



## REGIONAL *Quick Tip*

STATE COURT ADMINISTRATIVE OFFICE

### Employee Handbook

What better way to start the new year than to take time to review your court's employment policies? Attached is our Trial Court Sample Handbook for reference.

In light of the recent changes regarding marijuana, the Drug Free Workplace Policy section was updated to state, "Employees should report to work fit for duty and free of any adverse effects of illegal drugs, alcohol or marijuana or cannabis derived substances." You may want to review your own policies to determine if they need to be modified.

As always, we encourage courts to consult with their own legal counsel and their funding unit's human resource professionals to review and collaborate on all court policies.

If you have questions or if your court does not have its own policies, please contact our office for assistance.

We welcome your suggestions for future Quick Tips. Please send them to us so that we can share with your colleagues.

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# TRIAL COURT HANDBOOK SAMPLE



**PLEASE NOTE THIS HANDBOOK INCLUDES A LIST OF SAMPLE POLICIES AND SHOULD BE MODIFIED TO MEET THE SPECIFIC NEEDS OF YOUR COURT AND REVIEWED BY LEGAL COUNSEL AND APPROPRIATE UNION REPRESENTATIVE(S), IF APPLICABLE, PRIOR TO USE AND/OR DISTRIBUTION.**

**SAMPLE**

<b>INTRODUCTION .....</b>	<b>1</b>
EQUAL EMPLOYMENT OPPORTUNITY .....	1
AT-WILL EMPLOYMENT.....	1
ANTI-HARASSMENT POLICY AND COMPLAINT PROCEDURE.....	1
AMERICANS WITH DISABILITIES ACT (ADA) AND THE ADA AMENDMENTS ACT (ADAAA) .....	3
<b>EMPLOYMENT .....</b>	<b>3</b>
BACKGROUND AND REFERENCE CHECKS.....	3
NEW HIRE ORIENTATION – INSERT POLICY HERE .....	4
EMPLOYMENT STATUS .....	4
PAY DAY - INSERT POLICY HERE .....	5
MODEL CODE OF CONDUCT .....	5
TELECOMMUTING.....	5
FLEX-TIME .....	5
PERFORMANCE EVALUATION .....	6
PROGRESSIVE DISCIPLINE .....	6
EMPLOYMENT OF RELATIVES .....	7
<b>WORKPLACE SAFETY .....</b>	<b>7</b>
HEALTH & SAFETY .....	7
DRUG-FREE WORKPLACE.....	8
WORKPLACE BULLYING.....	9
WEAPON- AND VIOLENCE-FREE ENVIRONMENT .....	10
<b>WORKPLACE EXPECTATIONS.....</b>	<b>11</b>
CONFIDENTIALITY .....	11
OUTSIDE EMPLOYMENT .....	12
DRESS CODE .....	12
GIFTS OR GRATUITIES.....	13
SOLICITATION .....	14
SOCIAL MEDIA POLICY (MODEL POLICY SEE ALSO TRIAL COURT STANDARDS AND GUIDELINES).....	14
RIGHT TO SEARCH .....	16
OPEN DOOR POLICY .....	16
<b>COMPUTER POLICY .....</b>	<b>17</b>
ACCEPTABLE USE OF OFFICE TECHNOLOGY .....	17
SECURITY AND INTEGRITY OF COMPUTER SYSTEMS.....	18
<b>LEAVE TIME.....</b>	<b>21</b>
ANNUAL LEAVE – INSERT POLICY HERE.....	21
SICK LEAVE – INSERT LEAVE ACCRUAL POLICY HERE.....	21
MILITARY LEAVE .....	23
FAMILY MEDICAL LEAVE .....	23
<b>INSURANCE BENEFITS – INSERT POLICIES HERE.....</b>	<b>29</b>
INTRODUCTION TO BENEFITS .....	29
ELIGIBILITY .....	29
AVAILABLE INSURANCE PLANS I.E., HEALTH, DENTAL, VISION, LIFE, LONG TERM DISABILITY, ETC.....	29
COBRA .....	29
<b>ORGANIZATION MEMBERSHIPS, POLITICAL ACTIVITY, TUITION REIMBURSEMENT, AND TRAINING .....</b>	<b>29</b>
TUITION REIMBURSEMENT – INSERT POLICY HERE .....	29
TRAVEL/EXPENSE REIMBURSEMENT – INSERT POLICY HERE.....	29
PROFESSIONAL MEMBERSHIPS .....	29
POLITICAL ACTIVITY .....	30

**ACKNOWLEDGMENT OF RECEIPT OF EMPLOYEE HANDBOOK**

The Trial Court Handbook contains important information about the court, and I understand that I should consult with the court administrator or human resources regarding any questions not answered in the handbook. I have entered into my employment relationship with the court voluntarily, and understand that there is no specified length of employment. Accordingly, either the court or I can terminate the relationship at will, at any time, with or without cause, and with or without advance notice.

Since the information, policies, and benefits described herein are subject to change at any time, I acknowledge that revisions to the handbook may occur, except to the court’s policy of employment at will. All such changes will generally be communicated through official notices, and I understand that revised information may supersede, modify, or eliminate existing policies.

Furthermore, I understand that this handbook is neither a contract of employment nor a legally binding agreement. I have had an opportunity to read the handbook, and I understand that I may ask my supervisor or any employee in Human Resources any questions I might have concerning the handbook. I accept the terms of the handbook. I also understand that it is my responsibility to comply with the policies contained in this handbook, and any revisions made to it. I further agree that if I remain with the court following any modifications to the handbook, I thereby accept and agree to such changes.

I have received a copy of the Trial Court Handbook on the date listed below. I understand that I am expected to read the entire handbook. Additionally, I will sign the Acknowledgment of Receipt. I understand that this form will be retained in my personnel file.

\_\_\_\_\_  
Signature of Employee

\_\_\_\_\_  
Date

## **INTRODUCTION**

### **Equal Employment Opportunity**

The court will provide equal employment opportunity for all persons regardless of race, religion, color, sex, height, weight, marital status, national origin, age, or disability. This policy is promulgated consistent with state and federal law. See ELCRA, MCL 37.2102(1); PWDCRA, MCL 37.1202. The court firmly supports equal opportunity and is committed to reviewing all aspects of employment, including recruitment, selection, retention, and promotion, to identify and eliminate barriers to providing all persons equal employment opportunities. Employees shall be treated in a non-discriminatory manner, consistent with applicable state and federal laws, rules, regulations and policies.

Any employee who believes this policy has been violated must meet with his or her direct supervisor to raise these concerns. An employee who questions how the matter was addressed by the supervisor must raise these concerns with human resources or the court administrator. If the supervisor is alleged to be the violator, the employee must raise these concerns with human resources. A supervisor who becomes aware of a complaint of this nature – either directly or indirectly – must immediately notify human resources prior to taking any action.

