

Personnel Policies
For Employees
of the
Iowa Judicial Branch



Office of the State Court Administrator
July 2009

INTRODUCTION.....	1
1.1 WELCOME	1
1.2 DISCLAIMERS	1
1.3 JUDICIAL BRANCH MISSION STATEMENT.....	1
1.4 POLICIES, PROCEDURES AND WORK RULES	1
1.5 EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION (EEO/AA).....	2
1.6 SEXUAL HARASSMENT	2
1.7 AMERICANS WITH DISABILITIES ACT (ADA).....	4
1.8 DRUG-FREE WORKPLACE	5
1.9 VIOLENCE-FREE WORKPLACE POLICY.....	6
1.10 NEPOTISM	6
1.11 INTERNET CODE OF CONDUCT.....	9
1.12 JUDICIAL BRANCH E-MAIL POLICY	11
1.13 SMOKING AND TOBACCO USE POLICY	13
1.14 RETALIATION PROHIBITED.....	14
GENERAL OFFICE PROCEDURES	14
2.1 OFFICE HOURS.....	14
2.2 HOUSEKEEPING	15
2.3 PERSONAL PROPERTY	15
2.4 WEAPONS.....	15
2.5 RELEASE OF EMPLOYEE INFORMATION.....	15
EMPLOYEE COMPENSATION AND STATUS.....	16
3.1 TIME UTILIZATION REPORTING.....	16
3.2 OVERTIME/COMPENSATORY TIME.....	16

3.3	PAY PERIOD/PAY DAY	16
3.4	PAYROLL WARRANTS AND EARNINGS STATEMENTS	17
3.5	DIRECT DEPOSIT PROGRAM	18
3.6	TRAVEL AND EXPENSES	18
3.7	PAY PLAN ADJUSTMENTS.....	18
3.8	PAY INCREASES.....	18
3.9	EMPLOYMENT STATUS	19
3.10	PROBATIONARY PERIOD	19
3.11	PERFORMANCE EVALUATION	20
3.12	POSITION CLASSIFICATION AND REALLOCATION	20
	<i>EMPLOYEE BENEFITS AND ASSOCIATIONS.....</i>	21
4.1	HEALTH BENEFITS.....	21
4.2	DENTAL BENEFITS.....	22
4.3	LIFE INSURANCE	22
4.4	LONG-TERM DISABILITY (LTD) INSURANCE	23
4.5	WORKER’S COMPENSATION.....	23
4.6	IPERS (IOWA PUBLIC EMPLOYEES RETIREMENT SYSTEM).....	23
4.7	SICK LEAVE UPON RETIREMENT.....	24
4.8	SOCIAL SECURITY (F.I.C.A.)	25
4.9	DEFERRED COMPENSATION	25
4.10	FLEXIBLE SPENDING ACCOUNTS	25
4.11	IOWA EMPLOYEE ASSISTANCE PROGRAM (IEAP)	26
4.12	U.S. SAVINGS BONDS	26
4.13	CHARITABLE ORGANIZATIONS	26
4.14	CREDIT UNION	26
	<i>EMPLOYEE LEAVE</i>	27

5.1	HOLIDAYS.....	27
5.2	REQUEST FOR LEAVE	28
5.3	VACATION	28
5.4	SICK LEAVE POLICY	30
5.5	SICK LEAVE CONVERSION	33
5.6	LEAVES OF ABSENCE WITHOUT PAY.....	33
5.7	MEDICAL LEAVE.....	34
5.8	CATASTROPHIC ILLNESS DONATIONS.....	34
5.9	MATERNITY AND PARENTAL LEAVE.....	36
5.10	FAMILY AND MEDICAL LEAVE ACT (FMLA).....	37
5.11	MILITARY LEAVE	37
5.12	VOTING LEAVE	42
5.13	ELECTION LEAVE	42
5.14	SERVICE ON COMMITTEES, BOARDS AND COMMISSIONS	43
5.15	EDUCATIONAL LEAVE	43
5.16	RIGHTS UPON RETURN FROM APPROVED LEAVE	43
5.17	SEVERE WEATHER AND OTHER EMERGENCIES	43
5.18	INCLEMENT WEATHER SITUATIONS	44
5.19	COURT APPEARANCES OR JURY DUTY.....	44
5.20	COMPENSATORY TIME.....	45
	EMPLOYEE SEPARATIONS	45
6.1	RESIGNATIONS.....	45
6.2	RETIREMENT	45
6.3	DISCHARGE.....	45
6.4	JOB ABANDONMENT/VOLUNTARY TERMINATION	46
	DISCIPLINE	46

7.1	DISCIPLINARY ACTIONS.....	46
7.2	ADMINISTRATIVE LEAVE PENDING COMPLETION OF INVESTIGATION.....	47
7.3	INVESTIGATION MEETINGS	47
	<i>GRIEVANCE PROCEDURE</i>	<i>47</i>
8.1	DEFINITION.....	47
8.2	PROCEDURES.....	47
	<i>EMPLOYEE CONDUCT</i>	<i>49</i>
9.1	GENERAL CONDUCT.....	49
9.2	FITNESS FOR DUTY.....	49
9.3	PERSONAL BUSINESS.....	50
	<i>WORK RULES.....</i>	<i>50</i>
10.1	INTRODUCTION.....	50
10.2	ATTENDANCE AND PUNCTUALITY	50
10.3	PERSONAL ACTIONS AND APPEARANCES	51
10.4	USE OF PROPERTY	52
10.5	WORK PERFORMANCE.....	52
10.6	COMPUTER USE AND SECURITY	53
	<i>EMPLOYEE CODE OF ETHICS.....</i>	<i>54</i>
11.1	INTRODUCTION.....	54
11.2	ABUSE OF POSITION AND CONFLICT OF INTEREST	55
11.3	OUTSIDE EMPLOYMENT AND ACTIVITIES	55
11.4	POLITICAL ACTIVITY	56
11.5	CONFIDENTIALITY	57
11.6	RELEASE OF NEWS INFORMATION.....	57
11.7	GIFTS.....	57
11.8	HONORARIA	60

11.9 INTERESTS IN PUBLIC CONTRACTS 61

11.10 SERVICES AGAINST THE STATE..... 61

PERSONNEL POLICIES EMPLOYEE ACKNOWLEDGMENT..... 62

INTRODUCTION

1.1 WELCOME

Welcome to the Judicial Branch, Iowa's third branch of government. It is our goal to recognize the importance of each individual and to create an environment where all employees can be satisfied with their accomplishments, contributions and personal growth. Whatever your assignment may be, you have an important part to play in making a difference for the citizens of our state.

The success of any organization depends to a great degree on the teamwork and cooperation of many individuals. Each person, through efficient work and a cooperative attitude, contributes not only to the good of the Judicial Branch but to his or her own progress as well. It is our desire to make the Judicial Branch a good place to work. Your efforts and positive attitude will help us achieve this goal. We are pleased to have you join the Judicial Branch team.

1.2 DISCLAIMERS

This handbook has been prepared to give a clearer understanding of important personnel policies and procedures. No employee handbook can cover all the possible conditions and circumstances surrounding the employment relationship. The office of the State Court Administrator reserves the right to alter, modify, amend or terminate the provisions of this handbook at any time. The provisions of these policies and other policies do not establish contractual rights between the Judicial Branch and its employees. Where the provisions of these policies conflict with the provisions of a collective bargaining agreement, the collective bargaining agreement prevails.

1.3 JUDICIAL BRANCH MISSION STATEMENT

The Iowa Judicial Branch dedicates itself to providing independent and accessible forums for the fair and prompt resolution of disputes, administering justice under law equally to all persons.

1.4 POLICIES, PROCEDURES AND WORK RULES

It is the policy of the Judicial Branch to establish employment policies, procedures and work rules via this manual in order to ensure the efficient and effective functioning of the Judicial Branch of government, and to provide, within the bounds of the law, protection and fair treatment of all its employees and persons coming in contact with the Judicial Branch. It is our policy that these rules be clearly communicated to all employees and that they be consistently and fairly enforced. Where provisions of collective bargaining agreements differ from the provisions of this manual, the provisions of the collective bargaining agreements shall prevail for the employees covered by those agreements. Further, local offices may have additional policies, procedures or work rules beyond the provisions of this manual which apply to their employees.

Some of the employee benefit plans described in this booklet are subject to legal requirements concerning reporting and disclosure. This booklet contains highlights of these plans. For complete

details about these benefits, you should consult the employee handbooks and official documents for the respective plans. In case of any discrepancy, the official documents govern. Of course, changes in the law may affect the benefits programs described in this handbook.

1.5 EQUAL EMPLOYMENT OPPORTUNITY AND AFFIRMATIVE ACTION (EEO/AA)

The Judicial Branch is committed to providing equal employment opportunity as an essential component of its basic personnel and administrative policies. This commitment is to ensure that persons will not be denied access to employment and promotion, and other terms, conditions and privileges of employment due to discrimination on the basis of race, color, creed, ancestry, national origin, sex, age, marital status, religion, disability, sexual orientation or gender identity. (Except where any of the foregoing are bona fide occupational qualifications.)

The Judicial Branch recognizes that merely enforcing a policy of nondiscrimination does not ensure immediate equality of job opportunity for all persons. Therefore, it is committed to identifying and eliminating through affirmative action past and present effects of discrimination in employment, whether intentional or not, manifested by underrepresentation of females and minorities in its work force. The affirmative action plan will be updated and revised annually based on experience in implementation, revised laws and regulations and their evolving interpretations, the acquisition of new and improved statistical data, and increasing awareness and knowledge of the most effective approaches for assuring true equal employment opportunity.

The State Court Administrator, together with District Court Administrators, administers equal employment opportunity and affirmative action activities.

It is the intent of the Judicial Branch to insure that EEO/AA policies and practices become an integral part of our personnel system and a constant factor in the management decision-making process.

1.6 SEXUAL HARASSMENT

The Iowa Judicial Branch will not tolerate sexual harassment. Sexual harassment in any form is an abuse of individual dignity that damages employee morale, threatens work relationships, subverts the public interest, and is illegal under Section 703 of Title VII of the Civil Rights Act of 1964 as amended, and Iowa Code Chapter 216 as amended.

(1) Definition¹

Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when any one of three criteria is met:

- 1) Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment.
- 2) Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual.

¹Equal Employment Opportunity Commission's (EEOC) amended "Guidelines on Discrimination Because of Sex" (45 Fed. Reg. 74676 [1980]).

- 3) Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

(2) Assignment of Responsibilities

The State Court Administrator has responsibility for the overall administration of this policy. Managers at all levels, including judges, shall take timely and appropriate corrective action when harassment is brought to their attention.

Any manager, supervisor, judicial officer, or employee who engages in any form of harassment prohibited by this policy or who retaliates against an individual who has complained of harassment or an individual who aids another individual who has complained of harassment, will be subject to disciplinary action up to and including discharge. Any manager, supervisor, or judicial officer who fails to act upon employee complaints or on personal knowledge of harassment will be subject to disciplinary action up to and including discharge.

Additionally, court users (attorneys, litigants, jurors, members of the public), employees from other government offices, and vendors are expected to conduct themselves in our offices in a manner that complies with this policy. The State Court Administrator, or designees thereof, reserves the right to notify any court user, employee from another government office, or vendor of unwelcome conduct and take whatever action is appropriate to address said conduct and prevent it from reoccurring.

(3) Complaint Process

Any employee who has a complaint of sexual harassment against anyone within the context of his or her employment -- including supervisors, co-workers, judicial officers, court users, employees from other government offices, vendors -- should bring the problem to the attention of his or her supervisor. If the complaint involves the employee's direct supervisor, the employee may go to the next higher supervisor with the complaint. In any case, if for some reason the employee is not comfortable in this process, he or she may complain directly to the Director of Human Resources or Director of Finance and Personnel in the State Court Administrator's Office or the Legal Counsel to the State Court Administrator.

Complaints will be investigated promptly and discreetly by the appointing authority. The State Court Administrator's Office, however, reserves the right to conduct investigations of practices prohibited under this policy when it is determined that such investigations are in the best interest of the Judicial Branch. Person(s) conducting the investigation will interview the complaining party, the individual cited in the complaint, and other persons believed to have pertinent factual knowledge. The investigating parties must retain documentation of all allegations and investigations.

Once an investigation is completed, the complaining party and the party cited for unwelcomed conduct will be notified as to whether corrective action is warranted and what action will be taken. If corrective action is not warranted, both parties will be notified of that.

Corrective action may include, but is not limited to: a letter of clarification of expectations, written reprimand, suspension, reduction of pay in grade, delay or loss of step increase, demotion, or termination. Determining whether corrective action is warranted (and at what level) will be based on the facts of the case and the severity of the harassment.

Where a complaint implicates or involves the conduct of a judicial officer, the complaint will be referred to the Judicial Qualifications Commission for investigation. Its investigations become public if and when the Commission asks for action by the Supreme Court. The Supreme Court upon application by the Commission can discipline or remove for good cause; the court may reject the request or accept the application in whole or in part and rule accordingly. Anyone may file a complaint, which must be in writing and should state the facts. Complaint forms are available through the State Court Administrator's Office.

Individuals may also file charges with the Iowa Civil Rights Commission or the U.S. Equal Employment Opportunity Commission.

(4) No Retaliation

The Judicial Branch will not tolerate retaliation or discrimination against an individual who files a complaint of harassment or who aids another individual who has complained of harassment. An employee who believes that he or she has been retaliated against as a result of filing a complaint or participating in an investigation may file, a complaint using the complaint procedures in this policy, an internal grievance, and/or a charge with the Iowa Civil Rights Commission or the U.S. Equal Employment Opportunity Commission.

(5) Posting

This policy shall be posted in the following offices: Clerk of Court Offices, State Court Administrator's Office, District Court Administrators' Offices, and Juvenile Court Services Offices. It shall also be distributed to all employees, chairpersons of advisory and policy-making groups, the Iowa State Bar Association, and the Iowa State Association of Counties.

(6) Training

In addition to distributing this policy, the Judicial Branch will circulate an employee guide and a training video on preventing sexual harassment to all employees. Additional videos are available from the State Library's collection which can be accessed through any local public library. Information is also available from the Iowa Department of Human Rights or by calling the National 9 to 5 Job Problem Hotline 1-800-522-0925.

1.7 AMERICANS WITH DISABILITIES ACT (ADA)

The Americans with Disabilities Act (ADA) of 1990, as amended, applies to the Judicial Branch as a public entity. No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of court services, programs, and activities pursuant to the law. Court employees have an affirmative duty to help disabled parties access court services, programs, and activities unless so doing poses an undue financial or administrative burden as determined by the District or State Court Administrator. If employees

are uncertain about how to facilitate access, they should check with their manager or court administration office.

The ADA also applies to the Judicial Branch as an employer. The ADA protects qualified employees with disabilities from discrimination in hiring, promotion, pay, training, fringe benefits, classification, and other aspects of employment on the basis of disability. Reasonable accommodations in employment will be made where appropriate. Employees are expected to notify management if a disability causes them to need reasonable accommodation to perform the essential functions of their job. Local management in consultation with the State Court Administrator's Office will determine whether a reasonable accommodation is appropriate.

Court users, participants, job applicants and members of the public who believe their rights under ADA have been denied, may file an ADA grievance with the Clerk of Court, Chief Juvenile Court Officer, or the District Court Administrator. The grievance should be dated and should contain a statement of the problem and the remedy sought. [Note: In some cases, grievants may be referred to the county grievance process if it is clear that the subject of the grievance involves courthouse facilities for which the county is responsible.]

Step 1: Within 14 calendar days of receipt of the grievance, the Clerk of Court, Chief Juvenile Court Officer, or District Court Administrator will meet in person or via telephone with the grievant and attempt to resolve the grievance. A written answer will be returned to the grievant within 14 calendar days following this meeting.

Step 2: If dissatisfied with the answer at Step 1, to be considered further, the grievance must be appealed to the State Court Administrator within 14 days from the date of postmark of the Step 1 answer. Within 14 calendar days of receipt of the grievance, the State Court Administrator, or designee, will meet in person or via telephone with the grievant and attempt to resolve the grievance. The State Court Administrator or designee will write an answer to the grievance within 14 calendar days of this meeting and transmit it to the grievant.

If the subject of the grievance concerns the State Court Administrator's Office or one of the appellate courts, the grievance originates at Step 2.

Employees who believe their rights under ADA have been denied may file an ADA grievance utilizing the regular internal grievance procedure outlined in Sections 8.1 and 8.2.

