

GENDER & JUSTICE
IMPLEMENTATION COMMITTEE

FINAL REPORT
1 9 9 2

Third Judicial District Court

Courts Building
240 East Fourth South
Salt Lake City, Utah 84111
(801) 535-5677



TIMOTHY R. HANSON
DISTRICT JUDGE

November 12, 1992 DEPOSITORY SYSTEM

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Chief Justice Gordon R. Hall
Judicial Council Chairman
230 South 500 East, Suite 300
Salt Lake City, Utah 84102

Re: Gender & Justice Implementation Committee
Final Report

Dear Chief Justice Hall:

The Judicial Council will recall that the Gender & Justice Implementation Committee was established by the Judicial Council to provide a means of overseeing implementation of the recommendations made by the Utah Task Force on Gender and Justice in its report to the Utah Judicial Council in March of 1990. Since the establishment of the implementation committee, the committee has met from time to time to review the goals of the Gender and Justice report; has discussed potential methods of implementation; and established subcommittees to address specific areas of concern.

On July 30, 1992, the implementation committee last met and received and discussed reports from the various subcommittees. This letter summarizes the reports and final conclusions of the subcommittee groups, and indicates the implementation committee's determination as to whether or not the original charge as given to the implementation committee was met. With the exception of copies of subcommittee reports that were presented to the Council in August of 1992, the completed subcommittee reports are attached to this final report from the implementation committee for the Council's review.

Dealing with the issue of ethics as it relates to Gender and Justice, an ethics subcommittee was established and chaired by the Honorable W. Bench and Colin R. Winchester from the Court Administrator's Office serving as staff. The implementation committee as a whole reviewed the report

presented by the ethics subcommittee, and discussed the proposed changes to the Code of Judicial Conduct as it dealt with issues of gender bias. The implementation committee was of the opinion that the following changes should be made to the Code of Judicial Conduct, and recommend the same to the Judicial Council for its action as may be appropriate.

The implementation committee would recommend that Canon 3B(5) contain the following added language: "A judge should be alert to avoid behavior that may be perceived as prejudicial."

The implementation committee was of the opinion that Canon 3B(6) should be modified to change the word "should" to "shall intervene and", with the remainder of the sentence unchanged.

The implementation committee was also of the opinion that Canon 3C(1) should change the word "should" to "shall".

The implementation committee finally recommends that Canon 3C(2) not be changed.

In the discussions relating to the Code of Judicial Conduct and the Canons relating to potential gender issues, there was considerable discussion regarding the word "should" and "shall". The implementation committee as a whole was of the opinion that it would be more positive to require judges to intervene and attempt to quash biased behavior that occurs in the courtroom. With the modifications identified above, the committee accepted the report from the ethics subcommittee and recommends the same to the Council for its consideration.

The implementation committee also established a subcommittee chaired by the Honorable Regnal W. Garff to deal with issues of education. Judge Garff is also the chairman of the Judicial Education Committee, a standing committee of the Council, and was able to provide liaison between those two entities. Sharon Gilson served as staff to the subcommittee. Judge Garff presented the subcommittee's report to the implementation committee, and as indicated above is attached for the Council's review. In summary, Judge Garff indicated that it was the purpose of the Judicial Council's Education Committee on issues of gender to educate employees and judges on gender issues so that individuals would be able to internalize the material and apply the principles of gender fairness to both the workplace and the courtroom. Judge Garff noted that this is an ongoing process and that the Education Committee of the Council was in the process of developing curricula and would continue to include in curricula in the future education gender issues.

Various programs relating to judicial education and gender bias issues have been implemented. Those programs include sessions for new judges, training for supervisors who have responsibility for employees where bias may appear at work sites, as well as responsibilities in hiring and promotion. Judge Garff reported that the Judicial Council's Education Committee was developing training for employees that would teach appropriate responses to demonstrated bias, which would include the training medium of role play activity.

The implementation committee was of the opinion that the Judicial Council's Education Committee has and will continue to implement the recommendations of the Gender and Justice report, and will make such training an ongoing part of the curriculum. Other than to continue to encourage the Education Committee to include gender bias as an ongoing element of judicial education and training, as well as education and training for judicially related staff, the implementation committee has no further recommendations on the issue of gender bias in relation to education and is satisfied that the recommendations of the Gender and Justice report are being implemented.

The Council will recall that Commissioner Michael S. Evans and Timothy M. Shea, as staff, appeared before the Council in August of 1992 and presented to the Council Commissioner Evans' subcommittee report dealing with legislation and rules on the issue of gender bias. This writer understands that that report from Commissioner Evans was received by the Council with certain revisions and modifications. The implementation committee understands that the legislation and rules suggested by Commissioner Evans as a result of his subcommittee's work are in the process of being implemented through appropriate modifications to suggested legislation and rules.

In addition to a report from Commissioner Evans regarding the work of the Legislative and Rules subcommittee, the Council will recall that Cheryl May presented to the Council a final draft of a handbook addressing gender bias, as well as other gender issues. Following the Council's acceptance of the form of handbook prepared by Ms. May, the implementation committee understands that the final edits have been made, the handbook has been printed, and distribution to judges and court employees has been made.

In the area of Human Resources, the implementation committee established a subcommittee chaired by Juan Benavidez, Director of Human Resources for the Administrative Office of the Courts. Mr. Benavidez's subcommittee's report was presented to the implementation committee. It was the opinion of the subcommittee that in some areas the intent of the Gender and Justice report had not been achieved relating to gender balance, particularly in administrative positions. With the exception of a determination for the cause of what appears to be gender inequity in court employment, the implementation committee was satisfied that the gender and justice report goals had been implemented into the Human Resources areas of the courts. The Council may wish to provide specific direction to the Division of Human Resources of the Court Administrator's Office so that the gender imbalance that apparently exists may be dealt with in a more aggressive fashion.

With the receipt of these final reports by the Gender and Justice Implementation Committee, the committee is of the opinion that it has completed its mission as developed by the original charge from the Judicial Council. At its final meeting, the members of the implementation committee discussed whether or not the implementation committee should recommend to the Council that this committee remain in place to monitor ongoing gender issues as raised by the Gender and Justice report of March of 1990, or whether or not the implementation committee should be disbanded. The majority of the members of the implementation committee were of the opinion that continued monitoring of the goals of the Gender and Justice report would be appropriate, but through a committee much smaller than the presently situated implementation committee.

A smaller committee could address as requested by the Judicial Council, or the Court Administrator's Office, gender issues that might be identified in relation to the Gender and Justice report. The suggested composition of a smaller oversight committee could perhaps include a participant from the Office of the Court Administrator in the area of Human Resources and Education, as well as an appropriate representation of trial and appellate judges. It was also suggested by some members of the implementation committee that the Council, if a continuing oversight committee is otherwise appropriate, consider persons who may have served on the original Gender and Justice Task Force to provide continuity.

*next meeting
staff proposal*

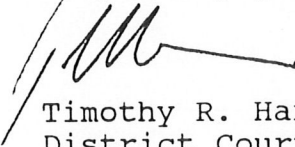
Honorable Gordon R. Hall

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November 12, 1992

The undersigned, on behalf of all the members who have served on the Gender and Justice Implementation Committee, wish to thank the Council for its interest in these important issues and the opportunity to provide information and recommendation for the implementation of the goals originally identified by Utah's Task Force on Gender and Justice.

Very truly yours,



Timothy R. Hanson
District Court Judge
Chairman, Gender and Justice
Implementation Committee

TRH:jsh
Enclosure

Administrative Office of the Courts


Chief Justice Gordon R. Hall
Chairman, Utah Judicial Council

William C. Vickrey
State Court Administrator

Ronald W. Gibson
Deputy State Court Administrator

MEMORANDUM

TO: GENDER & JUSTICE REVIEW COMMITTEE

FROM: COLIN R. WINCHESTER, 
GENERAL COUNSEL

DATE: April 22, 1992

RE: GENDER BIAS PROVISIONS
IN PROPOSED CODE OF JUDICIAL CONDUCT

You asked the Ethics Advisory Committee to study the Code of Judicial Conduct and propose amendments to address bias issues. Because the American Bar Association was in the process of revising its Model Code of Judicial Conduct, the Ethics Advisory Committee's study was expanded to include a thorough review of the new ABA Model Code. In May 1991, an ad hoc committee was formed to study the Model Code and make recommendations regarding its adoption in Utah. The ad hoc committee consisted of Judge Russell Bench, Judge Timothy Hanson, Carlie Christensen, David B. Watkiss, Dean Sheffield and Professor Leslie Francis. The ad hoc committee completed its work and forwarded its recommendations to the Ethics Advisory Committee in February of this year. The Ethics Advisory Committee will complete its study of the ad hoc committee's recommendations in May.

Below you will find the four bias provisions recommended by the ad hoc committee. If you have any questions or concerns regarding any of them, please forward them to me prior to May 8 so that the Ethics Advisory Committee can discuss them in their May meetings. Thank you for your cooperation in this matter.

1. A judge should perform judicial duties without bias or prejudice. A judge should not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including

but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and should not permit staff, court officials and others subject to judicial direction and control to do so.

2. A judge should require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, against parties, witnesses, counsel or others. This Canon does not preclude legitimate advocacy when race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, or other similar factors, are issues in the proceeding.

3. A judge should diligently discharge the judge's administrative responsibilities without bias or prejudice, maintain professional competence in judicial administration, and cooperate with other judges and court officials in the administration of court business.

