

ADMINISTRATIVE OFFICE OF COURTS
EMPLOYEE MANUAL
TRIAL COURT SUPPORT STAFF

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Topic: **INTRODUCTION**

Effective Date: September 1, 2010

Subtopic: **GENERAL**

Revision Date:

Section: 1.1

PURPOSE AND SCOPE

The Administrative Office of Courts Policies and Procedures Manual has been developed to provide you with pertinent information regarding the Administrative Office of Courts and your role as an employee of the AOC. (In this manual, the Administrative Office of Courts shall be referred to as “AOC”, and the Administrative Director of the Administrative Office of Courts shall be referred to as “Director”.) The information contained in this manual is not intended to and does not grant to any employee any additional rights or privileges of employment not otherwise expressly provided in state or federal law governing the judiciary of the state and employment within the judiciary.

DISCLAIMER

This manual is not an express or implied contract of employment. Rather, it is an overview of the working rules and benefits of employment at the AOC. All employees of the AOC are at-will employees. Employees have the right to terminate the employment relationship for any reason, with or without cause, and the AOC and trial courts reserve the same right.

EFFECTIVE DATE

This manual, amendments, and revisions hereto shall be effective upon adoption by the Director unless amendments are made effective at a later date as will be noted with the release of the amendment.

AMENDMENTS

This manual may be amended, revised, or repealed by the Director at any time, with or without prior notice. This manual is subject to periodic and routine review. Employees may recommend a revision by preparing written comments setting forth the following:

- the form, policy, or procedure being recommended for amendment and the reasons for such action;
- a draft of the proposed amendment.

Such comments shall be forwarded to the Director.

Topic: **INTRODUCTION**

Effective Date: September 1, 2010

Subtopic: **ORGANIZATIONAL STRUCTURE**

Revision Date:

Section: 1.2

ADMINISTRATIVE OFFICE OF COURTS

The AOC is established under Mississippi statutory law (Section 9-21-1 et seq., Mississippi Code of 1972, Annotated.) The AOC assists in the administration of the non-judicial business of the courts of the state. As a means of improving the administration of justice, the AOC assists the Chief Justice with his duties as chief administrative officer of all courts in the state, works with the clerks of all civil and criminal trial courts in the state to collect and publish information and statistics, and serves as an agency to apply for and receive grants to improve the operation of the state courts.

OFFICE OF FINANCE AND ADMINISTRATIVE SERVICES

The Supreme Court's Office of Finance and Administrative Services [hereinafter referred to as Finance Office] is responsible for the various financial operations related to the AOC. The Finance Office provides personnel with the administrative services necessary to maintain day-to-day routine operations such as processing payroll data and distributing month-end payroll checks, paying all of the AOC's bills, maintaining the supply and equipment inventories, processing payroll/travel/office/rent allowance for trial judges, and processing payroll for AOC employees.

BOARD OF CERTIFIED COURT REPORTERS

The Board of Certified Court Reporters is charged with the duty of administering examinations to applicants as Certified Shorthand Reporters, issuing certificates, promulgating regulations, and exercising jurisdiction over disciplinary matters with regard to Certified Shorthand Reporters. The Board may revoke or suspend a certificate or disqualify an applicant from certification for good cause shown.

TRIAL COURT SUPPORT STAFF

Section 9-1-36, *Mississippi Code of 1972 Annotated*, provides that support staff for chancery and circuit courts throughout the State are employees of the AOC. "Support staff" is defined in Subsection (6)(b) as "court administrators, law clerks, legal research assistants or secretaries, or any combination thereof." The statute states that members of the support staff are to be hired by the chancery and circuit judges, and are to work at the will and pleasure of the judges. However, such hiring is to be approved by the AOC and is to be done within AOC guidelines concerning job descriptions and salaries.

COURT REPORTERS

Under Section 9-13-19(4), *Mississippi Code of 1972 Annotated*, effective “[f]rom and after October 1, 1996, all circuit and chancery court reporters will be employees of the Administrative Office of Courts”. The counties in a chancery or circuit district transfer a proportionate share of the reporter’s salary to the AOC for distribution.

As per Section 9-13-19, *Mississippi Code of 1972 Annotated*, the following policy was established for court reporters performing the duties of a court administrator in the same judicial district in which the person is employed as a court reporter. The court reporter may be paid additional compensation for performing the court administrator duties. The additional compensation shall be submitted to the AOC for approval.

AOC POLICY FOR THE PAYMENT OF ADDITIONAL COMPENSATION FOR COURT REPORTERS PERFORMING COURT ADMINISTRATOR DUTIES

In accordance with Section 9-13-19, *Mississippi Code of 1972 Annotated*, as amended by the 1997 session of the Mississippi Legislature, the Director hereby states as AOC policy the method by which approval can be obtained for the additional compensation for court reporters performing court administrator duties. Court reporters may be compensated for up to ten (10) hours per week at an hourly rate approved by the Director, with said additional hours documented and certified by the court reporter and the reporter’s judge. Since the position of official court reporter is regarded as a full-time job consisting of a forty-hour work week (which does not include time spent by the reporter on transcripts), additional hours spent performing court administrator hours must not interfere with a reporter’s official duties. In setting the amount of court administration hours, judges should take care to ensure that the additional court administrator duties are performed in addition to the full-time court reporter duties.

According to Section 9-13-19, *Mississippi Code of 1972 Annotated*, any additional amount of compensation is to come from the counties in the same percentage that is used to pay the reporter’s normal salary.

In addition, the Director will not approve any request for additional compensation which exceeds the amount to be paid for ten (10) hours per week of work for court administrator duties. Court districts employing full-time court administrators will not be eligible to pay additional compensation to court reporters under this policy.

Topic: **INTRODUCTION**

Effective Date: September 1, 2010

Subtopic: **LOCATION OF OFFICES**

Revision Date:

Section: 1.3

The Administrative Office of Courts, the Office of Finance and Administrative Services, and the Board of Certified Court Reporters are headquartered in the Carroll Gartin Justice Building located at the corner of High and West Streets in the City of Jackson.

Physical street address: 450 High Street
 Jackson, MS 39201

Mailing addresses: Administrative Office of Courts
 P.O. Box 117
 Jackson, MS 39205-0117

 Office of Finance and Administrative Services
 P.O. Box 117
 Jackson, MS 39205-0117

 Board of Certified Court Reporters
 P.O. Box 369
 Jackson, MS 39205-0369

SUPPORT STAFF AND OFFICIAL COURT REPORTERS

The trial court support staff and official court reporters are found in various courthouses and judges' offices around the State. To locate a particular member of a chancery or circuit court support staff, contact the main office of the AOC at the address listed above.

Topic: **PERSONNEL POLICIES**

Effective Date: September 1, 2010

Subtopic: **EMPLOYMENT POLICIES**

Revision Date:

Section: 2.1

EQUAL EMPLOYMENT OPPORTUNITY

The AOC is an equal opportunity employer. The goal of the AOC is to administer its employment policies in order that all qualified persons are afforded an equal opportunity for employment and/or promotion without discrimination due to race, religion, or national origin.

EMPLOYMENT STATUS

All employees of the AOC are at-will employees. The trial court support staff serve at the will and pleasure of the local trial court judge or judges (chancery or circuit) by whom they are hired with AOC approval and within AOC guidelines. The term of an official court reporter is four years and is concurrent with the term of office of the judge for which the court reporter works.

Employment at-will simply means the traditional relationship between employer and employee, so that the relationship is for no fixed period of time and may be terminated at any time by either party unilaterally, with or without cause. No employee in any supervisory capacity has the authority to enter into any type of contract of employment with any employee, or in any way modify the at-will relationship.

POSITION CLASSIFICATION

Job classes are groupings of individual positions that are similar in terms of the major duties performed and the knowledge, skills, and abilities necessary for successful job performance. Each job class has specific minimum education and experience requirements. A pay range is assigned to each job class.

The AOC maintains separate job descriptions for each job class which contain pertinent general information about the respective job classes.

EMPLOYMENT POLICY AND PROCEDURE RESPONSIBILITY

The Director shall have the responsibility to coordinate the hiring of all prospective employees of the AOC. This responsibility shall include coordinating promotional or recruitment efforts, monitoring each prospective applicant's process through the recruitment and selection procedures established by the AOC, and drafting written notifications and any other correspondence.

The interviewing and hiring of trial court support staff is to be the prerogative of the chancery and circuit judges, within the guidelines set by the AOC.

