.~~
- ~~b) c) Career service employees must have the approval of a court executive or AOC director as applicable. Employees must have the approval of a court executive or AOC director as applicable.~~

~~5) 4)~~ Employees are highly encouraged to attend course(s) during non-working hours. However, management may grant exceptions and allow a temporary flexible work schedule to allow the employee to attend course(s) as long as court business needs are met. Management may also grant limited exceptions to allow administrative leave as part of the education assistance program, consistent with [HR07-7](#).

~~6) 5)~~ If management requires an employee to attend an educational program or course, costs shall be paid in full with local district/court/office funds rather than education assistance funds.

~~7) 6)~~ Books are not eligible for reimbursement from education assistance funds.

~~8) 7)~~ Reimbursements shall be paid only when the following requirements have been met:

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

negatively affect job performance.

- 2) Management shall consult with HR before disciplining an employee.
- 3) All disciplinary actions of career service employees shall be governed by principles of due process. The disciplinary process shall include all of the following, except as provided in [HR11-1\(5\)](#):
  - a) The employee is notified in writing of the proposed discipline, the reasons supporting the intended action, and the right to reply to management or to the HR department within five working days.
  - b) The employee's reply shall be received by management or by HR within five working days in order for management to consider the reply before discipline is imposed.
  - c) If an employee waives the right to reply or does not reply within the time frame established by management or within five working days, whichever is longer, discipline may be imposed in accordance with these policies.
- 4) After a career service employee has been informed of the reasons for the proposed discipline and has been given an opportunity to respond and be responded to, management may discipline that employee, or any ~~career service exemptat-~~  
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) If management determines that a career service employee endangers or threatens the peace and safety of others or poses a grave threat to the public service or is charged with aggravated or repeated misconduct, management may impose the following actions pending an investigation and determination of facts:
  - a) Paid administrative leave; or

5714           b) Temporary reassignment to another position or work  
5715           location at the same current actual wage.  
5716

5717       6) When disciplinary action is imposed, the employee shall be  
5718       notified in writing of the discipline, the reasons for the  
5719       discipline, the effective date, and the length (if  
5720       applicable) of the discipline.  
5721

5722       7) Imposed disciplinary actions are subject to grievance and  
5723       appeals procedure for career service employees, as outlined  
5724       in [HR17](#). The employee and management may agree in writing  
5725       to waive or extend any grievance step, or the time limits  
5726       specified for any grievance step.  
5727

## 5728   **HR11-2.   Dismissal or Demotion.**

5729  
5730   An employee may be dismissed or demoted for cause under [HR10-](#)  
5731   [2\(2\)\(e\)](#) and [HR11-1](#), and through the process outlined in this  
5732   policy.  
5733

5734   1) ~~An at-will-probationary employee or career service exempt~~  
5735   employee may be dismissed or demoted for any or for no reason  
5736   without right of grievance or appeal.  
5737

5738   2) No career service employee shall be dismissed or demoted from  
5739   a career service position unless management has observed the  
5740   following procedures:

5741       a) Management shall notify the employee in writing of the  
5742       specific reasons for the proposed dismissal or demotion.

5743       b) The employee shall have up to five working days to reply.  
5744       The employee shall reply within five working days for  
5745       the court executive, court level administrator,  
5746       administrative office director, or designee to consider  
5747       the reply before discipline is imposed.

5748       c) The employee shall have an opportunity to be heard by  
5749       the court executive, court level administrator or  
5750       administrative office director as applicable. This  
5751       meeting shall be strictly limited to the specific  
5752       reasons raised in the notice of intent to demote or  
5753       dismiss.

5754       i) At the meeting the employee may present, either in  
5755       person, in writing, or with a representative,  
5756       comments or reasons as to why the proposed  
5757       disciplinary action should not be taken. The court  
5758       executive, court level administrator or

- 5867  
5868 1) When staff will be reduced in one or more categories of work,  
5869 management shall develop a workforce adjustment plan (WFAP)  
5870 in consultation with HR. A career service employee shall only  
5871 be given formal written notification of separation after a  
5872 WFAP has been reviewed by the HR Director or designee, and  
5873 the State Court Administrator or designee, and approved by  
5874 the Judicial Council. The following items shall be addressed  
5875 in the WFAP:
- 5876 a) The categories of work to be eliminated, including the  
5877 competitive area(s) and group(s) impacted;
  - 5878 i) A competitive area may include the entire judicial  
5879 branch, or small units such as districts, offices,  
5880 departments, or combinations of those units;
  - 5881 ii) The competitive groups within the impacted  
5882 competitive areas consist of all positions in the  
5883 same or significantly similar job classifications.
  - 5884 b) Specifications of measures taken to facilitate the  
5885 placement of affected employees through reassignment,  
5886 transfer and relocation to vacant positions for which  
5887 the employee qualifies;
  - 5888 c) Job-related criteria as identified in HR12-3(3)(a) used  
5889 for determining retention points; and
  - 5890 d) When more than one employee is affected, employees shall  
5891 be listed in order of retention points.
  - 5892 e) Retention points do not have to be calculated for a  
5893 single employee WFAP.
- 5894
- 5895 2) Eligibility for RIF.
- 5896 a) Only career service employees who have been identified  
5897 in an approved WFAP may be separated via a RIF.
  - 5898 b) An employee covered by USERRA shall be identified,  
5899 assigned retention points, and notified of the RIF in  
5900 the same manner as a career service employee.
- 5901
- 5902 3) Retention points shall be determined for all affected  
5903 employees within a category of work by giving appropriate  
5904 consideration for proficiency and seniority with proficiency  
5905 being the primary factor.
- 5906 a) Performance evaluations and/or other standardized  
5907 performance measures, along with additional relevant  
5908 performance information for the past three years may be  
5909 taken into account for assessing job proficiency.
  - 5910 ~~b) Seniority shall be determined by the length of most~~  
5911 ~~recent continuous career service, which commenced in a~~  
5912 ~~career service position. for which the probationary~~