4. A judge should require staff, court officials and others subject to judicial direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties.

IMPLEMENTATION OF UTAH TASK FORCE ON GENDER AND JUSTICE REPORT EDUCATION DIVISION RESPONSE

The Education Division has a responsibility to integrate the recommendations of the Gender and Justice Task Force into the culture of our judicial organization. There are specific recommendations on substantive areas where gender issues should be addressed in our education programs. In addition, there is a need for general orientation for all staff and judges to the nature of gender bias, its causes, its manifestations, the importance of taking all possible steps to eliminate any presence of bias in the courts, and constructive means of responding to gender issues whether they arise in the context of a case or on an interpersonal basis in the day to day operation of the judiciary. The twelve recommendations from the Gender and Justice Report are as follows:

I. UTAH TASK FORCE RECOMMENDATIONS

- **DOMESTIC RELATIONS RECOMMENDATIONS**

Take effective action to eliminate blatant sexist behavior by judges or commissioners through education...

Develop mandatory education programs for all judges, including active senior judges, and commissioners who handle domestic relations cases, to include, but not be limited to current information about:

- a. The disparate economic consequences of divorce for women and men;
- b. Economic realities for working women in Utah;
- c. Wage-earning potential of middle-aged women who have been economically dependent during a long-term marriage;
- d. The costs of rearing a child, the costs and availability of child care, and other statistical and social data essential to making realistic child support awards.

Include in new judges' and new commissioners' orientation programs all issues outlined above.

Use education programs for judges and court commissioners to illustrate how laws that are gender-neutral on their face may nonetheless regularly be applied in ways that disadvantage one gender.

- **DOMESTIC VIOLENCE RECOMMENDATIONS**

Ensure that both new and incumbent judges and court commissioners become familiar with the complex nature of domestic violence. Provide educational programming on:

- a. The importance of treating domestic violence with the same seriousness accorded violence between strangers;
- b. The effect of domestic violence on the entire family, including children;
- c. Characteristics of and relationships between abusers and victims;
- d. The need to consider any history of spousal assault as a factor in child custody and custody and visitation determinations;
- e. The need for expedited handling of violations of protective orders under the Domestic Violence Act;
- f. The inherent problems of mutual protective orders issued by the court sua sponte or upon mere oral request by respondent;
- g. The appropriateness of sanctions, such as incarceration, for violators of protective orders.

Provide educational programming to court support personnel who deal with domestic violence complaints, focusing on the nature of domestic violence, the cycle of abuse, and characteristics of the domestic violence victims.

- **JUDICIAL SELECTION RECOMMENDATIONS**

Develop continuing education programs for judicial nominating commissions aimed at:

- a. Sensitizing members to their own gender based biases;
- b. Educating members about the impact of inappropriate gender-related attitudes and behavior on the fair administration of justice;
- c. Providing practical experience in formulating and asking appropriate gender-neutral interview questions.

- **COURT EMPLOYMENT RECOMMENDATIONS**

Require that all managerial and supervisory personnel demonstrate competence in resolving gender bias issues. Treat effective use of such skills as performance criteria. Examples of such skills include:

- a. Recognizing gender-biased behavior and understanding its impact on court employees;
- b. Resolving gender-bias problems and maintaining a work environment free of gender bias;
- c. Making hiring and promotion decisions free of gender-bias, based on written policies and procedures.

Train and authorize designated individuals in each judicial district to resolve gender bias and sexual harassment complaints. Give special attention to procedures and remedies designed to both meet the needs of victims and protect the rights of those accused.

Develop education programs for all court employees to increase awareness about appropriate and inappropriate gender-related conduct in the workplace.

- **COURT ROOM INTERACTION RECOMMENDATIONS**

Provide educational programs for judges, court commissioners, and other court personnel to heighten awareness and increase recognition of inappropriate gender-related conduct. Include in such programs information concerning how women and men perceive gender issues differently.

II. EDUCATION DIVISION RESPONSE TO TASK FORCE RECOMMENDATIONS

One of the primary challenges the Education Division has is to develop programs that will effect the internalization of the concepts and recommendations of the Gender and Justice Task Force. It is not acceptable to merely pay lip service to the concerns expressed in the report. We have listed below some of our initial efforts to implement the recommendations and also some, but certainly not all, of our future plans. Our efforts in this regard will be to continue to upgrade the teaching materials and to develop more effective methods of presentation. To this end a special subcommittee has been created, chaired by Judge Sharon McCully, to enhance and strengthen this component of the educational program.

- **DOMESTIC RELATIONS AND DOMESTIC VIOLENCE**

Educational programs to eliminate blatant sexist behavior by judges, commissioners and support staff, and to sensitize them to what others perceive as sexist behavior will be a core part of all initial and ongoing educational programs. Also, orientation as to community resources such as counseling, shelter and legal assistance for victims, perpetrators, and children.

- **ORIENTATION PROGRAMS**

General orientation information regarding gender issues has been implemented in the curriculum of the new employee orientation programs, and new trial judge orientation programs. The orientation programs include all new judges and court employees, and are held within the first few months of employment. Through the orientation programs, all new judges and court staff will receive general training on gender bias issues.

A new employee orientation program was held on May 18-19, 1992. Ms. Joan Tegt, Personnel Analyst for the Administrative Office of the Courts, spoke to the employees on the topic of gender bias. The next employee orientation academy will be held on Oct. 8-9, 1992. A similar presentation on gender bias is scheduled for this academy. The employee orientation programs are held 3-4 times per year, and will include a section on gender bias and the courts.

The first new trial judge orientation program will be held on August 4, 1992. Five new district judges will be in attendance at this orientation. The section on gender will be team taught by Ms. Joanne Slotnik and Hon. Brent West, who both served on the Utah Task Force on Gender and Justice. New judge orientations will be scheduled as new judges are hired, and will include sections on gender bias and the courts. It will be emphasized that the judge has the obligation to intervene in the courtroom to correct any apparent bias. The focus will be on methods of intervention.

- **JUDICIAL NOMINATING COMMISSIONS**

New judicial nominating commissions have recently been appointed in all eight judicial districts. All nominating commissions will receive training on sensitizing members to gender-based biases, education about the impact of inappropriate gender-related attitudes and behavior on the fair administration of justice, and practical experience in formulating and asking appropriate gender-neutral interview questions as part of their general orientation, and prior to performance of their duties. Nominating Commission Orientations will be scheduled in Third, Fourth, and Seventh Districts beginning in August of this year. Orientations will be held in other districts as the need arises.

- **SUPERVISORY TRAINING**

Managerial and supervisory personnel need to be competent in assuming responsibility for, and resolving gender bias issues. In cooperation with Human Resource Management, the Education Division should provide skill building training to all court managers and supervisors on recognizing gender-biased behavior; resolving gender-bias problems and maintaining a work environment free of gender bias; and in making hiring and promotion decisions free of gender-bias. Currently, there is no specialized training on gender bias for supervisors.

- **COURT EMPLOYEES' CONFERENCE**

As part of the state-wide court employees' conference this year, a session will be included on gender bias in the court system. Ms. Joanne Slotnik, who was a member of the Utah Task Force on Gender and Justice, will be the presenter. Approximately 500 court staff, including clerks, secretaries, probation officers, bailiffs, court reporters, and other court employees are expected to be in attendance at this conference. Plans are already being made to include sessions on gender issues in the courts in next year's conference.

- **VALUING DIVERSITY GRANT**

The Education Division has recently submitted a grant proposal to the State Justice Institute to receive funding to provide instruction on valuing diversity, which would include gender issues. Through this grant, training will be provided to all judges and court employees. Sessions on valuing diversity will be included in all court level judicial conferences, the annual judicial conference, career track seminars, the justice court clerks' conference, and the state-wide court employees' conference in 1993. A consultant will be hired to develop the curriculum on valuing diversity, teach the seminars, and to create a workbook which will be distributed to all court employees and judges throughout the state.

- **ONGOING PROGRAMS**

The Education Division will address the specific substantive areas in ongoing programs dealing with domestic relations, domestic violence, and other areas where it may be appropriate to incorporate lessons learned through the gender and justice study. The best opportunity to make significant and ongoing progress in this area will be through the ability of the education division to incorporate the values embodied in the gender and justice report in every segment of our education program.

July 23,1992

**Proposal to Improve the Administration of Justice
in the Utah State Courts**

Title

Valuing Diversity

Submitted by:

**The Utah Administrative Office of the Courts
230 South 500 East, Suite 300
Salt Lake City, Utah 84102
(801) 578-3800**

July 23, 1992

Cheryl Reynolds
State Justice Institute
1650 King Street, Suite 600
Alexandria, Virginia 22314

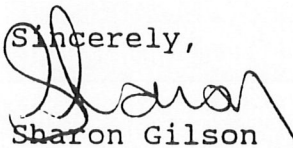
Dear Cheryl:

Here is the revised version of the "Valuing Diversity" grant request. Thank you for all your assistance by telephone regarding this request.

There has been tremendous interest in this grant, and in the area of valuing diversity. I have had numerous inquiries from the community, court staff and judges supporting the concept and the training.

I hope this revised request addresses your needs and expectations. If you have any questions or comments, please give me a call.