INTERNAL PROMOTIONS

The AOC seeks to promote from within whenever possible and encourages its employees to apply for positions which will result in opportunities for promotions. A list of vacancies, as they occur, with job description, duties, and locations will, except in the case of extreme emergency, be posted on the AOC's website for a minimum of seven work days. All employees meeting the job qualifications and choosing to be considered for the vacant position should submit a resume to the Director. The AOC may also advertise vacancies to the public in a manner appropriate and efficient considering the position and its requirements. All promotions will be made on the basis of merit. An employee will be promoted only if he or she can satisfactorily perform the duties and responsibilities of the vacant position.

The chancery and circuit judges may establish their own policies and procedures for internal promotions of their support staff as long as the candidates meet the standards and job descriptions for the position set by the AOC.

OPEN RECRUITMENT AND EXTERNAL HIRING

The AOC actively recruits persons for vacancies. Prospective employees submitting applications, or resumes, or making inquiries directly to the AOC, will be asked to contact the Director. All prospective applicants are to send their applications to the Director.

Applicants seeking jobs with trial judges should submit their applications to the trial judge's office.

INTERVIEW PROCESS

Contact for Interview: The Director will notify applicants chosen for interviews by telephone or letter. Applicants seeking jobs with trial judges will be contacted by the trial judge's office.

Interviews: All AOC interviews will be conducted by the Director and another staff member. All applicants will be asked to provide at least three references during the interview. The chancery and circuit judges will have varying interview methods.

Reference Checks: The Director will check references of those who ultimately are considered for employment. Before an applicant's present employer is contacted, the applicant must consent in writing.

EMPLOYMENT PROCESSING

The Director or his designee shall send an employment notification letter containing the position, the salary, the start date of employment, and any other pertinent information. A copy of this letter shall also be provided to the Finance Office.

DATE OF INITIAL EMPLOYMENT

The day that the employee reports to work is designated as the date of initial employment and the date the employee's name goes on payroll. If the date of initial employment falls on the first day

of the month and the first day of the month falls on a Saturday, Sunday, or a holiday, the employee shall be considered reporting to work on the first day of the month. Should an employee's date of initial employment fall on a date other than the first day of the month, salary, personal leave, and major medical leave will be prorated for the employee's first month of employment.

EMPLOYEE ORIENTATION

A new employee with the AOC shall report on the first workday to the Director. The Director will be responsible for initial introductions to fellow employees. The Director will be responsible for making orientation arrangements for new employees and for providing the Finance Office with advance notice of the first workday of all new employees. The Director will also provide the new employee with a copy of this manual.

Each chancery or circuit judge may conduct employee orientation in whatever manner they deem suitable. The AOC will see that the new support staff employees receive the documentation and forms needed to insure salary and fringe benefits coverage in a timely manner, including a copy of this manual.

STATE SERVICE AND NON-STATE SERVICE STATUS

The State Personnel Board identifies employees of the state agencies as either state service employees or non-state service employees. The Legislature has defined non-state service employees and state service employees in Section 25-9-107, *Mississippi Code of 1972 Annotated*. The judiciary is a constitutionally created, distinct, separate, and independent branch of government, and, as such, is not subject to the jurisdiction of the State Personnel Board. Nevertheless, when personnel move back and forth between employment in the judiciary and other branches of state government, the leave and retirement benefits accrued by the employee are recognized and will not be lost unless other policies of the judiciary are found to be in conflict.

All employees of the AOC are at-will employees and may be terminated at any time with or without cause. As such, they are non-state service employees. ***Non-state service employees cannot receive true permanent status as defined for state service employment, have no property rights in the job, and may be terminated with or without cause or notice.*** (*Permanent state service employees cannot be removed from an employment position without just cause*). An employee in state service who accepts a transfer into an AOC non-state service position automatically loses permanent state service status. To re-enter the state service, a non-state service employee must go through the appropriate selection process as defined by the Mississippi State Personnel Board.

Authorized salaries are determined in accordance with the provisions of the compensation plan approved by the AOC for the current fiscal year, in accordance with availability of funds.

AUTHORIZED SALARY

The authorized salary for a new employee is determined by the Director within the appropriate job class. At the discretion of the Director and on the basis of a new employee's superior education and experience, a new employee may be appointed at a salary above the starting salary for the appropriate job class.

Authorized salaries are determined in accordance with availability of funds for the current fiscal year.

Chancery and circuit judges are responsible for determining the salary for trial court support staff within the guidelines established by and with the approval of the AOC.

OUTSIDE EMPLOYMENT

Engaging in outside employment activities during office hours or through use of office supplies, telephone equipment, computer equipment, or other facilities is *prohibited*.

Any employee of the AOC wishing to seek outside employment must accept the condition that the AOC's employment and responsibilities take precedence. All outside employment must be approved in writing, in advance, by the Director.

All law clerks, staff attorneys, or any other support staff that are members of the Mississippi Bar shall devote their full time to their staff duties, and shall not engage in the private practice of law. With written advance approval, the Director may allow employees to engage in academic or teaching activities which do not conflict with their responsibilities to the judiciary.

DISCRIMINATION AND GRIEVANCE

All grievance complaints asserting discrimination or inappropriate conduct by a supervisor or co-worker shall be made with the Director unless the person who is accused of improper action is the Director, and in such case the complaint will be made with the Chief Justice.

Normally, grievance complaints shall be in writing signed by the employee registering the complaint. Where circumstances do not permit the preparation of a written complaint for initial reporting, the employee shall reduce the complaint to a signed document as soon as practicable.

Such complaints will be investigated and responsive action will be taken as appropriate. AOC policy specifically prohibits any and all retaliatory acts or statements against persons who utilize their grievance rights.

SEPARATION

A separation is the termination of an individual's employment with the AOC. A separation may be for no cause or due to a number of causes including an employee's resignation or retirement, failure to satisfactorily perform assigned duties, or the abolition or restructuring of positions.

An AOC employee who plans to resign or retire is asked to notify his or her immediate supervisor in writing thirty days prior to the employee's planned departure.

Immediately upon a status change in trial court support staff employment (resignations, terminations, retirement, etc.) please contact the Director and/or the Finance Office. The judge must provide the AOC with a certified copy of the termination order. This allows the AOC to delete this individual from our payroll records. An employee who plans to resign or retire should notify his or

her judge and the Finance Office in writing as soon as possible. *A minimum notice of ten (10) working days is expected.*

All employees who leave the employment of the AOC will complete a “Separation Form” prior to their departure.

COBRA INSURANCE

Under certain circumstances, an employee may continue coverage under the group health insurance plan after termination for up to 18 months, or for qualified dependants (i.e., a child who has reached a certain age) for up to 36 months. This option, known as COBRA (Consolidated Omnibus Budget Reconciliation Act), allows for this coverage to be continued if the cost is paid by the individual. For details, you should examine your medical insurance handbook or consult with the Finance Office.

PERSONNEL RECORDS

A personnel file for each staff member is maintained in the Finance Office. The personnel file is accessible to the staff member for inspection in the Finance Office at any time during normal business hours. Access to individual files is restricted to the individual employee, the employee’s immediate supervisor, the Finance Office staff, and the Director.

OFFICE HOURS

The AOC shall be open and staffed for the normal conduct of business from 8:00 a.m. until 5:00 p.m., Monday through Friday, except on legal holidays. Employees are required to work eight hours per day. The standard work day runs from 8:00 a.m. to 5:00 p.m. with a one hour lunch period. However, this may differ where an employee works on a flex-time schedule. It is important to note that employee flex-time is a privilege and should not interfere with work schedules and deadlines. The standard work day for trial court support staff will be established by each chancery and circuit judge.

Professional staff are exempt from federal wage and hour laws and may from time to time work hours in excess of the standard work day and will be called on at hours other than those established as normal working hours without additional compensation or benefits.

FLEX-TIME SCHEDULES

At the discretion of the Director, AOC employees may be allowed to work flexible schedules (flex-time). Trial court support staff may be allowed to work flexible schedules at the discretion of their judge.

ATTENDANCE

All employees are expected to report to work on time and to maintain regular attendance. Unexpected absences or tardiness are to be reported to the immediate supervisor or, in the supervisor’s absence, to other appropriate supervisory staff no later than thirty minutes after the

employee is expected to report to the work site. All employees who accrue personal or medical leave shall also submit a Request for Authorized Leave form.

When a staff member must necessarily be out of the office during the work day for a planned absence, it is incumbent upon that staff member to properly notify their immediate supervisor or designee of the impending absence.