- 5913 ~~period was successfully completed.~~
- 5914 i) Exempt service time subsequent to attaining career
- 5915 service with no break in service shall be counted
- 5916 for purposes of seniority.
- 5917 ii) Active military duty during employment with the
- 5918 judicial branch shall be counted for purposes of
- 5919 seniority not to exceed four (4) years.
- 5920 ~~e+b)~~ In each WFAP, management shall develop the criteria
- 5921 they will use for determining retention points.
- 5922 i) Management shall consult with the HR Director or HR
- 5923 Manager in determining retention points criteria.
- 5924 ii) Plans shall comply with current HR business
- 5925 practices.
- 5926
- 5927 4) The order of separation shall be:
- 5928 a) Temporary employees in time-limited positions or
- 5929 indefinite part-time employees, as described in [HR04-](#)
- 5930 [2\(4\)\(a\)](#) and [HR04-2\(4\)\(b\)](#); ~~at-will employees then-~~
- 5931 ~~b) Probationary employees; then~~
- 5932 ~~e+b)~~ Career service employees with the lowest retention
- 5933 points.
- 5934 i) In case of a tied score, management's decision
- 5935 shall be based on a comparison of each employee's
- 5936 contribution to the mission of the judicial branch,
- 5937 including factors such as job knowledge and skills,
- 5938 competence, reliability, and personal conduct.
- 5939
- 5940 5) An employee, including one covered under USERRA, who is
- 5941 identified for separation due to a RIF shall receive written
- 5942 notification of:
- 5943 a) The pending RIF; and
- 5944 b) Final written notification of separation on the day of
- 5945 separation.
- 5946
- 5947 6) An employee separated via a RIF may appeal the decision to
- 5948 the court level administrator by submitting a written notice
- 5949 of appeal within 20 working days after the date of separation
- 5950 and in accordance with [HR17](#).
- 5951
- 5952 7) A career service employee who is separated via a RIF shall be
- 5953 governed by the policies in place at the time of separation.
- 5954
- 5955 8) A career service employee who is separated in a RIF shall be
- 5956 given preferential scoring in the process of developing the
- 5957 hiring list as outlined in HR business practices when applying
- 5958 for a career service position.

- 5959 a) Preferential consideration shall be given when the  
 5960 former employee accepts a career service position.  
 5961 b) An employee separated via a RIF may be rehired under  
 5962 [HR04-6](#).  
 5963 c) At management discretion and in consultation with HR, an  
 5964 individual rehired to a career service position may buy  
 5965 back part or all accumulated annual and converted sick  
 5966 leave that was cashed out when separated due to a RIF.  
 5967  
 5968 9) A career service employee accepting an at-will ~~a career~~  
 5969 ~~service-exempt~~ position without a break in service, who is  
 5970 later not retained by the appointing authority shall be given  
 5971 preferential consideration as described in [HR12-3\(8\)](#).  
 5972  
 5973 10) Prior to separation and in lieu of a RIF, management may  
 5974 reassign an employee to a vacant career service position for  
 5975 which the employee qualifies under [HR04-5](#).

5976 **HR12-4. Policy Exceptions.**

5977 The HR Director may authorize exceptions to this policy  
 5978 consistent with [HR02-2\(1\)](#).  
 5979

5980  
 5981 **Authorizing, and Implemented or Interpreted Law:** [UCJA 3-402](#)



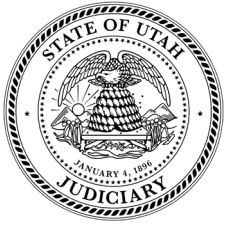
5982 **Human Resource Policies**

5983  
 5984 Section 13 - Volunteer Programs  
 5985

5986 **HR13-1. Volunteer Programs.**

- 5987  
 5988 1) Local management may establish a volunteer program,  
 5989 including but not limited to law student externships.  
 5990 a) A volunteer program shall include:  
 5991 i) Documented agreement of the type of work and  
 5992 duration for which the volunteer services will be  
 5993 provided;





## Human Resource Policies

### Section 17 - Grievance and Appeal

#### **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 ~~probationary employees or career service exempt employees~~ at-will employees.
  - b) Employees may only grieve matters identified under [UCJA Rule 3-402\(6\)](#) to the Grievance Review Panel, which includes employee promotions, dismissals, demotions, wages, salary, violations of human resources rules, benefits, reductions in force and disciplinary actions.
  - c) All other matters may be grieved up to Level 3, as identified in [HR17-5](#).
- 2) Where a question or dispute exists regarding whether an employee qualifies to use these grievance procedures, such controversies must be resolved through an application to the HR Director. In consultation with General Counsel, the HR Director shall make the final decision on employee eligibility 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 aggrieved employee signs the grievance.
- 5) An aggrieved employee shall submit a grievance in writing



## **SALARY INCREASES**

sensitive, personally identifiable, private information, including:

- i. financial assets, liabilities, and account information;
- ii. social security numbers;
- iii. wage information;
- iv. medical history;
- v. public assistance benefits; or
- vi. driver license

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

~~(62)~~ **(64) Hot-Spot:** A salary circumstance, unrelated to individual employee performance, that suggests a need to adjust an actual salary rate. Examples include but are not limited to issues such as compression, recruiting a candidate or retaining an employee with a rare but required skill set, etc.

~~(63)~~ **(65) HR:** The Department of Human Resources in the Judicial Branch of the State of Utah.

~~(64)~~ **(66) HR Approved Recruitment and Selection System:** The state's recruitment and selection system, which is a centralized and automated computer system administered by the Department of Human Resource Management.

~~(65)~~ **(67) HRIS:** the state Human Resource Information System.

~~(66)~~ **(68) Incompetence:** Inadequacy or unsuitability in performance of assigned duties and responsibilities.

~~(67)~~ **(69) Inefficiency:** Wastefulness of government resources including time, energy, money, or staff resources or failure to maintain the required level of performance.

~~(68)~~ **(70) Interchangeability of Skills:** Employees are considered to have interchangeable skills only for those positions they have previously held successfully in Utah State Courts employment or for those positions which they have successfully supervised and for which they satisfy job requirements.