### **At-Will Employment**

At-will employment is an employment relationship that is terminable by either the employer or employee for any nondiscriminatory reason or for no reason. Employers may not unlawfully discriminate against their employees, even when an at-will employment relationship exists.

All employees of the court are at-will employees and their employment may be terminated at any time with or without cause by the court, or by the supervising judge for those employees directly supervised by a judge. Nothing in this handbook or any other document, or any oral representation, may be construed to amend the at-will employment relationship, including any written or oral representation made by a judge to employees they directly supervise.

### **Antiharassment Policy and Complaint Procedure**

The court is committed to providing a supportive work environment and maintains a zero tolerance policy for any kind of harassment as defined below. This policy applies to all work-related settings and activities, whether inside or outside the workplace, and includes business trips and business-related social events. This policy applies to all applicants and employees, whether related to conduct engaged in by fellow employees or someone not directly connected to the court, which can include outside vendors, customers, or consultants.

### **Definitions of Harassment**

Sexual harassment constitutes discrimination and is illegal under federal, state, and local laws. For the purposes of this policy, sexual harassment is defined, as in the Equal Employment

Opportunity Commission Guidelines, as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when, for example: a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment; b) submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or c) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Sexual harassment may include a range of subtle and not-so-subtle behaviors and may involve individuals of the same or different gender. Depending on the circumstances, these behaviors may include unwanted sexual advances or requests for sexual favors; sexual jokes and innuendo; verbal abuse of a sexual nature; commentary about an individual's body, sexual prowess or deficiencies; leering, whistling, or touching; insulting or obscene comments or gestures; display in the workplace of sexually suggestive objects or pictures; and other physical, verbal, or visual conduct of a sexual nature.

Harassment on the basis of any other protected characteristic is also strictly prohibited. Under this policy, harassment is verbal, written, or physical conduct that denigrates or shows hostility or aversion toward an individual because of an individual's race, color, religion, gender, sexual orientation, national origin, age, disability, marital status, citizenship, genetic information, or any other characteristic protected by law, and that: 1) has the purpose or effect of creating an intimidating, hostile, or offensive work environment; 2) has the purpose or effect of unreasonably interfering with an individual's work performance; or 3) otherwise adversely affects an individual's employment opportunities.

Harassing conduct includes epithets, slurs, or negative stereotyping; threatening, intimidating, or hostile acts; denigrating jokes; and written or graphic material that denigrates or shows hostility or aversion toward an individual or group and that is placed on walls or elsewhere on the court's premises or circulated in the workplace, on court time or using court equipment via e-mail, phone (including voice messages), text messages, tweets, blogs, social networking sites, or other means.

### **Reporting and Investigation**

Employees who believe that they have been subjected to intimidating or offensive conduct or who have observed another employee being subjected to intimidating or offensive conduct must report that fact immediately to his or her supervisor, the court administrator, or the chief judge. If you have followed the complaint procedure as outlined and still need additional assistance, please contact your SCAO regional administrator for guidance. The matter will be investigated promptly in a manner that protects the privacy of involved individuals to the extent possible. All reports of harassment will be investigated and any employee who has been found, after appropriate investigation, to have harassed (or to have participated in the harassment of) another employee will be subject to disciplinary action, up to and including discharge.

### **No Retaliation**

The court will not tolerate retaliation against any employee who, in good faith, reports a violation or perceived violation of this policy, or retaliation against any employee or other person who participates in an investigation as a witness or otherwise. An act of retaliation is subject to investigation and corrective action, up to and including discharge. Any acts of retaliation must be promptly reported to Human Resources or the Court Administrator. Any employee believed to have been retaliated against for exercising rights under this policy, must use the reporting procedures described above. Filing a false report of harassment in bad faith may result in disciplinary action, up to and including discharge.

### **Americans with Disabilities Act (ADA) and the ADA Amendments Act (ADAAA)**

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Amendments Act, known as the ADAAA, are federal laws that prohibit employers with 15 or more employees from discriminating against applicants and individuals with disabilities and that, when needed, provide reasonable accommodations to applicants and employees who are qualified for a job, with or without reasonable accommodations, so that they may perform the essential job duties of the position.

It is the policy of the court to comply with all federal and state laws concerning the employment of persons with disabilities and to act in accordance with regulations and guidance issued by the Equal Employment Opportunity Commission (EEOC). Furthermore, it is our court policy not to discriminate against qualified individuals with disabilities in regard to application procedures, hiring, advancement, discharge, compensation, training or other terms, conditions, and privileges of employment.

The court will reasonably accommodate qualified individuals with a disability so that they can perform the essential functions of a job unless doing so causes a direct threat to these individuals or others in the workplace and the threat cannot be eliminated by reasonable accommodation and/or if the accommodation creates an undue hardship to the court. Contact Human Resources or your ADA coordinator with any questions or requests for accommodation.

## **EMPLOYMENT**

### **Background and Reference Checks**

The court conducts background checks on all full-time, part-time, contractual, and temporary employees after an offer of employment (contingency offer). Background checks are not required for transfers within the court. Volunteers and unpaid interns/externs are also subject to background checks. The type of information that can be collected includes, but is not limited to, education verification, employment history, personal and professional references, review of prior employment performance reviews, driving record, and criminal history. This process verifies the accuracy of information provided by the candidate and may only be used to determine his or her suitability for employment with the court. For internal candidates for a position, supervisors may review prior performance reviews and interview prior supervisors.

## **New Hire Orientation – INSERT POLICY HERE**

### **Employment Status**

The categories of employment status for purposes of compensation and benefits in the court are:

- A. Regular full-time: Employees are normally scheduled to work 40 or more hours per week for an indefinite period and receive benefits offered to full-time employees.
- B. Regular part-time: Employees are normally scheduled to work 29 or fewer hours per week, unless otherwise authorized, for an indefinite period and receive limited benefits offered to part-time employees.
- C. Temporary part-time status: Employees are paid an hourly rate and scheduled to work 29 or fewer hours per week, unless otherwise authorized, either for a short time or occasionally and receive no benefits except for those mandated by federal or state law.
- D. Contractual: Persons who provide services to the court on a contractual basis are not employees of the court and are not eligible for benefits provided to court employees.

### **Work Schedule**

Any change in employees' work schedules must be approved by their supervisor and must be followed. Any long-term variation must also be approved by the court administrator, or the supervising judge for those employees directly supervised by a judge. Employees in regular full-time positions must be available to cover division responsibilities and to allow for proper supervision and communication.

### **Attendance and Punctuality**

Vacation and holidays must be scheduled with one's supervisor in advance. Sick leave may be used in the case of emergency or sudden illness without prior scheduling. Patterns of absenteeism or tardiness may result in discipline even if the employee has not yet exhausted available paid time off. Absences due to illnesses or injuries that qualify under the Family and Medical Leave Act (FMLA) will not be counted against an employee's attendance record. Medical documentation within the guidelines of the FMLA may be required in these instances.

Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a formal written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. A no call/no show lasting three days may be considered job abandonment and may be deemed an employee's voluntary resignation of employment.

## **Pay Day - INSERT POLICY HERE**

### **Model Code of Conduct**

<https://mjeducation.mi.gov/documents/resources-for-trial-court-staff/136-model-code-of-conduct-for-judicial-branch-employees/file>

### **Telecommuting**

In some circumstances, it may be beneficial to allow an employee to work remotely from home or another location. Such arrangements are referred to as telecommuting. The use of telecommuting depends on operational/business needs including, but not limited to, the suitability of the duties to be performed, the skills and abilities of employees and their supervisors, and the availability of the necessary equipment. The ultimate goal of telecommuting is to provide flexibility in meeting customer and business needs and enhance the delivery of services.

An eligible employee may request to telecommute by submitting a request in writing. Telecommuting arrangements must be mutually agreed to by the employee and his or her supervisor, court administrator, and/or chief judge. The agreement may be terminated at any time for any reason by the employee, supervisor, court administrator, and/or chief judge. All court policies, procedures, and work rules applicable to the official work location are also applicable to the telecommuting location.

Each arrangement must be presented in writing and must contain the following:

- Specific purpose/business reason
- Effective dates
- Technology requirements for the employee's remote office

The following criteria will be used to assess whether an employee is a good candidate for telecommuting:

- Nature of the work
- Past performance record
- Lack of a disciplinary record
- Demonstrated ability to work independently
- Demonstrated reliability

The supervisor and employee will determine which day(s) and hours during the pay period the employee proposes to telecommute.

### **Flex-Time**

Flex-time refers to arrangements that permit employees to work outside of regular business hours.

To be considered for flex-time, an employee must provide a written request to his or her supervisor stating:

- Reasons for the arrangement

- Proposed schedule
- Effective dates

The court will make every reasonable effort to accommodate employees' scheduling needs while fulfilling business goals. The following criteria will be used to assess flex-time requests:

- Nature of the employee's work
- Availability of other staff

## **Performance Evaluation**

All employees will be evaluated, by their direct supervisor, on an annual basis on their performance, productivity, and quality of their work. Concerns about an employee's performance will be addressed immediately through verbal and, if necessary, written warnings intended to:

- Acknowledge the concern
- Develop an appropriate strategy (performance improvement plan) to address the performance issues
- Define a timeline for expected improvement

This process is intended to provide an opportunity to improve performance and to supply the employee with the tools and time needed to demonstrate such an improvement.

INSERT ADDITIONAL DETAILS – performance evaluation tools used i.e. online performance evaluation, hard copy, etc.

## **Progressive Discipline**

Every employee has the duty and the responsibility to be aware of and abide by existing rules and policies. Employees also have the responsibility to perform his/her duties to the best of his/her ability and to the standards as set forth in his/her job description or as otherwise established.

The court supports the use of progressive discipline to address issues such as poor work performance or misconduct. Our progressive discipline policy is designed to provide a corrective action process to improve and prevent a recurrence of undesirable behavior and/or performance issues. Our progressive discipline policy has been designed consistent with our organizational values, HR best practices, and employment laws. Outlined below are the steps of our progressive discipline policy and procedure. The court reserves the right to combine or skip steps in this process depending on the facts of each situation and the nature of the offense. The level of disciplinary intervention may also vary. Some of the factors that will be considered are whether the offense is repeated despite coaching, counseling, and/or training; the employee's work record; and the impact the conduct and performance issues have on our organization.

The following outlines the court's progressive discipline process:

- Verbal warning: A supervisor verbally counsels an employee about an issue of concern, and a written record of the discussion is placed in the employee's file for future reference.
- Written warning: Written warnings are used for behavior or violations that a supervisor considers serious or in situations when a verbal warning has not helped change unacceptable behavior. Written warnings are placed in an employee's personnel file. Employees should recognize the grave nature of the written warning.
- Performance improvement plan: Whenever an employee has been involved in a disciplinary situation that has not been readily resolved or when he/she has demonstrated an inability to perform assigned work responsibilities efficiently, the employee may be given a final warning or placed on a performance improvement plan (PIP). PIP status will last for a predetermined amount of time not to exceed 90 days. Within this time period, the employee must demonstrate a willingness and ability to meet and maintain the conduct and/or work requirements as specified by the supervisor and the organization. At the end of the performance improvement period, the performance improvement plan may be closed or, if established goals are not met, dismissal may occur.

The court reserves the right to determine the appropriate level of discipline for any inappropriate conduct, including oral and written warnings, suspension with or without pay, and demotion or discharge.

This policy does not alter or limit the policy of at-will employment. The employee or court may terminate the employment relationship at any time for any reason, with or without cause, and with or without notice.

### **Employment of Relatives**

This court follows the Michigan Supreme Court [Antinepotism policy](#).

## **WORKPLACE SAFETY**

### **Health & Safety**

Health and safety in the workplace is a serious matter, and it should be viewed as such. The court is committed to providing its employees with a safe and enjoyable working environment.

In the event of an accident and/or injury, you must report the incident to your supervisor within 24 hours so that appropriate follow-up action can be taken to: a) ensure that you and other affected individuals are all right, and b) ensure that a similar incident will not occur in the future.

## **Drug-Free Workplace**

The court has a commitment to provide a safe and productive work environment. Alcohol and drug abuse pose a threat to the health and safety of employees and to the security of our equipment and facilities. For these reasons, the court is committed to the elimination of drug and/or alcohol use and abuse in the workplace.

This policy outlines the practice and procedure designed to correct instances of identified alcohol and/or drug use in the workplace. This policy applies to all employees and all applicants for employment of the court. Human Resources and/or the court administrator are responsible for policy administration.

The court will assist and support employees who voluntarily seek help for such problems before becoming subject to discipline and/or termination under this or other policies. Such employees may be allowed to use accrued paid time off, placed on leave(s) of absence, referred to treatment providers, and otherwise accommodated as required by law. Such employees may be required to document that they are successfully following prescribed treatment and to take and pass follow-up tests if they hold jobs that are safety sensitive or that require driving or if they have violated this policy previously.

Employees should report to work fit for duty and free of any adverse effects of illegal drugs, alcohol or marijuana or cannabis derived substances. This policy does not prohibit employees from the lawful use and possession of prescribed medications. Employees must, however, consult with their doctors about the medications' effect on their fitness for duty and ability to work safely and promptly disclose any work restrictions to their supervisor. Employees should not, however, disclose underlying medical conditions unless directed to do so.

### **Work Rules**

The following work rules apply to all employees:

Whenever employees are working, operating any court vehicle, present on court premises, or conducting related work off-site, they are prohibited from:

- Using, possessing, buying, selling, manufacturing, or dispensing an illegal drug (to include possession of drug paraphernalia).
- Being under the influence of alcohol or marijuana or cannabis derived substances or an illegal drug as defined in this policy.

