IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MOHAVE

00 SEP 27 PM 2:05
VIRLY FITZWELL
SUPERIOR COURT CLERK

IN THE MATTER OF:	)	
	)	
REVISIONS TO THE JUDICIAL EMPLOYEE MERIT SYSTEM RULES	)	ADMINISTRATIVE ORDER 2000-42

WHEREAS, on May 4, 1998, by Administrative Order No. 98-23, the Mohave County Superior Court adopted the Judicial Employee Merit System Rules for all Superior Court divisions, including the Court Administrator's Office, Adult and Juvenile Probation, Juvenile Detention, Clerk of the Superior Court's Office, and Conciliation Court;

WHEREAS, on September 18, 2000 the Judicial Merit System Commission reviewed and recommended that revisions be made to Judicial Merit Rule 103 'Applicability' with regard to changing the status of the CASA Coordinator from an unclassified to a classified position (such change noted in Attachment #1);

WHEREAS, on September 18, 2000, the Judicial Merit System Commission reviewed and recommended that revisions be made to Judicial Merit Rule 104 'Merit System Administration' so as to: 1) delete the requirement that no more than three Commission members be from the same political party, 2) increase the number of Commission members from five to nine and remove reference to alternate Commission members, and 3) require five Commission members to constitute a quorum for the transaction of business with the provision that at least three of the five members be non-employee Commissioners (such changes noted in Attachment #2);

WHEREAS, on September 18, 2000, the Judicial Merit System Commission reviewed and recommended that revisions be made to Judicial Merit Rule 304 'Premium Pay' to include language pertaining to the additional recognized floating holiday and clarification of language relating to holiday pay in accordance with established County procedure (such changes noted in Attachment #3);

WHEREAS, Judicial Merit System Rule 102(P), provides that the Presiding Judge may approve revisions to the Judicial Merit System Rules upon written order;

IT IS ORDERED the above noted revisions to Judicial Merit System Rules 103 as specified in Attachment #1 be adopted this date.

IT IS FURTHER ORDERED the above referenced revisions to Judicial Merit System Rule 104 as specified in Attachment #2 be adopted this date; except that for the interim period while the Judicial Merit System Commission is staffed with less than the full nine members, the Judicial Merit System Commission is authorized to conduct business under a quorum of five members of which at least two members must be non-employee Commissioners until such time as the Judicial Merit Commission is fully staffed with nine Commissioners.

IT IS FURTHER ORDERED the above referenced revisions to Judicial Merit System Rule 304 as specified in Attachment #3 be adopted this date.

IT IS FURTHER ORDERED that Superior Court staff take whatever action necessary to inform judicial employees of the above changes to the Judicial Employee Merit System Rules of the Superior Court of Mohave County and to make the revised Judicial Merit System Rules accessible and available to judicial employees electronically via computer networks in each of the Court divisions.

DATED this 27th day of September, 2000.

Honorable Gary R. Pope, Presiding Judge
Mohave County Superior Court

Original filed with the Clerk of the Superior Court in Mohave County

A. GENERAL: These Rules apply to all classified positions in the following Superior Court Offices:

1. Court Administrator's Office
2. Adult and Juvenile Probation (including Juvenile Detention)
3. Clerk of Superior Court
4. Conciliation Court
5. Other Divisions to which coverage is extended in writing by the Presiding Judge

Amendments to these Rules may only be made by formal written revision approved by the Presiding Judge.

B. EXCEPTIONS:

1. These Rules and Regulations do not apply to:

a. All Judges (including Judges Pro Tempore, Court Commissioner(s) and Alter- native Dispute Resolution Coordinator(s)).

b. In the offices of each elected Judge:

1) Judicial Assistant(s).

2) Bailiffs.

3) Court Reporter.

~~4) CASA Coordinator.~~

c. The Clerk of the Superior Court.

d. In the office of the Clerk of Superior Court.

1) One Chief Deputy who is designated either by statute or the Elected Official to act for and perform the duties of such Elected Official.

2) One confidential secretary or administrative assistant.

e. Court Administrator.