DRESS CODE

Employees are expected to be neat, well-groomed, and appropriately dressed at all times. Professional business dress is expected of all staff during business hours. Casual dress is acceptable for after hours work on nights or weekends.

Trial court support staff shall abide by the dress code established by their judge.

WORK PRODUCT

All materials prepared by staff are the property of the judiciary and no items are to be removed without express permission. On leaving the judiciary, one who wishes to take materials as writing samples must obtain permission from the Director or his or her judge.

Topic: **PERSONNEL POLICIES**

Effective Date: September 1, 2010

Subtopic: **FRINGE BENEFITS**

Revision Date:

Section: 2.2

HOLIDAYS

In the discretion of the Director, the AOC may observe the below listed legal holidays. In those instances where the Director or a judge requires staff to work on a legal holiday, the staff may be entitled to compensatory credit for the number of hours actually worked.

<u>Holiday</u>	<u>Date</u>
New Year's Day	January 1
Martin Luther King's/ Robert E. Lee's Birthday	3 rd Monday in January
Washington's Birthday	3 rd Monday in February
Confederate Memorial Day	Last Monday in April
National Memorial Day/ Jefferson Davis's Birthday	Last Monday in May
Independence Day	July 4
Labor Day	1 st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4 th Thursday in November
Christmas Day	December 25

If a legal holiday falls on a Saturday or Sunday, the Secretary of State generally will designate the following Monday as the official day for recognition of the holiday.

Any other day proclaimed as an official state holiday may, in the discretion of the Director, be observed as a legal holiday.

If your judge chooses to substitute Good Friday for Confederate Memorial Day, the employee cannot claim both days as paid legal holidays.

INSURANCE PROGRAMS

The judiciary offers various insurance programs for the benefit of employees. These programs are offered at no cost or at reasonable cost to the employees and include medical, dental, life, intensive care, disability, and special cancer treatment insurance for the employees and their dependents, in addition to Workers' Compensation and Old Age, Survivors and Disability (Social Security) benefits administered under the Federal Social Security Act.

Details regarding these programs may be obtained through the Finance Office or online at <http://knowyourbenefits.dfa.state.ms.us/>.

In the event of any conflict between the descriptions set out herein or explanations given by the Finance Office on the one hand, and the insurance policies, benefits booklets, or other coverage and benefits documents issued by the insurers or benefits administrators on the other hand, the provisions of those policies, booklets, and other coverage and benefit documents issued by the insurers or benefits administrators shall control.

PAYROLL CAFETERIA PLAN

The AOC makes available a Flexible Benefit/Medical Reimbursement Cafeteria Plan at no cost to the staff. Participation is optional. The Plan offers employees a mechanism to reduce federal and state tax liability and increase "take home" pay by shielding from taxation those dollars used to:

- purchase insurance coverages as described above;
- pay unreimbursed medical costs not otherwise covered by insurance (medical reimbursements).

The Plan Documents, Adoption Agreement, and Administration Agreement are filed with the Finance Office and are available for inspection by all staff during normal business hours.

Workers' Compensation Insurance: All employees are covered by workers' compensation insurance. An employee injured on the job or while on travel status is entitled to financial and medical aid under this insurance program in accordance with state law. In order to assure that the maximum coverage is received, all injuries must be reported immediately to the employee's supervisor.

Forms used to report injuries to the workers' compensation insurance administration may be obtained from the Finance Office. These must be mailed to the address on the form and a copy must be forwarded to the Finance Office.

WORKERS' COMPENSATION PROCEDURES

The Workers' Compensation Law of Mississippi holds **the employer** responsible for reporting employee injuries. It is important to document any and all job-related injuries of an employee, regardless of the severity. Any employer who refuses or neglects to make injury reports required by law can be subject to fines and penalties by the Workers' Compensation Commission.

Employees should report all accidents and/or injuries/sickness to your supervisor immediately, regardless of how minor they may seem. This can be done in writing or orally.

The **supervisor** should immediately notify the Director.

RETIREMENT PLAN

All employees are covered by the Mississippi Public Employees' Retirement System [hereinafter referred to as PERS]. A portion of each employee's wages is deducted monthly for the retirement system. The judiciary also contributes to each employee's retirement. This is a very desirable benefit of working for the judiciary. Details may be obtained through the Finance Office or on the PERS website at <http://www.pers.state.ms.us>.

OTHER BENEFITS AND PROGRAMS

All new employees should also become familiar with the other programs, including the Mississippi Government Employees' Deferred Compensation Plan (<http://www.pers.state.ms.us/>), unemployment compensation available through the Mississippi Department of Employment Security (<http://www.mdes.ms.gov/>), and the State Offices' Credit Union (<http://www.employeesfcu.com>).

Topic: **PERSONNEL POLICIES**

Effective Date: September 1, 2010

Subtopic: **COMPENSATION**

Revision Date:

Section: 2.3

COMPENSATION PLAN

The compensation plan administered by the AOC governs salary administration. This compensation plan provides a standardized method of assigning pay ranges to job classes and of determining the salary paid to each employee upon original appointment and with each salary change while the employee remains in the same job class or as the employee moves to a different job class.

All employees are paid on the last working day of each month and the pay warrant reflects compensation for that month. The State will not allow a salary to be paid in advance. Payroll warrants cannot be issued until payday and will not be issued to anyone other than the employee unless the employee makes arrangements with the Director and designates someone to receive the warrant in his or her absence. Employees unable to receive their warrants in person may request them to be mailed to a designated address. Employees are also given the option of having their paychecks deposited directly to their bank accounts.

Insurance coverage, federal and state tax exemptions, deferred compensation, credit union deductions, and cafeteria plan contributions all affect an employee's withholdings. If an employee wishes to make any change which will affect payroll withholdings, the employee should contact the Finance Office before the **fifth** of each month. The Finance Office staff will have the employee complete the required forms in order for the adjustments to become effective. Any changes requested after the fifth of the month may not go into effect until the following month. Each employee is responsible for ensuring that the employee's personnel records on file with the Finance Office are current and correct. Employees are required to report any change in information on these records (i.e., name, address, telephone number, increase or decrease in dependents, etc.) to the Finance Office. Employees must give any changes in payroll deductions for status changes, exemptions changes, insurance, deferred compensation, etc. to the Finance Office in writing.

Any new employee whose initial appointment is not approved by the AOC prior to the **fifteenth** of the month, and any employee whose pay is docked or who terminates employment after this date, may not receive a warrant on the regular payday. In such instances, the employee will be paid on a supplemental payroll or on the next month's payroll.

Topic: **PERSONNEL POLICIES**

Effective Date: September 1, 2010

Subtopic: **LEAVE**

Revision Date:

Section: 2.4

POLICY

The State offers to the AOC and its staff all of the several benefits attendant to employment with the state including holidays, leave, and payroll benefits. These benefits are subject to change, and in the event of any conflict between the description of benefits in this manual and state law, state law shall control. Questions regarding such benefits should be addressed to the Finance Office.

Eligible employees earn and accumulate personal and major medical leave after completing one month of continuous service. Such leave is available for the employee's use the first day of the month after the leave is accrued. The AOC cannot increase the amount of personal leave to an employee's credit, and it is unlawful for an appointing authority to grant personal and major medical leave in an amount greater than was accrued and accumulated by the employee.

TRANSFER OF LEAVE BETWEEN STATE AGENCIES

Personal and major medical leave accrued by employees is transferable between or among the branches and agencies of state government. Compensatory leave is not transferable.

Upon transfer, leave accrual rates at the receiving branch or agency will reflect total continuous service. An employee transferring with a break in service must begin accruing at the rate established for new employees. Lump sum payment for personal leave and/or lapse of one eight-hour workday between the termination date at the old branch or agency and effective date into a new branch or agency denote a break in service.

PERSONAL LEAVE

Personal leave allows employees to be absent from duty with pay for such purposes as vacation or personal business. Each AOC employee shall be allowed credit for personal leave computed as follows:

<u>Continuous Service</u>	<u>Accrual Rate (Monthly)</u>	<u>Accrual Rate (Annually)</u>
1 month to 3 years	12 hours per month	18 days per year
37 months to 8 years	14 hours per month	21 days per year
97 months to 15 years	16 hours per month	24 days per year
Over 15 years	18 hours per month	27 days per year

Part-time employees shall accrue personal leave on a pro-rata basis. **Personal leave is credited to an employee on the last workday of the month upon completion of that month's service.** This

leave may then be used during the following month.