Further:

- The presence of any detectable amount of alcohol, any illegal drug, or illegal controlled substance in an employee's body while performing court business or while in a court facility.
- The court will not allow any employee to perform their duties while taking prescribed drugs that are adversely affecting the employee's ability to safely and effectively perform their job duties. Employees taking a prescribed medication must carry it in the container labeled by a licensed pharmacist or be prepared to produce it if asked.

- Any illegal drugs or drug paraphernalia will be turned over to an appropriate law enforcement agency and may result in criminal prosecution.

### **Required Testing**

The court retains the right to require the following tests:

- Preemployment: All applicants must pass a drug test before beginning work or receiving an offer of employment. Refusal to submit to testing will result in disqualification of further employment consideration.
- Reasonable suspicion: Employees are subject to testing based on observations by a supervisor of apparent workplace use, possession, or impairment. Human resources must be consulted before sending an employee for reasonable suspicion testing.
- Follow-up: Employees who have tested positive, or otherwise violated this policy, are subject to discipline up to and including discharge. Depending on the circumstances and the employee's work history/record, the court may offer an employee who violates this policy or tests positive the opportunity to return to work on a last-chance basis pursuant to mutually agreeable terms, which could include follow-up drug testing at times and frequencies for a minimum of one (1) year but not more than two (2) years. If the employee either does not complete his/her rehabilitation program or tests positive after completing the rehabilitation program, he/she will be subject to immediate discharge from employment.

### **Consequences**

Applicants who refuse to cooperate in a drug test or who test positive will not be hired.

Employees who refuse to cooperate in required tests or who use, possess, buy, sell, manufacture, or dispense an illegal drug in violation of this policy will be terminated.

The first time an employee tests positive for alcohol or illegal drug use under this policy, the result will be discipline up to and including discharge.

Employees will be paid for time spent in alcohol/drug testing and then suspended pending the results of the drug/alcohol test. After the results of the test are received, a date/time will be scheduled to discuss the results of the test. This meeting will include a member of management and human resources. Should the results prove to be negative; the employee will receive back pay for the times/days of suspension.

### **Confidentiality**

Information and records relating to positive test results, drug and alcohol dependencies, and legitimate medical explanations provided shall be kept confidential to the extent required by law and maintained in secure files separate from normal personnel files.

### **Workplace Bullying**

The court will not, in any instance, tolerate bullying behavior. Employees found in violation of this policy will be disciplined, up to and including termination.

## **Definition**

The court defines bullying as repeated inappropriate behavior, either direct or indirect, whether verbal, physical, or otherwise, conducted by one or more persons against another or others, at the place of work and/or in the course of employment.

## **Examples**

Bullying may be intentional or unintentional. However, it must be noted that when an allegation of bullying is made, the intention of the alleged bully is irrelevant, and will not be given consideration when issuing discipline. As in sexual harassment, it is the effect of the behavior on the individual that is important. The court considers the following types of behavior examples of bullying:

- Verbal bullying: Slandering, ridiculing, or maligning a person or his or her family; persistent name calling that is hurtful, insulting, or humiliating; using a person as the object of jokes; abusive and offensive remarks.
- Physical bullying: Pushing, shoving, kicking, poking, tripping, assault or threat of physical assault, damage to a person's work area or property.
- Gesture bullying: Nonverbal threatening gestures; glances that can convey threatening messages.
- Exclusion: Socially or physically excluding or disregarding a person in work-related activities.

In addition, the following examples may constitute or contribute to evidence of bullying in the workplace:

- Shouting or raising voice at an individual in public or in private.
- Using verbal or obscene gestures.
- Not allowing the person to speak or express himself or herself (i.e., ignoring or interrupting).
- Personal insults and use of offensive nicknames.
- Public humiliation in any form.
- Constant criticism on matters unrelated or minimally related to the person's job performance or description.
- Ignoring or interrupting an individual at meetings.
- Spreading rumors and gossip regarding individuals.
- Unwanted physical contact, physical abuse, or threats of abuse to an individual or an individual's property (defacing or marking up property).

## **Weapon- and Violence-Free Environment**

The court makes a sustained effort to provide a safe work and judicial environment. No employee may possess a weapon in any courtroom, office, or other work space designated by the court, unless required as a condition of employment. No employee may harass or assault any other person by threatening or exhibiting violent behavior. Violators of this policy will be subject to discipline up to and including termination of employment.

This includes:

- Acts of violence, threats, or implied threats of violence and intimidation (verbal or physical acts intended to frighten or coerce).
- Aggressive or hostile behavior that creates either a reasonable fear of injury to another person or unreasonably subjects another to emotional distress.
- Intentionally damaging court property or the property of another that is located on court property.
- Possession of a firearm regardless of whether a person has a concealed weapons permit (except as allowed for security personnel).
- Possession of an explosive device or other object intended to be used as a weapon.

Employees who become aware of a violation, or potential violation, of this policy should immediately report it to the appropriate security personnel of the court.

### **Smoke-Free Workplace**

It is the policy of the court to prohibit smoking on all court premises in order to provide and maintain a safe and healthy work environment for all employees.

The smoke-free workplace applies to:

- All areas of court buildings.
- All court-sponsored off-site conferences and meetings.
- All vehicles owned or leased by the court.
- All visitors (customers and vendors) to the court premises.
- All contractors and consultants and/or their employees working on court premises.
- All employees, temporary employees, and student interns.

Smoking is permitted in designated areas only.

Employees who violate the smoking policy will be subject to disciplinary action up to and including immediate discharge.

## **WORKPLACE EXPECTATIONS**

### **Confidentiality**

Employees shall not disclose to any unauthorized person or organization for any purpose any confidential information acquired in the course of employment, or acquired through unauthorized disclosure by another.

Confidential information includes, but is not limited to, all information on pending cases and other matters that are not part of the public record, as well as all nonpublic work products of the court on cases and other matters that are no longer pending. If an employee questions

whether certain information is considered confidential, he/she should first check with his/her immediate supervisor.

## **Outside Employment**

The principal vocation of full-time employees with the court shall be the court. However, an employee may engage in outside employment if the following conditions are met:

- The outside employment does not interfere with job performance;
- The outside employment does not conflict with the interests of the court;
- The outside employment is not the type of employment that could reasonably give rise to criticism or suspicion of conflicting interests or duties; and
- The employee has obtained written approval from his/her supervisor and the court administrator. The employee shall annually obtain written approval for outside employment.
- If the employee is a lawyer, the employee is not permitted to engage in the practice of law outside the court. This prohibition extends to routine matters such as real estate closings and will drafting for relatives, unless prior written approval is received from the court administrator.

For purposes of this policy, "outside employment" includes employment by another employer, self-employment, consulting activities, and volunteer activities that, if compensated, could be considered outside employment.