A. COURT ADMINISTRATOR: The Court Administrator is responsible to the Presiding Judge for the accomplishment of all personnel functions assigned by the Presiding Judge. The Court Administrator is also responsible to the Presiding Judge for all other personnel functions in both the classified and unclassified service. In addition to duties imposed elsewhere, the Court Administrator will:

1. Administer all the provisions of these Rules;

2. Propose and promulgate Personnel Rules and amendments thereto;

3. Enforce approved Merit System Rules;

4. Prepare and maintain a classification plan;

5. Prepare and maintain a compensation plan;

6. Provide recruitment and selection procedures for positions in the classified and unclassified service;

7. Provide employee development programs including orientation, training, safety and general welfare;

8. Perform all other duties required to administer the Judicial Employee Merit System;

9. Serves as the administrative arm of the Merit Commission and Hearing Officer and maintain all records of the activities of the Merit Commission and Hearing Officer;

10. Performs any other lawful act considered necessary or desirable to carry out the purposes or provisions of these Rules.

B. DELEGATION OF RESPONSIBILITIES:

1. The Court Administrator may delegate certain defined responsibilities to identified staff member(s) of the Court Administrator's Office, the Personnel Officer, one or more Court Division Head(s) or a Mohave County Department in order to effect the provisions of these Rules.

2. When the Court Administrator delegates certain responsibilities covered in these Rules to member(s) of the Court Administrator's Office, the Personnel Officer, one or more Court Division Head(s) or a Mohave County Department to increase the efficiency of the organization, such individual(s) have the responsibility of applying

all Merit System Rules to the delegated actions and for conducting them in the same manner as would the Court Administrator.

C. MERIT SYSTEM COMMISSION:

1. ESTABLISHMENT: There is created a Merit System Commission of ~~five (5)~~ nine (9) individuals appointed by the Presiding Judge and selected from among the employees of the Court and qualified electors of the County. Members of the Merit Commission should be supportive of the application of merit principles in Judicial employment.

2. COMMISSION MEMBER QUALIFICATIONS AND COMPOSITION:

a. No ~~more than three (3) members of the Commission shall be from the same political party, nor shall any~~ member of the Commission be a candidate for any elective or public office, except as defined in Rule 502.

b. Five (5) ~~Three (3)~~ Commissioners shall be residents of Mohave County who shall not be employees of the Court. Two (2) ~~One (1)~~ Commissioners shall be ~~an~~ employees or elected officials of the Court whose positions ~~is~~ are at a supervisory level, as determined by the Presiding Judge. Two (2) ~~One (1)~~ Commissioners shall be ~~an~~ employees of the Court whose positions ~~is~~ are at a non-supervisory level, as determined by the Presiding Judge.

c. ~~In addition to the supervisory and non-supervisory employee Commissioners provided for under Rule 104(C)(2)(b), there shall be two (2) alternate super- visory employee/elected official and two (2) alternate non-supervisory em- ployee Commissioners who may serve in the place of such Commissioner in the absence or incapacity of the Commissioner; or in such instances wherein the Commissioner withdraws from consideration of an issue or grievance due to an actual or apparent conflict of interest.~~

3. CONFLICT OF INTEREST:

a. Supervisory and non-supervisory employee Commissioners may remove themselves from hearing a grievance, or may be removed by order of the Presiding Judge, in instances of actual or apparent conflict of interest including but not limited to situations in which:

1. the supervisory or non-supervisory employee is employed in the

division from which the grievance originates; or

2. the Commissioner is a grievant; or

3. the Commissioner is a Respondent; or

4. the findings and recommendations of the Merit Commission in rendering a recommended resolution of the grievance to the Presiding Judge will have a material impact, either positive or negative, on the employment conditions of the Commissioner.

b. In those instances wherein a Commissioner removes him/herself from hearing a grievance as provided for under this Rule, a written record of the reason for such removal shall be established, either in the form of a written letter of removal by the Commissioner or, in those instances wherein the removal is accomplished by the Presiding Judge, in the form of the Presiding Judge's order.