- 1984 d) An employee with a wage that is not at or above the  
1985 salary range maximum and is reclassified, transferred,  
1986 reassigned, or receives an administrative adjustment and  
1987 has a current actual wage that is above the salary range  
1988 maximum of the new job is considered to be above maximum  
1989 and may be eligible for a longevity salary increase after  
1990 meeting the requirements of [HR06-6\(3\)\(a\)](#).  
1991

1992 **4) Administrative Adjustment.**

- 1993 a) An employee whose position has been allocated by HR from  
1994 one job to another job or salary range for administrative  
1995 purposes may not receive an adjustment in the current  
1996 actual wage unless the employee is below the minimum of  
1997 the new salary range.  
1998 b) An employee whose position is changed by administrative  
1999 adjustment to a job with a lower salary range shall  
2000 retain the current wage even if the current wage exceeds  
2001 the new salary range maximum.  
2002

2003 **5) Reassignment.**

2004 An employee's current actual wage may not be decreased  
2005 in a reassignment action except as provided in federal  
2006 or state law.  
2007

2008 **6) Transfer.**

- 2009 a) Management may decrease the current actual wage of an  
2010 employee who transfers to another job with the same or  
2011 lower salary range maximum. The amount of the decrease  
2012 shall be communicated to the employee at the time of the  
2013 job offer and the employee shall have an opportunity to  
2014 accept or decline the offer to transfer.  
2015 b) An employee who applies for a job with a lower salary  
2016 range maximum shall be placed within the salary range of  
2017 the new job.  
2018

2019 **7) Demotion.**

2020 An employee demoted consistent with [HR11-2](#) shall receive  
2021 a reduction in the current actual wage at the discretion  
2022 of management but no lower than the salary range minimum.  
2023 The employee may be moved to a job with a lower salary  
2024 range concurrent with the reduction in the current  
2025 actual wage.  
2026

2027 **8) Administrative Salary Increase.**

- 2028 a) Management may authorize an increase in salary up to the  
2029 salary range maximum.

b) Administrative salary increases shall only be granted when there exists sufficient funding within the annualized base budget for the fiscal year in which the increase is given.

i) Performance-based salary increases are normally submitted, vetted and approved by an employee's line of management during the last quarter of the fiscal year.

ii) Non-performance based increases may be authorized by management up to three occurrences in an 18-month period for retention purposes when the following criteria are met:

(1) The employee was hired into a temporary or time-limited job;

(2) The employee's rate of pay will not exceed the first quartile of the employee's job salary range; and

~~(1)~~ (3) The increase is already budgeted in district or unit personnel funds for temporary personnel.

~~b)~~ c) Justification for administrative salary increases shall be:

i) In writing;

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

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

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

~~d) Administrative salary increases may be given during the probationary period but may not exceed the salary range maximum. These increases alone do not constitute successful completion of the probationary period nor do they grant career service status.~~

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

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

2075 **9) Administrative Salary Decrease.**

2076 Management may authorize administrative salary decreases for  
2077 non-disciplinary reasons according to the following:

- 2078 a) Wage decreases shall not place an employee below the  
2079 current minimum of the salary range.
- 2080 b) Justification for non-disciplinary administrative  
2081 salary decreases shall be:
  - 2082 i) In writing;
  - 2083 ii) Approved by the court executive, court level  
2084 administrator, director, deputy state court  
2085 administrator, or the state court administrator;  
2086 and
  - 2087 iii) Supported by circumstances such as previous written  
2088 agreements between management and the employee  
2089 including career mobility, reasonable  
2090 accommodation, or other unique situations or  
2091 considerations.
- 2092 c) The court executive or AOC Director shall answer any  
2093 challenge or grievance resulting from a non-disciplinary  
2094 administrative salary decrease.  
2095

2096 **10) Career Mobility.**

- 2097 a) A wage change at the commencement of a career mobility  
2098 action is governed by the policies governing the  
2099 underlying action including, but not limited to:
  - 2100 i) Promotion;
  - 2101 ii) Reassignment; or
  - 2102 iii) Transfer.
- 2103 b) If a career mobility assignment does not become  
2104 permanent at its conclusion, the employee shall return  
2105 to the previous position or a similar position and shall  
2106 receive, at a minimum, the same wage and the same or  
2107 higher salary range that the employee would have  
2108 received without the career mobility assignment.

2109 **11) Hot-Spot Increase**

2110 A Hot-spot salary adjustment from finite Hot-Spot funds  
2111 authorized by the Judicial Council and consistent with the  
2112 purposes authorized by the Judicial Council may be granted  
2113 when it is:

- 2114 a) Recommended by an employee's line of management in  
2115 consultation with HR;
- 2116 b) unable to be applied with existing funds available to  
2117 the employee's line of management; and
- 2118 c) Approved by the State Court Administrator, Deputy State  
2119 Court Administrator or designee  
2120

This increase is subject to the availability of approved funds if authorized by the Judicial Council for the current fiscal year.

**11-12) Exceptions.**

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

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

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

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

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

i) A request for a retirement incentive award shall be accompanied by documentation of affected work units and any potential cost savings.

ii) A single payment of up to \$8,000 may be granted as a retirement incentive.

c) All cash and cash equivalent incentive awards and bonuses are subject to payroll taxes.

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

a) Cash Incentive Awards.

i) Management may grant a cash incentive award to an employee or group of employees who demonstrate exceptional effort or accomplishment to support or advance the mission of the judicial branch, beyond what is normally expected on the job for a unique event or over a sustained period of time.

ii) Requests for cash incentive awards shall include documentation articulating the extraordinary contributions to support or advance the mission of the judicial branch and shall be approved by the court executive, court level administrator,

# **BACKGROUND CHECKS**

1554 **HR04-15. Background Checks.**

1555  
1556 Offers of employment and volunteer service should be made  
1557 contingent upon the successful completion of a criminal background  
1558 check through the Utah Bureau of Criminal Investigation only and  
1559 not through any internal court case management or records retention  
1560 systems. The start date of employment or volunteer service shall  
1561 not precede the completion of the background check process.