## **Dress Code**

Official dress code is business formal/business casual with casual day on Fridays. Here are some general rules that employees should respect at all times:

- All clothing should be neat and clean.
- All employees who have direct contact with customers should dress formally. This applies to employees with both daily and less frequent customer contact.
- Dress should be appropriate to different business situations.

Minor dress code violations may warrant a warning from a supervisor/manager who may give you a warning and permit you to remain at work. If you are required to return home to change, you will not be paid for the time lost from work.

## **Business Formal Guidelines**

The following are examples of appropriate business formal attire:

Men:

- Blazers
- Ties
- Suits

Women:

- Pant suits and dresses
- Dress slacks and blouses/sweaters and shirts
- Flats, loafers, heels

### **Business Casual Guidelines**

The following are examples of appropriate business casual attire:

Men:

- Khaki pants
- Polo and golf shirts
- Loafers

Women:

- Slacks
- Sweaters
- Flats

### **Casual Attire Guidelines**

The following are examples of appropriate casual attire:

Both men and women:

- Dark jeans
- Polo t-shirts are appropriate, but logo t-shirts are inappropriate
- Sweatshirts are appropriate so long as the sweatshirt is in good shape and does not feature any inappropriate logos
- Sneakers are appropriate so long as they are in good condition

### **Inappropriate Attire**

The following items are inappropriate at any time:

- Clothes with derogatory or disrespectful slogans or designs
- Worn, tattered, cut off, or ripped clothing

### **Gifts or Gratuities**

All employees are expected to act with integrity and good judgment and to recognize that the acceptance of personal gifts or gratuities from suppliers, vendors, litigants, or other third parties having business with or involved in litigation pending in the court, even when lawful, may give rise to legitimate concerns about favoritism depending on the circumstances.

Therefore, to avoid the appearance of favoritism, unfair persuasion, or undue influence, employees may not accept gifts or gratuities in such circumstances.

### **Solicitation**

Employees may not engage in solicitations of any kind for any reason during work time, nor may they distribute literature during work time or in work areas.

Work time means actual working time (excluding designated breaks or meal periods) of both the employee making the solicitation or distribution and the employees to whom it is directed. Work areas include offices and other areas where the work of the court is regularly performed. It does not include rest or break areas.

### **Social Media Policy**

(model policy – see also [Trial Court Standards and Guidelines](#))

The court understands that social media can be a fun and rewarding way to share your life and opinions with family, friends, and coworkers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media. This policy applies to all employees who work for the court.

#### **GUIDELINES**

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal or diary, personal website, social networking or affinity website, web bulletin board or a chat room, whether or not associated or affiliated with the court, as well as any other form of electronic communication.

The same principles and guidelines found in the court's policies and model code of conduct apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects members, customers, suppliers, people who work on behalf of [Employer], or [Employer's] legitimate business interests may result in disciplinary action up to and including termination.

#### **Know and follow the rules**

Carefully read these guidelines, the court's model code of conduct and the court's acceptable use policies and ensures your postings are consistent with these policies. Inappropriate postings that may include discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

**Be respectful**

Always be fair and courteous to fellow employees, customers, members, suppliers or people who work on behalf of court. Also, keep in mind that you are more likely to resolve work related complaints by speaking directly with your coworkers or by utilizing our Open Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, and threatening or intimidating, that disparage customers, members, employees; or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion, or any other status protected by law or company policy.

**Be honest and accurate**

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about court fellow employees, members, customers, suppliers, or people working on behalf of the court.

**Post only appropriate and respectful content**

Maintain the confidentiality of and the court's private or confidential information. Do not post internal reports, policies, procedures, or other internal business-related confidential communications. Do not create a link from your blog, website, or other social networking site to a court website without identifying yourself as a court employee. Express only your personal opinions. Never represent yourself as a spokesperson for the court. If the court is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of the court, fellow employees, members, customers, suppliers, or people working on behalf of the court. If you do publish a blog or post online related to the work you do or subjects associated with the court, make it clear that you are not speaking on behalf of the court. It is best to include a disclaimer such as "The postings on this site are my own and do not necessarily reflect the views of the court."

**Using social media at work**

Refrain from using social media while on work time or on equipment we provide, unless it is work related as authorized by your manager or consistent with the court's acceptable use policy. Do not use the court's e-mail addresses to register on social networks, blogs or other online tools utilized for personal use.

**Retaliation is prohibited**

The court prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

**Media contacts**

Employees should not speak to the media on the court's behalf without contacting the chief judge of the court and/or court administrator. All media inquiries should be directed to them.

**Right to Search**

The court reserves the right to conduct a search of court premises, equipment, and employee work areas when reasonable suspicion exists that the search will uncover unauthorized weapons, unauthorized use or possession of state property, or illegal controlled substances. This includes the right to search an employee's person or personal property. The court will conduct any search in a way that appropriately balances the individual's privacy interests and the court's legitimate interests in the search. An employee may be disciplined for failing to cooperate with a search.

**Open Door Policy**

The court recognizes that some of the best ideas to improve court processes, procedures, and our work environment come from our own employees. Improvement suggestions are always welcome. If you have a suggestion, question, or good faith complaint, we encourage you to discuss it first with your immediate supervisor. Alternatively, if you believe that your immediate supervisor is not the appropriate person with whom to raise such matters, you may communicate with another member of management or to human resources. If you prefer, you may also submit your question or concern in writing to another member of management or to human resources.

The Open Door policy should be used if you believe you or anyone else in the company has been subjected to unlawful harassment or discrimination. Please be aware that we may need to investigate information that leads us to believe that violation of law, ethics, or policy has occurred. Any investigation will be conducted in a professional, fair, and confidential manner. We will attempt to keep all such discussions, their investigation, and the terms of their resolution confidential. Please be aware, however, that in the course of investigating and resolving concerns, it may be necessary for us to share some information with others on a "need to know" and confidential basis. We cannot guarantee that in each and every instance you will be satisfied with the result, but in each case we will attempt to explain the result to you, particularly if it is not the result that you sought. No employee will be disciplined, penalized, or otherwise retaliated against for raising a good-faith concern through our Open Door policy.

## **Computer Policy**

### **Acceptable Use of Office Technology**

The court provides computer resources (e.g., hardware, software, network services, Intranet, and Internet connectivity) to its end users for the primary purpose of conducting court business (i.e., activity that directly relates to the business of the court or that is intended to enhance the end user's knowledge of, or productivity in, his or her job function). All employment policies of the court, such as those dealing with privacy, misuse of court resources, sexual harassment, information and data security, and confidentiality, shall apply to an end user's use of the court's computer resources.

### **Internet Access**

Internet access is provided to end users to assist them in the performance of their job responsibilities. End users have a responsibility to maintain and enhance the court's public image and to use the Internet in a productive manner. End users must conduct themselves honestly and appropriately on the Internet, and respect the copyrights, software licensing rules, property rights, and privacy of others. With all Internet usage, end users must identify themselves honestly, accurately, and completely.