c. ~~In instances of conflict of interest resulting in removal of a Commissioner, an alternate shall assume the responsibilities of the Commissioner who has been removed, until such time as grievance hearing has been completed and recommendations forwarded to the Presiding Judge.~~

d. ~~Alternates shall be of the same type (supervisory or non-supervisory employee) as that who has been removed due to actual or apparent conflict of interest.~~

e. ~~Upon completion of the grievance process and forwarding of recommendations to the Presiding Judge, the alternate Commissioner shall step down and the (regular) Commissioner shall reassume the full responsibilities of their role as Commissioner.~~

4. TERM OF OFFICE:

a. Unless earlier replaced or removed by the Presiding Judge, each member of the Commission ~~(including alternates)~~ and except the original trustees shall hold office for a term of four (4) years and/or until a successor is appointed and seated.

b. In an effort to provide continuity and orderly operation of the Merit Commission, the original Commissioners shall serve terms as follows:

1. One (1) employee Commissioner shall serve a two (2) year term.

2. One (1) employee and one (1) non-employee Commissioner shall each serve three (3) year terms.

3. Two (2) non-employee Commissioners shall serve four (4) year terms.

c. Appointment by the Presiding Judge to fill a vacancy caused by other than expiration of term shall be for the unexpired portion of the term.

5. **RESIGNATION AND REMOVAL:** Any member of the Commission may resign at any time. Any member of the Commission may be removed by the Presiding Judge for good cause. Any one (1) of the following shall constitute the resignation of a Commissioner and authorizes the Presiding Judge to appoint a new member to fill the unexpired term so vacated:

a. Absence from three (3) consecutive meetings providing no good cause shown.

b. Becoming a candidate for any public office except as defined in Rule 502(C).

c. For any non-employee Commissioner, accepting any appointive office or other employment in the Judicial or Mohave County service.

d. For any employee Commissioner, separation from Judicial service for any reason including but not limited to resignation, retirement, layoff or dismissal for cause.

e. Submission to the Presiding Judge of a signed letter of resignation by a departing member of the Commission.

6. **POWERS AND DUTIES OF THE COMMISSION:**

a. The Merit Commission shall act in an advisory capacity to the Presiding Judge in matters affecting personnel administration in the Judicial service. The Commission shall perform such duties and exercise such powers as are pro- vided for in these Rules. In addition to duties imposed elsewhere, the Commission shall:

1) Recommend to the Presiding Judge rules, processes, procedures and/or programs for administration of the Merit System and advance-

ment of professionalism and efficiency in the Judicial service.

2) Hear grievances (except those arising from administrative suspension without pay, disciplinary suspension, demotion, dismissal or alleged illegal discrimination) filed by regular status classified employees.

3) Advise the Presiding Judge on problems concerning personnel administration in the Judicial service.

4) Make such special reports and recommendations to the Presiding Judge as it considers desirable.

7. **ELECTION OF OFFICERS:**

a. The Commissioners shall elect from among their members a chairperson and vice-chair person, provided that Commissioners elected to these positions may not be employees of the Court.

b. Terms of officerships on the Commission shall be for calendar year periods commencing on January 1 and ending on December 31 of each year.

c. In those situations wherein an officer position becomes vacant prior to the expiration of the officer's term, the officer elected as a replacement shall serve for the remainder of the calendar year in which the vacancy arose.

d. The chairperson, or, in the absence of the chairperson, the vice-chair person, shall call and conduct the meetings of the Commission according to such rules, procedures and practices as may be adopted by majority vote of the Commission.

8. **MERIT COMMISSION MEETINGS:** The Merit Commission shall hold meetings at such times and places as specified by a call of the majority or the Chairperson. Except in the case of an actual emergency, Commission meetings shall be held with at least twenty-four (24) hours notice. The notice shall be posted in at least one (1) public place in the Mohave County Courthouse. In case of an actual emergency as determined by the Commission or its Chairperson, a meeting may be held upon lesser or other notice as is appropriate under the circumstances. Notice required under this section shall include an agenda of the matters to be discussed or decided at the meeting or information on how the public may obtain a copy of such agenda. Such agenda shall be available to the public not less than twenty-four (24) hours prior to the meeting except in the case of an actual emergency.