- 1562  
1563 (1) Background checks shall only be conducted with the  
1564 written consent of the candidate(s) for a job.  
1565
- 1566 (2) Failure to provide consent to a background check shall  
1567 disqualify an applicant for hiring.  
1568
- 1569 (3) Employees in the judicial branch who hold responsibility  
1570 to receive background check information as part of a  
1571 hiring or volunteer process shall do so in accordance  
1572 with [UCA §53-10-108\(4\)](#).  
1573
- 1574 (4) A hiring manager may choose not to hire a candidate if  
1575 the background check contains any of the following:  
1576
- 1577 a) A felony conviction for a crime such as violence  
1578 against people or destruction of property, illegal  
1579 drug or alcohol use, theft of identity or property,  
1580 fraud, embezzlement, or other similar offenses  
1581 including but not limited to those identified in [UCA](#)  
1582 [§76-6](#) and [§76-6a](#), [UCA §76-8](#), [UCA §76-9](#), and [UCA §76-](#)  
1583 [10](#).  
1584
- 1585 b) A misdemeanor conviction involving crimes of violence  
1586 against people or destruction of property, identity  
1587 theft, fraud, or other similar offenses.
- 1588 (5) Results of a background check shall be delivered to the  
1589 Human Resources representative. The results shall not be  
1590 stored or shared in writing with any other party.  
1591
- 1592 (6) Information relevant to a hiring decision such as those  
1593 mentioned in [\(4\)a\)](#) and [\(4\)b\)](#) may be discussed only with  
1594 individuals directly involved in a hiring decision in  
1595 accordance with [UCA §53-10-108\(4\)](#).  
1596
- 1597 (7) Factors that may be considered in the hiring decision  
1598 include but are not limited to:  
1599
- 1600 a) The relationship between the nature of the crime and  
1601 the job for which the candidate has applied.
- 1602 b) The number of convictions.
- 1603 c) The amount of time since the candidate's conviction  
1604 date(s) and/or the date(s) of the crime(s) committed.
- 1605 d) The candidate's conduct and demonstration of public  
1606 trust since the conviction.
- 1607 e) False or misleading statements, verbal or written,  
made by the candidate regarding his/her criminal

1608 record.

1609

1610 (8) Disagreements about how to proceed with a candidate's  
1611 background check information among individuals involved  
1612 in a hiring decision may be presented to a court  
1613 executive or court level administrator for a final  
1614 hiring decision.

1615

1616 (9) All provisions of [HR04-15](#) shall similarly apply to  
1617 volunteers and/or volunteer service.

1618 **HR04-16. Policy Exceptions.**

1619

1620 The HR Director may authorize exceptions to this policy  
1621 consistent with [HR02-2\(1\)](#).

1622

1623

1624 **Authorizing, and Implemented or Interpreted Law or Code:** [UCA §49-](#)  
1625 [11-13](#), [UCA §52-3-1](#), [UCA §53-10-108](#), [UCA §67-20-8](#), [UCJA 3-402](#)

1626

1627

1628

## **SICK 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.
- 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](#)

#### **HR07-4. Sick Leave.**

- 1) An eligible employee shall accrue sick leave, not to exceed four hours per pay period. Sick leave shall accrue without limit.
- 2) Management may grant sick leave for physical, mental, and emotional healthcare needs~~preventative health and dental care~~, maternity, paternity, and adoption care, or for absence from duty because of illness, injury or disability of the employee, a spouse, children; parents, or an individual for whom the employee is a legal guardian; or qualifying FMLA purposes.
- 3) Management may approve the use of sick leave for other unique medical situations.
- 4) When management approves the use of sick leave, an employee may use any combination of Program I, Program II, and Program III sick leave.
  - a) Program I consists of "Pre-2006 Sick" and "Pre-2006 Converted Sick" leave accrued prior to January 1, 2006. Leave accrued under this program is tied to retirement

# **BEREAVEMENT LEAVE**

3049 **HR07-9. Bereavement Leave.**

3050  
3051 Upon request from the employee, management may shall authorize  
3052 three work days bereavement leave per occurrence with pay,  
3053 following the death of a member of the employee's immediate family  
3054 or when a pregnancy ends in miscarriage or stillbirth under  
3055 conditions set forth in UCA § 63A-17-106. Additional leave may be  
3056 authorized at management discretion depending on circumstances.  
3057 ~~Bereavement leave may not be charged against accrued sick or annual~~  
3058 ~~leave.~~

- 3059  
3060 1) The immediate family means relatives of the employee or spouse  
3061 including in-laws, step-relatives, or equivalent relationship  
3062 as follows:  
3063 a) Spouse;  
3064 b) Parents;  
3065 c) Siblings;

- d) Children;
- e) All levels of grandparents; or
- f) All levels of grandchildren.

2) Management may authorize bereavement leave for other unique family relationships.

3) Management may ~~not charge bereavement leave against an employee's accrued leave balances. authorize three work days of bereavement leave to an employee when a pregnancy ends in stillbirth or miscarriage consistent with UCA § 63A-17-106. Additional bereavement leave for stillbirth or miscarriage may be authorized at management discretion depending on circumstances.~~

4) Bereavement leave hours shall be coded as OE (Other - Emergency) in the employee timesheet through the payroll system.

#### **HR07-10. Military Leave.**

A benefited or non-benefited employee who is a member of the National Guard or Military Reserves and is on official military orders is entitled to paid military leave not to exceed 120 hours each calendar year, including travel time, under [UCA §39-3-2](#).

Military leave for part-time employees shall be based on a prorated basis that is no more than the average hours worked in the last 12 months, or if employed less than 12 months, the average hours worked since date of hire.

1) An employee may use any combination of military leave, accrued leave or leave without pay under [HR07-13](#).

a) Accrued sick leave may only be used if the reason for leave meets the conditions in [HR07-4](#)

2) An employee on military leave is eligible for any service awards or non-performance administrative leave the employee would otherwise be eligible to receive.

3) An employee shall give notice to management of official military orders as soon as possible.

4) Upon release from official military orders under honorable

# **COMPENSATORY LEAVE PAYOUTS**



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

1) An FLSA non-exempt employee shall sign a prior overtime agreement authorizing management to compensate the employee for overtime worked by actual payment or accrual of compensatory time at time and one half. Management shall not have influence over an employee's election for overtime compensation at hire. An FLSA non-exempt employee desiring to change her/his election for overtime compensation later on must obtain management approval in consultation with the HR Department.

a) An FLSA non-exempt employee may receive compensatory time for overtime up to a designated maximum.

i) Typically, the comp time maximum is 80 hours.

ii) As a rare exception, compensatory time may accrue up to 240 hours only with prior approval from the State Court Administrator or designee in consultation with the HR Director.

iii) Once an employee reaches the maximum, additional overtime shall be paid on the payday for the period in which it was earned.

b) Compensatory time balances for an FLSA non-exempt employee shall be paid down to zero at the rate of pay in the old position in the same pay period that the employee is:

i) Transferred from the judicial branch to an external state agency; or

ii) Promoted, reclassified, reassigned, or transferred to an FLSA exempt position.

ii)c) Management may pay down any portion of compensatory time balances for FLSA non-exempt employees at any time.