1.8 DRUG-FREE WORKPLACE

The Iowa Judicial Branch is committed to maintaining a safe and productive workplace free from the influences of drugs and alcohol. Our policy regarding substance abuse and the unlawful possession of controlled substances on the employer's premises or on work time includes the following provisions:

1. Employees needing help in dealing with drug and alcohol abuse problems are encouraged to use our employee assistance program.

2. Employees are expected and required to report to work on time and in appropriate mental and physical condition for work, i.e., free from the effects of drugs or alcohol.
3. The unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance on the employer's premises or while conducting the employer's business is absolutely prohibited. Violations will result in disciplinary action, up to and including termination and may have legal consequences.
4. Employees are prohibited from driving state vehicles or other vehicles, which they are driving for work related purposes, whether or not they are receiving mileage reimbursement, while under the influence of alcohol or drugs.
5. Employees are required to report any conviction under a criminal drug statute for violations occurring on or off the employer's premises while conducting Judicial Branch business or during the employee's tenure with the Judicial Branch. A report of a conviction must be made to the employee's supervisor or other appropriate official within five days after the conviction.
6. Compliance with the terms and reporting requirements of this policy is required as a condition of employment for all employees.

1.9 VIOLENCE-FREE WORKPLACE POLICY

Definitions

Violence is any act which is intended to intimidate, annoy, or alarm another person; or any act which is intended to cause pain or injury to, or which is intended to result in physical or personal contact which will be insulting or offensive to another, coupled with the apparent ability to execute the act. (Iowa Code §§708.1 and 708.7)

A dangerous weapon is any instrument or device designed primarily for use in inflicting death or injury upon a human being or animal, and which is capable of inflicting death or injury upon a human being when used in the manner for which it was designed. Additionally, any instrument or device of any sort whatsoever which is actually used in such a manner as to indicate that the individual intends to inflict death or injury upon the other, and which, when so used, is capable of inflicting death upon a human being, is a dangerous weapon. Dangerous weapons include, but are not limited to, any offensive weapon, pistol, revolver, or other firearm, dagger, razor, stiletto, switchblade knife, or knife having a blade exceeding five inches in length. (Iowa Code §702.7)

Personal contact means an encounter in which two or more persons are in visual or physical proximity to each other. Personal contact does not require a physical touching or oral communication, although it may include these types of contacts. (Iowa Code §708.7)

Harassing or intimidating behavior, which includes but it not limited to bullying, is repeated aggressive and inappropriate behavior that harms another person or persons physically or mentally. Such behavior can be either direct or indirect and can be verbal, non-verbal, physical or otherwise.

Policy Statement

The Judicial Branch recognizes that violence, intimidation, and/or harassment at work can affect employee work performance and morale. Threats, intimidation, harassment, or acts of violence will not be tolerated. The Judicial Branch further establishes, as its vision, that all of its officials, managers, supervisors, and employees will treat each other with courtesy, dignity, and respect. The Judicial Branch is committed to a violence and harassment-free workplace. Its goal is to prevent violence, intimidation, and harassment in the workplace, as well as to reduce the negative consequences for employees who experience or encounter such behavior.

Prohibitions

1. Employees are prohibited from the possession, sale, transfer, or use of any dangerous weapon while engaged in state business, or on state property or the employer's premises.

This prohibition shall not include employees who have been issued professional weapons permits by the Commissioner of the Department of Public Safety for use by these employees when acting under the authority of the Judicial Branch. This policy is not intended to restrict employees from engaging in legal hunting and recreational activities on state owned properties during off-duty hours.

2. Employees are prohibited from engaging in harassment of another employee, supervisor, manager, vendor, customer, or client in accordance with the Equal Employment Opportunity, Affirmative Action, or Sexual Harassment policies, as well as this policy. The Judicial Branch considers the following types of behavior examples of harassing:

- a. Verbal harassment: slandering, ridiculing or maligning a person or his/her family; persistent name calling which is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks; shouting or raising voice at an individual in public and/or in private; personal insults and use of offensive nicknames; public humiliation; constant criticism on matters unrelated or minimally related to a person's job performance; not allowing an individual to speak or express him/herself (i.e., ignoring or interrupting); public reprimands; spreading rumors and gossip regarding an individual(s); or encouraging others to disregard a supervisor's instructions.
- b. Physical harassment: pushing; shoving; kicking; poking; tripping; physical assault or abuse, or threat of physical assault or abuse; or damage to a person's work area or property.
- c. Non-verbal harassment: non-verbal threatening gestures, glances which can convey threatening messages; persistent singling out of one person; deliberately interfering with mail and other communications; manipulating the ability of someone to do their work (e.g., overloading, underloading, withholding information, setting meaningless tasks, setting deadlines that cannot be met, giving deliberately ambiguous instructions); repeatedly accusing someone of

errors which cannot be documented; inflicting menial tasks not in keeping with the normal responsibilities of the job; or taking credit for another person's ideas.

- d. Exclusion: socially or physically excluding, disregarding, or isolating a person from work-related activities (i.e., meetings).
3. Employees are prohibited from making threatening or intimidating statements or engaging in threatening, intimidating or harassing behavior directed to another employee, supervisor, manager, vendor, customer, or client.
4. Employees are prohibited from communicating with another employee, supervisor, manager, vendor, customer, or client by telephone, electronic means, or in writing without legitimate purpose or in any manner likely to cause the other person annoyance or harm. (Iowa Code §708.7)
5. Employees are prohibited from having personal contact with another employee, supervisor, manager, vendor, customer, or client with the purpose of threatening, intimidating, harassing and/or alarming the other person.

Affirmative Duties

1. An employee who is the victim of workplace violence, intimidation, or harassment shall report the incident immediately in accordance with the procedures established by this policy.
2. An employee witnessing workplace violence, intimidation, or harassment or the potential for such behavior toward another person or properties of the state, shall report such incidents in accordance with the procedures established by this policy.
3. When applicable, officials and employees shall cooperate fully with all appropriate individuals in the investigation and prosecution of criminal acts and the pursuit of any civil remedies in order to provide a violence and harassment-free workplace.

Reporting Procedures

Any employee who has been the victim of workplace violence, harassment or intimidation, or who has a concern about such behavior should bring the matter to the attention of his or her supervisor or the appointing authority or his or her designee in accordance with the Judicial Branch grievance procedure. If the concern or complaint involves the employee's direct supervisor, the employee may go to the next higher supervisor with the concern or complaint or, in the alternative, to the State Court Administrator. All complaints will be promptly investigated by the appointing authority or the State Court Administrator.

In the event of a situation requiring immediate intervention by law enforcement personnel, the appropriate law enforcement agency should be contacted immediately.

Remedies for Violations of Policy

Corrective action will be taken to remedy violations of this policy when warranted, up to and including the discharge of parties whose conduct violates this policy. Any instance of intimidating or harassing behavior will not be tolerated by an employee, including supervisors, managers, directors, and administrators. When an allegation of violence, intimidation or harassment is made under this policy, the intention of the alleged violator is irrelevant, and will not be given consideration when determining the appropriate type of discipline. As in sexual harassment, it is the effect of the behavior upon the individual which is important.

Any manager or supervisor who fails to properly act upon employee complaints or on personal knowledge of conduct in violation of this policy may be subject to disciplinary action up to and including discharge.

A copy of all complaints received and their resolutions shall be forwarded to the State Court Administrator within ten working days after receipt of a complaint and again after resolution of the complaint.

1.10 NEPOTISM

The purpose of this policy is to avoid any instance of real or perceived partiality or undue influence which might arise in the work situation due to a family relationship of employees. Therefore:

1. No person shall be employed in a direct supervisory relationship with a spouse, a relative or relative of a spouse who is within the 1st through 3rd degree of relationships (see note). No person shall participate in the hiring process where a relative or a relative of a spouse who is within the 1st through the 3rd degree of relationships is an applicant.

If a change in marital status results in noncompliance with this policy, one of the affected employees in the relationship must find other employment within six months from the change in status. The Judicial Branch will attempt to reassign one of the affected employees, but there is no guarantee of a job implied here. The employees will decide who will seek other employment. Should they fail to do so, the employee with the least seniority will be required to seek other employment.

2. Employment of relatives within the 1st through the 3rd degree relationship under the supervision of one supervisor is discouraged.

NOTE: The definitions of family relationships are:

1st Degree - Parents, children, spouses.

2nd Degree - Grandparents, grandchildren, brothers, sisters.

3rd Degree - Aunts, uncles, nephews, nieces, great-grandparents.

1.11 INTERNET CODE OF CONDUCT

Access to the Internet is provided to staff members for the benefit of the Judicial Branch and its customers. It allows staff to connect to information resources around the world. Every staff member has a responsibility to maintain and enhance the public image of the Judicial Branch and

to use the Internet in a productive manner. To ensure that all staff members are responsible, productive Internet users and are protecting the public image of the Judicial Branch, the following guidelines have been established for using the Internet.

Acceptable Uses of the Internet

Employees accessing the Internet are representing the Judicial Branch. All communications should be for official business reasons. Employees are responsible for seeing that the Internet is used in an effective, ethical and lawful manner. Internet Relay Chat channels may be used to conduct official business, or to gain technical or analytical advice. Databases may be accessed for information as needed. E-mail may be used for business contacts in accord with the Judicial Branch e-mail policy.

Unacceptable Use of the Internet

The Internet should not be used for personal gain, entertainment or advancement of individual views. Solicitation of personal business, or any use of the Internet for personal gain is strictly prohibited. Use of the Internet must not disrupt the operation of the Judicial Branch network or the networks of other users. It must not interfere with your productivity.

Communications

Each employee is responsible for the content of all text, audio, or images that they place or send over the Internet. Fraudulent, harassing or obscene messages are prohibited. All messages communicated on the Internet must have your name attached. No messages will be transmitted under an assumed name. Users may not attempt to obscure the origin of any message. Information published on the Internet should not violate or infringe upon the rights of others or violate Judicial Branch confidentiality policies. No abusive, profane or offensive language may be transmitted through the system. Employees who wish to express personal opinions on the Internet are encouraged to obtain their own usernames on other Internet systems during non-business hours on non-state equipment. This provision does not prohibit a person from using a personal log in or security code when required to access a remote newsgroup or Internet site.

Software

To prevent computer viruses from being transmitted through the system there will be no unauthorized downloading of any software. Plug-in software needed for an application (for example, Acrobat Reader, Realplayer, Authorware, etc.) may be downloaded. Data software or trial software must be approved by the Information Technology Division to ensure compatibility with existing software.

Copyright Issues

Copyrighted materials belonging to entities other than the Judicial Branch may not be transmitted by staff members on the Internet. One copy of copyrighted material may be downloaded for your own personal use in research. Users are not permitted to copy, transfer, rename, add or delete information or programs belonging to other users unless given express permission to do so by the owner. Failure to observe copyright or license agreements may result in disciplinary action by the Judicial Branch or legal action by the copyright owner.

Security

All information created, sent or retrieved over the Internet are the property of the Judicial Branch, and should be considered public information. The Judicial Branch reserves the right to access and monitor all usage and files on the computer system as deemed necessary and appropriate. Internet transmissions are public communication and are not private. All communications

including text and images can be disclosed to law enforcement or other third parties without prior consent of the sender or the receiver.

Harassment

Harassment of any kind is prohibited. Messages with derogatory or inflammatory remarks about an individual or group's gender, gender identity, gender preference, age, race, religion, national origin, physical attributes are prohibited.

Violations

Violations of any guidelines listed above may result in disciplinary action up to and including termination. If necessary, the Judicial Branch will advise appropriate legal officials of any violations.

Resources

Judicial Branch employees need to conserve our resources. Remember, there is more to an Internet connection than your state supplied personal computer. There are limits to the network and the servers used to access the Internet. If you remain on the network longer than what it takes for official state business, you may be restricting someone else from its use. Employees are urged to log out of web or network based programs when not in use.

Access

Judicial Branch employees should be aware that the system logs all activity on and use of the Internet. Information on the ICN server may be kept for three years. The Judicial Branch will provide information from the logs to supervisory staff, disciplinary committees, law enforcement or the public when requested.

1.12 JUDICIAL BRANCH E-MAIL POLICY

This policy addresses the access and disclosure of electronic mail messages created, sent or received by Judicial Branch staff using the Judicial Branch electronic mail system.

The Judicial Branch intends to honor the policies set forth below, but must reserve the right to change them at any time as may be required under the circumstances.

1. The Judicial Branch maintains an electronic mail system. This system is provided by the Judicial Branch to assist in the conduct of its business.
2. The electronic mail system hardware and software is Judicial Branch property. Additionally, all messages composed, sent, or received on the electronic mail system are and remain the property of the Judicial Branch. They are not the private property of any system user nor is there any inherent right to confidentiality.
3. The use of the electronic mail system is reserved solely for the conduct of official Judicial Branch business. It may not be used for personal business. Like the telephone, the occasional personal e-mail is allowed as long as it does not disrupt official business.
4. The electronic mail system may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.

5. The electronic mail system is not to be used to create any offensive or disruptive messages. Among those which are considered offensive, are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, gender, gender identity, sexual preference, religious or political beliefs, national origin, or disability.
6. The electronic mail system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.
7. The Judicial Branch reserves and intends to exercise the right to review, audit, intercept, access and disclose all messages created, received or sent over the electronic mail system for any purpose. The contents of electronic mail properly obtained for legitimate business purposes, may be disclosed within the Judicial Branch without the permission of the employee.
8. The confidentiality of any message should not be assumed. Even when a message is erased, it is still possible to retrieve and read that message. Further, the use of passwords for security does not guarantee confidentiality.
9. Notwithstanding the right of the Judicial Branch to retrieve and read any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Any exception to this policy must receive prior approval by the employer.
10. Employees shall not use a code, access a file, or retrieve any stored information, unless authorized to do so. Employees should not attempt to gain access to another employee's messages without the latter's permission. All computer pass codes and passwords must be provided to supervisors upon request.
11. Any employees who discover a violation of this policy shall notify their immediate supervisors.
12. Any employee who violates this policy or uses the electronic mail system for improper purposes shall be subject to discipline, up to and including discharge.

E-Mail Etiquette

Because so many people use e-mail, it is necessary to follow certain "rules" concerning what is proper or acceptable e-mail etiquette. The following guidelines were adapted from Lotus Notes R5 – SAMS – Quick steps for fast results 1999.

Consider the following points of etiquette so you can be a responsible and effective user of e-mail.

Always include information in the subject line – Don't send e-mail without including a clear and concise description of your message in the subject line. It lets your recipients know what the message is about before they open it.

Beware of the written word – Although e-mail is fairly secure, it's not entirely secure. Someone might forward your message to others. Also, sarcasm doesn't translate well from the spoken word to the written word. You might be taken seriously or offend someone when you were only joking.

Send meaningful e-mail – Some companies do not allow any personal use of e-mail. Even if they do, you should still be thoughtful about the number of messages you send people and the importance of those messages. People might not appreciate unsolicited jokes, thought for the day, gossip, and cartoons.

Give thought to sending attachments – You can attach files from other programs within your Notes e-mail. However, it takes time for the recipient to open and read the attachment. Send an attachment only if the recipient needs to make changes to or have a copy of that file for his or her records or the file is too large to cut, copy, and paste into your mail memo. Also, include information in your memo so the receiver knows what the file contains before he or she opens it.

Don't send e-mail to the world – Don't create large distribution lists. If you need to distribute information to a large group of people, ask your Notes administrator for possible alternatives. A discussion database application, a repository application, or a TeamRoom application might be better for sharing information.

DON'T USE ALL CAPS – Typing in all uppercase letters implies that you're shouting.

Use Reply to All – When you answer an e-mail message that includes several names in the "To" or "cc" fields, use the "Reply to All" feature if your answer would be of use to all those people. Otherwise, some people will be dropped from the conversation and you (or the person to whom you're replying) will have to resend the reply to them. Conversely, don't use Reply to All if you only need to respond to the sender.

Keep your messages short – The shorter the better. Some people often skip over e-mail when the message contains more than a screen of information.

Remember that you are using company property – Unlike mail that's sent through the post office, your e-mail is company property. Unless your company policy allows it, e-mail topics that are personal, not work-related, or highly confidential should not be exchanged over the company's e-mail system.

Don't print out your inbox – This is more a common sense than an etiquette issue. If you print your e-mail for reading purposes, aren't you defeating the purpose?

From Lotus Notes R5 – SAMS – Quick steps for fast results 1999.

1.13 SMOKING AND TOBACCO USE POLICY

1. General Statement Of Policy

This policy is intended to help Judicial Branch employees comply with Iowa's Smokefree Air Act. This law was enacted to improve the health of Iowans by reducing their level of exposure to environmental tobacco smoke. For more information on the rules adopted to implement the Smokefree Air Act see 641 Iowa Administrative Code 153 and 11 Iowa Administrative Code 100.3.

