

OFFICE POLICIES CLERK'S OFFICE, COURT OF APPEALS OF GEORGIA

EFFECTIVE MAY 1, 1993

NOTE: OFFICE POLICIES APPLY TO ALL EMPLOYEES OF THE COURT OF APPEALS WHO ARE NOT ASSIGNED TO AN INDIVIDUAL JUDGE'S STAFF, INCLUDING THE CLERK OF THE COURT, ALL EMPLOYEES OF THE CLERK'S OFFICE, THE FISCAL OFFICER, THE DEPUTY FISCAL OFFICER, THE STAFF OF THE APPELLATE SETTLEMENT CONFERENCE, FLOATING ADMINISTRATIVE ASSISTANTS, FLOATING STAFF ATTORNEYS, AND CENTRAL STAFF ATTORNEYS, AND ANY OTHER EMPLOYEE OF THE COURT NOT SPECIFICALLY NAMED.

CLERK'S OFFICE STATEMENT OF PURPOSE AND OBJECTIVES:

COURT OF APPEALS EMPLOYEES ARE DEDICATED AND RESPONSIBLE PUBLIC SERVANTS WHOSE DUTIES AND RESPONSIBILITIES PROVIDE INFORMATION AND DIRECTION TO THE PUBLIC AND CLERICAL SUPPORT TO THE JUDGES OF THE COURT OF APPEALS OF GEORGIA IN THE INTEREST OF JUSTICE AND GOOD WILL TO THE COURT AND TO THE PUBLIC.

BECAUSE OF RULES OF CONDUCT FOR JUDGES AND PRIVILEGED INFORMATION INHERENT IN THE WORK OF THE COURT, WE ARE THE COURT'S AMBASSADORS TO THE PUBLIC, TO TRIAL COURTS AND ATTORNEYS.

WE PROVIDE FOR THE NEEDS OF JUDGES IN ORDER THAT THEY MAY FAIRLY, IMPARTIALLY, AND EFFICIENTLY PROVIDE JUSTICE IN ALL CASES. WE ACCOMPLISH THIS NECESSARY AND IMPORTANT WORK BY CLOSE PROFESSIONAL ASSOCIATION WITH EACH OTHER TO PROVIDE ANY INFORMATION NECESSARY TO THE COURT TO REVIEW, RESEARCH AND DECIDE EACH CASE. THE CLERK'S OFFICE AND ALL OTHER OFFICES OF THE COURT ARE RECOGNIZED BY THE ENTIRE COURT AS AN INTEGRAL AND ABSOLUTELY NECESSARY PART OF THE APPEALS PROCESS.

COMMUNICATION WITH THE CLERK'S OFFICE IS RECOGNIZED BY THE PUBLIC AS THE ONLY MEANS OF RECEIVING AND CONVEYING INFORMATION VITAL TO EACH APPEAL. OUR DEMEANOR REFLECTS THE DEMEANOR OF THE COURT: FAIR, IMPARTIAL AND IN THE INTEREST OF JUSTICE. OUR COURTESY, PROFESSIONALISM AND PRIDE IN OUR WORK AND WORKPLACE CONTRIBUTE IMMEASURABLY TO THE INTEGRITY OF THE COURT.

WE ARE PROUD TO BE OF SERVICE TO THE COURT, TO THE PUBLIC, TO ATTORNEYS AND TO THE CITIZENS AND TAXPAYERS OF THE STATE OF GEORGIA.

EMPLOYEE STATUS

All employees of the Court of Appeals are merit exempt employees of the State of Georgia who are "at will" employees and serve at the pleasure of the Court.

"Merit exempt" means that the Court of Appeals is not subject to State Merit System rules and regulations.

"At will" means the Court or the employee may terminate employment, with or without cause, at any time, provided notice is given as hereinafter provided.

The Court of Appeals is an equal opportunity employer, and employment opportunities, promotion, and other personnel transactions shall be handled on a non-discriminatory basis without regard to race, color, religion, gender, national origin, age, or handicap, unless otherwise mandated by law.

Discrimination or harassment based on race, color, religion, gender, age, handicap, or national origin will not be tolerated in the court.

NOTICE REQUIREMENTS

In the event it becomes necessary to terminate any court employee for any reasons other than for cause or as a disciplinary action, the Clerk shall provide the employee with notice of termination in writing not less than thirty days before the effective date of the termination.

Employees voluntarily terminating their employment with the Court are encouraged to give written notice to the Clerk at least thirty days prior to the effective date of their resignation in order to facilitate the replacement of such employee so that there is no interruption of service in the position.

Notice of termination for cause or as a disciplinary action must be in writing but does not require any notice in advance.

NEPOTISM

No person who is related by blood or marriage to a sitting Judge on the Court of Appeals is eligible for employment by the court or any of its offices.

The employment of an individual who is a relative of another Court of Appeals employee by blood or marriage shall be discouraged. Such relationship shall not be an automatic barrier to employment, but shall require the approval of the Clerk in each case. Willful and intentional failure to disclose such relationship may be cause for disciplinary action.

These policies shall not apply to any employees and their relatives by blood or marriage who are employed by the court on April 1, 1993.

