

## Human Resource Policy

### CODE OF PERSONAL CONDUCT 500

#### PURPOSE

Public employment in the court system is a public trust justified by the confidence that the citizenry places in the integrity of officers and employees of the judicial branch. Judicial employees should participate in establishing, maintaining, and enforcing, and should personally observe high standards of conduct in order to preserve the integrity and independence of the judiciary. This policy should be construed and applied to further that objective.

#### SCOPE

This policy establishes standards of conduct expected of court employees. It addresses the general performance of duties, abuse of position, confidentiality, conflict of interest, outside interests and secondary employment.

This policy applies to all court employees.

#### CROSS REFERENCES:

[Utah Code Ann. §34A-5-106](#), Utah Anti-Discrimination Act, Employment Practices

42 United States Code §21-VI, Equal Employment Opportunity

Code of Judicial Administration [§4-202.01](#), et seq., Dissemination,

[§3-201](#), [Professional Conduct of Court Commissioners](#),

[§3-304\(9\)\(B\)](#), [Official Court Reporters](#)

Code of Judicial Conduct

[Grievance and Appeal, Policy 620](#)

[Discipline, Policy 610](#)

[Fairness in Recruiting and Hiring, Policy 130](#)

Utah Administrative Rules 'R-37-1-8-(6)(a), Risk Management Rules, Underwriting Standards Problem Drivers

#### POLICY AND PROCEDURE

##### 1. General.

1.1 Employees shall comply with the provisions of UCA 67 16 et. seq., the Utah Public Officers' and Employees' Ethics Act.

1.2 Employees whose conduct is governed by more than one set of ethical regulations shall conform their conduct to the more stringent standard.

1.3 Employees shall maintain conduct standards both on and off duty and are obligated to report to management within five days any arrest and/or charge, other than a minor traffic citation, under a state or federal statute.

##### 2. Management.

2.1 Management shall make reasonable efforts to ensure that employees subject to their direction and control observe the ethical standards set out in these policies.

2.2 Management shall diligently discharge administrative responsibilities, maintain professional competence in judicial administration and assist other employees in the performance of their duties.

2.3 Managers shall provide information and instruction to employee regarding the security policy and procedures for their work location.

2.4 Management shall take action regarding any unethical conduct of which they may become aware, initiating appropriate disciplinary measures against an employee for any such conduct and reporting to appropriate authorities evidence of any unethical conduct by judges or lawyers.

2.5 Managers may belong to an employee organization but shall not be eligible to be a representative or officer of an employee organization that assists employees in filing grievances or civil actions.

##### 3. Performance of duties.

3.1 Employees are expected to apply themselves to their assigned duties during the full schedule for which they are being compensated.

3.2 No employee shall conceal, alter, falsify, destroy, mutilate, or fail to make required entries on any court records. This provision does not prohibit alteration or expungement of records or documents pursuant to a court order.

3.3 No employee shall discriminate or manifest by words or actions, bias or prejudice against any person in the conduct of service.

3.4 An employee shall not recommend attorneys, therapists, counseling agencies or other professionals but shall refer such inquiries to the licensing agency or professional organization that governs that profession. When an employee is required as part of the employee's job to refer an individual to a therapist or counseling agency, the employee shall follow the guidelines established by the district and not inconsistent with section 8 below, Conflict of Interest.

3.5 No employee shall provide legal advice, unless it is part of an official duty.

3.6 An employee shall respond to appropriate inquiries and provide information regarding court procedures.

3.7 No employee shall refuse to enforce or otherwise carry out any properly issued rule or order of the court, nor shall a court employee exceed that authority.

3.8 No employee shall be required to perform any duty not related to the official business of the court.

#### 4. Abuse of position.

4.1 An employee shall use the public resources, property, and funds under the employee's control, and any influence, power, authority or information derived therefrom, judiciously and solely in accordance with established procedures.

4.2 An employee shall not use or attempt to use a court position to secure privileges, exemptions or exert undue influence.

4.3 An employee shall not discriminate by dispensing special favors to anyone, whether or not for remuneration.

4.4 An employee shall not assist any person securing a contract with the court system in a manner not available to any other interested person.