Although personal leave is accrued at the same rate as for those employees under the State Personnel Board, there is no right to take all leave that accrues. Personal leave will be allowed only as work requirements permit in the discretion of the Director or your judge. Accumulated leave may be “cashed in” or used as retirement time credit as explained below.

Official Court Reporters are not entitled to be absent from duty with pay for such purposes as vacation or personal business.

A. Assignment of duties

Employees who take personal leave have the responsibility to make prior arrangements to assure performance of assigned duties and assure the orderly operation of their office in their absence.

B. Unused personal leave

Upon termination of employment, each eligible employee may be paid for not more than thirty (30) days of accumulated personal leave. Unused personal leave in excess of thirty (30) days shall be counted as creditable service for the purposes of the retirement system as provided in *Miss. Code Ann.* §§ 25-11-103 and 25-13-5.

The beneficiary of an employee who dies with unused personal leave shall receive payment for all personal leave accumulated but not used by the employee. The beneficiary designated with PERS will receive these benefits unless another beneficiary has been designated in accordance with *Miss. Code Ann.* § 9-3-97.

C. Maximum limit

There is no limit to the amount of personal leave which may be accumulated.

MAJOR MEDICAL LEAVE

AOC employees shall accrue credits for major medical leave as follows:

<u>Continuous Service</u>	<u>Accrual Rate (Monthly)</u>	<u>Accrual Rate (Annually)</u>
1 month to 3 years	8 hours per month	12.0 days per year
37 months to 8 years	7 hours per month	10.5 days per year
97 months to 15 years	6 hours per month	9.0 days per year
Over 15 years	5 hours per month	7.5 days per year

Part-time employees shall accrue major medical leave on a pro-rata basis. **Major medical leave is credited to an employee on the last workday of the month upon completion of this month’s service.** This leave may then be used during the following month.

All unused major medical leave shall be counted as creditable service for the purposes of the retirement system.

Official Court Reporters, however, are entitled to only 45 days of major medical leave per calendar year. “The regular court reporter shall not draw any compensation while the assistant court reporter alone is serving, however, in the event the assistant court reporter is serving because of the illness of the regular court reporter, the court may authorize payment of said assistant court reporter from the Administrative Office of Courts without diminution of the salary of the regular court reporter, for a period not to exceed forty-five (45) days in any one (1) calendar year.” *Miss. Code Ann.* § 9-13-17.

A. Eligibility

Major medical leave may be used for the illness or injury of an employee or member of the employee’s immediate family as defined herein, only after the employee has used one (1) day of accrued personal or compensatory leave for each absence due to illness, or leave without pay if the employee has no accrued personal or compensatory leave. However, major medical leave may be used, without prior use of personal leave, to cover regularly scheduled visits to a doctor’s office or a hospital for the continuing treatment of a chronic disease, as certified in advance by a physician. For each absence due to illness of thirty-two (32) consecutive working hours (combined personal leave and major medical leave) major medical leave shall be authorized only when certified by the attending physician.

Court reporters, however, should use medical leave to cover the first day of an absence due to illness because they do not accumulate personal leave.

For the purpose of this subsection the immediate family is defined as spouse, parent, step-parent, sibling, child, step-child, grandchild, grandparent, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law.

B. Eligibility in event of a death in the employee’s immediate family

An employee may use up to three days of accrued major medical leave in any calendar year because of a death in the immediate family requiring the employee’s absence from work. No qualifying time or use of personal leave will be required prior to use of major medical leave for this purpose. For the purpose of this subsection the immediate family is defined as spouse, parent, step-parent, sibling, child, step-child, grandchild, grandparent, son-in-law, daughter-in-law, mother-in-law, father-in-law, brother-in-law, or sister-in-law.

C. Procedure for taking major medical leave

An employee who must miss work due to illness or injury should report this fact to his or her supervisor as soon as this fact is known, or no later than 30 minutes after the designated start of the workday, or if this is not possible, as soon thereafter as is possible. Illnesses should be reported to the immediate supervisor or his or her designee. Leave forms must be completed immediately upon return to work.

In cases of illness or disability exhausting available major medical leave, employees may be allowed to charge the excess days against accumulated personal leave or compensatory holiday time earned by those employees. If all accumulated major medical leave and personal leave and compensatory time have been used, employees are subject to a pro-rata deduction from their salaries for the length of time or number of hours in excess of accumulated leave.

D. Responsibility for work

Insofar as possible, each employee absent for illness or injury should make every effort to assure the orderly transfer and performance of duties during the employee's absence.

E. Unused major medical leave

When an employee leaves state service, all unused major medical leave shall be counted as creditable service for the purposes of the State Retirement System.

Employees who terminate their employment with the state may not be paid for unused major medical leave except employees who present medical evidence that their physical condition is such that they can no longer work in any capacity of state government may be paid for not more than one hundred twenty (120) days of earned major medical leave.

In the event that an employee dies with unused major medical leave, the leave is counted as creditable service for the employee's retirement plan. The employee's beneficiary does not receive payment for the accrued major medical leave not used by the deceased employee.

F. Maximum limit

There is no limit to the amount of major medical leave which may be accumulated.

DONATED LEAVE

Donated leave for catastrophic injury or illness as defined in *Miss. Code Ann.* § 25-3-91 shall be administered in accordance with *Miss. Code Ann.* § 25-3-95(8), except as otherwise provided herein. Employees may donate a portion of their accrued personal or major medical leave to another employee who is suffering from a catastrophic injury or illness, or to another employee who has a member of his or her immediate family who is suffering from a catastrophic injury or illness. All donated leave is subject to approval of the Director and all decisions regarding the eligibility of an employee to donate or receive donated leave are made by the Director and are not subject to appeal.

For the purpose of this provision, "immediate family" means spouse, parent, step-parent, sibling, child, or step-child.

The maximum period of time that any person may use donated leave without resuming work is ninety (90) days, which commences on the first day that the recipient employee uses donated leave. Donated leave that is not used because a recipient employee has used the maximum amount of donated leave authorized under this section shall be returned to the donor employee.

No person through the use of coercion, threats, or intimidation shall require or attempt to require any employee to donate leave to another employee. Any person who alleges a violation of this paragraph shall report the violation to the Director.

MILITARY LEAVE

Eligible employees who are members of the armed forces may claim up to fifteen (15) working days of military leave with pay in any one calendar year if they are required to perform official military duties. Leave for military purposes which is in excess of the fifteen (15) day limit and not granted under the federal Uniformed Services Employment and Re-employment Act (38 U.S.C. § 4301 et seq.) may be allowed in the discretion of the Director and is charged against accumulated personal leave. If the employee has no accrued personal leave, the excess must be leave without pay. A copy of the order requiring the performance of military duties must be presented to the Director in order for the military leave to be approved. Compensated military leave is allowed under Miss. Code Ann. § 33-1-21 and is limited to the provisions thereof.

Eligible employees may claim military leave with pay for the time required to report and be processed for a military pre-induction examination.

Eligible employees are granted a leave of absence without pay when they enlist or are drafted into the Armed Forces of the United States and have certain rights of re-employment under the provisions for the Federal Uniformed Services Employment and Re-employment Act. Information regarding the reinstatement of employment for honorable discharged military service personnel may be obtained from the Finance Office.

ADMINISTRATIVE LEAVE

Administrative leave is leave with pay which may be granted in the following circumstances:

- 1) The Director or the judge may grant administrative leave to any employee serving as a juror, witness under subpoena, or party litigant as verified by the Clerk of the Court, or for any other purpose certified necessary by the Director or judge. The Director may require a copy of the summons or subpoena with the application for leave. Approval of administrative leave for a witness or party litigant is contingent upon the relatedness of the court case to the official business of the court.
- 2) The Governor, the Chief Justice, the Director, or the employee's judge may grant administrative leave to employees in the event of extreme weather conditions or in the event of a man-made, technological, or natural disaster or emergency.
- 3) The Director may grant administrative leave with pay to any employee who is a certified disaster service volunteer of the American Red Cross and who participates in specialized disaster relief service for the American Red Cross in this state and in states contiguous to this state when the American Red Cross requests the employee's participation. Administrative leave granted under this paragraph cannot exceed twenty (20) days in any twelve-month period. An employee on leave under this paragraph is not considered to be an employee of the state for the purposes of

workers' compensation or for purposes of claims against the state allowed under the Mississippi Tort Claims Act. As used in this paragraph, the term "disaster" includes disasters designated at level II and above in the American red Cross national regulations and procedures.