SEXUAL AND OTHER HARASSMENT

Discrimination or harassment based on race, color, religion, sex, age, handicap, or national origin will not be tolerated in the courts. Sexual harassment is of particular concern to Court management, and any form of sexual harassment will not be permitted. Sexual harassment is defined as "any unwelcome sexual advances, requests for sexual favors and other verbal or physical conduct of a sexual nature." It occurs when:

- 1) Sexual favors are demanded "as a term or condition of employment" Example: A supervisor demands that a subordinate employee sleep with him or she will be fired.
- 2) Sexual demands, once made, are refused and the employee faces an adverse consequence for that refusal. Example: An employee rejects the sexual advance of her boss and she is demoted and later fired for her refusal.
- 3) The acts of verbal abuse, physical touching, sexual demands or other conduct of a sexual nature are so pervasive and persistent as to have "the effect of unreasonably interfering with an individual's work performance or creating an offensive and intimidating working environment" for an employee. Example: Males tease and insult women in the workplace with obscene jokes, sexual innuendoes or similar conduct which embarrass and offend the female employees.

Sexual harassment, subtle or otherwise, shall not be tolerated. Those who feel harassed sexually should confront the person with whom there is a problem and attempt to resolve it. If this is too difficult or proves ineffective, the victim should either contact someone in management or the harassment ombudsperson to help seek a resolution. The ombudsperson is appointed by the Director of Human Resources to assist all employees in the court system with incidents of actual or possible harassment. The ombudsperson is a neutral party who is prepared to initiate investigation and/or a resolution without involvement of management. Currently, the ombudsperson is _____, and she may be reached at the Court Administrator's office.

Violators of the harassment policy are subject to disciplinary action including termination and/or referral for criminal prosecution. Voluntary compliance with this policy will increase professionalism and create a healthy environment for all.

Malicious or frivolous complaints of sexual harassment shall also result in corrective or disciplinary action against the accuser.

PUBLIC/EMPLOYEE RELATIONS

The Georgia Court of Appeals and all of its offices are service oriented, and exist for the purpose of serving the citizens of Georgia. All employees of this court are professionals, and are to conduct themselves as such while at work or when representing the Court at functions outside the work place. Generally recognized standards of acceptable conduct and ethics shall be observed by all employees.

ALL citizens coming into the court shall be treated with respect and courtesy by all employees of the court.

ALL interaction between employees of the court is expected to be courteous and professional at all times, and especially when members of the public are present.

TELEPHONE ETIQUETTE

Employees are to answer telephones in a polite manner, identifying the office, giving their name, and asking if they may assist the caller. Rudeness to callers will not be tolerated, and shall be a reason for disciplinary action against an employee.

To transfer a call an employee is required to announce the transfer to the receiving party.

PROFANITY, GOSSIP AND RUMORS

Any employee participating in or perpetuating the spread of gossip or rumors will be counseled and advised of further disciplinary actions up to and including dismissal. The use of profanity or other forms of rude conduct will not be tolerated.

DRESS CODE

Because the Clerk's office is a highly visible office serving both the public and the court, it is imperative that we portray a positive image. Employees will dress in an appropriate manner which will reflect a professional image. Wearing inappropriate attire will be subject to disciplinary action as set forth below.

ATTENDANCE

Office hours are 8:00 a.m. to 5:00 p.m. Floating and central staff attorneys may be subject to different work schedule requirements set by the judge to whom they are assigned from time to time. Staff riding GBA car-pooling vans may work from 7:30 a.m. to 4:30 p.m. in order to meet the carpool van schedule.

It will be the Clerk's responsibility to complete a Daily Attendance Report as soon as the status of each employee is determined (no later than 9:30 a.m.). The report should consist of all employees who are absent and the nature of any absence (i.e.

annual leave, sick leave, tardy, etc.). If applicable, the report should also contain the employee's expected time of arrival at work.

Each employee is entitled to two 15 minute breaks each day. An employee must work at least one hour before taking a break, and all breaks must be completed at least one hour before the end of the work day.

All employees are entitled to a one hour break for lunch, and the lunch break must be taken between the hours of 11:00 a.m. and 2:00 p.m. The Clerk may assign lunch break hours to employees as necessary to insure that the office is adequately staffed at all times. Employees must work at least two hours before taking a lunch break, and all lunch breaks are to be completed by 2:00 p.m. At the discretion of the Clerk, exceptions will be made on special occasions upon written request.

Employees are expected to work up to the end of the scheduled work day. All work is to be put away securely before an employee leaves his or her work station.

OVERTIME AND COMPENSATORY TIME

Employees are expected to complete their work in a timely manner during normal business hours.

No one is permitted to work during their lunch hour, before 8:00 a.m. or after 5:00 p.m. without a written request and written approval from the Clerk.

No employee is authorized to work more than 40 hours per week unless the employee is notified in writing by the Clerk that overtime will be required. Any authorized work over 40 hours in any work week will be compensated by one and one-half hours leave which must be taken within the same pay period as the overtime was accumulated.

