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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MOHAVE

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W. LYNNA TINNELL
SUPERIOR COURT CLERK

IN THE MATTER OF:)
)
REVISIONS TO SUPERIOR COURT)
POLICIES AND PROCEDURE AND)
JUDICIAL MERIT RULES)

ADMINISTRATIVE ORDER
2020 - 12

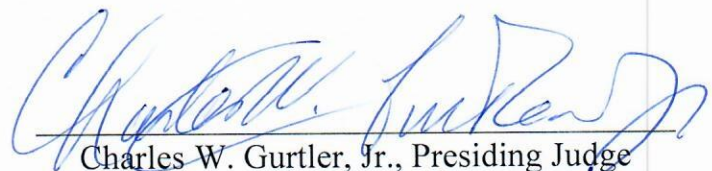
WHEREAS, on February 18, 2020, the Mohave County Board of Supervisors approved revisions to 2.2 Compensation Program Policy;

WHEREAS, it is necessary to revise the Superior Court Policy and Procedure 7.2 Compensation Program;

WHEREAS, it also necessary to remove outdated language from Judicial Merit Rule 208, Promotion, Voluntary Demotion, Transfer, Reassignment, Reappointment and Detail, and Judicial Merit Rule 802, Obligations.

IT IS ORDERED, that the attached Superior Court Personnel Policies and Procedures 7.2 Compensation Program and Judicial Merit Rule 208, Promotion, Voluntary Demotion, Transfer, Reassignment, Reappointment and Detail, and Judicial Merit Rule 802, Obligations, be adopted effective this date.

DATED 12th day of March, 2020.


Charles W. Gurtler, Jr., Presiding Judge
Mohave County Superior Court

Original filed with the Clerk of the Superior Court in Mohave County

MOHAVE COUNTY SUPERIOR COURT POLICY AND PROCEDURE

TITLE: 7.2 COMPENSATION PROGRAM

EFFECTIVE DATE: 02/09/2017
REVISED DATE:

It is the policy of the Superior Court to provide compensation that will achieve the strategic goal of attracting and retaining the most qualified employees.

7.21 FLSA Public Employer Exempt Status

- A. Employees shall be paid in compliance with current FLSA standards.
- B. In accordance with principles of public accountability, exempt employees shall be paid for hours worked up to their budgeted Full Time Equivalent, and may be paid accrued PTO for partial day absences pursuant to Section 8.1(C)(4) when they work less than their Full Time Equivalent in a workweek, without losing their exempt status. Also pursuant to principles of public accountability, the pay of exempt employees may be reduced, or such employee may be placed on leave without pay for absences for personal reasons or because of illness or injury, for less than one work-day when accrued leave is not used by an employee because:
 - (1) Permission for its use has not been sought or has been sought and denied;
 - (2) Accrued leave has been exhausted; or
 - (3) The employee chooses to use leave without pay pursuant to Section 8.202.
- C. Exempt employees may be eligible for Management Leave.

7.22 Compensation

Every Superior Court employee shall be paid within the salary range assigned to the position for which they were hired. It is the intent of these Policies to not penalize or disadvantage Superior Court employees when hired, promoted or reappointed into a position. Therefore, the Hire Rate for employees, whether promoted, appointed or reappointed into a higher position, shall be the same and shall not differentiate between existing employees and those new hires not employed by the Superior Court. Prior to filling a position, the division head will ensure that they do not exceed their approved budget.

A. Step Placement Guidelines.

1. In order to establish an objective, equitable system for determining where an employee shall be placed within a range, the Superior Court may, in each instance, look at the requirements of each individual job as documented in the job description and the experience of the individual to be hired into the job.
2. The following process may be used by the Department Head in determining the appropriate within-range step placement for each individual case.

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- a. The Superior Court Human Resource Manager shall notify the County Financial Services Department as to an unfilled position.
- b. Review job description for minimum requirements.
- c. Review application and other documentation for relevant experience beyond minimum requirements.
- d. Review application and other documentation for relevant education beyond minimum requirements.
- e. Review Job Class Analysis to see where incumbents are placed for potential compression issues.
- f. Review market comparisons and "hot job" status.
- g. Place as follows based on conclusions from above review.