COMPENSATORY LEAVE

Compensatory leave is discretionary and may be granted to employees who work on state holidays in an hourly amount not to exceed the number of hours worked on the holiday and who are not exempt under Department of Labor regulations promulgated pursuant to the Fair Labor Standards Act. The legal staff and department directors are exempt and do not qualify for compensatory leave. Compensatory leave for nonexempt employees may also be granted for work performed beyond the regular eight-hour work day. However, all such work must first be approved by the Director or the employee's judge. All compensatory leave must be used before an employee uses accrued personal or medical leave and must be used within twelve months of accrual. Compensatory leave not taken within such twelve month period will expire.

LEAVE WITHOUT PAY / LEAVE OF ABSENCE

Employees are required to take leave without pay for absences for which personal leave, major medical leave, military leave, administrative leave, or compensatory leave may not be taken. Leave without pay is not favored, may not be used until all other available leave is exhausted, and must be pre-approved by the Director or the employee's judge.

In unusual circumstances, the Director or the employee's judge may grant an employee a leave of absence without pay for a period of up to twelve (12) months. The employee does not forfeit accumulated continuous service with an authorized leave of absence. **Payment of insurance premiums while on leave without pay is the responsibility of the employee.** Information in this regard may be obtained through the Finance Office.

USE OF LEAVE DURING PREGNANCY

Federal law requires that women affected by pregnancy, childbirth, or related medical conditions shall be treated the same for all employment-related purposes, including the receipt of benefits under fringe benefit programs, as other persons not so affected but similar in their ability or inability to work. (42 U.S.C. § 2000e(k))

Leave during pregnancy is granted in accordance with the policies and rules governing:

- 1) Major medical leave;
- 2) Personal leave; and
- 3) Leave without pay.

When certified in advance by her medical doctor, a pregnant woman may use her major medical leave for regularly scheduled prenatal care by her doctor.

A pregnant woman is never terminated because of pregnancy, nor is she ever required to take

mandatory leave during the course of her pregnancy.

FAMILY AND MEDICAL LEAVE

The Family and Medical Leave Act (FMLA) was enacted into law on February 5, 1993, and took effect on August 5, 1993. The FMLA makes it unlawful for any state agency to discharge or discriminate against any person for opposing any practice made unlawful by the Act or for involvement in any proceeding under or relating to the Act. Further, the appointing authority shall not interfere with, restrain, or deny the exercise of, or the attempt to exercise any right provided under the Act. The FMLA does not affect any other federal or state law that prohibits discrimination and does not supersede any state or local law which provides greater and more generous leave rights.

FMLA entitles eligible state employees to take up to 12 weeks of **unpaid, job-protected leave** during any 12 month period for the following family and medical reasons:

- a) for the birth or placement of a child for adoption or foster care;
- b) to care for an immediate family member with a serious health condition; or
- c) to take medical leave when the employee is unable to perform the functions of the employee's position because of a serious health condition.

Entitlement to leave under (a) above shall expire at the end of the 12 month period beginning on the date of such birth or placement. The 12 month period under (b) and (c) above will begin on the date of the employee's first FMLA leave.

An eligible employee is one who has been employed by the state for at least a total of 12 months, and has worked for at least 1,250 hours over the prior 12 months.

Employees, with the exception of certain highly paid "key employees," are entitled to be restored to their positions after returning to work. The employee will be entitled to be restored by the AOC to the position held by the employee when the leave commenced **or** the employee will be entitled to be restored to an equivalent position with equivalent benefits, pay status, and other terms and conditions of employment. Additionally, the employee will not lose any employment benefit accrued prior to the date on which leave commenced; however, the employee will not accrue any employment benefits during any period of FMLA leave.

An employee who qualifies as a "key employee" may be denied restoration to employment. A "key employee" is one who is salaried and is "among the highest paid 10 percent" of the employees. The AOC may deny restoration to a "key employee" only as necessary to prevent substantive and grievous economic injury to the AOC's operations.

An employee who elects to use paid leave rather than FMLA leave should make a written request of his or her intent to use accrued paid leave. The employee should explain the reasons for the request to substitute major medical and/or personal leave and provide sufficient information for the AOC to determine that the leave qualifies under the Act and to designate the paid leave as substitution for all or some portion of the employee's FMLA leave entitlement.

PROCEDURE FOR APPROVAL OF ALL LEAVE REQUESTS

Any employee desiring to take any form of leave shall complete a leave request form, have it approved by the Director or the employee's judge and forward it to the Director.

LEAVE REQUEST FORM

A leave request form must be submitted for any absence and should be completed as far in advance as possible. The form to be used is available in the Finance Office.

All leave forms, after approval by the designated person, should be forwarded to the Finance Office for processing. Required leave forms must be completed by the employee within specified time frames to ensure accurate accounting of leave balances. The employee will receive one (1) copy for his or her file.

The completion of this form is critical since unauthorized leave will be treated as leave without pay. Leave forms for major medical leave shall be completed as soon as possible.

Leave requests shall be reviewed by the Director in the order in which they are received to assure compliance with all leave guidelines.

MAINTENANCE OF LEAVE RECORDS

The Finance Office shall maintain leave records on each employee and shall inform the employee of leave balances on a monthly basis. This leave report will show leave earned and taken during the **previous** month. **The leave report does not report leave taken in the current month.** The employee and the employee's supervisor shall be responsible for maintaining a current balance of all unused leave in order to ensure the employee is not in a position to be on leave without pay.

LEAVE ACCRUAL AND TRANSFER

Leave is accrued and accruals are calculated after the employee has worked a full month, beginning with the date of initial employment. There is no limit on the amount of personal or major medical leave which can be accrued.

During the first month of employment, no leave may be taken unless it is leave without pay, compensatory leave earned, or administrative leave granted as described in these policies. Individuals transferring from another state agency who transfer accrued leave may take leave during the first month of employment if approved by the employee's supervisor.

If a former employee is re-employed after a break in service, that employee shall be considered a new employee with leave accrual calculated accordingly. The employee who returns to work after a break in service loses any leave balance the employee may have accrued from previous periods of employment with the AOC or any other state agency. Individuals employed by the AOC directly from another state agency with no break in service shall be allowed to transfer all accrued personal and major medical leave and to continue earning leave at the same rate.

TERMINATIONS

Payment of not more than thirty days (240 hours) of accumulated personal leave may be made to the employee during the pay period following termination whether by resignation, layoff, termination for cause, retirement, or other reasons.

Payment for unused compensatory time shall be made only as required by the Fair Labor Standards Act. In no instance will the employee receive compensation for any accumulated major medical leave.

Topic: **ETHICAL POLICIES**

Effective Date: September 1, 2010

Subtopic:

Revision Date:

Section: 3.0

CONFIDENTIALITY OF INFORMATION

All trial court support staff are to keep confidential any and all matters discussed between them and their judge unless their judge specifically permits them to disseminate the information to others.

POLITICAL ACTIVITY

Employees are prohibited from receiving any leave to campaign for any candidate. Employees whose salaries are paid in major part by federal funds are also subject to the provisions of the federal "Hatch Act" which prescribe and prohibit political activities of federal employees.

No employee may contribute to a political fund or render services for any political entity.

No employee may request or accept from any elected official any personal or individual advantage relating to compensation.

In Mississippi, since 1994, the appellate judges and chancery, circuit, and county court judges are elected in nonpartisan elections which are extensively regulated by the Constitution, statutes, including the Nonpartisan Judicial Election Act, Miss. Code Ann. §§ 23-15-974 to -985 (Rev. 2007), and the Code of Judicial Conduct.

Miss. Code Ann. § 23-15-973 (Rev. 2007) provides that:

these judicial offices are not political but are to be held without favor and with absolute impartiality as to all persons;

these judges should be as far removed as possible from any political affiliations or obligations; and

it is unlawful for any candidate for any of these judicial offices to align himself with any candidate or candidates for any other office of with any political faction or any political party at any time during any campaign.

In addition, Miss. Code Ann. § 23-15-874 (Rev. 2001), states;

A candidate for judicial office shall not use court administrators, deputy court administrators, court reporters, deputy court reporters, judges' secretaries or law clerks as workers in his campaign activities.

Canon 5 of the Code of Judicial Conduct requires that a judge or judicial candidate shall refrain from inappropriate political activity. This includes:

not acting as a leader or holding an office in a political organization;

not making speeches for a political organization or candidate or publicly endorsing a candidate for public office (of course, candidates for judicial office may engage in limited political activity by campaigning for the judicial office which they seek); [and]

not soliciting funds, paying an assessment or contribution to a political organization or candidate, not attending political gatherings, or purchasing tickets for political dinners or functions;

prohibiting employees from doing what the judicial candidate cannot do;

not making pledges or promises of conduct in office other than the faithful and impartial performance of the duties of office; and

not making statements that commit or appear to commit the candidate with respect to cases, controversies or issues that are likely to come before the court.