TARDINESS:

Employees are expected to report to work at the appropriate time as scheduled by the Clerk or their supervisor. Repeated tardiness shall be cause for disciplinary action. Tardiness will be considered any length of time past the employee's appointed starting schedule. Tardiness will be recorded on the "Tardy Notice" form and shall be the basis for disciplinary action should an unacceptable pattern of tardiness develop. Tardiness of 30 minutes or more will be charged to annual leave or may, at the Clerk's discretion, be treated as unauthorized leave without pay, and will also serve as a basis for disciplinary action. It will be the responsibility of the Clerk to complete the Tardy Notice on any employee who is late for any length of time. Copies of this notice shall be placed in the employee's personnel file

and provided to the Judge-in-charge immediately upon the employee's arrival at work.

INCLEMENT WEATHER

In the event of icy road conditions, employees are to listen to TV and radio reports for State of Georgia closings, first day only.

MILITARY, COURT LEAVE, JURY SERVICE, RELIGIOUS HOLIDAYS

Leave with pay will be granted to employees submitting appropriate notice for military duty, witness or jury service. Notification must be given no less than 20 days in advance of requested leave, with the exception of military leave. Employees wishing leave in order to observe religious holidays are permitted such leave, which will be charged to their annual leave.

Documentation required: A copy of the orders must accompany requests for military leave. Jury duty requires a copy of a jury summons, and a copy of the check stub showing the number of days served. Witness leave requests require a copy of the subpoena and certification from the Judge presiding over the matter as to the number of days of service.

LEGAL ADVICE

OCCA § 15-19-51 (a) (4) forbids the unauthorized practice of law by any person other than a duly licensed attorney at law by rendering or furnishing legal services or advice. No employee, other than the Clerk at the Court, is to attempt to provide any advice on any substantive or procedural legal issue to any person at any time.

PERFORMANCE EVALUATION

Regular employees' job performance will be evaluated on an annual basis approximately 5 weeks prior to the employee's scheduled anniversary date. The over-all rating will be the determining factor in continued employment. Initial employee evaluations shall be scheduled immediately upon the effective date of these policies.

Probationary employees will be evaluated 3 months into the working test period and again at the end of the fifth month. The over-all rating of the second evaluation (should employment continue to this point) will be a determining factor in recommending the employee for "regular" status.

SMOKING

There will be no smoking at any time by court employees in individual offices, common work areas, reception areas, mail and file room, restrooms, or hallways on the third and fourth floors.

PERSONAL TELEPHONE CALLS

Employees may use designated office phones for personal calls not to exceed 10 minutes in length during their 15 minute breaks, or, if absolutely necessary, will be allowed up to 4 personal calls per day not to exceed 3 minutes each in length. Violation of this policy will result in disciplinary action. NO long distance calls may be made.

EATING AT WORK STATION

Eating at work stations is prohibited. It is permissible to have beverages at the work station. Violations of this policy will result in disciplinary action.

SECURITY/IDENTIFICATION BADGES

Employees are individually responsible for the security of purses and other personal items.

Employees are issued identification badges upon employment and are to surrender these badges immediately upon termination.

CORRESPONDENCE

All written correspondence between the Clerk's office and any outside office is to be approved by the Clerk prior to mailing.

EMPLOYEE SUGGESTIONS

Employees are encouraged to submit suggestions for improvement of services provided by the Clerk's office. Suggestions must be in writing, and are to be submitted to the Clerk with a copy to the Judge-in-charge. Special recognition will be given for suggestions that result in improved services, cost savings, and efficiency.

POLITICAL ACTIVITY

Political activity on state time or property is absolutely prohibited. Employees have the right to cast their vote, express their opinion, make political contributions, and support the candidate(s) of their choice. However, employees should be mindful that they work in a government organization, and these activities should be conducted during their off duty hours only. No employee shall be required, coerced, expected, induced or encouraged as a condition of employment in any form whatsoever to make any contribution, loan, subscription, or assessment for any political campaign, candidate, organization, or for any other political purpose, and no employee shall use, seek, or promise to use his or her position or influence, directly or indirectly, in connection with the solicitation or receipt of any such contribution, loan, subscription, or assessment.

SICK LEAVE POLICY

Employees are allotted 1.25 days of sick leave each month for a total of 15 days annually.

An employee eligible for sick leave with pay shall be granted this leave for the following reasons:

1. Illness, physical incapacity, or medical/dental appointments of the employee, employee's spouse, children, or employee's parents.
2. Enforced quarantine of employee in accordance with community health regulations.

Any employee who develops patterned or habitual use of sick leave will be required to provide a statement from a physician detailing the illness upon such absence, provided the employee has been notified in writing of such requirement.

Any employee calling in sick following a denial of annual leave (sick on the day requested for annual leave) will be required to provide a statement from a physician.

Use of annual leave for sick leave purposes will be granted upon written request to the Clerk accompanied by a statement from a physician detailing the illness.

Sick leave, under no circumstances, will be allowed beyond exhaustion of all accrued leave (sick and annual), except for Extended Leave of Absence due to a serious illness. Upon exhaustion of all accrued leave (sick and annual) following a serious illness the employee may request an Extended Leave of Absence without pay not to exceed six months. Requests are to be submitted in writing and accompanied by doctor's letter detailing the illness.