2. Prohibited Activities

Smoking or the use of tobacco products is prohibited:

1. Inside of all buildings leased, occupied, operated or owned by the state, counties or other political subdivisions;
2. Inside of all state operated/owned vehicles, except those ordered to receive a regular registration plate pursuant to Iowa Code section 321.19;
3. On the grounds of any building occupied by Judicial Branch staff. "Grounds" is defined as an outdoor area of a public building that is used in connection with the building,

including but not limited to, a sidewalk immediately adjacent to the building; a sitting or standing area immediately adjacent to the building; a patio; a deck; a courtyard; or any other outdoor area as designated by the person having custody or control of the public building; and

4. In any areas formerly used as smoking areas.

3. Permitted Activities

Smoking is permitted inside of enclosed privately-owned motor vehicles located on public property.

4. Violations

Violations of this policy may result in disciplinary action up to and including discharge.

5. Employee Assistance

The Iowa Judicial Branch recognizes that employees may need assistance in stopping the use of tobacco products. The State offers the following information for assistance in the transition process:

- a. Smoking Cessation Program – The State of Iowa offers smoking cessation program services to employees. These services may be obtained by calling 877-252-8411.
- b. Employee Assistance Program – The Employee Assistance Program (EAP) is a confidential program available to all employees and their families. The EAP may be contacted at 244-6090 or 1-800-EAP-IOWA (327-4692).
- c. Iowa Smoke Free Air Website – Iowa Department of Public Health’s website, www.iowaSmokefreeAir.gov is a good resource regarding the smoking ban legislation, including information about smoking cessation programs. Quitline Iowa provides free smoking cessation services to all Iowans. The Quitline will work with you to set up a quit plan and help you with coaching after you quit. You may also qualify for a free, 2-week course of nicotine patches or gum. Call 1-800-QUIT-NOW (1-800-784-8669) or visit www.quitlineiowa.org for more information.

1.14 RETALIATION PROHIBITED

Judicial Branch policy prohibits retaliation against any employee because that employee exercises his or her right to file a charge with a federal, state, or local agency; assists someone with their charge; or complains about violations of the law or Judicial Branch policy. Employees should understand that the Judicial Branch has a zero tolerance level for harassment and inappropriate behavior, and allegations of such behavior will be fully investigated. Retaliation from anyone as a result of a complaint or investigation will not be tolerated. Managers are responsible for ensuring that reports of harassment or inappropriate behavior are investigated promptly and reasonably preventing retaliation for reporting such behavior.

An employee may initiate a retaliation complaint either under the relevant policy or through the grievance procedure in Section 8.

GENERAL OFFICE PROCEDURES

2.1 OFFICE HOURS

The normal workweek for full-time Judicial Branch employees is 40 hours, unless otherwise designated by the State Court Administrator.

Under normal operating conditions all clerical and support staff are expected to observe the basic working hours of 8 a.m. to 4:30 p.m. daily, Monday through Friday. Some discretion may be exercised in these hours, with the approval of the supervisor, based on workload or personal circumstances. However, no employee is expected to deviate substantially from the 40-hour workweek, either upwards or downwards, unless otherwise designated by the State Court Administrator.

In lieu of two 15 minute paid rest periods per day, employees may, with supervisory approval, combine the rest periods with the 1/2-hour unpaid lunch and receive a 1-hour lunch break. All employees at a work site should follow a uniform practice regarding rest periods and lunch breaks. If the employee works at least 5.5 hours during the day 30 minutes of the lunch hour will be paid. If the employee works less than 5.5 hours but more than 3 hours, 15 minutes of the lunch hour will be paid. Employees should not use the lunch break to make up lost time. If rest periods are combined with the lunch period, no other rest periods are permitted.

Unless otherwise designated by the State Court Administrator, all professional and managerial employees must perform and certify that a minimum of 80 hours have actually been worked or reported as earned vacation, sick leave, or leave without pay taken during each biweekly pay period. Supervisors shall implement this policy to ensure employee services equal a minimum of 80 hours each pay period. (See Section 3.1 for time reporting requirements.)

2.2 HOUSEKEEPING

An orderly working area makes each job easier, safer and increases overall efficiency. When tasks are completed, or at the end of the day, return equipment/materials to their proper places. Employees are responsible for being considerate of those who share working facilities by keeping the area as neat and orderly as possible. This also helps ensure the professional image of the court system for the public.

2.3 PERSONAL PROPERTY

Since work areas must be efficiently organized, the supervisor has the right to limit or bar the placement of personal property in the workplace, particularly in areas in the public view. No offensive, inflammatory or discriminatory personal property items should be brought into the work place.

2.4 WEAPONS

Under no circumstances are employees to bring weapons to the workplace. Employees who believe that they need such protection should bring their concerns to the attention of the District Court Administrator or State Court Administrator.

2.5 RELEASE OF EMPLOYEE INFORMATION

As an employer, the Judicial Branch is required by law to provide certain basic information, upon request, to various governmental agencies, credit institutions, banks, etc. Usually these inquiries result from employee applications for loans, credit cards, etc., and expressly ask for such

information as verification of employment, income, social security number, verification of age and potentiality of continued employment. Any request for additional information will be brought to the employee's attention for approval before release.

EMPLOYEE COMPENSATION AND STATUS

3.1 TIME UTILIZATION REPORTING

All employees are required to accurately report their time on a biweekly time report and have it approved by their supervisor who will arrange to report the information to the designated office for payroll purposes. The supervisor or the payroll office verifies the accuracy of the hours paid and leave taken; they are permitted to correct time sheets, so long as the changes made conform to Judicial Branch policies and procedures. More detailed time reporting may be required.

3.2 OVERTIME/COMPENSATORY TIME

The State Court Administrator's Office is responsible for designating those clerical and support positions, which are eligible for overtime/compensatory time provisions. Employees must have approval from their supervisor in advance before they can work overtime. During emergencies or periods requiring extra work, supervisors may be authorized to adjust the workweek to include extra hours.

Overtime is defined as those hours for which the employee is entitled to be compensated that exceed 40 hours in a workweek. The workweek for Judicial employees is Friday through the following Thursday.

Overtime hours are compensated at the premium rate of time and one-half (1 1/2) the employee's base hourly pay or actual overtime hours worked, whichever is applicable. Payment is in either cash or compensatory time. Compensatory time may be accumulated only to 80 hours; any hours over 80 will be paid in cash. Compensatory time may not be carried over into a new fiscal year. Compensatory time due an employee at the end of the fiscal year shall be paid in cash.

Taking accrued compensatory leave time must be scheduled with approval from the supervisor to ensure the least interference with operations. No compensatory time will be allowed unless the overtime is at the specific request of a supervisor.

Employees covered by a collective bargaining agreement that has different provisions will be governed by the provisions of the agreement.

3.3 PAY PERIOD/PAY DAY

Each two-week pay period begins on a Friday and ends two weeks later at midnight on Thursday. Payroll warrants for all employees who do not enroll in direct deposit are mailed on Thursdays, seven days after the end of the pay period.

3.4 PAYROLL WARRANTS AND EARNINGS STATEMENTS

On the Wednesday before each payday employees may access an electronic earnings statement which explains wages and the deductions that have been made.

It is the responsibility of the employee and payroll personnel to see that the employee's pay is correct. If an error is discovered or further explanation is desired, the employee should contact his/her supervisor immediately. In the event there is an underpayment, every effort will be made to make an adjustment on the next paycheck. On the other hand, if an overpayment is made it will be deducted from the next pay check. The supervisor will contact your personnel office to ensure that the correction is made. It is best to keep a file of all warrant stubs

The following information is provided in the on-line earnings statement (on-line warrant):

1. Position Employee Number - The assigned number designating the employee's state section.
2. Earnings Section - Details the various sources of pay for the compensation period as well as cumulative totals of salary paid in for the calendar year to date.
 - Base Pay** - Gross biweekly pay before deductions.
 - Overtime Pay** - If an employee covered by the Fair Labor Standards Act works in excess of 40 hours in either week of the pay period, the overtime pay will be printed in this block.
 - Longevity Pay** - Not applicable to Judicial Branch employees.
 - Other Pay** - This is for payments in addition to the employee's regular pay not covered in any other areas, such as an authorized bonus.
 - Maintenance Pay** - Some employees within the Centralized Payroll System are eligible for "Maintenance Pay". In most instances, the terminology "maintenance pay" is used to indicate the value of housing or meals provided to the employee by the employer at the employer's place of business. Each time maintenance pay is paid to the employee, there is a corresponding deduction from the employee's pay and the money is returned to the employer.
 - Extra Pay/EIC** - Earned income credit if properly designated on a W-4.
 - Terminal Pay** - Special payment to a terminating employee, such as unused vacation, appears on the last pay warrant.
 - Gross Pay** - The total of a - g, above. Indicates current biweekly and total gross pay for year-to-date.
 - Pre-tax** - The amount of the employee's share of benefits which are paid out in pre-tax dollars.
3. Deductions - All deductions for the current pay period and year-to-date totals. The year-to-date column reflects the amounts deducted in the calendar year. Both your share and the amounts contributed by your employer are shown for benefits including social security, other retirement, health insurance, life insurance, long-term disability insurance and deferred compensation match. Typical deductions are:
 - a. Federal Withholding - Deduction based on tax schedule set up by the Internal Revenue Service.
 - b. State Withholding - Deduction based on the state income tax withholding schedule.
 - c. F.I.C.A. - Your social security contribution.
 - d. Retirement - Iowa Public Employees Retirement System (IPERS) contribution.
 - e. Health - Your share of the premium for the health insurance plan you have enrolled in.
 - f. Dental - Your share of the premium for the dental insurance plan you have enrolled in.

- g. Life – The cost of any supplemental group life insurance you have elected to purchase.
- h. Deferred Comp./Annuities – The contribution to the deferred compensation account you have authorized.
- i. Flexible Spending Account – Dependent Care – The contribution to the dependent care flexible spending account that you have authorized.
- j. Flexible Spending Account – Health – The contribution to the health care flexible spending account that you have authorized.

The remaining deductions on the earnings statement are optional and can be explained by a personnel staff member at the time of employment.

- 4. Leave Record - The vacation time, sick leave, family sick leave, and comp time earned and used during the last pay period and the balance according to the latest computation. To assist all employees in determining their vacation entitlement, the vacation ceiling is printed at the bottom. The vacation ceiling will be determined by the employee's length of state service and by the number of times sick leave has been converted to vacation.

3.5 DIRECT DEPOSIT PROGRAM

An employee's pay can be directly deposited into a bank, savings and loan or credit union account on payday. For information on the program, contact the District Court Administrator's office or the State Court Administrator's office as appropriate. The direct deposit program is highly recommended but is not mandatory. The Judicial Branch cannot guarantee that paychecks that are mailed will arrive on the designated pay day. New employees are required to enroll in the direct deposit program.

3.6 TRAVEL AND EXPENSES

Statewide rules for reimbursement for travel and lodging expenses have been established by the Supreme Court.

In order to receive compensation for any work-related trip, prior approval is necessary. The employee must submit receipts for all lodging expenses. Permission for out-of-state travel must come from the Chief Justice, or designee, if reimbursement of expenses is to be requested. For all details regarding travel, see Pre-Audit Travel Rules for the Judiciary, Court Rule 22.16.

3.7 PAY PLAN ADJUSTMENTS

Under normal operating conditions and with legislative funding yearly adjustments are made in the pay plan to reflect increases in the cost of living and negotiated pay increases.

3.8 PAY INCREASES

Under normal operating conditions and with legislative funding, employees who have not yet reached the maximum of their pay grade are eligible for a yearly 4.5% "merit", increase based on satisfactory performance or contract provisions. Employees covered by a collective bargaining agreement receive pay increases according to the terms of the agreement.

3.9 EMPLOYMENT STATUS

Employees of the Judicial Branch are at-will employees with no guaranteed right to job continuation. Employees covered by a collective bargaining agreement have the job protections provided in the agreement. Listed below are definitions of current position types or employment status:

1. *Regular Full-time Employees* - Regular employment status is granted upon satisfactory completion of the probationary period. Regular full-time employees are scheduled to work a normal workweek for 52 weeks per year.
2. *Regular Part-time Employees* - Regular part-time employment status is granted upon satisfactory completion of the probationary period to an employee working less than 40 hours but more than 15 hours per week on a regular basis. Such employees will receive some benefits on a prorated basis.
3. *Temporary Employees* - An employee hired for occasional or seasonal work to assist at times when there is a need for additional staff or where the scheduling of work requires the services of a person(s) on an intermittent basis. Temporary employees are not allowed to work more than 700-780 hours in a fiscal year. Temporary employees are not entitled to benefits.

3.10 PROBATIONARY PERIOD

The first six months of employment is a probationary period during which the employee and employer have an opportunity to determine the compatibility of the employee and their job. This is an important part of the hiring process. During this time, the employee will accrue vacation, sick leave, holidays and other state benefits. Probationary employees may also be eligible for leaves without pay, including military leave, at the discretion of the appointing authority; in such cases the probationary period would be extended by the amount of time gone.

Employees nearing the end of the six-month probationary period shall receive a performance evaluation to determine if regular status shall be granted. In some cases, a probationary period may be extended by the appointing authority once for up to an additional three months.

In addition to less severe discipline measures, the appointing authority may demote, suspend, reduce pay within the same pay grade, or discharge an employee during the probationary period without a statement of reason and without right of appeal. Probationary employees are also not eligible for reinstatement upon termination or reduction in force recall rights.

If an employee accepts a promotion, a six-month probationary period may begin again on the date the promotion becomes effective.

Successful completion of the probationary period does not negate an employee's employment-at-will status, nor does it mean that an employee cannot be disciplined or discharged for misconduct, poor job performance, or any other proper cause, nor does it guarantee that an employee will not be subject to reassignment or layoff.

3.11 PERFORMANCE EVALUATION

A performance evaluation for each employee must be completed periodically by the employee's immediate supervisor. Merit increases are based on satisfactory performance for noncontract employees.

As the employee nears the end of the six-month probationary period, an evaluation of the employee shall be conducted to determine if regular status is to be granted. After this evaluation, an evaluation shall be conducted annually from date of employment or entry into a new classification. More frequent evaluations may be done if there is a need for them. A copy of the completed evaluation form will be given to the employee and a copy retained in the personnel file. Employees may attach their comments to a performance evaluation for retention in the personnel file.

3.12 POSITION CLASSIFICATION AND REALLOCATION

Job descriptions of position classifications are descriptive only and not intended to be all-inclusive. The duties, qualifications, and other conditions presented in the description do not exclude others not mentioned which are nevertheless pertinent to the position. A job description gives a general presentation of the kinds of work characteristic of a position classification; it does not specifically prescribe what the duties of any position shall or shall not be and does not limit the appointing authority's right to reasonably prescribe or alter the duties of any position. The fact that all of the duties performed by the incumbent in a position do not appear in the job description shall not mean that the position is necessarily excluded from the classification, nor shall any one example of a typical duty performed, without relation to other parts of the description, be construed as determining that a position should be assigned to another classification.

Management may change the duties and responsibilities of individual positions. If these changes are significant and permanently assigned, the position may be, with the approval of the State Court Administrator, reclassified to a job class that more accurately reflects the new duties. This new job class may be higher, lower, or a different class in the same pay grade. In the process of reviewing the position, the affected employee and supervisor will be asked to complete the appropriate forms, which will include a description of job duties.

Requests for individual position reviews may be initiated by the appointing authority or the affected employee and filed with the District Court Administrator. Job classification appeal forms may be obtained from the District Court Administrator's Office.

The appointing authority or the employee will be notified of any tentative reallocation or classification and may, within 30 calendar days of the receipt of the tentative reallocation or reclassification request to make a presentation or to submit written comments to a three-member panel of District Court Administrators appointed by the State Court Administrator. The District Court Administrator of the judicial district from which an appeal originates shall not be a member of the panel.

On a quarterly basis the panel will review the tentative reallocation or classification appeals and make a recommendation which shall be submitted to the State Court Administrator. Decisions by the State Court Administrator will be final. The decision shall not be subject to further review until

such time as significant changes in duties and responsibilities can be shown, thereby reactivating the procedure.

EMPLOYEE BENEFITS AND ASSOCIATIONS

4.1 HEALTH BENEFITS

Group health benefits are available to all regular full-time and regular part-time employees who work at least 20 hours a week. Eligible employees may choose from conventional programs or managed care organizations (MCOs) which are available in certain service areas. Single and family coverage is available. The portion of the premium paid by the State and the portion paid by the employee depends on the number of hours worked, the collective bargaining agreement (if any), the plan selected, and the provider selected.