Sincerely,


Sharon Gilson
Associate Education Officer

Valuing Diversity

(No. C-92-211)

1. Initially, it is proposed that a pilot seminar be offered to Court Executives and Administrative Office staff before branching out on a larger scale. After this pilot seminar takes place, additional seminars will be conducted at court level conferences, the annual judicial conference, career track seminars, and the large annual court employees conference, all in 1993. In addition, these seminars will be offered at the quarterly new employee orientation groups and more briefly at new judge orientation (only small groups of new judges will be on board at once). This would be a total of 18 in calendar year 1993. Fourteen seminars would be conducted by the consultant, and four seminars (the orientation academies) would be conducted by court staff and judges, after attending a training the trainer program. Although there will not be a blend of judges and court employees in each seminar, there will be a wide geographic diversity, which will add to the participant interaction. Having seminars at the conferences also saves money in travel, lodging and food, as well as time away from court.

2. The pilot group would serve the purpose of testing the quality of the seminar as well as the manual/workbook. When the pilot group participants are invited, they will be notified that their feedback and evaluations will be asked for and taken seriously. In the beginning of the session, the participants will be instructed by the Director of Judicial Education which areas of the book and

"Valuing Diversity"

Advisory Committee

Hon. Regnal Garff, Chair -- Court of Appeals

Hon. William Thorne, Co-Chair -- Third Circuit Court

Hon. Diane Wilkins -- 2nd District Juvenile Court

Nelda Hollingsworth -- Court Executive, 1st District Court

Beani Martinez -- West Probation Unit, 3rd District Juvenile Court

Tina Ashley -- Court Clerk, 3rd District Court

Jim Thomas -- Pluralism Committee Chair, US West Communications

Sharon Gilson -- Associate Director of Education, AOC

Cheryll May -- Public Relations Director, AOC

District Court Judge TBA

Consulting Members

Hon. Tyrone Medley -- 3rd Circuit Court

Hon. Lynn Davis -- 4th District Court

Beverly Brown -- Administrative Secretary, AOC

Joan Tegt -- Human Resource Analyst, AOC

class to pay particular attention to. The session will end with a structural evaluation discussion to be led by the Director of Judicial Education as well as the completion of an evaluation form. The grant project advisory committee will then advise any workbook and seminar revisions prior to national dissemination.

3. Task Plan:

Since this is such a specialized project that requires skill and sensitivity to implement, it is recommended that the search for a local consultant go out for bid. Attached is a model advertisement as well as selection criteria. This should be advertised at the following universities: University of Utah, Weber State University, Brigham Young University, and possibly in the Salt Lake Tribune. The mentioned universities have centers for ethnic studies and related programs. The grant project advisory committee, staffed by Sharon Gilson, will oversee the task plan.

The proposed time line is as follows:

Sept. 1	Advertisement placed
Oct. 1	Application deadline
Nov. 1	Interviews by advisory committee
Nov. 15	Second interviews for final selection
Nov. 25	Selection made
Nov. 30	Consultant meets with advisory committee to brainstorm concept
Dec. 15	Seminar outline submitted
Dec. 15	Workbook outline submitted
Jan. 15	Second drafts submitted
Feb. 1	Final drafts submitted
March 1993	Pilot seminar taught
March 25, 1993	Consultant and committee meets to discuss workbook and seminar revisions
March/April and September, 1993	Conferences planned
Dec. 1, 1993	Program submitted to SJI for national dissemination
Ongoing:	Follow-up
As needed:	Train the trainer

4. The individuals listed on the attached page comprise the grant project advisory committee and consulting members. It is important to have that committee as diverse as possible in age, race, location, etc., to encourage a wide range of input on this project. In addition to AOC staff, judges, court staff, and community members will be involved. This committee will work closely with the consultant in all project phases.

5. In reviewing the original request, it appears that funds requested were underestimated. The new request is for \$18,000 SJI funds, with a match of funds and in kind from the Utah State Courts of \$10,000. Attached is a budget request explanation.

Addendum:

In designing the concept for this project, the following people/programs exist in Utah, and may be of further assistance:

Marcia Gally -- University of Utah 678-2201

Jim Thomas -- Pluralism Chair 521-5148
US West Communications, SLC

Mary Gerner -- US West Pluralism Coordinator (303) 763-1332

Duane Bordeaux -- West High School, SLC 355-5347
Culture Success Program

Robert Sawyer -- West High School 355-5347
Culture Success Program

Cheri Brown -- (National Consultant) (202) 785-9400

Mari Muldinado -- Salt Lake County 468-2355
Human Resources Office

* Concept Note: In this project, due to the sensitive nature of the subject, the manner in which the topic is presented both in seminars and in the workbook is crucial. It must be done in a non-confrontive, interactive manner, stressing that the facilitator and workbook do not have a goal of making moral judgements and changes in thinking--just appropriate awareness and behavior changes in the workplace and work with the public, because appreciation of diversity is essential in 1992!

Additional Notes:

- This project and initial communication must be supported in writing to all judges and court employees by Chief Justice Gordon R. Hall and Ronald W. Gibson, Court Administrator.
- The Advisory Committee should develop a court mission statement strengthening that organizational commitment to the benefits of a diverse workforce and respect for diversity in the public.
- Follow-up should be done after a given period of time--e.g.: lunch time seminars, column in court employee newsletter on effectiveness of observed behaviors of employees in valuing diversity.
- The consultant may train judges and court employees to teach the seminars, or to team teach with them. Ideally, these seminars should be team taught by one man and one woman for diversity.
- The advisory committee may select adhoc committees to continue related work.

Bid: Consultant Proposed Advertisement

Consultant: The Utah Administrative Office of the Courts is seeking an individual to work on a consulting basis to develop a comprehensive seminar and workbook for judges and court employees statewide on "Valuing Diversity". This program focuses on how bias of any type (e.g. race, age, gender, economic) may affect the treatment of the public in the courts, sentencing and hiring decisions, as well as overall morale and work product effectiveness. The workbook and curriculum will be disseminated nationally. Utah will serve as a model program.

The person selected will: develop a seminar and workbook addressing bias issues in an interactive manner, under the guidance of an advisory committee and Associate Director of Judicial Education.

Skills and experience needed are as follows:

Strong interpersonal communication, curriculum development, seminar facilitation in the areas of bias or related areas.

Preferred: Advanced degree in education, organizational development or related field. Experience may substitute for degree. Interested applicants may submit a proposal, including proposed fees to:

Sharon Gilson, Associate Director of Judicial Education

by _____ for review.

(EEO Statement)

Selection Criteria for the Consultant

- Advisory Committee proposal review and team interview
- Have consultant applicant (1) prepare a mini-presentation and facilitate a group exercise at interview. (2) Submit a 1-page written proposal of their concept and approach to bias awareness.
- Observe: (1) Communication skills
(2) Writing skills
(3) Interaction and sensitivity to the group of interviewers
(4) Prior experience teaching and development of curriculum in same or closely related areas

"Valuing Diversity"
Budget Narrative

• Personnel:

10 Advisory Committee members
X 4 meetings X \$250/day =

\$10,000
(In kind match)

• Consultant:

1 pilot program (Exec. Staff & Ct. Mgt.)
4 court level judicial conferences
3 annual judicial/court employee conferences
5 career track programs
1 Training the Trainer program
10 preparation days
TOTAL: 24 days X \$400 per day =

\$9,600
(SJI funds)

** Average rate in Salt Lake City is \$400.00
per day for consulting.

• Postage:

Mailings for publicity & registration
for seminar participants; mailings
for committee members; postage for
national dissemination of 120
copies of workbook =

\$1,000
(SJI funds)

• Printing/Photocopying:

Printing for 1,100 workbooks =

\$3,400
(SJI Funds)

• Other:

Pilot program for 50 participants
conference facilities & food =

\$4,000
(SJI funds)

TOTAL: \$ 18,000

=====

GRAND TOTAL: \$28,000

Total SJI
\$18,000

Total State Match
\$10,000

TOTAL
\$28,000

* Assumptions: The salaries of the wide range of advisory committee and consulting members averages \$250.00 per day as per discussion with Cheryl Reynolds of SJI.

UTAH STATE COURTS



NEW EMPLOYEE HANDBOOK

Administrative Office of the Courts
230 South 500 East #300
Salt Lake City, Utah 84102

INTRODUCTION

This handbook is a summary of the various policies and programs available to the court employee. Because the courts' policies and programs periodically change, this document is intended only to help orient new employees to the court system upon hire. If you have any questions please refer to your Policies and Procedures manual, New Employee packet with its enclosed brochures, or call the Human Resources Management office located at the Administrative Offices of the Courts (533-6371).

This handbook is provided as an aid to the new court employee, and does not constitute a contractual document. Where discrepancies exist between this handbook and the actual Personnel Policies and Procedures, the provisions of the Personnel Policies and Procedures shall govern.

7/9/92

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APPENDIX

Administrative Staff & Court Executives Business Addresses and Phone Numbers

Map of Judicial districts

Courts Addresses and Phone Numbers According to Districts

Administrative Office of the Courts

Chief Justice Gordon R. Hall
Chairman, Utah Judicial Council

Ronald W. Gibson
State Court Administrator

To: Members of the Gender and Justice Implementation Advisory Committee
From: Juan J. Benavidez, Human Resources Director
Date: July 27, 1992
Re: Gender and Justice Implementation Progress Report

The following information is provided to the committee, outlining the efforts by this office to implement the recommendations of the Gender and Justice Task Force. This summary report is divided by the recommendations (in bold italics), explanation of activities and an appendix with materials in support of the change efforts.