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

Employees exempt from the FLSA do not earn compensatory time in the judicial branch. If an FLSA exempt employee from another state agency transfers to the judicial branch, any comp time balance that may exist shall lapse upon transferring to the judicial branch. Other leave balances do transfer with the employee consistent with the reciprocity agreement described in [HR04-5 \(3\)](#).

# **CODE OF CONDUCT: ACCEPTABLE USE OF IT RESOURCES**

HR08-4.

- 4) An employee is required to work an assigned schedule and to be at work on time. An employee who is late, regardless of the reason, including inclement weather, shall, with management approval, account for the lost time by using accrued leave, leave without pay, or adjusting her/his work schedule.
- 5) An employee's time worked shall be calculated in increments of 15 minutes. This policy incorporates by reference 29 CFR 785.48 for rounding practices when calculating time worked.

**HR08-2. Teleworking.**

- 1) Teleworking is an option that may be considered by management for a variety of reasons, including but not limited to maximizing efficiency of judicial branch business, meeting needs of court patrons, leveraging cost-savings measures, etc. It is not a universal employee benefit and may be terminated by management at any time.
- 2) Before beginning a routine teleworking arrangement, management and an employee shall establish a written agreement specifying the conditions of the routine teleworking work status, including the expectation to comply with this policy and any other applicable expectations the district, office, or team may require.
- a) The written agreement shall be endorsed by management and by the employee.
  - b) Management shall send the endorsed agreement to HR for maintenance in the official personnel file, or alternatively, upload the agreement directly in the employee's Utah Performance Management (UPM) account.
  - c) Any amendments to this agreement shall require a new written agreement endorsed by management and by the employee to supersede the old agreement and shall be maintained by HR in the official personnel file, or alternatively, shall be uploaded directly in the employee's Utah Performance Management (UPM) account.
- 3) All teleworkers are required to protect confidential and/or sensitive information in accordance with federal and state regulations and in accordance with judicial branch rules and policies.

- 3790 a) Unauthorized disclosure of such information is subject  
3791 to penalties provided by law.
- 3792 b) Unauthorized disclosure of information may also result  
3793 in disciplinary action up to and including termination  
3794 of employment.
- 3795 b)c) Teleworkers must adhere to the Acceptable Use of  
3796 Information Technology Resources policy found in HR09-  
3797 15.
- 3798
- 3799 4) Management shall establish and monitor performance  
3800 standards in order to monitor how the needs of court  
3801 patrons and other judicial branch stakeholders are either  
3802 met or exceeded by a routine teleworking arrangement.  
3803
- 3804 5) Management may require a routine teleworker to attend in-  
3805 person meetings, conferences, or other activities away from  
3806 the teleworking work location.
- 3807 a) Mileage to and from the required activity will be  
3808 reimbursed when the location of the activity is more  
3809 than 50 miles from the primary work site, but only for  
3810 such mileage in excess of 50 miles in each direction  
3811 of travel.
- 3812 b) Time spent traveling during the normal work schedule  
3813 shall be counted as work hours.
- 3814 c) Travel time outside of the normal work schedule shall  
3815 only be counted as work hours if the activity is more  
3816 than 50 miles from the primary work site.  
3817
- 3818 6) Routine teleworkers are responsible to establish and  
3819 provide home internet and telephone services for the  
3820 purposes of teleworking.
- 3821 a) The quality of internet service must be able to  
3822 support all work-related applications, systems, and  
3823 devices.
- 3824 b) All initial set-up costs or costs associated with a  
3825 teleworker changing teleworking work locations are the  
3826 responsibility of the teleworker.  
3827
- 3828 7) Routine teleworkers are required to use state-owned  
3829 computer equipment and software.
- 3830 a) They may not install unauthorized hardware or software  
3831 on state-owned equipment nor copy or distribute state  
3832 provided software.
- 3833 b) All state owned equipment shall be returned to the  
3834 judicial branch at the time the teleworking  
3835 arrangement is terminated, including by termination of

5007

5008 **HR09-15. Acceptable Use of Information Technology Resources.**

5009

5010 Information technology (IT) resources are provided to employees to  
 5011 assist in the performance of assigned tasks and in the efficient  
 5012 day to day operations to further the mission of the judicial  
 5013 branch.

5014

5015 1) Providing IT resources to an employee does not imply an  
 5016 expectation of privacy. Management may:

5017 a) View, authorize access to, and disclose the contents of  
 5018 electronic files or communications as required for  
 5019 legal, audit, or legitimate state operational or  
 5020 management purposes;

5021 b) Monitor the network or email system including the  
 5022 content of electronic messages, including stored files,  
 5023 documents, or communications as are displayed in real-  
 5024 time by employees, when required for state business, and  
 5025 within the officially authorized scope of the person's  
 5026 employment.

5027

5028 2) An employee may engage in incidental and occasional personal  
 5029 use of IT resources provided that such use does not:

5030 a) Disrupt or distract from the conduct of judicial branch  
 5031 business due to volume, timing, or frequency;

5032 b) Involve solicitation;

5033 c) Involve for-profit personal business activity;

5034 d) Involve actions, which are intended to harm or otherwise  
 5035 disadvantage the judicial branch; or

5036 e) Involve illegal and/or activities prohibited by this  
 5037 policy.

5038

5039 3) An employee shall:

5040 a) Comply with UCJA rules governing privacy of information  
 5041 when transmitting information with state provided IT  
 5042 resources.

5043 b) Report to management any computer security breaches, or  
 5044 the receipt of unauthorized or unintended information.

5045 c) Login to the court supplied Virtual Private Network  
 5046 (VPN) at least weekly to obtain security updates, when  
 5047 not regularly connected to the courts network.

5048 b)d) Utilize "courtquest" Wifi for all personal devices.