To be guaranteed coverage, new employees must make application for insurance coverage within the first 30 calendar days of employment or during the first scheduled annual enrollment and change period subsequent to their employment. Benefits become effective the first calendar day of the month following the first 30 days of employment. (If the first day of employment is the first work day of the month, coverage will be effective the first of the next month.) A schedule of premium charges and additional information is available in the State and District Court Administrators' offices.

Employees, their spouses, and dependents who do not elect health coverage within the first 30 calendar days after employment, during the first annual enrollment and change period or at the time of a qualified event and enroll at other times will be considered "late enrollees" and be subject to an 18 month preexisting conditions waiting period. The preexisting condition waiting period may be reduced by any period of other creditable coverage without a 63-day break in coverage.

Annual Health Enrollment and Change Period. This is a 30-day period normally beginning in October, with changes in coverage effective January 1. This is the only time of the year when employees already enrolled in a health program can select a different carrier except for the instances noted below. Employees may freely select any health plan that is offered. During the first annual enrollment and change period following employment, new employees who did not enroll at the time of hire may elect health coverage. During the first annual enrollment and change period following employment, new employees who enrolled in single coverage may change to family coverage or add dependents to existing family coverage without a qualifying "event."

Managed Care. The health benefit programs offered include a managed care provision. This means, in part, that the employee is obligated to call the carrier to confirm the medical necessity of an inpatient admission. Just because a doctor orders a specific treatment does not mean it will be covered. Review your health care booklet provided by the carrier to assure compliance with all such provisions.

Double Spouse. In some situations, when both a husband and wife are employed by the state, the couple may elect one family plan with the same carrier. The state's combined contribution will depend on several variables, including the plan chosen and the number of hours worked. Contact the personnel office for your district to determine the state's premium contribution in your particular situation. Where applicable, this applies to both the group health and the group dental benefit programs.

Changing from single to family coverage or adding/dropping new members. Under certain circumstances employees can change from single to family coverage or add dependents during the plan year without the 18-month preexisting condition waiting period. This can be done provided that a timely application is made and that only dependents directly affected by the "life event" are added to coverage. A change may be made if a new application is submitted within thirty (30) calendar days of any of the certain "qualified life events."

Adding or dropping family members at other times may be done according to the provisions of the federal Health Insurance Portability and Protection Act (HIPPA), ERISA, and Section 125 of the IRS Code. A listing of "qualified life events" and the insurance enrollment changes allowed for each can be found on the website of the Iowa Department of Administrative Services (www.das.hre.iowa.gov).

In the event employees refuse health benefit coverage of any kind, they should so indicate on the enrollment application. This form is to be kept in the employee's personnel file. If coverage is refused, your ability to obtain health benefits in the future is limited.

For more information, see your health benefits booklets.

4.2 DENTAL BENEFITS

Dental benefits are available to regular and probationary employees who work at least 20 hours per week and who enroll within 30 calendar days after employment begins. This is the only opportunity for enrollment. Employees must notify Delta Dental to add dependents or change dental coverage within 30 calendar days after a qualifying life event. For more information, see your dental benefits booklet.

4.3 LIFE INSURANCE

For regular employees who work 30 hours or more a week, a basic group life insurance and accidental death and dismemberment coverage in the amount of \$20,000 is provided free of charge. Employees may add to this protection by taking optional coverage (without question), at the time of employment; additional coverage is available, in \$5,000 increments at the group rate up to limits set by the Department of Administrative Services. The cost of these additional amounts of coverage will be deducted from the paycheck. Rates for additional coverage are based on age and amount of coverage elected. To increase or decrease your life insurance, you need to submit the appropriate forms to your personnel representative.

Life insurance benefits become effective the first of the month following the first 30 calendar days of employment. (If the first day of employment is the first work day of the month, coverage will be

effective the first of the next month.) Supplemental life insurance purchased at a time other than upon initial employment requires evidence of insurability.

For more information, see your group life and long-term disability insurance benefit booklet.

4.4 LONG-TERM DISABILITY (LTD) INSURANCE

Regular employees who work more than 30 hours per week are covered by a disability insurance program which is provided at no cost to the employee. The program is designed to provide some economic security against the possibility of an accident or illness, which would prevent working for an extended period of time. LTD benefits are defined in the Code of Iowa, §70A.20.

If disabled, during the first year of employment, the employee is eligible for a monthly benefit of 20% of gross monthly earnings; 40% during the second year; and 60% thereafter. In each case, the maximum benefit is no more than \$3,000 per month. LTD benefits are reduced by disability social security benefits and worker's compensation to arrive at the maximum monthly benefit.

There is a minimum qualifying period of 90 working days during which time accumulated sick leave must be used. All sick leave must be exhausted before eligibility for disability benefits begins. A partial monthly income benefit is paid on approved claims starting 90 work days following the date of disability or after accrued sick leave is exhausted, whichever is later.

The insurance company makes the determination of whether or not an employee is disabled. During the first 12 months, "disabled" means that, due to illness or injury, the employee is unable to perform the duties of his/her current position. After the first 12 months, "disabled" means the employee is unable to perform the duties of any position for which he/she is experienced, trained, or educated.

For more information, see your group life and long-term disability insurance benefit booklet. Claim form applications are available from your personnel representative in the State or District Court Administrator's Office.

4.5 WORKER'S COMPENSATION

All employees are covered by worker's compensation through the State of Iowa. Worker's compensation covers injuries that occur in the performance of duties as a state employee.

If injured on the job, employees are responsible for notifying their supervisor immediately. A "Report of Injury" form is to be completed and submitted to the State Court Administrator's Office within 48 hours. Be certain to include the names of any witnesses to the injury or accident. The state of Iowa utilizes a network of approved doctors to monitor costs; in some parts of the state, employees seeking care for job-related injuries must see a physician in this network. Contact the personnel representative in your district or state court administration for more information.

4.6 IPERS (IOWA PUBLIC EMPLOYEES RETIREMENT SYSTEM)

Designed as a supplement to social security, the Iowa Public Employees Retirement System is a joint contributory retirement system to which both the members and the employers contribute. A

mandatory deduction at the rate established by state law will be deducted from the employee's gross pay; the state also contributes a percentage of the employee's gross pay at the rate established by state law. Employees' IPERS contributions are not subject to federal payroll taxes.

Should you leave IPERS covered employment at any time before retirement, all of your contributions to IPERS (plus accumulated interest on those contributions) will be refunded to you at your request and upon completion of the proper form. Otherwise, when you retire, if you apply to IPERS at or after age 55, you will be eligible to receive a monthly benefit. The benefit will be calculated using a formula based on your years of service and the average of your highest three years' covered wages. At age 70 1/2, even if you are still employed, you may begin receiving monthly retirement benefits.

All employees are members of IPERS except for Justices, Appellate Court Judges, District Court Judges, and District Associate Judges, Associate Juvenile Judges and Associate Probate Judges. Magistrates may make an irrevocable election to join IPERS at the time of appointment.

Each employee should:

- Keep a current designation-of-beneficiary form on file with IPERS. If you are married, your beneficiary designation or change request must also be signed by your spouse.
- Keep IPERS informed of any name or address change.
- Contact IPERS upon termination from public employment in order to fully understand your rights in the system.
- Contact IPERS several months prior to anticipated retirement so that you may wisely select from the several retirement options available to you.
- Consult the IPERS handbook for details.

For questions concerning IPERS benefits, consult IPERS at 1-800-622-3849. IPERS information is also available at www.ipers.org.

4.7 SICK LEAVE UPON RETIREMENT

When an employee is eligible for retirement and has applied for state retirement benefits, the employee is entitled to convert unused sick leave to purchase health insurance after retirement.

1. Upon retirement, all employees will receive cash payment for accumulated, unused sick leave not to exceed a total of two thousand dollars (\$2,000) payable during the pay period preceding the employee's retirement date.
2. Upon a bona fide retirement, employees who are at least 55 years old and who have at least 15 years of service may convert their unused sick leave balance to a bank for purposes of purchasing health insurance after retirement. The employee's sick leave balance will be converted according to the following schedule:

Sick Leave Balance	Conversion Rate
Up to 750 hours	60% of value
Over 750 hours up to 1500 hours	80% of value
Over 1500 hours	100% of value

The amount placed in the bank is the employee's sick leave balance at the time of retirement multiplied by the employee's hourly rate of pay times the conversion factor, minus the cash payout provided in #1, above.

a. The Judicial Branch will continue to pay the employer's share of the health insurance premium each month until the converted value of the employee's sick leave bank is exhausted or until the employee is eligible for Medicare, whichever comes first. The retired employee may stay with the same health insurance program as when employed, or switch "down" at any time without underwriting.

b. The converted value of the sick leave can only be applied to the Employer's share of health insurance payments. It has no cash value and it is not transferable to another use or to an heir.

c. If a retired employee who is utilizing this benefit returns to permanent state employment, all remaining benefits eligibility is forfeited.

4.8 SOCIAL SECURITY (F.I.C.A.)

The Social Security Program of F.I.C.A. (Federal Insurance Contributions Act) is applicable by law to all state employees. Deductions will be made in accordance with current law. Payroll deductions for F.I.C.A. along with contributions paid by the State of Iowa are used as a basis for social security retirement benefits.

4.9 DEFERRED COMPENSATION

Deferred compensation is a supplementary retirement program, which defers a portion of the monthly salary at the employee's direction. This is available to all regular status employees who regularly work 20 hours or more per week. The Judicial Branch will match employees' deferrals in the amount of \$1 for every \$1 deferred up to a maximum match of \$75 per month.

The tax liability on the portion of income invested is deferred until it is drawn. With few exceptions, the money put into deferred compensation cannot be withdrawn until retirement. A pamphlet providing more detailed information is available from the State or District Court Administrator's Office.

4.10 FLEXIBLE SPENDING ACCOUNTS

Dependent Care

This plan provides employees with the opportunity to use pre-tax dollars to pay for day care expenses for their children or other dependent adult(s). An employee may set aside a designated amount of salary (in pre-tax dollars) up to a maximum of \$5,000 annually in a Dependent Care Account and then be reimbursed for qualifying expenses. Employees will be reimbursed as often as twice per month by submitting a receipt signed by the provider along with a claim form. Employees must decide whether the Dependent Care Plan or federal and state dependent care

tax credits are their best option; the advice of a tax specialist is recommended. See booklet for more information.

Medical Expenses

This plan provides employees with the opportunity to use pre-tax dollars to pay for unreimbursed medical expenses for themselves and their dependents. An employee may set aside a designated amount of salary (in pre-tax dollars) up to a maximum of \$3,000 annually in a medical spending account and then be reimbursed for qualifying expenses.

More information is available at <http://das.hre.iowa.gov/fsa/home.html>.

4.11 IOWA EMPLOYEE ASSISTANCE PROGRAM (IEAP)

All employees and their spouses, domestic partners and family members are eligible to receive short-term, confidential counseling through this United Way affiliated agency. IEAP counselors are available statewide to assist with the following range of personal problems:

1. Personal life issues which may include family/marital problems, death and dying issues, interpersonal conflicts, financial problems, stress, etc.
2. Medical problems.
3. Job-related problems concerning the work environment, co-worker relationships, vocational discontent, etc.
4. Alcohol or drug abuse.

The EAP can be contacted at 1-800-327-4692. See brochure for more information.

4.12 U.S. SAVINGS BONDS

U.S. Savings Bonds may be purchased through payroll deduction by completing the savings bond enrollment card available through the personnel office.

4.13 CHARITABLE ORGANIZATIONS

Payroll deduction is one way to make contributions to charitable organizations. Once each year a "One Gift" Campaign is held; employees receive enrollment information at this time.

4.14 CREDIT UNION

Employees and members of their immediate families may join the Community Choice Credit Union which offers a wide array of financial services. Deductions to the Credit Union are available through the payroll system. For more information contact your personnel representative in the State or District Court Administrator's Office or the Community Choice Credit Union, 700 East Lyon Street, Des Moines, Iowa 50309, 1-800-532-1116.

EMPLOYEE LEAVE

5.1 HOLIDAYS

Holidays are granted according to Iowa Code §1C.1. There are nine fixed holidays with pay: New Year's Day, Martin Luther King, Jr.'s birthday, Memorial Day, Independence Day, Labor Day, Veterans Day, Thanksgiving Day, the Friday after Thanksgiving Day and Christmas Day.

The Code of Iowa states that if a holiday enumerated in this section falls on Saturday, the preceding Friday shall be granted and if a holiday enumerated in this section falls on Sunday, the following Monday shall be granted.

In addition to the fixed holidays, state employees have been granted two additional unscheduled holidays a year. These additional days of paid leave are accrued as vacation (see table in Section 5.3) and scheduled by employees in the same way as vacation. Thus making a total of 11 paid holidays annually.

Holidays are granted according to statutory provisions to employees who are eligible to accrue vacation and sick leave.

The value of a holiday is equal to the number of hours the employee is regularly scheduled to work as follows. Compensation for holidays is prorated for employees who are scheduled to work less than 80 hours in the pay period, based on the number of hours scheduled to work during the pay period in which the holiday falls. The hours scheduled for the holiday are included when determining the number of pro rata holiday hours.

To be eligible for holiday compensation an employee must be in pay status at some time during the pay period in which the holiday falls and shall not have been on unapproved leave without pay the last scheduled workday before nor the first scheduled workday after the holiday. If the holiday falls during an approved leave without pay the employee is not eligible for holiday pay when the employee has no paid time during the pay period. An employee who terminates and whose last day in pay status precedes a holiday is not eligible for payment for the holiday.

When the holiday falls on an overtime-covered employee's scheduled workday, but the employee does not get the day off, the employee will be compensated for the holiday to a maximum of eight hours in addition to a premium rate (1.5 x the normal rate) for time actually worked. The premium rate shall be paid for hours actually worked during the 24-hour period between 12:00 a.m. and 11:59 p.m. and for all hours worked on a regularly scheduled shift for which at least half of the hours fall on a holiday. At the discretion of the employee, such premium compensation may be either in cash or compensatory leave. However, hours compensated at the premium rate are not counted as part of the 40 hours for determining overtime eligibility for that week. When the holiday falls on an overtime-covered employee's day off, the employee will be compensated for the holiday to a maximum of eight hours at the normal rate of pay either in pay or compensatory

leave at the employee's discretion. Compensatory leave for holiday pay (regular or premium) must be taken by the end of the fiscal year or it is cashed out.

When an overtime exempt employee is required to work on a holiday the employee may be compensated for the time worked in addition to regular holiday pay at the discretion of the appointing authority. Compensation shall be at the employee's regular rate of pay for all hours worked and will be either in pay or compensatory leave. The decision to pay or grant compensatory leave will be made by the appointing authority. When a holiday falls on an overtime-exempt employee's day off, the employee will be compensated for the holiday to a maximum of eight hours.

5.2 REQUEST FOR LEAVE

Leaves are not automatic; all leaves are subject to a request/approval process. Under some categories of leave, receiving approval is guaranteed (i.e., not subject to management discretion) if the request process is properly followed; in other categories, managers have discretion according to operational needs. Satisfactory medical verification must be furnished for medically related leaves.

In an emergency or unusual situation where leave cannot be approved in advance, the supervisor should be contacted as soon as possible, but no later than one half-hour after the employee's scheduled reporting time unless compelling circumstances prohibit so doing. Any employee who is absent from duty for three consecutive workdays without proper notification and authorization may be considered to have voluntarily terminated his/her position.

Approval may be rescinded and the employee required to return to work if misrepresentation is established. If paid sick leave has been used it may be retroactively denied; discipline, and/or termination may also occur depending on the circumstances.

5.3 VACATION

Vacation with full pay is accrued as follows for all regular and probationary full-time employees working 40 hours per week. Regular and probationary employees working less than 40 hours per week shall accrue vacation leave in an amount proportionate to that which would be accrued for 40 hours per week.

Vacation Entitlement Per Year in Hours				
Years of Service	Vacation		Unscheduled Holidays	Pay Period Accrual in Hours
0-4	80	+	16	3.692307
5-11	120	+	16	5.230769
12-19	160	+	16	6.769230
20-24	176	+	16	7.384615
Over 24	200	+	16	8.307692

The additional 16 hours shown in the vacation accrual amounts indicated allow for the full accrual of the unscheduled holidays. (See Section 5.5 regarding conversion of sick leave accruals to vacation accruals.)