COURT EMPLOYMENT RECOMMENDATIONS

Develop a statement of commitment to gender equity in court employment, including notice that gender bias in court employment will not be tolerated. Communicate the commitment clearly and forcefully to all court employees so that inappropriate gender-related conduct will be eliminated.

- The Judicial Council approved a Personnel Policy on "Fairness in Recruiting and Hiring" in January, 1991 emphasizing a commitment to gender equity in court employment. Policy 130 (see appendix A) states:

The Utah State Courts is an equal opportunity employer. It is the policy of the courts to develop, implement and maintain employment policies and procedures that are based upon individual merit and are without regard for race, color, sex, age, religion, disability, ancestry, national origin, or any other non-merit factor. It is the policy of the courts to actively promote the realization of equal employment opportunity and will not tolerate bias in employment practices. This rule shall not be interpreted to require the hiring or promotion of a less qualified person over a more qualified person nor does it contemplate the use of 'quotas' in hiring or promotion.

- This policy has been reviewed with all court employees in the fall of 1990, and was distributed to employees through management for comment in the fall of 1991.
- All employees attending the courts new employee orientation are trained in sexual harassment and gender bias issues and policies. In addition, each employee is provided with:
 - an individual copy of the courts policies and procedures manual (see appendix A); and
 - an individual copy of the courts new employee handbook (see appendix B).

Vigorously recruit qualified women to apply for supervisory and management positions.

- It is the philosophy of this administration to promote from within whenever possible. In this regard, every court location is provided with a copy of the job announcement, and that announcement is posted for at least five working days.

If outside candidates are considered, the notices are still mailed out to all court locations but the notices are posted for at least two weeks from the closing dates.

- Appendix C summarizes the changes in the numbers and percentages of women in supervisory and management positions.

Consider the current gender imbalance as one factor in hiring, promotion and leadership opportunities.

- The Judicial Council emphasized in its "Fairness and Recruiting and Hiring" policy that its rule should not be "interpreted to require the hiring or promotion of a less qualified person over a more qualified person nor does it contemplate the use of 'quotas' in hiring or promotion". Because of this commitment to equal opportunity, gender imbalance is not a factor that is considered in hiring, promotion, and leadership opportunities.
- Training opportunities are available to all employees who qualify for advancement. This preparation coupled with notice of intent to hire or promote should allow all who are interested to apply and provide management with the most qualified applicant to hire or promote.

Require that all managerial and supervisory personnel demonstrate competence in resolving gender bias issues. Treat effective use of such skills as performance criteria. Example of such skills include: a. recognizing gender biased behavior and understanding its impact on court employees; b. resolving gender bias problems and maintaining a work environment free

of gender bias; and c. making hiring and promotion decisions free of gender bias, based on written policies and procedures.

- Members of the Human Resource and Training divisions meet with all employees of the courts throughout the state to address sexual harassment and gender bias issues.
- The training department has applied for a grant on valuing diversity, which will include gender issues.
- The courts' personnel policies and procedures manual has been written to ensure that it is gender neutral and that hiring and promotion decisions are free of gender bias.
- The Human Resources analysts, through one-on-one coaching and through training in the districts continue to assist managers understand the employment policies to create effective screening and selection committees.

Train and authorize designated individuals in each judicial district to resolve gender bias and sexual harassment complaints. Give special attention to procedures and remedies designed to both meet the needs of victims and protect the rights of those accused.

- The courts has a state-wide ombudsperson available to all court employees and one who will work with the court executive within each district to address and resolve sexual harassment and gender bias issues.
- Through one-on-one consultation by the courts ombudsperson, orientation to the policies and procedures and training, court executives are in a position to resolve sexual harassment and gender bias complaints.

Develop education programs for all court employees to increase awareness about appropriate and inappropriate gender-related conduct in the work place.

- See previous section that addresses requiring all managerial and supervisory personnel demonstrate competence in resolving gender bias issues.

Evaluate personnel policies and procedures for gender fairness, and correct if necessary.

- Two committees have been created over the past two years to review, assess and ensure that the courts policies and procedures are gender neutral and fair. These gender balanced committees, chaired by a law trained court executive, have included employees from all levels of court and represented court clerk, probation officer, management, administrative and human resource job classifications.

Develop a record-keeping system that enables meaningful evaluation of gender factors in personnel decisions and accountability for those decisions. Pay special attention to the application process, hiring, promotions, salary histories, and terminations.

- This division introduced a hiring decision form that is filled out by the hiring authority that names the final candidates for hiring and promotions. The form also calls for specific reasons for selection. (see appendix D)
- The Human Resource division hired a second analyst to focus on all areas of employment, including the application process, hiring, promotions, salary histories, and terminations. This analyst: coaches managers on all employment matters; participates on screening and selection committees; reviews and modifies interview questions and tests; ensures that each job announcement has the key job requirements; and conducts exit interviews through correspondence or in person.
- The courts are now evaluating a human resources information system that will more accurately track information related to the application process, hiring, promotions, salary histories and terminations. Currently, the courts must utilize a system developed by and for the executive branch. The data generated by that system is not always correct and difficult to access.

JUDICIAL NOMINATING COMMISSIONS

Establish a goal of increasing the number of women judges.

The Judicial Council adopted a rule that encouraged the Judicial Nomination commission to consider the background and experience of the candidates in relation to the current composition of the bench when deciding among candidates whose qualifications appear in all other respects to be equal.

Since the date of the Utah Task Force Gender and Justice Report, March 1990, three women have been appointed to the Bench. Two women have been appointed to the District Court and one to the Juvenile Court.

In interviewing the candidate for judicial office and in conducting reference checks, include questions aimed at evaluating whether the candidate exhibits gender bias.

- To date, no suggested questions related to gender bias have been included to the Code of Judicial Administration's list of suggested questions.
- To date, reference checks do not include questions aimed at evaluating whether the candidate exhibits gender bias.

Participate in education programs provided by the Administrative Office of the Courts in order to understand better the impact of gender issues on judicial selection and enhance the fairness of the process by which judges are selected.

- All new members to the eight Judicial Nomination Commissions will attend an orientation next month where gender issues will be addressed.

JUDGES AND COURT ADMINISTRATION

Actively encourage qualified women to apply for judgeships by directly communicating with potential applicants about the availability of position and the steps, both formal and informal, in the judicial selection process.

- No planned approach is in place to address this recommendation. However, it is the observation of the Human Resources division that there has historically been an adequate flow of qualified female applicants for most judicial openings.

Develop continuing education programs for judicial nominating commissions aimed at:

1. *Sensitizing members to their own gender based biases;*
2. *Educating members about the impact of inappropriate gender related attitudes and behavior on the fair administration of justice; and*
3. *Providing practical experience in formulating and asking appropriate gender-neutral interview questions.*

- The new Judicial Nominating Commission orientation will address these recommendations in their program for new Commissioners.

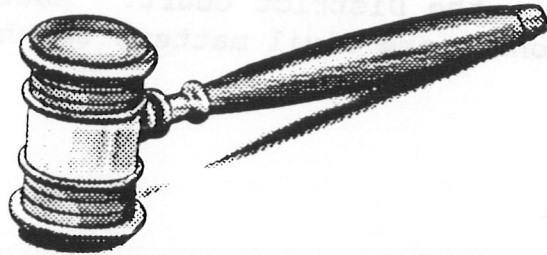
Establish a review mechanism by which the judicial selection process may be evaluated, e.g., conduct interviews with members of nominating commissions and with applicants on a random basis after a selection has been made.

- No effort has been made to implement this recommendation to date.

APPENDIX:

- A. Utah judicial Council Personnel Policies and Procedures
- B. Utah State Courts New Employee Handbook
- C. Summary of women in supervisory and management positions
- D. Hiring and Promotion Selection form

UTAH STATE COURT SYSTEM



The Judicial Branch of government comprises one of the three branches of government. (The other two are the Legislative and Executive Branches.) The Judiciary is headed by the Chief Justice of the Supreme Court (in the same way that the Governor heads the executive branch) and is responsible for establishing its own policies. The Judicial Council is the policy making body for all of the courts. The Council is chaired by the Chief Justice of the Supreme Court and is comprised of judges elected from the various levels of Utah courts. The State Court Administrator reports to the Chief Justice and the Judicial Council, and has the responsibility to implement the policies of the Judicial Council and to direct the operations of all levels of court. The Administrative Office of the Courts is staffed by persons with specific responsibilities for the statewide operation of each court level.

Supreme Court

The Supreme Court is composed of five justices. A Chief Justice is elected every four years and an Associate Chief Justice every two years. The Court makes known rules of procedure and

rules of evidence for all state courts and has jurisdiction in the following areas: original jurisdiction for questions of state law which have been certified from the federal courts; jurisdiction for writs of certiorari (petitions to accept appeals from a lower court's decision); appellate jurisdiction in cases originating from various state administrative agencies; review of actions by the Judicial Conduct Commission and disciplining of lawyers; any case in which a court of record holds a state or federal statute unconstitutional; first-degree and capital felonies, and general civil matters from the District Court. However, it may transfer first-degree felonies and civil matters to the Court of Appeals.

Court of Appeals

The Court of Appeals was established in 1987 to alleviate case backlog in the Supreme Court. Seven judges compose the Court of Appeals. They sit in panels of three. The judges are assigned to panels and cases on a random basis by the presiding judge.