Place as follows based on conclusions from above review:

STEP PLACEMENT GUIDELINES	
Experience	Placement
Meets minimum requirements	Step 01 or 02
Relevant Experience BEYOND Minimum Requirements:	
1-2 Years	Step 03
3-4 Years	Step 04
5-6 Years	Step 05
7-8 Years	Step 06
9-11 Years	Step 07
12-15 Years	Step 08
> 15 Years	Step 09

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Education	
Bachelor's Degree in relevant field beyond minimum requirements:	Add 1 Step
Master's or advanced Degree in relevant field beyond minimum requirements: hiring manager can make recommendation on certificate/relevant education	Add 1 Step

B. Step Determination Guidelines

STEP DETERMINATION GUIDELINES	
Step 01 and Step 02	Determination is at the discretion of the Department Head
Step 03 and Step 04	Determination is at the discretion of the Department Head in consultation with Superior Court Human Resources to confirm compliance with compression guidelines and classification requirements.
Step 05 and Step 06	Requires written justification for determination based on the training, experience and knowledge to perform the position responsibilities at the higher level of pay. The Department Head must submit the request and justification for consideration and determination through Superior Court Human Resources for consideration and determination by the Superior Court Administrator.
Step 07 through Step 10	Requires written justification for determination based on the Step Placement Requirements. The Department Head must submit the request and justification for consideration and determination through Superior Court Human Resources and the Presiding Judge.

C. Step Placement.

1. Full and part-time employees: All full and part-time employees shall be within the pay range of the assigned position. The placement may be authorized in conjunction

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with the Step Placement Requirements, Step Determination Guidelines, market comparisons and budget availability.

2. The salary of the appointee to the Clerk of the Superior Court shall be at the discretion of the elected official subject to budget approval.
3. Department Heads: The salary of the appointed Department Head shall be negotiated between the incumbent and the Presiding Judge where applicable, with the assistance of the Superior Court Human Resources Manager or their designee as needed. The Department Head shall discuss with and obtain the approval of the Presiding Judge. The salary of the appointed Department Head shall be maintained within the assigned salary range for the position to which they will be filling.
4. At the request of the Department Head and upon recommendation of the Superior Court Human Resources Manager, an upward salary adjustment may be recommended to the Presiding Judge in unusual circumstances and in the best interest of the Superior Court.

D. Initial Hire Rate.

The Department Head shall have considerable flexibility in the initial appointments hire rate. The rate shall be based on the Step Placement Requirements, Step Determination Guidelines, market comparisons and budget availability.

E. Underfill Appointments.

1. When a vacancy is to be filled and there are no qualified applicants, the Department Head may request Superior Court Human Resources to approve a position be underfilled. Individuals hired into such positions may be moved to appropriate classification when the acceptable qualifications and/or requirements are met; and receive a within-range salary increase equivalent to the entry of the salary range to which detailed or five percent (5%), whichever is greater, provided the appropriate funds exist.
2. Employees hired into an underfill position shall serve a probationary period as is appropriate to the classification.

- F. Promotions/Reappointments. An employee who is promoted or reappointed to a position in a higher salary range shall receive a salary increase based on the Step Placement Requirements, Step Determination Guidelines, market comparisons and budget availability.

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G. Lateral Transfers. Lateral transfers are governed by Judicial Merit Rule 208 D.

H. Demotions – Voluntary / Involuntary. Demotions may include reclassifications, departmental reorganizations, reduction in force or disciplinary actions.

1. An employee who is demoted voluntarily or involuntarily may receive a reduction in salary, based on the Step Placement Requirements, Step Determination Guidelines, market comparisons and budget availability on a case-by-case basis.
2. If a promotion is followed by a demotion, the employee's salary shall not exceed the amount that would be due if no promotion had occurred.

I. Special Detail Assignment: Special Details are temporary assignments which exceed thirty (30) business days to a position other than the position to which an employee is regularly assigned. Special Detail Assignments could be used to cover vacant positions or while an employee is out on an approved leave of absence. An employee detailed to a position in a higher classification shall receive a within-range salary increase equivalent to the entry of the salary range to which detailed or five percent (5%) based on the Pay Determination Guidelines, whichever is greater. The Superior Court Human Resource Manager shall notify the County Financial Services Department as to an unfilled position.

1. Additional pay increases above five percent (5%) of the pay range minimum may be recommended by the Superior Court Human Resources Manager and approved by the Department Head and reported to the Presiding Judge. The complexity, responsibility, and potential increased workload requirements may be considered in the pay determination process.
2. Once an employee returns from special detail assignment to their regular assignment, their salary shall return to the previous rate of pay plus any general pay changes.

J. No salary increase as provided for by this section shall have the effect of causing an employee to exceed the maximum compensation level for the classification in which employed, unless approved by the Presiding Judge.

7.23 Effective Dates

Promotions, Lateral Transfers, Demotions, or Special Detail effective dates shall be the beginning of a pay period. Exceptions to effective dates shall be submitted to the Superior Court Administrator for approval with the exception of officials whose appointment is established by Arizona law.

ARTICLE 2. EMPLOYMENT

EFFECTIVE DATE: 05/04/98

RULE 208. PROMOTION, VOLUNTARY

REVISED DATE:

**DEMOTION, TRANSFER, REASSIGNMENT,
REAPPOINTMENT AND DETAIL**

A. GENERAL: Judicial service employees may be promoted, voluntarily demoted, transferred, reassigned or reappointed to ensure effective operations.

