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John D. Ferry, Jr., State Court Administrator

DATE: February 22, 1999

TO: All Chief Judges, Court Administrators, Probate Registers,
Friends of the Court

FROM: John D. Ferry, Jr.

SUBJ: Administrative Memorandum 1999-02, Guidelines for
Unscheduled Court Closing Due to Weather Emergency and
Guideline for Court Staff Hours Local Administrative Orders
(Supreme Court Administrative Order 1998-05)

Please distribute this Memorandum to the appropriate addressees.

Supreme Court Administrative Order 1998-5 requires Chief Judges to adopt a local administrative order detailing the process for unscheduled court closing in the event of inclement weather. The Order also requires that any deviation of the court's hours from the standard working hours of the funding unit must be reflected in a Local Administrative Order. To assist you in development of required local administrative orders we have prepared a Guideline for Unscheduled Court Closing Due to Weather Emergency and a Guideline for Court Staff Hours. Both Guidelines are attached.

Courts with the same funding unit should submit a joint local administrative order for all courts.

If you have questions with respect to these Guidelines, please contact your Regional Administrator.

The Guidelines are provided in three formats:

*The file with an extension of *.WP is a WordPerfect 5.1 file, and must be downloaded for viewing.

* The file with an extension of *.RTF is a Rich Text Format file, and must be downloaded for viewing.

* The file with an extension of *.HTM is a Hypertext (HTML) file, and can be viewed on-line through your web browser.

Attachments

cc: Dawn Monk
Jim Covault
Regional Administrators

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M E M O R A N D U M

DATE: February 19, 1999

TO: All Chief Judges, Court Administrators, Probate Registers, Friends of the Court

FROM: John D. Ferry, Jr.

SUBJ: Administrative Order 1998-5, Guidelines for Unscheduled Court Closing Due to Weather Emergency and Guideline for Court Staff Hours Local Administrative Orders (LAO)

Recently, the Supreme Court adopted Administrative Order 1998-5, which requires Chief Judges to adopt a Local Administrative Order detailing the process for unscheduled court closing in the event of bad weather. The Order also requires that any deviation of the court's hours from the standard working hours of the funding unit must be reflected in a Local Administrative Order. To assist you in development of required local administrative orders we have prepared a Guideline for Unscheduled Court Closing Due to Weather Emergency and a Guideline for Court Staff Hours. Both Guidelines are attached.

Courts with the same funding unit should submit a joint Local Administrative Order for all courts, if possible.

If you have questions with respect to these Guidelines, please contact your Regional Administrator.

Enclosures

cc: Jim Covault
Dawn A. monk
Regional Administrators
Kevin Bowling

Guideline For Unscheduled Court Closing Due to Weather Emergency

Supreme Court Administrative Order 1998-5, section VI, states that *To the extent possible, consistent with the effective operation of the court, the chief judge must adopt personnel policies consistent with the written employment policies of the local funding unit. Effective operation of the court to best serve the public in multi county circuits and districts, may require a single, uniform personnel policy that does not wholly conform with specific policies of any of the court's funding units.*

Further, paragraph 1 of Administrative Order 1998-5, section VI, requires that *If a chief judge opts to close a court and dismiss court employees because of a weather emergency, the dismissed court employees must use accumulated leave time or take unpaid leave if the funding unit has employees in the same facility who are not dismissed by the funding unit. If a collective bargaining agreement with court staff does not allow the use of accumulated leave time or unpaid leave in the event of court closure due to weather conditions, the chief judge shall not close the court unless the funding unit also dismisses its employees working at the same facility as the court. Within 90 days of the issuance of this order, a chief judge shall develop and submit to the state court administrative office a local administrative order detailing the process for unscheduled court closing in the event of bad weather. In preparing the order, the chief judge shall consult with the court's funding unit. The policy must be consistent with any collective bargaining agreements in effect for employees working in the court.*

By March 29, 1999, all courts must submit a local administrative order (LAO) governing closure due to emergency weather conditions. In facilities containing multiple courts, the courts must adopt and submit a joint LAO. If any Chief Judge believes that he or she will be unable to provide a local administrative order to the SCAO by that date, he or she should immediately contact the SCAO Regional Administrator.

Courts with the same funding unit should submit a joint local administrative order for all courts if possible. If courts with the same funding unit submit separate local administrative orders, the orders should be consistent.

