

Clerk of the Circuit Court of Cook County

# Supplemental Policies Manual

(effective 7/14/2023)

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# INTRODUCTION

The Supplemental Policies Manual (“Manual”) reflects policies and procedures developed to comply with the Employment Plan, and any other applicable federal, state and county laws and ordinances, the Judgment and Agreed Order entered in *Michael L. Shakman, et.al. v. Clerk of the Circuit Court of Cook County, et al.*, Case No. 69 C 2145 (N.D. Ill.) and other applicable statutes. In the event that provisions of this Manual vary from the terms of applicable collective bargaining agreements, the terms of those collective bargaining agreements shall govern for affected members of the collective bargaining unit.

The Manual sets forth general information and guidelines and does not purport to address every situation or contingency. The policies set forth herein represent the standards governing the conduct of employees of the Clerk of the Circuit Court of Cook County (“Clerk’s Office”). Employees should direct questions about policies, programs or other applications of the Manual to Human Resources. The Manual may be revised and/or amended from time to time. Employees should consult the Intranet or Human Resources to familiarize themselves with any revisions or additions to the Manual.

All employees are reminded that they are bound by the policies, procedures, and obligations set forth and referenced in the Clerk’s Employment Plan as well as the Manual. Employees are encouraged to review the Employment Plan regularly in addition to the yearly training provided by Human Resources. Violations of the Employment Plan will be handled in accordance with the terms of the Employment Plan, may be subject to an investigation by the Director of Compliance (“DOC”) and/or result in Discipline.

Except as explicitly provided otherwise, references to Notices of Employment Actions, as defined herein and in the Employment Plan, and/or notices to DOC do not apply to actions taken with respect to employees in Shakman Exempt Positions. References to an employee’s personnel file may refer to either the physical file or the digital version or supplement to that file.

# DEFINITIONS

For purposes of this Manual, the terms set forth herein shall have the meanings ascribed to them below unless otherwise set forth in the Employment Plan or a particular Article or Section.

- (a) “ACDC” means the Assistant Chief Deputy Clerk of a Department.
- (b) “Bargaining Unit Position” means a Position in the Clerk’s Office that is covered by the CBA.
- (c) “CDC” means the Chief Deputy Clerk of a Department.
- (d) “Compensatory Time” means time off in *lieu* of pay earned for Overtime worked, as documented by an Employee’s swipes in and out of the payroll system or approved timesheets.
- (e) “Department” means an operational department established within the Clerk’s Office as set forth in the Clerk’s Office organizational chart.
- (f) “Deputy” means the individual assigned to assist in the direction of a Department.
- (g) “Designee” or “designee” means the Employee selected and assigned to perform duties set forth in this Manual on behalf of another Employee, typically subordinate to and in the same Department.
- (h) “Director” means the individual assigned to assist a Deputy in heading or directing a Department and whose position description has the “Director” title.
- (i) “Discipline” means an action taken by the Clerk’s Office in response to an employee’s conduct or performance that is determined to be in violation of the Manual or other policies of the Clerk’s Office. This includes verbal or written reprimands, suspensions or terminations.
- (j) “Employee” means an employee or paid or unpaid intern of the Clerk’s Office.
- (k) “Employment Action” means any action (positive or negative) related to any aspect of employment, including, but not limited to, hiring, training, temporary assignment, transfer, reclassification, layoff, assignment of overtime (and other benefits of employment), discipline, and termination, as defined in the Employment Plan.
- (l) “Employment Plan” means the Clerk’s Office Employment Plan as amended from time to time in accordance with the terms set forth therein.
- (m) “Exempt Positions List” means the list of all Exempt Positions, as such list may be amended from time to time, as provided in the Employment Plan.

- (n) “Exempt Position” means a Position that is included on the Exempt Positions List because it is a job that involves policy making to an extent or is confidential in such a way that political party affiliation is an appropriate requirement for the effective performance of the job.
- (o) “FLSA Exempt” means salaried employees who, because of their compensation and/or duties, are not subject to the minimum wage and overtime provisions of the Fair Labor Standards Act, 29 USC 201, *et seq.*, or the Illinois Minimum Wage Law, 820 ILCS 105/1, *et seq.*, as determined by Human Resources.
- (p) “FLSA Non-exempt” means employees who are subject to the minimum wage and overtime provisions of the Fair Labor Standards Act, 29 USC 201, *et seq.*, or the Illinois Minimum Wage Law, 820 ILCS 105/1, *et seq.*, as determined by Human Resources.
- (q) “Non-Exempt Position” means any Position that is not included on the Exempt Positions List.
- (r) “No Political Consideration Certification” or “NPCC” shall have the meaning ascribed to such term in the Employment Plan.
- (s) “Notice of Employment Action” or “NEA” means the notice of employment action that is to be provided to the Director of Compliance to document the employment action in accordance to this Manual and the Employment Plan.
- (t) “Official” means any person holding any elected office in Cook County or any appointed position.
- (u) “Overtime” means time worked by an Employee (as defined in Article III) in excess of the 40-hour work week.
- (v) “Political Contact” means any contact of any kind (oral or written, direct or indirect) from any Politically-Related Person or Organization to an Employee regarding an Employment Action relating to any person likely known to be an Applicant, Candidate or Employee holding or applying for a Non-Exempt Position.
- (w) “Political Contribution” means any gift, subscription, loan, advance, deposit of money, allotment of money, or any tangible item of value given or transferred by one person to another, including in cash, by electronic transfer from one account to another, by check, by draft, through a payroll deduction or allotment plan, by pledge or promise, whether or not enforceable, or otherwise, for purposes of influencing in any way the outcome of any elections. For purposes of this definition, a Political Contribution does not include a loan made at market rate by a lender in its ordinary course of business.
- (x) “Political Fundraising Committee” means any fund, organization, political action committee or other entity that for purposes of influencing in any way the outcome of any

election, receives or expends money or anything of value or transfers money or anything of value to any other fund, political party candidate organization, political action committee, or other entity.

- (y) “Political Reasons or Factors” means any reasons or factors relating to political matters in connection with any Employment Action including, but not limited to: (1) any recommendation for or against the hiring, Transfer, or the taking of any other Employment Action with respect to any person from any politically-related person or organization that is not based on personal knowledge of the person’s work skills, work experience, or other job-related qualifications; (2) the fact that the person works or worked for a politically-related person or organization or works or worked on a political campaign or belongs to a political organization or political party, or the fact that the person chose not to work in a political campaign or to belong to a political organization or a political party, unless related to a recommendation based on the person’s skills, work experience, or other job related characteristics; (3) the fact that any person is or was, or is not or was not a member of any political party or politically-related organization; (4) the fact that the person contributed money, raised money, or provided something else of value to a politically related person or organization, or refrained from doing so; (5) the fact that a person is a Democrat or Republican or a member of any other political party or group, or the fact that the person is not a member; or (6) the fact that the person expressed views or beliefs on political matters.
- (z) “Politically-Related Person or Organization” means any elected or appointed public official, any person acting as an agent of or representing any elected or appointed public official, or any person employed by, acting as an agent of, or representing any political organization or politically-affiliated group.
- (aa) “Position” means any probationary, temporary, part-time, full-time, or any other category constituting common law employment, other than intern/extern, available with the Clerk’s Office.
- (bb) “Position Description” means a written document that describes the Position’s typical duties and current responsibilities, Minimum Qualifications, Preferred Qualifications (if applicable), the knowledge, skills, and abilities needed to perform those responsibilities and any testing protocols (if applicable).
- (cc) “Probationary Employee” means an employee of the Clerk’s Office whose continued employment is subject to a probationary period under the CBA.
- (dd) “Probationary Performance Evaluation” means a formal written review of an employee’s job-related performance during the employee’s Probationary Period.
- (ee) “Probationary Performance Evaluation Form” means the form documenting the evaluation conducted by a Supervisor of an employee’s performance during the employee’s Probationary Period.



- (ff) “Probationary Performance Evaluation Meeting” means the meeting between a Supervisor and employee where the Supervisor provides the employee with a copy of the Probationary Performance Evaluation Form; reviews the employee’s job performance; explains the evaluation scores; and discusses the employee’s performance expectations for the following performance period.
- (gg) “Probationary Period” means the period during which an employee is on probation pursuant to the CBA.
- (hh) “Promotion” is the filling of a Vacancy for a Bargaining Unit Position by a member of the Bargaining Unit who holds a lower job grade.
- (ii) “Reclassification” is the process by which a non-vacant Position is reclassified to another lower or higher classification.
- (jj) “Supervisor” means the individual to whom the employee reports as indicated in the employee’s Position Description and who, among other duties, has the authority to authorize, execute or recommend any Employment Action.
- (kk) “Telework” or “Teleworking” is a work arrangement whereby an employee performs the duties and responsibilities of his/her position remotely, as approved by the CHRO. “Emergency Telework” is a work arrangement whereby an employee is required to perform the duties and responsibilities of his/her position remotely during a state of emergency.
- (ll) “Temporary Assignment” means the assignment of an employee for a limited time to a Position or work location other than that to which he or she is permanently employed based on the operational needs of the Clerk’s Office.
- (mm) “Transfer” means a position and/or employee who is transferred to a different work location either: (1) to meet the verified operational needs of the Clerk’s Office; or (2) based on an employee request.
- (nn) “Unlawful Political Discrimination” means any positive or negative Employment Action involving an Applicant, potential Applicant, Candidate, or Employee who is applying for, being considered for, or holding a Non-Exempt Position that is based on any Political Reasons or Factors.