4.5 An employee shall not be influenced in the performance of the employee's duties by kinship, rank or position.

4.6 An employee shall not request or accept a fee or compensation beyond that received by the employee in an official capacity for advice, information, or assistance that is otherwise available from the courts.

4.7 An employee shall not solicit, accept or agree to accept any gifts, loans, gratuities, discounts, favors, hospitality, or services under circumstances from which it could reasonably be inferred that a major purpose of the donor is to influence the court employee in the performance of official duties. This subsection does not apply to the following:

4.7.1 An award presented in recognition of public services;

4.7.2 Any bonafide loan made in the ordinary course of business by any institution authorized by the laws of this state or any other state to make such loans;

4.7.3 Political campaign contributions if used in a political campaign of the recipient public officer or public employee;

4.7.4 An occasional non pecuniary gift of nominal value, given to all of the employees in an office.

4.8 An employee shall not receive outside compensation for performance of court duties except in cases of:

4.8.1 An award of meritorious public contribution publicly awarded;

4.8.2 The receipt of honoraria or expenses paid for papers, transcripts, talks, demonstrations, or appearances made by an employee during work hours with the

approval of management; or on the employee's own time for which the employee is not compensated by the courts and which is not prohibited by these rules;

4.8.3 The receipt of usual social amenities, ceremonial gifts, or insubstantial advertising gifts.

4.9 Under the Utah Procurement Code, those who are involved in the purchasing process may not receive any gifts or similar favors from vendors. Vendors should be discouraged from sending any gifts of any type. If a vendor offers or sends a gift, the gift should be rejected or returned. However, if a vendor sends a consumable of nominal value, such as a box of chocolates for the holiday season, that can be put in an area and shared with others in the office, those do not need to be returned to the vendor. This policy would apply to proposed gifts from interpreters and others who are contractors with the court.

## 5. Dishonest or Fraudulent Acts.

5.1 All persons employed by the courts are responsible for the prevention and detection of dishonest and fraudulent acts. An employee shall notify management of any and all such acts.

5.1.1 Management shall establish preventive measures which shall include, but are not limited to, ongoing internal reviews and employee training on detecting and reporting dishonest and fraudulent acts.

5.1.2 An employee shall immediately report all suspicions of dishonest and fraudulent acts to the court executive, who in turn shall immediately report the matter to the internal audit department. If the employee is employed in the Administrative Office of the Courts, the employee shall report all suspicions of dishonest and fraudulent acts to the deputy court administrator or the state court administrator. If an employee feels uncomfortable reporting to the court executive, the internal audit department may be contacted directly. The internal audit department shall then immediately notify the state court administrator.

5.1.3 If requested, the internal audit department shall accept confidential information regarding dishonest and fraudulent acts. To the extent possible, anonymity and confidentiality for a reporting employee shall be maintained.

5.1.4 An employee having knowledge of dishonest or fraudulent acts who fails to report it shall be subject to disciplinary action.

5.2 No employee shall engage in reprisals against an employee who reports suspicions of dishonest or fraudulent activities. An employee making such reprisals shall be subject to disciplinary action in accordance with policy 610, Discipline.

5.3 Management shall direct all inquiries from a suspect, a suspect's representative or attorney to the state court administrator or internal audit department.

5.4 After the matter has been referred to the internal audit department, management should make no attempt to conduct independent investigations, interviews or interrogations. The internal audit department shall be responsible to investigate all possible dishonest or fraudulent acts pertaining to the Utah State Courts.

5.4.1 Prior to conducting an investigation, the internal audit department shall advise the state court administrator and the court executive. If the court executive is the person under investigation, the state court administrator shall be advised. If the state court administrator is the person under investigation, the presiding officer of the Judicial Council shall be advised.

5.4.2 Subsequent internal investigations may be performed at the direction of the state court administrator without notice to the court executive.

5.4.3 While investigating, the internal audit department shall have the authority to:

5.4.3.1 Gain full access to court premises;

5.4.3.1.1 Examine, copy and/or secure all files, desks, cabinets and other storage facilities not designated for use by a specific individual and located on court premises without the prior knowledge or consent of any individual who may use or have custody of any such items;

5.4.3.1.2 Examine, copy and/or secure all files, desks, cabinets and other storage facilities designated for use by a specific individual if there is a reasonable suspicion that the individual has either committed or assisted in the commission of a dishonest or fraudulent act.