5049

5050 4) While using state provided IT resources, an employee ~~may~~shall  
 5051 not:

- 5052 a) Access private, protected, or controlled records  
 5053 regardless of the electronic form without data owner  
 5054 authorization;
- 5055 b) Divulge or make known his/her own password(s) to another  
 5056 person;
- 5057 c) Distribute offensive, disparaging or harassing  
 5058 statements including those that might incite violence or  
 5059 that are based on race, national origin, sex, sexual  
 5060 orientation, gender identity, age, disability or  
 5061 political or religious beliefs, or any harassing  
 5062 statements based on any other class protected by state  
 5063 or federal law;
- 5064 d) Distribute information that describes or promotes the  
 5065 illegal use of weapons or devices including those  
 5066 associated with terrorist activities;
- 5067 e) View, transmit, retrieve, save, print or solicit  
 5068 sexually-oriented messages or images;
- 5069 f) Use state-provided resources to violate any local,  
 5070 state, or federal law;
- 5071 g) Use state-provided IT resources for commercial purposes,  
 5072 product advertisements, or "for-profit" personal  
 5073 activity;
- 5074 h) Use state-provided IT resources for religious or  
 5075 political functions, including lobbying as defined  
 5076 according to [UCA §36-11-102](#) and [Administrative Rule](#)  
 5077 [R623-1](#);
- 5078 i) Represent oneself as someone else including either a  
 5079 fictional or a real person;
- 5080 j) Knowingly or recklessly  
 5081 i) —spread computer viruses ~~or,~~  
 5082 i) —Act in any way that compromises court IT  
 5083 security.including acting in a way that effectively  
 5084 opens file types known to spread computer viruses  
 5085 particularly from unknown sources or from sources  
 5086 from which the file would not be reasonably  
 5087 expected to be connected with;
- 5088 j+k) Create and distribute or redistribute "junk"  
 5089 electronic communications such as chain letters,  
 5090 advertisements, or unauthorized solicitations;
- 5091 l) Knowingly compromise the confidentiality, integrity, or  
 5092 availability of the state's information resources.
- 5093 m) Utilize court technology accounts for personal or non-  
 5094 court related activities; or
- 5095 n) Install any software or hardware licensed or unlicensed  
 5096 without approval from management and IT.
- 5097 \*5) Employees shall complete annually assigned Cybersecurity

training and adhere to all principles and practices outlined therein.

~~5)6)~~ An employee who violates this policy may be disciplined according to [HR11](#).

#### **HR09-16. Social Media.**

- 1) An employee who participates in social media for personal purposes may not:
  - a) Claim to represent the position of the judicial branch or of the state of Utah;
  - b) Post or publish the seal of the judicial branch or of the state of Utah;
  - c) Post or publish protected or confidential information, including copyrighted information, confidential information received from court patrons, or court issued documents without permission from the court level administrator; or
  - d) Unlawfully discriminate against, harass, or otherwise threaten another state employee or person doing business with the judicial branch.
- 2) Local districts and offices may establish additional policy consistent with this section as desired and with approval of the court level administrator.
- 3) An employee may be disciplined according to [HR11](#) for violations of this section and/or local district or office policy.

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

- 1) No employee shall hire, promote, or supervise a relative or household member either directly or indirectly, nor unduly or inappropriately influence any other employment decision affecting a relative or household member.
- 2) Management may not employ a relative or household member of a justice, judge, or commissioner (judicial officer) to work within the official's level of court within that district. Management may not employ a relative or household member of a judicial officer to work within the same

# **CONFLICT OF INTEREST**



4783 General Counsel before approval, denial or  
4784 conditional approval.  
4785 d) Records of approval shall be uploaded and/or  
4786 maintained by management in the electronic  
4787 personnel file of the HRIS system.

4788  
4789 4) The provisions of this policy do not apply when two or more  
4790 government positions are held by the same individual,  
4791 unless the personal interest of the individual is not  
4792 shared by the general public.  
4793

4794 **HR09-11. Conflict of Interest.**

- 4795  
4796 1) An employee may receive honoraria or paid expenses for  
4797 activities outside of state employment under the following  
4798 conditions:  
4799 a) Outside activities may not interfere with an  
4800 employee's performance, the interests of the judicial  
4801 branch, nor of the State of Utah.  
4802 b) Outside activities may not give reasons for criticism  
4803 nor suspicion of conflicting interests or duties.  
4804  
4805 2) An employee may not use a state position; any influence,  
4806 power, authority or confidential information received in  
4807 that position; nor state time, equipment, property, or  
4808 supplies for private gain.  
4809  
4810 3) An employee may not accept economic benefit tantamount to a  
4811 gift as identified in [UCA §67-16-5](#) nor accept other  
4812 compensation that might be intended to influence or reward  
4813 the employee in the performance of official business of the  
4814 judicial branch.  
4815  
4816 4) An employee shall declare to management a potential  
4817 conflict of interest when required to do or decide anything  
4818 that could be interpreted as a conflict of interest.  
4819 Management shall then determine whether to excuse the  
4820 employee from making decisions or taking actions that may  
4821 cause a conflict of interest.  
4822  
4823 5) An employee shall not dispense special favors under  
4824 authority of the employee's position to anyone, whether or  
4825 not for remuneration.  
4826

- 4827 6) An employee shall not assist any person in securing a  
4828 contract with the court system in a manner not available to  
4829 any other interested person.  
4830
- 4831 7) An employee shall not be influenced in the performance of  
4832 the employee's duties by kinship, rank, or position.  
4833
- 4834 8) An employee shall not request or accept a fee or  
4835 compensation beyond that received by the employee in an  
4836 official capacity for advice, information, or assistance  
4837 that is otherwise available from the courts.  
4838
- 4839 9) An employee shall not solicit, accept, or agree to accept  
4840 any gift, loan, gratuity, discount, favor, hospitality, or  
4841 service under circumstances from which a reasonable  
4842 inference could be made that a major purpose of the donor  
4843 is to influence the court employee in the performance of  
4844 official duties. This provision does not apply to the  
4845 following:
- 4846 a) An award presented in recognition of public service;
  - 4847 b) Any bonafide loan made in the ordinary course of  
4848 business by any institution authorized by state law or  
4849 federal law to make such loans;
  - 4850 c) Political campaign contributions if used in a  
4851 political campaign of the recipient public officer or  
4852 public employee;
  - 4853 d) An occasional non-pecuniary gift of nominal value  
4854 given to all of the employees in an office or team.
  - 4855 e) Food, refreshment, or meals of limited value;
  - 4856 f) Opportunities, discounts, rewards and prizes open to  
4857 the general public or all employees of the State of  
4858 Utah;
  - 4859 g) Attendance or participation at events sponsored by  
4860 other governmental entities;
  - 4861 d+h) Travel to and from widely attended events related  
4862 to governmental duties where acceptance of such travel  
4863 would result in financial savings to the State of  
4864 Utah.
- 4865
- 4866 10) An employee shall not receive outside compensation for  
4867 the performance of court duties except in cases of:
- 4868 a) An award of meritorious public contribution publicly  
4869 awarded;
  - 4870 b) The receipt of honoraria or expenses paid for papers,  
4871 transcripts, talks, demonstrations, or appearances  
4872 made by an employee during work hours with the

approval of management; or on the employee's own time for which the employee is not compensated by the courts and which is not prohibited by these rules;

c) The receipt of usual social amenities, ceremonial gifts, or insubstantial advertising gifts.