The Court hears appeals from the Juvenile Court, Circuit Court, domestic relations and lesser criminal cases from the District Court, and administrative agency matters except those having direct appeal to the Supreme Court. The Court of Appeals can transfer cases to the Supreme Court (prior to judgment) when the appeal warrants its ultimate review. This helps in avoiding the time and expense of a double appeal.

District Court

The District Courts are the trial courts of general jurisdiction. Each of Utah's twenty-nine counties has a district court division. The District Court has original jurisdiction over civil and criminal cases, with exclusive jurisdiction for claims above \$10,000 and felony cases.

Juvenile Court

The Juvenile Court system was established in Utah as a unified state level court system in 1965. Its jurisdiction includes criminal law violations by juveniles, status offenses (offenses which would not be illegal if committed by an adult, such as truancy, curfew, and ungovernability), abuse or neglect of children, and custody determinations for abused and neglected children. The juvenile court has concurrent jurisdiction over adults for offenses against children, including neglect and abuse. Authority is also given to remove children from parental custody, to terminate the parent-child relationship, to order treatment of children and therapy for parents, or place children in foster homes. The court may also require children to make restitution or pay a fine.

Circuit Court

Utah's Circuit Courts were established in 1978 as courts of limited jurisdiction. They have a concurrent jurisdiction with the District Court for civil cases involving amounts less than \$10,000 and may accept cases filed in the District Court transferred to it under court rules. The Circuit Courts have concurrent jurisdiction with justice courts for civil cases involving amounts less than \$1,000. The Circuit Courts have jurisdiction to try criminal charges for all classes of misdemeanors, infractions, and traffic offenses, and can hold preliminary hearings to bind over accused felons to stand trial in District Court. It also has concurrent jurisdiction over certain juvenile traffic offenders.

The Circuit Court handles four main categories of cases: traffic, criminal, civil and small claims. It also hears cases which have been appealed from Justice Court. The form of appeal is a trial de novo, which means a new trial. When a case is appealed from the small claims division of the Circuit Court, a new trial is heard by another Circuit Court Judge in the civil division.

Justice Courts

Justice courts are the statutory courts not of record referred to in the Judicial Article of the Constitution. Judges of courts not of record are not required to be attorneys and these courts are intended to provide a low-cost lay court system.

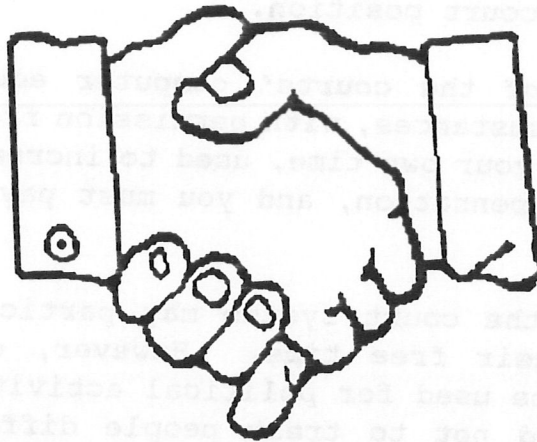
Justice courts hear civil matters involving sums less than \$1,000 and have jurisdiction to try Class B and C misdemeanors, infractions and traffic offenses.

These Courts are divided into geographic districts. Refer to the map in the appendix for district boundaries.

USA's Circuit Courts were established in 1878 as courts of limited jurisdiction. They have a concurrent jurisdiction with the District Court for civil cases involving amounts less than \$10,000 and may accept cases filed in the District Court transferred to it under court rules. The Circuit Courts have concurrent jurisdiction with justice courts for civil cases involving amounts less than \$1,000. The Circuit Courts have jurisdiction to try criminal charges for all classes of misdemeanors, infractions, and traffic offenses, and can hold preliminary hearings to bind over accused persons to stand trial in District Court. It also has concurrent jurisdiction over certain juvenile traffic offenders.

The Circuit Court handles both civil and criminal cases. It also hears cases which have been appealed from Justice Courts. The type of appeal is a trial de novo, which means a new trial. When a case is appealed from the small claims division of the District Court, a new trial is held in a separate Circuit Court under the civil division.

STANDARD FOR ETHICAL CONDUCT



Employment in the court system is a public trust, and as such implies confidence in the high integrity of all employees of the judicial branch. Therefore, a detailed code of Personal Conduct has been written to which every employee of the court system must adhere. This code is Policy number 500 in the revised policies and procedures.

You are expected to read and be familiar with all aspects of this code to avoid problems or perceived unethical behavior. The code complies with the provisions of UCA 67-16-1 et. seq., which is the Employee Ethics Act, and includes the following areas:

Always ensure proper utilization of resources at work.

Be careful not to abuse your position with the court system in ways such as obtaining special privileges for yourself, giving special favors to others, avoiding influence by others, or accepting gifts or fees in the course of your job.

Court work is very interesting, and there may be times when you are in a position to learn details about cases that are not public knowledge. Therefore, be extremely careful not to disclose such information to anyone.

Take care to avoid conflicts of interest, and be certain to discuss such conflicts with your supervisor when they arise. Employment with the court is considered to be the primary employment of full-time employees. If you wish to hold a second job, you must inform your supervisor before starting the second job. This additional employment must not present a conflict of interest with your court position.

Personal use of the courts' computer equipment is allowed under specific circumstances, with permission from your supervisor. Such use must be on your own time, used to increase your knowledge, not involve any compensation, and you must pay for all materials used.

Employees of the court system may participate in political activity during their free time. However, court equipment or materials may not be used for political activities, and care should be exercised not to treat people differently because of their political affiliation. A court employee will be granted leave of absence without pay if candidacy for elected office is announced.

Employees are expected to devote their full energies to their duties while at work. All members of the public should be accorded fair treatment, and care taken to maintain the integrity of court records. While you are expected to help the public by explaining procedure, do not dispense any legal advice or give referrals to agencies or individuals.

Professionalism and the Work Environment

All court employees are entitled to work in an environment that is conducive to productive work. The work environment should not cause an individual to suffer physical or emotional stress of any kind due to the unwelcome behavior of another individual. Therefore, policies governing proper behavior of court professionals have been established.

Gender Bias

Gender bias is the predisposition or tendency to think about and behave toward people mainly on the basis of their sex. It is reflected in attitudes and behavior based on stereotypical beliefs about the sexes' assigned roles rather than independent evaluation of each person's abilities, life experiences and aspirations. This is a pervasive problem, because bias frequently evolves from well meaning people who have no intention to discriminate, and may be so subtle that the person expressing it does not realize that it has occurred.

The courts is committed to confront the issue of gender bias. Make an effort to recognize biases that you hold, and make a conscious effort to avoid their expression. Be especially careful to treat all people equitably, regardless of their gender; and use gender neutral language in all communications.

Sexual and other Harassment

Discrimination or harassment based on race, color, religion, sex, age, disability, or national origin will not be tolerated in the courts. Sexual harassment is of particular concern to Court management, and any form of sexual harassment will not be permitted. Sexual harassment is defined as "any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature." It occurs when:

- 1) Sexual favors are demanded "as a term or condition of employment." Example: A supervisor demands that a subordinate employee sleep with him or she will be fired.
- 2) Sexual demands, once made, are refused and the employee faces an adverse consequence for that refusal. Example: An employee rejects the sexual advance of her boss and she is demoted and later fired for her refusal.
- 3) The acts of verbal abuse, physical touching, sexual demands or other conduct of a sexual nature are so pervasive and persistent as to have "the effect of unreasonably interfering with an individual's work

performance or creating an offensive and intimidating working environment" for an employee. Example: Males tease and insult women in the workplace with obscene jokes, sexual innuendoes or similar conduct which embarrass and offend the female employees.

Sexual harassment, subtle or otherwise, shall not be tolerated. Those who feel harassed sexually should confront the person with whom there is a problem and attempt to resolve it. If this is too difficult or proves ineffective, the victim should either contact someone in management or the harassment ombudsperson to help seek a resolution. The ombudsperson is appointed by the Director of Human Resources to assist all employees in the court system with incidents of actual or possible harassment. The ombudsperson is a neutral party who is prepared to initiate investigation and/or a resolution without involvement of management. The ombudsperson may be reached at the Court Administrator's office by contacting the Human Resources technician at 578-3804.

Violators of the harassment policy are subject to disciplinary action including termination and/or referral for criminal prosecution. Voluntary compliance with this policy will increase professionalism and create a healthy environment for all.

Malicious or frivolous complaints of sexual harassment shall also result in corrective or disciplinary action against the accuser.

EMPLOYEE DEVELOPMENT



A major goal of court administration is to ensure that all employees will be successful staff members. The knowledge and expertise you bring with you is vital; however, other factors will also have considerable impact. These include a mutual understanding between you and your supervisor regarding the duties you will be expected to perform and the standards which will be used to judge the quality of your performance. Further success can be facilitated through opportunities to improve your job skills, in addition to opportunities for advancement.

Performance Plan and Evaluation

The courts have a performance management system designed to assist employees and supervisors in accurately defining job expectations. A written performance plan will be developed for each employee which outlines job-related performance standards. Each employee will be advised of performance in relation to those standards in a private discussion between the supervisor and the employee. Performance evaluation discussions are to be held at least twice a year. They should be helpful in obtaining the skills necessary to be successful in your job. You are encouraged to work

closely with your supervisor to create a plan which provides for optimum growth and performance.