B. PROMOTION:

1. Vacancies may be filled by promotion whenever practicable and in the best interest of the Judicial service. Regular status employees are eligible to promote.
2. Promotions shall be competitive in nature unless otherwise specified in these Rules.

C. VOLUNTARY DEMOTION: Employees who voluntarily demote through a noncompetitive process shall not be required to serve a probationary period as provided in these Rules. Noncompetitive voluntary demotions are not appealable.

1. If an employee makes a written request for a voluntary demotion, the demotion may be effective upon approval of the Court Administrator. A copy of the employee's written request shall be placed in the employee's personnel file.
2. Employees requesting voluntary demotions must meet the acceptable qualifications for the position to which the employee seeks to demote.

D. TRANSFERS:

1. Judicial employees, upon request and approval of the Court Administrator and involved Division Heads, may transfer non-competitively to another classification in the same pay range or may assume the duties of a position in the same classification in another division provided the employee has completed at least six (6) months of satisfactory service in the employee's current position and meets the acceptable qualifications of the position sought.
2. In the event that part or all of the functions of a division are transferred to another division, or a division is otherwise administratively reorganized, the affected employees may be transferred without regard for the requirement of six (6) months of service. In such cases, the affected employees of the transferring division shall be accepted as transfers by the receiving division at the same pay range unless the receiving division has no need for the position(s). In the latter event, the Rules governing layoff shall apply.

ARTICLE 2. EMPLOYMENT
RULE 208. PROMOTION, VOLUNTARY
DEMOTION, TRANSFER, REASSIGNMENT,
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EFFECTIVE DATE: 05/04/98
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- E. ASSIGNMENT/REASSIGNMENT:** A Division Head has the authority to assign employees to specific duty and work locations and make noncompetitive reassignments within their division as deemed necessary. Assignments and reassignments are neither grievable nor appealable, except in cases of alleged illegal discrimination.
- F. REAPPOINTMENT:** A regular employee may be reappointed by a competitive process as defined in Rule 202(A) to a different position with the same or lower range as the classification currently held or to a position with a higher range which is not in the same career track or path as the position currently held. Employees who are reappointed shall be required to serve a probationary period as provided in Rule 209(C)(6). Competitive reappointments are not appealable.
- G. DETAIL:**
1. When the services of an employee are needed temporarily in a position other than that to which the employee is regularly assigned, upon prior approval of the Court Administrator, the employee may be detailed to another position for a period not to exceed six (6) months.
 2. A detail from a classified position to an unclassified position shall not result in abridgment of any rights the employee may have prior to detail.
 3. Exceptions to the conditions of a special detail may be authorized by the Presiding Judge.
- H. EFFECTIVE DATE:** The effective date of promotions, voluntary demotions, transfers, reappointments and detail to special duty shall be on the first day of the pay period following approval of the action.

A. OBLIGATIONS EMPLOYEES HAVE TO THE COURT UPON SEPARATION: All separating employees have certain obligations to the Court:

1. A resigning employee should submit a written resignation to their Division Head at least ten (10) working days before the planned effective date of the resignation, unless the timeframe has been modified or waived by the Division Head. Failure to provide such timely notice could jeopardize consideration for future employment with the Court and shall void payment of any EIB leave incentive pay as provided in Rule 403(H).
2. The employee shall adhere to checkout procedures as outlined by the Court Administrator. Failure to comply may result in a delay in the issuance of an employee's final paycheck and may delay processing of returns from the appropriate retirement system. Checkout procedures to be completed by a separating employee shall include but not be limited to:
 - a. Return of all equipment and supplies which have been furnished by the Court to the designated administrative section or unit charged with their maintenance. This includes, but is not limited to: keys, identification cards, clothing, etc.;
 - b. Pay back of any financial obligations outstanding such as educational reimbursement, travel advances, personal telephone expenses, etc.;
 - c. The Court Administrator, Division Head, Presiding Judge or designee may conduct exit interviews at the time of separation from Judicial service. The exit interview will afford the employee an opportunity to receive information pertaining to separation benefits (if any), benefits conversion and/or continuation, repayment of outstanding debts and/or return of Court property. Employee suggestions, complaints and questions may also be discussed.
3. An employee who separates employment with the Court within one (1) calendar year of receipt of educational reimbursement will return 100% of monies received for the course or will arrange with the Division to have that amount withheld from the final paycheck.
4. An employee shall work the two (2) weeks prior to resignation unless other arrangements are made with the Division Head.

B. CALCULATION OF SEPARATION PAY:

An employee who is detailed to a higher position at the time of separation shall be returned to his/her previous position as of the effective date of separation and shall be paid for accrued PTO leave hours at the rate of the previous position.