Vacation is subject to the following conditions:

1. Vacation is subject to the approval of the appointing authority. The appointing authority shall approve vacation so as to maintain the efficient operation of the agency; take into consideration the vacation preferences and needs of the employee; and make every reasonable effort to provide vacation to prevent any loss of vacation accrual. Collective bargaining agreements may have additional provisions regarding the scheduling of vacation.
2. Part-time employees accrue vacation in an amount proportionate to that which would be accrued for full-time employment.
3. Vacation does not accrue during any absence without pay.
4. An employee who is transferred, promoted, or demoted from one state agency to another will be credited with the vacation accrued.
5. An employee who is separated from state employment will be paid, or have payment made according to law, for all accrued vacation. Payment will be included with the employee's final paycheck. Vacation will not be granted after the employee's last day of work.
6. Vacation shall be charged on the employee's workday basis. Officially designated holidays occurring during an employee's vacation are not counted against the employee's accrued vacation.
7. In the event of an illness or disability while on vacation, that portion of the vacation spent under the care of a physician will be switched retroactively to and charged against the employee's accrued sick leave upon satisfactory proof from the physician of the illness or disability and its duration.
8. Vacation will not be granted in excess of the amount accrued.
9. Vacation will be cumulative to a maximum of twice the employee's annual rate of accrual, including sick leave conversion. An appointing authority may require an employee to take vacation whenever it would be in the best interests of the agency. The employee will be given reasonable notice of the appointing authority's decision to require the use of accrued vacation. However, an employee will not be required to reduce accrued vacation to less than 80 hours.
10. One week of vacation is equal to the number of hours in the employee's normal, regular workweek.

11. Any employee who is laid off, and subsequently returns to state employment within two years following the date of separation, will have previous continuous service and the period of separation counted toward the vacation accrual rate. Employees who decline recall and employees who are rehired but subsequently terminate are not eligible for prior service credit if later reemployed during that same two-year period.
12. An employee who was terminated due to a long-term disability or a job-related illness or injury and subsequently returns to state employment within two years following the date of medical release, will have previous continuous service and the period of time from the date of medical release counted toward the vacation accrual rate.
13. Time spent in military service, within the specified time limits of the Military Training and Service Act, will be considered continuous service for the purpose of computing vacation accrual, provided the employee returns to state service within 90 calendar days following discharge from military duty. Vacation will not accrue to an employee while on military leave without pay.

5.4 SICK LEAVE POLICY

The basic purpose of the Judicial Branch sick leave program is to protect employees from economic hardship in the event of illness. Because the state of Iowa does not offer a short-term disability program, employees are given generous sick leave accruals. Except for the need to use sick leave for specific purposes identified later, employees are expected to build up sick leave from which they can draw in the event of serious illness lasting up to 90 days -- the eligibility point for the state's long-term disability program. Employees should strive to maintain a balance of at least 40 hours of sick leave to protect themselves in case of an emergency situation.

ACCRUAL

Regular and probationary full-time employees accumulate sick leave at various rates, depending on their sick leave account balance. Regular and probationary part-time employees accrue sick leave on a prorated basis. Use of such leave will be based upon an employee's normal, regular workday or workweek. There is no limit to the number of days, which may be accrued. Holidays that fall during a period of sick leave will not count against sick leave. An employee continues to accrue sick leave time even while on sick leave.

Sick Leave Balance	Annual Accrual	Pay Period Accrual
0 to 750 hours	18 days	5.5385 hours
Over 750 to 1500 hours	12 days	3.6923 hours
Over 1500 hours	6 days	1.8462 hours

All accrued sick leave expires on the date of separation from service and no employee will be reimbursed for accrued sick leave unused at the time of separation with the exception being certain circumstances at retirement. An employee's unused accrued sick leave will be restored in cases where the employee was laid off and is reemployed within two years following the date of layoff, or where an employee who was terminated due to an on-the-job injury or illness is reemployed within one year following the date of medical release.

UTILIZATION OF SICK LEAVE:

1. **Personal Illness or Disability**

Employees may use accrued sick leave for personal illness (both physical and mental), bodily injuries, medically related disabilities resulting from pregnancy and childbirth, or exposure to contagious disease and:

 - a. which require the employee's confinement; or
 - b. which render the employee unable to perform assigned or modified duties; or
 - c. when performance of assigned or modified duties would jeopardize the employee's health or recovery.

2. **Bereavement**
 - a. Where death occurs in the immediate family of the employee, accrued sick leave may be used, not to exceed the following amounts for each such occurrence. In order for a domestic partner to be eligible, the domestic partner must be covered by the employee's health insurance.
 1. Five (5) working days - Death of spouse/domestic partner or child (includes step, foster, ward) and parent, foster parent, or stepparent and corresponding relatives of the spouse/domestic partner.
 2. Three (3) working days - Death of grandparents, grandchildren, brothers, sisters, step-brothers and sisters, sons and daughters-in-law, brother and sisters-in-law, corresponding relatives of a spouse/domestic partner, other household members.
 3. One (1) working day - Death of aunt, uncle, niece, nephew, first cousin, and corresponding relatives of the employee's spouse/domestic partner.
 - b. When an employee is a pallbearer or funeral attendant in a funeral service for someone who is not a member of the employee's immediate family (as defined in 2.a preceding), accrued sick leave shall be used not to exceed one working day for each such occurrence.

3. **Medical or Dental Appointments**

Employees may use accrued sick leave for personal medical (either physical or mental) or dental appointments, which cannot be scheduled at times other than during working hours.

4. **Enforced Leave**

Employees may use accrued sick leave for care and necessary attention of ill or injured members of the immediate family (as defined in paragraph 2 above). Employees are provided 40 hours (five working days) per fiscal year for full-time employees (prorated for part-time employees). Unused enforced leave hours up to a maximum of 40 hours may be carried over to the next fiscal year.

5. Adoption
Employees may use accrued sick leave during adoption. Such leave shall not exceed five working days per fiscal year.
6. Sick leave shall not be used for any reasons not specifically set forth above.

Sick leave is never taken in advance of when it is earned. Because sick leave is accrued in two-week intervals, employees who have been employed less than two weeks and require sick leave may request leave without pay.

Sick leave may not be used for vacation leave. Employees will be permitted to use compensatory time off and/or annual leave in lieu of sick leave when they so request. When a holiday falls while an employee is on paid sick leave, the employee's sick leave account will not be charged for the holiday period.

HABITUAL SICK LEAVE USAGE

While sick leave is available for the employee's use and protection, it is crucial that it also be viewed in the light of the critical need for adequate coverage of work situations at all times. Repeated absenteeism disrupts work schedules, interferes with the quality and amount of work produced, and places a heavier, unfair burden on other employees.

Supervisors may require the employee to submit a medical certificate or other appropriate verification for absences under this section. Such a request should not be construed to constitute harassment of employees. This policy is intended as a vehicle by which a manager can scrutinize cases of habitual sick leave usage or cases where sick leave abuse is suspected. Sick leave abuse or, in some cases, habitual sick leave usage is subject to disciplinary action up to and including discharge. If it is found that an employee is using an unusual amount of sick leave (whatever the reason), it may be determined that the employee possibly is not well enough to continue employment. If such appears to be the case, a physical evaluation from a qualified physician, possibly selected by the employer, may be requested.

NOTIFICATION of ABSENCE

Employees, who are unable to report for work because of illness, are to notify their supervisors in a timely manner. "Timely" in the case of an anticipated illness, such as recovery from a planned surgery, would be as far in advance as possible. "Timely" in the case of an unanticipated illness would mean within the first one-half hour of the employee's regularly scheduled shift, unless compelling circumstances would prohibit so doing. In addition, employees are responsible for continuing to notify their supervisors on each consecutive day of an unscheduled period of absence. This requirement of subsequent day-to-day notification may be waived by in cases where employees have been able to specify at the time of an earlier call the tentative number of days they expect to be off duty. This would be especially true in cases involving serious illness. When an employee provides initial notification of the need for an absence due to illness, the employee must provide sufficient information for the employer to determine whether the absence can properly be considered a qualifying event under the Family and Medical Leave Act (FMLA - see Section 5.10). An employee may be required to furnish a doctor's statement to verify the need for absence and to note an anticipated return to work date.

In the event of an illness, which extends beyond three days, a physician's statement may be required before allowing the employee to return to work.

5.5 SICK LEAVE CONVERSION

Upon receipt of a written request, employees may convert additional accruals of sick leave to additional accruals of vacation according to the following provisions. A copy of this request will be placed in the employee's personnel file.

The conversion will be administered as follows.

1. Employees who have accumulated a minimum of 30 days (240 hours) in their sick leave account and who do not use sick leave for a full calendar month may elect to have ½ day (4 hours) added to their accrued vacation account in lieu of adding one and ½ days (12 hours) to their accrued sick leave account. Employees whose sick leave balance is in excess of 750 hours may elect to have ½ day (4 hours) of sick leave added to their accrued vacation account in lieu of adding one day (8 hours) to their accrued sick leave account. Employees whose sick leave balance is in excess of 1500 hours may elect to have ½ day (4 hours) of sick leave added to their accrued vacation account in lieu of adding ½ day (4 hours) of sick leave to their accrued sick leave account.
2. In the case of eligible part time employees, such conversion rights shall be prorated at the rate of three to one (one hour of vacation for every three hours of earned sick leave).
3. Employees who have made an election pursuant to this Section will be allowed to accumulate up to an additional 12 days (96 hours) beyond twice their annual vacation and unscheduled holiday entitlement.

5.6 LEAVES OF ABSENCE WITHOUT PAY

Within operational limitations and with the prior approval of their supervisor, a regular or probationary employee may be granted leave without pay for a satisfactory reason for a period not to exceed 12 consecutive months. Such requests must be in writing stating the reason for the leave and anticipated date of return. A request for extension must also be in writing. An approved extension may not be for more than an additional 12 consecutive months, unless otherwise approved by the District Court Administrator or the State Court Administrator.

Accrued vacation and compensatory leave need not be exhausted before leave without pay is granted. The determination to require the exhaustion of any or all accrued vacation and compensatory leave shall rest with the appointing authority except as provided in Section 5.8.

Except as otherwise provided, all fringe benefits shall continue during any unpaid leave of absence which does not exceed 30 days.

Failure by the employee to report back to work on the date specified in the approved written request will be considered a voluntary resignation unless otherwise approved by the appointing authority. A written statement accepting the resignation will be sent to the employee by the appointing authority and a copy sent to the State Court Administrator.

5.7 MEDICAL LEAVE

When requested in writing and verified by the employee's physician or other licensed practitioner, an employee with at least one year of seniority who has exhausted his/her sick leave will be granted an unpaid leave of absence, not to exceed 90 calendar days provided the illness or injury exceeds 10 days. Upon request of the employee, extensions may be granted for up to 90 calendar day increments not to exceed a total of one year. Such leaves may not be unreasonably withheld. Extension of such leaves will not impair an employee's right to long-term disability. (NOTE: Time on sick leave without pay counts toward the 90 working day waiting period for long-term disability.)

The appointing authority may require or permit additional time off beyond the employee's accrued sick leave to be charged to any other accrued leave except that employees shall, upon request, be paid accrued vacation and compensatory leave in a lump sum to prevent delay of long-term disability benefits. When all accrued sick leave has been used the employee may be granted leave without pay or terminated.

Employees who are physically injured and unable to work as a result of attacks by inmates, residents, patients, visitors, students or clients of the state who have exhausted their leave of absence granted above, may be granted an additional unpaid leave of absence in 90 day increments not to exceed one year.

The employee shall immediately return to work or be terminated at the appointing authority's option if:

1. The employee fails or refuses to supply the requested verification of continued disability.
2. The verification does not clearly show sufficient continuing reason that would prevent the performance of the employee's regular work duties or modified work duties.
3. The employee is shown to be performing work, which is incompatible with the purpose for which the sick leave without pay was granted.

5.8 CATASTROPHIC ILLNESS DONATIONS

Employees may contribute accrued annual leave (vacation) to benefit another state employee with a catastrophic illness, or a state employee who has a family member with a serious health condition.

Definitions

"Employee" means a non-temporary, part-time or full-time employee, who is eligible to accrue annual leave.

"Catastrophic illness" means a mental or physical illness or injury resulting in a medical condition which a physician has certified is likely to result in the cessation of active work for 30 or more calendar days on a consecutive or intermittent basis.

"Family member" means son, daughter, spouse or parent as those terms are defined for the purpose of the Family and Medical Leave Act.

Eligibility, Request, Approval

To be eligible to receive annual leave donations, an employee or the employee's family member must have a catastrophic illness as defined above, and have exhausted all available paid leave, and not currently be receiving any other supplemental benefit payments from the state (e.g., worker's compensation or long term disability). Employees who are also eligible for FMLA may reserve up to two weeks of annual leave (vacation) as provided in Section 5.10.

An employee with a catastrophic illness or an employee whose family member has a catastrophic illness may request approval to receive annual leave donations from the District Court Administrator and the State Court Administrator using the Judicial Branch's form. Approvals or denials will not be final without signatures from both the District Court Administrator and State Court Administrator. Appointing authorities, at their own initiative, may seek second opinions and/or updates regarding the status of the employee's illness.

Solicitation

The District Finance and Personnel Manager will, if authorized by the requesting employee, post a notice indicating that an employee is eligible for donations and the name of the person to contact for donation forms.

How to Donate

Employees wishing to donate to a state employee already approved to receive donations shall complete a special form (available from their personnel representative) and send it to the recipient employee's personnel representative. Once the donation has been credited, the donor's personnel representative will receive a copy of the form.

Administrative Restrictions

When the recipient is an employee with a catastrophic illness, annual leave shall be donated in increments of one hour or more and shall be irrevocably credited to the recipient's sick leave account on a pay period by pay period basis. When the recipient is an employee with a family member who has a catastrophic illness, annual leave shall be donated in increments of one hour or more and shall be irrevocably credited to the recipients vacation account on a pay period by pay period basis. Donations will be credited on a first-in, first-out basis according to the date and time on the "catastrophic illness contributions" form. Donations will be confidential per Iowa Code §22.7. The total amount of donations received by an employee each pay period shall not exceed the employee's regularly scheduled hours of work for that pay period. Recipients will not receive sick leave or vacation accruals on donated leave. Donations are valid until the recipient receives a doctor's release to return to full-time work. If, after returning to full-time work, the employee or family member suffers a relapse, a new solicitation must be made.

Employees may not extend payment of the state's share of insurance premiums by using paid leave hours in reduced portions. The intent of this policy is that paid hours must be used in

hourly increments equal to the hours the employee is regularly scheduled for work. Therefore, when adding donated hours to the recipient's sick leave balance or vacation balance the hours will be transferred in increments equal to the employee's regularly scheduled work hours on a pay period by pay period basis. All accrued leave must be included in the hours credited to the recipient before donations are used each pay period.

Leave will be credited retroactively to the date the employee exhausted leave if the employee has exhausted all available paid leave and is granted leave without pay, and no previous donations have been received.

The recipient has 30 calendar days from the date his/her accrued leave is exhausted to receive donated hours. If no donations are received during the initial 30 calendar days, no donated leave hours will be accepted on behalf of the recipient after that date.

When a recipient does not have enough donated hours to cover his/her regularly scheduled work hours for the pay period, the amount that is left will be credited to his/her sick leave account or vacation account. After this, no more donated leave hours will be accepted on behalf of the recipient.

Catastrophic illness approval will not impede the employers' right to terminate probationary employees. Probationary status will be extended by the amount of time the employee was on catastrophic illness leave.

Employees should check with their personnel representative to see how catastrophic illness donations affect their normal benefits.

If an employee applies for state long-term disability benefits, and catastrophic illness donations continue to be credited after the qualifying period is reached, the qualifying period will be extended until all leave donations are credited to the recipient's sick leave account.

5.9 MATERNITY AND PARENTAL LEAVE

Maternity leave relates to the birth of a child; parental leave relates to the birth or adoption of a child. Maternity leave and parental leave represent distinct phases of leave.

1. Maternity leave is only available to female employees to cover the disability period associated with pregnancy, childbirth, or recovery from childbirth. Paid sick leave is available for this purpose; vacation, comp time, or unpaid leave may be used if sick leave is exhausted. These considerations apply:
 - In no case shall a pregnant employee be required to leave prior to childbirth unless she is no longer able to satisfactorily perform the duties of her position as substantiated by medical verification.
 - The disability period following childbirth and recovery relates only to that period of time when the employee is incapacitated from performing her job duties as substantiated by medical verification. For example, this is typically a six-week period following a normal delivery, eight weeks following a C-section.

2. Parental leave is available to male and female employees as leave without pay for the purpose of bonding with and nurturing a newborn or newly adopted child; there is no employee disability involved. Vacation leave or comp time may be used in lieu of unpaid leave. The following considerations apply:
 - The employee must be granted up to three months of parental leave without pay if requested. Available annual leave or compensatory leave may be used in lieu of leave without pay. The employee should submit a request for leave as far as possible in advance, preferably at least four weeks. The employee is entitled to take any part or all of the unpaid three month's leave if the leave has been properly requested.
 - An additional three months of parental leave will be granted unless the absence of the employee would cause a substantial hardship on the operating efficiency of the employing unit as determined by the appointing authority.