5.4.3.2 Become the custodian of all original files and individual documents involved in the investigation;

5.4.3.3 Restrict access to any of the above referenced items as necessary; and

5.4.3.4 Interview any employee believed to be able to provide information about the matter being investigated.

5.5 If evidence of a dishonest or fraudulent act exists or if the court executive determines that leaving the suspect employee in place during an investigation may cause a disruptive work environment or security risk, the suspect may be placed on administrative leave with or without pay.

5.6 Any person employed by the courts determined to have participated in dishonest or fraudulent acts shall be subject to disciplinary action pursuant to policy 610, Discipline.

5.7 In all cases of suspected criminal conduct relating to dishonest or fraudulent acts, the state court administrator shall notify local law enforcement. The determination to pursue prosecution and/or restitution shall be made by management in conjunction with prosecutors.

5.8 A suspect employee may be terminated prior to the conclusion of a criminal investigation if circumstances warrant.

5.9 Upon an individual's plea of guilty or no contest or a guilty verdict in a court of law of criminal charges relating to dishonest or fraudulent acts arising from employment, employment of the individual shall be terminated.

5.10 Any negotiations concerning plea bargains, diversions or restitution shall be conducted with input from the state court administrator and AOC legal counsel.

5.11 If criminal charges are dismissed or the employee is found not guilty, management shall make a determination on the status of the employee in accordance with these policies and procedures.

5.12 The final report of the internal audit department shall be provided to:

5.12.1 The state court administrator, the employee's court executive, the presiding judge, and, if disciplinary action is contemplated, the Director of Human Resources.

5.12.2 The employee and the employee's representative or legal counsel;

5.12.3 Authorized representatives of appropriate law enforcement and prosecuting agencies if the audit reveals the possible commission of a crime.

## 6. Confidentiality.

6.1 An employee shall not disclose to any unauthorized person any information acquired in the course of employment other than public data as defined in the Code of Judicial Administration.

6.2 An employee shall abstain from public comment about proceedings pending or impending in any court without prior approval of the court or the trial court executive.

6.3 An employee shall not initiate or repeat ex parte communications with a litigant, witness, or attorney to the trier of fact, attorney, witness or litigant that might affect the outcome of the case.

## 7. Conflict of interest.

7.1 An employee shall exercise reasonable diligence to become aware of personal conflicts of interest, disclose such conflicts to management, and take appropriate steps to eliminate conflicts when they arise.

7.2 When an employee perceives any potential conflict of interest or has a question about the laws, statutes, and policies the employee shall discuss them with management.

7.3 No employee shall have personal investments in any business entity which will create a substantial conflict between the employee's private interest and public duties. The employee shall

disclose any such conflicts to management. Management and the employee shall take appropriate steps to eliminate the conflict.

7.4 An employee shall not enter into any contract with the courts for services, supplies, equipment, leases, or realty apart from the employment contract relating to the employee's position.

7.5 When an employee is required by the responsibilities of the position to take an action or make a decision which could be interpreted as a conflict of interest, the employee shall declare the potential conflict to management and may be excused by management from so acting.

## 8. Outside Activities

8.1 Court employees shall not use state owned property in support of outside interests and activities when such use would compromise the integrity of the court or interfere with the employee's court duties. Specifically, an employee who is involved in an outside activity such as a civic organization, church organization, committee unrelated to court business, public office, or service club, shall:

8.1.1 Pursue the outside activity on the employee's own time;

8.1.2 Pursue the outside activity away from court offices;

8.1.3 Discourage any phone, mail or visitor contact related to the outside interest at court offices;

8.1.4 Arrange for annual leave or compensatory time off in advance to pursue the outside interest during business hours; and

8.1.5 Except as provided in section 10, not use data processing equipment or court supplies for the outside interest.

8.2 Court employees shall not conduct or participate in sales activities for personal profit in the work place during work hours.

## 9. Personal use of state owned computer and electronic communications systems.

### 9.1 Computer equipment

9.1.1 For purposes of this policy, state-owned computer and electronic communication systems includes, but is not limited to: computer related hardware, software and networking systems as well as duplicating equipment, e-mail, voice mail, telephone, facsimile, the internet, the intranet, and the worldwide web.