Career Exchange Program

Career exchange programs are designed to develop resources and enhance the career growth of staff members. Employees that are interested may request to participate in a career exchange position; however, the applicant must meet the minimum qualifications for the position. If the assignment does not become permanent the employee will return to the previous or a like position that was vacated for the exchange opportunity.

Educational Assistance

The educational assistance program provides for reimbursement of part of the cost of attending college or university classes which will enhance your job-related skills and abilities. Under current policy, you may receive reimbursement for up to fifty percent of your educational costs, but not more than \$500 per fiscal year. You must receive a grade of "C" or better to qualify and you must repay any benefits received if you leave state employment within one year of obtaining educational assistance. Availability of these funds is not guaranteed but is based upon budget constraints.

Career Development

Career tracks which have provided for the development and promotion of employees have been developed for many job specialties in the court system. Promotions are based on knowledge and skills; therefore training opportunities are provided so that employees can develop their career path.

In the case of court clerks, a structured curriculum has been developed that the employee must master before attaining working level. The clerk's supervisor will select subjects from the

curriculum which compliment the employee's development, and which are included in the employee's performance plan.

Job Bidding

An employee may bid for open positions within the district for which they work. In addition, an employee may apply for positions in other districts within the state court system.

Available positions will be announced through recruitment notices posted in local offices. For additional information, contact the Human Resources office, 533-6371.

positions which comprise the employee's development and which are included in the employee's performance plan.

Job Bidding

An employee may bid for open positions within the district for which they work. In addition, an employee may apply for positions in other districts within the same county system.

Available positions will be announced through newspaper notices posted in local offices. For additional information, contact the Human Resources Office, 555-5571.

POLICIES AND PROCEDURES



Fair Employment Practices

The Utah State Courts are equal opportunity employers. Therefore it is the policy of the courts to conduct all personnel actions based upon the individual's ability to perform the duties of the job without regard to political affiliation, race, color, sex, age, religion, ancestry, national origin, or disability. All court employees have the responsibility to perform their duties in a non-discriminatory manner toward other employees and the public.

Office Work Hours

Court offices are regularly open Monday through Friday from 8:00 a.m. to 5:00 p.m. However, other work schedules may be established to accomplish organizational goals or to improve services to the public.

Courts may be open on legal holidays for matters concerning the continuation of a trial or other legal proceedings.

Overtime

Employees may be requested to accept extra work on an overtime basis in emergency situations or under unusual circumstances. An employee claim for overtime exists when management imposes demands which cannot reasonably and customarily be satisfied within a normal work period. Any overtime must have prior approval from the supervisor.

Overtime is any amount of time that has been actually worked over forty hours in one week, beginning at 12:01 a.m. Sunday morning and ending at 12:00 p.m. Saturday night.

Overtime compensatory time is established for each position and fits into one of the three following categories: (Ask your supervisor which category your job is in.)

- 1) Non-exempt: Includes all positions covered under provisions of the Fair Labor Standards Act. These positions will receive compensatory time off or pay at the rate of time and one-half for overtime worked.
- 2) Exempt, but eligible for straight compensatory time. This category includes positions exempt from the provisions of the Fair Labor Standards Act but which the courts have determined will be eligible for one hour compensatory time for each hour of overtime worked.
- 3) Exempt. This category includes positions exempt from the provisions of the Fair Labor Standard Act which will receive no overtime compensation.

Employees earning compensatory time may accrue up to 80 hours, which must be used within six months from when it was accrued; management may require use of compensatory time at its discretion. Compensatory time not used within six months will be compensated in cash at the rate of pay in effect when accrued.

Where possible and predictable, work hours should be flexed or otherwise adjusted to avoid employees exceeding forty hours of work in a week.

Paycheck and Payroll Deductions

Employees are paid biweekly, receiving 26 paychecks per year. Payday is scheduled every other Friday. The following deductions are automatically taken out of salaries:

- 1) Federal Income Tax.
- 2) State Income Tax.
- 3) FICA (Social Security).

Arrangements may be made for optional deductions which are open to regular employees (permanent part-time or full-time) who work 20 or more hours per week. Options include:

- 1) Insurance plans.
- 2) Hospital-medical plans.
- 3) Credit unions.
- 4) Employee Associations or Unions.
- 5) U.S. Savings Bonds.
- 6) Charitable Funds.
- 7) Tax Sheltered Funds.

Job Worth and Salary Range Determination

How much is your job worth? The Division of Human Resource Management (formerly called the Personnel Department) determines the salary range for court positions. This determination is based on two distinct processes. First the position is classified based on a review and analysis of duties and responsibilities performed by employees. In this process employees and their supervisors provide human resource analysts with information about the duties performed, position responsibilities, and minimum qualifications necessary to perform competently. This data is analyzed, the proper classification established, and job descriptions are prepared for use in salary range determination.

Second, a salary survey is conducted to determine the appropriate salary range. Human Resources surveys salaries of private sector employers within the state and public sector

employers both inter- and intra-state. These surveys are conducted every three years, or as needed, to ensure that the state is competitive with respect to salaries and benefits.

Salary Increases

Salary is one part of the compensation program for employees, benefits being the other. Salary increases may be based on skill development within the Career Ladders Program (refer to page 3-2). There is also the opportunity to receive salary increases based on individual performance, as budget allows. Increases not based on these criterion will generally be as a result of overall pay plan adjustments affecting all or most employees similarly, or through cost-of-living increases. These adjustments are dependent on available resources.

Resignation

Employees who plan to resign from court employment should let their employer know in writing at least ten working days prior to the effective date of resignation. The courtesy of a two-week notice in writing helps to maintain a favorable employment record.

An employee who is absent from work for two consecutive days and is capable of giving proper notice but does not inform the supervisor, shall be considered to have resigned and may be terminated by management.

Personnel Records

As an employee, you have the right to know what is in your personnel file as well as the right to review your file. If you wish to correct, remove, challenge or amend any information in the file, you may make a written request to the supervisor two levels above you. Request for removal of adverse documents may be made after three years; approval of the request is approval of your supervisor.

Alcohol and Drug Free Workplace

Employees may not be impaired by alcohol, controlled substances or medication while on duty. If you believe that another staff member is under the influence of alcohol or drugs or know of a violation of this policy, you must notify their immediate supervisor who will take appropriate actions.

Employees who are addicted to alcohol or drugs may voluntarily or involuntarily be referred to a treatment program.

If you are undergoing prescribed treatment with a drug which may alter physical or mental ability you must report this fact to your supervisor with an accompanying physician's statement.

Smoking

It is the policy of the Courts to provide a healthy work environment by regulation of smoking in the work place. The use or smoking of tobacco or other materials is prohibited in the work place. Your supervisor will identify where smoking is permitted. Action taken against offenders is left to the discretion of the supervisor or executive, and may include discipline.

Dress Code

In creating a professional environment care must be taken with regard to one's dress. It is important to remember that as a judicial employee you will be representing the courts. Please take this into consideration and wear appropriate clothing for your position.

Grievance and Appeal Procedure

At times there may arise disagreement between fellow employees or employees and management. This is inherent in any situation in which people work together. For this reason a grievance and appeal

procure exists to help employees resolve any complaints that they may have about specific issues.

The grievance procedure is designed to open lines of communication between the parties in conflict and resolve the problem at the lowest level possible. It is hoped that this process will provide a positive manner of resolving differences.

A similar procedure is available to employees with a classification grievance.

Refer to your Policies and Procedures Manual for the specific steps that must be followed in these actions. Human Resources is available to explain this process.

EMPLOYEE BENEFITS



Paid Holidays

Eleven holidays are provided:

New Year's Day	-	January 1
Human Rights' Day	-	Third Monday of January
Presidents' Day	-	Third Monday of February
Memorial Day	-	Last Monday of May
Independence Day	-	July 4
Pioneer Day	-	July 24
Labor Day	-	First Monday of September
Columbus Day	-	Second Monday of October
Veterans' Day	-	November 11
Thanksgiving Day	-	Fourth Thursday of November
Christmas Day	-	December 25

If a holiday falls on a Sunday, the following Monday will be observed as a holiday. If a holiday falls on a Saturday, the preceding Friday will be observed as a holiday.

Leave

Permanent, part time employees working at least half time will accrue leave in proportion to time worked.

Annual Leave

Annual leave is accrued as shown:

1 through 5 years service	-	4 Hours per pay period.
6 through 10 years service	-	5 hours per pay period.
11 or more years service	-	6 hours per pay period.

Annual leave may be accumulated up to 320 hours and may be carried over from one year to the next. Any hours in excess of the 320 maximum can not be carried over, and must be used in the year earned or be forfeited. When an employee separates, accumulated annual leave time will be paid in a lump sum.

If a paid holiday falls within the annual leave period, it is treated as a holiday and not charged against annual leave.

Sick Leave

Sick leave is accumulated at a rate of 4 hours per pay period and may be accumulated without limit. A supervisor may require an employee to supply a medical certificate of illness for absences. An eligible employee may begin to utilize accrued sick leave after having completed at least one full pay period.

An employee absent because of illness or injury should telephone his/her supervisor at the beginning of the scheduled work day.

Sick leave in excess of 144 hours may be converted to annual leave or paid up health insurance. Refer to the leave policy for the specific procedure.