### **Privacy**

The court respects the individual privacy of the end users. However, privacy rights do not extend to an end user's work-related conduct or to the use of the court's computer resources. End users should have no expectations of personal privacy protection when using state-owned IT systems or resources. IT systems and resources are defined as: data networks (over any media type); computer devices, including servers, hosts, laptops, desktops, and handheld or tablet personal computers; communication devices; phones, web phones, or pagers; and software applications accessed with any interface device. All information created, received, transferred, or stored on the court's computer systems are the property of the court.

The court has software and systems in place that can monitor and record all Internet usage including every World Wide Web site visit; each chat, newsgroup, or e-mail message; and each file transfer into or out of the network. The court will not routinely monitor individual end user's e-mail; however, the court will periodically monitor all Internet usage and reserves the right to access, without prior notice, an end user's computer system when deemed necessary and appropriate to determine compliance with these policy guidelines. In addition, management and technical staff may access an end user's e-mail:

- For a legitimate business purpose (e.g., the need to access information when an end user is absent for an extended period of time);
- To diagnose and resolve technical problems involving system hardware, software, or communications; and/or

- To investigate possible misuse of e-mail or the Internet when a reasonable suspicion of abuse or misuse exists, or in conjunction with potential litigation or a discovery request involving litigation hold notices.

## **Security and Integrity of Computer Systems**

### **Passwords**

It is the official policy of the court that each end user must create and utilize passwords for network access, e-mail, or various database applications (e.g., TCIS, JDW). The end user must take precautions to protect the confidentiality of those passwords. Failure to take precautions may allow unauthorized access to the end user's files, to the court's computer network, and to e-mail. End users are responsible for all activity initiated in or on the court's computer systems or network, including unauthorized access to end user accounts resulting from their failure to adequately secure their network and e-mail passwords.

### **Internet E-Mail**

Internet e-mail provides a potential access point for the spread of computer viruses or other destructive programs. End users should be cautious about opening any unsolicited e-mail messages or attachments. If a suspicious e-mail message with an attachment is received, the end user should not attempt to open it but should notify the Judicial Information Systems (JIS) Automation Unit immediately. Outgoing external Internet e-mail messages should contain the following electronic signature information at the end of the message:

This message has been prepared on computer equipment and resources owned by the court. It is subject to the terms and conditions of the court's computer acceptable use policy.

### **E-Mail Addresses**

To minimize the number of unsolicited Internet e-mail messages (a/k/a "spam") coming into the court's computer systems, end users should use discretion when distributing their court e-mail addresses. Inappropriate communications should be promptly reported to the end user's manager, supervisor, or managing judge.

### **Removable Media and Non-Court Computer Devices**

End users should be aware of the risks associated with the use of removable storage devices including floppy disks, CDs, DVDs, USB thumb drives, and portable hard drives. Connecting these devices to an infected PC and then to a work PC could lead to the transfer of viruses and other forms of malware (malicious software). In order to prevent the spread of viruses and other malicious software, end users are prohibited from the following:

- Connecting any non-court owned laptop, desktop, PDA, or other computing device to the court network without prior approval.
- Connecting any court-owned portable computer to a home or other non-court owned network (such as public wireless access points) without proper protection by antivirus software and an approved firewall.

- Allowing any vendor, visitor, or other nonemployee to connect a computer to the network without prior approval.
- Allowing any person other than a court employee to use or log into any court-owned network computer or device without prior approval.

### **Acceptable and Unacceptable Uses**

This document does not purport to enumerate all acceptable or unacceptable uses. It is the end user's responsibility to contact the IT director or Automation Unit staff regarding questions of acceptable and unacceptable uses. Until such issues are resolved, all questionable uses shall be considered not acceptable.

### **Acceptable Uses**

Provided that all other usage guidelines are adhered to, limited personal use of e-mail and Internet access is allowed to the same extent as personal use of office telephones. However, incidental personal use must not:

- Consume more than a trivial amount of court resources;
- Disrupt the operation of the court network;
- Interfere with the end user's productivity; or
- Preempt or impede any court business or activity.

The **primary** allowable uses of e-mail and Internet access are:

- The gathering, exchange, and appropriate dissemination of work-related information, research, analysis, documents, and software.
- Communication and exchange of information for professional development, maintaining an end user's work-related training and education, and discussing issues related to the end user's court activities.
- Activities to further the work of committees and professional societies the end user has joined in connection with his or her court duties.
- Announcement of new court decisions; new rules and/or laws, orders, policies, and bulletins; new court services and programs; and any other publicly disseminated court information.
- Applying for and administering grants or contracts for judiciary research and programs.
- Communication committed to e-mail in order to create a permanent record for future use.
- Communication regarding interoffice announcements and activities.

### **Unacceptable Uses**

Examples of unacceptable uses include, but are not limited to, the following activities:

- Use for any purpose that violates a law of the United States or a law of the state of Michigan.
- Use for any purpose that violates a Michigan Court Rule, a personnel rule, or a court employment contract.

- Use that is unethical or inconsistent with the best interests of the court.
- Use for any purpose specifically prohibited by the chief judge or court administrator.
- Use that violates the security, privacy, and confidentiality policies, practices, and laws of this court or the state of Michigan; unauthorized release of confidential material is forbidden (i.e., revealing personal information about any end user such as address, telephone number, social security number, credit card numbers, etc.).
- Using a computer account or attempting to access a computer account that the end user is not authorized to use; representing oneself as another without that other person's permission.
- Knowingly performing an act that will interfere with the normal operation of the court's computers, peripherals, or network, including any activity that places unusually high bandwidth demands on the court's network or computer memory limitations. End users must be conservative in downloading or transmitting video, audio, and multimedia files that place high bandwidth demands on the court's network. Bandwidth considerations may necessitate future restrictions on the type of computer activity allowed.
- Knowingly running or installing on the court's computer systems or network, either personally or through another person, a program intended to damage or place an excessive load on a computer system or the network. This includes any program that might introduce viruses, bots, Trojan horses, worms, or the like to any computer system or the network.
- Attempting to circumvent any system, application, or procedure intended to protect the privacy, security, or confidentiality of other end users or of court information.
- Installing or downloading any software or files (including screen savers, wall papers and games) onto the court's computer systems or network without the prior consent of the IT director. Such software and files must have a direct business use, must be properly licensed and registered, and must be used in conformity with copyright laws and licensing agreements.
- Uploading to the Internet any software or data licensed to or owned by the court or its representatives without explicit authorization of the IT director.
- Sending, soliciting, displaying, storing, printing, or disseminating material that is or can reasonably be interpreted as illegal, fraudulent, harassing, embarrassing, obscene, sexually explicit, intimidating, or defamatory (e.g., cartoons or jokes that are intended in jest). Accessing sexually explicit sites on the Internet is strictly prohibited. If such a site is accessed unintentionally, the end user should immediately exit the site and notify the JIS Automation Unit.
- Transmitting any message containing derogatory or inflammatory remarks about an individual's or group's gender, race, religion, national origin, physical attributes, disability, sexual orientation, or political beliefs or affiliations.
- Transmitting false or misleading information, including rumor or innuendo that may be harmful to employee morale.
- Using the computers or e-mail for profit activities, advertising, or public relations activities not specifically related to court business, or for commercial or personal advertisement, gain, solicitation, or promotion. This includes using the computers or e-

mail for conducting political activities (i.e., campaign announcements, solicitations of support, fundraising), engaging in any form of gambling, advancing one's personal views or opinions (i.e., using your court e-mail account or network bandwidth to make religious or political statements online), or promoting charitable endeavors.