Therefore, the employees of the AOC and trial court support staff must remain apolitical at all times. Although you may vote in elections, active participation in any (including, but not limited to, judicial, presidential, congressional, legislative, gubernatorial, levee commissioner, county, or municipal) political campaign (e.g., fund-raising, donations, campaigning, preparing mailings, handing out campaign literature, working on campaign phone banks, wearing campaign buttons or stickers, displaying bumper stickers or signs, attending political dinners, rallies, or victory parties) is inappropriate and is prohibited during your employment with the AOC.

CONFLICT OF INTEREST

Employees must always maintain a nonpartisan attitude in dealing with attorneys, legislators, state agency personnel, and the general public. Employees should not allow personal convictions or opinions to influence their work or appear to influence their work and should avoid making statements that might be construed as being partisan and/or biased. Employees must refrain from publicly expressing any opinions, oral or written, which might be viewed as reflecting the mind of the judiciary.

Due to the sensitive nature of the work of the judiciary, employees must discharge their duties in a professional and exemplary manner that is beyond reproach. Each employee must conform to the rules specified by the judiciary with any infraction constituting grounds for dismissal.

Additionally, employees must not use their positions in either a private or official capacity where a conflict of interest may exist. An employee's first loyalty should be to the public interest and the integrity of the judiciary. Any associations that could affect the employee's objectivity in the performance of his or her job should be avoided and are prohibited.

Employees are expected to follow the office policies, procedures, and operating statements included in this manual, as well as other memoranda and special practices issued by the Director. Since cooperation and coordination are essential, courtesy and teamwork are expected from all employees in their working relationships.

Employees shall not give legal advice. Employees shall not repeat communications from litigants, interested parties, or their attorneys to the judges or to any other persons. Both during their employment with the AOC and after leaving, employees are prohibited by statute and by their oaths from disclosing the deliberative processes of the Courts, and employees shall not disclose confidential information after their tenure is terminated.

Employees shall not solicit nor accept any gift, favor, or anything of value based upon any understanding or under circumstances that would warrant an inference, correct or incorrect, that the official actions, decisions, or judgment of any employee would be influenced thereby. Employees shall use the resources, property, and funds under the employee's official control solely in accordance with prescribed statutory and regulatory procedures.

All attorneys working for the AOC are subject to the rules governing professional conduct of lawyers. All AOC employees are subject to the Code of Judicial Conduct.

Topic: **FACILITY USAGE POLICIES**

Effective Date: September 1, 2010

Subtopic: **GENERAL**

Revision Date:

Section: 4.1

POLICY

In order to maintain the highest productivity for its staff and to ensure efficient use of the available resources, the AOC has established policies which address the use of all facilities and equipment. Employees are encouraged to take pride in their work space and to utilize all departmental resources while performing their assigned tasks. When it does become necessary to take care of personal business during working hours, employees should request leave in order to handle these matters. In addition, these policies detail all procedures for utilizing department services in order to complete assigned tasks. Facilities and property of the AOC, the counties, or those belonging to the offices of the chancery or circuit judges, are to be used for official state business only and should **never** be used for personal gain nor should state property be abused.

EQUIPMENT AND INVENTORY

The State of Mississippi has stringent controls for the reporting of property designated as fixed assets. The State Property Office of the Department of Audit is responsible for supervising the reporting of, and accounting for, fixed assets. Each state office is responsible for recording, reporting, tagging, and taking a physical inventory for all fixed assets purchased.

The Finance Office has been assigned the responsibility for reporting fixed assets. In order to ensure accurate records, the following should be adhered to:

Each office/department should designate a person who will be responsible for the assigned office's property items. This contact person's name should be submitted to the Finance Office for future reference.

The Finance Office should be notified in writing by the contact person when property and equipment items are transferred, broken, or beyond repair and thus need to be deleted from the assigned office inventory system.

Office furniture should not be placed in the hallways. This is a fire hazard. If it is absolutely necessary to place furniture/equipment in the hallway for a short period of time, the Finance Office must first be notified.

Property lost because of theft, robbery, or mysterious disappearance should be reported to the Finance Office in writing at the time the loss is discovered. The report should be accompanied by an affidavit signed by the employee directly responsible for the property which was lost or stolen and a copy of any police report filed by an investigating law enforcement officer.

Property items **must not** be moved from their original locations (e.g., between offices) without a written request being submitted to the Finance Office. This request should include the inventory number, item description, current location, new location, signature of person releasing item, and signature of person receiving item. An employee should provide a list of inventory items (with serial numbers, if applicable) and location of items which are housed outside the AOC.

If inventory tags fall off of property, the Finance Office should be contacted immediately. They will replace the inventory tag using the original number that was assigned.

A physical inventory will be performed at least annually by the Finance Office. Likewise, physical inventories will be performed from time to time by a representative from the State Department of Audit. When notified of these inventories, the contact person should assist the designated Finance Staff and the State Property Auditor in locating all assigned inventory.

OFFICE TELEPHONES

The office telephone should be used only for conducting business. If it is absolutely necessary for an employee to use the office telephone for personal business, the call should be as brief as possible. Habitual and lengthy use of the telephone for conversations with relatives, friends, and outside business contacts will interrupt the office and the work flow and therefore is not permitted. Incoming personal calls that could result in abuse of the office telephone should be discouraged by all employees. Employees should never make personal long-distance calls which are charged to the AOC's, the county's, or the judge's telephone billing. Personal long-distance calls should be made through the employee's cell phone or charged to personal calling cards.

When you use the office telephone, the following requests are made:

1. If you are going to be away from your desk for any length of time, please let someone in your office know.
2. If you answer someone else's phone, you must follow through by taking any message and being sure that person receives it.
3. If you desire that your calls be handled in any particular manner, please communicate your instructions to the appropriate person.
4. Try to refrain from having your phone transferred to ring in another location unless it is absolutely necessary.

FAX MACHINES

The AOC, most courthouses, and many judges' offices have FAX machines. These machines are to be utilized solely for official business and personal usage is prohibited without the consent of the Director or your judge. If at all possible, please avoid using the FAX machine for transmitting or

receiving very long documents.

COPY MACHINES

There are copy machines in the courthouses and in many judges' offices. These machines are easy to operate with training, but are also sophisticated. Employees should become familiar with the proper procedures for use of the various models of copy machines. Should there be a malfunction, please contact the designated person immediately. Do not attempt to remedy a serious problem by yourself.

USE OF STATE PROPERTY FOR PERSONAL USE

Office photocopiers, postage meters, stationery, stamps, and other office supplies are not intended for personal use.

VISITORS AND AOC COMMUNICATIONS

You are a professional and as such will be afforded services of the staffs of the courthouses. Along with this courtesy, however, comes a responsibility to limit both excessive personal phone calls and excessive visitors. Additionally, the confidentiality of some of the trial court's work requires that you be cautious in allowing persons other than AOC or court personnel to frequent your office. Please let the proper persons in your courthouse or office know if you are expecting a visitor.

Judges will often have guests who will tour the offices and it is your duty to treat all guests in a friendly, courteous manner. Make certain that the proper security procedures are followed in all instances.

Topic: **FACILITY USAGE POLICIES**

Effective Date: September 1, 2010

Subtopic: **MAIL SERVICES**

Revision Date:

Section: 4.2

MAIL SERVICE

Court stationery, envelopes, and postage are to be used solely for conducting official business and should never be used for personal matters.

ELECTRONIC MAIL [See also following section on Technology]

If you have access to court provided e-mail, you should check your computer regularly for any such messages, as well as for other in-house messages.

All employees should consider their e-mails public communications and should have no expectation of privacy as to e-mail communications made on court equipment, servers, and/or networks. Such communications are subject to review by the Director or your judge, and under some circumstances, may be subject to subpoena.

Topic: **PURCHASING POLICIES**

Effective Date: September 1, 2010

Subtopic:

Revision Date:

Section: 5.0

POLICY

All purchases shall be made in such a manner as to obtain the most advantageous price, quantity, and quality for the state.

Topic: **TRAVEL POLICIES**

Effective Date: September 1, 2010

Subtopic:

Revision Date:

Section: 6.0

GENERAL

These guidelines and regulations for travel on official State of Mississippi business comply with the State Travel Management Program and are based on the guidelines established by the State Department of Finance and Administration in accordance with Miss. Code Ann. § 25-3-41. They are established to ensure fairness and consistency in the administration of travel expense reimbursement.