Any term not defined herein shall have the meaning ascribed to it in the Employment Plan.

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# I. GENERAL

## Section 1 Purpose

The policies and procedures found in this Manual are adopted to promote an efficient and effective personnel system for the Clerk's Office that is free from all forms of unlawful discrimination, including Unlawful Political Discrimination, harassment, and retaliation. The Manual sets forth in detail those policies and procedures which ensure equal treatment for employees and defines the obligations, rights and privileges, benefits and prohibitions placed upon Clerk's Office employees.

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## Section 2 Scope

This Manual applies to all Positions and employees of the Clerk's Office, except as expressly provided therein.

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## Section 3 Effect of Manual

The Manual does not create an explicit or implicit employment contract or promise of employment. If a provision of any applicable Collective Bargaining Agreement ("CBA") conflicts with a provision of this Manual, the CBA controls. To the extent this Manual, the CBA, or the Employment Plan does not expressly limit the Clerk's Office's rights, management retains authority and discretion to carry out its obligations, statutory duties, and operations.

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## Section 4 Interpretation

The Clerk or designee is solely responsible for providing official interpretations of these rules in cases of apparent internal conflicts between rules, or when questions arise about their application to specific situations, procedures or policies.

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## Section 5 Political Activities

No employee shall compel, coerce or intimidate any employee to make or refrain from making any political contribution or to participate or refrain from participating in political activities. Nothing in this section shall be construed to prevent any employee from voluntarily making a contribution or from receiving a voluntary contribution or from voluntary participation in political activities unless otherwise prohibited by law or limited by terms of the Ethics Policy or ordinance.

Nothing herein shall affect the right of any employee to hold membership in and support a political party or candidate, to vote as the employee chooses, to express the employee's opinions, to attend political meetings and to maintain political neutrality.

Employees shall not use or attempt to use political influence in order to secure preferential treatment in employment decisions for themselves or another person.

Employees should be protected against any potential pressure to make a financial contribution to the Clerk of the Circuit Court or his/her political fundraising committee. Employees who experience such pressure shall immediately report this information to the DOC.

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## Section 6    Violations of the Employment Plan, Policies in the Supplemental Policies Manual, Unlawful Political Discrimination, or Unlawful Political Contacts

The Clerk's Office is committed to implementing proactive and transparent employment-related policies, practices, and procedures to prevent and remedy the negative effects of any alleged Unlawful Political Discrimination and Unlawful Political Contacts as required by the Employment Plan.

Unlawful Political Discrimination in all aspects of employment with the Clerk's Office, including the hiring, promotion, discipline, discharge, layoff or recall, award of overtime, decision to transfer, assignment of temporary assignment, decision to allow/deny telework, decision to train, reclassification, and evaluation of employee performance in Non-Exempt Positions is strictly prohibited.

Complaints alleging Unlawful Political Discrimination as a result of the consideration of Political Reasons or Factors in any aspect of employment, including the hiring, promotion, discipline, discharge, layoff or recall, issuance of overtime, decision to transfer, temporary assignment, decision to allow/deny telework, decision to train, reclassification or evaluation of employee performance in Non-Exempt Positions or employment applications seeking a Non-Exempt Position shall be made to the DOC for investigation pursuant to the Employment Plan.

It shall be the duty of every employee who learns of Unlawful Political Discrimination in connection with any aspect of employment with the Clerk's Office, or who believes that Unlawful Political Discrimination has occurred or is occurring, to report this information to the DOC without undue delay. The DOC will investigate alleged violations of the Employment Plan or the Manual, Unlawful Political Discrimination, and Political Contacts in accordance with the Employment Plan.

The Clerk's Office prohibits retaliation, punishment, or penalty for reporting a Political Contact, Unlawful Political Discrimination, violation of the Employment Plan or policies in the Manual; initiating or investigating a complaint related to any alleged Unlawful Political Contact or Unlawful Political Discrimination; or cooperating with or assisting the the DOC, the CHRO or Designee, or any other person or authority in connection with any such report, complaint, or investigation.

Violations of the Employment Plan, any section of the Manual, or engaging in Unlawful Political Discrimination, may subject an employee to Discipline, up to and including termination.

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## II. PROBATIONARY PERFORMANCE EVALUATION POLICY

### Section 1 Application

This policy applies to Bargaining Unit employees. If any terms of this policy conflict with the terms of the CBA, the CBA controls. Nothing in this policy prevents the Clerk's Office from terminating a Probationary Employee at any time during the employee's Probationary Period.

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### Section 2 Evaluation of Performance

The CDC or Designee shall use personal knowledge of a Probationary Employee's work performance to complete a Probationary Performance Evaluation Form for a Probationary Employee whom the CDC or Designee supervises for work performed during the employee's Probationary Period. A Probationary Employee's job performance is evaluated based on the performance of job duties as set forth in the employee's Position Description.

The CDC or Designee shall assess the Probationary Employee's job performance for each evaluation factor set forth in Section 3 and assign a score on a scale of 1-4: (1) Unsatisfactory; (2) Needs Improvement; (3) Good; and (4) Excellent. A written explanation for all scores must be included on the Probationary Performance Evaluation Form in the box provided for each category. The written explanation for a score of 1 ("Unsatisfactory") must include specific examples of the unsatisfactory performance. The written explanation for scores of 1 ("Unsatisfactory") and 2 ("Needs Improvement") must include recommendations on how the employee can improve performance. The written explanation for a score of 4 ("Excellent") must include specific instances of the exceptional performance supporting the score. Additional documentation, such as examples of work product, emails, or memoranda or letters from the public, may be attached to the Probationary Performance Evaluation Form to assist in providing the written explanation. The Probationary Employee's final score is an average of the numerical scores for each evaluation factor in Section 3.

The CDC or Designee shall identify all Supervisors who provided input and shall incorporate their comments into the Probationary Performance Evaluation Form. All Supervisors who provide input into a Probationary Performance Evaluation Form shall sign a NPCC.

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### Section 3 Evaluation Factors

The CDC or Designee shall evaluate Probationary Employees holding the same Position in a fair and consistent manner, using the following job-related factors:

Quantity of Work	Consider the quantity of work turned out and the promptness with which it is completed.
Quality of Work	Consider the ability and accuracy to produce accepted work which meets firm standards, neatness.

Knowledge of Job	Consider basic knowledge of present job, of other work closely related to it, and of the equipment necessary to do it.
Initiative	Consider amount of supervision required and amount of detailed instructions that are necessary.
Office Relations	Consider willingness to work with and help others, ability to accept constructive criticism, and cooperativeness with fellow employees and supervisors.
Customer Relations	Consider willingness to address requests in a helpful, courteous and positive manner.
Professionalism	Consider things like neatness of work area, compliance with office dress code and use of telephones and computers for personal use.

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#### Section 4 Performance Evaluation Meeting with Employee

The CDC or Designee shall conduct a Probationary Performance Evaluation Meeting for each Probationary Employee whom he/she supervises at least 7 days prior to the expiration of a Probationary Period. The CDC or Designee shall give Human Resources at least three business days' written notice of the Probationary Performance Evaluation Meeting. HR shall give to the DOC at least two business days in advance: (1) written notice of the Probationary Performance Evaluation Meeting; and (2) copies of the completed Probationary Performance Evaluation Form and related documentation.

The CDC or Designee shall provide the Probationary Employee with written notice of the Probationary Performance Evaluation Meeting no later than the close of business the day prior.

The attendees at the Probationary Performance Evaluation Meeting are limited to the Probationary Employee's CDC, ACDC, CHRO or Designee, Executive Clerk or Designee, and DOC.

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#### Section 5 Employee Comments

The Probationary Employee shall be given the opportunity to review the Probationary Performance Evaluation Form during the Probationary Performance Evaluation Meeting and ask questions. The Probationary Performance Evaluation Form shall include an area for the Probationary Employee to provide comments about the Probationary Performance Evaluation Form and the Probationary Performance Evaluation Meeting.