9. QUORUM: The presence of ~~three (3)~~ **five** (5) Commission members **in person or via telephonically** shall constitute a quorum for the transaction of business, including the conduct of hearings, provided that any such quorum include no fewer than ~~(2)~~ **three** (3) non-employee Commissioners.

10. AGENDA: All matters to be presented for consideration by the Commission at any meeting shall be placed upon the Commission's agenda. The agenda will be mailed to each member of the Commission, any employee(s) having a grievance before the Merit Commission where such grievance is to be heard by the Commission at such meeting, and such employee(s)' Division Head prior to such meetings.

11. NOTICE: The Court Administrator will, unless extenuating circumstances prohibit, at least five (5) working days prior to the meeting, mail or cause to be mailed to each involved Division Head and to each interested party having previously requested same in writing, a copy of the notice of the meeting of the Commission, and either an agenda for the meeting or information as to how an agenda may be obtained. Failure of a division or Division Head or involved party to receive the notice and/or agenda shall not affect the validity of the meeting or of any action taken by the Commission at the meeting, if notice was properly posted pursuant to Rule 104(D)(8) herein. In a case of an actual emergency, as determined by the Commission or its Chairperson, a meeting may be held upon lesser or other notice as is appropriate under the circumstances.

12. MINUTES: The Court Administrator shall provide for the recording of official actions of the Commission in its meetings. The time and place of each meeting, the Commissioners present, all official acts of the Commission, and, when requested, a Commissioner's dissent and reasons will be recorded in the minutes. The Court Administrator shall transcribe the minutes and present them for approval or amendment on or before the next Commission meeting. The minutes will be open to public inspection three (3) working days after the subsequent meeting, except as otherwise prohibited by law.

13. SERVING OF NOTICE: Unless otherwise provided by law or these Rules, whenever any notice, paper or document is given to or served upon any person or Division by the Merit Commission or the Court Administrator, such notice, paper or document may be personally served, or it may be served by mailing it to the last known residence or business address of the addressee. Service is considered complete upon mailing.

D. HEARING OFFICER:

1. ESTABLISHMENT: The Office of Hearing Officer is hereby created for the sole and express purpose of serving in an advisory capacity to the Presiding Judge in hearing appeals from alleged instances of illegal discrimination or harassment and appeals from administrative suspensions without pay and disciplinary suspensions, demotions and dismissals.

2. QUALIFICATIONS OF THE HEARING OFFICER: The Hearing Officer shall have any combination of education, training and/or experience, that qualifies them to review the implementation and administration of disciplinary practices in employment settings and/or, in those situations in which the Hearing Officer is to hear appeals involving allegations of illegal discrimination or harassment, with fundamental statutory and administrative premises of discrimination theory. Hearing Officers need not be trained as attorneys. Hearing Officers may not be appointed or elected officials of the Superior Court, or Superior Court divisions in Mohave County. Hearing Officers also may not be attorneys or other individuals who are likely to conduct business or have judicial matters before the Superior Court in Mohave County within twenty-four (24) months of the period during which they serve as a Hearing Officer.

3. SELECTION OF HEARING OFFICER: The Court Administrator shall maintain a list or lists of individuals and/or organizations available to provide Hearing Officer services. Hearing Officers shall be selected based on their actual or apparent expertise as pertains to the appeal to be heard.

4. POWER AND DUTIES OF THE HEARING OFFICER:

   a. The Hearing Officer shall act in an advisory capacity to the Presiding Judge in all assigned appeals from alleged discrimination or harassment, administrative suspension without pay and disciplinary suspension, demotion or dismissal.

   b. The Hearing Officer may administer oaths, compel attendance of and examine witnesses, and compel production of and review documents as provided for in these Rules.

A. OVERTIME:

1. COVERAGE: This Rule extends coverage to those employees in the classified non-exempt and unclassified non-exempt services without regard to regular, temporary, emergency or intermittent status. Employees in the classified exempt and unclassified exempt service are not eligible for overtime compensation except as provided under Rule 304(A)(4).