Pursuant to AO 1998-5, Section VI, all courts should consult with their funding unit(s) regarding the development of this LAO.

The policy must provide, at a minimum, that in the event of a weather emergency the following procedures will apply:

- 1) The chief judge or person designated by the chief judge, before making a decision to close the court and/or dismiss court employees, shall contact the funding unit's representative responsible for declaring a weather emergency to determine if there is a weather emergency sufficient to close the court.
- 2) If the funding unit declares a weather emergency and closes the facility where court is

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located, court employees will charge time off in a manner consistent with any collective bargaining agreement and action taken by the funding unit.

- 3) If the court closes and releases its employees, but the funding unit does not, then the court employees must use accumulated leave time or unpaid leave, unless there is a collective bargaining agreement to the contrary.
- 4) A closure determination will be announced to the court employees and all appropriate law enforcement agencies by a means to reasonably assure notice. Public notice will be made by posting a notice on the public entrances to the facility and delivering public service announcements over local radio and/or television stations.

Before submitting the LAO to SCAO, chief judges should consult with the funding unit regarding the proposed policy. At a minimum, the chief judge must provide a copy of the proposed order to the funding unit and request review and comment. If the funding unit objects to provisions contained in the local administrative order, the chief judge(s) should attempt to resolve concerns in a fashion to meet the intent of 1998-5 of consistency between court policy and funding unit policy, while assuring adequate judicial service to the public.

The communication to SCAO transmitting the LAO must contain:

- 1) A cover letter indicating that the court has consulted with the funding unit and the manner in which consultation occurred; and
- 2) A summation of comments received, along with copies of written comments, if any, received from the funding unit.

Guideline for Court Staff Hours Local Administrative Orders (LAO)

MCR 8.110(D) requires that *the chief judge of every court shall enter an administrative order under MCR 8.112(B) establishing the court's hours.*

Administrative Order 1998-5, section IV, states that *To the extent possible, consistent with the effective operation of the court, the chief judge must adopt personnel policies consistent with the written employment policies of the local funding unit. Effective operation of the court to best serve the public in multicounty circuits and districts, may require a single, uniform personnel policy that does not wholly conform with specific policies of any of the court's funding units.*

Further, paragraph 1 of Administrative Order 1998-5, section IV, requires that *the standard working hours of the court staff, including when they begin and end work, shall be consistent with the standard working hours of the funding unit. Any deviation from standard working hours of the funding unit must be reflected in a local administrative order, as required by the chief judge rule, and be submitted for review and comment to the funding unit before it is submitted to SCAO for approval.*

“Standard working hours” means the standard business hours of the court and is defined as the hours the court and funding unit are open to the public.

Courts located in the same building or complex as the funding unit's [main or public service] offices must have the same standard working hours as the funding unit unless there is a reason for deviation that relates to adequate judicial services or to meeting obligations in a previously negotiated employee bargaining agreement. Courts should endeavor in future employee bargaining to ensure conformity in standard business hours with the funding unit.

Courts which do not currently have a LAO regarding Court Hours required by MCR 8.110(D) must submit one to SCAO as soon as possible. Any deviation from the funding unit's standard working hours must be included in the LAO.

Courts which have a current LAO and whose hours do not deviate from the funding unit's standard working hours need not submit a revised Court Hours LAO. Courts whose standard working hours deviate from the funding unit's, and who have a current LAO which does not reflect this deviation, must submit a revised Court Hours LAO as soon as possible.

The LAO should include language that identifies any deviation from the standard working hours of the funding unit. Examples of deviation include: evening hours, and weekend hours. A difference in lunch hours is not considered a deviation, but a difference in public access during the lunch hour is considered a deviation, for example, the court is closed to the public during the lunch hour while the funding unit is open, or funding unit offices are closed to the public during the lunch hour while court offices are open. Whenever possible, court offices should not be closed during the lunch hour.

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The cover letter to SCAO transmitting a Court Hours LAO that includes deviation in hours must contain the following:

- 1) a statement that court staff hours deviate from those of the funding unit;
- 2) a statement that the LAO had been submitted to the local funding unit for review and comment;
- 3) a summation of any comments received from the funding unit (and a copy of any written communication); and
- 4) the court's response to the comments.