The Probationary Employee may provide comments on the Probationary Performance Evaluation Form either: (a) during the Performance Evaluation Meeting; or (2) in writing to the CDC or Designee within two business days after the Probationary Performance Evaluation Meeting. The employee may attach additional pages to the Probationary Performance Evaluation Form. The employee shall sign the Probationary Performance Evaluation Form to acknowledge the occurrence of the Probationary Performance Evaluation Meeting. The employee's signature does not constitute the employee's agreement with the content of the Probationary Performance

Evaluation Form.

The CDC or Designee shall provide the signed Probationary Performance Evaluation Form; any written comments from the employee; the NPCC; and NEA to Human Resources for transmission to the DOC and for inclusion in the employee's personnel file within five business days of receipt.

The CDC or Designee shall provide a copy of the Probationary Performance Evaluation Form to the Probationary Employee.

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## Section 6 Use of Performance Evaluation

The Probationary Performance Evaluation shall be considered in connection with the termination and retention of a Probationary Employee:

- A new Probationary Employee who receives a final score of less than 2.0 shall not be retained.
- A Probationary Employee in a new Position based on a Promotion who receives a final score of less than 2.0 shall be returned to his/her former Job Grade, Position, and/or work location pursuant to the CBA.
- A Probationary Employee in a new Position based on a Lateral Transfer who receives a final score of less than 2.0 shall be returned to his/her former Position and/or work location pursuant to the CBA.

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## Section 7 No Political Consideration Certification (NPCC )

All Supervisors participating in the making of recommendations related to the performance or evaluation of a subordinate employee must complete and sign a NPCC.

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## Section 8 Monitoring and Audit

Probationary Performance Evaluation Forms and Probationary Performance Evaluation Meetings are subject to review, audit and monitoring by the DOC.

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# III. OVERTIME AND COMPENSATORY TIME POLICY

## Section 1 Definition

For purposes of this Section, "Employee" means an employee of the Clerk's Office who is non-exempt under the Fair Labor Standards Act (FLSA). FLSA Exempt employees are not eligible for overtime.

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## Section 2 Policy

Overtime occurs when Clerk's Office operational needs require Employees to work more hours than the normal 40-hour work week to complete all required tasks and/or meet deadlines. Compensation for Overtime in the form of Compensatory Time or pay (as applicable) is available to FLSA Non-exempt Employees only. FLSA Exempt employees are not eligible to receive Compensatory Time or pay for time worked in excess of the 40-hour work week.

Overtime shall only be assigned with the prior approval of the CDC or Designee where the Overtime will be performed. To qualify for Overtime, an Employee must be in paid status for the entire work week in which the Overtime is requested. An Employee is not eligible to volunteer for Overtime if the Employee has accumulated 240 hours of unused Compensatory Time, provided that a CDC may temporarily suspend the limit on volunteering for Overtime for a period of 30 days based on the operational needs of the Office with prior written approval of the CHRO or Designee. Such request must be made in writing and include a justification for the suspension request. The CDC may request an extension of the suspension beyond the 30 days from the CHRO or Designee. The CHRO or Designee shall provide a copy of the request for suspension of the limit (or subsequent extension request) stating the justification for the request and the approval to the DOC. Bargaining Unit Employees are subject to the terms of the CBA regarding the assignment of Overtime and the Clerk's Office shall provide the same documentation in accordance with Sections 1 and 2 of this policy. If the CBA is silent regarding the assignment of Overtime, the Overtime procedures described below shall control.

The Clerk's Office shall distribute Overtime equitably among all Employees in the Department who generally perform the type of work required. No Overtime shall be assigned (or not assigned) based on Political Reasons or Factors.

Employees are expected to perform only the Overtime assigned to them. Failure to perform assigned Overtime may result in Discipline under the Discipline Policy. Overtime must be limited to completing the work that management determines to be mission essential and must be assigned with advanced notice in accordance with this Policy, except as set forth below. In the case of an emergency operational need, the Deputy of the Department or designee may assign Overtime without advance notice in accordance with this Policy.

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## Section 3 Assignment of Overtime

Overtime is assigned using the following procedures.

### 3.1 Overtime with Advance Notice

A. As soon as a CDC or Designee determines that there is a need for Overtime in their Department and with at least two business days advance notice, the CDC or Designee shall provide email notice to employees regarding the availability of Overtime. Advance notice requires the email be sent as soon as the decision to offer Overtime is made, and at least two business days prior to the Overtime being performed.

B. The email notice shall be sent to all Employees in the Department who generally perform the type of work required, Human Resources, and DOC. The email notice shall identify when the Overtime may be, or is required to be, performed, the purpose of the Overtime, the limit on the maximum amount of Overtime that may be, or is required to be, performed, and the time by which employees must respond.

C. Voluntary Overtime: All Employees in the Department who generally perform the type of work identified in the Overtime email notice must be given an opportunity to volunteer for the Overtime. The CDC or Designee shall assign Overtime opportunities as equally as practical among all Employees in the Department who generally perform the type of work required. Overtime shall be assigned on a seniority basis and rotated through all Employees in the Department who generally perform the type of work required on an equitable basis. For purposes of equitable distribution, Employees who decline or do not respond to an offer of Overtime shall be treated as if they accepted the offer.

D. Mandatory Overtime: If all Employees in the Department who generally perform the type of work decline or do not respond to an offer of Overtime, the CDC or Designee may assign the Overtime, in which case it will be assigned on an inverse seniority basis and rotated through all Employees in the Department who generally perform the type of work.

E. Department-Wide Mandatory Overtime: If the CDC or Designee determines that there is an operational need for department-wide mandatory Overtime, the CDC or Designee shall provide email notice to employees regarding the assignment of Mandatory Overtime as soon as the decision is made and at least two business days prior.

F. Notice of Overtime Performed: After the Overtime is performed, the CDC of the Department where the Overtime was worked or Designee shall complete and send a Notice of Overtime Performed Form to Human Resources. The Notice of Overtime Performed Form shall include in the Description/Explanation Section: (1) the operational need for assignment of Overtime and why the Overtime could not be performed during regular work hours; and (2) a description of why the Employee was selected. If the Overtime was mandatory, pursuant to Section 3.1(D), the last prior Notice of Overtime Performed shall be attached to the Notice.

G. Review of Overtime Performed: The CDC of the Department or Designee where the Overtime was worked and Human Resources shall review the Employee's time record to ensure the Employee only worked the amount of approved Overtime. The CDC shall provide the Notice of Overtime Performed Form, Weekly Overtime Record Form, and NPCC to Human Resources by the close of the fourth business day of the following workweek after the Overtime is completed. Human Resources shall provide a copy of the documentation and all attachments to the DOC. Electronic time records shall be made available to the DOC upon request. If the nature of the Overtime work prevents an Employee from utilizing the electronic time system, the Employee's written time record shall be made available to the DOC, upon request.



### 3.2 Overtime without Advance Notice

A. The Clerk's policy is that Overtime should be awarded with advance notice. CDCs must be aware of the workload and deadlines within their Departments and should anticipate when Overtime will be needed, such that Overtime without Advanced Notice is not required.

B. In the event a CDC or Designee determines there is an emergency operational need for Overtime in their Department and two business days advance notice is not feasible, the CDC or Designee may assign the Overtime without the required two business days advance notice. The CDC or Designee shall provide as much advance notice as possible via email to all employees in the Department who generally perform the type of work required. The email notice shall identify when the Overtime may be, or is required to be, performed, the purpose of the Overtime, the limit on the maximum amount of Overtime that may be, or is required to be, performed, and the time by which employees must respond.

C. Voluntary Overtime: Overtime without advance notice shall be offered on a seniority basis and rotated through all employees in the Department who generally perform the type of work required on an equitable basis, unless the Overtime required is: (1) to enable an employee to complete a specific project to meet a deadline; or (2) there is a bona fide operational need or efficiency in assigning a particular employee. The rationale for specific assignment shall be clearly described in the rotating list of employees assigned to Overtime. For purposes of equitable distribution, employees who decline or do not respond to an offer of Overtime shall be treated as if they accepted the offer.

D. Mandatory Overtime: If all employees in the Department who generally perform the type of work decline or do not respond to an offer of Overtime, the CDC or Designee may assign the Overtime, in which case it will be assigned on an inverse seniority basis and rotated through all employees in the Department who generally perform the type of work required.

E. Notice of Overtime Performed: After the Overtime is performed, the CDC of the Department or Designee where the Overtime is worked shall review the Employee's time record to ensure the Employee only worked the amount of approved Overtime. The CDC or Designee shall complete and send a Notice of Overtime Performed Form to Human Resources. The Notice of Overtime Performed Form shall include in the Description/Explanation Section: (1) the operational need for assignment of Overtime and why the Overtime work could not be performed during regular work hours; (2) the reason why advance notice was not feasible; and (3) a description of why the Employee was selected. If the Overtime was mandatory, pursuant to Section 3.2(D), the last prior Notice of Overtime Performed shall be attached to the Notice.