2. SCHEDULING, ALLOCATION AND APPROVAL OF OVERTIME: All employees may be scheduled and required to work overtime when directed to do so.

3. METHODS OF COMPENSATING FOR OVERTIME - NON-EXEMPT EMPLOYEES: Overtime which can be foreseen must be scheduled and pre-approved by the employee's supervisor. In scheduling overtime, supervisors may seek to schedule such time using staff who have volunteered for such overtime. When extraordinary circumstances arise which precludes prior approval of overtime, employees who have worked such time shall, within one hour of the beginning of their next work day, so notify their supervisor. A non-exempt status employee who is required to work overtime, shall be compensated for such overtime by either one of the following methods at the discretion of the Division Head:

   a. By payment at one and one-half (1.5) times the employee's current hourly rate.

   b. By compensatory time at a rate of one and one-half (1.5) hours off for each hour of overtime worked and not paid.

4. MANAGEMENT LEAVE: An exempt employee who is required to work extra-ordinary hours in unusual circumstances may be authorized management leave time. Authorization of this time may be granted up to a maximum of three (3) working days at any one time at the discretion of the Division Head and Presiding Judge. Under no circumstances is an exempt employee to be granted management leave time on an hour-for-hour basis for extra hours worked.

5. DIVISIONAL RESPONSIBILITY: It shall be the responsibility of each Division Head to:

   a. Schedule time among employees in such a manner as to require little or no overtime;

   b. Monitor and review the reporting of time by subordinate personnel to ensure accuracy of time claimed; and

c. Sign timesheets, thereby attesting to their accuracy, prior to submitting them for payroll processing.

6. **EMPLOYEE RESPONSIBILITY:** It shall be the responsibility of each non-exempt employee to:

a. Accurately record all hours worked on their timesheet, including beginning and ending time of standard, split and other shifts, as well as any time taken for personal or other non-compensable activity; and

b. Not work overtime hours except as may be authorized and approved by their supervisor; and

c. Sign their timesheet, thereby attesting to their accuracy, prior to submitting them to the Division Head for payroll processing.

7. **MODIFICATION OF TIMESHEET ENTRIES:** If corrections or modifications to a timesheet are made, the employee, supervisor and Division Head must verify the accuracy of the changes by initialing and dating each such change.

8. **ADMINISTRATIVE PAY CORRECTIONS:** If there is an error in the amount of pay on a paycheck, the employee shall promptly notify their Division Head so that corrections can be made.

9. **MODIFICATION OF WORK WEEK:** Modifications to the work week established by this Section may only be made upon formal action of the Presiding Judge.

10. **OFFICIAL RECORDS:** For purposes of record keeping and determination of eligibility for compensation for hours worked, timesheets (as approved by the Presiding Judge) shall be the official and only document of the Court Divisions covered under these Rules.

11. **DISCIPLINARY ACTION:** Failure of any employee to follow the guidelines established by this Section may result in disciplinary action up to and including dismissal. Altering, falsifying or tampering with any timesheets or recording time on another employee's timesheet may also result in disciplinary action up to and including dismissal for cause.

B. **COMPENSATORY TIME:**

1. Compensatory leave must be taken in the pay period wherein hours are worked.

2. If circumstances exist which do not allow accrued compensatory leave to be used within the pay period during which such leave accrued, all such time shall be paid as overtime.

3. Divisions are not to maintain or allow the maintenance of logs indicating the working of compensatory hours which have not been reported on timesheets. An employee who does not report compensatory time during a work week is in violation of these Rules and may be subject to disciplinary action.

4. Nothing in the Section shall be interpreted to circumscribe, modify or otherwise impinge on the authority of Division Heads to modify work schedules as needed for efficient operation of the division within the scope of the Fair Labor Standards Act.

C. CALL-BACK PAY:

1. COVERAGE: This Section extends coverage to all employees occupying either probationary or regular positions in the classified non-exempt service.