When calling in to report sickness, all employees must personally call the Clerk or, in the Clerk's absence, the Administrative Assistant to the Judge-in-Charge, between 8:30 a.m. and 9:00 a.m. The Clerk calling in must report to the Administrative Assistant to the Judge-in-Charge between 8:30 a.m. and 9:00 a.m. Failure to follow this procedure will result in leave without pay and dismissal if repeated.

Sick Leave forms will be prepared by the Clerk and routed to the employee for his/her signature. It is necessary for the employee to sign the Sick Leave form. The employee will receive a copy of the Sick Leave form as confirmation.

When an employee finds it necessary to schedule a doctor's appointment, the employee should complete and submit to the Clerk at least 48 hours in advance a Preliminary Leave Request form indicating the date of the appointment and the time he or she must

be absent from the office. It is the responsibility of each employee to notify the Clerk immediately upon the employee's return in order to accurately record the amount of sick leave taken. A Sick Leave form will be prepared by the Clerk and routed to the employee for signature.

Employees are to consult with the Clerk in scheduling doctor's appointments to determine the least disruptive time frame for the office.

If an employee does not follow the foregoing procedures in requesting sick leave, it will be assumed that the employee's absence is unauthorized, and the employee will be charged leave without pay. Repeat occurrences will lead to dismissal.

ANNUAL LEAVE POLICY

Annual leave shall, under no circumstances, be taken in excess of accrual; nor can it be advanced.

Employees are allotted annual leave as follows:

<u>Years of Active Creditable Service</u>	<u>Vacation ACCRUAL RATE</u>
EOD through 5 years	1.25 days per month
5 years through 10 years	1.50 days per month
10 years and over	1.75 days per month

Any request for annual leave must be submitted in writing on a "Preliminary Leave Request" form not less than 48 hours in advance for leave of 1 to 3 days, no less than one month in advance for leave of 4 to 5 days, and no less than two months for leave of 4 to 5 days during the months of March, June, July, November, and December. Should work conditions warrant, requests for annual leave can be denied by the Clerk or supervisor.

If an employee must call in to request emergency annual leave, he or she must call the Clerk not later than 9:30 a.m. Requests for emergency annual leave which are submitted with less than the required amount of notice may also be denied by the Clerk if conditions warrant.

Annual Leave forms will be prepared by the Clerk and routed to the employee for signature and returned to the Clerk. The employee will receive a copy of the Annual Leave form as confirmation of approved leave.

Annual leave may be used for sick leave purposes as described in the Sick Leave Policy.

Employees should not exceed a total of 28 days absence annually. This is inclusive of sick and annual leave. Any amount over this limit may be considered excessive and may be subject to

disciplinary action up to and including dismissal. An annual review will be implemented.

DISCIPLINE GUIDELINES

Sections 1 - 20 below constitute official Court of Appeals "Disciplinary Guidelines" for mandatory use by the Clerk and Supervisors when needed, appropriate, or applicable. These guidelines shall be the only ones applicable to disciplinary actions in the Court of Appeals.

In applying these guidelines, the concept of "progressive discipline" should be followed. "Progressive discipline" is defined as meaning that when disciplinary actions are necessary, they are gradually increased and applied in terms of ascending severity.

Each action is intended to correct unacceptable behavior. With progressive discipline, employees shall be given an opportunity to correct their behavior before a more severe discipline is applied. The objective is to apply the least severe action which will improve the employee's performance to an acceptable level.

The normal order of priority in which progressive discipline shall be applied is as follows, depending upon the seriousness of the offense; provided, however that certain offenses may require more severe action, such as dismissal, initially, depending upon the details and circumstances involved:

- (a) Employee counseling.
- (b) Written warning.
- (c) Suspension without pay.
- (d) Demotion.
- (e) Dismissal.

Essential elements and responsibilities of progressive discipline are as follows:

(a) The Clerk and employees shall be mutually responsible for seeing that all employees understand their assigned duties, and the rules, regulations, policies, and procedures which are applicable.

(b) The Clerk shall be responsible for prompt and consistent enforcement of all applicable rules, regulations, policies, and procedures, as necessary.

(c) The Clerk and employees shall be mutually responsible for understanding and following the principles of good employee relations.

(d) The Clerk shall be responsible for proper documentation of all disciplinary actions taken.

Section 1. Absenteeism and Tardiness.

A. Chronic absenteeism, defined as habitual, sustained, confirmed or continued unexcused absence without adequate justification.

	MINIMUM	MAXIMUM
(1) First offense:	Written warning.	3 days suspension w/o pay.
(2) Second offense:	5 days suspension w/o pay.	10 days suspension w/o pay.
(3) Third offense:	20 days suspension w/o pay.	Dismissal.

B. Recurring tardiness, defined as habitual, sustained confirmed or continued unexcused lateness to work without adequate justification.

	MINIMUM	MAXIMUM
(1) First offense:	Written warning.	1 day suspension w/o pay
(2) Second offense:	5 days suspension w/o pay.	10 days suspension w/o pay.
(3) Third offense:	15 days suspension w/o pay.	Dismissal.