5.10 FAMILY AND MEDICAL LEAVE ACT (FMLA)

The Family and Medical Leave Act of 1993 (FMLA) and revised regulations effective January 16, 2009 require covered employers to provide job protected leave to eligible employees for certain family , medical, and military reasons. The Judicial Branch will provide up to 12 weeks (or 26 weeks of military caregiver leave to care for a covered servicemember with a serious injury or illness) during a 12 month period to eligible employees. The leave may be paid, unpaid, or a combination of paid and unpaid, depending on the circumstances and as specified in this policy. FMLA is not an additional type of leave; it is a way of designating leave that the employee already has. In most cases, employees must exhaust all paid leave before unpaid leave is granted.

Eligibility

To be eligible for family or medical leave under this policy, the employee must meet all of the following conditions:

- The employee must have worked for the Judicial Branch and/or the State of Iowa for at least one year (12 months or 52 weeks). The 12 months or 52 weeks need not have been consecutive. Separate periods of employment will be counted, provided that the break in service does not exceed seven years. If the separation is due to fulfillment of a National Guard or Reserve military obligations, then the break in service can exceed seven years.
- The employee must have worked at least 1,250 hours during the previous 12 months immediately before the date when the leave commences. Hours worked is determined by actual hours worked and does not include paid or unpaid leave.

Reasons for Taking FMLA Leave

The FMLA provides that leave must be granted for any of the following reasons:

- Birth of a child and to care for the employee's newborn child;
- Placement of a child with the employee for adoption or foster care;
- To care for the employee's spouse, child, or parent who has a serious health condition;

4. For the employee's own serious health condition that makes the employee unable to perform the functions of the employee's position, including workers' compensation injuries.

.A serious health condition is defined as:

- a condition that requires inpatient care at a hospital, hospice or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider;
 - a chronic condition resulting in recurring absences and requiring periodic visits for treatment, such visits much take place at least twice a year.
 - long-term illness requiring extended absences; or
 - a condition lasting more than 3 consecutive days of incapacity with the first visit a health care provider within 7 days of the onset of the incapacity and the second visit within 30 days of the incapacity.
5. Qualifying exigency leave for a spouse, son or daughter of any age, or parent of a member of the National Guard and Reserves who has been notified of an impending call or order to active duty or who is already on active duty in support of a contingency operation. The qualifying exigency must be one of the following: 1) short-notice deployment, 2) military events and activities, 3) child care and school activities, 4) financial and legal arrangements, 5) counseling, 6) rest and recuperation, 7) post-deployment activities and 8) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.
 6. Military caregiver leave (also known as covered servicemember leave) for a spouse, son or daughter of any age, parent or next of kin to care for a covered servicemember with a serious illness or injury incurred in the line of duty on active duty. Next of kin is defined as the closest blood relative of the injured or recovering servicemember.

Amount and Timing of Leave

- Eligible employees may take up to 12 weeks of leave during a fiscal year for circumstances 1 through 5 above. Eligible employees may take up to 26 weeks of leave in a 12 month period, which begins on the first day the employee takes the leave, for circumstance 6 above.
- When spouses employed by the Judicial Branch request FMLA leave for the birth, adoption or foster care placement of a child , they are eligible for a combined 12 weeks of FMLA leave between the two employees. Likewise, spouses who request FMLA for the care of a covered ill or injured servicemember are eligible for a combined 26 weeks. In other words, both employees continue to be eligible for 12 weeks or 26 weeks of FMLA individually, but may only take 12 or 26 weeks between them for an event.
- If the leave is for birth, adoption or foster placement of a child with the employee, the leave must be taken within 12 months of the birth or placement.
- If the leave involves a serious health condition, it can be taken on an intermittent or reduced schedule basis if medically necessary. However, if the need for the leave is foreseeable and for a planned medical treatment, the employee may be temporarily transferred to another position that better accommodates the need for leave.
- If the leave involves a "qualifying exigency" related to a covered servicemember, the period of absence will be charged to vacation or leave-without-pay if the employee has exhausted accrued vacation. This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a fiscal year.

- If the leave involves the care of an covered servicemember of the military, up to 26 weeks of leave, including FMLA leave taken for other reasons, are available within a one-year period, from the commencement of the leave, on a continuous or intermittent basis.

Procedure for Requesting Leave

When requesting leave, the employee must provide sufficient information for the Judicial Branch to be able to determine whether the leave may be FMLA qualifying. All employees requesting FMLA leave must complete an FMLA Request form, which is available from the Finance and Personnel Manager.

- If the reason for FMLA leave is foreseeable [such as planned surgeries or normal births], the employee must give 30 calendar days notice. If the need for leave is unexpected [such as a serious injury in a car accident or a premature birth], the employee must notify the employer as soon as possible in accordance to Section 5.2 of these Personnel Policies and, in no event, more than two business days after knowing of the need for leave. If the employee is unable to provide notice of the leave, the employee's designee may do so. If the notice requirements are not met, the Judicial Branch may deny or delay the taking of FMLA leave.
- Within five (5) business days after the employee has provided verbal or written notice, whichever comes first, the Judicial Branch will provide the employee with the "Notice of Eligibility and Rights & Responsibilities."

Certification of an FMLA Qualifying Event

The Judicial Branch will require certification for any employee request for FMLA leave.

- The employee must respond to the certification request within 15 calendar days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of leave.
- The employee will be provided, along with the "Notice of Eligibility and Rights & Responsibilities" the appropriate certification form.
 - a. Certification for the Employee's Serious Health Condition
 - b. Certification for the Family Member's Serious Health Condition
 - c. Certification of Qualifying Exigency for Military Family Leave
 - d. Certification for Serious Injury or Illness of Covered Servicemember for Military Family Leave
- The Judicial Branch may request recertification for the serious health condition of the employee or the employee's family member every 6 months or every 30 days, if
 - a. circumstances have changed significantly;
 - b. the employer receives information casting doubt on the reason given for the absence; or
 - c. if the employee seeks an extension of leave.

Recertification must be returned within 15 calendar days of the employer's request or the continuation of leave may be denied.

- Within 5 days after the employee has provided the appropriate certification form, the Judicial Branch will complete and provide the employee with a written response (Designation Notice) indicating whether the requested leave is FMLA qualifying.
- If an employee's leave is FMLA qualifying and the employer was not made aware of this until later, the employer may retroactively designate the leave as FMLA.

Job Benefits and Protection

The employee's Finance and Personnel Manager will provide the employee with a written explanation of the status of the employee's pay and benefits in the "Notice of Eligibility and Rights & Responsibilities and upon the commencement of leave.

- Paid and Unpaid Leave:
 - a. Employee's Serious Health Condition: The employee must exhaust accrued sick leave, accrued vacation, or comp time before unpaid leave is granted. All paid leave will run concurrently with FMLA leave.
 - b. Family Leave: The employee must exhaust any family leave (enforced leave), accrued vacation, and comp time for the adoption or foster placement of a child, or the care of a seriously ill or injured child, spouse, or parent (includes military family leave for a qualified exigency and caregiver leave for a covered servicemember) before unpaid leave is granted. All paid leave will run concurrently with FMLA leave.
 - c. Maternity Leave: The employee must exhaust any accrued sick leave, vacation, or comp time for the birth of a child before unpaid leave is granted. When the employee's health care provider releases the employee to return to work, the employee is no longer eligible to use paid sick leave, however the employee may use accrued vacation or comp time.
 - d. Leave Retention: All employees, who are qualified for FMLA leave, are eligible to retain up to 80 hours of accrued vacation each fiscal year.
- Employees who qualify for workers' compensation benefits will receive pay continuation according to the requirements of the state. FMLA leave runs concurrently with the workers' compensation absence. While on workers compensation, the employee will be using FMLA leave concurrently. If the employee supplements workers compensation with paid leave, the paid leave will count as FMLA leave.
- The employee's health, dental and life insurance coverage will be maintained during the leave under the same conditions as if the employee had continued to work. This means that the employee must continue to pay the portion he or she normally pays toward the premium or risk cancellation of benefits during the leave. If the employee is on a paid leave, the premiums will be deducted from the employee's pay as usual. If some or all of the employee's leave will be without pay, information on how and when to make the employee's share of the premium payments will be provided to the employee at the beginning of the leave. If necessary, the employee will be allowed to discontinue coverage and be reinstated to the plan, if the employee returns to work on or before expiration of the FMLA leave.
- Benefits such as sick leave and vacation do not accrue during any part of FMLA leave that is unpaid.
- If a holiday occurs during a full week of paid FMLA leave, the holiday will be counted as FMLA leave. However, if the employee works any part of a work week during which a holiday falls, the holiday does not count as FMLA leave unless the employee was scheduled to work the holiday. An employee on FMLA leave is not eligible for holiday pay during unpaid FMLA leave.
- Upon return from FMLA leave, employees must be restored to their original or equivalent positions with equivalent pay, benefits, and other terms of employment.
- The use of FMLA leave cannot result in the loss of any employment benefit that accrued prior to the start of an employee's FMLA leave.

Return to Work

The employee should notify the Finance and Personnel Manager of the employee's intent to return to work, two weeks prior to the anticipated date of return, or of any medically necessary changes in the date of return.

- If the leave was due to the employee's serious health condition, the Judicial Branch will require a "fitness for duty" certification from the employee's health care provider. The certification must indicate that the employee is able to perform the essential functions of his or her job.
- If the employee is released to return to work with any limitations or restrictions on the employee's ability to temporarily perform the essential functions of the employee's job, the employee may be required to continue leave until the employee can return to work without the limitations or restrictions.
- If the employee returns to work on or before the expiration of available FMLA leave, the employee will be returned to the employee's former position or an equivalent job. If, however, the employee does not return prior to the expiration of FMLA leave, there is no guarantee of reinstatement.
- An absence for FMLA leave is not an "occurrence" for purposes of the Judicial Branch attendance policy.
- If the employee is medically released to return to work and fails to either report to work or call in with a satisfactory explanation on the date released to return to work, the Judicial Branch will treat this as a voluntary resignation.

Unlawful Acts by Employers

FMLA makes it unlawful for any employer to:

- interfere with, restrain, or deny the exercise of any right provided under FMLA; or
- discharge or discriminate, or retaliate against any person for opposing any practice made unlawful by FMLA or for being involved in any proceeding under or relating to FMLA.

Enforcement

An employee who believes that this policy is not being appropriately applied may file a grievance under the provisions in Chapter 8 of these policies. The U.S. Department of Labor is authorized to investigate and resolve complaints of violations of the FMLA. FMLA does not affect any federal or state law prohibiting discrimination, or supersede any state or local law or collective bargaining agreement which provides greater family or medical leave rights. For additional information, contact the employee's Finance and Personnel Manager.

5.11 MILITARY LEAVE

All regular and probationary employees who are members of the National Guard, organized reserves or any division of military service and are ordered to active or inactive duty are entitled to a leave of absence for the duration of duty without loss of pay during the first 30 calendar days of leave; the state life and health insurance benefits will remain in effect until the end of the month of entry into the armed forces. Military leave may be utilized for up to 30 calendar days in any calendar year. However, any amount of military leave taken during any part of an employee's scheduled workday, regardless of the number of hours taken, shall count as one day toward the

30 calendar days maximum. Work schedule changes shall not be made for the purpose of avoiding payment for military leave.

If you are inducted into the military service, you can elect to apply for leave without pay or be separated from employment during the period of military service. In most cases, the maximum period of time an employee can be on leave without pay or be separated from employment and still have return rights is five years. In all instances, the provisions of the USERRA control.

Employees who elect to separate from employment for induction into military service shall be given 30 calendar days of regular pay in a lump sum with their last paycheck. Employees who elect to be placed on leave without pay when inducted into military service shall continue to receive regular pay and benefits for the first 30 calendar days of leave. In both cases, any previous paid leave days granted for military service in the current calendar year shall be deducted from the 30 days.

Employees returning from approved military service are entitled to a job in the same class or a class with an equivalent pay grade whether they are placed on leave without pay or separated during the period of military service. When none is available, reduction in force rules or contract provisions apply. Employees must notify the agency or institution from which separated or placed on leave without pay within 90 calendar days following honorable discharge or from hospitalization continuing after discharge for a period of not more than one year. Failure to notify the employer within the approved time period results in the forfeiture of the employee's return rights.

5.12 VOTING LEAVE

An employee who is eligible to vote in a public election in the State of Iowa may request time off from work with regular pay for a period not to exceed two hours for the purpose of voting. Leave will be granted only to the extent that the employee's work hours do not allow a period of three consecutive hours outside the employee's scheduled work hours during which the voting polls are open.

A request for voting leave must be made to the appointing authority on or before the employee's last scheduled shift prior to Election Day. The time to be taken off will be designated by the appointing authority.

5.13 ELECTION LEAVE

An employee who becomes a candidate for paid, partisan elective will, upon the employee's request, be granted leave 30 calendar days before a contested primary, special or general election. The employee may choose to use accrued vacation or compensatory leave, or leave without pay to cover these periods.

Iowa Code §55.4 provides that an employee who is elected to a paid, partisan office or appointed to an elective paid, partisan office will, upon written request to the appointing authority, be granted leave to serve in that office, except where prohibited by federal law. The use of accrued vacation or compensatory leave, or leave without pay to cover this period is at the discretion of the employee. The leave provided for in this rule need not exceed six years. An employee will

not be prohibited from returning to employment before the expiration of the period for which the leave was granted.

5.14 SERVICE ON COMMITTEES, BOARDS AND COMMISSIONS

Employees who are appointed by the Supreme Court, the State Court Administrator, or other responsible authority to serve on committees, boards, commissions, or similar administrative appointments for Iowa state government are entitled to regular compensation for such service. Employees will be paid in accordance with these rules for time spent; however, pursuant to Iowa Code §70A.1, employees are not entitled to additional compensation for such service.

5.15 EDUCATIONAL LEAVE

With the approval of their supervisor and within operational limitations an employee may be granted leave with or without pay to attend educational classes or functions related to work.

5.16 RIGHTS UPON RETURN FROM APPROVED LEAVE

An employee who is on approved leave without pay must notify the employer of the intent to exercise return from leave rights.

Upon return from approved leave the employee has the right to return to the same employing unit in a vacant position in the class held prior to the leave or to a class of like nature in the same pay grade for which the employee qualifies. If the employee's position or one of like nature is not available in the same employing unit, a layoff determined by the District Court Administrator in conjunction with the State Court Administrator will take place. The exception to this procedure would be unpaid FMLA leave in which there is a greater job protection guarantee.

5.17 SEVERE WEATHER AND OTHER EMERGENCIES

The closure of state or county offices due to severe weather or other emergencies (fire, flood, hazardous material spills, etc.) is usually announced over radio and television. For offices located in the Judicial Branch Building on the Capitol Complex, authority to close an office lies with the State Court Administrator. For offices located off of the Capitol Complex, authority to close a Judicial Branch office lies with the District Court Administrator.

Emergency Conditions:

The state court administrator or a district court administrator may order the emergency evacuation or closing of a state or county court facility when the condition of the facility, or the threat of an imminent natural or other disaster, poses a health or safety risk for employees assigned to that facility.

Employees who are barred from performing their usual duties due to an emergency evacuation or closing will remain in pay status and ready for work assignments during all scheduled work hours. Employees will not be required to utilize paid accrued annual or compensatory leave, nor shall employees be subject to leave without pay. Management will attempt to assign work that can be performed away from the normal work site to affected employees, or attempt to direct employees to an alternate work location on a temporary or permanent basis. Therefore, in order to remain in pay status, employees must provide managers and supervisors with a telephone number at which an employee can be reached during normal work hours.

Weather Conditions

When offices are closed to the public during normal working hours due to weather conditions, employees who do not wish to work may use earned compensatory time, vacation or leave without pay as they may elect. Employees may also elect, with the approval of their supervisor, to work their regularly scheduled hours even though the state or county facility is closed to the general public. Employees will also be permitted to make up lost time within the same workweek with the approval of their immediate supervisor.

When the offices are not closed even though the weather is inclement, employees who are unable to report for work because of the weather may use earned compensatory time, vacation or leave of absence without pay as they may elect.

In the event an employee is required as a condition of employment to travel to a remote location other than their official domicile at the expense of the Judicial Branch, and his or her supervisor determines that travel to return home is precluded by severe weather, the employee may remain at the remote location and perform such tasks as directed by the supervisor and shall not be required to use earned compensatory time, vacation or leave of absence without pay. If severe weather prevents the employee from departing their domicile for travel to a remote location, the employee should contact their supervisor for instructions.

