

CHANCERY AND CIRCUIT COURT REPORTERS
ADMINISTRATIVE OFFICE OF COURTS
EMPLOYEE MANUAL

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Topic: **INTRODUCTION**

Effective Date: September 1, 2010

Subtopic: **GENERAL**

Revision Date: November 1, 2022

Section: 1.1

PURPOSE AND SCOPE

The Administrative Office of Courts Chancery and Circuit Court Reporters Employee Manual has been developed to provide you with pertinent information regarding the Administrative Office of Courts and your role as an official court reporter in chancery or circuit court. *(In this manual, the Administrative Office of Courts shall be referred to as "AOC," and the Director of the Administrative Office of Courts shall be referred to as "Director." Should the Director be unavailable, the Deputy Director of the Administrative Office of Courts will stand in the Director's stead in all areas where Director action is needed. In addition, court reporters may be referred to as "trial court support staff," "court staff" or "employee.")* 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 as an official chancery or circuit court reporter. Court reporters are at will employees who have the right to terminate the employment relationship for any reason, with or without cause. Court reporters serve four-year terms concurrent with their appointing judge.

EFFECTIVE DATE

This manual, amendments, and revisions hereto shall be effective upon adoption by the Director unless amendments are made effective later 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This manual may be amended, revised, or repealed by the Director at any time, with or without prior notice.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. Court reporters 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: November 1, 2022

Section: 1.2

ADMINISTRATIVE OFFICE OF COURTS

The AOC was established pursuant to Miss. Code Ann. § 9-21-1, *et. seq.* 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

The Supreme Court's Office of Finance (hereinafter referred to as "Finance Office") is responsible for the various financial operations related to the Courts of Mississippi. 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, processing accounts payables and receivables, maintaining supply and equipment inventories, processing payroll/travel/office/rent allowance for trial judges, and processing payroll for all Court employees including trial court staff and court reporters.

MISSISSIPPI ELECTRONIC COURTS

The Mississippi Electronic Court system (hereinafter referred to as "MEC") is a comprehensive, internet-based document filing and case management system that allows courts to maintain electronic case files and offer electronic filing. Judges, court staff, attorneys, and the public have the capability to access electronic docket information, view and download documents, access case management data, and obtain other case information 24 hours a day, seven days a week. Attorneys have the capability to file documents 24 hours a day, seven days a week. All circuit, chancery, and county courts are statutorily required to use MEC.

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 regarding Certified Shorthand Reporters. The Board may revoke or suspend a certificate or disqualify an applicant from certification for good cause shown.

COURT REPORTERS

Under Miss. Code Ann. § 9-13-19(4), 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.

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

As per Miss. Code Ann. § 9-13-19 this 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.

In accordance with Miss. Code Ann. § 9-13-19, 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 court 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.

Any additional amount of compensation is to come from the counties in the same percentage that is used to pay the court reporter’s normal salary. Miss. Code Ann. § 9-13-19.

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: November 1, 2022

Section: 1.3

The Administrative Office of Courts, the Office of Finance, 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
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 offices of official court reporters are located in various courthouses and judges' offices around the State.

Topic: **PERSONNEL POLICIES**

Effective Date: September 1, 2010

Subtopic: **EMPLOYMENT POLICIES**

Revision Date: November 1, 2022

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, gender, or national origin.

EMPLOYMENT STATUS

The court reporters are hired by the local trial court judge or judges (chancery or circuit) 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 POLICY AND PROCEDURE RESPONSIBILITY

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 and with the approval of the AOC.

INTERNAL PROMOTIONS

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

OPEN RECRUITMENT AND EXTERNAL HIRING

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

EMPLOYMENT PROCESSING

Once the AOC has determined that the prospective employee meets all requirements, the AOC will notify the hiring judge who must then provide all necessary documentation to the AOC and 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

Each chancery or circuit judge may conduct employee orientation in whatever manner they deem suitable. The Finance Office will see that the new support staff employees receive the documentation and forms needed to ensure salary and fringe benefits coverage in a timely manner, including a copy of this manual. New employees must sign the form acknowledging their receipt and understanding of this employee manual. **The signed acknowledgement form must be returned to the Finance Office before the employee's first paycheck will be issued.**

STATE SERVICE AND NON-STATE SERVICE STATUS

The State Personnel Board identifies employees as either state service employees or non-state service employees. The Legislature has defined non-state service employees and state service employees in Miss. Code Ann. § 25-9-107. 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.