Prior approval of travel is required in order to obtain reimbursement for travel expenses.

A limited travel budget is provided for the judiciary. Occasions may arise where budget considerations will require imposing restrictions on expenditures. Travel expenses for day-to-day work functions have the highest priority. Where restrictions are necessary, consideration will first be given to reducing or eliminating out-of-state travel.

The AOC is not authorized under Mississippi Statutes to provide travel expenses for chancery and circuit court support staff. The Legislature has not appropriated to the AOC any funds for this purpose. Reimbursement for travel expenses of support staff other than court administrators and court reporters are within the discretion of the various counties, subject to the relevant code sections.

COURT ADMINISTRATORS

“For all travel required in the performance of official duties, the court administrator shall be paid mileage by the county in which the duties were performed at the same rate as provided for state employees in Section 25-3-41, Mississippi Code of 1972. The court administrator shall file a certificate of mileage expense incurred during that term with the board of supervisors for each participating county and payment of such expenses shall be paid proportionately out of the court administration fund established pursuant to Section 9-17-5.” *Miss. Code Ann.* § 9-17-1(4).

COURT REPORTERS

“For all travel required in the performance of official duties, the circuit or chancery court reporter shall be paid mileage by the county in which the duties were performed at the same rate as provided for state employees in Section 25-3-41, Mississippi Code of 1972. The court reporter shall file in the office of the clerk of the court which he serves a certificate of mileage expense incurred during that term and payment of such expense to the court reporter shall be paid on allowance by the judge of such court.” *Miss. Code Ann.* § 9-13-19(6).

LAW CLERKS AND OTHER TRIAL COURT SUPPORT STAFF

No specific statute directly provides for travel expense reimbursement to law clerks and other trial court support staff.

RECEIPTS

Please refer to the specific areas within these policies for details and exceptions concerning when receipts are required to be reimbursed for travel expenses. The procedures for recording and documenting expenses are also provided throughout these policies. Generally, receipts are required for the following items:

- Lodging
- Transportation costs (taxis, buses, etc.) if over \$10.00
- Parking expenses
- Tolls
- Business telephone calls
- Airline costs

CONTRACT TRAVEL AGENT

The Department of Finance and Administration is directed by statute to contract with a travel agent to provide travel services for state officers and employees traveling on official state business. This statute also states that, “[w]henever any state office or employee travels in the performance of his official duties by airline or other public carrier, he SHALL have his travel arrangements handled by such travel agency.” Contact the Finance Office for the name, address, and phone number of the state contract travel agent.

When the propriety of any item for reimbursement is questioned, such questions shall be referred to the Director for determination. The Director shall examine the details of the item, may require additional documentation or information from the employee, shall permit the employee to be heard if requested to do so, and shall make a determination on whether the item will be reimbursed.

- In considering appropriate means to avoid the expense budgets being exceeded or prematurely exhausted, the Director may restrict some or all out-of-state travel for part or all of a budget year.
- The Director shall examine requirements for out-of-state travel to determine (1) whether funds can be made available for such travel without jeopardizing in-state travel needs, and (2) whether the reason for the proposed travel has a significant relationship to furthering judicial education of the employee, or a significant relationship to the operation, development, or improvement of the state judiciary. Any out-of-state travel for any purpose must be approved by the Director prior to the travel occurring. Additionally, any expenses for the above-listed events which exceed established limits must be approved by the Director.

TRAVEL VOUCHERS

All travel vouchers should be prepared in ink or typed and should be given to the Finance Office at the end of each month. Original receipts shall be attached to the original voucher. The employee's name, address, and social security number should appear on the front of the voucher. All vouchers must be signed by the employee. Telephone expense, if any, should be separate from all other expenses. In-state travel may be continued in the spaces provided for out-of-state travel if extra space is needed. Points of travel must be indicated on travel vouchers whether in-state or out-of-state for every day that reimbursement is claimed. Employees are encouraged to submit one travel voucher for the entire month's expenses on the first working day of the following month.

NONALLOWED

Necessary travel expenses do not include personal expense items such as expenses for spouse travel, entertainment, liquor charges, and telephone calls to family members. Charges related to sightseeing (taxi, etc.) and other personal trips are also not allowed. Only actual business expenses shall be claimed on the travel voucher.

IN-STATE TRAVEL

Meals

Employees will be reimbursed for the actual cost of meals not to exceed the limit per day as set from time to time by DFA. The breakfast will be allowed when the departure time is prior to 6:00 a.m. or if overnight travel is involved. The evening meal will be allowed while traveling when the employee returns later than 8:00 p.m. or overnight travel is involved. "Early Departure" or "Early Arrival" must be footnoted on the employee's voucher. Meal receipts will not be required. Employees shall never receive meal reimbursement in excess of the DFA established daily limit for in-state travel.

In no instances will any meal be reimbursable in the city where the employee resides or has his or her official duty station.

Meal Tips

Meal tips should be included in the actual meal expense unless the inclusion of the tips would cause the meals to exceed the maximum daily limitation placed on meals. If the daily limitation would be exceeded, the employee is allowed to reflect meal tips as "other authorized business expenses" on the travel voucher. TOTAL MEAL TIPS SHALL NOT EXCEED FIFTEEN PERCENT OF THE MAXIMUM DAILY MEAL LIMITATION AND ARE LIMITED TO OVERNIGHT TRAVEL ONLY.

Lodging

Reimbursement for overnight lodging will be made when travel circumstances prevent departure and return travel in one day. Generally, any time the employee must travel a distance greater than sixty miles one way, the employee will be eligible for overnight lodging. Reimbursement for lodging

expenses will be made for the single-room rate. If a member of the employee's family or other non-state employee travels with the employee, the employee shall be reimbursed only the single-room rate. The single-room rate should be written across the face of the receipt and signed by the hotel clerk. Original hotel receipts must be submitted with the travel voucher for reimbursement. General government rates should always be required at the time the reservation is made or confirmed and again when checking into the hotel.

If the employee chooses to extend the stay for pleasure, the employee must note the leisure days and hotel rate not authorized as official state business on the paid receipt.

Private Automobile Travel

All actual and necessary personal automobile travel will be reimbursed at the rate established by DFA for each per actual and necessary mile traveled as provided by the Legislature in Section 25-3-41 of the *Miss. Code Ann.* The most direct route to a destination should be claimed for reimbursement purposes. The travel voucher must indicate if any intermediate stops were made. (Travel from a motel to a restaurant and back to the motel is not a reimbursable expense.)

Miss. Code Ann. § 25-3-43 provides that the Supreme Court shall have the power to adopt rules and regulations regarding the administration of travel expenses authorized pursuant to this section.

When two or more employees travel in one privately-owned vehicle, only one travel expense at the authorized reimbursement rate per mile shall be allowed. If subsistence is claimed while traveling with another person in a privately-owned automobile, entries shall be recorded on the employee's travel voucher and a statement must be added to the voucher that gives the name of the person in whose car the trip was made or which vehicle was utilized.

OUT-OF-STATE TRAVEL

State Contract Travel Agent

Whenever an employee travels by airplane or other public carrier, all travel arrangements (airline, lodging, etc.) must be handled by the contract travel agent. The only exception to this rule is when the employee is attending a conference which has reserved a block of rooms for its attendees. In this case, the employee may make his or her own lodging reservations utilizing the information supplied by the conference. The conference brochure detailing the room rates must accompany the employee's travel voucher in order for reimbursement to be authorized. If the conference has negotiated airfare rates, the employee must contact the state contract travel agent and provide the airfare rate and other pertinent information. The contract travel agent will then make the airline reservations utilizing this data to obtain the same rate.

Meals

Employees will be reimbursed for the actual cost of meals incident to official travel not to exceed the established limits. Meal and hotel allowances are established by DFA and vary based on the costs in the city to which travel is incurred. You should check with the Finance Office for the limits of these allowances in planning your travel.

If the actual meal costs listed on the travel reimbursement report are less than the maximum amount allowed, the employee will be reimbursed the actual meal costs (lesser of the two).

Meals which are included as part of a conference registration fee shall not be reimbursable on the employee's travel voucher. However, any fees charged to attend an official conference banquet or other official meeting where a meal is served that is not part of the conference registration fee may be reimbursed in total when supported by a receipt from the convention officials, even though this may cause the employee to exceed the daily maximum meal allowance.