Military Leave

Up to 15 working days are provided for members of a Federal Reserve or State National Guard Unit. This does not reduce any other leave benefits. Additional military leave days shall be granted based upon official military orders, but must be taken as leave without pay or as annual leave. An employee may claim time off to compensate for a state designated legal holiday which occurs during the employee's absence while in a military leave status.

Funeral Leave

At the discretion of management, up to three days are available for attending the funeral of a deceased member of your immediate family. Immediate family includes: spouse, children or step-children, daughter- or son-in-law, brothers and sisters, parents, grandparents, and spouse's parents and grandparents.

Parental Leave

The Parental Leave policy protects the employee's job for up to 160 hours following the adoption or birth of an infant. This assurance is available once every two years, but is not a separate category of leave. Refer to the policy for guidelines on actual use of leave for parental purposes.

Jury Duty/Witness

Leave is provided whenever employees are required to serve as a juror or witnesses in a situation related to their position with the courts. Employees have the option of retaining their witness or juror's fees and forfeiting their regular wages for the day, or turning in the fees and receiving their regular wages. If the latter option is chosen the employee should send the witness or juror fee to the Division of Finance located at the following address:

The Administrative Offices of the Court
Division of Finance
230 South 500 East, Suite 300
Salt Lake City, Utah 84102

Time absent to testify in private litigation, not in official capacity but as an individual, shall be taken as annual leave or leave without pay.

Leave Without Pay

Under certain circumstances leave without pay is allowed up to a maximum period of 12 months. This leave is not automatically given when requested but is granted at the discretion of management.

Flexible Benefits

A flexible benefits program (FLEX\$) is available to court employees. The program is designed to allow you to use "before-tax" dollars to pay for specific out-of-pocket health care and dependent care expenses. "Before-tax" dollars are your gross pay before Federal, State and Social Security taxes are calculated and deducted. By using this money rather than "after-tax" money an employee is able to decrease the amount of his/her taxable income because the dollars deposited into a FLEX\$ account are not taxable. This in turn will increase bi-weekly take-home pay.

Retirement

A noncontributory retirement system has been created for court employees to which the State contributes 12% of an employee's salary. Of the 12% contributed 1.5% is diverted into one of four 401(k) retirement programs. The remaining 10.5% funds standard retirement pay.

To qualify for monthly retirement you must be:

- 65 with 4 years of service.
- 62 with 10 years of service.
- 60 with 20 years of service.
- Any age with 30 years of service.
- Any age prior to age 60 with 25 years of service with reduced benefits.

If you have fewer than 30 years of service from any combination of Utah Retirement Systems, benefits will be reduced by 3% for each year under age 65.

When an employee decides to retire, the application may be filed with the Retirement Office as early as 90 days prior to the projected retirement date but no later than the last day of the month in which retirement will begin. Payments are made at the end of each month. For further information about these plans please refer to the Utah State Retirement Board brochures.

Deferred Compensation Plans

The state offers two plans for employees to defer salary and thus reduce present gross taxable income: the 457 and 401(k). If you decide to participate in either plan the money you contribute will be deducted from your gross salary prior to taxes. An employee may participate in one or both of these programs but contributions to both programs cannot exceed \$7,500 in a year. More detailed information is available through the State Retirement System and the Division of Human Resource management.

Unemployment Compensation

Employees of state governments are now covered by the laws governing unemployment benefits. State employees terminated as a result of elimination of programs, budgetary problems, etc., are eligible in most cases for unemployment benefits.

Direct Deposit

Employees may have their paychecks deposited automatically into any financial institution in the state each payday. Simply fill out a Direct Deposit form and attach a deposit slip. Send this to the Division of Human Resource Management located in the Administrative Offices of the Courts (AOC).

State employees are also offered membership in two different credit unions, Mountain West Credit Union and Beehive Credit Union.

Health Insurance Benefits

The State offers insurance programs for health, dental, life, vision, disability, and accident. Various programs are available to meet diverse employee needs. The following is a summary of the different insurance plans available. For details please refer to plan brochures.

New Employees must enroll in health and dental programs within 60 days of employment. Coverage on insurance begins when the deduction from payroll is in place; generally, this takes about four weeks. Changes in health plans can only be made during the open enrollment period each May.

In the event that an employee goes on leave without pay status, both the employee's and the state's portion of the premiums must be paid by the employee or coverage will lapse. If insurance lapses, the employee will be ineligible for dental coverage for 3 years; and health coverage is subject to review upon submission of health statements for the employee and dependents.

Medical Coverage

There are four health plans available to employees: two Public Employee Health Plans (PEHP), FHP, and Cigna.

PEHP Traditional Care

Traditional coverage allows you to use any physician you like and is available anywhere in the state. The plan pays 70% of office visits according to the PEHP price list (including maternity). If the actual cost is more than listed on the price list the employee is responsible for paying the remaining balance. Outpatient surgery costs, emergency room expenses, and hospitalization, including maternity (with 70% payment for doctor visits while in the hospital) are covered 100% by the plan. A discount on prescriptions is based on a percentage of cost.

PEHP Preferred Care

Preferred coverage is available in just over half of the counties in Utah. This plan requires you to use doctors that are part of the preferred care group. You must pay a varying co-payment amount for doctor and office visit procedures (including maternity) and the plan pays the remainder of the costs. It pays 100% hospitalization, including maternity (with \$5.00 charge for doctor visits while in the hospital) and provides a discount on prescriptions based on a percentage of costs.

PEHP Preferred Care Plus Rural

This plan is offered only to those employees living outside the current Preferred Care counties (Davis, Salt Lake, Utah and Weber). Medical providers in rural areas are compensated at the same rate that is being paid to preferred care providers in urban areas; however, it is the employee's responsibility to negotiate rates with the physician of their choice, and be responsible for any balance. If you travel to one of the four Preferred Care counties for medical services, then a Preferred Care provider must be used or you would suffer a penalty.

FHP

This is a privately administered program which combines the features of a Health Maintenance Organization (HMO), and Exclusive Providers Organization. The HMO plan requires you to use their doctors and clinics; the EPO is a group of private practice providers who are participating with FHP Plus. Members may use

either type of coverage at any time; the cost varies with the plan that is used.

For each doctor's visit, you pay \$5.00 for HMO and \$10 for EPO coverage. This plan includes physicals, well child care, immunization, eye and hearing exams and eyeglasses, with varying co-payments. This program is available in a limited area, ranging from Logan to Spanish Fork/Payson.

Cigna

This is another privately administered program that requires you to select your Primary Care Physician (PCP) upon enrollment from a list of Family Practice, Internal Medicine, and Pediatricians that contract with Cigna. Each family member may choose their own PCP, and all care is coordinated through that physician. There is a \$10.00 co-payment for office visits and varying co-payments for other services. Prescriptions are \$5 co-pay for class A generics; or \$5 plus the difference in cost for brand name drugs.

Dental Coverage

There are four dental programs offered to state employees; PEHP Tradition and Preferred, FHP, and Dentalwise.

PEHP Traditional Dental Care

This coverage pays 80% for most procedures. It pays 50% for prosthetics (bridges, dentures, crowns) up to a \$1,000 lifetime maximum per person.

PEHP Preferred Dental Care

These insurance benefits pay total costs for most treatments after you pay a varying co-payment. Orthodontic work is paid at 50% up to a \$800 lifetime maximum per person.

FHP

This plan pays 80% on most treatment. It pays 50% for periodontic work and prosthetics. There is a \$1,000 maximum per person per year. Orthodontic work is paid at 50% to a \$1,000 per person lifetime maximum.

Dentalwise

Dentalwise pays 100% for diagnostic and preventive work and 80% on most other work after a co-payment has been paid. A co-payment is required for prosthetics after which the balance is paid up to a \$1,000 maximum per year for each person. The plan will pay orthodontics with no waiting period at 50% up to a lifetime maximum of \$1,000.

Vision

A vision insurance plan is offered through Standard Optical. This plan has some co-payments and covers eye exams and eye wear. It is optional and at employee expense.

Life Insurance

The state provides for you free of charge an \$18,000 term life insurance policy through Gem Insurance Company. You may purchase a \$4,000 insurance policy for your spouse and \$1,000 coverage for children 6 months and under and \$2,500 coverage for children aged 6 months to 23 years of age. You may also purchase up to \$100,000 of life insurance (in \$25,000 increments) on yourself at group rates made available through the state. A new employee may enroll within 60 days of hire date without completing a health statement for \$25,000 additional term and for dependent coverage. Amounts over \$25,000 require the completion of a health statement. The completed health statement will be sent from the PEHP office to Gem Insurance for approval.

Disability Insurance

The state provides, at no cost to the employee, a long term disability insurance program. This insurance policy provides two-thirds of an employee's salary and rehabilitation programs for any employee disabled from an injury or illness for five months or longer. Benefits may continue until the employee is rehabilitated or becomes eligible for retirement.

Worker's Compensation

Employees and volunteers of the state are covered against injuries or illness as a direct result of the performance of their duties. Various leave categories may be utilized for such compensation as well.

Accident Insurance

This insurance is available to supplement life, disability and health insurance. You pay the total cost of the premium for this insurance.

Continuation of Coverage (COBRA)

Employees and dependents who become ineligible for health care coverage may continue their coverage for up to 18 months by contacting their health care provider within 60 days of termination of coverage. Certain conditions do apply however.

Court Employee Associations

Two employee organizations are available, the Judicial Employees Association of Utah (JEAU), and the Utah Correctional Association (UCA).