F. Review of Overtime Performed: The CDC or Designee where the Overtime was worked and Human Resources shall review the Employee's time record to ensure that the Employee only worked the amount of approved overtime. The CDC or Designee shall provide the Notice of Overtime Performed Form, Weekly Overtime Record and NPCC to Human Resources by the close of the fourth business day of the following workweek after the Overtime is completed. Human Resources shall provide a copy of the documentation and all

attachments to the DOC. Electronic time records shall be made available to the DOC, while acting, upon request. If the nature of the Overtime work prevents an Employee from utilizing the electronic time system, the Employee's written time record shall be made available to the DOC upon request.

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#### Section 4 Compensation for Overtime

A. Employees who are assigned Overtime are compensated with Compensatory Time instead of Overtime pay to the extent allowed under the CBA and applicable law.

B. Compensatory Time shall be earned and used in fifteen-minute increments. An Employee shall earn Compensatory Time only for Overtime that is documented by the Employee's entries in CCT. An Employee who works in excess of forty hours a week, shall earn Compensatory Time at a rate of one and a half hours for each additional hour actually worked. Compensatory Time earned in one week cannot be counted toward that same week's forty hours' workweek.

C. An Employee may accumulate up to 240 hours of Compensatory Time (*i.e.*, the equivalent of 160 Overtime hours worked). If an Employee has already accrued 240 hours of unused Compensatory Time, the Employee shall receive payment at his or her regular hourly rate multiplied by one and one half (1.5 or "time and a half") for any approved Overtime worked. When an Employee accumulates 240 hours of Compensatory Time, he or she may be required to use his or her Compensatory Time to reduce the number of hours accumulated.

D. Compensatory Time shall be tracked utilizing the Employee's entries in CCT and such documentation shall be provided to the DOC upon request.

E. An Employee shall be paid for any unused Compensatory Time upon separation from the Clerk's Office.

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#### Section 5 No Political Consideration Certification (NPCC )

All Supervisors participating in the selection of employees assigned Overtime must complete and sign a NPCC. The NEA, NPCC, and all supporting documentation must be provided to the DOC within five business days of the Overtime being worked.

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## IV. TEMPORARY ASSIGNMENT POLICY

### Section 1 Purpose

The purpose of this Temporary Assignment Policy is to establish the terms and conditions under which employees may temporarily be assigned to a different position or work location to meet the operational needs of the Clerk's Office.

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## Section 2     Scope

This Policy applies to all Departments, Divisions and Bureaus in the Clerk's Office. To the extent that any provision in this Policy conflicts with a specific provision in any CBA or the Employment Plan, the provision in the CBA or the Employment Plan shall govern.

Temporary Assignments shall be rotated equally among all eligible employees. An employee is eligible for a Temporary Assignment if the employee meets the Minimum Qualifications, as defined in the Employment Plan, of the position.

Temporary Assignments only apply to employees in positions that are not on the Exempt List. No Political Reasons or Factors shall be considered in determining whether or not to place an employee in a Temporary Assignment. Experience gained by an employee as a result of a Temporary Assignment shall not be considered if that employee subsequently applies for another position.

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## Section 3     Procedure

A.     Identification of Need for Temporary Assignment. When the CDC identifies a verified operational need for a Temporary Assignment, the CDC shall convey this need in writing to the Executive Clerk or Designee, including:

1. the length of time and dates employee(s) will be needed;
2. the position title to be filled; and
3. the number of employees needed.

B.     Notice to Employees. The CDC or Designee shall identify the employees in the Department(s)/Division(s)/Bureau(s) with available staff above the minimum operational needs and provide email notice to all eligible employees regarding the availability of the Temporary Assignment. The email notice shall identify the dates, duration, position title, and location of the Temporary Assignment and shall inform employees that they may volunteer by responding to the email notice in writing.

C.     Assignment of Employee(s). All eligible employees in the identified Department(s)/Division(s)/Bureau(s) with staff available above the minimum operational needs must be given an opportunity to volunteer for the Temporary Assignment. The CDC or Designee shall assign eligible employees who volunteer for the Temporary Assignment by seniority on a rotating basis as equally as practical.

If there are no, or not enough, volunteers to fill the Temporary Assignment, eligible employees shall be assigned on an inverse seniority basis and rotated through all eligible employees in the identified Department(s)/Division(s)/Bureau(s). When possible, the Clerk's Office shall utilize

staff from facilities closest in proximity to where the Temporary Assignment is located to reduce any hardship on temporarily assigned employees.

The CDC or Designee shall review all Temporary Assignments for the previous 12 months covering the position to be filled to ensure that assignments are rotated equally among eligible employees.

D. Temporary Assignment Request Form. The CDC or Designee shall submit a Temporary Assignment Request Form to the Executive Clerk identifying:

1. the verified operational need for the Temporary Assignment;
2. the dates and duration of the Temporary Assignment;
3. the position title to be filled and a copy of the current Job Description for the Temporary Assignment Position;
4. the number of employees needed;
5. the identified Department(s)/Division(s)/Bureau(s) with staff available above the minimum operational needs;
6. the name(s), current Position title, and assigned Department of the employee(s) to be Temporarily Assigned;
7. a description of why the employee(s) was/were selected for the Temporary Assignment;
8. copies of all prior approved Temporary Assignments for the previous 12 months covering the position to be filled; and
9. a signed NPCC.

E. Review of Request for Temporary Assignment. The Executive Clerk or Designee shall verify that the employee(s) assigned possess(es) the Minimum Qualifications for the position to be filled through Temporary Assignment. The Executive Clerk or Designee shall verify seniority, if applicable. The Executive Clerk or Designee shall verify the equitable rotation of employees.

F. Approval/Denial of Request for Temporary Assignment. The Executive Clerk or Designee shall either approve or deny the Temporary Assignment and provide written notification of the determination to the CHRO or Designee. The CHRO or Designee shall send a copy of the completed Temporary Assignment Request Form; the written approval or denial; applicable seniority lists; the notice to employees and employee responses; and prior Temporary Assignments and any attachments to the DOC within five business days of receipt.

G. Notice to Employees. The CDC or Designee shall provide notice to the assigned employee(s) of (a) the dates of the Temporary Assignment; (b) the Department/Division/Bureau and location of the Temporary Assignment; and (c) the supervisor to whom the employee(s) is expected to report. The CDC or Designee shall provide a copy of all of the above to the CHRO or Designee, who shall forward all of the materials to the DOC within five business days of receipt.

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## Section 4 Length of Temporary Assignment

A Temporary Assignment shall last no longer than 90 days, unless extended for up to an additional 30 days upon approval by the Executive Clerk or Designee. A request for an extension of the Temporary Assignment for an additional 30 days shall be made in writing by the CDC or Designee to the Executive Clerk or Designee. Requests for extensions shall describe the operational need for extension and the expected length of the extension. No Temporary Assignment shall exceed 120 days. The Executive Clerk or Designee shall approve or deny the requested extension in writing, upon consultation with the Union, if applicable, and provide written notification of the determination to the CHRO or Designee. The CHRO or designee shall provide a copy of: (1) the document requesting the extension; and (2) the document approving or denying the extension and a signed NPCC to the DOC within five business days of receipt.

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## Section 5 Expedited Procedure for Temporary Assignment of Two Weeks or Less

A request for the Temporary Assignment of employees for two weeks or less may be made by the Requesting CDC to the Executive Clerk in writing. The request shall describe the verified operational need for the Temporary Assignment and its expected length, the employee(s) assigned to the Temporary Assignment, and include an NPCC signed by the Requesting CDC.

The Executive Clerk or Designee shall approve or deny the request for the Temporary Assignment in writing, and sign an NPCC and provide written notification to the CHRO or Designee. The CHRO or Designee shall forward these documents to the DOC within two business days.

No extensions of a Temporary Assignment approved under this Section shall be granted. In the event that the Requesting CDC can demonstrate a verified operational need for an extension of a Temporary Assignment approved under this Section, such extension shall proceed pursuant to this Policy.

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## Section 6 Termination of Temporary Assignment

The Executive Clerk may end a Temporary Assignment in his or her Bureau at any time with 24 hours written notice to the employee(s). The Executive Clerk shall provide notice of the termination to the CHRO and DOC concurrent with the notice to the employee(s).

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## Section 7 No Political Consideration Certification (NPCC)

All employees assigned to a Temporary Assignment pursuant to this Policy and all employees participating in the request or approval on a Temporary Assignment shall sign a NPCC certifying that no Political Reasons or Factors were considered.

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## V. TRANSFER POLICY

### Section 1 Purpose

The purpose of this Transfer Policy is to establish the terms and conditions under which a position and/or employee may be Transferred.