C. Unexcused or unauthorized absence on any scheduled workday or during working hours.

	MINIMUM	MAXIMUM
(1) First offense:	Written warning.	3 days suspension w/o pay
(2) Second offense:	5 days suspension w/o pay.	10 days suspension w/o pay.
(3) Third offense:	20 days suspension w/o pay.	Dismissal.

D. Abandonment of position for five or more consecutive workdays without reasonable excuse.

(1) First offense:	Dismissal
(2) Second offense:	N/A
(3) Third offense:	N/A

Section 2. Accidents and Injuries

A. Failure to report an accident or injury on the job as required by State policy.

	MINIMUM	MAXIMUM
(1) First offense:	Written warning.	1 day suspension w/o pay.
(2) Second offense:	3 days suspension w/o pay.	5 days suspension w/o pay.
(3) Third offense:	10 days suspension w/o pay.	15 days suspension w/o pay.

Section 3. Conduct and Behavior.

A. Arrested and/or charged on any felony offense(s), as defined by law:

- (1) First Offense: Indefinite suspension without pay, pending disposition of case, upon determination by the Clerk, following prior notice and consultation with employee, that no circumstances exist which would warrant not imposing such suspension, and subject to the following conditions:
 - a. If convicted: dismissal. No back pay.
 - b. If a plea of nolo contendere is entered: dismissal. No back pay.
 - c. If acquitted or nolle prosequi: reinstatement with back pay, subject to approval of the Clerk; provided, that any disapproval by the Clerk shall be subject to appeal to the Personnel Committee chaired by the Judge-in-Charge.
 - d. If mistrial, failure to indict, or failure to prosecute on charges: reinstatement with back pay, subject to approval of the Clerk; provided, that any disapproval by the Clerk shall be subject to appeal to the Personnel Committee chaired by the Judge-in-Charge.
 - e. Other disposition of the case: action to be decided on merits of case by the Clerk, and subject to appeal to the Personnel Committee chaired by the Judge-in-Charge.

B. Convicted in any court of record on any non-felony charge(s) as defined by law, involving either misdemeanor charges and/or violations of local ordinances.

- (1) First offense: Written warning (min.) Dismissal (max.).
- (2) Second offense: Action to be decided by the Clerk. No back pay.

(3) Third offense: Action to be decided by the Clerk. No back pay.

C. Immoral or indecent conduct which tends to violate commonly accepted standards of decency or morality.

	MINIMUM	MAXIMUM
(1) First offense:	10 days suspension w/o pay.	30 days suspension w/o pay.
(2) Second offense:	Dismissal	N/A
(3) Third offense:	N/A	N/A

Section 4. Dishonesty and Ethics.

A. Engaging in private business activities of a prohibited or unethical nature for profit, either during normal working hours or during non-working hours.

	MINIMUM	MAXIMUM
(1) First offense:	Written warning.	30 days suspension w/o pay.
(2) Second offense:	Dismissal.	N/A
(3) Third offense:	N/A	N/A

B. Conflict of interests involving unethical use of official authority or information for personal gain.

	MINIMUM	MAXIMUM
(1) First offense:	15 days suspension	Dismissal
(2) Second offense:	Dismissal.	N/A
(3) Third offense:	N/A	N/A

C. Embezzlement or misappropriation of funds.

	MINIMUM	MAXIMUM
(1) First offense:	Dismissal	N/A
(2) Second offense:	N/A	N/A
(3) Third offense:	N/A	N/A

D. Acceptance of bribes, gifts or favors intended or designed to influence official actions or decisions.

	MINIMUM	MAXIMUM
(1) First offense:	Dismissal	N/A
(2) Second offense:	N/A	N/A
(3) Third offense:	N/A	N/A

Section 5. Drinking and Intoxication.

A. Reporting for duty or being on duty while using or under the influence of intoxicating liquors or drugs.

	MINIMUM	MAXIMUM
(1) First offense:	15 days suspension to 30 days suspension w/o pay. In situations where the safety of persons or property may be endangered, however, dismissal is mandatory.	
(2) Second offense:	Dismissal.	N/A
(3) Third offense:	N/A	N/A

B. Excessive public use of intoxicants while off duty resulting in conduct unbecoming a Court of Appeals employee.

	MINIMUM	MAXIMUM
(1) First offense:	3 days suspension w/o pay.	5 days suspension w/o pay.
(2) Second offense:	10 days suspension w/o pay.	30 days suspension w/o pay, and proof of acceptable medical treatment required for reinstatement.
(3) Third offense:	Dismissal.	N/A

C. Selling intoxicating liquors or drugs on the Court of Appeals premises, if no arrest is involved.

	MINIMUM	MAXIMUM
(1) First offense:	Dismissal.	N/A
(2) Second offense:	N/A	N/A
(3) Third offense:	N/A	N/A

Section 6. Fighting.

	MINIMUM	MAXIMUM
(1) First offense:	3 days suspension w/o pay.	10 days suspension w/o pay.
(2) Second offense:	15 days suspension w/o pay.	Dismissal.
(3) Third offense:	N/A	N/A

Section 7. Fraud, Falsehood, Perjury and Malfeasance.

