



Court of Appeals

Memorandum

To: Judge Miller, Chair
Judge Adams
Judge Bernes

From: *WLM*
William L. Martin, III

Subject: Committee on Better Training for Work Procedures and Policies Protection

Date: July 31, 2008

Judge Miller has asked me to give each of you copies of various policies for your review. They are listed on the next page and attached to this memorandum. As you know, Judge Miller will be out several weeks in August recuperating from surgery. Therefore, it is anticipated that a meeting of the Committee will not occur until later in August or in September.

In the meantime, if you have any questions, do not hesitate to contact me or Holly Sparrow.

Thank you.



Court of Appeals

Memorandum

To: Chief Judge Miller

From: Presiding Judge Blackburn *JAB*

Subject: Urgent Recommendation of the Personnel Procedures and Policies Committee

Date: May 1, 2009

In response to your memo concerning an employee's handbook and specifically a policy on hiring retired state employees, I submit the following position. I see no benefit to the Court in adopting such a rule or in having the handbook. It is not that I have a particular problem with the policy, it is just that nothing keeps the Court from not hiring such people now. What does a written policy do for the Court? Our present "common law" procedure allows us to follow this policy, while leaving us free to do otherwise should future facts warrant.

All an employee's handbook and this written policy would do is allow someone to say we are violating it under facts not presently known. The advantage of a "common law" approach is that the law is formed by applying previous holdings to presently known facts and modifying it as may be appropriate. Under a statutory approach, i.e. the handbook and written policy, the Court must contemplate all circumstances to which the written policy would be

applied in the future. Several years ago the Court voted to advertise all job openings and to let the world know and apply for the position. One of the first openings happened shortly thereafter when one of Judge Ruffin's former law clerks wanted to return to the Court and we voted to re-hire her without advertising the position (a correct decision), which one could argue violates our previously determined policy.

I vote "no" simply because I see no advantage in adopting rules which limit the Court, without benefit, when we are already free to follow such policy.

Also, I have a doctor's appointment Monday afternoon, May 4, 2009

cc: All Judges
William L. Martin, III

HIRING RETIRED STATE EMPLOYEES

The general policy of the Court is not to hire retired state employees, but the Court may occasionally hire a retired state employee on a temporary basis for a specifically stated period of time. A retired state employee shall not be able to be rehired and return to work during the first two consecutive calendar months of his or her retirement, shall work no more than 1040 hours in a calendar year, and will not be entitled to leave or flexible benefits. A retired staff attorney or administrative assistant who formerly worked for the court may be hired at a pay rate no higher than Step 2. In no event may a retired state employee hired by the Court receive total compensation including salary and retirement benefits of more than the annual amount paid the highest paid full-time employee in a similar position with the Court.

[This policy shall apply to any individual hired or any employee who retires after the date of the adoption of this policy.]

See attached note

PROPOSED POLICY (Hiring Retired Employees Policy) April 29, 2009	
AGREE	DISAGREE
	<i>YAB</i>



Court of Appeals

Memorandum

To: Personnel Procedures and Policies Committee
From: Holly Sparrow *HS*
Subject: Meeting & Vote on Hiring Retired State Employees
Date: April 28, 2009

The meeting scheduled for Thursday, April 30, 2009 has been cancelled because several of the members cannot attend. Therefore, I have attached a calendar for May in order to determine a new date for the meeting. The meeting will be at 10:00 a.m. or 2:00 p.m. of an acceptable day depending on your responses. We hope to hold the meeting within the first two full weeks of May.

Please indicate on the attached calendar which days you cannot attend a meeting. I have cancelled out times during which one of you is participating in oral arguments and when Presiding Judge Johnson (the Committee Chair) is not available.

Secondly, if you have not voted, your vote is needed as soon as possible on the policy

concerning hiring retired state employees that was discussed at the last meeting and which was sent to you in my memorandum of April 17, 2009. It is very important that this provision be approved or amended quickly so it can be promptly presented to the whole court for approval. Judge Doyle has requested the policy language be amended slightly and I have attached this version for your review and vote.

Attachments

**cc: Judge Herbert Phipps
Bill Martin**

The general policy of the Court is not to hire retired state employees, but the Court may occasionally hire a retired state employee on a temporary basis for a specifically stated period of time. A retired state employee shall not be able to be rehired and return to work during the first two consecutive calendar months of his or her retirement, ~~and shall work no more than 1040 hours in a calendar year,~~ and will not be entitled to leave or flexible benefits. A retired staff attorney or administrative assistant who formerly worked for the court may be hired at a pay rate no higher than entry level 2. In no event may a retired state employee hired by the Court receive total compensation including salary and retirement benefits of more than the annual amount paid the highest paid full-time employee in a similar position with the Court. ~~A retired state employee hired by the Court will not be entitled to leave or flexible benefits.~~

[This policy shall apply to any employee hired after the date of the adoption of this policy.]