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### Section 2 Scope

This Policy applies to all Departments, Divisions, Districts and Bureaus in the Clerk's Office. To the extent that a provision in this Policy conflicts with a specific provision in any CBA or the Employment Plan, the provision in the CBA or the Employment Plan shall govern.

Transfers, whether based on Clerk's Office operational need or employee request, only apply to employees in positions that are not on the Exempt List. No Political Reasons or Factors shall be considered in determining whether or not to transfer a position or employee.

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### Section 3 Policy

#### 3.1 Transfer Based on Clerk's Office Operational Need

A position and/or employee may be transferred to a different work location to meet the verified operational needs of the Clerk's Office. If the position is not vacant at the time of the Transfer, the employee holding the transferred position shall be transferred to the new work location. If the employee holding the position elects to not be transferred, he or she shall be terminated, and the position shall be filled in accordance with the Employment Plan.

#### 3.2 Transfer Based on Employee Request

##### A. Process

1. An employee may request a transfer to a different work location by submitting a written request to his/her CDC and providing supporting documentation/information sufficient to establish: (a) the existence of an extraordinary hardship arising out of an emergency, medical situation or other exigent circumstance; and (b) that the requested transfer reasonably can be expected to eliminate or alleviate that extraordinary hardship.

2. The CDC shall forward the request and supporting documentation/information to the Executive Clerk, who shall approve or deny the employee's transfer request for extraordinary hardship in writing based on the supporting documentation/information and operational needs of the Clerk's Office. The Executive Clerk or designee shall communicate approval/denial of the requested transfer for extraordinary hardship in writing to the employee.

## B. What Constitutes “Extraordinary Hardship”

Examples of extraordinary hardship include, but are not limited to: a temporary medical ailment or impediment due to illness, injury, or surgery that makes travel to and from the current work location extremely difficult; caring for an immediate family member with a medical issue that requires temporarily working closer in proximity to that individual; or temporary child care issues that require a shorter commute to and from work to provide care for the employee’s minor child.

## C. Duration of Transfer for Extraordinary Hardship

A Transfer for extraordinary hardship shall not exceed six months in length unless the employee requests an extension in writing using the procedure provided in this Policy. Under no circumstance shall a Transfer for extraordinary hardship exceed nine months in length. When an extension is granted, the Executive Clerk or designee shall complete a Transfer Form pursuant to this Policy. The Executive Clerk or designee shall communicate the approval/denial of a request for extension based on extraordinary hardship in writing to the employee.

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## Section 4 Documentation and Notice

### 4.1 Transfer Form

When the Executive Clerk or Designee of a Bureau identifies a verified operational need to Transfer a position or employee to a different work location or approves/denies a request for a transfer based on extraordinary hardship, the Executive Clerk or Designee shall submit a Transfer Form to the CHRO or Designee. The Transfer Form shall include:

- a. The position title, current Department/Division/District/Bureau, and Position Identification Number;
- b. The current work location;
- c. The new work location;
- d. The new Department/Division/District/Bureau, where applicable;
- e. The name of the employee holding the position, if applicable;
- f. The specific verified operational need for the Transfer, where applicable or the identified extraordinary hardship, where applicable;
- g. The reason for approval/denial of the request for transfer based on extraordinary hardship, where applicable; and
- h. A signed NPCC.

### 4.2 Notice to Employee(s)

The Executive Clerk or Designee shall provide written notice to the employee(s) of the effective date for the Transfer and new work location, where applicable.



### 4.3 Notice to DOC

The CHRO or designee shall provide to the DOC within five business days of receipt, notice of the Transfer and all documentation including, but not limited to: the Transfer Form; the employee request for transfer based on extraordinary hardship and supporting documentation, where applicable; the written approval/denial of the request for transfer based on extraordinary hardship, where applicable; the notice to the employee(s); and a signed NPCC.

The CHRO or designee shall provide to the DOC within five business days of receipt, notice of an extension of Transfer based on extraordinary hardship and all documentation including, but not limited to: the employee request for extension and supporting documentation; the written approval/denial of the request for extension; the Transfer Form; the notice to the employee; and a signed NPCC.

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## Section 5 No Political Consideration Certification (NPCC)

All employees transferred and all employees participating in the request for and selection of positions or employees for a Transfer must sign an NPCC certifying that no Political Reasons or Factors were considered.

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# VI. TRAINING

## Section 1 Policy

The Clerk's Office recognizes the importance of the professional development of employees in activities that are related to their employment. A well-trained staff is vital to the continuous improvement in the performance of job duties and to keep pace with technological advancements. As such, the Clerk's Office may provide both mandatory and optional training opportunities for employees.

Employees in the same Position shall be offered training opportunities equally. The Director of Training shall provide notice to all employees in the Position or Positions within a Department/Division/Bureau identified for training of the date and time of the training; the training topic; whether the training is mandatory or optional; and (if the training is optional) the date by which an employee must indicate whether he or she will participate.

No training opportunity relating to a Non-Exempt Position or provided to a Non-Exempt Position shall be granted or denied based on any Political Reasons or Factors.

This Policy applies to all Departments and to all Employees in Non-Exempt Positions. To the extent this Policy conflicts with a specific provision in the CBA or the Employment Plan, the provision in the CBA shall govern.



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## Section 2 Procedure

The following procedures shall be followed when offering and selecting employees to receive training opportunities:

### A. Training Opportunities

Employees shall be offered training in connection with their Position in accordance with the following procedures.

1. The Executive Clerk, Chief of Staff, CDC or Designee providing the training shall:
  - a. Identify training needs and the type of training to be offered;
  - b. Identify the Position or Positions in the Department where employees would benefit from training; and
  - c. Determine whether the training shall be mandatory or optional.
2. The Executive Clerk, Chief of Staff, CDC or Designee shall consider:
  - a. The job functions and necessary skills of the particular Position;
  - b. How those job functions and skills meet or fail to meet the needs of the respective Department;
  - c. How these needs have changed or may change; and
  - d. How new skills acquired through training may improve the Clerk's Office and Department's ability to function.
3. The Deputy or Designee shall complete a Training Request Form, to include each element outlined in Section 2.A.1., for each training to be offered in their Department. The Deputy or Designee shall submit the Training Request Form to the Director of Training for review.
4. The Director of Training, the Deputy and other Supervisors in the Department shall develop training programs to meet the identified needs or growth opportunities and schedule the time for the training. When appropriate, training programs may be offered through an outside source. Training should be scheduled to minimize disruption to the functions of the Clerk's Office and to have employees prepared.
5. The Director of Training or Designee shall provide written notice to all employees in the Position or Positions identified for training of the date and time of the training, the training topic, whether the training is mandatory or optional, and (if optional) the date by which an employee must indicate whether he or she will participate.

### B. Mandatory Training

Mandatory training for a specific Position or Positions within a Department/Division/Bureau shall be provided to all employees in the Position or Positions within that operational unit, except for

employees in the impacted Position who received the training within the previous two years. If there is insufficient space or the Clerk's Office's operational needs do not allow all eligible employees to be trained in a single session, additional training sessions shall be provided. Employees who are absent on the day/time the training is scheduled shall be rescheduled for make-up training within thirty days.

C. Mandatory Annual Employment Plan Training

All mandatory annual training required by the Employment Plan, including Human Resources Personnel Training, Supervisor Training, and employee training, shall be offered and provided to Clerk's Office employees, as applicable. If there is insufficient space or the Clerk's Office operational needs do not allow all employees required by the Employment Plan to be trained in a single session, additional training sessions shall be provided. Employees who are absent on the day/time the training is scheduled will be rescheduled for make-up training within thirty days. The Clerk's Office may utilize online training.

D. Optional Training

Training that is optional or not Department-wide shall be offered to all employees in the Position(s) identified for the training opportunity. If there is insufficient space or the Clerk's Office's operational needs do not permit all employees who requested training to participate, the Director of Training, in consultation with the CDC, shall identify the basis for selecting employees to fill such training slots (whether such selection is based on seniority or other objective criteria). The Clerk's Office shall equitably distribute training among all employees in the same Position.

E. Training Records

For each training opportunity, the Director of Training shall maintain the Training Request Form and all other records that identify and describe: (1) the type of training offered; (2) the Position or Positions identified for training; (3) the written notice provided to employees informing them of the training opportunity; (4) the employees who attended the training session; (5) how employees were selected to attend the training session; and (6) information about any makeup sessions.

F. Notice to DOC

1. The Director of Training or Designee shall provide the notice of the training opportunity and the Training Request Form to the DOC within five business days after the notice is sent, but in no event less than two business days before the training occurs.

2. The Director of Training or Designee shall provide the notice of all makeup trainings to the DOC within five business days after the notice is sent, but in no event less than two business days before the training occurs. This notice shall include notice of the date of the original training session and the Training Request Form.