The Judicial Employees Association of Utah is a nonunion, nonprofit association. Its primary function is to raise and maintain standards of performance by its members. JEAU attempts to inspire court employees to attain professional excellence with programs such as regional conferences, state-wide conferences, training booklets and materials, and newsletters.

The JEAU opens state-wide communications between court employees allowing a means of comparing problems, techniques and procedures as well as the exchanging of ideas.

The Utah Correctional Association is the only correctional association in Utah representing all correctional programs. It is affiliated with several national correctional organizations which gives its members the opportunity to network with professionals in all correctional disciplines nationwide. The UCA is also a vital lobbying force with significant clout in proposed legislation and issues. As such, it represents the interests of its members for various public and private organizations and helps to secure effective legislation and citizen support, including financial support for correctional programs.

In addition to these political activities the UCA also sponsors training conferences and workshops, keeping members current with information and trends nationwide. Members also receive a quarterly newsletter.

APPENDIX



COURT EXECUTIVES

Nelda Hollingsworth
First District
Cache County Hall of Justice
140 North 100 West
Logan, Utah 84321
(801) 753-7978

Mike Strebel
Second District Juvenile Court
444 - 26th Street
Ogden, Utah 84401
(801) 626-3800

Roy Whitehouse
Third District Juvenile Court
3522 South 700 West
Salt Lake City, Utah 84119
(801) 265-5900

Val Harris
Fourth District Juvenile &
Eighth District
2021 South State
Provo, Utah 84601
(801) 373-3613

Brent Bowcutt
Sixth District
Sevier County Courthouse
250 North Main
Richfield, Utah 84701
(801) 896-9254

Geoffrey Butler
Supreme Court Clerk
322 State Capitol
Salt Lake City, Utah 84114
(801) 538-1044

Margaret Satterthwaite
Second District
2nd Floor Municipal Bldg
2549 Washington Blvd
Ogden, Utah 84401
(801) 629-8030

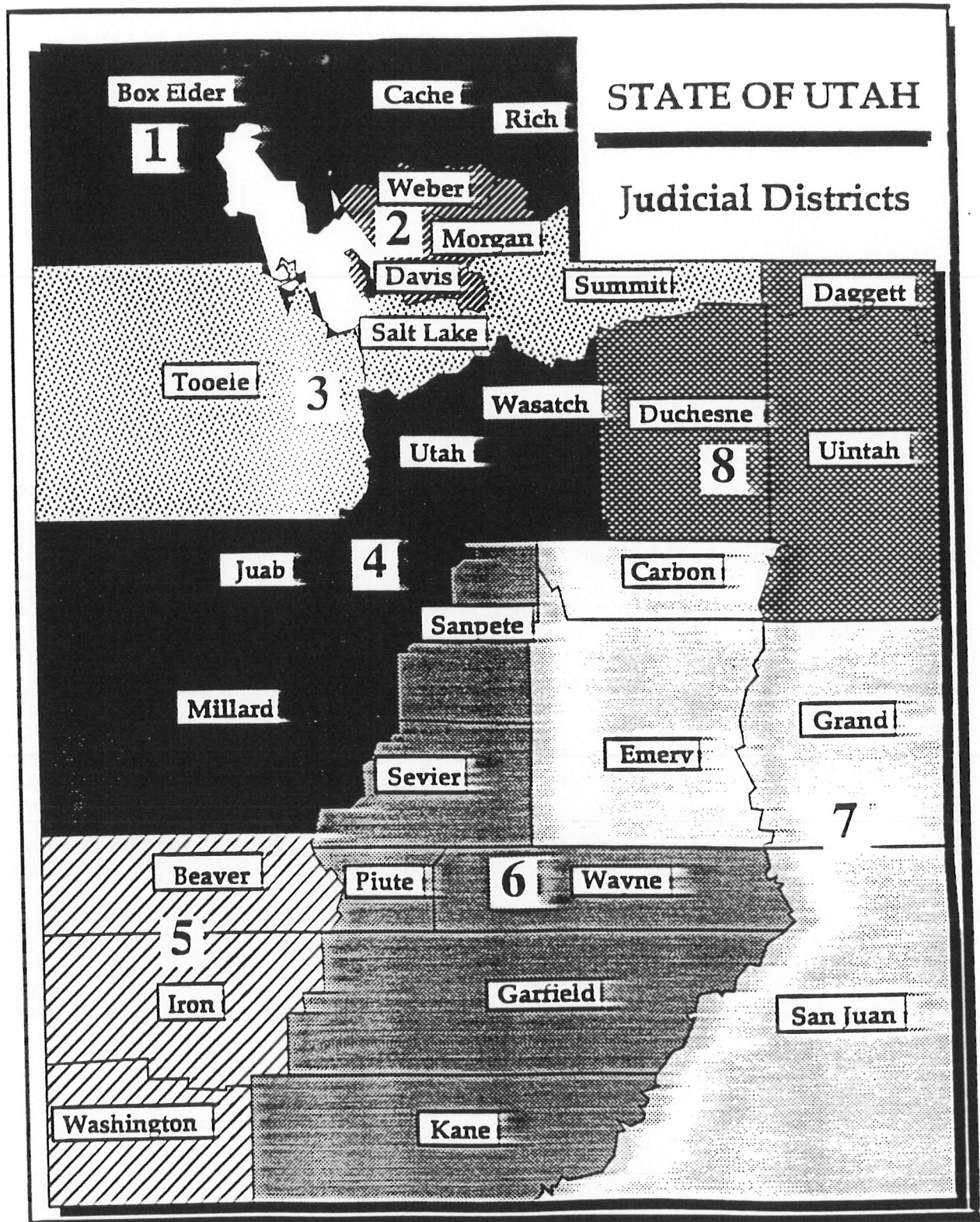
Mark Jones
Third District
451 South 200 East
SLC, Utah 84111
(801) 533-3952

Paul Sheffield
Fourth District
51 South Univ. Ave., Rm.107
Provo, Utah, 84601
(801) 429-1037

James M. Nelson
Fifth District
Cedar City Hall of Justice
40 North 100 East
Cedar City, Utah 84720
(801) 586-4907

Timothy H. Simmons
Seventh District
Carbon County Court Complex
149 East 100 South
Price, Utah 84501
(801) 637-7753

Mary Noonan
Appellate Court Clerk
230 South 500 East Suite #400
Salt Lake City, Utah 84102
(801) 533-6800



<u>DISTRICT COURT</u>	<u>JUVENILE COURT</u>	<u>CIRCUIT COURT</u>	<u>JUSTICE COURT</u>
29 Courts 29 Judges	17 Courts 13 Judges	43 Courts 37 Judges	170 Courts 140 Judges

RECRUITMENT SELECTION FORM

Position title _____

District/Location _____

Closing date _____

Recruitment:

Internal only _____

External _____

Please indicate recruitment methods used, such as job service,
agency contacts, advertising, etc.: _____

Number of applications received _____

Names of applicants interviewed: (use back of page if necessary)

_____	_____
_____	_____
_____	_____
_____	_____

Person selected _____

Reasons for selection _____

Effective date of hire _____

Signature _____

Title _____

Please return this completed form with all applications to the Human Resources Division at the Court Administrator's Office.

July 26, 1991 19/5

COURT EMPLOYMENT FINDINGS

	1990		1992	
	<u>MALE</u>	<u>FEMALE</u>	<u>MALE</u>	<u>FEMALE</u>
TOP MANAGEMENT AND ADMINISTRATION DIRECTORS, COURT EXECES COURT ADMINISTRATORS	19 (68%)	9 (32%)	21 (78%)	6 (22%)
MID-LEVEL SUPERVISION PROFESSIONAL PROBATION, ACCTNG AND COMPUTER SUPERVISORY	25 (81%)	6 (19%)	26 (81%)	6 (19%)
MID-LEVEL SUPERVISION TECHNICAL CLERK OF COURTS	16 (21%)	60 (79%)	14 (20%)	55 (80%)
D. NON-MANAGERIAL PROFESSIONAL PROBATION OFFICERS COMPUTER TECHNICIANS	65 (57%)	49 (43%)	83 (57%)	62 (43%)
TECHNICAL DEPUTY COURT CLERKS COURT REPORTERS	49 (12%)	355 (88%)	31 (7%)	391 (93%)
SECRETARIAL SECRETARY RECEPTIONIST	0 (0%)	41 (100%)	1 (2%)	45 (98%)
G. MAINTENANCE MAINTENANCE SPECIALISTS	4 (80%)	1 (20%)	7 (78%)	2 (22%)
TOTAL	178 (25%)	521 (75%)	183 (24%)	567 (76%)

Gender Distribution of Judges in Utah's Courts & Bar Membership
October 1992

Court Level	Women		Men		Total
	Number	Percent	Number	Percent	
Supreme Court	1	20.0%	4	80.0%	5
Court of Appeals	2	28.6%	5	71.4%	7
District Court	2	5.7%	33	94.3%	35
Juvenile Court	2	15.4%	11	84.6%	13
Circuit Court	2	8.0%	23	92.0%	25
Total Judges in Utah's Courts of Record	9	10.6%	76	89.4%	85

Justice Court Judges	25	20.3%	98	79.7%	123
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Bar Members as of 10/92	830	15.2%	4616	84.8%	5446
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UTAH STATE LIBRARY DIVISION



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