AUTHORIZED SALARY

Court reporters' salaries are set by statute. *Miss. Code Ann. §9-13-19(1)*. Chancery and circuit judges are responsible for determining the salary of court reporters pursuant to the levels outlined in the statute with approval from 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 chancery or circuit judge unless the person who is accused of improper action is the chancery or circuit judge, and in such case the complaint will be made with the Director.

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 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 due to any number of causes including an employee's resignation or retirement, failure to satisfactorily perform assigned duties, or the abolition or restructuring of positions.

Court reporters who plan to retire are asked to notify his or her immediate supervisor in writing thirty days to the employee's planned departure **and notify Finance in writing 30-90 days prior to the employee's planned departure.** Court reporters who plan to resign 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.* Immediately upon a status change in trial court support staff employment (resignations, terminations, retirement, etc.) contact the AOC and the Finance Office. The judge must provide the AOC and Finance Office with a certified copy of the termination order. This allows the AOC and Finance Office to delete this individual from all court records.

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 dependents (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 by appointment only during normal business hours. Access to individual files is restricted to the individual employee, the employee's supervising judge, the Finance Office staff, and the Director/Deputy Director.

OFFICE HOURS

The standard workday 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 work from time-to-time work hours in excess of the standard workday and will be called on at hours other than those established as normal working hours without additional compensation or benefits.

FLEX-TIME SCHEDULES

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 immediate 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 are absent due to illness shall submit a Request for Authorized Leave form.

When a staff member must necessarily be out of the office during the workday 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

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 his or her judge.

Topic: **PERSONNEL POLICIES**

Effective Date: September 1, 2010

Subtopic: **FRINGE BENEFITS**

Revision Date: November 1, 2022

Section: 2.2

HOLIDAYS

The legal holidays listed below may be observed in the discretion of the chancery or circuit judges. In those instances where 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 chancery or circuit judge, be observed as a legal holiday.

If a chancery or circuit 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 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 <https://knowyourbenefits.dfa.ms.gov/>

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. To assure that the maximum coverage is received, all injuries must be reported immediately to the employee's judge or 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 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 judge or supervisor immediately, regardless of how minor they may seem. This can be done in writing or orally.

The **judge or supervisor** should immediately notify the Director and Finance Office.

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. Details may be obtained through the Finance Office or on the PERS website at <https://www.pers.ms.gov/Pages/Home.aspx>

OTHER BENEFITS AND PROGRAMS

All new employees should also become familiar with the other programs, including the Mississippi Government Employees' Deferred Compensation Plan (<https://www.pers.ms.gov/Pages/Home.aspx>) unemployment compensation available through the Mississippi Department of Employment Security (<http://www.mdes.ms.gov/>), and the Mississippi Public Employees Credit Union (<https://www.mspecu.org/>).

Topic: **PERSONNEL POLICIES**

Effective Date: September 1, 2010

Subtopic: **COMPENSATION**

Revision Date: November 1, 2022

Section: 2.3

COMPENSATION PLAN

Court reporters' salaries are set by statute. *Miss. Code Ann. §9-13-19(1)*. Chancery and circuit judges are responsible for determining the salary of court reporters pursuant to the levels outlined in the statute with approval from the AOC.

All employees are paid on the last working day of each month. The State will not allow a salary to be paid in advance. New employees are paid by payroll warrants (i.e., paper checks). Payroll warrants cannot be issued until payday and will not be issued to anyone other than the employee unless the employee designates in writing someone to receive the warrant in his or her absence.

Paper checks are mailed to the employee at the address on file in the finance office the day before payday. Should the employee prefer to pick up the paper check at the court, the employee must notify the finance office of this change by email two working days before the official payday. Paper checks should be picked up from the guards located on the first floor of the Carroll Gartin Justice Building on the actual payday. A valid ID is to be presented to the guard before the check will be delivered to the employee

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 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 and reported to Finance 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.

POLICY

Official Court Reporters are not entitled to be absent from duty with pay for such purposes as vacation or personal business. *Miss. Code Ann. §9-13-15*. **Should the official court reporter be absent for such purposes as vacation or personal business, the court reporter pro tempore is to be paid for his/her service “...out of the salary of the regular court reporter and at the same rate as the regular court reporter for the time that the court reporter pro tempore shall act.” *Id.***

MAJOR MEDICAL LEAVE

Official Court Reporters 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, However, major medical leave may be used 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 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, stepparent, sibling, child, stepchild, 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. For the purpose of this subsection the immediate family is defined as spouse, parent, stepparent, sibling, child, stepchild, 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.