3. The Director of Training or Designee shall provide the Training Request Form, the written notice of the training opportunity sent to the invited employees, documentation of all employees who attended the training opportunity and all other training records and documentation within two business days after the training or make up session occurred.

G. No Political Consideration Certification

All employees participating in the offer and selection of employees for training shall sign a NPCC certifying that no Political Reasons or Factors were considered.

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## VII. RECLASSIFICATION POLICY

### Section 1 Policy

The purpose of this Policy is to set forth the process for Reclassification of a Position.

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### Section 2 Scope

This Policy applies to all Departments, Divisions and Bureaus and all employees holding a Non-Exempt Position in the Clerk's Office. To the extent that any provision in this Policy conflicts with a specific provision in any CBA or the Employment Plan, the provision in the CBA or the Employment Plan shall govern. No Reclassification of a Non-Exempt Position or affecting an employee holding a Non-Exempt Position may be based on Political Reasons or Factors.

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### Section 3 Policy and Procedure

#### 3.1 Conditions for Reclassification

A position that is not vacant may be reclassified to a lower or higher classification in the event the duties of the position have changed, diminished, increased, or otherwise changed due to circumstances not related to any individual holding the position. Such circumstances include, but are not limited to, reorganization, layoff, or technological changes that materially affect the job duties and/or responsibilities of the position. A request for the Reclassification of any specific position may not be submitted more than once in any 12-month period.

#### 3.2 Reclassification Procedure

The Executive Clerk or designee seeking the reclassification of a non-vacant position must complete a Reclassification Request Form and submit it to the CHRO and the DOC. Such request must include: (1) a list of the position(s) proposed for reclassification; (2) the name(s) and grade(s) of the employee(s) and position title(s) proposed for reclassification; (3) identification of the position title and grade that the position should be reclassified to; (4) a written justification for the

requested reclassification including discussion of the specific job duties, comparison of duties to new position title, existing or proposed organizational chart; (5) copies of market data for similar positions; (6) copies of the proposed job description for the position; and (7) an NPCC.

The CHRO and DOC shall independently review the Reclassification Request Form and supporting documentation to ensure that the Reclassification is justified based on the objective relevant criteria. The CHRO may also authorize a desk audit to determine if the reclassification is justified and appropriate. The results of any desk audit will be communicated to the CHRO and DOC. The CHRO and DOC may require the Executive Clerk or designee to provide additional information to support the reclassification request.

The CHRO and DOC will meet to review and discuss the request for Reclassification. Should the CHRO and DOC disagree, the DOC's determination shall govern, and the CHRO shall send written notification of the determination to the Executive Clerk and the DOC.

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#### Section 4 No Political Consideration Certification (NPCC)

All employees participating in the request for and selection of positions or employees for a Reclassification must sign an NPCC certifying that no Political Reasons or Factors were considered. The NEA, NPCC, and all supporting documentation supporting the reclassification must be provided to the DOC within five business days of the reclassification.

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## VIII. TELEWORK POLICY

### Section 1 Policy

The purpose of this Policy is to set forth the process for Telework and to establish guidelines for all employees to work remotely to ensure continuity of Clerk's Office operations. Telework is a work arrangement in which employees are allowed to work remotely for all or part of their workweek. The Clerk's Office considers telework to be a practical, flexible work option when both the employee and their position duties are suited for such an arrangement. Telework may also be imposed to protect the health and safety of Clerk's Office employees during a state of emergency including, but not limited to, shelter-in-place orders, public health or safety emergencies, pandemic surges, natural disasters, snowstorms and civil unrest.

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### Section 2 Scope

This Policy applies to all Departments, Divisions and Bureaus and all employees holding a Non-Exempt Position in the Clerk's Office. To the extent that any provision in this Policy conflicts with a specific provision in any CBA or the Employment Plan, the provision in the CBA or the

Employment Plan shall govern. Authorization, implementation and employee eligibility for Telework or Emergency Telework shall not be based on Political Reasons or Factors.

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### Section 3 Policy and Procedure

The Clerk's Office may authorize and implement Telework for employees in writing based on: (1) the Clerk's Office's determination that the employee's position is eligible for Telework; and (2) the operational needs of the Clerk's Office continuity of operations. A CDC or Department Head shall document in writing the justification for granting or denying an employee's request for Telework or for assigning employee(s) to Telework and submit this documentation to the CHRO. The CHRO or designee shall review the submitted documentation and approve or deny the Telework request and document the basis of the decision in writing.

Approved Telework shall include the dates of and the reason for Telework. The period for Telework shall not exceed 12 months. After 12 months, a new arrangement may be approved.

The Clerk's Office may authorize and implement Emergency Telework for employees in writing based on the Clerk's Office's written determination: (1) of a state of emergency; and (2) the employee's position is eligible for Emergency Telework. To implement Emergency Telework, the Clerk, the Chief of Staff or the CHRO may authorize in writing a CDC or Department Head to take actions that include, but are not limited to:

1. Requiring employees to work remotely based on operational needs of the Clerk's Office;
2. Implementing schedule changes based on operational needs of the Clerk's Office, which can include, but are not limited to, alternating remote and in-person workdays and modifying start and end times; or
3. Requiring employees who are on Emergency Telework to return to work at the location to which the employee was originally assigned.

#### 3.1 Telework Eligibility

A position is eligible for Telework if a) the position is identified as one in which the essential job duties can be performed remotely with little to no disruption of operations; b) the position requires minimal direct supervision or specialized equipment; and c) the work goals and tasks of the position can be tracked remotely by a supervisor.

#### 3.2 Telework Process

The following process shall be followed to approve employees to Telework:

- A. An employee may submit a written request to Telework. The CDC or Department Head shall determine if the employee's position is eligible for Telework and recommend approval or denial of the employee's written request to Telework based on the operational needs of the Clerk's Office. A CDC or Department Head shall submit a written recommendation to approve or deny an employee's written request to telework to the CHRO or designee for final approval or denial. The

CHRO or designee shall approve or deny the employee's request, document the basis for the decision in writing and provide a copy of the decision to the employee.

B. The CDC or Department Head may assign employee(s) in eligible position(s) to Telework based upon the operational needs of the Clerk's Office. The CDC or Department Head shall determine in writing that the position is eligible for Teleworking and document in writing the operational needs of the Clerk's Office and the basis for selecting the assigned employees. The CDC or Department Head's documentation shall be submitted to the CHRO or designee for approval. The CHRO or designee shall approve or deny the CDC or Department Head's request, document the basis for the decision in writing, and provide a copy of the decision to the CDC or Department Head. The CDC or Department Head shall provide written notice of the Telework assignment to the affected employee(s) at least 48 hours before the Telework assignment begins.

### 3.3 Emergency Telework Process

The following process shall be followed for Emergency Telework:

A. The CDC or Department Head shall verify the operational needs of the Department, District, Division, or Bureau for which Emergency Telework is being sought to ensure continuity of Clerk's Office operations.

B. The CDC or Department Head shall provide the Clerk, Chief of Staff or CHRO a written statement indicating the operational need for Emergency Telework including, but not limited to: (a) the name(s) and position(s) of the employee(s) who shall be subject to Emergency Telework; (b) the employee(s) bargaining unit, if applicable; (c) the anticipated duration of the employee(s)' Emergency Telework; (d) the daily schedule that the employee(s) is/are expected to follow during the duration of the Emergency Telework; (e) the dates/times that the employee(s) is/are required to work during the duration of the Emergency Telework; and (f) the location where the employee(s) is/are required to work during the duration of the Emergency Telework. If provided to the Clerk or Chief of Staff, he/she shall provide the written statement to the CHRO. The CHRO or designee shall approve or deny each request for Emergency Telework based upon the CDC's or Department Head's written statement and shall state the basis of the decision in writing. The CDC or Department Head shall provide written notice of the Emergency Telework assignment to the affected employee(s) at least two hours before the Emergency Telework assignment begins.

### 3.4 Implementation

An employee authorized for Telework shall sign the Telework Acknowledgement agreeing to comply with all provisions included in this Policy.

The salary and benefits of a Telework or Emergency Telework employee shall not change as a result of Telework or Emergency Telework. The employee shall work his/her regularly scheduled work hours while Teleworking or modified work hours as assigned for Emergency Telework. Employees assigned to Telework or Emergency Telework must work at their alternative worksite

identified in the Telework Acknowledgment at all times they are Teleworking or Emergency Teleworking.

The General Rules and Regulations, Code of Ethics, Time and Attendance Policy, and all other generally applicable policies and procedures of the Clerk's Office shall apply to Telework and Emergency Telework employees. Failure to follow these policies, rules and procedures may result in immediate termination of eligibility for Telework or Emergency Telework and/or discipline, up to and including termination.