A. Fraud, falsehood, perjury or malfeasance involving any willful, intentional or deliberate misstatement or concealment of material fact in connection with employment, employment application, work records, reports, investigations or proceedings, or intentional misuse of paid work time or assets. Willfully, knowingly and falsely swearing by a person to whom a lawful oath or affirmation is administered, in a manner material to an issue or point in question in some proceeding.

(1) First offense:	Dismissal
(2) Second offense:	N/A
(3) Third offense:	N/A

Section 8. Gambling.

A. Unlawful gambling or betting on the premises of the Court of Appeals.

	MINIMUM	MAXIMUM
(1) First offense:	3 days suspension w/o pay.	10 days suspension w/o pay.
(2) Second offense:	15 days suspension w/o pay.	30 days suspension w/o pay.
(3) Third offense:	Dismissal.	N/A

Section 9. Housekeeping Violations.

A. Failure or refusal to cooperate in the reasonable care and use of equipment, sanitary facilities and related "housekeeping" tasks on the job.

	MINIMUM	MAXIMUM
(1) First offense:	Written warning.	1 day suspension w/o pay.

(2) Second offense:	3 days suspension w/o pay.	5 days suspension w/o pay.
(3) Third offense:	10 days suspension w/o pay.	15 days suspension w/o pay.

Section 10. Inefficiency and Incompetence.

A. Continued inefficiency or incompetence in the performance of assigned work, based upon several written appraisals covering a reasonably demonstrable period of time.

	MINIMUM	MAXIMUM
(1) First offense:	Written warning.	Dismissal.
(2) Second offense:	2d written warning.	Dismissal.
(3) Third offense:	Dismissal	N/A

Section 11. Insubordination.

A. Intentional disobedience, assaulting, or resisting authority, disrespect or use of insulting or abusive language to a superior.

	MINIMUM	MAXIMUM
(1) First offense:	10 days suspension w/o pay.	30 days suspension w/o pay.
(2) Second offense:	Dismissal.	N/A
(3) Third offense:	N/A	N/A

B. Failure to carry out orders, failure or excessive delay in carrying out work assignments or specific instructions of superiors.

	MINIMUM	MAXIMUM
(1) First offense:	Written warning.	5 days suspension w/o pay.
(2) Second offense:	10 days suspension w/o pay.	Dismissal
(3) Third offense:	Dismissal.	N/A

Section 12. Loafing.

	MINIMUM	MAXIMUM
(1) First offense:	Written warning.	1 day suspension w/o pay.

(2) Second offense:	5 days suspension w/o pay.	10 days suspension w/o pay.
(3) Third offense:	15 days suspension w/o pay.	Dismissal.

Section 13. Mistreatment of the Public or Other Employees.

A. Verbal abuse.

	MINIMUM	MAXIMUM
(1) First offense:	Written warning.	1 day suspension w/o pay.
(2) Second offense:	5 days suspension w/o pay.	Dismissal.
(3) Third offense:	15 days suspension w/o pay.	Dismissal.

B. Sexual and Other Harassment.

	MINIMUM	MAXIMUM
(1) First offense:	5 days suspension w/o pay.	Dismissal.
(2) Second offense:	Dismissal.	N/A
(3) Third offense:	N/A	N/A

C. Sexual involvement or physical abuse.

	MINIMUM	MAXIMUM
(1) First offense:	Dismissal.	N/A
(2) Second offense:	N/A	N/A
(3) Third offense:	N/A	N/A

Section 14. Political Activity.

A. Unlawful political activities by employees in violation of Court of Appeals policies.

	MINIMUM	MAXIMUM
(1) First offense:	Dismissal.	N/A
(2) Second offense:	N/A	N/A
(3) Third offense:	N/A	N/A

Section 15. Sabotage, Vandalism or Malicious Injury.

A. Sabotage, malicious damage or vandalism to Court property or the property of other employees.

	MINIMUM	MAXIMUM
(1) First offense:	10 days suspension w/o pay.	Dismissal.
(2) Second offense:	Dismissal	N/A
(3) Third offense:	N/A	N/A

Section 16. Security.

A. Divulging classified or highly sensitive information without proper authority.

	MINIMUM	MAXIMUM
(1) First offense:	10 days suspension w/o pay.	15 days suspension w/o pay.
(2) Second offense:	Demotion.	Dismissal.
(3) Third offense:	Dismissal.	N/A

Section 17. Smoking in Unauthorized Places.

	MINIMUM	MAXIMUM
(1) First offense:	Written warning.	1 day suspension w/o pay.
(2) Second offense:	3 days suspension w/o pay.	5 days suspension w/o pay.
(3) Third offense:	10 days suspension w/o pay.	15 days suspension w/o pay.

Section 18. Theft.

A. Actual or attempted theft of Court property, tools, or equipment, or the property of other employees, whether acting alone or in collusion with others.

	MINIMUM	MAXIMUM
(1) First offense:	Dismissal.	N/A
(2) Second offense:	N/A	N/A
(3) Third offense:	N/A	N/A

Section 19. Miscellaneous.

