

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.

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- 2) If the funding unit declares a weather emergency and closes the facility where court is 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.