- 11) Consistent with [UCA §63G-6a Utah Procurement Code](#), those involved in the purchasing process may not receive any gifts or similar favors from vendors.
- a) Vendors should be discouraged from sending any gift of any kind.
  - b) If a vendor offers or sends a gift, the gift should be kindly returned.
  - c) Consumable gifts of nominal value such as a box of chocolates may be shared widely with others in the office or discarded.

## **HR09-12. Political Activity.**

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

# NEPOTISM

5129 **HR09-17. Nepotism and Relationship Bias Prohibitions.**

5130

5131 1) No employee shall hire, promote, or supervise a relative or  
5132 household member either directly or indirectly, nor unduly  
5133 or inappropriately influence any other employment decision  
5134 affecting a relative or household member.

5135

5136 2) Management may not employ a relative or household member of  
5137 a justice, judge, or commissioner (judicial officer) to  
5138 work within the official's level of court within that  
5139 district. Management may not employ a relative or household  
5140 member of a judicial officer to work within the same

district when the court executive manages all levels of court.

- 3) An employee shall immediately disclose any ~~family~~ relative household member, or other similar relationship such as but not limited to a stepchild/step-parent relationship that may pose a conflict with this policy to the direct supervisor, or any supervisor or manager, or to anyone in the Human Resource Department.
- 4) Any supervisor who has knowledge of or receives information of a relationship as described in HR09-17(3) shall notify the court executive, court level administrator, or state court administrator who may then consult with the Human Resources or Legal Department to help determine whether a conflict exists.
- 5) If management determines a conflict exists due to nepotism or other relationship biases as described in this policy, one of the parties must agree to a reassignment or accept an alternative supervisory arrangement established by management within a reasonable period of time.
- 6) If an employee refuses to comply with HR09-9(5), the employee is subject to disciplinary action up to and including dismissal from employment.

#### **HR09-18. Workplace Violence.**

- 1) Violence, threats, bullying, harassment, intimidation, aggressive or hostile and other disruptive behavior are not tolerated.
- 2) Employees engaging in any behavior described in HR09-18(1) shall be subject to disciplinary action up to and including dismissal from employment. Employees who commit such acts may also be subject to criminal prosecution.
  - a) If management determines an employee's continued employment is still consistent with the best interests of the judicial branch, management may consider granting administrative leave, with or without pay, or adjusting the employee's work schedule for the purpose of allowing attendance at an approved outpatient perpetrator treatment program.

# **WRITTEN WARNINGS AND GRIEVANCE PROCESS**

issue:

- a) Training;
- b) Reassignment;
- c) Use of appropriate leave.

5) Following successful completion of a performance improvement plan, the supervisor shall notify the employee of disciplinary consequences for a recurrence of the deficient work performance. Such a recurrence after this point may be considered willful misconduct.

#### **HR10-3. Written Warnings and/or Memorandums of Understanding (MOUs) .**

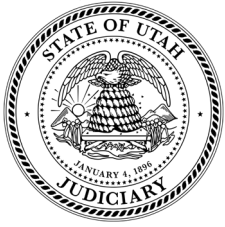
Management may use written warnings and/or MOUs to prevent and/or to address certain performance or conduct problems. These documents are considered as supportive, corrective, and guiding documents. They are not considered disciplinary actions and should not be used as a screening tool in any recruitment process. Written warnings and MOUs are not subject to the Grievance Review Panel ~~grievance process~~ under [HR17](#).

#### **HR10-4. Employee Development and Training.**

- 1) Management may establish programs for training and staff development that shall be specific to or designed for specialized jobs and tasks in the judicial branch.
- 2) Management shall consult with the Director of HR and/or the Director of Education in the AOC when proposed training and development activities may have a statewide impact or may be offered more cost effectively on a statewide basis. The HR Director and/or Education Director, as appropriate, shall determine whether the AOC will be responsible for the requested training.
- 3) The Director of HR shall work with management to establish standards to guide the development of statewide activities and to facilitate sharing of resources statewide.
- 4) When management directs an employee to participate in an educational program, the judicial branch shall pay full costs.



# **VOLUNTEER PROGRAMS**



## Human Resource Policies

### Section 13 - Volunteer Programs

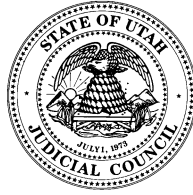
#### **HR13-1. Volunteer Programs.**

- 1) Local management may establish a volunteer program,  
including but not limited to law student externships.
  - a) A volunteer program shall include:
    - i) Documented agreement of the type of work and  
duration for which the volunteer services will be  
provided;

- 5994           ii)    Orientation to the conditions of service to the  
5995                judicial branch and the volunteer's specific  
5996                assignments;  
5997           iii)   Adequate supervision of the volunteer;~~and~~  
5998            ~~iv)~~ Documented hours worked by a volunteer if  
5999                requested by management; ~~and~~  
6000           ~~iv)~~v) Compliance with Title 67, Chapter 20, Volunteer  
6001                Government Workers Act.  
6002  
6003        2) A volunteer may not donate any service to the judicial  
6004        branch unless the volunteer's services are approved by an  
6005        administrative office director, or by a court executive or  
6006        designee in consultation with HR.  
6007            a) Local management shall approve all work programs for  
6008                volunteers before volunteers provide service to the  
6009                judicial branch.  
6010            b) Volunteers are subject to a criminal background check  
6011                consistent with HR04-15.  
6012  
6013        3) A volunteer is considered a government employee for  
6014        purposes of workers' compensation, operation of motor  
6015        vehicles or equipment, if properly licensed and authorized  
6016        to do so, and liability protection and indemnification.  
6017  
6018        4) An employee of the judicial branch who wishes to volunteer  
6019        for the judicial branch or for another state agency may  
6020        only perform services that are distinctly different from  
6021        their primary work activities with the judicial branch.  
6022  
6023        5) The HR Director may authorize exceptions to this policy  
6024        consistent with HR02-2(1).  
6025  
6026