A. Violations of Personnel Regulations, Court of Appeals Policies and Procedures, and any other violations or actions not specifically enumerated in these guidelines which impair or reflect adversely upon the integrity, efficiency, good order or operation of any segment of the Court of Appeals.

(1) First offense: The penalty imposed must be commensurate with the nature and seriousness of the offense in each case, as determined by the Clerk.

B. Penalties for disciplinary offenses in general should fall within the ranges indicated in these guidelines. However, depending upon the timeliness and severity of the infraction and the past record of the employee, greater or lesser penalties may be imposed. A combination of infractions may be considered jointly and normally will justify a more severe penalty than a single offense. Past record may be taken into consideration, but past offenses not acted upon at the time of discovery should not be applied in current disciplinary actions.

C. The above listings do not cover every possible type of offense or disciplinary action. Therefore, insofar as possible, offenses not listed should be punished with comparable severity to other similar offenses listed.

D. Warnings should be given in writing, specifying the offense, and be dated and signed. A copy should be placed in the employee's official personnel file in the Clerk's office. A copy of the warning shall be provided to the Judge-in-Charge immediately. If the warning is not given in writing, a record of the verbal warning should be prepared and placed in the personnel record.

E. All notices of disciplinary action taken should preferably be given to the employee in person, if possible. Otherwise, mailing by Registered Mail, Return Receipt Requested, to the employee's last known address is recommended.

20. Appeals From Disciplinary Action; Grievance Procedure.

An appeal from any disciplinary action by the Clerk must be made in writing within 5 calendar days of the disciplinary action and addressed to the Judge-in-Charge with a copy to the Clerk. The Judge-in-Charge and the Personnel Committee will review the matter and present recommendations for action to the Court. The final decision will be made by the Court.

A grievance resulting from any action taken by the Clerk must be made in writing to the Judge-in-Charge with a copy to the Clerk. The Judge-in-Charge and the Personnel Committee will review the matter and present recommendations for action to the Court. The final decision will be made by the Court.

A GUIDE TO OFFICE POLICY ADMINISTRATION FOR ADMINISTRATIVE ASSISTANTS AND SUPERVISORS

EMPLOYMENT STATUS

Merit exempt means there is no appeal process through the Merit System and that this office is not subject to Merit System rules and regulations. The Clerk may hire without going through the state merit system and may terminate employment without having to abide by state merit system rules and regulations. "At Will" simply means that the Clerk or the employee may terminate employment, without cause, at any time, provided notice is given. Employment in the Clerk's office is for an indefinite period of time, there is no contract to be broken by termination, the term "permanent" employee in no way signifies the length of time for which the employee is employed.

PUBLIC/EMPLOYEE RELATIONS

The Public is to be treated with respect. Rudeness to the public either in person or over the telephone will be grounds for disciplinary action up to and including dismissal.

Employees are to treat fellow employees with courtesy. Rudeness to fellow employees will be subject to disciplinary action as well.

DRESS CODE

Employees are to be reminded to consider the professional nature of the office in which they are employed. It is the responsibility of the Clerk to explain what is meant by "appropriate" attire. It is the responsibility of the employee to request the Clerk's opinion of the appropriateness of an employees attire. If the attire is only slightly out of line, the employee will be advised of its inappropriateness and informed not to wear it again. If the attire is completely inappropriate, the employee will be sent home without pay.

ATTENDANCE

Employees are to be informed of their specific work schedule and instructed to adhere to it unless otherwise instructed by the Clerk.

An employee is considered late if not present at his or her scheduled time. It will be the responsibility of the Clerk to prepare a Tardy Notice on any employee who is late for any length of time, then immediately submit said notice to the appropriate Administrative Assistant. Tardiness of 30 minutes or more will be charged to annual leave, as well as subjecting the employee to disciplinary action. Continued tardiness of any length shall be grounds for dismissal.

Lunch hours are self-explanatory. It is the responsibility of the Clerk structure lunch hour schedules to allow the least disruption in service to the court and the public.

INCLEMENT WEATHER - self-explanatory.

MILITARY, COURT LEAVE, AND JURY SERVICE - self-explanatory.

OVERTIME

Supervisors are responsible for submitting a written request for employees within his/her section to work overtime (with the exception of late court attendance). A written justification must be included in the request clearly detailing why the work could not have been completed during the course of the regular work day.

LEGAL ADVICE - self-explanatory

PERFORMANCE EVALUATION - self-explanatory

SMOKING - self-explanatory

PERSONAL TELEPHONE CALLS

The Clerk is to designate a telephone for use by employees which will be out of sight and hearing of the public. Employees who exceed the amount of time allowed for use of the telephone during breaks will be given a warning, followed by loss of telephone privileges. Abuse of the telephone privilege may result in dismissal.

EATING AT WORK STATION - self-explanatory

SECURITY/IDENTIFICATION BADGES - self-explanatory

CORRESPONDENCE - self-explanatory

TELEPHONE ETIQUETTES

Many employees do not identify themselves when answering phone calls. Stress the requirement to do this.