2. CALL-BACK PERIOD AND PAY:

a. A non-exempt employee who is called-back to work in a non-scheduled or emergency situation on any given day and who returns to work after having left the place of work and after having otherwise completed their shift whether it was of an extended duration or not, shall be compensated at the rate of one and one-half (1.5) times that employee's regular hourly rate for whatever time is worked during such call-back.

b. Employees who are called-back to work on a scheduled day off shall also be compensated as provided in Rule 304(C)(2)(a) above.

c. In no case shall an employee who responds to such call-back receive compensation for less than one (1) hour of time worked at the rate established in Rule 304(C)(2)(a) above.

d. The provisions of this Section shall apply without regard for whether or not the called-back employee has worked hours in excess of the maximum hours stipulated by the Fair Labor Standards Act and these Rules after which overtime is required to be paid.

e. Time credited for call-back shall include any such time during which a called-back employee is actively engaged in compensable activity and reasonable travel time to the work site to which called-back.

D. ON-CALL (OR STAND BY) PAY:

1. Exempt and non-exempt employees may be required to be on an on-call status. Such status shall be interpreted as a period of time during which an employee is subject to being required to return to a work status. The compensability of on-call time shall be determined by factors including the exempt or non-exempt status of the on-call employee, the degree of restriction placed on the employee's time and activities while on-call and any additional considerations imposed under applicable provisions of the Fair Labor Standards Act.

2. Exempt employees who are on an on-call status are not eligible for any form of premium pay for time spent on such status, regardless of the degree to which their ability to use such time for personal activities is restricted.

3. Non-exempt employees placed on an on-call status who are required to remain on Court or other specific premises and/or whose use of personal time is otherwise so restricted as to render the on-call time as falling under the definition of hours worked as provided for under the Fair Labor Standards Act, shall be compensated in accordance with the provisions of such Act and these Rules.

4. A non-exempt employee placed on an on-call status whose time is not so restricted as to render it compensable, shall receive no additional compensation for hours spent in on-call status.

5. On-call status and time spent working is not subject to any of the provisions of call-back pay as otherwise provided for under this Rule.

6. Non-exempt employees who are called to work from an on-call status shall receive their regular wage for all such hours worked except in these cases wherein the total of all hours previously worked in that work week, and those worked when called to work from an on-call status, exceed forty (40) in any single work week. In instances when the total hours worked under this section exceed forty (40) in any work week, the overtime provisions of this Rule shall apply.

E. HOLIDAYS:

1. Employees occupying regular positions shall be allowed time off with pay as provided for by these Rules for those holidays **observed**/recognized by the Court. The holidays ~~recognized~~ **observed** by the Court are as follows:

a.	January 1	New Year's Day
b.	Third Monday in January	Martin Luther King Jr./Civil Rights Day
c.	Third Monday in February	Lincoln/Washington Presidents Day
d.	Last Monday in May	Memorial Day
e.	July 4	Independence Day
f.	First Monday in September	Labor Day
g.	Second Monday in October	Columbus Day
h.	November 11	Veteran's Day
I.	Fourth Thursday in November	Thanksgiving Day
j.	December 25	Christmas Day

2. Unless otherwise necessary due to circumstances, Judicial offices shall be closed on each of the 10 holidays listed above. If holidays a, e, h or j fall on a Sunday, the holiday shall be observed on the following Monday. If holidays a, e, h or j fall on a Saturday, the holiday shall be observed on the preceding Friday. "Observed" means that Judicial offices shall be closed.

3. **The Court recognizes an additional holiday wherein employees may be scheduled to take off and receive holiday pay for either**

   a. **The Day after Thanksgiving (the fourth Friday in November) OR**
   b. **Christmas Eve, which is recognized as the day preceding the Christmas Day holiday (if Christmas Eve falls on a Sunday, the holiday shall be recognized the day following the observed Christmas Day holiday, or, if Christmas Eve falls on a Saturday, the holiday shall be recognized on the preceding Friday.)**
   c. **New Year's Eve, which is recognized as the day preceding the New Year's holiday (if New Year's Eve falls on a Sunday, the holiday shall be recognized the day following the observed New Year's Day holiday, or, if New Year's Eve falls on a Saturday, the holiday shall be recognized on the preceding Friday.)**

   It is the responsibility of each Division Head to schedule and allow each of their employees who occupy regular positions time off with pay as provided for by County Rules for either one of the holidays listed in Rule 304,E3 above. Each Division Head shall insure their department/offices remain open to public access and adequate staff coverage within their divisions and offices is provided during those holidays listed in Rule 304,G3 above.