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
<h1>May 2009</h1>					1	2
					3	4
10	11	12	13 Oral Arguments until 10:30 a.m.	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31						



Court of Appeals

Memorandum

To: Bill Martin

From: H. Sparrow *HS*

Subject: Personnel Procedures and Policy Committee
Draft Table of Contents for Employee Handbook

Date: March 17, 2009

I have reviewed all the current and suggested policies to prepare a draft employee handbook for the committee. Attached you will find a proposed Table of Contents for the handbook to make sure that we include all the policies needed. This list is a compilation of current policies in the IOM, selected Clerk's Office Policies, items required by the Comprehensive Loss Control Program, and policies from the corporate handbook Judge Doyle provided. Worker's compensation is a topic in the Emergency Procedures Plan we have already drafted so we will have to decide which is the best place for that topic. Please see the Table of Contents for that handbook also attached. I hope that we will be able to finalize that Plan as well as the Employee Handbook at about the same time.

Please review these Tables of Content and give me your comments. We can go over

the materials from the CLCP review whenever you are ready to make sure that we are covering all the items resulting from that review. I will work on the other sections until then.

I am providing a copy of these Tables of Content to Jan since she may have additional ideas or comments.

cc: Jan Kelley

Table of Contents for Employee Handbook

1. Purpose of Handbook
2. Employment
 - Employment at Will
 - Equal Opportunity Employer
 - ADA accommodations
 - Employment of Relative
 - Hiring Attorneys from Office to Office
3. Ethics for Staff and for Attorneys
 - Practice of Law
 - Personal Conduct
 - Political Activity
 - Outside Employment
 - Confidentiality and Contact with Media
4. Care of Equipment and Use of Technology Resources
 - Telephones
 - Laptops, etc.
 - E-Mail (including whole court e-mails)
 - Internet
5. Employee Relations
 - Courtesy
 - Harrassment Policy
 - Legal Advice
 - Profanity, Gossip, & Rumors
6. Orientation
7. Positions exempt under Fair Labor Standards Act.
8. Salaries
9. Fringe Benefits
 - Holidays
 - Leave
 - Paid Time Off
 - Annual
 - Sick
 - Donated (See Fiscal Office for Forms)
 - FMLA (See Fiscal Office for Forms)
 - Forfeited Leave
10. Travel/Use of Vehicle for Court Business (See Fiscal Office for Forms)
11. Parking
12. Inclement Weather
13. Security/Health and Safety
14. Dress
15. Office Hours
16. Name on Office Door
17. Ordering Supplies
18. Duty to Report Violations of Employee Policies
19. Discipline
20. Acknowledgment of Receipt of and Reading of Handbook

Emergency Procedures Plan

1. Emergency Contacts and Telephone Tree
2. Emergency Measures
3. Security and Safety Systems
4. Worker's Compensation
5. Evacuation Procedures
6. Medical Emergencies
7. Fire Emergencies
8. Threats of Violence
9. Civil Disturbances
10. Natural Disaster or Weather Emergencies
11. Other Emergencies
12. Protection of Court Records
13. Emergency Team
14. Other Safety Measures
15. Acknowledgement of Receipt and Reading of Handbook

As we move forward on a Business Continuity Plan we can add pertinent information for Employees to this Emergency Manual



Court of Appeals

Memorandum

Bill
Please note change made at Jan's request on policy - last line.

HS

To: Personnel Procedures and Policies Committee
From: Holly Sparrow *HS*
Subject: Committee Approval of Policy on Hiring Retired Employees
Date: April 17, 2009

Since there is a need to adopt a policy on the above issue quickly, I have revised the draft in accordance with the Committee's suggestions and it is attached. Jan Kelley has asked that you consider including the last sentence which clarifies the policy that a retired employee which is rehired on a temporary basis will not be entitled to leave or flexible benefits.

If you approve of the policy, please initial this memorandum and return it to me. If you think the policy should not be adopted or needs additional changes, please note your thoughts at the end of the memorandum, initial your comments, and return them to me.

If there is an agreement to adopt this policy, Presiding Judge Johnson, the Committee Chair, will request Chief Judge Miller to submit it for a vote to the whole Court.

cc: Judge Herbert Phipps
Bill Martin

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A retired staff attorney or administrative assistant who formerly worked for the court may be hired at a pay rate no higher than entry level 2. In no event may a retired state employee hired by the Court receive total compensation including salary and retirement benefits of more than the annual amount paid the highest paid full-time employee in a similar position with the Court. A retired state employee hired by the Court will not be entitled to leave or flexible benefits.