Lodging

Reimbursement for lodging expenses will be made for the single-room rate. If a member of the employee's family or other non-state employee travels with the employee, the employee shall be reimbursed only the single-room rate. The single-room rate should be written across the face of the receipt and signed by the hotel clerk. Original hotel receipts must be submitted with the travel voucher for reimbursement. General government rates should always be requested at the time the reservation is made or confirmed and again when checking into the hotel.

When the traveler is using a public carrier for out-of-state travel, all lodging arrangements must be made through the contract travel agent unless the employee is attending a conference which has reserved a block of rooms for its attendees. In this case, the employee may make his or her own lodging reservations utilizing the information supplied by the conference. Additionally, the conference brochure detailing the room rates must accompany the employee's travel voucher and hotel receipt in order to receive reimbursement.

(Note: When transportation is performed in privately-owned motor vehicles, the employee is not required to use the state contract travel agent for hotel arrangements, but may do so if he or she chooses.)

If the employee chooses to extend the stay for pleasure, the employee must note the leisure days and hotel rate not authorized as official state business on the paid receipt.

Travel by Public Carrier

Whenever an officer or employee travels by airline or other public carrier (e.g., Amtrak), all travel arrangements must be handled by the state contract travel agent. The travel agent will send the traveler an itinerary form attached to the inside of the ticket jacket which will include airline and hotel confirmations. A copy of this itinerary form must be attached to the travel-reimbursement voucher.

In order to obtain the lowest possible fare, airline travel should be booked more than thirty days in advance. It is recognized that this will not always be possible, but travel should be booked as far in advance as possible since discounted fares are available with advanced booking. The State Travel Office is aware that a penalty will sometimes be assessed when travel plans are unavoidably changed, but experience has shown that the expense of any penalties is more than offset by the overall savings obtained from the general use of such fares. Every effort should be made to use the penalty fare flights exactly as booked, however, to avoid the penalty.

Alternate departure and return dates and times will be proposed to all travelers when they will result in lower fares. In all cases, the least expensive routing should be used. Traveler's preference will determine flight departure times when travel costs are equal. The state contract travel agent will book the arrangements specified by the employee. However, if the routing or accommodations other than the most economical are required, an exception report will be generated and sent to the Department of Finance and Administration State Travel Director by the contract travel agent.

Travel in Privately-Owned Vehicles

When out-of-state travel is by privately-owned automobile, the total travel expenses reimbursed including meals and lodging shall not exceed the cost of the lowest unrestricted air fare. For the purpose of determining reimbursable driving expenses (in lieu of air travel costs) for out-of-state travel, "driving total cost" expenses shall include en route meals, en route lodging, and mileage costs at the current rate. The total of these costs will be compared to the cost of the lowest unrestricted air fare plus the cost of all required ground transportation at the destination point. The lesser of the two costs when compared will be reimbursed.

Other Out-of-State Travel Costs

Receipts are required for any authorized miscellaneous charges exceeding \$10.00. Each of these other expenses should be listed on a separate line of the expense voucher, even if incurred on the same day.

Phone calls and other expenses included in the "other authorized expenses" column must be certified as valid business travel expenses. Receipts must be attached to support amounts claimed for phone calls. Phone calls itemized on a hotel bill should be circled and an indication should be made if they were for business (reimbursable) or personal calls (not reimbursable).

Taxi fares in excess of \$10.00 require a receipt which must be attached to the expense voucher.

Reasonable charges (under \$10.00) for baggage handling will be allowed without receipt.

For hotel/airport parking charges in excess of \$10.00, receipts must be attached to the expense voucher.

Charges for rental cars are not an allowable expenditure for reimbursement, unless prior approval has been obtained from the Director.

Travel Advances

Travel advances for out-of-state travel (no in-state) are authorized by Miss. Code Ann. § 25-1-79. An advance will generally not be issued earlier than ten days before the travel. As soon as the employee returns from the travel, the employee should complete a travel voucher and the advance settled, regardless of whether the employee's expenses were more than the advance, less than the advance, or the same as the advance.

The State Department of Finance and Administration (DFA) has authority to withhold payment of

further expense accounts if any advance has not been settled (Section 25-1-81). Additionally, if an advance is not settled within ninety days, the employee's paycheck will be held by DFA until the debt to the state has been resolved.

VENDOR BENEFITS FOR TRAVELERS

Several companies offer benefits to frequent travelers. These benefits, which are normally awarded on a point system, include free or reduced airplane tickets or hotel rooms. It is a policy of the State that any and all points earned as a result of official state business travel can only be used toward free or reduced prices while traveling on official state business.

TECHNOLOGY

Trial court support staff personnel may be assigned computers based upon a determination of need and availability. Each computer has the capacity for computerized, on-line legal reference services.

Each member of the trial court support staff to whom a computer has been assigned is responsible for the proper use and safekeeping of the assigned computer.

On-line research services are to be used in accordance with the provisions of the contract between the on-line service provider and the AOC. No on-line services are to be used other than those provided for in the AOC contract. The on-line services are to be used only by authorized court personnel and not by the general public nor by members of the legal community not employed by the courts. Any questions on the use of the computers should be directed immediately to the Director.

TECHNOLOGY USAGE RULES

- The Court's technology services must only be accessed with technology resources authorized by the Information Technology Department.
- Authorized users must keep secure their assigned account information.
- No circumventing the security and protection in place for the Court's technology resources and services.
- No engaging in any activity which may compromise the security of the Court's technology resources and services.
- No software or hardware may be removed from the Court premises without approval of the Director or your judge.
- No software or hardware may be removed from the Court premises without approval of the Director or your judge, and the completion of necessary relocation forms.
- No illegal use or copying of software is permitted.
- Approved removable electronic media and storage devices must be scanned for malicious programs before being allowed to access the Court's technology resources and services.
- Sensitive or confidential court documents and/or data must be approved by the Director or your judge before being stored on removable electronic media or storage devices, and must be encrypted by technology authorized by the Information Technology Department.
- Electronic media and services that are likely to cause network congestion or significantly hamper the ability of others to access and use the Court's technology resources and services are strictly prohibited.
- Court computer hardware must utilize surge protection when plugged into electric outlets.
- No food or beverages are to be placed on or near computer hardware.

Access to the Internet is available as an aid to work-related research. Other use should be limited to after hours and should not be allowed to encroach on the time owed to Court business. Entering pornographic sites or others that can cause embarrassment for the Court is prohibited. Both the sites visited and the time spent on-line by any Court employee are subject to monitoring.

Under no circumstances may anyone load programs or data files from the Internet or any other outside source onto a Court computer without express approval of the Information Technology Department. Each time outside material is introduced into the system by downloading from the Internet or otherwise there is a risk of viral contamination of the system which, in an extreme case, could destroy Court records. Anyone causing damage through violation of this rule may expect to be held financially responsible, to be terminated, and to receive other sanctions.

TECHNOLOGY SERVICE REQUEST AND ISSUE NOTIFICATION

Any request for services or notification of technology issues by Court personnel involving technology resources and services must be handled by the "Help Desk" at 601-359-3205. The requestor should supply as much detail as possible in order to clearly describe the request or issue. The Information Technology staff will respond as soon as possible.

All requests and issues are prioritized in order to ensure the best business result and continued service. Some requests and issues may require longer periods of time to accomplish. Estimated time frames for completion will be communicated to the requestor.

GENERAL HELP

If a computer user has a question about the Court-supplied computer software, hardware, or services, and is unable to resolve it through available means, the user should contact the "Help Desk" at 601-359-3205.

The Court has a very small IT staff which serves the needs of the Supreme Court, the Court of Appeals, Administrative Office of Courts, the Continuing Legal Education Commissions, the Board of Bar Admissions, and every chancery, circuit, county, and youth court in Mississippi. In addition, IT staff installs and maintains major case-management systems in the offices of the chancery and circuit clerks and youth courts. Please keep this in mind when you call for their services.

Topic: **MEDIA**

Effective Date: September 1, 2010

Subtopic:

Revision Date:

Section: 8.0

STATEMENTS TO NEWS MEDIA

The Court's Public Information Officer shall be responsible for coordinating the Court's relationship with all members of the press. Any contacts with or requests from the news media that come directly to staff are to be immediately referred to the Public Information Officer, or, if that is not possible, to the Director. Under no circumstances are other Court employees to make statements or give interviews to media representatives, excepting only responses to routine requests made with the Clerk's Office for access to public documents available to the public.

Media inquiries should be addressed in a timely manner, taking into consideration media broadcast and publication deadlines.