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.

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 exceeds 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. Because the court reporter does not accumulate 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 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 of 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 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.

LEAVE WITHOUT PAY / LEAVE OF ABSENCE

Employees are required to take leave without pay for absences for which major medical leave, military leave, or administrative 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;
and
- 2) 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 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, except for 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 paid leave. The employee should explain the reasons for the request to substitute major medical 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 employee’s judge who forwards it to the Finance Office.

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 supervising judge, 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 Finance Office in the order in which they are received to assure compliance with all leave guidelines. Once compliance is secured, the form shall be forwarded to the Director for final approval.

MAINTENANCE OF LEAVE RECORDS

The Finance Office shall maintain leave records on each employee. Leave balances are reported on the monthly paper paystub or via ACE. This leave report will show leave 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 to ensure the employee is not in a position to be on leave without pay.

Topic: **ETHICAL POLICIES**

Effective Date: September 1, 2010

Subtopic:

Revision Date: November 1, 2022

Section: 3.0

CONFIDENTIALITY OF INFORMATION

All trial court support staff are to keep confidential 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 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 public. Employees should not allow personal convictions or opinions to influence their work or appear to influence their work. They should avoid making statements that might be construed as being partisan and/or biased and 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 their judge and the AOC 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 AOC employees are subject to the Code of Judicial Conduct.

Topic: **FACILITY USAGE POLICIES**

Effective Date: September 1, 2010

Subtopic: **GENERAL**

Revision Date: November 1,

2022

Section: 4.1

POLICY

Employees are encouraged to take pride in their workspace 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 to handle these matters. In addition, these policies detail all procedures for utilizing department services 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. To ensure accurate records, the following should be adhered to:

The judge will be responsible for that office's property items.

The Finance Office should be notified in writing by the judge when property and equipment items are broken or beyond repair and thus need to be deleted from that judge's office inventory. Upon receiving written approval from the Finance Office, the item will be removed from the judge's inventory.

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 the police report filed by an investigating law enforcement officer regarding the stolen property.

Property items must not be moved from their original locations (e.g., between offices) without a written request from the judge being submitted to the Finance Office. This request should include the inventory number, item description, current location, and new location. The items can be moved once written approval is received from the Finance Office.

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

A physical inventory will be performed at least annually by the Finance Office or internal auditor. 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 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 workflow 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.

FAX MACHINES

FAX machines are to be utilized solely for official business and personal usage is prohibited without the consent of your judge. If possible, please avoid using the FAX machine for transmitting or receiving very long documents.

COPY MACHINES

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 repair 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 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: November 1, 2022

Section: 5.0

We do not reimburse for purchases made by trial judge support staff.

Topic: **TRAVEL POLICIES**

Effective Date: September 1, 2010

Subtopic:

Revision Date: November 1, 2022

Section: 6.0

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. 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(7).

TECHNOLOGY

Court reporters are assigned computers from their judge's inventory. They are not assigned computers from the AOC or IT department.

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 Finance Office 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 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 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 receive sanctions or to be terminated.

TECHNOLOGY SERVICE REQUEST AND ISSUE NOTIFICATION

Any request for services or notification of technology issues involving technology resources and services provided by the AOC must be handled by the “Help Desk” at 601-359-3205. The person requesting assistance should supply as much detail as possible to clearly describe the request or issue. The Information Technology staff will respond as soon as possible.

All requests and issues are prioritized 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 AOC 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 Mississippi Supreme 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, and the Board of Bar Admissions. In addition, IT staff installs and maintains major case-management systems along with a significant amount of corresponding AOC-supplied client PC hardware in the offices of the youth courts. Please keep this in mind when you call or email for their services.

MISSISSIPPI ELECTRONIC COURTS

If a computer user has a question about the MEC system and is unable to resolve it through available means, the user should contact the MEC helpdesk by telephone at 601-576-4650 or by email at helpdesk@mec.ms.gov. MEC has a very small staff that must continually implement, train, and support its case management system in every chancery, circuit, and county court in the state. Please keep this in mind when you call for their services.

Topic: **MEDIA**

Effective Date: September 1, 2010

Subtopic:

Revision Date: November 1, 2022

Section: 8.0

STATEMENTS TO NEWS MEDIA

The Mississippi Supreme Court's Public Information Officer is available to help coordinate your 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 your judge. At the judge's discretion the contact may be referred to the Public Information Officer at 601-576-4637, or, if that is not possible, to the Director. Under no circumstances are 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.