

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
AMENDING ARIZONA CODE OF)	Administrative Order
JUDICIAL ADMINISTRATION)	No. 2016 - <u>68</u>
§ 6-106: PERSONNEL PRACTICES)	(Affecting Administrative
)	Order No. 2016-24)
)	

Pursuant to the Arizona Code of Judicial Administration § 1-201(E), the Chief Justice may adopt emergency administrative code proposals and technical changes in existing code sections by administrative order without prior distribution for comment and action by the Arizona Judicial Council.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that as a result of House Bill 2350, Chapter 240, which established requirements for the state or a political subdivision to establish a program to provide psychotherapy treatment to public safety employees, including probation officers, juvenile probation and surveillance officers who experience enumerated traumatic events, Arizona Code of Judicial Administration § 6-106 is amended as indicated on the attached document. All other provisions of § 1-606 as adopted, remain unchanged and in effect.

IT IS FURTHER ORDERED that the effective date of this amendment shall be August 6, 2016.

Dated this 3rd day of August, 2016.

SCOTT BALES
Chief Justice

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 6: Probation

Chapter 1: General Administration

Section 6-106: Personnel Practices

A. – I. [No changes]

J. Continuing Employment Requirements.

1. Each department shall, at a minimum:
 - a. Provide all probation department employees with access to and training regarding the Code of Conduct for Judicial Employees and the Arizona Code of Judicial Administration.
 - b. Have all probation department employees certify that they have received training and shall adhere to the Code of Conduct for Judicial Employees and Arizona Code of Judicial Administration provisions concerning probation.
 - c. Adopt and integrate policies and procedures for random sampling and reasonable suspicion drug screening for illegal substances which conform with Appendix A, “Model Policy for Drug Testing.”
 - d. Have a written policy and procedure requiring all employees to immediately disclose to the employee’s supervisor if the employee is the subject of any of the following:
 - (1) Citation for a misdemeanor or felony offense;
 - (2) Arrest;
 - (3) Conviction;
 - (4) Order of protection; and
 - (5) Warrant.
 - e. Have a written policy and procedure addressing department action in response to a disclosure or discovery that the employee is the subject of any action identified in (J)(1)(d).
 - f. Conduct criminal history and MVD records checks of all probation employees every two years, at minimum. For department employees that have need to operate a state, county or personal vehicle in the execution of their duties, conduct annual MVD reviews pursuant to ACJA 6-111.
 - g. Remove any probation department employee from the chain of supervision of relatives or members of the officer's household who are on probation.

h. Establish a program for probation and surveillance officers pursuant to A.R.S. §38-962 which provides:

A. Notwithstanding any other law, this state or a political subdivision of this state shall establish a program to provide any of the following persons who are exposed to any one of the following events while in the course of duty up to twelve visits of licensed counseling, which may be provided via telemedicine, paid for by the employer:

.....

3. In the case of a public safety employee:

(a) Visually witnessing the death or maiming or visually witnessing the immediate aftermath of such a death or maiming of one or more human beings.

(b) Responding to or being directly involved in a criminal investigation of a dangerous crime against a child punishable under section 13-705.

(c) Requiring rescue in the line of duty where one's life was endangered.

K. – M. [No changes]

APPENDIX A – MODEL POLICY FOR DRUG TESTING [No changes]