- Joining, engaging, or participating in any Internet mailing lists and Usenet newsgroups should be limited to court-related topics. Use of non-court provided e-mail and instant messaging services is allowed only for personal messages, and may not be used to transmit court-related information. Use of these non-court provided services should be limited to breaks, lunches, or after hours.
- Playing games against opponents over the Internet.
- Violating the terms of applicable software licensing agreements or copyright laws or using evaluation copies of software in violation of license restrictions.
- Deliberately performing acts that are wasteful of computer resources or that unfairly monopolize resources to the exclusion of others. Such acts include sending mass e-mailings or chain letters, printing or faxing personal documents, or creating unnecessary multiple or large print jobs.
- Seeking or obtaining information about files, documents, or other data that are private, confidential, or otherwise not open to public inspection, unless specifically authorized to do so by the file owners; or copying, modifying, or deleting such files, documents, or data without authorization.
- Accessing radio stations and playing music over the Internet.
- Accessing any streaming video or audio over the Internet, unless job-related or approved in advance by your supervisor.

## **VIOLATIONS**

Violations of this acceptable use policy may result in disciplinary measures that include, but are not limited to, reprimand, restitution, suspension, termination, or referral for criminal prosecution. The court will advise appropriate law enforcement authorities of known or suspected violations of any domestic or foreign laws or regulations, and will cooperate with all legitimate criminal or disciplinary investigations. Any actual or suspected violation of these guidelines must be promptly reported to the court administrator.

## **LEAVE TIME**

**Annual Leave – INSERT POLICY HERE**

**Sick Leave – INSERT LEAVE ACCRUAL POLICY HERE**

### **Utilization**

An employee may use accrued sick leave for the following reasons:

- The employee's illness, injury, temporary disability, or exposure to a contagious disease that can endanger coworkers.

- Illness, injury, or temporary disability of a member of the immediate family that necessitates the employee's absence from work.\*
- The employee's absence from work necessitated by the death of an immediate family member.\*
- The employee's or immediate family member's (spouse, child, or parent) appointment with a doctor, dentist, or other licensed health care practitioner.

\*Immediate family as used in this section is defined as the employee's spouse, child, parent, mother-in-law, father-in-law, brother, sister, grandparent, and persons for whose financial or physical care the employee is principally responsible, whether natural, adopted, step, or foster.

### **Authorization**

If an employee needs to use sick leave because of an unanticipated illness or injury, the employee should call or e-mail their immediate supervisor as soon as reasonably possible. Use of sick leave requires approval of the employee's immediate supervisor. The immediate supervisor may require submission of evidence substantiating the need for sick leave. If the evidence is determined to be inadequate, the absence will be charged to another category of leave or will be considered leave without pay. An employee using more than three consecutive work days of sick leave must provide medical evidence substantiating the need for sick leave upon their return to work. Failure to provide evidence or if the evidence submitted is determined by the supervisor in consultation with Human Resources to be inadequate, the absence will be charged to another category of leave or will be considered leave without pay.

An employee absent for more than ten consecutive work days of sick leave must provide evidence substantiating the need for the continuation of sick leave. Failure to provide evidence or if the evidence submitted is determined by the supervisor in consultation with Human Resources to be inadequate, will be considered as an unapproved absence and the employee will be subject to disciplinary action up to and including termination. In addition, the absence may be charged to another category of leave or unpaid and will be considered leave without pay.

If there is a question about an employee's ability to work because of illness or disability, the court may require the employee to be examined by a designated licensed health care practitioner at the court's expense. If the practitioner determines that the employee should not work because of illness or injury, sick leave may be taken. If the employee's sick leave is exhausted, the employee may use other leave benefits or leave without pay as approved.

Any medical certifications provided to the court will be transmitted to Human Resources immediately and placed in the employee's confidential medical file as provided for in the Bullard-Plawewski Employee Right to Know Act, MCL 423.501 *et seq.*

## **Military Leave**

Military leave and reemployment rules are governed by the Uniformed Services Employment and Reemployment Rights Act (USERRA), 38 USC 4301 *et seq.* The Michigan Military Act, MCL 32.501 *et seq.* and MCL 32.271 *et seq.* (pertaining to reemployment protection after military leave), also applies to the extent it does not reduce, limit, or eliminate any rights or benefits under the USERRA. See 38 USC 4302.

Employees of the court who leave employment for voluntary or involuntary "service in the uniformed services" are entitled to reemployment with the court (with accrued seniority) if they meet the following eligibility criteria:

- A. Must have left the job for the purpose of performing service in the uniformed services. 38 USC 4312(a).
- B. Must have given prior oral or written notice to the court. 38 USC 4312(a)(1). Prior notice is not required if it is precluded by military necessity or is otherwise impossible or unreasonable. 38 USC 4312(b).
- C. Cumulative period or periods of service in the uniformed services, relating to the court, must not have exceeded the five-year limit. All involuntary service and some voluntary service are exempted from the five-year limit. 38 USC 4312(c).
- D. Must have been released from the period of service, without having been "dropped from the rolls" or having received a punitive or other-than-honorable discharge. 38 USC 4304.
- E. Must have reported back to work in a timely manner, or have submitted a timely application for reemployment. 38 USC 4312(e)(1).

## **Family Medical Leave**

Upon hire, the court provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities Under the Family and Medical Act .

The function of this policy is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If you have any questions, concerns or disputes with this policy, you must contact human resources or the court administrator in writing.

### **General Provisions**

Under this policy, the court will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member 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 leave, depending on the circumstances of the leave and as specified in this policy.

### **Eligibility**

To qualify to take family or medical leave under this policy, the employee must meet the following conditions:

- The employee must have worked for the company for 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. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement, including a collective bargaining agreement, stating the employer's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.
- The employee must have worked at least 1,250 hours during the 12-month period immediately before the date when the leave is requested to commence. The principles established under the Fair Labor Standards Act (FLSA) determine the number of hours worked by an employee. The FLSA does not include time spent on paid or unpaid leave as hours worked. Consequently, these hours of leave should not be counted in determining the 1,250 hours eligibility test for an employee under FMLA.
- The employee must work in a work site where 50 or more employees are employed by the company within 75 miles of that office or work site. The distance is to be calculated by using available transportation by the most direct route.