9.2 State owned computer communication systems are valuable resources for increasing employee productivity and enhancing the efficiency of court operations. Employee familiarity and comfort with these resources benefit the employee and the judicial system. The judiciary recognizes the value of these resources in employees' professional and personal lives. State-owned computer and electronic communication systems are available for limited personal use, subject to the following conditions:

9.2.1 When using state-owned computer and electronic communication systems, the employee shall observe high standards of conduct so the integrity of the judiciary is preserved, and public confidence in the judiciary is promoted.

9.2.2 An employee shall not have an expectation of privacy when using state-owned computer and electronic communication systems. Management maintains records of internet sites that are accessed, and can monitor e-mail messages and facsimile transmissions to determine compliance with this policy. The employee should assume that any communication created, sent, received or stored may be read or heard by someone other than the intended recipient. Management will respect any privileges related to the courts' business; e.g., attorney/client, doctor/patient, etc., related to human resources issues.

9.2.3 The employee may not send server or network-wide e-mail messages, the purpose of which is purely personal; e.g., selling items, notifications about illnesses and deaths, etc. The courts will provide an electronic bulletin board for these types of messages.

9.2.4 Personal use may only be on the employee's personal time, may not interfere with the employee's duties and may not be excessive.

9.2.5 The employee must pay for the cost of consumables and other attendant expenses (diskettes, paper, etc.).

9.2.6 The employee may not be compensated for work performed during personal time.

9.2.7 The employee may not permanently store personal data on the network.

9.2.8 The employee shall not install games. Other personal software may be installed if the employee has received permission from the employee's supervisor and under guidelines established by the data processing department.

9.2.9 Use may not be for the purpose of conducting a business or soliciting money for personal gain.

9.2.10 The employee may not download information for personal use without the employee's immediate supervisor's expressed written authorization. The employee may not transmit or install without permission copyrighted, trademarked, or patented material, or otherwise transmit confidential information of the judiciary, unless the transmission is related to court practices.

9.2.11 The employee may not use state-owned computers and electronic communication systems for any purpose that a reasonable person would consider to be defamatory, offensive, harassing, disruptive or derogatory, including but not limited to sexual comments or images, racial or ethnic slurs, or other comments or images that would offend someone on the basis of race, gender, national origin, sexual orientation, religion, and political beliefs or disability.

9.2.12 The employee may not enable unauthorized third parties to jeopardize the security of state-owned computers and electronic communication systems. The employee shall take all practical and reasonable steps necessary to keep the employee's log-in access and passwords secure. The employee should perform a virus check on all software and disks used in the system and should immediately report any tampering, viruses, or other system breaches to the data processing department.

9.2.12.1 The employee shall not share the employee's log-in access or passwords with others, including other employees, unless authorized by a supervisor, as warranted by unusual, temporary, work-related circumstances.

9.2.12.2 The supervisor shall maintain a log, documenting instances of shared access or shared passwords. This record shall contain the date of the authorization, the work-related reason for the authorization, the name of the employee who is normally authorized to use the log-in access or passwords, and the name of the employee who was granted temporary, emergency access.

9.2.12.3 Following authorized, shared use of a password, the supervisor shall ensure that the employee who normally used the password replaces it with a new, secure password as soon as possible.

9.2.12.4 No employee shall represent themselves as someone else, fictional or real.

9.2.13 The employee should direct questions concerning personal use of state-owned computers and electronic communication systems to the employee's supervisor.

## 10. Personal Cell Phone Usage in the Workplace

10.1 Employees are expected to exercise the same discretion in using personal cellular phones as is expected for the use of company phones. Excessive personal calls, text messaging, or other personal communication during the work day, regardless of the phone used, can interfere with employee productivity and be distracting to others. Employees are expected to limit personal use to non-work time where possible and to ensure that friends and family members are aware of this policy.

## 11. Secondary Employment

11.1 Employment with the court system shall be the primary employment of full time employees.

11.2 Other employment and volunteer activities must not conflict with the interests of the agency or the State of Utah.

11.3 An employee may, at agency discretion, hold more than one state position as long as the total hours worked do not exceed 40 hours per week.

