

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
ADOPTION OF REDUCTION AND) Administrative Order
REASSIGNMENT OF PERSONNEL) No. 2002- 108
POLICY FOR SUPREME COURT)
EMPLOYEES)
_____)

On October 4, 1996, by Administrative Order No. 96-49, the Court adopted Human Resources Policies for Supreme Court Employees which replaced all previous and existing human resources policies.

Now, therefore, pursuant to Article VI, Section 3 and 7 of the Arizona Constitution,

IT IS ORDERED that the attached Reduction and Reassignment of Personnel Policy for Supreme Court Employees is adopted effective upon entry of this Order.

Dated this 25th day of November 2002.

CHARLES E. JONES
Chief Justice

Arizona Supreme Court
Policies and Procedures Manual
Section: 6.20
Date: 11/22/02
Applies to: Supreme Court

REDUCTION AND REASSIGNMENT OF PERSONNEL

PURPOSE

The purpose of this policy is to establish a process for reducing the courts' work force due to a loss of funding, workload changes, reorganization and other conditions which will result in reduction in force.

SCOPE

This policy applies to all *regular* Supreme Court employees as defined by Section 6.10 of the Policies and Procedures manual.

NON-DISCRIMINATION

Reduction in force will be non-discriminatory with regard to race, color, sex, national origin, religion, marital status, or age.

AT WILL STATUS

Employees of the supreme court serve at the pleasure of the supreme court as provided in Article 6, Section 7 of the Arizona Constitution. Nothing in this policy is intended to alter that employment relationship. The Chief Justice, acting in his sole discretion, can implement any of the steps set out in this policy.

POLICY AND PROCEDURE

1. Planning
 - 1.1 Reduction and reassignment of personnel may involve consideration of multiple options. Such options include, but are not limited to, attrition, reduction in work hours, salary reductions, temporary leaves of absence without pay, job sharing, hiring freezes, reassignment of personnel and termination of employment.
 - 1.2 The goal of the plan shall be to identify the functions and positions that can be altered or eliminated. The Chief Justice will determine what functions are deemed critical.
2. Voluntary Separation
 - 2.1 Subject to funding availability as determined by the Chief Justice, the Supreme Court may offer voluntary separation to all employees subject to termination of employment due to a reduction and reassignment of personnel. Each voluntary separation offer shall identify eligible positions, have a defined duration, provide

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for compensation in an amount to be determined based on the years of service, and continue health, dental, and life insurance coverage for up to six months after separation, provided the employee continues to pay the employee portion of the shared premium payment. A voluntary separation offer shall provide that benefits terminate if the employee retires, or accepts employment and is eligible to receive an employer-sponsored insurance program. Employees shall be directed to notify the Human Resources Office when they retire or become employed.

- 2.2 Eligible employees who indicate acceptance of an offer of voluntary separation shall receive a written statement that the employee agrees to the voluntary separation, the separation date, the amount of payment, the length of shared insurance premium payments, the compensation due for any accrued leave and compensatory time, and the method of payment. All such voluntary separation agreements must be signed by the employee within the period the offer is open before it is effective and payment is due.

3. Furlough

- 3.1 When there is a need to reduce the Court's personnel expenditures, management may declare that it is necessary to furlough some or all court employees. A furlough may be implemented court-wide or may be department specific and may be for a minimum of one day for exempt employees and four hours for non-exempt employees.
- 3.2 While on a furlough, an employee shall be placed on leave without pay status, but will be eligible to participate in the same benefits as otherwise available. An employee's social security and retirement contributions will be reduced in proportion to the reduction in gross pay, but all other benefits shall continue, including health insurance and accrual of vacation and sick leave.
- 3.3 Furloughs shall not affect an employee's continuous service, length of service, pay increase eligibility, anniversary date, or eligibility for authorized holiday leave or pay.
- 3.4 An employee is solely responsible at all times to make any contributions or payments for any benefit that requires employee contributions or payments.

4. Reduction and Reassignment

- 4.1 The Administrative Director, the Chief Staff Attorney and the Clerk of Court may recommend to the Chief Justice elimination of the positions, reassignment, and termination of the employment of employees in their respective offices. These recommendations may also include reassignment of incumbents of eliminated positions to other positions, and termination of the employment of the incumbents of those positions. Any such recommended reassignment and termination of employment may be based upon the ability of each affected employee to perform duties that support

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supreme court priorities considering one or more factors such as work skills, education, work experience, past work performance, and disciplinary history. These assessments may be provided to the chief justice.

- 4.2 Elimination of positions and termination of employment shall be at the sole discretion of the chief justice.
 - 4.3 After a notice of termination of employment and prior to the effective date, an employee shall be notified of any vacant positions that are open for recruitment. The employee may apply for any such positions.
5. Benefits Eligibility
- 5.1 When the court provides notice of termination of employment due to reduction and reassignment of personnel, the employee may choose to terminate employment on the date specified and receive a lump sum payment of vacation and compensatory time or may cease work and remain on the payroll until up to 320 hours of vacation time and any compensatory time are exhausted starting from the date the employee ceases work. The court may make the termination effective and issue a lump sum payoff by the end of the fiscal year in which the notice of termination of employment occurs if the vacation and compensatory time are not exhausted.
 - 5.2 Sick leave balance at the time of the termination of employment due to reduction and reassignment of personnel and vacation accrual rates will be restored if the employee is rehired within twelve (12) months.
 - 5.3 The employee may continue coverage in the group health and dental insurance plans under COBRA provisions upon expiration of the extended Coverage.
 - 5.4 The period of time between the termination of employment and rehire will not count toward total State service, longevity, seniority or retirement, or leave accrual.