5.18 INCLEMENT WEATHER SITUATIONS

If the State Court Administrator declares that an inclement weather situation exists, an employee reporting within one-half (1/2) hour of his/her regular scheduled reporting time is assumed to have reported on time. If the employee reports after one-half (1/2) hour of his/her regular scheduled reporting time, the employee shall be credited with having worked the first one-half (1/2) hour of the day plus all hours actually worked. Employees may elect to charge any additional lost time to earned compensatory time, vacation or leave of absence without pay.

5.19 COURT APPEARANCES OR JURY DUTY

An employee who is subpoenaed or directed by proper authority to appear as a witness or jury member in any public or private litigation in which the employee is not a party to the proceedings, shall be entitled to time off during regularly scheduled work hours with regular pay.

All pay received for court appearance or jury service, other than reimbursement for necessary travel or personal expense must be given to the state. Hours spent on court or jury service of an employee outside of regular working hours are not covered by this rule, nor shall compensation received in such circumstances be remitted to the state. If the employee is directed to appear as a witness by the appointing authority, that shall be considered work time.

Employees shall notify their supervisor immediately upon receipt of a subpoena or summons by memorandum, attaching a copy of the summons. The employee shall be responsible for all subsequent summonses when obligated to report for jury duty. An employee who reports for jury duty or as a witness and is dismissed shall report to work if there are at least two hours remaining in the scheduled workday and return travel time so permits. The employee shall present evidence of the pay amount received for jury duty or witness appearance upon return to work to the supervisor.

Employees must obtain approval and take appropriate leave to attend any court proceeding not covered above. This includes hearings/trials involving the employee's family members.

5.20 COMPENSATORY TIME

Compensatory time may be accumulated only to 80 hours. Compensatory time may not be carried over into a new fiscal year. Compensatory time due an employee at the end of the fiscal year will be paid to the employee in cash. Taking accrued compensatory leave time must be scheduled with approval from the supervisor to ensure the least interference with operations. (See Section 3.2 for additional provisions concerning compensatory time.)

Employees covered by a union contract should refer to the contract for provisions concerning compensatory time.

EMPLOYEE SEPARATIONS

6.1 RESIGNATIONS

When an employee decides to resign, at least two weeks' notice is requested. The notice is to be an original signed written statement to the supervisor stating the effective date and reason for resigning. E-mail is not an acceptable means to communicate an employee's resignation.

If an employee wishes to retract a resignation, the supervisor will consider the circumstances and make a determination based upon the information presented.

6.2 RETIREMENT

Employees may elect to retire at any age of their own choosing; however, eligibility for benefits begins at age 55 or later. No mandatory retirement age shall be imposed. Employees may continue to work as long as they wish providing they are able to satisfactorily perform their duties.

At least 30 days before the anticipated retirement date, employees should notify their personnel office. It is the responsibility of the employee to contact the IPERS and the local Social Security Office at least 30 days in advance of anticipated retirement to obtain necessary forms to avoid delays in receiving these benefits.

6.3 DISCHARGE

Inefficiency, insubordination, incompetence, failure to perform assigned duties, inadequacy in performance of assigned duties, narcotics addiction, dishonesty, unrehabilitated alcoholism, negligence, conduct which adversely affects the performance of the individual or of the Judicial Branch, conduct unbecoming a public employee, misconduct, or any just and good cause constitutes cause for removal. Conduct at issue may include off duty conduct if there is a nexus between the conduct and the employee's duties and/or the reputation of the Judicial Branch.

At-will, appointed employees are not subject to the just cause standard for discharge. In general, all employees of the Judicial Branch are at-will employees. Employees who are covered by the provisions of a collective bargaining agreement may have additional job protections under the terms of the agreement. The provisions of this Handbook do not establish contractual rights or conditions for employment between the Judicial Branch and its employees.

Prior to being discharged, the appointing authority or designee will meet with the employee and inform him/her that discharge from employment is under serious consideration, and give the employee an opportunity to respond by presenting any new or additional information he/she views as relevant. If after consideration of any information provided at this meeting a decision to discharge is made, a letter of discharge will be sent to the employee within 24 hours of the discharge. A copy will also be placed in the employee's personnel file.

Some employee actions are serious enough to merit immediate discharge. The employer reserves the right to determine when an employee's actions are serious enough to merit immediate discharge.

6.4 JOB ABANDONMENT/VOLUNTARY TERMINATION

Any employee who is absent from work for three consecutive workdays without proper notification and authorization may be considered to have voluntarily terminated his/her position.

DISCIPLINE

7.1 DISCIPLINARY ACTIONS

All Judicial Branch supervisors and managers are responsible for enforcing the rules and regulations of the Judicial Branch consistently and fairly for the employees under their direction and for ensuring a satisfactory level of performance. The purpose of disciplinary action is not to punish employees but to impress upon them the seriousness of their actions and to correct their behavior and/or improve their performance.

Inefficiency, insubordination, incompetence, failure to perform assigned duties, inadequacy in performance of assigned duties, narcotics addiction, dishonesty, unrehabilitated alcoholism, negligence, conduct which adversely affects the performance of the individual or of the Judicial Branch, conduct unbecoming a public employee, misconduct or any just and good cause constitutes cause for discipline. Conduct at issue may include off duty conduct if there is a nexus between the conduct and the employee's duties.

Discipline can take many forms: a written reprimand; a suspension with concurrent loss of pay, sick leave and vacation accrual, and loss or delay of step increase; pay adjustment to a lower step within the same grade; reassignment; demotion; or discharge. The employer shall not discipline an employee without just cause and will impose discipline, up to and including discharge, as the situation merits.

7.2 ADMINISTRATIVE LEAVE PENDING COMPLETION OF INVESTIGATION

Whenever it is determined that an employee must be removed from a current work assignment pending the completion of an investigation to determine if disciplinary action is warranted, the employee may be reassigned at the current rate of pay for up to 21 calendar days or may be placed on administrative (paid) leave from work for up to 21 calendar days. If at the completion of the investigation it is determined that a disciplinary suspension or discharge is warranted, the employer may recover the pay provided during this period of administrative leave, consistent with the disciplinary action.

7.3 INVESTIGATION MEETINGS

During any investigatory meeting an employee who believes that discipline may result, may request the presence of a similarly situated non-contract co-worker during the meeting except for employees covered by a collective bargaining agreement who may be represented by a union official.

Employees covered by the provisions of a collective bargaining agreement should follow the provisions of the agreement to request the presence of a union steward or representative.

The presence of outside persons who are not Judicial Branch employees is not permitted.

GRIEVANCE PROCEDURE

8.1 DEFINITION

A grievance is a written complaint alleging a violation involving the application and interpretation of the provisions of this personnel manual. Issues arising under a collective bargaining agreement must be addressed through the grievance procedure in the collective bargaining agreement.

A grievance must contain a statement of the grievance by indicating the issue involved, the relief sought and the section or sections of the personnel manual. The grievance shall be presented to the designated supervisor and signed and dated by the employee. Grievances designated as "group" grievances must identify individual members of the group and include their signatures; otherwise the grievance will be summarily denied.

8.2 PROCEDURES

STEP 1 The employee shall, within 14 calendar days after the date of the occurrence of the event giving rise to the grievance, submit the grievance in writing to his/her supervisor. Within seven calendar days of receipt of the written grievance, the immediate supervisor will schedule a meeting with the aggrieved employee and attempt to resolve the grievance. A written answer by the supervisor will be placed upon the grievance within seven calendar days of this meeting and transmitted to the employee.

- STEP 2 If dissatisfied with the supervisor's answer in Step 1, to be considered further, the grievance must be appealed to the appointing authority within seven calendar days from receipt of the answer in Step 1. Within seven calendar days of the receipt of the appeal, the appointing authority will meet with the aggrieved employee and attempt to resolve the grievance. A written answer by the appointing authority will be placed upon the grievance within seven calendar days of this meeting and transmitted to the employee.
- STEP 3 If dissatisfied with the appointing authority's response in Step 2, to be considered further, the grievance must be appealed to the District Court Administrator within 14 calendar days from receipt of the answer in Step 2. Within seven calendar days of receipt of the appeal, the District Court Administrator will meet with the aggrieved employee and attempt to resolve the grievance. The District Court Administrator will write an answer on the grievance within 21 calendar days of this meeting and transmit it to the employee.
- STEP 4 If dissatisfied with the District Court Administrator's response in Step 3, to be considered further, the grievance must be appealed to the State Court Administrator within 30 calendar days from the date of postmark of the answer in Step 3. Within 30 calendar days of receipt of the appeal, the State Court Administrator or his/her designee will meet with the aggrieved employee to discuss and attempt to resolve the grievance. The parties will meet via telephone conference at the discretion of the State Court Administrator or his/her designee. The State Court Administrator will place a written decision on the grievance within 14 days of this meeting and transmit it to the employee.

Additionally:

- If the immediate supervisor or appointing authority is a judicial officer in one of the eight judicial districts, the grievance shall proceed directly to Step 3. If the immediate supervisor or appointing authority is a Supreme Court Justice or Court of Appeals Judge, the grievance shall proceed directly to Step 4.
- In the event an individual serves as the administrative authority in two or more of the steps, the grievance shall proceed directly to the highest applicable step.
- The parties may, by mutual agreement, extend the time limits.
- Grievances not filed within the required time limits will be considered as settled based on the last step answer.
- If a grievance is not answered by the employer within the required time limits, the employee may go immediately to the next step.

EMPLOYEE CONDUCT

9.1 GENERAL CONDUCT

It is beneficial to both the employer and employee that employees know what is expected of them. The Judicial Branch expects all employees to:

- Be professional. This includes good business practices as well as honesty, integrity, courtesy and hard work. Personal appearance can create a favorable or unfavorable impression upon co-workers and the public. It is essential that those employees who deal with the public and/or other agencies present an appearance conducive to producing positive results. All employees are expected to observe good rules of personal hygiene and good grooming and dress in a manner appropriate to their individual position.
- Learn their duties and responsibilities well in order to improve and be ready for any opportunity for advancement.
- Work together as a team, helping each other when the necessity arises.
- Be able to follow instructions and listen well. Many problems arise because of poor communications and this can be on the part of the "receiver" as well as the "sender." Ask questions if they do not understand what they are being requested to do.
- Offer suggestions, when appropriate, as to how the Judicial Branch can improve operating policies or procedures. Do not hesitate to mention this to a supervisor. Submit questions, recommendations and suggestions of all types in writing and follow-up on your suggestions.
- Provide excellent, courteous and impartial service to all persons coming in contact with the Judicial Branch regardless of race, color, creed, ancestry, national origin, sex, age, marital status, religion, disability, or socioeconomic status.

9.2 FITNESS FOR DUTY

If there are well documented reasons to question an employee's fitness for duty -- i.e., ability to perform job duties and/or to meet the expectations of conduct described herein -- the employer has the right to require the employee to provide information about that ability. This includes situations where the employee is exhibiting bizarre or unacceptable behavior. A supervisor may require information about the employee's ability to function on the job by requiring the employee to obtain and furnish an evaluation from an appropriate professional. When the employer requires such an evaluation, any costs not covered by the employee's health insurance are the employer's responsibility.

9.3 PERSONAL BUSINESS

An employee may not conduct personal business, or make personal telephone calls on paid time except when reasonably necessary. We can appreciate the need to make some telephone calls while at work, but these should be kept short and infrequent. Neither may employees use any Judicial Branch computer for personal business except for an occasional e-mail.

WORK RULES

10.1 INTRODUCTION

Good personnel practice and the negotiated labor contracts require that the work rules be set forth in writing. Work rules are defined as and limited to rules promulgated by the Iowa Judicial Branch which regulate the personal conduct of employees. Generally, work rules apply to matters arising from employment with the Judicial Branch or which have a bearing on an employee's ability to be effective in his/her job. These work rules are not intended to limit the rights of employees, but rather to define those rights so that the employer can attain its objectives in an orderly fashion.

Conduct in violation of these work rules, policies and procedures will be sufficient grounds for disciplinary action ranging from reprimand to immediate discharge, depending upon the seriousness of the offense and/or the number of infractions of that rule or other rules. In all cases discipline is considered to be a corrective action necessary to the overall improvement of the efficiency and effectiveness of the operation of the Judicial Branch. Generally, the concept of progressive discipline will be followed. However, the seriousness of the offense may dictate a more severe disciplinary action and could result in discharge at the first offense.

These work rules are not exclusive; additional work rules may be promulgated which concern only individual positions, classifications and/or work units when such rules are required by the nature of the work performed. Likewise, the work rules do not constitute the entire list of violations for which employees may be disciplined. Other rules are provided by state or federal law and by administrative procedures established by management (and set forth in other sections of this manual or other directives) to meet various conditions. Violations of other rules, policies or procedures not in this manual will also result in appropriate disciplinary action.

10.2 ATTENDANCE AND PUNCTUALITY

1. Employees shall report promptly at the scheduled daily starting time and shall not leave before the scheduled quitting time unless officially excused. Employees shall notify the supervisor of unanticipated absence or tardiness in a timely manner, i.e. within one half hour of the normal starting time unless extraordinary circumstances so prohibit. (See other sections of manual for definitions of proper notification in specific instances.)
2. Unexcused or excessive absenteeism is prohibited. This includes unexcused, abuse of, or (in some cases) excessive use of sick leave.

3. Employees shall adhere to the time limits for meals and breaks.
4. Leaving the place of duty during a work shift without permission is prohibited.
5. Employees shall report back to work after an approved leave has ended or been revoked by the appointing authority.

10.3 PERSONAL ACTIONS AND APPEARANCES

1. Employees shall not threaten or attempt to inflict bodily harm to another person during working hours or in relation to the performance of their duties.
2. Employees shall not engage in illegal or disorderly conduct including, but not limited to, roughhousing, indecent conduct, hazing, using abusive or profane language or other such unbecoming behavior.
3. Employees shall comply with officially posted signs, notices, warnings or instructions.
4. Employees shall not make false or malicious statements concerning other employees, supervisors, or the Judicial Branch.
5. Unauthorized possession or use/misuse of alcoholic beverages, controlled substances or prescription drugs during work hours, while on work premises, or while engaging in State business is prohibited.
6. Employees shall not eat, use tobacco products, or drink in areas where such activities are prohibited.
7. Employees shall not report to work in a condition which is unsafe for the employee, others or physical property, or a condition which renders one incapable of performing job responsibilities, or a condition which creates an unfavorable public image. Such conditions include, but are not limited to, physical illness, or being under the influence of alcohol, narcotics or other mood-altering substances.
8. Employees shall not engage in unauthorized purchasing, selling, trading, or bartering of commercial or private products or services during working hours, on the employer's property, while performing official duties, by means of the employer's computers or communication systems or on State time.
9. Employees shall not engage in unauthorized solicitation of funds or donations for any purpose during working hours, on the employer's property, while performing official duties, or on State time.
10. Employees shall not engage in unauthorized distribution of printed matter during working hours, on the employer's property, while performing official duties, by means of the employer's computers, or on State time.

11. Employees shall not omit or incorrectly state any relevant information on any employment application submitted at any time to the Judicial Branch.
12. Employees shall not possess unauthorized weapons. Employees are prohibited from the sale, transfer or use of any dangerous weapon while engaged in the employer's business or on the employer's property.
13. Dress or grooming which is inappropriate for the employee's assignment or unsanitary is prohibited.
14. Engaging in unauthorized union activity is prohibited.
15. Public conduct which renders an employee unable to satisfactorily perform assigned duties or which reflects negatively on the public image or operations of the Judicial Branch, including, but not limited to, conviction or finding of guilt for a serious crime or violation, or failure to comply with court ordered obligations is prohibited.

10.4 USE OF PROPERTY

1. Employees shall not abuse, misuse, neglect, or waste government property, materials or equipment, or services, including State-owned or leased vehicles, computers, Internet access, network capacity, e-mail and telephone lines.
2. Stealing or unauthorized possession, use, or selling of government property, equipment, or materials is prohibited.
3. Unauthorized posting, removing or defacing of notices, signs, posters or similar materials is prohibited.
4. Unauthorized entry to State property is prohibited.
5. Unauthorized possession, lending, borrowing, duplication, or careless or improper use, or failure to promptly return or report the loss of keys, security access cards, credit cards, or I.D. cards is prohibited.
6. An employee may not use, nor request another employee to use, state equipment or materials for personal reasons (i.e., typing college papers or personal letters, state postage for personal mail, storing personal data on state computers, etc.) at any time.
7. Personal long distance calls made from state locations must be billed to the home phone or a personal credit card. WATS calls are not free. Each WATS call is billed back to the employee's operational unit.