4. In order to avoid disparity among employees, a day of holiday leave shall be interpreted to mean an eight-hour work day; therefore, an employee (full-time) may be

granted eighty-eight (~~80~~ 88) hours of holiday time or pay as permitted by these Rules in any calendar year as the holidays accrue.

5. All employees shall, if possible, be given time off with pay for each **observed/** recognized holiday. ~~This does not apply to~~ Temporary, intermittent or emergency employees **are not eligible for holiday pay.**

   a. **With the exception of hourly juvenile detention officers,** eligible full-time probationary and regular status employees, who are not required to work on a legal holiday and who do not work on such holiday, shall be paid wages at the employee's regular hourly rate for eight (8) hours for such holiday.

   b. **With the exception of hourly juvenile detention officers,** eligible part-time probationary and regular status employees not required to work on a legal holiday and who do not work on such holiday, shall be paid a prorated amount based on normal hours worked per pay period.

   c. No work shall be scheduled by an employee on a holiday unless approved in advance by the Division Head in writing. Work on a holiday shall only be scheduled as a result of an emergency or unusual and extraordinary circumstances or in cases where the nature of the Court's operation cannot be interrupted by the observance of the holiday.

   d. **With the exception of hourly juvenile detention officers,** if it is not possible for a full-time employee to be given time off on a holiday and the employee is required to work, the employee shall receive: ~~the hourly rate for whatever hours actually worked on the holiday and shall have eight (8) hours added to their PTO accruals in the form of accrued holiday leave~~

      (1) **regular wages for hours actually worked on the holiday, and if applicable, overtime in accordance with Merit Rule 304(A), for hours actually worked on the holiday;**

      (2) **holiday wages at the employee's regular hourly rate of pay for the number of hours determined by subtracting the hours the employee actually worked on the holiday from the allowable eight (8) hours of holiday benefit; and**

      (3) **accrued holiday leave added to the employee's PTO balance in an amount equivalent to the number of hours they actually worked on the holiday.**

e. With the exception of hourly juvenile detention officers, if it is not possible for a part-time employee to be given time off on a holiday and the employee is required to work, the employee shall receive ~~the hourly rate for whatever hours are actually worked on the holiday and shall have a prorated amount of hours added to their PTO accruals in the form of accrued holiday leave.~~

(1) regular wages for hours actually worked on the holiday, and if applicable, overtime in accordance with Merit Rule 304(A), for hours actually worked on the holiday;

(2) holiday wages at the employee's regular hourly rate of pay for a number of hours determined by subtracting the hours the employee actually worked on the holiday from the total number of hours they would have regularly worked on such day;

(3) accrued holiday leave added to the employee's PTO balance in an amount equivalent to the number of hours they actually worked on the holiday, up to the maximum number of hours they would regularly have worked on such day.

f. Eligible full-time juvenile detention officers who are not required to work on a holiday and who do not work on such holiday, shall be paid holiday wages at the employee's regular hourly rate for eight (8) hours for such holiday. In addition the employee shall be paid regular wages at the employee's regular hourly rate, and if applicable overtime in accordance with Merit Rule 304(A), for hours actually worked during the normally scheduled work week. The employee shall not have any holiday benefit hours added to their PTO accruals.

g. Eligible part-time juvenile detention officers who are not required to work on a holiday and who do not work on such holiday, shall be paid holiday wages at the employee's regular hourly rate for a prorated number of hours based on normal hours worked per pay period for such holiday. In addition the employee shall be paid regular wages at the employee's regular hourly rate, and if applicable overtime under Judicial Merit Rule 304(A), for hours actually worked during the normally scheduled work week. The employee shall not have any holiday benefit hours added to the employee's PTO accruals in the form of accrued holiday leave.