6027 **Authorizing, and Implemented or Interpreted Law: UCJA 3-402; UCA**  
6028 **§67-20-3; UCA §67-20-4**

# Tab 7



# Administrative Office of the Courts

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

April 12, 2023

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

## MEMORANDUM

**TO:** Management Committee of the Judicial Council

**FROM:** Nathanael Player, on behalf of the Forms Committee

**RE:** Forms Committee membership

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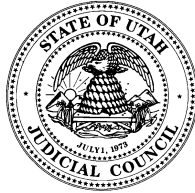
The Management Committee is asked to approve changes in membership to the Forms Committee under the requirements and process in CJA 1-205(1)(B)(xiii) and (3). Appoint:

- Judge Chelsea Koch as chair (currently serving on the Forms Committee);
- Professor Jackie Morrison as the educator from a paralegal program or law school (previously served on the Supreme Court's LPP Task Force);
- Doctor LaReina Hingson as the person skilled in linguistics or communication (no prior committee experience);
- Kirsten Shumway as the LPP administrator (by rule, whoever is the LPP administrator serves on the Forms Committee)

Current membership of the Forms Committee is detailed below, with changes highlighted.

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

<b>Name</b>	<b>Position</b>	<b>Comment</b>
Judge Koch	One of two district court judges and chair	If approved
Judge Koch	One of two district court judges	
Commissioner Minas	Court commissioner	
Judge Bartholomew	Juvenile court judge	
Judge Birch	Justice court judge	
Guy Galli	Court clerk	
Bret Hayman	Appellate court staff attorney	
Nathanael Player	Self-Help Center representative	
Kaden Taylor	State Law Librarian	
Keri Sargent	District court administrator	
Stewart Ralphs	Legal services org. that serves low-income clients	
Amber Alleman	Paralegal	
Professor Jackie Morrison	Representative from a paralegal program or law school	If approved
Professor LaReina Hingson	Person skilled in linguistics or communication	If approved
David Head	Representative from the Utah State Bar	
Kirsten Shumway	LPP Administrator	If approved



## Administrative Office of the Courts

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

April 7, 2023

Ronald B. Gordon, Jr.  
State Court Administrator  
Catherine J. Dupont  
Deputy Court Administrator

### MEMORANDUM

**TO:** Management Committee of the Judicial Council

**FROM:** Nathanael Player, on behalf of the Committee on Resources for Self-Represented Parties

**RE:** Committee membership

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The Management Committee is asked to approve new members to serve on the Committee on Resources for Self-Represented Parties, consistent with the composition requirements detailed in CJA 1-205(1)(B)(viii). Approval is sought, pursuant to CJA 1-205(3)(A)(i), for the following individuals:

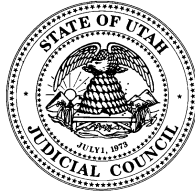
- Danielle Stevens, serving as the rerepresentative from a social services agency providing direct services to underserved communities;
- Dawn Hautamaki, serving as the rural clerk of court;
- Judge Jeri Allphin, serving as one of the two justice court judges.

The table on the second page details the current, and proposed, composition of the committee—individuals marked in yellow are submitted for this group’s approval as new members.

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

<b>Name</b>	<b>Position</b>	<b>Comment</b>
Honorable Rich Mrazik	District court judge and chair	
Honorable Ann Marie Mciff Allen	District court judge	
Honorable Annette Jan	Juvenile court judge	
Honorable Katherine Peters	Justice court judge	Pending approval
Honorable Danalee Welch-O'Donnal	Justice court judge	
Nicole Gray	Appellate clerk of court	
Shannon Treseder	Urban clerk of court	
Dawn Hautamaki	Rural clerk of court	Pending approval
Nathanael Player	Self-Help Center representative	
Charles Stormont	Utah State Bar	
Peter Strand	Legal services organization that serves low-income clients	
Danielle Stevens	Legal services organization that serves low-income clients	Pending approval
VACANT	Social services organization providing direct services to underserved communities	We are still searching for a willing community member
Alison Satterlee	Private attorney	
Professor Leslie Francis	Law school representative	
Bethany Jennings	Law school representative	
Kaden Taylor	State law librarian	
Shawn Newell	Community representative	
Brooke Robinson	Community representative	
Amy Hernandez	Ex Officio Domestic Violence Coordinator	
Pamela Beatse	Ex Officio Utah State Bar Access to Justice Office	





## Administrative Office of the Courts

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

April 24, 2023

Hon. Mary T. Noonan  
State Court Administrator  
Catherine J. Dupont  
Deputy Court Administrator

### MEMORANDUM

TO: Management Committee / Utah Judicial Council

FROM: Chris Talbot, Court Facilities Director

RE: Court Facilities Planning Standing Committee - Appointment of new chairperson

The Standing Committee for Court Facilities Planning is seeking approval to appoint a new chairperson to fill the vacancy left by Judge Brady as his committee term expired.

The current committee members are as follows:

1. Hon. Michele Christiansen - Forster - Court of Appeals
2. Hon. Ann Marie McIff - Allen - Fifth District Court
3. Hon. Troy Little - Fifth District Juvenile
4. Hon. Lee Edwards - Cashe City Justice Court
5. Ron Gordon - Court Administrator
6. Chris Morgan - Trial Court Executive, 6<sup>th</sup> District
7. Chris Palmer – AOC Security Director
8. Brian Bales – Retired Industry Professional
9. Vacant – Industry Professional

The Standing Committee has nominated Judge Michele Christiansen - Forster to fill the open chairperson vacancy. Judge Christiansen - Forster has been a member of the committee for several years and her leadership would be of great benefit to the committee as the new chairperson.

Thank you for your consideration on this new appointment to the Court Facilities Planning Standing Committee.

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