10.5 WORK PERFORMANCE

1. Insubordination, disobedience, failure or refusal to follow written or oral instructions of supervisory authority or to carry out work assignments is prohibited unless the instructions are contrary to the Code of Iowa.

2. Employees shall not neglect, be careless or inefficient in the performance of their job duties and responsibilities.
3. Employees shall not loaf, loiter, sleep, or engage in excessive visiting while on duty.
4. Employees shall observe all safety rules and practices, including the operation of State-owned vehicles and equipment.
5. Employees shall report to their immediate supervisor as soon as possible, but not normally more than 16 hours later, all accidents or injuries which occur during working hours or while in the performance of State business, including traffic accidents, regardless of ownership of vehicles.
6. Employees shall report observed violations of work rules to their supervisor.
7. Employees shall obtain and maintain a current license or certificate as a condition of employment, if required by law or Supreme Court rules.
8. Employees must follow procedures identified in the Accounting Procedures Manual and must cooperate with authorized requests for information and/or assistance from the internal auditor and state auditors.
9. Employees may not perform work for another state department or agency without prior approval by the State Court Administrator.

10.6 COMPUTER USE AND SECURITY

1. The use of the computer system is reserved solely for the conduct of official business. It may not be used for personal business including, but not limited to: mass emailing, blogging, creating or maintaining personal websites, on-line purchasing, bartering or trading,
2. The computer system may not be used to solicit or proselytize for commercial ventures, religious or political causes, outside organizations, or other non-job-related solicitations.
3. The computer system is not to be used to create or display any offensive or disruptive messages. Among those which are considered offensive, are any messages which contain sexual implications, racial slurs, gender-specific comments, or any other comment that offensively addresses someone's age, race, sexual orientation, gender identity, religious or political beliefs, national origin, or disability.
4. The computer system shall not be used to send (upload) or receive (download) copyrighted materials, trade secrets, proprietary financial information, or similar materials without prior authorization.
5. Notwithstanding the right of the Judicial Branch to retrieve and read any electronic mail messages, such messages should be treated as confidential by other employees and accessed only by the intended recipient. Employees are not authorized to retrieve or read any e-mail messages that are not sent to them. Any exception to this policy must receive prior approval by the employer.

6. The computer system shall not be used to send unsolicited email messages to an individual who did not specifically request such materials.
7. Sending of non-business related messages to large numbers of recipients both inside and outside of the Judicial Branch domain is prohibited.
8. Employees shall not use a code or password for your computer, ICIS, Lotus Notes or any system you have been given authorization to use to access a file or retrieve any stored information, unless authorized to do so. Employees should not attempt to gain access to another employee's messages without the permission of the other employee or the supervisor.
9. Employees shall not give out passwords to anyone, including co-workers and supervisors. Passwords shall not be placed in writing on or near the employee's assigned computer. Passwords shall not be e-mailed or verbally shared with anyone, including IT department staff. However, employees should note that supervisors do not need the employee's password to gain access to an employee's computer with the assistance of the IT department as needed for work purposes.
10. Computer users must not subscribe or download software that pushes or streams content to your computer without approval from Judicial Branch Information Systems and Technology.

EMPLOYEE CODE OF ETHICS

11.1 INTRODUCTION

All employees of the Judicial Branch must comply with the employee code of ethics. Employees who are attorneys or court reporters shall also be bound by their respective codes of ethics. Any official who performs judicial functions, including an Associate Juvenile Judge, Hospitalization or Probate Referee, Special Master, or Magistrate shall comply with the Code of Judicial Conduct.

The appointing authority reserves the right to take timely and appropriate disciplinary action for any violations of this Code. Additionally, charges of unethical conduct involving employees may be submitted to and investigated by the Judicial Qualifications Commission. If the appointing authority has already taken disciplinary action for the ethics violation cited, a record of such action shall be forwarded to the commission upon the commission's formal request. The commission may recommend additional disciplinary action. Upon application by the commission, the Supreme Court may discipline or remove an employee for conduct which violates the employee code of ethics.

11.2 ABUSE OF POSITION AND CONFLICT OF INTEREST

1. An employee shall not use or attempt to use his/her official position to secure unwarranted privileges, advantages, or exemptions for the employee, family members, or others.
2. Employees shall not use undue influence to gain, or attempt to gain, personal advantage or advantage for a family member or friend in the courts.
3. No employee shall accept, solicit or agree to accept any gift, favor or anything of value based upon any understanding, either explicit or implicit, that the official actions, decisions or judgment of any employee or official would be influenced thereby.
4. Employees shall report to their supervisor any offer of a bribe or gratuity.
5. No employee shall request or accept any fee or compensation beyond that received by the employee for any matter related to the employee's job.
6. An employee shall avoid conflicts of interest, or the appearance of conflicts, in the performance of the employee's official duties. A conflict of interest exists when the employee's objective ability or independence of judgment in the performance of his/her job is impaired or may reasonably appear to be impaired. A conflict also exists when the employee or the employee's family or business would derive financial gain as a result of the employee's position within the court system.
7. Transacting business as an employee of the Judicial Branch with any business entity in which the employee has an interest is prohibited.
8. Employees shall not keep secret or unavailable information or records which are public or which rightfully should be furnished to government employees and the public.
9. No employee shall intentionally alter, falsify, destroy, mutilate, backdate, or fail to make required entries on any records within the employee's control, or give false information. This provision does not prohibit alteration or expungement of records or documents pursuant to law, court rule or a court order.
10. No employee shall refuse to enforce or otherwise carry out any properly issued rule, directive or court order, nor shall any employee exceed that authority.

11.3 OUTSIDE EMPLOYMENT AND ACTIVITIES

1. Each employee's position with the Judicial Branch is the Employee's primary employment and deserves primary attention. Outside employment is permissible only if it complies with all of the following criteria:

- a. The outside employment is not with an entity that regularly appears in court or conducts business with the court system.
- b. It does not require the employee to have frequent contact with attorneys who regularly appear in the court system.
- c. The outside employment is capable of being fulfilled outside working hours and is not incompatible, inconsistent, or in conflict with the performance of the employee's duties and responsibilities.
- d. The outside employment does not require or induce the employee to disclose confidential information contained in court records or acquired through official duties.
- e. The employee has received supervisory approval, in writing, prior to accepting the outside employment.
- f. Judicial Branch employees may not perform work for another state agency or department which is the same or substantially similar to the work performed as part of your regular duties.

11.4 POLITICAL ACTIVITY

1. Employees have the right to register to vote, vote in any primary or general election for the candidate of their choice, privately express their views on off-duty hours, and make voluntary contributions to political parties or individuals running for office.
2. No employee shall engage in any political activity during scheduled work hours, on state or county property, or when using state vehicles or equipment. Political activity includes, but is not limited to:
 - a. Displaying campaign literature, badges, stickers, signs, or other items of political advertising on behalf of any party, candidate, agency or candidate for political office.
 - b. Soliciting signatures for a political candidacy.
 - c. Soliciting or receiving anything of value as a partisan political contribution or subterfuge for such contribution from any other person for any political party or any person seeking political office.
3. No employee shall use his/her official position or title within the Judicial Branch in connection with any political activities.
4. No employee shall use public property or supplies to secure contributions or to influence an election for any political party or any person seeking political office.

5. No employee shall promise or use influence to secure public employment or other benefits financed from public funds as a reward for political activity.
6. No employee shall engage in partisan political activities during working hours.
7. No employee shall discriminate in favor of, or against, a judicial officer, employee or applicant for employment on account of their political preferences, contributions or political activity permitted by this code.
8. See Section 5.13, Election leave, regarding statutory provisions (Iowa Code §55.4) for employee leave in the event of candidacy for a contested primary, special, or general election, and election or appointment to paid, partisan office.

11.5 CONFIDENTIALITY

Definition: For the purposes of this rule, confidential information includes, but is not limited to, information that must be kept confidential pursuant to the Iowa Code, federal law, court rule or court order, unless otherwise ordered by a court or by a person authorized to release such information, and any information that is the work product of any Judge, Judicial Law Clerk, or Attorney employed by the Judicial Branch including, but not limited to, notes, papers, and memoranda.

1. No employees shall disclose to any unauthorized person for any purpose any confidential information or records acquired in the course of employment, or acquired through unauthorized disclosure by another.
2. No employee shall unethically use confidential information.
3. Employees shall not remove confidential records without proper authorization.
4. Employees should avoid initiating or repeating ex parte communications from litigants, witnesses, attorneys, or any other source to Judges or jury members unless necessary for legitimate procedural reasons associated with discharging official duties.

11.6 RELEASE OF NEWS INFORMATION

No personnel rule is intended to restrict the rights of an individual employee to comment as a private citizen on a public matter. However, all media requests for information on Judicial Branch business should be referred to a supervisor or an employee designated to respond to such requests.

11.7 GIFTS

The Iowa Supreme Court has approved rules which regulate the acceptance of gifts, honoraria, outside employment, and outside business in Iowa Court Rule 22.22.

1. **Definition of a gift.** Gifts subject to restriction must be 1) something of value given to a Judge, employee, spouse or child, 2) for which something of equal or greater value was not given in return, 3) by a person who is a restricted donor, and, 4) for which no exception applies.

There are 11 **exceptions**. A gift is **not**:

- a. Information material relevant to the official's or employee's duties, such as books, pamphlets, reports, documents or periodicals, or the cost of registration for an education conference or seminar which is relevant to the official's or employee's duties.
- b. Anything received from a person related within the fourth degree of kinship* or marriage, unless the donor is acting as an agent or intermediary for another person not so related.

*1st Degree: Parents, children, spouses.
2nd Degree: Grandparents, grandchildren, brothers, sisters.
3rd Degree: Aunts, uncles, nephews, nieces, great-grandparents.
4th Degree: Cousins, great aunts, great uncles, great-great-grandparents, grandnephews, grandnieces.

- c. An inheritance or bequest.
- d. Anything available or distributed to the public generally without regard to the official status of the recipient.
- e. Actual expenses of a donee for food, beverages, travel, and lodging, which is given in return for participation at a meeting as a speaker, panel member or facilitator, when the expenses relate directly to the day or days on which the donee participates at the meeting, including necessary travel time.
- f. Plaques or items of negligible resale value given as recognition for public service.
- g. Non-monetary items with a value of three dollars or less that are received from any one donor during one calendar day.
- h. Items or services solicited or given to a state, national or regional organization in which the state of Iowa or a political subdivision of the state is a member.
- i. Items or services received as part of a regularly scheduled event that is part of a conference, seminar or other meeting that is sponsored and directed by any state, national or regional organization of which the Judicial Branch is a member.

- j. Funeral flowers or memorial to a church or nonprofit organization.
- k. Gifts which are given to an official or employee for the official's or the employee's wedding or twenty-fifth or fiftieth wedding anniversary.

2. **Definition of Restricted Donor.**

- a. A party or person involved in a case pending before the donee.
- b. A party or person seeking to be a party to any sale, purchase, lease or contract involving the Judicial Branch or any of its offices if the donee has authority to approve the sale, purchase, lease or contract, or if the donee assists or advises the person with authority to approve the sale, purchase, lease or contract.
- c. A person who will be directly or substantially affected by the performance or nonperformance of the donee's official duties in a way that is greater than the effect on the public generally or on a substantial class of persons to which the donor belongs as a member of a profession, occupation, industry or region.

[NOTE: This prohibits employees from giving gifts valued over \$3 to their supervisors unless covered by an exception (wedding or 25th wedding anniversary, for example), or where there is an exchange of gifts of roughly equivalent value.]

3. **Determining gift value.** An individual who gives an item on behalf of more than one person shall not divide the value of the item by the number of persons giving it; the value shall be the value actually received by the recipient.

4. **Donation exception.** Officials, employees, or spouses and minor children may accept a nonmonetary gift or a series of nonmonetary gifts if the gift(s) is donated within thirty days to a public body, the State Court Administrator, the Department of General Services, or a bona fide education or charitable organization, if no part of the net earnings or charitable organization inures to the benefit of any private stockholder or other individual.

5. **Further Clarification.** Here are some answers to questions frequently asked regarding the application of the gift rules.

- Employees are not restricted regarding giving gifts to nonsupervisory co-workers.
- Supervisors are not restricted in giving gifts to subordinate employees.
- A cake brought to the workplace by employees to observe a supervisor's birthday is permissible if consumed in a group context.

- Food or drink valued at \$3 or more cannot be accepted from a restricted donor. If attending an event where a donor provides food and drink over \$3 the donor should be asked to provide a bill to be paid by the Judge, employee, spouse, or minor child unless exceptions 1(d) or 1(e) apply.
- There is an explicit prohibition (Rule 22.22(3)) against restricted donors pooling money to give a gift valued at \$3 or above. However, there is no such explicit restriction against an office receiving a gift if its value divided among the number of employee recipients is below \$3; food gifts to an office during the holidays may fall in this category.

11.8 HONORARIA

Per Court Rule 22.23 an official or employee of the Judicial Branch shall not seek or accept honorarium (anything of value accepted as consideration for an appearance, speech or article) if the donor is:

1. A party or person involved in a case pending before the donee.
2. A party or person seeking to be a party to any sale, lease, or contract involving the Judicial Branch or any of its offices, if the donee has authority to approve the sale, lease, or contract or if the donee assists or advises the person with authority to approve the sale, lease, or contract.
3. A person who will be directly and substantially affected by the performance or nonperformance of the donee's office duties in a way that is greater than the effect on the public generally or on a substantial class of persons to which the donor belongs as a member of profession, occupation, industry or region.

Exceptions. Honorarium does not include:

1. Actual expenses of a donee for food, beverages, travel, lodging and registration which is given in return for participation at a meeting as a speaker, panel member or facilitator when the expenses related directly to the day or days on which the donee participates at the meeting, including necessary travel time.
2. Payment to an employee for services rendered as part of outside employment which has been approved pursuant to the personnel policies, if the payment is commensurate with the actual activity or services rendered and not based upon the employee's position within the Judicial Branch, but rather, because of some special expertise or other qualification.
3. Payment to a Judge or Magistrate for officiating and making return for a marriage pursuant to Court Rule 22.23(b)(3).

4. Payment to a Judge or Senior Judge for instruction at an accredited education institution, if the payment is commensurate with the actual activity or services rendered and not based upon the Judge's official position.
5. Payment to a part-time Judge for services rendered as part of a bona fide business or profession in which the Judge is engaged, if the payment is commensurate with the actual activity or services rendered and not based upon the Judge's official position.
6. Payment to a Senior Judge for services rendered as an arbitrator or mediator, if the payment is commensurate with the actual activity or services rendered and not based upon the Senior Judge's official position.

11.9 INTERESTS IN PUBLIC CONTRACTS

Pursuant to Court Rule 22.24, full-time officials or employees shall not sell any goods or services to any state agency except for these exceptions:

1. Services does not include instruction at an accredited education institution by a Judge, Senior Judge or Magistrate if permitted as a quasijudicial or extra judicial activity pursuant to the Code of Judicial Conduct or by an employee as part of outside employment which has been approved pursuant to Judicial Branch policy.
2. Preparation of a transcript by an official Court Reporter.

11.10 SERVICES AGAINST THE STATE

Pursuant to Court Rule 22.25 no official or employee shall receive, directly or indirectly, or enter into an agreement, express or implied, for any compensation, in whatever form, for the appearance or rendition of services by that person or another against the interest of the state in relation to any case, proceeding, application, or other matter before any state agency, any court of the State of Iowa, any federal court, or any federal bureau, agency, commission or department.

[NOTE: "Appearance or service against the interest of the state" means an appearance or service which conflicts with a person's duties or employment obligations owed to the state.]

PERSONNEL POLICIES EMPLOYEE ACKNOWLEDGMENT

Your signature below attests to the fact that you have received a copy of the Iowa Judicial Branch's Personnel Policies manual, July, 2009 edition.

Your signature also attests to the fact that you are responsible for reviewing this material and that your conduct is governed by the policies, procedures and work rules set forth therein, including, but not limited to the policies on:

- Sexual Harassment
- Americans with Disabilities Act
- Drug-Free Workplace
- Violence-Free Workplace
- Internet Code of Conduct
- E-Mail and Computer Use Policies
- Smoking and Tobacco Use Policy
- Work Rules
- Code of Ethics

Your signature affirms that you acknowledge that these personnel policies do not create a contract of employment between you and the Judicial Branch.

If you have any questions concerning the content of the manual, please contact your supervisor.

Sign and give this form to your supervisor.

Employee's Signature

Date