h. If it is not possible for an eligible full-time hourly juvenile detention officer to be given time off on a holiday and the employee is required to work, the employee shall be paid:

(1) holiday wages at the employee's regular hourly rate for eight (8) hours for such holiday;
(2) regular wages at the employee's regular hourly rate, and if applicable overtime in accordance with Merit Rule 304(A) for the hours actually worked during the normally scheduled work week, except for hours actually worked on the holiday; and
(3) premium holiday wages at the rate of one and one-half (1.5) times the employee's regular hourly rate, for each hour actually worked on the holiday. The employee shall not have any holiday benefit hours added to the employee's PTO accruals in the form of accrued holiday leave.

i. If it is not possible for an eligible part-time hourly juvenile detention officer to be given time off on a holiday and the employee is required to work, the employee shall be paid:

(1) holiday wages at the employee's regular hourly rate for a prorated number of hours based on normal hours worked per pay period for such holiday;
(2) regular wages at the employee's regular hourly rate, and if applicable overtime in accordance with Merit Rule 304(A) for the hours actually worked during the normally scheduled work week, except for hours actually worked on the holiday; and
(3) premium holiday wages, at the rate of one and one-half (1.5) times the employee's regular hourly rate for each hour actually worked on the holiday. The employee shall not have any holiday benefit hours added to the employee's PTO accruals in the form of accrued holiday leave.

J. Use of accrued holiday leave hours provided for under this Section may be scheduled and used as any other accrued PTO leave.

k. All additional PTO hours provided for by this Section may exceed two hundred forty (240) hours per employee in accordance with Merit Rule 402(F), except that at the end of the calendar year (December 31) only 240 accrued PTO hours (including any accrued holiday leave hours) will be carried forward to the new calendar year.

F. **LUNCH PERIOD:** Non-exempt employees will receive an unpaid work-free lunch period to assure that employees have an uninterrupted lunch period. Supervisors should encourage employees to leave their work stations during lunch periods.

G. **TRAVEL TIME:** The compensability of travel time shall be determined by applicable provisions of the FLSA. This Rule is provided to provide a general description of compensable and non-compensable travel time as a guide for supervisory and non-supervisory personnel.

1. Ordinary commuting time between home and work before and after work is not compensable.

2. Home to work travel by an employee acting under the call-back provisions of this Rule is compensable. Work to home travel upon release from work after call-back is non-compensable.

3. Travel time between work locations which occurs by non-exempt employees during the employee's scheduled work shift is compensable.

4. Travel time which falls outside the scheduled work hours of a non-exempt employee shall be considered compensable except:

    a. When such time is spent on a commercial transport or carrier (air carrier, boat, auto or bus); or

    b. Is for purposes unrelated to the current job; or

    c. Participation is voluntary; or

    d. The employee does not otherwise perform compensable work during the travel time.

5. Travel to training which is directly related to an employee's current position, and time spent in such training, is compensable.

H. **OCCASIONAL OR SPORADIC WORK:** Non-exempt employees should not perform work in addition to their regular assignments without prior approval of their Division Heads. Upon authorization, the Division Head must add those additional hours to the employee's regular work hours to determine overtime compensation due. Exceptions to this Rule are provided for under the FLSA, and may be approved by the Presiding Judge provided that all four of the following Rules are met:

1. The additional work must be part-time. An employee cannot hold two full-time jobs in the Judicial service in the same work week or work period unless the hours worked in the two jobs are totaled in determining the overtime compensation due.

2. The additional work can only be done on an occasional and sporadic basis. If the work is occasional (i.e., work performed in connection with seasonal activities), it may be excludable even if regularly scheduled. If the work does not occur on an occasional or seasonal basis, it must be sporadic.

3. The occasional or sporadic work must be solely at the employee's option.

4. Occasional or sporadic work must be different from the employee's regular work.