### **Type of Leave Covered**

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

- The birth of a child and in order to care for that child.
- The placement of a child for adoption or foster care and to care for a newly placed child.
- To care for a spouse, child, or parent with a serious health condition.
- The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position.

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 as a condition that requires continuing care by a licensed health care provider.

This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of 3 consecutive days of incapacity with the first visit to the health care provider within 7 days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy or under the court's sick leave policy are encouraged to consult with the human resource manager.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the court may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

- Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter, or parent has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following: a) short-notice deployment, b) military events and activities, c) child care and school activities, d) financial and legal arrangements, e) counseling, f) rest and recuperation, g) post-deployment activities, and h) additional activities that arise out of active duty, provided that the employer and employee agree, including agreement on timing and duration of the leave.

*Covered active duty* means:

- In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country.

- In the case of a member of a reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in Title 10 USC §101(a)(13)(B).

The leave may commence as soon as the individual receives the call-up notice. (*Son* or *daughter* for this type of FMLA leave is defined the same as for *child* for other types of FMLA leave except that the person does not have to be a minor.) This type of leave would be counted toward the employee's 12-week maximum of FMLA leave in a 12-month period.

- Military caregiver leave (also known as covered service member leave) to care for an injured or ill service member or veteran.

An employee whose son, daughter, parent or next of kin is a covered service member may take up to 26 weeks in a single 12-month period to take care of that service member.

*Next of kin* is defined as the closest blood relative of the injured or recovering service member.

The term *covered service member* means:

- A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy or is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness.
- A veteran who is undergoing medical treatment, recuperation or therapy for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of five years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The term *serious injury or illness* means:

- In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating.
- In the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered service member, a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of

duty on an active duty in the Armed Forces (or that existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

### **Amount of Leave**

An eligible employee may take up to 12 weeks for the first 5 FMLA circumstances above (under heading "Type of Leave Covered") under this policy during any 12-month period. The court will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the court will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount of time the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA military caregiver leave circumstance above during a single 12-month period. For this military caregiver leave, the court will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If spouses both work for the court and each wishes to take leave for the birth of a child, adoption or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the spouses may only take a combined total of 12 weeks of leave. If spouses both work for the court and each wishes to take leave to care for a covered injured or ill service member, the spouses may only take a combined total of 26 weeks of leave.

### **Employee Status and Benefits During Leave**

While an employee is on leave, the company will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

### **Employee Status After Leave**

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider.

### **Use of Paid and Unpaid Leave**

All paid vacation, personal, and sick leave runs concurrently with FMLA leave.

Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA.

### **Intermittent Leave or a Reduced Work Schedule**

The employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced-hour schedule. In all

cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member over a 12-month period).

**Certification for the Employee's Serious Health Condition**

The court will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

**Certification for the Family Member's Serious Health Condition**

The court will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

**Certification of Qualifying Exigency for Military Family Leave**

The court will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

**Certification for Serious Injury or Illness of Covered Service Member for Military Family Leave**

The court will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

**Recertification**

The court may request recertification for the serious health condition of the employee or the employee's family member when circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the company may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence.

**Procedure for Requesting FMLA Leave**

All employees requesting FMLA leave must provide the HR manager with verbal or written notice of the need for the leave. Within five business days after the employee has provided this notice, the HR manager will provide the employee with the DOL Notice of Eligibility and Rights. When the need for the leave is foreseeable, the employee must provide the employer with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the court's usual and customary notice and procedural requirements for requesting leave.

**Designation of FMLA Leave**

Within five business days after the employee has submitted the appropriate certification form, the HR manager will provide the employee with a written response to the employee's request for FMLA leave.

**Intent to Return to Work from FMLA Leave**

The court may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

**INSURANCE BENEFITS – INSERT POLICIES HERE****Introduction to Benefits****Eligibility**

**Available Insurance Plans i.e., Health, Dental, Vision, Life, Long Term Disability, etc.**

**COBRA****ORGANIZATION MEMBERSHIPS, POLITICAL ACTIVITY, TUITION REIMBURSEMENT, AND TRAINING**

Court payment for employee licenses and membership in professional organizations is both an economic and value-based decision. This policy is designed to provide guidance to employees on when memberships and training will be paid for by the court.

**Tuition Reimbursement – INSERT POLICY HERE****Travel/Expense Reimbursement – INSERT POLICY HERE****Professional Memberships**

Employees who must be licensed to practice law as a condition of employment are required to maintain active membership in the State Bar of Michigan. Payment of annual dues is the responsibility of the employee.

Employees are encouraged to join work-related organizations that develop and improve professional skills. Payment for membership dues is the responsibility of the employee unless the membership is obtained at the direction of the court administrator or the chief judge for those employees directly supervised by a judge.

Employees may attend conferences or training seminars with the advance approval of the court administrator, chief judge or the supervising judge for those employees directly supervised by a judge. If approved, administrative leave will be granted. Payment or reimbursement for the

cost must be approved by the court administrator, chief judge for those employees directly supervised by a judge.

Employees are encouraged to pursue educational opportunities to improve professional knowledge, skills, and abilities in order to provide quality service to the court and the public. Laws, court rules, administrative orders, caselaw, and technology are continually changing. Employees are encouraged to take advantage of educational opportunities that will enhance their skills, advance their understanding, and allow for better service.

### **Political Activity**

An employee of the court may engage in political activities on behalf of a candidate or issue in connection with partisan or nonpartisan elections.

### **Local Candidacy**

No leave of absence from employment will be required if an employee of the court becomes a candidate for nomination and election to any district, county, city, village, township, school district, or other local elective office.

### **Judicial, Statewide, or National Candidacy**

Leave of absence from employment may, in the employer's discretion, be required if an employee intends to become a candidate for any judicial office, or for elective office in the executive or legislative branches of the state, or any national office. In such case, the employee shall request and may be granted an unpaid leave of absence prior to any declaration of an intention to seek office, including the filing of candidacy documents, and prior to any fundraising for the employee's campaign.

### **Continued Performance of Duties**

Political activity, including election to or the holding of public office by an employee, must not conflict with the satisfactory and impartial performance of duties required in the employee's position. Before becoming a candidate for any office listed in Section 5.101, or before accepting any office if appointed, an employee shall inform the court administrator, chief judge, or the supervising judge for those employees directly supervised by a judge.

Employees shall not engage in any political activity during actual duty time and shall not use any court equipment or resources in support of political activities. If employees are engaged in political activity outside work hours, they should make it clear that their positions on candidates or issues are not those of the court. Employees shall not identify themselves as employees of the court in political or issues-related correspondence or other communications.

### **Campaign Contributions**

Employees are not required or expected to contribute to or participate in any political or judicial campaign.