11.4 An employee may engage in secondary employment or volunteer activity that does not conflict with the interests of the court or create the appearance of a conflict of interest as defined below and in Section 500.8:

11.4.1 An employee shall exercise reasonable diligence to become aware of personal conflicts of interest, disclose such conflicts to management, and take appropriate steps to eliminate conflicts when they occur.

11.4.2 When an employee perceives any potential conflict of interest or has a question about laws, and policies, the employee shall discuss them with management.

11.4.3 No employee shall have substantial personal interest in any business entity which will create a conflict between the employee's private interest and public duties. The employee shall disclose any such conflicts to management. Management and the employee shall determine if there are substantial conflicts or appearances of substantial conflicts and take appropriate steps to eliminate the conflict.

11.4.4 An employee shall not enter into any contract with the courts for services, supplies, equipment, leases, or realty apart from the employment contract relating to the employee's position.

11.4.5 When an employee is required by the responsibilities of the position to take an action or make a decision which could be interpreted as a conflict of interest, the employee shall declare the potential conflict to management and may be excused by management from so acting

11.5 An employee may engage in secondary employment if it conforms to the following provisions:

11.5.1 The secondary employment shall not interfere with the employee's ability to perform job duties with full capacity.

11.5.2 Secondary employment/volunteer activity shall not be performed during the same hours that the employee is scheduled to work.

11.5.3 The outside employment is not self-employment or with a contractor that provides services to clients of the court level within which the employee works.

11.5.4 The outside activity is not with a policy making nor advisory board of an organization or agency that does business within the court level.

11.6 Prior to accepting or continuing secondary employment, an employee shall report the employment to the employee's supervisor on the Secondary Employment application form.

11.6.1 If there is not a conflict of interest, the Trial Court Executive may approve the application within five working days, after consulting with the director.

11.6.2 If there is a possible conflict of interest, the application will be submitted to the director and the court level administrator who will, within five working days, seek a legal opinion from the General Counsel before approval, denial or conditional approval.

11.6.3 Copies of secondary employment application forms shall be sent to the director who will review them for consistency.

## 12. Political activity.

12.1 An employee may participate in political activity that does not jeopardize the confidence of the public or of government officials in the impartiality of the judicial branch of government.

12.1.1 An employee shall not participate in political activity which conflicts with or otherwise affects the mission and activities of the Judiciary.

12.1.2 Employees of the Judiciary are prohibited from running for, being appointed to, or holding an elected office at any level of government.

12.1.3 An employee shall not engage in political activity during work hours, unless on approved leave.

12.1.4 An employee shall not use state owned equipment, supplies or resources, and other attendant expenses (diskettes, paper, computer online and access charges, etc.) when engaged in political activity.

12.1.5 An employee shall not discriminate in favor of or against any person or applicant for employment based on political activities.

12.1.6 An employee shall not use the employee's title or position while engaging in political activity.

### 13. Driver Safety.

13.1 Court employees are subject to the rules and regulations established by the State Motor Pool and the Division of Risk Management regarding the safe operation of state vehicles.

13.2 Any employee convicted of driving under the influence, reckless driving or an at-fault accident shall complete an approved driver safety program before operating a state vehicle or operating the employee's own vehicle on court business.

### 14. Professional Appearance

**NOTE:** The information on Professional Appearance is found in [Section 580](#), effective January 1, 2019.

### 15. Friends and Family at Work

15.1 Friends and family members of employees shall not remain in the workplace for extended visits. Management may grant temporary exceptions in unusual circumstances, provided their presence does not interfere with the work of employees.

15.2 Employees shall not use their court access privileges to allow family or friends to circumvent the existing security/weapon screening process.

15.3 Employees shall not allow access to secure areas of the courthouse by family members or friends with cases pending before the courts.

### 16. Court Security

16.1 Employees shall be familiar and comply with local court security plans.

16.2 Employees shall comply with all directives from court security officers, including the court security director.

16.3 Employees, except those identified in CJA 3-414, may not possess weapons in courthouses, probation offices, other buildings used for employee work spaces, off premises court-sponsored meetings or conference sessions, and state vehicles. This does not include employee parking areas.

16.4 Possession includes on the person and in areas within the immediate control of the employee.

16.5 An employee, except those identified in CJA 3-414, who has a concealed weapons permit is not excused from complying with these policies.