Teleworking and Emergency Teleworking employees are expected to perform all duties assigned and maintain the same level of productivity as working remotely. The CDC or designee shall have the right to monitor and evaluate employee performance and implement process improvements for Teleworking and Emergency Teleworking employees.

Teleworking and Emergency Teleworking employees shall accurately record their work hours and request time off in accordance with the Time and Attendance Policy. If an employee is sick while Teleworking or Emergency Teleworking, the employee is required to use sick time pursuant to the Time and Attendance Policy.

The number of hours worked shall not change due to participation in Telework or Emergency Telework. Teleworking and Emergency Teleworking employees shall attend all meetings and trainings either remotely or in-person, as assigned by the employee's CDC, Department Head or designee. Teleworking and Emergency Teleworking employees shall be reachable within a reasonable timeframe via telephone, teleconference and/or e-mail during agreed upon or assigned work hours. Should an emergency occur while Teleworking or Emergency Teleworking, the employee shall notify his/her supervisor as soon as possible and follow instructions as given by Clerk's Office management

All applicable cybersecurity policies and rules apply to equipment supplied to Teleworking and Emergency Teleworking employees. All rules regarding document retention and confidentiality apply to employees Teleworking. Materials containing confidential information shall be returned to the Clerk's Office for proper storage and/or destruction pursuant to the applicable Record Retention Policy. Documents and records used and/or developed while Teleworking and Emergency Teleworking shall remain the property of the Clerks' Office and shall be treated as confidential material in accordance with Clerk's Office policies.

The Clerk's Office may supply Teleworking and Emergency Teleworking employees with hardware and software. Teleworking and Emergency Teleworking employees shall comply with all County policies for use of computer hardware and software. The Clerk's Office accepts no responsibility for damage or repairs to employee-owned equipment. All equipment belonging to the Clerk's Office must be returned to the Clerk's Office. Teleworking and Emergency Teleworking employees must sign an inventory of all Clerk's Office equipment received and agree to take proper action to protect the items from damage and theft.

### 3.5 Termination

The Clerk, CDC or Department Head may terminate or revise approved Telework based on the operational needs of the Clerk's Office. In the event of termination, the employee shall be given 48 hours' advanced written notice.

The Clerk, Chief of Staff or CHRO or designee may terminate approved Emergency Telework without prior notice to the affected employees.

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## Section 4 No Political Consideration Certification (NPCC)

The CDC or Department Head shall document in writing all determinations made in this Policy and shall sign an NPCC. For Telework, the CDC or Department Head shall forward the documentation to the CHRO at least three business days prior to implementation for the CHRO's or designee's final approval or denial as described herein. For Emergency Telework, the CDC or Department Head shall forward the documentation to the CHRO or designee at the end of each work week where the CHRO or designee had approved the use of Emergency Telework. An NPCC shall be completed by all employees involved in all decisions regarding Telework and Emergency Telework. The NEA, NPCC, and all supporting documentation regarding Telework must be sent to the DOC within five business days of the Telework assignment.

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# IX. DISCIPLINE POLICY

## Section 1 Policy

The Clerk's Office expects all employees to be aware of and follow the policies, procedures and practices of the Clerk's Office. This policy defines the process for addressing employee misconduct. Discipline for attendance issues shall be handled pursuant to the Standards of Conduct and Time and Attendance Policy.

To the extent that any provision in this policy conflicts with a specific provision in the CBA or the Employment Plan, the provision in the CBA or the Employment Plan shall govern.

All Discipline shall be issued in a fair and impartial manner in accordance with this policy. No Political Reasons or Factors shall be considered in determining whether or not to issue Discipline to an employee. Supervisors who fail to enforce this Policy shall be subject to additional training requirements, counseling or discipline.

This policy applies to all employees in the Clerk's Office, except Employees in an Exempt Position. Discipline of employees in Exempt Positions is not limited to the reasons stated herein; nor are the hearing and progressive discipline procedures applicable. Employees in Exempt Positions may be disciplined or discharged at any time for any reason or no reason so long as the



reason is not illegal under state, federal, or local law.

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## Section 2 Standards of Conduct

Disciplinary action can result from a violation of the Standards of Conduct. More serious violations of the Standards of Conduct can be considered major cause infractions. It is a violation of the Standards of Conduct for employees to:

- A. Exhibit insubordination by:
  - 1. Using or making abusive, profane, insolent, or obscene remarks or gestures to a Supervisor; or
  - 2. Willfully refusing or failing to follow the lawful instructions or directives of a person designated to supervise or who is in a position of authority, or purposefully failing to satisfactorily perform the duties of a work assignment;
- B. Misuse confidential or proprietary information, including personnel records, or any Clerk's Office files, documents or data;
- C. Steal, remove, misappropriate, misuse, damage, destroy, or be in unauthorized possession of Clerk's Office property or another person's personal property, regardless of the value of such property;
- D. Misuse timekeeping methods or facilities by:
  - 1. Signing the time sheet of another employee;
  - 2. Swiping in or out for another employee;
  - 3. Altering or falsifying time sheets or other records; and/or
  - 4. Swiping in or out without prior authorization;
- E. Post or distribute unauthorized literature or pamphlets on Clerk's Office premises, or remove authorized notices from bulletin boards without prior permission;
- F. Be repeatedly tardy or excessively absent from work, or be absent or tardy without justification or proper notification;
- G. Leave an assigned place or area of work during work hours without permission of the Supervisor, which includes waiting by the swipe clocks prior to the end of the work shift;
- H. Falsify employment records or any other records through misstatement or omission of pertinent facts or information, or making false statements on an employment application;
- I. Use or possess a weapon or firearm in any Clerk's Office location or facilities, unless the weapon or firearm is authorized for a particular work assignment;

- J. Engage in physical or verbal altercations with another employee or member of the public including, but not limited to, the use of abusive language, yelling, fighting, pushing, or other physical contact;
- K. Threaten or create reasonable fear of harm to a person either through direct communication or through verbal, electronic, or written communication;
- L. Litter, create or contribute to unsanitary conditions;
- M. Smoke or vape in prohibited areas;
- N. Possess, use, or be under the influence of drugs, marijuana, alcohol, or unprescribed drug during working hours;
- O. Sleep during working hours;
- P. Abandon his or her Position by failing to come to work for three (3) consecutive workdays without notifying the Supervisor or designee, subject to applicable law;
- Q. Engage in political activities during working hours;
- R. Engage in conduct unbecoming an employee of the Clerk's Office;
- S. Engage in Unlawful Political Discrimination;
- T. Poorly perform his or her duties in a negligent or reckless manner;
- U. Poorly perform his or her duties in an intentional manner;
- V. Fail to assist a customer while on duty and in the scope and course of employment and within the employee's employment duties, subject to applicable law and Clerk's Office policy and procedure;
- W. Fail to cooperate with an investigation conducted pursuant to the provisions of the Employment Plan or this Handbook;
- X. Mistreat or abuse visitors, the public, or other personnel in any manner, including loud, abusive, insolent, or rude behavior, and use of sexual, racial or ethnic slurs;
- Y. Harass or discriminate against another employee or member of the public based on race, ethnicity, sex, religion, national origin, sexual orientation, gender identity, age, disability, or any other protected class;
- Z. Exhibit incompetence or inefficiency in the performance of the duties of the Employee's Position; or

- AA. Fail to abide by any other policy set forth in the Employment Plan, Employee Handbook or otherwise established by the Clerk.

Employee behavior contrary to the Standards of Conduct shall be subject to disciplinary action, consistent with the Discipline Policy, up to and including termination.

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### Section 3 Discipline Steps

Disciplinary action procedures apply to all CBA employees. Non-CBA employees in Non-Exempt Positions are employed “at will.” They may be disciplined or discharged at any time for any reason or no reason as long as the reason is not illegal under the law. Non-CBA employees in Non-Exempt Positions have no expectation of continued employment. The conduct rules in this policy may be used as guidelines by supervisors when dealing with Non-CBA employees in Non-Exempt Positions and will be useful to such employees in conforming their conduct to Clerk’s Office requirements and expectations.

Progressive discipline is a step-by-step process to assist employees in correcting workplace conduct or behavior that violates the Handbook, the Standards of Conduct, the Employment Plan, federal, state or local law, or any order adopted by the Clerk. Progressive discipline becomes increasingly severe when an employee fails to correct his or her conduct after being given a reasonable opportunity to do so. Some violations of the Standards of Conduct, Employment Plan, or Manual are so egregious and rise to the level of major cause infractions that Progressive Discipline will not be followed and discipline may start at a higher step, up to and including termination.