Disciplinary action, counseling, and reports are to be prepared by the Clerk when an employee is witnessed to be rude to the public either over the telephone or in person. Continued rudeness shall result in dismissal.

GOSSIP AND RUMORS - self-explanatory

EMPLOYEE SUGGESTIONS - self-explanatory

POLITICAL ACTIVITY - self-explanatory

ANNUAL LEAVE

Employees are to submit a Preliminary Leave Request form no less than 48 hours in advance for leave of 1 to 3 days, no less than one month in advance for leave of 4 to 5 days, and no less than two

months in advance for leave of 4 to 5 days during the months of March, July, November and December. A copy of the approved or denied request will be returned to the employee by the Supervisor.

Annual Leave forms will be prepared by the Clerk, given to the employee for signature and returned to the Clerk. Receipt of a copy of the Annual Leave form will constitute the employee's confirmation of approval.

Employees are allotted annual leave as follows:

<u>Years of Active Creditable Service</u>	<u>Vacation ACCRUAL RATE</u>
EOD through 5 years	1.25 days per month
5 years through 10 years	1.50 days per month
10 years and over	1.75 days per month

SICK LEAVE

Employees are allotted 1.25 days of sick leave each month. Sick leave accrual is unlimited. An employee may use sick leave as necessary, but any employee exceeding the use of two consecutive sick days will be required to provide a statement from a physician detailing the illness and the necessity for home confinement. It is the responsibility of the immediate Supervisor to give the employee a written notification of this requirement. Employees should understand that if they feel bad, they are expected to be at work, but that if they are sick, they may use sick leave.

Any employee determined to have developed an habitual use of sick leave will be required to provide a statement from a physician upon each absence.

Any employee requesting sick leave following a denial for annual leave (calling in sick on the day requested for annual leave) will be required to provide a statement from a physician upon said absence.

An employee who exceeds all accrued sick leave may request in writing to be allowed use of any or all accrued annual leave. Said request must be accompanied by a statement from a physician detailing the illness of the employee/child/spouse.

Upon exhaustion of all accrued leave due to a **serious** illness an employee may request an **Extended Leave of Absence** without pay, not to exceed six months. Illness not of a serious nature is not to be a basis for granting a Leave of Absence. The employee will be terminated.

Sick Leave forms will be prepared by the Clerk and given to the employee for his or her signature. It is necessary for the employee to sign the sick leave form. A copy of the Sick Leave form will be given to the employee as confirmation of time taken.

The Clerk is responsible for obtaining a Preliminary Leave Request form from employees scheduling doctor's appointments. Employee's are responsible for informing the Clerk of the employee's return time in order to accurately record the amount of sick leave taken. The Clerk will then prepare a Sick Leave Form which will be returned to the employee for signature. Receipt of a copy of the Sick Leave form by the employee constitutes final approval. The Clerk is to determine the least disruptive time for employees to schedule doctor's appointments according to the work performed in each section, and to inform employees of said time.

It is the responsibility of the Clerk to inform employees of the time of day that will be least disruptive to the office for the purpose of scheduling doctor's appointments. Employee's are encouraged to make appointments during their scheduled lunch hour, but are to adhere to the one-hour limit as closely as possible.

TARDY NOTICE

This shall serve as notice of tardiness:

Date of Tardiness: _____

Amount of Time Tardy: _____ 1 to 15 minutes
_____ 15 to 30 minutes
_____ 30 minutes or more

Clerk

** Employee's Signature

** Employee's signature serves only as verification that notice has been served.

NOTIFICATION OF REQUIREMENT FOR MEDICAL LETTER

IN RE: _____

DATE: _____

You are hereby notified that circumstances concerning your attendance indicate a patterned or habitual use of sick leave, or that other incidences covered by office policy have occurred that will require a medical letter from a licensed physician upon each future occurrence of leave due to illness.

Clerk

DISCIPLINARY REPORT

Employee's Name: _____ Date: _____

Infraction:

(Clerk or Supervisor to refer to Policy Guidelines and document infraction.)

Disciplinary Action Taken:

(Clerk or Supervisor to refer to Disciplinary Guidelines and document action taken.)

Clerk/Supervisor

Date

Employee's Signature

cc: Judge-in-Charge

MEMORANDUM

May 3, 1993

TO: ALL STAFF
FROM: VICTORIA MCLAUGHLIN, CLERK
RE: OFFICE POLICIES FOR CLERK OF THE COURT OF APPEALS OF GEORGIA

Attached are the Office Policies for the Clerk of the Georgia Court of Appeals revised 4-93. These policies supersede all other policies previously imposed. Please read these policies carefully as there have been some significant changes made in several policies as well as forms to be utilized.

Please sign the attached statement signifying receipt of a copy of the new policies as well as indicating that you have read and understand all policies as written. Return the original signed statement to me. Should you wish to make a copy of the signed statement or policies, you may do so.

In the next few days we will have a staff meeting where these policies and other matters concerning the court will be discussed. I appreciate everyone's cooperation in following office policies. Hopefully they will make the operation of this office more efficient.

Please address any questions about the policies to me.