The Discipline imposed shall be appropriate to the overall nature of the misconduct. Discipline shall include a consideration of pertinent factors as proscribed by law, including but not limited to:

- The nature and severity of the conduct or event;
- The employee’s disciplinary record, seniority and other job-related factors;
- The attitude and cooperation of the employee throughout the disciplinary process;
- Whether progressive discipline is appropriate given the conduct or event; and
- Any mitigating or aggravating circumstances.

An employee may be disciplined through the following steps of disciplinary action, which are not exclusive:

- A. Corrective Discussion: An employee may be counseled for minor misconduct or for a minor infraction. (This level only applies to CBA employees.)
- B. Verbal Warning: An employee may be given a verbal warning for minor misconduct for which the employee was previously counseled within the last six months or when the misconduct is minor.

- C. Written Warning: An employee may be given a written warning for misconduct for which the employee was previously disciplined or when the misconduct is more serious.
- D. Suspension: An employee may be given a suspension for misconduct for which the employee was previously disciplined by a written warning or a suspension of a shorter duration or when the misconduct is more serious.
- E. Termination: An employee may be terminated if the employee commits the same or a similar misconduct for which the employee was subject to progressive disciplinary action including, but not limited to, suspension. An employee may be terminated when the misconduct is most serious without resort to progressive discipline.

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## Section 4 Procedure

All disciplinary actions shall proceed as follows:

### 4.1 Notification of Misconduct

- A. An employee who is aware of a violation of the Standards of Conduct, Handbook, federal, state or local law, or any order adopted by the Clerk must notify their Supervisor, CDC of the Department in which the employee works, Inspector General, Human Resources, or the DOC as soon as practicable.
- B. The employee's Supervisor or CDC of the Department in which the employee works shall notify Human Resources of the alleged violation as soon as practicable. The Supervisor or CDC making the report shall provide the CHRO or Designee with the facts giving rise to the alleged misconduct and related documentation.
- C. The CHRO or Designee may determine that further investigation is required to assess whether or not the employee violated the Standards of Conduct, Employment Plan, Supplemental Policies Manual, federal, state or local law, or any order adopted by the Clerk, and may forward the matter to the Inspector General.
- D. Alleged misconduct regarding violations of the Employment Plan, this Manual, Political Contacts, and Unlawful Political Discrimination will be reported to the DOC and handled pursuant to Section 6.

### 4.2 Investigation

- A. The individual responsible for conducting the investigation shall investigate the incident and gather additional facts. This includes, but is not limited to, obtaining statements from witnesses, including managers and other employees, with relevant information and documentary and other evidence.
- B. The investigation may include an interview with the employee alleged to have violated the Standards of Conduct or any provision in the Employment Plan, this Manual, federal, state or local

law, or any order adopted by the Clerk. If the employee subject to the investigation is represented by a union, the employee may request union representation for the interview.

C. Nothing in this policy shall prohibit the CHRO or designee from taking necessary remedial or preventative measures designed to remedy the alleged conduct pending the results of an investigation and any subsequent Discipline pursuant to this Policy (*e.g.*, moving an Employee's work location, changing an Employee's shift hours, or issuing an Emergency Suspension) and consistent with the law.

#### 4.3 Documentation of Disciplinary Decision

When the investigation is concluded, the individual who conducted the investigation will make a determination that a violation has or has not occurred. The determination shall be based on facts uncovered during the investigation, witnesses interviewed, documents reviewed, and any other available evidence.

If Discipline is warranted, the individual shall complete a Disciplinary Action Form. The Disciplinary Action Form shall include:

- A. Identification of each policy violated, conduct giving rise to each violation, and a description of the action resulting in discipline; and
- B. A statement that committing the same or similar violation may result in further Discipline up to and including termination (unless the disciplinary action is for termination).

#### 4.4 Issuance of Discipline

The CHRO or Designee, or the Employee's CDC, shall provide the employee a copy of the Disciplinary Action Form in person or by certified mail. Prior to any disciplinary action becoming final, an Employee shall be given an opportunity to respond to the discipline in writing either on the Disciplinary Action Form or separately. Such response must be submitted within two business days of the receipt of the Disciplinary Action Form. Any discipline issued shall be documented on a Notice of Employment Action and placed in the employee's personnel file and the CHRO or Designee shall provide a copy to the DOC and CCCA within five business days of the issuance of discipline.

#### 4.5 Use of Discipline

Unless otherwise required by law, the Clerk's Office may consider an employee's prior disciplinary record in future disciplinary proceedings subject to the following conditions:

- A. A verbal warning shall not be considered after twelve months have passed following its issuance, as long as the employee has not been disciplined again for the same or similar misconduct or events within the same twelve-month period.

B. A written warning shall not be considered after eighteen months have passed following its issuance, as long as the employee has not been disciplined again for the same or similar misconduct or events within the same eighteen-month period.

C. Suspensions may be considered in all future disciplinary proceedings, with appropriate weight given to the passage of time between disciplinary actions, the relevance or similarity of the prior infraction and the severity of the misconduct and other appropriate factors relating to its evidentiary or probative value.

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## Section 5 Emergency Suspension

The CHRO may place an employee on emergency suspension (or administrative paid leave) prior to the imposition of disciplinary action when the CDC of the Department in which the employee works, an Associate Clerk, an Executive Clerk, or the CHRO reasonably believes: (a) the employee's continued presence is dangerous to the employee or others; or (b) the allegations of the employee's misconduct are sufficiently serious that the employee's continued presence will disrupt operations and time is needed to conduct an investigation.

An emergency suspension shall be documented on a Notice of Employment Action and placed in the employee's personnel file and the CHRO or Designee shall provide a copy to the DOC and CCCA within five business days of the emergency suspension.

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## Section 6 Discipline Related to Violations of the Employment Plan or Unlawful Political Discrimination

Unlawful Political Discrimination in all aspects of employment at the Clerk's Office, including the hiring, promotion, Discipline, discharge, award of Overtime, and evaluation of employee performance in Non-Exempt Positions in the Clerk's Office, is strictly prohibited.

Violations of the Employment Plan, this Manual, or Unlawful Political Discrimination may subject an employee to Discipline, up to and including termination. Any Employee of the Clerk's Office who learns of or has a reasonable belief that a violation of the Employment Plan, this Manual, or that Unlawful Political Discrimination has occurred or is occurring, is required to promptly report such matter to the CHRO or DOC on an anonymous or credited basis, in person, by phone, or in writing. Such allegations will be referred to the DOC per the Employment Plan.

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## Section 7 No Political Consideration Certification (NPCC)

All employees involved in recommending, investigating or implementing Discipline pursuant to this policy or an Employment Action relating to Discipline shall sign a NPCC certifying that no Unlawful Political Discrimination or Political Reasons or Factors were considered.

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## Section 8 Grievances

Employees who are members of a collective bargaining unit may appeal a disciplinary action in accordance with the applicable CBA.

While Non-CBA employees in Non-Exempt Positions are “at will” and have no expectation of continued employment, they may be entitled to file a grievance to appeal a discipline under this Section.

Grievances must be made in writing and must include a written statement, including the facts and circumstances of the alleged difference and specific remedy requested. Grievances can include relevant documents, names of witnesses, recommended solutions, or other information helpful in resolving the difference.

At each step of the grievance procedure, the appropriate employer representative can meet with the grieving employee to try to resolve the grievance.

### Grievance Steps

- A. An initial written grievance (“first step”) must be filed within 30 calendar days of the notification of disciplinary action and must be submitted to the employee’s Department Head, Associate Clerk, CDC, or ACDC, who must submit a written response to the employee within 30 calendar days of receipt of the employee’s grievance. The response must include a basis for maintaining or reducing the original discipline imposed and must be sent to HR, who will provide notice to the DOC within two business days.
- B. A written appeal from the first step response must be filed within 14 calendar days of receipt of the first step response and must be submitted to the Personnel Services Department, who must submit a written response to the employee within 14 calendar days of receipt of the employee’s appeal. The response must include a basis for maintaining or reducing the discipline imposed in the first step response. The response shall be sent by Personnel Services to the employee’s CDC and DOC within two business days of sending the response to the employee.
- C. For disciplines of suspensions in excess of five days, demotions, or terminations, an employee must directly file a written grievance with the Personnel Services Department within 5 business days of the notification of disciplinary action. The Personnel Services Department must submit a written response to the employee within 14 calendar days of receipt of the grievance. The response must include a basis for maintaining or reducing the original discipline. Notice of the response shall be sent to the employee’s CDC and DOC within two business days of sending the response to the employee.

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## X. NOTICES OF EMPLOYMENT ACTIONS

The Human Resources Department shall work with all applicable employees to ensure that all Notices of Employment Actions required herein are accurate, complete and provided to the DOC

in the time frame set forth herein. All signed and completed Notices of Employment Actions shall be sent to the Human Resources Department in accordance with the Employment Plan and this Manual.